

# Plain Talk

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

## Join us for the FCAME 2009 Annual Meeting

**When** - Saturday, November 7, 2009; 1 to 3 P.M.

**Where** - Cedar Lane Unitarian Universalist Church, 9601 Cedar Lane, Bethesda, MD 20814. Join us in the chapel.

**Why** - Come and hear Ronald Wade, Director, Maryland State Anatomy Board. He will discuss Maryland's body donor program (past to present), which is recognized as the best in the country. Find out why and how to donate bodies to medical

science, as well as about organ, tissue and body donation in general.

You'll also hear brief reports from the President and Treasurer, and about FCAME's plans for the future. We'll have an election of board members and officers, and will welcome your questions, comments and suggestions too.

It will be an interesting meeting and well worth your time.

### Much has been accomplished this year

- Updated content of FCAME website ([www.mdfunerals.org](http://www.mdfunerals.org)) so it is more current and much more comprehensive, including lots of information on local resources available to members and the public.
- Expanded our public education effort regarding "after-death care" with Barbara Blaylock, FCAME VP, speaking at various locations.
- Produced a new brochure on FCAME for prospective members.
- Produced "After I'm Gone - A Planning Checklist" which is on pages 3 & 4 so you may easily clip it out, fill it in, and share your wishes with family and anyone else who might need to know.
- Resumed publication of the FCAME newsletter to provide useful, relevant information to members as well as the general public who look at our website where all newsletters are posted.
- Decided to ask current FCAME members to tell us (via email or by mailing us the back page of our newsletter) if they are still interested in remaining a member of FCAME and receiving publications from us. Our goal is to lessen our postage costs.
- Handled numerous requests received on the FCAME phone line for information and advice regarding after-death care.
- Received a \$1000 bequest from a deceased FCAME member.
- Added new members to the FCAME Board, which now meets monthly.

### Funeral prices vary greatly; Volunteers needed to help with survey

*Some funeral homes in our area charge as much as 4 times more than others for virtually the same services.*

*To help us complete a new survey of funeral and cremation prices charged by mortuaries in MD, DC and DE, we need a large group of volunteers. If you might be willing to help with our price survey, please leave a phone message at 301 564-0006 or email us at [info@mfunerals.org](mailto:info@mfunerals.org).*

Find answers to all of your after-death care questions at our greatly expanded website [www.mdfunerals.org](http://www.mdfunerals.org)

## UPDATE on: Cemetery Regulation in Maryland

by Knick Knickerbocker

If you have used or expect to use the services of a cemetery in Maryland, and you run into a problem with the cemetery operator, what can you do? A friendly discussion with the operator will often lead to a satisfactory solution. But, if not, you might consider lodging a complaint with the Maryland Office of Cemetery Oversight.

The Office is responsible for licensing and monitoring individuals and companies operating cemeteries or providing burial goods and services (such as retail monument dealers) to consumers in Maryland. However, religious cemeteries, government-owned and operated cemeteries and veterans' cemeteries are exempt from regulations by the Office.

The Office of Cemetery Oversight also investigates and mediates consumer complaints involving cemetery operators and dealers of burial goods and services. It also enforces a set of ethical standards issued to protect citizens from unfair and unscrupulous practices.

The publication titled ***Maryland Consumers Guide to Cemeteries, Funeral Homes and Monument Dealers*** provides a handy, simple-language list of your consumer rights in dealing with cemeteries. You can view the ***Guide*** on the FCAME website or obtain a

paper copy of the ***Guide*** by calling the Office of Cemetery Oversight toll free at 1-888-218-5925.

In dealing with cemeteries there are two arrangements you especially need to understand: pre-need contracts and perpetual care obligations.

### **Pre-need contracts**

If you decide to buy cemetery services in anticipation of a need sometime in the future, for example buying a burial lot and paying interment fees, you and the cemetery operator will enter into a pre-need sales contract. You pay the cemetery operator in advance; the cemetery operator promises to provide you with certain services in the future.

Maryland regulations require that the cemetery operator provide you with complete pricing information on all your purchase options, and a full description of the cemetery's rules - for example, rules about access to the cemetery.

Maryland regulations also spell out the circumstances under which you can cancel a pre-need contract and get some of your pre-payment back. Note that the right to cancel a pre-need contract does not apply to burial space - only to goods such as vaults and monuments and services such as interment fees.

### **Perpetual care obligations**

When you buy cemetery services, either on a pre-need basis or at the actual time of

need, you should raise the issue of whether the cemetery guarantees to provide perpetual care to the grave sites, to the mausoleums or other facilities on the cemetery, and to the cemetery grounds in general.

