

STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : FUNERAL DIRECTORS EXAMINING BOARD  
FUNERAL DIRECTORS EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 17-049)

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PROPOSED ORDER

An order of the Wisconsin Funeral Directors Examining Board to repeal FD 1.07; to renumber FD 2.06, and 2.07 (1) and (2); to amend FD 1.04; and to create FD 1.065, 1.066, and 1.067, relating to academic instruction requirements for funeral directors and reporting requirements for apprentices.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Sections 445.095 and 445.10, Stats.

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

**Explanation of board authority:**

Section 15.08 (5) (b), Stats. – Each 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 445.03 (2) (a), Stats., allows examining boards to make and enforce rules not inconsistent with this chapter establishing professional and business ethics for the profession of funeral directors and for the general conduct of the business of funeral directing, and for the examination and licensing of funeral directors and the registration of apprentices.

**Related statute or rule:**

Wisconsin funeral director licensing requirements are found in ch. 445, Stats., “Funeral Directors”, and administrative rules promulgated by the Funeral Directors Examining Board found in chs. FD 1 to 6. Chapter 440, Department of Safety and Professional Services, and chs. SPS 1 to 9 outline the Department of Safety and Professional Services’ administrative procedures for issuing licenses.

**Plain language analysis:**

This rule changes academic instruction requirements for funeral directors and apprentices and provides administrative guidance for the apprenticeship process.

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

Federal regulations do not govern licensing requirements for funeral directors.

### **Comparison with rules in adjacent states:**

**Illinois:** Illinois requires 30 semester hours of college credit plus Mortuary College or associate or bachelor's degree in mortuary science. Illinois has a funeral director internship which is considered a one-year apprenticeship. Interns must complete at least 24 funerals, and at least 24 preparations and embalmings. The intern must submit a report for each of the 24 funerals and each 24 body preparations. Reports are filed every three months.

**Iowa:** Iowa requires a student to have a minimum of 60 semester hours as indicated on the transcript from a regionally accredited college or university with a minimum of 2.0 or "C" grade point and a course in mortuary science from a school accredited by the American Board of funeral Service Education. The 60 semester hours does not include any technical or vocational mortuary science courses. Iowa has a one-year funeral director internship program. Interns must perform 25 embalmings and assist in 25 funerals. Interns must report to the state at 6 months and again at 12 months.

**Michigan:** Applicants in Michigan for mortuary science licenses are required to have completed not less than 60 semester hours or 90 quarter hours. Michigan's program allows for a resident trainee. A resident trainee must complete a list of requirements which includes 25 embalmings. A residency is for one year and can be renewed up to two times. Reporting is required on a six-month interval.

**Minnesota:** Minnesota requires a Bachelor of Science degree with a major in mortuary science received from an accredited school. Minnesota has an internship program. The internship can last between one and three years. A total of 25 embalmings and 25 funerals must be completed which is documented upon completion.

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

The continuing education requirements for funeral directors has not been updated since 1988. The current rules contain out-of-date provisions which are creating hardships for applicants and are not reflective of the profession. Similarly, funeral director apprenticeship rules have not been reviewed or updated in 15 years. The Board would like to ensure that the provisions reflect statutory changes, reflect the requirements of the profession, and help facilitate the entrance of new funeral directors into the profession.

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

The department posted the rule for 14 days to solicit economic impact comments.

**Fiscal Estimate and Economic Impact Analysis:**

The economic impact analysis is attached.

**Effect on small business:**

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

**Agency contact person:**

Greg DiMiceli, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0955; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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

Comments may be submitted to Greg DiMiceli, Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments shall be received on or before August 1, 2017, to be included in the record of rule-making proceedings.

