



Funeral Consumers Alliance of Eastern Massachusetts

Protecting a
consumer's right to
choose a dignified,
meaningful,
affordable funeral

Serving Eastern and Central Massachusetts

Annual Meeting

All are welcome

FCAEMASS will hold its annual meeting on Saturday, October 21, 2006, from 1:00 to 3:00 at Mount Auburn Cemetery in Cambridge (Directions on the back of this Newsletter).

The speaker for the 2006 FCAEM annual meeting is Dr. Leonard Morse, Commissioner of Public Health for the city of Worcester, MA. Dr. Morse is a Professor of Clinical Medicine and Family Medicine and Community Health at the University of Massachusetts Medical School. He is the past President of the Massachusetts Medical Society, Chair Emeritus of the Council of Ethical and Judicial Affairs of the American Medical Association, and former chair of the Board of Registration in Medicine.

In Dr. Morse's talk, "**Certificates of death as a surveillance of the life cycle of a community**" he will discuss the use of death certificates from a public health standpoint, the standard protocol for the office of the medical examiner and public health departments, and how death certificates are used to analyze trends in the causes of death.

Price Survey: High Points for Low Prices

Your board conducted a funeral home survey during the first part of 2006. All Massachusetts funeral homes were asked to answer a survey and send a General Price List. From the 639 surveys sent out we received 57 replies.

Price lists, and even survey responses, are difficult to summarize, but there are meaningful criteria for picking the best. The criteria for the listing at the bottom of this article are two themes that are of the most interest to our membership: availability of alternative funeral arrangements and the best prices for the most basic of the complete service packages.

Our survey questions on alternative arrangements were:

- (1) Are you willing to provide services for part of a funeral, such as death registration and transportation, with the family handling the rest?
- (2) Will you handle a wake at a residence instead of your funeral home?
- (3) Is viewing without embalming available?

From among the funeral homes answering with unequivocal "yes" for these questions, the following had the most favorable prices of basic packages – direct cremation and direct burial:

Funeral Home and Town	Direct Cremation*	Direct Burial *
Graham, Putnam and Mahoney, Worcester	\$1295	\$2125
Morris & O'Connor, So. Yarmouth	\$1210+**	\$1510
Richard Davis, Plymouth	\$1590	\$2000
O'Neil, Middleboro	\$1500	\$1500
Anderson Bryant, Stoneham	\$1045	\$1045
William F. Spencer, So. Boston	\$690	\$1215
Dyer Lake, No. Attleboro	\$795	\$2690
Fitzgerald-Collins, Marlboro	\$995	\$2090

* Assumes funeral home provides the simplest of containers.

** The Morris & O'Connor price excludes the crematory's fee.

The complete survey responses and price lists are available on our website, FCAEMASS.org.

Green Burial: Going Out the Natural Way

Not long ago, “green” and “burial” were two words rarely used in the same sentence. Over the past year, there has been a significant buzz about “green burial” in funeral advocacy circles and a noticeable increase in the amount of attention in the mainstream media about this alternative form of final disposition. Yet, according to the non-profit Green Burial Council, fewer than 1,000 people have actually been buried in “green cemeteries.” The concept of the “going green” at death is becoming more attractive to a baby-boom generation that has consistently challenged the traditional “way things have always been done” attitude with a more inclusive, do-it-yourself, break-the-mold approach, from natural childbirth to home funerals to non-traditional families. The questions now asked about funerals are often “Why can’t we do it in a natural manner that is more fitting for us?” and “Why does it have to cost so much?” Given this backdrop, it is no wonder that the green burial movement is now on the minds of the next generation approaching life’s final passage. The numbers of those going green will only continue to rise over the next decade.

Green burial is interment without embalming, metal caskets, casket vaults or liners and often without permanent markers (although in some cemeteries, natural stone markers are an option). An un-embalmed body may be wrapped in a shroud or in every day clothes and placed right into the ground, or

laid into a soft wood, wicker or cardboard casket or any container made of biodegradable material. The simple idea behind green burial is to go out naturally and with the least possible amount of harm to the earth. The green burial option appeals to a wide range of people, from the environmentalist with concerns about leaving too large a “footprint” on the earth to those who prefer a more natural burial due to religious or spiritual reasons.

