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**VIRTUAL/TELECONFERENCE**  
**FUNERAL DIRECTORS EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Adam Barr (608) 266-2112**  
**May 17, 2022**

*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 February 15, 2022 (4-11)**
- C. Introductions, Announcements and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns**
- E. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) Appointment of Liaison and Alternates
  - 3) Board Members – Term Expiration Dates
    - a. Adams, A. Dawn – 7/1/2023
    - b. Al-Sager, Aziz K. – 7/1/2025
    - c. Eernisse, Marc A. – 7/1/2022
    - d. Hoehne, Mary – 7/1/2025
    - e. Lengell, Eric – 7/1/2016
    - f. Schinkten, Joseph B. – 7/1/2023
- F. Overview of Professional Assistance Procedure – Discussion and Consideration (12-19)**
- G. Board Chair Meeting and Options to Address Department Resources – Discussion and Consideration**
- H. Legislative and Policy Matters – Discussion and Consideration
- I. Administrative Rule Matters – Discussion and Consideration**
  - 1) Review Preliminary Rule Draft: FD 1, Relating to Apprenticeship and Renewal (**20-31**)
  - 2) Pending and Possible Rulemaking Projects

**J. Speaking Engagements, Travel, or Public Relation Requests, and Reports**

- 1) Travel Report: International Council of Funeral Service Examining Boards (ICFSEB) 118<sup>th</sup> Annual Meeting – February 23-24, 2022 – Houston, TX – Joe Schinkten

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

**L. 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

**M. 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.).**

**N. Division of Legal Services and Compliance Matters**

- 1) **Administrative Warnings**
  - a. 20 FDR 005 – F.L.B., G.F.C.S. **(32-33)**
- 2) **Case Closings**
  - a. 19 FDR 012, 19 FDR 022 – J.C., C.C. **(34-42)**
  - b. 20 FDR 014 – D.J., J.F.F.H.C. **(43-49)**
  - c. 21 FDR 007 – J.W., R.U.K.F.H. **(50-55)**

d. 21 FDR 013 – R.E., E.L.F.H. (56-61)

**3) Proposed Stipulation and Final Decision and Order**

a. 19 FDR 012, 19 FDR 022 – Cynthia L. Schweitzer, Integrity Funeral Services (62-68)

**O. 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

**P. Consulting with Legal Counsel**

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

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

**R. Open Session Items Noticed Above Not Completed in the Initial Open Session**

**ADJOURNMENT**

**NEXT MEETING: AUGUST 30, 2022**

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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. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE  
FUNERAL DIRECTORS EXAMINING BOARD  
MEETING MINUTES  
FEBRUARY 15, 2022**

**PRESENT:** A. Dawn Adams, Aziz Al-Sager, Marc Eernisse, Mary Hoehne, Eric Lengell, Joseph Schinkten

**STAFF:** Adam Barr, Executive Director; Jon Derenne, Legal Counsel; Dana Denny, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department Staff

**CALL TO ORDER**

Marc Eernisse, Chairperson, called the meeting to order at 9:34 a.m. A quorum was confirmed with six (6) members present.

**ADOPTION OF AGENDA**

**MOTION:** Aziz Al-Sager moved, seconded by Joseph Schinkten, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF NOVEMBER 16, 2021**

**MOTION:** Mary Hoehne moved, seconded by Aziz Al-Sager, to approve the Minutes of November 16, 2021 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Election of Officers**

*Chairperson*

**NOMINATION:** Marc Eernisse nominated Joseph Schinkten for the Office of Chairperson. Joseph Schinkten accepted the nomination.

Adam Barr, Executive Director, called for nominations three (3) times.

Joseph Schinkten was elected as Chairperson by unanimous voice vote.

*Vice Chairperson*

**NOMINATION:** Marc Eernisse nominated Eric Lengell for the Office of Vice Chairperson. Eric Lengell accepted the nomination.

Adam Barr, Executive Director, called for nominations three (3) times.

Eric Lengell was elected as Vice Chairperson by unanimous voice vote.

*Secretary*

**NOMINATION:** Marc Eernisse nominated A. Dawn Adams for the Office of Secretary. A. Dawn Adams accepted the nomination.

Adam Barr, Executive Director, called for nominations three (3) times.

