



VIRTUAL/TELECONFERENCE
FUNERAL DIRECTORS EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
February 14, 2023

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 November 15, 2022 (4-5)**
- C. Introductions, Announcements and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns**
- E. 9:30 A.M. PUBLIC HEARING: Clearinghouse Rule 22-088, Relating to Apprenticeship and Renewals (6-18)**
 - 1) Review Public Hearing Comments and Respond to Clearinghouse Report
- F. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) 2023 Meeting Dates **(19)**
 - 3) Annual Policy Review **(20-23)**
 - 4) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(24-32)**
 - 5) Board Members – Term Expiration Dates
 - a. Adams, A. Dawn – 7/1/2023
 - b. Al-Sager, Aziz K. – 7/1/2025
 - c. Casey, Stephen P. – 7/1/2026
 - d. Hoehne, Mary – 7/1/2025
 - e. Lengell, Eric – 7/1/2016
 - f. Schinkten, Joseph B. – 7/1/2023
- G. Legislative and Policy Matters – Discussion and Consideration
- H. Administrative Rule Matters – Discussion and Consideration (33)**
 - 1) Review of Draft Biennial Report Under S. 227.29, Wis. Stats. **(34)**

2) Pending and Possible Rulemaking Projects **(35)**

I. Authority Over the Burial Agent Permit – Discussion and Consideration

J. 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) Public Health Emergencies
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

K. 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.).

L. Division of Legal Services and Compliance Matters

- 1) **Proposed Stipulation and Final Decision and Order**
 - a. 19 FDR 012, 19 FDR 022 – Cynthia L. Schweitzer, Integrity Funeral Services
(36-42)

M. 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

N. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: MAY 16, 2023

 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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. 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 hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

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

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

STAFF: Adam Barr, Executive Director; Whitney DeVoe, Legal Counsel; Dana Denny, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; and other Department Staff

CALL TO ORDER

Joseph Schinkten, Chairperson, called the meeting to order at 9:43 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

MOTION: Marc Eernisse moved, seconded by A. Dawn Adams, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 30, 2022

MOTION: Aziz Al-Sager moved, seconded by Mary Hoehne, to approve the Minutes of August 30, 2022 as published. Motion carried unanimously.

CLOSED SESSION

MOTION: Marc Eernisse moved seconded by Eric Lengell, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). 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 10:06 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Proposed Stipulation and Final Decision and Order

22 FDR 004 – Matthew R. Braun

MOTION: Eric Lengell moved, seconded by Mary Hoehne, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Matthew R. Braun, DLSC Case Number 22 FDR 004. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: A. Dawn Adams moved, seconded by Marc Eernisse, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:27 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Eric Lengell moved, seconded by Mary Hoehne, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

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

ADJOURNMENT

MOTION: Joseph Schinkten moved, seconded by Marc Eernisse, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:31 a.m.

**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: 1/31/2023 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: 02/14/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 9:30 A.M. Public Hearing - Clearinghouse Rule 22-088, relating to Apprenticeship and Renewals 1. Review Public Hearing Comments and Respond to 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 Appearance Request 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: The Board will hold a Public Hearing on this rule as required by the rulemaking process.			
11) Authorization			
<i>Dana Denny</i>		01/23/2023	
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 Agenda Items 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.			

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 11/16/22
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) FD 1	
4. Subject Relating to Apprenticeship and Renewal	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The proposed rules governing their funeral director practice will be updated based upon statute modifications which reflect process clarifications, renewal requirements, terms of apprenticeships, and renewal of funeral director and apprentice licenses.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule will be posted on the Department of Safety and Professional Services' website for 14 days to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. N/A	
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) No economic or fiscal impacts are anticipated for specific businesses, sectors, ratepayers, local governments, or the state's economy as a whole.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is to update funeral director practice and standards that reflect s. 445.03, Stats. If the rule is not implemented, some chapters of the Funeral Directors Examining Board administrative code will not be in compliance with the state statutes.	
16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is reflecting the requirements for issuing funeral director and apprentice renewal requirements, terms of apprenticeships, and apprenticeship licenses.	
17. Compare With Approaches Being Used by Federal Government	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

None

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

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 330.18923 (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 embalmings 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.20 Sub. 6]

