



an

Idaho Funeral  
Service Association  
Quarterly Publication

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# IFSA 2010 3rd Qtr. Newsletter

## President's Message

Greetings,

Another convention has come and gone and we are moving forward with plans for IFSA this next year.

I would like to thank the association members for the opportunity to serve as President for the coming year. I count it an honor to represent our membership at the State and National level.

Our Tri-State Convention was a great success with many very excellent presentations, vendor displays and activities. I would like to thank Laine and Vicki Eckersell, Ken Mallea, and Leisa Hiatt for their efforts in putting together and implementing the convention with Wyoming and Montana.

We plan to return to McCall and Shore Lodge for our 2011 convention at the end of June. Please try to set aside time for this event and plan to bring your family for a time of relaxing fun activities. Remember that the continuing education requirements are now in effect and this would be a great way to get the needed credits.

I have been thinking a lot about our association and how we can better serve our members. We want to do everything we can as an association to make your membership worth your investment both in time and resources.

I want to thank the IFSA Board and Officers for the effort that they put forth on behalf of our membership. It is because of the efforts of those willing serve as volunteers that our association is successful.

I will be calling on many of you to serve our association and would like to close with the following quote from Theodore Roosevelt,

*"Every man owes a part of his time and money to the business or industry in which he is engaged. No man has a moral right to withhold his support from an organization that is striving to improve conditions within his sphere."*

Respectfully,

Steve Gordon  
IFSA Board President

## 2010-2011 IFSA Officers

The 2010-2010 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.

### Officers

President  
Steve Gordon  
(208) 376-5400

Second Vice President  
(vacant)

First Vice President  
Craig Geary  
(208) 357-3231

Past President  
Laine Eckersell  
(208) 745-6604

### Trustees

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Eli Yates ('09-'14)  
(208) 664-3151

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(208) 743-4578

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(208) 442-8171

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## Continuing Education NEW Idaho Requirements

The Idaho Board of Morticians recently adopted new legislation requiring continuing education for funeral professionals as a part of the renewal/reinstatement process. Rule 410 CONTINUING EDUCATION, states that beginning July 1, 2011, each licensee must certify on their renewal form that they are in compliance with the annual continuing education requirements, and that those requirements have been met in the previous past 12 months. Applicants must provide proof of attendance of eight (8) hours of continuing education, with credit only being given for actual time in attendance or time spent participating in the educational activity.

The rule can be found at the State of Idaho Bureau of Occupational Licenses website:

<https://secure.ibol.idaho.gov/IBOL/BoardAdditional.aspx?Bureau=MOR&BureauLinkID=130>.

Please do not hesitate to contact the IFSA offices if you have any questions regarding CE hours.

## Policy Board Report

The NFDA Policy Board met in Cambridge, Maryland on July 8<sup>th</sup> and 9<sup>th</sup>. Some of the items that were on the agenda were the election of two new "At Large" members to the Executive Board. Bob Arrington from Tennessee and Robert Moore from New Jersey were elected to replace out going members, Robbie Bates of Texas and Mike Krill of Ohio. There was a large amount of time focused on the relationship between NFDA and the States, how to promote better service out of the national office to the states and how the states can better let national know what is going on in their respective states. Also, the policy board voted in favor of forming a task force to re-address the issue of Allied Membership.

—Jeff Blackmer  
Idaho Policy Board Representative



## Continuing Education through NFDA

Advance Planning ▪ Business Management and Operations ▪ Cemetery Operations ▪ Community Relations ▪ Compliance ▪ Cremation ▪ Diversity ▪ Finances ▪ Grief and Bereavement ▪ Human Resources ▪ Meaningful Funerals ▪ Personal Development ▪ Preneed ▪ Public Relations and Marketing ▪ Technical Skills

### Live Teleconferences and Web Seminars

More than 20 interactive options each year presented by the top-rated experts in funeral service. Ideal for all-staff training.

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### Home Study

50+ courses on topics by the experts you trust in the formats you prefer - select from books, audiotapes, CDs, CD-ROMs, and DVDs.

### Podcasts

Download to your computer or portable media player.

**Did you know??** NFDA and the Idaho Funeral Service Association have a state partnership for distance learning participation. IFSA is given distance learning participation dollars for each member firm that purchases an NFDA Online Learning course (\$5 per purchase), or participates in an NFDA Teleconference and/or Web Seminar (\$10 per participant) during the calendar year. IFSA received a total reimbursement of \$187 for 2009.

# **Thank You Sponsors!**

## **2010 Three State Funeral Conference of the Northern Rockies**



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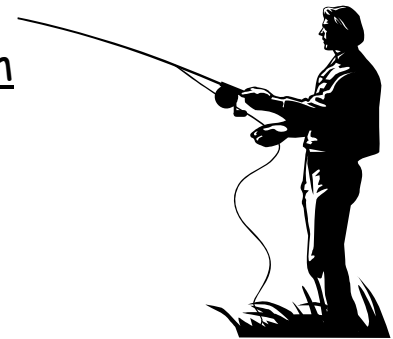
Mark your calendars now  
and plan to attend the

## Idaho Funeral Service Association 2011 Annual Convention June 26—28, 2011

Shore Lodge—McCall, Idaho

[www.shorelodgemccall.com](http://www.shorelodgemccall.com)  
[www.mccallchamber.org](http://www.mccallchamber.org)

1- 800-637-6464



## HIPAA and Disclosures to Funeral Directors

The Health Information Portability and Accountability Act of 1996 (HIPAA) generally prohibits “covered entities” (hospitals, nursing homes, health care providers, health insurers) from using or disclosing patient’s protected health information, except in certain circumstances or under specified conditions.

