

Plain Talk

From the Funeral Consumers Alliance of Maryland & Environs (FCAME)

Consumers to benefit from new laws in MD

It was another good year for consumers at the 2014 session of the Maryland General Assembly.

Three legislative proposals from state regulators that will strengthen funeral and cemetery laws were passed by the legislature and signed into law.

A bill on pre-need contracts introduced at the behest of the Maryland State Funeral Directors Association also passed after amendments were made to it that made the bill consumer-friendly.

FCAME provided written and oral testimony in favor of those four bills, and also testified in opposition to two anti-consumer bills that were defeated in committee. Unfortunately, several

other bills FCAME supported did not win passage. FCAME Vice President Brian Ditzler testified in legislative hearings a total of 12 times.

A brief summary of the legislation FCAME supported and opposed follows. All of FCAME's written testimony can be viewed on the FCAME website.

Legislation FCAME supported

Authorizing immediate access to inspect funeral home prep rooms (House Bill 1031 / Senate Bill 586 - PASSED) - In response to strong opposition from the Maryland State Funeral Directors Association and a House Committee chairman who

encouraged compromise, the Board of Morticians and Funeral Directors agreed to a number of amendments to their bill. The bill that passed allows Board inspectors immediate access to body preparation rooms of funeral establishments that have been the subject of a complaint or that are on probation because of a past problem. The Board had sought immediate access to inspect prep rooms at all funeral establishments.

Handling obligations of a deceased single-owner of a funeral establishment (HB 1042 / SB 648 - PASSED) - The Board of Morticians drafted this bill with the help of representatives from the funeral director and mortician trade associations in the state and FCAME.

The legislation spells out the responsibilities of the executor for a funeral establishment owned by a deceased sole proprietor's estate, and protects the interests of consumers who have pre-need contracts with the establishment. Prior to approval of this bill, pre-need funds received from consumers could end up being retained by the estate of a deceased sole proprietor.

Strengthening restrictions on perpetual care trusts and pre-need trust accounts at cemeteries (HB 13 - PASSED) - This bill from the Office of Cemetery Oversight placed restrictions on the use of funds in perpetual care trusts and pre-need trust accounts at cemeteries to ensure the funds would always be available for use when the contract buyer's death occurs. The bill will rein in the activities of some cemeteries that were being creative in how they were using funds entrusted to them in order to increase their profits

(Continued on page 3)

(Continued on page 2)

Caskets & urns

What you need to know

Caskets are usually one of the more expensive items needed for traditional funerals and burials, but they don't have to be. You can save a lot if you learn what your options are beforehand, and are willing to ignore the sales pitch often received from the employee at the funeral home who suggests you need to buy a "nice" casket as the final, visible demonstration of your love for the dearly departed.

Caskets are available in most types of wood (cherry, mahogany, maple, oak, pecan, pine, poplar and walnut) as well as in solid bronze, solid copper, stainless steel and in many colors of 16, 18 and 20 gauge steel. Metal caskets with a rubber gasket around the edge also are available to seal the body in and "protect" it from "outside elements." However, the body will decompose whether in a gasketed casket or not.

Casket prices typically range from \$2,200 to \$10,000 from funeral homes, but cost less if purchased by you directly from Costco, Walmart, or one of the many online casket retailers.

All funeral homes are required by law to show consumers a copy of their casket price list, and to provide a copy of their General Price List that itemizes all the services they offer. Funeral homes are not required by law to show a cremation

Consumers to benefit from new laws in Maryland (continued)

(Continued from page 1)

Disclosing what is guaranteed in pre-need contracts (HB 593 / SB 415 - PASSED) - This bill from the Maryland State Funeral Directors Association was aimed at counteracting an opinion from the State Attorney General that the total price of services and merchandise agreed upon in a pre-need contract was guaranteed.

The industry asserted that many of its members planned to stop offering pre-need contracts because complying with the Attorney General's opinion would cause them to lose money. The bill that passed contained a number of amendments (sought by the Board of Morticians and FCAME) that provide more transparency and clarity to the consumer on what is guaranteed and not guaranteed in pre-need contracts.

Requiring reporting and auditing of pre-need contracts (HB 1239 / SB 775 - DEFEATED) - This bill was introduced at the request of FCAME and was supported by the Board of Morticians and Funeral Directors. It would enable greater regulatory scrutiny of pre-need contracts to lessen the likelihood of theft of funds prepaid by consumers for goods and services from funeral establishments.

It would require funeral establishments to send a simple report quarterly to the Board of Morticians when one or more pre-need contracts were signed or fulfilled the previous quarter. The bill also would require the Board to conduct an audit of a pre-need contract within 30 days from when a buyer or beneficiary of a contract requests one. Many false assertions about the bill were made in testimony by its opponents. FCAME plans to revise the bill and have it introduced next session.

