



## *Funeral Consumers Alliance of Eastern Massachusetts*

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

### **Interim Newsletter and Change of Annual Meeting**

**October 2008**

#### **Change of our yearly cycle**

Your board decided last spring to move our "year" to end in the spring instead of the fall. This carries some advantages to the organization including the ease of lining up guest speakers for our annual meeting and encouraging more people to attend.

Accordingly, we will move our Annual Meeting to late March or early April 2009, depending on the dates available for a suitable venue. An additional newsletter will be sent in late winter with further details.

#### **In the mean time**

This abbreviated, interim newsletter is sent to you to review the mission and scope of the Funeral Consumers Alliance of Eastern Massachusetts and to reinforce some of the basics of our message. In keeping with our educational mission, we hope that you will want to pass along the "basics" to friends and acquaintances to help raise awareness beyond our membership group.

#### **Mission and Scope**

The Funeral Consumers Alliance of Eastern Massachusetts is an independent, charitable organization which provides information and education to our members and the general

public. We also have an interest in influencing the world that we report on! This means we take an interest in the laws and regulations of Massachusetts and the federal government, and in the actions taken in the execution of those laws and regulations as they relate to funeral issues.

When a person is suddenly faced with the responsibility to plan a funeral, and perhaps to deal with a licensed Funeral Director presenting more options than one can fully grasp, it is generally too late to try to become a well-informed consumer. That doesn't mean that the proceedings will necessarily go badly, but being an uninformed planner is a very uncomfortable position to be in. We believe that our literature and the public meetings your board members attend have helped many.

Sometimes there is confusion about who we are and what we do. We used to be named The Memorial Society. Now we, the national organization and the other state affiliates are the Funeral Consumers Alliance. This change was made to avoid confusion with some for-profit entities and to emphasize our consumer protection mission. We do not arrange or provide funerals or cemetery space!

(Although we are working to encourage others to start “green” cemeteries.) Also in the past, we used to maintain records or instructions people left for their relatives to

follow in arranging their own funerals. We no longer do this – people rarely if ever requested the records!

### **Volunteers Needed**

We would like to have more members join with our working Board to participate in our ongoing activities.

Our goal is to protect the consumers’ rights to choose a dignified, meaningful, affordable funeral. In order to accomplish this goal FCAEM provides:

- Consumer information telephone call line
- Printed materials including brochures and annual newsletter
- Annual meeting
- Website – [fcaemass.org](http://fcaemass.org)
- Speakers and workshops
- Monitoring of the funeral industry.

We also conduct price surveys of the funeral industry and have been involved in working to get a green/ natural cemetery established in Massachusetts.

Currently there are four of us on the board. This is a working board and needs to spread the work around so it is not too much for anyone. We are looking to expand the working group and to add two to three new people with an interest in our mission and with time to devote to furthering our educational outreach.

Please call 617 859-7990 or write to Judith Lorei, [jlorei@earthlink.net](mailto:jlorei@earthlink.net), Dan Evans [Dan.Evans.Westwood@gmail.com](mailto:Dan.Evans.Westwood@gmail.com) or Nancy Accola [nhaccola@verizon.net](mailto:nhaccola@verizon.net).

### **Reinforcing the Basics**

As we mentioned on the first page, here are some lines of reasoning you can use yourself and/or bring up in conversations with others:

### **Embalming is Optional**

We have seen several cases in the last year in which funeral consumers are cowed into accepting unnecessary and expensive embalming for a loved one. It is time for a

reminder – most of the following is from a bulletin from FCA National:

Ron Hast, perhaps the most well-known and respected funeral industry publisher, and a funeral director in Northern California wrote in the October 2006 issue of Mortuary

Management that “to say the reason for requiring embalming is ‘to protect the public health’ is not substantiated by any known scientific study.” He quotes Bernadette Burden of the Centers for Disease Control and Prevention in Atlanta: “We have not at any point prescribed embalming as a method of protecting public health.” This fact has been pointed out for years by consumer advocates Ruth Harmer, Jessica Mitford, Lisa Carlson, and lately by Josh Slocum, Executive Director of the Funeral Consumers Alliance. Slocum wrote in the January 2007 issue of Mortuary Management:

“For an industry that constantly complains that it doesn’t get the professional recognition that it deserves, funeral service seems clueless about how to earn it. Ignoring mountains of evidence and statements from the Centers for Disease Control won’t make you a profession. Unctuous sympathy and evading direct questions won’t do it either. The surest way to be recognized as a true professional — and to put critics like me out of business — is simply to tell the truth to your customers and give them real choice.”

Remember, the Commonwealth of Massachusetts does not require embalming, and a funeral director that represents otherwise is breaking a law has the potential of costing his/her license. Josh Slocum continues:

“Finally, everyone should remember that when Pope John Paul II died in 2005, his body was viewed in public by thousands of people over three days without traditional embalming. The body was placed on a red velvet bier, propped by three red pillows. Several times during the viewing, the body was freshened up in some way, but the kind of arterial and

body cavity embalming widely practiced in the United States was not employed with the Pope, according to the Vatican. If such treatment was good enough for Pope John Paul II, it should be good enough for the United States funeral industry.”