HIPAA allows these covered entities (health care providers) to disclose protected health information to funeral directors without the written authorization of the individual in order to allow funeral directors to carry out their duties with respect to the decedent. (45 CFR164.512)g(2)).

We are trying to determine, throughout the various communities in the state of Idaho, whether health care providers are disclosing protected health information to funeral directors, and to what extent. For instance, are hospitals, nursing homes and other providers informing the funeral director as to the presence of any infectious or communicable disease noted in the patients health records and which is known to the health care provider? Although HIPAA permits these health care providers to disclose protected health information to funeral directors, the federal act and regulations do not impose a mandatory duty on the health care provider to make such a disclosure. Before we can address this matter on a state-wide basis, through the Association, it would be helpful to hear from member firms as to the practice and procedures in their individual communities relating to health care providers disclosure of information to the funeral home

Please take a minute and send an e-mail to the Association office regarding your local practice and any problems presented for your firm and local health care providers. E-mail: [ifsa@ifsa.us](mailto:ifsa@ifsa.us)

## Funeral Consumer Myths:

**“People routinely waste money on the more expensive caskets and vaults, but they only serve to provide a show at the funeral, and lose their value the moment they are buried and out of sight. Eventually, all consumers are unhappy with these more expensive purchases.”**

The truth is, unless someone was unduly coerced into buying a more expensive casket or vault than they wanted (which is a matter for the licensing board), consumers who are comforted by using nicer merchandise will continue to be comforted when they later visit the cemetery and contemplate the deceased. Those who choose traditional burial don't turn into green burial consumers the moment the funeral is over.

The practice of funeral directors using claims of protection or enhanced preservation when describing caskets and vaults is now considered unethical. Even so, the images called fourth by green or unprotected burial are haunting for many consumers. For them, protection from the elements to whatever degree is possible is important at the time of the funeral and for years after. This makes the intrinsic value of such a purchase greater than many things we buy, which have comparatively short useful lives. This is not a sales pitch but rather the reality of what goes on in the human mind, without any suggestion from funeral directors, for the majority of those who choose more expensive merchandise. People choose more expensive funerals, just like they choose expensive cars, homes, weddings, clothing, etc., despite the availability of less expensive options. It's inappropriate for others to judge those purchases as excessive or wasteful.

**“More elaborate lined burial vaults don't keep the casket any drier, and are a waste of money.”**

We discussed the intrinsic value of this kind of merchandise to some. Aside from that, I should point out that 99.99 percent of the burial vaults sold have never been inspected and have never been involved in a study of their effectiveness. I have personally been involved in about a dozen disinterments in my career, most with families present, and have observed only one problem in almost 30 years. An air seal, dome-style vault had cracked, but even then the inside of the vault was dry, and the casket was in excellent condition.

Even though funeral directors are cautious about making these claims, it is obvious to anyone making the comparison that the more elaborate vaults offer more protection than a grave box or shroud burial. I'm not trying to say that it can be proved that vaults are always effective in offering protection. But if it's wrong to make claims that vaults provide protection, it's equally wrong to claim that they don't, unless we disinter a large number of vaults and do a credible study.

**“A funeral is one of life's most expensive purchases that may often be selected with a lack of the kind of knowledge that we have about other equally expensive purchases that we make.”**

The next time you give a public presentation, ask the group to make a list of 10 expensive purchases that they have made in their lifetimes. I don't define a dollar amount here, since for some \$500 may be expensive, while others may be big spenders. I do give some examples to get them thinking. I mention things like cars or car repairs, insurance, home repairs, electronics, computers, medical care, etc. I then ask for a show of hands from those who felt they spent that money with a thorough understanding of at least one item on the list, then two, then three. Usually by the time I get to four items, no hands go up. The fact is, we lack complete understanding of most of the expensive items we purchase in our lifetimes. This is the basis of buyer's remorse that accompanies most major purchases. I'm thinking that sorting out caskets (boxes made of various materials and colors that have a few different types of cloth linings) and cement vaults (that may or may not have fiberglass lining), may be a bit easier than unraveling the mysteries of high-definition television sets, failing car parts, insurance coverages and the like. All expensive purchases are emotional and stressful, even if they don't involve grieving.