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TEXT OF RULE

Section 1. FD 1.04 is amended to read:

**FD 1.04** To meet the requirements of 2 academic years of instruction specified in s. 445.045 (1) (d), Stats., an applicant shall submit to the board an official transcript of courses from a ~~college or university recognized by the north central association of colleges and secondary schools,~~ regionally accredited college showing that the applicant has completed ~~at least the~~ a course of study with 60 semester credit hours shown below in the following areas:

	<u>Minimum Semester Credit Hours</u>
(1) <del>English &amp; Speech</del>	6
(2) <del>Social Sciences such as:</del>	12
<del>(a) Psychology</del>	
<del>(b) History</del>	
<del>(c) Sociology</del>	
<del>(d) Political Science</del>	
<del>(e) Economics</del>	
(3) <del>Natural Sciences such as:</del>	15
<del>(a) Anatomy</del>	

<del>(b) Physiology</del>	
<del>(c) Chemistry</del>	
<del>(d) Microbiology</del>	
<del>(e) Biology</del>	
<del>(f) Bacteriology</del>	
<del>(4) Business Studies</del>	13
<del>(5) Electives</del>	14
TOTAL	<u>60</u>

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

Section 2. FD 1.065 to 1.067 are created to read:

**FD 1.065 Apprenticeship application.** A person applying for a certificate of apprenticeship shall do all of the following:

- (1) Complete the apprenticeship application form, which shall be substantiated by the oath of the applicant.
- (2) File the apprenticeship registration fee specified in ss.445.095 (1) (a) and 440.05 (6), Stats.
- (3) State that the applicant is 18 years of age or older.
- (4) Not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats.
- (5) Appear before the board or its designee.

**FD 1.066 Apprenticeship employment reporting.** (1) When an apprentice becomes employed by a licensed funeral director, the apprentice shall notify the examining board with the name and place of business of the funeral director whose service the apprentice has entered.

(2) If an apprentice leaves the employment of a licensed funeral director, the funeral director shall provide the apprentice with an affidavit indicating the length of time employed and detail the work performed by the apprentice. This affidavit report shall be filed with the board.

(3) If an apprentice becomes reemployed with another licensed funeral director in this state, the apprentice shall report that new employment to the board.

**Note:** The apprenticeship application and employment reporting form may be obtained at the DSPS website at: <http://dps.wi.gov/LicensesPermitsRegistrations/Credentialing-Division-Home-Page/Business-Professions/Funeral-Professions-Home/Funeral-Director-Apprentice/>, or requested via email at: [DSPSCREDFuneral@wisconsin.gov](mailto:DSPSCREDFuneral@wisconsin.gov), or by regular mail at: DSPPS, PO Box 8935 Madison, WI 53708.

**FD 1.067 Apprenticeship semi-annual reporting.** (1) Each apprentice shall submit the semi-annual report in accordance with s. 445.095 (1) (d) and (e), Stats., to the board until the apprenticeship is complete or has been terminated. The report shall include the following information:

- (a) Number of assisted embalmings performed.
- (b) Number of preparations without embalmings.
- (c) Number of funeral services assisted.
- (d) Number of funeral arrangement conferences the apprentice participated in, including a brief description of each funeral arrangement. The description shall include the type of funeral services and method of disposition, relationship to deceased, and the amount of time spent on each funeral arrangement.

(2) Each apprentice shall also submit employment information with each semi-annual report. Each apprentice shall:

- (a) Provide an affidavit from the licensed funeral director showing the length of time served as an apprentice with that employer, and the work done in detail. This affidavit shall be filed and recorded with the board.
- (b) Provide information from all applicable employers on each semi-annual report.

**Note:** The semi-annual reporting form may be obtained at the DSPS website at: <http://dsps.wi.gov/LicensesPermitsRegistrations/Credentialing-Division-Home-Page/Business-Professions/Funeral-Professions-Home/Funeral-Director-Apprentice/>, or requested via email at: [DSPSCREDFuneral@wisconsin.gov](mailto:DSPSCREDFuneral@wisconsin.gov), or by regular mail at: DSPS, PO Box 8935 Madison, WI 53708.

Section 3. FD 1.07 is repealed.

Section 4. FD 2.06 is renumbered FD 1.075.

Section 5. FD 2.07 (1) and (2) are renumbered FD 1.066 (4) and (5)

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

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(END OF TEXT OF RULE)  
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This Proposed Order of the Funeral Director Examining Board is approved for submission to the Governor and Legislature.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairman,  
Funeral Director Examining Board