

**STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD**

---

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : FUNERAL DIRECTORS EXAMINING  
FUNERAL DIRECTORS : BOARD ADOPTING RULES  
EXAMINING BOARD : (CLEARINGHOUSE RULE 01-063**

---

TO: Senator Judy Robson, Senate Co-Chairperson  
Joint Committee for the Review of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the FUNERAL DIRECTORS EXAMINING BOARD is submitting in final draft form rules relating to apprenticeship credit and continuing education.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

---

**STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD**

---

**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE  
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 01-063  
FUNERAL DIRECTORS : (s. 227.19 (3), Stats.)  
EXAMINING BOARD :**

---

**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:**

No new or revised forms are required by these rules.

**III. FISCAL ESTIMATES:**

These rules will have no significant impact upon state or local units of government.

**IV. STATEMENT EXPLAINING NEED:**

The current rule on apprenticeships does not state that a certain number of embalmings must be performed at various periods during the apprenticeship. In this proposed rule-making order the Funeral Directors Examining Board creates s. FD 1.07 (2) that specifies the number of embalmings that must be performed at various times during an apprenticeship, and the number of embalmings an apprentice must complete at the conclusion of the apprenticeship.

The current rules on continuing education describe the number of continuing education hours that are required in four content areas. It also describes the procedures for approval of continuing education programs. However, it does not list instructor qualifications. In this rule-making order the board amends its rules to better address the contents of continuing education courses and the qualifications of instructors and specifies the number of continuing education hours that may be obtained from the funeral establishment that employs a funeral director. Section FD 5.01 (6) is created to establish criteria for instructor approval.

**V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on July 17, 2001. There were no appearances at the public hearing nor were any written comments received.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

Comment 5.c. What is an “instructor of funeral directing” as provided in s. FD 4.045 (1)? Response: An instructor of funeral service education.

The remaining recommendations suggested in the Clearinghouse Report were accepted in whole.

**VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:**

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\fd7leg.doc  
8/8/01

STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

---

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : FUNERAL DIRECTORS EXAMINING  
FUNERAL DIRECTORS : BOARD ADOPTING RULES  
EXAMINING BOARD : (CLEARINGHOUSE RULE 01-063)

---

PROPOSED ORDER

An order of the Funeral Directors Examining Board to renumber FD 1.07; to amend FD 4.03 (5); and to create FD 1.07 (2), 4.03 (4m) and 4.045, relating to apprenticeship credit and continuing education.

Analysis prepared by the Department of Regulation and Licensing.

---

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statutes interpreted: ss. 445.03 (1) (b), 445.095 and 445.10, Stats.

The current rule on apprenticeships does not state that a certain number of embalmings must be performed at various periods during the apprenticeship. In this proposed rule-making order the Funeral Directors Examining Board creates s. FD 1.07 (2) that specifies the number of embalmings that must be performed at various times during an apprenticeship, and the number of embalmings an apprentice must complete at the conclusion of the apprenticeship.

The current rules on continuing education describe the number of continuing education hours that are required in four content areas. It also describes the procedures for approval of continuing education programs. However, it does not list instructor qualifications. In this rule-making order the board amends its rules to better address the contents of continuing education courses and the qualifications of instructors and specifies the number of continuing education hours that may be obtained from the funeral establishment that employs a funeral director. Section FD 5.01 (6) is created to establish criteria for instructor approval.

---

TEXT OF RULE

SECTION 1. FD 1.07 is renumbered FD 1.07 (1).

SECTION 2. FD 1.07 (2) is created to read:

FD 1.07 (2) An apprentice may receive credit for no more than 9 embalmings in any one quarter of his or her apprenticeship. At the conclusion of an apprenticeship, an apprentice shall have completed a total of 25 embalmings.

SECTION 3. FD 4.03 (4m) is created to read:

FD 4.03 (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.

SECTION 4. FD 4.03 (5) is amended to read:

FD 4.03 (5) No more than ~~3~~ 7 hours of all of the 15-hour requirement may be in approved programs in s. FD 4.04 ~~(1) (a) 3~~ (7).

SECTION 5. FD 4.045 is created to read:

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.

-----  
(END OF TEXT OF RULE)  
-----

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.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson

Funeral Directors Examining Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.

2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.

3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\fd7.doc  
8/7/01



---

---

**WISCONSIN LEGISLATIVE COUNCIL  
RULES CLEARINGHOUSE**

---

---

**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

**CLEARINGHOUSE REPORT TO AGENCY**

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 01-063**

AN ORDER to renumber FD 1.07; to amend FD 4.03 (5); and to create FD 1.07 (2), 4.03 (4m) and 4.045, relating to apprenticeship credit and continuing education.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

05-23-01 RECEIVED BY LEGISLATIVE COUNCIL.

06-12-01 REPORT SENT TO AGENCY.

RS:REL:jal;rv



---

---

# WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

---

---

Ronald Sklansky  
*Clearinghouse Director*

Richard Sweet  
*Clearinghouse Assistant Director*

Terry C. Anderson  
*Legislative Council Director*

Laura D. Rose  
*Legislative Council Deputy Director*

## CLEARINGHOUSE RULE 01-063

### Comments

[**NOTE:** All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

#### 2. Form, Style and Placement in Administrative Code

- a. In s. FD 4.045 (intro.), “all of” should be inserted before “the.”
- b. The last SECTION of the rule-making order should be renumbered to “SECTION 5.”

