

**FUNERAL CONSUMERS ALLIANCE OF MARYLAND AND ENVIRONS  
(FCAME)**

*Protecting the consumer's right to a  
meaningful, dignified, and affordable funeral.*

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***No News is Good News...***

Sorry for the lull since our last newsletter, but there has been nothing to report. This is not necessarily bad though; at least nothing dire on the funeral-front has occurred.

Having said that, there is one item of interest: Senator Christopher Dodd (D-Conn.) has recently reintroduced his bill to strengthen and expand the *Funeral Rule*, which, as you may recall, is the only federal mandate covering the funeral industry. The Rule currently holds sway over funeral homes only. Cemeteries, crematories, monument dealers, and preneed sales are left to a patchwork of State laws, a matter which would change if Dodd's bill became law.

***A Stroll Down Mortuary Lane...***

Thus, in lieu of a newsworthy newsletter, I am inviting you for a stroll down Maryland's Mortuary Lane to see for yourself the extent of industry compliance with the 20-year-old Funeral Rule. For a full appreciation, you must first review a few of the Rule's requirements, which, as you will see, aim to foster honest, accurate information during the funeral transaction. The intent here is to allow consumers to purchase that which they wish, without pressure to buy unwanted or unneeded goods or services.

Among other things, the Funeral Rule says:

- At the beginning of a discussion about caskets—before showing them—a mortician must offer consumers a Casket Price List (CPL), which should contain the retail price and description of each regularly offered casket.
- **Embalming** is not required by law though for “certain funeral arrangements, such as a funeral with viewing,” a mortuary may consider embalming “necessary.” Consumers may instead choose “an arrangement that does not require...[embalming], such as *direct cremation* or *immediate burial*.”
- Only one fee, the “Basic Services Fee,” for basic mortuary staff services and overhead, is non-declinable; charging a second **non-declinable fee** violates the Rule.
- The Rule prohibits morticians from claiming that funeral goods or services will “delay the natural decomposition of human remains for a long-term or indefinite time.”

So join with me as I recount my recent visits to several funeral homes—all esteemed, upstanding pillars of their communities.

I approached each funeral director with the following question: Could you tell me what the costs would be for prepaying my funeral?

### ***A Casket of Gold...***

The first funeral director, chic and smartly dressed, began by handing me a General Price List (GPL) and stating: “I am required by law to give this to you.” She answered a few preliminary questions, then placed before me a thick book of casket photos. (The Rule allows for caskets to be displayed in this way.) Here follows part of our exchange (“FD” stands for “funeral director”):

Me: Are the prices of all of the caskets in your book listed somewhere?

FD: Well, this is the entire Batesville (*a casket manufacturer*) collection. (*She thumbs through the book.*) Do you like pink? Look at this beautiful wood. The tones are rose and beige. Here’s the one that Jacqueline Kennedy Onassis bought

for her husband. Here's one in 24K gold... We only carry a selection. But of course I could order any of them for you.

Me: Which are the ones that you carry? What are their prices?

FD: I'm re-doing our Casket Price List. Let me get you a copy. I'll have to find one because I'm re-doing it...

*She leaves for a few minutes, then returns with a Casket Price List (CPL).*

Me: I'd be interested in something simple. What is your least expensive casket?

*She thumbs through her book, and lands upon a cloth-covered casket. She shows it to me and grimaces.*

FD: It's basically for immediate burials... where there's no service... you know, it's for the indigent.

Me: Actually, I like it. How much does it cost?

FD: Oh, around \$600. (It is not listed on her CPL, but I see on her General Price List that caskets begin at \$595.)

*Comment:* This mortician not only flunked her Funeral Rule exam—though she began correctly by handing me a General Price List (GPL)—but she also showed an abject disregard for my wishes. First, she tried to dissuade me from selecting the least expensive casket by stating that it is normally not used—which may be true if she tells this to everyone wanting to buy it. Second, she failed to list her \$595 casket on her Casket Price List (CPL). Third, she violated the Rule by failing to show me her CPL before luring me to a casket of gold....

