



an

Idaho Funeral  
Service Association  
Quarterly Publication

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# IFSA 2011 1st Qtr. Newsletter

## President's Message

Greetings,

I would like to take this opportunity to again invite everyone to our IFSA annual Convention, June 26-28 at Shore Lodge in McCall. We have a program planned that I believe will be both informative and enjoyable to participate in. I have spoken to several people across the country about our Monday presenter Mr. Billy Riggs and have had nothing but positive comments about his unique presentation, with many saying it is one of the best presentations they have ever seen. I also look forward to the presentation by Larry Whittaker from the Dodge Company. We always appreciate the programs that Larry and Bill have for us. They are educational and informative as to the newest trends in the technical aspects of funeral service. I hope many of you will take advantage of the opportunity to receive the continuing education hours that will be offered at this convention.

Myrna and I would like thank each district of our association for their hospitality and friendship during the past year when we were able to attend your district meetings. I'm very sorry that it did not work out for us to attend the Eastern district meeting in April. We had every intention of being there but the schedule change prevented that.

How fast a year goes by. It seems like just a couple of months ago we were meeting in Jackson for our Tri-State Convention and now we are fast approaching our time in McCall. Please call the IFSA office or myself if you have any questions regarding our annual convention.

With great thanks for all your support.

Steve Gordon,  
President IFSA

## 2010-2011 IFSA Officers

The 2010-2011 officers were elected and sworn in by William C. Wapner, NFDA President at the 2010 Three State Convention in Jackson Hole, Wyoming on June 21, 2010.

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## State Board of Morticians Appoints New Member

Congratulations to Jim Opdahl of Shaffer-Jensen Memory Chapels in Payette, New Plymouth, and Fruitland, on being appointed to the State Board of Morticians. Jim was appointed to the Board in May by Governor Butch Otter for a three year term. Jim joins Duayne Simms and Dave Hutton currently serving on the Board.

Eligible members must be licensed morticians and Idaho residents for the previous 5 years. Nominees may not have any financial interest in an embalming college, wholesale funeral supply business or casket manufacturing business. Members are appointed by the Governor from a list of 3 nominees provided by Idaho Funeral Service Association. Thank you IFSA members, for your participation in the voting process.

## Policy Board Report

The first policy board meeting of 2011 was held in Washington D.C. in March in conjunction with the NFDA advocacy Summit. In addition to the discussion of the NFDA Policy positions to be addressed by the members with their congressional delegations, discussion was held about Allied Membership, a special election of an At-Large Representative to the NFDA Executive board, Membership trends, and the report on the "Study of American Attitudes Toward Ritualization and Memorialization". There is a wide variety of opinions and positions regarding the position that NFDA should take in each area.

If you have an opinion or issue that is affecting your business that you would like to have me include in our state report to the policy board I would appreciate hearing from you.

I also have Pac raffle tickets available for the price of \$100.00 with several prizes to be given away before the NFDA Convention in Chicago as well as the grand prize of \$15,000.00 to be drawn there.

Please let me know if you would like a ticket so you can be entered in the early bird drawings.

Respectfully submitted

—Steve Gordon  
Idaho Policy Board Representative

## Woman's Body to be Cremated After Lengthy Battle Among Relatives

New York—The body of a 105 year-old woman that had been waiting in a funeral home's refrigeration unit for three months will finally be cremated as per her wishes after a drawn-out legal battle over her final disposition, according to the New York Daily News.

The relatives of Ethel Baar, who died in September, had been locking horns with Baar's grandnephew, James Pollock, over whether or not Baar should be cremated because she was Jewish. Although Baar stated in her will that she wanted her remains to be cremated, Pollock, who is a devout practitioner of the Jewish faith, "objected based on religious grounds to the proposed cremation, arguing that the Jewish religion forbids cremation," Peter Shapiro, a lawyer wrote in court papers. Other family members of Baar have stated that she wasn't particularly religious, and didn't wish to follow Orthodox practices, but Pollock contends that Baar changed her mind later in life.

The Gramercy Park Memorial Chapel, where Baar's body was being held, asked a judge to intervene in the situation saying that it could not determine which side was right. Manhattan Supreme Court Justice Jane Solomon decided that Baar's will was ironclad, in which Baar wrote, "I desire that my body be cremated." The judge would not hear testimony of Pollock's arguments, calling them hearsay.

Baar's cremated remains will be scattered in Israel, where Pollock resides.

### Comment from Ken Mallea regarding this article....

The news item reinforces all the reasons why you should always make sure you are dealing with the person having full legal authority to make arrangements. Idaho law provides a clear hierarchy of authority under Idaho Code 54-1842. Make sure you know what that hierarchy is and that every funeral director on your staff knows this Idaho Code section. Especially in cremation cases, the potential for liability is magnified. Imagine a slightly different fact pattern than is reported in the article from New York as follows:

Ethel was married, but had left a durable power of attorney for health care naming James Pollock as her agent for health care decisions. When the husband came in to make funeral arrangements, you did not ask the questions to whether or not Ethel had ever made a durable power of attorney for health care. Assume further that her husband knew that she had made such a document and even had a copy in his possession. But, because you did not ask during the arrangement conference if Ethel had ever left a durable power of attorney for health care, you were not provided with that document, and you proceeded to make arrangements at the husband's direction. The husband directed cremation. A week later, James Pollock learns of Ethel's death and is calling you at the funeral home.

## Effective and Legal Funeral Contract Terms

The past few years have provided a perfect storm against funeral-home profits. The increased cremation rate, the falling death rate and a prolonged recession have combined to implode funeral-home profits. According to recent reports, funeral-home profits have fallen to all-time lows.

