



FUNERAL DIRECTORS EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
November 17, 2015

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 (1-2)

B. Approval of Minutes of August 4, 2015 (3-4)

C. Administrative Matters

- 1) Staff and Administrative Updates

D. Legislation and Rule Matters- Discussion and Consideration (5-20)

- 1) Proposals for Amending FD 1, 4 Relating to Applications, Exams, Renewals, and Approved Continuing Education Courses
- 2) Proposals for Amending FD 1, 2 Relating to Education and Apprenticeships
- 3) Proposals for Amending FD 5 Relating to Reciprocity
- 4) Update on Legislation and Pending or Possible Rulemaking Projects

F. Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 1) Administrative Updates
- 2) Education and Examination Matters
- 3) Credentialing Matters
- 4) Legislation/Administrative Rule Matters
- 5) Liaison Reports
- 6) Informational Items
- 7) Disciplinary Matters
- 8) Presentations of Petitions for Summary Suspension
- 9) Presentation of Proposed Stipulations, Final Decisions and Orders
- 10) Presentation of Proposed Decisions
- 11) Presentation of Interim Orders
- 12) Petitions to Vacate Orders
- 13) Petitions for Designation of Hearing Examiner
- 14) Requests for Disciplinary Proceeding Presentations
- 15) Motions
- 16) Petitions

17) Speaking Engagement(s), Travel, or Public Relation Request(s)

G. 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.).

I. Deliberation on Administrative Warning(s)

1) 14 FDR 012 – J.J.O **(21-22)**

J. Case Closing

1) 14 FDR 012 – O.F.H. **(23-26)**

J. Consultation with Legal Counsel

K. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Application Matters
- 4) Disciplinary Matters
- 5) Monitoring Matters
- 6) Professional Assistance Procedure (PAP) Matters
- 7) Petitions for Summary Suspensions
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Administrative Warnings
- 10) Proposed Decisions
- 11) Matters Relating to Costs
- 12) Case Closings
- 13) Petitions for Extension of Time
- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders
- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearing
- 20) Appearances from Requests Received or Renewed

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

ADJOURNMENT

**FUNERAL DIRECTORS EXAMINING BOARD
MEETING MINUTES
August 4, 2015**

PRESENT: Thomas Bradley, Eric Lengell (*Via GoToMeeting*), Marla Michaelis, Marc Eernisse, Dean Stensberg (*arrived at 9:35am*)

EXCUSED: Kristen Piehl

STAFF: Brittany Lewin, Executive Director; Kelly Williams, Bureau Assistant and other Department Staff

Thomas Bradley, Chair, called the meeting to order at 9:31 A.M. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Marc Eernisse moved, seconded by Marla Michaelis, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Marla Michaelis moved, seconded by Marc Eernisse, to approve the minutes of May 19, 2015 as published. Motion carried unanimously.

LEGISLATIVE AND RULE MATTERS

MOTION: Dean Stensberg moved, seconded by Marc Eernisse, to approve the Scope Statement on FD 1 relating to Education and Apprenticeship for submission to the Governor's Office and publication and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: Marc Eernisse moved, seconded by Marla Michaelis, to approve the Scope Statement on FD 5 relating to Reciprocity for submission to the Governor's Office and publication and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

CLOSED SESSION

MOTION: Marla Michaelis moved, seconded by Marc Eernisse, 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, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Thomas Bradley – yes; Marc Eernisse – yes; Eric Lengell – yes; and Marla Michaelis – yes; Dean Stensberg – yes. Motion carried unanimously.

The Board convened into Closed Session at 11:07 A.M.

RECONVENE TO OPEN SESSION

MOTION: Marla Michaelis moved, seconded by Marc Eernisse, to reconvene in Open Session at 11:48 A.M. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

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

CASE CLOSING

14 FDR 012 – O.F.H.I., J.O.

MOTION: Marc Eernisse moved, seconded by Dean Stensberg, to reject the action recommended by DLSC regarding case number **14 FDR 012, O.F.H.I.; J.O.** Motion carried.

14 FDR 009 K.B.; B.F.F.H.

MOTION: Dean Stensberg moved, seconded by Marc Eernisse, to close DLSC case number **14 FDR 009, K.B.; B.F.F.H.** for Prosecutorial Discretion (P4). Motion carried unanimously.

ADJOURNMENT

MOTION: Marla Michaelis moved, seconded by Marc Eernisse, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:49 A.M.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sandra Cleveland Administrative Rules Coordinator		2) Date When Request Submitted: November 6, 2015 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: Funeral Examiners Board			
4) Meeting Date: November 17, 2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Proposals for amending FD 1, 4 Relating to Applications, Exams, Renewals and Approved Continuing Education Courses 2. Proposals for amending FD 1, 2 Relating to Education and Apprenticeships 3. Proposals for amending FD 5 Relating to Reciprocity 4. Update on Legislation and Pending and Possible Rulemaking Projects	
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 (Fill out Board Appearance Request) <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>Sandra Cleveland</i>		<i>November 6, 2015</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.			

