AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-3)

B. Approval of Minutes of May 21, 2019 (4-7)

C. Introductions, Announcements and Recognition
   1) New Members
      a. Augusta Dawn Adams, Funeral Director Member (Replaces: Carlson)
      b. Joseph B. Schinkten, Funeral Director Member (Replaces: Al-Sager)

D. Administrative Matters
   1) Department, Staff and Board Updates
   2) Board Members – Term Expiration Dates

E. 9:30 AM PRELIMINARY PUBLIC HEARING ON STATEMENT OF SCOPE: SS 064-19 – FD 1 and 2 Relating to Licensure and Standards of Practice for Funeral Directors and Funeral Director Apprentices (8-11)
   1) Review and Respond to Public Hearing Comments

F. 9:30 AM PRELIMINARY PUBLIC HEARING ON STATEMENT OF SCOPE: SS 065-19 – FD 4 Relating to Continuing Education Requirements for Funeral Directors (12-13)
   1) Review and Respond to Public Hearing Comments

   1) Review and Respond to Public Hearing Comments

H. Legislative and Administrative Rule Matters – Discussion and Consideration
   1) FD 1 and 2 Relating to Licensure and Standards of Practice for Funeral Directors and Funeral Director Apprentices (16-22)
   2) FD 4 Relating to Continuing Education Requirements for Funeral Directors (23-24)
   3) FD 6 Relating to Burial Agreements Funded with Life Insurance (25-27)
4) FD 1 Relating to the Funeral Director Apprentice Certification Course, and Licensure Application Requirements (28-29)
5) Legislation and Pending or Possible Rulemaking Projects

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

J. 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.).

K. Deliberation on DLSC Matters
1) Stipulations and Final Decisions and Orders
   a. 18 FDR 007 – Kevin P. Casey and Casey Funeral Home (30-35)
2) Administrative Warnings
   a. 17 FDR 039 – KLA and AEFH (36-37)
3) Case Closing(s)
   a. 18 FDR 007 – MJM (38-43)
   b. 18 FDR 014 – JAW (44-47)

L. Deliberation of Items Added After Preparation of the Agenda
1) Education and Examination Matters
2) Credentialing Matters
3) DLSC Matters
4) Monitoring Matters
5) Professional Assistance Procedure (PAP) Matters
6) Petitions for Summary Suspensions
7) Petitions for Designation of Hearing Examiner
8) Proposed Stipulations, Final Decisions and Order
9) Proposed Interim Orders
10) Administrative Warnings
11) Review of Administrative Warnings
12) Proposed Final Decisions and Orders
13) Matters Relating to Costs/Orders Fixing Costs
14) Case Closings
15) Board Liaison Training
16) Petitions for Assessments and Evaluations
17) Petitions to Vacate Orders
18) Remedial Education Cases
19) Motions
20) Petitions for Re-Hearing
21) Appearances from Requests Received or Renewed

M. Consulting with Legal Counsel

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

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

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

**ADJOURNMENT**

**NEXT DATE: NOVEMBER 19, 2019**

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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 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
MAY 21, 2019

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

STAFF: Christian Albouras, Executive Director; Jameson Whitney, Legal Counsel; Jon Derenne, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department Staff

CALL TO ORDER

Marc Eernisse, Chairperson, called the meeting to order at 9:35 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF FEBRUARY 19, 2019

MOTION: D. Bruce Carlson moved, seconded by Aziz Al-Sager, to approve the minutes of February 19, 2019 as published. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Scope Statements for:

FD 1 and 2, Relating to Licensure and Standards of Practice for Funeral Directors and Funeral Director Apprentices

MOTION: Eric Lengell moved, seconded by Marla Michaelis, to approve the Scope Statement revising FD 1 and 2, relating to licensure and standards of practice for funeral directors and funeral director apprentices, for submission to the Department of Administration and Governor’s Office and for publication. The Board authorizes the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: Aziz Al-Sager moved, seconded by Eric Lengell, that if the Board is directed under s. 227.136 (1), Wis. Stats., to hold a preliminary public hearing and comment period on the scope statement revising FD 1 and 2, relating to licensure and standards of practice for funeral directors and funeral director apprentices, the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member
in that succession) is authorized to approve the notice required under s. 227.136 (2), Wis. Stats. Motion carried unanimously.

**FD 4, Relating to Continuing Education Requirement for Funeral Directors**

**MOTION:** Marla Michaelis moved, seconded by Marc Eernisse, to approve the amended Scope Statement revising FD 4, relating to continuing education requirements for funeral directors, for submission to the Department of Administration and Governor’s Office and for publication. The Board authorizes the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

**MOTION:** Aziz Al-Sager moved, seconded by Marla Michaelis, that if the Board is directed under s. 227.136 (1), Wis. Stats. to hold a preliminary public hearing and comment period on the scope statement revising FD 4, relating to continuing education requirements for funeral directors, the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) is authorized to approve the notice required under s. 227.136 (2), Wis. Stats. Motion carried unanimously.

**FD 6, Relating to Burial Agreements Funded with Life Insurance**

**MOTION:** D. Bruce Carlson moved, seconded by Marla Michaelis, to approve the amended scope statement revising FD 6, relating to burial agreements funded with life insurance, for submission to the Department of Administration and Governor’s Office and for publication. The Board authorizes the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the scope statement for implementation no less than 10 days after publication. Motion carried unanimously.

**MOTION:** Eric Lengell moved, seconded by Aziz Al-Sager, that if the Board is directed under s. 227.136 (1), Wis. Stats., to hold a preliminary public hearing and comment period on the scope statement revising FD 6, relating to burial agreements funded with life insurance, the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) is authorized to approve the notice required under s. 227.136 (2), Wis. Stats. Motion carried unanimously.

**Adoption Order for Clearinghouse Rule 18-075, FD 1-4, 6, Relating to Funeral Director Apprenticeships**
MOTION: Marc Eernisse moved, seconded by Aziz Al-Sager, to approve the Adoption Order for Clearinghouse Rule 18-075, relating to funeral director apprenticeship requirements. Motion carried unanimously.

Review of the “Consumer’s Guide to Pre-Planning a Funeral”

MOTION: Aziz Al-Sager moved, seconded by Marla Michaelis, to designate Aziz Al-Sager to work with DSPS Staff to update the “Consumer’s Guide to Pre-Planning a Funeral” document and make note of any suggested updates to the document for discussion at the next meeting. Motion carried unanimously.

CLOSED SESSION

MOTION: D. Bruce Carlson moved, seconded by Eric Lengell, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Marc Eernisse, Chairperson, read the language of the motion aloud for the record. 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 11:27 a.m.

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

Case Closings

17 FDR 018 – R.H.B.

MOTION: Marla Michaelis moved, seconded by Aziz Al-Sager, to close DLSC Case Number 17 FDR 018, against R.H.B., for Prosecutorial Discretion (P5). Motion carried unanimously.

17 FDR 020 – C.D.

MOTION: D. Bruce Carlson moved, seconded by Marla Michaelis, to close DLSC Case Number 17 FDR 020, against C.D., for Lack of Jurisdiction (L2). Motion carried unanimously.

Proposed Stipulations, Final Decisions, and Orders
17 FDR 017 – John O. Bell

**MOTION:** D. 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 John O. Bell, DLSC Case Number 17 FDR 017. Motion carried unanimously.

RECONVENE TO OPEN SESSION

**MOTION:** D. Bruce Carlson moved, seconded by Marla Michaelis, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 11:37 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

**MOTION:** Eric Lengell moved, seconded by Marc Eernisse to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

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

ADJOURNMENT

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

The meeting adjourned at 11:38 a.m.
State of Wisconsin  
Department of Safety & Professional Services

**AGENDA REQUEST FORM**

<table>
<thead>
<tr>
<th>1) Name and title of person submitting the request:</th>
<th>2) Date when request submitted:</th>
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<tbody>
<tr>
<td>Jon Derenne, Administrative Rules Coordinator</td>
<td>August 15, 2019</td>
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</tbody>
</table>

Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting.

