

Regulatory Analysis Form

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INDEPENDENT REGULATORY
REVIEW COMMISSION

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Funeral Directors

(2) I.D. Number (Governor's Office Use)

16A-489

IRRC Number: 2356

(3) Short Title

Continuing Education

(4) PA Code Cite

49 Pa. Code, §§ 13.12, 13.231, 13.401-13.405

(5) Agency Contacts & Telephone Numbers

Primary Contact: Thomas A. Blackburn, Counsel, State Board of Funeral Directors (717) 783-7200
Secondary Contact: Joyce McKeever, Deputy Chief Counsel, Department of State (717) 783-7200

(6) Type of Rulemaking (check one)

Proposed Rulemaking
 Final Order Adopting Regulation
 Policy Statement

(7) Is a 120-Day Emergency Certification Attached?

No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The regulation package implements continuing education requirements for licensed funeral directors, as mandated by the act of June 22, 2000 (P.L. 376, No. 48) (Act 48). Every licensed funeral director will be required to successfully complete at least 6 hours of continuing education during each biennial renewal period. The Board will renew the license of only those funeral directors who have provided proof of completion. The regulation provides a process for prior approval of providers of courses of continuing education and identifies specific responsibilities of providers. The regulation also sets fees for application for approval of continuing education providers and courses, as well as for renewal of approval registration.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The regulatory amendments are adopted under sections 10(b) and 16(a) of the Funeral Director Law (Act), Act of January 14, 1952 (P.L. 1951-1898) as amended, 63 P.S. §§ 479.10(b), 479.16(a).

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes. Act 48 amended section 10(b) of the Act and required the Board to adopt regulations to establish requirements for continuing education. Act 48 required the Board to initiate the promulgation of regulations within one year of the effective date of the act (August 21, 2000).

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The General Assembly recognized the compelling public interest of ensuring that licensed funeral directors obtain a minimum number of hours of continuing education in enacting the continuing education requirement of Act 48.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

The General Assembly recognized the public health, safety, environmental or general welfare risks associated with nonregulation in enacting the continuing education requirement of Act 48.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Licensees, the public, and the Board will benefit from the increased knowledge and skills of practitioners. Additionally, the providers of continuing education will benefit from the expanded market for their services.

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

Each licensed funeral director will be required to successfully complete 6 hours of continuing education each biennium. There are approximately 7640 licensed funeral directors in this Commonwealth, of whom the licenses of approximately 3870 are active. The Board has identified no other group of individuals or entities that will be adversely affected by the regulation.

Regulatory Analysis Form

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All persons holding licenses to practice the profession of funeral director will be required to comply with the regulation. Currently, there are approximately 7640 licensed funeral directors, of whom the licenses of approximately 3870 are active.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

In March, 2001, the Board solicited exposure draft comments from the Pennsylvania Funeral Directors Association and all individuals who had attended any Board meeting during the preceding year. The Board only received pre-draft comments from a single licensed funeral director.

The licensee commented that requiring continuing education would create an onerous burden on licensees. Because the Board is required by statute to adopt regulations to implement the General Assembly's requirement of continuing education, the Board did not revise its proposed regulation in response to this comment.

Since that time, the Board has reviewed and refined its proposed regulation.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

In order to comply with this regulation, the Board estimates that each licensed funeral director will be required to spend up to \$100 (depending upon the provider) for tuition for continuing education during each biennial period, in addition to travel and other time lost from practice while attending continuing education. It is impossible to estimate the savings to the regulated community resulting from compliance with this regulation and improved practice by licensees.

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

There are no costs or savings to local governments associated with compliance with the proposed regulation.

Regulatory Analysis Form

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The Board will monitor compliance by licensees with the required continuing education and will review and approve courses of continuing education. It is believed that the Board will not incur any additional costs in reviewing the biennial renewal applications of those licensees who have successfully completed the required amount of continuing education. It is impossible to estimate the number of licensees who might not comply with the required amount of continuing education, and therefore the Board cannot estimate any increased enforcement costs at this time. The Board anticipates that the fees to be charged to continuing education providers will cover the Board's costs of approving these providers. There are no other costs or savings to state government associated with implementation of the proposed regulation.