**“There is a wide variation in funeral costs among providers, which means that some firms are clearly overcharging for their services.”**

I recently had a \$12 hamburger at a local fancy restaurant. I could have gotten a similar meal for about \$7 at the local diner, or for about \$5 at the fast food joint, or I could have made my own for about a buck. Does the existence of those last three options make my \$12 hamburger overpriced? Being expensive does not automatically make it overpriced. I don't believe that the old adage that you “get what you pay for” is univer-

—by Randy Garner

sally true. Higher cost does not always mean higher quality. But I do think that consumers are smart enough to sort this all out. I went for the \$12 hamburger, fully aware of my other options. I wanted the nice atmosphere, the waiter filling my water glass and the nice dinner salad. I didn't sit there eating my burger, feeling that I was being ripped off because I had a cheaper options. I make a conscious decision to have something nice, and continue to be happy with that purchase. I have had the other three options at times and have also been happy with those choices. While high cost doesn't always mean high quality, I do wonder about the reverse. Can failing to charge enough to adequately cover one's operating overhead lead to shortcutting, and eventually to such disasters the Georgia cremation mess?

Low-cost providers appear as endorsed providers on funeral consumer advocate Web sites. One has to wonder what it takes to qualify for such an endorsement or referral. Does one only need to offer a low price, and a phone number and a license, and is there any ongoing inspection of service to warrant its inclusion on the "good" list? Price variances among providers occur in every area of our life. The existence of price variances does not warrant accusing anyone of overcharging. Funeral consumer advocates need to learn that the terms "expensive" and "overpriced" are not interchangeable, and that the firms they endorse are not immune from their own set of problems.

**"According to the AARP and funeral consumer advocate groups, prepaying through a funeral home is a bad idea."**

The AARP does, however, admit that many funeral home trusts end up being fine and have happy outcomes. When a major airline flight crashes, it makes national headlines. Does it then become the recommendation for every one to stop flying? Statistically we know that our chances are much better in the air than on the ground. Or if there is a rash of auto mechanics taking advantage of senior citizens, do we tell everyone to stop having their cars repaired, or to start doing it themselves?

Most of life's transactions call for faith in the honesty of those we deal with. When discussing funeral trusts, either one on one with folks in your office or on the radio, I feel it's important to outline the safety measures that apply to funeral trusts in your state. If you live in a state where those are lacking, work to get that changed. One bad provider taking advantage of loopholes can throw everyone in your state under the bus. Families who do trusts with me get the whole spiel, whether they want it or not. Some say it's not necessary because they trust me. They get the spiel anyway. I tell them that as much as I love our locally owned bank, and know and trust everyone who works there, I wouldn't put a cent in a bank if it lacked FDIC insurance, or didn't have auditors wandering through every now and then.

Interestingly, many providers—including my firm—notice and increase in prearrangements and trust activity whenever articles or reports appear on the subject. These articles, even if they are negative, remind folks about preplanning, and most trust their local provider. Pure and simple, your good reputation trumps the bad deeds of others. This demands that each of us remains vigilant as to the safety of our trust funds. Funeral consumer advocate groups have been very vocal in advocating consumer protection for funeral trust in all states. I believe they should be applauded for those efforts.

**"Casket stores have helped to bring down the cost of funerals."**

Actually, they just add another set of business overhead that has to be borne by the funeral consumer. Consumer advocates treat casket profit as though it were something extra, like a special fund that is split up at the end of the year for lavish parties, trips, bonuses, etc. The profit margin on caskets at funeral homes contributes to the recovery of operating overhead.

In areas where casket stores are prevalent, funeral homes often lower casket prices, even to cost, and raise professional services fees to compensate. This is also often accomplished by the offering of packages with casket discounts built in. This is not a trick. Nor is it illegal. It's a necessary move to continue to recover one's operating overhead. Casket stores are not non-profit organizations. They have operating costs like building rent, salaries and the like that they must recover. So in the end, whatever profit margin they need for their survival can end up as additional cost to consumers who use a death-care provider for the remainder of the services. You might be able to find a car mechanic who will install parts you bought

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# NFDA

## House Committee Approves H.R. 3655

On a voice vote, the House Energy and Commerce Committee approved H.R. 3655, the "Bereaved Consumers Bill of Rights Act". The bill would direct the Federal Trade Commission (FTC) to issue a rule regulating cemeteries, crematories and all third-party sellers who sell funeral or burial goods or services to the public.

NFDA strongly supports the bill and applauds the Committee action.

In an effort to deal with the volatile political issue of regulating religious cemeteries, Rep. Rush (D-ILL), the chief sponsor of the bill, offered an amendment exempting all religious cemeteries that were wholly owned, managed and operated by a religious organization. Those religious cemeteries managed or operated by a for-profit funeral provider would not be exempt and would be covered by the bill. The "for-profit" language was offered by Rep. Gingery (R-GA) as an amendment to the Rush amendment. The Committee approved it over Rep. Rush's objection.

NFDA supported the amendment but was disappointed that it had to be offered. While NFDA believes that consumers should be protected regardless of from whom they purchase funeral or burial goods or services, we understand the political reality of this issue especially in an election year.

The bill, as amended, now goes the House floor for final passage. No date yet has been set for a floor vote. NFDA will continue to actively advocate for House passage of H.R. 3655.

In the meantime, NFDA will explore with Rep. Rush's staff the possibility of offering a floor amendment that would clarify the state's authority to enforce certain provisions of the bill related to the funeral rule. While most states now have enacted and enforce a state version of the funeral rule, NFDA is concerned that this additional authority could result in a patchwork of state interpretations of the funeral rule that may not be consistent with the official FTC interpretation.

