

CR 85-11

CERTIFICATE

RECEIVED

JUN 4 1986
10:40 am
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
) SS
FUNERAL DIRECTORS EXAMINING BOARD)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Jan Bobholz, program assistant for the Funeral Directors Examining Board, and custodian of the official records of the Funeral Directors Examining Board, do hereby certify that the rules relating to funeral establishment permits and continuing education were duly approved and adopted by this board on May 21, 1986.

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin, this 29th day of May, A.D. 1986.

Jan Bobholz
Jan Bobholz
Program Assistant

JB:DD:rjt
pc6469

8-1-86

JUN 4 1986

STATE OF WISCONSIN
BEFORE THE
FUNERAL DIRECTORS AND EMBALMERS EXAMINING BOARD

Revisor of Statutes
Bureau

IN THE MATTER OF RULEMAKING : FINAL ORDER OF THE FUNERAL
PROCEEDINGS BEFORE THE : DIRECTORS EXAMINING BOARD REPEALING,
FUNERAL DIRECTORS EXAMINING BOARD : AMENDING OR ADOPTING RULES

AN ORDER to create FDE 2.10(4) and ch. FDE 5, relating to funeral establishment permits and continuing education.

Analysis prepared by the department of legislation and Licensing.

ANALYSIS

Section FDE 2.10(4) is created in this order to inform an applicant for a permit to operate a funeral establishment of the time by which the board will notify the applicant whether the application is approved or denied, to conform the agency's rule to requirements specified in 1983 Wisconsin Act 91, relating to a determination of a permit application. The proposed rule also specifies that the applicant may request a hearing before the board if the application is denied.

Section 445.06, as affected by 1985 Wisconsin Act 29, requires funeral directors to obtain 15 hours of continuing education as a condition of renewal of a funeral director license in each biennial license registration period. Therefore, in this order also, ch. FDE 5 is created to specify provisions relating to the funeral directors examining board's continuing education requirement. Specifically,

1. Section FDE 5.01 specifies the authority under which the rules in ch. FDE 5 is adopted.
2. Section FDE 5.02 defines terms specific to the continuing education requirement.
3. Section FDE 5.03 provides related information and describes specific details of the requirement which funeral directors must meet, including limitations on the number of hours of continuing education which may be obtained through home study programs, the number of hours which must be obtained in a specific subject content area, as described in s. FDE 5.04(1) and the condition under which credit will be granted for attendance at multiple-day continuing education programs.
4. Section FDE 5.04 specifies the requirements providers of continuing education programs must meet for their programs to be approved for credit toward the continuing education requirement for funeral directors who attend the programs.

5. Section FDE 5.05 indicates that a funeral director who holds a certificate in good standing under s. 445.06, Stats., is exempt from the continuing education requirement during the period that the funeral director is not engaged in professional practice. This section specifies also notification and continuing education requirements that a certificate holder must meet before returning to professional practice.

ORDER

Pursuant to authority vested in the Funeral Directors Examining Board in ss. 15.08(5)(b), 227.014(2)(a), 445.105(3), 445.03(2)(a) and 445.06, Stats., the Funeral Directors Examining Board hereby creates and adopts rules, interpreting ss. 445.105(5) and 445.06, Stats., as follows:

SECTION 1. FDE 2.10(4) is created to read:

FDE 2.10(4) The board shall notify the applicant within 30 business days of receipt of a completed application whether the application for a funeral establishment permit is granted or denied. If the application is denied, the applicant may request a hearing before the board on the denial of the permit.

SECTION 2. Ch. FDE 5 is created to read:

Chapter FDE 5

CONTINUING EDUCATION REQUIREMENTS

FDE 5.01 AUTHORITY. The rules in this chapter are adopted under authority in ss. 15.08(5)(b), 227.014(2)(a) and 445.06, Stats.

FDE 5.02 DEFINITIONS. In this chapter,

(1) "Board" means the funeral directors examining board.

(2) "Evidence of attendance" means an official transcript, student grade report or a written form furnished by a program provider which specifies satisfactory completion of a continuing education program.

(3) "Funeral director" means a person as defined in s. 445.01(5), Stats.

(4) "Program provider" means an educational institution, governmental agency, professional or trade association or foundation or a private firm or individual whose primary function is continuing education.

