



Funeral Consumers

ALLIANCE



SUMMER, 2008

A Federation of Nonprofit Funeral Information Societies VOLUME 12 NO.2

Protecting a consumer's right to choose a meaningful, dignified, and affordable funeral since 1963

National Conference a Hit — Highest Attendance Ever

One hundred twenty-five people, including Funeral Consumers Alliance affiliate members, funeral directors, home funeral coaches, and others, gathered for our largest Biennial Conference yet in Seattle, Washington, June 26-29. Thanks to program director Harriet Bartnick (FCA National Board), our co-hosts Peoples Memorial Association, and about a dozen dedicated local volunteers, our gathering boasted the broadest set of speakers and programs we've put on and a smooth ride all the way through.

For the first time, national media took notice of our conference. Brendan Kylie of Seattle's weekly paper *The Stranger* covered the conference for Newsweek online. Focusing on FCA's activism for underdog options — green burial, home funerals — Kylie's piece showed us off to the world as a force for change on the American funeral scene. Check out the great coverage at www.newsweek.com/id/144482. The Newsweek story did triple duty for FCA, stirring provocative commentary on funeral industry blogs, calls from the public for membership information, and landing us a guest spot on an hour-long radio program in Utah devoted to preserving consumer choice.

The heart of any good conference is the chance to trade tips and hobnob with peers. From the evaluations we received, FCA affiliate members loved the chance to see and hear what their sister groups were doing.



Highlights

We were honored to have **Kathryn Tucker, Director of Legal Affairs for Compassion and Choices**, as a keynote speaker. Tucker successfully defended Oregon's groundbreaking Death With Dignity law before the Supreme Court. This is the first US law allowing doctors to prescribe medication to hasten death at the request of a terminally ill patient. Tucker's presentation was eye opening. Despite improvements, she said, many terminally ill people have to fight for effective pain treatment at the end of life, even if they don't choose to hasten their own deaths. Some doctors skimp on pain medication, she said, out of fear of being targeted by prosecutors for "perceived prescription of excessive

pain medication." Other patients aren't informed of their options for pain management, she said, because too little attention is paid to making patients comfortable at the end of a painful illness.

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Willed Body Program, Northwest Tissue Services, and Biogift, a for-profit tissue bank. Given the national concerns over lax regulation of body parts procurement for research, and the money changing hands in the industry, audience members were understandably curious about the difference between for-profit and non-profit research facilities. Steven Wells of Biogift evaded many direct questions from the audience about the non-profit status of Biogift, and the amount of money charged to recipients of donated body parts. Several audience members called on him to answer direct questions, which he refused to do. Reaction was mixed on conference evaluations, with some attendees stating they thought audience members were too confrontational, while others said the panel moderators should have done a better job making sure questions were fully answered.

Former LA Times environmental columnist and author **Mark Harris** rounded out our plenary sessions speaking on natural burial. Harris' recent book *Grave Matters: A Journey Through the Modern Funeral Industry to a Natural Way of Burial* is simply the best overview of the "green" or "natural" burial movement in the US. He treated the audience to photographs and stories he collected from families during his research, people from all walks of life who said "no" to the typical commercial funeral. Many people were moved to tears — not from sentimentality, but from the down-to-earth, genuine experiences of death and dying described so well by Harris' subjects.

Awards

For the first time, FCA decided to give special honors to those who exemplify the best in funeral consumer advocacy. At the closing banquet, outgoing President Joyce

Homan gave the first Outstanding Consumer Advocacy Award to an FCA affiliate member, **Elvira Hoffman**, President of the **FCA of Long Island and NYC** (and a newly elected National Board member) She's put her time, her soul, and her money into citizen lobbying in New York State with an energy rarely seen.

Executive Director Joshua Slocum gave the first Outstanding Consumer Advocacy Award to an outside organization. **Valerie Bayham**, staff attorney, accepted the award for the **Institute for Justice**. IJ, a public interest law-firm outside D.C., litigates for the rights of small businesses not to be bullied out of existence by state regulators who protect big industry from competition. IJ (and especially Valerie) has gone to bat for funeral consumer issues repeatedly, helping FCA preserve citizen rights to carry out family-directed funerals and to buy caskets from less expensive retail outlets. Bayham addressed the banquet attendees with a wickedly entertaining run-down of the ways in which state regulators collude with big business at the expense of the consumer, and issued a call to action to keep the funeral industry and its regulators honest.

So You Couldn't Come?

Well, we missed you, but we've brought the conference to you on our spiffy new Web site. Almost all the speeches, workshops and handout materials from the conference are downloadable at www.funerals.org. Once you get there, click on "News and Consumer Alerts" on the left-hand menu. Our news alerts run by date, and you'll find the full conference article and downloads on one of the first few pages. If you get stuck, notice the search bar at the upper right-hand corner.

Notes From The Board

The FCA National Board held its first of two in-person meetings this year at Seattle University in June. Here's a summary of actions taken.

- The Board voted to form a committee to find the most cost-effective way to complete a Financial Review of FCA's books. A full audit by an outside accounting firm is too costly (around \$8,000), but the Board recognizes the need to have the organization's transactions examined. The committee is composed of Past President Joyce Homan, Board member David Morrison, and Past President and Treasurer Ernie Marriner (an accountant of great talent).

- The Board voted to thank Michael Rulison, FCA of the Triangle

in Raleigh, NC, for his uncountable hours of help with the new national Web site. Rulison went above the call of volunteer duty, devoting much professional time to the site development. The Board voted to recognize his efforts with a \$300 payment for his services.

- The Board declined to vote on a proposed change to the bylaws proposed by Executive Director Joshua Slocum. The proposal would have formally barred FCA affiliates from accepting paid advertisements from funeral industry vendors. Instead, the Board voted to take the issue up again at its October meeting.

- Board member David Morrison proposed FCA draft a

Funeral Consumer Protection Law that would serve as a guide to state (and perhaps federal) regulation of the funeral industry. Morrison presented a draft to the Board, and agreed to work with staff

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and the Legal Committee to refine it in the coming months. FCA hopes to have a model that affiliates can use to guide their lawmakers on reasonable funeral regulation.

