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**FUNERAL DIRECTORS EXAMINING BOARD**  
**Room N208, 4822 Madison Yards Way, 2<sup>nd</sup> Floor, Madison**  
**Contact: Christian Albouras (608) 266-2112**  
**January 22, 2020**

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

**AGENDA**

**9:30 A.M.**

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

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of December 19, 2019 (4)**
- C. Conflicts of Interest
- D. 9:30 A.M. PUBLIC HEARING: Clearinghouse Rule for FD 1 and 2 Relating to Licensure and Standards of Practice for Funeral Directors (5-15)**
  - 1) Review and Consider Clearinghouse Report and Public Comments
- E. 9:30 A.M. PUBLIC HEARING: Clearinghouse Rule for FD 4 Relating to Continuing Education for Funeral Directors (16-24)**
  - 1) Review and Consider Clearinghouse Report and Public Comments
- F. 9:30 A.M. PUBLIC HEARING: Clearinghouse Rule for FD 6 Relating to Burial Agreements Funded with Life Insurance (25-31)**
  - 1) Review and Consider Clearinghouse Report and Public Comments
- G. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) Annual Policy Review **(32)**
  - 3) Election of Officers **(33-34)**
  - 4) Appointment of Liaisons and Alternates **(34)**
  - 5) Delegation of Authorities **(34-39)**
  - 6) 2020 Meeting Dates **(40)**
  - 7) Board Members – Term Expiration Dates
    - a. Dawn Adams – 7/1/2023
    - b. Marc Eernisse – 7/1/2022
    - c. Eric Lengell – 7/1/2016
    - d. Marla Michaelis – 7/1/2021
    - e. Joseph Schinkten – 7/1/2023

f. Vacant – Public Member

H. 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) Administrative Rule Matters
- 10) Legislative and Policy Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

I. 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.).**

J. 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

K. Consulting with Legal Counsel

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

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

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

N. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

**ADJOURNMENT**

**NEXT MEETING: MAY 19, 2020**

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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.

**TELECONFERENCE/VIRTUAL  
FUNERAL DIRECTORS EXAMINING BOARD  
MEETING MINUTES  
DECEMBER 19, 2019**

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

**EXCUSED:** Joseph Schinkten

**STAFF:** Valerie Payne, Executive Director; Jameson Whitney, Legal Counsel; Megan Glaeser, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Marc Eernisse, Chairperson, called the meeting to order at 10:12 a.m. A quorum was confirmed with four (4) board members present.

**ADOPTION OF AGENDA**

**MOTION:** Marla Michaelis moved, seconded by Eric Lengell, to adopt the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF NOVEMBER 19, 2019**

**MOTION:** Eric Lengell moved, seconded by Marla Michaelis, to approve the Minutes of November 19, 2019 as published. Motion carried unanimously.

**ADJOURNMENT**

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

The meeting adjourned at 10:44 a.m.

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Jon Derenne, Administrative Rules Coordinator		<b>2) Date when request submitted:</b> January 7, 2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
<b>3) Name of Board, Committee, Council, Sections:</b> Funeral Directors Examining Board			
<b>4) Meeting Date:</b> January 22, 2020	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> 1. Public Hearing on Clearinghouse Rule for FD 1 and 2 relating to licensure and standards of practice for funeral directors -Review and consider Clearinghouse report and public comments. 2. Public Hearing on Clearinghouse Rule for FD 4 relating to continuing education for funeral directors -Review and consider Clearinghouse report and public comments. 3. Public Hearing on Clearinghouse Rule for FD 6 relating to burial agreements funded with life insurance. -Review and consider Clearinghouse report and public comments.	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>			
<b>11) Authorization</b>			
<i>Jon Derenne</i>		January 7, 2020	
<b>Signature of person making this request</b>		<b>Date</b>	
<b>Supervisor (if required)</b>		<b>Date</b>	
<b>Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date</b>			

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

Directions for including supporting documents:

1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.
3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	FUNERAL DIRECTORS
FUNERAL DIRECTORS	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Funeral Directors Examining Board to repeal FD 1.015 (title) and (intro.), 1.056 (1) (i), 2.02 (title) and (intro.), and 2.03 (1); to renumber FD 1.015 (2) and (3), to renumber and amend FD 2.02 (1) and (2); to amend FD 1.056 (1) (intro) and 2.03 (2); to repeal and recreate FD 1.075 (1) and (2); and to create FD 2.03 (1g) and (1r) relating to licensure and standards of practice for funeral directors and funeral director apprentices.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Section 445.095, Stats.

**Statutory authority:** Sections 15.08 (5) (b) and 227.11 (2) (a), Stats.

**Explanation of agency authority:**

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..”