STATE OF WISCONSIN
FUNERAL EXAMINING BOARD

IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	FUNERAL EXAMINING BOARD
FUNERAL EXAMINING BOARD	:	
	:	

PROPOSED ORDER

An order of the Funeral Examining Board to repeal FD 1.03 (2) and 1.035; to amend FD 1.03 (1) and 4.04 (8); and to repeal and recreate FD 1.02 and 1.10, relating to applications, examinations, renewal of funeral director licenses, and approved continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 445.04, 445.045, and 445.06, Stats.

Statutory authority: ss. 15.08 (5) (b), 440.08 (3) (b), and 445.03 (2)(a), Stats.

Explanation of agency authority:

s. 15.08 (5) (b), Stats. – (5) General powers. Each examining board: (b) 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.

s. 440.08 (3) (b), Stats. - The department or the interested examining board or affiliated credentialing board, as appropriate, may promulgate rules requiring the holder of a credential who fails to renew the credential within 5 years after its renewal date to complete requirements in order to restore the credential, in addition to the applicable requirements for renewal established under chs. 440 to 480, that the department, examining board or affiliated credentialing board determines are necessary to protect the public health, safety or welfare. The rules may not require the holder to complete educational requirements or pass examinations that are more extensive than the educational or examination requirements that must be completed in order to obtain an initial credential from the department, the examining board or the affiliated credentialing board.

s. 445.03 (2) (a), Stats. - The examining board may: (a) Make and enforce rules not inconsistent with this chapter establishing professional and business ethics for the profession of funeral directors and for the general conduct of the business of funeral directing, and for the examination and licensing of funeral directors and the registration of apprentices.

Related statutes or rules:

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

Plain language analysis:

Section 1 repeals the provision outlining examination application procedures and replaces it with licensing application procedures and requirements. Wisconsin law prohibits credentialing boards from requiring a person to complete any postsecondary education before the person is eligible to take an examination for a credential. This revision allows an applicant to complete the licensure requirement in any order allowing the applicant to take an examination prior to the completion of the education requirements in compliance with s. 440.071, Stats.

Section 2 simplifies the provision authorizing the board to establish the passing grade for licensure examinations.

Sections 3 and 4 repeal unnecessary and outdated provisions related to examination procedures.

Section 5 repeals FD 1.10 and recreates the section updating and clarifying renewal and reinstatement procedures to do the following:

- The rule continues to require a completed application and evidence that the licensee has completed the continuing education requirements specified in s. FD 4.03.
- The revision clarifies that if a person fails to renew a credential before an expiration date, the credential holder shall complete the renewal process and pay a late fee.
- The rule also outlines procedures for reinstating a license for a license holder who has unmet disciplinary requirements or whose credential has been surrendered or revoked.
- Finally, this revision repeals FD 1.10 (4) related to exemptions to renewal time limits for a license holders who is an active member of the U.S. armed forces. The provision was in conflict with s. 321.60 (1)(a)(18), Stats., which governs extension of licenses for service members.

Section 6 is amended to accept courses approved by the Academy of Professional Funeral Service Practice (APFSP) to meet continuing education requirements without requiring approval by the Funeral Examining Board for these courses, streamlining the process for receiving continuing education credits from this organization.

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

Licensing requirements for funeral directors are established by state, not federal, law. Federal regulations do not govern applications, renewal, or reinstatement procedures for funeral directors.

Comparison with rules in adjacent states:

Illinois: Illinois requires applicants for a funeral director license to submit an application form and fee, provide proof that the applicant has met educational requirements established for funeral directors, a certificate of health, proof that the applicant has passed the National Board Examination of the International Conference of Funeral Service Examining Boards, Inc., and proof of successful completion of an internship. Applicants are required to complete at least 30 semester (45 quarter) hours of college credit and graduation from an approved mortuary science program of at least 12 months.

Illinois allow licensees with licenses that have expired for less than five years to renew their license by submitting an application form, paying renewal and late fees, and providing proof of completion of CE requirements. Licenses that have expired for more than five years may be reinstated by paying renewal and restoration fees, providing proof of completion of CE hours for one prerenewal period, and one of the following: 1) sworn evidence of practice in another jurisdiction, 2) affidavit attesting to military service, or 3) evidence of other education or experience within the 5 years preceding restoration demonstrating the licensee's fitness and competence in funeral directing and embalming. This competence may be demonstrated through proof of successful completion of the National Board Examination or proof of 6 credit hours of mortuary science coursework in addition to the CE requirements.