<table>
<thead>
<tr>
<th>3) Name of Board, Committee, Council, Sections:</th>
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<tbody>
<tr>
<td>Funeral Directors Examining Board</td>
<td></td>
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<tr>
<th>4) Meeting Date:</th>
<th>5) Attachments:</th>
<th>6) How should the item be titled on the agenda page:</th>
</tr>
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3. Preliminary Public Hearing on Statement of Scope 066-19 – FD 6, relating to burial agreements funded with life insurance.

4. FD 1 and 2 relating to licensure and standards of practice for funeral directors and funeral director apprentices.

5. FD 4 relating to continuing education requirements for funeral directors.

6. FD 6 relating to burial agreements funded with life insurance.

7. FD 1 relating to the funeral director apprentice certification course, and licensure application requirements.

8. Legislation and pending or possible rulemaking projects.

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<tr>
<th>7) Place Item in:</th>
<th>8) Is an appearance before the Board being scheduled? (If yes, please complete Appearance Request for Non-DSPS Staff)</th>
<th>9) Name of Case Advisor(s), if required:</th>
</tr>
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<tbody>
<tr>
<td>☒ Open Session</td>
<td>☐ Yes, ☒ No</td>
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10) Describe the issue and action that should be addressed:
<table>
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<th>Directions for including supporting documents:</th>
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<tr>
<td>1. This form should be attached to any documents submitted to the agenda.</td>
</tr>
<tr>
<td>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</td>
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<tr>
<td>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</td>
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STATEMENT OF SCOPE
Funeral Directors Examining Board

<table>
<thead>
<tr>
<th>Rule No.:</th>
<th>FD 1 and FD 2</th>
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<tr>
<td>Relating to:</td>
<td>Licensure and standards of practice for funeral directors and funeral director apprentices</td>
</tr>
<tr>
<td>Rule Type:</td>
<td>Permanent</td>
</tr>
</tbody>
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1. Finding/nature of emergency (Emergency Rule only):
N/A

2. Detailed description of the objective of the proposed rule:
The objective of the proposed rule is to revise Chapters FD 1 and 2 relating to licensure and standards of practice for funeral directors to renumber definitions; to review and possibly revise FD 1 to ensure that the chapter provides adequate guidance as to the instruments, equipment, and supplies that must be in the preparation room; to review and possibly revise FD 1 and 2 to accurately reflect the tasks that funeral director apprentices may perform under either the supervision or personal supervision of a licensed funeral director, and possibly clarify FD 1 regarding when an apprentice must be within the line of sight of a licensed funeral director in the preparation room; to clarify that the instructional topics required under FD 1 must be presented to students via in-person instruction; and to otherwise revise FD 1 and 2 to bring the code into conformity with current drafting standards.

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:
2017 Wisconsin Act 108 created s. 227.29, Stats. requiring that each agency submit a report to the JCRAR by March 31 of each odd-numbered year identifying any promulgated rules which are unauthorized, obsolete, unnecessary, duplicative, superseded, in conflict with another rule, statute, or court decision, or that are economically burdensome. The agency must also include in its report a description of any actions it is taking to address these issues.

This rule is necessary to remedy issues the Funeral Directors Examining Board has identified as a result of its review of the FD chapters under 2017 Wisconsin Act 108, as well as to make other revisions deemed necessary by the Board.

If the administrative code is not revised to correct these issues, it will result in confusion to stakeholders, and leave the rules out of compliance with state law.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):
Section 15.08 (5) (b), Stats., "[e]ach examining board...Shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession."

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

Rev. 3/6/2012
Section 445.03 (2), Stats., "[t]he examining board may: (a) 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 examining and licensing of funeral directors and the registration of apprentices.

(b) Grant licenses to funeral directors, certificates of registration to apprentices, and permits to operators of funeral establishments..."

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

The staff time needed to develop the rules is expected to be about 80 hours, depending on the complexity. The agency will utilize existing staff. There are no other resources necessary to develop the rules.

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

Individuals licensed in Wisconsin as funeral directors, funeral director apprentices, and those seeking licensure as funeral directors or funeral director apprentices.

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.

8. **Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The proposed rule will have minimal to no economic impact on small businesses and the state’s economy as a whole.

**Contact Person:** Jon Derenne, DSPSAdminRules@wisconsin.gov

Approved for publication:

[Signature]

Authorized Signature

5.21.19

Date Submitted
STATEMENT OF SCOPE
Funeral Directors Examining Board

Rule No.: FD 4

Relating to: Continuing education requirements for funeral directors

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

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

The objective of the proposed rule is to revise Chapter FD 4 relating to continuing education requirements for funeral directors to repeal duplicative requirements; to review and possibly revise FD 4 to clarify the required length of a lesson for the purposes of receiving continuing education credit; and to otherwise clean up FD 4 to bring the code into conformity with current drafting standards.

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:

2017 Wisconsin Act 108 created s. 227.29, Stats. requiring that each agency submit a report to the JCRAR by March 31 of each odd-numbered year listing any promulgated rules which are unauthorized, obsolete, unnecessary, duplicative, superseded, in conflict with another rule, statute, or court decision, or that are economically burdensome. The agency must also include in its report a description of any actions it is taking to address these issues.

This rule is necessary to remedy issues the Funeral Directors Examining Board has identified as a result of its review of the FD chapters under 2017 Wisconsin Act 108, as well as make other revisions deemed necessary by the Board.

If the administrative code is not revised to correct these issues, it will result in confusion to stakeholders and leave the rules and the agency out of compliance with state law.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., "[e]ach 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 227.11 (2) (a), Stats., "[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute..."

Section 445.03 (2), Stats., "[t]he examining board may: (a) 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 examining and licensing of funeral directors and the registration of apprentices."

Rev. 3/6/2012
5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:
The staff time needed to develop the rules is expected to be about 80 hours, depending on the complexity. The agency will utilize existing staff. There are no other resources necessary to develop the rules.

6. List with description of all entities that may be affected by the proposed rule:
Individuals licensed in Wisconsin as funeral directors.

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.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):
The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Jon Derenne, DSPSAdminRules@wisconsin.gov

Approved for publication:

[Signature]

Authorized Signature

6.21.19
Date Submitted
STATEMENT OF SCOPE
Funeral Directors Examining Board

Rule No.: FD 6

Relating to: Burial Agreements Funded with Life Insurance

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):
N/A

2. Detailed description of the objective of the proposed rule:
The objective of the proposed rule is to revise Chapter FD 6 relating to burial agreements funded with life insurance to correct obsolete DSPS contact information; to review and possibly revise FD 6 to streamline requirements for terminating a burial trust, and to otherwise revise FD 6 to bring the code into conformity with current drafting standards.

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:
2017 Wisconsin Act 108 created s. 227.29, Stats. requiring that each agency submit a report to the JCRAR by March 31 of each odd-numbered year identifying any promulgated rules which are unauthorized, obsolete, unnecessary, duplicative, superseded, in conflict with another rule, statute, or court decision, or that are economically burdensome. The agency must also include in its report a description of any actions it is taking to address these issues.

This rule is necessary to remedy issues the Funeral Directors Examining Board has identified as a result of its review of the FD chapters under 2017 Wisconsin Act 108, as well as to make other revisions deemed necessary by the Board.

If the administrative code is not revised to correct these issues, it will result in confusion to stakeholders and leave the rules and the agency out of compliance with state law.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):
Section 15.08 (5) (b), Stats., "[e]ach examining board...Shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession."

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

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:
The staff time needed to develop the rules is expected to be about 80 hours, depending on the complexity. The agency will utilize existing staff. There are no other resources necessary to develop the rules.

Rev. 3/6/2012
6. List with description of all entities that may be affected by the proposed rule:

Individuals licensed in Wisconsin as funeral directors, and agents of licensed funeral directors who are licensed as insurance intermediaries.

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.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Jon Derenne, DSPSAdminRules@wisconsin.gov

Approved for publication:

[Signature]

Authorized Signature

8-21-19

Date Submitted
PUBLIC AGENDA REQUEST FORM

Instructions:
1. Fill out this form, and then save to your device.
2. Return to the “Suggest an Agenda Item” page and select the appropriate Board or Council from the Board/Council list.
3. Attach your completed “Public Agenda Request” form and send.