**Related statute or rule:**

Section 445.01, Stats., defines funeral directors and funeral director apprentices.

**Plain language analysis:**

This rule project renumbers several definitions to place them within s. FD 1.013, making clear that the definitions apply throughout the FD suite. Section FD 1.056 is also revised to clarify that the 16-hour certification course for apprentices must be completed in-person.

The rule project revises s. FD 1.075 to clarify that apprentices may only embalm a dead human body, conduct funeral services, and make funeral arrangements while under the personal supervision of a licensed funeral director, and may only make removals of dead human bodies and other preparations of a dead human body for burial, not including embalming, while under the supervision of a licensed funeral director.

Section FD 2.03 is revised to reflect that making funeral arrangements, embalming, and conducting funeral services may only be performed by a licensed funeral director or an apprentice under the personal supervision of a licensed funeral director. Additionally, s. FD 2.03 is amended to provide that only a licensed funeral director, or an apprentice under the supervision of a licensed funeral director, may make removals of dead human bodies or make other preparations of a dead human body for burial, not including embalming.

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

The federal government does not regulate the tasks that can be performed by funeral director apprentices or the level of supervision a licensed funeral director must exercise over apprentices.

**Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:**

Mr. Dan Christianson gave public testimony on the scope statement at the Funeral Director Examining Board's August 27, 2019 meeting. Mr. Christianson expressed his opposition to the board's requirement that applicants for reinstatement with a license that has been expired for 10 years or more must provide evidence of passage of the National Board Examination of the International Conference of Funeral Service Examining Boards within the last 12 months.

The board considered Mr. Christianson's testimony, but did not choose to pursue the changes sought. Requiring passage of the national board is an objective measure to ensure that an individual who has not practiced in over 10 years is competent to serve as a funeral director.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois code requires funeral director interns to participate in funeral arrangements, preparation and embalming of dead human bodies, and removals of dead human bodies. A licensed funeral director must direct and supervise the intern when performing these procedures. (IL Admin Code s. 1250.130 (a) and (b)). Illinois requires a representative of the funeral establishment be present for final disposition in a cemetery, but the representative need not be a licensed funeral director or intern. (IL Admin Code s. 1250.180).

**Iowa:** Iowa code requires a funeral director's license to make removals of dead human bodies, embalming, conducting funeral arrangements and funeral services including supervision of visitation and viewing, funeral and memorial ceremonies, and committal and final disposition services. (IAC 645-110.2 (1)).

A registered intern may provide these same services under the direct supervision of a licensee. (IAC 645-110.2 (2)). The actual transportation of an unembalmed dead human body can be delegated to unlicensed staff if the funeral director has ensured the body is in a leakproof container and all body orifices are secured so as to retain all secretions. (IAC 645-110.4(3))

**Michigan:** Resident trainees may learn the practice of embalming or funeral directing under the instruction and personal supervision of a holder of a licensee. Instruction and personal supervision are not defined by statute or rule. (MCL 339.1801 (f)).

**Minnesota:** A license is required to remove dead human bodies from the place of death for compensation, to prepare a dead human body for burial, makes funeral arrangements, or supervise a funeral, memorial service, or graveside service. (Minn. Stats. 149A.20 (1)).

Interns and students officially registered for a practicum or clinical through a program of mortuary science accredited by the American Board of Funeral Service Education may perform these tasks provided that they are registered with the commissioner and act under the direct and exclusive supervision of a licensee. (Minn. Stats. 149A.01 (3) (d)). Direct supervision means overseeing the performance of an individual, where the supervisor is available to observe and correct, as needed, the performance of the individual. (Minn Stats. 149A.02 (13a)).

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

As part of the board's review of its rules under s. 227.29, Stats., the board determined it was necessary to clarify the tasks that funeral director apprentices may perform, and under what level of supervision. Failure to do so would result in the rules remaining inconsistent with state statute, and inconsistent within the FD suite.

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

The rule was posted for 14 days on the department website to solicit economic impact comments. No comments were received.

### **Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0955; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the hearing scheduled for 9:30 AM on January 22, 2020 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. FD 1.015 (title) and (intro.) are repealed.

SECTION 2. FD 1.015 (2) and (3) are renumbered FD 1.013 (4) and (5).

SECTION 3. FD 1.056 (1) (intro) is amended to read:

**FD 1.056 (1) (intro.)** The 16-hour certification class shall contain the following in-person instructional topics:

SECTION 4. FD 1.056 (1) (i) is repealed.

SECTION 5. FD 1.075 (1) and (2) are repealed and recreated to read:

**FD 1.075 (1)** Apprentices may engage in the following activities only when under the personal supervision of a licensed funeral director:

- (a) Making funeral arrangements.
- (b) Embalming a dead human body.
- (c) Conducting funeral services.