Iowa: Iowa requires applicants for a funeral director license to submit an application form and fee, provide proof that the applicant has met educational requirements, proof that the applicant has passed the National Board Examination of the International Conference of Funeral Service Examining Boards, Inc., and proof of successful completion of an internship. Iowa requires completion of 60 semester hours of college credit and graduation from a mortuary science program approved by the American Board of Funeral Service Education.

Iowa licenses that have expired within 5 years of the expiration date may be renewed by submitting an application form, paying renewal and late fees, and providing proof of completion of CE requirements. A license that has been inactive for more than five years in Iowa may be reinstated after the licensee provides documentation of any license held in other jurisdictions in which the applicant has practiced while the Iowa license was inactive and verifies that he or she has completed 48 hours of CE courses, including verification of completion of a college course of one semester hour in Iowa mortuary science laws and rules.

Michigan: Michigan requires applicants for a funeral director license to submit an application form and fee, proof that the applicant has passed the mortuary science exam, and proof of successful completion of an internship. Applicants must also provide proof that they have met educational requirements, which includes 60 semester hours or 90 quarter hours of non-remedial

courses at an accredited college and one academic year of instruction from a mortuary science program. Michigan contracts with PSI Services, LLC., to conduct the the mortuary science examination.

Mortuary science licenses expire October 31st of every odd-numbered year. Any applicant who fails to renew their license within 60 day late renewal period must apply for relicensure. Michigan allows a license to be renewed within 3 years of the expiration date by submitting an application form, paying renewal and late fees and providing proof of completion of CE requirements. A person who seeks relicensure more than 3 years from his or her license expiration must meet current educational requirements for a new license and pass the current written examination on Michigan's law and rules related to funeral directors.

Minnesota: Minnesota requires applicants for a funeral director license to submit an application form and fee, proof that the applicant has passed the National Board Exam of the International Conference of Funeral Examining Boards and a state exam encompassing the laws and rules of Minnesota. The applicant must also provide proof of successful completion of an internship. Minnesota requires applicants to hold a bachelor of science degree with a major in mortuary science, a bachelor of science or arts degree with a separate course of study in mortuary science, or completed the equivalent in has met educational requirements.

Licenses expire on December 31 of the calendar year in which the license was issued. Renewal applications received up to 31 days after the December 31 deadline must include a late filing penalty fee. A license lapses when a renewal application and renewal fees are not received within 31 calendar days after the expiration date. The commissioner issues a cease and desist order to prevent an individual with a lapsed license from practicing mortuary science. Minnesota allows a licensee to restore a lapsed license within one year after the license expiration date by submitting an application and paying a renewal and late fee, provided that the person has not violated the cease and desist order. Licensees with licenses that have lapsed for more than a year must meet all requirements of an initial license to be relicensed.

Summary of factual data and analytical methodologies: The Funeral Examining Board reviewed existing regulations and updated provisions to ensure compliance with 2013 Wisconsin Act 114, which prohibits the department or credentialing boards from requiring applicants to complete any postsecondary education or other program before taking an examination for a credential before issuing the credential. The Board also proposed changes consistent with current industry practices to modernize application, licensing renewal, and acceptance of continuing education courses approved by the Academy of Professional Funeral Service Practice (APFSP).

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

Fiscal Estimate and Economic Impact Analysis:

Effect on small business:

These proposed rules are not anticipated to have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sandra Cleveland, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0797; email at Sandy.Cleveland@wisconsin.gov.

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

Comments may be submitted to Sandra Cleveland, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Sandy.Cleveland@wisconsin.gov. Comments must be received on or before * to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. FD 1.02 is repealed and recreated to read:

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

- (1) An application and required fee under s. 440.05, Stats.
- (2) Evidence of completion of 2 academic years of instruction in a recognized college or university meeting the requirements of s. FD 1.04.
- (3) Evidence of completion of 9 months or more instruction in a prescribed course in mortuary science meeting the requirements of s. FD 1.05 after having completed 1 year of college work or equivalent education.
- (4) Evidence of completion of 1 year of apprenticeship under s. 445.095, Stats.
- (5) 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.
- (6) Evidence of passage of the National Board Examination.
- (7) Evidence of passage of the Wisconsin rules and statutes examination.

SECTION 2. FD 1.03(1) is amended to read:

(1) ~~To pass the initial~~ The passing grade on each licensure examination ~~each applicant~~ shall ~~receive a grade~~ be determined by the board to represent minimum competence to practice. ~~The board shall determine the passing grade after consultation with subject matter~~

~~experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing grade for the examination at that point which represents minimum acceptable competence in the profession. The board may adopt the recommended passing score of the examination provider.~~

SECTION 3. FD 1.03(2) is repealed.

SECTION 4. FD 1.035 is repealed.