## TSA Cargo Screening Regulations Effective August 1, 2010

The Transportation Security Administration's (TSA) [air cargo screening regulations](#) became mandatory August 1. These regulations require 100% of cargo shipped on passenger aircraft to be screened at the piece level after August 1. This means shipments – including human remains shipments – must either be screened before reaching the air carrier (by a freight forwarder, indirect air carrier or Certified Cargo Screening Facility) or by the carrier itself. Please note: this new screening requirement is separate from the "known shipper" requirement that went into effect last year.

According to Tamika McCree, TSA director of air cargo stakeholder relations, "The current screening protocols for human remains shipments will remain in effect after August 1, 2010, when the 100% air cargo screening mandate becomes effective. TSA is continually reviewing the current human remains screening protocols. Our timeframe for 100% screening of human remains will remain flexible as we continue to work with your industry to find viable screening and possible alarm resolution solutions. We strongly encourage the funeral industry to remain engaged in the process and foster continued dialogue with TSA and the airlines so that your industry is prepared when additional screening measures are required."

## Summary of Proposed Modifications to HIPAA Privacy Rule

The Health Information Portability and Accountability Act of 1996 (HIPAA) was significantly amended by the Health Information Technology for Economic and Clinical Health Act of 2009 (the "HITECH Act"). On July 14, 2010, the Department of Health and Human Services (HHS) issued a Proposed Rule to implement these changes. Some of the changes made in the HITECH Act could cause confusion for "covered entities" (health care providers, health insurers, and health care clearinghouses) that disclose certain healthcare information to funeral directors. Outlined below are the relevant proposed changes to HIPAA and why these changes should not impact funeral directors. **Note**, these are only *proposed changes*; there are a number of steps that must occur before they become effective.

HIPAA prohibits covered entities from using or disclosing patients' protected health information, except in certain circumstances or under specified conditions. One accepted avenue for disclosure is through a "business associate agreement." An outside person or business, "who performs a function or activity *on behalf of*, or certain services for, a covered entity that involve the use or disclosure of protected health information," is considered a "business associate." HHS has never considered funeral directors to be business associates of covered entities, because they work on behalf of the deceased and surviving families, not covered entities. Funeral directors also have a specific exemption from HIPAA requirements for protected health information necessary to carry out their duties. HIPAA allows covered entities to disclose protected health information to funeral directors, without the written authorization of the individual, "prior to, and in reasonable anticipation of, the individual's death" (45 C.F.R. 164.512(g)(2)).

HHS' new Proposed Rule, "Modifications to the HIPAA Privacy, Security, and Enforcement Rules Under the Health Information Technology for Economic and Clinical Health Act (HITECH)," contains sections that may cause confusion between covered entities and funeral directors. HITECH caused additional entities to be responsible for HIPAA compliance, added elements for business associate agreements, created stiffer enforcement penalties, and facilitated easier violation reporting. Taken all together, these changes mean that covered entities are likely to take greater care when disclosing protected health information. Funeral directors, when necessary, may need to reassure healthcare providers, such as hospitals and nursing homes, that disclosure of health information to a funeral director remains appropriate. In fact, the Proposed Rule specifically states that the proposed modifications will have no impact on permitted disclosures to funeral directors.

## Codification of SSI Irrevocable Funeral/Burial Trust Exemption.

NFDA is working closely with sponsors of our bill in the House and Senate to devise a strategy to get it passed into law this year. In recent discussions with Senate sponsor, Sen. Blanche Lincoln (D-AR), NFDA identified a couple of legislative options dealing with expiring social security provisions which will be considered this fall and could be the best legislative vehicle on which to attach our bill. NFDA will be working with Senate Finance Committee staff to clear the way, as well as making sure our House sponsors support the effort on their side. Passage of these bills continues to be a high priority for NFDA.

# Spotlight

## NFDA Updates "The History of American Funeral Directing"

This month, the National Funeral Directors Association (NFDA) will release the seventh edition of "The History of American Funeral Directing," by Robert Habenstein and William Lamers.

"This book is a landmark text in funeral service, particularly for those studying mortuary science," said NFDA's Vice President of Professional Development Colleen Murphy Klein. "We're pleased to help students, and even experienced funeral directors, understand and appreciate funeral service's remarkable history."

This richly illustrated 375-page book offers a comprehensive look at the history of funeral service in the United States. The cost of the seventh edition of "The History of American Funeral Directing" is \$50.95. The book can be purchased online through the NFDA Resource Store, [www.nfda.org/resourcestore](http://www.nfda.org/resourcestore), or by calling the association at 800-228-6332.

## ASCAP to Monitor Funeral Home Music License Renewals

As NFDA has previously reported, music-licensing agencies have stepped up their scrutiny of funeral homes. ASCAP, one of three music-licensing agencies in the United States, is now going even further to protect those who hold music copy rights. ASCAP is concerned about those funeral homes that might purchase a license when ASCAP steps up enforcement efforts but stop renewing their license once the "threat" of inspection passes.

Going forward, ASCAP will monitor which funeral homes consistently renew their music licenses. Those firms that continue to renew their license annually will have no problem and may be less likely to be inspected by an ASCAP representative.

