



---

**FUNERAL DIRECTORS EXAMINING BOARD**  
**Room N208, 4822 Madison Yards Way, Madison**  
**Contact: Dan Williams (608) 266-2112**  
**July 31, 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 June 28, 2018 (4-7)**

**C. Administrative Updates**

1. Staff Updates
2. Department Updates
3. Board Members – Term Expiration Dates
  - a. Aziz Al-Sager – 7/1/2018
  - b. Bruce Carlson – 7/1/2019
  - c. Marc Eernisse – 7/1/2022 (*reappointed, not yet confirmed*)
  - d. Eric Lengell – 7/1/2016
  - e. Marla Michaelis – 7/1/2021 (*reappointed, not yet confirmed*)
  - f. Vacant – Public Member

**D. APPEARANCE: Deliberation of Inspections Following a Change in Ownership – Discussion and Consideration – Nate Ristow (8-9)**

**E. Legislative and Administrative Rule Matters – Discussion and Consideration (10-18)**

1. Discuss The Emergency Rule Draft, FD 1 To 4, And 6, Relating To Funeral Director Apprenticeship Requirements
2. Update On The FD 1 To 4, And 6, Permanent Rule Scope Statement, Relating To Funeral Director Apprenticeship Requirements
3. Updates on Legislation and Pending or Possible Rulemaking Projects

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

1. **Administrative Warnings**
  - a. 17 FDR 015 – D.J.T. **(19-20)**

#### 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

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

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

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

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

**ADJOURNMENT**

**NEXT MEETING DATE: NOVEMBER 27, 2018**

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

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

**FUNERAL DIRECTORS EXAMINING BOARD  
MEETING MINUTES  
JUNE 28, 2018**

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

**EXCUSED:** Marla Michaelis

**STAFF:** Dan Williams, Executive Director; Kate Stolarzyk, Bureau Assistant; and other Department Staff

Marc Eernisse, Chair, called the meeting to order at 9:31 a.m. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- *Remove: Item E. APPEARANCE: Deliberation of Inspections Following a Change in Ownership – Discussion and Consideration – Nate Ristow*

**MOTION:** D. Bruce Carlson moved, seconded by Eric Lengell, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF FEBRUARY 20, 2018**

**MOTION:** D. Bruce Carlson moved, seconded by Aziz Al-Sager, to approve the minutes of February 20, 2018 as published. Motion carried unanimously.

**LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**

**Adoption of FD 1 (CR 17-49), Relating to Academic Instruction Requirements for Funeral Directors, Apprentices, and Reporting and Renewal Requirements for Apprentices**

**MOTION:** Aziz Al-Sager moved, seconded by Eric Lengell, to approve the Adoption Order for Clearinghouse Rule 17-49, relating to Academic Instruction Requirements for Funeral Directors, Apprentices, and Reporting and Renewal Requirements for Apprentices. Motion carried unanimously.

**Adoption of FD 4 (CR 17-48), Relating to Continuing Education Requirements for Funeral Directors**

**MOTION:** Aziz Al-Sager moved, seconded by Eric Lengell, to approve the Adoption Order for Clearinghouse Rule 17-48, relating to Continuing Education Requirements for Funeral Directors. Motion carried unanimously.

## **Discuss Draft FD 1 to 4 and 6, Relating to Funeral Director Apprenticeship Requirements**

**MOTION:** Aziz Al-Sager moved, seconded by Eric Lengell, to request DSPS staff draft a Scope Statement FD 1 to 4 and 6, relating to Funeral Director Apprenticeship Requirements. Additionally, the Board authorizes the Chair to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

### **CLOSED SESSION**

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

The Board convened into Closed Session at 11:42 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** D. Bruce Carlson moved, seconded by Eric Lengell, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 12:02 p.m.

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

**MOTION:** D. Bruce Carlson 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 025 – Steven R. Mitchell and Thompson Funeral Home***

**MOTION:** Aziz Al-Sager moved, seconded by Eric Lengell, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Steven R. Mitchell and Thompson Funeral Home, DLSC case number 16 FDR 025. Motion carried unanimously.