- Board member Harriet Bartnick agreed to formulate ways FCA could hold its next Biennial Conference in conjunction with other nonprofit organizations sympathetic to our mission. She noted that a joint conference with a hospice or palliative care organization, for example, would bring higher attendance and get FCA's message out to a field of professionals who could make good use of our expertise.

Hello and Goodbye

Board elections and retirements come up every two years. As always, we're losing some good people and gaining some.

Norma Beerweiler (Peoples Memorial Association of Seattle) and Marie Lorz (FCA of Central Ohio) both stepped down in June after reaching their term limit of eight years of service. Both were among the most dedicated and dependable board members, and they will be missed. Norma has served on the Publications, Personnel, and Election Committees for years. It's thanks to her that we've had a slate of qualified candidates for Board positions for the last two elections, and she can take credit for spotting at least half the typos in this newsletter before it reaches you.

Marie served as Secretary and produced brilliant, economical minutes (what else would you expect from a librarian?). She was an enthusiastic supporter and promoter of our fundraising campaigns, and worked hard to bring new FCA affiliates on board with our national fundraising.

Your Executive Director will especially miss the tradition of scotch-on-the-rocks with Norma and Marie at the end of long days of board meetings. There's a glass raised to you, ladies.

Your New Board Members

Simply the best, of course. You elected **Elvira Hoffman, President of**

the FCA of Long Island and New York City, and Ruth Bennett, President of Peoples Memorial Association. Elvira has become a force to be reckoned with in the New York State legislature, advocating for funeral consumer protections tirelessly and on her own dime. In addition to organizing letter-writing campaigns for and against bills affecting funeral consumers, Elvira persuaded the state legislature to introduce a bill requiring cemeteries to give consumers price lists and a copy of the rules and regulations before any sale is made. She's also held off the lobbyists from Service Corporation International for four years as they try to win the right to sell their confusing, bloated, expensive funeral packages to unwary consumers. Check out her affiliate at www.nyfunerals.org.

Anyone who came to the conference could see Ruth Bennett's savvy and leadership. She joined the Board of Peoples Memorial Association during the organization's rockiest time, and worked with the Board and staff to turn a crisis into a real breakthrough. After SCI threatened cancelled the 67-year contract Bleitz Funeral Home held to serve PMA's 100,000 members, things were looking bleak. Tired of being yanked about by funeral homes that didn't have the members' best interests in mind, Bennett helped PMA form its own non-profit, member-owned funeral service.

New Officers

The FCA Board elects its own slate of officers every two years. Here's the new Executive Committee:

President - Laurie Powsner, FCA of Princeton

Vice President - Joyce Homan, FCA of Central New York

Treasurer - Ken Stoner, FCA of Maryland

Secretary - Marjorie Bridges, FCA of San Mateo and Santa Clara Counties (California)

Affiliate News

FCA of the Triangle, Raleigh, North Carolina — Congratulations to board member Elizabeth Webber for her appointment to the North Carolina Board of Funeral Service as a consumer member. Boy, do they need the representation. Hats off to all the Triangle volunteers who lobbied hard for Webber!

So many good ideas come from this group — here's another. The Board drafted a simple, one-page statement for prospective new board members. If you've ever noticed some board members are merely "warm bodies," this document is a great tool to let people know what's expected of them. It covers the group's purpose, its tax-exempt status, conflicts of interest, expected meeting attendance, and project responsibilities. To get a copy of the form, visit their site at www.fcat-nc.org, and click "contact us."

FCA of the Piedmont, North Carolina — Say welcome to the newest member of the FCA family! This newly forming chapter in the Greensboro area has organized themselves faster than we've ever seen. Steering committee leader Holly Stevens is a one-woman wonder. She's quickly become an expert in the FTC Funeral Rule, state law, consumers' legal rights, and funeral industry pricing practices. The group isn't even yet officially incorporated (though they probably will be as you read this) and they're already embarking on a price survey of funeral homes and crematories. If you're in the Greensboro area, contact Holly to join this effort: holly_stevens@mac.com

FCA of Greater Louisville, Kentucky — Congratulations to the group on winning recognition from the IRS as a nonprofit 501(c)(3) charity. Board member Estelle Chapman has worked doggedly on several drafts of the necessary papers, and it's finally paid off. Donors to FCAGL can now take a tax-

deduction, and the group is much likelier to win grants from other charitable organizations. You can do it too, and we've done most of the work for you. Email fca@funerals.org for a sample application and an instruction guide on how to achieve (c)(3) status, no lawyer necessary.

FCA of North Texas — This chapter becomes ever-more vibrant. They're well-known in the area for teaching community college courses on funeral shopping "Shop Before You Drop," and now they've taken another progressive step. Board member Ed McHam writes:

The FCA of North Texas Board voted to sever all relationships with cooperating funeral homes and remove all references to same in our literature, forms, letters, and Web site. As a side note, access to our online funeral home price list database is now free to the public [there are more than 600 businesses surveyed]. Our transition from a buyer's club to an educational model begins today . . . I am now excited again for the first time.

FCA of Greater Kansas City — Are you still

not completing a price survey? Are you still keeping it "members-only?" You're missing out on better publicity and membership draw than money can buy. FCAGKC's regular price survey spawned a feature article in the *Kansas City Star* this spring. The feature-length article contained numerous quotes from the group, a link to their Web site, and a reproduction of the survey's chart showing cost increases from 2004. **The FCA of Central Arizona** scored a similar article in the *Arizona Republic* this May.

FCA of Southeast Massachusetts — President Irene Gutierrez interested the local newspaper in doing an article on green burial. The group is reaching to citizens to gauge interest in a formaldehyde-free burial ground, and taking their case to the press is sure to drum up support. The feature article summed up the natural burial movement in the US, and gave a lot of space to the FCA to advocate for simpler options. Best of all, it invited readers to contact the group if they're interested in helping out.

You can have this kind of publicity, too, but you've got to put together an exciting project and pitch it to the press. When the public doesn't hear about the great work you're doing, *the members won't come.*

Time's Up

Not much new comes along in the world of funeral merchandise. It's mostly variations on a few tired and overly sentimental themes. But this new concept urn struck our funny bone in just the right way. The guy developing the urn isn't from the funeral industry, and he's curious if anyone out there would be interested enough to buy an hourglass urn. See more and drop him a line at www.hourglassurn.com.



