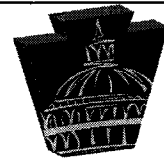


Regulatory Analysis Form

(Completed by Promulgating Agency)



IRRC

Independent Regulatory Review Commission

SECTION I: PROFILE

2010 SEP 22 P 2:09

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IRRC

(1) Agency:

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

(2) Agency Number:

Identification Number: **16A-4818**

IRRC Number: **2760**

(3) Short Title:

Continuing education enforcement

(4) PA Code Cite:

49 Pa. Code §§ 13.231, 13.401, 13.402

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: **Thomas A. Blackburn, Regulatory unit counsel, Department of State;**
(717)783-7200; P.O. Box 2649, Harrisburg, PA 17105-2649; (717)787-0251; tblackburn@state.pa.us

Secondary Contact: **Cynthia K. Montgomery, Deputy Chief Counsel, Department of State**
(717)783-7200; P.O. Box 2649, Harrisburg, PA 17105-2649; (717)787-0251; cymontgome@state.pa.us

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – Complete if different from #5: **State Board of Funeral Directors**

(717)783-3397; P.O. Box 2649, Harrisburg, PA 17105-2649; (717)705-5540; st-funeral@state.pa.us

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation
- Emergency Certification Regulation;
 - Certification by the Governor
 - Certification by the Attorney General

Regulatory Analysis Form

(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

This rulemaking amends the regulations of the State Board of Funeral Directors to provide that a licensee who has not completed the required amount of continuing education may renew, subject to being issued a citation and making up the deficient credits within six months. The rulemaking also amends the regulations to require a licensee to fully and timely comply with audit requests in enforcement of continuing education requirement.

(9) Include a schedule for review of the regulation including:

- | | |
|---|----------------------------|
| A. The date by which the agency must receive public comments: | June 2, 2009 |
| B. The date or dates on which public meetings or hearings will be held: | N/A |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | By 2/1/2012 renewal |
| D. The expected effective date of the final-form regulation: | Upon publication |
| E. The date by which compliance with the final-form regulation will be required: | Upon publication |
| F. The date by which required permits, licenses or other approvals must be obtained: | N/A |

(10) 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. 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 website (www.dos.state.pa.us/funeral).

SECTION II: STATEMENT OF NEED

(11) State the statutory authority for the regulation. Include specific statutory citation.

The rulemaking is adopted under sections 10(b)(1) and 16(a) of the Funeral Director Law (act) (63 P.S. §§ 479.10(b)(1) and 479.16(a)).

Regulatory Analysis Form

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The rulemaking is not mandated by any federal or state law or court order.

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Under the Board's current regulations, a licensed funeral director who did not complete the required amount of continuing education is not permitted to renew. The licensee would either not practice until completing the required amount of continuing education (and deprive clients of professional services) or continue to practice without renewing (in violation of law). The rulemaking permits the licensee to renew and practice legally, but also requires the licensee to pay a civil penalty and make up the continuing education deficiency. The rulemaking promotes the goal of continuing education by still requiring a licensee to complete the required amount of continuing education.

By being permitted to renew and practice for up to 6 months at the cost of a civil penalty and making up the deficiency, those licensees who did not complete the continuing education requirement, and their clients, will benefit from the rulemaking. By utilizing the Act 48 citation system for these violations, the Board, the Bureau and the affected licensees will benefit from the reduced cost of prosecuting through these more streamlined procedures.

(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

This rulemaking is not based upon any scientific data, studies, or references.

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

The Board has not identified any group of individuals or entities that will be adversely affected by the rulemaking.

(16) 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.

The rulemaking will apply to all licensees of the Board, but it is only applicable to those licensees who either fail to timely complete the required amount of mandatory continuing education. There are approximately 3,300 licensed funeral directors with active licenses in this Commonwealth.

Regulatory Analysis Form

SECTION III: COST AND IMPACT ANALYSIS

(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. Explain how the dollar estimates were derived.

There are no costs to members of the regulated community associated with compliance with the rulemaking. Those few members of the regulated community who do not complete the required amount of continuing education on time will have a savings by being permitted to continue practicing for up to 6 months while completing the required amount of continuing education. Additionally, the Board and the Bureau and those few members of the regulated community who are charged with failing to complete the required amount of continuing education will enjoy a savings as a result of compliance with this proposed rulemaking, as a result of the summary Act 48 citation process rather than full formal disciplinary action.

(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. Explain how the dollar estimates were derived.

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

(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. Explain how the dollar estimates were derived.

The Bureau and the Board will enjoy a savings as a result of compliance with this rulemaking, as a result of using the summary Act 48 citation process rather than full formal disciplinary action. The Bureau and the Board will also enjoy a savings as a result of compliance with this rulemaking by renewing those licensees who acknowledge not completing continuing education (subject to paying a civil penalty by citation and making up the deficiency) rather than processing a later more labor-intensive application for reactivation.

There are no other costs or saving to state government associated with implementation of the rulemaking.