SECTION 5. FD 1.10 is repealed and recreated to read:

FD 1.10 License renewal and reinstatement procedures. (1) RENEWAL WITHIN 5 YEARS. A license holder shall renew the credential by paying the renewal fee determined by the department under s. 440.03 (9)(a), 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. A license may be renewed after 5 years by complying with all of the following:

- (a) Payment of the renewal fee required under s. 440.03(9)(a) and the late renewal fee.
- (b)

(3) REINSTATEMENT. A license 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.

SECTION 6. FD 4.04 (8) is amended to read:

FD 4.04 (8) A continuing education course sponsored by a national, international or state funeral director's association, or an educational institution accredited by the American Board of Funeral Service Education or approved by the Academy of Professional Funeral Service Practice (APFSP) or otherwise deemed to be equivalent by the board, which satisfies the criteria established in sub. (1)(a) to (d) and s. FD 4.045, shall be approved by the board without receipt of a course approval application from the program provider.

SECTION 7. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Chapter FD 1

LICENSES AND PERMITS

FD 1.01	Authority and intent.
FD 1.02	Examination applications.
FD 1.03	Examination grade.
FD 1.035	Examination review.
FD 1.04	Two academic years of instruction.
FD 1.05	Mortuary school.

FD 1.06	Proof of academic training.
FD 1.07	Apprenticeship credit.
FD 1.08	Permits.
FD 1.09	Preparation rooms.
FD 1.10	Requirements for renewal; restoration of licenses.
FD 1.11	Renewal of Wisconsin licenses of out-of-state funeral directors.

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 and 445.03, Stats., to clarify and establish licensure criteria for funeral directors and funeral establishments.

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

FD 1.02 Examination applications. Applications for taking the examination for a funeral director must be on file at least 30 days before the date of the examination. The board may accept applications after the 30-day limit if the circumstances warrant such procedure.

Note: Application forms are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

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.

FD 1.03 Examination grade. (1) To pass the initial licensure examination each applicant shall receive a grade determined by the board to represent minimum competence to practice. The board shall determine the passing grade after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing grade for the examination at that point which represents minimum acceptable competence in the profession.

(2) The release of grades or the issuance of a funeral director license may be denied if the board determines that an applicant violated the rules of conduct of the examination or otherwise acted dishonestly.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88; r. and recr., Register, November, 1998, No. 515, eff. 12-1-98.

FD 1.035 Examination review. (1) An applicant who fails the state board examination may request a review of that examination by filing a written request with the board within 30 days of the date on which the examination results were mailed.

(2) Examination reviews are by appointment only.

(3) The time for review shall be limited to 4 hours.

(4) An applicant may not be accompanied during the review by any person other than the proctor.

(5) An applicant shall be provided with a copy of the questions, a copy of the applicant's answer sheet and a copy of the master answer sheet.

(6) An applicant may review the examination in the presence of a proctor. An applicant shall be provided with a form on which to write comments, questions or claims of error regarding any items in the examination. Bound reference books shall be permitted. An applicant shall not remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if desired. The proctor shall not defend the examination nor attempt to refute claims of error during the review.

(7) An applicant may not review the examination more than once.

History: Cr. Register, November, 1998, No. 515, eff. 12-1-98.

FD 1.04 Two academic years of instruction. To meet the requirements of 2 academic years of instruction specified in s. 445.045 (1) (d), Stats., an applicant must submit to the board an official transcript of courses from a college or university recognized by the north central association of colleges and secondary schools, showing that the applicant has completed at least the semester credit hours shown below in the following areas:

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

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.

FD 1.05 Mortuary school. The following shall be accepted as compliance with s. 445.045 (1) (e), Stats. The candidate shall have satisfactorily completed 9 months or more instruction in a prescribed curriculum in funeral service education 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.

FD 1.06 Proof of academic training. The following shall be accepted by the board as proof that the academic training requirements of s. 445.095 (1) (a), Stats., concerning registration as an apprentice funeral director or embalmer have been met: A signed statement by the registrar of any college or university recognized by the north central association of colleges and secondary

schools that the applicant has successfully completed one academic year of instruction in the college or university or has an equivalent education which will permit admission to the college or university with sophomore status.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; r. (2), Register, January, 1980, No. 289, eff. 2-1-80; renum. from FDE 2.05 and am., Register, July, 1988, No. 391, eff. 8-1-88.

FD 1.07 Apprenticeship credit. (1) An apprentice certified under s. 445.095 (1), Stats., shall be granted credit toward the term of his or her apprenticeship for a period of employment of no less than 40 hours in each of 2 consecutive weeks. However, credit for a shorter period of employment may be approved if an apprentice submits evidence satisfactory to the board that an exception be made.

(2) An apprentice may receive credit for no more than 9 embalming in any one quarter of his or her apprenticeship. At the conclusion of an apprenticeship, an apprentice shall have completed a total of 25 embalming.