If a funeral home stops renewing its license, ASCAP will send that firm's name to a local field licensing team to determine why they chose not to renew. The team may also target that funeral home for an inspection to determine whether that firm is allowing copyrighted music to be played at the funeral home or during off-site funerals. If the inspector finds the firm is allowing copyrighted music to be publicly played without the proper license, the funeral home would face a possible copyright infringement suit with penalties of up to \$30,000.

A license must be purchased annually for each funeral home location in order for the business to be properly licensed and in compliance with federal copyright law. The NFDA music license covers all music license agencies, including ASCAP, SESAC and BMI. It provides funeral homes with the broadest music license available, yet is less expensive than the fee ASCAP charges individual funeral homes that purchase licenses directly through ASCAP.

For more information about music licensing, or to purchase a license, visit [NFDA.org](http://NFDA.org), or call NFDA.

## NFDA Launches Green Funeral Practices Certificate Program

NFDA has launched an exclusive new *Green Funeral Practices*™ Certificate Program that will allow association members to distinguish their funeral homes as leading providers of green funeral services in their community and demonstrate their commitment to environmentally-responsible business practices. NFDA is the first national funeral service association to offer such a program.

NFDA's *Green Funeral Practices* Certificate Program provides national recognition from a well-established, globally respected funeral service association. It is the only such program created exclusively by NFDA-member funeral directors for member funeral homes. It is a comprehensive green recognition program that encompasses both service to families and green business practices.

According to a poll by Harris Interactive, almost three-quarters (72 percent) of U.S. adults believe their personal actions are significant on the environment. Further, just over half (53 percent) of Americans report that they have done something to change their lifestyle to make it more environmentally sustainable. In response, funeral directors have begun learning how they can accommodate the needs of these families and are offering green services, products and funeral packages at their firms.

"As a funeral home serving fewer than 125 families every year, it's logical to conclude that green funerals wouldn't be a factor for me, but that is absolutely not the case," said James M. Olson, CPC, chair of NFDA's Green Funeral Work Group and owner of the Lippert-Olson Funeral Home in Sheboygan, Wis. "I have conducted several green funerals in the last year, including services for families from outside of my community who did not have access to a local funeral home that offered eco-friendly funeral services and products. Green services and products appeal to people from all walks of life, in communities large and small. While people in your community may not be asking about green funerals now, you can be prepared to explain and offer these types of services to families.

Applicants who earn a *Green Funeral Practices* Certificate will receive a certificate, suitable for display in their funeral home, and a suite of community relations tools that can be used to promote the funeral home's achievement and educate the community about green funeral options.

Funeral professionals can learn more about the NFDA *Green Funeral Practices* Certificate Program by visiting [www.nfda.org/greenresources](http://www.nfda.org/greenresources). This webpage also contains information and resources to help funeral directors better understand green funerals and green business practices.



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elsewhere, or an electrician to install the light fixtures you bought at a wholesale distributor. But you can be sure that whatever profit margin they lost on selling you those items will be reflected somewhere in you bill, often in a higher hourly labor rate.

**“Funeral costs would come down if there were fewer funeral homes.”**

Apparently, *unlike* every other industry know to man, decreased competition leads to lower funeral prices. This logic could also be used to close down all home-owned grocery, hardware and convenience stores if there were a Wal-Mart of Home Depot within a half hour driving distance. The Funeral.org Web site lists the number of funeral homes in every state, and how many they calculate are actually needed. In Vermont, they feel that 20 funeral homes can do the work of 59. (For Idaho they state 44 can do the work of the existing 85). This is based on the misguided logic that funeral homes should be able to handle one funeral a day. Wouldn't it be nice if that's the way funeral call volume landed? But it doesn't. This is a feast of famine business. We work 80 hours one week, miss days off, family events and the like, and are glad when we get a 20-hour week to compensate. Elimination of two-thirds of Vermont's funeral homes would mean that at various times throughout the year facilities and staff would be overwhelmed to the point of inoperability, since you only save money if you close funeral homes and eliminate help.

Let's ignore for a moment the huge amount of inefficiency in trying to run funerals in distant communities due to the extra man hours and downtime involved in hauling everything long distances, including personnel. Ignore also that having personnel several hours away makes them unavailable for emergencies back at the funeral home, requiring extra help to compensate for this. Ignore the inconvenience caused to families who must now make arrangements with strangers in other communities, and funeral guest who must commute, sometimes in snow and ice to calling hours and funerals. Ignore all of this, and realize that consolidation to the extent folks like the Funeral Consumers Alliance advocate suddenly makes those areas very attractive to large corporations that previously found them undesirable, which then control pricing from headquarters, and whose job it is to keep stockholders, not consumers, happy.

Hopefully, you realize that there are many common sense answers to many of the claims made by consumer advocates against funeral directors as a whole that cast shadows on honest hard working providers. Remember that in your community, you have the reputation with your consumers. When you talk, the public will listen. You have a story to tell and a reputation to defend. Don't just sit there, stand up and be heard. But most importantly, be worthy of the trust you communities have in you.

