

Funeral Ethics Organization

Winter Newsletter 2006



Hinesburg, Vermont

Continuing Education: Ten Years Later

by Wilson Beebe, Executive Director, NJSFDA

Ten years ago, New Jersey's funeral directors joined the ranks of regulated professions that have committed to mandatory continuing education (CE).

Traditionally, CE had its origins in the "learned" professions of law and medicine where there is a large body of knowledge in a constant state of flux that requires a continuous process of mastering. Emerging occupations, often without any licensure – financial planners come to mind – have used CE (and its voluntary variant of certification) to create a baseline, minimum competency and, its practitioners hope, legitimacy. The goal of continuing competency, combined with a basic political impulse to protect and define professional roles and licensure, has been the primary driver for the rest, pulling within its ambit nearly every licensed occupation in the nation including, but not limited to, nurses, teachers, social workers, architects, insurance agents and, of course, funeral directors.

What has been remarkable about the drive to create this affirmative legal obligation has been the absence of any criteria for how it should be fulfilled. Other than standards concerning the number of credit hours, and generalized direction about the need to earn credits in certain areas of a licensee's practice (if even that), continuing education laws are mostly silent. For instance, funeral directors in New Jersey must earn ten hours per biennial license period, and no more than three of those ten credit hours can result from programs "dealing with funeral merchandise, such as caskets, outer burial containers and clothing." Similarly, insurance agents are obliged to earn 48 hours every four years, must have classes involving ethics and insurance fraud, and then must log a specified number of hours in each underwriting area for which they are licensed.

In either case, what is missing is a specific course curriculum with clearly articulated objectives and an overall design that provides for a progressive path of learning over time, and that is tied to broadly shared objectives concerning the expected and anticipated performance of a profession's members. Consequently, those of us regularly subject to CE have the hit or miss experience of attending programs with varying degrees of relevance to our needs, and delivered with widely different levels of competency.

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By contrast, and this is a simplistic illustration, a "graded" curriculum might seek to classify programs as being "entry level," "intermediate," "expert" (and perhaps a category "for the completely disinterested"), and would have a highly structured program of instruction with clearly defined goals and objectives. A structured curriculum would also seek to balance its subject material with other core requirements, and have progressive degrees of practical and conceptual content.

Even given the uneven results of today's CE, it is better than nothing, and defensible on the merits. It exposes us to material that's different from what we might choose on our own, introduces us to different presenters with different points of view and, most importantly, forces us to interact with our colleagues. In this respect I have a pronounced bias against on-line courses and home study programs. While I appreciate their convenience and the role they can play in the transmission of material that is largely quantitative in nature, they cannot be a substitute for the classroom experience. No instruction is as effective as the insight we gain from the questions, observations and conversations of others. We benefit from even the dullest participant and teacher.

In the hands of some vendors, CE tends to morph into advertising and to function as a stalking horse for their marketing efforts. And the complete collapse of the promise of continuing education is represented by the granting of CE for merely walking through an exhibit hall at a state or national convention, glad-handing old friends and filling goody bags with yardsticks, pens, candy and coffee mugs.

The downside of CE programming without curriculum and curriculum standards is mediocrity, generality and the scourge of overpaid motivational speakers, a market the National Funeral Directors Association (NFDA) owns, hands down (“... where never is heard, a discouraging word ...”). In the hands of some vendors, CE tends to morph into advertising and to function as a stalking horse for their marketing efforts. And the complete collapse of the promise of continuing education is represented by the granting of CE for merely walking through an exhibit hall at a state or national convention, glad handing old friends and filling goody bags with yardsticks, pens, candy and coffee mugs.

By contrast, and to its credit, the International Cemetery and Funeral Association (a/k/a, the old American Cemetery Association), has made positive tangible progress in bringing structure to CE. Its ICFA University, built around five functional program areas and a four year participation timeline, recognizes the imperative to provide an array of substantive programming tailored to the stratified needs of its users.

