
Funeral Consumers Alliance of E. Mass. The Memorial Society, Inc.

Newsletter

October 2004

“A Family Undertaking”

Annual Meeting and Workshop on Home Death Care

Saturday, October 23, 2004, 11:30 A.M.
First Parish in Bedford
75 The Great Road (on the Common)
Bedford, MA

“A Family Undertaking,” the critically acclaimed PBS documentary, will be screened at 11:30, followed by our annual business meeting at 12:30 and at 1:00 p.m. a workshop on home death care. Cookies and cider will be provided. The meeting is free and open to all. Enter the church via the Elm St. side door. For details about the documentary see:

<http://www.pbs.org/pov/pov2004/afamilyundertaking/>

Jan Buhrman and Nancy Accola will present the workshop, similar to one they did on Martha’s Vineyard in August. Jan and Nancy will present information regarding the psychological, legal, financial and practical issues surrounding home death care in Massachusetts. Mary Welch will share her family’s recent experience in arranging her late husband’s cremation.

In the brief business meeting we will discuss where our Alliance is heading and how we can get there. And, of course, elect directors and officers.

The slightly odd starting time is to accommodate people without cars. The 62/76 bus departs Alewife at 10:20, 11:30, and 12:40 and takes about 55 minutes.

A Deli and a Japanese restaurant are across the street from the church for those who want to purchase lunch.

There is a lot of street parking available, but there is also a big parking lot next to Town Hall, a short walk away.

Funeral Prepay Pitfalls

FCA of Western Massachusetts Annual Meeting

Sunday, October 17, 2004, 2:30 - 4:30 p.m.
Loomis House, 298 Jarvis Ave.
Holyoke, MA

Byron Blanchard will speak on such issues as:

- Pre-planning vs. pre-paying
- Revocable vs. irrevocable contracts
- Medicaid regulations
- Trust vs. insurance funding
- Portability and safety of funds
- Examples of actual contract forms

For details and directions call 413-774-2320 or visit <FuneralConsumersWMass.org>.

Misunderstandings

We have had two recent calls from the families of just-deceased members, each expecting that we would come, collect the body, and conduct the funeral and burial or cremation. Each said that the deceased had repeatedly assured them that everything was arranged, all they had to do was call us. One of the families was even convinced that their mother had paid us in full for the funeral. We explained that we are a consumer activist educational organization, not a funeral establishment, and that we neither sell nor provide funeral services. Instead we try to help people understand how the funeral business works.

Whether you wish to plan your eventual death ceremonies in detail, or leave those decisions to your survivors, you need to let those survivors know where they stand. If you are uncomfortable discussing the matter, then at least write it down in letters to be opened upon your death. Don’t put such instructions in your will – Franklin Delano Roosevelt put detailed instructions in his will which wasn’t opened until two weeks after his funeral.

Direct Cremation

We are often asked to recommend a crematory that will pick up the body and cremate it. The eleven crematories in Massachusetts *only* do cremations, not transportation of the body nor filing of the death certificate. They are located only in cemeteries and are completely separate businesses from funeral homes. Family and friends may deal directly with the crematory or may hire a funeral home to accomplish all or part of the arrangements.

Funeral homes provide transportation and death registration services but are not allowed to have their own crematory. While each funeral home customarily uses one particular crematory, they will use a different one if you prefer. You would, of course, be responsible for any difference in cremation fee, and perhaps for a modest mileage charge. You may witness the start of the cremation process by appointment, often at no additional charge.

A funeral home hired to provide a “direct cremation” will remove the body from the place of death, place it in a plastic body bag in a plywood and cardboard “alternative container,” prepare and file the necessary paperwork and permits and transport the body to the crematory. They may deliver the cremated remains or may expect someone to pick them up at the crematory. The package price for “direct cremation” covers the astounding range from \$695 to \$3600 for the exact same services. Always verify that the package price really includes the crematory and medical examiner’s fees, as the FTC rule is ambiguous on this point.

