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**FUNERAL DIRECTORS EXAMINING BOARD**  
**TELECONFERENCE/VIRTUAL MEETING**  
**Room 121A, 1400 East Washington Avenue, Madison**  
**Contact: Dan Williams (608) 266-2112**  
**May 23, 2017**

*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**

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Adoption of Agenda (1-3)**

**B. Approval of Minutes of March 17, 2016 (4-8)**

**C. Administrative Updates**

- 1) Staff and Administrative Updates
- 2) Board Members – Term Expiration Dates
  - a. Aziz Al-Sager – 07/01/2018
  - b. Bruce Carlson – 07/01/2019
  - c. Marc Eernisse – 07/01/2018
  - d. Eric Lengell – 07/01/2016
  - e. Marla Michaelis – 07/01/2017
  - f. Vacant – Public Member

**D. Legislative/Administrative Rule Matters (9-20)**

- 1) FD 1 Relating to Funeral Director Licensure and the Apprenticeship Process
- 2) FDR 4 Relating to Continuing Education
- 3) Update on Legislation and Pending or Possible Rulemaking Projects

**E. Deliberation on Items Added After Preparation of Agenda:**

- 1) Introductions, Announcements and Recognition
- 2) Election of Board Officers
- 3) Appointment of Board Liaison(s)
- 4) Administrative Updates **or** Administrative Matters
- 5) Education and Examination Matters
- 6) Credentialing Matters
- 7) Practice Matters
- 8) Legislative/Administrative Rule Matters
- 9) Liaison Reports

- 10) Informational Items
- 11) Disciplinary Matters
- 12) Presentations of Petitions for Summary Suspension
- 13) Petitions for Designation of Hearing Examiner
- 14) Presentation of Proposed Stipulations, Final Decisions and Orders
- 15) Presentation of Proposed Final Decision and Orders
- 16) Presentation of Interim Orders
- 17) Petitions for Re-Hearing
- 18) Petitions for Assessments
- 19) Petitions to Vacate Orders
- 20) Requests for Disciplinary Proceeding Presentations
- 21) Motions
- 22) Petitions
- 23) Appearances from Requests Received or Renewed
- 24) Speaking Engagement(s), Travel, or Public Relation Request(s)

F. 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.).**

**G. Proposed Final Decision and Order: In the Matter of Disciplinary Proceedings Against, Jason R. Schneider and Schneider Funeral Home & Life Tributes, Respondents, DHA Case No. SPS-16-0071/DLSC Case No. 15 FDR 009, 15 FDR 012 and 15 FDR 026 (21-32)**

**H. Deliberation of Division of Legal Services and Compliance (DLSC) Matters**

- 1) Administrative Warning(s)
- 2) Proposed Stipulations, Final Decisions, and Orders
- 3) **Case Closings**
  - a. 15 FDR 023 **(33-40)**
  - b. 16 FDR 013 **(41-45)**

I. Consulting with Legal Counsel

J. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary 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 Order
- 9) Administrative Warnings
- 10) Review of Administrative Warnings
- 11) Proposed Final Decision and Orders
- 12) Matters Relating to Costs/ Orders Fixing Costs
- 13) Case Closings
- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders

- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearing
- 20) Appearances from Requests Received or Renewed

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

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

**ADJOURNMENT**

**NEXT MEETING DATE: AUGUST 1, 2017**

**FUNERAL DIRECTORS EXAMINING BOARD  
MEETING MINUTES  
March 17, 2017**

**PRESENT:** Aziz Al-Sager, D. Bruce Carlson, Marc Eernisse, Eric Lengell, Marla Michaelis

**STAFF:** Dan Williams, Executive Director; Nifty Lynn Dio, Bureau Assistant; Greg DiMiceli, Rules Coordinator; and other Department Staff

Eric Lengell, Vice Chair, called the meeting to order at 9:09 a.m. A quorum of five (5) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- *Replaced documents from item D) Legislative and Administrative Rule Matters*

**MOTION:** Marla Michaelis moved, seconded by Marc Eernisse, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Marc Eernisse moved, seconded by Marla Michaelis, to approve the minutes of November 22, 2016 as published. Motion carried unanimously.

*(Aziz Al-Sager arrived at 9:11 a.m.)*

**ADMINISTRATIVE UPDATES**

**Election of Officers**

***Chair***

**NOMINATION:** Marla Michaelis nominated Marc Eernisse for the Office of Chair.

Dan Williams called for nominations three (3) times.