There are several steps funeral homes can take to regain profit levels. Some of them, such as revamping marketing and merchandising to turn cremation into a profit center, may take some long-term planning. Also on the long-term horizon, the death rate will increase during the next 40 years as the baby boomer generation meets its ultimate demise. But what can be done in the short term to jump-start revenue?

One of the quickest fixes to falling revenue can be achieved through better arrangement and billing practices. Is the funeral home leaving money on the table or inviting families not to pay by using antiquated billing practices? Are your current contract terms both effective and legal? In this article, we will look at several ways you may be able to reduce receivables and strengthen your bottom line while still abiding within the law.

**Payment Policy.** Most of the funeral home's uncollected receivables can be traced to the failure of the funeral director to obtain, at the arrangement conference a signed statement on how the funeral will be paid for. The use of a written payment policy in which the funeral home lists acceptable payment options and requires the family to commit in writing to how the funeral will be paid can be a very effective method in reducing receivables. It also makes it easier to present mandatory payment options to a family because the funeral arranger can simply explain he or she has no discretion to modify the terms established in the funeral home's payment policy. Finally, it helps to avoid misunderstandings by reducing everything to writing. Each funeral home should have a written payment policy and receive a firm commitment from the family on how the funeral will be paid for at the arrangement conference.

It is up to each funeral home to establish which payment option it will and will not use. What may work for a funeral home in a large urban setting may be inappropriate for a small-town funeral home. Nonetheless, each funeral home should have a written payment policy and receive a firm commitment from the family on how the funeral will be paid at the arrangement conference.

**Insurance and Estate Processing Fees.** If a funeral home permits funerals to be paid from the assignment of insurance proceeds or from the assets of the decedent's estate, the funeral home will be required to prepare and file claim forms. This practice will also delay payment, especially in the case of an estate where the claim may not be paid for six months to a year. Funeral homes that accept payment from these sources are entitled to charge for the extra work and time involved by imposing insurance and estate-payments processing charges.

Funeral homes can provide an option in their payment policy under which the funeral home allows payment by insurance but indicates an insurance processing fee is charged with that option. Similarly, an estate filing fee is imposed if the funeral home agrees to allow the funeral to be paid by the estate. In addition, the funeral home can impose a late fee on these payments. However, especially in the case of estates, some probate judges will often not allow late fees to be paid on a funeral bill by an estate. Therefore, the estate processing fee may be the only compensation the funeral home receives in exchange for the extra paperwork and time it takes to collect payment from an estate.

**Late Fees.** Many funeral homes still adhere to the traditional custom of billing the family after the funeral service has been provided. Typically, the family is given some period of time to pay, such as 30 days. If your funeral home uses this billing method, the terminology used in the funeral purchase contract can be critical.

To avoid the funeral purchase contract being regarded as a retail installment contract, it is important to refer to the charge imposed upon the consumer who fails to pay by the due date as a "late fee," a "late penalty" or a "delinquency charge." Funeral homes should avoid referring to the late fee as a "service charge," an "interest charge," a "carrying charge" or a finance fee."

Why is the terminology so important? Because the funeral home wants to avoid having the funeral purchase contract be classified as a retail installment sale. If a consumer contract is classified as a consumer debt under the federal Truth In Lending Act, the merchant is required to make numerous loan disclosures in the contract. To avoid these disclosures, the funeral purchase contract should make it clear payment is due by a certain date and that "late fees" will be imposed if the payment is delinquent.

—by Scott Gilligan, NFDA General Counsel

Not all state laws spell out a maximum late fee that can be imposed for delinquent payments. Some courts have found the late fee must be “reasonable” under the circumstances. It is generally recommended that a funeral home not require a late fee in excess of the maximum allowed in their states retail installment contracts.

**Credit Cards.** Credit cards can be a helpful tool in reducing receivable for funeral homes. When a family pays for the funeral with a credit card, the funeral home receives instantaneous payment. Moreover, if the family has overextended itself, the collection problem falls to the credit card company and not to the funeral home.

The obvious downside to credit cards is that the funeral home pays a processing fee of anywhere from 1.5 percent to 2 percent. Therefore, to the extent that the funeral home processes payments through credit cards rather than receiving cash or check, its overall profits will be reduced.

Whether the reduction in payment is worth the advantages of instantaneous cash flow is up to each funeral home to decide. Funeral homes will also have to consider the convenience to the family since many consumers wish to pay by credit card in order to receive airline miles and other benefits. Accepting credit cards also makes it easier to divide payments among several family members who wish to contribute toward the price of the funeral.

If a funeral home does accept credit cards, it should think twice before accepting payments of cash advance by credit cards. If a funeral home is paying the cemetery, the newspaper, the florist and other-third party vendors by check while receiving reimbursement by credit card, it is incurring a loss on every cash advance payment. Since the processing fee paid to the credit card company will be deducted from the payment being credited to the funeral home, the use of credit cards to pay cash advance items results in an out-of-pocket loss to the funeral home.

Some funeral homes attempt to address this situation by imposing a surcharge on consumers who use credit cards. Typically, the funeral home charges up to a 2 percent surcharge on credit card payments. While this is not illegal under some state’s law, it is a violation of the funeral homes’ merchant contract with Visa, MasterCard and American Express. The credit card companies prohibit the imposition of a surcharge against consumers who use credit cards. Therefore, to avoid a credit card company revoking the funeral home’s credit card contract. It should not impose surcharges.

While a funeral home may not impose surcharges on credit card payments, it may offer a prompt payment discount to consumers who pay by cash or check. For example, if a funeral home increased its overall prices by 2 percent prompt payment discount to consumers paying the funeral by cash or check within a certain time period, the end result would be the same as if a 2 percent surcharge was being imposed on credit card payments. The funeral home is recouping the 2 percent it pays to credit card companies without imposing the surcharge prohibited by the credit card companies.

**Attorney’s Fees, Collection Costs and Returned Check Fees.** It is typical in most loan agreements to include provisions requiring the debtor to pay the attorney’s fees and collection costs if the creditor has to sue to collect the debt. Recent cases have found that including attorney’s-fee provisions in a consumer debt contract is not only unenforceable but may constitute a violation of the federal Fair Debt Collection Practices Act. Therefore, a funeral home that includes an attorney’s fee collection provision in its funeral purchase contract may be opening itself up to consumer lawsuits under their state law (if applicable) and federal law. Obviously, if your funeral home has language in either its pre-need or at-need funeral contracts requiring the consumer to pay the funeral home’s attorney’s fees, you should immediately delete those provisions.

Although attorney’s-fee provisions are unlawful, a contract requiring the consumer to pay collection fees is permissible in some states. For that reason funeral home contracts that allow payments to be made to the funeral home after the funeral has been provided should recite the consumer will be responsible for the funeral home’s collection costs in the event a debt is not paid when due.

A funeral home that receives payment by check may also impose a fee for processing returned checks. Depending on state code, there are limits placed on how much a returned check fee should not exceed, usually a dollar amount of flat fee, which ever is greater.

## Readers' Forum Letter—Mortuary Management

*This letter appeared in Mortuary Management, February 2011*

### Corporate or Independent

I was asked by one of my best friends to help with his father's funeral service in Colorado, and then on to Lubbock, Texas for the burial. It was a very difficult time for the family because Jerry was a pastor of a church in Colorado so the family not only had to have a funeral, they also had to move their mother from Colorado to my friend's home here in Idaho.

Through this experience had the opportunity to work with some really good and caring people. In Colorado the funeral home was an independent firm who helped me with the service. There were two gentlemen there: Bruce, who was the funeral director, and Egor, who helped with everything from assisting on the funerals to caring for the yard — two very nice and accommodating funeral professionals.

After the service the family and I loaded Jerry into my Yukon, and I followed them to Lubbock, Texas, where we had a very similar experience. I was assisted by a corporate-owned funeral home. We were greeted by Linda and Matt prior to the graveside service. Anything we needed we just asked and they provided it, from a wheelchair, to a registry book stand, to giving family members a ride in a golf cart to the rest rooms.

Again I will repeat myself — two very nice and accommodating funeral professionals. I can really say *Accommodating* with a capital A, because they allowed me to be the main funeral professional at their locations, as this is what the family wanted.

This brings me to what I really wanted to write about — corporate or independent. What is the real difference? Is it ownership? Or is it the people? After having our firm owned by our family for just under 30 years, my father and I made one of the hardest decisions in our lives: whether to sell our business and life to a corporate company or not.

We sold to Hamilton Group, and later Hamilton merged with Keystone Group and currently SCI. Has it made a difference in how we take care of the families we serve? *Not at all.* We give the same care and detail to each service we are called upon to provide. All of us as funeral professionals want to toot our horns and tell everyone we are better because we are an independent or corporate firm!

It has nothing to do with ownership. It has everything to do with the people taking ownership of what they do as caring funeral professionals. My associates and I still donate time and money to better our community just as we always have. Another example of this is, if you are like myself, I stop and get a cup of coffee (a cup of coffee to me is a SoBa energy drink) almost every day from a local convenience store here in town. Is it the most convenient store? Am I treated well by the people who work there? I am treated so well I will go out of my way to go to that store. They know my name, they ask me about work — I am more than just a number to them. I don't care who owns the store, I just want to be treated good.

After helping my friend with his father's services, it even made it more clear to me — it's about the people and always has been. If we have caring people on our team, that is what really matters. Service is just a word without good people. Those that I have on my team I feel are some of the best!

My staff and I have always enjoyed reading your publication and have been able to pick up on new ideas or practices to help us be better at what we do.

Larry Hansen  
Hansen Mortuary  
Burley, Idaho

## IFSA Membership

### *What We Offer You*

- Legislative & Regulatory Advocacy
- Legal Advice
- Continuing Education
- District Meetings
- Annual Conventions
- Master Trust
- Membership Directory
- Newsletter
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# Idaho Funeral Service Association 2011 Annual Convention June 26–28, 2011

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## Transporting Cremated Remains

Funeral directors are finding that, as the cremation rate rises, more and more people are asking them for advice on shipping and transporting cremated remains—both in and out of the country. Here is some information on this topic, courtesy of the Cremation Association of North America (CANA) and the Transportation Security Administration (TSA), to share with your client families.

### U.S. Postal Service

The simplest method of shipping “cremated remains is through the U.S. Postal Service (USPS). In fact, USPS is the only way to ship cremated remains nationally and internationally. The United Parcel Service (UPS) and Federal Express (FEDEX) will not accept cremated remains for shipment.

USPS Bulletin 52 states that cremated remains must be sent registered mail, return receipt only and cannot be sent overnight express, regular or certified.” The cremated remains must be packaged in sift-proof or similar-type container which is sealed inside a second, durable outer container. A copy of the cremation authorization form must be enclosed.

