

MISC_PT011997-98
SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

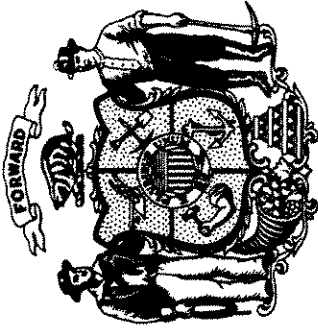
Senate Committee on
Business, Economic
Development and Urban
Affairs (SC-BEDUA)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

- Appointments ... Appt
- **
- Clearinghouse Rules ... CRule
- **
- Committee Hearings ... CH
- **
- Committee Reports ... CR
- **
- Executive Sessions ... ES
- **
- Hearing Records ... HR
- **
- Miscellaneous ... Misc
- 97hrSC-BEDUA_Misc_pt01
- Record of Comm. Proceedings ... RCP
- **



State of Wisconsin

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The office of the Committee Chairperson is open for business and inspection of committee records from 9:00 A.M. to 4:00 P.M., Monday through Friday, excluding holidays.

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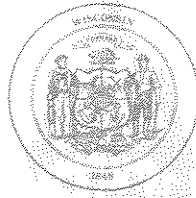
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April 1998

Wisconsin State Senate

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Sen.Drzewiecki@legis.state.wi.us
TOLL-FREE LEGISLATIVE HOTLINE
1-800-362-9472



GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: APRIL 27, 1998

TO: MEMBERS - SENATE COMMITTEE ON BUSINESS,
ECONOMIC DEVELOPMENT AND URBAN AFFAIRS

FROM: SENATOR GARY F. DRZEWIECKI, CHAIRMAN

RE: CLEARINGHOUSE RULES

The following Clearinghouse Rules have been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 98-008: AN ORDER to.....relating to real estate brokers and real estate salespersons. Submitted by Department of Regulation and Licensing.

Clearinghouse Rule 98-012: AN ORDER to.....relating to hearing instrument specialists. Submitted by Department of Regulation and Licensing.

If you would like a copy of these rules, please contact my office.

These rules were referred to the Committee on April 21, 1998. If you are interested in a hearing on either rule, please contact me prior to May 21, 1998.

Wisconsin State Senate

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GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: APRIL 30, 1998

**TO: MEMBERS - SENATE COMMITTEE ON BUSINESS,
ECONOMIC DEVELOPMENT AND URBAN AFFAIRS**

FROM: SENATOR GARY F. DRZEWIECKI, CHAIRMAN

RE: CLEARINGHOUSE RULE & AGENCY INFORMATION

The following Clearinghouse Rules have been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 98-007: AN ORDER to.....relating to the brownfields grant program. Submitted by Department of Commerce.

The Committee has also received from the Department of Administration - Division of Housing, information relating to the application for funding available through the Housing Opportunities for Persons with AIDS (HOPWA) Grant program.

If you would like a copy of the rule or the information on the application for funding, please contact my office.

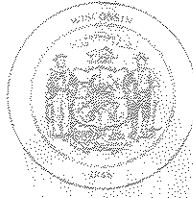
The rule was referred to the Committee on April 28, 1998. If you are interested in a hearing on the rule, please contact me prior to May 28, 1998.

Wisconsin State Senate

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GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: MAY 1, 1998

**TO: MEMBERS - SENATE COMMITTEE ON BUSINESS,
ECONOMIC DEVELOPMENT AND URBAN AFFAIRS**

FROM: SENATOR GARY F. DRZEWIECKI, CHAIRMAN

RE: CLEARINGHOUSE RULE

The following Clearinghouse Rule has been referred to the Committee on Business, Economic Development and Urban Affairs:

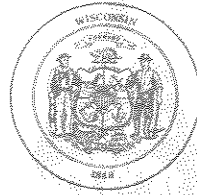
Clearinghouse Rule 98-017: AN ORDER to.....relating to the design and structure of commercial buildings and uniform multifamily dwellings. Submitted by Department of Commerce.

If you would like a copy of the rule, please contact my office.

The rule was referred to the Committee on April 30, 1998. If you are interested in a hearing on the rule, please contact me prior to May 30, 1998.