First Name: Michael
Last Name: Sharkey

Association/Organization: General Counsel, Wisconsin Funeral Directors Association

Address Line 1: Cousineau, Van Bergen, McNee & Malone, PA
Address Line 2: Suite 200, 12800 Whitewater Drive
City: Minneapolis
State: MN
Zip: 55343
Phone Number:(952) 525-6990
Email: msharkey@cvmmlaw.com

Subject: Unintended consequences of the new apprenticeship rule

Issue to Address: Formulating an exception to the requirement to take the 16 hour apprenticeship class for graduates of an accredited mortuary school.

Dear Wis. Funeral Directors Examining Board:

It has come to my attention that the new apprenticeship rule has what I consider to be an unintended consequence that acts as a restraint on apprentices who have completed mortuary school. As of now, one has to take the 16 hour apprenticeship class in order to qualify as an apprentice in Wisconsin. However, this requirement also applies to those who have completed mortuary school. It seems redundant- if not patently absurd- that an individual who has graduated from mortuary school cannot serve as an apprentice until such time as they take the 16 hour apprenticeship class. Any graduate of mortuary school by definition has far more hours and much more rigorous training than the 16 hour class. This, combined with the fact that a mortuary student- by virtue of being enrolled in mortuary school already- may not be available to take the 16 hour class acts as a restraint on that graduate’s ability to begin their apprenticeship. In other words, under the current regulation, a student would have to take two days off of mortuary school in order to attend the apprenticeship class. As such, the
student is missing out on mortuary school in order to attend what is effectively a two day CEU. There is also the concern about the timing of the classes. A student who graduates from mortuary school should be allowed to begin their apprenticeship immediately (assuming the proper paperwork has been filed). Now, the student can run into the issue of having to wait for the next apprenticeship class to begin their apprenticeship.

I respectfully ask that the Wis. Funeral Directors Examining Board review this anomaly and consider issuing a regulation that waives the 16 hour apprenticeship class for an individual who is a graduate of an accredited mortuary school.

Thank you.

Respectfully,

Michael D. Sharkey, Esq.
Chapter FD 1

LICENSES AND PERMITS

FD 1.01 Authority and intent. This chapter is adopted pursuant to authority of ss. 15.08 (5) (b), 227.11 (2) (a), 440.08 (3) (b), and 445.03 (2) (a), Stats., to clarify and establish licensure criteria for funeral directors, funeral director apprentices, and funeral establishments.

History: Cr. Register, July, 1988, No. 391, eff. 8−1−88; CR 16−011: r. and recr. Register September 2016 No. 729, eff. 10−1−16; EmR 1823: emerg. am. (4), (5) eff. 11−27−18; CR 18−075: am. (4), (5) Register June 2019 No. 762, eff. 7−1−19.

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

(1) “Board” means the funeral directors examining board.

(2) “Funeral director” means a person as defined in s. 445.01 (5), Stats.

History: EmR 1823: emerg. cr. title, (intro.), renum. FD 4.02 (1), (3) to 1.013 (1) (2) eff. 11−27−18; CR 18−075: cr. (title), (intro.), (1), (2) renum. from FD 4.02 (1), (3) Register June 2019 No. 762, eff. 7−1−19; correction in (title) made under s. 13.92 (4) (b) 7., Stats., Register June 2019 No. 762.

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

(2) “Personal supervision” means immediate availability to continually coordinate, direct and inspect at first hand the practice of another.

(3) “Supervision” means regularly to coordinate, direct and inspect the practice of another.

History: EmR 1823: emerg. (2), (3), renum. from FD 2.02 (3), (4) Register June 2019 No. 762, eff. 7−1−19; correction in (title) made under s. 13.92 (4) (b) 7., Stats., Register June 2019 No. 762.

FD 1.02 Applications. An applicant for a funeral director’s license shall submit all of the following:

(1) A completed application.

(2) Required fee under s. 440.03 (9) (a), Stats.

(3) Evidence of completion of 2 academic years of instruction in a recognized college or university meeting the requirements of s. FD 1.04.

(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 a 16−hour certification class approved by the board.

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

(6) If the applicant has an arrest or conviction record, documentation necessary for the board to determine whether the circumstances substantially relate to the practice of funeral director, subject to ss. 111.321, 111.322, and 111.335, Stats.

(7) Evidence of passage of the National Board Examination of the International Conference of Funeral Service Examining Boards.

FD 1.03 Examination grade. 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 regionally accredited college showing that the applicant has completed a course of study with 60 semester credit hours in the following areas:

(1) English.

(2) Speech.

(3) Social Sciences.

(4) Natural Sciences.

(5) Business Studies.

(6) Electives.

History: Cr. Register, July, 1988, No. 391, eff. 8−1−88; r. and recr. Register, November, 1998, No. 515, eff. 12−1−98; CR 16−011: r. and recr. Register September 2016 No. 729, eff. 10−1−16; EmR 1823: emerg. am. (4), (5) eff. 11−27−18; CR 18−075: am. (4), (5) Register June 2019 No. 762, eff. 7−1−19.

FD 1.04 Two academic years of instruction. To meet the requirements of 2 academic years of instruction specified in s. 445.045 (1) (d), Stats., an applicant must provide evidence of completion of 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 or otherwise deemed to be equivalent by the funeral directors examining board.

History: Cr. Register, July, 1988, No. 391, eff. 8−1−88; r. and recr. Register, November, 1998, No. 515, eff. 12−1−98; CR 16−011: am. (1), (2) Register September 2016 No. 729, eff. 10−1−16; correction in numbering made under s. 13.92 (4) (b) 1., Stats., Register September 2016 No. 729.

FD 1.05 Mortuary school. 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 or otherwise deemed to be equivalent by the funeral directors examining board.

History: Cr. Register, July, 1988, No. 391, eff. 8−1−88; r. and recr. Register, November, 1998, No. 515, eff. 12−1−98; CR 16−011: r. and recr. Register, December, 1989, No. 391, eff. 8−1−88; correction made under s. 13.93 (2m) (b) 6., Stats., Register, December, 1989, No. 408; EmR 1823: emerg. cr. eff. 11−27−18; CR 18−075: am. Register June 2019 No. 762, eff. 7−1−19.

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

History: EmR 1823: emerg. cr. eff. 11−27−18; CR 18−075: cr. Register June 2019 No. 762, eff. 7−1−19.

FD 1.065 Certification class content. (1) The 16−hour certification class shall contain the following instructional topics:

(a) Funeral director apprentice expectations.
(b) Funeral ethics and etiquette.
(c) Understanding funeral services, gatherings, and various types of dispositions.
(d) Laws, rules, and regulations of funeral service.
(e) Workplace safety and Occupational Safety and Health Administration requirements.
(f) Introduction to funeral service: notification of death, transfers, and arrangements.
(g) Embalming, dressing, and casketing.
(h) Grief and psychology of funeral services.
(i) In-person instruction.
(2) Following the instructional presentation of the material under sub. (1), a written examination, approved by the board, shall be administered.
(3) The written examination shall cover each of the topics under sub. (1) and be included within the 16-hour class requirement.
(4) A passing score of 75 percent on the written examination shall be considered as having successfully completed the certification class.

FD 1.065 Changes in apprenticeship assignment. (1) Whenever any licensed funeral director discharges an apprentice the funeral director shall within 5 days notify in writing, the funeral directors examining board, giving the name and address of the apprentice, and the date of discharge.
(2) Whenever any apprentice leaves his or her apprenticeship at a funeral establishment, the funeral director and apprentice shall within 5 days notify in writing the funeral directors examining board, giving the name and address of the apprentice and date of the apprentice leaving the apprenticeship.

FD 1.075 Supervision of apprentices. (1) Apprentices may engage in the following activities only when under the personal supervision of a licensed funeral director: embalming and other preparing of dead human bodies for burial or transportation, and making funeral arrangements.
(2) Apprentices may conduct funeral services or make removals of bodies under the supervision of a licensed funeral director.
(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.

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, if an extension is granted, after the expiration of the extension, the apprenticeship may not be continued unless the apprentice again completes 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.

FD 1.077 Licensure eligibility. In addition to the requirements under this chapter and s. 445.005, 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 least 25 funeral services during the apprenticeship.

