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**VIRTUAL/TELECONFERENCE**  
**FUNERAL DIRECTORS EXAMINING BOARD**  
**Room Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Christian Albouras (608) 266-2112**  
**August 25, 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 May 19, 2020 – Virtual/Teleconference (4-6)**
- C. Conflicts of Interest**
- D. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) 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
- E. 9:30 A.M. PUBLIC HEARING: Clearinghouse Rule CR # 20-026 and EmR2019, Relating to Certification Courses for Funeral Director Apprentices (7-23)**
  - 1) Review and Respond to Public Comments and Clearinghouse Reports
- F. Administrative Rule Matters – Discussion and Consideration (24-25)**
  - 1) Discussion of Clearinghouse Comments and Public Hearing Comments for CR # 20-026 and EmR2019, Relating to Certification Courses for Funeral Director Apprentices **(8-23)**
  - 2) Preliminary Rule Draft for FD 1 and 4, Relating to Education Requirements for Licensure and Continuing Education Requirements – Emergency and Permanent Rules **(26-44)**
  - 3) Adoption Order CR # 19-161, Relating to Burial Agreements Funded with Life Insurance **(45-48)**

- 4) Adoption Order CR # 19-162, Relating to Continuing Education Requirements for Funeral Directors **(49-52)**
- 5) Adoption Order CR # 19-163, Relating to Licensure and Standards of Practice for Funeral Directors and Funeral Director Apprentices **(53-57)**
- 6) Public Agenda Request: Consider Modifying Continuing Education Requirements for Maintaining a Funeral Director License in Light of COVID-19 Related Class Cancellations **(58-59)**
- 7) Preliminary Rule Draft for FD 1, Relating to Application Requirements for Licensure **(60-64)**
- 8) Pending and Possible Rulemaking Matters

**G. COVID 19 – Discussion and Consideration**

**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 on DLSC Matters**

- 1) **Proposed Stipulations, Final Decisions and Orders**

- a. 18 FDR 010 – Jeffrey B. Fredrickson and Jandt-Fredrickson Funeral Homes and Crematory **(65-72)**
- b. 18 FDR 010 – Jordan M. Wegner **(73-78)**
- c. 18 FDR 010 – Jake C. Zimmer **(79-84)**

K. 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 Orders
- 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

L. Consulting with Legal Counsel

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

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

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

**ADJOURNMENT**

**NEXT MEETING: NOVEMBER 17, 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 or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE  
FUNERAL DIRECTORS EXAMINING BOARD  
MEETING MINUTES  
MAY 19, 2020**

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

**EXCUSED:** Joseph Schinkten

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

**CALL TO ORDER**

Marc Eernisse, Chairperson, called the meeting to order at 9:43 a.m. A quorum was confirmed with four (4) board members present.

**ADOPTION OF AGENDA**

**Adoption of the Agenda**

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

**APPROVAL OF MINUTES OF JANUARY 22, 2020**

**Amendments to the Minutes**

**MOTION:** Marc Eernisse moved, seconded by A. Dawn Adams, to approve the Minutes of January 22, 2020 as published. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**Scope Statement for FD 1 and 4 Relating to Education Requirements for Licensure and Continuing Education Requirements**

**MOTION:** Marla Michaelis moved, seconded by A. Dawn Adams, to approve the Scope Statement revising FD 1 and 4, relating to education requirements for licensure and continuing education requirements, for submission to the Department of Administration and Governor's Office and for publication. Further, the Board authorizes the Chairperson to approve the Preliminary Public Hearing and Comment Period Notice for the Scope Statement, if so, directed in accordance with s. 227.136, Stats. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication in the absence of a

directive in accordance with s. 227.136, Stats.. Motion carried unanimously.

## **EDUCATION AND EXAMINATION MATTERS**

### **Online Apprenticeship Course**

**MOTION:** Marla Michaelis moved, seconded by A. Dawn Adams, to request DSPS staff draft a Scope Statement and emergency rule revising FD 1, relating to certification courses for Funeral Director apprentices with emergency and permanent rules. Motion carried unanimously.

**MOTION:** Marla Michaelis moved, seconded by Marc Eernisse, to authorize the Chairperson to approve the preliminary public hearing and comment period notice for a scope statement for emergency and permanent rules if so directed in accordance with s. 227.136, Stats to approve the emergency scope for implementation and the emergency rule relating to certification courses for Funeral Director apprentices with emergency and permanent rules, for emergency rule submission to the Governor, publication in an official newspaper and for the permanent rule posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

## **CLOSED SESSION**

**MOTION:** Marc Eernisse moved seconded by Marla Michaelis, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary 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. The vote of each member was ascertained by voice vote. Roll Call Vote: A. Dawn Adams-yes; Marc Eernisse-yes; Eric Lengell-yes; and Marla Michaelis-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:54 a.m.

## **CREDENTIALING MATTERS**

### **Application Review:**

#### ***Paul Mann, Funeral Director Applicant***

**MOTION:** Marla Michaelis moved, seconded by A. Dawn Adams, to issue an intent to deny a Funeral Director License to Paul Mann, but to offer a Limited Funeral Director License with the following condition, applicant is

required to provide employer notification of his prior conviction for a period of one (1) year and employer is required to provide verification of receipt of notice to the Board. Acceptance is requested within 30 days or the matter will be reconsidered by the Board. Reason for Denial: Conviction substantially related to practice as a Funeral Director. Motion carried unanimously.

### **DELIBERATION ON DLSC MATTERS**

#### **Case Closing:**

#### ***19 FDR 016 – S.K. and S.K.F.C.S.***

**MOTION:** Marc Eernisse moved, seconded by Marla Michaelis, to close DLSC Case Number 19 FDR 016 against S.K. and S.K.F.C.S., for No Violation. Motion carried unanimously.

#### **RECONVENE TO OPEN SESSION**

**MOTION:** Marla Michaelis moved, seconded by Eric Lengell, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 11:31 a.m.

#### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON 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.

#### **ADJOURNMENT**

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

The meeting adjourned at 11:35 a.m.

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Jon Derenne, Administrative Rules Coordinator		2) Date when request submitted: <b>August 13, 2020</b> <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: August 25, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1. Public hearing for CR 20-026 and EmR2019 relating to certification courses for funeral director apprentices. -Review and Respond to Public Comments and Clearinghouse Report	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Jon Derenne</i>		August 13, 2020	
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	
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	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	FUNERAL DIRECTORS
FUNERAL DIRECTORS	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING EMERGENCY RULES

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The statement of scope for this rule, SS 057-20, was approved by the Governor on May 29, 2020, published in Register 774A1 on June 1, 2020, and approved by the Funeral Directors Examining Board on June 15, 2020. This emergency rule was approved by the Governor on June 30, 2020.

ORDER

An order of the Funeral Directors Examining Board to amend FD 1.055 and 1.056 (1) (i) relating to certification courses for funeral director apprentices.

Analysis prepared by the Department of Safety and Professional Services.

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FINDING OF EMERGENCY

The Funeral Directors Examining Board finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

The Covid-19 epidemic has severely restricted the ability of funeral director apprentice applicants to complete their 16-hour required certification course in an “in-person” format as required by administrative rule. Given the shortage of funeral director practitioners in Wisconsin, it is necessary to facilitate the certification of new apprentices. Therefore, the Funeral Directors Examining Board seeks to temporarily repeal the administrative rule provision requiring the course be completed in-person at least until in-person instruction becomes possible once again.