***17 FDR 001 – Thor J. Thorson and Thorson Funeral Home***

**MOTION:** Eric Lengell moved, seconded by D. Bruce Carlson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Thor J. Thorson and Thorson Funeral Home, DLSC case number 17 FDR 001. Motion carried unanimously.

***17 FDR 024 – John M. Leszczynski***

**MOTION:** Aziz Al-Sager moved, seconded by D. Bruce Carlson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against John M. Leszczynski, DLSC case number 17 FDR 024. Motion carried unanimously.

**Case Closings**

**17 FDR 019 – D.W.C.**

**MOTION:** D. Bruce Carlson moved, seconded by Aziz Al-Sager, to close DLSC case number 17 FDR 019 against D.W.C. for No Violation. Motion carried unanimously.

**17 FDR 021 – N.D.**

**MOTION:** D. Bruce Carlson moved, seconded by Eric Lengell, to close DLSC case number 17 FDR 021 against N.D. for No Violation. Motion carried unanimously.

**17 FDR 022 – D.D.**

**MOTION:** Aziz Al-Sager moved, seconded by D. Bruce Carlson, to close DLSC case number 17 FDR 022 against D.D. for Prosecutorial Discretion (P3). Motion carried unanimously.

**17 FDR 023 – M.K.**

**MOTION:** Aziz Al-Sager moved, seconded by Marc Eernisse, to close DLSC case number 17 FDR 023 against M.K. for No Violation. Motion carried unanimously.

**17 FDR 030 – J.O.**

**MOTION:** Aziz Al-Sager moved, seconded by D. Bruce Carlson, to close DLSC case number 17 FDR 030 against J.O. for No Violation. Motion carried unanimously.

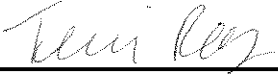
**ADJOURNMENT**

**MOTION:** Aziz Al-Sager moved, seconded by Eric Lengell, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:14 p.m.

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Terri Rees, Paralegal, on behalf of Division Administrator Nate Ristow, Division of Legal Services and Compliance		<b>2) Date When Request Submitted:</b>  June 8, 2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
<b>3) Name of Board, Committee, Council, Sections:</b>  Funeral Directors Examining Board			
<b>4) Meeting Date:</b>  June 28, 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>  Inspections following a change in ownership	
<b>7) Place Item in:</b>  <input type="checkbox"/> Open Session <input checked="" type="checkbox"/> Closed Session		<b>8) Is an appearance before the Board being scheduled?</b>  <input checked="" type="checkbox"/> Yes ( <u>Fill out Board Appearance Request</u> ) <input 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>  Discuss Wis. Admin. Code § FD 1.08(2) (see below) regarding inspections of funeral establishments following a change in ownership.  FD 1.08 Permits.  (2) Prior to granting a permit to a licensed funeral establishment following a change in ownership, the board shall review the application to determine if an inspection is necessary.			
<b>11) Authorization</b> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"><div style="width: 60%;"> Signature of person making this request</div><div style="width: 35%; text-align: right;"><u>6-8-18</u> Date</div></div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"><div style="width: 60%;">Supervisor (if required)</div><div style="width: 35%; text-align: right;">Date</div></div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"><div style="width: 70%;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div><div style="width: 30%; text-align: right;">Date</div></div>			
<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.			



## **BOARD APPEARANCE REQUEST FORM**

### **Appearance Information**

**Board Name:** Funeral Directors Examining Board

**Board Meeting Date:** June 28, 2018

**Person Submitting Agenda Request:** Terri Rees, Paralegal, on behalf of Nate Ristow

**Person(s) requesting an appearance:** Nate Ristow, Division Administrator, Division of Legal Services and Compliance

*(NOTE: Contact information is not required for Department staff.)*

**Reason for Appearance:** Discuss with the Board Wis. Admin. Code § FD 1.08(2) regarding inspection of funeral establishments following a change in ownership.

