

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p>(All Comments submitted on this regulation will appear on IRRC's website)</p>		<p>INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p>RECEIVED</p> <p>Independent Regulatory Review Commission September 23, 2025</p>	
<p>(1) Agency</p> <p>Department of State, Bureau of Professional and Occupational Affairs, State Board of Funeral Directors</p>		<p>IRRC Number: 3458</p>	
<p>(2) Agency Number: 16A</p> <p>Identification Number: 4832</p>			
<p>(3) PA Code Cite:</p> <p>49 Pa. Code §§ 13.1, 13.78 and 13.79</p>			
<p>(4) Short Title: Licensure by Endorsement</p>			
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Marc J. Farrell, Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717) 783-7200; marcfarrel@pa.gov.</p> <p>Secondary Contact: Shawn Jayman, Board Counsel, State Board of Funeral Directors, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717) 783-7200; shjayman@pa.gov.</p>			
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> PROPOSED REGULATION</p> <p><input type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>	
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>This proposed rulemaking effectuates 63 Pa.C.S. § 3111 (relating to licensure by endorsement) for applicants licensed in other jurisdictions where the licensure requirements are substantially equivalent to or exceed those established by the Board. The Board is required to determine methods of demonstrating competency, including completion of continuing education or experience in the profession/occupation for at least 2 of the preceding 5 years or through continuing education, and must establish, by regulation, the expiration of provisional endorsement licenses. This proposed rulemaking sets forth eligibility criteria for licensure by endorsement, the specific methods required to demonstrate competency, and requirements for provisional endorsement licenses.</p>			
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p>			

63 Pa.C.S. § 3111(a) requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant, provided the applicant is licensed in good standing in another jurisdiction and meets the requirements for licensure by endorsement. The Board is proposing regulations to implement § 3111(a)(1)-(5), relating to information required to determine: whether another jurisdiction's standards for licensure are substantially equivalent to or exceed those established by the Board; the methods of demonstrating competency; whether an applicant has committed an act that would be grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice in the profession or occupation in this Commonwealth, and whether such acts should be an impediment to licensure; disciplinary actions and whether such discipline should be an impediment to licensure; and the fee as established by the Board by regulation. 63 Pa.C.S. § 3111(b) also requires boards and commissions that issue provisional licenses, certificates, registrations or permits to set the expiration of the provisional endorsement license by regulation.

Section 16(a) of the Funeral Director Law (act) (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."

Section 506 of the Admin. Code (71 P.S. §186) empowers the heads of all administrative departments, the several independent administrative boards and commissions, and the several departmental administrative boards and commissions to prescribe rules and regulations not inconsistent with law, for the government of their respective departments, boards or commissions.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48, now repealed) into Title 63, Chapter 31 of the Pennsylvania Consolidated Statutes (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41).

(9) 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.

Section 3111(a)(5) of 63 Pa.C.S. requires the Board to set the fee to be charged by regulation. Subsection (b)(2) requires the Board to set an expiration of provisional endorsement licenses. Section 2 of Act 41 directed that each licensing board and commission promulgate final regulations implementing Act 41. Otherwise, this rulemaking is not mandated by any Federal or state law or court order, or Federal regulation.

(10) 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.

The regulation is needed to implement 63 Pa.C.S. § 3111 to provide for licensure by endorsement to applicants from other states, territories and countries. Act 41 was enacted due to a recognition that licensed professionals from other jurisdictions have difficulty obtaining a license to practice in this Commonwealth. Section 3111 of 63 Pa.C.S. eliminates unnecessary barriers to licensure for citizens from other jurisdictions and for military personnel and their spouses while maintaining sufficient safeguards to ensure public protection. Section 3111 of 63 Pa.C.S. enables boards and commissions under the Bureau

of Professional and Occupational Affairs (Bureau) to issue a license by endorsement, and further provides for a provisional endorsement license to quickly move these professionals into the workforce without unnecessary delays, which reduces the barriers to employment.

Since the effective date of Act 41 (August 30, 2019), the Board has received and considered 10 applications under 63 Pa.C.S. § 3111. Of those 10 applications, the Board has issued 10 licenses, certificates, registrations or permits. Based upon the number of applications received, the Board estimates receiving approximately 2 applications for licensure by endorsement under 63 Pa.C.S. § 3111 on an annual basis.

(11) 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.

There are no federal standards applicable to the subject matter of the regulation.

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

This regulation will not adversely affect Pennsylvania's ability to compete with other states. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. The purpose of 63 Pa.C.S. § 3111 is also to reduce barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board's proposed regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses and help grow Pennsylvania's economy. Surrounding states also have similar laws and regulations for licensure by endorsement in the funeral directing field.

In comparing the proposed regulation to other states, the Board researched states in the Northeastern region of the United States. The Board identified one other state (New Jersey) as having a comprehensive license by endorsement law applicable to the various professional licensing boards in New Jersey. Similar to 63 Pa.C.S. § 3111, New Jersey requires its professional licensing boards to issue a license to any person who holds a current professional or occupational license in good standing in another jurisdiction whose licensure standards are substantially equivalent to the current standards of New Jersey. New Jersey requires applicants to demonstrate competency through experience in the practice of the profession within the 5 years immediately preceding the filing of the application. 63 Pa.C.S. § 3111 allows for additional methods of demonstrating competency that New Jersey does not, including completion of continuing education. Additionally, unlike the Board's proposed regulations, New Jersey does not provide for the issuance of discretionary provisional endorsement licenses.

The Board also researched whether other state funeral director boards have similar licensure by endorsement laws and regulations applicable to the funeral directing profession. For those states that have similar licensure by endorsement laws and regulations applicable to funeral directors, the Board compared the following criteria: eligibility requirements (substantial equivalence or other standard); competency methods; and the issuance and expiration of provisional licenses.

Of the six states that surround Pennsylvania, two (New Jersey and New York) have similar laws and regulations for *licensure by endorsement* in the field of funeral directing. A summary of the requirements for licensure by endorsement in those states is as follows:

New Jersey will issue a license to engage in the practice of mortuary science to any person who holds a valid license or certification to practice mortuary science issued by another state or possession of the United States, or the District of Columbia, provided that the applicant has met education and experience requirements that are substantially equivalent to those of New Jersey.

The state of New York requires endorsement licensure applicants to have a letter from the original state of licensure stating that the licensure state will accept all New York licensees. The original licensure state must endorse a New York State license, otherwise, an applicant must serve a 12-month residency in New York State.

