



VIRTUAL/TELECONFERENCE
FUNERAL DIRECTORS EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Adam Barr (608) 266-2112
November 16, 2021

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of August 31, 2021 (4-8)**
- C. Introductions, Announcements and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Adams, A. Dawn – 7/1/2023
 - b. Al-Sager, Aziz K. – 7/1/2025
 - c. Eernisse, Marc A. – 7/1/2022
 - d. Lengell, Eric – 7/1/2016
 - e. Schinkten, Joseph B. – 7/1/2023
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration**
 - 1) Pending and Possible Rulemaking Projects
- H. Receiving Apprenticeship Credit for Work Performed Out of State – Discussion and Consideration (9-10)**
- I. COVID 19 – Discussion and Consideration**
- J. Discussion and Consideration of Items Added After Preparation of Agenda:
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Matters
 - 3) Election of Officers

- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Administrative Rule Matters
- 10) Legislative and Policy Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

K. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

L. Division of Legal Services and Compliance Matters

1) Administrative Warning

- a. 19 FDR 011 – R.N.G.G.F.H. **(11-12)**

2) Case Closings

- a. 18 FDR 016, 19 FDR 011 – M.H., R.N.G.G.F.H., P.R. **(13-19)**

3) Proposed Stipulation and Final Decision and Order

- a. 17 FDR 007, 19 FDR 005 – Tajai Turner, Grace Memorial Funeral & Cremation Services **(20-31)**

M. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders

- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

N. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

O. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

P. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: FEBRUARY 15, 2022

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
FUNERAL DIRECTORS EXAMINING BOARD
MEETING MINUTES
AUGUST 31, 2021**

PRESENT: A. Dawn Adams, Aziz Al-Sager, Marc Eernisse, Eric Lengell, Joseph Schinkten

STAFF: Adam Barr, Executive Director; Jon Derenne, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant, Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department Staff

CALL TO ORDER

Marc Eernisse, Chairperson, called the meeting to order at 9:36 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: Joseph Schinkten moved, seconded by Eric Lengell, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 21, 2021

MOTION: A. Dawn Adams moved, seconded by Aziz Al-Sager, to approve the Minutes of June 21, 2021 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

Recognition: Marla E. Michaelis, Funeral Director/Embalmer Member

MOTION: Marc Eernisse moved, seconded by Aziz Al-Sager, to recognize and thank Marla Michaelis for her years of dedicated service to the Funeral Directors Examining Board and the State of Wisconsin. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers and Appointments of Liaisons and Alternates

Vice Chairperson

NOMINATION: Aziz Al-Sager nominated Eric Lengell for the Office of Vice Chairperson. Eric Lengell accepted the nomination.

Adam Barr, Executive Director, called for nominations three (3) times.

Eric Lengell was elected as Vice Chairperson by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Marc Eernisse
Vice Chairperson	Eric Lengell
Secretary	A. Dawn Adams

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison	Aziz Al-Sager <i>Alternate: Marc Eernisse</i>
Monitoring and Professional Assistance Procedure (PAP) Liaison	Joseph Schinkten <i>Alternate: Marc Eernisse</i>
Legislative Liaison	Marc Eernisse <i>Alternate: Joseph Schinkten</i>
Continuing Education Liaison	A. Dawn Adams <i>Alternate: Marc Eernisse</i>
Travel Liaison	Marc Eernisse <i>Alternate: Eric Lengell</i>
Screening Panel	A. Dawn Adams, Eric Lengell, Joseph Schinkten <i>Alternate: Aziz Al-Sager</i>

ADMINISTRATIVE RULE MATTERS

Scope Statement: FD 1, Relating to Apprenticeship and License Renewal

MOTION: Aziz Al-Sager moved, seconded by Joseph Schinkten, to approve the Scope Statement on FD 1, relating to apprenticeship and license renewal, for submission to the Governor’s Office and publication and to authorize the Chairperson to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

FEDERAL TRADE COMMISSION FUNERAL RULE UPDATE

MOTION: Aziz Al-Sager moved, seconded by Joseph Schinkten, to request that DSFS send out an email communication to Funeral Director licensees and each Funeral establishment regarding the FTC funeral rule update. Motion carried unanimously.

WISCONSIN FUNERAL DIRECTOR APPRENTICESHIP TRAINING WORKBOOK

MOTION: Marc Eernisse moved, seconded by Aziz Al-Sager, to designate A. Dawn Adams and Joseph Schinkten to work with DSPS staff to approve and post the Funeral Director apprenticeship training workbook. Motion carried unanimously.

CLOSED SESSION

MOTION: Aziz Al-Sager moved seconded by Joseph Schinkten, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Marc Eernisse, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: A. Dawn Adams-yes; Aziz Al-Sager-yes; Marc Eernisse-yes; Eric Lengell-yes; and Joseph Schinkten-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:28 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Case Closings

MOTION: Joseph Schinkten moved, seconded by Aziz Al-Sager, to close the following DLSC Cases for the reasons outlined below:

1. 19 FDR 015 – B.M.G., C.H.G., B.G.F.S. – No Violation
2. 20 FDR 019 – L.M.F.H. – No Violation

Motion carried unanimously.