A. Dawn Adams was elected as Secretary by unanimous voice vote.

<b>ELECTION RESULTS</b>	
<b>Chairperson</b>	Joseph Schinkten
<b>Vice Chairperson</b>	Eric Lengell
<b>Secretary</b>	A. Dawn Adams

**Appointment of Liaisons and Alternates**

<b>LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison</b>	Aziz Al-Sager <i>Alternate: Marc Eernisse</i>
<b>Monitoring Liaison</b>	Joseph Schinkten <i>Alternate: Marc Eernisse</i>
<b>Professional Assistance Procedure (PAP) Liaison</b>	Joseph Schinkten <i>Alternate: Mary Hoehne</i>
<b>Legislative Liaison</b>	Marc Eernisse <i>Alternate: Joseph Schinkten</i>
<b>Education and Examination Liaison</b>	A. Dawn Adams <i>Alternate: Marc Eernisse</i>
<b>Travel Authorization Liaison</b>	Joseph Schinkten <i>Alternate: Eric Lengell</i>
<b>Screening Panel</b>	A. Dawn Adams, Aziz Al-Sager, Mary Hoehne <i>Alternate: Joseph Schinkten</i>

## **Delegation of Authorities**

### ***Document Signature Delegations***

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

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

### ***Delegated Authority for Urgent Matters***

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

### ***Delegation to Chief Legal Counsel Due to Loss of Quorum***

**MOTION:** Eric Lengell moved, seconded by Marc Eernisse, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

### ***Monitoring Delegations***

#### **Delegation of Authorities for Monitoring**

**MOTION:** A. Dawn Adams moved, seconded by Aziz Al-Sager, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the February 15, 2022 agenda materials on pages 17-18. Motion carried unanimously.

### **Delegation of Authorities for Legal Counsel to Sign Monitoring Orders**

**MOTION:** Joseph Schinkten moved, seconded by Mary Hoehne, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

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

**MOTION:** Marc Eernisse moved, seconded by Eric Lengell, to delegate authority to the Credentialing Liaison(s) to determine if an establishment inspection is required when changes of ownership occur. Motion carried unanimously.

### ***Credentialing Authority Delegations***

#### **Delegation of Authority to Credentialing Liaison**

**MOTION:** Marc Eernisse moved, seconded by A. Dawn Adams, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

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

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

#### **Delegation of Authority for Predetermination Reviews**

**MOTION:** Marc Eernisse moved, seconded by Aziz Al-Sager, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

#### **Delegation of Authority for Conviction Reviews**

**MOTION:** Eric Lengell moved, seconded by Joseph Schinkten, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the business of a funeral director. Motion carried unanimously.

**Delegation to DSPS When Applicant's Conviction History Has Been Previously Reviewed**

**MOTION:** A. Dawn Adams moved, seconded by Marc Eernisse, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential issued by the Board and there is no new conviction record. Motion carried unanimously.

**Delegation of Authority for Reciprocity Reviews**

**MOTION:** Aziz Al-Sager moved, seconded by Mary Hoehne, to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements are substantially equal to the Board's requirements. Motion carried unanimously.

**Delegated Authority for Application Denial Reviews**

**MOTION:** Joseph Schinkten moved, seconded by Aziz Al-Sager, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

***Voluntary Surrenders***

**MOTION:** Aziz Al-Sager moved, seconded by Marc Eernisse, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

***Education and Examination Liaison Delegation.***

**MOTION:** Joseph Schinkten moved, seconded by Aziz Al-Sager, to delegate authority to the Continuing Education and Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously.

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

**MOTION:** Marc Eernisse moved, seconded by Mary Hoehne, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.



***Optional Renewal Notice Insert Delegation***

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

***Legislative Liaison Delegation***

**MOTION:** Mary Hoehne moved, seconded by Eric Lengell, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

***Travel Authorization Liaison Delegation***

**MOTION:** Joseph Schinkten moved, seconded by Marc Eernisse, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**Review Preliminary Rule Draft: FD 1, Relating to Apprenticeship and Renewal**

**MOTION:** Aziz Al-Sager moved, seconded by Marc Eernisse, to authorize Aziz Al-Sager (or in absence of Aziz Al-Sager, the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the preliminary rule draft of FD 1, relating to apprenticeship and renewal, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

## CLOSED SESSION

**MOTION:** Marc Eernisse moved seconded by A. Dawn Adams, 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.). Joseph Schinkten, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: A. Dawn Adams-yes; Aziz Al-Sager-yes; Marc Eernisse-yes; Mary Hoehne-yes; Eric Lengell-yes; and Joseph Schinkten-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:41 a.m.

### DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

#### Proposed Stipulation and Final Decision and Order

**MOTION:** Aziz Al-Sager moved, seconded by Marc Eernisse, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 19 FDR 011 – Reid’s New Golden Gate Funeral Home, Inc.
2. 20 FDR 010 – Robert Guddie, II, and Guddie-Strouf Funeral Home & Cremation Services
3. 20 FDR 019 – Jody J. Tetzlaff, and Downs-Lesage Funeral Home

Motion carried unanimously.

### RECONVENE TO OPEN SESSION

**MOTION:** Aziz Al-Sager moved, seconded by Eric Lengell, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 12:00 p.m.

### VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

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

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

## **ADJOURNMENT**

**MOTION:** Aziz Al-Sager moved, seconded by Mary Hoehne, to adjourn the meeting.  
Motion carried unanimously.

The meeting adjourned at 12:05 p.m.

DRAFT

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Adam Wagner Department Monitor Division of Legal Services and Compliance		<b>2) Date when request submitted:</b> March 1, 2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> Funeral Directors Examining Board			
<b>4) Meeting Date:</b> 05-17-2022	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Monitoring	
<b>7) Place Item in:</b> <input type="checkbox"/> Open Session <input checked="" type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input checked="" type="checkbox"/> Yes      Adam Wagner <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b> Professional Assistance Procedure power point presentation.			
<b>11) Authorization</b>			
Signature of <i>Adam J. Wagner</i> making this request		March 1, 2022	
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.			



## WISCONSIN PROFESSIONAL ASSISTANCE PROCEDURE

**Adam Wagner**

**Professional Assistance Procedure  
Coordinator**

**adam.wagner@wisconsin.gov**

**608-287-3753**

1

## Professional Assistance Procedure (PAP) Program Overview

The PAP program is a self-report, non-disciplinary, confidential program that is available to any individual who has been issued a professional credential by the Department or licensing board. The program's intent is to protect the public from credential holders who are impaired by reason of the abuse of alcohol or other drugs by promoting early identification of chemically dependent professionals and encouraging rehabilitation. The PAP agreement is for five years and includes AODA therapy, drug monitoring and AA/NA meetings as part of the agreement.

### **Authority**

The PAP is regulated by Wisconsin Administrative Code Chapter SPS 7. This chapter outlines the program's intent along with the authority the department is given to operate the program.

2

### Program Definitions (Full definitions SPS 7.02)

1. **Board Liaison-** The Board member designated by the Board or the Secretary/Secretary's designee as responsible for approving credential holders for PAP and for performing other responsibilities delegated to the Board liaison under these rules.
2. **Coordinator-** Department employee who coordinates PAP.
3. **Board-** Any Board, examining Board or affiliated credentialing Board attached to the Department.
4. **Eligibility-** Shall be determined by the Board liaison and coordinator who shall review all relevant materials. The decision on eligibility shall be consistent with the purposes of these procedures as described in SPS 7.01 (2).

3

### How does a licensee apply for the PAP?

- **A licensee can apply for PAP by the following:**

- Self-report
- Employer referral
- Department Referral

**Self-report-** A licensee contacts the PAP program to report a chemical dependency directly.

**Employer Referral-** An employer has determined a licensee may need assistance and suggests/requires, as a condition of employment, to apply for PAP.

**Department Referral-** A licensee is being investigated for a complaint that was reported to the Department. The prosecuting attorney or case advisor (member of the Board) may recommend the licensee be referred to PAP.

4

### Application Process

The licensee must submit a complete application along with the release of information form and AODA assessment (completed within previous six months). The licensee should provide as much detailed information regarding the specific incident(s) that led to the PAP application. Failure to provide truthful and accurate information may be grounds for denial into the program as described in SPS 7.05(1)(a).

Once the application and AODA assessment is received, the application materials are reviewed by the PAP coordinator. If any additional information is needed the coordinator will follow up. The coordinator will then send all related application information to the PAP liaison for a decision on eligibility.

If the licensee's application is approved, an agreement (contract) will be drafted for the licensee to sign.

If the Licensee's application is denied, his/her PAP application may be submitted for further investigation in accordance with **SPS 7.03(6)**.

5

### PAP Agreement

The PAP agreement is drafted by the coordinator after the licensee has been accepted into the program. The liaison will approve any practice limitations that are determined to be needed for the licensee. Once the agreement is completed, it will be reviewed by the PAP supervisor prior to presenting it to the licensee.

Once the licensee has received the agreement, he/she has 15 days to return a signed copy to the coordinator. If the licensee does not return a signed copy within the allotted time frame, the application may be deemed abandoned and referred to intake for a potential investigation.

The agreement becomes official once all parties have signed the agreement.

6

### Most Common Terms and Conditions in a PAP Agreement:

- AODA therapy session twice per month.
- AA/NA meetings at a minimum of twice per week. The licensee is required to attend more if his/her AODA therapist recommends more.
- Drug monitoring which normally includes a minimum of 48 urine screens per year for the first year. Additional tests can/may be added as needed.
- Quarterly self-reports, AA/NA log, work supervisor reports and AODA treatment reports. All reports are provided by the Department.
- Practice limitations:
  - Direct supervision
  - No access to controlled substances (if applicable).
  - Practice setting restrictions such as inability to work in home health, pool, agency, assisted living, school or correctional setting.
  - Work under direct supervision:
    - The liaison will approve up to three staff individuals that have the same license as the licensee. One of those approved individuals needs to be on site anytime the licensee is working.
  - Abstain from all personal use of alcohol and only use prescribed medication. All RX's need to be sent to coordinator within 24 hours of ingestion.

