

Memorial Society

66 Marlborough Street

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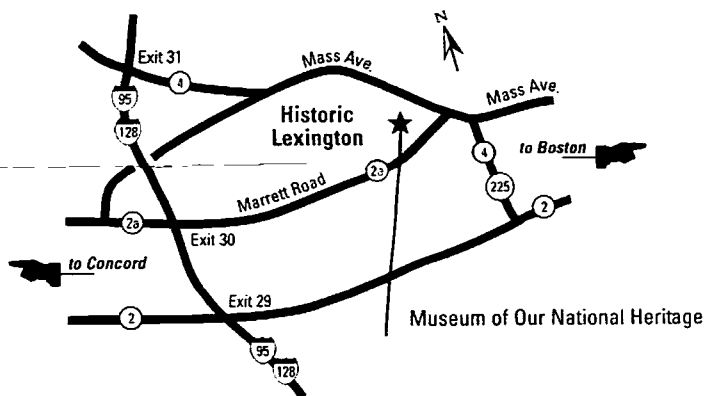
Newsletter

Fall 1997

ANNUAL MEETING OF THE MEMORIAL SOCIETY

THE ANNUAL MEETING WILL BE HELD ON SATURDAY NOVEMBER 15 AT 2:PM AT THE MUSEUM OF OUR NATIONAL HERITAGE, LEXINGTON.

GEORGE FOY WILL TALK ABOUT HIS FAMILY'S EXPERIENCE IN ARRANGING FOR THE CREMATION OF THEIR INFANT WITHOUT HIRING A FUNERAL DIRECTOR.



Bus 62 leaves at 1 p.m.
Bus 76 leaves at 1:30 p.m. (takes 20 minutes)
Return buses leave each half hour.

A Note From The President

We have doubled the length of our newsletter this year, both to include Paula Blanchard's short history of our society and also to include more information as to our activities. We are fortunate to have a writer of Paula's skill, not only for this history but also for our various guidelines and surveys. Less apparent is our debt to Byron Blanchard whose time and effort are making us such a presence in the funeral industry.

We are sorry to lose Bob Wolf from our board due to his move to New Hampshire. We are

The following is the schedule:

2 p.m. Business Meeting followed by the speaker
Present after our meeting will be cooperating funeral directors available for you to discuss your concerns with.

Refreshments will be served following the meeting and you are cordially invited to come early or stay after and view the exhibits

pleased that Jack Osgood after a time of stimulating us from the outside has agreed to join us. We are always looking for fresh faces and new blood.

We do hope to see many of you at the annual meeting. If you can come try to bring a friend, this is an open meeting. Whether you can come or not we hope that you will consider a tax-deductible gift to the society. The low one time membership fee does not go far and our increased level of activity and reaching out letter in our territory mean increased expenses.

Monitoring the Board of Registration

The funeral industry in Massachusetts is governed by a state board, one of the 33 in the Division of Registration. The Board of Registration in Embalming and Funeral Directing was founded in 1905. Its members are four funeral directors who own funeral homes and one consumer member. Their meetings every two weeks are public, but historically no public observers have attended. Public records requests in October 1996 for minutes of meetings resulted (after long delay) in production of copies with big sections blacked out. The Supervisor of Public Records ordered, on our appeal, that minutes of public meetings be produced in their entirety, but the Board refuses to comply. Thus in January we started to attend and tape the meetings in order to see what really goes on. The attorney for the Board threatened a fine and jail for taping the meeting, but since the law explicitly permits taping, he later apologized. We continue to monitor the meetings, with Jack Osgood helping out for the last few months. Anyone wishing to help monitor the Board would be welcome.

A part of almost every Board of Registration meeting is closed to the public. The reason given is "adjudicatory session". The assistant Attorney General in charge of Open Meeting questions issued a letter opinion that such closing of the meeting is unlawful. It is lawful for the Board to meet privately to discuss their decision after hearing testimony in public, much as a jury or collegial court may meet privately to discuss their decision. The Board takes testimony in private from complainants and funeral directors complained about, and makes its decision also in private, but with their attorney, investigator, and other staff present. Imagine a jury deliberating with the prosecutor and investigator in the room!

We are just beginning to study the Board's complaint handling procedure by requesting public records about some closed cases. The Board, at least orally, concedes that the records of closed cases are public records, but it remains to be seen whether the records will be disclosed.