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Wisconsin State Senate



MEMBER:
Transportation
Agriculture
Tourism
Veterans Affairs

GARY DRZEWIECKI
Senator

Thirtieth District

Portions of Brown, Marinette and Oconto Counties

DATE: MAY 19, 1998

**TO: MEMBERS - SENATE COMMITTEE ON BUSINESS,
ECONOMIC DEVELOPMENT AND URBAN AFFAIRS**

FROM: SENATOR GARY F. DRZEWIECKI, CHAIRMAN

RE: CLEARINGHOUSE RULE

The following Clearinghouse Rule has been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 98-016: AN ORDER to.....relating to pharmacists and pharmacies.

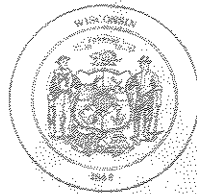
If you would like a copy of the rule, please contact my office.

The rule was referred to the Committee on May 13, 1998. If you are interested in a hearing on the rule, please contact me prior to June 13, 1998.

Wisconsin State Senate

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MEMBER:
Transportation
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Tourism
Veterans Affairs



GARY DRZEWIECKI
Senator

Thirtieth District

Portions of Brown, Marinette and Oconto Counties

DATE: June 11, 1998

TO: Members - Senate Committee on Business, Economic Development and Urban Affairs

FROM: Senator Gary F. Drzewiecki, Chairman

RE: Clearinghouse Rule Senate 97-119

The following Clearinghouse Rule has been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 97-119: An ORDER to.....relating to examination requirements and procedures, academic programs equivalent to master's and doctorate degrees in professional counseling, and temporary certificates for professional counselors.

Submitted by the Department of Regulation and Licensing

If you would like a copy of the rule, please contact my office.

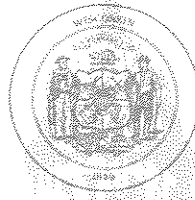
The rule was referred to the Committee on June 10, 1998. If you would like to request a hearing on the rule, please contact me prior to July 10, 1998.

Wisconsin State Senate

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GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: June 23, 1998

TO: Members - Senate Committee on Business, Economic Development and Urban Affairs

FROM: Senator Gary F. Drzewiecki, Chairman

RE: Clearinghouse Rule Senate 97-138

The following Clearinghouse Rule has been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 97-138: An ORDER to.....relating to the uniform dwelling code.

If you would like a copy of the rule, please contact my office.

The rule was referred to the Committee on June 17, 1998. If you would like to request a hearing on the rule, please contact me prior to July 17, 1998.

Wisconsin State Senate

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GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: June 24, 1998

TO: Members - Senate Committee on Business, Economic Development and Urban Affairs

FROM: Senator Gary F. Drzewiecki, Chairman

RE: Clearinghouse Rule Senate 97-109

The following Clearinghouse Rule has been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 97-109: An ORDER to.....relating to design and construction of public buildings and places of employment used as day care centers.

Submitted by the Department of Commerce

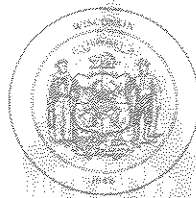
If you would like a copy of the rule, please contact my office.

The rule was referred to the Committee on June 24, 1998. If you would like to request a hearing on the rule, please contact me prior to July 24, 1998.

Wisconsin State Senate

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1-800-362-9472



GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: July 8, 1998

TO: Members - Senate Committee on Business, Economic Development and Urban Affairs

FROM: Senator Gary F. Drzewiecki, Chairman

RE: Clearinghouse Rules

The following Clearinghouse Rules have been referred to the Committee on Business, Economic Development and Urban Affairs:

- Clearinghouse Rule 98-061: An ORDER to.....relating to the mining economic development grants and loan program.
- Clearinghouse Rule 98-062: An ORDER to.....relating to the Wisconsin development fund.
- Clearinghouse Rule 98-063: An ORDER to.....relating to the rural economic development fund.
- Clearinghouse Rule 98-064: An ORDER to.....relating to the minority business finance program.

If you would like a copy of any of the rules, please contact my office.

The rules were referred to the Committee on July 8, 1998. If you would like to request a hearing on the rule, please contact me prior to August 8, 1998.

