



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 16-010

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

The statutory authority for the Board to issue funeral director licenses based upon reciprocity is s. 445.08, Stats. This statute should be listed as part of the “statutory authority” in the analysis of the proposed rule. Section 445.08, Stats., should also be listed as one of the “statutes interpreted” instead of s. 445.06, Stats.

2. Form, Style and Placement in Administrative Code

a. Section FD 1.12 contains introductory material, followed by pars. (a) to (e). However, the first subunit to follow a section should be a subsection. [s. 1.03 (1), Manual.] As such, pars. (a) to (e) should be renumbered as subs. (1) to (5).

b. A heading and entry should be inserted at the end of the analysis for the proposed rule to specify the place where comments are to be submitted and the deadline for submission. [s. 1.02 (2) (a) 13., Manual.]

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

a. Section FD 1.12 (intro.) states that a person holding a valid funeral director’s license in good standing from another state may obtain a Wisconsin funeral director’s license, if certain requirements are met. However, under s. FD 1.12 (d), the requirement only states that the applicant for licensure must “submit verification of license from any state of licensure”, which does not appear to be limited to current licensure that is in good standing. The Board should review the

intent of the rule and clarify whether verification of licensure in another state must be current and in good standing.

b. Section FD 1.12 (a) requires that an applicant for licensure under reciprocity must submit a completed application. It does not state what kind of application must be submitted. For example, is the applicant to submit an application for examination, licensure, or licensure under reciprocity? Because ch. FD 1 currently mentions other types of applications, the Board should clarify what kind of application is required of a person applying for licensure based upon reciprocity.

c. The Board should consider including a note that explains where the application form under s. FD 1.12 may be found. Various types of application forms listed in ch. FD 1 provide information about where the forms may be found. [See ss. FD 1.02 (Note), and 1.08 (Note).] Also, the current s. FD 5.02 (Note) states where the application form is available for licensure under reciprocity.

d. It is unclear what kind of examination is required of an application for licensure under reciprocity. By combining licensure based upon reciprocity with other provisions related to examinations for licensure, it is unclear whether the applicant is required to take the examination under ss. FD 1.02 to 1.035, or a shorter examination that is just based upon Wisconsin jurisprudence for funeral directors. The Board should clarify what the examination mentioned in s. FD 1.12 (e) is, and the difference from the examination for initial licensure, if any.