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## Protect the Name of the Deceased

Funeral directors are increasingly assuming the role of assisting families with financial matters, including protecting them from fraud. Immediately following a death, funeral directors are often the primary source of information for survivors. Unfortunately, there are criminals who take advantage of the death of a person. These criminals are identity thieves who according to the Identity Theft Resource Center, [www.idtheftcenter.org](http://www.idtheftcenter.org), "may watch the obituaries, steal death certificates, or even get the information from Web sites that offer the Social Security Index files." In some cases, the identity thief may even be a family member who is "looking to take advantage of the situation or who has already been using that identity."

Identity theft remains the top consumer fraud complaint to the Federal Trade Commission (FTC). While most identity theft is related to credit card or financial fraud, government documents or benefits fraud, such as Social Security number theft, accounted for 15 percent.

When a loved one passes away, it is natural to feel overwhelmed by loss and incapable of dealing with notification and other administrative matters—and so these matters get delayed. Unfortunately, the longer the delay in advising the Social Security Administration (SSA), financial institutions and credit reporting agencies of a family members' passing, the greater the opportunity for identity thieves. The Identity Theft Resource Center reports that financial institutions and credit reporting agencies are not immediately made aware of a person's death through the SSA or other government agencies. Until financial and credit agencies receive word of the death, the accounts of the deceased remain open and vulnerable to exploitation, potentially for up to ten years without any account activity.

continued on the next page

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

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<u>Aurora Casket Company</u>	(801) 485-5802	<u>Matthews Cremation Division</u>	(800) 327-2831
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<u>Deaton Kennedy</u>	(877) 434-9034	<u>SinoSource, International</u>	(801) 589-0222
Roberta Bridges		Jess Hunsaker	
<u>Federated Insurance Co.</u>	(800) 527-5999	<u>The Dodge Company</u>	(866) 646-5428
John Benz		Larry Whitaker	Bill Martin (425) 432-6438
<u>Great Western Insurance Co.</u>	(800) 621-5688	<u>Twin Rocks Memorial</u>	(888) 608-3707
Chad Iverson	(801) 557-4094	Rick and Kris Young	
<u>Hillcrest Memorial Gardens</u>	(208) 459-4949	<u>United Heritage Life Ins. Co.</u>	(208) 475-0970
<u>Kelco Supply Company</u>	(800) 328-7720	<u>Urns from the Forest</u>	(541) 661-0671
Sandy Pearson		Luke Thornton	
<u>LifeCenter Northwest</u>	(425) 201-6656	<u>Wells Fargo Master Trust</u>	(208) 393-5449
Emily Corrigan		<u>WMS Financial Group</u>	(303) 843-0782
		Don Williams	

**Protect the Name of the Deceased** continued from previous page

Delay increases the risk that a loved one could be robbed of his or her identity as fraudulent credit card accounts are opened, purchases made, and creditors threaten the estate. While it is unlikely that the estate would be held liable for these fraudulent activities, the family would be forced to invest substantial time and expense to restore their loved one's standing. Further, the family will suffer additional emotional trauma as a result of the imposter's criminal activities.

Here are a few key points to remember:

1. Notify the SSA immediately by telephone
2. Prepare the obituary with special care not to give out too much information
3. Order multiple certified copies of the death certificate with and without the cause of death
4. Send written notice to all financial institutions where the deceased had an account
5. Send written notice to all three credit reporting agencies—Equifax, Experian, and TransUnion

**“He can compress the most words into the smallest idea of any man I know.”**

**-Abraham Lincoln**

## FTC Staff Issues Opinion on Third-Party Casket-Delivery Issues

Universal Casket Company, which supplies the caskets that are sold by Costco, recently sought guidance from the Federal Trade Commission (FTC) staff about the delivery of third-party caskets to funeral homes. In response to that request, FTC Funeral Rule Coordinator Craig Tregillus issued an opinion letter on April 19, 2010 that addressed several important issues, including whether funeral homes must assist in unloading third-party caskets from delivery trucks and the disposal of packing materials. Highlights from the opinion include the following:

### Delivery Time.

Funeral homes must accept delivery of third-party caskets during regular business hours (e.g. 8 a.m. to 5 p.m.). However, the opinion has recognized that for a small funeral home that may not be staffed during normal business hours, it may be necessary for the shipper of the third-party casket to make prior arrangements so that funeral home personnel are available to receive the casket. Tregillus also recognized that a small funeral home may not be able to accept a casket during regular business hours if a funeral is currently being conducted at the funeral home and no personnel are available.

### Imposing Maximum and Minimum Delivery Requirements.

An earlier opinion issued by the FTC staff indicated that funeral homes are not required to store caskets that were purchased on a preneed basis. However, when a death has occurred and an at-need funeral is arranged at the funeral home, the funeral home may not refuse to accept a casket more or less than a specified number of days in advance of its use. For example, a funeral home cannot establish a policy that it will accept a casket no more than 48 hours before a funeral. Nor can it impose a rule that it will not accept a casket that is delivered less than 24 hours before a funeral. The FTC believes that this is an unreasonable restraint on a consumer's right to use a third-party casket. Therefore, when an at-need funeral is planned and a third-party casket will be delivered, the funeral home should accept the casket during normal business hours, anytime prior to the funeral.