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. Each subsection in s. FD 4.03 is a grammatically independent subunit of the rule; therefore, s. FD 4.03 (4m) does not appear to fit logically within the context of the rule. This problem can be remedied by inserting the phrase “of the 15-hour requirement shall be” between “hours” and “in.”
- b. In s. FD 4.03 (5), it appears that the phrase “in the subject area specified” should be deleted, since an in-service continuing education program specified in s. FD 4.04 (7) is a type of continuing education program and not a “subject area.”
- c. What is an “instructor of funeral directing” as provided in s. FD 4.045 (1)? In sub. (2), it appears that the phrase “for the past 5 years” should be changed to “for the 5 years immediately before becoming a continuing education instructor.”





---

---

## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

---

---

**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE 01-063

AN ORDER to renumber FD 1.07; to amend FD 4.03 (5); and to create FD 1.07 (2), 4.03 (4m) and 4.045, relating to apprenticeship credit and continuing education.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

05-23-01 RECEIVED BY LEGISLATIVE COUNCIL.

06-12-01 REPORT SENT TO AGENCY.

RS:REL:jal;rv

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO



---

---

## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

---

---

Ronald Sklansky  
*Clearinghouse Director*

Richard Sweet  
*Clearinghouse Assistant Director*

Terry C. Anderson  
*Legislative Council Director*

Laura D. Rose  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 01-063

#### Comments

**[NOTE:** All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

#### 2. Form, Style and Placement in Administrative Code

- a. In s. FD 4.045 (intro.), “all of” should be inserted before “the.”
- b. The last SECTION of the rule-making order should be renumbered to “SECTION 5.”

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. Each subsection in s. FD 4.03 is a grammatically independent subunit of the rule; therefore, s. FD 4.03 (4m) does not appear to fit logically within the context of the rule. This problem can be remedied by inserting the phrase “of the 15-hour requirement shall be” between “hours” and “in.”
- b. In s. FD 4.03 (5), it appears that the phrase “in the subject area specified” should be deleted, since an in-service continuing education program specified in s. FD 4.04 (7) is a type of continuing education program and not a “subject area.”
- c. What is an “instructor of funeral directing” as provided in s. FD 4.045 (1)? In sub. (2), it appears that the phrase “for the past 5 years” should be changed to “for the 5 years immediately before becoming a continuing education instructor.”

STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

---

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : FUNERAL DIRECTORS EXAMINING  
FUNERAL DIRECTORS : BOARD ADOPTING RULES  
EXAMINING BOARD : (CLEARINGHOUSE RULE 01- )

---

PROPOSED ORDER

An order of the Funeral Directors Examining Board to renumber FD 1.07; to amend FD 4.03 (5); and to create FD 1.07 (2), 4.03 (4m) and 4.045, relating to apprenticeship credit and continuing education.

Analysis prepared by the Department of Regulation and Licensing.

---

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statutes interpreted: ss. 445.03 (1) (b), 445.095 and 445.10, Stats.

The current rule on apprenticeships does not state that a certain number of embalmings must be performed at various periods during the apprenticeship. In this proposed rule-making order the Funeral Directors Examining Board creates s. FD 1.07 (2) that specifies the number of embalmings that must be performed at various times during an apprenticeship, and the number of embalmings an apprentice must complete at the conclusion of the apprenticeship.

The current rules on continuing education describe the number of continuing education hours that are required in four content areas. It also describes the procedures for approval of continuing education programs. However, it does not list instructor qualifications. In this rule-making order the board amends its rules to better address the contents of continuing education courses and the qualifications of instructors and specifies the number of continuing education hours that may be obtained from the funeral establishment that employs a funeral director. Section FD 5.01 (6) is created to establish criteria for instructor approval.

---

TEXT OF RULE

SECTION 1. FD 1.07 is renumbered FD 1.07 (1).

SECTION 2. FD 1.07 (2) is created to read:

FD 1.07 (2) An apprentice may receive credit for no more than 9 embalmings in any one quarter of his or her apprenticeship. At the conclusion of an apprenticeship, an apprentice shall have completed a total of 25 embalmings.

SECTION 3. FD 4.03 (4m) is created to read:

FD 4.03 (4m) At least 3 hours in each of the subject areas specified in s. FD 4.04 (1) (a) 1. to 4.

SECTION 4. FD 4.03 (5) is amended to read:

FD 4.03 (5) No more than ~~3~~ 7 hours of the 15-hour requirement may be in approved programs in the subject area specified in s. FD 4.04 (1) (a) ~~3~~ (7).

SECTION 4. FD 4.045 is created to read:

**FD 4.045 Qualifications for continuing education instructors.** Instructors for continuing education shall possess 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 past 5 years.
- (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.

---

(END OF TEXT OF RULE)

---

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.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

\_\_\_\_\_  
Chairperson  
Funeral Directors Examining Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

## INITIAL FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\fd7.doc  
5/16/01