

# Don't get cheated at the funeral home

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By Kaitlyn Wells

Despite having 30 years to get it right, one in four funeral homes still isn't following a government regulation intended to protect mourners from the confusing and sometimes slippery practices of the funeral planning industry.

Annually, the Federal Trade Commission conducts compliance checks across the U.S. to ensure best practices are being followed among funeral providers. But its latest findings, published last week, found that 24.5% of funeral homes failed to comply with the FTC's 1984 Funeral Rule, which makes it possible for consumers to pick and choose the funeral services and goods a la carte. The Funeral Rule was enacted to help empower consumers during their time of grief, and to mitigate the chance of funeral homes purposely or inadvertently taking advantage of the situation by getting consumers to purchase more items than they really want. (For example, a funeral home can't require a consumer to purchase a casket as a condition for obtaining any other funeral goods or services.)

However, the Funeral Rule isn't well-known among either consumers or funeral providers. Since 2010, only 75% of funeral homes have been compliant with the law, and that figure has remained stagnant in recent years, according to FTC documents. But the FTC's Funeral Rule spokesman, Craig Tregillus, says he believes progress is being made, noting that the figure has increased significantly over the past quarter of a century, as some studies in the late 1980s put funeral homes at 30% compliance, he says.



Indeed, the FTC, which is responsible for enforcement, has been working to improve compliance. It gives offending funeral homes the opportunity to enter a three-year program designed to increase compliance, known as the Funeral Rule Offenders Program. It's an alternative to an FTC lawsuit that could lead to a federal court order and civil penalties of up to \$16,000 per violation. For the inspections they conducted this year, all but two funeral homes with price-disclosure violations have agreed to enter the Funeral Rule Offenders Program. The remainder will be sued, Tregillus says.

In one recent case, in January, the FTC settled with a New York-based funeral home that violated the Funeral Rule by failing to disclose prices in a previous FTC audit. The settlement required the funeral home to pay a \$32,000 civil penalty (it was ineligible to participate in the Funeral Rule Offenders Program because it was non-compliant with the Funeral Rule in 2001 and failed to attend the program back then).

Nonetheless, Pat Lynch, a funeral director at Lynch & Sons in Clawson, Mich., and former president of the National Funeral Directors Association, says there's still room for improvement. "Reasonably compliant isn't good enough; it should always be completely compliant," he says.

So why isn't the figure higher? "Today, the rate of non-compliance seems more like it's just sloppiness," Tregillus says. Experts agree that while some funeral providers are simply ignorant of the Funeral Rule, there are others who try to take advantage of consumers' ignorance of it. In independent audits, the Funeral Consumers Alliance, a consumer advocacy group, found that at least half of funeral homes have serious violations of the rule in their price packets. For example, a funeral home may have a dozen pages of packaged goods and services, and hide the itemized list and basic burial or cremation options somewhere in the middle.

Whether it's sloppy or intentional, when businesses ignore the FTC's rules, consumers too bear the costs — which can be substantial, with the median price of a funeral running roughly \$7,000, according to the NFDA. "Think of the average consumer who goes in when their husband dies. They're not even going to notice the cheaper options," notes Joshua Slocum, spokesman for the Funeral Consumers Alliance, which helped create the Funeral Rule. "That's why knowing your rights is so important."

No matter the situation, experts agree that consumers should shop around and ask funeral providers plenty of questions before deciding on a plan. And perhaps most important, people should know their rights. Here are the rules every funeral shopper should be familiar with before visiting a funeral home.

## **9 things you're entitled to under the Funeral Rule:**

### **Request prices over the phone**

If you're not ready to visit a funeral home in person, you don't have to. Funeral directors are required to provide price information over the phone. And you don't even have to give them your contact details to obtain the information. But don't forget to check local websites, as some post their prices online.

### **Get an itemized list**

When you arrive, the funeral home must give you a general price list to keep; it will include a list of at least 16 common items and services, such as embalming, makeup application and hearse services. Many funeral providers also provide this list online.

### **Receive a casket-price list**

If this information isn't already provided in the general price list, it must be made available on a separate casket price list. You must always receive this information before viewing the caskets. Plus, you can ask about the lower-priced products that may not already be on display.

### **See an outer-burial-container price list**

Outer burial containers surround a casket in a grave. While they're not required by state law, reports the FTC, many cemeteries do use them, so the grave doesn't cave in. If the funeral home sells containers and they aren't listed on the general price list, you can still request a price sheet before seeing the actual containers.

### **Decline embalming services**

While the average embalming service costs nearly \$700, reports the National Funeral Directors Association, there's actually no state law that requires embalming for every death. However, some may require embalming or refrigeration if the body is not buried or cremated within a certain time frame. (For example, California, Idaho, Kansas and Minnesota require embalming when a body is shipped, the Funeral Consumers Alliance says.) So if you're planning an immediate burial or cremation, no form of preservation is needed. But if there's a viewing, many funeral homes have a policy requiring embalming services. To avoid this fee, ask if the funeral home can offer a private family viewing without embalming, and if refrigeration is an acceptable alternative.

### **Buy only what you want**

You have the right to purchase only the items you want and nothing more. For example, you can purchase just separate goods, such as a casket, or separate services, like a makeup application. You don't have to purchase these items as part of a package deal, which could end up costing more.

### **Get a billing statement**

Immediately after arrangements are made — but before you pay and before the service takes place — the funeral home must give you an itemized bill with the total cost. It should also outline any legal, cemetery or crematory requirements that you need to pay for any particular goods or services. For example, a cemetery’s policy may require that a burial container be used.

### **Use a different container for cremation**

There’s no law requiring consumers to buy a casket for cremation. If the funeral home offers cremation services, they are required to tell you that alternative containers are available and they must make them available. Containers are often made of unfinished wood, pressed wood, cardboard or fiberboard.

### **Bring your own casket or urn**

Occasionally, you’ll see a sale at a big-box retailer offering a great deal on a casket or urn. Don’t let the deal pass you by for fear of your funeral home rejecting it. In fact, the funeral home can’t deny your request to use a casket (or urn) you purchased online, at a store or from another funeral provider. It also can’t charge you a “handling fee” to use it, nor require that you be on site when it’s delivered to the funeral home. But consumer advocacy groups like the Funeral Consumers Alliance recommend that you shouldn’t prepay for a casket unless you are taking it home to store.

To learn more about the Funeral Rule, visit [Consumer.ftc.gov](https://www.consumer.ftc.gov).

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