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**VIRTUAL/TELECONFERENCE**  
**FUNERAL DIRECTORS EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Will Johnson (608) 266-2112**  
**November 14, 2023**

*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 29, 2023 (4-6)**
- 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 – 7/1/2027
    - b. Al-Sager, Aziz K. – 7/1/2025
    - c. Casey, Stephen P. – 7/1/2026
    - d. Hoehne, Mary – 7/1/2025
    - e. Schinkten, Joseph B. – 7/1/2027
  - 3) **Ethics and Unprofessional Conduct (7)**
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (8-14)**
  - 1) Adoption Order: FD 1, relating to apprenticeships and renewal.
  - 2) Pending or Possible Rulemaking Projects
- H. 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) Public Health Emergencies
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

#### **I. 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.).**

#### **J. Division of Legal Services and Compliance Matters**

#### **K. 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

L. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

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

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

**ADJOURNMENT**

**NEXT MEETING: 2024 TO BE DETERMINED**

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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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. 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 hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

**VIRTUAL/TELECONFERENCE  
FUNERAL DIRECTORS EXAMINING BOARD  
MEETING MINUTES  
AUGUST 29, 2023**

**PRESENT:** A. Dawn Adams, Stephen Casey, Mary Hoehne, Joseph Schinkten

**EXCUSED:** Aziz Al-Sager

**STAFF:** Will Johnson, Executive Director; Joseph Ricker, Legal Counsel; Dana Denny, Administrative Rules Coordinator; Brenda Taylor, Board Services Supervisor; and other Department Staff

**CALL TO ORDER**

Joseph Schinkten, Chairperson, called the meeting to order at 9:33 a.m. A quorum was confirmed with four (4) members present.

**ADOPTION OF AGENDA**

**MOTION:** Stephen Casey moved, seconded by Mary Hoehne, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF MAY 16, 2023**

**MOTION:** Stephen Casey moved, seconded by Mary Hoehne, to approve the Minutes of May 16, 2023 as published. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**Update: Preliminary Rule Draft FD 1, Relating to Apprenticeships and Renewal**

**MOTION:** Stephen Casey moved, seconded by Mary Hoehne, to approve the Adoption Order for Clearinghouse Rule 22-088, relating to Apprenticeship and renewal. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Stephen Casey 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.). Joseph Schinkten, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: A. Dawn Adams-yes; Stephen Casey-yes;

Mary Hoehne-yes; and Joseph Schinkten-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:12 a.m.

## **DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS**

### **Case Closings**

**MOTION:** Stephen Casey moved, seconded by Mary Hoehne, to close the following DLSC Cases for the reasons outlined below:

1. 21 FDR 009 – S.F.H. – Insufficient Evidence (IE)
2. 22 FDR 015 – S.F.H. – No Violation (NV)
3. 23 FDR 014 – J.R., R.F.C.C.M.O.C.R.C.G.I. – No Violation (NV)

Motion carried unanimously.

### **Proposed Stipulation and Final Decision and Order**

**MOTION:** Mary moved, seconded by Stephen Casey, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 17 FDR 007 and 19 FDR 005 – Tajai Turner, and Grace Memorial Funeral & Cremation Services
2. 21 FDR 010 – Todd Jarvis

Motion carried unanimously.

### **Monitoring**

#### ***Kenneth Kurtz, Jr., Funeral Director – Requesting Modification of Monitoring Order***

**MOTION:** Joseph Schinkten moved, seconded by A. Dawn Adams, to grant the request of Kenneth Kurtz, Jr., Funeral Director, for Termination of Provision 3.h. (quarterly treatment reports). Motion carried unanimously.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Joseph Schinkten moved, seconded by Stephen Casey, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:23 a.m.

## **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MOTION:** Joseph Schinkten moved, seconded by Stephen Casey, 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:** Stephen Casey moved, seconded by Joseph Schinkten, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:25 a.m.

DRAFT

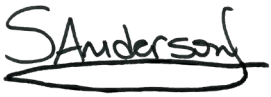
**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Whitney DeVoe, Board Counsel		<b>2) Date when request submitted:</b> 10/30/23 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> Funeral Directors Examining Board			
<b>4) Meeting Date:</b> 11/14/2023	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Matters – Discussion and Consideration Ethics Review	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if applicable:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b>  Discussion of ethics and unprofessional conduct specific to funeral directors.			
<b>11) Authorization</b>			
Whitney DeVoe		10/30/23	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
<b>Directions for including supporting documents:</b> 1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Sofia Anderson, Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 11/02/2023 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
<b>3) Name of Board, Committee, Council, Sections:</b> Funeral Directors Examining Board			
<b>4) Meeting Date:</b> November 14, 2023	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Rules Matters – Discussion and Consideration 1. Adoption Order: FD 1, relating to apprenticeships and renewal. 2. Pending and Possible rulemaking projects	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Attachments: 1. Adoption Order: FD 1, relating to apprenticeships and renewal. 2. Funeral Directors rule projects chart.			
<b>11) Authorization</b>			
		11/02/2023	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	FUNERAL DIRECTORS
FUNERAL DIRECTORS	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE (22-088))

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ORDER

An order of the Funeral Directors Examining Board to renumber FD 1.013 (1), and to create FD 1.013 (1c) and (2m), 1.065 (3), and 1.070 and note relating to apprenticeship and renewal.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss. 445.095, and 445.10, Stats.

**Statutory authority:** ss. 15.08 (b), 227.11 (2) (a), and 445.03 (2), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats. provides “[e]ach examining board...Shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats. provides “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute.”

Section 445.03 (2), Stats., provides that “[t]he examining board may make and enforce rules ... establishing professional and business ethics for the profession of funeral directors and for the general conduct of the business of funeral directing, and for the examination and licensing of funeral directors and the registration of apprentices [and] conduct a school of instruction to apprise funeral directors of the most recent scientific knowledge and developments affecting their profession...”

