

# The Buckeye Director

A publication of the Ohio Funeral Directors Association

Summer 2010



**Hazard Identification  
and Risk Assessment  
in Ohio**

pg 11

**Funeral  
Procession Liability**

pg 12

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# The Buckeye Director

Volume 2 • Issue 2

## The Ohio Funeral Directors Association

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### OFDA Mission Statement

To represent and support our membership by promoting professional standards and excellence in funeral service.



## Features

Hazard Identification and Risk Assessment in Ohio .....	11
Funeral Procession Liability .....	12
BWC Unveils New Drug-Free Safety Program .....	18

## Extras

OFDA Family Day .....	5
SAC Applications/Donations Accepted .....	9
Undercover Inspections of Funeral Homes in Nine States and Washington, D.C., Press Funeral Homes to Comply with Consumer Protection Law .....	14
Health Care Reform: How Will It Impact YOUR Plan? .....	15
TSA Must Establish Viable Screening Protocol for New Regs .....	15
NFDA Makes Progress on Key Issues During Advocacy Summit Congressional Visits .....	19

## Departments

President's Message .....	5
Calendar of Events .....	5
Executive Director's Message .....	6
Resource Center Corner .....	8
Directors Data .....	10
In Memoriam .....	16
Classifieds .....	20

## Thank You to Our Advertisers

Abigal Press .....	23
Affordable Supply Company .....	21
American Coach Sales .....	9
Astral Industries .....	2
Aurora Casket/Lane & Company Communications .....	23
Columbian Life Insurance Company .....	22
Conley Funeral Trade Service, LLC .....	22
Eagle's Wings Air .....	22
Forethought .....	23
Horkover Glass .....	22
LCBA .....	21
NGL Preneed .....	4
Nomis Publications, Inc. ....	22
The Outlook Group .....	21
Pierce Companies .....	21
Pittsburgh Institute of Mortuary Science .....	21
Southland National Insurance .....	20
State Auto Insurance Companies .....	23
Stuart Burial Vaults .....	22
Terradise Computer Systems, Inc. ....	24
Thanos Institute .....	22
Vantage Products Corporation .....	22
Winterset Water .....	22

## The Buckeye Director Magazine Schedule

The schedule for all contributors to adhere to for future publications is as follows:  
September publication deadline is July 13, 2010

If your copy is not received by the deadline date, it will not be published. We feel it necessary to impose these restrictions in order to better serve our members.

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# An Honor to Serve

“Every man owes some of his time to the up-building of the profession to which he belongs.” – Theodore Roosevelt



Terry Reardon

The above quote is a dedication located on the inside cover of *The First 100 Years of OFDA*. I first read this quote as a young, inexperienced mortuary student in Cincinnati. Since that day, this wise statement has served as an inspiration to me, and for the past 25 years, I have tried to heed and live its message.

And finally, a huge thank-you to you, the members of our association, who, day by day, help families through such difficult times, by serving our communities as a beacon of light, a source of refuge, a friend to lean on lighting the way to order and recovery. These are the things that make our profession so honorable and so rewarding.

It is truly an honor for me to serve our profession and our association as its president.

Yes, it is indeed a privilege to dedicate a portion of my time to serve the profession to which we belong, and I thank you for the opportunity.

What a great way to start the year with such an awesome convention! I would like to thank the OFDA staff, Diana O'Neal and the convention committee for a great job, once again making our convention outstanding. Also, thank you to our exhibitors, whose support of all of us makes us better practitioners and our convention possible.

God bless you this summer.



## Calendar of Events

### JUNE

- 3 Mortuary Response Team Golf Outing – Oakhaven Golf Club, Delaware
- 15 Master Trust Committee Meeting – OFDA Headquarters
- 15 Executive Committee Meeting – OFDA Headquarters
- 25 Family Day, Cedar Point, Sandusky

### JULY

- 5 OFDA Office Closed for Holiday
- 11-14 NFDA Leadership Conference, Chesapeake Bay Resort, Cambridge, Maryland
- 20 Executive Committee Meeting – OFDA Headquarters

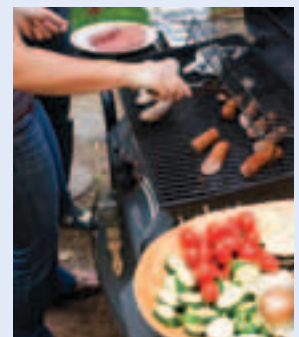
- 21 Board of Directors Meeting – OFDA Headquarters
- 28 Scholastic Assistance Committee Meeting and Interviews – OFDA Headquarters

### SEPTEMBER

- 6 OFDA Office Closed for Holiday
- 9 Golf Outing – Northstar Golf Club, Sunbury

### OCTOBER

- 10-13 NFDA Convention, New Orleans, Louisiana



## OFDA Family Day

June 25, 2010  
Cedar Point  
Sandusky, Ohio

Call the OFDA office  
at 800-589-6332  
for ticket availability.



Stephen J. Gehlert

## Excerpts from the Executive Director's Message at the 2010 Convention

In recent years, Texas Hold 'Em has grown to be one of the most popular poker games. You see it on TV, there are tournaments all over the country, and it seems to be the rage among young college students when they get together for a friendly game of cards. The most **dramatic** move in a game of Texas Hold 'Em is when a player goes "all in." The "all in" move involves the willingness to risk everything left on the table. The participant bets everything he or she has left on one hand.

Although I know no one is going to risk his or her business and livelihood in this type of dramatic move, I did wonder what an "all in" strategy might look like in the funeral profession. What if we committed our firms and our employees to an "all in" strategy with a 100 percent commitment to:

- **Integrity** in every case, every time
- **Service** with heroic efforts to please our families
- **Management** and support of our employees
- **Communication** of the value of funerals
- **Community** involvement
- **Preneed**

What prevents us from going "all in" in these areas? Many times, it is FEAR. The reality is fear can be paralyzing.

