

STATEMENT OF SCOPE

FUNERAL DIRECTORS EXAMINING BOARD

Rule No.: FD 1, 2, and 3

Relating to: Standards of Practice, Rules of Conduct, Apprentices, and Renewals

Rule Type: Permanent

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

N/A

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

The objective of the proposed rule is to consider updating and clarifying regulations on funeral directors' standards of practice, rules of conduct, apprentices, and renewals, which may include revisions to Wis. Admin. Code chs. FD 1 to 3.

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

Wis. Admin. Code chs. FD 1 to 3 regulate licenses and permits, standards of practice, and rules of conduct for funeral directors, funeral director apprentices, and funeral establishments in Wisconsin. These topics are also regulated by ch. 445 of the Wisconsin Statutes. The board has identified a need to update and clarify the administrative code on these topics. The purpose is to protect public health, safety, and welfare, to ensure proper operation and activities of funeral establishments, and to modernize and clarify the rules on credentialing of apprentices and renewals.

An alternative would be not to revise the code, which the board believes would continue gaps in the current regulations that could affect public health, safety, and welfare and proper functioning of funeral establishments.

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

Section 15.08 (5) (b), Stats., provides that an 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, but a rule is not valid if the rule exceeds the bounds of correct interpretation."

Section 440.08 (3) (b), Stats., provides that "[t]he department or the interested examining board or affiliated credentialing board, as appropriate, may promulgate rules requiring the holder of a credential who fails to renew the credential within 5 years after its renewal date to complete requirements in order to restore the credential, in addition to the applicable requirements for renewal established under chs. 440 to 480, that the department, examining board or affiliated credentialing board determines are necessary to protect the public health, safety or welfare. The rules may not require the holder to complete educational requirements or pass examinations that are more extensive than the educational or examination

requirements that must be completed in order to obtain an initial credential from the department, the examining board or the affiliated credentialing board."

Section 445.03 (2), Stats., provides that "[t]he examining board may: (a) [m]ake and enforce rules not inconsistent with this chapter establishing professional and business ethics for the profession of funeral directors and for the general conduct of the business of funeral directing, and for the examination and licensing of funeral directors and the registration of apprentices."

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

Approximately 80 hours.

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

Licensed funeral directors, funeral director apprentices, and funeral establishments in the state, and those seeking to enter the profession in the state.

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

None.

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

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

Contact Person: Jake Pelegrin, Administrative Rule Coordinator, DSPSAdminRules@wisconsin.gov, (608) 267-0989.

Approved for publication:


Authorized Signature

07-21-2020
Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted