

FCA REPORT

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These preneed bills do not protect consumers

By Nancy Petersen, LCSW

Well, Senate Bill 1 and House Bill 853 are on their way through the House and Senate in Jefferson City and we may all wish we could have done more. Many of us may suffer the consequences of it and many will never be the wiser. So what are Senate Bill 1 and House Bill 853 and why do they matter? These bills are Missouri's attempt to improve the law governing preneed funeral sales in the state. The two bills will be combined into one in the weeks ahead. To say the least, they are still lacking in consumer protections and leave Missourians with a difficult decision. Let's start by telling you how we got here.

In the spring of 2008, government agencies from Texas, Missouri and other states determined National Prearranged Services, Inc. had "questionable" financial practices and placed the company and other companies owned by James Douglas Cassity, a disbarred Springfield, MO lawyer, and his sons Brent and Tyler, into state receivership

(the state takes over the company during an investigation). Rick Alm of the *Kansas City Star* has been reporting on the scandal and wrote an article on Thursday, February 5, 2009 that "several states now allege improper financial actions...drained the company's invested reserves while underwriting prepaid funeral customers' accounts with non-interest bearing term life insurance that could not cover the full costs of prepaid funerals."

Of the \$1.9 billion in liabilities, authorities have located only \$312.9 million in cash. The FBI is involved and there are talks currently about whether to go after the personal assets of the companies' owners to recover more of the money. It is important to note that there are three kinds of situations with NPS prepaid funerals and there are differences concerning which will be guaranteed and whether the consumers who purchased these policies are covered. In many cases, those faced with providing those services, specifically funeral homes, are left to provide the funerals and hope to be paid what the

policy/preneed trust was worth, as well as any inflationary increases.

Given the financial mess this is causing so many, Missouri lawmakers have been attempting to fix the pre-need law, but have found it is not as easy as they might have imagined. Also, many lawmakers, like many laymen, have little knowledge of the funeral industry and the practices they employ. Lawmakers first attempted to simply "fix" the current law by rewriting bits and pieces in an attempt to protect consumers and others affected by preneed sales. This proved to be impossible, especially after Funeral Consumer's Alliance national director Josh Slocum wrote a point-by-point dissection of the current law and the proposed changes. A smarter solution, he said, would be to rewrite the law entirely to further protect everyone who might purchase a preneed funeral in Missouri.

So, with the help of Rep Tim Meadows, the State Board of

Continued... on Page 2

IN THIS ISSUE

- 2..... FCA President's Column
- 3..... Whole Body Donation
- 4..... Green Burials Arrive in Lawrence (cont.)
- 5..... Don't Assume Others Know Your Wishes
- 6..... Preneed Contract Questions to ask Mo. Legislators
- 7..... High School Shop Project
- 7..... FTC's Funeral Rule
- 8..... Send the Gift of a Newsletter

Green burials arrive in Lawrence

By Steve Nicely

Lawrence, Kansas has opened a wooded section of its city-owned Oak Hill Cemetery for "green" or natural burials. It is the first in this area to do so and one of the first municipalities in the nation to offer the service to anyone on an unrestricted basis.

Going natural in Lawrence means the trees remain, although underbrush is cleared. Pathways lead to the grave sites. Bodies in the natural cemetery

section must not be embalmed. No metal or plastic caskets are allowed. Also banned are concrete or steel grave liners or vaults that most cemeteries require.

Lawrence restrictions require bodies to be buried in plain wood containers or other biodegradable materials. The minimum is a cardboard box reinforced on the bottom with boards. When placed in the ground,

Continued... on Page 4

One of Our Own Sits on the National FCA Board

By Bev McGill, FCA-GKC President

A couple of years ago, after a presentation, a young woman came to us and thoughtfully said, "I think I'd like to be a part of your organization." Needless to say we could not accept her offer quickly enough. Our small dedicated board always seems to be stretched to and beyond capacity.