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

19. Contact Name

Dana Denny

20. Contact Phone Number

(608) 287-3748

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

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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

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

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

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

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

5. Describe the Rule's Enforcement Provisions

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

STATE OF WISCONSIN
FUNERAL DIRECTORS EXAMINING BOARD

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 FD 1.013 (1), and to create FD 1.013 (1c) and (2m), 1.065 (3) and (note), and 1.070 and (note) relating to apprenticeship and renewal.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 445.06, 445.07, 445.095, 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 330.18923 (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 embalmings 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.20 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 Medical 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, Jennifer Garrett, may be contacted at (608) 266-6795 and by email at Jennifer.Garrett@wisconsin.gov.

Agency contact person:

Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, 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.

TEXT OF RULE

SECTION 1. FD 1.013 (1) is renumbered FD 1.013 (1g)

SECTION 2. FD 1.013 (1c) and (2m) are created to read:

FD 1.013 (1c) “Apprentice” means a person as defined in s. 445.01 (2), Stats.

(2m) “Funeral establishment” means an establishment as defined in s. 445.01 (6), Stats.

SECTION 3. FD 1.065 (3) and (note) are created to read:

FD 1.065 (3) Whenever an apprentice transfers from one licensed funeral director to another during their apprenticeship, the apprentice and the supervising funeral director shall abide by the procedures outlined under s. 445.095 (3r), Stats.

Note: s. 445.095 (3r) reads: “When an apprentice enters the employment of a licensed funeral director, the apprentice shall immediately notify the examining board, giving the name and place of business of the funeral director whose service the apprentice has entered. If, at any time thereafter, the apprentice leaves the employment of the licensed funeral director whose service the apprentice has entered, the licensed funeral director shall give the apprentice an affidavit showing the length of time served as an apprentice with that employer, and the work done in detail, which affidavit shall be filed with the examining board and made a matter of record in that office. If the apprentice thereafter enters the employment of another licensed funeral director in this state, the applicant shall forthwith report such employment to the examining board. No person may serve or attempt to serve as an apprentice under a funeral director until the person has notified the examining board as required under this subsection.”

SECTION 4. FD 1.070 and (note) are created to read:

FD 1.070 Semiannual apprentice reporting requirements. All apprentices shall provide semiannual reports to the examining board as required by s. 445.095 (3g).

Note: s. 445.095 (3g), Stats. reads “All apprentices registered under this section shall report at least semiannually to the examining board upon forms provided by the department. Failure to submit the required reports shall constitute grounds for termination of the apprenticeship. The semiannual report shall show the number of hours served by the apprentice, the number of bodies the apprentice has assisted in embalming or otherwise prepared for burial or disposition during such period, and the number of funeral services at which the apprentice has assisted, and give any other information required by the examining board. The data contained in the report shall be certified to as correct by the licensed funeral director under whom the apprentice has served during that period.”

SECTION 5. 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)



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Anne Sappenfield
Legislative Council Director

CLEARINGHOUSE RULE 22-088

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. In the “Statutes interpreted” portion of the board’s analysis for the proposed rule, ss. 445.06, 445.07, 445.095, and 445.10, Stats., are all listed. However, it appears that including ss. 445.06 and 445.07, Stats., relating to the renewal of licenses and continuing education respectively, is not necessary. Rather, the rule only relates to funeral director apprenticeships and apprenticeship terms, provided in ss. 445.095 and 445.10, Stats., respectively. The board should review ss. 445.06 and 445.07, Stats., and reconsider whether the rule is interpreting these statutes and whether those citations should be removed.

b. In the analysis and supporting documents and fiscal estimate portions of the board’s analysis for the proposed rule, the verb tense should be revised to identify the analysis and fiscal estimate review that has occurred, rather than reviews that “will” occur. The outcome of those reviews should also be described.

c. In the board’s analysis for the proposed rule, in the final entry for the place where comments are to be submitted and the deadline for submission, a deadline for submission should be identified. [s. 1.01 (2) (a) 14., Manual.]

d. In SECTION 4 of the proposed rule, revise “all apprentices” to “an apprentice”. When regulating classes of people, such as apprentices, the obligation to comply with the regulation is on each individual member of the group, not the group as a whole. [s. 1.05 (1) (c), Manual.]