Of the remaining four surrounding states, three (Delaware, Ohio and West Virginia) have similar laws and regulations for *licensure by reciprocity* in the field of funeral directing. A summary of the requirements for licensure by reciprocity in those states is as follows:

In Delaware, to qualify for licensure by reciprocity, applicants must hold a current funeral director license in another jurisdiction (state, U.S. territory or District of Columbia) and have practiced as a funeral director for at least 3 of the past 5 years.

The state of Ohio requires the applicant's state of licensure to have educational requirements that are substantially equivalent to Ohio's requirements, unless the applicant has been licensed for at least 10 years in another state to conduct the business or profession of directing or supervising funerals. Applicants must also provide an official college transcript showing that the applicant has earned a bachelor's degree from a college or university authorized to confer degrees by the Ohio board of regents or comparable agency of another state in which the college or university is located. Applicants must also provide evidence of completion of a funeral director apprenticeship or equivalent work experience, along with verification of current licensure in another state.

In West Virginia, reciprocal licenses may be issued to an applicant licensed in another state, provided such license was granted after completion of educational requirements substantially equivalent to those required in West Virginia. The applicant also must have taken and passed an examination to become licensed in the home state that is substantially equivalent to the examination required in West Virginia.

The final state, Maryland, allows for the issuance of a mortician or funeral director license via "waiver." To be issued a license via waiver, an applicant must be licensed to practice mortuary science or funeral direction in any other state, provided the applicant is a licensed mortician, funeral director or other equivalent occupation in good standing and has practiced continuously in the state of licensure for at least 5 years preceding the waiver request. Additionally, the Maryland Board will not grant a waiver if the state in which the applicant is licensed does not grant a similar waiver to Maryland licensees.

Based on this information, the Board does not believe the amendments, which are necessary to effectuate the provisions of 63 Pa.C.S. § 3111, will put Pennsylvania at a competitive disadvantage. To the contrary, by allowing applicants to become licensed by endorsement if they can demonstrate competency by experience for at least 2 of the 5 years immediately preceding the date of application, or by completing 6 hours of continuing education during the 24 months immediately preceding the date of application, and by providing for discretionary provisional licenses which allow an applicant to commence practicing in this Commonwealth while the applicant is satisfying remaining requirements for licensure by endorsement, Pennsylvania will be at a competitive advantage over states that do not have licensure by endorsement and/or do not provide for the issuance of discretionary provisional licenses.

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

This rulemaking does not affect other regulations of the Board or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. (“Small business” is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Board discusses its regulatory proposals at regularly scheduled public meetings. Representatives of the professional associations representing the regulated community routinely attend those meetings. In drafting the proposal, the Board solicited input from stakeholders and interested parties, including the circulation of an exposure draft of the regulation to stakeholders and interested parties on March 22, 2021, inviting public comment for 30 days. The Board received one comment from a licensed funeral director and President/CEO of a licensed funeral establishment who expressed overall support for the regulation, while observing that it would likely have a minimal, albeit positive, impact on a limited number of individuals. The commentator added that lowering barriers to licensure for military spouses alone makes the regulation a worthy revision. The commentator wished the regulations were even broader, such as by allowing licensure by endorsement for individuals from jurisdictions whose licensure standards were not substantially equivalent to Pennsylvania if the individual could demonstrate significant work experience (5-25 years) in the other jurisdiction. The Board, however, is statutorily-bound by 63 Pa.C.S. § 3111, which calls for the other jurisdiction’s standards to be at least substantially equivalent. No other written comments were received. After the exposure draft, the Board continued to discuss this proposed regulation during its public meetings, as indicated in question # 29.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

For purposes of this rulemaking, the Board estimates that 2 individuals will apply for licensure by endorsement on an annual basis.

According to the Small Business Administration (SBA), there are approximately 1,131,036 small businesses in Pennsylvania, which is 99.6% of all Pennsylvania businesses. Of the 1,131,036 small businesses, 228,272 are small employers (those with fewer than 500 employees) and the remaining 902,764 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses.

According to the Pennsylvania Department of Labor & Industry (L&I), there were an estimated 1,553 funeral home managers and 1,271 morticians, undertakers and funeral arrangers in Pennsylvania in 2022 (the most recent year for which data is available). These professionals perform various tasks to organize and manage the details of individual funeral services, including “coordinating transportation of body to mortuary, interviewing family or other authorized person to arrange details, selecting pallbearers, aiding with the selection of officials for religious rites, and providing transportation for mourners.” The largest industry employing funeral home managers was self-employed workers, primary job (57.76%). Other

funeral home managers work in death care services (40.820%), with the insurance carriers industry being marked 'Confidential' as part of L&I's report. The largest industry employing morticians, undertakers and funeral arrangers was in death care services (98.43%). Other morticians, undertakers and funeral arrangers are employed as self-employed workers, primary job (1.10%), with the Federal government employment being marked 'Confidential' as part of L&I's report.

Small businesses are defined in section 3 of the Regulatory Review Act (71 P.S. § 745.3), which provides that a small business is defined by the SBA's Small Business Size Regulations under 13 CFR Ch. 1 Part 121. Specifically, the SBA has established these size standards at 13 CFR 121.201 for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where funeral home managers and morticians, undertakers and funeral arrangers work, businesses classified as "funeral homes and funeral services" (NAICS code 812210) are considered small businesses if they have less than \$12.5 million in average annual receipts. Professionals who are self-employed obviously work in small businesses.

The Board does not collect data relating to business size generally, nor does it collect information on the size of the businesses where its licensees are employed specifically. Nevertheless, in view of the small business thresholds set by NAICS for the businesses in which funeral directors work, the Board believes that the majority of funeral directors in the Commonwealth work in "small businesses" as that term is defined by the SBA and the Regulatory Review Act. Moreover, for purposes of determining the economic impact on small businesses, the Board must assume that a large number of its licensees either are, or work for, small businesses.

This rulemaking only affects individuals seeking licensure by endorsement. These individuals would be impacted by the \$25 application fee. However, this fee is the same as the fee currently paid by applicants who apply for initial licensure via the "traditional" pathway under the act. In addition to the application fee, applicants could be impacted by the cost of obtaining continuing education if that option is chosen to demonstrate competence. Such applicants may have to pay the cost of course registrations for some or all of the required 6 credit hours. Registration fees for continuing education courses can vary widely, from \$0 (free) to many hundreds of dollars. Assuming a cost of \$30 per credit, the cost for the full 6 credit hours of continuing education would be \$180 (6 credits x \$30 per credit). Applicants will have to pay a fee associated with conducting a background check. The fee for a Pennsylvania CHRC obtained from the Pennsylvania State Police (PSP) is \$22. Applicants must also provide a CHRC from the state police or other state agency from every state in which they have lived, worked or completed professional training/studies for the past 5 years. Those costs will vary depending on how many states an applicant has lived, worked or completed training/studies in, and how much each state charges for a CHRC. Finally, an applicant who needed to have a jurisdiction's laws or regulations translated into English may incur translation fees of approximately \$25 per page with the average length expected to range between two and five pages.