### Transporting by Air Domestically

Most airlines allow passengers to transport cremated remains, either as air cargo or as checked or carry-on luggage, however, always check with the airline first to determine their specific policies and procedures. According to CANA, some airlines do not accept cremated remains as checked luggage, while others do not accept it as carry-on luggage. Some airlines require seven days notice before shipping if handled as air cargo. In all cases the contents must be clearly identified. Arrive at the airport in plenty of time to pass through security screening. Have the death certificate, cremations authorization and/or other appropriate documentation readily available.

Cremated remains being transported as carry-on luggage must go through an x-ray machine. If being treated as checked luggage or cargo, a TSA officer will screen the container for explosive materials/devices using a variety of techniques. Whatever the method of transport, the TSA suggests using a temporary or permanent crematory container made of a light-weight material such as wood or plastic that can be successfully x-rayed. If the container is made of material that generates an opaque image and prevents the TSA officer from clearly being able to see what is inside, the container will not be allowed through the security checkpoint. However, “under no circumstances will an officer open the container even if the passenger requests this be done,” states the TSA Website.

### Transporting by Air Internationally

Depending on the country there may be additional requirements for transporting cremated remains out of the U.S. For example, Germany requires that a licensed funeral director ship cremated remains directly to a German cemetery. Contact the embassy of the destination country a few weeks before shipping the remains to learn if there are any specific rules and legal requirements.

### Other Forms of Travel

Individuals wanting to travel by train or bus with cremated remains will need to call the transporting company directly to determine its policy. For instance some carriers, such as Greyhound Bus Line, prohibit transporting cremated remains as checked luggage. However, in general, it appears that most train and bus companies allow cremated remains to be treated as carry-on luggage, provided that the TSA’s suggested packaging requirements as stated under “Transporting by Air” are followed.

# NFDA

## National Academy of Sciences Report Finds That EPA's Formaldehyde Assessment Needs Revision

Last week, the National Academy of Sciences (NAS) concluded that the U.S. Environmental Protection Agency's (EPA) draft health assessment of formaldehyde required "substantial revision." The NAS disagreed with a number of the EPA's key findings, including that formaldehyde causes leukemia, specific cancers of the respiratory tract and other noncancerous health effects, such as asthma. The report also provided recommendations for the EPA to revise its draft, including a "road map" for generally improving the agency's risk assessment process. It is now up to EPA officials to decide how to address the NAS recommendations.

NFDA closely monitors domestic and international formaldehyde studies since the chemical is widely used in embalming products. Last year, after more than a decade of study, the EPA issued a draft risk assessment of formaldehyde, which was intended to update its Integrated Risk Information System (IRIS) with recent studies that assessed the health hazards posed by inhaling formaldehyde. Many of these studies have classified formaldehyde as a carcinogen; however, because of intense debate over whether inhaled formaldehyde poses a risk of nasopharyngeal cancer (back of the throat), leukemia or asthma, the EPA asked NAS to evaluate its draft IRIS assessment.

Key findings of the NAS report:

- The EPA's assessment was not prepared in a logically consistent fashion and did not document methods and criteria for selecting and evaluating the studies considered. This lack of clarity and transparency in the formaldehyde assessment has also been found in other EPA chemical assessments that the NAS reviewed. NAS recommended that the EPA change its risk assessment methodology.
- Humans and animals produce formaldehyde as part of the normal metabolic process. Formaldehyde is typically present in all tissues, cells and bodily fluids. The naturally occurring presence of formaldehyde in the body complicates the evaluation of the health risks associated with formaldehyde inhalation.
- The EPA correctly concluded that formaldehyde is genotoxic, meaning that it impacts cell DNA. Formaldehyde is absorbed in the body at the site of first contact, meaning that formaldehyde is likely to remain in the body in the respiratory cells that line the airways. Although the NAS could not find support that formaldehyde exposure impacts cells far from the point of inhalation, effects have been observed in highly exposed people.
- The EPA mistakenly grouped all leukemias and lymphomas together, but not all such cancers are closely related. The EPA's assessment properly concluded that formaldehyde can cause cancer in the nose, nasal cavity and back of throat (nasopharynx). The EPA's conclusion that formaldehyde exposure caused leukemia and other forms of cancer was not adequately supported.

The full report can be found on the NAS website,

<http://nationalacademies.org/morenews/20110408b.html>.

## Recent Research and NFDA Education Efforts

In 2004, the International Agency for Research on Cancer (IARC), the leading international cancer agency, reclassified formaldehyde as a Group I carcinogen after finding a link between formaldehyde and nasal cancer. In 2009, IARC found sufficient evidence to conclude that formaldehyde exposure may cause leukemia, a disease of the blood and bone marrow.

Following a 20-year study of embalmers, the National Cancer Institute published a report in 2009 that found a link between embalming and death from myeloid leukemia, with the greatest risk found among those who practiced embalming for more than 20 years and who experienced great formaldehyde exposure in the preparation room. This study was not mentioned in the NAS report.

In 2010, an expert panel of the National Toxicology Program (NTP) concluded that formaldehyde should be listed as a known human carcinogen in its "12th Report on Carcinogens." The NAS report noted, however, that some scientists disagree with the IARC and NTP conclusions and have published studies that raise questions about those findings. The NTP's determination for formaldehyde has not yet been finalized.

In spite of a lack of conclusive evidence showing a definitive link between various forms of cancer and formaldehyde, NFDA has used these appraisals of the health hazards associated with formaldehyde to educate funeral professionals and provide guidance on reducing exposure to the chemical in the preparation room.

In 2009, NFDA issued its "Formaldehyde Best Management Practices," which offer guidance on risk-reduction practices that funeral directors should adopt to lessen their exposure to formaldehyde and thus minimize associated health risks. The "Formaldehyde Best Management Practices" can be found on the NFDA website, [www.nfda.org/additional-tools-embalming](http://www.nfda.org/additional-tools-embalming).

