

Chapter FD 1

LICENSES AND PERMITS

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Note: Chapter FDE 1 was renumbered chapter FD 1 under s. 13.93 (2m) (b) 1., Stats., Register, September, 1993, No. 453.

FD 1.01 Authority and intent. This chapter is adopted pursuant to authority of ss. 15.08 (5) (b), 227.11 (2) (a), 440.08 (3) (b), and 445.03 (2) (a), Stats., to clarify and establish licensure criteria for funeral directors, funeral director apprentices, and funeral establishments.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88; CR 16-011: am. Register September 2016 No. 729, eff. 10-1-16; EmR 1823: emerg. am. eff. 11-27-18; CR 18-075: am. Register June 2019 No. 762, eff. 7-1-19.

FD 1.013 Definitions; generally. As used in chs. FD 1 to 4 and FD 6:

- (1) "Board" means the funeral directors examining board.
- (1m) "Funeral arrangements" means the provision of information or advice, at the time of need, 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 director" means a person as defined in s. 445.01 (5), Stats.
- (3) "Funeral services" means the ceremonies held in conjunction with the disposition of a dead human body where the body is present, including visitations, religious rites, and graveside services.
- (4) "Personal supervision" means immediate availability to continually coordinate, direct and inspect at first hand the practice of another.
- (5) "Supervision" means regularly to coordinate, direct and inspect the practice of another.

History: EmR 1823: emerg. cr. title, (intro.), renum. FD 4.02 (1), (3) to 1.013 (1), (2) eff. 11-27-18; CR 18-075: cr. (title), (intro.), (1), (2) renum. from FD 4.02 (1), (3) Register June 2019 No. 762, eff. 7-1-19; correction in (title) made under s. 13.92 (4) (b) 7., Stats., Register June 2019 No. 762; CR 19-163: renum. FD 1.015 (2), (3) to (4), (5), renum. FD 2.02 (1), (2) to (1m), (3) and am. Register September 2020 No. 777, eff. 10-1-20.

FD 1.02 Applications. An applicant for a funeral director's license shall submit all of the following:

- (1) A completed application.
- (2) Required fee under s. 440.03 (9) (a), Stats.
- (3) Evidence of completion of at least 24 semester credits of instruction in a recognized college or university meeting the requirements of s. FD 1.04.
- (4) Evidence of completion of 9 months or more instruction in a prescribed course in mortuary science meeting the requirements of s. FD 1.05.
- (5) Evidence of completion of 1 year of apprenticeship under s. 445.095, Stats., and s. FD 1.077.
- (6) If the applicant has a pending criminal charge or conviction record, all documentation necessary for the board to deter-

mine whether the circumstances substantially relate to the practice of funeral director, subject to ss. 111.321, 111.322, and 111.335, Stats.

(7) Evidence of passage of the National Board Examination of the International Conference of Funeral Service Examining Boards.

(8) Evidence of passage of the Wisconsin jurisprudence examination for funeral directors.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; renum. from FDE 2.01, Register, July, 1988, No. 391, eff. 8-1-88; am., Register, November, 1998, No. 515, eff. 12-1-98; CR 16-011: r. and recr. Register September 2016 No. 729, eff. 10-1-16; EmR 1823: emerg. am. (4), (5) eff. 11-27-18; CR 18-075: am. (4), (5) Register June 2019 No. 762, eff. 7-1-19; CR 20-045: am. (3), (4) Register June 2021 No. 786, eff. 7-1-21; CR 20-44: am. (6) Register July 2021 No. 787, eff. 8-1-21.

FD 1.03 Examination grade. The passing grade on each licensure examination shall be determined by the board to represent minimum competence to practice. The board may adopt the recommended passing score of the examination provider.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88; r. and recr., Register, November, 1998, No. 515, eff. 12-1-98; CR 16-011: am. (1), r. (2) Register September 2016 No. 729, eff. 10-1-16; correction in numbering made under s. 13.92 (4) (b) 1., Stats., Register September 2016 No. 729.