### ***Embalm or Die!***

I told the next funeral director that I wished an *immediate burial*, without a viewing or funeral service; after my burial, I explained, my relatives would hold a memorial service, which they would conduct on their own without a mortician. Here follows our conversation:

Me: Some funeral directors have told me that they don't normally do immediate burials...they said it's only for the impoverished. But an immediate burial is really what I'd like.

FD: Oh, that would be no problem.

Me: Wonderful. Just so I understand this...An immediate burial means I'd simply be buried...no funeral service, no viewing, no embalming.

FD: Yes...oh...umm...you would have to be embalmed.

Me: Really? Why is that? There's no viewing with an immediate burial.

FD: Well, you'd still have to be embalmed. A person deteriorates in 24 hours. Who knows what I could pick up from a deteriorating body...maybe AIDS.

Me: Couldn't I just be refrigerated?

FD: There's no law requiring embalming, but a funeral home can set its own rules. This is our rule. Embalming is required. Unless you choose cremation. Then you wouldn't have to be embalmed.

Me: But it says here on your General Price List that I could choose an arrangement like immediate burial which would not require me to pay for embalming.

FD: Well, I hate to say this, but a deteriorating body is like...well...it's like an animal ...it has an odor....so you'd have to be embalmed. Of course you could always choose cremation....

*Comment:* Though this funeral director understood enough to admit that embalming is not required by law, she was flat-out wrong that "a funeral home can set its own rules." The Funeral Rule permits only one nondeclinable fee—the basic services fee--but she had a second, an embalming fee.

Assuming this mortician believed in protective qualities of embalming—and didn't insist on it purely for the profit--she was in sore need of enlightenment: Not only have pathogens causing smallpox, anthrax, tetanus, and AIDS been found in embalmed bodies, but embalming fluid may actually keep one fatal illness, Creutzfeldt-Jakob disease, alive! Naturally though with an attitude like hers it's no wonder that the U.S. has become the only nation where embalming is customary.

### ***Beware the Backhoe!***

I told the next funeral director that I wished an immediate burial.

Me: Some funeral directors have told me that an immediate burial is only for the indigent, others have said that I'd have to be embalmed. Would you be able to provide just a plain immediate burial?

FD: Yes.

Me: Wonderful. Just so I understand this... I'd simply be buried...no funeral service, no viewing, no embalming.

FD: Correct. Of course you had better check with the cemetery to be on the safe side because there's dangerous equipment at the gravesite...a backhoe...your family members could get hurt if they stood too close when your body is lowered into the grave.

*Comment:* Later that day I consulted a representative of a large, nearby cemetery, who looked at me in amazement when I asked about this. "Dangerous equipment? Well, yes, a backhoe is used to dig the grave—before anyone arrives—and to fill in the grave—after the burial."

### ***Hail to the Wilbert!***

I discussed with the next funeral director my choice of an outer burial container, an enforced box into which the coffin is placed to prevent the gravesite from sinking once decomposition sets in. Outer burial containers are of two types: a multi-piece concrete slab assembly, called a grave liner, and a one-piece vault. Both serve the same purpose, but the vault costs much more.

Me: I understand that most cemeteries require an outer burial container. I'd like to purchase the least expensive.

FD: Didn't you say you wanted a wood (*as opposed to a metal*) casket?

Me: Yes.

FD: Well, then, I'd strongly recommend that you purchase a steel vault.

Me: Why is that?

FD: *(She shows me a mock-up of a vault on the wall behind her.)* A vault doesn't just prevent the gravesite from sinking, it also...look, I'm a funeral director and see interments...and believe me, you'd really want a Wilbert *(the name of the company which manufactures the vault)*. It's the best. I saw a disinterment of a body after 20 years in a wooden casket inside a Wilbert. **The seal has a shelf life of a billion years!** And you wouldn't have to worry about it being hit by a backhoe which happens a lot.

Me: So you mean it's protective?

FD: *(She smiles.)* I'm not allowed to use that word. *(She pauses.)* You could purchase a grave liner instead. *(She shows me a mock-up on the floor behind her.)* But it can be cracked by a backhoe and gets full of mud and water. I wish I didn't have to sell grave liners. They're only for cemetery maintenance, not for aesthetics or anything else like the Wilbert.

Me: What is the difference in price?