That young woman is Nancy Petersen, who has a master's of social work degree, a husband, and two small children. At that time Nancy was working at an area hospice. She now owns her own business, Home Helpers, a home care provider.

When Nancy first spoke to us we had no idea of the enormous talents she possessed. I continue to be amazed by her keen mind, her articulate delivery, and her wonderful sense of humor. In no time at all Nancy was giving our presentations at civic clubs and churches. Her knowledge and enthusiasm quickly wins over her audiences.

Although Nancy previously had no exposure to legislative issues she went to Jefferson City to attend hearings on the Missouri

Preneed law and also testified at the joint legislative committee hearing on that subject in Kansas City. Did I say she's a fast learner? Read her article on the preneed controversy on the cover of this newsletter.

Nancy wrote and received two grants for the local FCA/GKC. The money received from those grants helps with our ongoing expenses including the major expense of printing and mailing our newsletters.

Last summer, on Steve Kraske's KCUR Public Radio show, Nancy, and Mark Harris, author of the critically acclaimed book, "Grave Matters," were interviewed about Green Cemeteries. The show was so good it was repeated this past December. The radio interview was another first for Nancy. Again she fielded questions like a pro.

Last year Nancy traveled to Seattle to attend her first national Funeral Consumers Alliance Biennial convention. The FCA Biennials provide wonderful learning opportunities as well as time to connect with people from other affiliates across the country with like motivations and dedications.



Bev McGill
FCA-GKC President

Lasting friendships evolve from these meetings.

And now Nancy's talents have been recognized by the National Funeral Consumers Alliance. Nancy has been elected to the national FCA board. Speaking from my personal time on the national board I can tell you she is in for the experience of a lifetime. She will be in contact with some of the brightest, most dedicated people she has ever met. She will be an outstanding addition. With a new administration in Washington, a strong national board is more important than ever. We hopefully can look forward to better enforcement of the Federal trade Commission Funeral Rule. Previously reported infractions were seldom acted on by the FTC.

These preneed bills do not protect consumers (Continued from Page 1)

Embalmers and Funeral Directors began a working group whose meetings were open to the public. This group began the difficult task of rewriting the entire law. As you can imagine, difficulties arise when the interests of the consumer collide with the interests of funeral home owners and funeral directors whose lively hood is tied to the laws governing their businesses.

FCA has very clear points about what the new law should include. We pushed and continue to push for much more protection for the consumer and the monies paid into these preneed arrangements. FCA was supported by AARP and a few funeral home owners who understood how this would affect their business.

Currently Missouri ranks 44 out of the 50 states in trusting requirements, currently allowing the seller of the preneed policy to retain 20% of the monies paid as well as all the interest accrued. FCA believes Missouri should join the other 27 states that currently trust 100% of the monies as well as add all interest accrued to the trust to ensure the financial viability of the preneed contract when the death actually occurs.

Administrative fees are acceptable, but should be kept at a minimum. To show our support of these and other vital points, Josh Slocum, from the national FCA office in Vermont, and the local FCA-GKC Board attended some of the working group meetings in Jefferson City, corresponded with Rep Meadows and regularly sent

our opinions and thoughts about the issues to the State Board as the working group progressed through the summer months. House and Senate hearings were held in various places around the state and again, FCA attended and testified, stating our continued insistence that consumers be protected with 100% trusting of preneed payments, 100% portability and annual reporting of monies. We also argued for some sort of training or licensing of preneed salespersons and for lifting restrictions on public access to information on government regulation and licensing of prepaid funeral sellers.

What we did not know was that Senator Delbert Scott, District

Continued... on Page 6

Whole Body Donation at a Medical School

By Dr. Pamela P. Thomas and Gretchen L. Dunford

Why would you want to donate your body?