(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 Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year

Regulatory Analysis Form

SAVINGS:	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

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

Program	FY -3 2007-08	FY -2 2008-09	FY -1 2009-10	Current FY 2010-11
Pa. State Board of Funeral Directors	(projected) \$986,024	(budgeted) \$928,000	(budgeted) \$1,086,000	(budgeted) \$1,168,000

(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

No adverse effects or costs have been associated with compliance with the rulemaking. Therefore, the above-identified benefits outweigh any cost.

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

The Board did not solicit input for an exposure draft. The Board discussed the proposed rulemaking in public session during the Board's meetings in April and May, 2008. The Board discussed the final rulemaking in public session during the Board's meetings in August, 2009, and March, 2010. After disapproval by IRRC, the Board also discussed this rulemaking in public session during the Board's meeting in September, 2010. These meetings are routinely attended by members of the regulated community and representatives of their organizations.

Regulatory Analysis Form

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory schemes were considered.

(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 regulations.

The rulemaking does not overlap or conflict with any federal requirements.

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

In New York, a funeral director who fails to complete required continuing education has a 120-day grace period in which to complete the required amount of continuing education after the triennial renewal period. In Delaware, a funeral director who did not timely complete continuing education may, in the discretion of the licensing board, be permitted to renew the license and practice and obtain the continuing education credits in a time period specified by the board. Except for waiver of the continuing education requirement in specific cases, Maryland, New Jersey, Ohio and West Virginia have no provisions that permit a licensed funeral director who has not met the continuing education requirements to renew and continue to practice.

The regulation will not put Pennsylvania at a competitive disadvantage with other states.

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

This rulemaking would have no effect on other regulations of the Board or other state agencies.

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The rulemaking will not change any existing reporting, recordkeeping or other paperwork requirements.

Regulatory Analysis Form

(28) 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.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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IRRC

2010 SEP 22 P 2:10

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: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Funeral Directors
(AGENCY)

[Signature]
BY: _____

DOCUMENT/FISCAL NOTE NO. 16A-4818

Andrew C. Clark
SEP 21 2010

DATE OF APPROVAL

DATE OF ADOPTION:

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

BY: *Michael J. Yeosock*
Michael J. Yeosock, FD

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

TITLE: Chairman
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

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

FINAL 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, 13.402
CONTINUING EDUCATION ENFORCEMENT

The State Board of Funeral Directors (Board) amends §§ 13.231 and 13.401 (relating to biennial registration, unregistered status and inactive status, failure to renew; and credit hour requirements), to read as set forth in Annex A.

Description and Need for the Rulemaking

Section 10(b)(2) of the Funeral Director Law (act) (63 P.S. § 479.10(b)(2)) requires licensees to complete 6 hours of mandatory continuing education during each biennial renewal period. Under section 11(a)(6) of the act (63 P.S. § 479.11(a)(6)), the Board may take disciplinary action against any licensee who fails to comply with any provision of the act or Board regulations. Disciplinary actions for failing to complete the continuing education requirement in a timely manner invariably result in the licensee being required to pay a civil penalty proportionate to the amount of deficiency and to make up the deficiency promptly. Accordingly, the Board proposed to utilize the more streamlined procedures under section 5(a) of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) (63 P.S. § 2205(a)), which provides that the Commissioner of Professional and Occupational Affairs, after consultation with licensing boards in the Bureau of Professional and Occupational Affairs, may promulgate a schedule of civil penalties for violations of the acts or regulations of these licensing boards.

The Board proposed permitting a licensee to renew despite not having completed the required amount of continuing education. However, the licensee would be required to pay a civil penalty by citation as set forth in § 43b.6 (related to schedule of civil penalties – funeral directors and funeral establishments) and to make up the deficient hours of continuing education and to provide proof to the Board within 6 months of the beginning of the renewal cycle. A licensee who does not do so will be subject to discipline under section 11(a)(6) of the act (63 P.S. § 479.11(a)(6)), which authorizes the Board to discipline a licensee for violating the act or a regulation of the Board. Second and subsequent violations of failing to complete all required continuing education would be subject to formal action.

Summary of Comments and Responses to Proposed Rulemaking

The Board published notice of proposed rulemaking at 39 Pa.B. 2210 (May 2, 2009) with a 30-day public comment period. The Board received no written comments from the public. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1-745.12). The Board did not receive any comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

The HPLC first suggested that the Board clarify any inconsistencies in language between § 13.231, which provides that the Board will not renew license unless licensee certifies compliance with CE requirements, and proposed § 13.401(d), which provides that a licensee who has not completed all required CE must make up deficiency within six months after end of non-compliant renewal period. Current § 13.231(a) simply requires a licensee to certify that the licensee “has completed the amount of continuing education required by § 13.401 (relating to credit hour requirements). The Board proposed revising this provision to require the licensee to certify that the

licensee “has complied with the continuing education requirements mandated by section 10(b) of the act during the biennial period immediately preceding the application for renewal in accordance with §§ 13.404-13.406 (relating to continuing education).” The intent of this change was to permit a licensee who did not complete the required amount of continuing education, but would pay the civil penalty and cure the deficiency after renewal, to certify compliance with the regulation that authorizes this corrective action. The Board has revised this provision to clarify that a licensee must verify compliance with the continuing education requirement unless excused by the Board as hardship or “as permitted under § 13.401(d).”