Marc Eernisse was elected as Chair by unanimous consent.

***Vice Chair***

**NOMINATION:** Eric Lengell nominated Marla Michaelis for the Office of Vice Chair.

Dan Williams called for nominations three (3) times.

Marla Michaelis was elected as Vice Chair by unanimous consent.

*Secretary*

**NOMINATION:** Marc Eernisse nominated Eric Lengell for the Office of Secretary.

Dan Williams called for nominations three (3) times.

Eric Lengell was elected as Secretary by unanimous consent.

<b>2017 ELECTION RESULTS</b>	
<b>Board Chair</b>	Marc Eernisse
<b>Vice Chair</b>	Marla Michaelis
<b>Secretary</b>	Eric Lengell

**Liaison Appointments**

<b>2017 LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison</b>	Marla Michaelis
<b>Monitoring and Professional Assistance Procedure (PAP) Liaison</b>	Aziz Al-Sager
<b>Continuing Education Liaison</b>	Marc Eernisse
<b>Screening Panel</b>	D. Bruce Carlson, Marc Eernisse, Eric Lengell

**MOTION:** Aziz Al-Sager moved, seconded by Eric Lengell, to affirm the Chair’s appointment of liaisons for 2017. Motion carried unanimously.

**Delegated Authorities**

*Delegated Authority for Urgent Matters*

**MOTION:** Aziz Al-Sager moved, seconded by D. Bruce Carlson, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority to the Chair to appoint liaisons to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

### ***Document Signature Delegation***

**MOTION:** Aziz Al-Sager moved, seconded by Marla Michaelis, the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

### ***Credentialing Authority Delegations***

**MOTION:** D. Bruce Carlson moved, seconded by Eric Lengell, to delegate authority to the Credentialing Liaison to address all issues related to credentialing matters. Motion carried unanimously.

### ***Monitoring Delegations***

**MOTION:** Marla Michaelis moved, seconded by Eric Lengell, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor' document as presented. Motion carried unanimously.

### ***Delegated Authority for Application Denial Reviews***

**MOTION:** Aziz Al-Sager moved, seconded by Marla Michaelis, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

### **EXPIRED LIST**

**MOTION:** D. Bruce Carlson moved, seconded by Aziz Al-Sager, to withdraw the standing item titled 'Expired List.' Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Marla Michaelis moved, seconded by Aziz Al-Sager, 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 investigation with administrative warning (s. 19.85(1)(b), Stats. 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.). The Chair read aloud the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Aziz Al-Sager – yes; D. Bruce Carlson – yes; Marc Eernisse – yes; Eric Lengell – yes; and Marla Michaelis – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:27 a.m.

*At this time, all external communication contacts will be terminated for purposes of going into Closed Session.*

### **RECONVENE TO OPEN SESSION**

**MOTION:** Aziz Al-Sager moved, seconded by Marla Michaelis, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 12:14 p.m.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Eric Lengell moved, seconded by Aziz Al-Sager 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.)*

### **DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**

#### **Proposed Stipulation(s), Final Decisions, and Orders**

#### ***16 FDR 019 – Dennis H. Jandt***

**MOTION:** D. Bruce Carlson moved, seconded by Eric Lengell, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Dennis H. Jandt, DLSC Case No. 16 FDR 019. Motion carried unanimously.

#### ***16 FDR 004 – Arlene E. Wilson***

**MOTION:** Aziz Al-Sager moved, seconded by Marla Michaelis, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Arlene E. Wilson, DLSC Case No. 16 FDR 004. Motion carried unanimously.

## Case Closings

### **15 FDR 022** ***J.J.B. and J.J.B.F.H.***

**MOTION:** Marla Michaelis moved, seconded by Eric Lengell, to delegate decision making authority DSPS Legal Counsel to make the final decision regarding DLSC Case No. 15 FDR 022, against J.J.B. and J.J.B.F.H., due to lack of quorum. Motion carried unanimously.

*(Aziz Al-Sager and D. Bruce Carlson recused themselves for deliberation and voting in the matter of DLSC Case No. 15 FDR 022)*

### **15 FDR 019** ***M.F.H., B.M., C. F. H. and G. C.***

**MOTION:** D. Bruce Carlson moved, seconded by Aziz Al-Sager, to close DLSC Case No. 15 FDR 019, against M.F.H., B.M., C. F. H. and G. C., for No Violation. Motion carried unanimously.