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### Most Common Terms and Conditions in a PAP Agreement (continued):

Licensee can request modifications to the agreement on an annual basis. Modifications to the agreement are based on the licensee's overall compliance. Examples of modifications include:

- Reduction in drug monitoring screens.
- Reduction in AODA therapy.
- Reduction in AA/NA meetings.
- Practice limitation modifications.

The PAP intent is to promote full compliance with all terms and conditions of the agreement. Failure to comply can have an impact on future modification requests and may extend the agreement past the 5-year period.

If the licensee cannot comply or has multiple relapses, he/she will be discharged from the PAP program and may be referred to intake for a potential investigation.

8



### Drug Monitoring Program

PAP participants must enroll with First Source Solutions (FSS) for the drug testing component. Program rules have been established by the Department. Each licensee will be required to follow the program rules and industry standards. Tests are scheduled randomly by FSS based on requirements set forth in the agreement.

Program rules:

- Check in daily (via phone, internet or mobil app).
- If selected, provide the specimen with-in 5 hours of notification.
- Required to check-in/test on weekends, holidays and vacations

A licensee is allowed to travel at any time and to any destination. However, the licensee is still required to check in daily and provide a specimen if he/she is selected. Currently, neither program offers testing outside of the United States. If a licensee travels outside of the United States, any missed tests/check-ins will be unexcused and may affect his/her eligibility in the program, as well as any future modification requests.

Drug testing program rules are not eligible to be modified. Rules are the same for each licensee and remain the same until the licensee is discharged from the program (exception: reduction in screens on an annual basis if approved by the liaison).

9

### What to Expect From the Program:

Once the participant has been provided notification the agreement has been approved, participants can expect routine contact with the coordinator. Communication is a big part of the program, making sure reports are sent in timely, asking/answering questions regarding the, and compliance.

The program is not a treatment facility/provider. Rather, it is a program designed to give a participant an opportunity to seek the help needed to maintain his/her professional license in good standing.

Participant ALWAYS has the option to seek and retain legal counsel at anytime during the process.

Coordinator will provide assistance in communicating with potential employers regarding any specific questions they may have about the participant's practice limitations. Coordinator will also help obtain the information and position description needed for the approval process.

10

### What to Expect From the Program (continued):

A few setbacks are common/expected throughout the contract period for each participant. In most cases a solution can be found. In rare cases, a participant may be discharged from the program and referred for a potential investigation.

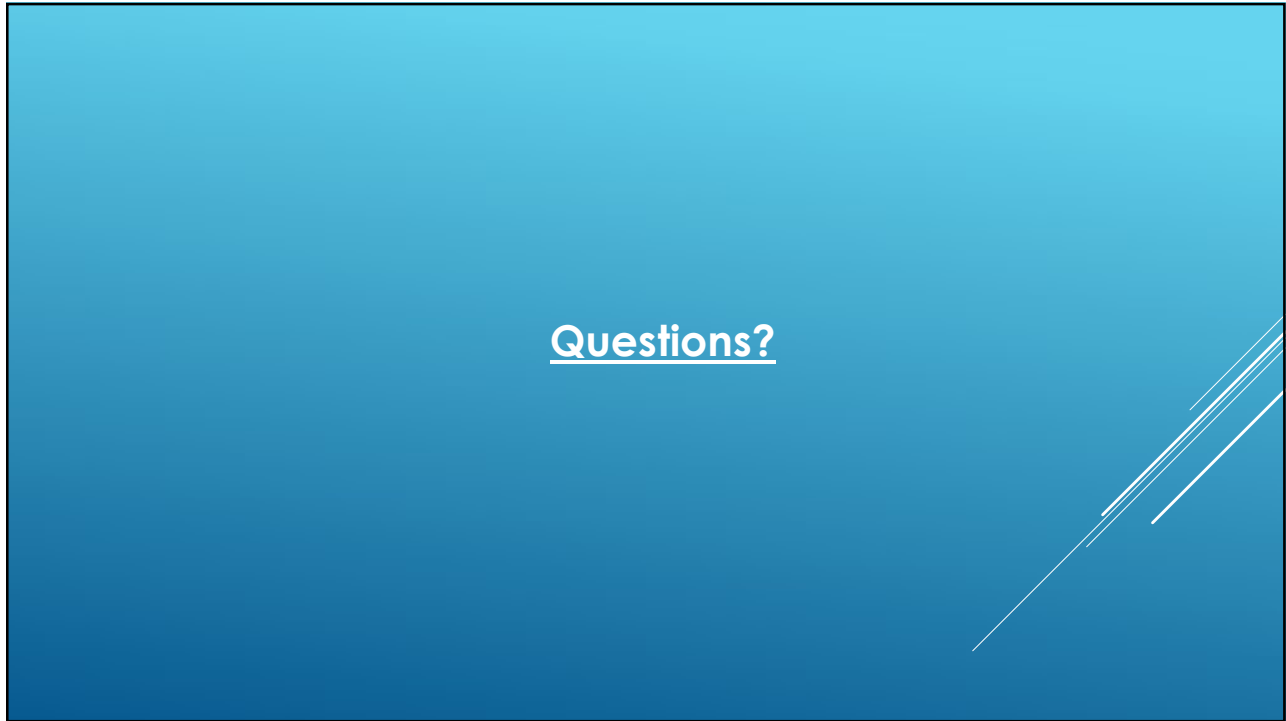
Once a participant reaches the 5-year eligibility date, he/she must submit a request to be discharged. If the discharge is approved, the participant will be notified via email (letter on Department letterhead will be attached) of successful completion.