History: Cr. Register, November, 1983, No. 335, eff. 12-1-83; renum. from FDE 2.135, Register, July, 1988, No. 391, eff. 8-1-88; **CR 01-063: renum. to be (1) and cr. (2), Register November 2001 No. 551, eff. 12-1-01.**

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 upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

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 easily 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 Requirements for renewal; restoration of licenses. (1) To renew a funeral director license a licensee shall, by January 1 of each even-numbered year following initial licensure, provide all of the following to the board:

(a) An application for renewal on a form provided by the department.

(b) Evidence that the licensee has, during the biennial period immediately preceding application, completed the continuing education requirements specified in s. FD 4.03.

(c) A fee in the amount required under s. 440.08 (2) (a), Stats.

(2) A licensee who fails to meet the requirements of sub. (1) by the renewal date shall cease and desist from practicing as a funeral director. A licensee who fails to meet the requirements of sub. (1) and who applies for renewal less than 5 years after the expiration date of his or her license may renew by furnishing the following to the board:

(a) An application for renewal on a form provided by the department.

(b) Evidence that the licensee has completed at least 15 hours of continuing education during the previous 2 year licensure period as required under s. 445.06, Stats., and s. FD 4.03.

(c) The renewal fee specified in s. 440.08 (2) (a) and (3) (a), Stats.

(3) A funeral director who files an application for renewal more than 5 years after the expiration date of his or her license may be reinstated by filing with the board an application and fees specified in s. 440.08 (2) and (3) (a), Stats. The board may also require demonstration of competence by various methods, including, but not limited to, written or oral examination, documentation of funeral directing work in other jurisdictions, or documentation of current education or experience in the field. Any examination or education required under this section shall not be more extensive than the educational or examination requirements for an initial credential from the board.

(4) The time limitations prescribed in this section shall not include the service period of a funeral director as an active member of the U.S. armed forces.

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.

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.

Chapter FD 4

CONTINUING EDUCATION REQUIREMENTS

FD 4.01	Authority.
FD 4.02	Definitions.
FD 4.03	Continuing education.

FD 4.04	Approval of continuing education programs.
FD 4.045	Qualifications for continuing education instructors.
FD 4.05	Exemption.

Note: Chapter FDE 5 was renumbered chapter FDE 4 under s. 13.93 (2m) (b) 1., Stats., Register, July, 1988, No. 391, eff. 8-1-88. Chapter FDE 4 was renumbered chapter FD 4 under s. 13.93 (2m) (b) 1., Stats., Register, September, 1993, No. 453.

FD 4.01 Authority. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11 and 445.06, Stats.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86; correction made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1993, No. 453.

FD 4.02 Definitions. In this chapter,

- (1) "Board" means the funeral directors examining board.
- (2) "Evidence of attendance" means an official transcript, student grade report or a written form furnished by a program provider which specifies satisfactory completion of a continuing education program.
- (3) "Funeral director" means a person as defined in s. 445.01 (5), Stats.
- (4) "Program provider" means an educational institution, governmental agency, professional or trade association or foundation or a private firm or individual whose primary function is continuing education.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86.

FD 4.03 Continuing education. (1) Every funeral director, as defined in s. 445.01 (5), Stats., shall complete at least 15 hours of approved continuing education programs in each biennial registration period, specified under s. 445.06, Stats., except as described in s. FD 4.05.

(2) Approved continuing education hours may apply only to the biennial registration period in which the hours are acquired.

(3) To obtain credit for completion of the continuing education requirement, a funeral director shall submit certificates of attendance issued by the program provider or other evidence of attendance satisfactory to the board.

(4) At least 3 hours of the 15-hour requirement shall be in approved programs in the subject area specified in s. FD 4.04 (1) (a) 2.

(4m) At least 3 hours of the 15-hour requirement shall be in each of the subject areas specified in s. FD 4.04 (1) (a) 1. to 4.

(5) No more than 7 hours of all of the 15-hour requirement may be in approved programs in s. FD 4.04 (7).

(6) No more than 2 hours of the 15-hour requirement may be acquired for presentation of any continuing education program by a funeral director.

(7) No more than 10 hours of the 15-hour requirement may be acquired through participation in non-contact home study programs.

(8) Each contact or clock hour or lesson or tape completed in a home study program is equivalent to 1.0 continuing education credit hour.

(9) Continuing education credit for participation in a multiple-day program, in which each day of the program is a prerequisite for each succeeding day, shall be granted only for completion of the entire program.

(10) A funeral director may receive credit for attendance at a continuing education program which received approval after he

or she attended the program, if the funeral director provides evidence of attendance satisfactory to the board.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86; am. (7), Register, November, 1998, No. 515, eff. 12-1-98; CR 01-063: cr. (4m) and am. (5), Register November 2001 No. 551, eff. 12-1-01.

