

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<b>1. Type of Estimate and Analysis</b> <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	<b>2. Date</b> September 14, 2020
<b>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)</b> FD 1 and 4	
<b>4. Subject</b> Licensure and continuing education requirements for funeral directors and funeral director apprentices	
<b>5. Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>6. Chapter 20, Stats. Appropriations Affected</b> 20.165(1)(g)
<b>7. Fiscal Effect of Implementing the Rule</b> <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
<b>8. The Rule Will Impact the Following (Check All That Apply)</b> <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
<b>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).</b> \$0	
<b>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>11. Policy Problem Addressed by the Rule</b> This rule project makes several updates to chs. FD 1 and FD 4 in light of 2019 Wisconsin Act 137. FD 1 regarding funeral director and apprentice credentialing are revised to reflect that 24 semester credits of college are now required for licensure instead of 2 academic years. No changes are made to the required course subject matter. The requirement for certification as an apprentice that the 16-hour certification course be taken regardless of whether the applicant has completed mortuary school, is also removed. The certification class will no longer be required for apprenticeship applicants who have already completed mortuary school.  Finally, the continuing education requirements in FD 4 are revised to reflect that in the first biennium following licensure as a funeral director, the licensee will be required to complete 4 hours of continuing education that the board has deemed necessary to prepare a new licensee for practice.	
<b>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.</b> None.	
<b>13. Identify the Local Governmental Units that Participated in the Development of this EIA.</b> None.	
<b>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)</b> None.	
<b>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule</b> The benefit of implementing the rule is to update the FD chapters to bring them into line with the recent statutory changes enacted by 2019 Wisconsin Act 137. The alternative to implementing the rule would be to not promulgate new continuing education requirements for newly licensed funeral directors, and to leave the rules otherwise inconsistent with	

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state statutes. This would result in a lack of clarity for stakeholders as to what is required to obtain and maintain a funeral director license in this state.

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16. Long Range Implications of Implementing the Rule

The long range implications of implementing the rule are to ensure that the FD rules chapters are in alignment with state statute.

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17. Compare With Approaches Being Used by Federal Government

None.

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Illinois provides for a funeral director's license and a funeral director and embalming license. The funeral director only license requires 12 continuing education credits per renewal period, and the funeral director and embalming license requires 24 credits. Licensees are not required to meet the continuing education requirement during the renewal period immediately following their initial licensure (Ill. Admin. Code § 1250.220 (a)).

Illinois requires funeral director applicants to complete an internship. There is not a certification course required prior to beginning the internship. At minimum, however, must have completed at least 30 semester or 45 quarter college credit hours along with the completion of a 12 month mortuary science program (Ill. Admin Code § 1250.120 (a)).

Iowa: Iowa code requires a funeral director licensee to complete at least 24 continuing education credits per renewal period. Licensees are not required to complete continuing education during the first renewal period immediately following their licensure (645 IA Admin. Code § 102.2 (1)).

Iowa requires funeral director applicants to complete a one-year internship (645 IA Admin. Code § 101.3 (1)). The internship must be completed after the education and examination requirements for funeral director licensure are met. This includes a minimum of 60 credits from an accredited college or university, not including any credits for technical mortuary science instruction, completion of a mortuary science program, and at least a one credit course in Iowa law and administrative rules relevant to the practice of funeral directing (645 IA Admin. Code § 101.2 (1)).

Michigan: Michigan requires funeral director license candidates to complete a one-year resident trainee program under the supervision of a licensee, graduate from a 3-year mortuary science course at an accredited school, college, or university, pass an examination, and be a person of good moral character (MCL § 339.1806 (1)). A resident trainee license can be issued to an individual who has a high school diploma and is of good moral character (MCL § 339.1808 (1)). It does not appear that any particular order is required in completing the requirements for licensure as a funeral director, nor does Michigan appear to require continuing education for licensees.

Minnesota: Minnesota requires applicants for a funeral director license to first complete the education requirement for licensure, which is at a minimum an aggregation of college credits substantially equivalent to a bachelor's degree plus a course of study in mortuary science. Once the education requirement is complete the applicant must pass the required examination. Finally, a 2,080 hour internship is required to be completed within 3 years. It does not appear that continuing education is required to renew a funeral director license.

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19. Contact Name

Jon Derenne, Administrative Rules Coordinator

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20. Contact Phone Number

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**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes     No
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