11

### Frequently Asked Questions:

- Is it possible to be discharged from my PAP agreement early? No. You will be required to participate for 5 years. The PAP liaison must grant a discharge after successful completion.
- Can I be enrolled in another state's program and still be considered in compliance without having to test for both programs? Yes. The program works in conjunction with other states to avoid having the participant test for both programs. The primary state would be where the licensee works, with the other state receiving compliance reports and notifications of violations in a timely manner.
- What if I work 12-hour shifts on a rotating basis and cannot test? Unfortunately, you will still be required to test. This may be a deciding factor in participating or not. The alternative is having a Board issued Order requiring the same drug testing requirement.
- Can I find employment with the practice limitations? Yes. A significant number of nurses can find employment with these practice limitations.
- Does the PAP program have a cost for participation? Yes. The licensee is responsible for the cost of AODA therapy, drug testing, and collection costs. The licensee does not pay a fee to the Department.
- Can a licensee communicate directly with the liaison? No. The coordinator will relay all communication/information to the liaison.
- Does a licensee have the ability to appeal a denial? Yes. SPS 7.03 (7) states that within 10 days of the denial letter a licensee can request to have the Credentialing authority review the adverse determination.

12



13

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Dana Denny, Administrative Rules Coordinator		2) Date when request submitted: 5/5/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Funeral Directors Examining Board			
4) Meeting Date: 5/17/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Review Preliminary Rule Draft FD 1, Relating to Apprenticeship and Renewal 2. Pending or Possible Rulemaking Projects	
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 <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Attachments:  Preliminary Rule Draft – FD 1, Relating to Apprenticeship and Renewal FD 1 -Red-lined language  Copies of current Board Rule Projects can be viewed here: <a href="https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx">https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx</a>			
11) Authorization			
<i>Dana Denny</i>		5/5/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

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

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PROPOSED ORDER

An order of the Funeral Directors Examining Board to repeal FD 1.076 and 1.077; to amend FD 1.02 (5); and to create FD 1.013 (6) and (7), 1.065 (3), and 1.078., relating to apprenticeship requirements and procedures.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss. 445.095, 445.06, 445.07, and 445.10, Stats.

**Statutory authority:** ss. 15.08 (b), 227.11 (2) (a), and 445.03 (2), 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), Stats., provides that “[t]he examining board may make and enforce rules ... 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 [and] conduct a school of instruction to apprise funeral directors of the most recent scientific knowledge and developments affecting their profession...”

**Related statute or rule:**

None.

**Plain language analysis:**

The Funeral Directors Examining Board is updating the rules governing their practice based upon updated statute modifications which reflected process clarifications requirements for renewal, terms of apprenticeships, and renewal of funeral director and apprentice licenses. This revision also includes a comprehensive review that improves usability and conformity with current state statute, industry practice, and rule drafting standards.

**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 states as one of the requirements for the funeral director and embalmer license that an applicant completes a twelve-month internship within the past 5 years, for which an intern license needs to be issued. The requirements for the intern license include proof of mortuary science education and a signed certification of acceptance for an internship by an actively licensed funeral director and embalmer in good standing. [IL Admin. Code 1250.120].

During the internship, the intern needs to submit 12 case reports every 3 months. Upon completion of the internship, the sponsor must complete a report stating that the intern has satisfactorily completed the requirements. The intern license may only be renewed twice. [IL Admin. Code 1250.130]

Illinois does not have a special criterion for regular license renewals. [IL Admin. Code 1250.200]

**Iowa:**

In order to obtain a license to practice mortuary science in Iowa, an applicant must have completed a one-year internship under the direct supervision of a preceptor. If the internship is interrupted, it must be completed within 24 months of the date it commenced. Extension of an internship will be evaluated by the board depending on the length of time that has lapsed since the beginning of the internship and the experience attained by the intern. The preceptor must present two reports to the board: the first after six months of the start date of the internship, and the second at the end of the internship.

