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Funeral Home Survey completed

The biennial Funeral Home survey is complete after many hours of volunteers' work. An increasing number of funeral homes are responding to our request for information by mail. Those that don't respond require follow up phone calls or personal visits. Two funeral homes were recalcitrant enough that we filed complaints with the State Board of Funeral Directors and Embalmers. One home is still under investigation for, among other things, failing to comply with our request for information.

The Federal Trade Commission has specific regulations. We examine each price list carefully to make sure the funeral home is in compliance with the

federal Funeral Rule. If we note areas where the funeral home is not in compliance, we write a letter to that home pointing out the problem and requesting that a change be made. It is heartening to see that several funeral homes have taken our suggestions and made changes to their price lists to conform with the federal regulations. Unfortunately, other funeral homes continue to ignore the regulations. The most common problems we saw were

- **Bundling services for a funeral in the non-declinable or basic fee.** A funeral is a choice customers have. They may not be forced to pay for it as part of the basic fee.

See Survey, 2

Eyes on Virginia General Assembly

We were busy monitoring the General Assembly this spring. Several bills addressed issues of the death care industry. We wrote to the delegates and senators in our service area to make sure consumer interests were represented. One bill is carried over to next year's session. We will be watching HB1300 closely since

1. It strikes the requirement that the Board of Embalmers and Funeral Directors shall prescribe continuing education regulations (courses for funeral directors), and simply allows them to get continuing education if they feel like it.

2. It strikes from current law a prohibition on "continuing education credit for courses where the principal purpose of the course is to promote, sell, or offer goods, products or services to funeral homes." This means it would be acceptable under the new law for the Board to approve "continuing education" courses for funeral directors that are about nothing but products and sales.

This is not in the best interest of consumers, but would probably benefit the funeral industry. We will contact the House of Delegates Health Committee next fall to alert members of our concerns.

survey: Problems and promise from 1



Mayberry, Simpson, and Norris funeral homes have easy-to-read price lists.

- **Washing and disinfecting unembalmed bodies.** Again, this is a choice and it can't be imposed when one selects no embalming.
- **Charging for alternate care of remains when no embalming is selected.** This must not be imposed on a customer when direct cremation or immediate burial is selected. The FTC publication *Complying with the Funeral Rule* clearly states, "...you cannot require families to pay for 'other preparation of the body,' if they decline embalming." One funeral home continues to state on its price list, "embalming eliminates health hazards." This is a grave misrepresentation — if not an illegal — claim and we have pointed this out.
- **Charges for tent, grass, chairs must be included under graveside services if the funeral home is providing the equipment.** They cannot be

separate charges in addition to the graveside service charge.

Of the 32 price lists reviewed for this survey, several stood out for clarity, brevity, readability, and ease of use. Mayberry Funeral Home in Floyd, Simpson Funeral Home in Roanoke, and Norris Funeral Services in Martinsville use different styles, but they are easy to read, conform to regulations and should be emulated by all.

Several funeral homes have maintained their prices for more than two years. This is commendable, but a consumer needs to check for a current date on the price list.

Although price is only one item to consider in selecting funeral services, it is an important one. The funeral home survey is one of our most popular items and we are able to continue providing it because of the support of members and the volunteers that help make it possible.

Update on anti-trust lawsuit



Funeral Consumers Alliance, Inc. (FCA), on behalf of its roughly 400,000 members and a nationwide class of consumers, has filed a lawsuit in federal court in California seeking to stop the country's three largest funeral home chains and the nation's largest casket maker from shutting out competition and fixing casket prices at artificially high levels. The case has been moved to the US Court of the Southern District of Texas, Houston Division. The suit is still in its early stages,

and the schedule for litigation has not yet been set.

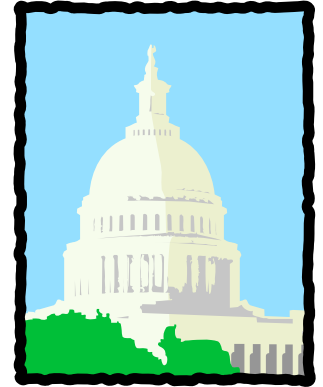
FCA, along with several individual consumer plaintiffs, filed the suit on May 2, 2005. FCA alleges that Service Corporation International, the Alderwoods Group, Stewart Enterprises, and Batesville Casket Company, conspired to shut out competition in the casket sales market to keep prices artificially high. To read the original complaint which includes details and specific allegations, visit www.funerals.org/ClassActionPR.htm

FCA urges national action

United States Senators Charles Schumer and Patrick Leahy have introduced S2609, the "Safe Tissue Act," to improve the oversight of tissue banks and tissue donation. With recent reports of abuses by those funeral homes who sold body parts to tissue banks and biomedical companies, people wonder why tissue procurement is not held to the same standards as whole-organ donations. This includes informed consent for donors and their families, and inspections of facilities that traffic in bodies and tissue.

Under the proposed legislation, tissue banks would be under the oversight of the Food and Drug Administration. With recent news articles about the dark side of this area, this is a step in the right direction. Both donors and receivers should be given the opportunity for informed consent regarding the procurement, transfer and receiving of human body parts.

FCA will be monitoring this and other actions aimed at curbing such abuses.



Green burial available in NY

While no green or natural cemetery is available to the public in our area, the movement is gaining support elsewhere in North America. A new natural cemetery has opened in the Finger Lakes area of New York State. The Greensprings Natural Cemetery encompasses 100 acres of hilltop meadows, bounded on three sides by the 4,000-acre Arnot Forest and the 4,000-acre Newfield State Forest. Greensprings reports this is a traditional, sustainable alternative to contemporary burial practices.

This is for those who want a "back to nature" option. Greensprings prohibits "cut, machined, or polished markers or monuments of any kind."

Permitted are "engraved natural, flat rocks indigenous to or quarried in the Finger Lakes area, set flush with the ground and encompassing no more than 400 square inches, placed as markers over the grave.

Markers aren't required. People are encouraged to select "a native tree or shrub planted on their site for the real memorial is the renewal of the earth itself."

Concrete or steel vaults and grave liners are not permitted at Greensprings. Bodies or cremains may be interred only in natural biodegradable materials such as wood or wicker. Metal, concrete, plastic, or other synthetic materials and stone may not be used. Bodies that are embalmed or chemically preserved may not be interred at Greensprings.

More information can be found at the Web site.

www.naturalburial.org/index.php



"The real memorial is the renewal of the earth itself."

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National newsletter offer

The National FCA produces a quarterly newsletter focusing on death and dying issues. You can obtain a year's free subscription by contacting the office and mentioning you saw this announcement. Phone: 800-765-0107 email: fca@funerals.org.

Member tip

Here is a tip from member, Dianne Rencsok. She recommends a commercial site that has some excellent planning information. http://www.oasthook.com/legal_information/Complete_Client_ToolKit.pdf.

Check out Tool # 6 which has conversation scripts to get past the resistance with family members on discussing end-of-life issues.

According to Peoples Benefit Life Insurance Company, the average burial cost is now \$7,000. The Social Security death benefit is \$255 leaving a gap of \$6,745. Of course, the life insurance company believes the solution is to buy life insurance, but members of the Funeral Consumers Alliance know of other options.