While not addressed in the April 19, 2010 opinion letter, funeral homes are within their rights to require a family to have a casket delivered in sufficient time to prepare and place the body in the casket prior to a service. Therefore, if a funeral home wished to impose a requirement on a family that the casket be delivered at least 24 hours prior to a scheduled service, it would be within its rights to do so. If the funeral home has this policy and the casket is not delivered at least 24 hours prior to the service, the funeral home should still accept the casket, but could postpone the service if it does not have sufficient time to casket the body and set up the service.

### Unloading a Casket.

Universal Casket Company requested a ruling from the FTC staff that funeral homes were required to provide personnel and equipment to assist with unloading third-party caskets being delivered to the funeral home. Mr. Tregillus took a split position on this issue. With regard to personnel, he indicated that the FTC Staff is not prepared to find that the Funeral Rule requires a funeral home to pay the labor costs associated with unloading a third-party casket and removing its packaging. Therefore, funeral homes are not required to help third-party casket companies or shippers, like FedEx, unload caskets from trucks or unpackage crated caskets.

On the other hand, the opinion did indicate that the funeral home should provide church trucks in order to transport the third-party casket from the truck to the funeral home. Under the rationale that the costs of church trucks and other equipment are covered by the funeral home's basic services fee, Mr. Tregillus concluded that it would be an unreasonable burden to deny the use of that equipment to consumers who are using third-party caskets.

### Disposal of Packaging.

In a footnote in the Staff Advisory Opinion, Mr. Tregillus provides guidance on the increasingly troublesome issue of third-party casket packaging. Funeral homes have reported that casket shipments that originate from Costco and Wal-Mart often are packaged in crates which require the funeral home to incur labor and disposal cost. The FTC Staff Advisory Opinion indicates that while funeral homes may not charge a consumer for the cost of disposing of the packaging, the Funeral Rule does not prevent a funeral provider from requiring that all casket suppliers take any casket packaging with them and dispose of it after a delivery. In other words, as long as the funeral home requires casket wholesalers from which it purchases caskets to dispose of casket packaging materials, it may also impose the same requirement on third-party casket shippers delivering caskets to the funeral home.

### Disparaging Third-party Caskets.

On the issue of whether the Funeral Rule prohibits funeral providers from disparaging the quality of third-party caskets, Tregillus emphasized that the disparagement of a competitor's product is not specifically prohibited by the Funeral Rule. However, material misrepresentations or any misleading or deceptive statements made to consumers by funeral home personnel would violate Section 5 of the Federal Trade Commission Act and could expose the funeral provider to an FTC enforcement action.

The opinion is important in that it addresses previously unresolved issues regarding unloading trucks, shipping third-party caskets and the disposal of packing material.

## What Families Need to Know About *Scattering Cremated Remains*

The Wall Street Journal recently told a story of a woman and her quest to scatter the cremated remains of her deceased husband, all around the world. So far, she has left portions of the remains in over two dozen locations, including the Coliseum in Rome, outside Hemingway's home in Cuba and under the Christmas tree in Rockefeller Center.

As cremation rates climb, so does the number of people opting to scatter what is left of their loved one's body. However, what many of these people do not realize is that you cannot just scatter cremated remains anywhere.

The Cremation Association of North America (CANA) estimates that last year Americans chose cremations as the final form of disposition in more than 39 percent of all deaths. And, the group is predicting that number will climb to 60 percent by 2025.

CANA recently asked a sampling of consumers what they planned to do with their loved one's cremated remains. Over 40 percent said they were going to scatter them. Another 27 percent were unsure, but did not rule out scattering as an option. This means that potentially over half of all cremated remains could end up being scattered at some point.

Most people are scattering wherever and whenever they like, without seeking permission or securing permits. Currently there are no Idaho laws or code sections that address scattering directly. There are code and laws that regulate activities on public property and prohibit trespassing on private property.

### **Unintentional Rule Breakers**

The majority of people do not set out to intentionally break private property rules. More than likely they are simply unaware that such rules even exist.

More often than not these places do have rules in place that a simple phone call would uncover. While a few cemeteries may allow a few indiscriminate scatterings here and there, they majority do not. Most cemeteries restrict scatterings to designated patches of land, often called "scattering garden," and a few prohibit the activity altogether.

Not too long ago a cemetery contacted a local funeral home complaining that families were scattering cremated remains over the graves of their loved ones. The funeral home explained that it had no control over the actions of these individuals and there was nothing they could do. What they did offer to do was advise cremation families on their options for scattering. Then, if they are considering scattering the cremated remains on a family plot, to let them know they need to contact the cemetery first to discuss any procedures and restrictions.

### **Land Scattering**

More than 20 percent of all the consumers CANA surveyed said they intended to scatter cremated remains over land. As with cemeteries, families also need to seek permission from owners of privately—and publically—owned properties before scattering cremated remains, including local municipalities. This also includes national and state parks. Most parks have permission requirements and sometimes scattering location limitations. Other parks simply require the proper disposal of the container that previously held the cremated remains.

### **Scattering Over Water**

CANA also reports that 30 percent of those surveyed plan to scatter cremains over some body of water. Similar to land scatterings, individuals choosing to scatter over rivers, streams or lakes first need to check with whatever private or public entity manages the land where the water is located.

