

# Plain Talk

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

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## **Planning a funeral takes time**

### **Problems revealed using online services**

Consumers who do an Internet search for “low cost cremation” or “low cost funeral” will find services listed that promise consumers “simple and dignified” funeral or cremation options “at the best prices” from “the nearest provider” almost anywhere in the country.

Their websites may feature an article describing funeral and cremation options, and even claim they work only with “licensed, family-owned” establishments - all measures designed to make their service appear friendly, helpful and trustworthy.

The saying, “If it’s too good to be true, it probably isn’t” certainly applies in this case.

Consumers who use such online services usually pay more than they would if they contracted directly with a local funeral home or crematory.

Consumers report having trouble getting the cremated remains of their loved ones back and often have difficulty obtaining death certificates.

These online services have resulted in numerous complaints filed with the Better Business Bureau in many states.

The underlying problem is that these online service providers are essentially “middle-men” not licensed to operate funeral homes or crematories, or to provide death-care services in any state.

This means the online services are not overseen by the agencies that regulate funerals and cremations in each state, and the services don’t have employees in each state who can respond to customer concerns.

Also, their claim that they will provide “the best prices from the nearest provider” doesn’t make sense because the nearest provider may not offer the best prices.

In addition, the funeral homes and crematories the online services contract with locally receive only a portion of the payment that the online service providers require consumers to pay up front, so the quality of care the local establishments can afford to offer may be less than desired.

In summary, FCAME strongly advises consumers not to use online funeral or crematory service providers to select the establishment that will get your

business. This is not to say that local funeral and cremation providers that offer their services on the Internet should be avoided. Not at all.

The more funeral homes, crematories and cemeteries advertise on the Internet, the easier it will be for consumers to obtain information to compare services. Unfortunately, few of the establishments that have websites now provide any prices. That’s because they want you to come in, hear their sales pitch, and hopefully purchase more than you planned to.

After telling you what to avoid, here’s the approach FCAME recommends  
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### ***FCAME participation at MD General Assembly helps protect consumers***

The fight to protect funeral and cemetery consumers at the recent session of the Maryland General Assembly was challenging and, at times, somewhat intense.

Seven different bills were proposed that would have weakened current statutes that protect consumers and public health. Two other bills proposed were aimed at retaining or strengthening the current regulatory structure.

FCAME Vice President Brian Ditzler testified at 14 committee hearings in the Senate and House on the nine bills, and at three of those hearings, he was the only person to testify against industry-backed legislation. FCAME’s testimony was critical in pointing out the bills’ problems. Were it not for our comments, the bills likely would have passed as proposed.

Fortunately, common sense prevailed in the end. Six of the seven anti-consumer bills were defeated. The seventh bill started out anti-consumer but, with FCAME concurrence, subsequently was amended to become consumer-friendly and then was passed. The two bills FCAME supported that would retain or strengthen current regulation (that the Board of Morticians and Funeral Directors also supported) passed.

A brief summary of the legislation FCAME supported and opposed follows. All of FCAME’s testimony can be viewed on the FCAME website under “Publications”.  
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## Planning a funeral takes time; avoid online services

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you use to select a funeral home, cremation provider, and/or cemetery.

Plan ahead. Talk to family members about how you/he/she want the funeral handled so there is no disagreement when death occurs and arrangements need to be made.

Learn what options are available by reading articles on our FCAME website at [www.mdfunerals.org](http://www.mdfunerals.org), and decide how much you are willing to spend.

Take a friend with you to visit several funeral homes and several cemeteries to compare prices and services before a death occurs vs. waiting until after a death occurs and you are stressed. The friend can serve as an extra set of eyes and ears, and can help you remember what you were told.

Recognize that the funeral home closest to where you live may not offer the best prices or best meet your needs.

Just as one usually doesn't buy a car from a dealer just because its location is closest to where you live, one should "shop around" ahead of time before deciding which funeral home or cemetery will get your business.

If price is a concern (and it usually is), check out FCAME's mortuary price survey which can found on our website at [www.mdfunerals.org](http://www.mdfunerals.org).

While the survey doesn't provide the prices of all the options, the prices it does show will provide a good indication of how expensive one funeral home or cremation service is compared to another.

Ask to see the general price list (GPL) and casket price list during funeral home visits.

