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**FUNERAL DIRECTORS EXAMINING BOARD**  
**Room 121C, 1400 East Washington Avenue, Madison**  
**Contact: Dan Williams (608) 266-2112**  
**February 20, 2018**

*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 November 28, 2017 (4-6)**

**C. Administrative Updates (7-12)**

- 1) Staff and Administrative Updates
- 2) Election of Officers
- 3) Appointment of Liaisons and Alternates
- 4) Delegation of Authorities
- 5) 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 – 07/01/2021 (*reappointed, not yet confirmed*)
  - f. Vacant – Public Member

**D. Legislative and Administrative Rule Matters - Discussion and Consideration (13-31)**

- 1) FD 1 Relating to Funeral Director Licensure and the Apprenticeship Process **(14-20)**
- 2) FD 4 Relating to Continuing Education **(21-25)**
- 3) Update on Legislation, Including AB 837 and SB 724, and Possible Rulemaking Projects **(26-31)**

**E. Speaking Engagement(s), Travel, or Public Relation Request(s)**

**F. 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)

#### G. 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.).**

#### H. Credentialing Matters

##### I. 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. 16 FDR 003 **(32-39)**
  - b. 17 FDR 002 **(40-49)**
  - c. 17 FDR 005 **(50-53)**
- 4) **Monitoring**

#### J. Consulting with Legal Counsel

##### K. 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**

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

**M. Board Meeting Process (Time Allocation, Agenda Items) – Discussion and Consideration**

**ADJOURNMENT**

**NEXT MEETING DATE: May 22, 2018**

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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 at 1400 East Washington Avenue, 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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**FUNERAL DIRECTORS EXAMINING BOARD  
TELECONFERENCE/VIRTUAL MEETING MINUTES  
November 28, 2017**

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

**EXCUSED:**

**STAFF:** Brittany Lewin, Executive Director; Emily Handel, Bureau Assistant; and other Department Staff

Marc Eernisse, Chair, called the meeting to order at 9:05 a.m. A quorum of Five (5) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

**MOTION:** Marla Michaelis moved, seconded by Bruce Carlson, to adopt the agenda as published/amended. Motion carried unanimously.

**APPROVAL OF MINUTES**

**Amendments to the Minutes:**

**MOTION:** Eric Lengell moved, seconded Marla Michaelis, to approve the minutes of August 1, 2017 as published/amended. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Bruce Carlson moved, seconded by Marla Michaelis, 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 9:10 a.m.

**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 9:28 a.m.

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

**MOTION:** Aziz Al-Sager moved, seconded by Bruce Carlson 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.)*

### **CREDENTIALING MATTERS**

#### **James Michael Lippert – Voluntary Surrender of Funeral Director License**

**MOTION:** Marla Michaelis moved, seconded by Aziz Al-Sager, to deny the request of James Michael Lippert to surrender his license. Motion carried unanimously.

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

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

##### **16 FDR 007 (S.K.B. and B.F.H.)**

**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 Scott K. Brainard and Brainard Funeral Home, DLSC case No. 16 FDR 007. Motion carried unanimously.

##### **16 FDR 024 (J.B.G. and H.G.F.H.)**

**MOTION:** Bruce Carlson moved, seconded by Aziz Al-Sager, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jay B. Gravitt and Hansen-Gravitt Funeral Home, DLSC Case No. 16 FDR 024. Motion carried unanimously.

#### **Case Closings**

##### **16 FDR 003 (C. and C.F.S., T.P., J.M.L., K.U.)**

**MOTION:** Marla Michaelis moved, seconded by Aziz Al-Sager, to reject the closing of DLSC Case No. 16 FDR 003, and to send back to DLSC for further investigation. Motion carried unanimously.

**16 FDR 007 (C.D.H.)**

**MOTION:** Marla Michaelis moved, seconded by Aziz Al-Sager, to close DLSC Case No. 16 FDR 007 for No Violation. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Marla Michaelis moved, seconded by Bruce Carlson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:30 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>  Laura Smith, Bureau Assistant, on behalf of Dan Williams, Executive Director		<b>2) Date When Request Submitted:</b> 11/24/17  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>  2/20/2018	<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 Matters/Updates 1) Election of Officers 2) Appointment of Liaisons and Alternates 3) Delegation of Authorities	
<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 required:</b>  N/A	
<b>10) Describe the issue and action that should be addressed:</b>  1) The Board should conduct Election of its Officers for 2018 2) The new Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider continuation or modification of previously delegated authorities			
<b>11) Authorization</b>			
<i>Laura Smith</i>		11/24/2017	
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.			