Additionally, the intern must present to the board a report upon completion of the internship. [625 IAC 101.3 (1) and (2)]

Iowa only requires completion of continuing education to renew funeral director licenses. [645 IAC 101.7 (3)]

**Michigan:**

Michigan requires completion of one year of resident training before conferring full licensure to practice mortuary science. Up to 6 months of resident training may be waived if the applicant has completed a bachelor's degree from an accredited college or university. [MI Admin. Code R 339.18921 (2)]

A resident trainee must notify the department of any changes in supervisor or training location. The resident trainee license may only be renewed twice. [MI Admin. Code R 330.189.23 (2) and (4)]

In order to receive credit for the resident training, the trainee must submit a report to the department stating that a minimum of 5 embalmments must be performed during the previous 6 months. [MI Admin. Code R 339.18927 (1)]

Michigan does not have a special criterion for regular license renewals.

**Minnesota:**

Minnesota requires applicants who are pursuing a license in mortuary science to complete a registered internship under the direct supervision of an individual who is currently licensed to practice mortuary science. The internship shall be a minimum of 2,080 hours within a three-year period unless 520 hours are waived upon completion of a practicum in mortuary science through the program of mortuary science of the University of Minnesota or an approved similar program. Any changes in the internship registration must be reported immediately to the commissioner. Registration must be renewed annually if the exceed one calendar year. [Minn. Stats. 149A Sub. 6]

Minnesota does not have a special criterion for regular license renewals.

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

The proposed rules were developed by reviewing the provisions of FD 1, as modified by changes in State Statute. The updated provisions were reviewed in conjunction with current rules relating to the updated State of Wisconsin funeral director reporting and renewal process, as well as clarification of apprenticeship guidelines. The Board provided necessary input and feedback to establish any additional language changes or updates needed in addition to those enacted by state statute. The proposed rules were developed by obtaining input and feedback from the Funeral Directors Examining Board.

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

This rule will be posted for economic comments for 14 days.

**Fiscal Estimate and Economic Impact Analysis:**

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

**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:**

Dana Denny, 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 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dana Denny, 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).

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TEXT OF RULE

SECTION 1. FD 1.013 (6) and (7) are created to read:

**FD 1.013 (6)** “Apprentice” has the meaning in s. 445.01 (2), Stats.

**(7)** “Funeral establishment” has the meaning in s. 445.01 (6), Stats.

SECTION 2. FD 1.02 (5) is amended to read:

(5) Evidence of completion of 1 year of apprenticeship under s. 445.095, Stats., ~~and s. FD 1.077~~. In addition to the requirements under this chapter and s. 445.095, Stats., eligibility for a funeral director license shall require an apprentice to present affidavits from the licensed funeral directors under whom the apprentice has worked to verify that during the apprenticeship the apprentice completed all of the following:

- (1) Assisted in embalming for burial or shipment at least 25 dead human bodies.



(2) Assisted in preparing 25 dead human bodies for burial or transportation, other than by embalming.

(3) Assisted in at least 25 funeral services during the apprenticeship.

SECTION 3 FD 1.065 (3) is created to read:

**FD 1.065 (3)** An apprentice who transfers from one licensed funeral director to another during their apprenticeship, as well as the supervising funeral director, shall abide by the procedures outlined under s. 445.095 (3r).

SECTION 4. FD 1.076 is repealed.

SECTION 5. FD 1.077 is repealed.

SECTION 6. FD 1.078 is created to read:

**FD 1.078 Semiannual apprentice reporting requirements.** All apprentices shall provide semiannual reports to the examining board as required by s. 445.095 (3g). The funeral director-employer and apprentice are required to submit a copy of the Apprentice Semi-Annual Report every 6 months. This form may be obtained from the DSPS Funeral Director Apprentice website at <https://dsps.wi.gov/Pages/Professions/FuneralDirectorApprentice/Default.aspx>.

SECTION 7. 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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## Chapter FD 1

### LICENSES AND PERMITS

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

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

- (1) "Board" means the funeral directors examining board.
- (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.
- (2) "Funeral director" means a person as defined in s. 445.01 (5), Stats.
- (3) "Funeral services" means the ceremonies held in conjunction with the disposition of a dead human body where the body is present, including visitations, religious rites, and graveside services.
- (4) "Personal supervision" means immediate availability to continually coordinate, direct and inspect at first hand the practice of another.
- (5) "Supervision" means regularly to coordinate, direct and inspect the practice of another
- (6) "Apprentice" has the meaning in s. 445.01 (2), Stats.
- (7) "Funeral establishment" has the meaning in s. 445.01 (6), Stats.

