

Plain Talk

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

Regulations on crematories implemented

Nearly four years after legislation was passed authorizing regulation of crematories in Maryland, disagreements on what the regulations should say have finally been resolved and crematory regulations are now in effect.

The enabling legislation specified that the Board of Morticians and Funeral Directors would regulate crematories owned by licensed funeral directors or morticians (about 30 crematories) and the Office of Cemetery Oversight (OCO) would regulate the other five or so crematories in the state, most of which are associated with cemeteries.

The two state agencies were each required to issue regulations that were substantially the same that would govern the crematories they would monitor.

The reason it took so long to get final crematory regulations approved was because the regulations proposed by the Board and the OCO differed in significant respects, and neither agency wanted to compromise on some key aspects of the regulations about which they felt strongly.

Agreement was finally reached late last year after both sides compromised some. The proposed regulations then had to be published in the Maryland Register for comment, and became final in March.

What follows are some of the highlights of the lengthy crematory regulations the Board and OCO issued which should soon be available for reference online in Maryland regulations.

A registered crematory operator has to be of good moral character, have received specified training and certification as a crematory operator, not be delinquent in federal or state taxes, and be in compliance with all applicable federal, state and local laws. A crematory

operator may be responsible for up to two crematories.

A crematory shall be inspected on at least a biennial basis, and is subject to unannounced inspection at any time during operating hours. Any deficiency must be corrected within 30 days or sooner if required; immediate correction may be required if considered "necessary in the interest of public health."

Consumers may file complaints against crematories, and the Board/OCO may initiate a complaint or investigation on its own.

The crematory permit and registration must be conspicuously displayed in a public area on the crematory premises.

A crematory may not accept for cremation unidentified human remains.

A crematory may not: refuse to accept human remains for cremation because the remains are not in a casket, require that human remains be placed in a casket before cremation, or require that the human remains be embalmed before cremation.

"Upon receipt of human remains, the crematory operator, in the presence of the authorizing agent or representative of the funeral establishment engaging crematory services, shall verify the information on the wrist tag is consistent with documentation accompanying the deceased and visual observation of the remains."

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Largest after-death care corps. merge

The largest owner of funeral homes and cemeteries in the country, Service Corporation International (SCI), has completed its \$1.4 billion purchase of the next largest chain of funeral homes and cemeteries, Stewart Enterprises.

The Federal Trade Commission approved the merger if SCI agreed to sell 91 properties to resolve antitrust concerns. *The Washington Post* said SCI is now expected to have about 15 percent of the overall market and annual revenue of nearly \$3 billion. SCI will own more than 2000 funeral homes and cemeteries across the U.S. and Canada, including 20 funeral homes and 16 cemeteries in Maryland.

In the District of Columbia, SCI owns Joseph Gawlers & Sons, which charges many times more for comparable service than most other funeral homes in the Washington area, according to the last FCAME Price Survey. SCI does not currently own any funeral homes or cemeteries in Delaware.

If a funeral home or cemetery uses the phrase "Dignity Memorial" or "Dignity Planning" in its promotional materials, it is SCI-owned. The corporation keeps the name of the funeral home or cemetery as it was when SCI purchased it so as to encourage consumers to think the establishment is still locally or family-owned.

When the merger was announced last summer, the Funeral Consumers Alliance (FCA) national headquarters issued a press release that noted, "Bigger isn't better when it comes to funerals."

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Regulations on crematories implemented *(continued from page 1)*

Jewelry will be removed and a metal detector wand will be used "to inspect for the presence of any battery operated, implanted devices including pacemakers, defibrillators, or pain relief devices" which will need to be removed "in order to prevent harm to the public health or damage to the cremator."

Jewelry removed is returned to the authorizing agent or representative of the funeral establishment. Foreign objects removed from the human remains will be treated as medical waste and disposed of appropriately, and may not be donated until a sterilization process by a third party recognized by the Board/OCO has been performed.

A crematory "may not hold human remains for cremation unless the human remains are contained within an individual, rigid, stackable, closed cremation container." A cremation container must be readily combustible, may not be composed of metal or polyethylene material, and must comply with all local, State and federal

government emissions regulations. *(Editor's note: cardboard containers meet these requirements.)*

At least 12 hours must elapse from the time of death of the individual before cremation, and the human remains "shall be cremated within 48 hours after receipt." Whenever a crematory is unable to cremate human remains within 48 hours after taking custody of them, the remains must be kept in a refrigerated holding facility, either on or off site, at 40 degrees F or less if the remains have not been embalmed.

There may not be more than one human body cremated at one time in a single cremator.

Immediately before being placed within the cremation container, a crematory operator "shall verify the identification of the human remains and place in the cremator the circular hard metal identification tag of the human remains being cremated where it shall remain in place until the cremation process is complete."

The operator may not leave the immediate area of the cremator during the cremation process.

A cremator shall be completely cleaned after each cremation.

Separate cremators must be used for cremation of human remains and cremation of pets, and there may not be co-mingling of human remains and pet remains in refrigeration units or crematory machinery.

After the cremated human remains have been removed from the cremator, mechanical pulverizing equipment may be used that has been brushed as clean as possible between each use.

Separate pulverizing drums must be dedicated for cremated human remains and cremated pet remains.

After pulverization, all of the processed human remains, together with the identification disc, shall be placed in a sealable container.

Cremated human remains may not be held pending payment of any fees.

Both sets of regulations conclude with a code of ethics for crematories that includes such items as a crematory operator must: "act in a manner that respects and protects the dignity of a decedent and the decedent's family," and "implement and follow through on all arrangements agreed on between consumer and the crematory."