Wisconsin State Senate

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GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: July 15, 1998

TO: Members - Senate Committee on Business, Economic Development and Urban Affairs

FROM: Senator Gary F. Drzewiecki, Chairman

RE: Clearinghouse Rules

The following Clearinghouse Rules have been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 98-052: An ORDER to.....relating to private onsite wastewater treatment system replacement and rehabilitation grant program.

Submitted by Department of Commerce

Clearinghouse Rule 98-057: An ORDER to.....relating to the practice of funeral directors.

Submitted by Department of Regulation and Licensing

If you would like a copy of the rules, please contact my office.

The rules were referred to the Committee on July 15, 1998. If you would like to request a hearing on the rule, please contact me prior to August 15, 1998.



JUL 17 1998

Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P O BOX 8935
MADISON, WISCONSIN 53708-8935
(608) 266-2112

July 17, 1998

Donald Schneider
Senate Chief Clerk
1 East Main Street
Suite 402
Madison, Wisconsin 53702

RE: Request to Modify Clearinghouse Rule 98-016

Dear Mr. Schneider:

This letter is a request to make germane modifications to Clearinghouse Rule 98-016, a proposed rule-making order of the Pharmacy Examining Board, relating to the admission to the NAPLEX and the multi-state pharmacy examinations; return or exchange of health items; the note relating to the return of controlled substances; and schedule II controlled substance prescription orders for hospice patients.

This request is made under s. 227.19 (4) (b) 4, Stats., in order to make germane modifications to the proposed rules.

The specific modifications are as follows:

I. Amend proposed sec. Phar 2.03 (4) to read:

Phar 2.03 (4) An applicant for licensure as a pharmacist may not be admitted to the NAPLEX or the multi-state pharmacy jurisprudence examination prior to 60 days before that uniform test date which is immediately before completion of the applicant's internship. Except as provided in sub. (5), an applicant may not be admitted to the laboratory practical examination before the test date which immediately follows completion of the applicant's internship.

Reason for modification: Examinations are now computerized, and available to be taken at any time rather than on a "uniform" date. An intern may take the computerized examinations no earlier than 60 days prior to the completion of the internship.

II. Amend proposed sec. Phar 7.04 (3) to read:

Phar 7.03 (3) Health items returned to a pharmacy pursuant to sub. (2) (b) and (c), may not be sold, resold, or repackaged and sold or resold, given away, or otherwise distributed or dispensed. Returned health items shall either be destroyed at the pharmacy or delivered for destruction or other disposal by an authorized person or entity.

Reason for modification: It was inadvertently left out of the initial rule-making order.

III. Amend the Note following sec. Phar 7.04 (4) to read:

Note: The DEA does not permit the return of controlled substances to a pharmacy from a non-DEA registrant under any circumstances.

Reason for modification: Clarification.

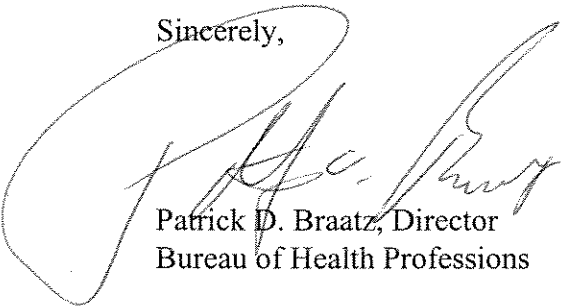
IV. Amend proposed sec. Phar 8.12 (2) (c) to read:

Phar 8.12 (2) (c) The prescription order is written for a schedule II controlled substance for a patient residing enrolled in a hospice certified by medicare under Title XVIII or licensed by this state, and is transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile.

Reason for modification: To clarify that it applies to those within a hospice program, and not merely those residing in a hospital facility.

I understand that with this request the committee review period will begin again.

Sincerely,

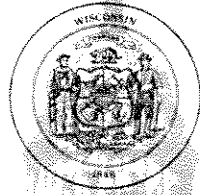


Patrick D. Braatz, Director
Bureau of Health Professions

Wisconsin State Senate

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State Capitol
P.O. Box 7882
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(608) 266-5670

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Sen.Drzewiecki@legis.state.wi.us
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GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: August 5, 1998

TO: Members - Senate Committee on Business, Economic Development and Urban Affairs

FROM: Senator Gary F. Drzewiecki, Chairman

RE: Clearinghouse Rule Senate 98-054

The following Clearinghouse Rule has been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 98-054: An ORDER.....relating to adding butorphanol to the classification of controlled substances in schedule IV of chapter 961, Stas., the uniform controlled substances act.

