

Chapter FDE 3

UNPROFESSIONAL CONDUCT

FDE 3.01 Unprofessional conduct

**FDE 3.01 Unprofessional conduct.** Any occurrence of the following shall constitute unprofessional conduct by a licensed funeral director, embalmer or registered apprentice funeral director or embalmer or owner of a funeral establishment.

(1) Giving misleading deceptive information to family or persons involved in the arranging of a funeral or final disposition including, but not limited to, funeral costs, burial arrangements, legal requirements and religious propriety.

(2) Acting in an offensive or obnoxious manner in the presence of family or persons attending to a part of funeral arrangements or a funeral service or other matters relating to final disposition.

(3) Performance of any funeral or embalming duty during the planning or conducting of services while under the influence of alcohol or controlled substance. (Controlled substances are listed in ch. 161, Stats.)

(4) Refusal to comply with a duly authorized request for information by the board or falsifying records of any kind which are made public or requested by the board.

(5) Gross negligence in properly providing and performing the services of funeral directing or embalming for which the individual is duly licensed.

(6) Disclosing confidential information gained in performance of official duties outside of family members or official persons performing duly authorized duties.

(7) Knowingly performing services or providing merchandise not authorized for which additional charges are made; or charges for services or merchandise not authorized after objection thereto for which additional charges are made.

(8) Misrepresentation or fraud in the conduct of business or the profession of any licensee.

(9) Outrageous conduct in the practice of the profession exceeding all bounds usually tolerated by decent society.

(10) Charging for removal or preparation of remains not authorized after objection to the charges by the person(s) authorized to arrange a funeral or final disposition unless the authorization was not obtained because next of kin authorized to make funeral arrangements could not be located within a reasonable time.

(11) Failing to provide to the depositor, within 15 working days of receipt of a payment, written confirmation of receipt and deposit of payment made pursuant to a funeral trust agreement in accordance with s. 445.125 (2), Stats. Such written confirmation shall include the name of

the bank, trust company, savings and loan association or credit union, the account number, the date of deposit, and a copy of the deposit slip or other documentary evidence of a payment deposited.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; cr. (11), Register, March, 1987, No. 375, eff. 4-1-87.