(2) Apprentices may engage in the following activities only when under the supervision of a licensed funeral director:

- (a) Making removals of dead human bodies.
- (b) Other preparation of a dead human body for burial, not including the embalming of the body.
- (c) Conducting services where a dead human body is not present.

SECTION 6. FD 2.02 (title) and (intro.) are repealed.

SECTION 7. FD 2.02 (1) is renumbered FD 1.013 (1m) and is amended to read:

**FD 1.013 (1m)** “Funeral arrangements” means the provision of information or advice, at the time of need, 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.

SECTION 8. FD 2.02 (2) is renumbered FD 1.013 (3) and is amended to read:

**FD 1.013 (3)** “Funeral services” means the ceremonies held in conjunction with the disposition of the dead human body, where the body is present, and including visitation, religious rites, ~~memorials~~ and graveside services.

SECTION 9. FD 2.03 (1) is repealed

SECTION 10. FD 2.03 (1g) and (1r) are created to read:

**FD 2.03 (1g)** The following tasks may only be performed by licensed funeral directors or funeral director apprentices under the personal supervision of a licensed funeral director:

- (a) Making funeral arrangements.
- (b) Embalming a dead human body.
- (c) Conducting funeral services.

**(1r)** The following tasks may only be performed by licensed funeral directors or funeral director apprentices under the supervision of a licensed funeral director:

- (a) Making removals of dead human bodies.
- (b) Other preparation of a dead human body for burial, not including the embalming of the body.

SECTION 11. FD 2.03 (2) is amended to read:

**FD 2.03 (2)** Any other dealings on behalf of the establishment, ~~including the conducting of funeral services,~~ shall be performed only by or under the supervision of licensed funeral directors.

SECTION 12. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date December 17, 2019
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) FD 1 and 2	
4. Subject Licensure and standards of practice for funeral directors and funeral director apprentices.	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule As part of the board's review of its rules under s. 227.29, Stats., the board determined it was necessary to clarify the tasks that funeral director apprentices may perform, and under what level of supervision. Failure to do so would result in the rules remaining inconsistent with state statute, in addition to inconsistencies within the FD suite.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the department website for 14 days to solicit economic impact comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No governmental units participated in the development of the EIA.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of implementing the rule will be to provide clarity to stakeholders regarding the tasks that may be performed by funeral director apprentices and the required level of supervision. Alternatively, if the rule is not implemented, the funeral director rules will continue to contain provisions that are inconsistent with both statutory requirements, as well as internally within the rules.	
16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is that the rules will be clarified to remove confusing inconsistencies within the rules and will provide stakeholders with greater clarity as to the tasks funeral director apprentices may complete and the required level of supervision.	

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

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17. Compare With Approaches Being Used by Federal Government

The federal government does not regulate which tasks may be completed by funeral director apprentices, nor the level of supervision that a licensed funeral director must provide to the apprentice.

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

**Illinois:** Illinois code requires funeral director interns to participate in funeral arrangements, preparation and embalming of dead human bodies, and removals of dead human bodies. A licensed funeral director must direct and supervise the intern when performing these procedures. (IL Admin Code s. 1250.130 (a) and (b)). Illinois requires a representative of the funeral establishment be present for final disposition in a cemetery, but the representative need not be a licensed funeral director or intern. (IL Admin Code s. 1250.180).

**Iowa:** Iowa code requires a funeral director's license to make removals of dead human bodies, embalming, conducting funeral arrangements and funeral services including supervision of visitation and viewing, funeral and memorial ceremonies, and committal and final disposition services. (IAC 645-110.2 (1)).

A registered intern may provide these same services under the direct supervision of a licensee. (IAC 645-110.2 (2)). The actual transportation of an unembalmed dead human body can be delegated to unlicensed staff if the funeral director has ensured the body is in a leakproof container and all body orifices are secured so as to retain all secretions. (IAC 645-110.4(3))

**Michigan:** Resident trainees may learn the practice of embalming or funeral directing under the instruction and personal supervision of a holder of a licensee. Instruction and personal supervision are not defined by statute or rule. (MCL 339.1801 (f)).

**Minnesota:** A license is required to remove dead human bodies from the place of death for compensation, to prepare a dead human body for burial, make funeral arrangements, or supervise a funeral, memorial service, or graveside service. (Minn. Stats. 149A.20 (1)).

Interns and students officially registered for a practicum or clinical through a program of mortuary science accredited by the American Board of Funeral Service Education may perform these tasks provided that they are registered with the commissioner and act under the direct and exclusive supervision of a licensee. (Minn. Stats. 149A.01 (3) (d)). Direct supervision means overseeing the performance of an individual, where the supervisor is available to observe and correct, as needed, the performance of the individual. (Minn Stats. 149A.02 (13a)).