2017 FUNERAL DIRECTORS EXAMINING BOARD  
ELECTIONS AND APPOINTMENTS

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

2017 LIAISON APPOINTMENTS	
<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

**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***

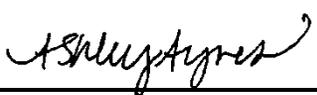
**MOTION:** Marla Michaelis moved, seconded by Eric Lengell, to adopt the ‘Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor’ document as presented. Motion carried unanimously.

***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.

2017 FUNERAL DIRECTORS EXAMINING BOARD  
ELECTIONS AND APPOINTMENTS

## AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:  Ashley Ayres  Monitoring and Intake Supervisor Division of Legal Services and Compliance		2) Date When Request Submitted:  December 18, 2017  Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections: Funeral Directors Examining Board			
4) Meeting Date:  February 20, 2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  Appointment of Monitoring Liaison and Delegated Authority Motion	
7) Place Item in:  <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	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:  Adopt or reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet.			
11) <span style="float: right;">Authorization</span>  <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">  </div> <div style="width: 35%; text-align: right;">                     December 18, 2017                 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">                     Signature of person making this request                 </div> <div style="width: 35%; text-align: right;">                     Date                 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">                     Supervisor (if required)                 </div> <div style="width: 35%; text-align: right;">                     Date                 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">                     Executive Director signature (indicates approval to add post agenda deadline item to agenda)                 </div> <div style="width: 35%; text-align: right;">                     Date                 </div> </div>			
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## **Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor**

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors to enforce Board/Section orders as explained below.

### **Current Authorities Delegated to the Monitoring Liaison**

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain the signature or written authorization from the Liaison.
8. Grant or deny a request to appear before the Board/Section in closed session.
9. (*Except Pharmacy*) Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.
10. (*Except Pharmacy*) Grant Respondent’s petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison.
  - a. Year 1: 49 screens (including 1 hair test, if required by original order)
  - b. Year 2: 36 screens (plus 1 hair test, if required by original order)
  - c. Year 3: 28 screens plus 1 hair test
  - d. Year 4: 28 screens plus 1 hair test
  - e. Year 5: 14 screens plus 1 hair test
11. (*Dentistry only*) – Ability to approve or deny all requests from a respondent.

### **Current Authorities Delegated to the Department Monitor**

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
  2. Suspend the license if Respondent has not completed Board/Section-ordered CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.
  3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
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### **Proposed (New) Delegations to the Monitoring Liaison**

The Monitoring Unit is proposing the following additions to the Monitoring Liaison's authority:

1. Board Monitoring Liaison may determine whether Respondent's petition is eligible for consideration by the full Board/Section.
2. Board Monitoring Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Greg DiMiceli, Administrative Rules Coordinator		<b>2) Date When Request Submitted:</b>  February 12, 2018  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>  February 20, 2018	<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>  Legislative and Administrative Rule Matters – Update: <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. Pending legislation, including AB 837 and SB 724, and possible rulemaking projects</li> </ol>	
<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 ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  Update status of FD 1 and FD 4 and discuss pending legislation, including Assembly Bill 837 and Senate Bill 724.			
<b>11) Authorization</b>			
<b>Greg DiMiceli</b>		<b>February 12, 2018</b>	
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> <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 : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : FUNERAL DIRECTORS EXAMINING BOARD  
FUNERAL DIRECTORS EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 17-049)

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PROPOSED ORDER

An order of the Wisconsin Funeral Directors Examining Board to repeal FD 1.07; to renumber FD 2.06, and FD 2.07 (1) and (2); to amend FD 1.04; to repeal and recreate FD 1.06; and to create FD 1.065, FD 1.066, FD 1.067, FD 1.068, and FD 1.076, 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:** Sections 445.095 and 445.10, Stats.

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

**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), Stats., 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:**

Federal regulations do not govern licensing requirements for funeral directors.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois requires 30 semester hours of college credit plus Mortuary College or associate or bachelor's degree in mortuary science. Illinois has a funeral director internship which is considered a one-year apprenticeship. Interns must complete at least 24 funerals, and at least 24 preparation and embalmings. The intern must submit a report for each of the 24 funerals and each 24 body preparations. Reports are filed every three months.