### **15 FDR 021** ***C.F.&C.S. (Beaver Dam) and C.F.&C.S. (Markesan), and T.M.***

**MOTION:** Marla Michaelis moved, seconded by Eric Lengell, to close DLSC Case No. 15 FDR 021, against C.F.&C.S. (Beaver Dam) and C.F.&C.S. (Markesan), and T.M., for No Violation. Motion carried unanimously.

## **CREDENTIALING MATTERS**

### **Voluntary Surrender(s)**

#### ***Brian Stray, F.D.***

**MOTION:** Aziz Al-Sager moved, seconded by Eric Lengell, to accept the request of Brian Stray to surrender his license. Motion carried unanimously.

*The Board reviewed training information relating to Public Records and Ethic and Lobbying requirements at this meeting.*

## **ADJOURNMENT**

**MOTION:** D. Bruce Carlson moved, seconded by Aziz Al-Sager, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:20 p.m.

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  Greg DiMiceli Administrative Rules Coordinator		2) Date When Request Submitted:  May 3, 2017  <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>	
3) Name of Board, Committee, Council, Sections:  Funeral Directors Examining Board			
4) Meeting Date:  May 23, 2017	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  Legislative and Administrative Rule Matters – Update and Consideration of: <ol style="list-style-type: none"> <li>1. FD 1 Relating to funeral director licensure and the apprenticeship process</li> <li>2. FD 4 Relating to continuing education</li> <li>3. Update on pending and possible rulemaking projects</li> </ol>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  Review draft rule for purposes of discussion and additional drafting input.			
11) Authorization			
<b>Greg DiMiceli</b> Signature of person making this request		<b>May 3, 2017</b> Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
Directions for including supporting documents: <ol style="list-style-type: none"> <li>1. This form should be attached to any documents submitted to the agenda.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING	:	NOTICE OF TIME PERIOD
PROCEEDINGS BEFORE THE	:	FOR COMMENTS FOR THE
FUNERAL DIRECTORS EXAMINING	:	ECONOMIC IMPACT ANALYSIS
BOARD	:	

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NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Funeral Directors relating to academic instruction requirements for funeral directors, apprentices, and reporting and renewal requirements for apprentices, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Greg DiMiceli, Administrative Rules Coordinator  
Division of Policy Development  
Department of Safety and Professional Services  
PO Box 8366  
Madison, WI 53708-8935  
[Gregory.DiMiceli@Wisconsin.gov](mailto:Gregory.DiMiceli@Wisconsin.gov)

The deadline for submitting economic impact comments is TBD.

PROPOSED ORDER

An order of the Wisconsin Funeral Directors Examining Board to repeal FD 1.07, to renumber FD 2.06, FD 2.07, to amend FD 1.04, FD 1.06, and to create FD 1.065, and FD 1.066, FD 1.067, FD 1.068, relating to academic instruction requirements for funeral directors, apprentices, and reporting and renewal requirements for apprentices.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Section 445.03 (2) (a) and 440.075

**Statutory authority:** Sections 15.08(5) (b) and 445.03

**Explanation of board authority:**

Section 15.08 (5) (b), Stats. – Each 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 445.03 (2)(a) allows examining boards to make and enforce rules not inconsistent with this chapter 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.

**Related statute or rule:**

Wisconsin funeral director licensing requirements are found in ch. 445, Stats., “Funeral Directors”, and administrative rules promulgated by the Funeral Directors Examining Board found in chs. FD 1 to 6. Chapter 440, Department of Safety and Professional Services, and chs. SPS 1 to 9 outline the Department of Safety and Professional Services’ administrative procedures for issuing licenses.

**Plain language analysis:**

This rule changes academic instruction requirements for funeral directors and apprentices and provides administrative guidance for the apprenticeship process.

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

Licensing requirements for funeral directors are established by state law.

**Comparison with rules in adjacent states:**

**Illinois:** An Internet search revealed that Illinois requires 30 semester hours of college credit plus Mortuary College or associate or bachelor's degree in mortuary science.

