

Memorial Society

66 Marlborough Street

Boston, MA 02116

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Newsletter

Fall 1996

ANNUAL MEETING OF THE MEMORIAL SOCIETY

Saturday, October 26, 1996

1 p.m.

at Mount Auburn Cemetery (Story Chapel)

580 Mt. Auburn Street, Cambridge

*(For directions to the cemetery, see the enclosed brochure. Story Chapel is behind the office.
For those arriving by car the cemetery asks that we not park on any road with a green center line.)*

"Working With Changes in Funeral Planning"

A discussion will be led by John Van Dusen, Byron Blanchard and Jan Buhrman Osnoss of the Board of Directors and John Hynes, Manager of the Crematory at Mount Auburn on funeral planning options in Massachusetts.

After the meeting John Hynes will lead tours of Bigelow Chapel and the crematory (which is next to the chapel) for those interested.

A Note from the President...

The Board has continued to meet regularly throughout the year on a weekday at noon at 66 Marlborough Street, Boston. Our next meeting is Tuesday, November 12, and we would welcome anyone who wants to attend that meeting or later meetings which can be ascertained by calling Susan Twist at her office (617) 267-6730.

Byron Blanchard and Jan Buhrman Osnoss represented our Society at the biennial national meeting of our national organization, Funeral and Memorial Societies of America (FAMSA) in Nashville. It is fortunate that they both get to the meeting because they were jointly given FAMSA's first Social Action Award, described by FAMSA as "an opportunity to give credit to those who have worked to improve consumer choice or consumer production, often doing so behind the scenes with little acknowledgement or thanks." The following is from the FAMSA newsletter:

"Byron Blanchard and Jan Buhrman Osnoss of the Boston society were given recognition at the biennial

for increasing funeral consumer options in Massachusetts. The State Health Department has determined that it is legal to issue burial permits to families that might wish to care for their own dead. This makes Massachusetts the 42nd state allowing families such a choice. It took more than 15 months of legal research and dogged pursuit to get this concession. The work is not over, however, as local Boards of Health have final say. Predictably, there has been a mixed response. The *Boston Globe's* consumer reporter is following the struggle. Byron is a man of persistence and continues to travel with his reams of legal documentation. He is happy to help anyone wishing to take on this issue in other areas: 1-617-862-6314."

Obviously Byron, our Treasurer, has a portfolio much larger than just keeping the books. More details on his activities can be found in this newsletter.

Volunteers from the Board continue to do telephone counseling. We have extended our area as far as Worcester, but a new society may be founded there. We will work with FAMSA for a better definition of the areas of any new societies and the other three established Massachusetts societies.

John Van Dusen

LATE BREAKING NEWS

The Board of Registration held a meeting on October 8 to rally opposition to allowing caring for your own dead. We hope our membership will rally to support right of choice in funeral arrangements.

The Mass. Funeral Director's Association (MFDA) has published a 16-page memo attacking the MDPH Guidelines on caring for your own dead. We think this is the opening salvo in an attempt by the MFDA to introduce legislation prohibiting people for caring for their own dead. The MFDA claims the support of the Office of Chief Medical Examiner and the Mass. Chief's of Police Association. They also claim there is "overwhelming public opposition" to the guidelines.

CHANGES AT FAMSA

Lisa Carlson, who spoke at our last annual meeting, is the new Executive Director of Funeral & Memorial Societies of America (FAMSA). John Blake, who held that position for almost seven years, retired in May. FAMSA's new address is PO Box 10, Hinesburg, VT 05461, phone 802-482-3437, fax 802-482-2879, e-mail famsa@funerals.org, and web site <http://www.funerals.org/famsa>.

CREMATION SOCIETIES

The dictionary defines a society as: "1. an organized group of persons associated together for religious, benevolent, cultural, scientific, political, patriotic, or other purposes." For-profit businesses have started calling themselves "societies" to benefit from the success and popularity of memorial societies.

Two examples in Massachusetts are the Cremation Society of Massachusetts and the American Cremation Society. Both are regular mortuaries. Their prices are lower than most mortuaries but slightly higher than the lowest available. We would appreciate if any of our members who have dealt with them would report their experiences.

LEGISLATIVE ISSUES

Roger Hamel of Hamel Wickens & Troupe Funeral Home and the Cremation Society of Massachusetts in Quincy wants to build and operate his own crematory. Under present law only cemeteries can operate crematories. Hamel's state senator has agreed to introduce legislation to permit funeral homes to operate crematories. Do you think this is a good idea?