e. In SECTION 4 of the proposed rule, the title for s. FD 1.070 should be shown in bold font. [s. 1.10 (2) (b) 2., Manual.]

f. SECTIONS 3 and 4 of the proposed rule both refer to statutory requirements and then contain notes with the statutory language. This usage of note sections appears to rely on the notes to provide substantive requirements. Notes should not contain substantive requirements. [s. 1.12 (1) (c), Manual.] Rather, notes should contain examples and illustrations, or may simply provide the text of incorporated definitions. Also, the purpose of administrative rules is to provide an interpretation and additional guidance to members of a regulated group if necessary to effectuate

the purpose of the statute; repetition of statutory language should be used only if necessary to convey the intent of the rule. [ss. 1.01 (2) (c) 2. and 1.05 (3), Manual.] The board should review the substantive requirements in SECTIONS 3 and 4, consider its intent with respect to each of the statutory cross-references, include the applicable substantive requirements in the rule itself in a manner that would provide helpful guidance to a member of the regulated group, and delete the notes.

g. The board should consider adding an initial applicability clause to identify whether the proposed rule, particularly the semiannual reporting requirement, applies to existing apprenticeships, or to identify when the requirements begin. If the board intends the proposed rule to apply only to new apprenticeships, the clause could state: “This rule first applies to apprenticeship registrations that occur on the effective date of this rule.”. [s. 1.03 (3), Manual.] Alternatively, the board could specify that the semiannual reporting requirement first applies to the six-month period that ends six months after the effective date of the rule.

4. Adequacy of References to Related Statutes, Rules and Forms

SECTION 4 of the proposed rule requires funeral director apprentices to report semiannually to the examining board. The rule does not, however, explain how to do so. For example, is an apprentice to report on a form provided by the board? Compare ss. FD 1.08 (1), 4.04 (1), and 6.06 (1), which provide that reporting to the board is to be done on a form provided by the board. Further, those sections also each contain a note that explains where to find these forms. The board should review the intent of SECTION 4 and consider whether to require the reporting to be done on a form provided by the board; if so, then the board should include a note explaining where to find this form. [s. 1.12 (3), Manual.]

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

a. SECTION 3 of the proposed rule addresses what happens when an apprentice “transfers” from one licensed funeral director to another. However, the term “transfers” is not defined. Section 445.095 (3r), Stats., uses the phrases, “leaves the place of employment” and “enters the employment of another”. The board should review the use of the term “transfer” and consider either defining the term or using the statutory language.

b. In SECTION 3 of the proposed rule, revise “whenever” to “when” or “if”, and revise “their” to “an”.

c. In SECTION 4 of the proposed rule, what is the timeline when a semiannual report is due? Must it be submitted within 10 business days following each six-month period of serving an apprenticeship? Within 30 days? 90 days? The rule should specify a timeline for when reporting is due following the end of each semiannual period.



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit 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 **22-088**

AN ORDER to renumber FD 1.013 (1); and to create FD 1.013 (1c) and (2m), 1.065 (3) and (note), and 1.070 and (note), relating to apprenticeship and renewal.

Submitted by **FUNERAL DIRECTORS EXAMINING BOARD**

12-14-2022 RECEIVED BY LEGISLATIVE COUNCIL.

12-21-2022 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

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Katlin Schwartz, Bureau Assistant		2) Date when request submitted: 2/2/2023 <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: 2/14/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 2023 Meeting Dates	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: The Board will review and potentially make a motion to approve the follow 2023 meeting dates: a. Tuesday, February 14, 2023 – Virtual b. Tuesday, May 16, 2023 – DSPS c. Tuesday, August 29, 2023 – Virtual d. Tuesday, November 14, 2023 - Virtual			
11) Authorization			
<i>Katlin Schwartz</i>		2/2/2023	
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 Agenda Items 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
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Katlin Schwartz, Bureau Assistant on behalf of Division of Policy Development Executive Directors		2) Date when request submitted: 12/14/2022 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: All Boards			
4) Meeting Date: First Meeting of 2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. In-Person Meeting Policy: Depending on the frequency of Board meetings, a Board may be allowed a certain number of in-person meetings. <ul style="list-style-type: none"> • 4-5 Meetings per year = 1 in-person opportunity • 6-8 Meetings per year = 2 in-person opportunities • 12 Meetings per year = 4 in-person opportunities 2. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 3. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law. 4. Mandatory Training: All Board Members must complete their annual Public Records and Ethics Trainings, if not complete, the training will be done at the next meeting. 5. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting) 6. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachments: Per Diem Example, Travel Voucher Example) 7. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the scheduled start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 8. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executive remotely. 			
11) Authorization			
Katlin Schwartz		12/14/2022	
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: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items 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. 			