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19. Contact Name

Jon Derenne, Administrative Rules Coordinator

20. Contact Phone Number

(608) 266-0955

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This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
- 

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)  
 Yes    No

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STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	FUNERAL DIRECTORS
FUNERAL DIRECTORS	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Funeral Directors Examining Board to repeal FD 4.03 (4) and (8); to amend FD 4.03 (1), (2), (4m), (5) and (7); and to create FD 4.02 (1m) relating to continuing education for funeral directors.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Section 445.06, Stats.

**Statutory authority:** Sections 15.08 (5) (b), 227.11 (2) (a), and 445.03 (2), Stats.

**Explanation of agency authority:**

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.”

**Related statute or rule:** None.

**Plain language analysis:**

This rule project removes a duplicative continuing education requirement for funeral directors. Section FD 4.03 (4m) requires funeral directors to log at least 3 hours of

continuing education in professional conduct, business ethics or legal aspects specifically related to the practice in the profession. Section FD 4.03 (4) unnecessarily duplicates this requirement. The rule also clarifies that a “clock hour” for the purposes of obtaining continuing education credit is at least 50 minutes.

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

The federal government does not regulate continuing education requirements for funeral directors.

**Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:**

A public hearing on scope was held at the board’s August 27, 2019 meeting. No comments were received.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois specifies that a continuing education hour is a minimum of 50 minutes of attendance at a board approved course. Illinois rules require at least 24 hours of continuing education credit per biennium, with at least 6 credit hours related to the practice of embalming, 6 related to the practice of funeral directing, and no more than 6 related to insurance (68 Ill. Admin Code s. 1250.220 (a) and (b) 5.).

**Iowa:** Iowa specifies that an hour of continuing education means at least 50 minutes spent by a license in actual attendance at and completion of a continuing education program (645 IAC 102.1). Funeral directors must complete 24 hours of continuing education each biennium. Two hours must be in current Iowa law and rules covering mortuary science content areas, and at least 12 hours must be in-person, or include live real-time interactive media (645 IAC 102.2 (1)).

**Michigan:** Michigan does not have continuing education requirements for funeral directors.

**Minnesota:** Minnesota requires 15 hours of continuing education for renewal of a license to practice. Three hours must be in body preparation, care or handling, three hours in professional practices, and three hours in regulation and ethics. Minnesota does not specify the length of a continuing education hour (Minn. Stats. 149A.40 (11)).

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

As part of the board’s review of its rules under s. 227.29, Stats., the board determined it was necessary to repeal s. FD 4.03 (4) as it is duplicative of s. 4.03 (4m), and could cause confusion to stakeholders. The board also determined that clarification should be given

as to the length of time required for a course to be eligible to receive a credit hour of continuing education.

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

The rule was posted for 14 days to solicit economic impact comments. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis are attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0955; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the hearing scheduled for 9:30 AM on January 22, 2020 to be included in the record of rule-making proceedings.

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TEXT OF RULE

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

**FD 4.02 (1m)** “Credit hour” means at least 50 minutes spent by a licensee in actual attendance and completion of, online or in person, a board-approved continuing education program.

SECTION 2. FD 4.03 (1) and (2) are amended to read:

**FD 4.03 (1)** Every funeral director, as defined in s. 445.01 (5), Stats., shall complete at least 15 credit 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 credit hours may apply only to the biennial registration period in which the hours are acquired.

SECTION 3. FD 4.03 (4) is repealed.

SECTION 4. FD 4.03 (4m), (5), and (7) are amended to read:

**FD 4.03 (4m)** At least 3 credit 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 credit hours of all of the 15-hour requirement may be in approved programs in s. FD 4.04 (7).

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

SECTION 5. FD 4.03 (8) is repealed.

SECTION 6. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<b>1. Type of Estimate and Analysis</b> <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	<b>2. Date</b> December 17, 2019
<b>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)</b> FD 4	
<b>4. Subject</b> Continuing Education	
<b>5. Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>6. Chapter 20, Stats. Appropriations Affected</b>
<b>7. Fiscal Effect of Implementing the Rule</b> <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
<b>8. The Rule Will Impact the Following (Check All That Apply)</b> <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
<b>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).</b> \$0	
<b>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>11. Policy Problem Addressed by the Rule</b> As part of the board's review of its rules under s. 227.29, Stats., the board determined it was necessary to repeal s. FD 4.03 (4) as it is duplicative of s. 4.03 (4m), and could cause confusion to stakeholders. The board also determined that clarification should be given as to the length of time required for a course to be eligible to receive a credit hour of continuing education.	
<b>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.</b> The proposed rule was posted on the department website for 14 days to solicit economic impact comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.	
<b>13. Identify the Local Governmental Units that Participated in the Development of this EIA.</b> No governmental units participated in the development of the EIA.	
<b>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)</b> This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.	
<b>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule</b> The benefit of implementing the rule is to improve the readability of the board's continuing education chapter to insure credential holders are not confused as to the requirements, and to clarify the length of a credit hour. The alternative to implementing the rule is to leave a provision in the chapter that duplicates the requirements already enumerated in another provision, therefore causing a potentially confusing situation for credential holders.	
<b>16. Long Range Implications of Implementing the Rule</b>	

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

The long range implication of implementing the rule is that the continuing education chapter will provide additional guidance on what is required for a credit hour, and make the chapter more user friendly.

