

## 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.

**Note:** Funeral directors must comply with the standards adopted by the federal trade commission and set forth in 16 CRF 453.

**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; am. (1), Register, November, 1998, No. 515, eff. 12-1-98.

**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 an establishment to any person because of race, color, creed, national origin or ancestry, HIV infection, or sexual orientation; provided, however, that this section shall not apply where a 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; renum. from FDE 2.06 and am., Register, July, 1988, No. 391, eff. 8-1-88; am. Register, June, 1996, No. 486, eff. 7-1-96.

**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.

**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 Commission prohibited.** Except as provided in s. 445.125 (3m), Stats., 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; am., Register, November, 1998, No. 515, eff. 12-1-98.

**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) All post-mortem procedures shall be performed and all preparation rooms, equipment, instruments and supplies in

funeral establishments shall be maintained in compliance with the terms and conditions set forth in the United States occupational safety and health administration standard for occupational exposure to blood-borne pathogens under 29 CFR 1910.1030. In cases of HIV infection, after the body has been prepared in accordance with s. DHS 136.04, 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; r. and recr. (2), r. (3), Register, June, 1996, No. 486, eff. 7-1-96; am. (2), Register, November, 1998, No. 515, eff. 12-1-98; **correction in (2) made under s. 13.92 (4) (b) 7., Stats.**

**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 2.13 Confidentiality.** All personnel involved in the post-mortem care of the deceased shall be informed of the confidentiality provisions under s. 252.15 (5), Stats., and the consequences of violating these confidentiality provisions.

**History:** Cr. Register, June, 1996, No. 486, eff. 7-1-96.