Maryland regulations require cemeteries stating or implying an offer of perpetual care to establish a perpetual care trust fund (if not existent) into which is deposited a minimum of 10% of the fees collected from the sale of burial lots or interment. Income from the trust fund must be used for maintenance of the cemetery.

Where cemeteries do not offer perpetual care, you have no guarantee that the final resting place of a departed one will be appropriately maintained and remain dignified for many decades to come.

More information can be found at the website for the Office of Cemetery Oversight at <http://www.dllr.state.md.us/license/cem/>. The section called "Frequently Asked Questions" is especially useful. You may also phone the Office of Cemetery Oversight at 1-888-218-5925. E-mail: [cemet@dllr.state.md.us](mailto:cemet@dllr.state.md.us)

## **AN IMPORTANT REMINDER**

**Cemetery costs are separate from and in addition to funeral costs.**

## After I'm Gone - A Planning Checklist

These are my wishes concerning the care of my earthly remains.

I would like, if possible, to help others by donating parts or all of my body:

Organ or tissue donation

Eyes only

Any organ or tissue of use

Donation of body for medical science

Already arranged with medical school \_\_\_\_\_

Any medical school

OK with any donation arrangement

Religious objection to autopsy

I prefer:  Whole body burial  Cremation

I have a cemetery plot. The papers can be found \_\_\_\_\_

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I prefer green burial, if possible

No vault or liner, if possible

I have made arrangements for a grave marker. The papers can be found \_\_\_\_\_

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Preference for what will be written on grave marker \_\_\_\_\_

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I have made arrangements with a funeral establishment. The papers can be found \_\_\_\_\_

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Funeral preferences:  Embalming  No embalming  Private viewing

Public Viewing  No viewing  Private family service

Memorial service  Funeral with casket present  Graveside service only

Preferences for casket/coffin \_\_\_\_\_

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Person to lead service (clergy?) \_\_\_\_\_

Church affiliation (if any) \_\_\_\_\_

In lieu of flowers, what? \_\_\_\_\_

Preferences for music at service \_\_\_\_\_

Other preferences \_\_\_\_\_

Disposition of cremated remains \_\_\_\_\_

I have an urn. It can be found \_\_\_\_\_

Please DO at my funeral or memorial service: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please DON'T at my funeral or memorial service: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

This person is in charge of arrangements: \_\_\_\_\_

I am a veteran and entitled to burial benefits. Location of discharge papers: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please notify these people: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**NOTE: Information about many of the after-death care options mentioned on this checklist can be found on the FCAME website: [www.mdfunerals.org](http://www.mdfunerals.org)**

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## UPDATE on: Funeral and Burial Benefits for Veterans

by Barbara Blaylock

Are you or your spouse a veteran? If so, you and certain family members may qualify for a number of burial and funeral benefits administered through a variety of agencies, depending upon your specific circumstances.

### Funeral and burial benefits

The Veterans Administration manages 130 national cemeteries for veterans across the country. In addition, many states have state veterans cemeteries, many of which receive funding from the Veterans Administration.

All veterans, except those with a dishonorable discharge or those convicted of capital crimes or subversive activities, are entitled to burial in a national or state veterans cemetery, or a military post/base cemetery.

There is no charge for the lot, vault or liner, a simple granite or marble headstone or marker, a flag, a presidential memorial certificate, opening and closing the grave, or setting the headstone or marker.

All other expenses are covered by the family, including transportation to the cemetery, preparation of the body or cremation, funeral services, caskets, urns, and other items obtained from a funeral establishment.

Cremated remains are buried or interred in the same manner and

with the same honors as casketed remains.

Veterans are entitled to a simple marker (or headstone), a flag, and a presidential memorial certificate even if buried in a private cemetery, although in that case the family must pay for the installation of the headstone.

Spouses and dependent children of veterans who qualify for burial in one of these cemeteries may also be buried there, even if they predecease the veteran. The spouse or child's name and dates of birth and death are inscribed on a family headstone.

Divorced spouses of veterans do not qualify, but widows/widowers of veterans retain burial rights even if they remarry. Adult children are entitled only if disabled and dependent. There are no burial benefits provided for spouses or dependents in a private cemetery.

In addition to these benefits, funeral expenses for servicemen who die during active duty are paid for by the government, and next-of-kin are entitled to a \$100,000 death gratuity.

Veterans who die of a service-related injury are entitled to a \$2000 burial allowance that may be used for expenses such as funeral director's fees, casket, and transportation to the cemetery, as well as burial in a national cemetery. If the death occurred in a VA facility, transportation to the cemetery, if

no further than the last place of residence, will be covered.