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### 17. Compare With Approaches Being Used by Federal Government

The federal government does not regulate continuing education requirements for funeral directors.

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### 18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

**Illinois:** Illinois specifies that a continuing education hour is a minimum of 50 minutes of attendance at a board approved course. Illinois rules require at least 24 hours of continuing education credit per biennium, with at least 6 credit hours related to the practice of embalming, 6 related to the practice of funeral directing, and no more than 6 related to insurance (68 Ill. Admin Code s. 1250.220 (a) and (b) 5.).

**Iowa:** Iowa specifies that an hour of continuing education means at least 50 minutes spent by a license in actual attendance at and completion of a continuing education program (645 IAC 102.1). Funeral directors must complete 24 hours of continuing education each biennium. Two hours must be in current Iowa law and rules covering mortuary science content areas, and at least 12 hours must be in-person, or include live real-time interactive media (645 IAC 102.2 (1)).

**Michigan:** Michigan does not have continuing education requirements for funeral directors.

**Minnesota:** Minnesota requires 15 hours of continuing education for renewal of a license to practice. Three hours must be in body preparation, care or handling, three hours in professional practices, and three hours in regulation and ethics. Minnesota does not specify the length of a continuing education hour (Minn. Stats. 149A.40 (11)).

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<b>19. Contact Name</b>	<b>20. Contact Phone Number</b>
Jon Derenne, Administrative Rules Coordinator	(608) 266-0955

This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

---

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

---

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
- 

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
-



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Scott Grosz  
Clearinghouse Director

Anne Sappenfield  
Legislative Council Director

Margit Kelley  
Clearinghouse Assistant Director

Jessica Karls-Ruplinger  
Legislative Council Deputy Director

### CLEARINGHOUSE RULE 19-162

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### **2. Form, Style and Placement in Administrative Code**

a. The text of the proposed rule repeals s. FD 4.03 (8), but that treatment is not mentioned or explained in the plain language analysis, the summary of factual data and analytical methodologies, or in the portion of the fiscal estimate and economic impact analysis form that sets forth the policy problem addressed by the proposed rule. The other proposed changes are explained in each of those places, and the board should explain the reason and analysis behind repealing this provision as well.

b. In its comparison with other states, the board mentions that Minnesota does not specify the length of a continuing education hour. While the statutes pertaining specifically to funeral service providers do not define that term, other statutes in the Minnesota code define similar terms (for example, an educational hour or a contact hour), as they relate to other professional regulations. Accordingly, it appears that the plain meaning of an “hour” as 60 minutes may be used in Minnesota unless otherwise defined.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In s. FD 4.03 (6) of the current rule, in order to be consistent and grant credits hours for teaching in the same manner as credits hours are granted for attendance under the proposed rule, the last sentence should be amended to insert the word “credit” before the phrase “hour of presentation”.

b. In the board's analysis for the proposed rule, the descriptions for the analysis and supporting documents and fiscal estimate and economic impact analyses should be revised from future tense to past tense.

STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	FUNERAL DIRECTORS
FUNERAL DIRECTORS	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Funeral Directors Examining Board to repeal FD 6.09 (5), and to amend FD 6.07 (11), relating to burial agreements funded with life insurance.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Section 445.125 (3m) (h) and (j), Stats.

**Statutory authority:** Sections 15.08 (5) (b), 227.11 (2) (a), and 445.125 (3m) (j), Stats.

**Explanation of agency authority:**

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..”

Section 445.125 (3m) (j) 1. d., Stats., “The examining board shall promulgate rules establishing all of the following...[t]he form and content of written notice that a licensed funeral director, operator of a funeral establishment or agent of a licensed funeral director or operator of a funeral establishment is required to provide to the examining board under par. (h).”

**Related statute or rule:** None.

**Plain language analysis:**

This rule project removes the requirement that a funeral director, licensed intermediary, or operator of a funeral establishment include the value of the trust when submitting

notice to the board that a burial trust is being terminated and replaced with a life insurance policy. It also corrects obsolete contact information for the board.

