

**Report From Agency**

**STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD**

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**IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE**  
**PROCEEDINGS BEFORE THE : CR 16-010**  
**FUNERAL DIRECTORS :**  
**EXAMINING BOARD :**  
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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:**

None.

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA is attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

This rule revision updates Wisconsin's requirements for licensure under reciprocity for funeral directors. Other than a minor change in 1998, ch. FD 5, "Licensure by Reciprocity" had not been updated since 1990. The Board reviewed the rule for statutory compliance and streamlined and simplified requirements for applications under reciprocity. This revision repeals ch. FD 5 and incorporates reciprocity requirements in ch. FD 1, "Licenses and Permits", to make it easier for potential applicants for licensure under reciprocity to find application requirements.

Wisconsin has a shortage of funeral directors. These rule changes are expected to clarify application procedures for licensure under reciprocity and make it easier for qualified funeral directors who hold a valid license in good standing from another state to be licensed and begin practice in Wisconsin.

**V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

The Funeral Directors Examining Board held a public hearing on February 23, 2016. There were no attendees at the public hearing and the Funeral Directors Examining Board received no written comments on this proposed rule.

## **VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

**Comment:** It is unclear what kind of examination is required of an application for licensure under reciprocity. By combining licensure based upon reciprocity with other provisions related to examinations for licensure, it is unclear whether the applicant is required to take the examination under ss. FD 1.02 to 1.035, or a shorter examination that is just based upon Wisconsin jurisprudence for funeral directors. The Board should clarify what the examination mentioned in s. FD 1.12 (e) is, and the difference from the examination for initial licensure, if any.

**Response:** This proposed rule clearly states that an applicant for a funeral director's license who holds a valid license in good standing in another state and wishes to apply for a license under reciprocity in Wisconsin must provide evidence that he or she has passed the Wisconsin jurisprudence examination for funeral directors. The Board also has a separate proposal for a rule revision under CR 16-011 that, if adopted, will repeal and replace s. FD 1.02 with language that will further clarify the difference between examination requirements for initial applicants and applicants for licensure under reciprocity. Under that proposal, applicants for initial licensure will be required to provide evidence of passage of both the National Board Examination of the International Conference of Funeral Service Examining Boards and the Wisconsin jurisprudence examination. Under this proposed rule, applicants for licensure under reciprocity will be required to complete the Wisconsin jurisprudence examination only and will not need to complete the National Board Examination. CR 16-011 also proposes repeal of s. FD 1.035.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

## **VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:**

Not applicable.