Whether small businesses will be impacted by the regulation depends on whether the businesses will pay the application fee costs for licensure by endorsement and whether employers will voluntarily pay the costs of completing continuing education. Because the application fees and other costs are incurred by individuals applying for initial licensure by endorsement, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs. Moreover, because continuing education is a requirement for biennial renewal in many other states, applicants for this license may not have to complete additional hours to satisfy the 6-hour requirement, thereby avoiding additional costs.

Finally, the Board believes this proposed rulemaking will have a positive impact in that it is implementing

63 Pa.C.S. § 3111, which provides an additional pathway to licensure that previously did not exist.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Applicants for licensure by endorsement as a funeral director will be required to comply with the rulemaking. The Board estimates that 2 licensure by endorsement applications will be considered each year. Small businesses will only be impacted to the extent they voluntarily pay licensure fees and other costs for applicants.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The Commonwealth will benefit from licensure by endorsement under 63 Pa.C.S. § 3111. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. 63 Pa.C.S. § 3111 also reduces barriers to employment which will make Pennsylvania more competitive. Consequently, 63 Pa.C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses and help grow Pennsylvania's economy.

The citizens of Pennsylvania will also benefit from the enhanced workforce and growth in the economy while still having assurance of a level of competence on par with existing licensees in this Commonwealth. Consistent with the provisions of 63 Pa.C.S. § 3111, the Board has selected experience and continuing education as methods of demonstrating competence. These methods assure competency because they show that the applicant has remained current with technological advancements and other updates within the profession, and has the requisite knowledge and skills to practice as a funeral director.

The financial impact of the regulation falls primarily on applicants for licensure and the Board. Individuals seeking licensure by endorsement will incur costs associated with qualifying for and obtaining a license. As noted above, an applicant applying for licensure by endorsement under 63 Pa.C.S. § 3111 would be required to pay the \$25 application fee, which covers the costs of processing the application. This is the same fee currently paid by individuals applying for initial licensure as a funeral director, as authorized by § 13.12 (relating to fees). Therefore, there is no added fee that applicants for licensure by endorsement must absorb. Applicants may also incur continuing education expenses if they choose to demonstrate competency by completing 6 hours of continuing education. All applicants must complete child abuse recognition and reporting training, as required by 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training). There are free in-person and online child abuse recognition and reporting training options available; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training. For foreign applicants, if the other law, regulation or other rule is in a language other than English, section 13.78(a)(1)(ii) would require the applicant to have it professionally translated at the applicant's expense. The Board has been accepting and processing applications under 63 Pa.C.S. § 3111 for over 5 years. The Board has not received any applications under 63 Pa.C.S. § 3111 from other applicants licensed in other countries or territories. Applicants would incur a fee for a background check (between \$18-\$25); however, applicants incur this fee regardless of whether they apply by examination or endorsement.

The positive impact for the applicants is that 63 Pa.C.S. § 3111 and the proposed regulation provide a new pathway to licensure that did not previously exist.

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

As previously discussed, 63 Pa.C.S. § 3111 benefits this Commonwealth, its citizens and individual applicants wishing to obtain licensure. The costs associated with obtaining licensure are outweighed by the need of the Board to set fees to cover its costs for processing applications to maintain the fiscal integrity of the Board, and by the equity of assessing the costs of processing applications to the applicants themselves, as opposed to the existing licensee population bearing these costs through increased biennial renewal fees. The General Assembly contemplated and weighed the impact of imposing fees on applicants under 63 Pa.C.S. § 3111(a)(5) against the benefits of providing an additional pathway to licensure to individuals from other jurisdictions. While avoiding economic impact to applicants is always preferable, the General Assembly recognized that boards fees are necessary in order to pay for the costs associated with the filing of applications. Additionally, whether an applicant obtains licensure via one of the Board's existing pathways or by licensure by endorsement under 63 Pa.C.S. § 3111, applicants face the same costs (i.e., application fee, Criminal History Records Check (CHRC) fee); therefore, any additional cost to a licensure by endorsement applicant will be minimal, if any.

Regarding the cost of translating the law, regulation or other rule to English, this is a necessary part of the application process. If the Board is unable to understand the other jurisdiction's requirements, it will not be able to determine whether those requirements are substantially equivalent. To date, the Board has not received any licensure by endorsement applications that required a translation of the law, regulation or rule into English, nor does the Board anticipate that many, if any, applicants will incur this cost. In the event translation was needed, the Board anticipates that the cost would be approximately \$25 per page with the length ranging between two and five pages. Applicants for licensure by endorsement would incur fees for a CHRC; however, applicants incur this fee regardless of whether they apply by endorsement or by a more traditional pathway such as licensure by examination.

Regarding costs associated with demonstrating competency, the Board is authorized to select the appropriate methods of competency under 63 Pa.C.S. § 3111(a)(2) and has provided applicants with two alternatives. Applicants who demonstrate competency through experience in the practice of funeral directing in one or more substantially equivalent jurisdictions for at least 2 of the 5 years immediately preceding the filing of the application will incur no costs to demonstrate competency. Applicants who demonstrate competency by completing 6 hours of continuing education during the 24 months immediately preceding the filing of their application may incur costs associated with any continuing education course registration fees.

Regardless of which alternative the applicant chooses, the costs that may be incurred would be outweighed by the benefits of this proposed regulation. Moreover, demonstrating competency is a statutory requirement; it helps to ensure applicants are safe to practice the profession and will not present a danger to the public.

Lastly, completing the mandatory child abuse recognition and reporting training will not have a negative fiscal impact if the applicant chooses a free training course. Requiring licensees to take this training will have a positive impact on the profession and benefit all Pennsylvanians because funeral directors will be educated on recognizing child abuse and will also have specific training on how to report child abuse.

(19) 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.

