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**FUNERAL DIRECTORS EXAMINING BOARD**  
**Room 121A, 1400 East Washington Avenue, Madison**  
**Contact: Brittany Lewin (608) 261-2112**  
**August 5, 2014**

*The following agenda describes the issues that the Funeral Directors Examining Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Funeral Directors Examining Board.*

**AGENDA**

**9:30 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Adoption of Agenda (1-3)**

**B. Approval of Minutes of February 25, 2014 (4-7)**

**C. Department Update and Q&A: Secretary Dave Ross and Assistant Deputy Secretary Tom Engels**

- 1) **9:35 A.M. – APPEARANCE** – Dave Ross, Department Secretary and Tom Engels, Assistant Deputy Secretary

**D. Division of Legal Services and Compliance (DLSC) Paperless Screening Panel Initiative**

- 1) **9:40 A.M. – APPEARANCE** – Janie Brischke, Kelley Sankbeil, Kelley Foster, and Matthew C. Niehaus **(8-14)**

**E. Administrative Updates**

- 1) Staff Updates

**F. Legislative and Administrative Rule Matters**

- 1) Review and Consideration of Approval of Scope Statement Amending FD 1 and 4, Wis. Admin. Code., Relating to Applications, Examinations, Renewal, and Approved Continuing Education (CE) **(15-21)**
- 2) Update on Pending and Possible Rulemaking Projects

**G. Alkaline Hydrolysis and Resomation Subcommittee Report**

- 1) Cremation Association of North America (CANA) Statement on Alkaline Hydrolysis **(22-31)**

**H. Items Added After Preparation of Agenda:**

- 1) Introductions, Announcements and Recognition
- 2) Administrative Updates
- 3) Education and Examination Matters

- 4) Credentialing Matters
- 5) Practice Matters
- 6) Legislation/Administrative Rule Matters
- 7) Liaison Reports
- 8) Informational Items
- 9) Disciplinary Matters
- 10) Presentations of Petitions for Summary Suspension
- 11) Presentation of Proposed Stipulations, Final Decisions and Orders
- 12) Presentation of Proposed Decisions
- 13) Presentation of Interim Orders
- 14) Petitions for Re-Hearing
- 15) Petitions for Assessments
- 16) Petitions to Vacate Orders
- 17) Petitions for Designation of Hearing Examiner
- 18) Requests for Disciplinary Proceeding Presentations
- 19) Motions
- 20) Petitions
- 21) Speaking Engagement(s), Travel, or Public Relation Request(s)

#### I. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).**

#### J. Credentialing Matters

- 1) Applicant Conviction/Discipline Review – G.G.
  - a) **10:00 A.M. – APPEARANCE: G.G. Applicant (32-74)**

#### K. Disciplinary Matters

- 1) Case Status Report (75)

#### L. Consultation with Legal Counsel

#### M. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Order
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs

- 11) Case Closings
- 12) Petitions for Extension of Time
- 13) Proposed Interim Orders
- 14) Petitions for Assessments and Evaluations
- 15) Petitions to Vacate Orders
- 16) Remedial Education Cases
- 17) Motions
- 18) Petitions for Re-Hearing
- 19) Appearances from Requests Received or Renewed

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

Vote on Items Deliberated Upon in Closed Session if Voting is Appropriate

**ADJOURNMENT**

**FUNERAL DIRECTORS EXAMINING BOARD  
MEETING MINUTES  
FEBRUARY 25, 2014**

**PRESENT:** Thomas Bradley, Brian Langendorf (via GoTo Meeting), Eric Lengell, Marla Michaelis

**ABSENT:** Dean Stensberg, Kristen Piehl

**STAFF:** Brittany Lewin, Executive Director; Matt Guidry, Bureau Assistant; and other DSPS Staff as needed

Brian Langendorf, Chair, called the meeting to order at 9:31 a.m. A quorum of four (4) was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Thomas Bradley moved, seconded by Eric Lengell, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Thomas Bradley moved, seconded by Eric Lengell, to approve the minutes of November 5, 2013 and May 21, 2013 as published. Motion carried unanimously.

**ELECTION OF OFFICERS  
CHAIR**

**NOMINATION:** Thomas Bradley nominated Brian Langendorf for the Office of Chair. Brian Langendorf declines the nomination.

**NOMINATION:** Brian Langendorf nominated Thomas Bradley for the Office of Chair.

Executive Director Brittany Lewin called for nominations three (3) times.

Thomas Bradley was elected as Chair.

**VICE CHAIR**

**NOMINATION:** Thomas Bradley nominated Eric Lengell for the Office of Vice Chair.

Executive Director Brittany Lewin called for nominations three (3) times.

Eric Lengell was elected as Vice Chair.

**SECRETARY**

**NOMINATION:** Thomas Bradley nominated Marla Michaelis for the Office of Secretary.

Executive Director Brittany Lewin called for nominations three (3) times.

Marla Michaelis was elected as Secretary.

**MOTION:** Brian Langendorf moved, seconded by Eric Lengell, to acknowledge the following 2014 Officer Election Results. Motion carried unanimously.

<b>2014 OFFICER ELECTION RESULTS</b>	
Board Chair	Thomas Bradley
Vice Chair	Eric Lengell
Secretary	Marla Michaelis

*Thomas Bradley assumes the role of Chair of the meeting.  
Eric Lengell assumes the role of Vice Chair of the meeting.  
Marla Michaelis assumes the role of Secretary of the meeting.*

**APPOINTMENTS**

<b>2014 SCREENING PANEL APPOINTMENTS</b>	
January -December 2014	Marla Michaelis, Thomas Bradley, Eric Lengell

<b>2014 LIAISON APPOINTMENTS</b>	
Credentialing Liaison	Brian Langendorf
DSLCL (PAP/Monitoring)	Brian Langendorf

**MOTION:** Eric Lengell moved, seconded by Marla Michaelis, to acknowledge the appointments made by the chair as the 2014 Liaisons and Screening Panel. Motion carried unanimously.

## **DELEGATION OF AUTHORITY**

**MOTION:** Brian Langendorf moved, seconded by Eric Lengel, that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

**MOTION:** Marla Michaelis moved, seconded by Eric Lengell, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

**MOTION:** Eric Lengell moved, seconded by Brian Langendorf, to adopt the "Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor" document. Motion carried unanimously.

**MOTION:** Brian Langendorf moved, seconded by Marla Michaelis, to delegate authority to the Credentialing Liaison(s) to address all issues related to credentialing matters. Motion carried unanimously.

## **LEGISLATIVE AND ADMINISTRATIVE MATTERS ALKALINE HYDROLYSIS AND RESOMATION**

**MOTION:** Brian Langendorf moved, seconded by Marla Michaelis, to appoint a committee of the Board consisting of Brian Langendorf and Eric Lengell to work with DSPS staff to recommend a statutory change relating to alkaline hydrolysis and resomation. Motion carried unanimously.

## **CLOSED SESSION**

**MOTION:** Eric Lengell moved, seconded by Marla Michaelis, to convene to closed session to deliberate on cases following hearing (s.19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85 (1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Thomas Bradley read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Thomas Bradley – yes; Brian Langendorf – yes; Eric Lengell – yes; and Marla Michaelis – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:30 a.m.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Eric Lengell moved, seconded by Marla Michaelis, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 10:48 a.m.

## **PROPOSED STIPULATION AND ORDER OF DISMISSAL**

**MOTION:** Marla Michaelis moved, seconded by Eric Lengell, to accept the Stipulated Dismissal in the matter of disciplinary proceedings against New Pitts Mortuary, LLC and Martin Thomas, DLSC case number 12FDR022. Motion carried unanimously.