**Iowa:** 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. Iowa has a one year funeral director internship program. Interns must perform 25 embalmings and assist in 25 funerals. Interns must report to the state at 6 months and again at 12 months.

**Michigan:** Applicants in Michigan for mortuary science licenses are required to have completed not less than 60 semester hours or 90 quarter hours. Michigan's program allows for a resident trainee. A resident trainee must complete a list of requirements which includes 25 embalmings. A residency is for one year and can be renewed up to two times. Reporting is required on a six month interval.

**Minnesota:** Minnesota requires a Bachelor of Science degree with a major in mortuary science received from an accredited school. Minnesota has an internship program. The internship can last between one and three years. A total of 25 embalmings and 25 funerals must be completed which is documented upon completion.

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

The continuing education requirements for funeral directors has not been updated since 1988. The current rules contain out-of-date provisions which are creating hardships for applicants and are not reflective of the current status of the profession. Similarly, funeral director apprenticeship rules have not been reviewed or updated in 15 years. The Board would like to ensure that the provisions are in compliance with statutes and reflect the requirements of the profession in order to help facilitate the entrance of new funeral directors into the profession.

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

The department posted the rule for 14 days to solicit economic impact comments.

**Fiscal Estimate and Economic Impact Analysis:**

The economic impact analysis is 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 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 [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@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 [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments shall be received on or before August 1, 2017, 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:

**FD 1.04** 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>	<del>12</del>
(a) Psychology	
(b) History	

(c) Sociology	
(d) Political Science	
(e) Economics	
(3) Natural Sciences such as:	15
(a) Anatomy	
(b) Physiology	
(c) Chemistry	
(d) Microbiology	
(e) Biology	
(f) Baeteriology	
(4) Business Studies	13
(5) Electives	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 repealed and recreated to read:

**FD 1.06 Proof of academic training.** To meet the requirements of one academic year of instruction specified in s. 445.095 (1) (a), Stats., concerning registration as an apprentice funeral director, an applicant shall submit to the board one of the following:

(1) A signed statement by the registrar of any regionally accredited college showing that the applicant has completed a course of study with 30 semester credit hours in the following areas:

- (a) English.
- (b) Speech.
- (c) Social sciences.
- (d) Natural sciences.
- (e) Business studies.
- (f) Electives.

(2) Evidence of high school or an equivalent general educational development, or GED, or a high school equivalency diploma, or HSED, which will permit admission to a college or university with sophomore status.

Section 3. FD 1.065 to 1.068 are 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 ss.445.095 (1) (a) and 440.05 (6), Stats.
- (3) State that the applicant is 18 years of age or older.
- (4) Hold a high school diploma or possesses an equivalent general educational development, or GED, or a high school equivalency diploma, or HSED.
- (5) Not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats.
- (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) Appear before the board or its designee.

**FD 1.066 Apprenticeship employment reporting.** (1) When an apprentice becomes employed by a licensed funeral director, the apprentice shall notify the examining board with the name and place of business of the funeral director whose service the apprentice has entered.

(2) If an apprentice leaves the employment of a licensed funeral director, the funeral director shall provide the apprentice with an affidavit indicating the length of time employed and detail the work performed by the apprentice. This affidavit report shall be filed with the board.

(3) If an apprentice becomes reemployed with another licensed funeral director in this state, the apprentice shall report that new employment to the board.

**Note:** The apprenticeship application and employment reporting form may be obtained at the DSPS website at: <http://dps.wi.gov/LicensesPermitsRegistrations/Credentialing-Division-Home-Page/Business-Professions/Funeral-Professions-Home/Funeral-Director-Apprentice/>, or requested via email at: [DSPSCREDFuneral@wisconsin.gov](mailto:DSPSCREDFuneral@wisconsin.gov), or by regular mail at: DSPS, PO Box 8935 Madison, WI 53708.

**FD 1.067 Apprenticeship semi-annual reporting.** (1) Each apprentice shall submit the semi-annual report in accordance with s. 445.095 (1) (d) and (e), Stats., 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 as an apprentice during the summer while not attending summer school, including dates.
- (d) Number of assisted embalmings performed.
- (e) Number of funeral services assisted.
- (f) 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) Each apprentice shall also submit employment information with each semi-annual report. Each apprentice shall:

- (a) Provide an affidavit from the licensed funeral director 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) Provide information from all applicable employers on each semi-annual report.