Once you've decided on an establishment, buy only what you want vs. a "package" deal. Get an itemized bill before paying.

Avoid embalming unless there will be a viewing. It's unnecessary, expensive

and very invasive if you know what it entails.

You can avoid expensive caskets. Nice ones can be rented if there will be a viewing or a funeral service before burial. Cremation can be done using an inexpensive cardboard casket or cloth shroud.

Consider planning a memorial service later where you want vs. a service at a funeral home or gravesite. It can be nicer, held at a convenient time in the future, and can be far less expensive.

Don't prepay for funeral or cremation services unless a death is imminent or one is doing a "Medicaid spend down".

There are too many instances of establishments closing or changing ownership, a consumer moving away, difficulty getting full or partial refunds when desired, theft of prepaid funds, and other problems to justify prepaying for a funeral.

If you want to set aside funds for a funeral ahead of time, open a payable-upon-death account at a bank. You will have control over the money and keep any interest earned.

For more information about all aspects of funerals and cremations, consult the FCAME website at [www.mdfunerals.org](http://www.mdfunerals.org).

## ***FCAME participation at MD General Assembly helps protects consumers***

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When the same bill was introduced in both the Senate and House, FCAME's testimony at only one hearing on that bill is posted.

### **Legislation FCAME supported**

**Reauthorized Board of Morticians** (House Bill 824 / Senate Bill 548 - PASSED)- Following a very thorough, periodic "sunset" evaluation of the State Board of Morticians and Funeral Directors by the Department of Legislative Services, this bill OK'd the Board to continue operating another 10 years, with its next evaluation scheduled to occur in 2026.

Critics of the Board had hoped to defeat this bill so the Board would have gone out of existence, or at a minimum, they wanted to lessen the current powers of the Board. They were unsuccessful.

**Created process to avoid anti-competitive actions** (HB 628 / SB 517 - PASSED) - This bill was drafted following a series of meetings by legislators and regulators to develop a process for having proposed actions by a licensing board or commission in the Department of Health reviewed to ensure the proposed action was not anti-competitive.

The bill complies with guidance from the Federal Trade Commission to avoid anti-competitive behavior by state health regulatory boards. The process this bill proposed is workable and offers less potential for political influence over board actions than other approaches considered.

### **Legislation FCAME opposed**

**Weaken investigatory, inspection and subpoena powers** (HB 693 / SB 642 - DEFEATED) - If the proposed bill had been adopted, inspectors from the Board of Morticians would no longer have been allowed to verify that funeral establishments

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## **FCAME participation at MD General Assembly helps**

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and crematories were following all applicable local, state and federal laws in addition to death care-related laws.

Also, the bill proposed allowing a recipient of a subpoena from the Board at least business seven days after being served to comply with the subpoena. The problem with that is it would allow time for documents to be created or altered, and would give subpoena recipients the opportunity to collude with others on what their testimony would be.

In addition, the bill would have prevented the Board from conducting an inspection of a new funeral establishment before it opened, would have limited when an inspection could occur in response to a complaint, and would have eliminated the ability of the Board to conduct unannounced inspections.

**Restrict duties of Board of Morticians Exec. Director** (HB 660 / SB 643 - DEFEATED) - The bill would have prohibited the executive director of the Board of Morticians from conducting inspections on behalf of the Board. The bills' proponents said that having the exec. director participate in the licensing, complaints and inspection processes is inappropriate and unfair.

FCAME opposed the bill because prohibiting knowledge and experience from being utilized would serve no useful purpose, particularly when the Board was short staffed. Also, the bill ignored the fact that the Board makes the decisions regarding licensing, inspection failures and complaints, not the executive director.

In addition, if such restrictions made sense, they should be applied to all health occupation boards and other agencies that do inspections, not just the Board of Morticians.

**Require additional notices and public meetings** (HB 668 - DEFEATED) - This bill would have required health occupation boards to

send a proposed regulation or new policy interpretation to each licensee by electronic or first class mail, and then hold a public meeting within 30 days after sending out the materials.

FCAME opposed the bill because there already are effective processes for notifying licensees and holding public meetings to discuss proposed regulatory changes. The new requirements were simply unnecessary and would have been an added burden for health occupation boards that already are short-handed because of increased workload and tight budgets.