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ANALYSIS

**Statutes interpreted:** Section 445.03 (2), 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...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 445.03 (2), Stats., “[t]he examining board may: (a) Make and enforce rules not inconsistent with this chapter establishing professional and business ethics for the profession of funeral directors and for the general conduct of the business of funeral directing, and for the examining and licensing of funeral directors and the registration of apprentices.

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

**Related statute or rule:** None.

**Plain language analysis:**

FD 1.056 (1) (i) is repealed and FD 1.055, as will be amended by CR 19-163 upon its effective date, is amended to remove the requirement that the 16-hour certification course for certification as an apprentice be completed in-person.

**Summary of, and comparison with, existing or proposed federal regulation:** None.

**Comparison with rules in adjacent states:**

**Illinois:**

Applicants for funeral director licensure must complete a 12 month internship within five years of applying for licensure (Ill. Admin. Code § 1250.135). A certification course does not appear to be required prior to beginning the internship, although internship candidates must have completed a course of study in mortuary science (Id. at § 125.120).

**Iowa:**

Iowa requires completion of a 12 month internship prior to licensure as a funeral director. There do not appear to be education or examination requirements prior to beginning an internship (IAC § 645—101.2 (1)).

**Michigan:**

Michigan requires applicants for funeral director licensure to complete a one year resident trainee program. Training may begin after completing the required professional education for licensure, but there does not appear to be a certification course that must be taken other than the required college credits (MCL § 339.1808).

**Minnesota:**

Funeral director internship applicants must first have completed a bachelors in mortuary science, a bachelor's in science plus a course of study in mortuary science, or equivalent, and must pass both national competency and state specific statutes and rules examinations. There does not appear to be an internship certification course requirement other than the required college degree (MN Stats. § 149A.20 (6)).

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

The Funeral Directors Examining Board seeks to pursue a rule change that would allow remote instruction for the 16-hour course required for certification as a funeral director apprentice. Given the nature of the Covid-19 epidemic, in-person instruction is not desirable or possible for many applicants and course providers.

The alternative of not implementing this rule would be to deprive funeral director apprentice applicants of certification due to not being able to meet the in-person instruction requirement of the 16-hour certification course.

**Fiscal Estimate:**

The proposed rules do not have a fiscal impact.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at 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 public hearing to be held on August 25, 2020 at 9:30 AM to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. FD 1.055, as affected by CR 19-163, is amended to read:

**FD 1.055** In addition to s. FD 1.05, the applicant must provide evidence of completion of ~~an in-person~~ 16-hour certification class approved by the board.

SECTION 2. FD 1.056 (1) (i) is repealed.

SECTION 3. This emergency rule shall take effect upon publication in the official state newspaper, except as follows:

(1) Section 1 of this rule takes effect on the effective date of CR19-163. If CR 19-163 does not take effect, Section 1 of this rule is void.

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(END OF TEXT OF RULE)

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Dated \_\_\_\_ July 1, 2020 \_\_\_\_

  
\_\_\_\_\_  
Chairperson  
Funeral Directors Examining Board

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 TBD)

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ORDER

An order of the Funeral Directors Examining Board to amend FD 1.055 and 1.056 (1) (i) relating to certification courses for funeral director apprentices.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Section 445.03 (2), 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...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 445.03 (2), Stats., “[t]he examining board may: (a) Make and enforce rules not inconsistent with this chapter establishing professional and business ethics for the profession of funeral directors and for the general conduct of the business of funeral directing, and for the examining and licensing of funeral directors and the registration of apprentices.

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

**Related statute or rule:** None.

**Plain language analysis:**

FD 1.056 (1) (i) is repealed and FD 1.055, as will be amended by CR 19-163 upon its effective date, is amended to remove the requirement that the 16-hour certification course for certification as an apprentice be completed in-person.

**Summary of, and comparison with, existing or proposed federal regulation:** None.

**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:** N/A.

**Comparison with rules in adjacent states:**

**Illinois:**

Applicants for funeral director licensure must complete a 12 month internship within five years of applying for licensure (Ill. Admin. Code § 1250.135). A certification course does not appear to be required prior to beginning the internship, although internship candidates must have completed a course of study in mortuary science (Id. at § 125.120).

**Iowa:**

Iowa requires completion of a 12 month internship prior to licensure as a funeral director. There do not appear to be education or examination requirements prior to beginning an internship (IAC § 645—101.2 (1)).

**Michigan:**

Michigan requires applicants for funeral director licensure to complete a one year resident trainee program. Training may begin after completing the required professional education for licensure, but there does not appear to be a certification course that must be taken other than the required college credits (MCL § 339.1808).

**Minnesota:**

Funeral director internship applicants must first have completed a bachelors in mortuary science, a bachelor's in science plus a course of study in mortuary science, or equivalent, and must pass both national competency and state specific statutes and rules examinations. There does not appear to be an internship certification course requirement other than the required college degree (MN Stats. § 149A.20 (6)).

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

The Funeral Directors Examining Board seeks to pursue a rule change that would allow remote instruction for the 16-hour course required for certification as a funeral director apprentice. Given the nature of the Covid-19 epidemic, in-person instruction is not desirable or possible for many applicants and course providers.

The alternative of not implementing this rule would be to deprive funeral director apprentice applicants of certification due to not being able to meet the in-person instruction requirement of the 16-hour certification course.

**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 are attached.

**Effect on small business:**

None.

**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](mailto: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](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received on or before the public hearing to be held on August 25, 2020 at 9:30 AM to be included in the record of rule-making proceedings.

---

TEXT OF RULE

SECTION 1. FD 1.055, as affected by CR 19-163, is amended to read:

**FD 1.055** In addition to s. FD 1.05, the applicant must provide evidence of completion of ~~an in-person~~ 16-hour certification class approved by the board.

SECTION 2. FD 1.056 (1) (i) 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., with the following exception:

(1) Section 1 of this rule takes effect on the effective date of CR19-163. If CR 19-163 does not take effect, Section 1 of this rule is void.

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

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>	<p>2. Date July 14, 2020</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) FD 1</p>	
<p>4. Subject Certification Courses for Funeral Director Apprentices</p>	
<p>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</p>	<p>6. Chapter 20, Stats. Appropriations Affected</p>
<p>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</p>	
<p>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></p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0.00</p>	
<p>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</p>	
<p>11. Policy Problem Addressed by the Rule The Covid-19 epidemic has severely restricted the ability of funeral director apprentice applicants to complete their 16-hour required certification course in an "in-person" format as required by administrative rule. Given the shortage of funeral director practitioners in Wisconsin, it is necessary to facilitate the certification of new apprentices. Therefore, the Funeral Directors Examining Board seeks to temporarily repeal the administrative rule provision requiring the course be completed in-person at least until in-person instruction becomes possible once again. .</p>	
<p>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 rule draft was posted for 14 days on the department's website to solicit economic impact comments from businesses, local governmental units, and individuals. No comments were received.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. The rule draft was posted for 14 days on the department's website to solicit economic impact comments from local governmental units. No comments were received.</p>	
<p>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) None.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of implementing the rule is to allow funeral director apprentice applicants to take their required 16-hour certification course remotely during the Covid-19 epidemic. Not implementing the rule will impose a hardship on applicants who may not be able to attend an in-person class.</p>	
<p>16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is to increase access to the funeral director apprentice certification course during the Covid-19 epidemic.</p>	
<p>17. Compare With Approaches Being Used by Federal Government</p>	

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

None

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

Illinois:

Applicants for funeral director licensure must complete a 12 month internship within five years of applying for licensure (Ill. Admin. Code § 1250.135). A certification course does not appear to be required prior to beginning the internship, although internship candidates must have completed a course of study in mortuary science (Id. at § 125.120).