**Note:** The semi-annual reporting form may be obtained at the DSPS website at: <http://dsps.wi.gov/LicensesPermitsRegistrations/Credentialing-Division-Home-Page/Business-Professions/Funeral-Professions-Home/Funeral-Director-Apprentice/>, or requested via email at: [DSPSCREDFuneral@wisconsin.gov](mailto:DSPSCREDFuneral@wisconsin.gov), or by regular mail at: DSPS, PO Box 8935 Madison, WI 53708.

**FD 1.068 Apprenticeship renewal and reregistration.** (1) A certificate of apprenticeship may be renewed up to 3 times annually upon payment, on January 1 of each year, of the fee required under s. 440.08 (2) (b), Stats.

(2) An apprentice whose certificate of apprenticeship has lapsed or has been suspended or revoked by the board may reregister the certificate of apprenticeship within one year following the lapse, suspension, or revocation. An apprentice may not reregister his or her certificate more than 2 times.

(3) For a reregistration resulting from a lapsed registration, the board may credit the apprentice with time previously approved. For a reregistration resulting from a suspension or revocation, the board may credit the apprentice up to 75 percent of time previously approved.

Section 4. FD 1.07 is repealed.

Section 5. FD 1.076 is created to read:

**FD 1.076 Apprenticeship time limit.** An apprentice must make application for license and must appear before the examining board for examination within 4 years from the date of apprenticeship registration. 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 s. 445.095 (4), Stats.

Section 6. FD 2.06 is renumbered FD 1.075.

Section 7. FD 2.07 (1) and (2) are renumbered FD 1.066 (4) and (5)

Section 8. 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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This Proposed Order of the Funeral Director Examining Board is approved for submission to the Governor and Legislature.

Dated 10/19/17

Agency Mark Cerisse  
Chairperson  
Funeral Director Examining Board

STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : FUNERAL DIRECTORS EXAMINING BOARD  
FUNERAL DIRECTORS EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 17-048)

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PROPOSED ORDER

An order of the Wisconsin Funeral Directors Examining Board to renumber and amend FD 4.04 (1) (c) and (d); to amend FD 4.03 (6), (7), (8), FD 4.04 (1) (intro.), FD 4.04 (1) (intro.), (a) 4., and (b), FD 4.04 (6); and to create FD 4.02 (3m) and (3n), FD 4.03 (6m), FD 4.03 (11), FD 4.04 (1) (c) (intro.), 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:** Sections 445.03 (2) (a), 445.06, and 440.075, Stats.

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

**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), Stats., 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, Stats., 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:**

Under s. 445.06, Stats., every funeral director is required to complete at least 15 hours of continuing education during each two-year licensure period, except that new licensees are

exempt from this requirement during the time between initial licensure and commencement of a full two-year licensure period.

FD 4 adds definitions and updates terminology to reflect changes in continuing education delivery methods. The rule also establishes qualifications for continuing education instructors and allows continuing education credit for funeral directors if they serve on the Funeral Directors Examining Board or engage in other professional activities. This rule also allows for an audit of the funeral director continuing education requirements.

The primary goal of this rule revision is to modernize the rule. Many of the provisions in the rule were first established in 1986 and have not been substantially revised since then. Terminologies, particularly regarding continuing education programs, do not accommodate new methods of delivering continuing education content.

This rule is not likely to have a significant economic impact on small businesses.

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

Federal regulations do not govern continuing education requirements for funeral directors.

**Comparison with rules in adjacent states:**

**Illinois:** 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:** Iowa requires 24 hours of continuing education per two years of licensure.

**Michigan:** Michigan has no continuing education requirements.

**Minnesota:** Minnesota requires 12 hours of continuing education per two years of licensure.

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

This rule was developed following a review of other Midwestern state policies along with multiple meetings and direct input from members of the Funeral Directors Examining Board. The Funeral Directors Examining Board reviewed the rule and statutory requirements and provided input throughout the drafting process.

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

The department posted this rule for 14 days to solicit economic impact comments.

**Fiscal Estimate and Economic Impact Analysis:**

The economic impact analysis is 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 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 [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@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 [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments shall be received on or before August 1, 2017, to be included in the record of rule-making proceedings.