The HPLC also asked how the Board will monitor the grace period during which a licensee must make up a deficiency in continuing education. The Board’s administrative office will monitor completion by those licensees who renew without having completed the required amount of continuing education. Because the Board office conducts the initial audit of licensees randomly selected for audit, the Board office will also contact those licensees who have renewed without having completed the required amount of continuing education and request proof of continuing education for that renewal period. If the licensee timely provides documentation showing that the licensee fully satisfied the continuing education requirement within the 6-month period, the matter ends. If the licensee does not provide the documentation, the matter will be forwarded to the professional compliance office and the prosecution division to initiate disciplinary action.

IRRC first questioned the licensure status for a licensee who renewed without having completed the required continuing education. Upon renewal of the license, the licensure status is the same as if the licensee had completed the entire continuing education requirement in a timely fashion. Only if the Board later takes disciplinary action, such as if the Board then suspends a license where the licensee still has not completed the required continuing education, would the licensure status change.

IRRC also questioned how the Board would implement the civil penalties described in the rulemaking. As discussed above, following renewal by a licensee who acknowledges failure to complete the required amount of continuing education, the Board office will collect documentation from the licensee concerning continuing education completed by the licensee. The Board office will forward this information about CE deficiency to the professional compliance office and the prosecution division for issuance of an appropriate citation. Once a citation is issued, the normal citation process will follow, and the licensee will be required to pay the citation or request a hearing and appeal as appropriate. In accordance with its standing procedures, if at the end of the process a violation is found and the licensee does not pay the civil penalty timely, the Board will suspend the licensee’s license. The Board will not delay issuance of a citation until the licensee has provided documentation that the licensee made up the deficient continuing education.

While addressing IRRC’s question about implementation of civil penalties and the HPLC’s question about monitoring the 6-month period for correcting the deficiency, the Board considered its audit process in more detail. In doing so, the Board realized that its regulations do not impose any specific obligation upon a licensee to comply with the audit. Accordingly, the Board has also revised § 13.402(c) to require a licensee to fully respond to an audit request within 30 days or another time period specified in the audit request.

IRRC next expressed concern about the clarity of proposed § 13.401(d), which requires a licensee who has renewed without having completed the required continuing education to “provide proof of attendance at continuing education courses during the previous biennial registration period as required by § 13.402 (relating to reporting completion of continuing education).” This provision suggests that the licensee must provide proof that during the previous biennium the licensee attended the required continuing education when, by definition, the licensee did not complete the continuing education requirement for that biennium. In other words, this is an impossible burden. In drafting this provision, it was the Board’s intention to refer to the continuing education requirement of the previous biennium, not attendance during the previous biennium. The Board has revised this provision to be clearer.

Finally, IRRC noted that the first sentence of proposed § 13.401(d) referred to excuse from the continuing education requirement “as authorized under the act or this chapter.” However, nowhere in chapter 13 is there any other reference to excusing a licensee from the continuing education requirements. IRRC suggested that the Board either provide specific cross-references or delete this reference. Section 10(b)(4) of the act authorizes the Board to grant a hardship waiver; the Board has not by regulation supplemented this statutory provision. Rather than referring only to this statutory provision, the Board included the phrase “or this chapter” in proposed § 13.401(d) to allow that its regulations might later be amended to provide for hardship or other excuse to the continuing education requirement. Because the Board has not done so yet, it will delete this language from this rulemaking. Should the Board later amend its regulations to address any such excuse, it will also amend this section to reference the other regulation.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth, its political subdivisions, or the private sector. The rulemaking will impose no additional paperwork requirements upon the Commonwealth, its political subdivisions, or the private sector.

Effective Date

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

This rulemaking is authorized by sections 10(b) and 16(a) of the Funeral Director Law (act) (63 P.S. §§ 479.10(b) and 479.16(a)).

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 22, 2009, the Board submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 2210, to IRRC and the chairpersons of the HPLC and the SCP/PLC for review and comment.

As indicated above, no comments were received from the public or the SCP/PLC. In preparing the final-form rulemaking, the Board considered all comments received from the HPLC and IRRC. On June 25, 2010, the Board delivered final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the HPLC and by the SCP/PLC on August 4, 2010. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 5, 2010, and disapproved the final-form rulemaking.

The Board has not revised the final-form rulemaking in response to IRRC's disapproval. The Board redelivered the final-form rulemaking, together with the supporting report required by section 7(b) of the Regulatory Review Act (71 P.S. § 745.7(b)), to IRRC, the HPLC and the SCP/PLC on September 22, 2010. Under section 7(c.1) of the Regulatory Review Act (71 P.S. § 745.7(c.1)), IRRC met on October ____, 2010, and (dis)approved the final-form rulemaking. Under section 7(d) of the Regulatory Review Act (71 P.S. § 745.7(d)), the final-form rulemaking was deemed approved by the HPLC and by the SCP/PLC on _____, 2010.

Additional Information

Persons who require additional information about the final-form rulemaking should submit inquiries to Regulatory Unit Counsel, Department of State, by mail to P.O. Box 2649, Harrisburg, PA 17105-2649, by telephone at (717) 783-7200, or by e-mail at st-funeral@state.pa.us.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 39 Pa.B. 2210.
- (4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the Funeral Director Law.

