

NEVADA STATE BOARD OF FUNERAL AND CEMETERY SERVICES

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

Tuesday, March 15, 2016, at 9:00a.m.

Video-Conference Locations:

Division of Employment Training and Rehabilitation
3405 S. Maryland Parkway, Main Conference Room
Las Vegas, Nevada

and

Division of Employment Training and Rehabilitation
1325 Corporate Blvd., Main Conference Room
Reno, Nevada

The Nevada State Board of Funeral and Cemetery Services, 3740 Lakeside Drive, Suite 201, Reno, Nevada, 775-825-5535, is proposing the Adoption, Amendment, and Repeal of regulations pertaining to Chapters 451 and 642 of the Nevada Administrative Code. A workshop has been set for 9:00 a.m., on March 15, 2016 and will be video-conferenced between the above locations. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

The majority of the proposed regulation changes are required as a result of the passage of Senate Bill 286 which became effective on January 1, 2016. Changes include setting forth requirements of locations in regards to identity and dignity of human remains, procedures for obtaining approval of continuing education, interpretation of good moral character, requirements for managing a location, recusal requirements for Board members, procedures for violation notices, disclosures for the statement of funeral goods and services, and requirements for embalmers, funeral directors, and funeral arrangers.

A copy of all materials relating to the proposal may be obtained at the workshop, by contacting Jennifer Kandt, Executive Director, Nevada State Board of Funeral and Cemetery Services, 3740 Lakeside Drive, Suite 201, Reno, NV 89509, or by viewing them on the Board website at www.funeral.nv.gov

Persons who are unable to attend the workshop and wish to submit comments may send them to the Nevada State Board of Funeral and Cemetery Services, 3740 Lakeside Drive, Suite 201, Reno, Nevada, 89509.

The proposed changes may have an economic impact on small businesses and has attached a small business impact statement to this notice.

The Board is pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Jennifer Kandt at 775-825-5535, no later than 48 hours prior to the meeting. Requests for special arrangements made after this time frame cannot be guaranteed.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations, e-mailed to all on-file industry e-mail addresses, and posted at the following locations:

Grant Sawyer State Office Building
555 E. Washington Ave.
Las Vegas, NV 89101

Office of the Attorney General
100 N Carson St.
Carson City, NV 89701

Funeral Board Office
3740 Lakeside Drive
Reno, NV 89509

Notice of this workshop has been posted to the following websites:

Funeral Board Website

Legislative Counsel Bureau Website

Nevada Public Notice Website

Notice of this workshop has been sent to the following county libraries in the State of Nevada:

Battle Mountain Branch Library - 625 Broad Street, Battle Mountain, NV 89820

Carson City Library - 900 North Roop Street, Carson City, NV 89701

Clark County Library - 1401 E. Flamingo Road, Las Vegas, NV 89119

Churchill County Library - 553 South Maine Street, Fallon, NV 89406

Douglas County Library - 1625 Library Lane, Minden, NV 89423

Elko County Library - 720 Court Street, Elko, NV 89801

Eureka Branch Library - 210 South Monroe, Eureka, NV 89316

Goldfield Public Library- Fourth & Crook Street, Goldfield, NV 89013

Green Valley Library - 2797 N. Green Valley Parkway, Henderson, NV 89015

Humboldt County Library - 85 East 5th Street, Winnemucca, NV 89445

Lincoln County Library - 63 Main Street, Pioche, NV 89043

Lyon County Library- 20 Nevin Way, Yerington, NV 89447

Pershing County Library - 1125 Central Avenue, Lovelock, NV 89419

Storey County Library - 95 South R Street, Virginia City, NV 89440

Summerlin Library - 1771 Inner Circle Drive, Las Vegas, NV 89134

Washoe County Library - 30 I South Center Street, Reno, NV 89501

White Pine County Library - 950 Campton Street, Ely, NV 89301

SMALL BUSINESS IMPACT STATEMENT

REVISION 1

LCB File No. R067-15

1. LCB File No. R067-15 Small Business Impact Statement pursuant to NRS 233B.0608:

(a) A description of the manner in which comment was solicited from affected small business, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

The Nevada Funeral and Cemetery Services Board proposed changes to NAC 642 and NAC 451 pursuant to passage of SB286 and additional changes as a result of regulation review. The legislative subcommittee of the Funeral and Cemetery Services Board held a meeting on July 2, 2015 to discuss potential changes and those changes were approved by the Funeral and Cemetery Services Board at a meeting held on July 14, 2015. The changes were sent to the Legislative Counsel Bureau and returned as file number R067-15. A meeting was held on October 13, 2015 for review of file number R067-15 and a workshop and meeting were held on December 15, 2015 to further discuss the regulations.