## **CASE CLOSINGS**

### **12FDR022**

**MOTION:** Marla Michaelis moved, seconded by Eric Lengell, to close DLSC case number 12FDR022, against NPM/MT, for insufficient evidence. Motion carried unanimously.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Marla Michaelis moved, seconded by Eric Lengell, to affirm all motions made in closed session. Motion carried unanimously.

## **ADJOURNMENT**

**MOTION:** Brian Langendorf moved, seconded by Eric Lengell, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:53 a.m.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Matthew C. Niehaus, DSPS WebMaster		<b>2) Date When Request Submitted:</b>  05/16/14  Items will be considered late if submitted after 4:30 p.m. on the deadline date: <ul style="list-style-type: none"> <li>▪ 8 business days before the meeting for paperless boards</li> <li>▪ 14 business days before the meeting for all others</li> </ul>	
<b>3) Name of Board, Committee, Council, Sections:</b>  Funeral Directors Examining Board			
<b>4) Meeting Date:</b>  08/05/14	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  DLSC Paperless Screening Panel Initiative - APPEARANCE	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled?</b>  <input checked="" type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  Jane Brischke: Program & Policy Analyst – Advanced Cortney Keo: Records Management Supervisor Kelley Foster: Medical Examining Board Intake Specialist Matthew C. Niehaus: DSPS WebMaster  The above staff will be appearing before the Board to present the DLSC Paperless Screening Panel Initiative.			
<b>11) Authorization</b>			
 Signature of person making this request		05/16/14 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

# **BOARD APPEARANCE REQUEST FORM**

## **Appearance Information**

**Board Name:** Funeral Directors Examining Board

**Board Meeting Date:** 08/05/14

**Person Submitting Agenda Request:** Matthew C. Niehaus: DSPP WebMaster

### **Persons requesting an appearance:**

Jane Brischke: Program & Policy Analyst – Advanced

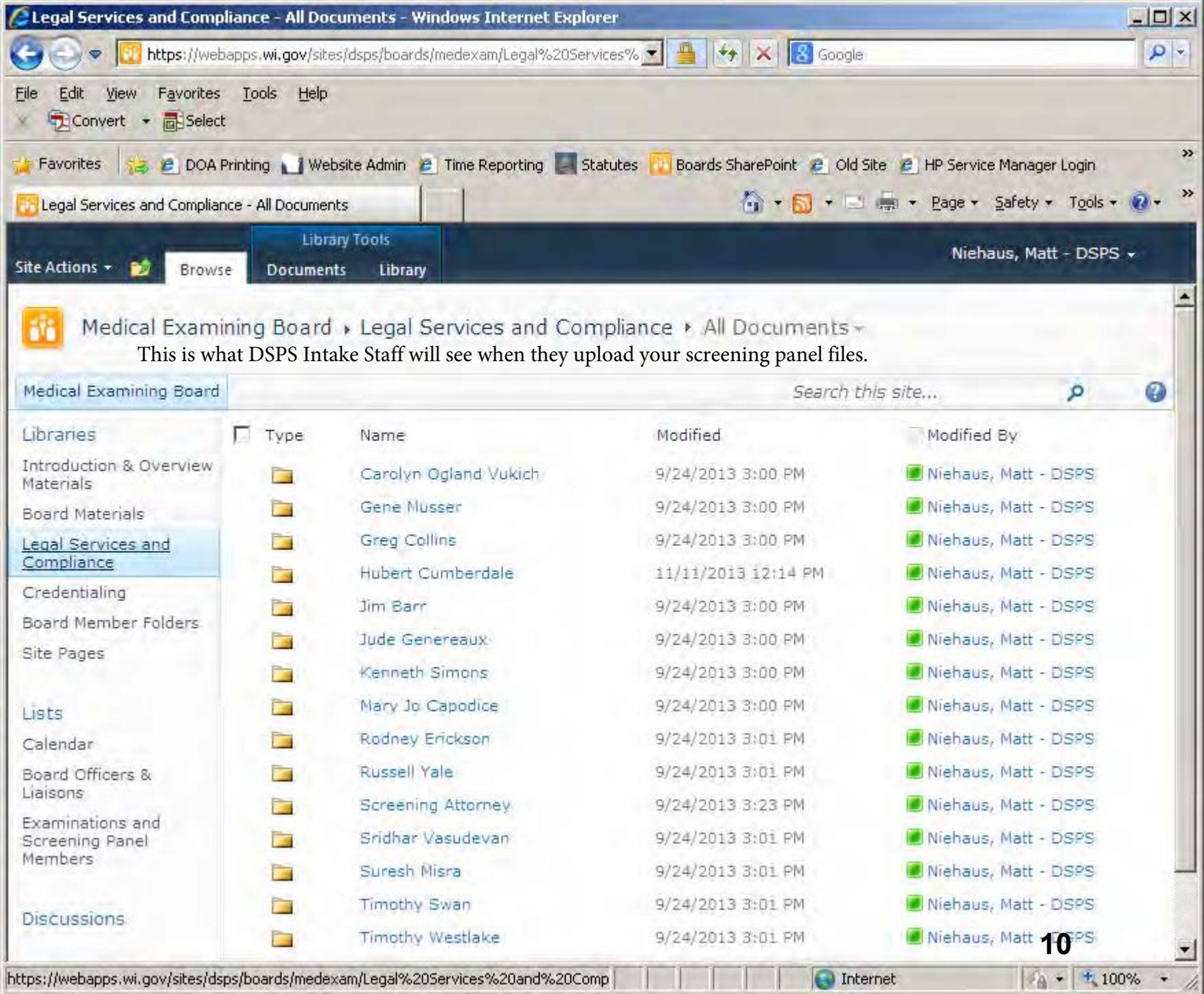
Cortney Keo: Records Management Supervisor