Cremation Viewings

A medical examiner or a “similarly authorized person” must view the body and sign a form permitting cremation. The price for that permit is now \$75 instead of \$50. The fee is now paid to the Commonwealth, not directly to the person doing the viewing and is now considered mainly as a revenue source. Dr. Evans, the former Chief Medical Examiner was quoted by the Boston Globe in 1995 as saying of the viewings “I don’t think they are necessary.”

Preneed Funeral Contracts

The Board of Registration accomplished a major redraft of the regulations, now in effect. A funeral home can no longer be the trustee of a funeral trust; only a bank or trust company can be trustee. A much-simplified standardized contract form is now mandated. There were many other changes, almost all for the good. Now we need to monitor closely the implementation of the new regulations to watch for unintended consequences.

Regulations, not laws, govern such contracts. The regulations are not enforceable under criminal or civil law, but rather under administrative law. The only penalty for violation is suspension or revocation of the registration of the funeral home or funeral director. General consumer protection and anti-fraud laws *do* apply, and the Attorney General has used them to punish funeral directors who have stolen preneed funds.

Preneed contracts should be irrevocable only when legally required to be for recipients of government aid such as Medicaid or SSI. New York now has such a law. You might well live long enough so that your present funeral plans no longer make any sense and the money could better be spent on current needs. Why eliminate that possibility? Contracts need not be made irrevocable until you are actually going on Medicaid; they are *not* subject to the three-year look-back applying to most other transfers. We believe many purchasers are misled into signing irrevocable contracts and even into waiving the right to cancel within ten-days of signing.

Life insurance is an excellent funding vehicle for preneed contracts if it is priced fairly; but such insurance sold by a funeral home can cost up to three times as much as that sold by a conventional insurance agency. The “cash value” which you receive if you cancel can be drastically less than the premium paid.

Trust funds at first appear to be an excellent choice. But administrative costs can eat up most or all of trust income. One trust agreement has a minimum \$250/year fee. That is 5% APR on a \$5,000 trust, which in many cases will result in an account that steadily shrinks. Others have lower fees, but all we have seen have significantly higher expenses than do many mutual funds, from Vanguard, for example.

As always, the devil is in the details. If you do prepay, evaluate the funding method in the same way you would evaluate any other investment.

Feedback

Please tear off and return this part (with your address label on the reverse) with your suggestions and answers to the following questions:

Do you wish to continue receiving a printed annual newsletter? Yes No

Would you like to receive news via email? Yes No Your email address? _____

Would you be interested in attending a repeat of our October 23 program at another location?

Worcester?

Lawrence?

Other?? _____

What should we be doing as an organization?

Would you like to help?

Help Us

Here are some things that an interested member could do to help:

- * Attend and tape record Board of Registration meetings when Byron Blanchard can't attend them.
- * Do a mini price survey in your area.
- * Research local cemetery prices and rules.
- * Become a Director or Officer.
- * Edit the Newsletter.
- * Whatever else interests you.

Our address of record is

66 Marlboro St.

Boston, MA 02116

It is a mailbox in the office of First and Second Church.

The return address for this mailing is

c/o Blanchard

16 Round Hill Rd.

Lexington, MA 02420

in order to more rapidly forward those copies returned as "forwarding order expired."

Officers and Directors

President: Jan Buhrman-Osnoss, Martha's Vineyard

Treasurer and Clerk: Byron Blanchard, Lexington

Directors in addition to the above:

George Richardson, Nahant (A founder of the Society)

David Reno, Boston

Director candidate:

Nancy Accola, Cambridge

FCA Budget Problems

Our national federation, Funeral Consumers Alliance, is facing a budget crunch. We find them to be a valuable resource, the only national voice for our consumer concerns. Please consider making a current contribution or including them in your will.

Funeral Consumers Alliance

33 Patchen Rd.

South Burlington, VT 05403

800-765-0107

<http://www.funerals.org/>

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Lexington, MA 02420

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