Last year, NFDA issued its groundbreaking ventilation study, which identified the features of a ventilation system that will effectively remove formaldehyde from the embalmer's breathing zone and reduce risk of formaldehyde inhalation. Ventilation has been found to be the single most effective way to reduce formaldehyde vapor levels and thus control associated health risks. NFDA undertook this study because there were no consensus formaldehyde ventilation standards applicable to funeral homes. Information about the ventilation study can be found on the NFDA website, [www.nfda.org/ventilation](http://www.nfda.org/ventilation).

Funeral homes that carefully follow NFDA's "Formaldehyde Best Management Practices" and the recommendations of the ventilation study can reduce formaldehyde exposure in the preparation room. Careful control of formaldehyde exposure in the preparation room continues to be the strong recommendation of NFDA for protecting the health and safety of embalmers.

NFDA will soon begin a comparison study of formaldehyde-free embalming products.



# Spotlight

## NFDA Expands Educational Offerings, Acquires FuneralReview.com

The National Funeral Directors Association (NFDA) has enhanced its position as the premier provider of professional education following its acquisition of FuneralReview.com LLC. NFDA formally acquired FuneralReview.com on December 22, 2010. Founded in 2002 by John T. McQueen, CFSP, FuneralReview.com has become a highly-regarded online education resource, offering continuing education courses to help funeral professionals maintain their licensure or expand their knowledge.

FuneralReview.com courses have been developed by highly-respected experts in the industry including Doug Manning, Alan Wolfelt, Ph.D., Dr. Vanderlyn Pine, John "Jay" Rhodes III, Todd Van Beck, CFSP, Glenn Gould III, M.S., Daniel Isard and others. Along with NFDA's online learning courses, which were developed by leading experts such as Scott Gilligan, Curtis Rostad, CFSP, and Vernie Fountain, CFSP, a total of 32 courses will eventually be available on FuneralReview.com, offering a comprehensive curriculum covering the most important and fundamental topics for business success in funeral service.

"I founded FuneralReview.com in 2002, and like a father, I have enjoyed watching it grow from infancy into adulthood," said McQueen. "As the leader in online funeral [continuing education] throughout North America, I am very excited to watch FuneralReview.com continue to grow and expand under the direction of the National Funeral Directors Association. NFDA has a long standing tradition of providing excellence to licensees in funeral service and I am confident the legacy I started almost ten years ago will continue for generations to come under their guidance and leadership."

"Thousands of funeral professionals have come to value FuneralReview.com for its quality and convenience," said NFDA Vice President of Professional Development Colleen Murphy Klein. "NFDA is committed to growing the site and delivering the best business education for funeral professionals in the United States and around the world."

## The Director Goes Digital

The Director, the official publication of the National Funeral Directors Association (NFDA), is now available in a digital format. NFDA members can access the March 2011 digital edition of The Director free of charge on the NFDA website.

The digital edition of The Director is currently only available to NFDA members. Access to the digital edition is a value-added member benefit – there is no surcharge to view the magazine online. The digital edition will be available to non-member subscribers later this year at no additional cost.

No special software is required to view the digital edition of The Director; readers will be able to use common Web-browsing software already found on most devices. Subscribers will be able to view the digital version of The Director on their smart phone Web browser later this year.

Readers will find it looks exactly like the print version. The easy-to-use navigation panel allows the reader to flip pages, search for names, zoom in and out, scan by table of contents, click on Web links and more. A "Help" button provides additional assistance. NFDA has the capability to add audio, video and animated content to the digital edition.

## NFDA Assists Sesame Street with Distribution of Grief Resource Kits to Funeral Directors

The National Funeral Directors Association (NFDA) is partnering with Sesame Workshop, the nonprofit organization behind *Sesame Street*, to distribute *When Families Grieve*, a bilingual (English and Spanish) multimedia resource kit, featuring the Muppets from *Sesame Street*, for young children and families who have experienced the death of a parent.

*When Families Grieve* was created as part of Sesame Workshop's *Talk, Listen, Connect* initiative, the goal of which is to help families cope with difficult transitions. Sesame's outreach initiatives harness the power of the *Sesame Street* Muppets to aid the communication between adults and children through strategies and language that are child-appropriate and useful for the whole family.

The materials aim to:

- Reduce the levels of anxiety, sadness and confusion that children may experience following the death of a parent.
- Provide families with age-appropriate tools to support and comfort children, including ways to talk about death with a young child.
- Reassure children that they are loved and safe and that, together with their families and friends, they can learn ways of being there for one another and move forward.
- The *When Families Grieve* kits were developed by leading experts in child development and mental health and include:
- A DVD featuring the Sesame Street Muppets and documentary footage of families that have experienced the death of a parent due to a variety of situations, including illness, suicide, and sudden and natural causes.
- A printed guide for parents and caregivers that provides tips, strategies and activities to help comfort and reassure children during difficult times.
- A children's storybook designed to comfort children as they cope with the death of a parent.

Sesame Workshop is distributing *When Families Grieve* kits, at no cost, to families with children who have experienced the death of a parent with the assistance of organizational partners, including associations such as NFDA, schools, grief centers and counselors, and other organizations that serve families and children. NFDA is the only funeral service association working with Sesame Workshop to share these kits with the public.

All funeral professionals may view the materials in the *When Families Grieve* kit by visiting [www.sesamestreet.org/grief](http://www.sesamestreet.org/grief). Funeral directors may also wish to consider including a link to the *Sesame Street* website on their funeral home website.