The green cemetery is often located in a forest, field or meadow setting. Acres of land are set aside either through a land trust or private foundation so that the families and friends of those who are buried on the site have the opportunity to connect with them in the beautiful surroundings of the natural world. Families may choose to take part in as much of the actual grave digging as they want. Ritual at the graveside varies from nothing at all to some combination of singing, prayer, dance and ceremony.

The modern green burial movement began in the United Kingdom. According to the Natural Death Centre, there are over 200 “woodland burial sites” in the U.K. There are a handful of commercial green cemeteries located in the United States. Ramsey Creek Preserve was the first to open, in 1998 in Westminster, South Carolina. Others include Glendale Nature Preserve in Florida, Fernwood in Mill Valley California, Ethician Family Burial Ground in San Jacinto County, Texas, and Mother Rest Sacred Grove in Blaine, Washington. The closest green cemetery to

Massachusetts is Greensprings Natural Cemetery outside of Ithaca, New York. Greensprings just opened to the public in February of 2006. Green cemeteries in Colorado, New Mexico and Minnesota are all in various phases of development.

Green cemetery burials are environmentally responsible, but also cost less than the average American Funeral, which according to the Federal Trade Commission, costs approximately \$6,000 (not including traditional cemetery costs for the plot, opening and closing the grave, a headstone, etc.). Costs for green burial vary among cemeteries, but can range from \$1,000 to \$2,500 for body burial and \$500 for burial of cremated remains. Additional costs may be incurred, depending on other factors.

As the green burial movement becomes more popular, opportunities for abuse and exploitation are ever present. The Green Burial Council is a non-profit organization “founded to encourage ethical and sustainable practices in the death care industry, and when possible, to use the burial process as a means of facilitating ecological restoration and landscape-level conservation”. Standards and practices for green cemeteries are currently being developed by this organization in collaboration with conservation groups, lawyers and landscape design professionals. Certification will be granted to those cemeteries that meet the high criteria of the organization for operating a green cemetery.

What if you are interested in green burial but do not live close to a green cemetery? You do have options for a more natural internment than what is offered through a standard cemetery package. According to FCA Director Joshua Slocum, people don't have to use an "official, brand name" green cemetery to be buried in a way that is economically and environmentally friendly. Says Slocum, "in New York and Vermont, families have the legal right to refuse to buy a vault on religious grounds. Combine that with the choice to not embalm, to buy a simple wood or cardboard coffin, and bam, you've accomplished a green burial right in a commercial cemetery!" Just as the home funeral movement has provided creative opportunities for being more involved in a funeral outside of a commercial framework, the green burial movement also encourages more self-directed options.

For more information on green burial, log onto the following sites: funerals.org for general information and more links to green burial news; greenburialcouncil.org for standards and practices for green cemeteries; memorialecosystems.com for information about the Ramsey Creek Nature Preserve; and woodlandburial.htmlplanet.com, a site dedicated to promoting ecologically sound burial in the U..S.

The Western Mass FCA (FCAWM) is holding its annual meeting the following day on Sunday October 22, 2006, from 2:00 to 4:00 pm at The Arbors, 130 University Drive, Amherst MA. The speakers, Dr. Alicia Ross and Ms. Pat Cavanaugh, will discuss end-of-life issues. Contact person for more info is Carol Coan, 413-774-2320.

Regulation

Regulation of the funeral industry in Massachusetts is a disaster. It doesn't protect the public. It doesn't treat its licensees fairly. It conducts much of its business in closed meetings we believe to be unlawful. It ignores public records requests. Major changes are long overdue.

The biggest failure in public protection is the Board of Registration's failure to enforce their own regulations concerning prepaid funeral contracts. We found out last year that many funeral homes have not been, as trustee, putting the funds in an insured deposit account as required by the regulations since 1992. They instead put the money in Cooperative Funeral Fund, Inc (CFFInc), which works a lot like a bond mutual fund, but with almost no oversight and much less disclosure than a real mutual fund. We filed a formal complaint against all the funeral homes that used CFFInc.

