

Chapter FD 1

LICENSES AND PERMITS

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

FD 1.01 Authority and intent. This chapter is adopted pursuant to authority of ss. 15.08 (5) (b), 227.11, 440.08 (3) (b), and 445.03, Stats., to clarify and establish licensure criteria for funeral directors and funeral establishments.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88; CR 16-011: am. Register September 2016 No. 729, eff. 10-1-16.

FD 1.02 Applications. An applicant for a funeral director's license shall submit all of the following:

- (1) A completed application.
- (2) Required fee under s. 440.03 (9) (a), Stats.
- (3) Evidence of completion of 2 academic years of instruction in a recognized college or university meeting the requirements of s. FD 1.04.
- (4) Evidence of completion of 9 months or more instruction in a prescribed course in mortuary science meeting the requirements of s. FD 1.05 after having completed 1 year of college work or equivalent education.
- (5) Evidence of completion of 1 year of apprenticeship under s. 445.095, Stats.
- (6) If the applicant has an arrest or conviction record, documentation necessary for the board to determine whether the circumstances substantially relate to the practice of funeral director, subject to ss. 111.321, 111.322, and 111.335, Stats.
- (7) Evidence of passage of the National Board Examination of the International Conference of Funeral Service Examining Boards.
- (8) Evidence of passage of the Wisconsin jurisprudence examination for funeral directors.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; renum. from FDE 2.01, Register, July, 1988, No. 391, eff. 8-1-88; am., Register, November, 1998, No. 515, eff. 12-1-98; CR 16-011: r. and recr. Register September 2016 No. 729, eff. 10-1-16.

FD 1.03 Examination grade. The passing grade on each licensure examination shall be determined by the board to represent minimum competence to practice. The board may adopt the recommended passing score of the examination provider.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88; r. and recr., Register, November, 1998, No. 515, eff. 12-1-98; CR 16-011: am. (1), r. (2) Register September 2016 No. 729, eff. 10-1-16; correction in numbering made under s. 13.92 (4) (b) 1., Stats., Register September 2016 No. 729.

FD 1.04 Two academic years of instruction. 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 regionally accredited college showing that the applicant has completed a course of study with 60 semester credit hours in the following areas:

- (1) English.
- (2) Speech.
- (3) Social Sciences.
- (4) Natural Sciences.

(5) Business Studies.

(6) Electives.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; r. and recr. (4), r. (5) and renum. (6) to be (5), Register, June, 1979, No. 282, eff. 7-1-79; am. Register, January, 1980, No. 289, eff. 2-1-80; renum. from FDE 2.03 and am., Register, July, 1988, No. 391, eff. 8-1-88; CR 17-049: am. Register July 2018 No. 751, eff. 8-1-18.

FD 1.05 Mortuary school. The following shall be accepted as compliance with s. 445.045 (1) (e), Stats. The candidate shall have satisfactorily completed 9 months or more instruction in a prescribed curriculum in funeral service education offered by an educational institution accredited by the American board of funeral service education or otherwise deemed to be equivalent by the funeral directors examining board.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; renum. from FDE 2.04 and am., Register, July, 1988, No. 391, eff. 8-1-88; correction made under s. 13.93 (2m) (b) 6., Stats., Register, December, 1989, No. 408.

FD 1.065 Changes in apprenticeship assignment.

(1) Whenever any licensed funeral director discharges an apprentice the funeral director shall within 5 days notify in writing the funeral directors examining board, giving the name and address of the apprentice, and the date of discharge.

(2) Whenever any apprentice leaves his or her apprenticeship at a funeral establishment, the funeral director and apprentice shall within 5 days notify in writing the funeral directors examining board, giving the name and address of the apprentice and date of the apprentice leaving the apprenticeship.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; (1) renum. from FDE 2.13 and am., cr. (2), Register, July, 1988, No. 391, eff. 8-1-88; CR 17-049: renum. from FD 2.07 Register July 2018 No. 751, eff. 8-1-18.

FD 1.075 Supervision of apprentices. (1) Apprentices may engage in the following activities only when under the personal supervision of a licensed funeral director: embalming and other preparing of dead human bodies for burial or transportation, and making funeral arrangements.

(2) Apprentices may conduct funeral services or make removals of bodies under the supervision of a licensed funeral director.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88; CR 17-049: renum. from FD 2.06 Register July 2018 No. 751, eff. 8-1-18.

FD 1.08 Permits. (1) Before opening for business, and every 2 years thereafter, a funeral establishment operator shall obtain a permit from the board through application upon a form furnished by the board. An original permit may not be granted to an operator of a funeral establishment without an inspection. No permit may be granted to a funeral establishment which does not meet requirements in s. 445.01, Stats.

(2) Prior to granting a permit to a licensed funeral establishment following a change in ownership, the board shall review the application to determine if an inspection is necessary.

(3) A funeral establishment permit is not transferable from one premises to another or from one operator to another.

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

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; am. (1), renum. (2) to be (3) and am., cr. (2), Register, May, 1983, No. 329, eff. 6-1-83; cr. (4), Register, July,

1986, No. 367, eff. 8-1-86; renum. from FDE 2.10 and r. (4), Register, July, 1988, No. 391, eff. 8-1-88.