Submitted by the Department of Regulation and Licensing

If you would like a copy of the rule, please contact my office. The rule was referred to the Committee on August 5, 1998. If you would like to request a hearing on the rule, please contact me prior to September 5, 1998.

Also, the Committee received the attached letter from Pamela A. Haack, the Administrative Rules Coordinator at the Department of Regulation and Licensing. As you will note, the Department is requesting that modifications be made to Clearinghouse Rule 98-057, which was referred to the Committee on July 15, 1998. The Committee has until August 15, 1998 to review the rule. If you would like a copy of the rule as originally proposed, please contact me. To request a hearing on the rule and proposed modifications, please contact me prior to August 15, 1998.



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P. O. BOX 8935
MADISON, WISCONSIN 53708-8935
(608) 266-2112

August 3, 1998

Senator Gary Drzewiecki, Chair
Business, Economic Development and Urban Affairs
119 Martin Luther King Jr. Boulevard
LL2
Madison, Wisconsin 53702

Representative Clifford Otte, Chair
Consumer Affairs
109 West, State Capitol
Madison, Wisconsin 53702

RE: Request to Modify Clearinghouse Rule 98-057

Dear Senator Drzewiecki and Representative Otte:

This letter is a request to make modifications to Clearinghouse Rule 98-057, a proposed rule-making order of the Funeral Directors Examining Board. This proposed order was submitted to the President of the Senate and the Speaker of the Assembly on July 10, 1998, and referred to the Senate Committee on Business, Economic Development and Urban Affairs on July 15, 1998, and to the Assembly Committee on Consumer Affairs on July 17, 1998.

This request is made under s. 227.19 (4) (b) 3., Stats., to delete two paragraphs from Section 5 that were inadvertently included in the proposed order. Specifically, the modification requested is to delete the amendments to section FD 1.10 (1) and (2) which are made in Section 6 of the proposed order. Section 6, as modified, would read as follows:

SECTION 6. FD 1.10 ~~(1), (2) and (3)~~ are is amended to read:

FD 1.10 (3) A funeral director who files an application for renewal more than 5 years after the renewal expiration date of his or her license may be reinstated by filing with the board an application and fees under specified in s. 440.08 (2) and (3) (a) 2., Stats., and the The board may also require demonstration of competence by various methods, including, but not limited to, written or oral examination, documentation of funeral directing work in other jurisdictions, or documentation of current education or experience in the field. Any examination or education required under this section shall not be more extensive than the educational or examination requirements for an initial credential from the board.

Regulatory Boards

Accounting, Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, Auctioneer, Barbering and Cosmetology, Chiropractic, Dentistry, Dietitians, Funeral Directors, Hearing and Speech, Medical, Nursing, Nursing Home Administrator, Optometry, Pharmacy, Physical Therapists, Psychology, Real Estate, Real Estate Appraisers, Social Workers, Marriage and Family Therapists and Professional Counselors, and Veterinary

Committed to Equal Opportunity in Employment and Licensing

Page 2
August 3, 1998

A copy of the complete proposed order as modified is enclosed.

Thank you.

Sincerely,



Pamela A. Haack
Administrative Rules Coordinator

Enclosure

cc: Ron Sklansky, Director, Rules Clearinghouse
Gary Poulson, Deputy Revisor
Clete Hansen, Bureau Director
Jacquelynn B. Rothstein, Legal Counsel

STATE OF WISCONSIN
FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : FUNERAL DIRECTORS EXAMINING
FUNERAL DIRECTORS : BOARD ADOPTING RULES
EXAMINING BOARD : (CLEARINGHOUSE RULE 98-057)

PROPOSED ORDER

An order of the Funeral Directors Examining Board to *renumber and amend* FD 2.12; to *amend* FD 1.02, 1.10 (3), 2.02 (1), 2.09, 2.10 (2), 3.02 (4), (7), (11) and (13), 4.03 (7), 4.04 (2) (intro.) and 5.01; to *repeal and recreate* FD 1.03 and 1.10 (1) and (2); to *create* FD 1.035, a Note following FD 1.08, a Note following FD 2.01 and a Note following FD 5.02 (1) (b), relating to the practice of funeral directors.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 445.04, 445.045 and 445.06, Stats.