Heaven relocates!

Let Cremation give you a new beginning. Have your ashes placed in a hermetically sealed ten minute timer. Be a functioning member of the family forever! They won't forget you.



Ashes are ground to a fine sand and rests in the lower chamber until someone has a need.

When the hourglass is inverted, it will take ten minutes for the ashes to fall again into the rest state.

Legislative Watch

Colorado — HB 1123 died in committee in April, 2008. The bill would have brought state licensing and regulation of funeral homes (Colorado is one of two states that doesn't license funeral directors), but at a high cost. The **Funeral Consumer Society of Colorado** and **FCA National** objected to the bill and its predecessors for excessive requirements for licensure (having to cremate 100 bodies, for example, before being allowed to operate a crematory) that would do nothing to protect consumers, but a lot to raise barriers to competition.

Hawaii — **SB 2599** would establish a regulatory board to oversee preneed sales of funeral and cemetery property. This is a welcome step, since Hawaii's regulations are among the worst in the country. The board would consist of 3 industry members, one public member, and best of all, three members from "the most active" consumer groups interested in funeral/cemetery regulation. Members from **FCA of Hawaii** would obviously be top picks. Unfortunately, the bill does nothing to increase the state's terrible deposit requirements.

Iowa — Congratulations, Iowans. You join the majority of states in having the right to assign an agent (anyone you like) to direct your funeral, burial, cremation, or body donation. **SF 473** was signed into law April 11, 2008. **FCA National** lobbied against some silly amendments pushed by the **Iowa Funeral Directors Association**, and thanks to sympathetic lawmakers and members of the state bar association, the worst ones were removed. One provision would have allowed any "interested person" to view your body at his own expense, even if you clearly directed there be no viewing or embalm-

ing. That was changed to allow any other party to conduct a "separate ceremony" honoring you, a sop to the funeral directors we can live with. Did they think your survivors would believe it was illegal to have a memorial service for you if you didn't explicitly direct it? We've created an Agent for Disposition Form that conforms to Iowa law. To download it, go to **www.funerals.org**, click on "your legal rights" on the left-hand menu, then go to "funeral decision rights."

Kentucky — Anti-competitive forces never quit in the Bluegrass State. After successfully requiring all funeral businesses that serve the public to operate or be owned by expensive, full-service funeral homes in 2006, someone wanted to shut down cremation competition this year. **HB 707** would have made it illegal — wait for this — for freestanding crematories to pick up bodies so they could actually perform the cremation. So, how will grandma get to the crematory? A "funeral director or person acting as a funeral director" would have to pick her up. Thanks to lobbying by the **FCA of Greater Louisville** and **FCA National**, the bill got a quick burial.

Louisiana — Lawmakers in the Bayou State are playing King Solomon: they want to protect consumers, but they also want to protect undertakers from competition. Louisiana is one of only three states left that actively enforce an absurd law that says only a funeral director can sell a casket. The state funeral board must have a genius PR department — they're going after a Catholic church for selling caskets built by monks. For the whole, sordid tale, see "Hall of Shame Inductee: Louisiana" at **www.funerals.org**. Click on **News and Consumer Alerts**.

The state has done some good. **SB 806** beefed up protections for preneed funeral consumers. *Highlights on the positive side:*

- All contracts must contain an itemized statement, describe the fund-

ing mechanism, say whether it's guaranteed or not, revocable or irrevocable.

- Contracts have to describe the casket fully, and funeral directors have to offer one of equal quality and construction if the casket bought in advance isn't available at death.

- Funeral homes are now barred from using "constructive delivery" - meaning they can't avoid depositing preneed money for caskets and vaults by warehousing the casket, or getting a surety bond to cover the casket cost.

- Funeral homes must send annual reports to the state board on all preneed contracts

... and on the negative side:

- The law does not apply to cemeteries.

- The new law still gives consumers no explicit right to transfer an irrevocable preneed contract to another funeral home.

- The law does not require funeral homes to send consumers an annual report on their preneed account.

- The law still defines caskets (but not urns!) as "funeral merchandise" that only a licensed funeral director can sell.

Maryland — The funeral directors' monopoly on state government just got a little narrower. The State Board of Morticians and Funeral Directors has long been known to sweep consumer concerns under the rug. No surprise — 8 of the 12 members were funeral directors, leaving only 4 slots for public members. **SB 463** changed that. The industry lost two slots, and consumers gained 1. Final score: **6 funeral directors, 5 public members**. They've still got a majority, but just barely. Special thanks go to **Barbara Blaylock** and **Nancy Herin** of the **FCA of Maryland** for testifying at the capital on the need for a more balanced board. **FCA National** also supplied written testimony to lawmakers.

Missouri — After many re-writes, the State Board of Embalmers and Funeral Directors has clarified in its regulations that it's legal for families and religious groups to bury their own dead without charge.

New Hampshire — Carol Oxx of New Hampshire ran into obstacles burying her husband without embalming and a casket, so she turned to her state representative. Rep. Barbara Richardson introduced a bill that would have barred cemeteries from refusing to bury a body simply because it wasn't embalmed or in a casket. Apparently lawmakers and cemeterians in the Live Free or Die state have a short historical memory — Oxx said no one had ever conceived of such a thing. The committee unanimously rejected **HB 1542**, but Oxx is taking a grassroots approach. She's already organized several meetings in her town on the idea of carving out a section of the municipal cemetery for natural burial, and it looks like the locals are interested.

New Jersey — Who says Funeral Consumers Alliance and the industry are always at loggerheads? **FCA National** sent a letter of support for **A2406** at the request of Wilson Beebe, Exec. Director of the **NJ State Funeral Directors Association**. The bill would require cemeteries to deposit 100 percent of a consumer's prepaid money in trust, just like funeral homes must. Astonishingly, the state's cemetery board has been "questioning" whether current law requires that, and the bill would make it crystal clear. Unfortunately, it doesn't look like it's gone anywhere since May.