I read recently that in the New Testament, there are 125 Christ-issued imperatives. Of those, 21 urge us not to be afraid! That's 17 percent of the imperatives Jesus issued during his ministry. Fear is very real, and we need to understand it in order to conquer it and not let it control our lives.

### How Real Is Fear?

In the book *The Complete Worst Case Scenario Survival Handbook*, many of our deepest fears are addressed. For example, the book offers guidance about what to do if:

- An octopus traps you on the ocean floor (launch into a flurry of somersaults)
- You encounter a shark (punch the eyes and gills)
- You're locked in the grip of a silverback gorilla (stroke its arm while loudly smacking your lips)
- You're plummeting from the sky in a malfunctioning parachute
- You're trapped in a falling elevator
- You're on a blind date
- You're on the road with a teenager taking driving lessons

This book has answers to all those fears and more, but I don't believe we lose much sleep over these fears.

### What About Other, More Practical Fears?

- In crisis of debt and tossed about by creditors
- Recession and tossed about by stimulus packages and bailouts
- Growing old and senile
- Not able to take care of your family
- Unemployment
- Fear of violence

These are some of the practical fears we all face every day. The question is how best to overcome these fears and, thus, be able to move forward with certainty, confidence and peace.

One of my favorite books and movies is *Band of Brothers*, which is the story of Easy Company in World War II. It shows the incredible strength and power of friendship in not only overcoming fear but in creating bonds that not even time can destroy. As I reflect on the story of *Band of Brothers*, I like to look at the similarities of the friendships forged under battle conditions and those that we nurture in an association. I know our situation is not as dramatic as a combat life-or-death scenario, but many lessons are similar. For instance:

- The importance of friendship
- The simple truth is we can't do life ALONE – we need each other.

And an association gives us the unique opportunity to share successes, failures, advice, encouragement and wisdom with each other in a protected environment.

### What Are the Other Elements of Friendship Commonly Seen Through Our Association?

- We enjoy each other's company
- We are useful to each other
- A common commitment
- A shared mission
- Friends respect each other even when they disagree

### With This in Mind, Who Are Your Band of Brothers?

- Funeral directors in your community
- OFDA Board of Directors
- Classmates



- Committee members you serve with
- Members of the OFDA staff
- Employees in your own funeral homes

One of my favorite Scripture verses says simply, “A friend loves at all times, and a brother is born for adversity.” Wow — can you imagine having a friend or brother who just can’t wait to help you through your difficult times — a brother or sister who knows he or she was born to be there for you?!

We talked earlier of fears we all face daily. Sharing through our friendships can greatly alleviate these fears. These basic, solid relationships also help create an environment where our **diversities** can come together to raise us all to greater heights — diversity in culture, big city versus small towns and large- versus small-volume funeral homes.

What appear to be major differences are actually strengths we need to share with each other. I truly believe, to grow into the type of association we need to aspire to be, we need to embrace our diversity and let it unite us in our common mis-

sion, as opposed to letting it divide us, as it can easily do.

Let’s strive to work together to promote the best interests of funeral service throughout Ohio and the entire country. Let’s do it as brothers and sisters who will share adversity with each other in order to make each of us better than we can be working alone. That is the real purpose and value of this association.

In closing, let’s remember the words from the play *Henry V* before the battle, which were the inspiration for the book and movie *Band of Brothers*.

*From this day to the ending of the world, but we in it shall be remembered.  
We few, we happy few, we Band of Brothers;  
For he to day that sheds his blood with me  
Shall be my brother.*

The bond of friendship is what this association must promote. In reality, it is the very heart of why associations exist and what their true purpose is. A picture to keep in your mind as we

form our Band of Brothers is of a small child following his father through the snow. He stretches to step where his dad stepped — no easy task. His father, seeing what the son is doing, smiles and begins taking shorter steps so the son can follow easily.

It’s a picture of great friendship. In our profession, we follow in someone’s steps. A parent, a teacher, a former boss, a personal hero — none of us is the first to walk in the track. All of us have someone we follow. We, in turn, leave footprints for others to follow — a son or daughter, employees — none should be left to walk the trail alone. It’s the principle of friendship and brotherhood.

The knowledge that we have such valued friendships will enable us to overcome any fear and to commit ourselves, our firms, our employees and our association to an “all in” attitude on behalf of funeral service in Ohio.



## Resource Center *Corner*

by Janet Blankenship, Resource Coordinator



### The new revision of *Should Children Know About Death?* is now available!

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In a mailing to the OFDA membership in February, we requested information on grief camps for children in your community. Listed below is the information we received for you to share with the families you serve. Additional information for listings below will be posted on our Web page, [www.ofdaonline.org](http://www.ofdaonline.org), along with any further information submitted to our office.

#### Ashland

*Kidscene*, day camp, ages 6-12, June 14-18, 2010, sponsored by Hospice of North Central Ohio. Diane Park, [diane.park@honco.org](mailto:diane.park@honco.org), 800-952-2207.

#### Bellefontaine

*Camp Hope*, overnight camp, ages 8-18, June 4-6, 2010, sponsored by Schoedinger Funeral and Cremation Service. Michael Schoedinger, Lajos Szabo, 614-429-5754, [www.schoedinger.com/grief-and-healing/camp-hope](http://www.schoedinger.com/grief-and-healing/camp-hope).

#### Bellbrook

*Grief Share*, day camp, all ages, every Thursday (sometimes Tuesday) evening, sponsored by Conner & Koch Funeral Home and surrounding churches. Brian Koch, 937-848-6651.