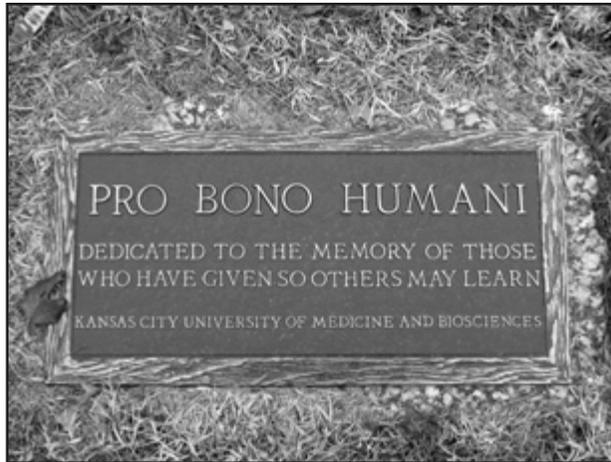
One reason might be that the information one medical student learns from studying your body will be passed on to thousands of patients throughout his or her career. Some people donate because that's what they've done all of their lives; they have helped people, and they want to continue doing that. During a recent survey of donors to the Gift Body Program at Kansas City University of Medicine and Biosciences, we found that 60% of our donors are women, Caucasian, married or widowed, and worked in careers related to education or medicine. The men in our program (40%) were married, Caucasian, and worked in office, farming, or construction careers.

Many want to continue teaching, just like they did in life. Sometimes they want to "give back" because they've received such good medical care throughout their lives. Some donate in honor of their physician's school. Probably most people donate for simpler reasons. They would like their bodies to go to some use once they die, often reasoning that the body is "just the shell" and that since they're not really there any more, it might as well be put to good use and help someone learn something.

Some donate because it's one of the cheapest and simplest ways to die. Whole body donation takes a large burden off the family, both emotionally and financially, because the medical school usually pays for all or part of the transportation, embalming and cremation. The ashes are then buried, scattered or returned to the family in accordance with the family's wishes.

So what happens when I donate?

Most medical schools will send gift-body forms to the donor. The donor fills them out and the school keeps the completed forms on file until the



The headstone in the cremation garden of the Kansas City University of Medicine and Bioscience has the Latin phrase Pro Bono Humani (for the good of mankind). After donated bodies are studied at the medical school, they are cremated. Families have the option of placing the ashes in the garden.



Dr. Pamela Thomas



Gretchen Dunford

time of death. A donor card is usually signed and laminated by the gift-body program and the donor carries it with them or gives a copy to their family. This is the most common method of body donation.

Some donation commitments are made by the next of kin who has the donor's Power of Attorney when the donor is unable to sign the papers for himself or herself. At the time of death, the donor's family, hospice worker, hospital or care facility calls the medical school's donor program. Some medical schools instruct the family to arrange transportation to the medical school. Some programs arrange and pay for transportation of the donor. Once the donor has been

used for purposes of medical education and research, most schools have a memorial service that involves students, faculty, and staff at the end of the school year. Many medical school donor programs invite families and friends of the donors as well. This can help loved ones find some closure. Some schools have memorial services where the ashes are buried or scattered and some are more of a "thank-you" service for the families.

Donating your body does have a negative side. The body will need to be transported to the medical school within 24-48 hours and this makes it difficult to wait for out-of-town relatives to arrive and say goodbye. With very few exceptions, the body is cremated when the studies are finished. It typically takes one to two years before the family receives the ashes. For example, if a donor arrives in February, they will typically not be used until the following August, or perhaps even later. Some people find it difficult to wait to receive the ashes, and not all schools return ashes to the family. Donation is considered "final disposition" of the body.

Body donation has its pros and cons, just like everything else in life and death. One thing you can be sure of is that the medical students who are given the gift of body donation will learn many lessons that will be passed on to future generations.