Amazingly, the Board rejected the complaint, saying that we had to provide the list of funeral homes involved. We told them where that data resides in the mandated Pre-

need Annual Reports, which they receive and file, but don't look at. We said OK, we'll look up the names but we have to access the Reports. Their response to our public records request said we could get the records, but for a charge of \$2,942. (The details are on our web site.) The Board's behavior clearly proves that the non-enforcement is deliberate, not just due to inattention. We think a key problem was that the owner of one of the funeral homes involved was chair of the Board.

Unfair treatment of licensees takes several forms. Lack of due process in the disciplinary process is the most serious. The licensee is not notified when a complaint against him will be discussed in the Board meeting in which they decide whether to initiate formal prosecution. Sometimes those meetings even include the complainant. Fairness requires giving the licensee the right to hear the allegations against him that are heard by the Board which will later decide his guilt and sanction.

Another form of unfair treatment of licensees involves the Board using threats of disciplinary action to compel licensees to pay money or to do things they would not otherwise do. The Board decided that every existing funeral home must buy a new establishment certificate for a fee of \$27, although the authorizing statute says an establishment certificate "shall remain in force indefinitely unless revoked by the board or until there has been a change of ownership." In another example, ninety-some funeral home managers were ordered to bring all

their pre-need funeral contract records to Boston for a ten-minute examination. There is no such subpoena power in either law or regulations, nor does a ten-minute examination make any sense -- this was pure harassment. We think both the \$27 establishment permit fee and the trips to Boston are clear examples of extortion as defined in MGL 265:25.

The Board has open meeting and public records policies that avoid accountability to both the public and the industry it regulates. Its meetings are held in a small room with few or no places for spectators. Persons with business before the Board sit outside in a waiting room until they are individually summoned into the meeting room -- like an audience with the Pope. A substantial portion of each meeting is a closed to the public in an executive session. By law there are strict rules that govern when executive sessions are required, limiting them to situations where confidentiality is involved. We believe the majority of these executive sessions are illegal and have made a formal complaint to the Attorney General's office. We believe the closed sessions are similar to the "adjudicatory sessions" which the Board routinely used until, as a result of our complaint, the AG's office declared them illegal in 1998. Their formal "public hearing" in a disciplinary case is indeed public, but only if you somehow find out about it. They don't post the hearing schedule as required by law.

Public records from the Board are in most cases not available at all, or

in the case described above, available, but at an exorbitant price. Our public records requests are now completely ignored.

In the past the Board meeting agenda and the draft minutes of its last meeting were routinely furnished to us and to the Mass Funeral Directors Association (MFDA). After January 10, 2006 both of us were cut off.

The above-described situation is intolerable. The regulatory framework needs major overhaul.

Pre-need Funeral Contract Funds

We strongly advise people never to pre-pay for their funeral unless they are about to go on Medicaid. Setting aside the funds for a funeral is a good idea, but invest it yourself. Choose an investment that is safe and one that can be changed or cashed in if your needs change. That lets out life insurance, which is safe but subject to very large surrender penalties if you change your mind.

The one instance where pre-paying does make sense is if you are about to go on Medicaid and have assets you must spend down. Once on Medicaid you can never cancel and get a refund of the money pre-paid for a funeral, so life insurance surrender penalties are irrelevant. For a person on Medicaid life insurance is a good choice, since it is the safest investment. A state guarantee association will make good the obligations of a failed life insurance company.

If you already have a pre-need funeral contract that is funded by a trust, beware of proposals to transfer the money to a life insurance policy. Such transfers typically result in a 10%-15% commission and so are very popular with funeral directors, but they are not at all a good deal for the consumer.

We would appreciate it if members who now have pre-need funeral contracts would share their experiences. Please send us copies of your contract with all personal identifying information blacked out. We are interested only in contract details, and have no wish to violate your privacy or put you at risk of identity theft.

Anatomical Gifts

Four medical schools in the state accept body donations:
University of Massachusetts Medical School, 508-856-2460
Harvard Medical School, 617-432-1735
Tufts University School of Medicine, 617-638-4245
Boston University School of Medicine, 617-638-4245

Donated bodies are used primarily for teaching of gross anatomy to medical students. Policies of the schools differ significantly, so be sure you understand their procedure, how much help they offer, and the expenses your survivors or estate will incur.