Order

The Board, acting under its authorizing statute, orders that:

- (a) The regulations of the Board at 49 Pa. Code Chapter 13 are amended, by amending §§

13.231 and 13.401 to read as set forth in Annex A.

- (b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

Michael J. Yeosock, FD, Chairman
State Board of Funeral Directors

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS

* * * * *

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. Unless excused by the Board for good cause under section 10(b)(4) of the act (63 P.S. § 479.10(b)(4)) OR AS PERMITTED UNDER § 13.401(d) (RELATING TO CREDIT HOUR REQUIREMENTS), the Board will not grant an application for renewal of a funeral director license unless the licensee has certified that the licensee has ~~completed the amount of continuing education required by § 13.401 (relating to credit hour requirements)]~~ complied with the continuing education requirements mandated by section 10(b) of the act (63 P.S. § 479.10(b)) during the biennial period immediately preceding the application for renewal in accordance with §§ 13.401-13.406 (relating to continuing education).

* * * * *

CONTINUING EDUCATION

§ 13.401. Credit hour requirements.

* * * * *

(d) Unless otherwise excused as authorized under the act or this chapter, failure to complete the minimum required amount of continuing education during the applicable renewal period will subject the licensee to discipline under section 17(b) of the act (63 P.S. § 479.17(b)) in accordance with the schedule of civil penalties in § 43b.6 (relating to schedule of civil penalties – funeral directors and funeral establishments). A second or subsequent violation will subject the licensee to disciplinary action under section 11(a)(6) of the act (63 P.S. § 479.11(a)(6)). Within 6 months after the end of the renewal period during which the required amount of continuing education was not completed, the licensee shall make up the deficiency and shall provide proof of attendance at continuing education courses during the previous biennial registration period as required by AS NECESSARY TO SATISFY THE REQUIREMENT OF § 13.402 (relating to reporting completion of continuing education) FOR THE PREVIOUS BIENNIAL REGISTRATION PERIOD. In addition to any civil penalty assessed under this subsection, failure to provide the Board with proof of the required amount of continuing education within 6 months after the beginning of a biennial period in which the licensee renewed without having completed the required amount of continuing education shall subject the licensee to disciplinary action under section 11(a)(6) of the act (63 P.S. § 479.11(a)(6)).

§ 13.402. Reporting completion of continuing education.

* * * * *

(c) The Board will audit licensees to verify compliance with continuing education requirements. A LICENSEE WHO IS BEING AUDITED SHALL FULLY RESPOND TO EACH REQUEST FOR INFORMATION WITHIN 30 DAYS OF THE REQUEST OR OTHER TIME SPECIFIED IN THE REQUEST.

* * * * *

**REPORT OF THE STATE BOARD OF FUNERAL DIRECTORS:
RESPONSE TO IRRC'S ORDER DISAPPROVING FINAL RULEMAKING 16A-4818
(CONTINUING EDUCATION ENFORCEMENT)**

On June 25, 2010, the State Board of Funeral Directors (Board) delivered final rulemaking 16A-4818 (continuing education enforcement) to the Independent Regulatory Review Commission (IRRC), the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). On August 4, 2010, the HPLC and the SCP/PLC were deemed to have approved the final rulemaking. At its meeting on August 5, 2010, IRRC disapproved the final rulemaking. The Board has determined that it should proceed with the final rulemaking without revision under section 7(b) of the Regulatory Review Act (71 P.S. § 745.7(b)) and now submits this report responding to IRRC's disapproval order, as required by section 7(b) of the Regulatory Review Act and 1 Pa. Code § 311.3(3)).

As stated in its disapproval order of August 13, 2010, IRRC disapproved the final rulemaking because it concluded that the rulemaking is not consistent with the Board's statutory authority and therefore not in the public interest, under section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). As added by this final rulemaking, § 13.401(d) would provide:

Unless otherwise excused as authorized under the act, failure to complete the minimum required amount of continuing education during the applicable renewal period will subject the licensee to discipline under section 17(b) of the act (63 P.S. § 479.17(b)) in accordance with the schedule of civil penalties in § 43b.6 (relating to schedule of civil penalties – funeral directors and funeral establishments). ... Within 6 months after the end of the renewal period during which the required amount of continuing education was not completed, the licensee shall make up the deficiency and shall provide proof of attendance at continuing education courses as necessary to satisfy the requirement of § 13.402 (relating to reporting completion of continuing education) for the previous biennial registration period. ...

As amended by the final rulemaking, § 13.231(a) would provide, "Unless excused by the Board for good cause under section 10(b)(4) of the [Funeral Director Law] (63 P.S. § 479.10(b)(4)) or as permitted under § 13.401(d) (relating to credit hour requirements), the Board will not grant an

application for renewal of a funeral director license unless the licensee has certified that the licensee has completed the amount of continuing education required by § 13.401 [(relating to credit hour requirements)].” As a result, a licensee who has not completed the required amount of continuing education would still have the license renewed, subject to paying the civil penalty levied by citation and making up the deficiency.

