

THE MEMORIAL SOCIETY OF NEW ENGLAND

25 Monmouth Street Brookline, MA 02146 (617) 731-2073

October, 1987

Dear Society Member,

For the last 5 years your response to our appeal for contributions to support the work of MSNE has been most generous and encouraging with annual giving amounting to approximately \$8,000. The exception was last year when donations were off some \$2,000, creating our largest deficit yet.

For example, donations for the same five month period, September through January, over the last three years were:

<u>Sept 1986-Jan. 1987</u>	<u>Sept. 1985-Jan. 1986</u>	<u>Sept. 1984-Jan. 1985</u>
\$5805.00	\$7677.50	\$7742.00

Your annual donations allow MSNE to administer your records, produce and send this newsletter, conduct the annual meeting, and provide the services of three staff people---Jack Gill, who is responsible for all correspondence, bookkeeping and clerical support; Helen Friedman, who takes emergency calls 7days a week, 52 weeks a year; and Doranne Jung, who develops and administers all the other activities of the society. MSNE also contributes to the ongoing national activities of The Memorial Society Fund, the charitable arm of the Continental Association of Funeral and Memorial Societies (CAFMS), in Washington D.C.

Without your donations MSNE would not be able to mail questionnaires and letters to hundreds of funeral directors asking for their price lists, and to print brochures and planning forms.

Despite our appalling deficit, this year MSNE assisted AARP and CAFMS to obtain standard price lists in preparation for the FTC review of the Funeral Rule, continued to research a contractual agreement with funeral directors, and supported pending state legislation to study pre-need contracts.

We hope that in the coming year MSNE will be able to offer to MSNE members for a special low price, not offered to the general public, simple burial and simple cremation. This project has been on-going for several years and incomplete has remained largely due to of lack of funds. You can help make this a reality. MSNE depends on your support. Please give generously.

Yours sincerely,

George S. Richardson (dj)

George S. Richardson, M.D.
President

NEWS FROM CAFMS

Many of you may be unfamiliar with The Continental Association of Funeral and Memorial Societies (CAFMS). This organization represents all memorial societies on the national level and is responsible for disseminating information about funeral reform to local memorial societies. CAFMS publishes a monthly newsletter, BULLETIN, which is one of the best resources for news about the funeral industry for consumers. In fact, over 90% of this MSNE newsletter was taken from BULLETIN, issues of Spring 1986 through May, 1987.

The BULLETIN is available for a special subscription rate of \$7.50 to you

This is half price and will only be available to you this year as a first time offer. To subscribe, write to CAFMS.

CAFMS is now under new management by C. M. Brownstein and Associates. Cliff Brownstein succeeds Carol Coile as Executive Director. The change was effective June 1. Correspondence with CAFMS should be sent to 2001 S Street, NW, Suite 630, Washington, DC 20009. The new phone number is (202) 462-8888.

NEW TRANSPLANT LAW FOR FAMILIES

Under a new Massachusetts law, hospitals must ask families of patients to donate the patient's organs or tissues for transplants. According to the Springfield Memorial Society, the law allows some discretion by allowing the hospital to refrain from asking a family that seems too upset. The law was effective Jan. 1, 1987.

DEATH STATS ERRONEOUS

The need for bodies for medical research was recently demonstrated when the College of American Pathologists launched a drive to get doctors to request more autopsies.

The rate of autopsies to total deaths has been steadily decreasing. The rate has decreased from nearly 50 percent several decades ago to around 15 percent today.

More recently, The Journal of the American Medical Association, July 17, 1987 issue devoted several articles and an editorial to the subject of why autopsies should continue to be performed.

According to one article, a major reason is to establish an accurate diagnosis as to the cause of death. Statistics related to causes of death are taken from death certificates for the most part. These statistics often guide government and health care agencies to appropriate funds for research and medical care. "Unfortunately, there are two major problems concerned with cause of death data derived from death certificates: (1) the clinical diagnosis may be erroneous; and (2) the correct diagnosis may be erroneously entered on the death certificate." (JAMA, 7/17/87, "Cause of Death," by T. Kircher, M.D. and R.E. Anderson, M.D.)

MSNE encourages you to include autopsy in your funeral pre-plan.

You are invited to attend
The Memorial Society of New England
Annual Meeting
"PUTTING YOUR HOUSE IN ORDER"

on
November 4, 1987, Wednesday evening, 5:30 - 7:00PM
at

The First and Second Unitarian Universalist Church
66 Marlborough (corner of Berkeley & Marlborough Streets)
Boston, MA

ANNUAL MEETING PROGRAM

**5:30-6:00 Refreshments and Social
Time**

Come to the annual meeting and meet other members of MSNE as well as staff and directors. Refreshments are provided free.