We recommend U Mass because they arrange (instead of just pay for) death registration and transfer of the body to the school and later cremation of the body and

interment of the cremated remains in Pine Hill Cemetery, Tewksbury, both at their expense. Donating to U Mass can save the survivors much bother and thousands of dollars compared to cost of donation to the other schools.

The three other schools leave it up to the survivors to hire a funeral home to transport the body and later cremate or bury it. These schools will pay a fixed stipend of a few hundred dollars. The survivors pay the difference between the stipend and funeral home's price; that difference can be thousands of dollars. Note that U Mass doesn't pay for such extra services as getting extra death certificate copies, placing death notices, planning a memorial service, etc.

As noted above, when the school is finished with the body, U Mass will arrange and pay for cremation and interment of cremated remains. The other schools make the body available for survivors to cremate or bury at their own expense.

Discrimination

The Western Mass FCA (FCAWM) reports that all the crematories in their area will deal only with funeral homes, not with families caring for their own dead. We should work with FCAWM to get the legislature to outlaw such discrimination. There is already a general law (MGL 114:5a) prohibiting a cemetery from discriminating against a particular funeral director. Amending it to include crematories and "funeral

director or person acting as such" would fix the problem.

The Medical Examiner's office is considering protocols that would allow disclosure of some information only to a funeral director. We oppose this.

Boston Burial Permits

One quarter of all the state's deaths occur in Boston, due to its concentration of hospitals. To avoid traffic, many out-of-town funeral homes pick up bodies from hospitals at night. Boston, unlike all other Massachusetts cities, doesn't issue burial permits at night. So a daytime trip or hiring a courier is required to get the burial permit. Many funeral directors charge around \$100 for their extra trouble. This adds up to an enormous cost and bother. We would like to see Boston issue burial permits around the clock. No legislative or regulatory change is needed, just a management decision by Boston.

An even better alternative would be to emulate Rhode Island by including the burial permit as part of the death certificate. This would require legislative action, however.

Indigent Burial

As in every year since the late 1980s, the legislature this year again failed to change the indigent burial statutes. The \$1,100 stipend has been unchanged since 1983. The decades-old list of services to be provided includes cemetery lot, opening, grave liner, casket, grave

marker, and even a limo for the family. One knowledgeable legislator told us that when they can't even pay dentists enough to make them willing to treat children on Medicaid, they aren't going to pay funeral directors more. While \$1,100 is unreasonable for whole-body earth burial, it is adequate payment for direct cremation. The indigent burial statute should be changed to say that it covers only direct cremation. Also needed is a procedure to obtain authorization for cremation when it can't be obtained from next-of-kin.

Planning a Funeral

Boston Consumers' CHECKBOOK recently published an excellent article, "Planning a Funeral." The article is one of the best we have seen. It also includes consumer ratings of some Massachusetts funeral homes. Like us, CHECKBOOK is a non-profit consumer information service. Their website is checkbook.org. We asked if we could reprint and/or post the article for benefit of our members, and they graciously granted the permission.

The article is posted on our website fcaemass.org/FHs/checkbook.pdf, so please download and print it out yourself if you can. It is 13 pages, 540KB. If you are unable to do so, write and ask us to print and mail you a copy. Reprints will also be available at the annual meeting. It really is worth reading.

Ways to get involved in the FCAEMASS

The board is developing new ways for our members to communicate with us and with each other to help direct and energize our work.

We want to facilitate your interests. If you have ideas and want to get involved, please contact our member volunteer coordinator, Dan Evans, at 781 690-3682, or send email to Dan@fcaemass.org.

As a starter here are some possible areas for attention:

Developing a way to approach our friends and neighbors with helpful information when we see the one-time event of funeral planning looming for them. Let's trade ideas on how to make this easy.

Creating a show of force at regulatory board meetings by having a few of us show up when issues of concern are on the agenda, or putting some of our concerns on their agenda.

Doing more PR about upcoming meetings (ours and others) on topics of concern, such as the subject of caring for your own dead.

Starting a study/action group on the feasibility of a low-cost, green (ecological) cemetery in Massachusetts.

Helping to redesign and update our website. The national FCA is working on theirs and we know ours could use an overhaul to make it more user friendly.