New York — **Service Corporation International** never quits. Their lobbyists are stalking the Albany hallways for the fourth year in a row to get their pet package pricing bill through. NY is the only state that bars package pricing, but if SCI gets its way, New Yorkers will be subject to the company's confusing and costly everything-but-the-kitchen-sink funeral packages. Consumer across the country have complained SCI sales reps push these packages aggressively, sometimes deceiving families into believing they can't pick funerals item by item. The sponsor of **A8042** has bought SCI's pitch, char-

acterizing the bill as an "opportunity" for consumers to "choose" funeral packages. **Elvira Hoffman** of the **FCA of Long Island and New York City** has tirelessly lobbied as a consumer volunteer against this bill. [If you're a New York State FCA Affiliate Board member, it's time to step up and help.](#) Contact Elvira at info@nyfunerals.org for sample letters to send to your state representatives (and please consider donating to FCA of LI, too. . . Hoffman's paying expenses out of her pocket to do good work that's helping you).

Ohio — The Senate has passed **SB 196**, which now waits for the House to weigh in. The preneed reform bill does a number of good things, such as requiring clear disclosures to consumers on each contract, allowing only licensed funeral directors (not commissioned sales agents) to sell preneed, and giving consumers the right to transfer an irrevocable contract. But despite lobbying by the **FCA of Central Ohio** and **FCA National**, the bill fell down on the two most important protections. It continues to allow funeral homes to keep 10 percent of a consumer's money if he cancels or transfers a price-guaranteed contract. This is called "money for nothing" for the funeral director who's sore about grandpa moving or changing his mind about the mortuary he prefers. Even worse, the bill left out an earlier provision that would have set up a preneed recovery fund to bail out consumers if a funeral home goes belly up or runs off with the money.

Pennsylvania — **HB 2679**, currently in committee, would make it a crime to "take control" of a "body part" without the consent of the person authorized to make disposition arrangements for a dead person. While the bill tries to address the problem of body parts theft for profit, Robert Gasparro of the FCA of Greater Philadelphia points out it could conflict with current state laws that allow any person to be an organ donor without permission from anyone else.

Tennessee — We have to say thank you to some concerned and up-standing funeral directors who alerted us to a bad bill and worked with us to stop it. The **Tennessee Funeral Di-**

rectors Association has been trying to get its hands on consumers' preneed money for some time. They hit on the idea of a bill that would allow them to skim 10 percent of a consumer's prepaid funeral money off the top. This would have made TN the first state to ever *go backwards from 100 percent trusting*. Adding insult to injury, the TFDA tried to spin it as a pro-consumer measure, stating they'd be willing to give some unspecified amount of the 10 percent skim to a consumer restitution fund. Maybe such funds wouldn't be necessary if nobody got their hands in the cookie jar in the first place.

Longtime friends of FCA's mission, funeral directors Walter and Barbara Crox, alerted us to the bill. Several other funeral directors opposed to TFDA's money grab spoke up against **SB2705**. So did FCA National and Paul Blankenship, standard-bearer for the **FCA of the Mid-South**. Lawmakers listened, and struck those portions of the bill.

Utah — The state just can't get it right. Back in 2006, the legislature carried water for the Utah Funeral Directors Association by requiring a funeral director's signature on every death certificate. This effectively outlawed family-directed funerals without professional involvement. Now they're tinkering with the vital statistics law again. No, they're not doing a thing to restore family control, just requiring that the "custodial funeral director" file thousand-such paperwork on time with the local registrar's office.

There's more. **HB 437**, now law, says all cremation authorization forms have to indicate if the family viewed the deceased, or refused visual identification. Yes, it does say they can refuse, but experience shows some funeral homes won't tell them; they may use it as a pretext to charge unnecessary "preparation" fees. The same bill now makes the person who authorized the cremation of the body (the next of kin, a legal agent such as a friend) responsible for any damage to a crematory if a pacemaker explodes, *even if the agent told the funeral home and the funeral home failed to remove it*.

Report From The Leading Edge

-Barbara Blaylock, FCA of Maryland and Environs

Crossings is a nonprofit in the Maryland suburbs of Washington, DC that helps families do home funerals and wakes. I had the good fortune to attend its 10th anniversary celebration recently and was inspired to update FCA members about the state of the home funeral movement. Beth Knox, the founder of *Crossings*, has not only helped many families undertake this labor of love, but she has given workshops around the country teaching and encouraging others to do the same.

There is a steadily growing network of people across the country working in this field. Many come from a hospice background and do this work as part of a broader scope of end of life care. Some have become licensed funeral directors in order to offer the service in states that require such credentials. All feel immensely gratified by being able to support families in caring for their loved ones after death in a variety of ways that are intimate and environmentally friendly.

Mark Harris, who spoke at the FCA National Conference this year, gave a very interesting update on a range of alternative funeral practices which are detailed in his recently published book, *Grave Matters: A Journey Through The Modern Funeral Industry to a Natural Way of Burial*. Someone who's starting a green burial site also spoke about some of the challenges in getting it going.

The positive energy I encountered inspired me to be more active in getting the word out about these alternatives. One way to get started is to show *A Family Undertaking*, a documentary film that features a variety of ways families are participating in doing their own wakes, funerals, and burials. Formerly available only for purchase, I just learned that it is now possible to rent it through www.netflix.com. Another way to spread the word is to publish articles on local FCA web sites and link to sites about home funerals or green burials. Your FCA affiliate could also sponsor or spread the word about one of the workshops that are being given by home funeral advocates around the country.

I learned that some established funeral directors and cemeterians are developing more flexible policies to accommodate these trends. FCA groups might consider not only educating consumers but also reaching out to those "in the trade" locally to encourage them to do the same.

Links

www.homefuneraldirectory.com

www.crossings.net

How to Build a Better Board

- Laurie Powsner, FCA National President

Numbers

Have enough people on your board so that all the jobs are getting done and no one person is shouldering too big a load.