#### Canton

*“Good Grief” Camp for Kids*, day camp, ages 6-12, August 9-13, 2010, sponsored by Reed Funeral Home, [www.reedfuneralhome.com](http://www.reedfuneralhome.com), Carol A. Reed or Gloria Sanders, 330-477-6721.

#### Cleveland

*Animal Camp*, day camp, ages 6-12, five weeks offered (sign up for one week), [www.touchedbycancer.org](http://www.touchedbycancer.org), Kathleen McCue, 216-595-9546.

#### Dayton

*Camp Courageous*, day camp, grades K-6, July 12-16, 2010; overnight camp, grades 7-12, July 20-22, 2010, sponsored by Hospice of Miami County and Generations of Life Center, [www.homc.org](http://www.homc.org), Anna Marie, 937-573-2100, [gol@homc.org](mailto:gol@homc.org).

*Camp Pathways*, overnight camp, ages 7-17, June 25-27, 2010, sponsored by Pathways of Hope, Hospice of Dayton, [www.hospiceofdayton.org](http://www.hospiceofdayton.org), 937-258-4991.

*Teen Trek 2010*, overnight camp, grades 7-12, July 20-22, 2010, sponsored by Hospice of Miami County and Generations of Life Center, [www.homc.org](http://www.homc.org), 937-573-2100, [gol@homc.org](mailto:gol@homc.org).

#### Fairlawn

*Camp Promise*, day camp, ages 6-11, June 14-16, 2010, sponsored by Hospice of Visiting Nurse, Center for Loss and Hope, Rochelle Shephard, 800-335-1455, ext. 4662.

#### Maria Stein

*Camp BEARable*, overnight camp, ages 6-15, July 23-25, 2010, sponsored by State of the Heart Hospice, [marleneblack@stateofthehearthospice.com](mailto:marleneblack@stateofthehearthospice.com), 800-417-7535, [www.stateoftheheartcare.org](http://www.stateoftheheartcare.org).

#### Newark

*Children’s Bereavement Camp*, day camp, ages 6-12, July 12-16, 2010, sponsored by Hospice of Central Ohio, Jon Fouts, 800-804-2505.

#### Rockbridge

*Camp Atagahi at Wyandot*, overnight camp, ages 7-18, August 1-7, 2010, sponsored by Camp Fire USA Central Ohio Council, Odyssey VistaCare and Hospice Foundation. Amy Boyd or Margie Doolley, Camp Fire USA Central Ohio Council, 614-481-8227, [margie@centralohiocampfire.org](mailto:margie@centralohiocampfire.org), [www.centralohiocampfire.org](http://www.centralohiocampfire.org).

#### Springfield

*Camp Phoenix*, day camp, ages 5-16, June 18, 2010, sponsored by Community Mercy Hospice, [www.ehealthconnections.com](http://www.ehealthconnections.com), 937-390-9665.

For bereavement professionals:

### 2010 National Bereavement Camp Conference

June 26, 2010, Cleveland, Ohio

First annual National Bereavement Camp Conference, sponsored by: The Moyer Foundation, founder of “Camp Erin,” the largest bereavement camp in the country.

Contact Lynette Moore, [lynette@moyerfoundation.org](mailto:lynette@moyerfoundation.org), [www.moyerfoundation.givezooks.com/events/national-bereavement-camp-conference.com](http://www.moyerfoundation.givezooks.com/events/national-bereavement-camp-conference.com).

If you know of other children’s grief camps, events and/or seminars to be added to the Calendar of Events, please send information to the OFDA Resource Center, [janet@ofdaonline.org](mailto:janet@ofdaonline.org), call 800-589-6332, or fax 800-507-1465.

# SAC Applications/Donations Accepted



The OFDA Scholastic Assistance Committee is currently accepting applications from mortuary students for financial assistance. Applications must be submitted along with other pertinent material by **July 9, 2010**. Students currently enrolled or scheduled to begin mortuary college this fall are eligible. Interviews will be conducted **Thursday, July 28, 2010**, at OFDA.

Annually, the committee selects five to 10 students (based on number of applicants applying for and deserving aid) to receive financial assistance. Awards are paid directly to the mortuary college to defer tuition expense.

Criteria utilized in determining an award are:

1) Scholastic standing

- 2) Funeral home or other applicable experience
- 3) Application content and appearance
- 4) Professionalism (presentation of oneself)
- 5) Response to interview questions
- 6) Financial need

Based on a 100-point scale, each applicant is rated and compared to the other applicants to determine the amount of an award, if deemed by the committee.

Any individual, firm or district wishing to contribute to the Ohio Funeral Education Foundation may do so by sending a tax-deductible donation to OFDA. All gifts are greatly appreciated.



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# YOUR WEB SITE AS A WEAPON?

by Robert L. Shank Jr., OFDA Director of Information Technology

By now, many funeral homes have learned that a good Web site will enhance your families' experience with your firm and give them another reason to use your services in the future. That's the way it should be. Many firms have spent thousands of dollars and hundreds of hours developing the proper colors, photos and text in order to soothe and comfort those they serve. What if all that money and effort could be turned against you in the blink of an eye? Unfortunately, a call from a member this happened to is what prompted this article, so please don't think it can't happen to you.

We are not talking about a super nerd who, for some reason, decides to hijack your Web site to use it to spread his or her unpopular message or an international corporation trying to enact corporate espionage of your funeral business. We are talking about the average person using something that already exists on 99 percent of the funeral home Web sites I have visited: an online obituary module.

Many online obituary modules include areas for the public to leave a condolence to the family or sign an online register book. These are wonderful, almost necessary features of a good online obituary system today. But beware — if unscrupulous people want to sign your online book or send an inappropriate message, they have the ability to use your own Web site as a weapon against you or the families you serve.