FD 4.04 Approval of continuing education programs. (1) Except as provided in sub. (8), to obtain approval of a continuing education program, the program provider shall submit an application to the board on a form provided by the board which shall include:

(a) The program relates to one or more of the following subject content areas:

1. Grief counseling or communication.
2. Professional conduct, business ethics or legal aspects specifically related to practice in the profession.
3. Business management concepts relating specifically to delivery of services to a consumer.
4. Technical or practical aspects of the profession;

(b) The program is available to all funeral directors regardless of membership in or affiliation with any organization; and,

(c) The program provider of the continuing education program agrees to monitor the continuous attendance of participants and to furnish to each participant evidence of having attended and completed the program at the location of the program, or

(d) The program provider of a home-study continuing education program includes in the program a method satisfactory to the board of determining a participant's successful completion of the home study program.

(2) An application for a continuing education program shall include all of the following:

- (a) Date and location of the program.
- (b) Time segments scheduled in the program for presentation of subject areas specified in sub. (2).
- (c) Name and title of the instructor.
- (d) Name and title of the person requesting program approval on behalf of the provider.

Note: Forms are available upon request to the board office, PO Box 8935, Madison, WI 53708.

(3) A separate application shall be submitted for each continuing education program. Approval of a continuing education program expires on December 31 of each odd-numbered year.

(4) A program provider shall apply for approval of a continuing education program at least 30 days prior to its presentation.

(5) A continuing education program may include subject content other than that specified in sub. (1); however, the board shall limit its approval only to that part and time segments of the program which relate to subject areas specified in sub. (1).

(6) A home study program or course taken for academic credit shall be eligible for credit if the program or course relates to subject areas specified in sub. (1) and meets all other requirements in this section.

(7) In-service continuing education programs sponsored by a funeral establishment are not eligible for credit unless the programs are available to all licensed funeral directors and meet all other requirements in this section.

(8) A continuing education course sponsored by a national, international or state funeral director's association, or an educational institution accredited by the American Board of Funeral Service Education or otherwise deemed to be equivalent by the board, which satisfies the criteria established in sub. (1) (a) to (d) and s. FD 4.045, shall be approved by the board without receipt of a course approval application from the program provider.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86; correction in (6) made under s. 13.93 (2m) (b) 12., Stats., Register, September, 1993, No. 453; am. (2) (intro.), Register, November, 1998, No. 515, eff. 12-1-98; CR 07-049: am. (1) (intro.), cr. (8) Register March 2008 No. 627, eff. 4-1-08; correction in (8) made under s. 13.92 (4) (b) 7., Stats., Register March 2008 No. 627.

FD 4.045 Qualifications for continuing education instructors. Instructors for continuing education shall possess one of the following minimum qualifications:

(1) Be an instructor of funeral directing who is or has been engaged in the practice of teaching at an accredited institution of

higher education.

(2) Be a properly licensed or certified person for the 5 years immediately before becoming a continuing education instructor.

(3) Be a person who, in the judgment of the board, is qualified by experience or education, or both, to supervise a course of study.

History: CR 01-063: Cr. Register November 2001 No. 551, eff. 12-1-01.

FD 4.05 Exemption. Any funeral director who holds a certificate in good standing granted under s. 445.06, Stats., shall be exempt from meeting the continuing education requirement for the duration of the period that the funeral director is not engaged in professional practice. A funeral director who holds a certificate shall notify the board and shall submit proof of having completed 15 hours of approved continuing education programs in the 2-year period immediately preceding notification to the board of his or her intent to return to professional practice in a licensed funeral establishment.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86.

Chapter FD 2

STANDARDS OF PRACTICE

<p>FD 2.01 Authority and intent. FD 2.02 Definitions. FD 2.03 Operation of a funeral establishment. FD 2.04 Discrimination. FD 2.05 Business telephone listings and advertising. FD 2.06 Supervision of apprentices.</p>	<p>FD 2.07 Changes in apprenticeship assignment. FD 2.08 Business practices. FD 2.09 Commission prohibited. FD 2.10 Sanitation. FD 2.11 Radioactive materials. FD 2.13 Confidentiality.</p>
---	--

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

FD 2.01 Authority and intent. This chapter is adopted pursuant to authority of ss. 15.08 (5) (b), 227.11 and 445.03, Stats., and specifies the minimum standards of operation of funeral establishments and conduct of funeral directors under ch. 445, Stats.

Note: Funeral directors must comply with the standards adopted by the federal trade commission and set forth in 16 CFR 453.

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

FD 2.02 Definitions. As used in this chapter:

(1) "Funeral arrangements" means the provision of information or advice 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 services" means the ceremonies held in conjunction with disposition of the dead, including visitation, religious rites, memorials and graveside services.

