



JOHN R. MCGINLEY, JR., ESQ., CHAIRMAN  
ALVIN C. BUSI, VICE CHAIRMAN  
DANIEL F. CLARK, ESQ.  
ARTHUR COCCODRILLI  
MURRAY UBERG, ESQ.  
ROBERT E. NYCE, EXECUTIVE DIRECTOR  
MARY S. WYATTE, CHIEF COUNSEL

**INDEPENDENT REGULATORY REVIEW COMMISSION  
COMMONWEALTH OF PENNSYLVANIA  
333 MARKET STREET  
14TH FLOOR  
HARRISBURG, PA 17101**

irrc@irrc.state.pa.us  
<http://www.irrc.state.pa.us>  
**(717) 783-5417**  
**Fax (717) 783-2664**

November 13, 2003

James O. Pinkerton, Chairman  
State Board of Funeral Directors  
2601 North 3rd Street  
Harrisburg, PA 17110

Re: Regulation #16A-489 (IRRC #2356)  
State Board of Funeral Directors  
Continuing Education

Dear Chairman Pinkerton:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulation review criteria that have not been met.

The comments will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce  
Executive Director  
sfh

Enclosure

cc: Honorable Thomas P. Gannon, Majority Chairman, House Professional Licensure Committee  
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee  
Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Pedro Cortes, Secretary, Department of State

# Comments of the Independent Regulatory Review Commission

on

## State Board of Funeral Directors Regulation No. 16A-489

### Continuing Education

November 13, 2003

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The State Board of Funeral Directors (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on October 14, 2003. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Section 13.231. Biennial registration; unregistered status and inactive status; failure to renew. – Clarity.**

Subsection (a) states, in part: “The Board will grant an application for renewal of a funeral director license only when the licensee has **certified** that the licensee has completed the amount of continuing education required by §13.401 (relating to credit hour requirements). If requested by the Board, an application for renewal shall also include the documentation required by §13.402 (relating to reporting completion of continuing education).” (Emphasis added.) We have two concerns.

First, based on our discussions with the Board, we understand that licensees will be required to **verify**, not **certify**, that they have met the continuing education requirements on their license renewal application. Therefore, we recommend that the word “certified” be changed to “verified.”

Second, the final-form regulation should specify under what circumstances the Board will require additional information to be submitted with the original application.

**2. Section 13.401. Credit hour requirements. – Statutory authority; Clarity.**

The title of this Section includes the phrase “credit hour.” How many minutes are in a credit hour? Does a credit hour include any break periods? Clarity would be improved by defining “credit hour” in the final-form regulation.

Subsection (b) states, in part, the following: “...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.”

Section (10)(b)(5) of Act 48 of 2000 states the following: “A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium.” We question the Board’s statutory authority to require

a licensee seeking to reinstate an inactive or lapsed license to complete more than the continuing education requirements of the preceding biennium. The Board should amend Subsection (b) to be consistent with the statute or explain its authority to require additional continuing education.

**3. Section 13.402. Reporting completion of continuing education. – Clarity.**

Subsection (a) states that proof of completion of a continuing education course shall be the continuing education record. Based on our discussions with the Board, it is our understanding that applicants for license renewal do not have to provide documentation to prove that they have met the continuing education requirements. Instead, applicants will verify that they have met the requirements on their biennial license renewal application. The Board has indicated that licensees will be subject to audit of their continuing education records. The final-form regulation should specify how long a licensee is required to keep continuing education records for potential audit purposes.

Subsection (b) states that a funeral director who does not have continuing education records that comply with Section 13.401 “shall otherwise demonstrate completion of courses of continuing education.” What documentation is sufficient to “otherwise demonstrate completion of courses of continuing education”?

**4. Section 13.403. Credit for approved continuing education.**

*Subsection (a)*

Under this subsection, credit for continuing education courses will be granted only for courses that have been approved in advance by the Board. How will licensees know which courses have been approved by the Board? Has the Board considered maintaining a list of approved courses and providers on its website?

*Subsection (b)*

This subsection refers to “any course for which continuing education is precluded by section 10 of the act.” However, the only course the act precludes continuing education credit for is “any course in office management.” The final-form regulation should specify that continuing education credit will not be granted for any course in office management.

**5. Section 13.404. Approval of continuing education courses or providers. – Clarity.**

Subsection (e) lists the circumstances under which the Board may terminate its prior approval of a provider or program. When the Board takes action under this subsection, how will licensees be notified?

**6. Section 13.405. Provider responsibilities. – Reasonableness; Clarity.**

Subsection (b) specifies the information that the provider must include in the continuing education record for each participant. The information contained in these records would be valuable in tracking licensee compliance with the continuing education requirements. Has the Board considered requiring continuing education providers to supply the Board with records for each course it provides?



# Facsimile Cover Sheet

**Kristine M. Shomper**  
Administrative Officer



Phone: (717) 783-5419  
Fax #: (717) 783-2664  
E-mail: [kriss@irrc.state.pa.us](mailto:kriss@irrc.state.pa.us)  
Website: [www.irrc.state.pa.us](http://www.irrc.state.pa.us)

**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14<sup>TH</sup> FLOOR, HARRISBURG, PA 17101

RECEIVED  
2003 NOV 13 AM 10:27  
INDEPENDENT REGULATORY REVIEW COMMISSION

**To:** Suzanne Hoy  
**Agency:** Department of State  
Licensing Boards and Commissions  
**Phone:** 7-2628  
**Fax:** 7-0251  
**Date:** 11/13/03  
**Pages:** 4

**Comments:** We are submitting the Independent Regulatory Review Commission's comments on the State Board of Funeral Directors regulation #16A-489 (IRRC #2356). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Suzanne Hoy Date: 11/13/03