

Chapter H 16

**FUNERAL DIRECTORS AND EMBALMERS AND
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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 30 days before the date of the examination. The department may accept applications filed after the 30 day limit if the circumstances warrant such procedure.

History: 1-2-56; am. Register, October, 1974, No. 226, eff. 11-1-74.

H 16.02 Special examinations. The state health officer may under exceptional conditions authorize one or more members of the examining council, together with the secretary of the council, 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.

History: 1-2-56; am. Register, October, 1974, No. 226, eff. 11-1-74.

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, eff. 8-1-62.

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

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"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 employer showing a bona fide employer-employee relationship and such agreement shall be available to the department.

History: 1-2-56; am. Register, October, 1974, No. 226, eff. 11-1-74.

H 16.08 Discharge of apprentice. Whenever any licensed funeral director or embalmer discharges an apprentice he shall within 5 days notify the department, giving the name of the apprentice, his address and the date of his discharge.

History: 1-2-56; am. Register, October, 1974, No. 226, eff. 11-1-74.

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 chapter 156 equal additional requirements will be imposed by this state for licensure through reciprocity for applicants licensed in such state.

H 16.10 Examining council. Whenever a vacancy shall occur on the examining council, the executive committee of the Wisconsin funeral directors' and embalmers' association shall submit to the department a list of 9 names from which the department may select individuals to fill the vacant positions on the council.

History: 1-2-56; am. Register, October, 1974, No. 226, eff. 11-1-74.

H 16.11 Proof of academic training. (1) The following shall be accepted by the department 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 department 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 2 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; am. Register, October, 1974, No. 226, eff. 11-1-74.

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.

H 16.13 Business practices. (1) (a) Each funeral establishment which has a casket selection room shall have a card or brochure in each casket stating the price of the service using said casket and listing the services and other merchandise included in the price. Such card shall also contain a statement that the separate price of the casket and other merchandise, facilities, equipment, and personal service will be provided upon request. Where there are separate prices for the casket, personal services, the use of facilities and the use of equipment, such card shall indicate the price of each such item; only the price of the casket need be displayed in the casket if the other separately priced items are given in writing prior to selection of the casket.

(b) When another casket selection room is used (such as a casket manufacturer, distributor or other funeral establishment) the funeral service licensee in charge of making the funeral selection is responsible to see that the cards or brochures required by paragraph (1) (a) are placed in these caskets prior to the selection.

(2) At the time tentative funeral arrangements are completed and the casket is selected, but prior to the time of rendering the service and/or providing the casket and/or merchandise and before final agreement is reached between the consumer and the funeral director, the funeral director shall give or cause to be given to the person or persons making such arrangements a written disclosure showing:

(a) The price of the service that the family has selected and what services are included therein.

(b) The price of each of the supplemental items of service and/or merchandise requested.

(c) The amount involved for each of the items for which the funeral director will advance monies as an accommodation to the family, insofar as any of the above items can be specified at that time.

(d) The proposed method of payment. When after reviewing the written disclosure and making the casket selection and both parties agree to the final arrangements, a copy of the disclosure must be signed by the funeral director and the signed copy given to the consumer. It is recommended that the persons making the arrangements also sign the disclosure to show approval of the arrangements.

(3) Each funeral establishment should offer a broad range of per-

sonal services, caskets, merchandise, and prices consistent with the needs and desires of the families in the community. Records documenting the method or methods used in determining these needs and desires shall be available for review by the department.

(4) An appropriate adjustment or allowance for merchandise not provided or services not rendered shall be made. Records documenting the method or methods used in determining these allowances shall be available for review by the department.

(5) No funeral establishment shall bill or cause to be billed any item that is referred to as a "cash advanced" item unless the net amount paid for such item or items by the funeral establishment is the same as is billed by the establishment.

(6) Each funeral director shall inform the person or persons making arrangements where the remains are to be cremated, without the traditional funeral, of the following: Wisconsin law does not require that human remains be placed in a casket at the time of cremation. However, crematories may require that human remains intended for cremation be placed in a container that insures protection to the health and safety of the persons handling the remains, provides a proper covering for the remains and is composed of suitable materials that when burned would not endanger the health of the public.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74.

H 16.14 Business telephone listings and advertising. (1) Every licensed funeral establishment shall have listed and in working order at its registered address a business telephone, the number of which shall be indicated as the business telephone number. Any other telephone number for the firm shall be specifically designated as residence telephone number, number to call if no answer or otherwise identified.

(2) Each funeral establishment shall insure that only true funeral establishment names and addresses as registered with the department shall appear in telephone listings or other publications and in advertising by any media whatsoever. However, different sequences of individual names which comprise the true establishment name may be used.

(3) If the names or pictures of unlicensed persons are used in any form of advertising for a funeral establishment, such advertisement must distinguish between the Wisconsin licensed funeral director and embalmer and the non-licensed personnel.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74.