Kelley Foster: Medical Examining Board Intake Specialist

Matthew C. Niehaus: DSPP WebMaster

### **Reason for Appearance:**

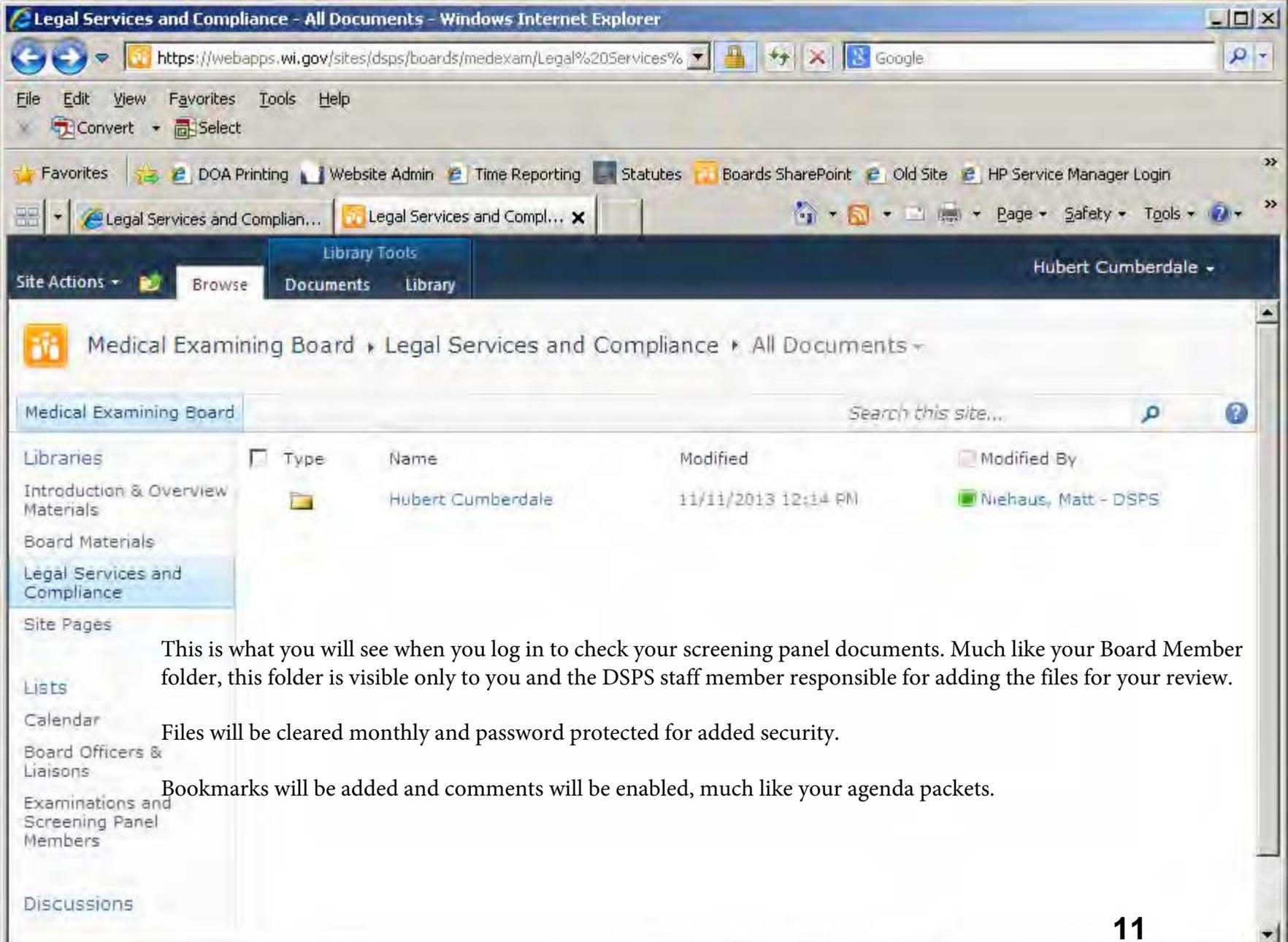
The above DSPP staff are appearing before the Board to present the DLSC Paperless Screening Panel.



Medical Examining Board > Legal Services and Compliance > All Documents >  
This is what DSPS Intake Staff will see when they upload your screening panel files.

Medical Examining Board Search this site...

Libraries	Type	Name	Modified	Modified By
Introduction & Overview Materials	Folder	Carolyn Ogland Vukich	9/24/2013 3:00 PM	Niehaus, Matt - DSPS
Board Materials	Folder	Gene Nusser	9/24/2013 3:00 PM	Niehaus, Matt - DSPS
<b>Legal Services and Compliance</b>	Folder	Greg Collins	9/24/2013 3:00 PM	Niehaus, Matt - DSPS
	Folder	Hubert Cumberlanddale	11/11/2013 12:14 PM	Niehaus, Matt - DSPS
Credentialing	Folder	Jim Barr	9/24/2013 3:00 PM	Niehaus, Matt - DSPS
Board Member Folders	Folder	Jude Genereaux	9/24/2013 3:00 PM	Niehaus, Matt - DSPS
Site Pages	Folder	Kenneth Simons	9/24/2013 3:00 PM	Niehaus, Matt - DSPS
Lists	Folder	Mary Jo Capodice	9/24/2013 3:00 PM	Niehaus, Matt - DSPS
Calendar	Folder	Rodney Erickson	9/24/2013 3:01 PM	Niehaus, Matt - DSPS
Board Officers & Liaisons	Folder	Russell Yale	9/24/2013 3:01 PM	Niehaus, Matt - DSPS
Examinations and Screening Panel Members	Folder	Screening Attorney	9/24/2013 3:23 PM	Niehaus, Matt - DSPS
	Folder	Sridhar Vasudevan	9/24/2013 3:01 PM	Niehaus, Matt - DSPS
	Folder	Suresh Misra	9/24/2013 3:01 PM	Niehaus, Matt - DSPS
Discussions	Folder	Timothy Swan	9/24/2013 3:01 PM	Niehaus, Matt - DSPS
	Folder	Timothy Westlake	9/24/2013 3:01 PM	Niehaus, Matt - DSPS



This is what you will see when you log in to check your screening panel documents. Much like your Board Member folder, this folder is visible only to you and the DSPS staff member responsible for adding the files for your review.

Files will be cleared monthly and password protected for added security.

Bookmarks will be added and comments will be enabled, much like your agenda packets.

One set of Medical Examining Board  
Screening Panel Materials  
(Four of these were mailed every month)



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# PAPERLESS SCREENING PANELS

## TOTAL POTENTIAL SAVINGS

- ★ **\$2,397.57 printing + \$2,582.30 shipping + \$10,200 Canon IR 7086 + \$22,509.24 staff time = \$37,689.11 ANNUALLY<sup>1</sup>**
- ★ **In addition to the monetary savings:**
  - ✓ This process introduces enhanced security for screening panel documents. Under the new system, these documents are carefully controlled and protected by multiple layers of authentication.
  - ✓ Environmental impact: save 90 trees annually, landfill space, kilowatts of energy
  - ✓ Real time updates and delivery of documents.
  - ✓ Document management – ability to recreate misplaced/lost documents, locate/search/distribute files quickly and efficiently

### 1. COPIER/PAPER/MAILING (postage, envelopes) SAVINGS

- ✓ DLSC currently obtains paper for \$33.40 per box. Each box contains 5,000 sheets of paper. Each individual sheet of paper thus costs DSPPS \$0.00668.
  - 100 sheets of paper weighs approximately 1 pound, meaning it costs \$0.668 to purchase one pound of paper.
  - Toner costs are covered by our lease on the printing equipment.
  - Print jobs after we surpass the 40,000 monthly page limit permitted in our lease cost us \$0.50 extra per 100 pages
- ✓ Adding in one internal packet for screening panel attorneys every month, DLSC printed approximately 206,500 pages of paper for Screening Panels over 210 calendar days (May 9 – November 26), not factoring in any erroneous print jobs.
- ✓ From May 9 to November 26, DLSC spent \$1,008.05 to ship Tyvek envelopes for large screening packets.
- ✓ \$51.52 is spent on regular envelopes for mailings that are light enough to send through the postal service. Mailing these envelopes costs \$414.96 in postage annually. \$365.82 is spent purchasing white Tyvek envelopes that must be sent through a courier service, for a total of \$832.30 annually on miscellaneous mailing materials.
- ✓ Based upon the above data, shipping costs for screening panels add up to \$2,582.30 annually, with estimated annual printing costs of \$2,397.57.

### 2. STAFF TIME/SAVINGS

- ✓ DLSC staff currently spends an average of 12 hours per Medical Examining Board screening panel packet copying and mailing. The average intake staff salary with fringe is \$24.44 per hour which costs out to \$293.28 of staff time per packet. This results in a \$7,038.72 expenditure in staff time annually. As the paperless scanning process only necessitates one run through the scanner, this will cut down the amount of time spent at the copier to ¼ its current level, a \$5,279.04 savings.
- ✓ Other Boards typically take considerably less time to prepare their screening panel packets. Assuming an average of 5 hours of staff processing time per packet, with 188 meetings that are not representative of the Medical Examining Board per year<sup>2</sup>, there is an additional staff time savings of \$17,230.20 for a grand total of \$22,509.24 in staff expenses that can be reallocated.
- ✓ The time currently spent compiling the printed packets for mailing may be shifted to improving the quality of the materials through bookmarking, page numbering, and running text recognition. This will aid the screening panel in its efforts, potentially saving time screening panel attorneys spend in meetings with screening panel members.