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

- (1) A completed application.
- (2) Required fee under s. 440.03 (9) (a), Stats.
- (3) Evidence of completion of 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.
- (5) Evidence of completion of 1 year of apprenticeship under s. 445.095, Stats., ~~and s. FD 1.077.~~ In addition to the requirements under this chapter and s. 445.095, Stats., eligibility for a funeral director license shall require an apprentice to present affidavits from the licensed funeral directors under whom the apprentice has worked to verify that during the apprenticeship the apprentice completed all of the following:
  - (1) Assisted in embalming for burial or shipment at least 25 dead human bodies.
  - (2) Assisted in preparing 25 dead human bodies for burial or transportation, other than by embalming.
  - (3) Assisted in at least 25 funeral services during the apprenticeship.
  - (4) Submit proof in the form of affidavits signed by the supervisor and the apprentice that all semi-annual reports have been presented timely and appropriately per s. 445.095 (3g).
- (6) If the applicant has a pending criminal 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.

- (7) Evidence of passage of the National Board Examination of the International Conference of Funeral Service Examining Boards.
- (8) Evidence of passage of the Wisconsin jurisprudence examination for funeral directors.

**FD 1.03 Examination grade.** The passing grade on each licensure examination shall be determined by the board to represent minimum competence to practice. The board may adopt the recommended passing score of the examination provider.

**FD 1.04 College instruction.** To meet the requirement of 24 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 at least 24 semester credit hours in the following areas:

- (1) English or Communication Skills.
- (3) Social Sciences.
- (4) Natural Sciences.
- (5) Business Studies.
- (6) Electives.

**FD 1.05 Mortuary school.** The candidate shall have satisfactorily completed 9 months or more instruction in a prescribed course in mortuary science, 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 Certification class requirement.** Prior to beginning the 1 year apprenticeship required under s. 445.095, Stats., the applicant shall provide evidence of completion of an in-person 16-hour certification class approved by the board, unless the applicant has already completed the course in mortuary science requirement in s. FD 1.05, in which case the certification course is not required.

**FD 1.056 Certification class content.**

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

**FD 1.065 Changes in apprenticeship assignment.**

- (1) Whenever any licensed funeral director discharges an apprentice the funeral director shall within 5 days notify in writing the funeral directors examining board, giving the name and address of the apprentice, and the date of discharge.
- (2) Whenever any apprentice leaves his or her apprenticeship at a funeral establishment, the funeral director and apprentice shall within 5 days notify in writing the funeral directors examining board, giving the name and address of the apprentice and date of the apprentice leaving the apprenticeship.
- (3) An apprentice who transfers from one licensed funeral director to another during their apprenticeship, as well as the supervising funeral director, shall abide by the procedures outlined under s. 445.095 (3r).

**FD 1.075 Supervision of apprentices.**

- (1) Apprentices may engage in the following activities only when under the personal supervision of a licensed funeral director:
  - (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.
- (3) Under this section, when an apprentice is in the preparation room, the apprentice shall be within the line of sight of the supervising funeral director.
- (4) The board may recognize the supervision of up to 2 apprentices at a funeral establishment that employs less than 3 full-time funeral directors.
- (5) Except as provided in sub. (4), the board may recognize the supervision of additional apprenticeships at a funeral establishment provided the establishment employs at least one full-time funeral director per apprentice.

**~~FD 1.076—Terms of apprenticeship.~~**

- ~~(1) An apprenticeship shall not exceed 4 years from the time of first registration unless a one-year extension is granted by the board. After 4 years from the time of first registration or, if an extension is granted, after the expiration of the extension, the apprenticeship may not be continued unless the apprentice again completes an approved certification class under s. FD 1.055.~~
- ~~(2) If, under this section, the apprentice retakes and successfully completes the board-approved certification class, an additional 4-year period, subject to a board extension, shall begin.~~
- ~~(3) If an apprentice does not continue under the requirements of this chapter, the apprenticeship shall terminate.~~
- ~~(4) The provisions of this section shall be suspended while a registered apprentice is an active member of the military of the United States.~~

**~~FD 1.077—Licensure eligibility.~~** In addition to the requirements under this chapter and s. 445.095, Stats., eligibility for a funeral director license shall require an apprentice to present affidavits from the licensed funeral directors under whom the apprentice has worked to verify that during the apprenticeship the apprentice completed all of the following:

- ~~(1) Assisted in embalming for burial or shipment at least 25 dead human bodies.~~

- ~~(2) Assisted in preparing 25 dead human bodies for burial or transportation, other than by embalming.~~
- ~~(3) Assisted in at least 25 funeral services during the apprenticeship.~~

**FD 1.078 Semiannual apprentice reporting requirements.**

All apprentices shall provide semiannual reports to the examining board as required by s. 445.095 (3g). The funeral director-employer and apprentice are required to submit a copy of the Apprentice Semi-Annual Report every 6 months. This form may be obtained from the DSPS Funeral Director Apprentice website at <https://dsps.wi.gov/Pages/Professions/FuneralDirectorApprentice/Default.aspx>.