**Iowa:** An Internet search revealed that Iowa requires a student to have a minimum of 60 semester hours as indicated on the transcript from a regionally accredited college or university with a minimum of 2.0 or "C" grade point and a course in mortuary science from a school accredited by the American Board of funeral Service Education. The 60 semester hours does not include any technical or vocational mortuary science courses.

**Michigan:** An Internet search revealed that applicants in Michigan for mortuary science licenses are required to have completed not less than 60 semester hours or 90 quarter hours.

**Minnesota:** An Internet search revealed that Minnesota requires a bachelor of science degree with a major in mortuary science received from an accredited school.

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

The Funeral Directors Examining Board reviewed the rule and statutory requirements.

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

**Fiscal Estimate and Economic Impact Analysis:**

The Department is currently soliciting information and advice from businesses, local government units, and individuals in order to prepare the economic impact analysis.

**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 may be contacted by email at [Kirsten.Reader@Wisconsin.gov](mailto:Kirsten.Reader@Wisconsin.gov), or by calling (608) 267-2435.

**Agency contact person:**

Greg DiMiceli, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0955; email at [Gregory.DiMiceli@Wisconsin.gov](mailto:Gregory.DiMiceli@Wisconsin.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Greg DiMiceli, Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8366, or by email to [Gregory.DiMiceli@Wisconsin.gov](mailto:Gregory.DiMiceli@Wisconsin.gov). Comments shall be received on or before (TBD) to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. FD 1.04 is amended to read:

To meet the requirements of 2 academic years of instruction specified in s. 445.045 (1) (d), Stats., an applicant shall submit to the board an official transcript of courses from a ~~college or university recognized by the north central association of colleges and secondary schools,~~ regionally accredited college showing that the applicant has completed ~~at least the~~ a course of study with 60 semester credit hours ~~shown below~~ in the following areas:

	<u>Minimum Semester Credit Hours</u>
(1) <del>English &amp; Speech</del>	6
(2) <del>Social Sciences such as:</del>	12
<del>(a) Psychology</del>	
<del>(b) History</del>	
<del>(c) Sociology</del>	
<del>(d) Political Science</del>	
<del>(e) Economics</del>	
(3) <del>Natural Sciences such as:</del>	15

(a) <del>Anatomy</del>	
(b) <del>Physiology</del>	
(c) <del>Chemistry</del>	
(d) <del>Microbiology</del>	
(e) <del>Biology</del>	
(f) <del>Bacteriology</del>	
(4) <del>Business Studies</del>	13
(5) <del>Electives</del>	14
TOTAL	<u>60</u>

- 1) English
- 2) Speech
- 3) Social Sciences
- 4) Natural Sciences
- 5) Business Studies
- 6) Electives

SECTION 2. FD 1.06 is amended to read:

- (1) To meet the requirements of 1 academic year of instruction specified in s. 445.095 (1) (a), Stats. concerning registration as an apprentice funeral director ~~or embalmer~~, an applicant shall submit to the board one of the following: :
  - a. A signed statement by the registrar of any ~~college or university recognized by the north central association of colleges and~~ regionally accredited college showing that the applicant has completed ~~at least the~~ a course of study with 30 semester credit hours shown below in the following areas:
    - 1) English
    - 2) Speech
    - 3) Social Sciences
    - 4) Natural Sciences
    - 5) Business Studies
    - 6) Electives
  - b. Demonstrate possession of equivalent education which will permit admission to the college or university with sophomore status.

SECTION 3. FD 1.065 is created to read:

**FD 1.065 Apprenticeship Application.** A person applying for a certificate of apprenticeship shall do all of the following:

- 1) Complete the apprenticeship application form which shall be substantiated by the oath of the applicant.

- 2) File the apprenticeship registration fee specified in s. 440.05 (6).
- 3) State that the applicant is 18 years of age or older.
- 4) Hold a high school diploma or possesses equivalent education.
- 5) Not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335.
- 6) Have completed one academic year of instruction in a recognized college or university in a course of study approved by the board under FD 1.06.
- 7) Notify the examining board with the name and place of business of the funeral director whose service the apprentice has entered.
- 8) Report any changes in information on the apprenticeship application to the board within 5 days if applicable.