### 3. OTHER FACTORS

- ✓ By drastically reducing the amount of time needed for DLSC staff to physically stand at the copier and as it is possible to print to a copier that is being used to scan documents, we could cease leasing one of our two DLSC copiers. We currently lease the more expensive copier Canon IR 7086 (Mickey) on a 6-month basis for \$850/month (\$10,200 annually.)

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<sup>1</sup> This is achieved with virtually no cost, as the SharePoint Site has already been purchased for the Policy Development paperless initiative.

<sup>2</sup> 332 screening panel meetings are scheduled for 2014. Approximately 40% of all screening panel meetings from 2013 were cancelled due to lack of business, meaning there would be 200 total meetings. The estimate of 5 hours per packet (and 12 hours per Medical Examining Board packet) was taken from interviews with DLSC staff.

# Initiatives for Improving Service

## Division of Legal Services & Compliance – Paperless Screening Panels

- ✓ Drives Wisconsin to the cutting edge of state government technology solutions
- ✓ No potential for loss or damage in the mail
- ✓ Text recognition
  - Adobe can recognize typed (and usually handwritten) notes and allow for searching for specific words and phrases
- ✓ Enlarge text
  - Ability to enlarge the document for easier readability
- ✓ Accessibility of documents
  - No need to transport large files to screen materials
  - SharePoint is accessible anywhere you have a computer, tablet or smart phone and the internet
- ✓ Convenient notes and comments
  - Members have the ability to create a document in Microsoft Word directly from the SharePoint site to keep track of notes
  - This document is also accessible anywhere you can use SharePoint
  - Make comments directly in your electronic copy of each complaint on specific pages or places
  - Easy access to all comments, or specific comments, via a list in Adobe
- ✓ Pages will be numbered and bookmarked so members may easily reference points in the document
- ✓ Transition process
  - First sets of screening materials will be sent via **paper** and **electronic** formats, to ease the transition to paperless panels
- ✓ Financial impact
  - Paperless screening will save approximately \$40,000 on paper, ink, printer maintenance and shipping costs annually (\$240,000 by 2020)
  - There is also time savings in preparing, sorting, copying and mailing
  - Elimination of costs related to destroying screening panel documents
  - Reduction of file space requirements
- ✓ Technical support
  - Intake staff members are available to answer any questions you have regarding paperless screening
    - Kelley Foster – Intake for MED & MED Affiliates  
(608) 267-1818    kelly.foster@wi.gov
  - DLSC staff will follow-up in the months after implementation to obtain feedback and input on the paperless screening process

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Sharon Henes</b> <b>Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>22 July 2014</b> Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  <b>Funeral Directors Examining Board</b>			
4) Meeting Date:  <b>5 August 2014</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Legislation and Rule Matters – Discussion and Consideration</b> <b>1. Scope Statement amending FD 1, 4 relating to applications, exams, renewal and approved continuing education</b> <b>2. Update on pending and possible rulemaking projects</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i><b>Sharon Henes</b></i>		<i><b>22 July 2014</b></i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

# STATEMENT OF SCOPE

## FUNERAL DIRECTORS EXAMINING BOARD

**Rule No.:** FD 1, 4

**Relating to:** Applications, exams, renewal of funeral directors and approved continuing education

**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 rule is to bring the rule in compliance with 2013 Act 114 and to update procedures relating to examinations, renewal and continuing education providers.

**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:**

2013 Act 114 prohibits the department of safety and professional services or a credentialing board from requiring a person to complete any postsecondary education before the person is eligible to take an examination for a credential. In addition to this general prohibition, the Act specifically amended s. 445.045 to remove the statutory requirement that the examination is to be taken after completion of the college and mortuary school instruction. The proposed rule will revise the rules to indicate the licensure requirements rather than the examination requirements. This will allow the applicant to complete the licensure requirements in any order including allowing an applicant to take an examination prior to the completion of the education requirements. The proposed rule will update and clarify the examination requirements including the removal of outdated and obsolete provisions.

The alternative to the rule is to not be in compliance with the new legislation resulting in confusion for the applicants. The rule will continue to have confusion regarding the obsolete provisions.

In addition, the proposed rule will update and clarify the board procedures for renewal and reinstatement requirements. The rule will also add a provision allowing a course approved by the Academy of Professional Funeral Service Practice (APFSP) to be approved by the board without approval application from the program provider in order to streamline the continuing education process.

The alternative to these provisions is to continue to have confusion regarding the renewal/reinstatement procedures and potential delays in continuing education approvals.

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

15.08(5)(b) 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.

445.03 (2)(a) The examining board may 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.

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

80 hours

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

Funeral Director applicants and licensees.

**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):**

None to minimal. The rule is not likely to have a significant economic impact on small businesses.

**Contact Person:** Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

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Authorized Signature

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Date Submitted

# State of Wisconsin



2013 Senate Bill 337

Date of enactment: **December 19, 2013**  
Date of publication\*: **December 20, 2013**

## 2013 WISCONSIN ACT 114

AN ACT *to repeal* 449.05 (intro.), 451.06 (2), 452.09 (3) (e), 454.07 (3), 454.24 (3) and 456.04 (intro.); *to renumber* 442.04 (4) (a), 449.05 (1m), 449.05 (2m), 451.06 (1), 456.04 (1), 456.04 (2), 456.04 (3) and 456.04 (4); *to renumber and amend* 441.04, 441.06 (1), 441.07 (1), 441.10 (1), 441.10 (3) (a), 442.04 (4) (bm), 442.04 (4) (c), 442.04 (5), 449.04 (1), 450.03 (2), 450.04 (3) (intro.), 450.04 (3) (a), 450.04 (3) (b) and 456.03; *to amend* 39.393 (1) (c), 253.10 (7), 441.15 (3) (a) (intro.), 441.16 (2), 445.045 (1) (g), 449.04 (title), 449.055 (5) and 459.26 (3); *to repeal and recreate* 441.07 (title); and *to create* 440.071, 441.07 (1c), 441.10 (3) (a) 6. and 456.03 (5) of the statutes; **relating to:** examination requirements for various professional credentials and powers of the Board of Nursing.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 39.393 (1) (c) of the statutes is amended to read:

39.393 (1) (c) A program in this state that confers a 2nd degree that will make the person eligible to sit for examination licensure under s. 441.04 ~~441.06~~ or 441.10.

**SECTION 2.** 253.10 (7) of the statutes is amended to read:

253.10 (7) AFFIRMATIVE DEFENSE. No person is liable under sub. (5) or (6) or under s. 441.07 ~~(1)~~ (1g) (f), 448.02 (3) (a), or 457.26 (2) (gm) for failure under sub. (3) (c) 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for failure under sub. (3) (c) 2. d., e., f., fm., or g. to describe the contents of the printed materials if the person has made a reasonably diligent effort to obtain the printed materials under sub. (3) (e) and s. 46.245 and the department and the county department under s. 46.215, 46.22, or 46.23 have not made the printed materials available at the time that the person is required to give them to the woman.

**SECTION 3.** 440.071 of the statutes is created to read:  
**440.071 No degree completion requirement to sit for examination.** (1) Except as provided under sub. (2), the department or a credentialing board or other board in the department may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential the department or credentialing board or other board in the department grants or issues.

(2) This section does not apply to an examination for a real estate appraiser certification under s. 458.06 or license under s. 458.08.

