

Chapter FDE 2

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

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**FDE 2.01 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 board may accept applications after the 30-day limit if the circumstances warrant such procedure.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

**FDE 2.02 Examination score.** The score required to pass the examination shall be based on the funeral directors and embalmers examining board's determination of the level of examination performance required for minimum acceptable competency in the profession. The passing score shall be established prior to administration of the examination and shall be designated by a grade of 75.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; r. and recr. Register, November, 1983, No. 335, eff. 12-1-83.

**FDE 2.03 Two academic years of instruction.** To meet the requirements of 2 academic years of instruction specified in s. 156.045 (1) (d), Stats., an applicant must submit to the board an official transcript of courses from a college or university recognized by the north central association of colleges and secondary schools, showing that the applicant has completed at least the semester credit hours shown below in the following areas:

	<u>Minimum Semester Credit Hours</u>
(1) English & Speech	6
(2) Social Sciences such as:	12
(a) Psychology	
(b) History	
(c) Sociology	
(d) Political Science	
(e) Economics	
(f) Etc.	

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(3) Natural Sciences such as:	15
(a) Anatomy	
(b) Physiology	
(c) Chemistry	
(d) Microbiology	
(e) Biology	
(f) Bacteriology	
(g) Etc.	
(4) Business Studies	13
(5) Electives	<u>14</u>
TOTAL —	<u>60</u>

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; r. and rec. (4), r. (5) and renun. (6) to be (5), Register, June, 1979, No. 282, eff. 7-1-79; am. Register, January, 1980, No. 289, eff. 2-1-80.

**FDE 2.04 Mortuary school.** The following shall be accepted as compliance with s. 156.045 (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 and embalmers examining board.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

**FDE 2.05 Proof of academic training.** The following shall be accepted by the board as proof that the academic training requirements of s. 156.095 (1) (a), 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 the college or university or has an equivalent education which will permit admission to the college or university with sophomore status.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; r. (2), Register, January, 1980, No. 289, eff. 2-1-80.

**FDE 2.06 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 services or the use of 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 members of only one religious faith.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

**FDE 2.07 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 the 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.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

**FDE 2.08 Preparation room construction.** 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 easily washable material. 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.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

**FDE 2.09 Protective clothing.** In the performance of their work the embalmer and staff must wear a protective smock or apron and rubber gloves. These articles must be cleaned or disposed of after each operation.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

**FDE 2.10 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.

(4) The board shall notify the applicant within 30 business days of receipt of a completed application whether the application for a funeral establishment permit is granted or denied. If the application is denied, the applicant may request a hearing before the board on the denial of the permit.

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.

**FDE 2.11 Operation of funeral establishment.** According to the definition of the terms "funeral director," "funeral establishment," and "operators of funeral establishment" in s. 156.01, Stats., and from the intent of the provisions in ss. 156.04 and 156.105, 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,

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or for the establishment with the general public, shall be performed only by, or under the direction of, licensed funeral directors.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

**FDE 2.12 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.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

**FDE 2.13 Discharge of apprentice.** Whenever any licensed funeral director or embalmer discharges an apprentice he shall within 5 days notify the funeral directors and embalmers examining board, giving the name and address of the apprentice, and the date of discharge.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

**FDE 2.135 Apprenticeship credit.** An apprentice certified under s. 445.095 (1), Stats., shall be granted credit toward the term of his or her apprenticeship for a period of employment of no less than 40 hours in each of 2 consecutive weeks. However, credit for a shorter period of employment may be approved if an apprentice submits evidence satisfactory to the board that an exception be made.

History: Cr. Register, November, 1983, No. 335, eff. 12-1-83.

**FDE 2.14 Reciprocity.** An applicant for a reciprocal funeral director or embalmer license may only reciprocate with a license obtained by original application and not on one obtained by reciprocity.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

**FDE 2.15 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 the casket and listing the services and other merchandise included in the price. The 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, and use of facilities and the use of equipment, the card shall indicate the price of each 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 par. (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 persons making the arrangements a written disclosure showing:

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

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(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) 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 personal 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 board and consumer.

(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 board and consumer.

(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 persons who are 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 of the health and safety of the persons handling the remains, that provides a proper covering for the remains and that is composed of the suitable materials that when burned would not endanger the health of the public.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

**FDE 2.16 Business telephone listings and advertising.** (1) Each funeral establishment shall insure that only true funeral establishment names and addresses as registered with the funeral directors and embalmers examining board 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.

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

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

**FDE 2.17 Radioactive materials.** A funeral director or embalmer who takes possession of a dead human body which might possibly contain radioisotope must take all necessary steps to protect the members of the

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staff who are called upon to handle the body and must take necessary measures to eliminate any radioactive source. The funeral director must insure that every known source of radioactivity is removed from a body before final disposition.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

**FDE 2.18 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. 455.06, 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: Emerg. cr. eff. 1-1-86; cr. Register, July, 1986, No. 367, eff. 8-1-86.