Comments were solicited during public comment regarding the proposed changes. Prior to the December 15, 2015 regulation workshop, a small business impact survey was sent to all individuals and businesses on the agency's mailing list asking for information on whether the proposed changes could pose an economic impact on their small business. Fifteen businesses responded and an initial small business impact statement was prepared. During the meeting on December 15, 2015, the Board made a considerable number of changes to address the concerns presented. A second small business impact survey was sent to business owners on February 10, 2016 to ascertain whether there were still concerns regarding the impact on small businesses. There were three responses to the survey.

A summary of the responses is included below:

1 respondent stated that the changes do not affect him as he already uses licensed staff to perform all activities in his funeral home and states that the changes are increasing the professionalism in the industry.

1 respondent stated that section 33 1 (c) and (d) would increase costs as they would now be required to utilize a licensed embalmer to suture remains and mechanically set features.

1 respondent stated the following:

Section 15, Subsection 9 is too broad in its discretion of moral character determinations. (Note: this is not a financial impact to the respondent.)

Section 17, Subsection 3 regarding limiting the number of locations a funeral director can manage would require the owner to shift liability to someone other than the owner which would be contrary to their practices.

Section 34, Subsection 1(e) regarding viewing needs clarification as current language may be interpreted that a funeral home would not be able to offer an ID viewing. Suggest "public visitation" language. (Note: this section refers to direct cremation facilities and not to funeral establishments).

Section 34, Subsection 3 regarding limiting the ability of a direct cremation facility to use their name in an obituary would place those facilities at a competitive disadvantage and it does not appear to protect the public.

Section 35, Subsection 1 requiring a funeral establishment to employ or retain on a contract basis, a licensed embalmer would increase costs as the law already requires embalming to be done by a licensed embalmer.

Section 40, Subsection 3 regarding transportation. The 90 mile limitation for first calls would be problematic in such a geographically large state and would have a fiscal impact by allowing only licensed funeral directors to make such calls (Note: proposed language states funeral director or *authorized funeral home representative*).

(b) The manner in which the small business analysis was conducted for LCB File No. R067-15.

The proposed changes were discussed at meetings held on July 14, 2015, October 13, 2015, and December 15, 2015. As a result of comments from the industry members, it was determined that some of the changes could have a potential economic impact. The Board sent a Small Business Impact Survey to all licensees to gain further information on the potential impact. After a significant number of changes were made to the regulations at the December 15, 2015 meeting an additional small business impact survey was sent to all licensees.

(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(1) Both adverse and beneficial effects:

(I) Adverse effects:

Potential adverse effects as summarized by the responses above indicate that there could be increased costs by requiring licensed individuals to conduct certain activities. This may require locations to hire additional licensed staff or seek to license current staff.

(II) Beneficial effects:

Funeral industry locations which already have licensed staff performing these duties would benefit from others in the industry meeting the same standards.

(2) Both direct and indirect effects.

(I) Direct effect:

There are no direct fees, fines or costs associated with the regulation.

(II) Indirect effect:

Indirect effects include the need for funeral industry locations to hire more licensed staff or to license existing staff which increases costs for locations which do not currently utilize licensed staff to perform certain functions.

(d) A description of the methods that the agency considered to reduce the impact of LCB File No. R067-15 on small businesses and a statement whether the agency actually used any part of those methods.

A regulation workshop was held December 15th. The Funeral and Cemetery Services Board made a significant number of changes to the proposed regulations based on public input, and is now holding an additional workshop.

(e) The estimated cost to the agency for enforcement of the proposed regulation.

No additional cost to the agency for enforcement.

(f) If LCB File No. R067-15 provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulation does not include any increase in fees or add any new fees.

(g) If LCB File No. R067-15 includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

LCB File No R067-15 does not duplicate any existing federal, state or local standards regulating the same activity.

(h) The reasons for the conclusions of the Funeral Board regarding the impact of LCB File No. R067-15 on small businesses.

The conclusions are based on written responses received, phone calls to the Board office, and comments made during public meetings.

I certify that, to the best of my knowledge or belief, the information contained in the Small Business Impact Statement for LCB File No. R067-15 was prepared properly and is accurate.

A handwritten signature in blue ink, appearing to read 'JK', is positioned above a horizontal line.

Jennifer Kandt, Executive Director

State of Nevada Funeral and Cemetery Services Board