Free copies of the kit will be available to funeral professionals attending the 2010 NFDA International Convention & Expo, October 10-13 in New Orleans, La., in the NFDA Central area. Any funeral director can obtain up to three free printed copies of the *When Families Grieve* kit for use in their funeral home and community by emailing their request to [grief@sesameworkshop.org](mailto:grief@sesameworkshop.org); kits are available from Sesame Workshop while supplies last.

## IFSA Thanks Our Allied Members Who Support IFSA & Idaho's Finest Funeral Directors!

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### Most Consumers Want Celebrations of Life

Over 50 percent of consumers would opt for a Celebration of Life versus 11 percent who want a traditional funeral, according to a survey conducted by Funeralwise.com. More than 30 percent of the respondents said that they would prefer having no funeral at all.

Over 19 percent of those surveyed said that if given the chance they would like to attend their own funeral. Another 14 percent said that they would even consider having a funeral for themselves while they were still alive.

"On the one hand, there is a trend toward viewing funeral as celebrations of life particularly with younger age groups," Rick Paskin, co-founder of Funeralwise.com told the *Memorial Business Journal*. "But on the other hand, nearly one-third of the respondents said that they do not want a funeral—that is a significant percentage. Funeral directors need to be keenly aware of these attitudes".

## OSHA Publishes New Booklet on Indoor Air Quality

OSHA recently published a free educational booklet, "Indoor Air Quality in Commercial and Institutional Businesses," which addresses concerns about poor indoor air quality and the impact it has on the health of office workers and other building occupants. It provides building owners, managers, employers and workers with recommendations to prevent or minimize indoor air quality problems in commercial and institutional buildings.

The booklet can be downloaded at no cost from the [OSHA website](http://osha.gov). You can find additional indoor air quality resources here: <http://osha.gov/SLTC/indoorairquality>.

Funeral professionals can find specific recommendations related to air quality in the prep room in [NFDA's Formaldehyde Best Management Practices](#) and [ventilation study](#).

## IRS Sets 2011 Standard Mileage Rates

The Internal Revenue Service optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes for 2011 are:

- 51 cents per mile for business miles driven;
- 9 cents per mile driven for medical or moving purposes;
- 14 cents per mile driven in service of charitable organizations.

## West Virginia Funeral Home Stung by New Scam

The family member asked the funeral home to quote a price for a traditional funeral with transportation of the remains to a veteran's cemetery in West Virginia. The caller informed the funeral home that the decedent had \$10,000 in two insurance policies which would be assigned to the funeral home to pay for the funeral. Shortly after the initial call, the family member faxed to the funeral home the assignment forms for the insurance policies.

After the funeral home prepared an estimate, they contacted the family member with a price quote for the funeral. The family member accepted the quotation and told the funeral home to proceed with funeral arrangements. However, the family member asked the funeral home if it would wire \$250 to a "MoneyGram" office so that the family member could pay the funeral home that had removed the body. As you might suspect, the funeral home wired the \$250 and nothing further was heard from the family member. They did not show up for a scheduled appointment and the contact information which they provided was bogus. Moreover, when the funeral home tried to trace the money through the MoneyGram office, they were told by the representative of MoneyGram that the information could not be provided to them. They wrote the whole episode off as an expensive lesson.

The sophistication of this particular scam is quite startling. The scammer used the name of a former resident in the town where the funeral home is located. He also downloaded from the internet valid insurance assignment forms from the website of a major insurance company and faxed them to the funeral home. Obviously, these actions made the "death call" appear to be legitimate. Please advise all of your employees to be on the lookout for any type of similar claims, especially if there is a request to wire money.

**"The greatest problem of communication is the illusion that it has been accomplished."**

**- George Bernard Shaw**

## 10 Lessons From the FTC Funeral Rule Teleconference

For those who were unable attend NFDA's Annual Funeral Rule Compliance Teleconference on May 5, 2011, NFDA General Counsel T. Scott Gilligan has compiled 10 nuggets of information that will help members stay in compliance with the Funeral Rule. Several of these points were made or reinforced by Craig Tregillus, FTC Funeral Rule coordinator, who, along with Gilligan, was a presenter during the NFDA Teleconference. Mr. Tregillus' opinions do not necessarily reflect the views of the Federal Trade Commission.

Here are Gilligan's "Top Ten Funeral Rule Compliance tips"