The FCAEMASS Board

You have a working board at FCAEMASS. During the past year we met seven times. In addition, two board members attended the biennial national FCA convention in Austin, Texas, this past June. This year the nominating committee, at the request of the existing Board and Officers has chosen to nominate members based on what they actually do, rather than on traditional titles. We thank all those who have served and nominate the following:

Nancy Accola – Treasurer and Cat-herder

Byron Blanchard – Regulatory Affairs Monitor as well as Treasurer Emeritus and Historian

Jan Buhrman – Ombudswoman

Dan Evans – Volunteer Coordinator and Data Maven

Judith Lorei – Customer Service Representative

George Richardson – President Emeritus.

George was involved in the founding of the Memorial Society in 1961. He wore the President's hat for many years, carrying on the work almost single-handedly for some of that time. He spearheaded the effort to get IRS 501 (c) (3) non-profit status, thus making contributions tax-deductible, and was a major contributor himself. He also wrote many of these newsletters during his tenure. We are enormously grateful to George for his dedicated service for so many years.

The FCAEMASS doesn't have a canned plan, but we can begin today. We can find channels for you to accomplish something that has been on your mind.

Let's start a conversation.

Internet

Please visit our website at fcaemass.org. Additional information is available on the national FCA website at funerals.org.

While we are not about to give up this printed newsletter, we would like to have a way to contact members more economically and efficiently when programs or issues come up during the year. So we ask you to submit your email address to Dan@fcaemass.org, with "Email submission" as the Subject and include your full name. Even if you have sent it in before please send it again, as we are now in a better position to actually use them and want to be sure they are up to date.



*Funeral Consumers Alliance
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66 Marlborough S.
Boston, MA 02116

Please consider a donation to FCAEMASS. Our one-time membership fee of \$30.00 covers only a portion of our expenses. Your tax-deductible contribution is greatly appreciated.

\$50 \$25 \$15 \$5 \$100 Other _____

Thank you for your consideration!

Here's a sampling from the FCA Biennial Conference (June 2006, Austin, TX):

Joshua Slocum

FCA Executive Director

*FCA: Who We Are, What We Do,
and Why You Should Care*

Slocum described the past 67 years of the funeral consumer movement, from the founding of the People's Memorial Association in 1939, to the formation of the Continental Association of Funeral and Memorial Societies in 1963, to the establishment of the Funeral Consumers Alliance. From its beginnings as a collection of cooperative funeral buying clubs, the organization has grown into an industry watchdog and consumer lobbying force. Slocum challenged the audience to find ways to ensure that families have the right to the funerals they want at affordable prices.

**Kerin Coughlin, Attorney at Law,
Constantine-Cannon**

*FCA vs. SCI, et. al:
A Class Action Lawsuit*

Coughlin illuminated the complex antitrust lawsuit FCA has filed against the three largest Wall Street funeral companies and the largest casket maker in the U.S. She described how the consumer class action should stop corporate "deathcare" from keeping casket prices astronomically high and costing families millions — perhaps billions — more than they should have to pay.

**Steve Wolens, Attorney at Law,
Baron and Budd**

Taking on Wall Street 'Deathcare'

An experienced lawyer and a Texas lawmaker for 27 years, Wolens wowed the audience with the details of the consumer lawsuit against what he calls "the largest funeral home in the galaxy," corporate funeral giant Service Corporation International (SCI). Wolens accuses the company of defrauding consumers for failing to disclose the giant markups the company takes on caskets, among other things.



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66 Marlborough St.
Boston, MA 02116

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**Annual Meeting October 21, 1-3PM at Mount Auburn Cemetery
580 Mount Auburn Street
Cambridge, MA**

Come hear Dr. Morse talk about Death Certificates.

Directions to the Annual Meeting:

From the west: take Rte. 2, this becomes Fresh Pond Parkway, to Brattle Street. Turn right. The cemetery is on your left just after Brattle Street joins Mt. Auburn Street.

From the Mass Pike or downtown Boston: Take Storrow Drive west. After crossing Eliot bridge to Cambridge, bear right, then left onto Fresh Pond Parkway. Bear left onto Mt. Auburn Street.

Public transportation: Ride the #71 bus from Harvard Square. It runs every 12 minutes and the ride is about 10 minutes. It has a stop opposite the cemetery.