

State of Ohio
Board of Embalmers and Funeral Directors
77 South High Street, 16th Floor
Columbus, Ohio 43215-6108

Preneed Summer 2007

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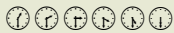
Email/ oh.emb.bd@exchange.state.oh.us

Reminders

Current CE Compliance

* July 1, 2006
CE compliance begins

December 31, 2008
two-year license expires & CE compliance ends



Fall 2008
2009/2010 renewal applications mailed

licensees selected at random for CE audit

Next CE Compliance

January 1, 2009
two-year license in effect & CE compliance begins

December 31, 2010
two-year license expires & compliance ends

See Board's website for dates of CE deadlines & monthly meetings

Preneed

Over the past two years, the Board of Embalmers and Funeral Directors has received several complaints concerning preneed contracts.

In particular, the allegations center on funeral homes using insurance agents who sell preneed insurance, but who are contracting for funeral directing services along with selling the insurance policies.

It is alleged that funeral directors sign off on these documents with the insurance agents doing all the work.

The Board believes that it is necessary to remind licensed funeral directors and life insurance providers of the preneed laws in Ohio.

Preneed funeral services maybe funded through either a trust, as governed by Section 1111.19 of the Ohio Revised Code, or through life insurance.

Only licensed funeral directors may sell funeral services. An

unlicensed individual can sell funeral merchandise, but, under no circumstances, may they sell, discuss, recommend, or contract for funeral services on behalf of the funeral home.

The question many have is what can a licensed insurance agent sell?

A licensed insurance agent can sell insurance policies to fund a preneed funeral contract as long as the licensed insurance agent does not sell or contract for preneed funeral services.

For example, when a licensed insurance agent who is not a licensed funeral director presents a customer with a contract for funeral services to sign, that individual is practicing funeral directing without a license, which is a violation of Section 4717.13(A)(1) of the Ohio Revised Code.

If a funeral home employs or uses insurance agents who are not licensed as funeral directors, please make sure that they are not selling or contracting for funeral services.

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WEBSITE:
www.funeral.ohio.gov

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Discover license verification on the Board's website. This new feature allows consumers and licensees to "lookup" embalmers, funeral directors, DUAL licensees, crematory facilities, embalming facilities and funeral homes.

Preneed (continued)

A licensed funeral director and funeral home that permits an unlicensed individual to contract for and sell preneed services may be acting in violation of Sections 4717.14(A)(3) and (5) of the Ohio Revised Code.

Violations of Ohio Revised Code Chapter 4717 may result in fines, imprisonment, or both.

The Board is deeply concerned about potential violations of the funeral directing laws and will prosecute accordingly.

Another question that has arisen is whether a funeral director must meet with consumers face-to-face.

In this age of technology a face-to-face meeting is not a requirement as long as the funeral director is filling out a pre need contract for the sale of funeral goods and services.

Working with a consumer via mail, telephone, or internet is appropriate; however, the Board does highly recommend meeting with a consumer whenever possible.

Further, where a consumer makes a phone call directly to a funeral home requesting preneed assistance, a licensed funeral director must make initial contact with that consumer whether by telephone or in person.

For further guidance, please see Attorney General Opinion Number 2001-029 concerning preneed contracts.

<http://www.ag.state.oh.us/>

Also, please do not hesitate to contact the Board with violations of this law.

We appreciate your cooperation.

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