If a private cemetery is used, an additional \$300 interment allowance is granted, although this will not go far in paying for the lot, the opening and closing of the grave, and the setting of the marker, all of which would be free of charge at a national cemetery. A simple marker may still be provided, even in a private cemetery.

Veterans who die in a VA facility from causes not related to service, or while collecting a VA pension, disability benefits, or Aid and Attendance benefits, are entitled to a \$300 burial benefit that may go toward funeral expenses and a \$300 interment allowance if a private cemetery is used.

The VA does not make funeral arrangements or perform cremations. Families should make these arrangements with a funeral or cremation provider. At the time of need, the funeral director can make the necessary arrangements with a veterans cemetery.

### Local veterans cemeteries

There are no national cemeteries managed by the Department of Veterans Affairs in Delaware, and none in the District of Columbia open to new interments. Maryland has four national cemeteries, none of which are open to new interments although there is limited space in some of them for eligible family members of veterans already buried there.

*(continued on page 6)*

**Burial Benefits for Veterans**

*(continued from page 5)*

States that have state veterans cemeteries have eligibility for burial similar to the national cemeteries but also have residency requirements.

Veterans in Delaware must be a resident of that state, have reported to the service from, or have lived for at least 10 years in the state to be buried in one of the two Delaware state veterans cemeteries.

Veterans in Maryland must be a resident of Maryland, have reported to the service from, or have lived in the state for at least two years to qualify for burial in one of the Maryland state veterans cemeteries.

There are links to information about these cemeteries as well as more information about national and state veterans cemeteries at the Veterans Administration National Cemetery Administration web site: "<http://www.cem.va.gov>" For more information about Maryland veterans cemeteries, call 410-923-6981.

**Arlington National Cemetery**  
Arlington National Cemetery is one of two national cemeteries maintained by the Department of the Army, not the Department of Veterans Affairs National Cemetery Administration. The other cemetery under the Department of the Army is the U.S. Soldiers' & Airmen's Home National Cemetery, which is open only to residents of the Home.

For information about burial at Arlington National Cemetery, call

703-607-8585 or see "<http://www.arlingtoncemetery.org>"

The ashes of any veteran with an honorable discharge can be interred in the columbarium at Arlington. However, only retired career veterans or those who died in service can be buried there.

There is usually a wait of at least a month after Arlington National Cemetery is contacted before burial can proceed because of the high volume of services scheduled there. Such delays are not typically encountered at other veterans cemeteries.

**Burial at sea**

Burial or the scattering of cremains at sea by the Navy or Coast Guard is available to all veterans and their dependents free of charge. Families may not witness the event because it is done at the convenience of the military, and bodies may have to wait for up to 60 days for sea burial. For that reason, they must be heavily embalmed. The casket must be specially prepared to take on water and sink. More information can be found by calling the Navy Mortuary Affairs office toll-free at 1-888-647-6676, or visiting the web site at: "<http://www.npc.navy.mil/CommandSupport/Casualty/MortuaryServices/Burial+At+Sea.htm>"

**Markers not associated with a burial**

The Veterans Administration may provide a headstone or marker for a veteran whose body is buried at sea or whose cremains are scattered, as well as for those whose remains are not recovered or identified, or are

donated to science. These headstones bear an "In Memory of" inscription and must be placed in a recognized cemetery. Spouses may also be eligible for such a headstone or marker in a national, state veterans, or post/base cemetery. More information and an application form can be found at "<http://www.cem.va.gov/hm/hmmem.asp>"

**Military honors**

Upon the family's request, every eligible veteran may receive a military funeral honors ceremony, to include folding and presenting a United States burial flag and the playing of Taps. The military funeral honors detail consists of two or more uniformed military persons, at least one of whom is a member of the veteran's branch of service in the armed forces and will present the flag.

This program is administered by the Department of Defense, often with the assistance of veterans organizations. Arrangements can be made through the funeral director. For more information, visit "<http://www.militaryfuneralhonors.osd.mil>"

**More information**

In order to obtain benefits, the family must be able to produce the veteran's DD214 discharge papers. More information can be found in a brochure that can be downloaded from the Funeral Consumer's Alliance on Veterans Funeral and Burial Benefits at: "[http://www.funerals.org/publications-and-resources/cat\\_view/37-faq-pamphlets?start=20](http://www.funerals.org/publications-and-resources/cat_view/37-faq-pamphlets?start=20)"



## Funeral Consumers Alliance Asks Congress for Nationwide Standards for Regulating Cemeteries

The Federal Government “has turned a blind eye” *[See article below]*

to the need for “minimum standards for truthful dealing” by cemeteries in this country, according to testimony of the Funeral Consumers Alliance (FCA) presented by its Executive Director, Joshua Slocum.