Gretchen Dunford is a second year medical student at Kansas City University of Medicine and Biosciences. She has a B.S. Degree in Biology and Women's Studies from Rockhurst University in Kansas City. Dr. Pam Thomas is Associate Professor of Anatomy at Kansas City University of Medicine and Biosciences and the Gift Body Director and the Local Secretary of the Missouri Anatomical Board.

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Green burials arrive in Lawrence

(Continued from Page 1)

the box lid may be removed before the grave is filled to bring a shrouded body in more immediate contact with the earth. As the body decomposes, it rejoins the natural cycle of life, living again in the trees and other vegetation.

Similar practices were the standard method of burial throughout human history until the mid 19th century. The desire to preserve the remains of Civil War casualties for shipment back home to their families accelerated the practice of embalming in America. The practice gained broader acceptance after President Abraham Lincoln was assassinated. The train bearing his embalmed body made whistle stops in cities and towns. Throngs of mourners, over a million of them, passed through to view the body and pay their respects.

Today, a growing minority of environmentally-conscious people seek the opportunity for old fashioned natural burial when their time comes. It is not a practice that many in the profit-oriented funeral industry welcome with open arms. Inexpensive shrouds and cardboard boxes? No embalming? No concrete grave liners? Where's the profit in that? Still, many service-oriented funeral directors help families bury their dead naturally according to the families' wishes.

It is the cemetery operators who seem to be dragging their feet. Most require the use of concrete grave liners so they can pack the dirt when refilling the graves and have a smooth surface for mowing. Otherwise there's an uneven surface that settles as time passes - too much maintenance trouble and no grave liner sales.

Leave it to the progressive college town of Lawrence to break ranks. A discussion of green burials on a National Public Radio show last year caught the ear of Lawrence City Commissioner Dennis (Boog) Highberger, who counts himself among those who try to harmonize



Lawrence City Commissioner Dennis "Boog" Highberger stands in the natural burial section of Oak Hill cemetery.

their lives with the environment.

"And a lot of us would like to minimize our impact on the planet on our way out," Highberger said, standing on the edge of the mature forest along the northwest section of Oak Hill Cemetery.

Highberger's green cemetery proposal received the unanimous approval of the city commission and the cooperation of two of the city's three funeral directors, Larry McElwain of Warren McElwain Mortuary and Bart Yost of Rumsey-Yost Funeral Home. The sometimes alarming tendency of unpreserved bodies to emit a variety of noises and to leak fluids when moved were practical matters that Yost and McElwain raised at meetings with city officials. They won the minimum requirement of a reinforced cardboard box to stabilize the body. Assistant City Administrator Cynthia Boecker said the city wanted to begin cautiously and may modify its guidelines as it gathers experience.

The Funeral Consumers Alliance maintains that the human race dealt with such things for eons prior to the widespread practice of embalming and certainly can learn those lessons again. Regardless, the Funeral Consumers Alliance of Greater Kansas City enthusiastically endorsed the green burial section of Lawrence's Oak Hill Cemetery.

Natural burials pose no particular challenges for funeral directors who have the refrigeration facilities that are needed to preserve the body when burial is postponed a matter of days. Green burials are less costly for families and less profitable for funeral directors. The average price for embalming in the Kansas City area was \$683 in the 2007 price survey conducted by the Funeral Consumers Alliance. The survey's average of the lowest priced caskets and grave liners offered by funeral homes was \$709 and \$609 respectively. (Complete survey results are in the agency's 2008 summer newsletter posted at www.funerals.org/affiliates/kansascity.)

"I see no reason why any funeral home would have a problem," said Mark Smith, general manager of Shawnee's Amos Funeral Home. "No body preparation and burial in a shroud - we've done that for Moslems for years."

"I think all funeral homes will help families with green burials," added Thad Rogers of Kansas City Funeral Directors of Wyandotte County, a low-cost provider.

Missouri's first natural cemetery, Green Acres in Columbia, opened last spring. Bill Goddard, operator, said two types of people are potential buyers: Those who want to reduce their carbon footprint and those interested in saving money.

Lawrence will charge \$650 for a burial lot and \$600 for opening and closing the grave. For information about the Oak Hill green cemetery, contact Lawrence Cemeteries at 785-832-7955. The cemetery address is 1605 Oak Hill Avenue. From Johnson County, take K-10 highway west into Lawrence to the second stop light, turn right on Haskell Avenue, then right on 15th Street, left on Elmwood Street and right on Oak Hill Avenue into the cemetery.

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Don't assume others know your wishes

By Nancy Petersen, LCSW

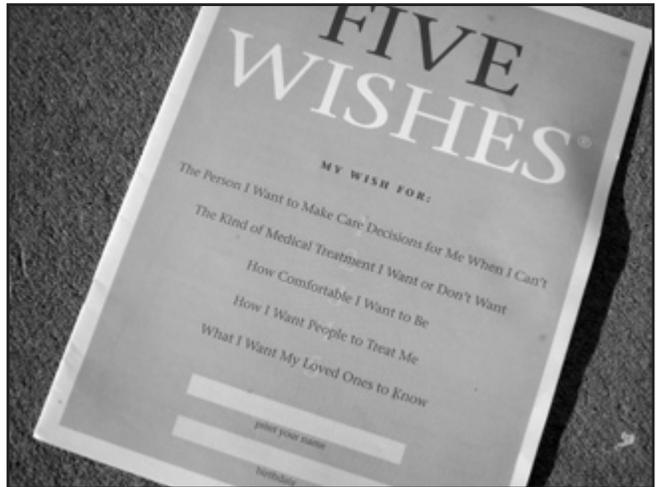
We're all going to die. I know, not exactly dinner conversation, but it's true. Life is a terminal condition and despite our best efforts, we are all going to die someday. How that death will occur, what afflictions we will face and how our families and loved ones will respond are unknown and that is where this article comes in. Everyone needs to seriously consider an Advance Directive and I hope to take the fear out of this document and others like it, and encourage everyone to begin to appreciate the important role this document can play in our end of life.

So, after people decide to investigate this important document, the next questions inevitably come up. What is an advance directive and is there an EASY one? An advance directive is a place where wishes for your medical care can be documented and yes, there is a wonderful one from Aging with Dignity in Tallahassee, Florida called 5 Wishes. It was made possible by a generous grant from The Robert Wood Johnson Foundation. It is a user-friendly, very easy to understand, do-it-yourself plan for what you want when life takes a turn and illness or injury render you unable to speak for yourself. It is the perfect opportunity to have just what you want in writing. An opportunity to relieve your loved ones of the most potentially difficult decisions they may ever face. This is such a gift. Just when those who love you are experiencing great anguish, they realize you have provided them with the answers they seek most -- your own wishes.

With today's technologies, death is far more complicated than it has ever been. Few are lucky enough to simply go to sleep forever. Most of us wish this for ourselves and our loved ones, but when the medical situation or event occurs, our first instinct is to rush the person we love to the closest hospital. So, although many of us picture a calm and peaceful end, if we honestly and realistically look at what could happen, no one should be



Nancy Petersen, LCSW



without a clear directive to our families about our wishes.

Another mistake many make about advance directives, is assuming those who are closest to you actually know what you would want in an end-of-life situation. We get together with family and talk about the days' events, our jobs, our hopes and dreams. We do not spend much, if any, time discussing our life's end. Time spent with those we love does not mean these unspoken desires are known by the other. Case in point, my mother and I are very close and have been for many years, yet my mother was completely unaware that I would not want to live in a Persistent Vegetative State (PVS). She was stunned to learn I would want my tube feeding stopped and, without our conversation about my 5 Wishes document, she would have potentially made a decision contrary to my wishes.

Now, PVS is a serious medical situation, but other, less critical choices can be written down and known as well. For instance, late in life often a person has trouble swallowing and the doctor orders "thickened liquids" to ensure the patient does not aspirate liquid into the lungs. I often joke about it, but this is a serious concern I have...I do not ever want to chew my water (or Diet Coke)! In one of my many incarnations as a Social Worker I have fed thickened liquids to patients and I honestly cannot think of anything that would diminish

my quality of life more. I also know enough medical information to know I would prefer to take my chances and risk aspiration. This is certainly not something everyone looking at end-of-life wishes would worry about. This is not something anyone would know about me if I didn't make it clear during conversations and put it in my 5 Wishes document. This is also not something that would have even given my family pause, if at some point the doctor told them it was necessary to keep me safe. But it is a true concern of mine, and now everyone who might be faced with making decisions for me knows it. There is a lot of piece of mind in that.

So, using 5 Wishes, or any advance directive, helps with these issues, and specifically 5 Wishes allows you to answer 5 basic questions, including "The Kind of Medical Treatment I Want or Don't Want," "How Comfortable I Want to Be" and "What I Want My Loved Ones to Know." It allows you to circle those statements you agree with, cross out those you don't, and even write in what may be missing that is specific to you and your wishes. It has a place to designate the person you want to make these decisions when the time comes and what you would like done at the funeral or Memorial Service. It is a skeleton document that prompts you to fill in the blanks with those things you need to consider and communicate.

Continued... on Page 6

Preneed contract Questions to ask Mo. Legislators

If you presently own or are thinking of buying a preneed contract for funeral or burial services in Missouri, here are some questions you will want to ask Missouri Legislators who are in the process of drafting new preneed laws:

- 1) What will happen to my preneed contract if the funeral home goes out of business? (Under the present law, you may be out of luck.)
- 2) Should Missouri have a preneed guaranty fund to cover defunct funeral homes like other states?
- 3) Should there be a way for me to request information about my preneed funeral contract regarding how much I have paid in, what my account is worth today and who is holding those funds? (The present law has no such requirement.)
- 4) What is your position about trust-funded preneed contracts regarding how much of my payments should be placed in trust? (The present law requires 80 percent with 20 percent retained by the funeral home selling the contract. The Funeral Consumers Alliance believes that 100 percent should be placed in trust.)
- 5) Under what circumstances should a funeral home be allowed to withdraw interest income from a preneed trust? (Presently, funeral homes can withdraw and keep all interest income. FCA believes it should remain in the trust.)
- 6) Have you accepted any campaign contributions from a funeral home or cemetery since preneed reform was proposed last May?

Don't assume others know your wishes (Continued from Page 5)

There are other advance directives available and any one is fine to use. My concern is that anyone seeing a more complicated version will feel discouraged and decide completing one is too troublesome. It is important that everyone know about the different forms and different organizations that are working to encourage people to have his/her wishes known and acted on. We live as we choose in many ways, including who our friends are, what entertainment we enjoy, what neighborhood we prefer and what

foods we crave. I see no reason that wonderful right to self-determination should cease as we near our own end.

5 Wishes is an acceptable Advance Directive in 40 states including Missouri. (Kansas does not accept it currently, but it can be attached to the state form for further clarification of your wishes). If you are interested in getting a copy of 5 Wishes, please call 1-888-5-WISHES (1-800-594-7437) or go to www.agingwithdignity.org. There is a \$5 fee for the document.

Preneed bills (Continued from Page 1)

28 Republican, filed Senate Bill 1 claiming it is a place holder as the bill was completed, but as it is currently written, SB 1 only requires 85% trusting, not the 100% so many have requested. The bill is being rushed through, most likely in an attempt to thwart any attempt to make changes, and to rush it by the other committee members who know little about the issue. There might still be time for changes if we hurry. FCA encourages everyone to call their Senators and

Representatives to insist on more consumer friendly changes to the bill. To see a bill summary, go to: http://www.senate.mo.gov/09info/BTS_Web/Bill.aspx?SessionType=R&BillID=512762

This legislation is important to all Missourians and to anyone considering or currently possessing a prepaid funeral policy. Please take a moment to call, email or write your representatives to state your opinions on SB1 and HB 853. We at FCA-GKC will do the same.