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY	FY+1	FY+2	FY+3	FY+4	FY+5
SAVINGS:						
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	N/A	\$98,750	\$197,500	\$197,500	\$197,500	\$197,500
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Costs	N/A	\$98,750	\$197,500	\$197,500	\$197,500	\$197,500
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

Regulatory Analysis Form

(20a) Explain how the cost estimates listed above were derived.

Each member of the regulated community will be required to successfully complete 6 hours of continuing education in each biennial renewal period. This estimate assumes that each active licensee will pay the conservative maximum tuition cost of \$100. This estimate also assumes that the distribution of licensees enrolled in the required continuing education will be evenly spread throughout each renewal cycle. This estimate makes no allowance for the costs of travel and time away from practice. ($\$100 \times 3870 \times \frac{1}{2}$, a total of \$193,500 per year).

In addition, the Board will charge a fee to providers of continuing education courses. The Board anticipates that, in the first biennial renewal cycle, it will receive approximately 20 applications for approval of providers that will require full review at \$100 for each application and approximately 50 applications for approval of providers that will not require additional review at \$50 for each application. These providers will be required to renew the approval every biennium at \$50 per renewal. In total, providers of continuing education will be anticipated to pay approximately \$4,000 to the Board in each year.

Because continuing education will be required beginning February 1, 2004, the Board anticipates that there will be no costs of compliance for fiscal years through June 30, 2003, and that the costs of compliance for fiscal year 2003-2004 will be half of the cost for any subsequent year.

Additionally, these estimates address the total cost of continuing education. Although the Board has attempted to structure the requirements for continuing education to minimize the costs to the regulated community as well to as the Board, the Board has not attempted to apportion the amount of these costs that are attributable to the board's method of implementation of continuing education. That notwithstanding, the Board believes that the fees charged to providers of continuing education for approval and renewal of registration are the only costs identified that are attributable to the board's method of implementation.

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY-3 (FY 99-00)	FY-2 (FY 00-01)	FY-1 (FY 01-02)	Current FY (FY 02-03)
Pa. State Board of Funeral Dir.	\$462,000	\$524,000	\$506,000	\$550,000

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The minimal marginal costs associated with compliance with the regulations, compared with their public safety and consumer protection benefits, indicate that adoption of the regulations would be prudent.

Regulatory Analysis Form

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Because the proposed regulation implements Act 48, the Board considered no non-regulatory alternatives.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No alternative regulatory schemes were considered, because no other regulatory schemes would effectuate the recent amendments to the Funeral Director Law.

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

The proposed regulatory amendments do not overlap or conflict with any federal requirements.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The Delaware Board of Funeral Service (10 hours every 2 years), the Maryland State Board of Morticians (12 hours every 2 years), the New Jersey State Board of Mortuary Science (10 hours every 2 years), the Bureau of Funeral Directors of the New York Department of Health (12 hours every 2 years), the Ohio Board of Embalmers and Funeral Directors (12 hours every 2 years), and the West Virginia Board of Embalmers and Funeral Directors (7 hours every 2 years) all require continuing education of their licensees. The proposed regulation will not put Pennsylvania (6 hours every 2 years) at a competitive disadvantage with these other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This regulation will have no effect on other regulations of the Board or other state agencies.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Board reviews its regulatory proposals at regularly scheduled public meetings, generally the first Wednesday of each month. More information can be found on the Board's web-site (professional licensing link from the Department of State page, dos.state.pa), or by calling the Board office at (717) 783-3397.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Each licensed funeral director will be required to certify on each license renewal application that the licensee has successfully completed the required amount of continuing education during the preceding biennial period. The Board provides the form renewal application and will include this certification in the form.

Additionally, the provider of a course of continuing education will be required to report to the Board those licensees who request reporting and successfully complete the course.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Board has determined that there are no special needs of any subset of its applicants or licensees for whom special accommodations should be made.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective upon publication in final form in the Pennsylvania Bulletin.