6:00-6:15 Business Meeting

The first fifteen minutes of the program will be devoted to the annual business meeting. At this time there will be an election of the following officers and directors:

Directors:

John Buckley
Lillian Beauvais

Officers:

George S. Richardson, President
David Sheets, Treasurer
A. Leavitt Taylor, Clerk
John Buckley, Vice President

**6:15-7:00 "Putting Your House In Order"
A Roundtable Discussion**

Issues to be discussed are:

- The FTC Funeral Rule: Will it survive?
- Medicaid & SSI eligibility: When do funeral trusts count?
- Durable Power of Attorney: An alternative to the Living Will
- Body Donation Alternative Plans: Now a necessity

Representatives and experts from a variety of agencies and organizations will be invited to provide you with accurate answers to your questions regarding these issues.

Please plan to attend and bring your friends and family. As always, there is no admission charge.

FTC RULE TO BE REVIEWED

The Federal Trade Commission (FTC) is required by law to hold a formal review procedure on the 1984 Funeral Rule within four years in order to determine whether it should be changed or terminated. Rulemaking is to be completed by October, 1989.

The FTC officials say they need evidence of any noncompliance with the regulations. They want to know how widespread it may be, how much non-compliance is evident and how supportable the data are.

The American Association of Retired Persons (AARP) with the help of CAFMS and local memorial societies is now preparing for the review. It has started a series of "focus groups" to do comparison shopping by means of price lists from funeral homes.

MSNE was one of the societies that cooperated with AARP in the focus group project by collecting and providing the group with price lists from funeral directors.

When the FTC issued its Funeral Rule, it was "to stimulate price competition." However, since the Rule was made final in 1984, prices of funerals have gone up nearly twice as fast as the government's Consumer Price Index (CPI).

If you have reason to believe that a funeral home is not complying with the FTC Rule contact the FTC at 10 Causeway St., Boston, MA (617) 565-7240 or MSNE.

BODY DONORS NEED OTHER PLANS

not true generally in Mass.

Medical Schools are turning away bodies because they are "over-inventoried," according to the Memorial Society of Cape Cod. It says the bodies then must be returned to funeral parlors, and families must make other arrangements "under rather traumatic circumstances." In the end, the cost may be greater for families than would have been the case had alternate plans been made.

FINANCIAL STATEMENT FY 1986-87

INCOME

New memberships/ transfers.....	\$1068
Contributions/ gifts.....	6393
Dividends from stock.....	721
Miscellaneous.....	<u>386</u>
TOTAL INCOME:	\$8568

EXPENSES

Salaries (3 people).....	\$6322
Telephone.....	754
Answering Service..	355
Postage.....	541
Printing.....	282
Rent.....	25
Auditor.....	775
Taxes.....	805
Donations.....	114
Supplies.....	71
Newsletter.....	1364
Miscellaneous.....	<u>117</u>
TOTAL EXPENSES:	\$11,638

TOTAL DEFICIT: \$ 3,070

DURABLE POWER OF ATTORNEY: -BETTER THAN LIVING WILL

People who want to be able to control events occurring in their final days, even after they may have become incompetent, should make out a durable power of attorney rather than a living will, reports the CAFMS Bulletin.

But it must be a "durable" power of attorney, not just an ordinary power of attorney. According to a booklet recently published by Concern for Dying, "A power of attorney is 'durable' when it provides that the agent's authority will continue even if the principal becomes incapacitated or incompetent."

A big advantage of the durable power is the fact that every state has legislation authorizing it, whereas 15 states, including Massachusetts have no legislation authorizing the living will.

Other advantages are:

- the forms are easy to understand
- you don't need a lawyer
- the agent of the person involved has broad power to make decisions in almost any type of circumstance. (a living will tries to anticipate circumstances that may not occur exactly as predicted).
- the agent can be anyone (a relative, friend, clergy, etc)
- doctors might prefer the durable power of attorney to the living will since it leaves the decision making to the agent rather than to the doctor.

A free copy of the durable power of attorney is included with this newsletter.

FUNERAL FUNDS: ELIGIBLE FOR SSI EXCLUSION?

According to the CAFMS Bulletins, "there is some public misunderstanding about what type of burial funds may be excluded from a person's assets in determining eligibility for welfare payments known as SSI (Supplemental Security Income)."

"A few large firms have been spreading the notion that burial funds must be in irrevocable trusts in order to be excluded."

"However, there is no such requirement for SSI. The 1986 Social Security Handbook (SSA Publication No. 05-10135, page 332) says almost any type of fund up to \$1,500 may be excluded from personal resources if it is clearly designated for funeral purposes."

"The Handbook says burial funds include 'revocable burial contracts, burial trusts or other burial arrangements and any other asset which is clearly designated for burial expenses.' Interest and appreciated value are also excluded from personal assets counted toward eligibility.

LIVING WILL INFO FOR LAWYERS

A new subscription service for lawyers on right-to-die issues has been inaugurated by Concern for Dying. The service includes a set of fact sheets on 25 court decisions, a handbook of laws on living wills and bulletins on new developments. For more information contact CONCERN FOR DYING, 250 West 57th St., NY, NY 10107.