Missouri Legislators to contact

The following Missouri legislators are members of committees involved in crafting a new law from two pending bills regarding preneed funeral contracts. Here is how to contact them.

House Bill 853

Rep. Jay Wasson – chairman
573-751-1503
Jay.wasson@house.mo.gov

Rep. Don Wells – vice chair
573-751-1490
Don.wells@house.mo.gov

Senate Bill 1

Sen. Delbert Scott – chairman
573-751-8793
Staff: Charlie Ballard and
Debbie Poire

Sen. Luann Ridgeway of Clay County
573-751-2547
Staff: Amanda Burrows and
Mike Morris

Sen. Jolie Justus of Jackson County
573-751-2788
Staff: Maribel Ramos and
Charles Hatcher

A high school shop project for eternity

By Steve Nicely

A year ago, with his parents in declining health, Jim Wallace crafted a labor of love. The Leeton, Mo. High School teacher built an oak casket in the school's shop during his free time and after school.

"What more can you give a family member than something they will be in for eternity?" he reasoned.

The students in Wallace's manufacturing technology class were fascinated by it. They proposed building one as a class project, perhaps for the eventual use of someone of modest means. Their walnut casket is about half finished. It still must be sanded, stained, varnished and upholstered – valuable skills that could come in handy in the future.

The eventual occupant for the class project remains unknown. Then there is the matter of about \$500 in out-of-pocket expenses that the shop teacher would like to recoup. A comparable casket would go for at least \$2,000 on the open market. Those questions will be answered in good time, Wallace said. Perhaps a local civic club will sponsor it for a deserving family.

Besides woodworking skills, Wallace believes the project teaches the young craftsmen something about life and death.

"The main thing I wanted to teach them is to think about other people



Their Leeton High School shop project takes shape. From left are Destinee Clary, Cody Claus, Brad Ditty, industrial technology instructor Jim Wallace and Shawn Majkowski.

who may not be as fortunate as they are. It's something they are making as a group and will feel good about for years to come."

Wallace has a saw mill on his farm outside of Leeton, which is about 15 miles south of Warrensburg. He fells the trees, drags the logs to his house and mills the lumber. After six to eight months of drying time, it's ready for use.

The casket lids require a fairly difficult procedure – a compound miter cut. Three walnut handles on each side and one on each end will be turned on a lathe.

The oak casket Wallace made last year for one of his parents? It's still in storage. When the time comes, it will be ready.

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Price surveys are available

We just printed another 500 copies of our summer 2008 newsletter containing the results of our funeral services price survey and directory of all funeral homes in the Greater Kansas City. In this economic climate, the surveys become valuable sources of information not available anywhere else. Order from one to 25 of them for yourself, your church group or club by filling out the address form on the back of this newsletter. Our printing and mailing costs are about \$1 per newsletter. We ask that you enclose enough to cover those costs and maybe a little extra.

Federal Trade Commission's Funeral Rule

The Funeral Rule gives you the right to:

- 1) Buy only the funeral arrangements you want.
- 2) Get price information on the telephone.
- 3) Get a written, itemized price list when you visit a funeral home.
- 4) See a written casket price list before you see the actual caskets.
- 5) See a written outer burial container price list.
- 6) Receive a written statement after you decide what you want and before you pay.
- 7) Get an explanation of the written statement you receive.
- 8) Use an alternative container instead of a casket for cremation.
- 9) Provide the funeral home with a casket you purchase elsewhere.
- 10) Make funeral arrangements without embalming.

Funeral homes are required by federal law to abide by these rules. For more details, go to www.ftc.gov/bcp/edu/pubs/consumer/products/pro26.htm.