We face a significant challenge to our professional viability by the failure to develop the workforce skills and information resources essential to succeeding in an increasingly diversified world.

With the increasingly self evident obligation to improve the social utility of funeral service and its labor versatility, we now need to begin investing in the creation of a diversified, multi-faceted and conceptually broad curriculum for post licensure education. It is time for our continuing education to evolve into a program of continuous education and educational development. Without such an effort, without the creation of a well-considered

curriculum, thoughtfully deployed and widely available, we face a significant challenge to our professional viability by the failure to develop the workforce skills and information resources essential to succeeding in an increasingly diversified world. As we have posited in our long range planning model, we need to build an appreciation of and level of participation in the rapidly growing social service universe that will dominate the aging segment of American society and that will, consequently, shape the opinions and attitudes towards death, dying and funerals.

This process of development poses significant challenges to organized funeral service, not the least of which involves the courage of governance and its twin, the strategic deployment of financial and other resources. Nevertheless, organized funeral service must make the necessary decisions now to develop a meaningful, post licensure curriculum that will pay dividends for our businesses and licensees later. §

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What's Wrong with CE?

by Lisa Carlson

One might readily assume that the legislative intent in requiring Continuing Education (CE) was to make sure that any licensed occupation will be up-to-date with the latest information needed to serve the public. How much new information do funeral directors and embalmers need each year to stay up-to-date? Unlike medicine, social work, or teaching, there is almost no new research done on funeral practices, even in a ten-year span, let alone every year or two.

Yes, there are occasional new OSHA requirements or health issues regarding AIDS, C-J disease, or—more recently—Avian bird flu. And new drugs that complicate the embalming process. From time-to-time, the FTC issues rulings that are not published with the Funeral Rule but rulings that should be widely disseminated to the industry. (Example: It is *illegal* for a funeral director to require a written acknowledgment that a GPL, CPL, and OBCPL was given.) I suspect one class a year might be sufficient to keep mortuary graduates educated in a timely way.

When requirements exceed both the need and the availability of truly educational resources, funeral boards undoubtedly are lured into approving questionable activities. One eastern state has a list of 671 approved CE programs on its web site. The web site is clearly out of date, however, as it still lists one credit for attending ICFA's 2001 Annual Convention. In fact, 467 of the 671 are promoted by trade associations. Under those listings there are quite a few that have to do with "Sales and Marketing," for which one could get eight credits (to benefit consumers?), but only one-and-a-half credits for attending a session titled "What Matters Most is What They Think." And only one credit for the session titled "Nine Strategies for Competing with the Catholic Church." If you attend an NFDA session on the "Right of Disposition," you can get one credit. (If the laws have changed since mortuary school, does it take more than ten minutes to explain the new "designated agent," for example?) But if you prefer a Home Study Audio Cassette (that probably costs a lot less than attending the conference), you can get a full four credits. (Has attendance at conferences gone down lately?)

Companies with goods or services to sell create a serious conflict of interest. It's hard to imagine how boards can keep a straight face while approving such "classes" as Batesville's "Caring for the Caregiver." (Almost anyone would appreciate some R & R at that swank Florida resort. And eight CE credits to boot!)

Among the many other offerings are 91 from what might be called educational sources—mortuary schools

or companies set up to offer CE. Curious about the latter, I checked out two of them. You can read the course text on-line at FuneralReview.com. I took a look at the three-credit, three-chapter piece written by Alan Wolfelt called "Understanding and Creating Exceptional Funeral Experiences." He started right out with Sue Simon's boiled frog analogy—time to get out of hot water, he explains, and the rest of the reading was pretty predictable about how to make services memorable. I didn't want to spend the \$39.95 to purchase the exam just for the purpose of this article, so I don't know how long the exam would have taken. But it took less than an hour to read the three chapters, for which I'll get three credits if I pass the exam.