(3) "Personal supervision" means immediate availability to continually coordinate, direct and inspect at first hand the practice of another.

(4) "Supervision" means regularly to coordinate, direct and inspect the practice of another.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88; correction in (1) made under s. 13.93 (2m) (b) 12., Stats., Register, September, 1993, No. 453; am. (1), Register, November, 1998, No. 515, eff. 12-1-98.

FD 2.03 Operation of a funeral establishment. Even though persons other than licensed funeral directors may own a funeral establishment:

(1) Funeral arrangements may be made only by licensed funeral directors; and

(2) Any other dealings on behalf of the establishment, including the conducting of funeral services, shall be performed only by or under the supervision of licensed funeral directors.

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

FD 2.04 Discrimination. No funeral director licensed in Wisconsin, or apprentice funeral director holding a certificate of apprenticeship in this state, or person holding a funeral establishment permit herein, shall deny services or the use of an establishment to any person because of race, color, creed, national origin or ancestry, HIV infection, or sexual orientation; provided, however, that this section shall not apply where a funeral establishment is, for religious reasons, so operated that its services are provided to members of only one religious faith.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; renum. from FDE 2.06 and am., Register, July, 1988, No. 391, eff. 8-1-88; am. Register, June, 1996, No. 486, eff. 7-1-96.

FD 2.05 Business telephone listings and advertising. (1) Each funeral establishment shall insure that only true funeral establishment names and addresses as registered with the funeral directors examining board shall appear in telephone listings or other publications and in advertising by any media whatsoever.

ever. A funeral establishment may list under a previous establishment name in a telephone or business directory, provided that the listing contains a reference to the establishment name currently registered with the board.

(2) If the names or pictures of unlicensed persons are used in any form of advertising for a funeral establishment, the advertisement must distinguish between the Wisconsin licensed funeral director and the non-licensed personnel.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; renum. from FDE 2.16 and am., Register, July, 1988, No. 391, eff. 8-1-88.

FD 2.06 Supervision of apprentices. (1) Apprentices may engage in the following activities only when under the personal supervision of a licensed funeral director: embalming and other preparing of dead human bodies for burial or transportation, and making funeral arrangements.

(2) Apprentices may conduct funeral services or make removals of bodies under the supervision of a licensed funeral director.

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

FD 2.07 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.

FD 2.08 Business practices. (1) Each funeral establishment shall offer a broad range of personal services, caskets, merchandise and prices consistent with the needs and desires of the families in the community. Records documenting these needs and desires shall be available for review by the board.

(2) If a funeral director offers package funerals, the funeral director shall provide the consumer with a comparison between the package price and the total cost, calculated on an itemized basis, of the components actually desired by the consumer.

History: Cr. (2), (1) renum. from FDE 2.15 (3) and am., Register, July, 1988, No. 391, eff. 8-1-88.

FD 2.09 Commission prohibited. Except as provided in s. 445.125 (3m), Stats., paying or accepting a commission or a salary based upon the selling price or number of funeral services sold shall be considered unethical and is therefore prohibited.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; renum. from FDE 2.12, Register, July, 1988, No. 391, eff. 8-1-88; am., Register, November, 1998, No. 515, eff. 12-1-98.

FD 2.10 Sanitation. (1) All preparation rooms, equipment, instruments and supplies in funeral establishments shall be maintained in a clean and sanitary condition.

(2) All post-mortem procedures shall be performed and all preparation rooms, equipment, instruments and supplies in

funeral establishments shall be maintained in compliance with the terms and conditions set forth in the United States occupational safety and health administration standard for occupational exposure to blood-borne pathogens under 29 CFR 1910.1030. In cases of HIV infection, after the body has been prepared in accordance with s. DHS 136.04, the usual and customary procedures may be followed for restoration and cosmetology. Following embalming and body preparation, no special precautions need to be observed during visitation.

History: Cr. Register, July, 1988, No. 391, eff. 8-1-88; r. and recr. (2), r. (3), Register, June, 1996, No. 486, eff. 7-1-96; am. (2), Register, November, 1998, No. 515, eff. 12-1-98; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register January 2011 No. 661.

FD 2.11 Radioactive materials. A funeral director or embalmer who takes possession of a dead human body which might possibly contain radioisotope must take all necessary steps to protect the members of the staff who are called upon to handle the body.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; renum. from FDE 2.17 and am., Register, July, 1988, No. 391, eff. 8-1-88.

FD 2.13 Confidentiality. All personnel involved in the post-mortem care of the deceased shall be informed of the confidentiality provisions under s. 252.15 (3m), Stats., and the consequences of violating these confidentiality provisions.

History: Cr. Register, June, 1996, No. 486, eff. 7-1-96; correction made under s. 13.92 (4) (b) 7., Stats., Register January 2011 No. 661.