All good obituary modules contain the ability to MODERATE or APPROVE the postings that people place on your Web site *before* they are visible to the general public. If your Web site does not allow you to moderate the public input, you should disable this function immediately, and consider switching Web site providers to one that allows for approved postings. Under no circumstances should a visitor to your Web site be able to send a message to one of your families or place a public statement on your Web site *without your approval*. The messages coming from your Web site reflect your company's image, and you need to be an active participant in protecting what you have built.

Once we make sure that our Web site won't allow a public message without our approval, we need to look at what our approval process is. Normally, more than one person will need to be able to approve messages, so you



should set a standard by which your messages will be judged. Many times, it will be a subjective call by the person approving the message based on what the message says. I think it's easy for most of us to see when the message may not be appropriate and take action to make sure that it is not posted. The bigger danger is becoming complacent during your approval process, which allows a negative comment to "sneak through." Make it clear to everyone who has authority to approve postings that they need to *read every posting before approving them*, even when there are multiple postings to be approved. Sometimes it becomes too easy just to press the "approve" button, since 99 percent of the postings are well-intended messages of condolence.

While I don't know the details of the member's problem that prompted this article, if the steps above are followed, this problem may help you avoid a problem of your own. So check your Web site to make sure only approved messages appear to the public, and then remind everyone who has approval authority on your Web site to pay attention to the postings and never let anything questionable get posted. That way, your Web site won't be used as a weapon against you or your families.

*As always, if you have any questions about this article or need assistance, please feel free to contact me at [bob@ofdaonline.org](mailto:bob@ofdaonline.org) or 614-560-5182.*



# HAZARD IDENTIFICATION AND RISK ASSESSMENT IN OHIO

by Barb Garrison, MS, CHMM, President, Safety & Environmental Solutions, LLC

In the wake of recent catastrophic events, such as the earthquakes in Haiti and Chile, have you wondered to which natural and human-made hazards Ohio is most susceptible? Well, the Ohio Emergency Management Agency has conducted a Hazard Identification and Risk Assessment (HIRA), which identifies and analyzes potential hazards to determine their scope, impact and the vulnerability of the built environment to such hazards. To determine the hazards that pose the greatest threat to the state, a list of potential hazards was prepared by:

- Analyzing historical data on events that have occurred in the last 40 years
- Collaborating with subject matter experts in various agencies such as the Ohio Departments of Natural Resources, Transportation and Environmental Protection Agency
- Reviewing hazards identified in guidance materials provided by the Federal Emergency Management Agency
- Reviewing county hazard mitigation plans

The process used to rank the hazards is too detailed to explain in this article, but the final hazard list includes 15 hazards, which are listed in order of importance below.

**Flooding** — which includes flash flooding and normal river flooding. There have been numerous past declarations for this disaster.

**Seiche** (a standing wave in an enclosed or partially enclosed body of water, which can result in coastal flooding) — this is a geographically-spe-

cific hazard for areas bordering Lake Erie. There have been no past declarations for this disaster.

**Tornados** — which include windstorms. There have been several past declarations for tornados and high-wind events as a result of severe thunderstorms.

**Landslides** — which include road slips and mudslides. There have been several declarations for this type of disaster, many as a result of severe flooding.

**Winter Storms** — which include snowstorms, ice storms and any other winter precipitation. There have been declarations for this type of disaster.

**Severe Summer Storms** — in Ohio, the primary disaster factors for severe thunderstorms have been flooding, tornados, high-wind events and landslides, all of which have been addressed separately. Hail and lightning are also associated with severe thunderstorms.

**Invasive Species** — there have been no federal declarations for invasive species to date.

**Dam/Levee Failure** — this is considered an important hazard, as it has a significant impact on flooding.

**Coastal Erosion** — erosion from coastal storms and normal Lake Erie fluctuations.

**Wildfire** — there have been no federal declarations for wildfire to date.

**Land Subsidence** — there have been no federal declarations for land subsidence to date.

**Droughts** — there have been no federal declarations for droughts to date.

**Earthquakes** — there have been no federal declarations for earthquakes to date.

**Hazardous Materials** — which includes nuclear accidents. There have been no federal declarations for HAZMAT events to date.

**Terrorism** — there have been no federal declarations directly referred to as terrorism in the past. However, in August 2003, there was a declaration related to power outage, which initiated in Cleveland and spanned across a good portion of the northern United States and southern Canada. This grid could be considered a major target in future terrorist activities.

If you'd like more information about how the HIRA was conducted, go to: [http://ema.ohio.gov/mitigation\\_ohioplan.aspx](http://ema.ohio.gov/mitigation_ohioplan.aspx). The HIRA was last updated in 2008, and it is scheduled to be updated again in 2011. If you have any health, safety or environmental questions, please feel free to contact me at 614-404-384 or [bgarrison@sandesolutions.net](mailto:bgarrison@sandesolutions.net).

# Funeral Procession Liability

by T. Scott Gilligan, OFDA General Counsel



Scott Gilligan

Ohio, primarily through the efforts of OFDA and its Legislative Committee, its lobbyist, its Board and its members, has adopted laws that provide several important liability protections for funeral homes. One area where Ohio is in the forefront of protecting funeral homes is with regard to funeral processions. Unlike many states, where funeral processions have all but disappeared because of liability concerns, funeral processions continue to be offered in Ohio in large part because Ohio laws reduce liability for Ohio funeral homes that organize and supervise funeral processions.

