

Chapter FD 2

STANDARDS OF PRACTICE

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Note: Chapter FDE 2 was renumbered chapter FD 2 under s. 13.93 (2m) (b) 1, Stats., Register, September, 1993, No. 453.

FD 2.01 Authority and intent. This chapter is adopted pursuant to authority of ss. 15.08 (5) (b), 227.11 and 445.03, Stats., and specifies the minimum standards of operation of funeral establishments and conduct of funeral directors under ch. 445, Stats.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88.

FD 2.02 Definitions. As used in this chapter:

(1) "Funeral arrangements" means the provision of information or advice on selection and cost of merchandise, facilities, equipment or personal services provided for final disposition of a dead human body in the course of formulating a contractual agreement between a funeral director or funeral home and client.

(2) "Funeral services" means the ceremonies held in conjunction with disposition of the dead, including visitation, religious rites, memorials and graveside services.

(3) "Personal supervision" means immediate availability to continually coordinate, direct and inspect at first hand the practice of another.

(4) "Supervision" means regularly to coordinate, direct and inspect the practice of another.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88; correction in (1) made under s. 13.93 (2m) (b) 12, Stats., Register, September, 1993, No. 453.

FD 2.03 Operation of a funeral establishment. Even though persons other than licensed funeral directors may own a funeral establishment:

(1) Funeral arrangements may be made only by licensed funeral directors; and

(2) Any other dealings on behalf of the establishment, including the conducting of funeral services, shall be performed only by or under the supervision of licensed funeral directors.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88.

FD 2.04 Discrimination. No funeral director licensed in Wisconsin, or apprentice funeral director 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 where a funeral estab-

lishment 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; renum. from FDE 2.06 and am., Register, July, 1988, No. 391, eff. 8-1-88.

FD 2.05 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 examining board shall appear in telephone listings or other publications and in advertising by any media whatsoever. A funeral establishment may list under a previous establishment name in a telephone or business directory, provided that the listing contains a reference to the establishment name currently registered with the board.

(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 the non-licensed personnel.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; renum. from FDE 2.16 and am., Register, July, 1988, No. 391, eff. 8-1-88.

FD 2.06 Supervision of apprentices. (1) Apprentices may engage in the following activities only when under the personal supervision of a licensed funeral director: embalming and other preparing of dead human bodies for burial or transportation, and making funeral arrangements.

(2) Apprentices may conduct funeral services or make removals of bodies under the supervision of a licensed funeral director.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88.

FD 2.07 Changes in apprenticeship assignment. (1) Whenever any licensed funeral director discharges an apprentice the funeral director shall within 5 days notify in writing the funeral directors examining board, giving the name and address of the apprentice, and the date of discharge.

(2) Whenever any apprentice leaves his or her apprenticeship at a funeral establishment, the funeral director and apprentice shall within 5 days notify in writing the funeral directors examining board, giving the name and address of the apprentice and date of the apprentice leaving the apprenticeship.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; (1) renum. from FDE 2.13 and am., cr. (2), Register, July, 1988, No. 391, eff. 8-1-88.

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FD 2.08 Business practices. (1) Each funeral establishment shall 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 these needs and desires shall be available for review by the board.

(2) If a funeral director offers package funerals, the funeral director shall provide the consumer with a comparison between the package price and the total cost, calculated on an itemized basis, of the components actually desired by the consumer.

History: Cr. (2), (1) renum. from FDE 2.15 (3) and am., Register, July, 1988, No. 391, eff. 8-1-88.

FD 2.09 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; renum. from FDE 2.12, Register, July, 1988, No. 391, eff. 8-1-88.

FD 2.10 Sanitation. (1) All preparation rooms, equipment, instruments and supplies in funeral establishments shall be maintained in a clean and sanitary condition.

(2) In the performance of embalming, staff shall wear protective smocks or aprons and rubber gloves. These articles must be disinfected or disposed of after each operation.

(3) The following precautionary procedures shall be used by funeral directors in the transportation, preparation, embalming and disposition of suspected or known high risk infectious cases:

(a) *Confidentiality.* All personnel involved in the post-mortem care of the deceased shall be informed of the confidentiality provisions of s. 146.025, Stats., and the consequences of violating these confidentiality provisions.

(b) *Protocols and procedures for disposal of infectious waste.* Each funeral establishment shall establish and post, in a place conspicuous to personnel, facility protocols and procedures for the disposal of all infectious waste, and specifically for the post-mortem preparation of known or potential carriers of high risk infections including identification, transportation and handling of the body, disinfection, cleanup and disposal of wastes and contaminated materials.