FD 1.08 Permits. (1) Before opening for business, and every 2 years thereafter, a funeral establishment operator shall obtain a permit from the board through application upon a form furnished by the board. An original permit may not be granted to an operator of a funeral establishment without an inspection. No permit may be granted to a funeral establishment which does not meet requirements in s. 445.01, Stats.
(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.
(3) A funeral establishment permit is not transferable from one premises to another or from one operator to another.

FD 1.09 Preparation rooms. (1) Every installation used for embalming operations must contain a floor area of not less than 100 square feet per embalming table and must be used solely for this purpose. It must be isolated by walls or adequate partitions. The walls and furniture must be constructed of material that is easily washed and disinfected. The installation must be equipped with hot and cold running water supply under pressure and in a quantity sufficient for the operations performed therein as well as for cleaning the room. Waste water must flow into the main sewer if available or into an adequate septic tank. Hand washing facilities should be easily accessible.
(2) All preparation rooms in funeral establishments must be equipped with adequate sanitary facilities so that no health hazards are produced as a result of embalming operations performed therein.
(3) All preparation rooms shall be equipped with a ventilating system capable of expelling gases or fumes to the outside at a point so as not to create a nuisance, and shall also be equipped with a hard surface, metal or porcelain top embalming table, a set of essential embalming instruments and a supply of disinfectants.

FD 1.10 License renewal and reinstatement procedures. (1) RENEWAL WITHIN 5 YEARS. A credential holder shall renew the license by paying the renewal fee specified in s. 440.08(2), Stats., and attesting to completion of the continuing education required under s. FD 4.03. If the credential is not renewed before

Published under s. 35.93, Wis., Stats., by the Legislative Reference Bureau.
its expiration date, the credential holder shall pay a late renewal fee.

(2) **Renewal after 5 years.** A credential holder who has failed to renew a license within 5 years after the renewal date holds an expired license and may not reapply for the license using the initial application process. This subsection does not apply to license holders who have unmet disciplinary requirements or whose credentials have been surrendered or revoked. An applicant who holds an expired funeral director’s license shall submit all of the following:

(a) A completed application.

(b) The renewal and late fees specified in s. 440.08 (2) and (3) (a), Stats.

(c) Evidence of passage of the Wisconsin jurisprudence examination for funeral directors.

(d) Evidence of one of the following:

1. Current licensure as a funeral director if the applicant holds an active license in good standing as a funeral director in another state.

2. If the applicant’s funeral director’s license has expired for more than 5 but less than 10 years and the applicant does not hold an active license in good standing as a funeral director in another state, attestation to the completion of 30 hours of continuing education approved by the board. The continuing education courses shall have been completed within the 4 years prior to application for licensure under this subsection and shall include a minimum of 10 hours of in-person instruction.

3. If the applicant’s funeral director’s license has expired for 10 years or more and the applicant does not hold an active license in good standing as a funeral director in another state, the applicant shall provide evidence of passage of the National Board Examination of the International Conference of Funeral Service Examining Boards within 12 months prior to application for a license under this subsection and attestation to the completion of 30 hours of continuing education approved by the board. The continuing education courses shall have been completed within the 4 years prior to application for licensure under this subsection and shall include a minimum of 10 hours of in-person instruction.

(3) **Reinstatement.** A credential holder who has unmet disciplinary requirements and failed to renew the credential within 5 years or whose credential has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:

(a) Evidence of completion of the requirements in sub. (2) if the credential has not been active within the last 5 years.

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances, warranting reinstatement of the credential.

**History:** CR Register, September, 1993, No. 453, eff. 10–1–93; r. and recr. (1) and (2), am. (3), Register, November, 1998, No. 515, eff. 12–1–98; CR 16–011; r. and recr. Register September 2016 No. 729, eff. 10–1–16.

**FD 1.11 Renewal of Wisconsin licenses of out-of-state funeral directors.** (1) **Intent.** The intent of the board in adopting this section is to clarify the board’s interpretation of s. 445.06, Stats., that a licensee seeking renewal of a funeral director’s license who is doing business at a legally operating funeral establishment in a jurisdiction outside the state of Wisconsin and who meets all other requirements for license may obtain a funeral director’s license.

(2) **Recognized funeral establishment.** For purposes of renewal of licenses under s. 445.06, Stats., “recognized funeral establishment” means any building or part of a building used and held out to the public as being used in the care and preparation for burial and transportation of dead human bodies or for holding or conducting of funeral services.

**History:** Renum. from FD 2.12 and am. (2), Register, November, 1998, No. 515, eff. 12–1–98.

**FD 1.12 Reciprocity.** A person licensed as a funeral director in another state may obtain a license under this chapter if the applicant holds a valid funeral director’s license in good standing from another state having requirements determined by the board to be substantially equivalent to the requirements prescribed in s. 445.045, Stats., and this chapter. An applicant for a license under this chapter shall submit all of the following:

(1) A completed application for licensure.

(2) The fee specified under s. 440.05 (2), Stats.

(3) If the applicant has an arrest or conviction record, documentation necessary for the board to determine whether the circumstances substantially relate to the practice of funeral director, subject to ss. 111.321, 111.322, and 111.335, Stats.

(4) Verification of a valid license in good standing from any state of licensure.

(5) Evidence of passage of the Wisconsin jurisprudence examination for funeral directors.

**Note: **Applicants must complete the “Application for Funeral Director Credential” to apply for a license and the “Application for Examination” to take the Wisconsin jurisprudence examination for funeral directors. Application forms are available at http://dsps.wi.gov/Licenses−Permits/FuneralDirector/FDIRforms.

**History:** CR 16–010; cr. Register September 2016 No. 729, eff. 10–1–16; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register July 2018 No. 751.
Chapter FD 2
STANDARDS OF PRACTICE

FD 2.01 Authority and intent.

FD 2.02 Definitions. (1) “Funeral arrangements” means the provision of information or advice on selection and cost of merchandise, facilities, equipment or personal services provided for funeral establishments and conduct of funeral directors under ch. 445, Stats.

FD 2.03 Operation of a funeral establishment. (1) “Funeral arrangements” means the provision of information or advice on selection and cost of merchandise, facilities, equipment or personal services provided for final disposition of a dead human body in the course of formulating a contractual agreement between a funeral director or funeral home and client.

FD 2.04 Discrimination. (1) “Funeral services” means the ceremonies held in conjunction with disposition of the dead, including visitation, religious rites, memorials and graveside services.

FD 2.05 Business telephone listings and advertising. (1) “Personal supervision” means immediate availability to continually coordinate, direct and inspect at first hand the practice of another.

FD 2.06 Definitions. (2) “Supervision” means regularly to coordinate, direct and inspect the practice of another.

FD 2.08 Business practices. (1) “Funeral arrangements” means the provision of information or advice on selection and cost of merchandise, facilities, equipment or personal services provided for final disposition of a dead human body in the course of formulating a contractual agreement between a funeral director or funeral home and client.

FD 2.09 Commission prohibited.

FD 2.10 Sanitation. (1) “Funeral services” means the ceremonies held in conjunction with disposition of the dead, including visitation, religious rites, memorials and graveside services.

FD 2.11 Radioactive materials. (1) “Personal supervision” means immediate availability to continually coordinate, direct and inspect at first hand the practice of another.

FD 2.12 Radioactive materials. (1) “Funeral arrangements” means the provision of information or advice on selection and cost of merchandise, facilities, equipment or personal services provided for final disposition of a dead human body in the course of formulating a contractual agreement between a funeral director or funeral home and client.

FD 2.13 Confidentiality.

Note: Chapter FDE 2 was renumbered chapter FD 2 under s. 13.93 (2m) (b) 1., Stats., Register, September, 1993, No. 453.

FD 2.01 Authority and intent. This chapter is adopted pursuant to authority of ss. 15.08 (5) (b), 227.11 and 445.03, Stats., and specifies the minimum standards of operation of funeral establishments and conduct of funeral directors under ch. 445, Stats.

Note: Funeral directors must comply with the standards adopted by the federal trade commission and set forth in 16 CRF 453.

History: Cr. Register, July, 1988, No. 391, eff. 8−1−88.