Crematory operators may not "use, or participate in the use of any form of communication to consumers containing a false, fraudulent, misleading, deceptive, or unfair statement or claim."

Editor's note: a number of articles to help one decide whether to choose cremation can be found on the FCAME website in "Your Funeral Information Source."

FCAME mourns the loss of 2 leaders

We are sad to report that in early February, our Secretary-Treasurer, Knick Knickerbocker, died as a result of complications following surgery. Knick gave a lot of time and energy to FCAME since joining our board of trustees in 2008.

We also wish to acknowledge the earlier loss of Jay Cherry, who was a founding member of the forerunner organizations to the national nonprofit Funeral Consumers Alliance (in 1963) and to FCAME (in 1984). Jay also served as first president of what is now FCAME, and rejoined our board in 2009 where he served as an emeritus member until his death at age 89.

In addition to being very active volunteers over many years, we also knew Knick and Jay as kind, gentle and light-hearted persons who will be greatly missed. The loss of these two members of our team leaves some rather large holes in our board. We are in need of volunteers to be able to carry on the work of FCAME.

Among the tasks we would like to accomplish but need help to achieve are an update of our mortuary price survey, ongoing writing of our newsletter and updating of our website, and speaking at public venues about after-death care options. If you might be willing to join us occasionally in testifying on funeral and cemetery-related matters in committee hearings at the Maryland General Assembly in Annapolis, we would give you as much assistance in writing remarks as you'd like.

If you think you might be able to contribute some of you time and talent, even in a small way to one of these activities, please contact us through e-mail at info@mdfunerals.org.

Largest after-death care corporations merge (cont. from page 1)

“Unlike Wal-Mart or Costco, SCI’s savings from economies of scale don’t get passed on to the customer family. They go to the company’s true customer, the shareholder.”

“It’s alarming to think that a company with a long track record of abusing consumers at the worst time of their lives might get even bigger,” said Josh Slocum, FCA’s executive director.

“For at least 15 years, grieving families around the country have complained to us about the practices at SCI funeral homes and cemeteries.”

“From lying about options in order to boost the funeral bill, to digging up graves to re-sell them to another unsuspecting family. You name it, we’ve heard it,” Slocum continued.

“SCI has devoured the other funeral home chains over the past several years. And the results have not been good for consumers. These mergers have led to higher prices and deteriorating service,” Slocum said.

A press release from the Jewish Funeral Practices Committee (JFPC) of Greater Washington on December 30, 2013, regarding the SCI-Stewart merger noted, “SCI has long been one of the biggest sources of consumer complaints - deceptive sales pitches, violating consumer protection rules on the right to choose funeral goods and services, and more.”

JFPC formerly had a relationship with Stewart Enterprises-owned Hines-Rinaldi Funeral Home in Silver Spring, MD, that provided “a proper Jewish funeral” at a reasonable price.

Now that SCI owns Hines-Rinaldi, the price has gone up considerably.

SCI has become a major presence in Annapolis at the Maryland General Assembly. Their lobbyists regularly testify against funeral legislation FCAME supports that would increase consumer protections.

SCI even had legislation introduced this session of the General Assembly that could increase funeral home profits by allowing funds consumers prepaid for funeral expenses to be invested in securities, among other investments.

The problem with allowing that is if the securities had declined in value when

the death occurred, the beneficiary would suffer because all the funds he/she prepaid wouldn’t be available for use.

FCAME and the Maryland Board of Morticians & Funeral Directors testified against the legislation SCI had introduced and it died in committee.

How your donations to FCAME are spent

by Knick Knickerbocker

In the last several years, total annual donations to FCAME have run in the \$2,500 to \$3,000 range. It’s fair to ask “How is my money being spent?”

Here is a brief answer. It shows the percent of FCAME’s total annual expenses devoted to its main categories of activities.

	Percent of Total <u>Expenditures</u>
Preparation, printing, and mailing of newsletter “Plain Talk”	37%
Telephone answering/advice service	22
Quarterly dues to Funeral Consumers Alliance national organization	20
Preparation and submission of comments on (including testifying on) pending legislation or regulation by governmental authorities in the FCAME activity area.	18
Website operations	3

Some years donations exceed expenditures by a few hundred dollars; other years expenditures exceed donations by a few hundred dollars. On average, we are a “break even” operation, which is what you should expect from a charitable organization.

Contributors of \$100 or more to FCAME in 2013

FCAME does not receive funds from any government entity or after-death care organization, and survives solely on the contributions of its members. So, we want to recognize the supporters who provide us the most financial support.

David & Nancy Falk
Jerry Knoll
William Radcliffe

Richard & Carol Hunsucker
Avis Ogilvy
Annie Jo Shreve

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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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 a funeral, burial, cremation, memorial service 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.

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.

Harnessing e-mail to improve communication

Earlier this year, we reached out by e-mail to FCAME members to let them know about an opportunity to have their voices heard at the Maryland General Assembly in Annapolis regarding the importance of some specific pieces of legislation that were going to be the subject of hearings.

Not all members have provided us with email addresses, but out of the ones we had, we found 120 of them actually worked. Those of you who responded to our message favored the use of e-mail in the future to stay in touch and apprise members of opportunities like the one just mentioned.

So we're inviting all members to send us your email contact information if you are willing to receive an occasional communication from us. We promise not to share your e-mail information with anyone else or fill up your inbox with junk messages.

You can let us know by sending us an email through our website, www.mdfunerals.org, or by emailing us directly at info@mdfunerals.org. Be sure to let us know your name as well as your email address and we will update our contact information.

If you did not get an email from our president, Barbara Blaylock, on February 8th, we do not have a current working e-mail address for you.