- President
- Vice President
- Treasurer
- Recording Secretary
- Membership coordinator – receives phone calls and mail, send out materials
- Someone to update and maintain the membership database

- Someone to compile the newsletter

If you have seven board members to do the above jobs, these others can be done by committees formed from the seven. Other jobs include:

- Publicity/public speaking
- Funeral home price survey
- Planning annual meeting
- Fundraising
- Funeral board/Legislative monitor
- Distribution of pamphlets (good job if you have someone on your board who is not doing much but doesn't want to leave

the board. Or, use volunteers from your membership).

Skills

Look for board members who will complement your current board, not replicate the strengths you already have. Do you have these people?

- A good writer
- A good public speaker
- Someone familiar with publicity
- A couple of people with a solid financial background
- Someone with fundraising experience and/or the ability to tap into high-dollar donors
- An attorney (especially help-

ful are those familiar with end-of life issues or estate planning. Also nice to have for helping with 501 (c)(3) status, charities registration, etc.)

- A hospice social worker (everyone on hospice will be planning and purchasing a funeral)
- A hospice nurse or chaplain
- A physician (especially helpful; gerontologist, ER, and/or one who sits on the hospital's ethics committee)
- A reporter (not only a good writer but can help enormously with publicity)
- A professor who teaches Death & Dying, Ethics, Marketing, etc.

Qualities

Raise your standards and you'll raise the quality of your board. Look for people who:

- Have the ability to: listen, analyze, think clearly and creatively, work well with people.
- Are willing to: review agenda and supporting materials prior to board meetings; attend board meetings, serve on committees and offer to take on special assignments, ask questions, take responsibility and follow through on assignments, contribute personal and financial resources in a generous way according to circumstances, inform others about the organization.
- Will develop certain skills, such as to: solicit funds, identify and recruit board members, read and understand financial statements, learn about and stay up to date on funeral issues.
- Possess: honesty, tolerance of differing views, a friendly, responsive, and patient approach, community-building skills, concern for your FCA, **a sense of humor.**

Have a couple of well-known and respected community members on your board. They have good connections, are effective at spreading the word about what you do, and they will lend credibility. But, make sure they are willing

to do a job as well, even if it's only a small one. Be clear with new recruits that you have a working board; there are no figurehead positions.

Even if you are thoroughly re-vamping your board, keep one or two long-term board members if you can. While some founding members can be rigid and controlling, others are invaluable for their institutional knowledge and expertise.

How to find them

Before you start recruiting, remember to:

- Make room for new ideas and approaches. New recruits who hear "we've always done it this way" will give up, leaving you back where you started.
- Show new recruits your enthusiasm. You want them to see the best of what FCA activism can do, not a doom-and-gloom plea to save a sinking ship. If you're discouraged, fake it.

Sometimes affiliate board members feel so desperate that they will take any warm body that offers to be on the board. If you treat it like a task no one would want, you're not going to attract the kind of people that are not going to make an effective board. Work on your mindset; remind yourself of FCA's mission and your local's potential, and move forward with the thought that it's an honor to be invited to serve on your board.

If you truly think your board is crummy and you're embarrassed to ask anyone you respect to join, you can say "I even feel guilty asking someone like you to join a board that's as weak and confused as this one. But this organization has a unique role to play as no one else is working to protect funeral consumer's rights. What's really needed is a total overhaul of the board. I'd like you to work with me and two others of the same mind to work with the new director to recruit six new members and really make this board work. Would you work with me on that committee?"

- Post "Great Board Member Wanted" ad on free Web sites that match people seeking boards to

join with nonprofits seeking board members.

- See if your community has a Web site
- Use the online forum at FCA's site - www.funerals.org
- www.boardnetusa.org
- www.volunteermatch.org
- Place ads on bulletin boards, in your newsletter, in the neighborhood newspaper, in the alumni newsletter of a local college, etc. Example: "HELP FCA (YOUR TOWN)... We're looking for a few talented and conscientious volunteer board members to lead and strengthen our work protecting grieving families from funeral fraud and overspending"

Form a recruiting task force

Sit with your board and make a list of 20 well-connected people of the type you would love to have on your board but who you figure wouldn't do it (but who might know someone who would). Call them and invite them to come to a single meeting. Tell them that you will be telling them about FCA, your mission, services and potential, what you're looking for in board members and that at the end they'll be asked simply for the name of one person they think would be a good board member. At the meeting, prepare a short presentation of what FCA does and end with the funniest and/or most touching story you can come up with (ask FCA for one if you don't have one) that will convey your enthusiasm.