Prohibiting trafficking of human organs (HB 1187 - DEFEATED) - Maryland statute now prohibits the buying, selling or transporting of bodies or human organs but no potential penalties are specified. This bill would detail what specific activity would be prohibited and what criminal penalties

could be imposed if a person were found guilty of violating one or more restrictions listed in the bill. The bill was defeated because the House Judiciary Committee did not believe human organs are being trafficked in Maryland at present.

Studying the need for a Death with Dignity Law (HB 1068 - DEFEATED) - The bill directed the State Department of Health and Mental Hygiene to study the feasibility of authorizing mentally competent, terminally ill adult patients in the state to request and receive prescription medication to end their lives. "Death with Dignity" laws already exist in other states including Montana, New Mexico, Oregon, Vermont and Washington. The bill was withdrawn before any committee hearings were held on it, so the reason for its demise is not clear.

Legislation FCAME opposed

Allowing pre-need funds to be invested in securities (HB 1303 / SB 751 - DEFEATED) - This bill was introduced on behalf of Service Corporation International (SCI), the largest owner of funeral homes and cemeteries in the country, including 20

funeral homes and 16 cemeteries in Maryland. The bill would allow funds prepaid by a consumer for a pre-need trust account to be invested in securities, among other investments. The bill was opposed because it is the responsibility of the trustee of a pre-need trust account to protect the consumer's funds, and not to put them at risk by investing in securities that would increase the potential for profit for the funeral establishment. If the investments had declined in value when the consumer's death occurred, all the funds that were prepaid wouldn't be available for use.

Exempting a cemetery from regulation (SB 835 - DEFEATED) - The bill sought to exclude from regulation a cemetery that has been in continuous operation for at least 150 years. The Office of Cemetery Oversight and FCAME opposed this bill because laws and regulations need to apply equally to everyone. Giving some entities special treatment puts others at a disadvantage. FCAME noted in its written testimony, "Vintage wines may be deserving of special respect...but some turn into vinegar. Age is not a reliable factor in determining quality."

Mortuary transport to be regulated

Funeral establishments and ambulance services in Maryland that transport human remains have long been subject to regulation (including licensing and inspection) by the state. Not so for the many mortuary transport services in the state that are hired by the state medical examiner's office to transport bodies to its facility, or are hired by morticians who decide to outsource pick-up of a just-deceased person's body (often late at night or early in the morning) for delivery to their funeral establishment.

That is about to change now that Maryland's Board of Morticians and Funeral Directors has issued final regulations to oversee mortuary transport services. This spring, the Board held a number of training sessions around the state for prospective transport service owners and their employees on what the new transport service regulations require. Based on the large number of people who showed up for the training sessions, the Board estimates there are several dozen or more mortuary transport services that will have to become licensed to be able to continue operating in the state.

Legislation that authorized regulation of mortuary transport services was passed in 2012 after legislators heard horror stories about bodies being transported strapped on top of cars, in station wagons beside child seats, as well as human remains left in vehicles in parking lots overnight.

(Continued on page 3)

Caskets & urns: What you need to know (continued from pg. 1)

urn price list but usually will have a number of urns at various prices on display. If no urn is purchased, cremated human remains often are provided in a sealed plastic bag in a small box at no extra charge.

Consumers are encouraged to resist buying a "package deal" which many funeral homes push, and instead to purchase only the products and services desired.

By law, funeral homes cannot charge a handling fee or refuse to use caskets or urns purchased elsewhere. However, if there is any damage to the casket you purchased and had delivered to the funeral home, don't expect the funeral home to help you get a replacement.

Since you can inspect and deliver a cremation urn yourself (unlike a casket), cost-conscious consumers may prefer to purchase an urn themselves beforehand.

Competition from casket retailers has prompted some funeral homes to offer

caskets at more reasonable prices in order to get your business. Then, they make their profit by charging a lot for the accompanying services.

Consequently, even if you find a good price on a casket or urn you like at a funeral home, it pays to do comparison shopping on all the products and services you want before deciding which establishment will get your business.

Almost all funeral homes have less expensive caskets available that may not be on display. Often you have to ask for them. Minimum containers made of cloth-covered fiberboard or particle board are usually available, as are cardboard caskets and cloth or vinyl shrouds.

Minimum containers may have a cloth cover or lining in an ugly color to discourage consumers from selecting them. If the price and design of the minimum container seems right for you, ask what other color covers and linings can be ordered. Another alternative when purchasing a

minimum container is to "decorate" it yourself, such as with a favorite quilt or possibly a flag.

If the body will be cremated, a wood casket need not be purchased. Consumers often request a much, much less expensive cardboard casket or cloth/vinyl shroud for the cremation.