**SECTION 4.** 441.04 of the statutes is renumbered 441.06 (1) (a) and amended to read:

441.06 (1) (a) ~~Requisites for examination as a registered nurse. Any person who has graduated~~ The applicant graduates from a high school or its equivalent as determined by the board, ~~does.~~

(b) The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335; ~~holds.~~

(c) The applicant holds a diploma of graduation from an accredited school of nursing and, if the school is

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

located outside this state, submits evidence of general and professional educational qualifications comparable to those required in this state at the time of graduation may apply to the department for licensure by the board as a registered nurse, and upon payment of:

(d) The applicant pays the fee specified under in s. 440.05 (1) shall be entitled to examination.

**SECTION 5.** 441.06 (1) of the statutes is renumbered 441.06 (1) (intro.) and amended to read:

441.06 (1) (intro.) An Subject to s. 441.07 (1g), the board shall grant a license as a registered nurse to an applicant for licensure as a registered nurse who complies with all of the following requirements of this subchapter and satisfactorily passes an:

(e) The applicant passes the examination shall under s. 441.05 to receive a license as a registered nurse in this state. The applicant may not take the examination before receiving a diploma under par. (c) unless the applicant obtains a certificate of approval to take the examination from the school of nursing the applicant attends and submits that certificate to the board prior to examination.

(1m) The holder of such a license as a registered nurse under the laws of another state or territory or province of Canada may be granted a license as a registered nurse in this state without examination if the holder's credentials of general and professional educational qualifications and other qualifications are comparable to those required in this state during the same period and if the board is satisfied from the holder's employment and professional record that the holder is currently competent to practice the profession. The board shall evaluate the credentials and determine the equivalency and competency in each case. The application for licensure without examination shall be accompanied by the fee prescribed in s. 440.05 (2).

**SECTION 6.** 441.07 (title) of the statutes is repealed and recreated to read:

**441.07 (title) Disciplinary proceedings and actions.**

**SECTION 7.** 441.07 (1) of the statutes is renumbered 441.07 (1g), and 441.07 (1g) (intro.), as renumbered, is amended to read:

441.07 (1g) (intro.) The board may, after disciplinary proceedings conducted in accordance with Subject to the rules promulgated under s. 440.03 (1), the board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license of a registered nurse, a nurse-midwife, or a licensed practical nurse, may deny an initial certificate or revoke, limit, suspend, or deny the renewal of a certificate to prescribe drugs or devices granted under s. 441.16; or may reprimand a registered nurse, nurse-midwife, or licensed practical nurse, if the board finds that the person applicant or licensee committed any of the following:

**SECTION 8.** 441.07 (1c) of the statutes is created to read:

441.07 (1c) Subject to the rules promulgated under s. 440.03 (1), the board may conduct investigations and hearings to determine whether a person has violated this chapter or a rule promulgated under this chapter.

**SECTION 9.** 441.10 (1) of the statutes is renumbered 441.10 (3) (a) 1. and amended to read:

441.10 (3) (a) 1. 'Prerequisites for examination as licensed practical nurses.' ~~A person who~~ The applicant is 18 years of age or older, ~~does,~~

2. The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, ~~has,~~

3. The applicant has completed 2 years of high school or its equivalent as determined by the board ~~and holds,~~

4. The applicant holds a diploma of graduation from an accredited school for licensed practical nurses approved by that ~~the~~ board, ~~may apply to the board for licensing as a licensed practical nurse, and, upon payment of the examination.~~

5. The applicant pays the fee specified in s. 440.05 (1), shall be entitled to take an examination.

(ag) Any school for licensed practical nurses, in order to be accredited, must offer a course of not less than 9 months.

**SECTION 10.** 441.10 (3) (a) of the statutes is renumbered 441.10 (3) (a) (intro.) and amended to read:

441.10 (3) (a) (intro.) ~~On complying with this subchapter relating to applicants~~ Subject to s. 441.07 (1g), the board shall grant a license as a licensed practical nurse to an applicant for licensure as licensed practical nurses, and passing an examination, the applicant shall receive a license as a licensed practical nurse. who satisfies all of the following conditions:

(ar) The holder of the a license under this subsection is a "licensed practical nurse" and may append the letters "L.P.N." to his or her name. The board may reprimand or may limit, suspend, or revoke the license of a licensed practical nurse under s. 441.07.

**SECTION 11.** 441.10 (3) (a) 6. of the statutes is created to read:

441.10 (3) (a) 6. The applicant passes the examination under sub. (2) for licensure as a licensed practical nurse in this state. The applicant may not take the examination before receiving a diploma under subd. 4. unless the applicant obtains a certificate of approval to take the examination from the school of nursing the applicant attends and submits that certificate to the board prior to examination.

**SECTION 12.** 441.15 (3) (a) (intro.) of the statutes is amended to read:

441.15 (3) (a) (intro.) The Subject to s. 441.07 (1g), the board shall grant a license to engage in the practice of nurse-midwifery to any person licensed as a registered nurse under this subchapter or in a party state, as defined in s. 441.50 (2) (j), who does all of the following:

**SECTION 13.** 441.16 (2) of the statutes is amended to read:

441.16 (2) ~~The Subject to s. 441.07 (1g), the~~ board shall grant a certificate to issue prescription orders to an advanced practice nurse who meets the education, training, and examination requirements established by the board for a certificate to issue prescription orders, and who pays the fee specified under s. 440.05 (1). An advanced practice nurse certified under this section may provide expedited partner therapy in the manner described in s. 448.035.

**SECTION 14.** 442.04 (4) (a) of the statutes, as affected by 2013 Wisconsin Act 21, is renumbered 442.04 (5) (a).

**SECTION 15.** 442.04 (4) (bm) of the statutes is renumbered 442.04 (5) (b) 3. and amended to read:

442.04 (5) (b) 3. ~~A person may not take the examination leading to the certificate to practice as a certified public accountant unless the~~ The person has completed at least 150 semester hours of education with an accounting concentration at an institution, and has received a bachelor's or higher degree with an accounting concentration from an institution, except as provided in par. (c).

**SECTION 16.** 442.04 (4) (c) of the statutes is renumbered 442.04 (5) (c) and amended to read:

442.04 (5) (c) If an applicant has a bachelor's or higher degree from an institution, and satisfies the other conditions under par. (b), but does not have an accounting concentration required in par. ~~(bm) (b) 3.,~~ the examining board may review such other educational experience from an institution as the applicant presents and, if the examining board determines that such other experience provides the reasonable equivalence of an accounting concentration required in par. ~~(bm) (b) 3.,~~ the examining board shall approve grant a certificate as a certified public accountant to the applicant for examination.

**SECTION 17.** 442.04 (5) of the statutes is renumbered 442.04 (5) (b) (intro.) and amended to read:

442.04 (5) (b) (intro.) The examining board may not grant a certificate as a certified public accountant to any person other than a person who is satisfies all of the following conditions:

1. The person is 18 years of age or older, ~~does,~~
2. The person does not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, ~~and, except,~~
4. Except as provided in s. 442.05, the person has successfully passed an examination in such subjects affecting accountancy as the examining board considers necessary. ~~The examining board may not grant the certificate unless the applicant has~~

5. The person has at least one year of public accounting experience or its equivalent, the sufficiency of the experience or the equivalency to be judged by the examining board.

(d) The examining board shall ensure that evaluation procedures and examinations under this subsection are nondiscriminatory, relate directly to accountancy, and

are designed to measure only the ability to perform competently as an accountant. The examining board may use the examination service provided by the American Institute of Certified Public Accountants.