Funeral Director Education Requirements in Adjacent States

State	Academic Requirements
Illinois	<ul style="list-style-type: none"> • An associate or bachelor’s degree in mortuary science; or • Completion of at least 30 semester(45 quarter) hours of college credit, not including remedial courses, but including at least 20 semester hours of liberal arts, physical, biological and/or applied science courses and certification of graduation from a course of study of at least 12 months in an approved mortuary science program in addition to general education requirements. • Illinois has separate rules defining what constitutes an approved mortuary science program, including criteria that the program have sufficient number of properly qualified instructors, the institution is legally recognized, and the program offers a 12 month course of study that includes: anatomy, restorative art, microbiology, embalming, sociology, psychology and chemistry or a course of study that results in either an associate’s or bachelor’s degree in mortuary science. The board may take into consideration, but is not bound by, accreditation by the American Board of Funeral Service Education, Inc., (AFBSE), although the board determined all programs accredited by the ABFSE as of 1/1/2003 met the minimum requirements and were approved.
Iowa	<ul style="list-style-type: none"> • Applicants for a license are required to complete a minimum of 60 hours of courses from a regionally accredited college or university with a minimum of a 2.0 or “C” grade point average. The 60 hours shall not include technical mortuary science courses; and • A program in mortuary science from a school accredited by the ABFSE; and • At least one credit hour in current Iowa law and rules covering mortuary science content areas including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed.
Michigan	<ul style="list-style-type: none"> • Three years of post-secondary education, including 60 credits in college courses from an accredited college including the following: <ul style="list-style-type: none"> ○ Public speaking and communications (3 semester hours or 3 quarter hours). ○ Psychology/death and dying/gerontology (6 semester or 8 quarter hours). ○ Comparative religion or ethnic/multi-cultural studies (3 semester or 4 quarter hours). ○ Completion with not less than a 2.0 average of 1 academic year of instruction in an accredited mortuary science program or program deemed by the department to be equivalent to an accredited program. The department adopts ABFSE accreditation standards. • The department may waive up to 6 months of resident training for applicants who possess a baccalaureate degree.
Minnesota	<ul style="list-style-type: none"> • Bachelor of Science degree with a major in mortuary science from an accredited college or university; or • University or a Bachelor of Science or Arts degree with a separate course of study in mortuary science accredited by ABFSE; or • Completed credit hours that are the functional equivalent of a Bachelor of Arts or Science degree and a separate course of study in mortuary science from an ABFSE accredited program of mortuary science.

Chapter FD 5

LICENSURE BY RECIPROCITY

FD 5.01 Qualifications.

FD 5.02 Application procedure.

Note: Chapter FDE 5 was renumbered chapter FD 5 under s. 13.93 (2m) (b) 1., Stats., Register, September, 1993, No. 453.

FD 5.01 Qualifications. A person licensed as a funeral director in another state may obtain a license as a funeral director under this chapter if the applicant meets all of the following criteria:

(1) Has met requirements in another state substantially equal to those in this state.

(2) Has never been disciplined by the licensing authority in any other state, territory or country for any misconduct or violations which demonstrate lack of competence to practice as a funeral director in Wisconsin as determined by the board.

(3) Is not under any current investigation and is not a party in a proceeding involving a complaint against the applicant which relates to the applicant's practice as a funeral director.

(4) Does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats.

(5) Has satisfactorily completed 9 months or more of instruction in a prescribed curriculum in funeral service education offered by an educational institution accredited by the American board of funeral service education or deemed to be equivalent by the board.

(6) Passes the board's examination on Wisconsin law. The board shall determine the passing grade after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing grade for the examination at that point which represents minimum acceptable competence in the profession.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90; am., Register, November, 1998, No. 515, eff. 12-1-98.

FD 5.02 Application procedure. (1) An applicant for a license under this chapter shall file an application with the board no later than 30 days prior to the examination under s. 445.08 (4), Stats. The applicant shall pay the costs and fees necessary to obtain the information required in subs. (2) and (4). The application shall be on the board's form and include:

(a) Information relating to the requirements in s. FD 5.01 and the signature of the applicant.

(b) The fee specified under s. 440.05 (2), Stats.

Note: Application forms are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

(2) The applicant shall request that the school of mortuary science attended by the applicant forward to the board a certified transcript of the applicant's record.

(3) The applicant shall request the authorized official in each state in which the applicant holds or has held a license to forward to the board a certified statement showing the qualifications upon which the license was granted, the current status of the applicant's license, and a description of any complaints filed against the applicant and the disposition of all complaints.

(4) Applicants who have a pending criminal charge or have been convicted of any crime shall provide the board all related information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the circumstances of the licensed activity.

(5) An application is not complete until all the information described in this section is received by the board. An applicant shall be scheduled to take the examination after completing sub. (1). However, the board shall not grant a license under this section until the application is complete.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.