



**TELECONFERENCE/VIRTUAL MEETING
FUNERAL DIRECTORS EXAMINING BOARD
Room N208, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Christian Albouras (608) 266-2112
December 19, 2019**

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

10:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1)**
- B. Approval of Minutes of November 19, 2019 (2-5)**
- C. Legislative and Policy Matters – Discussion and Consideration**
 - 1) Assembly Bill 576 (**6-10**)
 - 2) Senate Bill 518 (**11-15**)
- D. Public Comments

ADJOURNMENT

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
NOVEMBER 19, 2019**

PRESENT: A. Dawn Adams, Marc Eernisse, Eric Lengell, Marla Michaelis, Joseph Schinkten

STAFF: Christian Albouras, Executive Director; Jameson Whitney, Board 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 9:36 a.m. A quorum was confirmed with five (5) board members present.

ADOPTION OF AGENDA

MOTION: Marla Michaelis moved, seconded by Joseph Schinkten, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 27, 2019

Amendments to the Minutes:

- Page 1 of the Minutes: Correct the motion for Aziz Al-Sager to remove a reference to the number of years served.

MOTION: Joseph Schinkten moved, seconded by Marla Michaelis, to approve the Minutes of August 27, 2019 as amended. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

Recognition

D. Bruce Carlson, Funeral Director Member

MOTION: Joseph Schinkten moved, seconded by Eric Lengell, to recognize and thank D. Bruce Carlson for his years of dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

LEGISLATIVE AND POLICY MATTERS

Assembly Bill 576

MOTION: Marc Eernisse moved, seconded by Marla Michaelis, to authorize the Chairperson to work with Board Legal Counsel to draft a statement regarding the Board's position on Assembly Bill 576, and to authorize the

Chairperson to approve the final language of the statement and sign on behalf of the Board. Motion carried unanimously.

Senate Bill 518

MOTION: Joseph Schinkten moved, seconded by A. Dawn Adams, to authorize the Chairperson to work with Board Legal Counsel to draft a statement regarding the Board's position on Senate Bill 518, and to authorize the Chairperson to approve the final language of the statement and sign on behalf of the Board. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

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

MOTION: Eric Lengell moved, seconded by A. Dawn Adams, to authorize the Vice Chairperson to approve the preliminary rule draft of FD 1 and 2, relating to licensure and standards of practice for funeral directors and funeral director apprentices, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

FD 4 Relating to Continuing Education Requirements for Funeral Directors

MOTION: Marla Michaelis moved, seconded by Eric Lengell, to approve the preliminary rule draft of FD 4, relating to continuing education for funeral directors, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

FD 6 Relating to Burial Agreements Funded with Life Insurance

MOTION: Marc Eernisse moved, seconded by Joseph Schinkten, to approve the preliminary rule draft of FD 6, relating to burial agreements funded with life insurance, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

FD 1 Relating to Licensure Application Requirements

MOTION: Joseph Schinkten moved, seconded by Marla Michaelis, to approve the Scope Statement revising FD 1, relating to funeral director license applications, 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: Marla Michaelis moved, seconded by Eric Lengell, that if the Board is directed under s. 227.136(1), Stats. to hold a preliminary public hearing and comment period on the scope statement revising FD 1, relating to funeral director license applications, 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), Stats. Motion carried unanimously.

CLOSED SESSION

MOTION: Joseph Schinkten 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: A. Dawn Adams-yes; Marc Eernisse-yes; Eric Lengell-yes; Marla Michaelis-yes; and Joseph Schinkten-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:56 a.m.

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

Stipulations and Final Decisions and Orders

18 FDR 012 – Walworth Funeral Home, Inc.

MOTION: Eric Lengell moved, seconded by Marc Eernisse, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Walworth Funeral Home, Inc., DLSC Case Number 18 FDR 012. Motion carried unanimously.

Case Closings

18 FDR 008 – S.N.A. and C.A.C.F.S.

MOTION: A. Dawn Adams moved, seconded by Joseph Schinkten, to close DLSC Case Number 18 FDR 008, against S.N.A. and C.A.C.F.S., for Insufficient Evidence. Motion carried unanimously.

18 FDR 011 – L.E.S. and S.O.F.C.

MOTION: A. Dawn Adams moved, seconded by Joseph Schinkten, to close DLSC Case Number 18 FDR 011, against L.E.S. and S.O.F.C., for No Violation. Motion carried. Abstained: Marla Michaelis

18 FDR 012 – J.A.N.

MOTION: Marc Eernisse moved, seconded by Marla Michaelis, to close DLSC Case Number 18 FDR 012, against J.A.N., for No Violation. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Joseph Schinkten moved, seconded by Eric Lengell, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 12:24 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Marla Michaelis moved, seconded by A. Dawn Adams 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: Joseph Schinkten moved, seconded by Marla Michaelis, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:26 p.m.