### **Appearance Contact Information**

*(NOTE: If the appearing party is represented by an attorney skip the "Appearance Contact Information" section and complete the "Attorney Contact Information" section.)*

**Mailing address:**

**Email address:**

**Telephone #:**

\*\*\*\*\*

### **Attorney Contact Information**

**Attorney Name:**

**Attorney's mailing address:**

**Attorney's e-mail address:**

**Attorney's telephone #:**

**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>  July 7, 2018  <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>																									
<b>3) Name of Board, Committee, Council, Sections:</b> Funeral Directors Examining Board																											
<b>4) Meeting Date:</b> July 31, 2017	<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> 1. Discuss the emergency rule draft, FD 1 to 4, and 6, relating to funeral director apprenticeship requirements. 2. Update on the FD 1 to 4, and 6, permanent rule scope statement, relating to funeral director apprenticeship requirements. 3. Update on pending and possible rulemaking projects.																									
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <u>Fill out Board Appearance Request</u> ) <input 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>  The committee will review the emergency rule draft of FD 1 to 4, and 6, and further discuss the content and requirements for the 16-hour apprenticeship class.																											
<table style="width: 100%; border: none;"> <tr> <td style="width: 40%;"><b>11) Signature of person making this request</b></td> <td style="width: 30%; text-align: center;"><b>Authorization</b></td> <td style="width: 30%; text-align: center;"><b>Date</b></td> </tr> <tr> <td>Greg DiMiceli</td> <td></td> <td style="text-align: center;">7/12/2018</td> </tr> <tr> <td><b>Supervisor (if required)</b></td> <td></td> <td style="text-align: center;"><b>Date</b></td> </tr> <tr> <td colspan="3" style="border-top: 1px solid black; height: 20px;"></td> </tr> <tr> <td colspan="3"><b>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</b></td> </tr> <tr> <td colspan="3" style="border-top: 1px solid black; height: 20px;"></td> </tr> <tr> <td colspan="3"><b>Date</b></td> </tr> <tr> <td colspan="3" style="border-top: 1px solid black; height: 20px;"></td> </tr> </table>				<b>11) Signature of person making this request</b>	<b>Authorization</b>	<b>Date</b>	Greg DiMiceli		7/12/2018	<b>Supervisor (if required)</b>		<b>Date</b>				<b>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</b>						<b>Date</b>					
<b>11) Signature of person making this request</b>	<b>Authorization</b>	<b>Date</b>																									
Greg DiMiceli		7/12/2018																									
<b>Supervisor (if required)</b>		<b>Date</b>																									
<b>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</b>																											
<b>Date</b>																											
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.																											

STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

---

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	FUNERAL DIRECTORS
FUNERAL DIRECTORS EXAMINING	:	EXAMINING BOARD
BOARD	:	ADOPTING EMERGENCY RULES

---

The statement of scope for this rule, SS 055-18, was approved by the Governor on May 18, 2018, published in Register 749B on May 29, 2018, and approved by the Funeral Directors Examining Board on April 18, 2018.

ORDER

An emergency order of the Funeral Directors Examining Board to repeal FD 6.02 (2) and (3); to renumber FD 2.02 (3), (4), and 4.02 (1), (3); to amend FD 1.01, 1.02 (4), 1.02 (5), and 1.08 (note); and to create FD 1.013 (intro.), 1.015 (intro.), 1.015 (1), 1.055, 1.075 (3), 1.075 (4), and 1.075 (5), 1.076, 1.077, and 3.015, relating to funeral director apprenticeship requirements.

Analysis prepared by the Department of Safety and Professional Services.

---

FINDING OF EMERGENCY

The Funeral Director Examining Board finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare.

The Legislature passed 2017 Wisconsin Act 304 changing the requirement for funeral director apprentices. Section 12 of 2017 Act 304 delayed implementation of the statutory changes until November 1, 2018. This emergency rule is necessary to coincide with the effective date of 2017 Act 304 and avoid confusion and disruption of funeral director apprenticeships as a result of implementation of Act 304.