IRRC looked to section 10(b) of the Funeral Director Law (63 P.S. § 479.10(b)), which provides in part:

- (1) The board shall adopt, promulgate and enforce rules and regulations consistent with the provisions of this act establishing requirements of continuing education to be met by individuals licensed under this act as a condition for renewal of their licenses
- (2) Beginning with the license period designated by regulation, such licensees shall be required to attend six (6) hours of mandatory continuing education during each two-year license period.

* * *

- (4) The board may waive all or a portion of the continuing education requirement for biennial renewal to a licensee who shows to the satisfaction of the board that he or she was unable to complete the requirements due to serious illness, military service or other demonstrated hardship. ... A waiver request shall be evaluated by the board on a case-by-case basis. ...

* * *

Because the only exception excusing compliance with the requirement of mandatory continuing education in section 10(b) of the Funeral Director Law is for demonstrated hardship on a case-by-case basis, IRRC concluded that, without obtaining a waiver, a licensee is required to complete mandatory continuing education as a condition of renewal. IRRC therefore determined that the Board does not have statutory authority to promulgate a regulation that would permit the Board to renew the license of a licensee who acknowledges not completing mandatory continuing education.

The Board respectfully suggests that IRRC has misconstrued section 10(b) of the Funeral Director Law. While section 10(b)(2) requires licensees to complete mandatory continuing education during each two-year license period, section 10(b)(2) does not make completion of mandatory

continuing education a condition of license renewal. Nor does section 10(b)(1) of the Funeral Director Law make completion of mandatory continuing education a condition of renewal. Instead, section 10(b)(1) makes compliance with the mandatory continuing education regulations promulgated by the Board a condition for renewal, and those regulations must be consistent with the provisions of the Funeral Director Law.

As provided in the final rulemaking delivered by the Board, compliance with the regulations is a condition of biennial renewal. As it currently exists and is not intended to be amended, § 13.401(a) requires each licensee to complete the full amount of mandatory continuing education during each renewal period. This provision is consistent with section 10(b)(2) of the Funeral Director Law. However, because it is reasonably expected that some licensees will fail to comply, the Board must have a means to enforce the requirements. As with any other violation of the Funeral Director Law, the Board may take disciplinary action for failing to comply with the obligation to complete continuing education. Via the mechanism of § 13.401(d), the Board will take action against those who fail to comply but make up the deficiency by citation and defined civil penalty and will take action against those who fail to comply and do not make up the deficiency by formal action that could lead to suspension or revocation as well as a civil penalty. This scheme, even to the extent that it permits renewal by those licensees who acknowledge failing to complete mandatory continuing education, is consistent with the Funeral Director Law.

It should be pointed out that the proposed rulemaking published at 39 Pa.B. 2210 (May 2, 2009) clearly stated that “the proposed rulemaking would revise [the regulations] to permit renewal by a licensee who has not completed the required amount of continuing education, conditioned upon paying a civil penalty and making up the deficient hours of continuing education within the first 6 months of the renewal cycle.” The Office of Attorney General approved the rulemaking for form and

legality before it was published as proposed rulemaking. In its comments of June 16, 2009, the HPLC requested clarification concerning an apparent inconsistency between § 13.231(a), which requires a licensee to verify compliance with the continuing education requirements, and proposed § 13.401(d), which permits a licensee to make up deficient continuing education during the first 6 months of the new renewal period. The HPLC did not question the Board's authority to renew the license of one who has not completed continuing education. The SCP/PLC did not comment on the proposed rulemaking. After the Board delivered final rulemaking among other things clarifying that it will renew the license of one who acknowledges failing to complete continuing education subject to the provisions of § 13.401(d), neither the HPLC nor the SCP/PLC objected to this final rulemaking. The failure of the legislative oversight committee, which drafted the statutory amendment authorizing mandatory continuing education, to object is a good indication that the legislature considers the rulemaking to be consistent with the statute.

Moreover, section 16(a) of the Funeral Director Law (63 P.S. § 479.16(a)) empowers the Board “to formulate necessary rules and regulations not inconsistent with this act for the proper conduct of the business or profession of funeral directing and as may be deemed necessary or proper to safeguard the interests of the public and the standards of the profession.” As discussed above, the rulemaking is not inconsistent with the Funeral Director Law. And as discussed below, the rulemaking safeguards the interests of the public.

The State Board of Funeral Directors is one of 29 professional or occupational licensing boards within the Bureau of Professional and Occupational Affairs (BPOA). BPOA issues credentials to approximately one million practitioners, and a majority of licensing boards require continuing education. Within the last few years the respective practice acts have been amended so that, among others, professional nurses, engineers, land surveyors and geologists (which together total

approximately a quarter million licensees) will all now be required to complete mandatory continuing education. BPOA must expend the resources to enforce compliance with the mandatory continuing education requirements, and use of the Act 48 citation system will go a long way towards controlling that cost of disciplinary actions. In addition to the disciplinary cost, there is the cost of processing licensure renewal or reactivation applications. Renewals are generally processed on-line with little staff labor. If a board denies renewal for a licensee who acknowledges not completing mandatory continuing education, the licensee will after completion have to apply for reactivation and provide proof of completion. In contrast to on-line renewals, the process of review of the reactivation application and reactivation of the license is dependent on the labor of board staff. As a result, permitting renewal significantly improves BPOA's administrative efficiency.