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TEXT OF RULE

Section 1. FD 4.02 (3m) and (3n) are created to read:

**FD 4.02 (3m)** “In-service” means continuing education approved by the board that is provided by a licensed funeral director to staff of the funeral director’s funeral establishment and is available to all funeral directors.

**(3n)** “Professional activity” means any of the following:

- (a) Serving on the Funeral Directors Examining Board.
- (b) Serving on the Milwaukee Area Technical College Funeral Services Advisory Committee.
- (c) Serving on the National Funeral Director committee or board.
- (d) Serving on the state, district board, or committee of the Wisconsin Funeral Director Association.
- (e) Serving on the Funeral Service Alliance committee or board.
- (f) Serving on the American Board of Funeral Education committee or board.
- (g) Serving on the Order of the Golden Rule committee or board.
- (h) Serving on the National Selection of Morticians committee or board.

Section 2. FD 4.03 (6) is repealed and recreated to read:

**FD 4.03 (6)** Continuing education credit may be granted for teaching or presenting any continuing education programs or courses under s. FD 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 may receive 2 continuing education credits for each hour of presentation.

Section 3. FD 4.03 (6m) is created to read:

**FD 4.03 (6m)** Two credit hours of continuing education may be granted for one hour of professional activity with a maximum of 6 credit hours of continuing education per biennial registration period for professional activity.

Section 4. FD 4.03 (7) and (8) are amended to read:

**FD 4.03 (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.~~

**(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 5. FD 4.03 (11) is created to read:

**FD 4.03 (11)** The board may count any relevant instruction obtained in connection with military service, as defined in s. 111.32 (12g), Stats., toward satisfying up to 15 hours of continuing education credits per biennial registration period.

Section 6. FD 4.04 (1) (intro.), (a) 4., and (b) are amended to read:

**FD 4.04 (1) (intro.)** Except as provided in sub. (8), to obtain approval of a continuing education program, the program provider shall submit an application to the board on a form provided by the board ~~which shall include~~ ∴ To be approved by the board, a continuing education program shall meet all of the following criteria:

**(a) 4.** Technical or practical aspects of the profession;∴

**(b)** The program is available to all funeral directors regardless of membership in or affiliation with any organization;~~and~~∴

Section 7. FD 4.04 (1) (c) (intro.) is created to read:

**FD 4.04 (1) (c) (intro.)** The program provider does one of the following:

Section 8. FD 4.04 (1) (c) and (d) are renumbered FD 4.04 (1) (c) 1. and 2. and amended to read:

**FD 4.04 (1) (c) 1.** The program provider of the continuing education program agrees to monitor the continuous attendance of participants and to furnish to each participant evidence of having attended and completed the program at the location of the program, ~~or~~.

**2.** 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 approved online program.

Section 9. FD 4.04 (6) is amended to read:

**FD 4.04 (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 10. FD 4.06 is created to read:

**FD 4.06 Audit.** The board may conduct a continuing education audit on any licensee who has received a complaint against the credential holder.

Section 11. **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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This Proposed Order of the Funeral Director Examining Board is approved for submission to the Governor and Legislature.

Dated 10/6/17

Agency Marc E. Eversse (S)

Chairperson

Funeral Director Examining Board



## 2017 ASSEMBLY BILL 837

January 12, 2018 - Introduced by Representatives VANDERMEER, KRUG, BORN, EDMING, FELZKOWSKI, GENRICH, HORLACHER, HUTTON, KATSMAN, KITCHENS, KOOYENGA, KULP, LOUDENBECK, MACCO, NOVAK, PETRYK, ROHRKASTE, SKOWRONSKI, SNYDER, SPIROS and STUCK, cosponsored by Senators ROTH, CRAIG, DARLING, FEYEN, JOHNSON, STROEBEL, TESTIN, WANGGAARD, VUKMIR and NASS. Referred to Committee on Regulatory Licensing Reform.

1     **AN ACT** *to repeal* 445.095 (2) (c) and (d); *to amend* 445.01 (2), 445.045 (1) (e),  
2           445.045 (1) (f), 445.095 (1) (a), 445.095 (2) (b), 445.095 (4) and 445.10 (1); and  
3           **to create** 445.095 (2) (a) and 445.095 (5) of the statutes; **relating to:** funeral  
4           director apprenticeships.