FD 2.02 Definitions. (1) “Funeral arrangements” means the provision of information or advice on selection and cost of merchandise, facilities, equipment or personal services provided for final disposition of a dead human body in the course of formulating a contractual agreement between a funeral director or funeral home and client.

FD 2.03 Operation of a funeral establishment. (1) “Funeral arrangements” means the provision of information or advice on selection and cost of merchandise, facilities, equipment or personal services provided for final disposition of a dead human body in the course of formulating a contractual agreement between a funeral director or funeral home and client.

FD 2.04 Discrimination. (1) “Funeral services” means the ceremonies held in conjunction with disposition of the dead, including visitation, religious rites, memorials and graveside services.

FD 2.05 Business telephone listings and advertising. (1) “Personal supervision” means immediate availability to continually coordinate, direct and inspect at first hand the practice of another.

FD 2.06 Definitions. (2) “Supervision” means regularly to coordinate, direct and inspect the practice of another.

History: Cr. Register, July, 1988, No. 391, eff. 8−1−88; correction in (1) made under s. 13.93 (2m) (b) 12., Stats., Register, September, 1993, No. 453, am. (1), Register, November, 1998, No. 515, eff. 12−1−98.

FD 2.08 Business practices. (1) “Funeral arrangements” means the provision of information or advice on selection and cost of merchandise, facilities, equipment or personal services provided for final disposition of a dead human body in the course of formulating a contractual agreement between a funeral director or funeral home and client.

FD 2.09 Commission prohibited. Except as provided in s. 445.125 (3m), Stats., paying or accepting a commission or a salary based upon the selling price or number of funeral services sold shall be considered unethical and is therefore prohibited.

History: Cf. Register, June, 1978, No. 270, eff. 7−1−78; renum. from FDE 2.12, Register, July, 1988, No. 391, eff. 8−1−88; am., Register, November, 1998, No. 515, eff. 12−1−98.

FD 2.10 Sanitation. (1) “Funeral services” means the ceremonies held in conjunction with disposition of the dead, including visitation, religious rites, memorials and graveside services.

FD 2.11 Radioactive materials. (1) “Personal supervision” means immediate availability to continually coordinate, direct and inspect at first hand the practice of another.

FD 2.12 Radioactive materials. (1) “Funeral arrangements” means the provision of information or advice on selection and cost of merchandise, facilities, equipment or personal services provided for final disposition of a dead human body in the course of formulating a contractual agreement between a funeral director or funeral home and client.

FD 2.13 Confidentiality. (1) “Funeral services” means the ceremonies held in conjunction with disposition of the dead, including visitation, religious rites, memorials and graveside services.

Published under s. 35.93, Stats. Updated on the first day of each month. is the date the chapter was last published. Entire code is always current. The Register date on each page is the date the chapter was last published.
FD 2.13 Confidentiality. All personnel involved in the post-mortem care of the deceased shall be informed of the confidentiality provisions under s. 252.15 (3m), Stats., and the consequences of violating these confidentiality provisions.

History: Cr. Register, June, 1996, No. 486, eff. 7–1–96; correction made under s. 13.92 (4) (b) 7, Stats., Register January 2011 No. 661.
Chapter FD 4

CONTINUING EDUCATION REQUIREMENTS

FD 4.01 Authority.

FD 4.02 Definitions.

FD 4.03 Continuing education.

FD 4.04 Approval of continuing education programs.

FD 4.045 Qualifications for continuing education instructors.

FD 4.05 Exemption.

FD 4.06 Audit.

Note: Chapter FDE 5 was renumbered chapter FDE 4 under s. 13.93 (2m) (b) 1., Stats., Register July, 1988, No. 391, eff. 8–1–88. Chapter FDE 4 was renumbered chapter FD 4 under s. 13.93 (2m) (b) 1., Stats., Register, September, 1993, No. 453.

FD 4.01 Authority. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11 and 445.06, Stats.

History: Cr. Register July, 1986, No. 367, eff. 8–1–86; correction made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1993, No. 453.

FD 4.02 Definitions. In this chapter,

1. “Board” means the funeral directors examining board.

2. “Evidence of attendance” means an official transcript, student grade report or a written form furnished by a program provider which specifies satisfactory completion of a continuing education program.

3. “Funeral director” means a person as defined in s. 445.01 (5), Stats.

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 board, district board, or a 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.

4. “Program provider” means an educational institution, governmental agency, professional or trade association or foundation or a private firm or individual whose primary function is continuing education.

History: Cr. Register, July, 1986, No. 367, eff. 8–1–86; CR 17−048s. cr. (3m), (3n) Register July 2018 No. 751, eff. 8–1–18; correction in (3n) (d) made under s. 35.17, Stats., Register July 2018 No. 751.

FD 4.03 Continuing education. (1) Every funeral director, as defined in s. 445.01 (5), Stats., shall complete at least 15 hours of approved continuing education programs in each biennial registration period, specified under s. 445.06, Stats., except as described in s. FD 4.05.

(2) Approved continuing education hours may apply only to the biennial registration period in which the hours are acquired.

(3) To obtain credit for completion of the continuing education requirement, a funeral director shall submit certificates of attendance issued by the program provider or other evidence of attendance satisfactory to the board.

(4) At least 3 hours of the 15−hour requirement shall be in approved programs in the subject area specified in s. FD 4.04 (1) (a) 2.

(4m) At least 3 hours of the 15−hour requirement shall be in each of the subject areas specified in s. FD 4.04 (1) (a) 1. to 4.

(5) No more than 7 hours of all of the 15−hour requirement may be in approved programs in s. FD 4.04 (7).

(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.

(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.

(7) No more than 10 hours of the 15−hour requirement may be acquired through participation in board−approved online programs.

(8) Each contact or clock hour or lesson completed in a board−approved online program is equivalent to 1.0 continuing education credit hour.

(9) Continuing education credit for participation in a multiple−day program, in which each day of the program is a prerequisite for each succeeding day, shall be granted only for completion of the entire program.

(10) A funeral director may receive credit for attendance at a continuing education program which received approval after he or she attended the program, if the funeral director provides evidence of attendance satisfactory to the board.

(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.

History: Cr. Register July, 1986, No. 367, eff. 8–1–86; am. (7), Register, November, 1998, No. 515, eff. 12–1–98; CR 01−063, cr. (4m) and am. (5), Register November 2001 No. 551, eff. 12–1−01; CR 17−048s. cr. and recr. (6), cr. (6m), am. (7), (8), cr. (11) Register July 2018 No. 751, eff. 8–1–18.

FD 4.04 Approval of continuing education programs. (1) 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. To be approved by the board, a continuing education program shall meet all of the following criteria:

(a) The program relates to one or more of the following subject content areas:

1. Grief counseling or communication.

2. Professional conduct, business ethics or legal aspects specifically related to practice in the profession.

3. Business management concepts relating specifically to delivery of services to a consumer.

4. Technical or practical aspects of the profession.

5. Business management concepts relating to practice in the profession.

History: Cr. Register July, 1986, No. 367, eff. 8–1–86; CR 17−048s. cr. and recr. (6), cr. (6m), am. (7), (8), cr. (11) Register July 2018 No. 751, eff. 8–1–18.
(b) The program is available to all funeral directors regardless of membership in or affiliation with any organization.

(c) The program provider does one of the following:
   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.
   2. The program provider of a board-approved online continuing education program includes in the program a satisfactory test to determine a participant’s successful completion of the approved online program.

(2) An application for a continuing education program shall include all of the following:
   (a) Date and location of the program.
   (b) Time segments scheduled in the program for presentation of subject areas specified in sub. (2).
   (c) Name and title of the instructor.
   (d) Name and title of the person requesting program approval on behalf of the provider.

Note: Forms are available upon request to the board office, PO Box 8935, Madison, WI 53708.

(3) A separate application shall be submitted for each continuing education program. Approval of a continuing education program expires on December 31 of each odd-numbered year.

(4) A program provider shall apply for approval of a continuing education program at least 30 days prior to its presentation.

(5) A continuing education program may include subject content other than that specified in sub. (1); however, the board shall limit its approval only to that part and time segments of the program which relate to subject areas specified in sub. (1).

(6) A 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.

(7) In-service continuing education programs sponsored by a funeral establishment are not eligible for credit unless the programs are available to all licensed funeral directors and meet all other requirements in this section.