Elite CME, Inc. has a unique approach. You don't have to pay until you pass their exam and want a verification certificate. So I signed in from Vermont (where I can get the state-mandated 10 credits for \$79.95 when I pass the test) and in less than 15 minutes I'd finished their 90-question exam with a score of 87.7% without bothering to read their 44-page text first (also available on-line). Although I aced the FTC questions, I didn't know how many people had died of HepB to date in the U.S. or in which year they claim the AIDS virus was first identified, but my passing score shouldn't have been too surprising with ethics questions like—

79) *It is not the funeral director's responsibility to make sure that he or she has all the correct information needed to file a death certificate in a timely manner.*

True

False

81) *Ethically, it is acceptable for a funeral director to encourage an expenditure beyond the financial means and wishes of the family.*

True

False

With the availability of a vacation in Florida hosted by Batesville, it's probably safe to assume that funeral directors are not always choosing the few courses being offered that might be important educationally. At least one indication of that is the low level of FTC compliance found on GPLs nationwide even though several courses being offered deal with the FTC Funeral Rule.

The following statistics are posted on the NDFIA website regarding CE requirements:

Alabama	none
Alaska	none
Arizona	12 hours per year
Arkansas	8 hours per year
California	none
Colorado	none
Connecticut	none
Delaware	10 hours every two years
Florida	12 hours every two years
Georgia	10 hours every two years
Hawaii	none
Idaho	none
Illinois	12 hours per year
Indiana	10 hours every two years
Iowa	24 hours every two years
Kansas	6 hours per year
Kentucky	4 hours per year
Louisiana	4 hours per year
Maine	4 hours per year
Maryland	12 hours every two years
Massachusetts	5 hours per year
Michigan	none
Minnesota	12 hours every two years
Mississippi	none
Missouri	none
Montana	12 hours every two years
Nebraska	16 hours every two years
Nevada	none
New Hampshire	15 hours every two years
New Jersey	10 hours every two years
New Mexico	10 hours per year
New York	12 hours every two years
North Carolina	5 hours per year
North Dakota	none
Ohio	12 hours every two years
Oklahoma	none
Oregon	none
South Carolina	3 hours per year
South Dakota	none
Tennessee	none
Texas	16 hours every two years
Utah	10 hours every two years
Vermont	10 hours every two years
	10 more if also embalmer
Virginia	none
Washington	10 hours every two years
West Virginia	3 hours every three years
Wisconsin	15 hours every two years
Wyoming	none

If funeral industry practitioners want to be viewed as educated professionals, those states with no CE requirements should add at least one annual course. Those with excessive goals need to get the law or regulation changed to a more reasonable number. And administrative agencies need to be more responsible and selective about what they approve before continuing education for funeral directors becomes a public joke. §

Jazz Up Your CEUs

by Kent Dorsey

Washburn & Dorsey Funeral Homes, Bostic, NC

My competitor and I have been providing funeral director and embalmer's continuing education classes for about six years now. The way the state law reads the classes must be open to all licensees, you can have a funeral director/funeral service specific class, or an embalmer/funeral service specific class — but it must be open to the licensees.

You can charge out the wahzoo and make it unlikely that anyone would want to attend, but outside of that, there are not many things that will keep them away. You can make it as boring as you wish — and they will come. Yes, do two hours on how to fill out a death certificate and they will come. Do two hours on the new state sales tax law (despite the fact it will take five minutes to explain to charge for merchandise only now...) and they will come. I can remember the olden days when someone sponsored some “spirits” and lit the entire drinking crowd up *before* the continuing education class. That's real conducive to good continuing education. However, I must confess I have been to a few classes that I *wished* someone had served up some liquid accessories beforehand.

I have been to great continuing education classes by Todd Van Beck, Thomas Lynch, Steven Palmer, and Doug Manning, and the hours we spent together were too short. Their talks were rejuvenating and funny.