(31) Provide the schedule for continual review of the regulation.

The Board continually reviews the efficacy of its regulations, as part of its annual review process pursuant to Executive Order 1996-1.

FEE REPORT FORM

Agency: State - BPOA

Date: 2/21/2003

Contact: Scott Messing

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Continuing education provider or course without approval in other jurisdiction
Application Fee: \$100.00

Estimated Biennial Revenue: \$2,000.00 (20 applications x \$100.00)

Fee Description:

The fee will be charged to every applicant requesting continuing education sponsor or program approval not covered under Section 13.404(b) and requiring comprehensive review.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Funeral Directors to review and process a complex application for approval of continuing education sponsor or programs and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- receive & prepare application	(1.0 hr)	27.98
Board Administrator-process app	(0.5 hr)	15.96
Cont. Ed. Committee-evaluate app	(1.0 hr)	8.00
Secured Delivery-average expense		25.00
Administrative Overhead:		<u>19.13</u>
Total Estimated Cost:		\$ 96.07
Proposed Fee:		\$ 100.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$100.00 be established to review an application for approval as a continuing ed sponsor or program when comprehensive review is required

Staff receives application and attachments, reviews for completeness, contacts applicant to obtain any missing information, enters data into computer system. Forwards application to Board Administrator for assignment and forwarding via secured delivery to appropriate committee member, records assignment into tracking log. Committee member reviews application, evaluates program content and determines if credit should be granted. Returns application and evaluation summary to board administrator for processing. If approved, staff issues certification via computer; issues letter of denial if disapproved. Board administrator reports results at next board meeting for all applications evaluated since prior meeting.

FEE REPORT FORM

Agency: State - BPOA

Date: 2/21/2003

Contact: Scott Messing

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

**Continuing education provider or course with approval in other jurisdiction
(Section 13.404(b) Application Fee: \$50.00**

Estimated Biennial Revenue: \$2,500.00 (50 applications x \$50.00)

Fee Description:

The fee will be charged to every applicant requesting continuing education sponsor or program approval under Section 13.404(b).

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Funeral Directors to review and process an application for approval of continuing education sponsor or programs where minimal review is required and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- process applications	(1.0 hr)	27.98
Administrative Overhead:		<u>19.13</u>
	Total Estimated Cost:	\$ 47.11
	Proposed Fee:	\$ 50.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$50.00 be established to review an application for approval as a continuing ed sponsor or program when minimal review is required.(Sec. 13.404(b)

Page 2 Continuing Education Approval Fee:

2/21/2003

Staff receives application and attachments, reviews for completeness, contacts applicant to obtain any missing information, verifies status of approval of entity listed under Sec. 13.404(b), enters data into computer, issues certificate or letter of discrepancy.

FEE REPORT FORM

Agency: State - BPOA

Date: 2/21/2003

Contact: Scott Messing

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Biennial Renewal Fee-Funeral Continuing Education Providers or Courses:
\$50.00

Estimate Biennial Revenue: \$3,500.00 (70 applications x \$50.00)

Fee Description:

The fee will be charged biennially to every continuing education program or sponsor for renewal of approval through the next biennial cycle.

Fee Objective:

The fee should defray a portion of the general operation costs of the State Board of Funeral Directors

Analysis, Comment, and Recommendation:

It is recommended that a renewal fee of \$50.00 be for renewal of continuing education program or sponsor approval, thereby causing those entities to contribute to the general operational costs of the State Board of Funeral Directors.

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INDEPENDENT REGULATORY
REVIEW COMMISSION

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

#2356

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.

BY: Amy M. Elliott
(DEPUTY ATTORNEY GENERAL)

State Board of Funeral Directors
(AGENCY)

BY: John V. Turner

JUL 14 2003

DOCUMENT/FISCAL NOTE NO. 16A-489

5/27/03
DATE OF APPROVAL

DATE OF APPROVAL

DATE OF ADOPTION:

BY: James O. Pinkerton, FD
James O. Pinkerton, FD

(Deputy General Counsel
~~Chief Counsel,~~
~~Independent Agency~~
(Strike inapplicable title)

[] Check if applicable
Copy not approved.
Objections attached.