DURABLE POWER OF ATTORNEY FOR
DESIGNATION OF HEALTH CARE AGENT

KNOW ALL PERSONS BY THESE PRESENT, that I, _____

of _____, do hereby constitute
City County State

and appoint _____
Name Address Telephone #

as my attorney for me and in my name to make health care decisions for me. For the purposes of this document, "health care decision" means consent, refusal of consent, or withdrawal of consent to any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition.

In the event _____ is unable or unwilling to act, I hereby constitute and appoint _____
Name

_____, to be such attorney for me.
Address Telephone #

STATEMENT OF DESIRES, SPECIAL PROVISIONS AND LIMITATIONS

The person designated above is given authority to inspect and disclose any information relating to my physical and mental health, and is authorized to sign documents, waivers and releases, including documents titled or purporting to be a "Refusal to Permit Treatment" and "Leaving the Hospital Against Medical Advice" and to execute any waiver or release from liability required by a hospital or physician.

I declare this power of attorney shall not be affected by my disability or incapacity, and that the authority granted herein shall continue during any period while I am disabled or incapacitated.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this

_____ day of _____, 19____.

Signature

Witness Signature : _____
Address of Witness

Witness Signature : _____
Address of Witness

Subscribed and sworn to before me on this _____ day of _____ 19____.

NOTARY PUBLIC

LARGEST FUNERAL MARKETER APPROACHES MEMORIAL SOCIETIES

Service Corporation International of Houston, (SCI), claims to handle 100,000 funerals and cremations a year. It is the largest company of its kind in North America. The firm has been buying up funeral homes and allied businesses at a rapid rate. Currently, it owns 371 funeral homes, 91 cemeteries, 73 flower shops in 32 states and Canada. In addition, SCI owns one of the largest casket manufacturers and an insurance company.

In fact, SCI now claims to have the ability to offer funeral and burial services in nearly all parts of the country.

According to an article in AdWeek, "Funeral Marketer Breaks New Ground in Traditional Trade," (8/3/87, pg. 17), "For the fiscal year ended March 30, SCI posted net income of \$51.6 million on revenues of \$387 million...The company has high hopes of being included in the Fortune 500 by the end of the year."

"SCI's star product is an insurance-funded prearranged funeral plan called the Guardian Plan. The plan allows customers to arrange for funerals in advance and to spread out payments by buying a whole-life insurance policy or annuity from SCI's wholly owned subsidiary, Family Service Life Insurance Co."

SCI uses this plan as the focus for much of its marketing efforts targeted at the 50-plus age bracket. A campaign consisting of a television commercial with 800 number, direct mail pieces and

follow-up telemarketing has resulted in selling 80,000 plans with a face value of \$132 million.

"Though SCI owns an impressive number of funeral homes, its holdings still represent a modest percentage of the 20,000 or so individual funeral operations in North America. So SCI plans to continue its expansion, possibly into other countries (such as Great Britain)...And, the Guardian plan provides even more of a springboard for growth since it can be marketed through funeral homes not even associated with SCI." According to the AdWeek article, 200 other funeral homes not affiliated with SCI currently sell the Guardian Plan.

SCI has even approached CAFMS. According to Bill Klein of the Rochester, New York Memorial Society and a member of a CAFMS committee appointed to study the SCI proposal to offer a nation-wide system of packaged funerals and cremations at a discount to members of memorial societies affiliated with CAFMS, "SCI operates no homes in Massachusetts and state law does not permit it to."

Whether or not CAFMS enters into an agreement with SCI, MSNE members will not be affected. For this reason, MSNE staff, directors and volunteers are still investigating contractual relations with local funeral directors to offer MSNE members special prices. This project began over two years ago and has been slowed due to lack of funding.

Please fill out this form and return it to:
The Memorial Society of New England
25 Monmouth Street
Brookline, MA 02146

PROXY VOTE: (Fill in only if you WILL NOT attend the annual meeting)

I hereby authorize (name of member) _____
or the Clerk of the Society (if no name is listed above, the Clerk of the Society
will vote by proxy) to vote for:

A. The slate of officers and directors as proposed: yes___; no___

B. Such matters as may lawfully come before the meeting: yes___; no___.

Signature of
member: _____ date _____

___ Check here if you would like to volunteer to help MSNE. Please explain
what you would like to do:

VOLUNTARY DUES AND CONTRIBUTIONS

Yes, I am an active member and I would like to support the work of The
Memorial Society. Here are my voluntary dues and contribution for 1987-88:

Voluntary dues (check one):

___ \$5.00 as a Regular Member

___ \$15.00 as a Contributing Member

___ \$50.00 as a Supporting Member

Contribution:

___ \$10.00; ___ \$20.00; ___ \$35.00; ___ \$50.00; ___ over \$50.00

TOTAL AMOUNT

ENCLOSED \$ _____

(Please make checks payable to The Memorial Society of New England)

The Memorial Society of New England
25 Monmouth Street
Brookline, MA 02146

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