An individual applying for licensure by endorsement under 63 Pa.C.S. § 3111 will incur some costs, including paying a \$25 application fee and the same CHRC fee that all other applicants for licensure must pay. The fees associated with conducting a background check are currently \$22 for a Pennsylvania CHRC obtained from the Pennsylvania State Police (PSP), plus additional CHRC fees charged by any other states in which an applicant has lived, worked or completed professional training/studies for the past 5 years. These are fees/costs that all applicants for licensure must endure, not just those applying for licensure by endorsement under 63 Pa.C.S. § 3111. Since the effective date of 63 Pa.C.S. § 3111, the Board has considered and approved 10 licensure by endorsement applications. Therefore, during this period, the total costs incurred for application fees was \$250 (10 applications x \$25 each). Based upon this information, the Board anticipates that approximately two licensure by endorsement applications will be considered each year, which will result in approximate application costs in the amount of \$50 annually (2 applicants x \$25 application fee).

If an applicant chooses to demonstrate competency by experience in 2 of the last 5 years, there should be no added costs. Applicants who choose to demonstrate competency through continuing education may have to pay the cost of course registrations for some or all of the required 6 credit hours. Registration fees for continuing education courses can vary widely, from \$0 (free) to many hundreds of dollars. Assuming an average cost of \$30 per credit, the cost for the full 6 credit hours of continuing education would be \$180 (6 credits x \$30 per credit). If two applicants choose to demonstrate competency through continuing education each year, this would result in approximate continuing education costs of \$360 annually (2 applicants x \$180 each). In some instances, an applicant may have already accumulated some or all of the needed credits as part of maintaining their license in the jurisdiction(s) in which they are licensed, in which case the applicant would incur no, or lower, costs to demonstrate competency by continuing education.

Below are cost estimates for the application fee, CHRC fee and various combinations of competency methods (exclusive of any translation costs):

Applicant who demonstrates competency *via experience*: \$25 application fee + \$22 CHRC = \$47 per applicant, multiplied by two applicants = **\$94** annually.

Applicant who demonstrates *competency via continuing education and has already accumulated all 6 hours*: \$25 application fee + \$22 CHRC = \$47 per applicant, multiplied by two applicants = **\$94** combined total, annually.

Applicant who demonstrates *competency via continuing education. and needs to accumulate all 6 hours* (assuming a rate of \$30 per credit): \$25 application fee + \$22 CHRC fee + \$180 *continuing education* course registration fees = \$227 per applicant, multiplied by two applicants = **\$454** combined total, annually.

If fewer than two applicants apply for licensure by endorsement under 63 Pa.C.S. § 3111 in a given year, then obviously the combined annual totals would be lower. At the lowest end, assuming at least one individual applied for licensure by endorsement under 63 Pa.C.S. § 3111 each year, and further assuming that individual demonstrated competency by either (a) experience, or (b) 6 previously-acquired continuing education credits, the total costs annually would be **\$47**, consisting of the \$25 application fee and \$22

CHRC fee. The highest end scenario would be **\$454** if two applicants applied for licensure by endorsement under 63 Pa.C.S. § 3111, and both chose to demonstrate competency via continuing education and needed to accumulate all 6 credits at a cost of \$30 per credit.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulation would not result in costs or savings to local governments.

(21) Provide a specific estimate of the costs and/or savings to the **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 Board incurs some operational costs to implement licensure by endorsement under 63 Pa.C.S. § 3111. The costs incurred by the Board should be recouped in the form of application fees paid by applicants.

(22) For each of the groups and entities identified in items (19)-(21) above, 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.

There should be no legal, accounting or consulting procedures associated with this rulemaking. Like all other applicants under the Board, affected individuals will be required to submit an application for licensure accompanied by required documentation and payment of a fee.

(22a) Are forms required for implementation of the regulation?

Yes, applicants are required to submit an online application.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

The Bureau uses an online platform for the submission of applications for licensure through PALS, which also encompasses applications for licensure by endorsement under 63 Pa. C.S. § 3111. Within the online platform, applicants are asked a series of questions. Applicants are asked if they are currently licensed in another jurisdiction and the type of license for which they are applying. Applicants currently licensed in another jurisdiction, which is defined in the final rulemaking as another state, territory or country, are directed to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, translated into English if needed. Applicants are required to indicate whether they have been disciplined by the jurisdiction in which they are licensed or any other jurisdiction. Applicants with

disciplinary history must upload appropriate documentation related to the discipline. Applicants must also provide a recent Criminal History Records Check (CHRC) from the state police or other state or agency or other appropriate agency of a territory or country that is the official repository for criminal history record information for each jurisdiction in which they have lived, worked or completed professional training/studies for the past 5 years. Applicants will have to pay a fee associated with conducting the background check – For purposes of calculating an estimate of the approximate costs in this rulemaking, the Pennsylvania CHRC fee, \$22, was used. Finally, an applicant who needed to have a jurisdiction’s laws or regulations translated into English may incur translation fees of approximately \$25 per page with the average length expected to range between two and five pages.

Based upon the above, applications are then forwarded to Board counsel, and to the Board, if necessary, to determine eligibility under 63 Pa. C.S. § 3111. The Bureau is working towards creating a more detailed electronic application process specific to 63 Pa. C.S. § 3111 applications, which will decrease the need for manual review of applications. The Board has attached a paper application which will be the basis for developing the electronic licensure by endorsement application. (See Attachment “A”.)

(23) 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 24-25	FY +1 25-26	FY +2 26-27	FY +3 27-28	FY +4 28-29	FY +5 29-30
SAVINGS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
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 Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	\$47 - \$454	\$47 - \$454	\$47 - \$454	\$47 - \$454	\$47 - \$454	\$47 - \$454
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	\$47 - \$454	\$47 - \$454	\$47 - \$454	\$47 - \$454	\$47 - \$454	\$47 - \$454
REVENUE LOSSES:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
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 Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY –3 2021-2022	FY –2 2022-2023	FY –1 2023-2024	Current FY 2024-2025
State Board of Funeral Directors	\$998,176	\$950,361	\$1,266,742	\$1,245,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
 - (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
 - (c) A statement of probable effect on impacted small businesses.
 - (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.
-
- (a) This rulemaking will not have an adverse impact on small businesses unless small businesses voluntarily pay application fees or other costs relating to establishing competency. Because these fees are incurred by individuals applying for licensure, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.
 - (b) This rulemaking will not impose additional reporting, recordkeeping or other administrative costs on small businesses.
 - (c) The probable effect on impacted small businesses would be positive because 63 Pa.C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses and help grow Pennsylvania's economy.
 - (d) The Board could discern no less costly or less intrusive alternative methods to effectuate the purpose of 63 Pa.C.S. § 3111 that would be consistent with the Board's mandate to produce enough revenue to cover its costs of operations and to administer the act in the public interest.

