

## Chapter FD 2

### STANDARDS OF PRACTICE

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**Note:** Chapter FDE 2 was renumbered chapter FD 2 under s. 13.93 (2m) (b) 1., Stats., Register, September, 1993, No. 453.

**FD 2.01 Authority and intent.** This chapter is adopted pursuant to authority of ss. 15.08 (5) (b), 227.11 and 445.03, Stats., and specifies the minimum standards of operation of funeral establishments and conduct of funeral directors under ch. 445, Stats.

**Note:** Funeral directors must comply with the standards adopted by the federal trade commission and set forth in 16 CFR 453.

**History:** Cr. Register, July, 1988, No. 391, eff. 8-1-88.

**FD 2.03 Operation of a funeral establishment.** Even though persons other than licensed funeral directors may own a funeral establishment:

(1g) The following tasks may only be performed by licensed funeral directors or funeral director apprentices under the personal supervision of a licensed funeral director:

- (a) Making funeral arrangements.
- (b) Embalming a dead human body.
- (c) Conducting funeral services.

(1r) The following tasks may only be performed by licensed funeral directors or funeral director apprentices under the supervision of a licensed funeral director:

- (a) Making removals of dead human bodies.
- (b) Other preparation of a dead human body for burial, not including embalming.

(2) Any other dealings on behalf of the establishment shall be performed only by or under the supervision of licensed funeral directors.

**History:** Cr. Register, July, 1988, No. 391, eff. 8-1-88; CR 19-163: r. (1), cr. (1g), (1r), am. (2) Register September 2020 No. 777, eff. 10-1-20.

**FD 2.04 Discrimination.** No funeral director licensed in Wisconsin, or apprentice funeral director holding a certificate of apprenticeship in this state, or person holding a funeral establishment permit herein, shall deny services or the use of an establishment to any person because of race, color, creed, national origin or ancestry, HIV infection, or sexual orientation; provided, however, that this section shall not apply where a funeral establishment is, for religious reasons, so operated that its services are provided to members of only one religious faith.

**History:** Cr. Register, June, 1978, No. 270, eff. 7-1-78; renum. from FDE 2.06 and am., Register, July, 1988, No. 391, eff. 8-1-88; am. Register, June, 1996, No. 486, eff. 7-1-96.

**FD 2.05 Business telephone listings and advertising.** (1) Each funeral establishment shall insure that only true funeral establishment names and addresses as registered with the funeral directors examining board shall appear in telephone listings or other publications and in advertising by any media whatsoever. A funeral establishment may list under a previous establishment name in a telephone or business directory, provided that

the listing contains a reference to the establishment name currently registered with the board.

(3) If the names or pictures of unlicensed persons are used in any form of advertising for a funeral establishment, the advertisement must distinguish between the Wisconsin licensed funeral director and the non-licensed personnel.

**History:** Cr. Register, June, 1978, No. 270, eff. 7-1-78; renum. from FDE 2.16 and am., Register, July, 1988, No. 391, eff. 8-1-88.

**FD 2.08 Business practices.** (1) Each funeral establishment shall offer a broad range of personal services, caskets, merchandise and prices consistent with the needs and desires of the families in the community. Records documenting these needs and desires shall be available for review by the board.

(2) If a funeral director offers package funerals, the funeral director shall provide the consumer with a comparison between the package price and the total cost, calculated on an itemized basis, of the components actually desired by the consumer.

**History:** Cr. (2), (1) renum. from FDE 2.15 (3) and am., Register, July, 1988, No. 391, eff. 8-1-88.

**FD 2.09 Commission prohibited.** Except as provided in s. 445.125 (3m), Stats., paying or accepting a commission or a salary based upon the selling price or number of funeral services sold shall be considered unethical and is therefore prohibited.

**History:** Cr. Register, June, 1978, No. 270, eff. 7-1-78; renum. from FDE 2.12, Register, July, 1988, No. 391, eff. 8-1-88; am., Register, November, 1998, No. 515, eff. 12-1-98.

**FD 2.10 Sanitation.** (1) All preparation rooms, equipment, instruments and supplies in funeral establishments shall be maintained in a clean and sanitary condition.

(2) All post-mortem procedures shall be performed and all preparation rooms, equipment, instruments and supplies in funeral establishments shall be maintained in compliance with the terms and conditions set forth in the United States occupational safety and health administration standard for occupational exposure to blood-borne pathogens under 29 CFR 1910.1030. In cases of HIV infection, after the body has been prepared in accordance with s. DHS 136.04, the usual and customary procedures may be followed for restoration and cosmetology. Following embalming and body preparation, no special precautions need to be observed during visitation.

**History:** Cr. Register, July, 1988, No. 391, eff. 8-1-88; r. and recr. (2), r. (3), Register, June, 1996, No. 486, eff. 7-1-96; am. (2), Register, November, 1998, No. 515, eff. 12-1-98; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register January 2011 No. 661.

**FD 2.11 Radioactive materials.** A funeral director or embalmer who takes possession of a dead human body which might possibly contain radioisotope must take all necessary steps to protect the members of the staff who are called upon to handle the body.

**History:** Cr. Register, June, 1978, No. 270, eff. 7-1-78; renum. from FDE 2.17 and am., Register, July, 1988, No. 391, eff. 8-1-88.

**FD 2.13 Confidentiality.** All personnel involved in the post-mortem care of the deceased shall be informed of the confidentiality provisions under s. 252.15 (3m), Stats., and the consequences of violating these confidentiality provisions.

**History:** Cr. Register, June, 1996, No. 486, eff. 7-1-96; correction made under s. 13.92 (4) (b) 7., Stats., Register January 2011 No. 661.