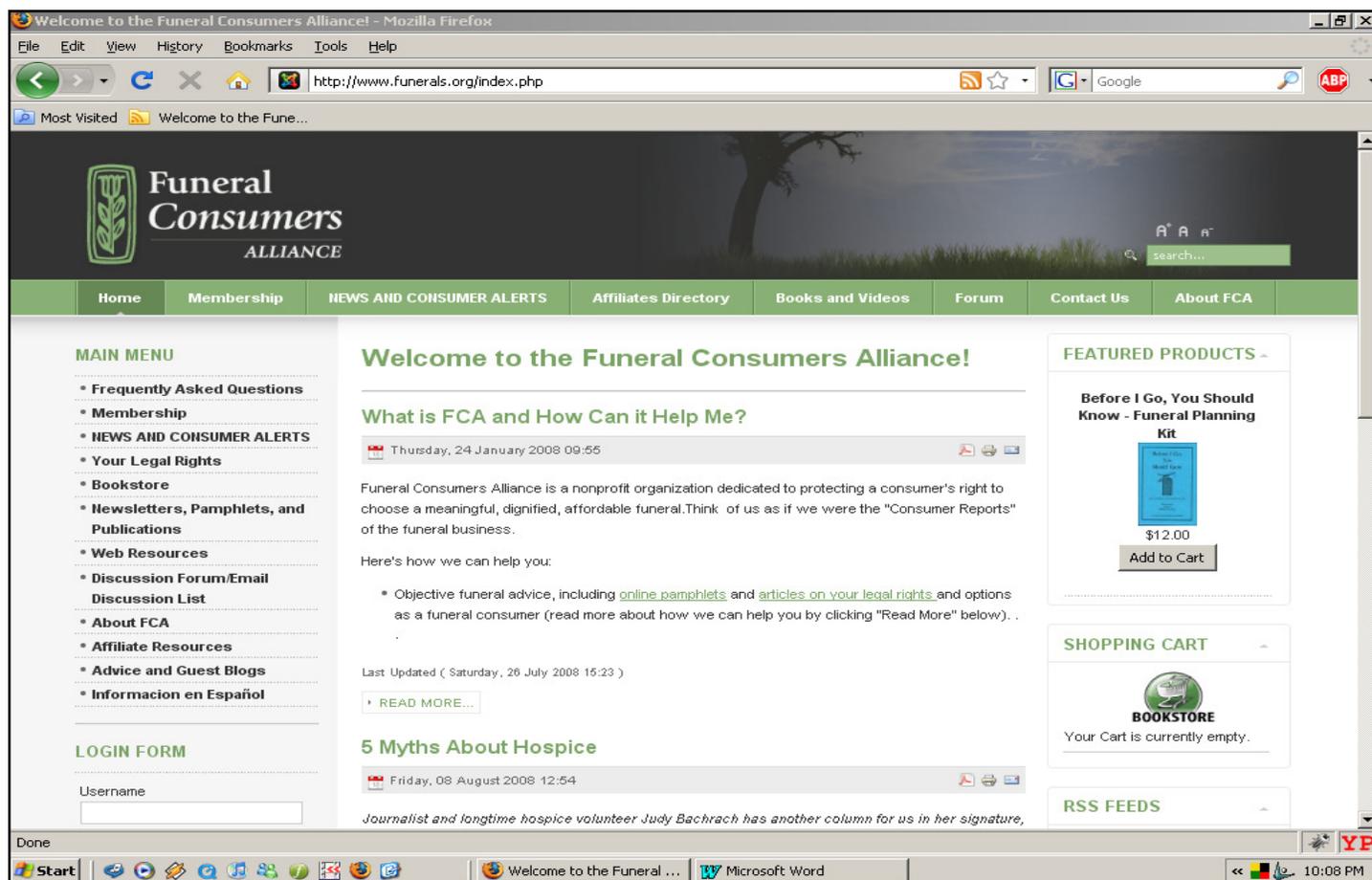
Swinging board members

Pick a few local non-profit organizations, preferably of a similar size (hospice, senior center, community hospital, counseling center, YM/WCA, medical condition related, or even a theater, music or other arts group, or environmental group). Call and invite a leader to coffee with a couple of your board members and suggest that your two organizations recommend "retiring" board members to each other as a way of establishing organizational links and strengthening ties among communities.

~♦~

FCA's Brand New Web Site

If you haven't been to www.funerals.org in a while, we think you'll be bowled over. Here's our new home on the Internet:



We think it looks great, but the beauty of this site is much more than skin deep. The site has new features that let FCA affiliates and the public get much more mileage from what we have to offer. Here are just a few:

- The site is set up as a blog (Weblog). This means users can comment on the individual articles and updates.
- Our bookstore is redesigned and offers a secure connection safe for placing credit card orders.
- Everything an FCA chapter could want or need is downloadable in the **Affiliate Resources** section. Our Guidebook, tip sheets, conference presentations. . .it's all there.
- We've got a forum! Log in to the site (the login instructions are at the bottom left corner) and visit the **Discussion Forum**. You can post messages and questions, chat with other FCA volunteers, trade stories, and submit news items.
- You can subscribe to the site and get automatic updates. Every time we put up a new consumer alert item, article, or news story, you can get it delivered to your email

box instantly. **How to:** check out the lower-right corner of the front page. You'll see an orange icon that says RSS Feeds. RSS means "Really Simple Syndication." The instructions for automatic news alerts by email, or through your Web browser, are right there.

We hope you'll take full advantage of everything the new site can offer. A fully functional site is a must for any business or nonprofit today. It makes all the information you need — including printable copies of our latest pamphlets, directories of affiliates, and newsletters — available at the click of a button, 24 hours a day. I don't know about you, but I certainly do **not** miss the days of trading camera-ready copies and letters in the US Mail.

We can also get you news and timely information a lot faster with the site. The printed newsletter is important, and it's not going away. But issues of concern to FCA don't wait for our printing schedule, so make www.funerals.org your regular haunt for funeral and organizational news!

5 Hospice Myths

- Judy Bachrach

Journalist and longtime hospice volunteer Judy Bachrach has been guest-blogging for www.funerals.org in her signature, no-nonsense style. Here's her latest entry. Got a question about dealing with dying, or what to do and not to do with the terminally ill? Visit her site www.thecheckoutline.org and click "Ask Judy."

Every time I tell people I volunteer at a hospice, the reaction is the same. Isn't it awfully depressing for you?

The answer is no - I'm not, after all, the person who's actually dying. If I were the person dying then, yes, probably I would be pretty unhappy about the situation, although not necessarily depressed. Hospice care can treat depression extremely effectively - in fact, since no one seems capable just yet of curing death, that's a lot of what hospices do: alleviating the many unpleasant side-effects of dying.

Which brings me to the subject of the day: which is hospice myths. There are a whole lot of them going around, but we'll begin today with the Top Five, the most popular of which is

1) Hospices Are Places Where People Go To Die

Actually, although about a third of all those who die annually are under hospice care, very few of them were in an actual hospice in-patient building when that final act took place. Most died at home, where they were under the care of hospice-trained nurses, doctors, volunteers and social workers. There's a reason for this reluctance to dislodge patients to an in-patient unit, and it isn't only the heightened cost of such transfers (although cost is, and continues to remain, a big issue).

At home a patient may be surrounded by family and friends. Meds can be administered and titrated; favorite foods prepared and offered at times convenient for the patient; and rest is much easier to come by.

2) Hospice In-Patient Units are Depressing

Back in the Eighties, when hospices were relatively new in the United States, this was undoubtedly the case. I still have vivid recollections of ratty metallic-grey desks stacked four to an office, overheated radiators, indifferent food, and halls that smelled of Mr. Clean.

Today, however, most hospices look like the kind of hospitals you see only in soap operas: in the lounge, flat screen TVs are haloed by couches upholstered in unobjectionable beige wool; nurses actually come when called, and ply patients experiencing pain with excellent narcotics (and no one worries overmuch about addic-

tion); doctors do not address those they care for by their first names; and breakfast trays are piled high with real scrambled eggs, bacon and homemade biscuits.