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

No special provisions have been developed for any affected groups or persons.

(26) 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 provisions were considered and rejected. The Board believes this proposal represents the least burdensome acceptable alternative.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

a) & b) The Board did not consider less stringent reporting requirements or deadlines for small businesses or for applicants that intend to work for small businesses. All applicants for licensure are treated equally.

c) There are no compliance or reporting requirements that could be consolidated or simplified. The application process is the same whether a particular licensee is employed by a small business or a large business.

d) The regulations do not contain design or operational standards that need to be altered for small businesses.

e) To exclude any applicant from the requirements contained in the regulation based on the size of their employers would not be consistent with 63 Pa.C.S. § 3111.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data, studies or references were used to justify the regulation.

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

A. The length of the public comment period: 30 days

B. The date or dates on which any public meetings or hearings will be held: No public hearings were scheduled or held. The Board discusses its regulatory

	proposals at regularly scheduled public meetings. This rulemaking was discussed at public board meetings on August 29, 2019; December 4, 2019; February 5, 2020; July 29, 2020; September 18, 2020; and August 3, 2022.
C. The expected date of delivery of the final-form regulation:	Winter 2026
D. The expected effective date of the final-form regulation:	Upon publication as final.
E. The expected date by which compliance with the final-form regulation will be required:	Upon publication as final.
F. The expected date by which required permits, licenses or other approvals must be obtained:	N/A
<p>(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.</p> <p>The Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings. The Board will meet on the following remaining dates in 2025: September 10 and November 4, 2025. More information can be found on the Board's website.</p>	

ATTACHMENT A

STATE BOARD OF FUNERAL DIRECTORS

P.O. Box 2649
Harrisburg, PA 17105-2649

Telephone: (717) 783-3397
Fax: 717-705-5540
Website: www.dos.pa.gov/funeral
E-Mail: st-funeral@pa.gov

Courier Address:
2525 N 7th Street
Harrisburg, PA 17110

APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

PLEASE NOTE: If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the State Board of Funeral Directors (Board) shall require the applicant to submit a new application including the required fee.

In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance. All background check documents cannot be older than 90 days from the date of issuance.

1. REQUIREMENTS

Persons applying for licensure by endorsement under 63 Pa.C.S. § 3111 must:

- A. Hold a current license, certificate, registration or permit in good standing to practice as a funeral director in a jurisdiction whose standards are substantially equivalent to or exceed those of the Board.
- B. Demonstrate competency by one of the following:
 - Experience in the profession or occupation as a funeral director by demonstrating, at a minimum, that the applicant has actively engaged in the practice of funeral directing in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of this application with the Board.
 - Completion of 6 hours of continuing education that meet the requirements of 49 Pa. Code §§ 13.401-13.406 (relating to continuing education) during the 24 months immediately preceding the date of the application.
- C. Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice as a funeral director under section 11(a) of the Funeral Director Law section (63 P.S. § 479.11(a)) or 49 Pa. Code § 13.202 (relating to unprofessional conduct), and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.
- D. Pay the \$25 application fee.
- E. Provide a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license. The copy of the applicable law, regulation or other rule must include the enactment date. If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

2. APPLICATION CHECKLIST

Persons licensed in other jurisdictions who possess a current license, registration, certificate or permit in good standing:

- ☐ Complete pages 1, 2 and 3 of the application.

If any documentation submitted in connection with this application will be received in a name other than the name under which you are applying, you must submit a copy of the legal document(s) indicating the name change (i.e., marriage certificate, divorce decree which indicates the retaking of your maiden name; legal document indicating the retaking of a maiden name, or court order).

- ☐ \$ 25 Application Fee – To be paid online through the Pennsylvania Licensing System (PALS).
- ☐ Have the out-of-state licensing authorities in which you hold or have held a license to practice as a funeral director submit a letter of good standing directly to the Board with a state seal affixed to the letter.
- ☐ A Criminal Background Check from every state in which you have lived, worked or held a license to practice as a funeral director must be submitted. The criminal background check must be completed within 90 days of submission of this application to the Board. Pennsylvania background checks may be obtained at <https://epatch.state.pa.us> or from the Pennsylvania State Police Central Repository, 1800 Elmerton Ave., Harrisburg, PA 17110-9758, (717) 783-5593.

(If you reside outside of Pennsylvania, you must contact the State Police from your jurisdiction. For a list of other state identification agency websites, visit <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/identity-history-summary-checks/state-identification-bureau-listing>)

- ☐ Completion of 3 hours of Department of Human Services (DHS)-approved training in child abuse recognition and reporting requirements as a condition of licensure. Please review the Board website for further information on approved CE providers. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc., to the Board. [Child Abuse Continuing Education Providers Information can be found here.](#)

3. INFORMATION

- A. Any change in disciplinary status or criminal history after the submission of the application must be reported to the Board in writing.

STATE BOARD OF FUNERAL DIRECTORS

Mailing Address:

P.O. Box 2649
Harrisburg, PA 17105-2649
Telephone: (717) 783-3397
E-Mail: st-funeral@pa.gov

Courier Address:

2525 N 7th Street
Harrisburg, PA 17110
Fax: (717) 705-5540

APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

INITIAL APPLICATION FEE: \$ 25 PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA. FEES ARE NOT REFUNDABLE OR TRANSFERABLE. A PROCESSING FEE OF \$20.00 WILL BE CHARGED FOR ANY CHECK OR MONEY ORDER RETURNED UNPAID BY YOUR BANK, REGARDLESS OF THE REASON FOR NON-PAYMENT.

1. Name _____ (Last) (First) (Middle)
2. Will any documentation submitted in connection with this application be received in a name other than the name under which you are applying? YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, please provide the other name or names: _____
3. Address _____ (Street) _____ (City) (State) (Zip Code) <i>The address you provide is the address that will be associated with this application to which all correspondence will be mailed. Please note that licenses are not forwardable.</i>
4. Telephone _____ Fax _____
5. E-Mail Address _____
6. Date of Birth _____ Social Security Number: _____
7. Select the license for which you are applying: <input type="checkbox"/> Funeral Director
8. Competency Requirement <u>Experience:</u> Have you actively engaged in the practice of funeral directing in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of this application? <input type="checkbox"/> Yes

☐ No

If you responded “Yes,” provide a curriculum vitae demonstrating this experience.

Continuing education:

Have you completed 6 hours of continuing education that meet the requirements of 49 Pa. Code §§ 13.401-13.406 (relating to continuing education) during the 24 months immediately preceding the date of this application?

