

STATEMENT OF SCOPE

Funeral Directors Examining Board

Rule No.: FD 1

Relating to: Funeral director license applications

Rule Type: Permanent

1. Detailed description of the objective of the proposed rule:

The objective of the proposed rule will be to review and possibly revise FD 1, specifically the portions relating to application requirements for licensure as a funeral director, or funeral director apprentice, to bring the rule text into conformity with statutory requirements. The rule will also review and possibly revise the language in FD 1 regarding the consideration of an applicant's arrest and conviction record to better align it with the relevant state statutes. Chapter FD 1 will also be comprehensively reviewed for readability and conformity with current drafting standards.

2. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

This rule is necessary to ensure the application requirements in ch. FD 1 accurately reflect the requirements enumerated in statute. Failure to update the chapter to make these revisions may result in confusion for stakeholders and leave the rules out of compliance with state law.

4. Detailed explanation of statutory authority for the rule:

Section 15.08 (5) (b), Stats., “[e]ach examining board...[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats., “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 445.03 (2), Stats., “[t]he examining board may: (a) Make and enforce rules not inconsistent with this chapter establishing professional and business ethics for the profession of funeral directors and for the general conduct of the business of funeral directing, and for the examining and licensing of funeral directors and the registration of apprentices.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The staff time needed to develop the rules is expected to be about 80 hours. The agency will utilize existing staff. There are no other resources necessary to develop the rules.

6. List with description of all entities that may be affected by the proposed rule:

Funeral director license applicants.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

The federal government does not regulate license application requirements for funeral directors.

8. Anticipated economic impact of implementing the rule:

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

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