

Funeral Directors Consumer Fact Sheet

Board of Registration of Embalmers and Funeral Directors

The Board of Registration of Embalmers and Funeral Directors is one of 32 professional and occupational licensing boards within the Division of Professional Licensure. The Board oversees the examination and licensing of those professionals and their apprentices who provide services for the deceased and their families, including embalming and crematory services, funeral arrangements and family assistance. The Board also inspects the facilities of licensed embalmers and funeral directors to determine adherence to the health related rules set forth by the Board and local health departments.

Purchasing Funeral Arrangements

- Before selecting a specific service or provider, you may wish to review some useful guides, such as the Federal Trade Commission's "Funeral Rule Compliance Guidelines". Contact the Federal Trade Commission at (202) 408-0140.
- Check with more than one establishment. Prices for various goods and services offered by funeral homes can vary widely, so contact several different funeral homes before you commit to one provider.
- Don't sign any documents or contracts until you have read them carefully and understand clearly what they say. If you have questions about what something means, ask - a good funeral director will not mind explaining a provision in the contract which is unclear. If the explanation you get is not satisfactory, or you are still confused, seek advice from an attorney before you sign anything.
- Before you decide on particular services or merchandise, make sure you receive an itemized price list from the funeral director. The funeral director is required by both federal and state law to provide you with such a list at the time you begin any face-to-face discussion about what type of funeral he can arrange, what goods and services he offers, or what the prices are for those goods or services. You are entitled to get a copy of this list that you can keep.
- Other than a required basic services fee, you have the right to select only the items you want to buy. The basic services fee is the fee for the professional services of the funeral director and his or her staff. Under federal law, this fee must either be listed as a separate charge with a description of what it includes, or included in the casket prices and identified as part of the casket price. If legal or other requirements mean that you must buy any item you did not specifically ask for, the funeral director must explain the reasons why you are required to buy that additional item, in writing.
- Remember that, except in certain circumstances, embalming is not required by law. Embalming may be necessary if you select certain types of funeral arrangements, such as a funeral with a viewing. If you do not want embalming,

you have the right to choose an arrangement, such as cremation or immediate burial, which does not require you to pay for it.

- Recent changes in Massachusetts law allow you to rent rather than buy a casket if you so choose. You may wish to inquire whether the funeral home you plan on using offers this service and obtain the relevant prices.
- Make sure that you receive an itemized statement of the prices for the goods and services you actually agree to buy. This statement should identify the actual or estimated price for each separate item of merchandise or service to be provided, to the extent that that price is known at the time, and must be signed by the funeral director. This statement must be provided to you at the time you finish making the arrangements, or prior to the funeral service itself.

Pre-Paid ("Pre-Need") Funeral Arrangements

- Before you agree to any pre-paid funeral arrangement, make sure you have received a copy of a "Buyer's Guide to Pre-Need Funeral Arrangements" from the funeral director. Under state law, the funeral director must supply you with this guide at the time you begin discussing any such pre-need arrangement.

New Regulations have gone into effect February 27, 2004. Governing Pre-Need Arrangements.

Consumers Guide to Planning a Funeral

Making funeral arrangements is often one of the most emotional experiences and expensive purchases a consumer will ever make. With a little preparation, consumers can make sure they are making the choices that will meet their needs and budget. Both state and federal laws regulate funeral homes, funeral directors and other staff. This is a summary of some of the consumer rights that are protected by law.

Before making any funeral arrangements, check to make sure you are dealing with a licensed funeral director in good standing at www.mass.gov/dpl. You can also find helpful information compiled by the Federal Trade Commission at <http://www.ftc.gov/bcp>.

Pre-Need Planning

Increasingly consumers are planning ahead and making their own funeral arrangements. This decision can provide consumers with the time to shop around and the ability to designate their own preferences. Sometimes consumers also make arrangements to pre-pay for their funeral. Some things to think about when pre-need planning:

- Type of funeral: consider cultural preferences, religious or secular, public or private, simple or elaborate, open casket or closed, will there be a service?

- Cost: what funds will be available, will insurance cover the cost?
- Burial or cremation: where? Has a plot been purchased?
- Family/friend involvement: do they know your wishes?

Pre-paying for Funeral Arrangements

If you wish to pre-pay for your funeral, the funeral director must provide you with the standardized contract approved by the Board of Registration in Embalming and Funeral Directing. This contract will have three parts:

- Standardized Pre-need Funeral Contract
- Itemized Statement of Funeral Goods and Services (FTC compliant)
- Trust Document with a Bank or Insurance Policy

Funeral directors must provide you with a written pricing list of the goods and services they offer before showing you the caskets. They must itemize for you all costs associated with the funeral and burial specifying those items where the cost is guaranteed and those items where the price may change. They must explain what will happen if they go out of business or if their funeral home is sold. They must disclose if they will receive a commission on the sale of an insurance policy and they must provide you with written verification of where your funds are being held if a trust account is used.

Contracts entered into after February 27, 2004 may not allow the funeral director to hold the client's pre-need funds.

Within 10-days of signing a consumer may cancel a pre-need funeral contract and receive a full refund.

Consumer Checklist for Making Funeral Arrangements:

- Make a list of what you want: type of service, viewing, flowers, transportation, type of burial, etc.
- Determine your budget: consider what funds will be available, and how much you want to spend.
- Know your rights: <http://www.ftc.gov/bcp/online/pubs/services/funeral.htm>
- Shop around: Funeral Directors **must** provide you with prices over the phone and **must** provide you with a written price list of the goods and services they offer before they show you any goods; they **must** allow you to use a casket purchased elsewhere and may not charge a fee for this; they **must** explain your option such as cremation, direct burial without embalming, etc.; if cremation is chosen they **must** allow you an alternative container to a casket (they may offer a rental casket for viewings); they **must** explain costs associated with burial and provide you with a price list.
- If you select a funeral home, visit the funeral director and discuss your wishes:
 - Ask about options and packages or buying items separately.

- Check the accessibility for disabled visitors to get to the rest rooms, viewing rooms, etc.
- Is this an environment in which you feel comfortable?
- Plan for the disposition of remains through burial or otherwise:
 - What costs will the cemetery charge?
 - If cremation is chosen, what do you plan for the ashes?
- When paying for services, make sure everything is in writing and that you understand all costs.
- When Pre-arranging and pre-paying for a funeral:
 - Use the standardized state contract.
 - Know which costs are guaranteed and which may change.
 - If funded through a trust account- know the name of the bank trustee.
 - If funded through an insurance policy, know whether the funeral director received a commission, know the insurance company and policy number.
 - Know what happens if the funeral home is sold or goes out of business.
 - Know whether and how the contract can be changed.
 - Know you have 10 days from signing to cancel the contract and get a refund.
 - Notify a family member or legal representative of this arrangement.

If you have any difficulties with a funeral director about any of these issues, contact the Division of Professional Licensure's Office of Investigations at (617) 727-7406.