☐ Yes

☐ No

If you responded “Yes,” provide submit proof of completion of continuing education hours, including certificates of completion.

**** Note: your 3-hour child abuse course is included within the required 6 continuing education hours. The DHS-Approved Child Abuse Course Provider will upload the successful completion of your course results directly to your PALS profile – no certificate is needed.***

9. Name of state where initial license to practice as a funeral director was issued.

Date initial license was issued _____.

List any other state, territory or country where you hold or have held a license/certificate to practice as a funeral director.

Have the licensing authority listed above submit a letter of good standing (verification of licensure) directly to the Board with state seal affixed to the letter. Provide a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license.

		YES	NO
10.	<p>Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any other profession in any state or jurisdiction?</p> <p>If you answered YES to the above question, please provide the profession and state or jurisdiction. Please do not abbreviate the profession.</p> <p>_____</p> <p>_____</p> <p>The Board must receive verification of any license, certificate, permit, registration or other authorization to practice any other profession directly from the state or jurisdiction. PLEASE NOTE: The Board does NOT need to receive verification for licenses issued by one of the licensing boards within the Pennsylvania Bureau of Professional and Occupational Affairs.</p>	<input type="checkbox"/>	<input type="checkbox"/>
If you answer YES to any of the following questions, provide complete details as well as copies of relevant documents to the Board office.		YES	NO
11.	Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?	<input type="checkbox"/>	<input type="checkbox"/>
12.	Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
13.	Have you withdrawn an application for a professional or occupational license, certificate, permit or		

	registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
14.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>

NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number.

Applicant's Statement:

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information under 18 Pa.C.S. § 4911.

I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

Applicant's Signature

Date

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

September 23, 2025

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: <u><i>[Signature]</i></u> (DEPUTY ATTORNEY GENERAL)</p> <p><u>9/10/25</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>State Board of Funeral Directors</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-4832</u></p> <p>DATE OF ADOPTION: _____</p> <p>By: <u><i>[Signature]</i></u> Kenneth C. DuPree</p> <p>TITLE <u>Board Chairperson</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p><u><i>[Signature]</i></u> Digitally signed by Cynthia K. Montgomery DN: cn=Cynthia K. Montgomery, o., ou, email=cymontgome@pa.gov, c=US Date: 2025.09.15 12:23:52 -04'00'</p> <p>BY: _____ Deputy General Counsel, Chief Counsel <u>Independent Agency</u> (Strike inapplicable title)</p> <p><u>August 15, 2025</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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PROPOSED RULEMAKING

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

TITLE 49 PA CODE CHAPTER 13

§§ 13.1, 13.78 and 13.79

LICENSURE BY ENDORSEMENT

The State Board of Funeral Directors (Board) proposes to amend § 13.1 (relating to definitions) and add §§ 13.78 and 13.79 (relating to licensure by endorsement; and provisional endorsement license) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The provisions of 63 Pa.C.S. § 3111 (relating to licensure by endorsement) requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements established in this Commonwealth; demonstrates competency; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is satisfying remaining requirements for licensure by endorsement. The Board must set the terms of expiration of provisional licenses by regulation.

Additionally, section 16(a) of the Funeral Director Law (act) (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.”

Section 506 of the Admin. Code (71 P.S. §186) empowers the heads of all administrative departments, the several independent administrative boards and commissions, the several departmental administrative boards and commissions to prescribe rules and regulations not inconsistent with law, for the government of their respective departments, boards, or commissions.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48, now repealed) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41).

Background and Need for the Amendments

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license, certificate, registration or permit to an applicant who is licensed in good standing in another jurisdiction and meets the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111(a)(1), the Board must determine whether the other jurisdiction’s standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111(a)(2) requires the Board to determine the methods of competency, including experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application, or completion of continuing education. Under 63 Pa.C.S. § 3111(b)(2), the Board must also establish, by regulation, the expiration of provisional endorsement licenses.

This proposed rulemaking sets forth the Board’s criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency. It also sets forth the requirements for granting a provisional endorsement license. Section 3111 of 63 Pa.C.S. further provides that the Board may establish appropriate fees for this licensure.

In accordance with the requirements of Executive Order 1996-1 (4 Pa. Code §§ 1.371—1.382), on March 22, 2021, the Board sent an exposure draft of this proposed rulemaking to interested parties and asked for comments within 30 days. The Board received one comment from a licensed funeral director and President/CEO of a licensed funeral establishment who expressed overall support for the regulation, while observing that the regulation would likely have a minimal, albeit positive, impact on a limited number of individuals. The commentator added that lowering barriers to licensure for military spouses alone makes the regulation a worthy revision. No other written comments were received.

Description of the Proposed Amendments

The Board proposes to amend § 13.1 (relating to definitions) by adding a definition for the term “jurisdiction” consistent with 63 P.S. § 3111. Proposed § 13.78 (relating to licensure by endorsement) requires an applicant to satisfy seven criteria for licensure by endorsement. Under proposed subsection (a)(1), an applicant shall have a current license, certificate, registration or permit in good standing to practice as a funeral director in another jurisdiction whose standards are substantially equivalent to or exceed those established by the Board under section 3 of the act (63 P.S. § 479.3), and §§ 13.11 and 13.71 (relating to general requirements; and examination requirements). Proposed § 13.78(a)(1) further requires an applicant to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration

or permit. This proposed rulemaking would also require that the copy of the applicable law, regulation or other rule include the enactment date. Additionally, because 63 Pa.C.S. § 3111 is applicable to territories and other countries where the applicable law, regulation or other rule may be in a language other than English, the Board would require translation of the applicable law, regulation or other rule by a professional translation service, at the applicant's expense.

Proposed subsection (a)(2) requires demonstration of competency. Under this provision, an applicant must provide proof of competency by demonstrating either experience in the practice of the profession, or completion of continuing education. To demonstrate competency by experience, an applicant must show active engagement in the practice of the profession under a license, certificate, registration or permit in one or more jurisdictions that have substantially equivalent standards for at least 2 of the 5 years immediately preceding the filing of the application. To demonstrate competency through continuing education, an applicant must submit proof of completion of 6 hours of continuing education which meets the requirements of section 10(b) of the act (63 P.S. § 479.10(b)) and §§ 13.401-13.406. The continuing education must have been completed during the 24 months immediately preceding the filing of the application. The Board proposes 24 months because a 24-month limitation correlates with the Board's biennial renewal continuing education requirement.