(c) *Disinfectants.* Licensees shall use an effective disinfectant.

Note: Disinfectants which have been shown to be effective against the human immunodeficiency virus (HIV) include: 1. Ethyl or isopropyl alcohol (70%), 2. Phenolic germicidal detergent in a one percent aqueous solution, 3. Sodium hypochlorite with at least 100 ppm available chlorine (1 part household bleach to 9 parts water, needs to be freshly prepared each time it is used), 4. Hydrogen peroxide (3% solution), 5. Quaternary ammonium germicidal detergent in 2% aqueous solution, 6. Idophor germicidal detergent with 500 ppm available iodine, 7. Heat (130° for 10 minutes).

(d) *Label.* Bodies with positive test results for a high risk infectious condition shall be labeled "Blood/Body Fluid Precautions" so that establishment personnel may take appropriate infection control precautions. The label shall remain with the body until the embalming process is completed.

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(e) *Body removal and transportation.* 1. Any abrasions, lesions or wounds that a funeral director has shall be covered prior to removal, transportation or embalming.

2. The body shall be covered with a disposable sheet and then placed in a disposable pouch or bag for removal and transportation to the preparation room. If exposure to body fluids is anticipated, the funeral director and his/her assistant should wear fully protective, disposable apparel during this process. In addition, protective eyewear should be worn if aerosolization of body fluids is anticipated.

3. If the deceased person's body fluids are not contained in the body bag during transportation, the removal vehicle shall be washed with soap and water and disinfected with an effective disinfectant.

4. The body bag and all disposable protective garments and gloves used in removal and transport shall be incinerated on the premises or double bagged, labeled as containing infectious waste and disposed of in accordance with procedures for disposal of other infectious waste, after the body has reached the funeral establishment.

5. Persons assisting in the removal or transport of the body shall wash their hands thoroughly after handling the body and disposing of the protective garments and gloves.

(f) *Embalming.* 1. The funeral personnel involved in the embalming process shall wear double gloves, protective oral nasal masks, protective eye wear, a disposable waterproof apron over a disposable gown or suit, head covering, and shoe coverings.

2. The arterial chemical used shall have at least a thirty (30) formaldehyde index.

Note: Fluid distribution is especially important when embalming the body of an HIV infected individual and can be facilitated by the following: intermittent drainage with positive control over vascular pressure, multi-point injection sites, massaging areas of poor distribution, and careful fluid selection.

3. The funeral director performing embalming shall take all necessary precautions to avoid a puncture wound or cut by a needle, scalpel, or exposed rib edges of an autopsied body; if such a wound does occur, the embalmer should stop and implement normal disinfection techniques.

(g) *Disposal, cleaning and disinfection.* 1. Walls, floor, table, counters, sink, hose, viscera pails, embalming machines and all other contaminated surfaces shall be disinfected. Before disinfecting these surfaces they should be rinsed thoroughly with soap and water to remove as much of the formalin and organic matter as possible. Disposable items should be incinerated or disposed of in accordance with the funeral establishment's policies for disposal of infectious waste.

2. Needles, syringes and other instruments used in the embalming process shall be immersed in an effective disinfectant solution after mechanical scrubbing to remove all debris. Extraordinary care shall be taken to avoid accidental wounds from needles and other sharp instruments: Reusable needles shall not be recapped since accidental needle puncture may occur. Where disposable needles are used, the use of needle cutting devices is not recommended. Parenteral injections and incisions shall be planned to keep these procedures at a minimum.

3. Soiled clothing, linens and other laundry shall be bagged, appropriately labeled, and processed according to the funeral home's existing protocols regarding "Blood/Body Fluid Precautions."

4. All personnel involved in post-mortem preparation and embalming shall thoroughly wash their hands for at least 10 seconds following completion of activities and removal of protective clothing, and before leaving the preparation room.

Note: In cases of HIV infection, after the body has been prepared in accordance with s. HSS 136.04, Wis. Adm. Code, the usual and customary procedures may be followed for restoration and cosmetology. Following embalming and body preparation, no special precautions need to be observed during visitation.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88.

FD 2.11 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 staff who are called upon to handle the body.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; renum. from FDE 2.17 and am., Register, July, 1988, No. 391, eff. 8-1-88.

FD 2.12 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; renum. from FDE 2.18, Register, July, 1988, No. 391, eff. 8-1-88.