Statutes interpreted: s. 445.03 (2) (a), Stats.

The Funeral Directors Examining Board amends and repeals existing rules in Chapters FD 1 to 5. The amendments relate to statutory authority; form, style and placement of provisions in the rules; conflicts or duplication of existing rules; the adequacy of references to related statutes, rules and forms; and the clarity, grammar, punctuation and use of plain language. Language is being added concerning accommodations for persons with disabilities. Provisions relating to passing scores of the licensing examinations, examination reviews and dishonest acts by examination candidates are also amended.

TEXT OF RULE

SECTION 1. FD 1.02 is amended to read:

FD 1.02 EXAMINATION APPLICATIONS. Applications for taking the examination for a funeral director or ~~embalmer~~ must be on file at least 30 days before the date of the examination. The board may accept applications after the 30-day limit if the circumstances warrant such procedure.

Note: Application forms are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

SECTION 2. FD 1.03 is repealed and recreated to read:

FD 1.03 EXAMINATION GRADE. (1) To pass the initial licensure examination each applicant shall receive a grade determined by the board to represent minimum competence to practice. The board shall determine the passing grade after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing grade for the examination at that point which represents minimum acceptable competence in the profession.

(2) The release of grades or the issuance of a funeral director license may be denied if the board determines that an applicant violated the rules of conduct of the examination or otherwise acted dishonestly.

SECTION 3. FD 1.035 is created to read:

FD 1.035 EXAMINATION REVIEW. (1) An applicant who fails the state board examination may request a review of that examination by filing a written request with the board within 30 days of the date on which the examination results were mailed.

(2) Examination reviews are by appointment only.

(3) The time for review shall be limited to 4 hours.

(4) An applicant may not be accompanied during the review by any person other than the proctor.

(5) An applicant shall be provided with a copy of the questions, a copy of the applicant's answer sheet and a copy of the master answer sheet.

(6) An applicant may review the examination in the presence of a proctor. An applicant shall be provided with a form on which to write comments, questions or claims of error regarding any items in the examination. Bound reference books shall be permitted. An applicant shall not remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if desired. The proctor shall not defend the examination nor attempt to refute claims of error during the review.

(7) An applicant may not review the examination more than once.

SECTION 4. A Note following FD 1.08 is created to read:

Note: Application forms are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

SECTION 5. FD 1.10 (1) and (2) are repealed and recreated to read:

FD 1.10 REQUIREMENTS FOR RENEWAL; RESTORATION OF LICENSES. (1) To renew a funeral director license a licensee shall, by January 1 of each even-numbered year following initial licensure, provide all of the following to the board:

- (a) An application for renewal on a form provided by the department.
- (b) Evidence that the licensee has, during the biennial period immediately preceding application, completed the continuing education requirements specified in s. FD 4.03.
- (c) A fee in the amount required under s. 440.08 (2) (a), Stats.

(2) A licensee who fails to meet the requirements of sub. (1) by the renewal date shall cease and desist from practicing as a funeral director. A licensee who fails to meet the requirements of sub. (1) and who applies for renewal less than 5 years after the expiration date of his or her license may renew by furnishing the following to the board:

- (a) An application for renewal on a form provided by the department.
- (b) Evidence that the licensee has completed at least 15 hours of continuing education during the previous 2 year licensure period as required under s. 445.06, Stats., and s. FD 4.03.
- (c) The renewal fee specified in s. 440.08 (2) (a) and (3) (a), Stats.

SECTION 6. FD 1.10 ~~(1), (2) and (3)~~ ~~are~~ is amended to read:

FD 1.10 (3) A funeral director who files an application for renewal more than 5 years after the renewal expiration date of his or her license may be reinstated by filing with the board an application and fees under specified in s. 440.08 (2) and (3) (a) 2., Stats., and the ~~The~~ board may also require demonstration of competence by various methods, including, but not limited to, written or oral examination, documentation of funeral directing work in other jurisdictions, or documentation of current education or experience in the field. Any examination or education required under this section shall not be more extensive than the educational or examination requirements for an initial credential from the board.