The funeral industry will probably try again to get the legislature to prohibit persons from caring for their own dead without hiring an undertaker. Their last try in 1962-63 failed. We need to be alert to assure that any new attempt will fail as well.

The Memorial Society is getting copies of laws and regulations in other states with an eye to proposing a major rewrite of the Massachusetts statutes. Please contact us if you are interested in helping with such a project.

FTC SWEEP

The Federal Trade Commission (FTC) tested forty funeral homes in Massachusetts to see if they gave people General Price Lists (GPL). Ten failed on two separate tests and were referred to the Funeral Rule Offender Program

(FROP) run by the National Funeral Directors Assn. (NFDA). The FTC agreed with the NFDA to not publicize the names of the offenders and that the offenders would make voluntary payments to the US Treasury in lieu of a fine. The offenders are also subject to a re-education program run by NFDA. This secrecy is outrageous! The offender's names are not exempt from release under the Freedom of Information Act, so we will try to get them that way and release them to the press and media.

CARING FOR YOUR OWN DEAD

Jan Buhman told us at our 1994 annual meeting of her experience in burying her mother without using an undertaker. She believed that what she did was against the law in Massachusetts and she asked us to try to get the law changed.

As we reported to you in last year's newsletter, we found out that Massachusetts law permits persons to care for their own dead. The funeral industry has been waging a successful campaign of disinformation to convince people that people had to use an undertaker. The way it worked was that the state Board of Registration in Embalming and Funeral Directing kept in their rules a rule saying that burial permits can be issued only to persons registered by that Board, even though the rule had been found unconstitutional by the Supreme Judicial Court in 1909.

The Memorial Society petitioned the Board of Registration in April 1995 to change its rules to conform to its authorizing statute and to the SJC decision. The written acknowledgement of the petition, which the Board's own rules require within ten days after their next meeting, didn't happen until September, and the promised public hearing has yet to be scheduled.

We also petitioned the Board of Health in Lexington in March 1995 to reconsider their policy of issuing burial permits only to undertakers. Finally after much consideration they voted unanimously in April 1996 to issue burial permits to persons who are not undertakers. This story made the Boston Globe, the wire services, and local radio and TV.

The Board of Registration appealed the next day to the Mass. Dept. of Public Health (MDPH) for help in stopping Lexington. MDPH, which had studied the issue for many months, said that the action of the Lexington Board of Health was correct. Two days after the Lexington decision the Board of Registration signed a memorandum of understanding with MDPH withdrawing their objection to issuing burial permits to non-undertakers.

MDPH has issued a guidelines document saying that it is legal to issue burial permits to non-undertakers and has mailed it to all 351 city and town clerks and all 351 boards of health. The Mass. Health Officers Assn. September 1996 quarterly meeting was devoted to the MDPH guidelines. The Memorial Society has prepared a guidelines document which supplements the MDPH guidelines with more detailed information on filling out the death certificate and other details. It, and a copy of the MDPH guidelines are available from the Society. We can use all the help we can get in contacting local city and town boards of health to ask whether they will issue burial permits. We anticipate that

some will resist and that we may have to litigate to force compliance with the law; if any of our members who is an attorney would be willing to provide some pro bono help it would be appreciated.

MATERIAL AVAILABLE TO MEMBERS

The Memorial Society sends a package of information, brochures, price lists, pre-planning forms, etc., to new members when they join. Several old members have suggested that the package be offered to them also. If you would like to receive the package, please write to us; a contribution to help with the \$3 postage and the copying costs would be appreciated. Please be patient if we are a little slow in responding. We also have available a \$11 paperback book *Last Wishes* from Ulysses Press full of helpful worksheets for pre-death planning. We will have the packages and the book at the annual meeting.

RULE ENFORCEMENT BY THE BOARD OF REGISTRATION

Embalmers or funeral directors who violate the rules can be disciplined by the Board of Registration. The penalty is suspension or revocation of their registration after a public hearing. They don't seem to ever hold public hearings, but instead take testimony and hear complaints in executive session. We are raising this secrecy issue with the Attorney General's office.

From Jan Buhrman...

You're going where? was the the question I encountered with every person I told about my trip to the Funeral & Memorial Societies of America (FAMSA) Biennial Conference in Nashville. I'm sure all members have at one time or another, experienced trying to explain what the Memorial Society is, but add the name "funeral" to it, and the conversation becomes very curious. Just as the general public wonders about what that name implies, Funeral & Memorial Societies are struggling with their identities and how they present themselves to the masses. I experienced this same situation when Scott Hamel of Hamel, Wickens & Troupe Funeral Home told me of his Cremation Society of Massachusetts. I couldn't help but wonder what services The Memorial Society was providing that the Cremation Society wasn't. If it was confusing for me as a Board member of the Memorial Society, how confusing it must be for potential members as well as the media.