FD 1.04 College instruction. To meet the requirement of 24 semester credits of instruction specified in s. 445.045 (1) (d), Stats., an applicant shall submit to the board an official transcript of courses from a regionally accredited college showing that the applicant has completed at least 24 semester credit hours in the following areas:

- (1) English or Communication Skills.
- (3) Social Sciences.
- (4) Natural Sciences.
- (5) Business Studies.
- (6) Electives.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; r. and recr. (4), r. (5) and renum. (6) to be (5), Register, June, 1979, No. 282, eff. 7-1-79; am. Register, January, 1980, No. 289, eff. 2-1-80; renum. from FDE 2.03 and am., Register, July, 1988, No. 391, eff. 8-1-88; CR 17-049: am. Register July 2018 No. 751, eff. 8-1-18; CR 20-045: am. (title), (intro.), (1), r. (2) Register June 2021 No. 786, eff. 7-1-21.

FD 1.05 Mortuary school. The candidate shall have satisfactorily completed 9 months or more instruction in a prescribed course in mortuary science, either before or after completing the 1 year apprenticeship required under s. 445.095, Stats., offered by an educational institution accredited by the American board of funeral service education or otherwise deemed to be equivalent by the funeral directors examining board.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; renum. from FDE 2.04 and am., Register, July, 1988, No. 391, eff. 8-1-88; correction made under s. 13.93 (2m) (b) 6., Stats., Register, December, 1989, No. 408; EmR 1823: emerg. am. eff. 11-27-18; CR 18-075: am. Register June 2019 No. 762, eff. 7-1-19; CR 20-045: am. Register June 2021 No. 786, eff. 7-1-21.

FD 1.055 Certification class requirement. Prior to beginning the 1 year apprenticeship required under s. 445.095, Stats., the applicant shall provide evidence of completion of an in-

person 16-hour certification class approved by the board, unless the applicant has already completed the course in mortuary science requirement in s. FD 1.05, in which case the certification course is not required.

History: EmR 1823: emerg. cr. eff. 11-27-18; CR 18-075: cr. Register June 2019 No. 762, eff. 7-1-19; CR 19-163: am. Register September 2020 No. 777, eff. 10-1-20; CR 20-026: am. Register May 2021 No. 785, eff. 6-1-21; CR 20-045: am. Register June 2021 No. 786, eff. 7-1-21.

FD 1.056 Certification class content. (1) The 16-hour certification class shall contain the following instructional topics:

- (a) Funeral director apprentice expectations.
- (b) Funeral ethics and etiquette.
- (c) Understanding funeral services, gatherings, and various types of dispositions.
- (d) Laws, rules, and regulations of funeral service.
- (e) Workplace safety and Occupational Safety and Health Administration requirements.
- (f) Introduction to funeral service: notification of death, transfers, and arrangements.
- (g) Embalming, dressing, and casketing.
- (h) Grief and psychology of funeral services.

(2) Following the instructional presentation of the material under sub. (1), a written examination, approved by the board, shall be administered.

(3) The written examination shall cover each of the topics under sub. (1) and be included within the 16-hour class requirement.

(4) A passing score of 75 percent on the written examination shall be considered as having successfully completed the certification class.

History: EmR 1823: emerg. cr. eff. 11-27-18; CR 18-075: cr. Register June 2019 No. 762, eff. 7-1-19; corrections in (2), (3), (4) made under s. 13.92(4)(b) 12., Stats., Register June 2019 No. 762; CR 19-163: r. (1) (i) Register September 2020 No. 777, eff. 10-1-20.

FD 1.065 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; CR 17-049: renum. from FD 2.07 Register July 2018 No. 751, eff. 8-1-18.

FD 1.075 Supervision of apprentices. (1) Apprentices may engage in the following activities only when under the personal supervision of a licensed funeral director:

- (a) Making funeral arrangements.
- (b) Embalming a dead human body.
- (c) Conducting funeral services.

(2) Apprentices may engage in the following activities only when under the supervision of a licensed funeral director:

- (a) Making removals of dead human bodies.
- (b) Other preparation of a dead human body for burial, not including embalming.
- (c) Conducting services where a dead human body is not present.

(3) Under this section, when an apprentice is in the preparation room, the apprentice shall be within the line of sight of the supervising funeral director.

(4) The board may recognize the supervision of up to 2 apprentices at a funeral establishment that employs less than 3 full-time funeral directors.

(5) Except as provided in sub. (4), the board may recognize the supervision of additional apprenticeships at a funeral establishment provided the establishment employs at least one full-time funeral director per apprentice.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88; CR 17-049: renum. from FD 2.06 Register July 2018 No. 751, eff. 8-1-18; EmR 1823: emerg. cr. (3), (4), (5) eff. 11-27-18; CR 18-075: cr. (3), (4), (5) Register June 2019 No. 762, eff. 7-1-19; CR 19-163: r. and recr. (1), (2) Register September 2020 No. 777, eff. 10-1-20.