(8) A continuing education course sponsored by a national, international or state funeral director’s association, or an educational institution accredited by the American Board of Funeral Service Education or approved by the Academy of Professional Funeral Service Practice or otherwise deemed to be equivalent by the board, which satisfies the criteria established in sub. (1) (a) to (c) and s. FD 4.045, shall be approved by the board without receipt of a course approval application from the program provider.

History: Register July, 1986, No. 367, eff. 8-1-86; correction in (6) made under s. 13.92 (4) (b) 7., Stats., Register March 2008 No. 627; CR 16-011; am. (1) (c) to (1), (c) 1. and am., cr. (1) (c) (intro.), renum. (1) (d) to (1) (c) 2. and am., am. (6) Register July 2018 No. 751, eff. 8-1-18; correction in (8) made under s. 13.92 (4) (b) 7., Stats., Register July 2018 No. 751.

FD 4.045 Qualifications for continuing education instructors. Instructors for continuing education shall possess one of the following minimum qualifications:

1. Be an instructor of funeral directing who is or has been engaged in the practice of teaching at an accredited institution of higher education.

2. Be a properly licensed or certified person for the 5 years immediately before becoming a continuing education instructor.

3. Be a person who, in the judgment of the board, is qualified by experience or education, or both, to supervise a course of study.

History: CR 01-006; cr. Register November 2001 No. 551, eff. 12-1-01.

FD 4.05 Exemption. Any funeral director who holds a certificate in good standing granted under s. 445.06, Stats., shall be exempt from meeting the continuing education requirement for the duration of the period that the funeral director is not engaged in professional practice. A funeral director who holds a certificate shall notify the board and shall submit proof of having completed 15 hours of approved continuing education programs in the 2-year period immediately preceding notification to the board of his or her intent to return to professional practice in a licensed funeral establishment.

History: CR 78-06; cr. Register July 1986 No. 367, eff. 8-1-86.

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

History: CR 17-048; cr. Register July 2018 No. 751, eff. 8-1-18.
Chapter FD 6  
BURIAL AGREEMENTS FUNDED WITH LIFE INSURANCE

FD 6.01 Authority and purpose. The rules in this chapter are adopted by the board under the authority of ss. 15.08 (5) (b), 227.11 (2), 445.125 (3m) (b) 2. b. and (j) 1. and 2. Stats., and govern the registration and regulation of agents.

History: Cr. Register, October, 1997, No. 502, eff. 11–1–97.

FD 6.02 Definitions. In this chapter:

(1) “Agent” means an authorized representative of a funeral director or an operator of a funeral establishment who sells or solicits the sale of a burial agreement that is funded with the proceeds of a life insurance policy.

(2) “Board” means the funeral directors examining board.

(3) “Department” means the department of safety and professional services.

(4) “Evidence of attendance” means an official transcript, student grade report, or a written form furnished by a program provider which specifies satisfactory completion of an educational training program.

(5) “Program provider” means an educational institution, governmental agency, professional or trade association or foundation or a private firm or individual whose function is educational training programming.

History: Cr. Register, October, 1997, No. 502, eff. 11–1–97; correction in (3) made under s. 13.92 (4) (b) 6., Stats., Register January 2012 No. 673.

FD 6.03 Registration requirements. (1) A licensed funeral director or operator of a funeral establishment shall submit an application with all of the following information:

(a) The identity of any agent authorized by s. 445.125 (3m), Stats., to sell or solicit the sale of a burial agreement that is funded with the proceeds of a life insurance policy on behalf of the licensed funeral director or operator of a funeral establishment.

(b) The agent’s Wisconsin life insurance intermediary’s license number and expiration date, and the insurer or insurers whom the agent is listed to represent.

(c) Evidence satisfactory to the board that the agent has successfully completed at least 20 hours of approved educational training as provided in s. FD 6.05. An agent who is a Wisconsin licensed funeral director and a Wisconsin licensed insurance intermediary shall be exempt from having to complete the 20 hours of approved educational training as provided in s. FD 6.05.

(2) A copy of each contract between an agent and an operator of a funeral establishment shall accompany the application.

(3) The application shall be accompanied by the fee authorized in s. 440.05 (1), Stats.

(4) Upon receipt of an application and payment of the fees, the board shall issue a registration card to an agent.

(5) No agent may sell or solicit the sale of a burial agreement funded with the proceeds of a life insurance policy unless he or she is registered by the board.

Note: Application forms are available upon request to the Funeral Directors Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, October, 1997, No. 502, eff. 11–1–97.

FD 6.04 Change of employment. A licensed funeral director or operator of a funeral establishment shall notify the board within 30 calendar days of the termination of any contract he or she has with an agent.

History: Cr. Register, October, 1997, No. 502, eff. 11–1–97.

FD 6.05 Training requirements. (1) Educational training shall include the following subjects:

(a) The funeral industry practice regulations of the federal trade commission, and any other applicable federal statutes and regulations related to the funeral service industry including, but not limited to, the occupational safety and health act.

(b) The funeral industry practice regulations contained in the Wisconsin statutes and administrative code including, but not limited to, burial agreements and any applicable impoverishment provisions.

(c) The ethics of funeral service marketing.

(d) Funeral service and final disposition options.

(e) Funding mechanisms for burial agreements.

(f) Financial benefits available at the time of death including, but not limited to, veteran’s benefits, social security income, pensions, and human services benefits.

(g) Grief communication skills.

(2) Educational training credit for participation in a multiple−day program, in which each day of the program is a prerequisite for each succeeding day, shall be granted only for completion of the entire program.

(3) Credit for attendance at an educational training program shall be given to an agent if all of the following apply:

(a) The program has been approved by the board under s. FD 6.06.

(b) The agent provides evidence of attendance satisfactory to the board.

(c) The agent takes and successfully passes a comprehensive examination administered by the program provider.

History: Cr. Register, October, 1997, No. 502, eff. 11–1–97.

FD 6.06 Approval of educational training programs. (1) To obtain approval of an educational training program, the program provider shall submit an application to the board on a form provided by the board which shall include evidence of all of the following:

(a) Information that the program relates to the following subject areas:

1. The funeral industry practice regulations of the federal trade commission, and any other applicable federal statutes and regulations related to the funeral service industry including, but not limited to, the occupational safety and health act.

2. The funeral industry practice regulations contained in the Wisconsin statutes and administrative code including, but not limited to, burial agreements and applicable impoverishment provisions.

3. The ethics of funeral service marketing.
4. Funeral service and final disposition options.
5. Funding mechanisms for burial agreements.
6. Financial benefits available at the time of death including, but not limited to, veteran’s benefits, social security income, pensions, and human services benefits.
7. Grief communication skills.
(b) The program is available to all agents regardless of membership or affiliation with any organization.
(c) The program provider agrees to monitor the continuous attendance of participants and to furnish to each participant with evidence of attendance.

(2) A separate application shall be submitted for each educational training program. Approval of an educational training program expires on December 31 of each odd-numbered year.

(3) A program provider shall apply for approval of an educational training program at least 30 days prior to its presentation.

(4) An educational training program may include subject content other than that specified in sub. (1); however, the board shall limit its approval only to that part and time segments of the program which relate to subject areas specified in sub. (1).

(5) In-service educational training programs sponsored by a funeral establishment or insurance company are not eligible for credit unless the programs are available to all agents and meet all other requirements in this section.

Note: Application forms are available upon request to the Funeral Directors Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, October, 1997, No. 502, eff. 11–1–97.

FD 6.07 Standards for burial agreements funded by life insurance proceeds. A burial agreement shall be in written form that is clear and conspicuous, and shall include all of the following:

(1) The identity of the funeral establishment and the insurer or insurers that the agent represents.

(2) The identity of the funeral establishment that will be used to provide the funeral services or merchandise under the agreement.

(3) The nature and extent of any price guarantees for the funeral merchandise or funeral services, or any guarantees that exist.

(4) Information that a life insurance policy is involved in or connected to, or is being used to fund, the burial agreement.

(5) The type of insurance instrument that is being used to fund the burial agreement.