Iowa:

Iowa requires completion of a 12 month internship prior to licensure as a funeral director. There do not appear to be education or examination requirements prior to beginning an internship (IAC § 645—101.2 (1)).

Michigan:

Michigan requires applicants for funeral director licensure to complete a one year resident trainee program. Training may begin after completing the required professional education for licensure, but there does not appear to be a certification course that must be taken other than the required college credits (MCL § 339.1808).

Minnesota:

Funeral director internship applicants must first have completed a bachelors in mortuary science, a bachelor's in science plus a course of study in mortuary science, or equivalent, and must pass both national competency and state specific statutes and rules examinations. There does not appear to be an internship certification course requirement other than the required college degree (MN Stats. § 149A.20 (6)).

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19. Contact Name	20. Contact Phone Number
Jon Derenne	(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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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Anne Sappenfield**  
*Legislative Council Director*

**Margit S. Kelley**  
*Clearinghouse Assistant Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE **20-026**

AN ORDER to amend FD 1.055 and 1.056 (1) (i) , relating to certification courses for funeral director apprentices.

Submitted by **FUNERAL DIRECTORS EXAMINING BOARD**

07-14-2020 RECEIVED BY LEGISLATIVE COUNCIL.

08-04-2020 REPORT SENT TO AGENCY.

MSK:MS

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached            YES             NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached            YES             NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached            YES             NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached            YES             NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached            YES             NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached            YES             NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached            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*

### CLEARINGHOUSE RULE 20-026

#### 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. In the caption for the proposed rule, the enumeration of treated provisions should be revised to reflect the treatment given in the text of the rule. The listing should appear as follows: “to repeal FD 1.056 (1) (i), and to amend FD 1.055; relating to...”. [s. 1.02 (1), Manual.]

b. In SECTION 1 of the proposed rule, the title for s. FD 1.055 should be shown with the text of the rule, to show the provision in its entirety.

c. The board should consider revising the effective date provision to account for the following considerations.

- (1) As the rule has only two SECTIONS, the board could consider addressing the effective date of each directly, rather than giving general language and then an exception. Consider the following structure, for example: “SECTION 3. EFFECTIVE DATES. (1) SECTION 1 of the proposed rule shall take effect on.... (2) SECTION 2 of the proposed rule shall take effect on....”.
- (2) The effective date provision specifies that SECTION 1 of the proposed rule takes effect on the effective date of CHR 19-163, but what if that rule has already taken effect? Consider specifying an alternative, such as, “or on the first day following publication in the Wisconsin Administrative Register if CR 19-163 has taken effect prior to the publication of this rule”.

- (3) SECTION 2 of the proposed rule repeals s. FD 1.056 (1) (i), but that provision is also repealed in CHR 19-163. What occurs if CHR 19-163 has been promulgated prior to this rule? Consider giving the general effective date language for this provision and then specifying an alternative, such as, “except if CR 19-163 has taken effect prior to the publication of this rule, SECTION 2 of this rule is void”.

<b>ABFSE COURSE OUTLINE/GLOSSARY©</b>	<b>Reviewed Date; Approved Date</b>	<b>ABFSE Status As of 5/2019</b>	<b>Next Revision Date</b> 5-7 Year Rotation Subject to Change
<b>Public Health &amp; Technical Content</b>	<b>PHT</b>		
Microbiology	6/2012; 4/2013	<i>Pending Review</i>	2019, 2024, 2030
Human Anatomy	6/2006; 4/2007 5/2014; 4/2015	Current	2020, 2026, 2032
Chemistry	6/2011; 4/2012 7/2017; 4/2018	Current	2023, 2029, 2035
Pathology	6/2006; 4/2007 5/2014; 4/2015	Current	2020, 2025, 2030
Restorative Art	4/2006 5/2013; 4/2014	<i>Pending Review</i>	2019, 2025, 2030
Embalming	4/2001 6/2007; 4/2008 5/2015; 4/2016	Current	2021, 2027, 2033
<b>Business Management Professional Content</b>	<b>BM</b>		
Small Business Management (with Accounting)	6/2004; 4/2005 5/2013; 4/2014 4/2019	Current	2024, 2030, 2036
Funeral Directing	4/2006 5/2009; 4/2011 5/2015; 4/2016	Current	2021, 2027, 2033
Funeral Merchandising	4/2008 6/2011; 4/2012 7/2017; 4/2018	Current	2022, 2028, 2034
Funeral Service Management	4/2002 5/2008; 4/2009 5/2013; 4/2014	<i>Pending Review</i>	2019, 2025, 2031
Federal Trade Commission	6/2001; 4/2002 6/2011; 4/2012	Current	2018, 2023, 2028
Cremation	4/2014 5/2014; 4/2015	<i>Pending review</i>	2019, 2023, 2027
Professional or Business Communications	5/2008; 4/2009 6/2016; 4/2017 4/2019	Current	2021, 2027, 2033
<b>Social Science Content</b>	<b>SS</b>		
Funeral Service Sociology	4/2002 4/2009 6/2014; 4/2015	Current	2020, 2026, 2032
Funeral Service Psychology & Counseling	6/2012; 4/2013 4/2019	Current	2023, 2029, 2035
History of Funeral Service & Embalming	4/2006 6/2014; 4/2015	Current	2020, 2026, 2032
<b>Legal, Regulatory &amp; Ethical Content</b>	<b>LRE</b>		
Business Law	6/2007; 4/2008 6/2011; 4/2012 7/2017; 4/2018	Current	2022, 2028, 2034
Funeral Service Law	4/2007 6/2012; 4/2013 8/2018; 4/2019	Current	2024, 2029, 2034
Ethics (with Funeral Service Oath)	4/2002 5/2008; 4/2009 6/2016; 4/2017	Current	2022, 2028, 2034

**\*Archival Note:** 2010 No outline reviews took place, the focus was on Global Topics/roundtable discussion format  
NOTE: Outline rotation is subject to change pending professional/industry advancements or changes to regulations/policies.

All curriculum outlines are available in .pdf format and can be accessed at <http://www.abfse.org/outlines/>, with a username and password.  
©American Board of Funeral Service Education 2018.