FD 1.076 Terms of apprenticeship. (1) An apprenticeship shall not exceed 4 years from the time of first registration unless a one-year extension is granted by the board. After 4 years from the time of first registration or, if an extension is granted, after the expiration of the extension, the apprenticeship may not be continued unless the apprentice again completes an approved certification class under s. FD 1.055.

(2) If, under this section, the apprentice retakes and successfully completes the board-approved certification class, an additional 4-year period, subject to a board extension, shall begin.

(3) If an apprentice does not continue under the requirements of this chapter, the apprenticeship shall terminate.

(4) The provisions of this section shall be suspended while a registered apprentice is an active member of the military of the United States.

History: EmR 1823: emerg. cr. eff. 11-27-18; CR 18-075: cr. Register June 2019 No. 762, eff. 7-1-19; correction in (2) made under s. 35.17, Stats., Register June 2019 No. 762.

FD 1.077 Licensure eligibility. In addition to the requirements under this chapter and s. 445.095, Stats., eligibility for a funeral director license shall require an apprentice to present affidavits from the licensed funeral directors under whom the apprentice has worked to verify that during the apprenticeship the apprentice completed all of the following:

(1) Assisted in embalming for burial or shipment at least 25 dead human bodies.

(2) Assisted in preparing 25 dead human bodies for burial or transportation, other than by embalming.

(3) Assisted in at least 25 funeral services during the apprenticeship.

History: EmR 1823: emerg. cr. eff. 11-27-18; CR 18-075: cr. Register June 2019 No. 762, eff. 7-1-19; correction in (intro.) made under s. 35.17, Stats., Register June 2021 No. 786.

FD 1.08 Permits. (1) Before opening for business, and every 2 years thereafter, a funeral establishment operator shall obtain a permit from the board through application upon a form furnished by the board. An original permit may not be granted to an operator of a funeral establishment without an inspection. No permit may be granted to a funeral establishment which does not meet requirements in s. 445.01, Stats.

(2) Prior to granting a permit to a licensed funeral establishment following a change in ownership, the board shall review the application to determine if an inspection is necessary.

(3) A funeral establishment permit is not transferable from one premises to another or from one operator to another.

Note: Application forms are available on the department's website at <https://dps.wi.gov/pages/Home.aspx>, or by request from the Department of Safety and Professional Services, P.O. Box 8935, Madison, WI 53708, or call (608) 266-2112.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; am. (1), renum. (2) to be (3) and am., cr. (2), Register, May, 1983, No. 329, eff. 6-1-83; cr. (4), Register, July, 1986, No. 367, eff. 8-1-86; renum. from FDE 2.10 and r. (4), Register, July, 1988, No. 391, eff. 8-1-88.

FD 1.09 Preparation rooms. (1) Every installation used for embalming operations must contain a floor area of not less than 100 square feet per embalming table and must be used solely for this purpose. It must be isolated by walls or adequate partitions. The walls and furniture must be constructed of material that is eas-

ily washed and disinfected. The installation must be equipped with hot and cold running water supply under pressure and in a quantity sufficient for the operations performed therein as well as for cleaning the room. Waste water must flow into the main sewer if available or into an adequate septic tank. Hand washing facilities should be easily accessible.

(2) All preparation rooms in funeral establishments must be equipped with adequate sanitary facilities so that no health hazards are produced as a result of embalming operations performed therein.

(3) All preparation rooms shall be equipped with a ventilating system capable of expelling gases or fumes to the outside at a point so as not to create a nuisance, and shall also be equipped with a hard surface, metal or porcelain top embalming table, a set of essential embalming instruments and a supply of disinfectants.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88.

FD 1.10 License renewal and reinstatement procedures. (1) RENEWAL WITHIN 5 YEARS. A credential holder shall renew the license by paying the renewal fee specified in s. 440.08 (2), Stats., and attesting to completion of the continuing education required under s. FD 4.03. If the credential is not renewed before its expiration date, the credential holder shall pay a late renewal fee.