SECTION 7. A Note following FD 2.01 is created to read:

Note: Funeral directors must comply with the standards adopted by the Federal Trade Commission and set forth in 16 CRF 453.

SECTION 8. FD 2.02 (1) is amended to read:

FD 2.02 (1) "Funeral arrangements" means the provision of information or advice on selection and cost of merchandise, facilities, equipment or personal services provided for final ~~deposition~~ disposition of a dead human body in the course of formulating a contractual agreement between a funeral director or funeral home and client.

SECTION 9. FD 2.09 is amended to read:

FD 2.09 COMMISSIONS PROHIBITED. ~~Paying~~ 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.

SECTION 10. FD 2.10 (2) is amended to read:

FD 2.10 (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 ~~requirements~~ standard for occupational exposure to ~~blood-borne~~ blood-borne pathogens under 29 CFR 1910.1030. In cases of HIV infection, after the body has been prepared in accordance with s. ~~HSS 316.04~~ HFS 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.

SECTION 11. FD 2.12 is renumbered FD 1.11 and as renumbered FD 1.11 (2) is amended to read:

FD 1.11 (2) RECOGNIZED FUNERAL ESTABLISHMENT. For purposes of renewal of licenses under s. ~~455.06~~ 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.

SECTION 12. FD 3.02 (4), (7), (11) and (13) are amended to read:

FD 3.02 (4) Performing of any funeral ~~or embalming duty during the planning or conducting of services~~ director duty while under the influence of alcohol or controlled substances. (~~Controlled substances are listed in ch. 161~~ 961, Stats.)

(7) Disclosing confidential information ~~gained~~ obtained in the performance of official duties ~~outside of family members or official persons performing duly authorized duties.~~

(11) Failing to provide to the depositor, within 15 working days of receipt of a payment, written confirmation of receipt and deposit of payment made pursuant to a funeral trust agreement in accordance with s. 445.125 ~~(2)~~ (1)(b), Stats. Such written confirmation shall include the name of the bank, savings bank, trust company, savings and loan association or credit

union, the account number, the date of deposit, and a copy of the deposit slip or other documentary evidence of a payment deposited.

(13) Engaging in inappropriate sexual contact with clients of the funeral establishment ~~when acting as a grief counselor.~~

SECTION 13. FD 4.03 (7) is amended to read:

FD 4.03 (7) No more than 10 hours of the 15-hour requirement may be acquired through participation in ~~non-contract~~ non-contact home study programs.

SECTION 14. FD 4.04 (2) (intro.) is amended to read:

FD 4.04 (2) (intro.) An application for a continuing education program shall ~~be approved if the application includes the~~ include all of the following:

SECTION 15. FD 5.01 is amended to read:

FD 5.01 QUALIFICATIONS. (intro.) A person licensed as a funeral director in another state may obtain a license as a funeral director under this chapter if the applicant meets all of the following criteria:

- (1) Has met requirements in another state substantially equal to those in this state;
- (2) Has never been disciplined by the licensing authority in any other state, territory or country for any misconduct or violations which ~~evidence~~ demonstrate lack of competence to practice as a funeral director in Wisconsin as determined by the board;
- (3) Is not under any current investigation and is not a party in a proceeding involving a complaint against the applicant which relates to the applicant's practice as a funeral director;
- (4) Does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats.
- (5) Has satisfactorily completed 9 months or more of instruction in a prescribed curriculum in funeral service education offered by an educational institution accredited by the American board of funeral service education or deemed to be equivalent by the board; ~~and.~~
- (6) ~~Completes the~~ Passes the board's examination on Wisconsin law with a score of at least 75. The board shall determine the passing grade after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing grade for the examination at that point which represents minimum acceptable competence in the profession.

SECTION 16. A Note following FD 5.02 (1) (b) is created to read:

Note: Application forms are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

(END OF TEXT OF RULE)

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.

Dated _____

Agency _____

Chairperson

Funeral Directors Examining Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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8/3/98