Coincidentally, not only did the name of the conference bring about questions I found myself attempting to answer as I told of my destination but, the Conference's main theme was about identifying who we are as a Memorial Society. Certainly it encouraged me to think of ways in which we could take a more active role. To ask ourselves the

question: are we a social action group, or a middle man for the industry? If we are going to be social activists, we must stir up more energy. We need to ask ourselves, what are we offering to our members, and potential members. We must talk to people and the press. The three areas that were addressed as areas to focus on when we are selling the Memorial Society is to people who are putting together living wills, churches and the elderly. The conference encouraged us to be more active at the legislative level.

FAMSA's goals are dedicated to a consumer's right to choose a meaningful, dignified, affordable funeral. One morning of the conference was spent hashing over whether this was truly representative of FAMSA. I think that they might still be clarifying this, but certainly the original goal gives me clarity. I am a Board member of the Memorial Society because I believe that all consumers have a right. I have become more and more aware of people who are taken advantage of by the funeral industry from mild intimidation to simply ripping off consumers by marking up a product (casket) or services by up to 800%.

Consumers have a right to know what is available and what their rights are. Certainly there must be a bigger push to inform people that they can choose. In Massachusetts, you do not have to use a funeral home and I feel this needs to be heard by all residents of the commonwealth, so that they can make a choice. We as a Memorial Society need to make sure that this is heard.

Also featured at the conference was a night surfing the Net. It certainly is our new Executive Director, Lisa Carlson's goal to provide every Memorial Society with a home page. It seems that there is an increasing number of funeral homes and cremation societies (check out Hamel's very colorful one) who are electronically promoting their facilities and merchandise. If you have access to the World Wide Web, be sure to look for Father Wasielewski's wholesale casket price list. Fr. Wasielewski has been an active whistle blower on the funeral industry and clearly has a sense of humor.

Spending three days with people who are truly dedicated to keeping these issues alive and meaningful was an enlightening experience and a reminder of how much work there is to do. I encourage members to become more active in any way they can. If it is only to discuss what our Memorial Society is to someone who might not know is raising consciousness and certainly can prove to be an interesting topic for the curious.

I have learned much from my own mother's death in 1993 when we chose to bury her ourselves. Not only has it raised my consciousness about the funeral industry, but more importantly, I have raised the consciousness of many people just by talking about the process. Certainly it has been a vehicle for dealing with the loss of a loved one. People might not want to talk about death, but they are definitely curious about it. I encourage you to stir up that curiosity!

Jan Buhrman Osnoss

NOMINATING REPORT

President - John Van Dusen
Vice President, Jan Buhrman Osness
Vice President - Robert Wolf
Treasurer - Byron Blanchard
Clerk - Susan C. Twist

Lawyer, Marblehead
Librarian, Martha's Vineyard
Minister, First Parish in Needham
Electronic engineer, Lexington
Administrator, First & Second Church, Boston

Board Members in addition to above:

Paula Blanchard
Freda Carnes
Harry L. Jacobs
George S. Richardson, M.D.

Writer, Lexington
Retired teacher, Boston
Retired psychologist/physiologist, Wayland
Physician, Nahant

PROXY

(Please vote by proxy if you do not plan to attend the Annual Meeting. Complete this form and send it to: The Memorial Society, 66 Marlborough Street, Boston, MA 02116.

PROXY VOTE: (Fill in only if you will not attend the Annual Meeting on Saturday, October 26, 1996).

I hereby authorize the Clerk of the society to vote for:

- | | | |
|--|-----------|----------|
| (1) The Slate of Officers as proposed | Yes _____ | No _____ |
| (2) Such matters as may lawfully come before the meeting | Yes _____ | No _____ |

Signature of Member: _____ Date: _____

VOLUNTARY CONTRIBUTION FORM

Yes, I would like to support The Memorial Society. The one-time membership fee covers only a portion of the Society's expenses. Your inclusion of a tax-deductible contribution is greatly appreciated.

Contributions: () \$15; () \$25; () \$40; () \$60; () \$100; () Other

Thank you very much for your consideration.

MAILING LABEL CORRECTIONS

Please make any needed corrections on the mailing label so we can update our mailing list. A reply envelope is enclosed.

I would like to be on your Activist Mailing List to be informed of hearings, etc.

Yes _____ No _____