FD 1.09 Preparation rooms. (1) Every installation used for embalming operations must contain a floor area of not less than 100 square feet per embalming table and must be used solely for this purpose. It must be isolated by walls or adequate partitions. The walls and furniture must be constructed of material that is easily washed and disinfected. The installation must be equipped with hot and cold running water supply under pressure and in a quantity sufficient for the operations performed therein as well as for cleaning the room. Waste water must flow into the main sewer if available or into an adequate septic tank. Hand washing facilities should be easily accessible.

(2) All preparation rooms in funeral establishments must be equipped with adequate sanitary facilities so that no health hazards are produced as a result of embalming operations performed therein.

(3) All preparation rooms shall be equipped with a ventilating system capable of expelling gases or fumes to the outside at a point so as not to create a nuisance, and shall also be equipped with a hard surface, metal or porcelain top embalming table, a set of essential embalming instruments and a supply of disinfectants.

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

FD 1.10 License renewal and reinstatement procedures. (1) **RENEWAL WITHIN 5 YEARS.** A credential holder shall renew the license by paying the renewal fee specified in s. 440.08 (2), Stats., and attesting to completion of the continuing education required under s. FD 4.03. If the credential is not renewed before its expiration date, the credential holder shall pay a late renewal fee.

(2) **RENEWAL AFTER 5 YEARS.** A credential holder who has failed to renew a license within 5 years after the renewal date holds an expired license and may not reapply for the license using the initial application process. This subsection does not apply to license holders who have unmet disciplinary requirements or whose credentials have been surrendered or revoked. An applicant who holds an expired funeral director's license shall submit all of the following:

- (a) A completed application.
- (b) The renewal and late fees specified in s. 440.08 (2) and (3) (a), Stats.
- (c) Evidence of passage of the Wisconsin jurisprudence examination for funeral directors.
- (d) Evidence of one of the following:

1. Current licensure as a funeral director if the applicant holds an active license in good standing as a funeral director in another state.

2. If the applicant's funeral director's license has expired for more than 5 but less than 10 years and the applicant does not hold an active license in good standing as a funeral director in another state, attestation to the completion of 30 hours of continuing education approved by the board. The continuing education courses shall have been completed within the 4 years prior to application for licensure under this subsection and shall include a minimum of 10 hours of in-person instruction.

3. If the applicant's funeral director's license has expired for 10 years or more and the applicant does not hold an active license in good standing as a funeral director in another state, the applicant shall provide evidence of passage of the National Board

Examination of the International Conference of Funeral Service Examining Boards within 12 months prior to application for a license under this subsection and attestation to the completion of 30 hours of continuing education approved by the board. The continuing education courses shall have been completed within the 4 years prior to application for licensure under this subsection and shall include a minimum of 10 hours of in-person instruction.

(3) **REINSTATEMENT.** A credential holder who has unmet disciplinary requirements and failed to renew the credential within 5 years or whose credential has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:

(a) Evidence of completion of the requirements in sub. (2) if the credential has not been active within the last 5 years.

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances, warranting reinstatement of the credential.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; r. and recr. (1) and (2), am. (3), Register, November, 1998, No. 515, eff. 12-1-98; CR 16-011: r. and recr. Register September 2016 No. 729, eff. 10-1-16.

FD 1.11 Renewal of Wisconsin licenses of out-of-state funeral directors. (1) **INTENT.** The intent of the board in adopting this section is to clarify the board's interpretation of s. 445.06, Stats., that a licensee seeking renewal of a funeral director's license who is doing business at a legally operating funeral establishment in a jurisdiction outside the state of Wisconsin and who meets all other requirements for license may obtain a funeral director's license.

(2) **RECOGNIZED FUNERAL ESTABLISHMENT.** For purposes of renewal of licenses under s. 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.

History: Renum. from FD 2.12 and am. (2), Register, November, 1998, No. 515, eff. 12-1-98.

FD 1.12 Reciprocity. A person licensed as a funeral director in another state may obtain a license under this chapter if the applicant holds a valid funeral director's license in good standing from another state having requirements determined by the board to be substantially equivalent to the requirements prescribed in s. 445.045, Stats., and this chapter. An applicant for a license under this chapter shall submit all of the following:

- (1) A completed application for licensure.
- (2) The fee specified under s. 440.05 (2), Stats.
- (3) If the applicant has an arrest or conviction record, documentation necessary for the board to determine whether the circumstances substantially relate to the practice of funeral director, subject to ss. 111.321, 111.322, and 111.335, Stats.
- (4) Verification of a valid license in good standing from any state of licensure.
- (5) Evidence of passage of the Wisconsin jurisprudence examination for funeral directors.

Note: Applicants must complete the "Application for Funeral Director Credential" to apply for a license and the "Application for Examination" to take the Wisconsin jurisprudence examination for funeral directors. Application forms are available at <http://dps.wi.gov/Licenses-Permits/FuneralDirector/FDIRforms>.

History: CR 16-010: cr. Register September 2016 No. 729, eff. 10-1-16; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register July 2018 No. 751.