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable.
No Attorney General approval
or objection within 30 day
after submission.

PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF FUNERAL DIRECTORS

49 Pa. Code §§ 13.231, 13.401-13.405
Continuing Education

The State Board of Funeral Directors (Board) proposes to amend 49 Pa. Code §§ 13.12 (relating to fees) and 13.231 (relating to biennial renewal) and to add regulations at 49 Pa. Code §§ 13.401-13.405 (relating to continuing education) as set forth in Annex A.

Effective date

The amendments will be effective upon publication of the final regulations in the *Pennsylvania Bulletin*.

Statutory Authority

The amendments are authorized under sections 10(b) and 16(a) of the Funeral Director Law (63 P.S. §§ 479.10(b), 479.16(a)).

Background and Need for the Amendment

The act of June 22, 2000 (P.L. 376, No. 48) (Act 48) required the Board to adopt regulations implementing continuing education for licensed funeral directors.

Description of the Proposed Amendments

The proposed regulation will require licensed funeral directors to successfully complete 6 hours of continuing education each biennial renewal period, beginning with the 2004-06 biennial renewal period. Upon application for renewal, each licensee will provide verification of successful completion of the required continuing education. The Board may require documentary proof of successful completion. The Board will not renew the license of a licensee who did not complete the required continuing education prior to the renewal date; upon completion of continuing education, the Board may then renew that license.

In addition, the regulation provides for approval by the Board of providers of courses of continuing education, including limited approval for specific courses. Without any additional review, the Board will approve any provider currently approved by the Conference of Funeral Service Examining Boards or the American Board of Funeral Service Education or by the licensing authority of Delaware, Maryland, New Jersey, New York, Ohio, or West Virginia. Approval of a provider is considered to include approval of each course offered by the provider. The Board may deny approval of any course whose provider has failed to or is unable to comply with the provider responsibilities of the proposed regulation, and the Board may withdraw approval where the applicant has made material misstatements in the application.

The proposed regulation also provides for the payment of a fee for application for approval of a provider or course. Because the fees are set to enable the Board to recover the cost of providing the service of application review and approval, the fee for approval of a course or provider that is already approved by one or more of the identified bodies (\$50) is lower than the fee for full review (\$100).

Additionally, provider or course approval registration is subject to biennial renewal, and a fee (\$50) will be charged for renewal. In general, renewal fees are set at an amount sufficient to fund the entire operations of a licensing board and to spread that cost out over all licensees. However, providers of continuing education are not licensees, and the total cost of all Board operations cannot fairly be imposed on continuing education providers as well as funeral directors and other licensees. Because the Board has not previously required continuing education, there is no historical basis upon which the Board could estimate its total cost associated with continuing education. Therefore, the fee to renew registration of approval as a continuing education provider is set at the same amount as the lower fee for initial application for approval, which would also be consistent with the cost of processing the renewal.

Under the proposed regulations, each provider will be required to disclose to prospective attendees in advance the objective, content, teaching method and number of hours of continuing education credit, to open the course to licensees, to provide adequate physical facilities, to provide accurate instructional materials, to employ qualified instructors, and to evaluate the program. Each provider will also be required to provide to each attendee a record of the continuing education, including the participant's name, the dates of the program, the name of the program, the provider's name, and the number of continuing education credits.

The proposed regulation does not address the issue of a waiver of continuing education, because section 10(b)(4) of the Funeral Director Law adequately addresses this issue.

Finally, the proposed regulation will permit demonstration of embalming techniques as part of a program of continuing education, so long as it is approved in advance by the Board and performed by a licensed funeral director.