What are those liability risks? In a case that went to the Florida Supreme Court, a funeral home was successfully sued for choosing a route for a funeral procession that went through a congested area. The court allowed a jury to determine if the funeral home was negligent for selecting the route when a participant in the funeral procession was involved in an accident. In cases from other states, funeral homes have been sued by third parties for injuries suffered when participants in funeral processions negligently operated their automobiles. There have also been cases in states where funeral homes have been sued because funeral processions proceeded through intersections against red lights, and courts have found that no state or local laws allowed them to ignore red lights, despite long-standing customs.

Not only have funeral homes incurred liability over funeral processions, but police departments and private escort companies have also been sued. The Chattanooga police department was held partially responsible for the accident when a police officer escorting a funeral procession left an intersection before the procession was entirely through it. When a car at the end of the procession was involved in an accident while going through a red light, it

was alleged the police officer negligently abandoned the intersection before the entire procession was through. Both the city and the funeral home were held responsible.

To counter these liability concerns, OFDA pushed through several important changes to Ohio's funeral procession laws several years ago. Those changes provide the following protections against liability:

- ORC Section 4511.453, which provides liability protections, covers not only funeral home's owners and employees, but also owners and operators of funeral escort vehicles. This expansion of immunity covering escort vehicles is important because, in many parts of the country, police forces and off-duty police have declined to escort funeral processions due to liability concerns.
- If a vehicle participating in a funeral procession that is not owned or operated by the funeral home or escort vehicle causes death, injury or damage due to carelessness or the failure to comply with funeral procession requirements, the funeral home and the escort service are immune from liability. Therefore, funeral homes are not responsible for the carelessness of participants in the funeral procession.
- While funeral homes and escorts are liable if their employees operate hearses, escorts and funeral vehicles in a careless or negligent manner, they are not liable for any other incidents that cause death, injury or damage unless they acted in a "willful, wanton or intentional manner." This provision provides immunity from claims that the funeral home was negligent in organizing a funeral procession, selecting the route for the funeral procession or any other act or omission except actually operating a vehicle in a negligent manner.

There is a critical caveat to all of these immunities: in order to be protected against these claims, the funeral home must be operating the funeral procession in accordance with ORC § 4511.451. This means the funeral procession must meet all of the following requirements to immunize the funeral home under the statute:

- The funeral procession must be a procession of two or more vehicles accompanying the body of a deceased person or the cremated remains of the deceased person.



- The funeral procession must be traveling only during daylight hours, and all vehicles in the procession must have headlights lit.
- All vehicles in the funeral procession must be displaying a purple and white or an orange and white pennant attached to each vehicle in a manner that is clearly visible to traffic approaching from any direction.
- While funeral homes are generally not responsible for the acts or omissions of participants in a funeral procession who fail to follow the statutory requirements, that immunity is only provided to the funeral home if the funeral home has informed the participants of the legal requirements pertaining to funeral processions and provided them with the appropriate pennant to display on the roof of their vehicles.

Ohio courts have not hesitated to strip immunity from a funeral home if the requirements of the funeral procession law are not followed. In the case of *Butcher v. Churchill*, 159 N.E. 2nd 620 (1958), the funeral home provided to participants in a funeral procession a 12-inch by six-inch purple and white marker attached to the middle of each windshield that had the word “Funeral” printed thereon. The court had to decide whether the funeral home and the participant were entitled to the protections of Ohio’s funeral procession law when a participant in the procession was struck while going through an intersection. The court found the sticker did not comply with the requirements of the statute because it was not a “pennant,” and it was not attached to the vehicle in a way that made it clearly visible to traffic approaching from any direction.

Therefore, the court found the immunities provided by the funeral procession statute did not apply.

In the case of *Dobrozsi v. Henson*, 162 N.E. 2nd 239 (1959), a participant in a funeral procession was held responsible for an accident because the court found the car was being operated 50 to 70 feet behind the car immediately in front of the defendant. In order to be part of the funeral procession, the court held it was necessary to proceed as a procession and the separation of 50 to 70 feet did not meet the statutory requirement of a procession.

As noted above, in order to obtain immunities under the statute, the funeral home must substantially comply with the requirements of the funeral procession law. One of the important requirements for obtaining immunity is to inform participants in the funeral procession of the requirements of the funeral procession law. At the end of this article, OFDA has provided sample funeral procession instructions. It is recommended that every Ohio funeral home provide a written copy of these instructions or similar instructions to all participants in a funeral procession. The provision of the written instructions will satisfy the key requirement of the law that the funeral home shall inform participants of the legal requirements pertaining to funeral processions. Of course, the funeral home should also place a pennant on the roof of each vehicle in the procession and ensure they are all operating with their headlights lit.

*OFDA members with questions regarding this article may contact Scott Gilligan at 513-871-6332.*

## Sample: Ohio Funeral Procession Instructions

- 1. Headlights.** The headlights of your vehicle must be on at all times while traveling in the funeral procession.
- 2. Pennant.** A purple and white funeral pennant or an orange and white funeral pennant must be attached to your vehicle if you are part of the funeral procession. The funeral director will place this pennant on your vehicle. Please do not remove it. The funeral director will remove the funeral pennant when the funeral procession has reached its final destination.
- 3. Driving in Procession.** When driving in the funeral procession, follow the vehicle immediately in front of you. While you should always maintain sufficient space between the vehicles so that you can safely stop, it is important to stay in line and proceed directly behind the vehicle in front of your automobile. In order that it is clear to other drivers that your car is part of the procession, do not allow a large gap to develop between your car and the vehicle in front of you.
- 4. Police Escorts.** If the funeral procession is escorted by a police or sheriff’s vehicle or motorcycle, follow the instructions of the officer. Please be careful of the escort as it may be necessary for the escort to pass through the funeral procession.
- 5. Proceeding Through Intersections.** The lead vehicle in the funeral procession will stop at intersections for red lights and stop signs. However, when the lead vehicle proceeds through the intersection, the remainder of the funeral procession has the right-of-way, notwithstanding any red light or stop sign. Nevertheless, all drivers in the funeral procession are urged to exercise due care to avoid colliding with any vehicle or pedestrian.