**SECTION 18.** 445.045 (1) (g) of the statutes is amended to read:

445.045 (1) (g) The person must have successfully passed a comprehensive examination conducted by the examining board as required by s. 445.04. ~~The examination may be taken at any time after completion of the college and mortuary school instruction and regardless of the age of the applicant.~~

**SECTION 19.** 449.04 (title) of the statutes is amended to read:

**449.04 (title) Examination and licensure.**

**SECTION 20.** 449.04 (1) of the statutes is renumbered 449.04 (1) (intro.) and amended to read:

449.04 (1) (intro.) Licenses The examining board may grant a license to engage in the practice of optometry shall be issued only to persons a person who pass satisfies all of the following conditions:

(c) The person passes an examination approved or conducted by the examining board. ~~An applicant who qualifies under s. 449.05 may take any examination approved or administered by the examining board upon payment of~~

(d) The person pays the fee specified in s. 440.05 (1).

**SECTION 21.** 449.05 (intro.) of the statutes is repealed.

**SECTION 22.** 449.05 (1m) of the statutes is renumbered 449.04 (1) (a).

**SECTION 23.** 449.05 (2m) of the statutes is renumbered 449.04 (1) (b).

**SECTION 24.** 449.055 (5) of the statutes is amended to read:

449.055 (5) The person satisfies the requirements under s. ~~449.05~~ 449.04 (1) (a) and (b).

**SECTION 25.** 450.03 (2) of the statutes is renumbered 450.03 (2) (intro.) and amended to read:

450.03 (2) (intro.) The Except as provided in s. 450.10, the board shall issue a license as a pharmacist to any person who files satisfactory proof of qualifications under s. 450.04 (3), passes ~~does all of the following:~~

(c) Passes the examination under s. 450.04 ~~and pays,~~

(d) Pays the fee specified in s. 440.05 (1), ~~except as provided under s. 450.10.~~

**SECTION 26.** 450.04 (3) (intro.) of the statutes is renumbered 450.04 (3) and amended to read:

450.04 (3) Every candidate for examination for licensure as a pharmacist shall submit an application on a form provided by the department and pay the fee specified in s. 440.05 (1) at least 30 days before the date of examination. ~~Every candidate shall also submit proof to the board that he or she:~~

**SECTION 27.** 450.04 (3) (a) of the statutes is renumbered 450.03 (2) (a) and amended to read:

450.03 (2) (a) Has received a professional degree from a pharmacy program approved by the board; ~~and,~~

**SECTION 28.** 450.04 (3) (b) of the statutes is renumbered 450.03 (2) (b) and amended to read:

450.03 (2) (b) Has completed an internship in the practice of pharmacy or has practical experience acquired in another state ~~which that~~ is comparable to that included in an internship and ~~which that~~ is approved and verified by the board or by the agency ~~which that~~ is the equivalent of the board in the state in which the practical experience was acquired.

**SECTION 29.** 451.06 (1) of the statutes is renumbered 451.06.

**SECTION 30.** 451.06 (2) of the statutes is repealed.

**SECTION 31.** 452.09 (3) (e) of the statutes is repealed.

**SECTION 32.** 454.07 (3) of the statutes is repealed.

**SECTION 33.** 454.24 (3) of the statutes is repealed.

**SECTION 34.** 456.03 of the statutes is renumbered 456.03 (intro.) and amended to read:

**456.03 Licenses.** (intro.) An applicant for a license as a nursing home administrator who does all of the following and has successfully complied with the any other requirements for licensure under this chapter ~~and passed the examination~~ shall be granted a license by the examining board, certifying that the applicant has met the

requirements of the laws and rules entitling the applicant to serve, act, practice, and otherwise hold himself or herself out as a duly licensed nursing home administrator; ~~and,~~

**SECTION 35.** 456.03 (5) of the statutes is created to read:

456.03 (5) Passes the examination under s. 456.05.

**SECTION 36.** 456.04 (intro.) of the statutes is repealed.

**SECTION 37.** 456.04 (1) of the statutes is renumbered 456.03 (1).

**SECTION 38.** 456.04 (2) of the statutes is renumbered 456.03 (2).

**SECTION 39.** 456.04 (3) of the statutes is renumbered 456.03 (3).

**SECTION 40.** 456.04 (4) of the statutes is renumbered 456.03 (4).

**SECTION 41.** 459.26 (3) of the statutes is amended to read:

459.26 (3) An individual is not eligible for examination unless he or she ~~has satisfied the requirements for licensure under s. 459.24 (2) (a) to (d) or (3) (a) to (d) and,~~ at least 30 days before the date of examination, submits an application for examination to the department on a form provided by the department and pays the fee specified in s. 440.05 (1).

**Cremation Association of North America**  
**Statement on Alkaline Hydrolysis**  
**Adopted by the board of directors on February 8, 2013**

**Background**

The Cremation Association of North America (CANA) defines cremation in the following manner: A suggested definition of cremation is the: *"The mechanical and/or thermal or other dissolution process that reduces human remains to bone fragments."* Cremation includes the processing and usually includes the pulverization of the bone fragments.

This definition covers a variety of technologies that may be applied in order to achieve reduction to bone fragments, including traditional flame-based cremation, calcination and alkaline hydrolysis.

Alkaline hydrolysis is a water-based dissolution process for human remains that uses alkaline chemicals, heat, and sometimes agitation and/or pressure, to accelerate natural decomposition. Human remains are placed in a chamber with an alkaline chemical and water mixture and may be subjected to heat, pressure and/or agitation. Depending upon the equipment and the temperature employed, the process may take two to twelve hours, leaving a bone residue and a liquid. The liquid is considered a wastewater, which is discharged with the permission of the local wastewater treatment authority and in accordance with federal, state, provincial and local laws.

**Suggested Guidelines**

When considering legislation or regulation concerning alkaline hydrolysis, it is important to understand that current cremation laws and regulations may be sufficient to address matters including, but not limited to transportation, storage, identification, authorization or disposition. Differences may lie in the equipment used and the technological processes. CANA outlines three guidelines for consideration in new and revised regulation and legislation:

- For the regulation of the alkaline hydrolysis equipment and technology, CANA defers to authorities such as the United States Centers for Disease Control and American Society of Mechanical Engineers to set standards.
- State and provincial regulatory authorities that govern cremation providers should be authorized to regulate and license alkaline hydrolysis providers. Additionally state, provincial and other municipal authorities that will govern alkaline hydrolysis will need to participate in the development and enforcement of regulations.
- The end product from the various cremation processes is similar in physical appearance thus encouraging the perception among the public that the technologies are the same. CANA encourages the disclosure on authorization forms and/or death certificates as to which technology is being used.

**149A.02 DEFINITIONS.**

Subdivision 1. **Scope.** For purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 1a. **Alkaline hydrolysis.** "Alkaline hydrolysis" means the reduction of a dead human body to essential elements through a water-based dissolution process using alkaline chemicals, heat, agitation, and pressure to accelerate natural decomposition; the processing of the hydrolyzed remains after removal from the alkaline hydrolysis vessel; placement of the processed remains in a hydrolyzed remains container; and release of the hydrolyzed remains to an appropriate party. Alkaline hydrolysis is a form of final disposition.

Subd. 1b. **Alkaline hydrolysis container.** "Alkaline hydrolysis container" means a hydrolyzable or biodegradable closed container or pouch resistant to leakage of bodily fluids that encases the body and into which a dead human body is placed prior to insertion into an alkaline hydrolysis vessel. Alkaline hydrolysis containers may be hydrolyzable or biodegradable alternative containers or caskets.

Subd. 1c. **Alkaline hydrolysis facility.** "Alkaline hydrolysis facility" means a building or structure containing one or more alkaline hydrolysis vessels for the alkaline hydrolysis of dead human bodies.

Subd. 1d. **Alkaline hydrolysis vessel.** "Alkaline hydrolysis vessel" means the container in which the alkaline hydrolysis of a dead human body is performed.