“It is time to demand an end to the tyranny of funeral directors’ insistence on embalming for public viewing. While there may be some conditions that require it, the burden should be on the industry to identify those conditions and justify its position. Otherwise, public viewing without embalming should become as common as cremation, if families prefer it.”

In summary, embalming is not required by law and is not needed to protect the public health.

### **One More Time: Why not Pre-need?**

Even in these times of gyrating stock markets, buying a pre-need funeral package is one of the riskiest investments you can make. If you pick the right funeral director, it will work out well. If the funeral director doesn’t follow the rules, you could be out of luck.

By law, the funeral home can either invest the money in a Massachusetts bank’s certificates of deposit, with themselves retaining a fiduciary role, or sell you an insurance policy. What can go wrong? There are many things. Here are a few that have already happened:

The funeral director takes the money, but when the time comes to provide the funeral, he/she isn’t selling the same caskets and urns so you end up paying extra for a more expensive item. Potentially, the “cash advance” items (such as the Crematory fee) have risen faster than your contract provided for, so the consumer has to pay up again.

The money might have been invested (contrary to law) in Enron stock, mortgage backed securities, or even a fiduciary who is free to keep capital gains made through the bond markets but will share the losses with the clients (even in US Treasuries). Sound far out? In recent years, about 10% of Massachusetts funeral homes improperly invested pre-pay funds with such a trustee. Time will tell how it works out.

There have been dramatic cases in other states in which the funeral home changed hands and the trusts' funds were simply stolen by the new owner.

Funeral Insurance policies are a better bet. These are essentially paid-up life insurance policies (there is only a one-time payment). However, payment will only be made to the funeral home, not to the decedent's estate or family. Customers who move out of state or change their mind about the funeral home are sometimes in for a rude awakening; the surrender value of the policy can be a fraction of the amount paid in – think 50 cents on the dollar.

As the AARP wrote:

Before You Buy...

- Think it over.
- Both AARP and the Funeral Consumers Alliance advise against pre-need contracts in most cases. But if you are close to being eligible for Medicaid, you can put some of your money into an “irrevocable” pre-need funeral plan as a way of spending down your assets.
- Or instead, consider depositing money in a separate interest-bearing account at your local bank. On your death, the person you name as the beneficiary of this “pay on death” account (also called a POD account or Totten trust) has

immediate access to the money. Just be sure to name a trusted relative or friend, not a funeral home, as the beneficiary.

- Bring a magnifying glass.
- Check the fine print carefully so you can determine what's covered. Some plans exclude flowers, clergy honoraria, death certificates, newspaper notices—even the opening and filling of graves. Prepare a list of uncovered expenses and inform your survivors.
- Ask about refunds.
- Be certain the contract can be fully transferred to another funeral home, or the funds can be refunded to you—in case you move or change your mind. Find out if there's a penalty for canceling the policy or for missing payments.
- Follow the money. Know where your pre-need payments are being invested. If they're to be used to buy an insurance policy, make sure the company writing the policy is highly rated. If payments will go to a trust account, find out what bank or institution will be holding the funds.
- Plan for change: Ask what happens if your circumstances change. What if something you requested, such as a specific casket, is no longer available? What if the funeral home changes ownership? What if your family decides on a simpler, less expensive funeral?
- Talk to a lawyer.
- Most important of all, have an attorney or trusted adviser review any pre-need contract before you sign.

Even though we recommend against pre-paying for all the reasons mentioned above, we highly recommend pre-planning. Talk to your loved ones about what you and they

want. Do the research to find out how to accomplish this and contact the people, loved ones or professionals, who can help. This

will make everything much easier when the time comes, and increase the likelihood your wishes will be carried out.



*Funeral Consumers Alliance  
of Eastern Massachusetts*

66 Marlboro Street

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

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Thank you very much for your generosity



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### **What Does the Funeral Consumers Alliance Do?**

- Provides members with information about laws, practices and forms pertaining to death, burial, cremation, anatomical gifts and related subjects.
- Helps you plan for your funeral while you are healthy and able to make decisions that are right for you and your family.
- Provides information for those who might wish to care for their own dead.
- Gives you forms on which to record the kinds of arrangements you prefer.
- Maintains a telephone call line, 617-859-7990, and an information packed website, [fcaemass.org](http://fcaemass.org).
- Provides reciprocity with other affiliates around the U.S. if you move or die while travelling.
- Maintains information on funeral directors who are willing to cooperate with your choices.
- Monitors legislation pertaining to funeral practices to insure that freedom of choice in arrangements is preserved.
- Provides speakers on request to various organizations