

## Chapter H 16

### FUNERAL DIRECTORS AND EMBALMERS AND FUNERAL DIRECTORS' AND EMBALMERS' APPRENTICES

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**H 16.01 Examination applications.** Applications for taking the examination for funeral director or embalmer must be on file at least thirty days before the date of the examination. The board may accept applications filed after the thirty day limit if the circumstances warrant such procedure.

**H 16.02 Special examinations.** The state health officer may under exceptional conditions authorize one or more members of the examining committee, together with the secretary of the committee, to give a special examination for licensing funeral directors or embalmers. All funeral directors' or embalmers' licenses granted as a result of any special examination shall be valid only until the time of the next regular examination and the results of such examination are determined. Candidates for a license at a special examination will be required to take the next regular examination.

**H 16.03 Examination grade.** Successful applicants must receive a general average of not less than 75%.

**History:** 1-2-56; r. and recr., Register, July, 1962, No. 79.

**H 16.04 Preparation rooms.** 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 except that in cities or incorporated villages having systems of waterworks and sewerage in which the funeral establishment is located adjacent to a sewer and water main or in a block through which the systems extend, the preparation rooms in such establishments shall be provided with running water which have their drainage system connected with the public sewer. 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 surfaced, metal or porcelain top embalming table, a set of essential embalming instruments and a supply of disinfectants. All preparation rooms, equipment, instruments and supplies in funeral establishments must be maintained in a clean and sanitary condition.

**H 16.05 Operation of funeral establishment.** According to the definition of the terms "funeral director," "funeral establishment," and "operators of funeral establishments" in section 156.01, Wis. Stats., and from the intent of the provisions in sections 156.04 and 156.105, Wis. Stats., it is construed that while ownership of the funeral service enterprise may be by individuals other than licensees, all contact and dealings with clients of the establishment, or for the establishment with the general public, shall be performed only by, or under the direction of, licensed funeral directors.

**H 16.06 Commissions prohibited.** Paying or accepting a commission or a salary based upon the selling price or number of funeral services sold shall be considered unethical and is therefore prohibited.

**H 16.07 Part time employment.** Operators of funeral establishments employing licensees on a part time basis shall be required to have a contract in writing with the employe showing a bona fide employer-employe relationship and such agreement shall be available to the state board of health.

**H 16.08 Discharge of apprentice.** Whenever any licensed funeral director or embalmer discharges an apprentice he shall within five days notify the state board of health, giving the name of the apprentice, his address and the date of his discharge.

**H 16.09 Reciprocity.** In the event any state reciprocating with the state of Wisconsin under the provisions of section 156.08 (1), Wis. Stats., imposes additional requirements beyond those established for licensure in ch. 156 equal additional requirements will be imposed by this state for licensure through reciprocity for applicants licensed in such state.

**H 16.10 Committee of examiners.** Whenever a vacancy shall occur on the committee of examiners, the executive committee of the Wisconsin Funeral Directors' and Embalmers' Association shall submit to the state board of health a list of nine names from which the state board of health may select individuals to fill the vacant positions on the committee.

**H 16.11 Proof of academic training.** (1) The following shall be accepted by the board as proof that the academic training requirements of section 156.095 (1) (a), Wis. Stats., concerning registration as an apprentice funeral director or embalmer have been met: A signed statement by the registrar of any college or university recognized by the North Central Association of Colleges and Secondary Schools that the applicant has successfully completed one academic year of instruction in said college or university or has an equivalent education which will permit admission to such college or university with sophomore status.

(2) The following shall be accepted by the board as proof that the academic training requirements of section 156.045 (1) (d), Wis. Stats., concerning requirements for a funeral director's or an embalmer's license have been met: A signed statement by the registrar of any college or university recognized by the North Central Association of Colleges and Secondary Schools that the applicant has successfully completed two academic years of instruction in said college or university or has an equivalent education which will permit admission to such college or university with junior status.

**History:** 1-2-56; am. Register, April, 1960, No. 52, eff. 5-1-60.

**H 16.12 Discrimination.** No funeral director or embalmer licensed in Wisconsin, or apprentice funeral director or apprentice embalmer holding a certificate of apprenticeship in this state, or person holding a funeral establishment permit herein, shall deny his services or the use of his establishment to any person because of race, color, creed, national origin or ancestry; provided, however, that this rule shall not apply to any funeral establishment, or to any services rendered therein, or in connection therewith, where such funeral establishment is, for religious reasons, so operated that its services are provided to the members of only one religious faith.

**History:** Cr. Register, October, 1967, No. 142, eff. 11-1-67