



Funeral Consumers Alliance of Eastern Massachusetts

Protecting a
consumers right
to choose a
dignified,
meaningful,
affordable funeral

Serving Eastern and Central Massachusetts

Annual Meeting, 1–3 PM

Saturday, March 20, 2010 ~ Mount Auburn Cemetery

580 Mount Auburn Street, Cambridge, MA

“Free - or nearly Free - Funerals” All Are Welcome.

Annual Meeting speaker: Lisa Carlson

Author of “Caring for the Dead: Your Final Act of Love” and “I Died Laughing: Funeral Education with a Light Touch”

In her capacity as founder and Executive Director of the Funeral Ethics Organization (FEO)—a nonprofit group that works to educate both the funeral industry and consumers—Lisa Carlson endeavors to broaden the participation of those concerned about funeral consumer rights, including those in the industry who place a higher value on ethical practices over monetary reward.

Carlson has a Master's de-

gree in educational administration and has devoted her life to helping the underdog. Billing herself as an “outrageous older woman,” Carlson uses humor to bring difficult subjects into easy discussion. Carlson has been interviewed extensively on radio and TV, including appearances on *Good Morning America*, the *Today Show*, and National Public Radio.

During her seven-year stint as Executive Director of Fu-



neral Consumers Alliance (1996-2003), Carlson testified at the FTC hearings on the Funeral Rule in Washington, D.C. on several occasions. As the author of a book on funeral laws nationwide, Carlson has made suggestions for improving consumer protection in each and every state, especially regarding the current pitfalls of prepaying for a funeral.

Carlson is an entertaining and up-beat speaker on what might otherwise be a down-beat topic. She is an avid consumer advocate and was described by one funeral director as “more dangerous than Jessica Mitford.” But the good-guys and good-gals in the funeral industry welcome her efforts to raise the level of funeral education and standards for all participants.

On the web at: fcaemass.org --- 617-859-7990 --- 66 Marlborough Street, Boston, MA 02116

Crematories in Eastern Mass.

Nancy Accola

About a year ago we conducted our first-ever crematory survey. Letters were sent to all of the crematories in eastern Massachusetts. Getting a complete list was not easy, as there is no central directory. There are thirteen, with three more in western Mass., which the western Mass. FCA affiliate wanted to contact. Only four of the thirteen surveys sent were completed and returned.

Mount Auburn and the Town of Duxbury were the only two who said they were willing to deal directly with individuals, that is, they don't force you to use a funeral director. There is no law requiring funeral directors to make the arrangements. Rather this is an individual crematory policy. If you do decide to deal directly with a crematory it is important to call ahead to find out their requirements. For example, you must purchase a coffin or alternative container before you arrive so that you arrive with the body already loaded into the container. And you need to schedule your arrival time.

“Just as talking about sex doesn't make you pregnant, talking about funeral arrangements doesn't make you dead.”

Alternative containers range in price from \$35 at All Faith's, to \$150 at Mount Auburn. Prices for the cremation itself ranged from \$230 at Town of Duxbury, to \$410 at Mount Auburn. These fees do not include the \$75 that must be paid directly to the State Medical Examiner in all cases of cremation.

Some crematories have an adjacent chapel for rent; the Town of Duxbury and All Faith's do not.

After the surveys went out I received a call from Tom Daily, Chair of the Legislative Consumer Affairs Committee of the Mass. Cemetery Association, as he had gotten calls from his members asking what to do about the survey. He seemed to feel he could give me whatever information FCAEM might need rather than having the individual crematories answer our survey. He was not in favor of crematories dealing directly with the public.

Below is a listing of the crematories who responded to the survey. For the others see fcaemass.org

All Faith's Cemetery & Crematory
7 Island Rd.
Worcester, MA 01603
508-753-8844

Duxbury Cemetery
Duxbury Crematory
774 Tremont St.
Duxbury, MA 02332
781-934-5261

Harmony Grove Cemetery
30 Grove St.
Salem, MA 01970
978-774-0554

Mount Auburn Cemetery & Crematory
580 Mount Auburn St.
Cambridge, MA 02138
617-547-7105

Funeral Consumers Alliance Phone Line

Susan Rose Teshu, new
FCAEM Board Member

One of the services that FCAEM provides is a phone line, 617-859-7990. Both members and the general public can get access to information for planning options on what to do when a death occurs. Messages may be left 24 hours a day, but are usually checked twice a week. You cannot rely on

this line for last minute emergencies, thus our plea, Plan Ahead!