What can I say? If you didn't know what you were there for, you might actually enjoy the place.

3) If You're Dying Anyway, Why Subject Yourself to Another Bureaucracy?

The nicest thing about hospices, aside from the breakfasts, is that a lot of life's tedious rules are suspended. At the Community Hospice of Washington, where I happen to volunteer, there's a special garden where smokers are brought (yes, even lung-cancer patients) whenever the urge to light up may strike them. Also on the welcome list: bottles of booze (as long as a doctor signs off on the deal), the occasional well-trained pet (properly vaccinated) and visitors -- 24 hours a day.

4) Once You Sign Up for Hospice Care, You Give Up On Life

Interestingly, the opposite is true. Hospice-care patients tend to outlive a doctor's prognosis. Less time and effort is spent administering extreme measures, which may be painful or induce nausea and weakness. The emphasis is on comfort and care.

Yes, all right, you are still dying (as who among us, in a more attenuated sense, is not?). But palliative care, properly administered, tends to reinforce the desire to live.

5) Hospice Personnel Are Living Saints

Heh-heh. Just the other day, I was rebuked by some sour-faced pickle because I had screwed up when I tried to transfer a call (the hospice phone system isn't my best friend). After that, a nurse bit off my head because I had the temerity to tell her, "The patient in Room 104 is in pain." (In hospice parlance, what you are supposed to say is: "The patient in Room 104 reports pain." Or "...seems to be in pain." Why this should be the case, I have no idea. It's idiotic. Our patients are dying. Not delusional).

All of which is to say - no, hospices aren't perfect. Hospice personnel aren't saintly. But they're a damn sight more wonderful than almost anyone else in the field of medicine. And it's a real honor to be with them.

Billions-Dollar Preneed Meltdown

The biggest failure of a prepaid funeral insurance company in history will effect 200,000 consumers in all 50 states. National Prearranged Services (NPS), a prepaid funeral insurance company in Missouri, has \$984 million in “negative equity” (meaning they have more bills to pay than the company’s worth) according to Texas regulators. A national industry association of insurance companies will have to bail out consumers and funeral homes that used NPS contracts.

Rumors of trouble started back in April, when the Texas Departments of Insurance and Banking ordered NPS to stop doing business in Texas. The TDI said the company was in a “hazardous financial condition,” and started proceedings to take it over. At least 39,000 Texans bought prepaid funerals through NPS. Since then, Texas has put NPS into receivership, and an appointed receiver sold off everything but the kitchen sink in a tag sale at NPS headquarters.

So where did the money go? The details are unclear yet, but it looks like NPS operated a classic pyramid scheme, paying for the funerals of customers who died by selling ever more insurance policies for the future funerals of other customers. Regulators allege NPS was cashing out consumers’ whole-life insurance policies and replacing them with less valuable term-life policies, then pocketing the money in the form of sales commissions. *The Kansas City Star’s* Rick Alm explained it this way:

Basically, it works like this: Funeral homes sign advance contracts with individual customers. In return for money up front, the funeral home promises a certain package of funeral services when the person dies. National Prearranged underwrote each of those contracts, agreeing to

share some fees with the funeral homes and eventually reimburse its contracted funeral expenses.

National Prearranged financed those obligations with the proceeds of life insurance policies it bought and held on each prepaid customer, cashing each policy in when the customer died. . . .In Missouri, prepaid companies such as National Prearranged are permitted by law to invest trust funds in prudent, interest-bearing financial instruments, such as whole life insurance policies, which increase in value over time to cover 100 percent of each contract’s face value, plus keep up with inflation.

Authorities now allege National Prearranged bled those whole life policies of their cash value and let them lapse, replacing at least some with less-valuable term life insurance policies that paid no interest. When Texas authorities last fall discovered unusually large numbers of lapsed policies they started asking questions.

Leaving criminality and fraud aside, some states have laws so lax they almost guarantee the “pay now, die later” system will collapse. Take Missouri, for example, the state with the highest number of consumers holding NPS contracts (46,000). State law requires that at least 80 percent of a customer’s prepaid money must go into trust and be held until death. A twenty- percent commission to the seller is bad enough, but MO law also lets the seller *skim the interest every year*. Here’s a chart showing what happens to a \$6,000 prepaid funeral under Missouri law, assuming the customer lives seven years and funeral prices increase at 4.7 percent each year:

Year	Amount in Trust	Interest Skimmed	Funeral Home’s Prices
2008	\$4,800	0	\$6,000
2009	\$4,800	\$192	\$6,283
2010	\$4,800	\$192	\$6,580
2011	\$4,800	\$192	\$6,891
2012	\$4,800	\$192	\$7,216
2013	\$4,800	\$192	\$7,557
2014	\$4,800	\$192	\$7,914

TOTAL Interest skimmed over seven years: **\$1,152**

TOTAL in trust at consumer’s death: **\$4,800**

RETAIL price for funeral at consumer’s death: **\$7,914**

DEFICIT: \$3,114

(continued next page)

Anyone can see this is no way to run a business. You can't pay yourself today from profits that shouldn't be taken until tomorrow. Sooner or later, funeral homes are going to be giving away funerals at cost or lower. This puts pressure on funeral homes to upsell survivors at the time of death (exactly what the deceased was trying to avoid), or cheat survivors outright by refusing to honor the contracted prices. It's also a recipe for bankruptcy.

So, what's going to happen to the 200,000 consumers with NPS contracts, and the thousands of funeral homes depending on those policies to pay out when their customers die? The Texas Department of Insurance announced it's working on a plan with the National Organization of Life and Health Insurance Guaranty Associations. NOHLGA is a trade group that works to bail out insurance companies that go bankrupt. According to the TDI, National Prearranged Services will be liquidated, and NOHLGA will pay the face value on customer's insurance policies. But, it's not clear whether this agreement holds for consumers in 50 states, or just those in Texas.

What's more, since the agreement won't pay any growth on the policies, funeral prices are going to outstrip the amount available to pay for them. We suspect this will lead some funeral homes to try to upsell survivors, or refuse to honor price guarantees they promised in their original contracts.