Most funeral homes will rent a nice-looking wood or metal casket for use during viewings and funeral services when a minimum container will be used for burial or cremation. The cloth interior of a rented casket will be removed with the body when the body is transferred to the lesser-priced container.

Caskets of plain or unfinished wood as well as hand-woven wicker can be purchased for "green" burials. However, a less expensive cardboard casket or cloth/vinyl shroud also can be used in a green burial.

Oversize wood and metal caskets are needed to hold large bodies and cost more. It is prudent to inquire whether an oversized casket is needed before the order for a casket is placed so as not to face an unanticipated extra charge later when paying the bill.

Regardless of the type of casket or burial container selected, most cemeteries routinely require the purchase of an outer burial container such as a vault or grave liner that may cost as much or more than a casket if an expensive one is selected.

The vault's purpose is to prevent the ground above a buried casket from sinking over time (as the casket decays) to make maintenance of the cemetery grounds easier. Green burials, however, do not use outer burial containers.

One final note: the cost of burying a casket or an urn in most cemeteries is often nearly the same. However, having an urn put in a columbarium (vs. buried) is often less expensive.

Mortuary transport regs. (continued)

Here are some highlights of the transport regulations that are now in effect.

To operate a mortuary transport service, an individual must be of good moral character, provide evidence that all removal/transport vehicles have passed inspection by the Board, and provide evidence that the service is both bondable and carries liability insurance to cover each registered transporter employed by the transport service.

A mortuary transport service must be operated in a manner that respects "the dignity of the decedent and the public health," may not violate any federal, state or local law or regulation, and may not prevent or inhibit in any way a Board inspector from investigating a complaint or from inspecting a removal/transport vehicle.

Before becoming a registered transporter, an individual must be at least 18 years of age, be of good moral character, hold a current valid driver's license in good standing, and complete required coursework on occupational safety and health, blood-borne pathogens, infection control, and the part of Maryland law that addresses the proper treatment of human remains.

(Editor's note: Maryland law specifying the proper treatment of human remains came about because of FCAME-initiated legislation enacted in 2012.)

Each transporter must wear an ID card with his/her photo along with the name and permit number of the mortuary transport service that employs the transporter, and be dressed in a professional manner while performing his/her official duties.

(Continued on page 4)

Plain Talk is the newsletter of the Funeral Consumers Alliance of Maryland & Environs, the volunteer-run regional chapter of a national non-profit consumer education and advocacy organization, the Funeral Consumers Alliance (FCA). FCAME serves residents in Maryland, DC and Delaware. President, acting treasurer & secretary - Barbara Blaylock Vice President & director of communications - Brian Ditzler Financial assistant - Dimitrios Rizos Other board members: Jennifer Round Browne, Brian Kildee & Earl Kragnes FCAME phone: 301-564-0006 email: info@mdfunerals.org website: www.mdfunerals.org

Funeral Consumers Alliance of Maryland & Environs
9601 Cedar Lane
Bethesda, MD 20814

Return Service Requested

Nonprofit
Organization
U.S. Postage
PAID
Suburban MD
Permit # 2146

FCAME needs your support to fulfill its mission

To join or remain a member of FCAME, we encourage an initial contribution of at least \$25, plus a similar donation at least every other year to help support FCAME as well as our national organization, FCA, which is sent a portion of the donation we receive.

What you get for being a member of FCAME:

- Information and advice that enable you to make more informed choices when planning funerals, cremation, memorial services and other options for after death care.
- Periodic newsletters with current information and advice that supplement what we provide on our website, www.mdfunerals.org.
- Results of periodic price surveys of the funeral industry in our area.
- An invitation to our annual meeting.
- Membership in the only regional and national non-profit organization that focuses solely on consumer education and advocacy of fair practices in the after-death care

industry through state and national legislation and regulation.

If you'd like to become more involved with FCAME, let us know.

Mortuary transport regs. (continued)

(Continued from page 3)

The body bags used for removal and transport of human remains have to be fully closable and without any tears or rips. All bodily fluids must be considered as potentially infectious and dealt with appropriately. Contaminated surfaces and equipment must be cleaned with disinfectant immediately upon completion of the removal. The transporter must clean his/her hands using antiseptic hand cleaner after each removal, and then wash his/her hands with soap and hot running water as soon as possible thereafter.

Unless removing and transporting more than one body from different locations, a transporter must transport the human remains directly to the location agreed upon by the individual with the right to final disposition of the human remains, or to the location requested by the mortician or funeral director.

The regulations specify standards that must be met by each removal/transport vehicle, including that it have a fully-enclosed cargo bay. Removal/transport vehicles must be inspected at least every two years and display a Board-issued sticker attesting to passage of the inspection.

Licensed funeral establishments using their own employees and Board-inspected vehicles are exempt from the mortuary transport regulations, as are cemetery employees who transport human remains within the boundaries of the cemetery.