Subd. 2. **Alternative container.** "Alternative container" means a nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of dead human bodies and is made of hydrolyzable or biodegradable materials, corrugated cardboard, fiberboard, pressed-wood, or other like materials.

Subd. 3. **Arrangements for disposition.** "Arrangements for disposition" means any action normally taken by a funeral provider in anticipation of or preparation for the entombment, burial in a cemetery, alkaline hydrolysis, or cremation of a dead human body.

Subd. 3a. **Burial site goods.** "Burial site goods" means any goods sold or offered for sale or rental directly to the public for use in connection with the final disposition of a dead human body.

Subd. 3b. **Burial site services.** "Burial site services" means any services sold or offered for sale directly to the public for use in connection with the final disposition of a dead human body.

Subd. 4. **Cash advance item.** "Cash advance item" means any item of service or merchandise described to a purchaser as a "cash advance," "accommodation," "cash disbursement," or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the purchaser's behalf. Cash advance items include, but are not limited to, cemetery, alkaline hydrolysis, or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians or singers, obituary notices, gratuities, and death records.

Subd. 5. **Casket.** "Casket" means a rigid container which is designed for the encasement of a dead human body and is usually constructed of hydrolyzable or biodegradable materials, wood, metal, fiberglass, plastic, or like material, and ornamented and lined with fabric.

Subd. 5a. **Clinical student.** "Clinical student" means a person officially registered for a clinical through a program of mortuary science accredited by the American Board of Funeral Service Education.

Subd. 6. **Commissioner.** "Commissioner" means the Minnesota commissioner of health.

Subd. 7. **Cremated remains.** "Cremated remains" means the postcremation remains of a dead human body.

Subd. 8. **Cremated remains container.** "Cremated remains container" means a receptacle in which postcremation remains are placed. For purposes of this chapter, "cremated remains container" is interchangeable with "urn" or similar keepsake storage jewelry.

Subd. 9. **Cremation.** "Cremation" means the reduction of a dead human body to essential elements through direct exposure to intense heat and flame and the repositioning or movement of the body during the process to facilitate reduction, the processing of the remains after removal from the cremation chamber, placement of the processed remains in a cremated remains container, and release of the cremated remains to an appropriate party.

Subd. 10. **Cremation chamber.** "Cremation chamber" means the enclosed space within which the cremation of a dead human body is performed.

Subd. 11. **Cremation container.** "Cremation container" means a combustible, closed container that encases the body and can be made of materials like fiberboard or corrugated cardboard and into which a dead human body is placed prior to insertion into a cremation chamber for cremation. Cremation containers may be combustible "alternative containers" or combustible "caskets."

Subd. 12. **Crematory.** "Crematory" means a building or structure containing one or more cremation chambers or retorts for the cremation of dead human bodies.

Subd. 12a. **Crypt.** "Crypt" means a space in a mausoleum of sufficient size, used or intended to be used to entomb human remains, cremated remains, or hydrolyzed remains.

Subd. 12b. **Direct alkaline hydrolysis.** "Direct alkaline hydrolysis" means a final disposition of a dead human body by alkaline hydrolysis, without formal viewing, visitation, or ceremony with the body present.

Subd. 13. **Direct cremation.** "Direct cremation" means a final disposition of a dead human body by cremation, without formal viewing, visitation, or ceremony with the body present.

Subd. 13a. **Direct supervision.** "Direct supervision" means overseeing the performance of an individual. For the purpose of a clinical, practicum, or internship, direct supervision means that the supervisor is available to observe and correct, as needed, the performance of the trainee. The mortician supervisor is accountable for the actions of the clinical student, practicum student, or intern throughout the course of the training. The supervising mortician is accountable for any violations of law or rule, in the performance of their duties, by the clinical student, practicum student, or intern.

Subd. 14. **Disciplinary action.** "Disciplinary action" means any action taken by the regulatory agency against any person subject to regulation under this chapter for the violation of or the threatened violation of any law, rule, order, stipulation agreement, settlement, compliance agreement, license, or permit adopted, issued, or enforced by the regulatory agency.

Subd. 15. **Embalming.** "Embalming" means the process of disinfecting and preserving a dead human body by chemically treating the body to reduce the presence and growth of organisms, to retard organic decomposition, and to restore an acceptable physical appearance.

Subd. 16. **Final disposition.** "Final disposition" means the acts leading to and the entombment, burial in a cemetery, alkaline hydrolysis, or cremation of a dead human body.

Subd. 17. **Funeral association.** "Funeral association" means a cooperative association that sells or offers to sell funeral goods or services to its members.

Subd. 18. **Funeral ceremony.** "Funeral ceremony" means a service or rite commemorating the deceased with the body present.

Subd. 19. **Funeral director.** "Funeral director" means any person who, for compensation, arranges, directs, or supervises funerals, memorial services, or graveside services, or engages in the business or practice of preparing dead human bodies for final disposition by means other than embalming.

Subd. 20. **Funeral establishment.** "Funeral establishment" means any place or premise devoted to or used in the holding, care, or preparation of a dead human body for final disposition or any place used as the office or place of business of any person that provides funeral goods or services to the public.

Subd. 21. **Funeral goods.** "Funeral goods" means the goods which are sold or offered for sale directly to the public for use in connection with funeral services.

Subd. 22. **Funeral provider.** "Funeral provider" means any person that sells or offers to sell funeral goods, funeral services, burial site goods, or burial site services to the public. "Funeral provider" does not include monument builders who sell and install markers and headstones, with or without foundations, at retail to the public, but do not sell any other funeral good, funeral service, burial good, or burial site service.

Subd. 23. **Funeral services.** "Funeral services" means any services which may be used to: (1) care for and prepare dead human bodies for burial, alkaline hydrolysis, cremation, or other final disposition; and (2) arrange, supervise, or conduct the funeral ceremony or the final disposition of dead human bodies.

Subd. 24. **Graveside service.** "Graveside service" means a service or rite, conducted at the place of interment, commemorating the deceased with the body present.

Subd. 24a. **Hydrolyzed remains.** "Hydrolyzed remains" means the remains of a dead human body following the alkaline hydrolysis process. Hydrolyzed remains does not include pacemakers, prostheses, or similar foreign materials.

Subd. 24b. **Hydrolyzed remains container.** "Hydrolyzed remains container" means a receptacle in which hydrolyzed remains are placed. For purposes of this chapter, a hydrolyzed remains container is interchangeable with "urn" or similar keepsake storage jewelry.

Subd. 25. **Immediate burial.** "Immediate burial" means a disposition of a dead human body by burial, without formal viewing, visitation, or ceremony with the body present, except for a graveside service.

Subd. 26. **Intern.** "Intern" means an individual that has met the educational and testing requirements for a license to practice mortuary science in Minnesota, has registered with the commissioner of health, and is engaged in the practice of mortuary science under the direction and supervision of a currently licensed Minnesota mortuary science practitioner.

Subd. 26a. **Inurnment.** "Inurnment" means placing hydrolyzed or cremated remains in a hydrolyzed or cremated remains container suitable for placement, burial, or shipment.

Subd. 27. **Licensee.** "Licensee" means any person or entity that has been issued a license to practice mortuary science, to operate a funeral establishment, to operate an alkaline hydrolysis facility, or to operate a crematory by the Minnesota commissioner of health.

**149A.54 LICENSE TO OPERATE AN ALKALINE HYDROLYSIS FACILITY.**

Subdivision 1. **License requirement.** Except as provided in section 149A.01, subdivision 3, a place or premise shall not be maintained, managed, or operated which is devoted to or used in the holding and alkaline hydrolysis of a dead human body without possessing a valid license to operate an alkaline hydrolysis facility issued by the commissioner of health.