The concept in continuing education is that the licensed masses will hear something that will make them serve the public better. Occasionally, that happens. It can actually happen outside of the classroom during a break and does many times. Just remember I said the licensed masses. Unfortunately we have the licensed “messes,” too, those who already know it all or absolutely close their minds to learning a new service or a new way. The public can be the winner if the funeral director picks up on new ideas and finds new ways to serve the community.

Another thing I think that is important with continuing education classes, check your ego at the door. We need to be on the same level and have open discussion as much as possible. Some Escalade drivin' owner who hasn't made a home removal at 11p.m. in a trailer park is not likely to get on the same level as the guys and girls who are still in grass roots funeral service — making those 11p.m. removals, washing their own cars, and working every visitation. The grass roots people are the ones usually very interested in their communities and interested in great continuing education. The Escaladers may think they are a big deal in their town; but when they come to the continuing education classes, it's time to land on earth for awhile. There's a nice casket farm getaway where some

funeral directors can get their ego spanked every now and then, but no credit should be given for that sojourn.

The concept is good—and it works sometimes. We are all lucky when it benefits the bereaved who seek us out to point them in the right direction.

Class topics are sometimes difficult to come up with. You have to find a trendy topic, *then* find a way to make it interesting. It is not uncommon that I start thinking about an idea and it may be a couple of years before we have the class. One of my gauges I use is this: If I come up with an idea, and my CE partner Shane Earley says, “Oh good gosh — that's crazy — how are you going to make a class out of that?”, I know I'm headed in the right direction.

Some classes are a lot of planning ahead and easy the night we present them, such as the case with our “Taking Those Boards Again” classes whereby the student takes portions of a National Board exam again. Can you say Isotope?

One of my favorite classes to teach is called, “Funeral Home Liabilities and Parking Lot Cursings.” It is everyday, rather innocent things done at funeral homes that landed someone in hot water. I pepper it with some funny tales, too. The parking lot cursings allude to situations I was put it when I was a little funeral cub trying to park folks for funerals. It seemed that it was part of my job description for some blonde in a Jaguar to get pissed off and throw some profanities at me.

Shane's best topic is communicating payment options—and why it should be distributed evenly among your clientele. Classes like these turn into great moments to exchange ideas and printed payment plans for everyone's benefit.

We have just had a class on handling bird flu cases taught by Nelson Hayes. I could be wrong but my guess is that we are among the first in the nation to address the bird flu situation.

We have constantly warned over and over about the terrible situation presented by methadone overdose, and what the methadone does to a human body, causing a greatly, greatly accelerated rate of decomposition. This is another area where I feel we have been a leader, and I get a couple of calls each year from embalmers who are potentially facing a methadone overdose case. An embalmer who is facing one of these cases and doesn't know what he or she is dealing with is in for terrible problems.

The class has to be interesting. I have had topics suggested that for the life of me I couldn't figure out how to make interesting. So we don't do them.

We encourage class participation and comments and play loud subversive music during the breaks to keep an energy level up. We have a list of sponsors who pay for sound services and a free supper. I have never had a problem finding sponsors for these events. §

It May Be Time To Renew!

If you sent a membership donation within the past six months, it is not necessary to renew your membership so soon again. That said, we are happy to accept donations at any time. As a nonprofit organization, many copies of the newsletter are mailed *gratis* to agencies we hope will benefit from the information and thought-provoking discussions we aim to provide. Therefore, we will be most grateful if you include something extra: \$25 pays for printing and mailing to 50 mortuary schools. \$25 pays for 50 class copies that can be passed out to students for discussion. (About six schools are now requesting these.) \$100 will reach those mortuary schools for four issues for a full year. \$100 makes sure that each funeral or cemetery board receives a year's worth of issues or reaches 50 hospices. **It is the generosity of our benefactors that makes the added mailings possible. Thank you!**

Yes, I would like to become a member, or renew, and subscribe to the FEO quarterly newsletter. Enclosed is my check for \$25. I'd also like to make a donation of \$ _____.