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Jon Derenne, Administrative Rules Coordinator		2) Date when request submitted: August 13, 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: August 25, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1. Discussion of clearinghouse comments and public hearing comments for CR 20-025 and EmR2019 relating to certification courses for funeral director apprentices. 2. Preliminary rule draft for FD 1 and 4 relating to education requirements for licensure and continuing education requirements (emergency and permanent rules). 3. Adoption order for CR 19-161 relating to burial agreements funded with life insurance. 4. Adoption order for CR 19-162 relating to continuing education requirements for funeral directors. 5. Adoption order for CR 19-163 relating to licensure and standards of practice for funeral directors and funeral director apprentices. 6. Public agenda request to consider modifying continuing education requirements for maintaining a funeral director license in light of COVID-19 related class cancellations. 7. Preliminary rule draft for FD 1 relating to application requirements for licensure.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			

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

11)	Authorization
<i>Jon Derenne</i>	August 13, 2020
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.	

STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

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

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The statement of scope for this rule, SS 074-20, was approved by the Governor on May 29, 2020, published in Register 774A3 on June 15, 2020, and approved by the Funeral Directors Examining Board on June 30, 2020. This emergency rule was approved by the

**Governor on TBD.**

ORDER

An order of the Funeral Directors Examining Board to renumber and amend; to amend FD 1.02 (3) and (4), 1.04 (title) and (intro.), 1.05 and 1.055; to repeal and recreate FD 4.03 (1); and to create FD 4.03 (1m) relating to licensure and continuing education requirements for funeral directors and funeral director apprentices.

Analysis prepared by the Department of Safety and Professional Services.

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FINDING OF EMERGENCY

2019 Wisconsin Act 137, Section 8, provides that the board is not required to provide a finding of emergency.

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ANALYSIS

**Statutes interpreted:** Sections 445.045 (1), 445.07, and 445.095 (1), Stats.

**Statutory authority:** Sections 15.08 (5) (b), 227.11 (2) (a), 445.03 (2) (a), and 445.07 (3), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats. provides “[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. provides “[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) (a), Stats. authorizes the board to “[m]ake and enforce rules...for the examination and licensing of funeral directors and the registration of apprentices.”

Section 445.07 (3), Stats. authorizes the board to make rules implementing the continuing education requirements in s. 445.07, Stats.

**Related statute or rule:** None.

**Plain language analysis:**

This rule project makes several updates to chs. FD 1 and FD 4 in light of 2019 Wisconsin Act 137. FD 1 regarding funeral director and apprentice credentialing are revised to reflect that 24 semester credits of college are now required for licensure instead of 2 academic years. No changes are made to the required course subject matter. The requirement for certification as an apprentice that the 16-hour certification course be taken regardless of whether the applicant has completed mortuary school, is also removed. The certification class will no longer be required for apprenticeship applicants who have already completed mortuary school.

Finally, the continuing education requirements in FD 4 are revised to reflect that in the first biennium following licensure as a funeral director, the licensee will be required to complete 4 hours of continuing education that the board has deemed necessary to prepare a new licensee for practice.

**Summary of, and comparison with, existing or proposed federal regulation:** None.

**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:** N/A.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois provides for a funeral director’s license and a funeral director and embalming license. The funeral director only license requires 12 continuing education credits per renewal period, and the funeral director and embalming license requires 24 credits. Licensees are not required to meet the continuing education requirement during the renewal period immediately following their initial licensure (Ill. Admin. Code § 1250.220 (a)).

Illinois requires funeral director applicants to complete an internship. There is not a certification course required prior to beginning the internship. At minimum, however, must have completed at least 30 semester or 45 quarter college credit hours along with the completion of a 12 month mortuary science program (Ill. Admin Code § 1250.120 (a)).

**Iowa:** Iowa code requires a funeral director licensee to complete at least 24 continuing education credits per renewal period. Licensees are not required to complete continuing education during the first renewal period immediately following their licensure (645 IA Admin. Code § 102.2 (1)).

Iowa requires funeral director applicants to complete a one-year internship (645 IA Admin. Code § 101.3 (1)). The internship must be completed after the education and examination requirements for funeral director licensure are met. This includes a minimum of 60 credits from an accredited college or university, not including any credits for technical mortuary science instruction, completion of a mortuary science program, and at least a one credit course in Iowa law and administrative rules relevant to the practice of funeral directing (645 IA Admin. Code § 101.2 (1)).

**Michigan:** Michigan requires funeral director license candidates to complete a one-year resident trainee program under the supervision of a licensee, graduate from a 3-year mortuary science course at an accredited school, college, or university, pass an examination, and be a person of good moral character (MCL § 339.1806 (1)). A resident trainee license can be issued to an individual who has a high school diploma and is of good moral character (MCL § 339.1808 (1)). It does not appear that any particular order is required in completing the requirements for licensure as a funeral director, nor does Michigan appear to require continuing education for licensees.

**Minnesota:** Minnesota requires applicants for a funeral director license to first complete the education requirement for licensure, which is at a minimum an aggregation of college credits substantially equivalent to a bachelor's degree plus a course of study in mortuary science. Once the education requirement is complete the applicant must pass the required examination. Finally, a 2,080 hour internship is required to be completed within 3 years. It does not appear that continuing education is required to renew a funeral director license.

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

The board must revise its rules to match the statutory requirements enacted by 2019 Wisconsin Act 137. Failure to do so would result in the rules remaining inconsistent with state statute and result in confusion to stakeholders as to what the law is.

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

The rule will be posted for 14 days on the department website to solicit economic impact comments.

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

The Fiscal Estimate and Economic Impact Analysis will be attached.

#### **Effect on small business:**

The rules will be posted for 14 days on the department website to solicit economic impact comments.

**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 August 25, 2020 to be included in the record of rule-making proceedings.

---

TEXT OF RULE

SECTION 1. FD 1.02 (3) and (4) are amended to read:

**FD 1.02 (3)** Evidence of completion of ~~2 academic years~~ at least 24 semester credits of instruction in a recognized college or university meeting the requirements of s. FD 1.04.

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

SECTION 2. FD 1.04 (title) and (intro.) are amended to read:

**FD 1.04 Two academic years of College instruction.** To meet the requirements ~~requirement~~ of 24 ~~academic years~~ semester credits of instruction specified in s. 445.045 (1) (d), Stats., an applicant shall submit to the board an official transcript of courses from a regionally accredited college showing that the applicant has completed ~~a course of study with 60~~ at least 24 semester credit hours in the following areas:

- (1) English.
- (2) Speech.
- (3) Social Sciences.
- (4) Natural Sciences.
- (5) Business Studies.
- (6) Electives.

\*These are the existing subject areas. MATC does not recommend changes to the subject areas in light of new credit requirement.

SECTION 3. FD 1.05 and 1.055 are amended to read:

**FD 1.05** ~~After completing a 16-hour certification class approved by the board, the following shall be accepted as compliance with s. 445.045 (1) (e), Stats.~~ The candidate shall have satisfactorily completed 9 months or more instruction in a prescribed curriculum in funeral service education, either before or after completing the 1 year apprenticeship required under s. 445.095, Stats., offered by an educational institution accredited by the American board of funeral service education or otherwise deemed to be equivalent by the funeral directors examining board.

**FD 1.055** ~~In addition to s. FD 1.05~~ Prior to beginning the 1 year apprenticeship required under s. 445.095, Stats., the applicant must provide evidence of completion of a 16-hour certification class approved by the board, unless the applicant has already completed the mortuary school requirement in s. FD 1.05, in which case the certification course is not required.