# Undercover Inspections of Funeral Homes in Nine States and Washington, D.C., Press Funeral Homes to Comply with Consumer Protection Law

by John H. Fitch Jr., Senior Vice President, Advocacy, National Funeral Directors Association

**Investigators working undercover in nine states and the District of Columbia found significant violations of Federal Trade Commission consumer protection rules at 52 of 175 funeral homes they visited during 2009.**

The FTC conducts undercover inspections every year to make sure that funeral homes are complying with the agency's Funeral Rule. The rule, enacted in 1984, gives consumers important rights when making funeral arrangements. Key provisions of the rule require funeral homes to provide consumers with an itemized price list at the start of an in-person discussion of funeral arrangements, as well as a casket price list before consumers view any caskets. The rule also prohibits funeral homes from requiring consumers to buy any item, such as a casket, as a condition of obtaining any other funeral good or service. By requiring itemized prices, the rule enables consumers to compare prices and buy only the goods and services they want.

Funeral homes found to have significant violations can enter a training program designed to increase compliance with the Funeral Rule. The three-year program is known as the Funeral Rule Offenders Program and is an alternative to a possible FTC lawsuit that could lead to a court order and civil penalties of up to \$16,000 per violation. It is run by the National Funeral Directors Association and provides participants with a legal review of the price disclosures required by the Funeral Rule and ongoing training, testing and monitoring for compliance with the rule. In addition, funeral homes that participate in the program make a voluntary payment to the U.S. Treasury in place of a civil penalty and pay annual administrative fees to the association.

FTC inspections during 2009 revealed a mixed compliance record:

- In Chicago, Illinois, one of 12 funeral homes inspected had significant violations
- In metro Washington, D.C., including parts of Maryland and Virginia, 19 of 59 funeral homes inspected had significant violations
- In Cincinnati, Ohio, three significant violations were found among 19 funeral homes inspected
- In Chattanooga, Nashville and Memphis, Tennessee, six of 25 funeral homes inspected had significant violations
- In Missoula, Helena, Bozeman and Townsend, Montana, three of 12 funeral homes inspected had significant violations
- In El Paso, Texas, six of 12 funeral homes inspected had significant violations
- In New Orleans and New Iberia, Louisiana, five of 22 funeral homes inspected had significant violations
- In Nassau County, New York, seven of 14 funeral homes inspected had significant violations

In addition, the FTC identified several funeral homes with only minor compliance problems. In this type of situation, the FTC contacts the funeral home and requires it to provide evidence that it has corrected the problems.

Since the Funeral Rule Offenders Program began in 1996, the FTC has inspected more than 2,300 funeral homes and found that 362 were substantially out of compliance with the Rule.

In conducting these enforcement sweeps, the agency receives assistance from several state attorneys general and the AARP. This year, the FTC wishes to thank Louisiana Attorney General James D. Caldwell and Tennessee Attorney General Robert E. Cooper Jr. and their staffs for their invaluable assistance.

In addition to its law enforcement efforts, the FTC educates consumers in English and Spanish about their rights under the Funeral Rule and provides guidance to businesses in how to comply. During 2009, more than 150,000 consumers and businesses ordered copies of these publications — *Paying Final Respects: Your Rights When Buying Funeral Goods & Services*, *Funerals: A Consumer Guide*, and *Complying with the Funeral Rule* — or viewed them on the FTC's Web site, [www.ftc.gov](http://www.ftc.gov).

The Federal Trade Commission works for consumers to prevent fraudulent, deceptive and unfair business practices and to provide information to help spot, stop and avoid them. To file a complaint in English or Spanish, visit the FTC's online Complaint Assistant or call 877-FTC-HELP (877-382-4357). The FTC enters complaints into Consumer Sentinel, a secure, online database available to more than 1,700 civil and criminal law enforcement agencies in the United States and abroad. The FTC's Web site provides free information on a variety of consumer topics.



# HEALTH CARE REFORM

## *How Will It Impact YOUR Plan?*

by Dan Brown, Vice President, Employee Benefit Management Corp.

**Undoubtedly, you've been receiving a variety of opinions, interpretations and information regarding health care reform issues.**

As the claims administrator and consultant to the Board of Trustees of the OFDA Benefit Trust, EBMC is diligently following the legislation in order to evaluate its impact on the Trust. You can be assured that we will communicate with you, on an ongoing basis, as to the most timely and accurate information.

In the meantime, we feel it's critical that we consider these factors in this confusing environment:

- The vast majority of the bill's provisions currently lack the regulations necessary for implementation (even though we can speak with certainty about some).

- It takes time for the dust to settle. Federal agencies responsible for enactment have not yet digested the bill nor have they begun to draft its regulations.
- Sometimes it takes the federal government years to untangle the language of such a bill.
- Patience and diligence is key. Acting too quickly or too soon will only create the need for serious revision later.

Please rely on EBMC and the OFDA staff to address any uncertainty or disorientation you may have regarding these confusing issues. This is our responsibility as a pioneer in the self-funded benefits industry and a steward of your health care benefit program.

Thank you for your trust.

## TSA Must Establish Viable Screening Protocol for New Regs

*From NFDA Bulletin – March 3, 2010*

NFDA learned the Transportation Security Administration (TSA) is working to establish screening protocol for human remains under new 100 percent air cargo screening requirements.

Under the "Implementing Recommendations of the 9/11 Commission Act of 2007," the TSA will require screening of 100 percent of air cargo transported on passenger aircraft at the piece level by August 1, 2010. This means shipments not screened before reaching the air carrier (either by a freight forwarder or indirect air carriers of a Certified Cargo Screening Facility) must be screened by the carrier.

