

ADMINISTRATIVE AGENCY RULE REPORT
75 O.S. Supp. 2000, § 303.1
SUBMITTED TO THE GOVERNOR AND TO THE LEGISLATURE

- 1. Date the Notice of Intended Rulemaking was published in the Oklahoma Register:**
October 1, 2013, Vol. 31, No. 2 Ok Reg 4, Docket No. 13-1186
- 2. Name and address of the Agency:**
Oklahoma State Department of Health
1000 N.E. Tenth Street
Oklahoma City, Oklahoma 73117-1299
- 3. Title and Number of the Rule:**
Title 310. Oklahoma State Department of Health
Chapter 100. Licensure of Crematories
- 4. Citation to the Statutory Authority for the Rule:**
Title 63 O.S. Section 1-104; and Title 59 O.S. § 396.30.
- 5. Brief Summary of the Content of the Adopted Rule:**
This proposal revokes the rules of the Board of Health concerning the licensure of crematories. The duties and functions concerning licensure of crematories were transferred by statutory modification from the Oklahoma State Department of Health to the Oklahoma Funeral Board. The Department's authority for rulemaking was found at Title 63 O.S. 1981, § 1-331 and renumbered as [59 O.S. § 396.30](#) by Laws 2003, HB 1270, c. 57, § 31, effective April 10, 2003. The Oklahoma Funeral Board has adopted rules for the licensure of crematories [see Title 235 – Oklahoma Funeral Board, Chapter 10 – Funeral Services Licensing, Subchapter 14 – Crematories].
- 6. Statement explaining the Need for the Adopted Rule:**
To comply with a change in authority implemented by statute.
- 7. Date and Location of the Meeting at which such Rules Were Adopted:**
Adopted January 14, 2014, in the offices of the Oklahoma State Department of Health.
- 8. Summary of the Comments and Explanation of Changes or Lack of any Change Made in the Adopted Rules as a Result of Testimony Received at Public Hearings:**

No comments were received during the comment period or during the public hearing.
- 9. List of Persons or Organizations Who Appeared or Registered For or Against the Adopted Rule at Any Public Hearing Held by the Agency or Those Who Have Commented in Writing Before or After the Hearing:**

None.
- 10. Rule Impact Statement:** Hereto annexed as Exhibit A.
- 11. Incorporation by Reference Statement:** "n/a"
- 12. Members of the Governing Board of the Agency Adopting the Rules and the Recorded Vote of Each Member:**

Murali Krishna, President, M.D. – aye
Ronald Woodson, Vice-President, M.D. – aye
Martha Burger, M.B.A, Secretary-Treasurer – absent
Jenny Alexopoulos, D.O. – aye
Charles W. Grim, D.D.S., M.H.S.A. – aye
Terry Gerard, D.O. – aye
Robert S. Stewart, M.D. – aye
Tim Starkey, M.B.A. – aye
Cris Hart-Wolfe – aye

- 13. Additional information:** Information regarding this rule may be obtained by contacting James Joslin, Service Director, Health Resources Development Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, phone 405-271-6868, or by e-mail to james@health.ok.gov.

RULE IMPACT STATEMENT

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 100. LICENSURE OF CREMATORIES

Before the Oklahoma State Board of Health December 10, 2013

1. DESCRIPTION:

This proposal revokes the rules of the Board of Health concerning the licensure of crematories. The duties and functions concerning licensure of crematories were transferred by statutory modification from the Oklahoma State Department of Health to the Oklahoma Funeral Board. The Oklahoma Funeral Board has adopted rules for the licensure of crematories.

2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:

Affected persons will be applicants for a license to operate a crematorium and current license holders who operate crematoriums.

3. DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:

Those benefiting from the rule's implementation are applicants for a license to operate a crematorium and current license holders who operate crematoriums. The value of the benefit is that the applicants and licensees will have one location, the Oklahoma Funeral Board to obtain services.

4. ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:

There will be no economic impact to the applicants and to licensees. There is the revocation of a \$25.00 annual fee for licensees.

5. COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:

There will be no cost to the Department of Health to implement and enforce these rule changes. There will be a benefit to the Department of Health due to no longer needed to expend resources for the licensing of crematoriums as that duty is now with the Oklahoma Funeral Board.

6. IMPACT ON POLITICAL SUBDIVISIONS:

The Oklahoma Funeral Board has assumed the duties of the licensure of crematoriums in Oklahoma. The impact on the Oklahoma Funeral Board has already occurred.

7. ADVERSE EFFECT ON SMALL BUSINESS:

There will be no adverse impact or effect on small business with the passage of these rule modifications.

8. EFFORTS TO MINIMIZE COSTS OF RULE:

No less costly or nonregulatory methods have been identified.

9. EFFECT ON PUBLIC HEALTH AND SAFETY:

Implementation of these rule modifications will allow the regulated community the opportunity to have all licensure and enforcement issues handled in one location, as opposed to having these issues split between different agencies.

10. DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:

If these rules are not revoked could have a detrimental effect on the regulated community by causing potential confusion with the program now under the authority of the Oklahoma Funeral Board.

11. This rule impact statement was prepared on August 27, 2013.

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH

CHAPTER 100. LICENSURE OF CREMATORIES [REVOKED]

310:100-1-1. Purpose [REVOKED]

~~The rules in this Chapter implement the crematory licensure law, at 63 O.S. 1981, § 1-331.~~

310:100-1-2. Fee [REVOKED]

~~Licensure requirements for all crematories shall be subject to a licensure fee of \$25.00 each calendar year and each crematory shall be in compliance with the requirements set forth in 63 O.S. 1981, Sections 1-331 through 1-333, with the exception that the State commissioner of Health may exempt from the licensure fee nonprofit crematories that are state owned and/or state operated.~~