- 10. Price List Dates.** Whenever funeral homes change prices, make sure that the effective date of the GPL is updated. When the FTC conducts an undercover shop and sees that the date of the GPL is two or three years old, it raises suspicions that the funeral home may be using an outdated price list.
- 9. No Fuel Surcharges.** In this time of soaring gas prices, some funeral homes may wish to add fuel surcharges on the GPL. This is not permissible. The answer to soaring fuel prices is to simply increase prices on the GPL for motor services such as transfer of remains, hearse, limousine service, etc. Of course, whenever the price for motor services is adjusted, the effective date of the GPL should be updated.
- 8. Casket Warranties.** To maintain compliance with the FTC Magnuson Moss Warranty Act, a funeral home needs to make available to consumers any written casket warranties made by the manufacturer. You may do this by either posting the warranties on the casket displays, or maintaining the warranties in a binder which is available to the consumer. If you use the option of compiling the warranties in a binder, you should post a notice near the caskets informing consumers that the warranties are available for inspection.
- 7. Alternative Containers.** On the GPL, a funeral home must publish a mandatory disclosure regarding the availability of alternative containers for direct cremation customers. At the end of that mandatory disclosure, each funeral home must specifically describe the type of alternative container which it sells. The FTC is concerned that funeral homes are not specifically describing the particular alternative containers which they sell at the end of this mandatory disclosure.
- 6. Casket Catalogs.** If the funeral home is using a catalog from a casket company as its Casket Price List, the funeral home should ensure that the catalog lists the funeral home's retail prices and that the first page contains the name of the funeral home, the words "Casket Price List," and the effective date of the price list.
- 5. Warning to Former FROP Members.** The FTC is making a special effort to conduct undercover shopping at funeral homes that are in or were formerly in the Funeral Rule Offenders Program. If a funeral home that was previously in the Funeral Rule Offenders Program is charged with a subsequent Funeral Rule violation, the option to join FROP a second time will not be provided. Rather, the FTC will charge the funeral home with a Funeral Rule violation in federal court.
- 4. Mandatory Disclosures.** While it is important for funeral homes to provide the correct wording for mandatory disclosures on their price lists, the FTC will not typically charge a funeral home with a Funeral Rule violation for mistakes in the wording of mandatory disclosures.
- 3. Unloading Third Party Caskets.** If a funeral home does not assist its casket wholesalers in unloading casket trucks, it does not have to assist shippers of third party caskets in unloading third party caskets at the funeral home. The funeral home is within its rights to advise the shipping company to either return with a lift gate truck or additional personnel to unload the caskets themselves. However, the funeral home should make available to the shipper a church truck to transport the casket into the funeral home.
- 2. Casket Price List Alert.** In conducting its undercover shops, the FTC is finding more violations with a failure to hand out the Casket Price List in a timely fashion rather than the General Price List. Funeral homes must ensure that they provide a copy of the Casket Price List to the consumer upon the beginning of the discussion of caskets but, in any event, before showing caskets to the consumer.
- 1. Top Compliance Tip.** One of the easiest ways to abide by the requirement to hand out a Casket Price List in a timely manner is to simply combine the Casket Price List (and the Outer Burial Container Price List) with the General Price List. Funeral homes are permitted to place all of their casket listings and outer burial container listings on the General Price List. In such a case, the funeral home would have only one price list, thereby eliminating the risk that the funeral home employee will fail to hand out a Casket Price List and Outer Burial Container Price List in a timely manner. Mr. Tregillus strongly recommends that funeral homes eliminate their Casket Price List and Outer Burial Container Price List by combining casket listings and vault listings on the General Price List. Remember, if a funeral home places its outer burial container offerings on the General Price List, it also needs to place the mandatory disclosure from the Outer Burial Container Price List on the General Price List.

As a benefit of membership, NFDA members who have questions regarding Funeral Rule compliance may receive a complimentary consultation from Gilligan; he can be reached at 513-871-6332.

## Group Services and Final Honors for Veterans



### IDAHO ARMY NATIONAL GUARD

#### Honor Guard

4150 W. CESSNA ST., BLDG 218

BOISE, IDAHO 83705

To all Idaho Funeral Directors,

As many of you already know, the Idaho Army National Guard Honor Guard is currently putting together a program to recognize Idaho veterans that are eligible for military funeral honors, but for various reasons, do not receive them. Over 3500 veterans pass away in Idaho each year, yet our program was only requested to honor 993 of those veterans. Our goal is to close that gap by conducting group services as needed in local areas across Idaho.

Group services will be coordinated at least two weeks in advance. Family members that are interested in attending will be notified once a date has been set, and we will fold and present the flag they received from the post office. Each group service will include a three to six man flag fold, military chaplain, three rifle volleys (provided by either the military or a veteran organization), and Taps. The name of each veteran to be honored will be read and recognized for their service.

We are asking for your support with this program by asking for permission from the family to notify us if their veteran does not receive military funeral honors and allow us to recognize their veteran during our group service. This information can be submitted on our group honors form by fax at (208) 272-4991, by email at [NGIDHonorGuard@ng.army.mil](mailto:NGIDHonorGuard@ng.army.mil), or through our web request form at [www.idahoarmyguard.org/honorguard/grouphonors](http://www.idahoarmyguard.org/honorguard/grouphonors).

On a separate topic, we have come across a few misunderstandings lately about what deceased veterans of the National Guard are authorized. Per US Code Title 38 section 2301(f) and Title 10 section 1491(h), Select Reserve members are authorized a flag and military honors. The National Guard is considered to be a component of the Select Reserve per Title 10 section 10143 and Title 32 section 502(a).

Finally, I want to thank each of you for your support of our program. Please let us know if there is anything we can do to better support your organization and our veterans.

Respectfully,

Bou D. Harrold  
SSG, IDARNG  
Honor Guard State NCOIC

**\*\*These forms for final honors request are included as an insert in this newsletter, or can be obtained by contacting the IFSA Offices or the Idaho Army National Guard at the above contact information.**

## *In Case you Missed it....*

### **Mourner in Funeral Procession Arrested**

Things got heated during a funeral procession when a simple car accident that affected the service, turned into an assault case, according to United Press International.

During a funeral procession, a car carrying a 63-year-old woman and a 64-year-old man accidentally disrupted the procession and caused a car accident. Mourners in the procession became angry and one assaulted the couple. Another mourner hit the man over the head with a bottle, the report said.

Lateea Jordan, 28, was arrested after she turned herself in to police and was charged with two counts of battery. She was ordered to be held on \$50,000 bail.

Jordan's attorney claimed she had only a "minor role" in the altercation, arguing with the couple before the fight broke out.

### **Thief Steals 120 Bottles of Formaldehyde from Toledo Funeral Home**

Toledo, Ohio – Police say a thief stole bottles of embalming fluid and formaldehyde from a funeral home and are concerned that the dangerous chemicals might be used for drugs, according to various reports.