SECTION 4. FD 1.066 is created to read:

**FD 1.066 Apprenticeship Reporting.** 1) Each apprentice shall submit the semi-annual report under §445.095 (1) (d) to the board until the apprenticeship is complete or has been terminated. The report shall include the following information:

- a) Exact dates of attendance at a Mortuary school.
- b) Whether the apprentice worked as an apprentice during a winter break of a Mortuary school, including dates.
- c) Whether the apprentice worked during the summer while not attending summer school, including dates.
- d) Whether the apprentice worked as an intern, including intern dates.
- e) Total number of hours employed.
- f) Number of assisted embalmings performed.
- g) Number of funeral services assisted.
- h) Number of funeral arrangement conferences the apprentice participated in, including a brief description of each funeral arrangement. The description shall include the type of funeral services and method of disposition, relationship to deceased, and the amount of time spent on each funeral arrangement.

2) Reports Regarding Employment.

a) An apprentice shall report to the board if the apprentice leaves the employ of the licensed funeral director. The licensed funeral director shall provide the apprentice an affidavit showing the length of time served as an apprentice with that employer, and the work done in detail. This affidavit shall be filed and recorded with the board.

b) An apprentice shall report to the board if the apprentice reenters the employ of another licensed funeral director in this state.

SECTION 5. FD 1.067 is created to read:

**FD 1.067 Apprenticeship Renewal and Reregistration.** 1) A certificate of apprenticeship may be renewed annually on January 1 up to three times. The apprenticeship shall be completed within four-years from the date of initial registration unless the apprenticeship is extended by the board under §445.095 (4).

- 2) Any certificate of apprenticeship which the apprentice has allowed to lapse, or for which the board has suspended or revoked, may reregister their certificate of apprenticeship within one year of such lapse, suspension, or revocation. No more than two reregistrations shall be permitted.
- 3) For reregistrations that have resulted from a lapsed registration, the board may credit the apprentice with time previously served. The board may credit up to 75 percent of time previously served for reregistrations resulting from a suspension or revocation.

SECTION 6. FD 1.068 is created to read:

**FD 1.068 Apprenticeship Time Limit.** Failure to complete all apprenticeship requirements within 4 years from the date of apprenticeship registration results in the expiration of that apprenticeship unless granted an extension under section 445.095 (4).

SECTION 7. FD 1.07 is repealed.

SECTION 8. FD 2.06 is renumbered to FD 1.075

SECTION 9. FD 2.07 is renumbered and amended to FD 1.077

SECTION 10. 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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STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING	:	NOTICE OF TIME PERIOD
PROCEEDINGS BEFORE THE	:	FOR COMMENTS FOR THE
FUNERAL DIRECTORS EXAMINING	:	ECONOMIC IMPACT ANALYSIS
BOARD	:	

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NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Funeral Directors Examining Board relating to continuing education requirements for funeral directors, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Greg DiMiceli, Administrative Rules Coordinator  
Division of Policy Development  
Department of Safety and Professional Services  
PO Box 8366  
Madison, WI 53708-8935  
[Gregory.DiMiceli@wisconsin.gov](mailto:Gregory.DiMiceli@wisconsin.gov)

The deadline for submitting economic impact comments is TBD.

PROPOSED ORDER

An order of the Wisconsin Funeral Directors Examining Board to amend FD 4.03 (6), FD 4.03 (7), FD 4.03 (8), FD 4.04 (1) (4) (d), FD 4.04 (6), and to create FD 4.02 (5), FD 4.02 (6), FD 4.03 (6m), FD 4.03 (11), FD 4.03 (12), and FD 4.06, relating to continuing education requirements for funeral directors.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Section 445.03 (2) (a) and 440.075

**Statutory authority:** Sections 15.08(5) (b) and 445.03 (2) (a)

**Explanation of board authority:**

Section 15.08 (5) (b), Stats. – Each 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 445.03 (2)(a) allows examining boards to make and enforce rules not inconsistent with this chapter 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.

**Related statute or rule:**

Wisconsin funeral director licensing requirements are found in ch. 445, Stats., “Funeral Directors”, and administrative rules promulgated by the Funeral Directors Examining Board found in chs. FD 1 to 6. Chapter 440, Department of Safety and Professional Services, and chs. SPS 1 to 9 outline the Department of Safety and Professional Services’ administrative procedures for issuing licenses.

**Plain language analysis:**

This rule provides definitions for continuing education and makes changes to the continuing education requirements for funeral directors. This rule also allows for an audit of the continuing education requirements and for any licensee who has come under investigation by the board for alleged misconduct.

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

Licensing requirements for funeral directors are established by state law.