SECTION 4. FD 4.03 (1) is repealed and recreated to read:

**FD 4.03 (1)** For the renewal of a license that expires on the first renewal date after the date on which the examining board initially granted the license, completion of 4 credit hours of continuing education subsequent to the date the applicant was granted the initial license is required. The required 4 credit hours of continuing education may include instruction in any of the following topics that the board has determined may prepare a new licensee for practice as a funeral director:

- (a) Embalming.
- (b) Life insurance.
- (c) Hospitality.
- (d) Celebrant training.
- (e) Crematory operation.
- (f) Public speaking.
- (g) Small business management.
- (h) Marketing, including the use of graphic design and social media.
- (i) Other topics deemed appropriate by the board.

\*These are generally the subject areas recommended by MATC.

SECTION 5. FD 4.03 (1m) is created to read:

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

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.

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

---

PROPOSED ORDER

An order of the Funeral Directors Examining Board to renumber and amend; to amend FD 1.02 (3) and (4), 1.04 (title) and (intro.), 1.05 and 1.055; to repeal and recreate FD 4.03 (1); and to create FD 4.03 (1m) relating to licensure and continuing education requirements for funeral directors and funeral director apprentices.

Analysis prepared by the Department of Safety and Professional Services.

---

ANALYSIS

**Statutes interpreted:** Sections 445.045 (1), 445.07, and 445.095 (1), Stats.

**Statutory authority:** Sections 15.08 (5) (b), 227.11 (2) (a), 445.03 (2) (a), and 445.07 (3), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats. provides “[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. provides “[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) (a), Stats. authorizes the board to “[m]ake and enforce rules...for the examination and licensing of funeral directors and the registration of apprentices.”

Section 445.07 (3), Stats. authorizes the board to make rules implementing the continuing education requirements in s. 445.07, Stats.

**Related statute or rule:** None.

**Plain language analysis:**

This rule project makes several updates to chs. FD 1 and FD 4 in light of 2019 Wisconsin Act 137. FD 1 regarding funeral director and apprentice credentialing are revised to reflect that 24 semester credits of college are now required for licensure instead of 2 academic years. No changes are made to the required course subject matter. The requirement for certification as an apprentice that the 16-hour certification course be taken regardless of whether the applicant has completed mortuary school, is also removed. The certification class will no longer be required for apprenticeship applicants who have already completed mortuary school.

Finally, the continuing education requirements in FD 4 are revised to reflect that in the first biennium following licensure as a funeral director, the licensee will be required to complete 4 hours of continuing education that the board has deemed necessary to prepare a new licensee for practice.

**Summary of, and comparison with, existing or proposed federal regulation:** None.

**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:** N/A.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois provides for a funeral director's license and a funeral director and embalming license. The funeral director only license requires 12 continuing education credits per renewal period, and the funeral director and embalming license requires 24 credits. Licensees are not required to meet the continuing education requirement during the renewal period immediately following their initial licensure (Ill. Admin. Code § 1250.220 (a)).

Illinois requires funeral director applicants to complete an internship. There is not a certification course required prior to beginning the internship. At minimum, however, must have completed at least 30 semester or 45 quarter college credit hours along with the completion of a 12 month mortuary science program (Ill. Admin Code § 1250.120 (a)).

**Iowa:** Iowa code requires a funeral director licensee to complete at least 24 continuing education credits per renewal period. Licensees are not required to complete continuing education during the first renewal period immediately following their licensure (645 IA Admin. Code § 102.2 (1)).

Iowa requires funeral director applicants to complete a one-year internship (645 IA Admin. Code § 101.3 (1)). The internship must be completed after the education and examination requirements for funeral director licensure are met. This includes a minimum of 60 credits from an accredited college or university, not including any credits for technical mortuary science instruction, completion of a mortuary science program,

and at least a one credit course in Iowa law and administrative rules relevant to the practice of funeral directing (645 IA Admin. Code § 101.2 (1)).

**Michigan:** Michigan requires funeral director license candidates to complete a one-year resident trainee program under the supervision of a licensee, graduate from a 3-year mortuary science course at an accredited school, college, or university, pass an examination, and be a person of good moral character (MCL § 339.1806 (1)). A resident trainee license can be issued to an individual who has a high school diploma and is of good moral character (MCL § 339.1808 (1)). It does not appear that any particular order is required in completing the requirements for licensure as a funeral director, nor does Michigan appear to require continuing education for licensees.

**Minnesota:** Minnesota requires applicants for a funeral director license to first complete the education requirement for licensure, which is at a minimum an aggregation of college credits substantially equivalent to a bachelor's degree plus a course of study in mortuary science. Once the education requirement is complete the applicant must pass the required examination. Finally, a 2,080 hour internship is required to be completed within 3 years. It does not appear that continuing education is required to renew a funeral director license.

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

The board must revise its rules to match the statutory requirements enacted by 2019 Wisconsin Act 137. Failure to do so would result in the rules remaining inconsistent with state statute and result in confusion to stakeholders as to what the law is.

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

The rule will be posted for 14 days on the department website to solicit economic impact comments.

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

The Fiscal Estimate and Economic Impact Analysis will be attached.

#### **Effect on small business:**

The rules will be posted for 14 days on the department website to solicit economic impact comments.

#### **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](mailto: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 August 25, 2020 to be included in the record of rule-making proceedings.

---

TEXT OF RULE

SECTION 1. FD 1.02 (3) and (4) are amended to read:

**FD 1.02 (3)** Evidence of completion of ~~2 academic years~~ at least 24 semester credits of instruction in a recognized college or university meeting the requirements of s. FD 1.04.

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

SECTION 2. FD 1.04 (title) and (intro.) are amended to read:

**FD 1.04 Two academic years of College instruction.** To meet the ~~requirements~~ requirement of 24 ~~academic years~~ semester credits of instruction specified in s. 445.045 (1) (d), Stats., an applicant shall submit to the board an official transcript of courses from a regionally accredited college showing that the applicant has completed ~~a course of study with 60~~ at least 24 semester credit hours in the following areas:

- (1) English.
- (2) Speech.
- (3) Social Sciences.
- (4) Natural Sciences.
- (5) Business Studies.
- (6) Electives.

**\*These are the existing subject areas. MATC does not recommend changes to the subject areas in light of new credit requirement.**

SECTION 3. FD 1.05 and 1.055 are amended to read:

**FD 1.05** ~~After completing a 16-hour certification class approved by the board, the following shall be accepted as compliance with s. 445.045 (1) (e), Stats.~~ The candidate shall have satisfactorily completed 9 months or more instruction in a prescribed curriculum in funeral service education, either before or after completing the 1 year apprenticeship required under s. 445.095, Stats., offered by an educational institution

accredited by the American board of funeral service education or otherwise deemed to be equivalent by the funeral directors examining board.

**FD 1.055** ~~In addition to s. FD 1.05~~ Prior to beginning the 1 year apprenticeship required under s. 445.095, Stats., the applicant must provide evidence of completion of a 16-hour certification class approved by the board, unless the applicant has already completed the mortuary school requirement in s. FD 1.05, in which case the certification course is not required.