Subd. 2. **Requirements for an alkaline hydrolysis facility.** (a) An alkaline hydrolysis facility licensed under this section must consist of:

(1) a building or structure that complies with applicable local and state building codes, zoning laws and ordinances, and wastewater management and environmental standards, containing one or more alkaline hydrolysis vessels for the alkaline hydrolysis of dead human bodies;

(2) a method approved by the commissioner of health to dry the hydrolyzed remains and which is located within the licensed facility;

(3) a means approved by the commissioner of health for refrigeration of dead human bodies awaiting alkaline hydrolysis;

(4) an appropriate means of processing hydrolyzed remains to a granulated appearance appropriate for final disposition; and

(5) an appropriate holding facility for dead human bodies awaiting alkaline hydrolysis.

(b) An alkaline hydrolysis facility licensed under this section may also contain a display room for funeral goods.

Subd. 3. **Application procedure; documentation; initial inspection.** An application to license and operate an alkaline hydrolysis facility shall be submitted to the commissioner of health. A completed application includes:

(1) a completed application form, as provided by the commissioner;

(2) proof of business form and ownership;

(3) proof of liability insurance coverage or other financial documentation, as determined by the commissioner, that demonstrates the applicant's ability to respond in damages for liability arising from the ownership, maintenance management, or operation of an alkaline hydrolysis facility; and

(4) copies of wastewater and other environmental regulatory permits and environmental regulatory licenses necessary to conduct operations.

Upon receipt of the application and appropriate fee, the commissioner shall review and verify all information. Upon completion of the verification process and resolution of any deficiencies in the application information, the commissioner shall conduct an initial inspection of the premises to be licensed. After the inspection and resolution of any deficiencies found and any reinspections as may be necessary, the commissioner shall make a determination, based on all the information available, to grant or deny licensure. If the commissioner's determination is to grant the license, the applicant shall be notified and the license shall issue and remain valid for a period prescribed on the license, but not to exceed one calendar year from the date of issuance of the license. If the commissioner's determination is to deny the license, the commissioner must notify the applicant in writing of the denial and provide the specific reason for denial.

Subd. 4. **Nontransferability of license.** A license to operate an alkaline hydrolysis facility is not assignable or transferable and shall not be valid for any entity other than the one named. Each

license issued to operate an alkaline hydrolysis facility is valid only for the location identified on the license. A 50 percent or more change in ownership or location of the alkaline hydrolysis facility automatically terminates the license. Separate licenses shall be required of two or more persons or other legal entities operating from the same location.

**Subd. 5. Display of license.** Each license to operate an alkaline hydrolysis facility must be conspicuously displayed in the alkaline hydrolysis facility at all times. Conspicuous display means in a location where a member of the general public within the alkaline hydrolysis facility is able to observe and read the license.

**Subd. 6. Period of licensure.** All licenses to operate an alkaline hydrolysis facility issued by the commissioner are valid for a period of one calendar year beginning on July 1 and ending on June 30, regardless of the date of issuance.

**Subd. 7. Reporting changes in license information.** Any change of license information must be reported to the commissioner, on forms provided by the commissioner, no later than 30 calendar days after the change occurs. Failure to report changes is grounds for disciplinary action.

**Subd. 8. Notification to the commissioner.** If the licensee is operating under a wastewater or an environmental permit or license that is subsequently revoked, denied, or terminated, the licensee shall notify the commissioner.

**Subd. 9. Application information.** All information submitted to the commissioner for a license to operate an alkaline hydrolysis facility is classified as licensing data under section 13.41, subdivision 5.

**History:** 2013 c 108 art 12 s 74

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Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

(410 ILCS 18/5)

(Section scheduled to be repealed on January 1, 2021)

Sec. 5. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Comptroller in the applicant's or licensee's application file or license file. It is the duty of the applicant or licensee to inform the Comptroller of any change of address within 14 days, and such changes must be made either through the Comptroller's website or by contacting the Comptroller. The address of record shall be the permanent street address of the crematory.

"Alternative container" means a receptacle, other than a casket, in which human remains are transported to the crematory and placed in the cremation chamber for cremation. An alternative container shall be (i) composed of readily combustible or consumable materials suitable for cremation, (ii) able to be closed in order to provide a complete covering for the human remains, (iii) resistant to leakage or spillage, (iv) rigid enough for handling with ease, and (v) able to provide protection for the health, safety, and personal integrity of crematory personnel.

"Authorizing agent" means a person legally entitled to order the cremation and final disposition of specific human remains.

"Body parts" means limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research; or human bodies or any portion of bodies that have been donated to science for medical research purposes.

"Burial transit permit" means a permit for disposition of a dead human body as required by Illinois law.

"Casket" means a rigid container that is designed for the encasement of human remains, is usually constructed of wood, metal, or like material and ornamented and lined with fabric, and may or may not be combustible.

"Comptroller" means the Comptroller of the State of Illinois.

"Cremated remains" means all human remains recovered after the completion of the cremation, which may possibly include

the residue of any foreign matter including casket material, bridgework, or eyeglasses, that was cremated with the human remains.

"Cremation" means the technical process, using heat and flame, or alkaline hydrolysis that reduces human remains to bone fragments. The reduction takes place through heat and evaporation or through hydrolysis. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

"Cremation chamber" means the enclosed space within which the cremation takes place.

"Cremation interment container" means a rigid outer container that, subject to a cemetery's rules and regulations, is composed of concrete, steel, fiberglass, or some similar material in which an urn is placed prior to being interred in the ground, and which is designed to withstand prolonged exposure to the elements and to support the earth above the urn.

"Cremation room" means the room in which the cremation chamber is located.

"Crematory" means the building or portion of a building that houses the cremation room and the holding facility.

"Crematory authority" means the legal entity which is licensed by the Comptroller to operate a crematory and to perform cremations.

"Final disposition" means the burial, cremation, or other disposition of a dead human body or parts of a dead human body.

"Funeral director" means a person known by the title of "funeral director", "funeral director and embalmer", or other similar words or titles, licensed by the State to practice funeral directing or funeral directing and embalming.

"Funeral establishment" means a building or separate portion of a building having a specific street address and location and devoted to activities relating to the shelter, care, custody, and preparation of a deceased human body and may contain facilities for funeral or wake services.

"Holding facility" means an area that (i) is designated for the retention of human remains prior to cremation, (ii) complies with all applicable public health law, (iii) preserves the health and safety of the crematory authority personnel, and (iv) is secure from access by anyone other than authorized persons. A holding facility may be located in a cremation room.

"Human remains" means the body of a deceased person, including any form of body prosthesis that has been permanently attached or implanted in the body.

"Licensee" means an entity licensed under this Act. An entity that holds itself as a licensee or that is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Niche" means a compartment or cubicle for the memorialization and permanent placement of an urn containing cremated remains.

"Person" means any person, partnership, association, corporation, limited liability company, or other entity, and in the case of any such business organization, its officers, partners, members, or shareholders possessing 25% or more of ownership of the entity.

"Processing" means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual or mechanical means.

"Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation process to granulated particles by manual or mechanical means.

"Scattering area" means an area which may be designated by a cemetery and located on dedicated cemetery property where cremated remains, which have been removed from their container, can be mixed with, or placed on top of, the soil or ground cover.

"Temporary container" means a receptacle for cremated remains, usually composed of cardboard, plastic or similar material, that can be closed in a manner that prevents the leakage or spillage of the cremated remains or the entrance of foreign material, and is a single container of sufficient size to hold the cremated remains until an urn is acquired or the cremated remains are scattered.

"Urn" means a receptacle designed to encase the cremated remains.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)