Chain Funeral Homes in Massachusetts

The big funeral chains are actively buying establishments in the state. Service Corporation International (SCI) now owns twenty-four. Loewen Group International now owns twenty. Equity Corporation International (ECI) now owns one. There are about seven hundred funeral establishments in Massachusetts.

The Board of Registration has stated its goal is to prevent vertical integration in the funeral industry. To that end it has rules prohibiting the owner of a funeral establishment from owning an interest in a cemetery, crematory, or other funeral-related business. The funeral chains own many cemeteries and crematories, but since none are in Massachusetts, the Board rationalizes that their rule isn't being broken.

This spring SCI purchased Marsellus Casket Co, the biggest wood casket maker. This presents a problem for the Board, since Marsellus would be selling to at least the SCI-owned establishments in Massachusetts. The Board is struggling with this. We have made a public records request for documents about their previous deliberations on this issue.

Restrictions on Other Employment

The Board of Registration asks each new apprentice embalmer whether he/she has "any connection with a cemetery, crematory, or flower shop". If the answer is yes the person is denied registration. A grave digger at the Quincy Cemetery was turned down for apprentice registration.

The Board in 1993 charged a funeral director with violating its rules by being also the Crematory Manager at a cemetery. The Board never held the hearing to decide the complaint and so the funeral director sued, demanding resolution of the complaint. The suit was settled this summer with the Board agreeing to him keeping his job at the cemetery and that he can continue to be a funeral director and can open a new funeral establishment.

We know of no other professional or occupational registration regulation or law restricting other employment of a registered person. Physicians have some restrictions on ownership of related businesses, but not on employment. The Board's position is a clear violation of civil rights of persons registered.

We hear that 40-50 funeral directors are employed by or serve on the board of cemeteries with no prosecution. The contrast with the treatment of the Crematory Manager and of the apprentices is striking.

New Regulations

The Board of Registration looks like it might finally issue the revised regulations it finalized in January 1995. A public hearing was originally scheduled for April 1 but moved to May 20 because of the snow storm. Your Treasurer was the only person to testify, and the only observer was the attorney for SCI in Massachusetts. All Board members except the consumer member were present.

Our testimony focussed on sections of the regulations that would increase costs and those that would give advantage to chain-owned funeral homes versus small independent funeral homes. Also we pointed out sections that went beyond the authority granted to the Board by its authorizing statute.

Two officers of Mass. Funeral Directors Assn. met with your Treasurer to discuss the regulations prior to the hearing. MFDA didn't come to the hearing, but later submitted written testimony. They agreed with us to recommend adoption of language from the New York regulations requiring funeral businesses using the words "society", "fund", or "trust" in their name to disclose that they are for-profit businesses if in fact they are. Both we and the MFDA believe that commercial "Cremation Societies" misrepresent their status by using the word "society". The Board voted to incorporate the language.

Contact us if you would like a copy of our and the MFDA's written testimony.

Caring for Your Own Dead

The right to care for you own dead without using a funeral director seems well accepted now, even though only a few people have done so. The only Board of Health we know of which has stated in writing its refusal to grant burial (disposition) permits to non-undertakers is Braintree. If any members from Braintree would like to join us in meeting with the Board of Health please contact us.

We know of two cases of private property burial, one of the son of Bill Cosby in the western part of the state and another recently in Paxton. Our earlier reporting that private property burial was illegal in Massachusetts seems to have been wrong.

Prepaid Funerals

We are just starting to update our information on prepaid funerals. The present position of our Society and of FAMSA is to recommend against a prepaid contract with a funeral director except when it is necessary to shelter money for persons going on medicaid or SSI. Otherwise you can set money aside in a separate bank or investment account, jointly owned or payable on death

Prepaid funeral contracts with funeral directors differ greatly on how much of your money you get back if you cancel them. If the contract is funded by a funeral trust you get back your money with income earned, less a maximum of ten percent. By contrast, a contract funded by an insurance policy may give back much less than you paid in.

We would appreciate receiving a photocopy of any prepaid funeral contracts that you have or are considering entering.

A funeral director in Wakefield a few years ago made off with about \$200,000 of prepaid funeral money. There is no guarantee fund to reimburse the unfortunate victims. There should be.