According to an e-mail NFDA received from a TSA official: "The current screening protocols for human remains shipments will remain in effect on August 1, 2010, when the 100 percent air cargo screening congressional mandate becomes effective. TSA is continually reviewing the current (human remains) screening protocols. Our timeframe for 100 percent 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 dialog with TSA and the airlines so that your industry is prepared when additional screening measures are required."

NFDA has been working with TSA on the application of these new screening regulations to the shipment of human remains; NFDA's chief concerns have been ensuring the integrity of human remains and that screening procedures would not unnecessarily delay shipments. NFDA will remain engaged with the TSA as it determines how these new 100 percent air cargo-screening regulations will be applied to human remains shipments.

The latest news and information can always be found on the NFDA Web site, [www.nfda.org/tsainfo](http://www.nfda.org/tsainfo). NFDA encourages you to consider becoming a Certified Cargo Screening Facility under the TSA's Certified Cargo Screening

Program. For more information, visit [www.tsa.gov/ccsp](http://www.tsa.gov/ccsp) or e-mail the TSA at [ccsp@dhs.gov](mailto:ccsp@dhs.gov).





**MARY LOUISE GATTOZZI**, 92, of Willoughby, passed away March 1, 2010, at Hospice House in Cleveland.

Born October 22, 1917, in Cleveland, she had lived in Collinwood before moving to Willoughby 20 years ago. She was a member of the Church of St. Anselm in Chester Township and was a 1935 graduate of Collinwood High School, a 1936 graduate of the Cleveland School of Business and a 1950 graduate of the Cleveland School of Mortuary Science.

Mrs. Gattozzi had served as the publicity chairperson for the Soroptimist Executive Women's Association of Cleveland in the 1950s and was a member of the Matrice Club, Bella Italia and Stella di Roma, which were local Italian clubs. She also cooked annual spaghetti dinners with her husband, Nick, as fundraisers for the Northeast Kiwanis Club, was financial secretary for the Northeast Y camping program in the late 1950s and early 1960s and was an avid golfer, having belonged to the Tam-A-Rac, Grandview and Pine Ridge country clubs.

Mrs. Gattozzi was a licensed funeral director. She was a founder in 1946 of Gattozzi and Son Funeral Home in Chester Township and retired in 2001.

Survivors are her sons, Nicholas M. Jr. (Rose Marie, née Goryance) and Louis A. (Susan, née Polan); grandchildren, Kimberly Gattozzi, Lauren (Jay) Jones, Nicholas III (Stefani, née Saunders), Daniel and

Ellen Gattozzi; her great-grandchildren, Ashley, Emma and Alexandra Jones, Nicholas IV and Lydia Gattozzi; her sister-in-law, Phyllis (née Fatica) Mancino; her stepbrother, Frank J. (Barbara) Mancino; her stepsister, Nancy (John) Bindas; and many nieces, nephews, great-nieces, great-nephews, great-great-nieces and great-great-nephews.

She was preceded in death by her husband, Nicholas M. Sr.; her parents, Concetta (née Dragonetti) and Jerry Mancino; her brothers, Paul (Adele), Frank (Mary) and Michael (Betty) (Dorothy); her stepmother, Sarah (née Raimondo); and her stepbrother, Joseph (Joan) Mancino.

The family suggests contributions be made in Mary's name to the Holy Redeemer Catholic Education Endowment Fund, 15712 Kipling Ave., Cleveland, OH 44110, or Hospice of the Western Reserve, 300 E. 185th St., Cleveland, OH 44119.

**NEAL FREDERICK MAURER**, 87, of Fort Myers, Florida, and Wooster, Ohio, passed away on Wednesday, March 10, 2010, in Fort Myers, Florida, after a lengthy illness.

He was born April 29, 1922, in Apple Creek, the son of Clifford and Blanche Whitaker Maurer.

He was a graduate of Apple Creek High School. While he was a student at Kent State University, World War II commenced. He enlisted

in the U.S. Army and was a medic in the South Pacific for three and a half years, earning four Bronze Stars.

Following military discharge, he graduated from the Cleveland College of Mortuary Science. He served his apprenticeship at McIntire Funeral Home and later became the owner/manger until his retirement in 1984. Upon retirement, he and his wife of 61 years, "Meg" (Miriam Glass), of Akron, enjoyed wintering in Florida.

His favorite interests included outdoor activities, fishing, gardening, traveling, golf and listening to Big Band music. He was a longtime member and a past president of Kiwanis, a former chairman of the Wooster Chapter of the American Red Cross and a Board member of the Greater Wayne County Foundation and Citizens Bank/Bank One. He was a member of the Wooster United Methodist Church; a 63-year member of Ebenezer Lodge #33 F &AM; Wooster Chapter #27 Royal Arch Masons, Wooster Council #13 Royal and Select Masters, Wooster Commandery #68, Scottish Rite Valley of Canton and the Al Koran Shrine Club. He served on the Board of United Way and the Wooster United Methodist Church Board and was a two-term lay leader. His particular pride was involvement in fundraising for the renovation of the Second Baptist Church in Wooster.

In addition to his wife, he is survived by two daughters, Janis Bertelsen of Richmond, Virginia, and Karen (Fred) Warner of Charlotte, North Carolina; three step-grandchildren; and three step-great-grandchildren. Neal was preceded in death by his parents; a son-in-law, William Bertelsen; and brothers Carl (Greta), Paul (Marie) and Earl Maurer.

**RICHARD "DICK" L. NEWKIRK**, age 57, of Birmingham, Michigan, died on Saturday, February 27, 2010, as the result of a snowmobile accident. He was the son of retired funeral directors Harold J. and Rosa Lee Newkirk.