20 FDR 010 – R.G.G., G.S.F.H.C.S.

MOTION: Joseph Schinkten moved, seconded by Eric Lengell, to close DLSC Case Number 20 FDR 010, against R.G.G., G.S.F.H.C.S., for Prosecutorial Discretion (P3). Motion failed. Opposed: Marc Eernisse, Aziz Al-Sager, A. Dawn Adams

MOTION: Aziz Al-Sager moved, seconded by Marc Eernisse, to refer DLSC Case Number 20 FDR 010, against R.G.G., G.S.F.H.C.S., to DLSC for further proceedings. Motion carried unanimously.

Proposed Stipulation and Final Decision and Order

18 FDR 001– Thomas J. Busha, Joseph P. Busha, Gaffney-Busha Funeral Home Inc.

MOTION: Aziz Al-Sager moved, seconded by Joseph Schinkten, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Thomas J. Busha, Joseph P. Busha, Gaffney-Busha Funeral Home Inc., DLSC Case Number 18 FDR 001. Motion carried.

(Marc Eernisse recused himself and left the meeting for deliberation and voting in the matter concerning Thomas J. Busha, Joseph P. Busha, Gaffney-Busha Funeral Home Inc., DLSC Case Number 18 FDR 001.)

19 FDR 018– James A. Beaton

MOTION: Joseph Schinkten moved, seconded by A. Dawn Adams, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against James A. Beaton, DLSC Case Number 19 FDR 018. Motion carried unanimously.

20 FDR 019– Jody. J. Tetzlaff, Downs Lesage Funeral Home

MOTION: Eric Lengell moved, seconded by Joseph Schinkten, to reject the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jody. J. Tetzlaff, Downs Lesage Funeral Home, DLSC Case Number 20 FDR 019, and to refer the case back to DLSC for further proceedings. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Joseph Schinkten moved, seconded by Aziz Al-Sager, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 11:54 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Aziz Al-Sager moved, seconded by Joseph Schinkten, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Aziz Al-Sager moved, seconded by A. Dawn Adams, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:01 p.m.

DRAFT

Comparing Internship Requirements to Neighboring States

Question: Can an apprentice get credit for work done IF working in another state UNDER a Wisconsin licensed director?

Example: Funeral Home in Iowa serving families in Wisconsin where directors on staff are also licensed in Wisconsin.

Other State's Guidance:

MINNESOTA

149A.20 LICENSE TO PRACTICE MORTUARY SCIENCE.

Subd. 6. Internship.

(a) A person who attains a passing score on both examinations in subdivision 5 **must complete a registered internship under the direct supervision of an individual currently licensed to practice mortuary science in Minnesota.** Interns must file with the commissioner:

(1) the appropriate fee; and

(2) a registration form indicating the name and home address of the intern, the date the internship begins, and the name, license number, and business address of the supervising mortuary science licensee.

(b) Any changes in information provided in the registration must be immediately reported to the commissioner. The internship shall be a minimum of 2,080 hours to be completed within a three-year period, however, the commissioner may waive up to 520 hours of the internship time requirement upon satisfactory completion of a clinical or practicum in mortuary science administered through the program of mortuary science of the University of Minnesota or a substantially similar program approved by the commissioner. Registrations must be renewed on an annual basis if they exceed one calendar year. **During the internship period, the intern must be under the direct supervision of a person holding a current license to practice mortuary science in Minnesota.** An intern may be registered under only one licensee at any given time and may be directed and supervised only by the registered licensee. The registered licensee shall have only one intern registered at any given time. The commissioner shall issue to each registered intern a registration permit that must be displayed with the other establishment and practice licenses. While under the direct supervision of the licensee, the intern must complete 25 case reports in each of the following areas: embalming, funeral arrangements, and services. Case reports, on forms provided by the commissioner, shall be completed by the intern and filed with the commissioner prior to the completion of the internship. Information contained in these reports that identifies the subject or the family of the subject embalmed or the subject or the family of the subject of the funeral shall be classified as licensing data under section [13.41, subdivision 2](#).

*This was also confirmed in a phone conversation with the Mortuary Science Division. Physical location doesn't matter. Intern must only be working under Minnesota Licensed Funeral Director

IOWA

645—101.3(147,156) Internship and preceptorship.

101.3(1) Internship. a. The intern must serve a minimum of one year of internship under the direct supervision of an Iowa board-certified preceptor. The beginning and ending dates of the internship shall be indicated on the internship certificate. The intern shall engage in the practice of mortuary science only during the time indicated on the internship certificate.

ILLINOIS

(225 ILCS 41/Art. 10 heading)

ARTICLE 10. FUNERAL DIRECTORS AND EMBALMERS

(225 ILCS 41/10-15)

(Section scheduled to be repealed on January 1, 2023)

Sec. 10-15. Intern license qualifications. A person who meets all of the following requirements is qualified to receive a license as a licensed funeral director and embalmer intern:

(a) Is at least 18 years of age.

(b) Has successfully completed one academic year in a college or university and has successfully completed a course of instruction of at least one year duration in a professional school or college teaching the practice of funeral directing and embalming that is recognized and approved by the Department.

(c) Has been accepted for internship in funeral directing and embalming by an Illinois licensed funeral director and embalmer.

(d) Is satisfactorily versed in approved measures used by the profession for the prevention and against the spread of disease and has the skills reasonably involved, and is adequately protected against communicable diseases by means usually adopted by medical science.

(Source: P.A. 93-268, eff. 1-1-04.)