Obviously, being unable to practice due to failure to complete continuing education is a very significant adverse impact upon the licensee. Permitting renewal while the licensee, who is subject to disciplinary action and payment of a civil penalty, is required to make up the deficiency within 6 months is a benefit to the licensee.

There should be no increase in possible harm to consumers by permitting licensees to make up the deficiency within 6 months. It is important to note that the continuing education requirement is not being waived, but instead licensees are permitted to complete it later, albeit with payment of a civil penalty in disciplinary action. While continuing education is valuable in maintaining the quality of care provided by licensees, the professional members of the licensing boards pursuing such a scheme of enforcement do not believe that delaying continuing education by up to six months will have any deleterious effect on quality of care. It is expected that licensees who do not complete the continuing education requirement in the prior renewal period will actually complete continuing education more promptly under this regulatory scheme with its deadline of six months into the renewal period than

those who are only discovered by audit and prosecuted under the current scheme. Moreover, the audit process looks at only a percentage of licensees; by having this alternative available, it is reasonable to believe that licensees who have not completed the continuing education requirement will now be more likely to make up the deficiency (and pay the civil penalty) rather than gamble that they will not be audited and then not take any additional continuing education. Those licensees who do not make up the continuing education deficiency timely will be subject to formal disciplinary action as has always been available.

BPOA is pursuing a system of renewing licensees who acknowledge not completing mandatory continuing education, subject to payment of a civil penalty via citation and an obligation to make up all defiance continuing education, because of its significant administrative convenience, benefit to licensees, and lack of adverse impact on clients, patients or other segments of the public.

Accordingly, the Board concludes that it does indeed have statutory authority to amend its regulations to permit a licensee who has not completed continuing education to renew, subject to civil penalty by citation and an obligation to make up the deficiency within 6 months, as provided in this final rulemaking.

IRRC raised no objection to the final rulemaking other than as stated above.

As discussed above, the Board has not revised its rulemaking under section 7(b) of the Regulatory Review Act (71 P.S. § 745.7(b)) and now redelivers the original final rulemaking to IRRC, the HPLC and the SCP/PLC.

Michael J. Yeosock, FD, Chairman
State Board of Funeral Directors

COMMENTATOR'S LIST FOR
REG. # 16A-4818

There were no public commentators.

STATE BOARD OF FUNERAL DIRECTORS

[49 PA. CODE CH. 13]

Continuing Education Enforcement

The State Board of Funeral Directors (Board) proposes to amend §§ 13.231 and 13.401 (relating to biennial registration; unregistered status and inactive status; failure to renew; and credit hour requirements), to read as set forth in Annex A.

Effective Date

The amendments will be effective upon publication of the final-form regulation in the *Pennsylvania Bulletin*.

Statutory Authority

This proposed rulemaking is authorized under sections 10(b) and 16(a) of the Funeral Director Law (act) (63 P. S. §§ 479.10(b) and 479.16(a)).

Background and Need for the Amendment

Section 10(b)(2) of the act requires licensees to complete 6 hours of mandatory continuing education during each biennial renewal period as a condition of license renewal. Under section 11(a)(6) of the act, the Board may take disciplinary action against any licensee who fails to comply with any provision of the act or Board regulations. Disciplinary actions for failing to complete the continuing education requirement in a timely manner invariably result in the licensee being required to pay a civil penalty proportionate to the amount of deficiency and to make up the deficiency promptly. Accordingly, the Board proposes to utilize the more streamlined procedures under section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) (Commissioner of Professional and Occupational Affairs, after consultation with licensing boards in the Bureau of Professional and Occupational Affairs, may promulgate a schedule of civil penalties for violations of the acts or regulations of these licensing boards).

Description of the Proposed Amendments

Under proposed § 13.401(d), a licensee who has not completed the required amount of continuing education would be required to pay a civil penalty, under 49 Pa. Code § 43b.6 (related to schedule of civil penalties—funeral directors and funeral establishments). The civil penalty schedule for continuing education violations (first offense) will be promulgated by the Commissioner of Professional and Occupational Affairs in a separate rule-making package. See 39 Pa.B. 2210 (May 2, 2009). Second or subsequent offenses will subject the licensee to discipline under section 11(a)(6) of the act, which authorizes the Board to discipline a licensee for violating the act or a regulation of the Board. A licensee who did not complete the required amount of continuing education would be required to complete the entire amount of mandatory continuing education and provide the Board with proof within the first 6 months of the renewal period.

The proposed rulemaking would also revise the requirement of § 13.231(a) (unless excused for good cause, the Board will not renew a funeral director's licensee unless the licensee has certified that the licensee completed the required amount of continuing education). Instead, the licensee would only be required to certify that the licensee has complied with the continuing education requirements "in accordance with §§ 13.401—13.406 (relating to con-

tinuing education)." As discussed previously, the proposed rulemaking would revise those provisions to permit renewal by a licensee who has not completed the required amount of continuing education, conditioned upon paying a civil penalty and making up the deficient hours of continuing education within the first 6 months of the renewal period.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking should have no adverse fiscal impact on the Commonwealth, its political subdivisions or the private sector. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, its 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

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 22, 2009, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649 or by e-mail at ST-FUNERAL@state.pa.us, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-4818 (continuing education enforcement), when submitting comments.