Dick graduated from Watkins Memorial High School in 1970 and Bowling Green State University in 1974. He retired in 2007 from Ford Motor Company after 30 years of service. He loved boating and winter sports.

He was preceded in death by his father, Harold J. Newkirk, in 1998; his grandparents, H. Lee Emerson and M. Gladys Emerson, Charles and Alberta Newkirk and Doyle and Gertrude Skeen.

He is survived by his mother, Rosa Lee Newkirk of Kirkersville and Sebring, Florida; his sister, Sally (Stephen) Barton of Washington, Illinois; his niece Jessica A. Deeds (Seth Soja), Chicago, Illinois; his nephews, Jeffrey J. Deeds (Kayla Lanning), East Peoria, Illinois, and Robert Barton, Washington, Illinois; his great-niece, Emma Deeds; his aunts and uncles, Judy Emerson of Pataskala, Robert (Mary) Newkirk and Carol Skeen, all of Bellefontaine, Ohio; Dorothea Lynd and Richard (Annabelle) Reelhorn, of Pataskala; several cousins; friend Irene Sautés of Troy, Michigan; and his former wife, Karen Newkirk of Northville, Michigan.



# BWC Unveils New Drug-Free Safety Program

The Ohio Bureau of Workers' Compensation (BWC) recently unveiled a new Drug-Free Safety Program (DFSP) that will replace the current Drug-Free Workplace Program (DFWP) and Drug-Free EZ Program (DF-EZ). These changes will take effect at the beginning of the 2010 policy year (July 1, 2010). Private employers will be permitted to begin the new program on July 1, 2010, while public employers will be eligible for a January 1, 2011, start date. Private employers are also permitted to start the program on January 1, 2011. Employers will have two participation levels to choose from: Basic or Advanced. There will also be a non-discount option for employers to implement comparable programs when required for state of Ohio public improvement projects, which has historically been known and will continue to be known as Level 0.

Those employers currently participating in the DFWP will soon receive a letter from BWC alerting them that they will see their last DFWP discount on their summer 2010 premium (due by August 31, 2010). If they are interested in enrolling in the new DFSP, they will need to complete the new Application for Drug-Free Safety Program (U-140) and indicate whether they want the Basic or Advanced level. Any employer interested in participating in the new DFSP will need to submit their application to BWC by June 30, 2010 (for a July 1, 2010 start date), or by October 29, 2010 (for a January 1, 2011, start date).

The advent of the new DFSP creates a fresh start for Ohio employers looking to receive workers' compensation premium discounts as a benefit of implementing a substance use and testing program. Participating employers will receive a 4 percent premium discount for the basic level and 7 percent at the advanced level. In addition, group-rated employers participating at the advanced level will be able to "stack" 3 percent on top of any discount they are receiving through a group experience rating program (up to the maximum allowable credit).

Any company that has previously exhausted its eligibility in the old program will be eligible to enroll in the new DFSP. Furthermore, there is no limit to participation in the program (the old program was limited to five years), and employers will have flexibility to move in and out of the program as their circumstances change without penalty.

While some of the details may differ between the old and new programs and between the basic and advanced levels of the new program, the key requirements are the same. Broad program requirements for the new DFSP include: development of a written substance policy (within the context of a holistic safety program); annual supervisor skill building and employee education; implementation of drug and alcohol testing; and employee assistance.

One key difference is the addition of safety elements to the new program. An online safety survey through the BWC's Web site must be completed at the beginning of the program year to evaluate your current safety program and identify areas for possible improvement. Employers participating at the advanced level of the DFSP must then develop an action plan for safety program improvements, based on the results of the initial review. Other required safety features include accident analysis training and online reporting and analysis of accidents through BWC's online tools.

As your association's preferred safety and risk management consultant, RiskControl360 stands ready to advise your company on the benefits of the DFSP and help you implement a program that meets your company's unique needs. For more information on the DFSP, feel free to call Shawn Combs at 614-827-0364, CareWorks Consultants, Inc.



## NFDA Makes Progress on Key Issues During Advocacy Summit Congressional Visits

Members of the Ohio Funeral Directors Association attend the NFDA Advocacy Summit and visit with Rep. Patrick J. Tiberi, representing the 12th District of Ohio.

During its 2010 Advocacy Summit, March 8-10 in Washington, D.C., members of the NFDA made notable progress in advancing important issues with their congressional representatives.

The three key issues that funeral directors discussed with members of the U.S. House of Representatives and Senate included:

- Ensuring taxpayers who set aside money for their funeral and burial trusts are not penalized for planning ahead by having this money counted as an asset in determining eligibility for the Supplemental Security Income (SSI) program
- Urging passage of the "Bereaved Consumer's Bill of Rights Act of 2009" (H.R. 3655), introduced by Rep. Bobby Rush, D-Illinois, which would require the Federal Trade Commission to develop a separate rule, similar to the Funeral Rule, that would cover cemeteries and all other sellers of funeral or burial goods or services
- Easing the tax burden for family-owned funeral homes through reduction or elimination of the federal estate tax

NFDA Senior Vice President of Advocacy John Fitch reports significant progress on two issues that have not received much attention. "Most

members of Congress had not heard of Rep. Rush's bill until they met with funeral directors during the Advocacy Summit. Similarly, many members of Congress were unfamiliar with our efforts to codify the SSI exemption for qualified funeral and burial trusts. Following their meeting with constituent funeral directors, several representatives and senators indicated interest in co-sponsoring these bills."

Fitch reported that while estate-tax relief is a controversial issue for some members of Congress, most agreed that something needed to be done to ease the burden for small businesses.

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