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

While the Federal Trade Commission (FTC) does regulate the sale of funeral goods and services, the “funeral rule” does not speak to the issue of the termination of burial trusts or the funding of burial agreements with life insurance.

**Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:**

The Funeral Directors Examining Board held a preliminary hearing on the statement of scope at its August 27, 2019 meeting. No comments were received.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois requires the seller of the pre-need contract to notify the State Comptroller if the trustee of the fund is being changed (225 ILCS 45/2 (g)). Illinois law does not explicitly require the seller of a burial agreement to notify the board when a burial trust is terminated and replaced with a life insurance policy.

**Iowa:** Iowa does not require the seller of a burial agreement to notify the board when a burial trust is terminated and replaced with a life insurance policy, but the consumer must consent to this change, and the seller must retain a record of the original trust agreement (Iowa Stats. s. 523A.401 (6)).

**Michigan:** Michigan requires the seller to provide notice to the consumer when a prepaid burial contract is transferred or assigned (MCL 328.223 (6)). The required content of the notice is not enumerated in rule or statute, nor does it appear that notice must be provided to the Michigan Department of Licensing and Regulatory Affairs.

**Minnesota:** Minnesota law does not specify a procedure for the termination of a burial trust and replacement with a life insurance policy.

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

As a result of the board’s review of its rules under s. 227.29, Stats., the board determined that the requirement to include the value of the trust in the notice of termination was economically burdensome. The board also determined that the contact information for the board included in s. FD 6.07 (11) was obsolete. This rule project will revise the FD rules to resolve these issues.

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

The rule was posted on the department's website for 14 days to solicit economic impact comments. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis are attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-2660-0955; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the hearing scheduled for 9:30 AM on January 22, 2020 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. FD 6.07 (11) is amended to read:

**(11) The following statement in not less than 12-point boldface 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.”**

SECTION 2. FD 6.09 (5) is repealed.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date December 17, 2019
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) FD 6	
4. Subject Burial Agreements Funded with Life Insurance	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule This rule project removes the requirement that a funeral director, licensed intermediary, or operator of a funeral establishment include the value of the trust when submitting notice to the board that a burial trust is being terminated and replaced with a life insurance policy, as this information is often difficult to obtain from the bank. As a result of the board's review of its rules under s. 227.29, Stats., the board determined that the requirement to include the value of the trust in the notice of termination of a burial trust was burdensome to credential holders. The rule also replaces obsolete contact information for the board.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the department website for 14 days to solicit economic impact comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No governmental units participated in the development of the EIA.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of implementing the rule is to reduce the burden on credential holders when terminating a burial trust and replacing it with a life insurance policy. The alternative to not implementing the rule is to continue to require credential holders to include information in the termination notice that is burdensome to acquire.	
16. Long Range Implications of Implementing the Rule	

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

The long range implications of implementing the rule are to ease an unnecessary burden on credential holders.

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### 17. Compare With Approaches Being Used by Federal Government

The federal government does not provide required information that must be included in a notification that a burial trust is being terminated and replaced with a life insurance policy.

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### 18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

**Illinois:** Illinois requires the seller of the pre-need contract to notify the State Comptroller if the trustee of the fund is being changed (225 ILCS 45/2 (g)). Illinois law does not explicitly require the seller of a burial agreement to notify the board when a burial trust is terminated and replaced with a life insurance policy.

**Iowa:** Iowa does not require the seller of a burial agreement to notify the board when a burial trust is terminated and replaced with a life insurance policy, but the consumer must consent to this change, and the seller must retain a record of the original trust agreement (Iowa Stats. s. 523A.401 (6)).

**Michigan:** Michigan requires the seller to provide notice to the consumer when a prepaid burial contract is transferred or assigned (MCL 328.223 (6)). The required content of the notice is not enumerated in rule or statute, nor does it appear that notice must be provided to the Michigan Department of Licensing and Regulatory Affairs.

**Minnesota:** Minnesota law does not specify a procedure for the termination of a burial trust and replacement with a life insurance policy.

---

<b>19. Contact Name</b>	<b>20. Contact Phone Number</b>
Jon Derenne, Administrative Rules Coordinator	(608) 266-0955