(6) The effect on the burial agreement of all of the following:
(a) Changing the life insurance policy, including, but not limited to, changing the assignment of the policy proceeds, changing the beneficiary designation, or changing the use of the proceeds.
(b) Any penalties incurred by the policyholder as a result of failing to make premium payments.
(c) Any penalties incurred or money received as a result of cancellation or surrender of the life insurance policy.

(7) A statement of funeral goods and services selected under the burial agreement and the price of each item or service provided under the burial agreement, including a statement as to whether the purchase price of the funeral merchandise and services are guaranteed at the time the burial agreement is arranged or whether the price is to be determined at the time of need. If the price of funeral merchandise or services is to be determined at the time of need, those prices may not exceed the prices as set forth in the funeral establishment’s general price list required under the funeral industry practices regulations of the federal trade commission.

(8) All information concerning what occurs, and whether any entitlements arise, if there is a difference between the proceeds of the life insurance policy and the amount of money actually needed to fund the burial agreement.

(9) Any restrictions, including geographic restrictions, or penalties relating to delivery or performance under the burial agreement, including any restrictions or penalties relating to the inability of the operator of the funeral establishment to perform.

(10) A statement as to whether the sales commission or other form of compensation is being paid to the agent who sells or solicits the sale of a burial agreement and the life insurance used to fund the burial agreement and, if so, the identity of any other persons to whom the commission or other compensation is paid.

(11) The following statement in not less than 12-point bold-face type: “Burial agreements are regulated by the Wisconsin Funeral Directors Examining Board. Should you have a complaint, please contact the Board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708 or by telephone at (608) 266–5511.”

History: Cr. Register, October, 1997, No. 502, eff. 11–1–97.

FD 6.08 Contractual standards for agents and operators of funeral establishments. A copy of each contract between an agent and an operator of a funeral establishment shall be sent to the board along with the agent’s application for registration as required in s. FD 6.03. A contract between an agent and an operator of a funeral establishment shall include all of the following:

(1) A statement that the agent is currently licensed as a life insurance intermediary in Wisconsin and is currently listed with an insurer or insurers who is authorized to sell life insurance used to fund a burial agreement in Wisconsin.

(2) A statement that the agent has received the required training pursuant to s. 445.125 (3m) (b) 2. a., Stats., and will obtain any additional training as required by the board.

(3) A statement that the agent shall immediately notify the operator of the funeral establishment at any time while the contract between the agent and operator of the funeral establishment is in effect if any of the following occur:
(a) The agent’s life insurance license is suspended or revoked.
(b) There are any changes to listings with insurers.

(4) A statement that the agent will abide by the funeral industry practices regulations of the federal trade commission, and all applicable Wisconsin statutes and rules.

(5) A statement as to whether the sales commission or other form of compensation is being paid to the agent who sells or solicits the sale of a burial agreement and the life insurance used to fund the burial agreement and, if so, the identity of any other persons to whom the commission or other compensation is paid.

History: Cr. Register, October, 1997, No. 502, eff. 11–1–97.

FD 6.09 Requirements for terminating a burial trust. Written notice shall be sent to the board by an agent, licensed funeral director or operator of the funeral establishment when a consumer terminates a trust as established under s. 445.125 (1), Stats. The following information shall be included in the written notice that an agent, funeral director, or operator of a funeral establishment gives to a consumer and to the board when the consumer terminates a burial trust and converts to a burial agreement funded by the proceeds of a life insurance policy:

(1) The name of the individual for whom the existing burial trust is intended.

(2) The date on which the original burial trust agreement was made.

(3) The name of the funeral establishment that was designated on the original burial trust agreement.

(4) The name of the bank, trust company, savings and loan association, or savings bank in which the burial trust funds have been held.

(5) The current value of the trust.

(6) The name of the life insurance company issuing the life insurance policy intended to fund the burial agreement.

(7) The name of the agent who sells the life insurance policy.
(8) The name of the funeral establishment that will be designated on the life insurance policy as the beneficiary.

History: Cr. Register, October, 1997, No. 502, eff. 11–1–97.

FD 6.10 Solicitation of prospective purchasers of burial agreements funded with the proceeds of a life insurance policy. (1) AUTOMATED TELEPHONE CALLS. A funeral director, owner of a funeral establishment, or agent may only initiate a telephone call using an automated telephone dialing system or an artificial or prerecorded voice system for the purpose of selling or soliciting a burial agreement funded by the proceeds of a life insurance policy when calling a residential or business telephone line, provided that the funeral director, owner of a funeral establishment, or agent obtains the prior express written consent of the party to be called.

(2) LIVE-VOICE TELEPHONE CALLS. A funeral director, owner of a funeral establishment, or an agent may initiate a telephone call by live-voice for the purpose of selling or soliciting a burial agreement funded with the proceeds of a life insurance policy only if all of the following apply:

(a) A funeral director, owner of a funeral establishment, or agent sends written notice to the prospective purchaser at least 10 days in advance of the call, advising the prospective purchaser of all of the following:
   1. The name of the funeral director, owner of a funeral establishment, or agent who will be calling, the name of the person or entity upon whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted.
   2. That the call will only be made between the hours of 9:00 a.m. to 7:00 p.m. central time.
   3. The specific reason for the call in no less than 12-point type.
   4. That a prospective purchaser may call the person or entity upon whose behalf the call is being made to request that no call be made. This statement shall be in no less than 14-point, bold-faced type.

(b) The telephone caller immediately begins the conversation by providing the called party with the name of the funeral director, owner of the funeral establishment, or agent, the name of the person or entity upon whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted.

(c) The telephone caller records the name and telephone number of persons who request placement on a do-not-call list at the time the request is made and the caller agrees to make no further calls to a person who has requested placement on the list.

(d) A telephone call is only made to a prospective purchaser or the prospective purchaser’s authorized representative, in a hospital, health care facility, elderly home or similar establishment, if the prospective purchaser or the prospective purchaser’s authorized representative requests the call.

(e) A telephone call is only made to a prospective purchaser of a burial agreement funded by the proceeds of a life insurance policy whose death is imminent or appears to be imminent, if the prospective purchaser or the prospective purchaser’s authorized representative requests the call.

(3) DOOR-TO-DOOR SOLICITATION. A funeral director, owner of a funeral establishment, or an agent may not contact a prospective purchaser of a burial agreement funded with the proceeds of a life insurance policy by door-to-door solicitation.

History: Cr. Register, October, 1997, No. 502, eff. 11–1–97; renum. and am. (1) (intro.) to be (1), (2) (b) (intro.), 1. to 4., to be (2) (a) (intro.), 1. to 4., x. (1) (a) to (c), (2) (a), (4) and (5), cr. (2) (b) to (c), x. and recr. (3), Register, July, 1999, No. 523, eff. 8–1–99; reprinted to correct printing error in (3), Register, November, 1999, No. 527.
### CHAPTER 445
#### FUNERAL DIRECTORS

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#### Cross-reference: See definitions in s. 440.01.

**445.01 Definitions.** As used in this chapter:

(2) “Apprentice” means a person engaged in the learning of the practice of funeral directing under the instruction and personal supervision of a funeral director who is licensed under this chapter and whose funeral establishment is located in this state.

(2m) “Compensation” means direct or indirect payment, including the expectation of payment whether or not actually received.

(3) “Embalming” means disinfecting or preserving dead human bodies, entire or in part, by the use of chemical substances, fluids or gases in the body, or by the introduction of same into the body by vascular or hypodermic injection, or by direct application into the organs or cavities for the purpose of preservation or disinfection.

(4) “Examining board” means the funeral directors examining board.

(5) A “funeral director” means any of the following:

(a) A person engaged in or conducting, or holding himself or herself out, in whole or in part, as being engaged in any of the following:

1. Embalming or otherwise preparing for the burial or disposal of dead human bodies.
2. Directing and supervising the burial or disposal of dead human bodies.

(c) A person who, in connection with his or her name or funeral establishment, uses the words, “funeral director,” “mortician” or any other title implying that he or she is engaged as a funeral director as defined in this subsection.

(6) “Funeral establishment” means any building or part of a building used and held out to the public as being used for caring or preparing for the burial or transportation of dead human bodies or for holding or conducting of funeral services.