2019 ASSEMBLY BILL 576

October 25, 2019 - Introduced by Representatives VANDERMEER, ALLEN, BALLWEG, BORN, DITTRICH, FELZKOWSKI, FIELDS, HEBL, HORLACHER, JAMES, KNODL, KULP, MACCO, NOVAK, OLDENBURG, PETRYK, PLUMER, RODRIGUEZ, SORTWELL, STUCK, TITTL, TUSLER and WITKE, cosponsored by Senators KOOYENGA, CRAIG, KAPENGA, OLSEN, JOHNSON and LARSON. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT** *to repeal* 445.095 (5); *to renumber* 445.095 (1) (b); *to renumber and*
2 *amend* 445.095 (1) (a); *to consolidate, renumber and amend* 445.095 (1) (d)
3 and (e); and *to amend* 445.045 (1) (d), 445.045 (1) (e) and 445.045 (1) (f) of the
4 statutes; **relating to:** requirements for funeral director apprenticeships and
5 licenses, extending the time limit for emergency rule procedures, and providing
6 an exemption from emergency rule procedures.

Analysis by the Legislative Reference Bureau

Currently, in order to be eligible for a funeral director license, an individual must, in addition to satisfying other requirements, have 1) completed a funeral director apprenticeship; 2) completed two academic years of instruction in a recognized college or university; and 3) completed nine months or more instruction in a prescribed course in mortuary science. Current law requires that the nine months of mortuary science be completed after completing a 16-hour certification class, which is a prerequisite to beginning the apprenticeship.

This bill 1) requires 24 semester credits of education, instead of two years, in order to be granted a funeral director license; and 2) eliminates the requirement that the nine months of instruction in mortuary science be completed after completing a 16-hour certification class. The bill further provides that if an individual completes the nine months of instruction in mortuary science before beginning an apprenticeship, the 16-hour certification class is not required to begin the apprenticeship.

ASSEMBLY BILL 576

The bill also makes various nonsubstantive organizational changes to the laws governing funeral directors.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 445.045 (1) (d) The person must have completed ~~2~~ 24 semester credits
3 ~~academic years~~ of instruction in a recognized college or university, in a course of
4 study approved by the examining board, or have equivalent education.

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

6 445.045 (1) (e) The person must have satisfactorily completed 9 months or more
7 of instruction in a prescribed course in mortuary science approved by the examining
8 board ~~at any time after having completed an approved certification class described~~
9 ~~in s. 445.095 (1) (a).~~

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

11 445.045 (1) (f) The person must have completed one year of apprenticeship as
12 prescribed in s. 445.095 ~~at any time after having completed an approved certification~~
13 ~~class described in s. 445.095 (1) (a) and,~~ either before or after taking the course in
14 mortuary science required by par. (e), and must have satisfied the requirement under
15 s. 445.095 (4).

16 **SECTION 4.** 445.095 (1) (a) of the statutes is renumbered 445.095 (1) (a) 1.
17 (intro.) and amended to read:

18 445.095 (1) (a) 1. (intro.) A person desiring to become an apprentice as a funeral
19 director and who satisfies all of the following shall apply on a form provided for the

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1 purpose and appear before the examining board, or any duly appointed
2 representative of the examining board. ~~The application shall state that the:~~

3 a. The applicant is 18 years of age or older,

4 b. The applicant holds a high school diploma or possesses equivalent education
5 as defined by the examining board,

6 c. The applicant does not have an arrest or conviction record, subject to ss.
7 111.321, 111.322, and 111.335, and

8 d. The applicant has completed a 16-hour certification class approved by the
9 examining board or has satisfied the requirement under s. 445.045 (1) (e).

10 2. The application under subd. 1. must be substantiated by the oath of the
11 applicant and be accompanied by

12 1. e. The applicant pays the fee specified in s. 440.05 (6).

13 3. When the examining board is satisfied as to the qualification of that an
14 applicant for apprenticeship satisfies the requirements for granting a certificate of
15 apprenticeship, it shall issue grant the applicant a certificate of apprenticeship.

16 **(3r)** ~~When the an apprentice enters the employment of a licensed funeral~~
17 ~~director, the apprentice shall immediately notify the examining board, giving the~~
18 ~~name and place of business of the funeral director whose service the apprentice has~~
19 ~~entered. If, at any time thereafter, the apprentice leaves the employment of the~~
20 ~~licensed funeral director whose service the apprentice has entered, the licensed~~
21 ~~funeral director shall give the apprentice an affidavit showing the length of time~~
22 ~~served as an apprentice with that employer, and the work done in detail, which~~
23 ~~affidavit shall be filed with the examining board and made a matter of record in that~~
24 ~~office. If the apprentice thereafter enters the employment of another licensed~~
25 ~~funeral director in this state, the applicant shall forthwith report such employment~~

ASSEMBLY BILL 576**SECTION 4**

1 to the examining board. No person may serve or attempt to serve as an apprentice
2 under a funeral director until the person has notified the examining board as
3 required under this subsection.