SECTION 4. FD 4.03 (1) is repealed and recreated to read:

**FD 4.03 (1)** For the renewal of a license that expires on the first renewal date after the date on which the examining board initially granted the license, completion of 4 credit hours of continuing education subsequent to the date the applicant was granted the initial license is required. The required 4 credit hours of continuing education may include instruction in any of the following topics that the board has determined may prepare a new licensee for practice as a funeral director:

- (a) Embalming.
- (b) Life insurance.
- (c) Hospitality.
- (d) Celebrant training.
- (e) Crematory operation.
- (f) Public speaking.
- (g) Small business management.
- (h) Marketing, including the use of graphic design and social media.
- (i) Other topics deemed appropriate by the board.

\*These are generally the subject areas recommended by MATC.

SECTION 5. FD 4.03 (1m) is created to read:

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

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.

-----  
(END OF TEXT OF RULE)  
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TO: Members, Funeral Directors Examining Board  
Marc Eernisse, Chair

FROM: Gabriel Schauf  
MATC Mortuary School Program Director

DATE: 08/05/2020

RE: Recommendations on Rule Promulgation Relating to AB 576 & SB 512

As the program director for Wisconsin's only Mortuary School program, I wanted to share with you our recommendations on the rule promulgation process as it relates to AB 576 and SB 512.

Attached Documents:

1. **ABFSE Curriculum List:** This is a list provided by the American Board of Funeral Service Education of the content that they require each accredited program to cover. Each component is reviewed and updated on a regular basis and includes a full outline that specifies what materials within each topic need to be covered. MATC addresses all of this content to the standards of the ABFSE
2. **MATC Funeral Program Checklist:** This is the list of the required courses a funeral service student needs to complete. The courses are designed and developed to include all of the content required in the ABFSE curriculum list and includes testing to ensure student competency throughout all required materials.
3. **Additional Specialized Training:** MATC coursework does include specialized training based on industry needs. Through the National Funeral Director's Association and InSight Institute, MATC hosts certification training for celebrants and crematory operators as well as arranger training. The attached list discusses all topics covered and includes a link to the course description.

4. **Original Proposed Amendments List:** This is the list that was provided to me on December 18<sup>th</sup> from the Wisconsin Funeral Directors Association (WFDA) as recommended additional coursework for consideration as an amendment to AB 576 and SB 518. This was not included in the final draft of the bill, but may be valuable for the relevancy of MATC's recommendations relating to the additional CEU requirement that was included in the final draft of the legislation.

### **Recommendations:**

1. **Prerequisite Requirements:** AB 576 and SB 512 changes the prerequisite requirements for entering a certified mortuary school program from 2 years (60 credits in rule) to 24 credits. The attached documents demonstrate our program's list of required classes per the American Board of Funeral Service Educators (ABFSE), Wisconsin Technical College System (WTCS) and the Milwaukee Area Technical College (MATC) Mortuary School. These requirements are prescribed to students as required instruction to complete the program. These current prerequisites are also in line with current DSPS administrative rule dictated by the Funeral Directors Examining Board (FDEB). Students are entering this year's program with these current prerequisites in place. We feel the prerequisites as detailed in current DSPS FD 1.04 for those entering mortuary school are in line with ABFSE, WTCS and MATC's Mortuary School program and request that you keep the course of studies areas the same for the new 24 credit requirement. Any change in these course areas would negatively affect our school's ability to provide the content curriculum necessary for successful completion of the program. This content is closely vetted through our mortuary school's advisory committee, which has a variety of funeral director members from all areas of the state and from both the statewide funeral director associations.
2. **Additional CEU Requirement:** AB 576 and SB 518 stipulated that any newly licensed funeral director from a Wisconsin mortuary school program will have to take 4 hours of continuing education requirements (CEUs) before their first renewal period. While specifying what a student should learn can limit options or even force unnecessary learning, there is nothing wrong with requiring some additional education in the form of continuing education. Our recommendation would be to perhaps require first year licensees to complete their amount of CE Credits in a variety of possible course areas for the following reasons:

- One size does not fit all: Your funeral home and my funeral home may have different needs or approaches to the business. What I would like my directors to be versed in might not be the same to you. For example, not all funeral homes want their employees to be life insurance agents.
- Soft Skills Needed: The proposed list mentions hospitality but there are certainly other soft skills that can be implemented into funeral service – publishing and graphic design, marketing, website and social media work, digital streaming, public speaking, bookkeeping, even landscaping or maintenance courses may come in handy for a funeral home. There are many short courses and seminars that cover that material.
- Funeral Skills Needed: While MATC and the other accredited programs offer a strong foundation for students to build off of in the profession, there is certainly much a student can still take in through seminars, leadership conferences, and courses. The NFDA, CANA and other organizations offer courses throughout the year. There are also groups that provide additional embalming training (Fountain National Academy).

I look forward to discussing this further. Please let me know if you have any questions.

Gabriel Schauf  
 Program Coordinator – MATC Funeral Service Program  
[schaufg@matc.edu](mailto:schaufg@matc.edu)  
 414-456-5320

## Funeral Services Program 10-528-1.21

### **FUNERAL SERVICE GENERAL EDUCATION, LICENSING, & GRADUATION CHECKLIST**

Students need 29 general education credits (in the following areas) and 35 credits of Funeral Service Technical coursework to be eligible to be licensed as a Funeral Director in the State of Wisconsin. Use this form as a checklist as you progress through the Funeral Service program. The Funeral Service is a program that requires acceptance through the petition process. For more information, go to: [Petitioning information](#). Curriculum and petition requirements are subject to change. Check MATC's website for any updates or revisions. Students should start gathering information before the petition window opens in January. All courses must be completed with grades of C or better, unless noted otherwise. Students are required to have a cumulative GPA of 2.5 or higher to be eligible to petition.

#### **Semester 1** 16 credits Complete

- Thanatochemistry (FUNERL 106) 3 credits
- Written Communications 1 (ENG 195) *or* English 1 (ENG 201) 3 credits
- General Anatomy & Physiology (NATSCI 177) B- grade required (*prerequisite: hs chemistry & english*) 4 credits
- Psychology of Human Relations (PSYCH 199) *or* any 200-level Psych course 3 credits
- Contemporary American Society (SOCSCI 197) *or* Death and Dying (SOCSCI 210) 3 credits

#### **Semester 2** 13 credits Complete

- Legal Environment of Business (BADM 165) B- grade required 3 credits
- Financial Accounting (ACCTG 110) B- grade required 3 credits
- Oral Personal Communications (ENG 196) *or* any 200-level English or Speech 3 credits
- Microbiology (NATSCI 179) B- grade required (*prerequisite: anatomy & physiology*) 4 credits

Admission into the final two semesters (clinical portion) of the Funeral Service program requires completion of 29 credits of general education in the categories listed on the front side of this sheet, and acceptance through the petition process. All courses must be completed with a grade of C or better, with the exception of those noted with a B-. Part-time and/or evening school for the clinical portion of the program is not available. General education coursework from other institutions may be transferred to MATC provided the school is accredited by the Higher Learning Commission. Only grades of C or better can be transferred to MATC. Anatomy and Physiology, Microbiology, Financial Accounting, and Business Law require a grade of B- or better to transfer.

The State of Wisconsin requires a one year apprenticeship to become a Licensed Funeral Director. Students who have completed a 16 hour training course (FUNERL 500) can pursue an apprenticeship through a Licensed Funeral Home.