**Repeal requirement for CPA review of cemetery financial stability** (HB 726 -SB 192 - DEFEATED) - About 50 licensed cemeteries in Maryland hold more than \$220 million in perpetual care and pre-need trust funds. Because of past problems with mismanaged cemeteries and missing funds, each licensed cemetery which sells burial goods is required by law to submit to the Office of Cemetery Oversight every 2 years a financial assessment from a Certified Public Accountant as to the cemetery's financial stability.

The cemetery industry maintains there are less expensive, effective ways to prove solvency so the requirement is unnecessary. FCAME helped convince legislators that what the industry wants would be far less reliable than the current requirement.

**Create Office of Supervision of Occupational Boards** (HB 1471 - DEFEATED) - FCAME opposed this bill because it would have created a new, unnecessary and costly bureaucracy in the Executive Branch with broad powers to restrict what health occupational boards could decide.

The purpose of the new Office of Supervision would be to "to increase economic opportunities, promote competition and encourage innovation" vs. allowing health occupation boards to function as they do now to carry out

laws passed by the General Assembly to protect consumers and public health.

**Facilitate repair of monuments in cemeteries** (SB 50 - PASSED) - FCAME opposed this bill as it was originally written because it would have allowed principal or income from a cemetery's perpetual care trust fund to be used to pay the costs of repairing memorials or monuments that may well have been damaged by a cemetery's own negligence. This change would have reduced funds needed for general maintenance of cemeteries in perpetuity, had great potential for abuse, and was contrary to the statutory intent of perpetual care trusts.

After hearing FCAME's testimony, the bill's sponsor realized the bill had problems as written and asked how best to legally enable fallen gravestones and other monuments in abandoned graveyards to be repaired.

FCAME offered advice and subsequently supported amendments that totally reworked the bill to achieve the sponsor's goal and not touch cemetery perpetual care trust funds.

**Create Office of Health Occupations** (HB 1474 - DEFEATED) - The bill would have centralized health occupation regulatory power in the state under one political appointee of the Governor, the Director of the Office of Health Occupations.

While health occupation boards would continue to exist, albeit with less autonomy, FCAME opposed the bill because the current, decentralized health occupations regulatory structure has worked sufficiently well under the supervision of the Secretary of Health.

We also felt the proposed approach would be dangerous to the health and well-being of the public if a Governor were elected who questioned the value of regulation, and viewed much of it as being anti-business or unnecessary bureaucracy that limits economic opportunities and increases costs.

*Plain Talk* is the newsletter of the Funeral Consumers Alliance of Maryland & Environs, the volunteer-run regional chapter of the 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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### ***Return Service Requested***

## Your support is vital to FCAME's mission and success

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 donations we receive.

### **What you get for being a member of FCAME:**

- Information and advice that enable you to make more informed choices when planning a funeral, burial, cremation, memorial service and other option for after-death care.
- Periodic newsletters with current information and advice that supplement what we provide on our website, [www.mdfunerals.org](http://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.

Individuals who give FCAME gifts of \$100 or more will be recognized

periodically in a special section of Plain Talk, the FCAME Newsletter.

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

### ***NPR does special reports on funeral pricing***

*National Public Radio broadcast two special reports on pricing for funeral services earlier this year. The stories focused on the difficulties families often encounter when attempting to obtain price information from funeral homes.*

*These reports are still available online at these two URLs:*

<http://www.npr.org/2017/02/07/504020003/a-funeral-may-cost-you-thousands-less-just-by-crossing-the-street>

<http://www.npr.org/2017/02/08/504031472/despite-decades-old-law-funeral-prices-are-still-unclear>

*You can listen to the broadcasts or read the transcripts online.*

The **National Home Funeral Alliance** will be holding its biennial conference on September 22 to 24 at the Pearlstone Center in Reistertown, MD, one hour north of Washington, DC. If you are interested in learning more about or possibly advocating for home funerals, you should attend. More info can be found at <http://homefuneralalliance.org/events/>

### ***Contributors of \$100 or more to FCAME***

*FCAME does not receive funds from any government entity, cemetery or funeral establishment, and survives solely on the contributions of its members. As a result, we want to recognize the individuals who provides us the most support during the last year or so.*

*David Coleman    David Falk    Arlene Halpin    Alex Shakow*