Compliance with Executive Order 1996-1

The Board solicited input from and provided an exposure draft of this proposed amendment to funeral directors and organizations as required under the directives of Executive Order 1996-1 (February 6, 1996). In addition, the Board considered the impact the regulation would have on the regulated community and on public health, safety and welfare. The Board finds that the proposed amendment addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

Fiscal Impact and Paperwork Requirements

The Board will track compliance by licensees with the required continuing education. Also, the Board will review and approve providers of courses of continuing education. The proposed amendments will have no other adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose no other additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Pursuant to section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of this proposed regulation on September 3, 2003, to the Independent Regulatory Review Commission (IRRC), the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC), and the House Professional Licensure Committee (HPLC). In addition to submitting the proposed rulemaking, the Board has provided IRRC, SCP/PLC and HPLC with a copy of a detailed regulatory analysis form prepared by the Board. A copy of this material is available to the public upon request.

Under Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), if IRRC has comments, recommendations or objections regarding any portion of the proposed rulemaking, it will notify the Board within 30 days of the close of the public comment period. The notification will specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of objections by the Board, the General Assembly and the Governor, prior to publication of the regulations.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Michelle Smey, Administrative Officer, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference No. 16A-489 (Continuing Education), when submitting comments.

James O. Pinkerton, FD
Chairperson

ANNEX A

PENNSYLVANIA ADMINISTRATIVE CODE

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS

* * *

LICENSURE

* * *

§ 13.12. Fees.

Following is the schedule of fees charged by the Board:

* * *

<u>Application for continuing education course with approval in other jurisdiction</u>	<u>\$50</u>
<u>Application for continuing education course without approval in other jurisdiction</u>	<u>\$100</u>
<u>Application for continuing education provider with approval in other jurisdiction</u>	<u>\$50</u>
<u>Application for continuing education provider without approval in other jurisdiction</u>	<u>\$100</u>
<u>Renewal of registration of continuing education provider or course registration.....</u>	<u>\$50</u>

* * *

LICENSE RENEWAL

§ 13.231. Biennial registration; unregistered status and inactive status; failure to renew.

- (a) A licensee shall register each biennial period to retain the right to practice. Initial registration shall automatically occur when a license is issued. Registration for a biennial period expires on

the first day of February of every even numbered year. The Board will grant an application for renewal of a funeral director license only where the licensee has certified that the licensee has completed the amount of continuing education required by Section 13.401 (relating to credit hour requirements). If requested by the Board, an application for renewal shall also include the documentation required by section 13.402 (relating to reporting completion of continuing education).

* * *

- (d) A licensee whose licensure status has lapsed by failing to register biennially with the Board may apply to the Board for reactivation of licensure status by satisfying the requirements of paragraph (1) on forms prescribed by the Board. An application for reactivation of an inactive or lapsed funeral director license shall also include the documentation required by section 13.402 (relating to reporting completion of continuing education).

* * *

CONTINUING EDUCATION

§ 13.401. Credit hour requirements.

- (a) During each biennial renewal period, each licensed funeral director shall complete 6 hours of continuing education. This provision shall not require a funeral director to complete continuing education during the renewal period in which the funeral director is first issued a license.
- (b) A funeral director who has not completed the required continuing education during one or more renewal periods may complete the required continuing education subsequent to the applicable biennial renewal period. However, unless excused by the Board for good cause under section 10(b)(4) of the Act (63 P.S. § 479.10(b)(4)), the Board will not renew or reactivate any funeral director license until all continuing education required prior to the current biennial renewal

period has been successfully completed.

- (c) The requirement of subsection (a) will take effect, beginning with the biennial renewal period of February 1, 2004 through January 31, 2006.

§ 13.402. Reporting completion of continuing education.

- (a) In general, proof of completion of a course of continuing education shall consist of a certified continuing education record, as defined in paragraph (b) of section 13.405 (relating to provider responsibilities).
- (b) A licensed funeral director for whom the Board has not been provided certified continuing education records sufficient to comply with section 13.401 (relating to required continuing education) shall otherwise demonstrate completion of courses of continuing education.

§ 13.403. Credit for approved continuing education.

- (a) Credit for continuing education will be granted only for courses that have been approved in advance by the Board.
- (b) No approval will extend to any course for which continuing education credit is precluded by section 10 of the Act (63 P.S. § 479.10) (relating to expiration of licenses; renewal; continuing education).
- (c) The Board will be deemed to have approved any course of continuing education provided by a provider of continuing education that is approved by the Board.

