

Clearinghouse Rule 96-124

CERTIFICATE


STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND FAMILY SERVICES)

I, Joseph Leean, Secretary of the Department of Health and Family Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to embalming standards were duly approved and adopted by this Department on December 11, 1996.

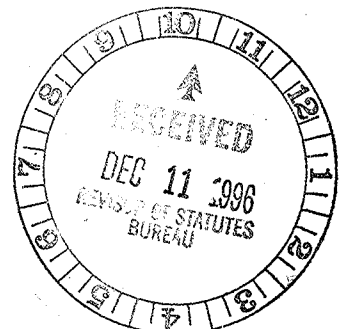
I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 11th day of December, 1996.

SEAL:



Joseph Leean, Secretary
Department of Health and Family Services



96-124
2-1-97

ORDER OF THE
DEPARTMENT OF HEALTH AND FAMILY SERVICES
AMENDING AND REPEALING AND RECREATING RULES

To amend HSS 136.03(1), (2)(a) and Note, and to repeal and recreate HSS 136.04, relating to embalming standards.

Analysis Prepared by the Department of Health and Family Services

This order updates the Department's standards for embalming dead human bodies to eliminate references to licensed embalmers, to add required compliance with the U.S. Occupational Safety and Health Administration (OSHA) standard for occupational exposure to bloodborne pathogens, and to improve the language used to express requirements relating to preparation of bodies prior to embalming. Licensing of embalmers was discontinued in June 1985 when 1983 Wisconsin Act 485 went into effect.

The changes to ch. HSS 136 are being made on recommendation of the Funeral Directors Examining Board.

The Department's authority to amend and to repeal and recreate these rules is found in ss. 157.01 and 250.04(7), Stats. The rules interpret ss. 157.01 and 250.04(1), Stats.

SECTION 1. HSS 136.03(1), (2)(a) and Note are amended to read:

HSS 136.03(1) No person may embalm a dead human body unless the person holds ~~an embalmer's a funeral director's license and a current certificate of registration issued by the funeral directors and embalmers examining board,~~ pursuant to ~~s. 445.05~~ ss. 445.04 to 445.06, Stats., or an apprentice funeral director's certificate pursuant to s. 445.095, Stats.

(2)(a) Funeral establishments holding ~~a license and a current certificate of registration establishment permit~~ issued by the funeral directors ~~and embalmers~~ examining board;

Note: See s. HSS 135.05 for additional restrictions on preparation of dead human bodies.

SECTION 2. HSS 136.04 is repealed and recreated to read:

HSS 136.04 PREPARATION OF BODIES PRIOR TO EMBALMING. (1) Prior to embalming, or prior to public viewing or final disposition of the body if embalming is not performed, the funeral director shall do all of the following:

(a) Remove all clothing from the body and wash the entire body thoroughly with a germicidal soap or detergent;

(b) Clean the body orifices and treat with a topical disinfectant; and

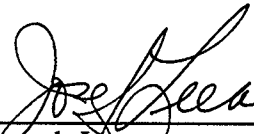
(c) Perform pars. (a) and (b) in compliance with the terms and conditions set forth in the U.S. Occupational Safety and Health Administration (OSHA) standard for occupational exposure to bloodborne pathogens, 29 CFR 1910.1030.

(2) The funeral director shall return clothing removed from a dead human body to the family or other appropriate individual. Any soiled clothing shall be disinfected and sanitized before it is returned.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Wisconsin Department of Health
and Family Services

Dated: December 11, 1996

By: 
Joseph L'ean
Secretary

Seal:

