

The federal government does not regulate continuing education requirements for funeral directors.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

A public hearing on scope was held at the board's August 27, 2019 meeting. No comments were received.

Comparison with rules in adjacent states:

Illinois: Illinois specifies that a continuing education hour is a minimum of 50 minutes of attendance at a board approved course. Illinois rules require at least 24 hours of continuing education credit per biennium, with at least 6 credit hours related to the practice of embalming, 6 related to the practice of funeral directing, and no more than 6 related to insurance (68 Ill. Admin Code s. 1250.220 (a) and (b) 5.).

Iowa: Iowa specifies that an hour of continuing education means at least 50 minutes spent by a license in actual attendance at and completion of a continuing education program (645 IAC 102.1). Funeral directors must complete 24 hours of continuing education each biennium. Two hours must be in current Iowa law and rules covering mortuary science content areas, and at least 12 hours must be in-person, or include live real-time interactive media (645 IAC 102.2 (1)).

Michigan: Michigan does not have continuing education requirements for funeral directors.

Minnesota: Minnesota requires 15 hours of continuing education for renewal of a license to practice. Three hours must be in body preparation, care or handling, three hours in professional practices, and three hours in regulation and ethics. Minnesota does not specify the length of a continuing education hour (Minn. Stats. 149A.40 (11)).

Summary of factual data and analytical methodologies:

As part of the board's review of its rules under s. 227.29, Stats., the board determined it was necessary to repeal s. FD 4.03 (4) as it is duplicative of s. 4.03 (4m), and could cause confusion to stakeholders. The board also determined that clarification should be given as to the length of time required for a course to be eligible to receive a credit hour of continuing education.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rule was posted for 14 days to solicit economic impact comments. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0955; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the hearing scheduled for 9:30 AM on January 22, 2020 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. FD 4.02 (1m) is created to read:

FD 4.02 (1m) "Credit hour" means at least 50 minutes spent by a licensee in actual attendance and completion of, online or in person, a board-approved continuing education program.

SECTION 2. FD 4.03 (1) and (2) are amended to read:

FD 4.03 (1) Every funeral director, as defined in s. 445.01 (5), Stats., shall complete at least 15 credit hours of approved continuing education programs in each biennial registration period, specified under s. 445.06, Stats., except as described in s. FD 4.05.

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

SECTION 3. FD 4.03 (4) is repealed.

SECTION 4. FD 4.03 (4m), (5), and (7) are amended to read:

FD 4.03 (4m) At least 3 credit hours of the 15-hour requirement shall be in each of the subject areas specified in s. FD 4.04 (1) (a) 1. to 4.

(5) No more than 7 credit hours of all of the 15-hour requirement may be in approved programs in s. FD 4.04 (7).

(7) No more than 10 credit hours of the 15-hour requirement may be acquired through participation in board-approved online programs.

SECTION 5. FD 4.03 (8) is repealed.

SECTION 6. EFFECTIVE DATE. 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.

(END OF TEXT OF RULE)