FDE 5.03 CONTINUING EDUCATION. (1) Every funeral director, as defined in s. 445.01(5), Stats., shall complete at least 15 hours of approved continuing education programs in each biennial registration period, specified under s. 445.06, Stats., except as described in s. FDE 5.05.

(2) Approved continuing education hours may apply only to the biennial registration period in which the hours are acquired.

(3) To obtain credit for completion of the continuing education requirement, a funeral director shall submit certificates of attendance issued by the program provider or other evidence of attendance satisfactory to the board.

(4) At least 3 hours of the 15-hour requirement shall be in approved programs in the subject area specified in s. FDE 5.04(1)(a)2.

(5) No more than 3 hours of the 15-hour requirement may be in approved programs in the subject area specified in s. FDE 5.04(1)(a)3.

(6) No more than 2 hours of the 15-hour requirement may be acquired for presentation of any continuing education program by a funeral director.

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

(8) Each contact or clock hour or lesson or tape completed in a home study program is equivalent to 1.0 continuing education credit hour.

(9) Continuing education credit for participation in a multiple-day program, in which each day of the program is a prerequisite for each succeeding day, shall be granted only for completion of the entire program.

(10) A funeral director may receive credit for attendance at a continuing education program which received approval after he or she attended the program, if the funeral director provides evidence of attendance satisfactory to the board.

FDE 5.04 APPROVAL OF CONTINUING EDUCATION PROGRAMS. (1) To obtain approval of a continuing education program, the program provider shall submit an application to the board on a form provided by the board which shall include:

(a) The program relates to one or more of the following subject content areas:

1. Grief counseling or communication.
2. Professional conduct, business ethics or legal aspects specifically related to practice in the profession.
3. Business management concepts relating specifically to delivery of services to a consumer.
4. Technical or practical aspects of the profession;

(b) The program is available to all funeral directors regardless of membership in or affiliation with any organization; and,

(c) The program provider of the continuing education program agrees to monitor the continuous attendance of participants and to furnish to each participant evidence of having attended and completed the program at the location of the program, or

(d) The program provider of a home-study continuing education program includes in the program a method satisfactory to the board of determining a participant's successful completion of the home study program.

(2) An application for a continuing education program shall be approved if the application includes the:

(a) Date and location of the program.

(b) Time segments scheduled in the program for presentation of subject areas specified in sub. (2).

(c) Name and title of the instructor.

(d) Name and title of the person requesting program approval on behalf of the provider.

NOTE: Forms are available upon request to the board office,
1400 East Washington Avenue, Madison, WI 53702

(3) A separate application shall be submitted for each continuing education program. Approval of a continuing education program expires on December 31 of each odd-numbered year.

(4) A program provider shall apply for approval of a continuing education program at least 30 days prior to its presentation.

(5) A continuing education program may include subject content other than that specified in sub. (1); however, the board shall limit its approval only to that part and time segments of the program which relate to subject areas specified in sub. (1).

(6) A home study program or course taken for academic credit shall be eligible for credit if the program or course relates to subject areas specified in sub. (1) and meet all other requirements in this section.

(7) In-service continuing education programs sponsored by a funeral establishment are not eligible for credit unless the programs are available to all licensed funeral directors and meet all other requirements in this section.

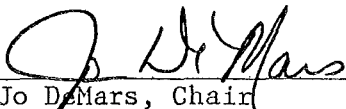
FDE 5.05 EXEMPTION. Any funeral director who holds a certificate in good standing granted under s. 445.06, Stats., shall be exempt from meeting the continuing education requirement for the duration of the period that

the funeral director is not engaged in professional practice. A funeral director who holds a certificate shall notify the board and shall submit proof of having completed 15 hours of approved continuing education programs in the 2-year period immediately preceding notification to the board of his or her intent to return to professional practice in a licensed funeral establishment.

The rules created and adopted in this order shall take effect on the first day of each month following publication in the Wisconsin administrative register, pursuant to s. 227.026(1)(intro.), Stats.

Dated this 21 day of May, 1986.

By:



Jo DeMars, Chair
Funeral Directors Examining Board

FISCAL ESTIMATE

There is no anticipated statewide or local fiscal effect.

REGULATORY FLEXIBILITY ANALYSIS

The proposed rules have no significant economic impact on small businesses as defined in s. 227.016(1)(a), Stats.

Questions on the proposed rules may be directed to Darl Drummond, 6-8608.

WM:kcb
ADMCTR-H
3/19/86