“Death arrangements are one of the most costly and emotionally-fraught transactions we’ll ever encounter, but the death industry flies under the radar until yet another horrible scandal hits the front page,” FCA’s testimony said.

Speaking on July 27 before the House Committee on Energy and Commerce, Subcommittee on Consumer Protection, FCA urged Congress to:

- Bring all death-related businesses under rules issued by the Federal Trade Commission (FTC) which currently regulate funeral homes but not cemeteries;
- Create standards for uniform regulation of cemeteries nationwide; and
- Give consumers the right to a full refund or transfer of their prepaid death services contracts.

During the 1970’s and early 1980’s, FCA pushed the Federal Trade Commission for passage of a funeral consumer’s “bill of rights”. The FTC promulgated the Funeral Rule in 1982. The Funeral Rule specifies that funeral homes must give consumers truthful disclosures and the right to select what they want. Funeral establishments may not lie to boost their sales.

### Funeral Rule Lists Consumer Rights

The Funeral Rule, which is enforced by the Federal Trade Commission (FTC), spells out the consumer’s rights when buying funeral goods and services. In brief:

- You have the right to buy only the funeral arrangements, goods (such as caskets) and services (such as embalming) you want.
- The funeral provider must give you a written General Price List that lists all items and services they offer and the cost of each.
- The funeral provider cannot refuse, or charge a fee, to handle a casket or urn you bought elsewhere.
- The funeral provider must provide you a written statement of exactly what you are buying and the cost of it before you pay.

*Find more info on the Funeral Rule on the FCAME website.*

Since then, FCA has advocated for expansion of the Funeral Rule to cover cemeteries, for better enforcement of existing regulations, and for tough nationwide standards to protect all grieving families.

FCA’s testimony noted, “Cemeteries (except in a few states) are free to hide their prices, make-up non-existent rules to push merchandise on the grieving, and force families to buy their overpriced tombstones and grave vaults (or suffer a financial penalty if they refuse).”

*[See article on page 2 on cemetery regulations in MD - which are better than in many other states but do not go as far as FCA advocates.]*

Despite the Funeral Consumers Alliance testifying before the FTC in years past and providing them five boxes of documentation detailing funeral home and cemetery abuses nationwide, the FTC voted in 2008 to close the Funeral Rule Review with no amendments and no expansion of the Rule. Unless Congress acts, the FTC does not have to reexamine this issue until 2018. FCA’s testimony in July noted, “America’s grieving families should not have to wait that long.”

A copy of FCA’s testimony before the House Subcommittee in July can be found on the FCA website at [www.funerals.org](http://www.funerals.org).

Plain Talk is the newsletter of the Funeral Consumers Alliance of Maryland & Environs (FCAME), 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.  
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Treasurer - F. (Knick) Knickerbocker  
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## Funeral Consumers Alliance of Maryland & Environs

9601 Cedar Lane  
Bethesda, MD 20814

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## Do you want to remain a member of FCAME?

*If "yes," please tear off this back page (with your mailing address) and send it to us in the envelope provided, or email us at [info@mdfunerals.org](mailto:info@mdfunerals.org)*

### Why are we asking you to do this?

It's been many years since we updated our membership listing, and we need to know if you still want to remain a member of FCAME.

The cost of postage is high and continuing to increase, and with our very limited resources, we want to mail newsletters only to those who want to receive them.

### What do you get for being a member of FCAME?

- Information and advice that enable you to make more informed choices when planning funerals, memorial services, cremations and other options for after death.
- Results of periodic price surveys of the local funeral industry in MD, DC and Delaware.
- Quarterly newsletters with current information and advice that supplement all that we provide on our website, [www.mdfunerals.org](http://www.mdfunerals.org)

- An invitation to our annual meeting.
- You're part of the regional chapter of a national non-profit consumer education and advocacy organization, the Funeral Consumers Alliance.
- We advocate for fair practices in the funeral industry through state and national legislation and regulation.
- We encourage an initial contribution of at least \$25 to join FCAME, and a \$25 donation every other year to help support FCAME as well as our national organization, FCA, which is sent a portion of the donations we receive.

**If you haven't donated in a while**, please consider enclosing a check in the envelope when you mail us this back page with your mailing address. We are a small group of dedicated volunteers who depend upon the help of members like you.

**Before you mail in this page**, please circle any of the following areas in which you might be able to donate some of your time. You will find working with us to be interesting and rewarding.

- price survey
- newsletter
- advocacy
- outreach