Timeline of a Meeting

8 business days prior to the meeting: All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

7 business days prior to the meeting: The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

5 business days prior to the meeting: The approved agenda is returned to the Bureau Assistant for agenda packet production and compilation.

4 business days prior to the meeting: Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

Agenda Item Examples:

- Approval of the Agenda and Minutes (from the last meeting)
- Open Session Items
 - Public Hearings (on Admin Rules)
 - Administrative Matters
 - Legislation and Policy Matters
 - Administrative Rules Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
 - Public Comments
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Stipulations
 - Administrative Warnings
 - Case Closings
 - Monitoring Matters
 - Professional Assistance Procedure (PAP) Issues
 - Proposed Final Decisions and Orders
 - Orders Fixing Costs/Matters Relating to Costs
 - Credentialing Matters
 - Education and Exam Issues

Thursday of the Week Prior to the Meeting: Agendas are published for public notice on the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting: "Action" lists are distributed by staff detailing board actions on closed session business.

5 business days after the Meeting: "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

Department of Safety and Professional Services

PER DIEM REPORT

INSTRUCTIONS: Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

Purpose Codes:

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

NAME OF EXAMINING BOARD OR COUNCIL EXAMPLE EXAMINING BOARD			BOARD OR COUNCIL MEMBER'S NAME MARY SUNSHINE	
Activity Date MM/DD/YY	Duration of Activity Hours/Minutes	Purpose Code A or B	Where Performed City/Location (Home, Work, DSPS)	Activity Describe Activity Performed (see purpose codes)
12/2/20	2 hrs	B	Pleasant Prairie/Home	Review of screening panel materials
12/3/20	2 hr / 30 mins	B	Pleasant Prairie/Home	Review of screening panel materials
12/10/20	1 hr	A	Pleasant Prairie/Home	Screening Panel Meeting - Teleconference
12/12/20	1 hr / 30 mins	B	Pleasant Prairie/Home	Case consultation
12/13/20	1 hr	B	Pleasant Prairie/Home	Liaison: Application Review
12/16/20	6 hrs	A	Madison/DSPS	Board Member Training
				<p>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</p> <p>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</p> <p>Department staff completes the fields titled "Total Days Claimed".</p>
CLAIMANT'S CERTIFICATION			Comments:	
The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.				
<i>Mary Sunshine</i>		<i>1/4/2021</i>		
Claimant's Signature	Date	Supervisor	Date	

EMPL ID: 100012345-0

To be completed by Department staff: **TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00**

Travel Voucher

Staple Receipts Face Up On Backside

Safety & Professional Services

Department/ Division Example Examining Board Emp ID 100012345 Z

State Officer/Employee Name Mary Sunshine Address 2424 Happy Road

Mo/Yr From/To: City Pleasant Prairie State WI Zip-Code 53158

FY	FUND	BUSINESS UNIT	DEPART	APPR CLASS	OBJECT	PROJECT	BALANCE	REPORTING	PROJECT	AMOUNT		
							SHEET ACCT	CATEGORY	NUMBER	DEBIT	CREDIT	
2021	10000	16500	1651300200	12100	7340000	16500P1<BRD ID>						
				12800		16500P2<TRD ID>						
				22100								
TOTALS												