In my experience, since I began answering the phone in May 2009 the majority of the calls are from people who are seeking information about funeral home services and looking for the best prices. I am able to share information from the FCAEM price survey based on their location.

Other callers are seeking assistance in paying for funeral costs. Unfortunately we are not able to help pay for funerals. We can, however, help them find less expensive alternatives. Some people are interested in obtaining discounts through FCAEM. While some affiliates in other parts of the country offer this option, FCAEM does not.

What we do offer is information. Information about funeral homes in this area, particularly those funeral homes and cremation services that have responded to our price survey. And information on how one can make arrangements without the service of a funeral home. We also have requests about becoming a member of FCAEM and we welcome new members and provide them with a packet

of useful information.

I am an Ethical Culture Leader (Humanist Clergy). I am currently the Leader of the Ethical Society Without Walls (www.eswow.org.) Part of my training is in hospice chaplaincy, and I am happy to be able to use those skills in responding to calls.

My first experience of the Boston Memorial Society (as it was called back then) was in 1994. I needed to help someone after the birth and death of a stillborn baby. I called the phone line and was guided to several funeral homes. I was able to find one that was appropriate and low-cost. That experience helped me see how important it is to have a source for reliable information about funeral homes.

If you have any questions for FCAEM, please do call 617-859-7990 and leave a message. I'll return your call as soon as possible.

Another New FCAEM Board Member

Richard Kellaway is a Unitarian Universalist minister who has been active in funeral issues since the 1970's. The Funeral Consumers Alliance of Southeastern Massachusetts was organized in the

First Unitarian Church in New Bedford. He was a founding member of the Alliance, and served several terms on the Board.

A lover of the arts, Richard is the President of the Tryworks Collection of international folk and outsider art. An energetic international traveler, he is currently organizing an late Summer tour of South India in conjunction with a Congress of the International Association for Religious Freedom, an organization with which he has had a fifty-year engagement.

Richard is a strong advocate for pre-planning one's own body disposal and memorial service, and for talking to loved ones about your wishes.

Contact FCAEM if you are interested in volunteering.

Green burial in Massachusetts...not here...yet!

Since 2007, members of the Funeral Consumers Alliance and other interested individuals and organizations have been working toward the establishment of Massachusetts' first green cemetery/natural burial ground. Green burial is in-

terment without embalming, requires a biodegradable casket (or no casket at all), no cement liner or vault and no headstone. The simple idea behind green burial is to go out naturally with the least possible harm to the earth, and in the process to preserve open land for the living. The green burial option appeals to a wide range of people: environmentalists with concerns about leaving too large a "footprint" on the earth; those who prefer a more natural burial due to religious or spiritual reasons; and those in search of a more intimate experience of burial. Natural burial is often less costly than "conventional" burial, although this varies from cemetery to cemetery.

While there are no existing green cemeteries in Massachusetts, some cemeteries do allow burial without a liner or vault and/or are considering designating a section of their cemetery for green burial. The closest green cemeteries to Massachusetts are Rainbow's End in Orrington, Maine and Cedar Brook Burial Ground in Limington, Maine.

The FCA of Eastern Massachusetts and Western Massachusetts have joined together with the Essex County Greenbelt Association to

conduct a feasibility study for a potential green cemetery on a 32-acre parcel in Essex County. The study represents the first phase of the landscape design process, which typically is done in three phases. The information gathered and synthesized in a feasibility study helps everyone involved in a potential project determine whether it is viable. The study will be complete in the spring.

In addition to the work in Essex County, representatives from the FCA of Eastern and Western Massachusetts will participate on a panel at the Massachusetts Land Trust Coalition conference in March on green cemeteries as non-traditional funding sources for land trusts. As in years past, FCAEM will have a table at the conference to educate land trust staff and volunteers about the green cemetery movement.

Anyone interested in volunteering for the Massachusetts green cemetery project or just staying in the loop should contact FCAEM member Judith Lorei at jlorei@earthlink.net.