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### *Analysis by the Legislative Reference Bureau*

This bill makes various changes to laws regarding funeral director apprentices, including all of the following:

1. Under current law, in order to become a funeral director apprentice, a person must satisfy a number of requirements, including completing one academic year of instruction in a recognized college or university in a course of study approved by the Funeral Director Examining Board or have equivalent education. This bill replaces the one year of instruction or equivalent education requirement with a requirement that a person complete a 16-hour certification course approved by the board.

2. Under current law, only one funeral director apprenticeship may be recognized by the board at a funeral establishment in a current year that has had less than 150 funeral services or prepared less than 150 bodies for burial or shipment during the preceding year; the board may recognize a second funeral director apprenticeship at a funeral establishment that during the current year has had 150 funerals or more and has prepared 150 bodies or more for burial or shipment during the preceding year, provided that at least two licensed funeral directors are employed full time at that establishment.

**ASSEMBLY BILL 837**

The bill removes any distinction as to how many funeral director apprentices may be recognized based upon the number of funerals or bodies prepared and allows a funeral establishment at which one or two licensed funeral directors are employed to have up to two apprentices, but requires that, in order to have three or more apprentices, a funeral establishment must have one full-time employed licensed funeral director for each apprentice.

3. Current law limits funeral director apprenticeships to four years, with the possibility of an additional extension granted by the board of up to one year. Under the bill, after four years or after an extension if an extension is given, a funeral director apprenticeship may continue if the apprentice again completes an approved certification course described above.

4. Current law requires that apprentices be under the personal supervision of a licensed funeral director, but does not further specify as to what supervision is required. The bill provides that supervision of an apprentice, when an apprentice is in a funeral establishment's preparation room, requires that the apprentice is within the funeral director's line of sight.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 445.01 (2) of the statutes is amended to read:

2           445.01 (2) ~~An “apprentice funeral director” is any~~ “Apprentice” means a person  
3 engaged in the learning of the practice of funeral directing under the instruction and  
4 personal supervision of a ~~duly licensed and registered~~ funeral director who is  
5 licensed under this chapter, and whose funeral establishment is located in this state;  
6 provided, that no person shall serve or attempt to serve as such apprentice funeral  
7 director ~~under any such funeral director until the person has filed registration~~  
8 ~~thereof with the examining board.~~

9           **SECTION 2.** 445.045 (1) (e) of the statutes is amended to read:

10           445.045 (1) (e) The person must have satisfactorily completed 9 months or more  
11 instruction in a prescribed course in mortuary science approved by the examining  
12 board at any time after having completed ~~one year of college work or equivalent~~  
13 education an approved certification class described in s. 445.095 (1) (a).

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1           **SECTION 3.** 445.045 (1) (f) of the statutes is amended to read:

2           445.045 (1) (f) The person must have completed one year of apprenticeship as  
3           prescribed in s. 445.095 at any time after having completed ~~one year of college work~~  
4           ~~or equivalent education~~ an approved certification class described in s. 445.095 (1) (a)  
5           and either before or after taking the course in mortuary science required by par. (e)  
6           and must have satisfied the requirement under s. 445.095 (4).

7           **SECTION 4.** 445.095 (1) (a) of the statutes is amended to read:

8           445.095 (1) (a) A person desiring to become an apprentice as a funeral director  
9           shall apply on a form provided for the purpose and appear before the examining  
10          board, or any duly appointed representative of the examining board. The application  
11          shall state that the applicant is 18 years of age or older, holds a high school diploma  
12          or possesses equivalent education as defined by the examining board, does not have  
13          an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, and has  
14          completed ~~one academic year of instruction in a recognized college or university in~~  
15          ~~a course of study approved by the examining board or has equivalent education a~~  
16          16-hour certification class approved by the examining board. The application must  
17          be substantiated by the oath of the applicant and be accompanied by the fee specified  
18          in s. 440.05 (6). When the examining board is satisfied as to the qualification of an  
19          applicant for apprenticeship, it shall issue a certificate of apprenticeship. When the  
20          apprentice enters the employment of a licensed funeral director, the apprentice shall  
21          immediately notify the examining board, giving the name and place of business of  
22          the funeral director whose service the apprentice has entered. If, at any time  
23          thereafter, the apprentice leaves the ~~employ~~ employment of the licensed funeral  
24          director whose service the apprentice has entered, the licensed funeral director shall  
25          give the apprentice an affidavit showing the length of time served as an apprentice

**ASSEMBLY BILL 837****SECTION 4**

1 with that employer, and the work done in detail, which affidavit shall be filed with  
2 the examining board and made a matter of record in that office. If the apprentice  
3 thereafter enters the ~~employ~~ employment of another licensed funeral director in this  
4 state, the applicant shall forthwith report such employment to the examining board.