**Prior to starting technical courses in the MATC Funeral Service program, students will be required to provide verification of their Funeral Director Apprentice license granted through the State of Wisconsin Department of Safety and Professional Services.**

### **35 CREDITS OF TECHNICAL STUDIES (Grades of C or better are required for all courses)**

#### **Fall Semester (18 credits)**

- FUNERL 110 Intro to Funeral Service (2 credits)
- FUNERL 112 Laws, Rules and Regulations (3 credits)
- FUNERL 114 Pathology of Funeral Service (2 credits)
- FUNERL 116 Funeral Service Practices (4 credits)
- FUNERL 131 Embalming Theory (4 credits)
- FUNERL 104 Funeral Service Field Experience (2 credits)
- FUNERL 121 National Funeral Board Preparation I (1 credit)

#### **Spring Semester (17 credits)**

- FUNERL 105 Funeral Service Field Experience II (2 credits)
- FUNERL 117 Funeral Service Management (4 credits)
- FUNERL 120 Restorative Art (4 credits)
- FUNERL 132 Funeral Service Science (3 credits)
- FUNERL 153 Psychology of Funeral Service (3 credits)
- FUNERL 122 National Funeral Board Preparation II (1 credit)

Students arrange their internships at a Wisconsin Funeral Home within a 150 mile radius of MATC West Allis campus. The Funeral Home must be approved by the Funeral Service department instructors. Students must sit for the National Board exam prior to applying for their funeral director license.

\*Revised April 27, 2020

Amendment to SB 518 / AB 576

- 1) For any new funeral director licensee, require a minimum of 4 credit hours of continuing education in any of the following:
  - Insurance
  - Celebrant training
  - Mass fatalities and incidences
  - Hospitality
  - Crematory operation
  - Funeral arranging
  - or other topics as may be determined by the Funeral Directors Examining Board
- 2) The credit what hours are to be completed prior to the next licensing period
- 3) The requirement does not apply to licensee in another state who is obtaining a reciprocal Wisconsin funeral director license

**Topics Covered**

- |   |                                  |
|---|----------------------------------|
| 1. Intro & Ethics                               | 5. Cremation Procedures          |
| 2. Principles of Combustion & Incineration      | 6. The Cremation Process         |
| 3. Basics of Cremation Operations & Maintenance | 7. Shipping Cremated Remains     |
| 4. Cremation & Disposition Authorizations       | 8. Cremation Safety & Compliance |
|   | 9. Liability                     |
|   | 10. Public Relations             |

NFDA Arranger Training

**Topics Covered**

- |   |   |
|---|---|
| 1. Interpreting non-verbal language from family members | 19. Leading interfaith/multicultural families                               |
| 2. Professional appearance                              | 20. Sharing ideas for personalization                                       |
| 3. Consistent protocol                                  | 21. Unlocking creative juices   |
| 4. Heartfelt Hospitality                                | 22. Building vendor partnerships  |
| 5. Verbal Language                                      | 23. Designing meaningful vignettes  |
| 6. Credibility Statements                               | 24. Creating modern tribute videos  |
| 7. Active Listening                                     | 25. Using distinct scents   |
| 8. Empathy Statements                                   | 26. Implementing unique keepsakes/favors                                    |
| 9. Managing expectations                                | 27. Adding special participation  |
| 10. Types of questions                                  | 28. When and how to provide support (customer service timeline used)        |
| 11. Cremation questions                                 | 29. Offering grief support  |
| 12. Legacy questions                                    | 30. Suggested dialogue for overcoming objections and challenging statements |
| 13. Non-religious questions                             | 31. Resolving conflict  |
| 14. Effective questions for all five generations        |   |
| 15. Questions for women consumers                       |   |
| 16. Presenting merchandise                              |   |
| 17. Discussing the family's financial obligation        |   |
| 18. Presenting cremation choices                        |   |

**Topics Covered**

1. Value of the Funeral
2. Listening Skills
3. Family Meetings
4. Service Planning
5. Music and Readings Resources
6. Writing
7. Closing Ceremonies
8. Master of Ceremonies
9. Presentation Skills
10. Developing the Celebrant  
Concept in the Community

STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	FUNERAL DIRECTORS
FUNERAL DIRECTORS	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 19-161)

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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. The board determined that the requirement to include the value of the trust in the notice of termination was economically burdensome. The rule 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.

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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, 4822 Madison Yards Way, P.O. Box 8935, Madison, Wisconsin 53708 or by telephone at ~~(608) 266-5511~~(608) 266-2112.”**

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.

-----  
(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

\_\_\_\_\_  
Chair



STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	FUNERAL DIRECTORS
FUNERAL DIRECTORS	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 19-162)

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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), (6) 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 “credit hour” for the purposes of obtaining continuing education credit is at least 50 minutes. Finally, the rule repeals FD 4.03 (8) as it is obsolete in light of the creation of a new section of the code defining “credit hour.”

**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)), therefore it appears the plain meaning of “hour” as 60 minutes would apply.

**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.

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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), (6) 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).

**(6)** Continuing education credit may be granted for teaching or presenting any continuing education programs or courses under s. FD 4.04 (1) (a) 1. to 4. No credit will be granted for any subsequent presentations of the same program or course. A teacher or presenter may receive 2 continuing education credits for each credit hour of presentation.

**(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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Dated \_\_\_\_\_

\_\_\_\_\_  
Chair

STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	FUNERAL DIRECTORS
FUNERAL DIRECTORS	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 19-163)

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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 1.055 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., states that, “[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., provides that, “[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 chs. FD 1 to 4 and 6. Section FD 1.055 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 that 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 un-embalmed 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, 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)).

### **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.

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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 1.055 is amended to read:

**FD 1.055** In addition to s. FD 1.05, the applicant must provide evidence of completion of ~~an~~ an in-person 16-hour certification class approved by the board.

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 embalming.
- (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) and (2) are renumbered FD 1.013 (1m) and (3) and are 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.

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

SECTION 8. FD 2.03 (1) is repealed.

SECTION 9. 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 embalming.

SECTION 10. 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 11. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

\_\_\_\_\_  
Chair

**From:** [DSPS PracticeFAQ3](#)  
**To:** [Derenne, Jon A - DSPS](#)  
**Subject:** FW: Funeral Directors Board - Public Agenda Item Submission  
**Date:** Wednesday, August 12, 2020 3:24:13 PM

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Hi Jon:

Please see below.

Best,  
Christine

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**From:** Michael D. Sharkey <msharkey@cvmmlaw.com>  
**Sent:** Wednesday, August 5, 2020 11:17 AM  
**To:** DSPS PracticeFAQ3 <DSPSPacticeFAQ3@wisconsin.gov>  
**Subject:** Funeral Directors Board - Public Agenda Item Submission

Dear Funeral Directors Examining Board:

I write in my capacity as General Counsel to the Wisconsin Funeral Directors Association (WFDA). I write to request that the FDEB relax the continuing education credits for funeral directors due to the unavailability of in-person training and classes due to COVID-19. The Governor of Wisconsin effectively prevented any of the scheduled Conventions and other symposiums, or at least his Order caused many Conventions and symposiums to be cancelled. Wisconsin currently only allows a few credits to be taken on-line. As such, many- if not most or even all- Wisconsin licensed funeral directors will be struggling to get in their CEUs.