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Please send me _____ brochures about FEO

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Professional Challenge

The following question was put to a number of funeral directors, state regulators, and others. If you have a question that you would like to see discussed (including issues that involve cemeteries, monument dealers, law enforcement, hospice, etc.), please drop us a line — news@funeraethics.org

You've become aware that the metal implants (such as those used in hip replacement) have some scrap metal value (cobalt, titanium, stainless steel) when retrieved from cremated remains. What do you do with them? How do you handle it?

As it happens, we have one now. The metal arrived with the cremains. I tried to give it to the next of kin. She told me to "dispose of it." Yes, I suppose we will "trash it."

~

So long as one is completely transparent in all deliberations with a family I don't see how you could ever become embroiled in charges of impropriety.

In the case cited, family will have either informed the director of the situation and circumstances, or they might have overlooked, even forgotten these unique details. Regardless, the director should, in my opinion, inform the family of the existence of the implants, then seek direction as to how they should be handled.

I can't think of any reason for the director to act on his/her own, with respect to the implants, without first obtaining consent or permission on disposition from the family.

~

Ask the family if they want them and if they don't discard them with the other biological refuse. Or call a local Hospital or other group that might have use for them and donate the parts to them. I don't have time to be a scrap collector. Rings kind of like the people who steal the vases from the bronze markers and sell them.

~

One or more choices could be made from the following:

1) Save these semi-precious metals and sell them

(once you have accumulated at least 10,000) to a precious metals dealer so you can retire early.

2) Use them as door stops.

3) Sell them to those pesky doctors that are always pawing through the crematory dumpster looking for items to reclaim and reuse.

4) The standard in this country has always been to remove pacemakers from individuals being cremated before cremation for one reason: pacemakers may explode during the cremation process and damage the cremation chamber. Subsequent to that realization and the understanding that pacemakers could be reused they are removed and occasionally recycled to third world countries (we wouldn't use them here in the U.S., of course). Not unlike the glasses the Lions clubs (and others) collect and recycle, many pacemakers (like the glasses) are tossed out in the trash on a daily basis nationwide by unknowing and/or uncaring operators.

So to answer your "ethical" question such items (in one man's opinion at least) should be used or in this case reused whenever possible as they were designed. Obviously not without having a properly drafted and executed cremation authorization allowing such recycling with the full knowledge of the next-of-kin.

~

If the metal implants were to have any value after cremation, then they would be offered to the next of kin. Obviously, there is currently no value in metal implants other than possibly in pacemakers, so this is not a problem. Occasionally, I have a family member ask me what happens with dental gold. I tactfully explain that it is non-recoverable after the cremation. That answer has always brought the discussion to a close.

~

The metal prosthetics we recover are currently being collected and discreetly disposed of, if the family doesn't want them back. I have been approached by "scrappers" who want to take these off my hands, but I am not comfortable with this. It is really not different than collecting dental prosthetics and selling them for the assayed value.

The pacemakers we remove before cremation are being sent to "Heart to Heart", the family signs an authorization and release for this.

OrthoMetals is a nonprofit company started in the Netherlands by an orthopedic surgeon who wondered what happened to the expensive hip replacement for an elderly patient who died and was cremated not long after the hip operation. He was shocked to find that there was no environmentally-responsible plan in place. Metal implants (cobalt, stainless steel, titanium) cannot be reused surgically, but they can be recycled in the metals market—for use in airplane engines and other manufacturing. OrthoMetals now collects metal waste from crematories in seven European countries and has donated more than \$700,000 to charities from the “profit” gained in this re-sale in the few years since its beginning. OrthoMetals will be exploring pilot projects to do the same in the U.S.

www.orthometals.nl

what to do with, an alternative that would be easy to offer to survivors.