Newsletter Editor:
Nancy Accola

A Day in the Life of a Home Funeral Guide

Peg Lorenz – Peaceful Passage at Home

The family had been sitting vigil by Sara's bedside for days, watching her breathing change, watching her slip away. A fifty-four-year-old wife, daughter, sister, and mother of two, she had been stricken with a recurrence of cancer. They were stunned, and grief-stricken. Sara had expressed the wish that her body stay at home, peaceful and untouched. They had no idea how to comply with her wishes, until the Hospice nurse referred them to me. Unsure of when the actual moment of her death would occur, they called me to talk over the plans for her care after death. Ten minutes after I arrived for our planning meeting, her ninety-two year old mother came into the kitchen and said "She's gone".

The only sound was the quiet sobbing of her teenage daughter. The room darkened. After awhile I gently suggested various tasks which the family eagerly embraced. Replacing the medical items with flowers and candles, covering her with silk and a beautiful lace shroud, cooling the room down with

an air conditioner, and placing frozen gel packs under her body.

Throughout the evening while concrete plans took shape in the kitchen about how to move forward with arrangements, each family member seemed to gravitate to her side: talking to her, praying, weeping. I often found myself being pulled to a quiet corner as sisters, husband, mother shared their stories of her. Her daughter selected music to play gently and friends stopped by to offer support. A sense of peace spread in the room.

With my guidance and support one of the sisters called a funeral home to schedule the delivery of a cardboard cremation box and to arrange for Sara to be transported to a crematory. Night settled in.

When I returned the next morning her husband told me he had come to her bedside over and over throughout the night, to be alone with her one last time, to speak those private words, to pray in the deep silence. It meant so much to him to be able to do this.

As relatives and friends gathered that morning, I encouraged everyone to

participate in decorating the cremation box. It was a beautiful fall day, they went outside to paint pictures, place photos, and write messages on the sides and top of the box. Every word, every image was unique and heartfelt, as they poured out their love for this amazing wife and mother, sister and friend.

We brought the container inside and six of us carefully picked her up and gently laid her in her final resting place. Her husband and daughter gathered flowers and leaves from her favorite tree and we all placed them over her. The group then gathered around her, read poetry and spoke their final goodbyes. We held hands in a circle around Sara for one last quiet moment and then the cover was placed over her. The funeral home came some time later. She was carried out to the vehicle by her husband and friends.

Twenty-two unforgettable hours. The family had no idea how this time after death would unfold. The beauty of the space, the dignity with which their loved one was treated, the sacred feeling that enveloped the whole house, all was beyond their imagining; having the precious time to

care so lovingly for her body, to put her to rest in a container made unique and beautiful with their photos and art. The family had twenty-two hours to be in her presence, to connect with her spirit, and to hold each other in the privacy of their home. It was a parting gift she gave them, and the beginning of their healing process. I felt honored and blessed to have been a part of it.

Regulatory Watch

Byron Blanchard

Open Meeting and Public Record law violations

The Board of Registration in Embalming and Funeral Directing flouts the Open Meeting Law in several ways. Their minutes omit many topics discussed and decisions taken. They deny access to minutes and agendas. Meetings are held in a small room that often lacks any extra chairs.

The Board denies licensees administrative due process in the way they discuss disciplinary cases. The Board excludes the accused person (and the public) while they discuss how best to present the case to themselves when later, wearing a different hat, they act as judges to decide

on his/her guilt. This eliminates any pretense that they will judge fairly. They go into Executive Session using the Litigation Strategy Exemption. But this isn't litigation as meant by the law. The Board Members Manual explains why using this exemption is not legal. But they do it anyway.

Properly, Executive Session is used to consider the discipline or hear complaints or charges brought against an individual. Executive sessions held for this purpose require special procedural safeguards for the licensee (i.e. the licensee has the right to be present, to have counsel, to speak, or to request the meeting be held in open session). A licensee must also be given written notice 48 hours in advance of such a session. Such notice, while not legally required, should also be given to those who will be discussed in open meeting – it's the right way to treat people.

Board meeting minutes and agendas are no longer available. I attended almost all Board meetings from 1997 thru 2005. They sent me the agenda and draft minutes via email prior to each meeting. They stopped sending them in January 2006, and then wouldn't even give me paper

copies at the meetings. Because of that and the increasing time I had to spend sitting in the waiting room during executive session it is no longer fruitful for me to attend their meetings.

In October 2009 I made a public records request for copies of all the minutes from May 1996 to the present as .DOC files delivered on a compact disc. The request was acknowledged in writing, but the files were never delivered. The case is now on appeal in the office of the Supervisor of Public Records.