On behalf of WFDA I respectfully request that the FDEB temporarily modify the CEU requirements for maintaining a Wisconsin Funeral Directors license.

Respectfully submitted,

Michael D. Sharkey  
Attorney  
Direct Dial: 952-525-6990  
Fax: 952-546-0628  
Email: [msharkey@cvmmlaw.com](mailto:msharkey@cvmmlaw.com)



**COUSINEAU | VAN BERGEN  
McNEE | MALONE**

**Cousineau, Van Bergen, McNee & Malone, P.A.  
12800 Whitewater Drive, Suite 200  
Minnetonka, MN 55343**

**CONFIDENTIALITY NOTICE:**

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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 amend FD 1.06 (6) and 1.12 (title); and to create FD 1.015 and 1.13; relating to funeral director license application requirements.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Sections 111.321, 111.322, 111.335, and 440.09 (2), Stats.

**Statutory authority:** Sections 15.08 (5) (b), 227.11 (2) (a), 440.09 (2), 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 440.09 (2), Stats., “[t]he department and each credentialing board shall grant a reciprocal credential to an individual who the department or credentialing board determines meets all of the following requirements:

- (a) The individual applies for a reciprocal credential under this section on a form prescribed by the department or credentialing board.
- (b) The individual is a service member, a former service member, or the spouse of a service member or former service member and resides in this state.
- (c) The individual holds a license, certification, registration, or permit that was granted by a governmental authority in a jurisdiction outside this state that qualifies the individual to perform the acts authorized under the appropriate credential granted by the department or credentialing board.

(d) The individual pays the fee specified under s. 440.05 (2).

(f) The individual is in good standing with the governmental authorities in every jurisdiction outside this state that have granted the individual a license, certification, registration, or permit that qualifies the individual to perform acts authorized under the appropriate credential granted by the department or credentialing board.

Section 440.09 (5), Stats., allows the board to promulgate rules necessary to implement the changes to 440.09 (2) enacted by 2019 Wisconsin Act 143.

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:** Sections 445.04 and 445.045, Stats. provide the statutorily required criteria for a funeral director license application.

**Plain language analysis:**

This rule project updates FD 1 to implement 2019 Wisconsin Act 143. Act 143 requires the board to grant a reciprocal credential to an applicant who meets the following criteria:

- Completes an application.
- Pays the required application fee.
- Resides in the state.
- Is either a service member, former service member discharged other than dishonorably within the last four years, or spouse of a service member or former service member discharged other than dishonorably within the last four years.
- Holds a credential in another jurisdiction that qualifies the individual to perform the acts authorized under the appropriate credential granted by the department or credentialing board.

The rule project also revises FD 1 to implement 2017 Wisconsin Act 278. FD 1.02 (6) is revised to clarify that an applicant must submit documentation necessary for the board determine whether the applicant has certain pending charges (not simply an arrest record) or convictions that are substantially related to the practice of the profession of funeral directing.

**Summary of, and comparison with, existing or proposed federal regulation:** None.

**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:** N/A.

**Comparison with rules in adjacent states:**

**Illinois:**

Illinois state law does have a process allowing for expedited issuance of reciprocal credentials for active service members, their spouses, and those who were discharged from the service within the last two years. An applicant must show that they have a credential in good standing in another jurisdiction that is substantially equivalent to the Illinois credential sought, and must submit all required fees and application documents. The credential must be issued within 60 days of receipt of a completed application (20 ILCS 5/5-715).

Illinois allows its credentialing authority to deny or refuse to renew a funeral director license if the applicant is convicted or pleads guilty or no contest to a felony directly related to the practice of funeral directing. Felonies directly related to the practice of funeral directing include but are not limited to most violent crimes, sex crimes, and crimes relating fraud; as well as attempting to commit any of these felonies. Mitigating factors including the applicant's age when the crime was committed, time elapsed since the conviction, and consideration of the actual bearing of the crime on the ability of the applicant to practice. Discrimination based on arrest or on a pending charge does not appear to be permissible (225 ILCS 41/15-72).

**Iowa:**

Iowa requires the board to expedite reciprocal license applications for veterans as defined under Iowa law, as long as the board determines the individual is licensed in another jurisdiction and the requirements to obtain that license are substantially equivalent to the requirements to obtain the license in Iowa. If the requirements are not substantially equivalent, the applicant may receive a provisional license to allow practice while meeting remaining requirements for equivalency (IA Stats. § 272C.4 (12)).

Iowa law allows for the revocation or suspension of a funeral director license if the following is true: "Conviction of any crime related to the practice of mortuary science or implicating the licensee's competence to safely perform mortuary science services, including but not limited to a crime involving moral character, dishonesty, fraud, theft, embezzlement, extortion, or controlled substances, in a court of competent jurisdiction in this state, or in another state, territory, or district of the United States, or in a foreign jurisdiction. For purposes of this paragraph, "conviction" includes a guilty plea, deferred judgment, or other finding of guilt. A certified copy of the judgment is prima facie evidence of the conviction" (IA Stats. § 156.9 (e)).

**Michigan:**

Michigan provides for a temporary credential to be issued to active duty military and spouses if they hold a credential in another state in good standing that allows for the practice of the profession they are seeking licensure for. This temporary credential is good for at least 6 months and can be extended if the person needs more time to meet licensing requirements (MI Stats. § 339.213).

Individuals licensed as funeral directors in Michigan must be “of good moral character.” (MCL § 339.1806 (1) (d)). The agency may consider a judgment of guilt in a criminal prosecution or a judgment in a civil action in determining whether an individual is of good moral character. The individual can provide evidence showing that they are of good moral character to rebut a previous criminal or civil judgment (MCL § 338.42).

**Minnesota:**

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

The board considered the necessity of implementing the statutory changes created by 2017 Act 278 and 2019 Act 143 in drafting this rule, and made the revisions to its rules necessary to implement these legislative changes.

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

The rule will be posted on the department’s website for 14 days to solicit information from the public on the possible economic impact of the proposed rule.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

**Effect on small business:**

The board is currently soliciting economic impact information from the public and will update this section upon the conclusion of the 14 day solicitation period.

**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](mailto: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](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received on or before TBD to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. FD 1.015 is created to read:

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

(1) “Former service member” has the meaning provided in s. 440.09 (1) (a), Stats.

(2) “Service member” has the meaning provided in s. 440.09 (1) (b), Stats.

(3) “Spouse” has the meaning provided in s. 440.09 (1) (c), Stats.

SECTION 2. FD 1.06 (6) and FD 1.12 (title) is amended to read:

**FD 1.06 (6)** If the applicant has ~~an arrest~~ a pending charge or conviction record, all documentation necessary for the board to determine whether the circumstances substantially relate to the practice of funeral director, subject to ss. 111.321, 111.322, and 111.335, Stats.

**FD 1.12 General Reciprocity.**

SECTION 3. FD 1.13 is created to read:

**FD 1.13 Reciprocity for Servicemembers, Former Servicemembers, and Spouses of Servicemembers or Former Servicemembers.** A funeral director’s license shall be granted to a servicemember, former servicemember, or spouse of a servicemember or former servicemember who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

SECTION 4. 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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