5 **SECTION 5.** 445.095 (2) (a) of the statutes is created to read:

6 445.095 (2) (a) 1. Except as provided in subd. 2., the examining board may  
7 recognize only one funeral director apprenticeship at a funeral establishment in a  
8 given year for each funeral director that is employed full time at the funeral  
9 establishment.

10 2. The examining board may recognize up to 2 funeral director apprenticeships  
11 at any funeral establishment at which less than 3 funeral directors are employed full  
12 time in a given year.

13 **SECTION 6.** 445.095 (2) (b) of the statutes is amended to read:

14 445.095 (2) (b) The term of a registered apprentice shall be recognized only  
15 when ~~given employment~~ the apprentice is employed in a funeral establishment  
16 under the personal supervision of a licensed funeral director. For purposes of this  
17 paragraph, supervision, when the apprentice is in the preparation room, requires  
18 that the apprentice is within the funeral director's line of sight.

19 **SECTION 7.** 445.095 (2) (c) and (d) of the statutes are repealed.

20 **SECTION 8.** 445.095 (4) of the statutes is amended to read:

21 445.095 (4) Before such ~~an~~ an apprentice shall be ~~is~~ eligible to receive a funeral  
22 director's license ~~to practice funeral directing~~, the apprentice shall present, in  
23 connection with the other evidence required by this chapter, affidavits from the  
24 several licensed funeral directors under whom the apprentice has worked, showing  
25 that the apprentice has, during the term of his or her apprenticeship, assisted in

**ASSEMBLY BILL 837**

1 embalming for burial or shipment at least 25 bodies, has assisted in preparing 25  
2 dead human bodies for burial or transportation, other than by embalming, and has  
3 assisted in at least 25 funeral services during the apprenticeship. ~~This work must  
4 all have been done within 4 years from the date of registering as an apprentice, but  
5 such time may be extended by the examining board for good cause shown, not to  
6 exceed one additional year. The provisions of this section shall be suspended for such  
7 period as a registered apprentice may be an active member of the military or naval  
8 forces of the United States.~~

9 **SECTION 9.** 445.095 (5) of the statutes is created to read:

10 445.095 (5) No person may serve or attempt to serve as an apprentice under  
11 a funeral director until the person has filed registration thereof with the examining  
12 board.

13 **SECTION 10.** 445.10 (1) of the statutes is amended to read:

14 445.10 (1) The term of an apprenticeship for a funeral director shall begin on  
15 the date of registration and ~~terminate after~~ shall continue for a period of not more  
16 than 4 years from the time of first registration unless ~~the time is extended under this~~  
17 ~~chapter. A registered apprentice must make application for license and must appear~~  
18 ~~before the examining board for examination within 4 years from the date of~~  
19 ~~registration unless the time is extended under this chapter. Noncompliance with~~  
20 ~~this subsection terminates the right to serve as an apprentice~~ an extension, not to  
21 exceed one additional year, is granted by the examining board. After 4 years have  
22 elapsed or, if an extension is granted, after the expiration of the extension, the  
23 apprenticeship may not be continued unless the apprentice again completes an  
24 approved certification class described in s. 445.095 (1) (a). If the apprentice again  
25 completes such a certification class, an additional 4-year period, subject to

**ASSEMBLY BILL 837****SECTION 10**

1 extension, shall begin as provided in this subsection. An apprenticeship not  
2 continued as provided in this subsection shall terminate. The provisions of this  
3 subsection shall be suspended while a registered apprentice is an active member of  
4 the military of the United States.

**SECTION 11. Initial applicability.**

6 (1) The treatment of sections 445.045 (1) (e) and (f) and 445.095 (4) of the  
7 statutes first applies to an application for a funeral director license submitted by an  
8 applicant who submitted an application for a certificate of apprenticeship on the  
9 effective date of this subsection.

10 (2) The treatment of sections 445.095 (1) (a) and 445.10 (1) of the statutes first  
11 applies to an application for a certificate of apprenticeship submitted by an applicant  
12 on the effective date of this subsection.

**SECTION 12. Effective date.**

14 (1) This act takes effect on the first day of the 7th month beginning after  
15 publication.

16 (END)