Some old Recommendations Amended

Over the years we have recommended various funeral homes to our members, among them Long's and Rogers, both of Cambridge. Management and/or prices have changed at both these establishments, and we no longer refer members to them. The funeral homes with which we currently work are Anderson-Bryant in Stoneham, Commonwealth in Boston/Brighton and Goodrich in Lynn. One or two others have prices as low or lower than these, but as yet we have no reported experience with them. If you would like more information, please call us at (617) 859-7990.

Feedback Requested

We always want to know how funeral directors — including those we recommend — treat the public. If you have either a positive or a negative encounter with a funeral director, we would appreciate your telling us about it.

It would also be very helpful if members would visit their local funeral homes and request a general price list. Our price survey is based only on voluntary responses from funeral directors in the Boston area; we particularly need more information on prices to the north and west (Lowell, Lawrence, and Worcester, to give three examples).

Member Participation

Members are always welcome at the meetings of the board of directors, which are held at regular intervals at 66 Marlborough Street in Boston. If you would like to attend a meeting, call and ask for the next scheduled date. (617-859-7990)

We would also welcome suggestions on topics for future general meetings. What would you most like to hear about and discuss?

Retail Caskets

Members who wish to buy a plain pine box can now do so locally from E.R. Butler & Sons, 25 Mugford Street, Marblehead. The Butlers will make a box of specified dimensions with rope handles at a reasonable price, but ask that you give them plenty of advance notice and not wait until time of need.

Pine boxes, finished and unfinished, are also still available from Pine Tree Products in Bow, N.H.

Retail casket stores are now located in Framingham and Biddeford, Maine, as well as Manchester, N.H., but prices are not much different from those at the more reasonable funeral homes.

Notice to Out-of-State Members

Over the years some of our members have moved to nearby states but retained their membership with us; other out-of-state members joined in the days when we were the Memorial Society of New England. We are glad to have your continued support, but you should know that there are memorial societies in almost all the states who are better able to advise you about local conditions. If you would like to transfer to another society, please call us. There is probably no transfer fee.

Organ and Body Donation

Please remember that you can give the gift of life. For information about organ or body donation, you may contact the following:

EYES:

New England Eye Bank, 243 Charles Street, Boston 02114. (617) 523-3937

EARS:

Department of Otolaryngology, Massachusetts Eye & Ear

Infirmity, 243 Charles Street, Boston 02114. (617) 573-3711

INNER ORGANS:

New England Organ Bank, 138 Harvard Street, Brookline 02146.

(617) 277-6200; or (24 hrs.) 800-446-6362

SKIN:

Shriners Burns Institute, 51 Blossom Street, Boston 02114.

(617) 733-3000, Est. 175

WHOLE BODY DONATION (call any of the following):

Boston University School of Medicine:
(617) 638-4245

Harvard Medical School: (617) 432-1735

Tufts University School of Medicine:
(617) 636-6685

University of Massachusetts Medical School: (508) 856-2460

THE SOCIETY: A THUMBNAIL HISTORY

by Paula Blanchard

When and how did The Memorial Society begin? Some of our members have been around long enough to remember; many of us have not, and have wondered about it from time to time.

Our society is 36 years old. It began at the offices of the Unitarian Association in Boston, where a group gathered in 1961 and decided to form an interfaith, volunteer

organization devoted to helping people make informed, considered choices about funeral plans before the need arose. Founded at the beginning of the consumer-rights movement, it became one of about 80 memorial societies in the country. Jessica Mitford's groundbreaking expose of the funeral industry, *The American Way of Death*, would be published in 1963; Ralph Nader's *Unsafe at Any Speed* followed two years later.

In keeping with its interfaith philosophy, the new society included ministers, rabbis and priests on its board of directors. Its office has always been located in a house of worship (three Protestant churches in succession), and most of its early annual meetings were held in churches or at Temple Sinai in Brookline.

Incorporated in 1962, it was called the Memorial Society of Massachusetts — a misleading name, since the Springfield society already existed. Membership grew steadily, reaching about 4,000 in 1979.

The need for memorial societies in the 1960s was pressing. Undertakers were not required by law (as they are today) to disclose price information to anyone who asked, and they had an enormous advantage over vulnerable, grieving families. Because of the secretiveness of the industry and the mystique surrounding death, the experience of approaching a funeral director was even more intimidating than it is now, and for memorial societies the task of gathering price information was much more difficult. In addition to general counseling, the Memorial Society of Massachusetts offered to negotiate for families who were too timid or stressed to do so themselves. Gradually we developed the system older members recall well, of having members fill out duplicate copies of a planning form and file one with the society, who would contact the funeral director if the survivors so wished.