**Related statute or rule:**

None.

**Plain language analysis:**

The Funeral Directors Examining Board is updating the rules governing their practice based upon updated statute modifications which reflected process clarifications requirements for renewal, terms of apprenticeships, and renewal of funeral director and apprentice licenses. This revision also includes a comprehensive review that improves usability and conformity with current state statute, industry practice, and rule drafting standards.

**Summary of, and comparison with, existing or proposed federal regulation:**

None.

**Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:**

N/A

**Comparison with rules in adjacent states:**

**Illinois:**

Illinois states as one of the requirements for the funeral director and embalmer license that an applicant completes a twelve-month internship within the past 5 years, for which an intern license needs to be issued. The requirements for the intern license include proof of mortuary science education and a signed certification of acceptance for an internship by an actively licensed funeral director and embalmer in good standing. [IL Admin. Code 1250.120].

During the internship, the intern needs to submit 12 case reports every 3 months. Upon completion of the internship, the sponsor must complete a report stating that the intern has satisfactorily completed the requirements. The intern license may only be renewed twice. [IL Admin. Code 1250.130]

Illinois does not have a special criterion for regular license renewals. [IL Admin. Code 1250.200]

**Iowa:**

In order to obtain a license to practice mortuary science in Iowa, an applicant must have completed a one-year internship under the direct supervision of a preceptor. If the internship is interrupted, it must be completed within 24 months of the date it commenced. Extension of an internship will be evaluated by the board depending on the length of time that has lapsed since the beginning of the internship and the experience attained by the intern. The preceptor must present two reports to the board: the first after six months of the start date of the internship, and the second at the end of the internship.

Additionally, the intern must present to the board a report upon completion of the internship. [625 IAC 101.3 (1) and (2)]

Iowa only requires completion of continuing education to renew funeral director licenses. [645 IAC 101.7 (3)]

**Michigan:**

Michigan requires completion of one year of resident training before conferring full licensure to practice mortuary science. Up to 6 months of resident training may be waived if the applicant has completed a bachelor's degree from an accredited college or university. [MI Admin. Code R 339.18921 (2)]

A resident trainee must notify the department of any changes in supervisor or training location. The resident trainee license may only be renewed twice. [MI Admin. Code R 330.18923 (2) and (4)]

In order to receive credit for the resident training, the trainee must submit a report to the department stating that a minimum of 5 embalmings must be performed during the previous 6 months. [MI Admin. Code R 339.18927 (1)]

Michigan does not have a special criterion for regular license renewals.

**Minnesota:**

Minnesota requires applicants who are pursuing a license in mortuary science to complete a registered internship under the direct supervision of an individual who is currently licensed to practice mortuary science. The internship shall be a minimum of 2,080 hours within a three-year period unless 520 hours are waived upon completion of a practicum in mortuary science through the program of mortuary science of the University of Minnesota or an approved similar program. Any changes in the internship registration must be reported immediately to the commissioner. Registration must be renewed annually if the exceed one calendar year. [Minn. Stats. 149A.20 Sub. 6]

Minnesota does not have a special criterion for regular license renewals.

**Summary of factual data and analytical methodologies:**

The proposed rules were developed by reviewing the provisions of FD 1, as modified by changes in State Statute. The updated provisions were reviewed in conjunction with current rules relating to the updated State of Wisconsin funeral director reporting and renewal process, as well as clarification of apprenticeship guidelines. The Board provided necessary input and feedback to establish any additional language changes or updates needed in addition to those enacted by state statute. The proposed rules were developed by obtaining input and feedback from the Medical Examining Board.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and EIA are attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator, Jennifer Garrett, may be contacted at (608) 266-6795 and by email at [Jennifer.Garrett@wisconsin.gov](mailto:Jennifer.Garrett@wisconsin.gov).

**Agency contact person:**

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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TEXT OF RULE

SECTION 1. FD 1.013 (1) is renumbered FD 1.013 (1g)

SECTION 2. FD 1.013 (1c) and (2m) are created to read:

**FD 1.013 (1c)** “Apprentice” means a person as defined in s. 445.01 (2), Stats.

**(2m)** “Funeral establishment” means an establishment as defined in s. 445.01 (6), Stats.

SECTION 3. FD 1.065 (3) are created to read:

**FD 1.065 (3)** When an apprentice leaves the employment of a licensed funeral director and enters the employment of another licensed funeral director during an apprenticeship, the apprentice and the supervising funeral director shall abide by the procedures outlined under s. 445.095 (3r), Stats.

SECTION 4. FD 1.070 and (note) are created to read:

**FD 1.070 Semiannual apprentice reporting requirements.** An apprentice shall provide semiannual reports to the examining board as required by s. 445.095 (3g). The

semiannual reporting periods shall be January 1 to June 30 and July 1 to December 31. Reports shall be due 30 days following the last day of each reporting period.

Note: Apprentice semi-annual report form is available on the department's website at <https://dsps.wi.gov/pages/Home.aspx>, or by request from the Department of Safety and Professional Services, P.O. Box 8935, Madison, WI 53708, or call (608) 266-2112.

SECTION 5. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Funeral Directors Examining Board

**Funeral Directors Examining Board  
Rule Projects (updated 11/02/23)**

<b>Clearinghouse Rule Number</b>	<b>Scope #</b>	<b>Scope Expiration</b>	<b>Code Chapter Affected</b>	<b>Relating clause</b>	<b>Current Stage</b>	<b>Next Step</b>
22-088	100-21	5/1/2024	FD 1	Apprenticeships and Renewal	Adoption Order to be reviewed at the November meeting.	Adoption Order publication and rule becomes effective.