

Clearinghouse Rule 17-049

STATE OF WISCONSIN
FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : FUNERAL DIRECTORS EXAMINING BOARD
FUNERAL DIRECTORS EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Wisconsin Funeral Directors Examining Board to repeal FD 1.07; to renumber FD 2.06, FD 2.07; to amend FD 1.04; to repeal and recreate FD 1.06; and to create FD 1.065, FD 1.066, FD 1.067, and FD 1.077, relating to academic instruction requirements for funeral directors, apprentices, and reporting and renewal requirements for apprentices.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 445.03 (2) (a) and 440.075

Statutory authority: Sections 15.08(5) (b) and 445.03

Explanation of board authority:

Section 15.08 (5) (b), Stats. – Each examining board shall 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 445.03 (2)(a) allows examining boards to 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 examination and licensing of funeral directors and the registration of apprentices.

Related statute or rule:

Wisconsin funeral director licensing requirements are found in ch. 445, Stats., “Funeral Directors”, and administrative rules promulgated by the Funeral Directors Examining Board found in chs. FD 1 to 6. Chapter 440, Department of Safety and Professional Services, and chs. SPS 1 to 9 outline the Department of Safety and Professional Services’ administrative procedures for issuing licenses.

Plain language analysis:

This rule changes academic instruction requirements for funeral directors and apprentices and provides administrative guidance for the apprenticeship process.

Summary of, and comparison with, existing or proposed federal regulation:

Licensing requirements for funeral directors are established by state law.

Comparison with rules in adjacent states:

Illinois: An Internet search revealed that Illinois requires 30 semester hours of college credit plus Mortuary College or associate or bachelor's degree in mortuary science.

Iowa: An Internet search revealed that Iowa requires a student to have a minimum of 60 semester hours as indicated on the transcript from a regionally accredited college or university with a minimum of 2.0 or "C" grade point and a course in mortuary science from a school accredited by the American Board of funeral Service Education. The 60 semester hours does not include any technical or vocational mortuary science courses.

Michigan: An Internet search revealed that applicants in Michigan for mortuary science licenses are required to have completed not less than 60 semester hours or 90 quarter hours.

Minnesota: An Internet search revealed that Minnesota requires a bachelor of science degree with a major in mortuary science received from an accredited school.

Summary of factual data and analytical methodologies:

The Funeral Directors Examining Board reviewed the rule and statutory requirements.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

Fiscal Estimate and Economic Impact Analysis:

The Department is currently soliciting information and advice from businesses, local government units, and individuals in order to prepare the economic impact analysis.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@Wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Greg DiMiceli, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366,

Madison, Wisconsin 53708; telephone 608-266-0955; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Greg DiMiceli, Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments shall be received on or before (TBD) to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. FD 1.04 is amended to read:

To meet the requirements of 2 academic years of instruction specified in s. 445.045 (1) (d), Stats., an applicant shall 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,~~ regionally accredited college showing that the applicant has completed ~~at least the~~ a course of study with 60 semester credit hours shown below in the following areas:

	<u>Minimum Semester Credit Hours</u>
(1) English & Speech	<u>6</u>
(2) Social Sciences such as:	12
(a) Psychology	
(b) History	
(c) Sociology	
(d) Political Science	
(e) Economics	
(3) Natural Sciences such as:	15
(a) Anatomy	
(b) Physiology	
(c) Chemistry	
(d) Microbiology	
(e) Biology	
(f) Bacteriology	
(4) Business Studies	13
(5) Electives	<u>14</u>
TOTAL	<u>60</u>

- (1) English
- (2) Speech
- (3) Social Sciences
- (4) Natural Sciences

- (5) Business Studies
- (6) Electives

SECTION 2. FD 1.06 is repealed and recreated to read:

FD 1.06 Proof of academic training. (1) To meet the requirements of one academic year of instruction specified in s. 445.095 (1) (a), Stats. concerning registration as an apprentice funeral director, an applicant shall submit to the board one of the following:

- a. A signed statement by the registrar of any regionally accredited college showing that the applicant has completed a course of study with 30 semester credit hours in the following areas:
 - (1) English
 - (2) Speech
 - (3) Social Sciences
 - (4) Natural Sciences
 - (5) Business Studies
 - (6) Electives
- b. Demonstrate possession of equivalent education which will permit admission to the college or university with sophomore status.

SECTION 3. FD 1.065, 1.066, 1.067, and 1.068 are created to read:

FD 1.065 Apprenticeship Application. A person applying for a certificate of apprenticeship shall do all of the following:

- (1) Complete the apprenticeship application form which shall be substantiated by the oath of the applicant.
- (2) File the apprenticeship registration fee specified in s. 440.05 (6).
- (3) State that the applicant is 18 years of age or older.
- (4) Hold a high school diploma or possesses equivalent education.
- (5) Not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335.
- (6) Have completed one academic year of instruction in a recognized college or university in a course of study approved by the board under FD 1.06.
- (7) Notify the examining board with the name and place of business of the funeral director whose service the apprentice has entered.
- (8) Report any changes in information on the apprenticeship application to the board within 5 days if applicable.

FD 1.066 Apprenticeship Reporting. 1) Each apprentice shall submit the semi-annual report under §445.095 (1) (d) to the board until the apprenticeship is complete or has been terminated. The report shall include the following information:

- (a) Exact dates of attendance at a Mortuary school.
- (b) Whether the apprentice worked as an apprentice during a winter break of a Mortuary school, including dates.
- (c) Whether the apprentice worked during the summer while not attending summer school, including dates.
- (d) Whether the apprentice worked as an intern, including intern dates.
- (e) Total number of hours employed.
- (f) Number of assisted embalmings performed.
- (g) Number of funeral services assisted.
- (h) Number of funeral arrangement conferences the apprentice participated in, including a brief description of each funeral arrangement. The description shall include the type of funeral services and method of disposition, relationship to deceased, and the amount of time spent on each funeral arrangement.

(2) Reports Regarding Employment.

- (a) An apprentice shall report to the board if the apprentice leaves the employ of the licensed funeral director. The licensed funeral director shall provide the apprentice an affidavit showing the length of time served as an apprentice with that employer, and the work done in detail. This affidavit shall be filed and recorded with the board.
- (b) An apprentice shall report to the board if the apprentice reenters the employ of another licensed funeral director in this state.

FD 1.067 Apprenticeship Renewal and Reregistration. (1) A certificate of apprenticeship may be renewed annually on January 1 up to three times. The apprenticeship shall be completed within four-years from the date of initial registration unless the apprenticeship is extended by the board under §445.095 (4).

- (2) Any certificate of apprenticeship which the apprentice has allowed to lapse, or for which the board has suspended or revoked, may reregister their certificate of apprenticeship within one year of such lapse, suspension, or revocation. No more than two reregistrations shall be permitted.
- (3) For reregistrations that have resulted from a lapsed registration, the board may credit the apprentice with time previously served. The board may credit up to 75 percent of time previously served for reregistrations resulting from a suspension or revocation.

SECTION 4. FD 1.07 is repealed.

SECTION 5. FD 2.06 is renumbered and recreated to FD 1.075

SECTION 6. FD 2.07 is renumbered and amended to FD 1.076

SECTION 7. FD 1.077 is created to read:

FD 1.077 Apprenticeship Time Limit. Failure to complete all apprenticeship requirements within 4 years from the date of apprenticeship registration results in the expiration of that apprenticeship unless granted an extension under section 445.095 (4).

SECTION 8. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
