

STATEMENT OF SCOPE

Funeral Directors Examining Board

Rule No.: FD 6

Relating to: Burial Agreements Funded with Life Insurance

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

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

The objective of the proposed rule is to revise Chapter FD 6 relating to burial agreements funded with life insurance to correct obsolete DSPS contact information; to review and possibly revise FD 6 to streamline requirements for terminating a burial trust; and to otherwise revise FD 6 to bring the code into conformity with current drafting standards.

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

2017 Wisconsin Act 108 created s. 227.29, Stats. requiring that each agency submit a report to the JCRAR by March 31 of each odd-numbered year identifying any promulgated rules which are unauthorized, obsolete, unnecessary, duplicative, superseded, in conflict with another rule, statute, or court decision, or that are economically burdensome. The agency must also include in its report a description of any actions it is taking to address these issues.

This rule is necessary to remedy issues the Funeral Directors Examining Board has identified as a result of its review of the FD chapters under 2017 Wisconsin Act 108, as well as to make other revisions deemed necessary by the Board.

If the administrative code is not revised to correct these issues, it will result in confusion to stakeholders and leave the rules and the agency out of compliance with state law.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., “[e]ach 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 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..”

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, depending on the complexity. 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 :

Individuals licensed in Wisconsin as funeral directors, and agents of licensed funeral directors who are licensed as insurance intermediaries.

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 :

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

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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