Proposed subsection (a)(3) incorporates the statutory prohibition in 63 Pa.C.S. § 3111 pertaining to conduct that would constitute grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice the profession or occupation. Similarly, proposed subsection (a)(4) incorporates the statutory prohibition pertaining to prior discipline by the jurisdiction that issued the license, certificate, registration or permit.

Proposed subsection (a)(5) provides for payment of an application fee, as required by

63 Pa.C.S. § 3111(a)(5). No new fee is being proposed. Instead, the applicable fee for licensure by endorsement under 63 Pa.C.S. § 3111 will be the existing initial license fee, which for funeral directors is \$25 in the Board’s current fee schedule at § 13.12 (relating to fees).

Proposed subsection (a)(6) requires applicants to apply for licensure in accordance with the act and in the manner and format prescribed by the Board in this chapter.

Proposed subsection (a)(7) requires completion of 3 hours of training in child abuse recognition and reporting, which is mandated under the Child Protective Services Law (CPSL) (23 Pa.C.S. § 6383(b)(3)(i)) (relating to education and training).

In proposed § 13.78(b), the Board may require a personal interview or additional information to assist the Board in determining eligibility and competency. When a personal interview is necessary, the applicant may request that the interview be conducted by video teleconference for good cause shown.

Consistent with 63 Pa.C.S. § 3111(a)(3) and (4), proposed § 13.78(c) authorizes the Board, in its discretion, to determine that an act prohibited under section 11(a) of the act (63 P.S. 479.11(a)) or § 13.202 (relating to unprofessional conduct), or disciplinary action by a jurisdiction, are not impediments to the granting of a license, certificate, registration or permit by endorsement under 63 Pa.C.S. § 3111. Boards routinely consider whether discipline or prohibited acts are impediments to licensure. The Board may consider the facts and circumstances surrounding the prohibited act or disciplinary action, an increase in age or maturity of the individual since the date of the prohibited act or disciplinary action, disciplinary history (or lack thereof) before and after the date of the prohibited act or disciplinary action, successful completion of education and training activities relating to the prohibited act or disciplinary action, and any other information relating to the fitness of the individual for licensure.

Consistent with section 63 Pa.C.S. § 3111(b), proposed § 13.79(a) provides that the Board may, in its discretion, issue a provisional endorsement license while an applicant is satisfying remaining requirements under 63 Pa.C.S. § 3111 and proposed § 13.78. Proposed subsection (b)(1) sets the expiration of a provisional endorsement license at 1 year, unless the Board determines that an expiration date of less than 1 year is appropriate. Additionally, under subsection (b)(2), upon a written request, the Board may extend the term of the provisional license upon a showing of good cause. Proposed subsection (c) sets forth reasons for which a provisional endorsement license will be terminated, including when the Board denies or grants a license, the provisional endorsement licensee fails to comply with the terms of the provisional endorsement license or the provisional endorsement license expires. Finally, proposed subsection (d) clarifies that while an individual may reapply for a license by endorsement under proposed § 13.78, the Board will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.

Fiscal Impact and Paperwork Requirements

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement will be recouped through fees paid by applicants. Under § 13.12 (relating to fees), all applicants for initial licensure must pay an application fee (which is currently \$25 for funeral directors), which is the same fee that applicants for licensure by endorsement under 63 Pa.C.S. § 3111 would pay. Applicants who apply for licensure by endorsement may incur continuing education expenses if they choose to demonstrate competency by completing 6 hours of continuing education. All applicants must complete child abuse recognition and reporting training, as required by 23 Pa.C.S. § 6383(b)(3)(i). There are free in-person and online child abuse recognition and

reporting training options available; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training.

Sunset Date

The Board continuously monitors the cost effectiveness of the Board's 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 September 23, 2025, 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 (SCP/PLC) and the House Professional Licensure Committee (HPLC). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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 in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) 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.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Regulatory Counsel, State Board of Funeral Directors, P.O. Box 69523, Harrisburg, PA 17106-9523, or by e-mail to RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please

reference “16A-4832 (Licensure by Endorsement)” when submitting comments.

Kenneth C. DuPree
Chairperson
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

GENERAL PROVISIONS

§ 13.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Hour of continuing education—Sixty minutes of actual instruction in an approved course of continuing education.

Jurisdiction—A state, territory or country.

Licensed funeral director—An individual who has met the educational requirements and passed the examinations required by the act.

* * * * *

**LICENSURE OF A FUNERAL DIRECTOR FROM
ANOTHER [STATE] JURISDICTION**

(Editor’s Note: The following sections are proposed to be added and are printed in regular type to enhance readability.)

§ 13.78. Licensure by endorsement.

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant shall satisfy all of the following conditions:

(1) Have a current license, certificate, registration or permit in good standing to practice as a funeral director in another jurisdiction whose licensure standards are substantially equivalent to or exceed those established under section 3 of the act (63 P.S. § 479.3), and §§ 13.11 and 13.71 (relating to general requirements; and examination requirements). The following apply:

(i) An applicant shall submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrate competency by one of the following:

(i) Experience in the profession of funeral directing by demonstrating, at a minimum, that the applicant has actively engaged in the practice of funeral directing under a license, certificate, registration or permit in a jurisdiction or jurisdictions that have substantially equivalent licensure standards, for at least 2 of the 5 years immediately preceding the filing of the application with the Board.

(ii) Completion of 6 hours of continuing education that meet the requirements of section 10(b) of the act (63 P.S. § 479.10(b)) and §§ 13.401-13.406 (relating to continuing education) during the 24 months immediately preceding the filing of the

application with the Board.

(3) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice funeral directing under section 11(a) the act (63 P.S. § 479.11(a)) or § 13.202 (relating to unprofessional conduct).

(4) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Have paid the initial license fee as required by § 13.12 (relating to fees).

(6) Have applied for licensure in accordance with this chapter in the manner and format prescribed by the Board.

(7) Have completed 3 hours of training in child abuse recognition and reporting from an approved provider as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training) and § 13.308(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including supporting documentation relating to competency and experience. The applicant may request the interview to be conducted by video teleconference for good cause shown.

(c) *Prohibited acts and discipline.* Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 11(a) the act (63 P.S. § 479.11(a)) or § 13.202, or disciplinary action by another jurisdiction, is not an impediment to licensure under 63 Pa.C.S. § 3111.

§ 13.79. Provisional endorsement license.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional

endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 13.78 (relating to licensure by endorsement).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates if any of the following occurs:

(1) The Board completes its assessment of the applicant and denies or grants the license.