On January 19, The Door Tate Funeral Home Director found missing TV's, tools, 120 bottles of missing formaldehyde and six bottles of embalming fluid.

According to Toledo police Lt. David Schmidt in a report by WTVG-TV, drug dealers dip marijuana into formaldehyde, which gives the user a more powerful high.

### **Brave Funeral Home Employee Uses Urns to Fend Off Armed Robber**

Morristown, Tenn. – A funeral home employee, armed with an urn, managed to scare away an armed robber that was trying to burglarize the funeral home, according to reports.

Teresa Mayes, 32, an employee of the family-owned Mayes Family Services, was opening up the business for the day and found a man armed with a knife waiting for her, demanding money.

"I told him there was no money here. He snatched my bracelet. He just snatched it off, so I just gave him my necklace. At that point he went for the DVD player," Mayes told WATE-TV.

Mayes then decided to fight back and began throwing urns from a display at him. "I went to the filing cabinet and picked up the urn and removed the lid and just slung it at him as hard as I could," Mayes said in the report. She believes the urn hit him in the back of the head.

But Mayes didn't stop there; she slung a wrought iron chair at him, then a metal frame and then the bottom piece of the urn that had broken on the floor after the robber was hit.

Although the man was armed, he was hurt in the altercation and staggered out the door.

The owner of the funeral home Buddy Mayes said the man may not have realized it was a funeral home, saying "the robbery is a little unusual for us." The funeral home is now going to change the name Mayes Family Services back to Mayes Mortuary, so there is no confusion.

Mayes credits the urn with saving her life.

### **Crematorium Energy to Heat Pool**

Great Britain – A plan to reuse energy generated by a crematorium incinerator to heat a public swimming pool has received the go-ahead. Councilors hope the scheme to divert heat from waste gases from the crematorium into a nearby leisure center will save the authority more than \$22,760 annually.

Work on the link between the town's crematorium and the nearby leisure center, which is being redeveloped, will begin in the summer. About 80 to 90 percent of the responses received by email, letter, phone calls and messages posted online are in favor of the idea.

# All in the Family

## In Remembrance

Our sincere condolences go out to the family members of Kristin W. (Kris) Harwick. Kris is the sister of Bill Malcom of Malcom's Funeral Home in Lewiston. Kristin W. (Kris) Harwick, Genesee, died Thursday, Jan. 13, 2011, at St. Joseph Regional Medical Center in Lewiston, after a brief battle with cancer. Kris was born Dec. 31, 1944, in Lewiston to Kermit H. and Betty J. Wann Malcom.

Kris met Marshall R. Harwick and the two were married June 15, 1964, in Lewiston. In 1982, she went to work at her family's business, Malcom's Brower-Wann Memorial Chapel, until she and Marsh purchased Mahoney Memorials in 1985. She operated Mahoney's until 2006, when she retired to clean houses for a few special people in the area.

Kris was a charter member of the Ladies of the Elks, volunteered for Meals-on-Wheels and the Pregnancy Counseling Center. She enjoyed reading, crafts, playing cards, bowling, RV camping, gourmet cooking, and most of all, her family. She is survived by her husband, Marshall R. Harwick; son Marshall W. Harwick; daughter Dedi J. Christeson; son Jason M. Harwick; grandsons Jordan Baker, Connor Christeson, Pat and Ken Kennedy, and Marcus Harwick; mother Betty Malcom; and brothers K. Michael and William S. Malcom.

She was preceded in death by her father, Kermit Malcom, and sister Sandra Roberts.

## IFSA Welcomes New Allied Member—Southwest Airlines

Southwest Airlines has recently joined IFSA as a new allied member. We welcome them as a member and look forward to meeting them at this year's convention.

For over a century, Federated Insurance Companies has provided peace of mind to business owners through valued insurance protection. Nearly 400 trade associations and industry organizations recommend one or more of Federated's programs. The Company is rated A+ (Superior) by A.M. Best. Federated is also included in the Ward's 50 Benchmark Group of companies that have excelled at balancing financial safety, consistency, and performance.

Federated Insurance offers a wide range of insurance coverage. Our knowledgeable Marketing Representatives are not limited to only servicing the Property and Liability needs of our clients; they can also provide quality Life and Disability Insurance products.

### Contact the Marketing Representative in your area:

<b>Caleb Creagan</b>	<b>Southeast Boise</b>	<b>208-695-5995</b>
Jason Littlefield	Idaho Falls	208-757-1420
<b>Trevor Meier</b>	<b>Eagle, Caldwell, Emmett, McCall, NE ID</b>	<b>405-535-9335</b>
Cam Olson	Northeast Boise	541-324-3836
<b>Chase Roy</b>	<b>Meridian Nampa, Kuna, NW Boise</b>	<b>208-631-1526</b>
Dave Schlesinger	Twin Falls	208-420-6853
<b>Nikki Woodland</b>	<b>Idaho Falls</b>	<b>208-881-1704</b>



# calendar

## 2011

June 5–8.....Oregon FDA Convention ..... Bend, OR

June 12–14.....Montana & Wyoming FDA Convention.....Billings, MT

June 26–28.....IFSA Annual Convention ..... McCall, ID

**July 4..... Independence Day**

July 10–13.....NFDA Leadership Conference ..... Coeur d'Alene, ID

**September 5..... Labor Day**

**October 10..... Columbus Day**

October 23–26.....NFDA International Convention ..... Chicago, IL

**Idaho Funeral Service Association  
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