What Consumers With NPS Policies Should Do:

- Keep paying your premiums. If you stop,

you lose all benefits.

- Contact your state's insurance regulators. You can find your state's insurance department at www.naic.org/state_web_map.htm
- Make sure you and your family understand the terms of your prepaid contract. If the funeral home agreed to guarantee prices, they're still obligated to do so even if your NPS policy isn't worth as much as the funeral costs.

It's high time for federal regulation of prepaid funeral sales. The ridiculous patchwork of state regulations isn't working for consumers or funeral homes. The only acceptable standard for safeguarding consumers' prepaid money is what New York and New Jersey follow: 100 percent trust- ing, interest to accrue, complete portability and cancellation at the consumer's request, and minimal administrative fees. Until that happens, we'll continue to say **don't prepay!**

About NPS

NPS — and its affiliated companies Lincoln Memorial Life Insurance Co. and Memorial Service Life Insurance Co. — are owned by the Cassity family of Missouri. One of the owners, Tyler Cassity, may be familiar to you; he bought the ailing Hollywood Memorial Park and turned it into Hollywood Forever. More recently, Cassity bought a cemetery in Marin California and dedicated a portion of it to "green burial," though others in the green burial movement point out there's no permanent easement to protect the land from development. Tyler's father, Doug Cassity, founded the family's funeral empire in 1979 after getting out of federal prison for tax fraud.

Conflict of Interest Much?

- We've excerpted below a troubling report from a board member of the FCA of Greater Kansas City

The larger funeral companies have been patronizing the metro hospice agencies with extravagant favors and gifts. "My" OMC Hospice put a notice in my mailbox at hospice that our agency was "chosen" by McGilley-Frye Funeral Home [owned by Service Corporation International] to be guests at a Royals game, given Royals T-shirts, dinner before the game, a limo ride to the game, and tickets. Two-thirds of the staff — including me — met at McGilley-Frye's parking lot in Olathe, got in their limos and enjoyed the

evening. We were told to put on the blue Royals T-shirts. That's when I noticed they had McGilley's logo and advertising on the back. When we got to the game, there were literally hundreds of hospice workers wearing the blue Royals T-shirts. Every McGilley funeral home in the metro coordinated with their local hospice agencies. Hospice workers filled the club restaurant and an entire section at the stadium. McGilley also gave us pens, key fobs, packaged mints, and memo pads to "give to our patients" — all with their name on them.

We listened to a speech from Kent McGilley thanking us for providing such quality care to our patients and "for our business."

Editor's note — *There was much more that we didn't have space for, including a similar incident with one of the local funeral homes owned by Stewart Enterprises. Here in Vermont, one hospice organization won't distribute our literature because it "offends" the funeral director (who shouldn't be) on their board.*

Summer Fund Drive

ADVOCACY ISN'T FREE

James from Georgia wrote to us for help:

My 93 year old Mother recently passed. She had "pre-need" arrangements and was under the impression that everything was covered except for incidentals such as flowers. I just found out that I am now looking at a bill for approximately \$2500. I happened upon your information by accident. I was never given an itemized price for any of the services. I asked about price for several incidentals that we wanted added and was given a vague price.

We immediately wrote him back and walked him through the various consumer laws the funeral home had broken. We directed him to the FTC Funeral Rule, the state regulatory office, and helped him draft a letter of complaint. James wrote back:

*I received a very polite letter yesterday saying that they understood my position and errors made on their part when the contract was originally written. They have agreed to accept the amount from insurance that I had agreed to pay them. I have to admit this really surprised me. I was expecting them to not back down. I **could not have got this accomplished without your assistance** in directing me to the FTC ruling. Thanks again for your assistance.*

This is what your FCA staff do every day. In addition to the work of our chapters and national office you read about in this newsletter, we offer this direct, personal help to grieving people **because no one else can**. We can't do it without you. As a 501(c)(3) charity, we depend on contributions from you to keep our work alive. Please help us help continue to help people like James with the most generous contribution you can afford. Thank you!

THANK YOU FOR YOUR TAX-DEDUCTIBLE CONTRIBUTION

Name _____ Address: _____

Telephone: _____ Email (if you want to receive emails from us) _____

Yes! I'd like to contribute to FCA's consumer education and protection in the amount of:

\$50 **\$100** **\$500** **\$1,000** Other _____

I've enclosed a check made out to Funeral Consumers Alliance.

or, My Visa/MC number is _____ - _____ - _____ - _____

Exp. date _____ Signature _____

Yes, I'd like information on making regular, automatic donations!

Yes, I'd like information on remembering FCA in my estate plans!

~Just mail in the enclosed envelope~

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**Funeral
Consumers**
ALLIANCE

**Summer, 2008
Newsletter**

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Visit FCA's New Online Discussion Forum!

There's a brand new way to connect with FCA and people interested in funeral consumer issues. Our new site features an online forum where you can post messages, ask questions, exchange stories, and pass along news items. Stop by and sign up today!

Just go to:

www.funerals.org

Then click **Forum**. See you there!

FUNERAL CONSUMERS ALLIANCE is the only national, nonprofit, nonsectarian, 501(c)(3) organization solely dedicated to protecting the public's right to choose meaningful, dignified, and affordable funerals.

Since our beginning in 1963, we have served as a source of information and advocacy to grieving families, lawmakers, the media, and the funeral business. We offer accurate, authoritative advice on all matters relating to funerals, cremations, burials, and other after-death arrangements. We support legal reforms to better protect the public against abusive practices, and we serve as a clearinghouse for consumer complaints of illegal or unethical treatment. We also give educational materials and advice to our more than 100 volunteer-run consumer information groups around the country.

With our help, thousands of families are better educated about their rights under federal, state, and local laws. FCA has helped people save hundreds of thousands of dollars in unnecessary funeral costs by showing families how to make informed decisions in a time of crisis.

FCA is not funded by any government agency. We do not have any corporate or funeral industry sponsors. For more information, write:

**Funeral Consumers Alliance
33 Patchen Road
South Burlington, VT 05403
www.funerals.org**