**FD 1.08 Permits.**

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

**Note:** Application forms are available on the department's website at <https://dsps.wi.gov/pages/Home.aspx>, or by request from the Department of Safety and Professional Services, P.O. Box 8935, Madison, WI 53708, or call (608) 266-2112.

**FD 1.09 Preparation rooms.**

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

**FD 1.10 License renewal and reinstatement procedures.**

- (1) RENEWAL WITHIN 5 YEARS. A credential holder shall renew the license by paying the renewal fee specified in s. 440.08 (2), Stats., and attesting to completion of the continuing education required under s. FD 4.03. If the credential is not renewed before its expiration date, the credential holder shall pay a late renewal fee.
- (2) RENEWAL AFTER 5 YEARS. A credential holder who has failed to renew a license within 5 years after the renewal date holds an expired license and may not reapply for the license using the initial application process. This subsection does not apply to license holders who have unmet disciplinary requirements or whose credentials have been surrendered or revoked. An applicant who holds an expired funeral director's license shall submit all of the following:
  - (a) A completed application.
  - (b) The renewal and late fees specified in s. 440.08 (2) and (3) (a), Stats.

- (c) Evidence of passage of the Wisconsin jurisprudence examination for funeral directors.
- (d) Evidence of one of the following:
  1. Current licensure as a funeral director if the applicant holds an active license in good standing as a funeral director in another state.
  2. If the applicant's funeral director's license has expired for more than 5 but less than 10 years and the applicant does not hold an active license in good standing as a funeral director in another state, attestation to the completion of 30 hours of continuing education approved by the board. The continuing education courses shall have been completed within the 4 years prior to application for licensure under this subsection and shall include a minimum of 10 hours of in-person instruction.
  3. If the applicant's funeral director's license has expired for 10 years or more and the applicant does not hold an active license in good standing as a funeral director in another state, the applicant shall provide evidence of passage of the National Board Examination of the International Conference of Funeral Service Examining Boards within 12 months prior to application for a license under this subsection and attestation to the completion of 30 hours of continuing education approved by the board. The continuing education courses shall have been completed within the 4 years prior to application for licensure under this subsection and shall include a minimum of 10 hours of in-person instruction.
- (3) REINSTATEMENT. A credential holder who has unmet disciplinary requirements and failed to renew the credential within 5 years or whose credential has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:
  - (a) Evidence of completion of the requirements in sub. (2) if the credential has not been active within the last 5 years.
  - (b) Evidence of completion of disciplinary requirements, if applicable.
  - (c) Evidence of rehabilitation or change in circumstances, warranting reinstatement of the credential.

**FD 1.11 Renewal of Wisconsin licenses of out-of-state funeral directors.**

- (1) INTENT. The intent of the board in adopting this section is to clarify the board's interpretation of s. 445.06, Stats., that a licensee seeking renewal of a funeral director's license who is doing business at a legally operating funeral establishment in a jurisdiction outside the state of Wisconsin and who meets all other requirements for license may obtain a funeral director's license.
- (2) RECOGNIZED FUNERAL ESTABLISHMENT. For purposes of renewal of licenses under s. 445.06, Stats., "recognized funeral establishment" means any building or part of a building used and held out to the public as being used in the care and preparation for burial and transportation of dead human bodies or for holding or conducting of funeral services.

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

- (1) A completed application for licensure.
- (2) The fee specified under s. 440.05 (2), Stats.
- (3) If the applicant has an arrest or conviction record, documentation necessary for the board to determine whether the circumstances substantially relate to the practice of funeral director, subject to ss. 111.321, 111.322, and 111.335, Stats.
- (4) Verification of a valid license in good standing from any state of licensure.
- (5) Evidence of passage of the Wisconsin jurisprudence examination for funeral directors.

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

**FD 1.13 Reciprocity for service members, former service members, and spouses of service members or former service members.**

- (1)** As used in this section:
  - (a)** “Former service member” has the meaning provided in s. 440.09 (1) (a), Stats.
  - (b)** “Service member” has the meaning provided in s. 440.09 (1) (b), Stats.
  - (c)** “Spouse” has the meaning provided in s. 440.09 (1) (c), Stats.
- (2)** A funeral director's license shall be granted to a service member, former service member, or spouse of a service member or former service member 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.