---

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 “[s]hall 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 the examining board to “[m]ake 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 and apprenticeship requirements are found in ch. 445, Stats., the administrative code in chs. FD 1 to 4 and FD 6, and DSPS administrative code chs. SPS 1 to 9, which outlines the administrative procedures for issuing licenses.

**Plain language analysis:**

This rule amends the funeral director apprenticeship requirements and makes them consistent with changes provided in 2017 Wisconsin Act 304.

After completing the required nine months of instruction in mortuary science, this rule requires an applicant for a funeral director’s license to complete a 16-hour certification course, rather than completing one year of college work or equivalent education.

This rule allows the Board to recognize two funeral director apprentices for each funeral establishment and also recognize additional funeral director apprentices as long as the funeral home employs at least one full-time licensed funeral director per funeral director apprentice.

This rule specifies that when an apprentice is in the preparation room the apprentice must be within the supervising funeral director’s line of sight.

Finally, this rule establishes that the Board must continue an apprenticeship for another four-year term after the registration or extension expires if the apprentice successfully retakes the 16-hour Board approved certification course.

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

Federal regulations do not govern requirements for funeral director apprentices.

**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 preparations 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:**

Funeral director apprenticeship rules were recently updated. Subsequent to that code update the Legislature made statutory changes to the apprenticeship program through 2017 Wisconsin Act 304. This change in the administrative code reflects the legislative changes made through Act 304. This rule has been reviewed by the Wisconsin Funeral Directors Examining Board and other stakeholder groups.

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

A fiscal estimate will be prepared.

#### **Fiscal Estimate:**

These rules are not anticipated to have a fiscal impact.

#### **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, 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, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be submitted by the date and time at which the public hearing on these rules is conducted. Information as to the place, date, and time of the public hearing will be published on the

Department of Safety and Professional Services' website and in the Wisconsin Administrative Register.

-----

TEXT OF RULE

Section 1. FD 1.01 is amended to read:

**FD 1.01. Authority and intent.** This chapter is adopted pursuant to authority of ss. 15.08 (5) (b), 227.11, 440.08 (3) (b), and 445.03, Stats., to clarify and establish licensure criteria for funeral directors, funeral director apprentices, and funeral establishments.

Section 2. FD 1.013, (intro.) is created to read:

**FD 1.013 Definitions.** As used in chs. FD 1 to 4 and FD 6:

Section 3. FD 1.015 (intro.) and (1) are created to read:

**FD 1.015 Definitions.** As used in this chapter:

(1) "Applicant" means any person who applies for a license from the board.

Section 4. FD 1.055 is created to read:

**FD 1.055 Certification course.** In addition to s. FD 1.05, the applicant must provide evidence of completion of a 16-hour certification class approved by the board.

Section 5. FD 1.02 (4) and (5) are amended to read:

**FD 1.02 (4).** Evidence of completion of 9 months or more instruction in a prescribed course in mortuary science meeting the requirements of s. FD 1.05 after having completed ~~1 year of college work or equivalent education~~ a 16-hour certification class approved by the board.

**FD 1.02 (5).** Evidence of completion of 1 year of apprenticeship under s. 445.095, Stats. and s. FD 1.077.

Section 6. FD 1.05 is amended to read:

**FD 1.05 Mortuary school.** ~~The~~ After completing a 16-hour certification class approved by the board the following shall be accepted as compliance with s. 445.045 (1) (e), Stats. The candidate shall have satisfactorily completed 9 months or more instruction in a prescribed curriculum in funeral service education offered by an educational institution accredited by the ~~American board of funeral service education~~ American Board of Funeral Service Education or otherwise deemed to be equivalent by the funeral directors examining board.

Section 8. FD 1.075 (3), (4), and (5) are created to read:

**FD 1.075 (3).** Under this section, when an apprentice is in the preparation room, the apprentice shall be within the line of sight of the supervising funeral director.

(4) The board may recognize the supervision of up to 2 apprentices at a funeral establishment that employs less than 3 full-time funeral directors.

(5) Except as provided in sub. (4), the board may recognize the supervision of additional apprenticeships at a funeral establishment provided the establishment employs at least one full-time funeral director per apprentice.

Section 7. FD 1.076 is created to read:

**FD 1.076 Terms of apprenticeship.** (1) An apprenticeship shall not exceed 4 years from the time of first registration unless a one-year extension is granted by the board. After 4 years from the time of first registration or longer, if an extension is granted, the apprenticeship may not be continued unless the apprentice demonstrates they have retaken an approved certification class under s. FD 1.055.

(2) If, under this section, the apprentice retakes and successfully completes the board approved certification class, an additional 4-year period, subject to a board extension, shall begin.

(3) If an apprentice does not continue under the requirements of this chapter, the apprenticeship shall terminate.

(4) The provisions of this section shall be suspended while a registered apprentice is an active member of the military of the United States.

Section 8. FD 1.077 is created to read:

**FD 1.077 Licensure eligibility.** In addition to the requirements under this chapter and s. 445.095, Stats., eligibility for a funeral director license shall require an apprentice to present affidavits from the licensed funeral directors under whom the apprentice has worked to verify that during the apprenticeship the apprentice completed all of the following:

- (1) Assisted in embalming for burial or shipment at least 25 dead human bodies.
- (2) Assisted in preparing 25 dead human bodies for burial or transportation, other than by embalming.
- (3) Assisted in at least 25 funeral services during the apprenticeship.

Section 9. FD 1.08 (Note) is amended to read:

**FD 1.08 (Note).** Application forms are available upon request to the board office located at ~~1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708~~ 4822 Madison Yards Way, Madison, WI 53705, or P.O. Box 8935 Madison, WI 53708.

Section 10. FD 2.02 (3), (4) are renumbered FD 1.015 (2), (3).

Section 11. FD 3.015 is created to read:

**FD 3.015 Definitions.** As used in this chapter: “Department” means the department of safety and professional services.

Section 12. FD 4.02 (1), (3) are renumbered FD 1.013 (1) and (2).

Section 13. FD 6.02 (2), (3) are repealed.

Section 14. **EFFECTIVE DATE.** The rules adopted in this order shall take effect on the first day of November 2018.

-----  
(END OF TEXT OF RULE)  
-----

Dated \_\_\_\_\_  
\_\_\_\_\_  
Chair,  
Funeral Directors Examining Board



# STATEMENT OF SCOPE

## FUNERAL DIRECTORS EXAMINING BOARD

**Rule No.:** FD 1 to 4, FD 6

**Relating to:** Funeral Director Apprenticeships

**Rule Type:** Permanent

**1. Finding/nature of emergency:**

N/A.

**2. Detailed description of the objective of the proposed rule:**

This rule will update the administrative code to reflect the current statutory requirements for a funeral director apprenticeship certificate and for the supervision of apprentices.

**3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

Current administrative code does not reflect the statutory changes made by 2017 Act 304. This proposed rule will update the administrative code to reflect recent statutory changes related to funeral director apprenticeships.

**4. Detailed explanation of statutory authority for the:**

15.08(5)(b) 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.

445.03 (2)(a) The examining board may 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.

445.095 (1) (a) requires that an applicant may be issued a funeral director apprenticeship certificate, "when the examining board is satisfied as to the qualification of an applicant for apprenticeship."

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

40 hours

**6. List with description of all entities that may be affected by the proposed rule:**

Funeral director apprentice applicants

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None

Rev. 3/6/2012

**8. Anticipated economic impact of implementing the rule:**

None to minimal. It is unlikely to have any adverse economic impact on small businesses.

**Contact Person:** Greg DiMiceli, Administrative Rule Coordinator, (608) 266-0955

---

Chairman, Funeral Directors Examining Board

---

Date Submitted