MICHAEL J. YEOSOCK, FD
Chairperson

Fiscal Note: 16A-4818. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCUPATIONAL AFFAIRS

CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS

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 number year. Unless excused by the Board for good cause under section 10(b)(4) of the act (63 P. S. § 479.10(4)), the Board will not grant an application for renewal of a funeral director license unless the licensee has certified that the licensee has [**completed the amount of continuing education required by § 13.401 (relating to credit hour requirements) complied with the continuing education requirements mandated by section 10(b) of the act during the biennial period immediately preceding the application for renewal in accordance with §§ 13.401—13.406 (relating to continuing education).**

* * * * *

CONTINUING EDUCATION

§ 13.401. Credit hour requirements.

* * * * *

(d) Unless otherwise excused as authorized under the act or this chapter, failure to complete the minimum required amount of continuing education during the applicable renewal period will subject the licensee to discipline under section 17(b) of the act (63 P. S. § 479.17(b)) in accordance with the schedule of civil penalties in § 43b.6 (relating to schedule of civil penalties—funeral directors and funeral establishments). A second or subsequent violation will subject the licensee to disciplinary action under section 11(a)(6) of the act (63 P. S. § 479.11(a)(6)). Within 6 months after the end of the renewal period during which the required amount of continuing education was not completed, the licensee shall make up the deficiency and shall provide proof of attendance at continuing education courses during the previous biennial registration period as required under § 13.402 (relating to reporting completion of continuing education). In addition to any civil penalty assessed under this subsection, failure to provide the Board with proof of the required amount of continuing education within 6 months after the beginning of a biennial period in which the licensee renewed without having completed the required amount of continuing education shall subject the licensee to disciplinary action under section 11(a)(6) of the act (63 P. S. § 479.11(a)(6)).

[Pa.B. Doc. No. 09-800. Filed for public inspection May 1, 2009, 9:00 a.m.]

**STATE BOARD OF
PSYCHOLOGY**

[49 PA. CODE CH. 41]

Qualifications

The State Board of Psychology (Board) proposes to amend §§ 41.1, 41.31, 41.32 and 41.41 and to add § 41.30 (relating to qualifications and documentation necessary for licensure), to read as set forth in Annex A.

A. Effective Date

This proposed rulemaking will become effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

B. Statutory Authority

The amendments are proposed under the authority of sections 3.2(1), 6(a) and 8(a)(6) of the Professional Psychologists Practice Act (act) (63 P. S. §§ 1203.2(1), 1206(a)(2) and 1208(a)(6)).

C. Purpose and Background

This proposed rulemaking has three purposes: (1) reorganize the examination, education and experience provisions into three separate sections; (2) clarify the experience and supervisions requirements; and (3) permit graduates of doctoral degree programs in psychology and a field related to psychology to take the licensing examination after completing their education.

Reorganization

To obtain a license as a psychologist, applicants shall complete educational, experience and examination requirements. The current regulations interweave these requirements. Current §§ 41.31(a) and 41.41 (relating to qualifications for taking licensing examination; and examinations) contain examination provisions; current § 41.31(b) contains the educational requirements; and current experience and supervision requirements are contained in subsection (c). Additionally, current §§ 41.31(c) and 41.32 (relating to standards for supervisors) contains experience and supervision requirements.

In this proposed rulemaking, the Board would reorganize the education, examination and experience requirements into three separate sections—§ 41.31 for educational requirements, § 41.32 for experience requirements and § 41.41 for examination requirements.

Clarification of experience and supervision requirements

The act requires 2 years of supervised experience to obtain a license. One year of that experience is obtained as part of the doctoral degree program and is administered by the program's internship director. The other year of supervision is completed after graduation. The Board currently defines the year as 1,500 hours of supervised experience of which 50% of the hours must be obtained in clinical practice. The remaining hours may be in clinical practice or in research. In reviewing this experience, the Board determined that 1,750 hours more accurately reflects an actual year of practice calculated at an average of 35 hours per week excluding vacations, holidays and sick days. This increased time frame is also consistent with the experience required in neighboring jurisdictions, including New York, New Jersey, Maryland, Ohio and the District of Columbia.

Additionally, the Board receives numerous telephone, mail and e-mail inquiries from students pursuing their doctoral degrees, doctoral degree graduates, primary and delegated supervisors and potential primary and delegated supervisors seeking clarification about experience timing, settings and supervisory responsibilities and prohibitions. The Board believes that the proposed amendments will provide clarity with regard to these issues.

Examination changes

Current examination requirements prohibit applicants from taking the licensure examination until after completing their experience. In this proposed rulemaking, the Board proposes to remove this prohibition and permit applicants to take the examination at any time after



ARTHUR COCCODRILLI, CHAIRMAN
GEORGE D. BEDWICK, VICE CHAIRMAN
S. DAVID FINEMAN, ESQ.
SILVAN B. LUTKEWITTE III
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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

August 13, 2010

Michael J. Yeosock, Chair
State Board of Funeral Directors
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-4818 (IRRC #2760)
State Board of Funeral Directors
Continuing Education Enforcement

Dear Mr. Yeosock:

The Independent Regulatory Review Commission disapproved your regulation on August 5, 2010. Our order is enclosed and will be available on our website at www.irrc.state.pa.us.