The U.S. Environmental Protection Agency (EPA) regulates sea scattering and restricts performance of scatterings to at least three miles off shore. There are no depth requirements and decomposable flowers and wreaths usually are allowed.

The EPA requires written notification within 30 days of the intended sea scattering. Families can find more information on the EPA's Website as [www.epa.gov/region2](http://www.epa.gov/region2).

Whether they choose lake, river or sea scatterings, you may want to discuss with families the advantages of using water soluble urns. Cremated remains casted directly into the water often blow back, cling to skin, clothing or sides of the boats. Water-soluble urns prevent this from happening. The urns typically float for several minutes then gradually disperse cremated remains while slowing sinking to the bottom.

### **Scattering from the Air**

Land, sea, what about air scattering restrictions? The Federal Aviation Administration (FAA) regulates this type of scattering. However, the agency has no set restrictions, except that the scattering should not present a hazard to people or property.

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

### **Maryland Firm Closed After 40 Bodies Found**

The Maryland State Board of Morticians and Funeral Directors closed the Chambers Funeral Home in May 2010 after a state inspector allegedly found body bags containing over 40 bodies, The Associated Press reported. The board also suspended the funeral director licenses of two firm associates.

The inspector said that he discovered a 12 by 12 foot pile of body bags containing human remains on the floor of the garage. The bags exhibited "visible leakage" and emitted "a pungent odor."

Firm Owner William Chambers told the Washington Post that the bodies were cadavers from the Georgetown University Medical School awaiting cremation. He said that his firm has a contract with the school to remove and cremate the bodies "all at one time." This led to numerous bodies arriving at his facility just prior to the inspector's visit. "We have limited space and things were in disarray," Chambers added.

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### **Smoker Sends Message from the Grave**

In an effort to perhaps save others' lives with his death, Dick Whittamore of the United Kingdom, requested in his will to have "Smoking Killed Me" signs placed on his hearse.

The 85 year old died after suffering for years with emphysema. He wanted the ill effects of his smoking to act as a warning to others and dictated in his will that the signs be placed on his hearse as it passed through his hometown. Another was placed at his grave.

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### **Medtronic Mislabeled Heads; Container Lands in Arkansas**

An airline employee in Arkansas peeked into an otherwise unremarkable container last week and made a surprising discover: parts of human heads.

Authorities in Arkansas have launched an investigation after four human heads and 40 partial heads were seized at Little Rock national Airport, apparently bound for a Medtronic facility in Texas for use in medical training.

Medtronic spokesman Brian Henry said the heads were supposed to be used for physician training at the Fridley-based company's ear, nose and throat surgery division in Fort Worth.

Henry believes the heads, which he described as "four cranial samples and 40 temporal lobes," were mislabeled by the vendor, causing the mix-up.

A Southwest Airlines freight employee reportedly discovered the heads June 9 in several containers and immediately notified authorities.

Garland Camper, coroner of Pulaski County, Ark., told Reuters the heads "were basically in plastic containers with lids that are not air-sealed. They were duct-taped with minimal information to disclose what was inside." Camper added, "Since then, we have learned that the paperwork that we have asked for does not quite meet the same description of the specimens that we have."

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### **Thieves Steal Embalming Fluid**

Thieves have repeatedly broken into the Morris-Henry Funeral Home, Detroit, Mich., to steal embalming fluid, according to a report by myFOXDetroit.com

"I understand that these drug people mix it with the drug to intensify the high," said funeral director James Henry.

Henry has had five separate break-ins. The most recent was just before Thanksgiving.

Henry says keeping up with the crooks is costly.

"We all (are) struggling to try and stay in business and keep our businesses viable, and it's very difficult to do when you have to deal with this element," Henry said.

# All in the Family

## Seeking Licensed Mortician

Bidwell Funeral Home in St. Anthony, Idaho, is looking for a licensed mortician to fill-in for the owner during surgery and recovery. The owner is looking for some one capable of making all necessary arrangements from start to finish. If the owner after a period of time, feels the mortician to be a credit to the community and to the funeral profession there would be a opportunity to either become a partner or owner of the funeral home in the future.

Terms and conditions and starting date are negotiable with a three bedroom home close to the business available.

St. Anthony is prominently a LDS Community located in the south eastern part of the state. It boasts 41,000 acres of sand dunes and some of the best fly fishing in the west with the Henry's Fork of the Snake River flowing through the center of town.

For more information, please contact Gary D. Bidwell at (208) 624-7177.

## Welcome New Firm Member

Mountain View Funeral Home located in Lewiston, has recently joined IFSA as a new firm member. Mountain View Funeral Home and Crematory was established in the 1970's on the grounds of Lewis-Clark Memorial Gardens. Robert & Renee' Larrabee are owners, together with their daughter, Lisa, and her husband, Tom Sutherland.

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

## 2010

October 10–13.....NFDA National Convention.....New Orleans, LA  
October 11 .....Columbus Day  
October 31 .....Halloween  
November 2 .....Election Day  
November 11.....Veterans Day  
November 25.....Thanksgiving  
December 25.....Christmas

( Please let IFSA know of events you'd like to see added to the calendar )

**Idaho Funeral Service Association**  
**P.O. Box 820**  
**Meridian, ID 83680-0820**  
**208.888.2730**