(2) The holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(3) The provisional endorsement license expires.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 13.78 after expiration or termination of a provisional endorsement license; however, the Board will not issue a subsequent provisional endorsement license.



**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
1-833-367-2762**

September 23, 2025

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, PA 17101

Re: Proposed Rulemaking
State Board of Funeral Directors
16A-4832: Licensure by Endorsement

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Funeral Directors pertaining to Licensure by Endorsement.

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

Sincerely,

A handwritten signature in cursive script, reading "Kenneth C. Dupree".

Kenneth C. Dupree, F.D., Chairperson
State Board of Funeral Directors

KCD/mjf/wc
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Robert Beecher, Policy Director, Department of State
Andrew LaFratte, Deputy Policy Director, Department of State
Jason C. Giurintano, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State
Marc J. Farrell, Regulatory Counsel, Department of State
Shawn J. Jayman, Board Counsel, State Board of Funeral Directors
State Board of Funeral Directors

From: Monoski, Jesse <Jesse.Monoski@pasenate.com>
Sent: Tuesday, September 23, 2025 8:42 AM
To: Christman, William; Dimm, Ian; joseph.kelly; Vazquez, Enid
Subject: Re: DELIVERY NOTICE: REGULATION: 16A-4832 - Boscola

Notice received.

-Jesse Monoski

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Independent Regulatory
Review Commission

September 23, 2025

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From: Christman, William <wchristman@pa.gov>
Sent: Tuesday, September 23, 2025 8:40:01 AM
To: Monoski, Jesse <jesse.monoski@pasenate.com>; Dimm, Ian <ian.dimm@pasenate.com>; Kelly, Joseph <joseph.kelly@pasenate.com>; Vazquez, Enid <enid.vazquez@pasenate.com>
Subject: DELIVERY NOTICE: REGULATION: 16A-4832 - Boscola

■ EXTERNAL EMAIL ■

Please provide a written (email) confirmation of receipt of delivery of the attached rulemaking.

Please be advised that the State Board of Funeral Directors is delivering the below proposed rulemaking.

Thank you for your attention to this matter.

- **16A-4832 – State Board of Funeral Directors – Licensure by Endorsement**
This proposed rulemaking effectuates 63 Pa.C.S. § 3111 (relating to licensure by endorsement) for applicants licensed in other jurisdictions where the licensure requirements are substantially equivalent to or exceed those established by the Board. The Board is required to determine methods of demonstrating competency, including completion of continuing education or experience in the profession/occupation for at least 2 of the preceding 5 years or through continuing education, and must establish, by regulation, the expiration of provisional endorsement licenses. This proposed rulemaking sets forth eligibility criteria for licensure by endorsement, the specific methods required to demonstrate competency, and requirements for provisional endorsement licenses.

Sincerely,



William Christman | Legal Assistant II
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
2400 Thea Drive
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
wchristman@pa.gov | www.dos.pa.gov

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this

From: Orchard, Kari L. <KOrchard@pahouse.net>
Sent: Tuesday, September 23, 2025 10:42 AM
To: Christman, William; Barton, Jamie; Brett, Joseph D.
Subject: RE: DELIVERY NOTICE: REGULATION: 16A-4832 - Burns

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Independent Regulatory
Review Commission

September 23, 2025

Received. Thanks!

Kari Orchard

Executive Director (D) | House Professional Licensure Committee
Chairman Frank Burns, 72nd Legislative District

From: Christman, William <wchristman@pa.gov>
Sent: Tuesday, September 23, 2025 8:41 AM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>
Subject: DELIVERY NOTICE: REGULATION: 16A-4832 - Burns
Importance: High

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William Christman | Legal Assistant II
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
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Office Phone 717.783.7200 | Fax: 717.787.0251
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From: Emily Hackman <Ehackman@pahousegop.com>
Sent: Tuesday, September 23, 2025 9:21 AM
To: Christman, William; Nicole Sidle; Cindy Sauder
Subject: RE: [EXTERNAL]: DELIVERY NOTICE: REGULATION: 16A-4832 - Emrick

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Independent Regulatory
Review Commission

September 23, 2025

Received. Thank you.

Emily Epler Hackman | Senior Policy Analyst
Pennsylvania House of Representatives
Health Committee (R)
141 Ryan Office Building
Phone: (717) 260-6351

From: Christman, William <wchristman@pa.gov>
Sent: Tuesday, September 23, 2025 8:41 AM
To: Nicole Sidle <Nsidle@pahousegop.com>; Cindy Sauder <Csauder@pahousegop.com>; Emily Hackman <Ehackman@pahousegop.com>
Subject: [EXTERNAL]: DELIVERY NOTICE: REGULATION: 16A-4832 - Emrick
Importance: High

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William Christman | Legal Assistant II
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
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P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
wchristman@pa.gov | www.dos.pa.gov

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From: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Sent: Tuesday, September 23, 2025 8:55 AM
To: Christman, William
Subject: RE: DELIVERY NOTICE: REGULATION: 16A-4832 - Stefano

Independent Regulatory
Review Commission

September 23, 2025

Received.

*Jen Smeltz, Executive Director
Consumer Protection and Professional Licensure Committee
Office of Senator Pat Stefano
Phone: (717) 787-7175*

From: Christman, William <wchristman@pa.gov>
Sent: Tuesday, September 23, 2025 8:40 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Subject: DELIVERY NOTICE: REGULATION: 16A-4832 - Stefano
Importance: High

CAUTION : External Email

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wchristman@pa.gov | www.dos.pa.gov

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

From: Bulletin <bulletin@palrb.us>
Sent: Tuesday, September 23, 2025 8:55 AM
To: Christman, William
Cc: Alyssa M. Burns; Adeline E. Gaydosh
Subject: [External] RE: DELIVERY NOTICE: REGULATION: 16A-4832 - LRB

Independent Regulatory
Review Commission

September 23, 2025

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).

Good morning,

Thank you for sending this proposed rulemaking. It has been scheduled for the October 4, 2025, issue of the *Pennsylvania Bulletin*.

Have a great day!

Alyssa Burns | Legal Assistant

aburns@palrb.us | 717.783.1531

Legislative Reference Bureau

Pennsylvania Code & Bulletin Office

647 Main Capitol Building

Harrisburg, PA 17120

From: Christman, William <wchristman@pa.gov>
Sent: Tuesday, September 23, 2025 8:42 AM
To: Bulletin <bulletin@palrb.us>
Subject: DELIVERY NOTICE: REGULATION: 16A-4832 - LRB
Importance: High

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September 23, 2025

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