In the early years the society signed contracts with three Boston-area funeral directors who offered a choice of seven plans at fixed prices. All the preplanning forms were kept on file. In order to keep up with counseling

and paperwork the society maintained a salaried staff and a 24-hour answering service.

Eventually the paperwork grew too burdensome, as boxes and boxes of planning forms accumulated. Ownership and management of the contracting funeral homes changed, and prices rose. The demands of legal work (for contracts), salaries and phone service put a severe strain on the society's small budget.

In 1984 the climate dramatically shifted in consumers' favor when the FTC passed a regulation that requires funeral directors to disclose price information to anyone who asks. Our society's president, Dr. George S. Richardson, and his wife Rebekah (Becky) both testified in the hearings that resulted in the change. Now the Memorial Society of Massachusetts ceased negotiating formal contracts with funeral directors and shifted its focus to gathering accurate price information so that members could make their own independent arrangements. Budget constraints also forced us to cut back on staff and install an answering machine in place of the paid answering service. Today we are almost totally a volunteer organization, but our basic purpose remains the same: we continue our role as an advisory and educational organization, promoting the cause of "dignity, simplicity and choice" in funeral arrangements, conducting price surveys, maintaining a phone-counseling line, sending speakers to groups that request them, monitoring the funeral industry and serving as consumer advocate and watchdog.

No organization that has lasted for 36 years can escape internal strains and stresses, and our society has survived its share. Most of them were the result of trying to do too much.

The society's original name, the Memorial Society of Massachusetts, was (as has been noted) already more ambitious than its scope, since it really shared the state with another society. For several years there was strong pressure from within the board to extend our reach still further and serve all of New England, even though other societies existed or

were being formed in all the New England states. These ambitions culminated in 1972, when the society changed its name to the Memorial Society of New England. But it never really served the entire region. It was not equipped to reach so far, nor was its empire-building appreciated by other societies. After much internal soul-searching we retrenched in 1992, when the name was changed to its present form. We now serve eastern Massachusetts from Boston to Worcester, and north as far as the New Hampshire border. The Memorial Society of Southeastern Massachusetts serves New Bedford and surrounding towns, the Memorial Society of Cape Cod serves the Cape, and the state from Worcester west is covered by the Memorial Society of Western Massachusetts.

There were also outside pressures on the organization. Understandably, some members of the funeral industry were not entirely pleased with our activities. An early president, Robert Gray, was subjected to profane phone calls from a funeral director, and George Richardson once received an absurd call from someone threatening to sue him for conflict of interest because of his brother's (and his own) connection with Massachusetts General Hospital, which performs autopsies and therefore — according to the caller's desperately skewed logic — is engaged in "the funeral industry."

George Richardson has in fact, been the most constant and dedicated influence on the society throughout its lifetime. The only founding member still on the board, George served as the first president but left office after a year to devote more time to a demanding medical practice. In 1972 he resumed the presidency, continuing in that office for 20 more years until at last an influx of newcomers on the board of directors enabled him to relinquish it. He is still a member of the board. His wife, Becky, was extremely active in the 1970s and 80s. Between them, one or both Richardsons testified for the crucial 1984 FTC funeral regulation, for its 1994 revision, and for the Massachusetts Health Proxy Act, or "Living Will." Both served on

a state advisory committee to study prepayment, and Becky Richardson testified on the same issue before the FTC. She has also conducted many local workshops and discussion groups, and was a director of the Continental Association of Funeral and Memorial Societies (now called Funeral and Memorial Societies of

America). Under George's leadership the society gained tax-exempt status, allowing it to channel more of its resources into serving the public. And at one particularly low point in the society's fortunes, Richardson moved the whole operation into his home and manned the advice-line himself. In short, we all owe the Richardsons a large debt of thanks.

NOMINATING REPORT

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

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

Board Members in addition to above:

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

Writer, Lexington
 Retired teacher, Boston
 Retired psychologist/physiologist, Wayland
 Retired technical sales, Boston
 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, November 15, 1997).

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.

Memorial Society
66 Marlborough Street
Boston, MA 02116

Address Service Requested

MEETING NOTICE

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