In October 2009 I also requested copies of the current listing of Open Complaints and a listing of all closed complaints from 1993 to present. A closed complaint printout was promptly furnished. It didn't list the final decision or the closing date, and many of the names and registration numbers were redacted, with no explanation. The open complaint listing was never provided.

Another area where the Board has been obstructive is with regard to Pre-need Annual Reports, which show the number of new contracts and who holds the money. I was the only person who ever looked at them. The

Board got a new attorney, Kathe Mullaly, who took the position that I could only look at them if they, at my expense, photocopied each page, redacted exempt information, and then photocopied it again.

The Board is composed of five funeral directors and one "public" member (currently a Vital Records employee at Boston City Hall) all appointed by the governor. They are unpaid and rely on paid staff of the Division of Professional Licensure. The Board and its staff has shown its contempt for the public it is charged with protecting, and particularly for representatives of a consumer group that actually tries to monitor its activities.

Funeral Home GPL Sweeps

BOSTON – November 19, 2009 – Inspectors with the Division of Professional Licensure, posing as consumers, visited 175 funeral homes... to verify license status and to ensure compliance with regulations of the Board... and the Federal Trade Commission's Funeral Rule...Legal actions have been filed.

The news release by the Division included lists of the

Donations



Many thanks to all those who gave to our annual appeal at the end of 2009. The final figure will be available at the annual meeting, but is in the vicinity of \$2,700.

Our one time membership fee of \$30 does not cover the cost of running this all-volunteer alliance. The costs of printing and mailing this newsletter and offering our informative annual meeting run to almost \$3,000. If you have not yet given we encourage you to do so now. FCAEM is a 501 (c)(3) non-profit so your contributions are tax deductible.

Please circle one and return this portion of the newsletter with your check made out to FCAEM.

\$50.00 \$25.00 \$10.00 \$100.00 Other _____

alleged violators and of those in compliance. See our web site on the Board of Registration page for a complete version.

The FTC Funeral Rule requires funeral homes to give a General Price List to all persons who visit the funeral home asking about funeral services. When the FTC finds a violation it keeps the identity of the violator confidential if he pays a fine and joins the Funeral Rule Offenders Program (FROP).

Publishing alleged violations is quite a departure for the state Division of Professional Licensure. They have historically published news releases only about final

decisions (i.e. convictions, not allegations) and then only some of them.

The real benefit of the sweeps was in reminding people about the FTC Funeral Rule and in the publicizing the alleged FTC violations. Currently the Mass. regulations are weaker than the federal. FCAEM would like to see Mass. incorporate the whole FTC Funeral Rule.

We are heartened to see new energy for consumer protection by the Division of Professional Licensure.

Pre-need Funeral Contract Regulation

Pre-paid funerals are big

business, involving hundreds of millions of dollars in Massachusetts alone. Regulation is sorely lacking. Primary regulation is by the Board of Registration in Embalming and Funeral Directing in the Division of Professional Licensure. They have in 1992 and 2004 adopted fairly good regulations. But they enforce them only when people complain. In handling a complaint they discipline a *person*, not the *funeral establishment* and look only at the behavior specifically complained about. The supporting documents in a complaint may show other serious violations but these are either not noticed or are deliberately ignored.



**Funeral Consumers Alliance
of Eastern Massachusetts**

66 Marlborough St.
Boston, MA 02116

Return service requested

Postmaster, please return newsletter with addressee legible for remailing

**Annual Meeting March 20, 1–3 at Mount Auburn Cemetery
580 Mount Auburn Street, Cambridge, MA**

Come hear Lisa Carlson, former Executive Director of national Funeral Consumers Alliance speak on how to lower the cost of funerals

Directions to the Annual Meeting:

From the west: take Rte. 2, this becomes Fresh Pond Parkway, to Brattle Street. Turn right. The cemetery is on your left just after Brattle Street joins Mt. Auburn Street.

From the Mass Pike or downtown Boston: Take Storrow Drive west. After crossing Eliot bridge to Cambridge, bear right, then left onto Fresh Pond Parkway. Bear left onto Mt. Auburn Street.

Public transportation: Ride the #71 bus from Harvard Square. It runs every 12 minutes and the ride is about 10 minutes. It has a stop opposite the cemetery.

Plentiful on-site parking available.