FD: The Wilbert costs \$1795, the grave liner, \$595.

*Comment:* This funeral director was a superb saleswoman. Had I not known the ins-and-outs of outer burial containers and the Funeral Rule, I would have believed her—and spent nearly three times more than necessary! Her performance was stellar, particularly her crafty maneuver around the Funeral Rule, which forbids morticians from telling consumers that funeral goods will preserve or protect human remains.

### ***The Risk of Liability—always a good excuse!***

To return briefly to the first funeral director:

Me: I'd be interested in purchasing a lower priced cremation casket for burial.

FD: Oh, no. You couldn't do that.

Me: Why not?

FD: Because cemeteries wouldn't allow it. There's too great a risk of liability.

*Comment:* The cemetery representative whom I had consulted about the danger of a backhoe eyed me with amazement: "Well, I don't know about other cemeteries, but we don't care what you're buried in! As far as we're concerned, you could be buried in nothing. Our only requirement is an outer burial container because it keeps the gravesite neat."

***Don't Ask, Don't Tell...***

Several funeral directors saw the following problem with immediate burial:

“Your family wouldn't know when your burial would take place because we'd take your body to the cemetery at our convenience...when we'd have free time...between arrangements...we wouldn't tell your family.”

***Too Much of a Good Thing...***

Funeral directors with whom I spoke used every argument imaginable to stress the importance of identifying the body at the funeral home before cremation—even if an I.D. had already been made at the place of death. For sure, there's no disputing the fact that identification is necessary (and required by Maryland law). But as a friend once asked: “Does a body's identity change between the place of death and the funeral home?” Here follow several exchanges:

FD: Most people die at night...that's when we use a removal service—not a licensed mortician. So an official ID would have to be made at our funeral home.

Me: How about if I die during the day?

FD: Most people come to the funeral home to identify the body!

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FD: We require a funeral home ID because...well...you must have heard what happened in Georgia!

*Comment:* The case in Noble, Georgia, of a crematory operator who tossed bodies onto his property instead of cremating them, had nothing to do with appropriate body identification.

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FD: We require an ID in our funeral home because the crematory we use insists on it.

*Comment:* I phoned the crematory, and here's what transpired:

Me: I'm planning my funeral, and a funeral director told me that you'd require an ID at the funeral home even if my body had already been identified at the place of death. Is that correct?

Crematory Person: Each funeral home has its own regulations...identification must comply with state law...a body must be properly identified as in a hospital.

Me: Oh, so you mean, if my next-of-kin identified me at home, where I died, that wouldn't be a proper identification?

Crematory Person: No, I couldn't say that.

*Finale:* You might wonder the reason for such insistence on having a family member come to the funeral home for an identification. One theory is this: There's profit in it--perhaps the cost of a "nicer" cremation casket for the ID viewing; perhaps a charge to spruce up the appearance of the deceased; perhaps a fee to shelter remains if the visit to the funeral home will be delayed

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### *Postscript*

In case you think I made all this up, you're wrong. My imagination isn't so vivid. My ability lies in reporting facts, not inventing them. But I will say this: I'm grateful to the first mortician I called on, the one who set me straight: "I have to earn a living like anyone else!"

*Note:* Dialog in this newsletter was written from memory and from notes taken during and immediately after conversations

### **Mortuary Price Survey for 2005**

Many thanks to all of you who have sent General Price Lists (GPL's) and to those who are graciously helping with other aspects of our survey. This is a mammoth project—our 2003 survey included a good 80 mortuaries--and it looks as though this survey—thanks to you—may include more.

Most of our volunteers live in suburban Md., where our coverage is extensive. While we have received assistance from wonderful members who live elsewhere, we nonetheless need more help. If you live in Baltimore or its suburbs, or in outlying parts of Md. such as Cumberland, Dunkirk, Hagerstown, or Leonardtown--or if you live in Delaware or W.Va.--please consider joining us in this project. If you enjoy phoning and have spare time, please contact us at the phone number or email address at the top of page 1.

### **A Reminder**

Since dropping our mandatory annual dues several years ago, we rely on your generosity to help us thrive. Please send us a contribution whenever you can. Thank you!