§ 13.404. Approval of continuing education courses or providers.

- (a) Anyone, to include any college, university, school, association, professional society and organization, seeking approval to offer continuing education shall apply for approval on forms provided by the Board and shall fully provide all information required by those application forms in order for the Board to fulfill its duties under this section. The application shall include

payment of the fee required by section 13.12 (relating to fees).

(b) The Board will approve without further review any course or provider of continuing education that is approved by one or more of the following:

- (1) Conference of Funeral Service Examining Boards.
- (2) Delaware Board of Funeral Services.
- (3) Maryland Board of Morticians.
- (4) State Board of Mortuary Science of New Jersey.
- (5) New York Department of Health, Bureau of Funeral Directors.
- (6) Ohio Board of Embalmers and Funeral Directors.
- (7) West Virginia Board of Embalmers and Funeral Directors.
- (8) American Board of Funeral Service Education.

(c) The Board will approve without further review any course or provider of continuing education that is approved by the appropriate licensing authority of one or more jurisdictions other than those listed in subsection (b). The Board will grant credit for a course of continuing education that has been approved under this subsection only for those licensees who are also licensed by the appropriate licensing authority in another jurisdiction that previously approved the course or provider.

(d) The Board may deny approval of a provider or course of continuing education where the applicant has previously failed or is not currently able to comply with section 13.405 (relating to provider responsibilities). The Board may approve in part and deny in part an application for approval of a provider or course.

(e) The Board may terminate its prior approval of a provider or program of continuing education where the applicant made one or more false or misleading material statements on the application.

The Board may also terminate in part or in whole its prior approval of a provider or program where it is later determined that the Board has grounds to deny approval in accordance with this section.

§ 13.405. Provider responsibilities.

(a) For each course of continuing education, the provider shall:

- (1) Disclose in advance to prospective attendees the objectives, content, teaching method and number of hours of continuing education credit.
- (2) Open each course to all licensees.
- (3) Provide adequate physical facilities for the number of anticipated participants and the teaching methods to be used.
- (4) Provide accurate instructional materials.
- (5) Employ qualified instructors who are knowledgeable in the subject matter.
- (6) Evaluate the program through the use of questionnaires of the participants and instructors.
- (7) Issue a certified continuing education record to each participant.
- (8) Retain attendance records, written outlines, and a summary of evaluations for a period of five years.

(b) Each continuing education record must include:

- (1) The name of the participant.
- (2) The date(s) of the program.
- (3) The name of the program.
- (4) The provider's name.
- (5) The number of hours of continuing education credit.

§ 13.406. Demonstration of embalming techniques.

- (a) With prior approval of the Board, embalming of human remains in order to demonstrate techniques during a program of continuing education will not be considered to be the practice of funeral directing at an establishment not authorized by the Board.
- (b) Only a licensed funeral director may demonstrate embalming techniques at a program of continuing education in this Commonwealth.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF FUNERAL DIRECTORS
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-3397

September 3, 2003

The Honorable John R. McGinley, Jr., Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harrisstown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
State Board of Funeral Directors
16A-489: Continuing Education

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Funeral Directors pertaining to continuing education.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,


James O. Pinkerton, FD, Chairperson
State Board of Funeral Directors

JOP/TAB/kp
Enclosure

c: Andrew Sislo, Chief Counsel
Department of State
Scott J. Messing, Deputy Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Herbert Abramson, Senior Counsel in Charge
Department of State
Thomas A. Blackburn, Counsel
State Board of Funeral Directors
State Board of Funeral Directors

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-489
SUBJECT: State Board of Funeral Directors - Continuing Education
AGENCY: DEPARTMENT OF STATE

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
- a. With Revisions b. Without Revisions

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 INDEPENDENT REGULATORY
 REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
9/3/03	<i>Sandra J. Harper</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
9/3/03	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
9/3/03	<i>Elena Page</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
9/3/03	<i>Arthur B...</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)