**Comparison with rules in adjacent states:**

**Illinois:** An Internet search revealed that in Illinois every funeral director must complete 24 hours of continuing education for each two year licensure period. For the 2015 and 2017 renewals, the 24 hours must include a minimum of 6 hours related to the practice of funeral directing and a minimum of 6 hours related to the practice of embalming. Beginning with the 2019 renewal, the 24 hours must include a minimum of 9 hours related to the practice of funeral directing and a minimum of 9 hours related to the practice of embalming. No more than 6 hours may consist of insurance courses.

**Iowa:** An Internet search revealed that Iowa requires 24 hours of continuing education per two years of licensure.

**Michigan:** An Internet search revealed that Michigan has no continuing education requirements.

**Minnesota:** An Internet search revealed that Minnesota requires 12 hours of continuing education per two years of licensure.

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

The Funeral Directors Examining Board reviewed the rule and statutory requirements.

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

**Fiscal Estimate and Economic Impact Analysis:**

The Department is currently soliciting information and advice from businesses, local government units, and individuals in order to prepare the economic impact analysis.

**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 may be contacted by email at [Kirsten.Reader@Wisconsin.gov](mailto:Kirsten.Reader@Wisconsin.gov), or by calling (608) 267-2435.

**Agency contact person:**

Greg DiMiceli, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0955; email at [Gregory.DiMiceli@Wisconsin.gov](mailto:Gregory.DiMiceli@Wisconsin.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Greg DiMiceli, Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8366, or by email to [Gregory.DiMiceli@Wisconsin.gov](mailto:Gregory.DiMiceli@Wisconsin.gov). Comments must be received on or before (TBD) to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. FD 4.02 (5) is created to read:

**FD 4.02 (5) Definitions.** "In-service" means continuing education approved by the board that is provided by a licensed funeral director to staff in their funeral establishment and is available to all funeral directors.

SECTION 2. FD 4.02 (6) is created to read:

**FD 4.02 (6) Definitions.** "Professional activity" means an activity recognized by the board which a funeral director engages in that advances the funeral director profession.

SECTION 3. FD 4.03 (6) is amended to read:

~~(6) No more than 2 hours of the 15-hour requirement may be acquired for presentation of any continuing education program by a funeral director. Continuing education hours may be granted for teaching or presenting any continuing education programs or courses under 4.04 (1) (a) 1. to 4. No credit will be granted for any subsequent presentations of the same program or course. A teacher or presenter shall receive 2 continuing education credit hours for each hour of presentation.~~

SECTION 4. FD 4.03 (6m) is created to read:

(6m) Continuing education hours may be granted for professional activity.

SECTION 5. FD 4.03 (7) is amended to read:

(7) No more than 10 hours of the 15-hour requirement may be acquired through participation in ~~non-contact home study~~ board approved online programs ~~that have been approved by the board.~~

SECTION 6. FD 4.03 (8) is amended to read:

(8) Each contact or clock hour or lesson ~~or tape~~ completed in a ~~home study~~ board approved online program ~~that has been approved by the board~~ is equivalent to 1.0 continuing education credit hour.

SECTION 7. FD 4.03 (11) is created to read:

**FD 4.03 (11)** No more than 6 hours of continuing education credit shall be granted for activity under 4.04(1) (a) during each biennial registration period.

SECTION 8. FD 4.03 (12) is created to read:

**FD 4.03 (12)** The board may count any relevant instruction obtained in connection with military service, as defined in s. 111.32 (12g), toward satisfying up to 15 hours of continuing education credits per biennial registration period.

SECTION 9. FD 4.04 (1) (4) (d) is amended to read:

(d) The program provider of a ~~home study~~ board approved online continuing education program includes in the program a method satisfactory to the board of determining a participant's successful completion of the ~~home study~~ board approved online program.

SECTION 10. FD 4.04 (6) is amended to read:

(6) A ~~home study~~ board approved online program or course taken for academic credit shall be eligible for credit if the program or course relates to subject areas specified in sub. (1) and meets all other requirements in this section.

SECTION 11. FD 4.06 is created to read:

**FD 4.06 Audit.** 1) The board may conduct a random audit of licensees on a biennial basis for compliance with continuing education requirements.

2) The board may conduct an audit on any licensee who has come under investigation by the board for alleged misconduct.

SECTION 12. 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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