Within 40 days of receipt of our order, Section 7(a) of the Regulatory Review Act requires you to select one of the following options: (1) proceed with promulgation under Section 7(b); (2) proceed with promulgation under Section 7(c); or (3) withdraw the regulation. If you do not take any action within this period, the regulation is deemed withdrawn.

If you or your staff have any questions, please contact me at 783-5506.

Sincerely,

Kim Kaufman
Executive Director

wbg

Enclosure

cc: Honorable Robert M. Tomlinson, Majority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Michael P. McGeehan, Majority Chairman, House Professional Licensure Committee
Honorable Julie Harhart, Minority Chairman, House Professional Licensure Committee
Honorable Basil L. Merenda, Acting Secretary, Department of State

**INDEPENDENT REGULATORY REVIEW COMMISSION
DISAPPROVAL ORDER**

Commissioners Voting:

Public Meeting Held August 5, 2010

Arthur Coccodrilli, Chairman
George D. Bedwick, Vice Chairman
S. David Fineman, Esq.
Silvan B. Lutkewitte, III
John F. Mizner, Esq. by Phone

Regulation No. 16A-4818 (#2760)
State Board of Funeral Directors
Continuing Education Enforcement

On April 22, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Funeral Directors (Board). This rulemaking amends 49 Pa. Code Chapter 13. The proposed regulation was published in the May 2, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 25, 2010.

This rulemaking is intended to clarify the consequences of failing to comply with the continuing education provisions in the Funeral Director Law (63 P.S. § 479.10(b)) and the Board's regulations (49 Pa. Code §§ 13.401 – 13.406). Both require a licensee to complete six hours of continuing education credits each biennium in order to qualify for license renewal. Under the amendments in this rulemaking, a licensee who has not completed the amount of continuing education credits may renew, subject to being issued a citation, paying a fine and making up the continuing education credits within six months.

We find that the Board does not have the statutory authority to renew a license for an applicant who has not completed the statutorily mandated six hours of continuing education during the prior two-year license period. As explained below, this regulation does not meet the Regulatory Review Act criterion of statutory authority to promulgate the regulation. 71 P.S. § 745.5b.

In our comments issued July 1, 2009, on the proposed regulation, we stated:

...the Board should explain the status of a license between the end of a biennial period when a license would expire and the point in time a licensee provides satisfactory proof of attendance at continuing education courses.

The Board responded in the final regulation's Preamble:

Upon renewal of the license, the licensure status is the same as if the licensee had completed the entire continuing education requirement in a timely fashion. Only if the Board later takes disciplinary action, such as if the Board then suspends a license where the licensee still has not completed the required continuing education, would the licensure status change.

The Board's response indicated that the intent of the amended regulatory language, which would be 49 Pa. Code §§ 13.231(a) and 13.401(d), is to allow a renewal of a license when a licensee failed to attend the required six hours of mandatory continuing education during the license period.

Continuing education relating to license renewal is addressed in 63 P.S. § 479.10(b)(1) which states:

The Board shall adopt, promulgate and enforce rules and regulations consistent with provisions of this act establishing requirements of continuing education to be met by individuals licensed under this act **as a condition for renewal of their licenses....** (Emphasis added.)

The only exceptions to the continuing education mandate in the statute are for initial licensure and waivers for "serious illness, military service or other demonstrated hardship" on a case by case basis. When a licensee does not meet either of these conditions, the applicant, "as a condition of renewal of their license," is required to have attended "six (6) hours of mandatory continuing education during each two-year license period." 63 P.S. §§ 479.10(b)(1) to (4).

We have determined this regulation is not consistent with the statutory authority of the State Board of Funeral Directors (63 P.S. § 479.10(b)) and the intention of the General Assembly. Therefore, we find promulgation of this regulation is not in the public interest.

BY ORDER OF THE COMMISSION:

The regulation # 16A-4818 (IRRC # 2760) from the State Board of Funeral

Directors: Continuing Education Enforcement

was disapproved on August 5, 2010 .


Arthur Coccodrilli, Chairman



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

P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-3397

September 22, 2010

The Honorable Arthur Coccodrilli, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harrisstown 2, 333 Market Street
Harrisburg, PA 17101

Re: Final Regulation
State Board of Funeral Directors
16A-4818: Continuing Education Enforcement

Dear Chairman Coccodrilli:

Enclosed is the report of the State Board of Funeral Directors prepared in accordance with section 7(b) of the Regulatory Review Act, 71 P.S. § 745.7(b), following disapproval of the final form regulation by the Independent Regulatory Review Commission. The Board has not revised the final form regulation and resubmits the rulemaking for approval in accordance with the Regulatory Review Act.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Yoesock".

Michael J. Yoesock, Chairperson
State Board of Funeral Directors

MJY/TAB:rs

Enclosure

cc: Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Steven V. Turner, Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Thomas A. Blackburn, Regulatory Unit counsel
Department of State
Christopher K. McNally, Board counsel
State Board of Funeral Directors
State Board of Funeral Directors