4 **SECTION 5.** 445.095 (1) (b) of the statutes is renumbered 445.095 (2m).

5 **SECTION 6.** 445.095 (1) (d) and (e) of the statutes are consolidated, renumbered
6 445.095 (3g) and amended to read:

7 445.095 (3g) All apprentices registered under this section shall report at least
8 semiannually to the examining board upon forms provided by the examining board.
9 ~~The reports shall contain the information required by the examining board~~
10 department. Failure to submit the required reports shall constitute justification
11 grounds for termination of the apprenticeship. (e) The semiannual report ~~must~~ shall
12 show the number of hours served by the apprentice ~~and,~~ the number of bodies the
13 apprentice has assisted in embalming, or otherwise prepared for burial or disposition
14 during such period, and the number of funeral services at which the apprentice has
15 assisted, and give such any other information as ~~may be~~ required by the examining
16 board. The data contained in the report shall be certified to as correct by the licensed
17 funeral director under whom the apprentice has served during ~~such~~ that period.

18 **SECTION 7.** 445.095 (5) of the statutes is repealed.

19 **SECTION 8. Nonstatutory provisions.**

20 (1) The funeral directors examining board may promulgate emergency rules
21 under section 227.24 of the statutes necessary to implement this act.
22 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules
23 promulgated under this subsection remain in effect until May 1, 2022, or the date on
24 which permanent rules take effect, whichever is sooner. Notwithstanding section
25 227.24 (1) (a) and (3) of the statutes, the examining board is not required to provide

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1 evidence that promulgating a rule under this subsection as an emergency rule is
2 necessary for the preservation of the public peace, health, safety, or welfare and is
3 not required to provide a finding of emergency for a rule promulgated under this
4 subsection.

5 **SECTION 9. Initial applicability.**

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

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

12 **SECTION 10. Effective dates.** This act takes effect on the first day of the 7th
13 month beginning after publication, except as follows:

14 (1) SECTION 8 (1) of this act takes effect on the day after publication.

15 (END)



2019 SENATE BILL 518

October 18, 2019 - Introduced by Senators KOOYENGA, OLSEN, CRAIG, JOHNSON, KAPENGA and LARSON, cosponsored by Representatives VANDERMEER, SORTWELL, MACCO, ALLEN, RODRIGUEZ, TITTL, KULP, STUCK, BORN, PETRYK, PLUMER, NOVAK, KNODL, TUSLER, WITTKE, OLDENBURG, BALLWEG, DITTRICH, FIELDS, HEBL, FELZKOWSKI, JAMES and HORLACHER. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

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The bill also makes various nonsubstantive organizational changes to the laws governing funeral directors.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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1 purpose and appear before the examining board, or any duly appointed
2 representative of the examining board. ~~The application shall state that the:~~

3 a. The applicant is 18 years of age or older,

4 b. The applicant holds a high school diploma or possesses equivalent education
5 as defined by the examining board,

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SENATE BILL 518**SECTION 4**

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6 445.095 (3g) and amended to read:

7 445.095 (3g) All apprentices registered under this section shall report at least
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10 department. Failure to submit the required reports shall constitute justification
11 grounds for termination of the apprenticeship. (e) The semiannual report ~~must~~ shall
12 show the number of hours served by the apprentice ~~and,~~ the number of bodies the
13 apprentice has assisted in embalming, or otherwise prepared for burial or disposition
14 during such period, and the number of funeral services at which the apprentice has
15 assisted, and give such any other information as ~~may be~~ required by the examining
16 board. The data contained in the report shall be certified to as correct by the licensed
17 funeral director under whom the apprentice has served during ~~such~~ that period.

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20 (1) The funeral directors examining board may promulgate emergency rules
21 under section 227.24 of the statutes necessary to implement this act.
22 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules
23 promulgated under this subsection remain in effect until May 1, 2022, or the date on
24 which permanent rules take effect, whichever is sooner. Notwithstanding section
25 227.24 (1) (a) and (3) of the statutes, the examining board is not required to provide

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1 evidence that promulgating a rule under this subsection as an emergency rule is
2 necessary for the preservation of the public peace, health, safety, or welfare and is
3 not required to provide a finding of emergency for a rule promulgated under this
4 subsection.

5 **SECTION 9. Initial applicability.**

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

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

12 **SECTION 10. Effective dates.** This act takes effect on the first day of the 7th
13 month beginning after publication, except as follows:

14 (1) SECTION 8 (1) of this act takes effect on the day after publication.

15 (END)