(2) RENEWAL AFTER 5 YEARS. A credential holder who has failed to renew a license within 5 years after the renewal date holds an expired license and may not reapply for the license using the initial application process. This subsection does not apply to license holders who have unmet disciplinary requirements or whose credentials have been surrendered or revoked. An applicant who holds an expired funeral director's license shall submit all of the following:

- (a) A completed application.
- (b) The renewal and late fees specified in s. 440.08 (2) and (3) (a), Stats.
- (c) Evidence of passage of the Wisconsin jurisprudence examination for funeral directors.
- (d) Evidence of one of the following:

1. Current licensure as a funeral director if the applicant holds an active license in good standing as a funeral director in another state.

2. If the applicant's funeral director's license has expired for more than 5 but less than 10 years and the applicant does not hold an active license in good standing as a funeral director in another state, attestation to the completion of 30 hours of continuing education approved by the board. The continuing education courses shall have been completed within the 4 years prior to application for licensure under this subsection and shall include a minimum of 10 hours of in-person instruction.

3. If the applicant's funeral director's license has expired for 10 years or more and the applicant does not hold an active license in good standing as a funeral director in another state, the applicant shall provide evidence of passage of the National Board Examination of the International Conference of Funeral Service Examining Boards within 12 months prior to application for a license under this subsection and attestation to the completion of 30 hours of continuing education approved by the board. The continuing education courses shall have been completed within the 4 years prior to application for licensure under this subsection and shall include a minimum of 10 hours of in-person instruction.

(3) REINSTATEMENT. A credential holder who has unmet disciplinary requirements and failed to renew the credential within 5 years or whose credential has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:

(a) Evidence of completion of the requirements in sub. (2) if the credential has not been active within the last 5 years.

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances, warranting reinstatement of the credential.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; r. and recr. (1) and (2), am. (3), Register, November, 1998, No. 515, eff. 12-1-98; CR 16-011: r. and recr. Register September 2016 No. 729, eff. 10-1-16.

FD 1.11 Renewal of Wisconsin licenses of out-of-state funeral directors. (1) INTENT. The intent of the board in adopting this section is to clarify the board's interpretation of s. 445.06, Stats., that a licensee seeking renewal of a funeral director's license who is doing business at a legally operating funeral establishment in a jurisdiction outside the state of Wisconsin and who meets all other requirements for license may obtain a funeral director's license.

(2) RECOGNIZED FUNERAL ESTABLISHMENT. For purposes of renewal of licenses under s. 445.06, Stats., "recognized funeral establishment" means any building or part of a building used and held out to the public as being used in the care and preparation for burial and transportation of dead human bodies or for holding or conducting of funeral services.

History: Renum. from FD 2.12 and am. (2), Register, November, 1998, No. 515, eff. 12-1-98.

FD 1.12 General reciprocity. A person licensed as a funeral director in another state may obtain a license under this chapter if the applicant holds a valid funeral director's license in good standing from another state having requirements determined by the board to be substantially equivalent to the requirements prescribed in s. 445.045, Stats., and this chapter. An applicant for a license under this chapter shall submit all of the following:

- (1) A completed application for licensure.
- (2) The fee specified under s. 440.05 (2), Stats.
- (3) If the applicant has an arrest or conviction record, documentation necessary for the board to determine whether the circumstances substantially relate to the practice of funeral director, subject to ss. 111.321, 111.322, and 111.335, Stats.
- (4) Verification of a valid license in good standing from any state of licensure.
- (5) Evidence of passage of the Wisconsin jurisprudence examination for funeral directors.

Note: Applicants must complete the "Application for Funeral Director Credential" to apply for a license and the "Application for Examination" to take the Wisconsin jurisprudence examination for funeral directors. Application forms are available at <http://dps.wi.gov/Licenses-Permits/FuneralDirector/FDIRforms>.

History: CR 16-010: cr. Register September 2016 No. 729, eff. 10-1-16; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register July 2018 No. 751; CR 20-044: am. (title) Register July 2021 No. 787, eff. 8-1-21.

FD 1.13 Reciprocity for service members, former service members, and spouses of service members or former service members. (1) As used in this section:

- (a) "Former service member" has the meaning provided in s. 440.09 (1) (a), Stats.
- (b) "Service member" has the meaning provided in s. 440.09 (1) (b), Stats.
- (c) "Spouse" has the meaning provided in s. 440.09 (1) (c), Stats.

(2) A funeral director's license shall be granted to a service member, former service member, or spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

History: CR 20-044: cr. Register July 2021 No. 787, eff. 8-1-21; correction in (title), (2) made under s. 35.17, Stats., Register July 2021 No. 787.