Official Business		Travel Points		HDQS-TIME		Personal Vehicle	Lodging	Meals, including tips			Other Allowable Expenses		Total Allowable Expenses	
Date	Purpose of Trip	From	To	Depart	Return	Miles		Morning	Noon	Evening	Item	Amount	Taxable	Non-Taxable
Use	Board Meeting	Home base	Madison	Report times you left		Miles	P-card	\$8.00	\$10.00	\$20.00			Report	Report
separate		Madison	Home base	and returned home if		must be	Maximum in-state amounts					meal cost	meal cost	
lines for	You must identify			meals are claimed		split.	Enter		or			here if there	here if there	
each leg	the purpose of					Cannot	"P-card"	\$10.00	\$15.00	\$25.00		is NO	IS an	
of your	your trip.					place	when hotel	Maximum out-of-state amounts				overnight	overnight	
trip.						roundtrip	is provided					stay.	stay.	
						total on	by DSPS	Must leave	Must leave	Must return				
						one line.		home	home	home after				
								before	before	7:00 p.m.				
								6:00 a.m.	10:30 a.m.					
									and return					
									home after					
									2:30 p.m.					
LEGEND:		Staff can fill in these areas.				Board Member MUST fill in these areas								

*Item billed directly to the state agency

Sub-Totals

Claimant's Statement § 16.53 Wisconsin Statutes

I declare, under penalties, that all claimed travel expenses are true and correct and are in conformity with Wisconsin statute 16.53 and related agreements. This claim represents reasonable and actual expenses necessarily incurred by me personally in the performance of official duties and no portion was previously reimbursed to me by the State or any other source.

I certify that all expenses on this voucher conform to statutory, departmental or applicable collective bargaining provisions, and were necessary in the official performance of duties required by the State Expenditures are determined to be reasonable and proper, and that sufficient funds are available to pay this claim.

Date _____ Claimant's Signature _____

I certify that this travel claim is reasonable, proper, and in conformity with applicable statutes, travel schedule amounts, and/or collective bargaining agreements.

Agency Head or Authorized Representative

Date _____ Supervisor's Signature _____

Audited in accordance with S. 16.53 Wisconsin Statutes and allowed by the provisions of chapter 20.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Katlin Schwartz, Bureau Assistant		2) Date when request submitted: 2/2/2023 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: 2/14/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters <ul style="list-style-type: none"> • Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities 									
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A									
10) Describe the issue and action that should be addressed: 1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations. <ul style="list-style-type: none"> a. Credentialing Delegations b. Monitoring Delegations c. Pre-Screening Delegations 											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;">Katlin Schwartz</td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;">2/2/2023</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (Only required for post agenda deadline items)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Executive Director signature (Indicates approval for post agenda deadline items)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> </table>				Katlin Schwartz	2/2/2023	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
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Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items 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.											

FUNERAL DIRECTORS EXAMINING BOARD

2022 Elections and Liaison Appointments

ELECTION RESULTS	
Chairperson	Joseph Schinkten
Vice Chairperson	Eric Lengell
Secretary	A. Dawn Adams

Appointment of Liaisons and Alternates

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

Roles and Authorities Delegated for Monitoring

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

Authorities Delegated to the Monitoring Liaison

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

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

9. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
 - a. Initial: 49 screens (including 1 hair test, if required by original order)
 - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
 - c. 2nd Reduction: 28 screens plus 1 hair test
 - d. 3rd Reduction: 14 screens plus 1 hair test
10. (*Dentistry only*) Ability to approve or deny all requests from a respondent.

~~11. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.~~

Authorities Delegated to the Department Monitor

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

1. Grant full reinstatement of licensure if education is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

Updated 12/13/2021

2022 Roles & Authorities


**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: 1/30/2023 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: Real Estate Examining Board			
4) Meeting Date: 02/14/2023	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. 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? (If yes, please complete Appearance Request for Non-DSPS Staff) <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: <ul style="list-style-type: none"> - FD 1 Rule Draft, Public Comments, Clearinghouse Report - Rule Project Chart 			
11) Authorization			
<i>Dana Denny</i>		01/30/2023	
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 Agenda Items 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
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski		2) Date when request submitted: 02/02/2023 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: 02/14/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1) Review of Draft Biennial Report under S. 227.29, Wis. Stats.	
7) Place Item in: <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DS/PS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>	
10) Describe the issue and action that should be addressed: <Click Here to Add Description>			
11) Authorization			
		02/02/2023	
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 Agenda Items 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.			

**Funeral Directors Examining Board
Rule Projects (updated 1/30/23)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause/ Summary	Current Stage	Next Step
	100-21	5/1/2024	FD 1	Apprenticeship and Renewal/ Rule project to clarify terms of apprenticeships and requirements for renewal of licensure.	Public Hearing.	Complete Final Rule Draft and Legislative Report and submit to GORC.