(7) “Operator of funeral establishment” means any person who conducts, maintains, manages or operates a funeral establishment.

(8) “Person” includes firm, corporation, partnership, cooperative, unincorporated cooperative association, and association of individuals.

(9) “Preparation room” means any building or part of a building used for embalming, caring for, or preparing for burial or transportation dead human bodies.

**History:** 1975 c. 39 ss. 648m, 649, 649g, 732 (2); 1975 c. 199; 1977 c. 272 s. 98; 1979 c. 175 ss. 28, 30, 53; 1979 c. 221 ss. 660, 2202 (45); Stats. 1979 s. 445.01; 1981 c. 20; 1983 a. 189, 485; 1993 a. 100; 2005 a. 266, 441; 2017 a. 304.

**445.03 Powers of examining board.** (1) The examining board shall:

(a) Enforce this chapter.

(b) Make and enforce rules necessary for the administration of subch. I of ch. 157.

(2) The examining board may:

(a) 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.

(b) Grant licenses to funeral directors, certificates of registration to apprentices, and permits to operators of funeral establishments.

(c) Conduct a school of instruction to apprise funeral directors of the most recent scientific knowledge and developments affecting their profession. Qualified lecturers and demonstrators shall be employed for this purpose, who may be selected without regard to the civil service law.

(d) Make and determine reciprocal agreements with other states.

**History:** 1971 c. 301; 1975 c. 39 ss. 650, 651, 732 (2); 1979 c. 175 s. 29; 1979 c. 221 s. 660; Stats. 1979 s. 445.03; 1981 c. 20, 162; 1983 a. 485; 1985 a. 316 s. 25.

**Rules authorized under sub. (2) (a) should be enacted under ch. 227. 63 Atty. Gen. 154.**

**445.04 Funeral directors; licenses.** (1) Except for conducting funeral services, the business of a funeral director must be conducted in a funeral establishment that has been issued a permit by the examining board.

(2) Except as provided in s. 257.03, no person may engage in the business of a funeral director, or make a representation as engaged in such business, in whole or in part, unless first licensed as a funeral director by the examining board. Application for a license, other than a renewal, shall be in writing and verified on a form to be furnished by the department. The application must specify the address at which the applicant proposes to conduct the business of a funeral director and shall contain such other information as the examining board requires to determine compliance with the requirements of this chapter. Accompanying the application shall be the initial credential fee determined by the department under s. 440.03 (9) (a), together with affidavits of recommendation from at least 2 persons of the county in which the applicant resides or proposes to conduct the business of a funeral director.

(3) (a) Written examinations for a funeral director’s license under pars. (b) and (c) shall be held at least once a year and shall be conducted by the examining board at a time and place to be designated by the examining board.

(b) The comprehensive examination shall include the subjects of:

1. Funeral directing and burial or other disposition of dead human bodies;
2. Anatomy, bacteriology, autopsy, chemistry and practical embalming; and
3. Sanitary science, public health, transportation, business ethics and the laws of this state and rules of the department of...
health services relating to communicable diseases, quarantine and causes of death.

(c) The jurisprudence examination shall test the applicant's knowledge of state law relating to funeral directing.


Cross-reference: See also chs. DHS 135 and 136, Wis. adm. code.

445.045 License requirements. (1) To be eligible for an original funeral director's license, a person must meet all of the following requirements:

(a) The person must be at least 18 years of age.

(b) Subject to ss. 111.321, 111.322 and 111.335, the person must not have an arrest or conviction record.

(d) The person must have completed 2 academic years of instruction in a recognized college or university, in a course of study approved by the examining board, or have equivalent education.

(e) The person must have satisfactorily completed 9 months or more instruction in a prescribed course in mortuary science approved by the examining board at any time after having completed an approved certification class described in s. 445.095 (1) (a).

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

(g) The person must have successfully passed a comprehensive examination under s. 445.04 (3) (b) and a jurisprudence examination under s. 445.04 (3) (c).

(2) The eligibility requirements in sub. (1) shall not apply to:

(a) Any person to whom a certificate of apprenticeship was issued before October 1, 1959, and who satisfies the legal requirements in effect at the time of the person's registration;

(b) Any person who served actively in the armed forces of the United States between August 3, 1951, and October 1, 1959, and who was discharged under conditions other than dishonorable, registers with the examining board within 6 months of the date of discharge, and who satisfies the legal requirements in effect at the time the person entered the armed forces.


Cross-reference: See also ch. FD 1, Wis. adm. code.

445.06 Renewal of licenses. The renewal date for a funeral director's license is specified under s. 440.08 (2) (a), and the renewal fee for such license is determined by the department under s. 440.03 (9) (a). Before any renewal license is delivered to any licensee, the funeral director, proof must be furnished by the applicant, to the satisfaction of the examining board, that the applicant is doing business at a recognized funeral establishment. The applicant must also furnish proof of completion of at least 15 hours of continuing education during the previous 2-year license period, except that new licensees are exempt from this requirement during the time between initial licensure and commencement of a full 2-year license period.

History: 1975 c. 39 ss. 732 (2); 1975 c. 199; 1977 c. 29; 1979 c. 175 s. 29; 1979 c. 221 s. 662; Stats. 1979 s. 445.06; 1983 a. 485; 1985 a. 29; 1991 a. 39; 1995 a. 27; 2002 a. 20; 2011 a. 146.

Cross-reference: See also chs. FD 1 and 4, Wis. adm. code.

445.08 Reciprocity in issuance of licenses. Any person holding a valid license as a funeral director or embalmer in another state having requirements substantially equal to those in this state for a funeral director's license may apply for a license to practice in this state by filing with the examining board a certified statement from an authorized official of that state that verifies the person's licensure in that state. An applicant for licensure under this section shall pass the jurisprudence examination under s. 445.04 (3) (c) and shall satisfy the requirement under s. 445.045 (1) (b). Thereupon the examining board may, upon the payment of the required fee, issue a funeral director's license.


Cross-reference: See also s. FD 1.12, Wis. adm. code.

445.09 Display of licenses. Funeral director's licensees and certificates of apprenticeship shall be displayed conspicuously in the place of business conducted by the licensee or where the licensee or apprentice is employed.

History: 1979 c. 175 s. 29; 1979 c. 221 s. 662; Stats. 1979 s. 445.09; 1983 a. 485.

445.095 Apprenticeship, funeral directors. (1) A person desiring to become an apprentice as a funeral director shall apply upon a form provided for the purpose and appear before the examining board, or any duly appointed representative of the examining board. The application shall state that the applicant is 18 years of age or older, holds a high school diploma or possesses equivalent education as defined by the examining board, does not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, and has completed a 16-hour certification class approved by the examining board. The application must be substantiated by the oath of the applicant and be accompanied by the fee specified in s. 440.05 (6). When the examining board is satisfied as to the qualification of an applicant for apprenticeship, it shall issue a certificate of apprenticeship.

When the apprentice enters the employment of a licensed funeral director, the apprentice shall immediately notify the examining board, giving the name and place of business of the funeral director whose service the apprentice has entered. If, at any time thereafter, the apprentice leaves the employment of the licensed funeral director whose service the apprentice has entered, the licensed funeral director shall give the apprentice an affidavit showing the length of time served as an apprentice with that employer, and the work done in detail, which affidavit shall be filed with the examining board and made a matter of record in that office. If the apprentice thereafter enters the employment of another licensed funeral director in this state, the applicant shall forthwith report such employment to the examining board.

(b) All apprentices under this chapter shall be paid at least the minimum wage in effect in this state.

(c) A certificate of apprenticeship issued under this section shall be renewable annually upon the payment on January 1 of each year of the renewal fee specified in s. 440.08 (2) (b).

(d) All apprentices registered under this section shall report at least semiannually to the examining board upon forms provided by the examining board. The reports shall contain the information required by the examining board. Failure to submit the required reports shall constitute justification for termination of the apprenticeship.

(e) The semiannual report must show the number of hours served by the apprentice and the number of bodies the apprentice has assisted in embalming, or otherwise prepared for burial or disposition during such period, the number of funeral services at which the apprentice has assisted, and give such other information as may be required by the examining board. The data contained in the report shall be certified to as correct by the licensed funeral director under whom the apprentice has served during such period.

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

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