---

This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

---

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

---

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

---

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
- 

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

---

5. Describe the Rule's Enforcement Provisions

---

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
-

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request: Brice McCluskey, Operations Program Associate		2) Date When Request Submitted: 1/8/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Funeral Directors Examining Board			
4) Meeting Date: 1/22/2020	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> <li>1. Attendance/Quorum – Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting, we ask that you let us know ASAP as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. <a href="#">DSPS Boards-Open Meetings Resources</a></li> <li>2. Walking Quorum – Please refrain from discussing Board/Section/Council business with other members outside of legally noticed meetings so to avoid walking quorum issues pursuant to Open Meetings Law. <a href="#">DSPS Boards-Open Meetings Resources</a></li> <li>3. Agenda Deadlines – Please let your executive Director know if you have items to be considered on an upcoming agenda no less than 8 business days prior to a meeting when possible. <a href="#">DSPS Boards-Reference Materials-Meeting Timeline</a></li> <li>4. Travel Voucher and Per Diem Submissions – Please submit all Per Diem and Reimbursement Claims to DSPS within 30 days of date an expense is incurred. <a href="#">DSPS Boards-Travel and Reimbursement-Travel and Reimbursement Overview</a></li> <li>5. Lodging Accommodations/Hotel Cancellation Policy – Lodging accommodations are provided to members who must leave home before 6:00 a.m. to attend a meeting. If you cannot attend a meeting it is the board member’s responsibility to cancel their reservation within the stated cancellation timeframe. If a meeting is changed to a teleconference or cancelled or rescheduled, DSPS staff will make lodging cancellations or modifications as needed. <a href="#">DSPS Boards-Travel and Reimbursement-Travel and Reimbursement Overview</a></li> <li>6. Inclement Weather Policy – In the event of inclement weather the agency may change a meeting from an in-person meeting to a teleconference.</li> </ol>			
11) <span style="float: right;">Authorization</span> <div style="display: flex; justify-content: space-between; border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px 0;"> <span><i>Brice McCluskey</i></span> <span>1/8/2020</span> </div> <div style="display: flex; justify-content: space-between; border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px 0;"> <span>Signature of person making this request</span> <span>Date</span> </div> <div style="display: flex; justify-content: space-between; border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px 0;"> <span>Supervisor (if required)</span> <span>Date</span> </div> <div style="display: flex; justify-content: space-between; border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px 0;"> <span>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</span> <span>Date</span> </div>			
Directions for including supporting documents: <ol style="list-style-type: none"> <li>1. This form should be attached to any documents submitted to the agenda.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b> Brice McCluskey, Operations Program Associate		<b>2) Date When Request Submitted:</b> 1/8/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>													
<b>3) Name of Board, Committee, Council, Sections:</b> Funeral Directors Examining Board															
<b>4) Meeting Date:</b> 1/21/2020	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Matters: 1) Election of Officers 2) Appointment of Liaisons and Alternates 3) Delegation of Authorities													
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A													
<b>10) Describe the issue and action that should be addressed:</b> 1) The Board should conduct Election of its Officers for 2020 2) The Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider continuation or modification of previously delegated authorities or any additional delegations that may be deemed necessary															
<b>11) Authorization</b> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;"><i>Brice McCluskey</i></td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;"><i>1/8/2020</i></td> </tr> <tr> <td style="font-size: small;">Signature of person making this request</td> <td style="text-align: right; font-size: small;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;"> </td> <td style="border-bottom: 1px solid black; text-align: right;"> </td> </tr> <tr> <td style="font-size: small;">Supervisor (if required)</td> <td style="text-align: right; font-size: small;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;"> </td> <td style="border-bottom: 1px solid black; text-align: right;"> </td> </tr> <tr> <td colspan="2" style="font-size: small;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date</td> </tr> </table>				<i>Brice McCluskey</i>	<i>1/8/2020</i>	Signature of person making this request	Date			Supervisor (if required)	Date			Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date	
<i>Brice McCluskey</i>	<i>1/8/2020</i>														
Signature of person making this request	Date														
Supervisor (if required)	Date														
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date															
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.															

## FUNERAL DIRECTORS EXAMINING BOARD

### 2019 Elections and Liaison Appointments

2019 ELECTION RESULTS	
<b>Chairperson</b>	Marc Eernisse
<b>Vice Chairperson</b>	Marla Michaelis
<b>Secretary</b>	Joseph Schinkten
2019 LIAISON APPOINTMENTS	
<b>Credentialing Liaison</b>	Marla Michaelis <i>Alternate: Marc Eernisse</i>
<b>Monitoring and Professional Assistance Procedure (PAP) Liaison</b>	<i>Alternate: Marc Eernisse</i>
<b>Legislative Liaison</b>	Marc Eernisse <i>Alternate: Marla Michaelis</i>
<b>Continuing Education Liaison</b>	<i>Alternate: Marc Eernisse</i>
<b>Travel Liaison</b>	Marc Eernisse <i>Alternate: Marla Michaelis</i>
<b>Screening Panel</b>	Eric Lengell, Joseph Schinkten, Marla Michaelis <i>Alternate: Marc Eernisse</i>

### DELEGATION MOTIONS

#### *Document Signature Delegations*

**MOTION:** Aziz Al-Sager moved, seconded by Marla Michaelis, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

**MOTION:** Eric Lengell moved, seconded by Aziz Al-Sager, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

#### *Delegated Authority for Urgent Matters*

**MOTION:** Aziz Al-Sager moved, seconded by Marla Michaelis, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

#### *Monitoring Delegations*

**MOTION:** Marla Michaelis moved, seconded by Marc Eernisse, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” as presented. Motion carried unanimously.