Yes, a cremation authorization should have an added paragraph about disposition of implants, including pacemakers, with the option of returning all to the survivors if they wish. But providing the option of a donation to a nonprofit organization is likely to be well received by the general public, with authorization readily forthcoming. In fact, this idea seems like a long overdue and environmentally responsible option.

Nonprofit finances must be open to public scrutiny, so I don't see a problem with making sure that the companies doing this recycling are on the up-and-up. I do, unfortunately, foresee a few stray funeral directors getting the survivor's approval to recycle metal implants and then doing so for his/her own benefit. Like most bad boys or belles with bad ideas, they'll probably get caught.

NO, to Recycling Metal Implants

by Ron Hast

As death care and funeral service providers we have many more details and arrangements to complete than most would imagine. Opening issues of potential benevolence and donation tends to deepen responsibilities and potential liabilities. To merely ask for an authorization for implant recycling seems easy. But the complications begin when the idea becomes a family discussion about whether or not implants exist, the details of the program, who gains from it and tracks the recovery, packaging, and sending. Concerns extend to dental gold and the keepsake and monetary values, and resulting decisions that satisfy all parties. Having been through the dental gold presumptions, and explaining that the family dentist should be called for extraction and the likeliness of the value of dental gold being worth far less than the dentist's time to remove it can be a saga in itself. The potential for good intentions and appealing programs going sour is a serious consideration, given abuses over the years most all would never believe could happen until they did. One of the greatest responsibilities of death care is trust. I would not embrace any program as suggested, nor allow any crematorium to do so with any decedent we sent to them on behalf of the family, prior to or following cremation. §

The Funeral Ethics Organization does not specifically endorse any business, for-profit or nonprofit. In the above case, one FEO board member seriously objected to our mention of this project even though the editor felt it constituted “news.” Consequently, what follows are two opinions for you to consider when making up your own mind. If nothing else, the FEO newsletter should be provocative, a thoughtful airing of stimulating issues. We hope you will agree.

Yes, to Recycling Metal Implants

by Lisa Carlson

Can you imagine what the public will think if they find out that metal implants might have some scrap value and crematories or funeral directors are cashing in? A new black-eye the industry doesn't need. Jack Springer at CANA has been approached by at least one person interested in collecting implants, but there was no indication that it would be done not-for-profit. Some at the CANA conference this last fall were eager to be offered an alternative to stock-piling the stuff they didn't know



Coming next issue ~

**What Happens in a
Mausoleum Crypt?
Sealed Casket?
Open Casket?
What Are Consumers
Being Told?
—
Food in the FH?**

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**Funeral Ethics Organization
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We Can Do Better

➡ A Mormon family, after obtaining all the required permits and death certificate, and with the full knowledge and support of a local medical examiner, transported their father's body from Colorado to Wyoming for burial. Late in the evening of the second day, a member of the Wyoming state funeral board sent the local coroner (a funeral director) on his behalf to the private home where the family had gathered, demanding that the body be immediately placed in a body bag because the body had crossed state lines without being embalmed. (Not only did he misunderstand state law, he apparently commandeered the local law enforcement to locate a vehicle with Colorado plates in order to chase this family down.) Due to the bullying intrusion, the patriarch of this Mormon family was not buried in the true Mormon tradition. Needless to say, a lawsuit is likely pending.

➡ In 2003, both FEO and Funeral Consumers Alliance asked the Committee on Uniform Acts to re-visit the Uniform Anatomical Gift Act because the original had not anticipated the market in cadaver tissue. There has been no response from the committee to date, even after several inquiries. Will it take more scandals like the one in Brooklyn before improved legislation is generated?

... And Some Do!

➡ Barton Family Funeral Service in Renton, WA has a very informative and comprehensive web site. You can check it out at www.bartonfuneral.com. In addition to FTC information, veterans information, and religious traditions, they offer information, encouragement, and assistance with home funerals, too.

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www.funeralethics.org**