#### *Credentialing Authority Delegations*

##### **Delegation of Authority to Credentialing Liaison (Generic)**

**MOTION:** Aziz Al-Sager moved, seconded by Marla Michaelis, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them. Motion carried unanimously.

##### **Delegation of Authority to DSPS When Credentialing Criteria is Met**

**MOTION:** Aziz Al-Sager moved, seconded by Eric Lengell, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

##### **Delegation of Authority to Credentialing Liaison for Inspections When Change of Ownership Occurs**

**MOTION:** Aziz Al-Sager moved, seconded by Eric Lengell, to delegate authority to the Credentialing Liaison to determine if an establishment inspection is required when changes of ownership occur. Motion carried unanimously.

*Delegated Authority for Application Denial Reviews*

**MOTION:** Aziz Al-Sager moved, seconded by Marla Michaelis, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

*Continuing Education Delegation(s)*

**MOTION:** Marla Michaelis moved, seconded by Eric Lengell, to delegate authority to the Continuing Education Liaison(s) to review all issues related to continuing education, but to refer all matters that require action to the Board. Motion carried unanimously.

*Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies*

**MOTION:** Marla Michaelis moved, seconded by Marc Eernisse, to authorize DSPS staff to provide national regulatory related bodies with all Board member contact information that DSPS retains on file. Motion carried unanimously.

*Optional Renewal Notice Insert Delegation*

**MOTION:** Marla Michaelis moved, seconded by Eric Lengell to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

*Legislative Liaison Delegation*

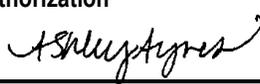
**MOTION:** Aziz Al-Sager moved, seconded by Marla Michaelis, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

*Travel Delegation*

**MOTION:** Aziz Al-Sager moved, seconded by Marla Michaelis, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Ashley Ayres Monitoring and Intake Supervisor Division of Legal Services and Compliance		<b>2) Date When Request Submitted:</b>  December 31, 2019  Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
<b>3) Name of Board, Committee, Council, Sections:</b>  Funeral Directors Examining Board			
<b>4) Meeting Date:</b>  January 22, 2020	<b>5) Attachments:</b>  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  Appointment of Monitoring Liaison and Delegated Authorities	
<b>7) Place Item in:</b>  <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  1. Appoint primary and alternate Monitoring liaisons.  2. Adopt or reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet.  3. Delegate authority to Board Counsel to sign Monitoring orders on behalf of the Board/Section, after the Board/Section has taken action on Monitoring agenda items.  <i>Current practice is for Department Monitors to draft Monitoring orders after Board meetings, send them to Board Counsel for review, and then send them to the Executive Director for subsequent review and signature. With the new proposed process, Department Monitors would only send their orders to Board Counsel for review and signature, eliminating the need for a second review by the Executive Director.</i>			
<b>11) Authorization</b>  <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">   <hr/>                     Signature of person making this request                 </div> <div style="text-align: center;">                     December 31, 2019  <hr/>                     Date                 </div> </div> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 10px;"> <div style="width: 60%;"> <hr/>                     Supervisor (if required)                 </div> <div style="width: 30%;"> <hr/>                     Date                 </div> </div> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 10px;"> <div style="width: 80%;"> <hr/>                     Executive Director signature (indicates approval to add post agenda deadline item to agenda)                 </div> <div style="width: 15%;"> <hr/>                     Date                 </div> </div>			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

## **Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor**

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

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

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

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

12. (*Dentistry only*) – Ability to approve or deny all requests from a respondent.
13. (*Except Nursing*) – Board Monitoring Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

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

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

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request: <b>Kimberly Wood, Program Assistant Supervisor-Adv.</b>		2) Date When Request Submitted: <b>1/9/2020</b>	
Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting			
3) Name of Board, Committee, Council, Sections: <b>Funeral Directors Examining Board</b>			
4) Meeting Date: <b>1/22/2020</b>	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>2020 Meeting Dates</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: <b>N/A</b>	
10) Describe the issue and action that should be addressed: Please review the finalized 2020 meeting dates. Any conflicts should be identified so to ensure quorum.  <b>1/22/2020</b> <b>5/19/2020</b> <b>8/25/2020</b> <b>11/17/2020</b>			
11) <b>Authorization</b>			
<b>Kimberly Wood</b>		<b>1/9/2020</b>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
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