

# The Buckeye Director

A publication of the Ohio Funeral Directors Association

Summer 2012

## 2012 Convention Recap

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## Loose Lips Sink Licenses

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# The Buckeye Director

Volume 4 • 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.



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## Did You Know?

OFDA accepts articles written by our membership for possible publication in *The Buckeye Director*.

The deadline for future issues is as follows:

- July 13 for the September issue
- October 12 for the December issue

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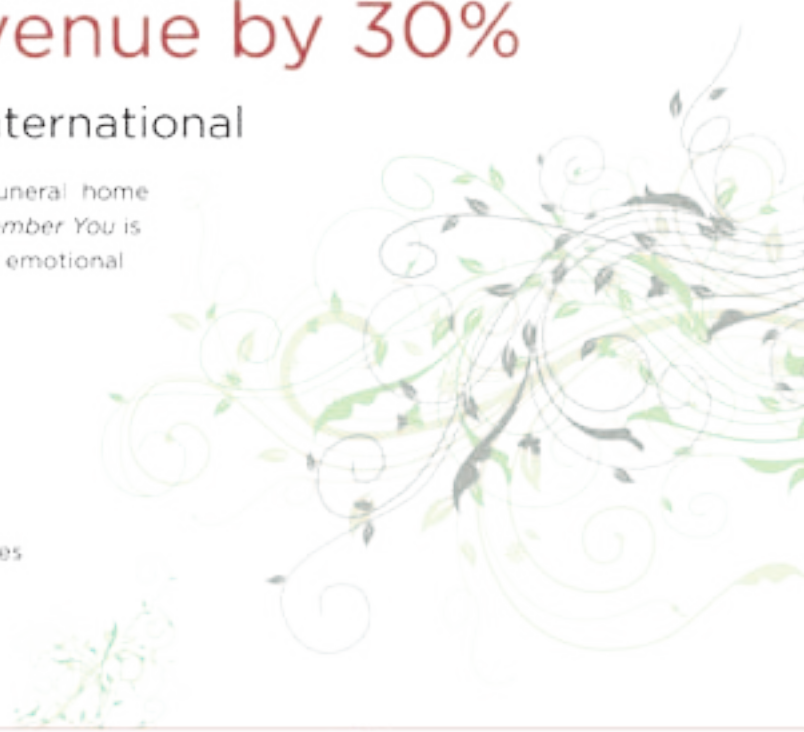


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# Walking the Path Together



## President's Message

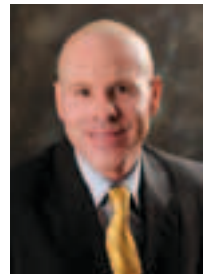
Who would have thought on June 8, 1881, when just 21 unlicensed “undertakers” met in Mansfield, Ohio, for the first OFDA convention, that, 132 years later, those same fundamental values would be celebrated today? Looking back, it’s hard to believe another convention has come and gone. A year’s worth of committee meetings, synchronizing guest speakers, managing booth assignments and a plethora of voicemails and endless e-mails end with just the blink of an eye. As the chapter closes on this year’s theme, “Harmony Through Diversity ... Growing Together,” we can’t help but celebrate the accomplishments of those who have walked that path before us and relish what the future may bring.

This year, we delivered you a convention packed with creative concepts that offered a variety of educational breakouts ranging from social media to pet loss. Our speakers were as captivating as they were diverse. I continue to be amazed at just how much social media has impacted funeral service today. I hope you took home a few pointers and understand the value social media can play in today’s marketplace. Todd Crandall taught us anything is possible, even under the toughest circumstances. His inspiring journey from drug and alcohol abuse to becoming a world-renowned Ultraman triathlete demonstrates that hard work and determination are key components to success. We were also reminded that life can change in the matter of a second by Lee Woodruff. This certainly puts things into perspective, doesn’t it? I hope you also enjoyed the concept of an awards luncheon and sharing in the installation of the officers

on the convention floor. It was nice to see funeral service professionals recognize personal achievements of others and come together to develop best practices with one another.

Let me take this opportunity to thank all the staff members at OFDA, the Convention Committee and the Sales Club for a job well done! Your dedication and attention to detail helped ensure that even the smallest of details were taken care of. I would be remiss to not mention the numerous exhibitors and suppliers who participated at this year’s convention. Furthermore, I would like to express my heartfelt appreciation to all those who provided sponsorships. I realize your participation is a large investment, so let me personally thank you for placing trust in me and value in OFDA.

I am truly honored and humbled to represent OFDA and its membership throughout this next year as its president. I’m thankful for the support of old friends and colleagues, and I look forward to forging new relationships. Each of you brings dedication and passion to the families you serve and the community in which you live. I am appreciative of all the opportunities of growth, both personally and professionally, and I look forward to working closely with John, Anthony, Joan and new OFDA Secretary Terry Palmer, CFSP. I am confident, knowing we will have a very productive year, and we will grow together. As this year unfolds, I hope you stop to recognize the diversities within your own life and work together in harmony for the greater good.



Mark Merz, CFSP



## Calendar of Events

### JULY

- 4 Independence Day – Office Closed
- 17 Master Trust Committee Meeting, OFDA Headquarters
- 17 Executive Committee Meeting, OFDA Headquarters
- 18 Board of Directors Meeting, OFDA Headquarters
- 22-25 NFDA Leadership Conference, Santa Ana Pueblo, New Mexico
- 31 Scholastic Assistance Committee Meeting and Interviews, OFDA Headquarters

### AUGUST

- 21 Master Trust Committee Meeting, OFDA Headquarters

- 21 Executive Committee Meeting, OFDA Headquarters

### SEPTEMBER

- 3 Labor Day – Office Closed
- 6 OFDA Golf Outing, NorthStar Golf Club, Sunbury
- 18 Master Trust Committee Meeting, OFDA Headquarters
- 18 Executive Committee Meeting, OFDA Headquarters
- 25 District 14 Meeting with OFDA Program, Der Dutchman Restaurant, Plain City
- 27 District 10 Meeting with OFDA Program, Location TBD

### OCTOBER

- 7-10 NFDA International Convention & Expo, Charlotte, North Carolina
- 16 Master Trust Committee Meeting, OFDA Headquarters
- 16 Executive Committee, OFDA Headquarters
- 17 Board of Directors Meeting, OFDA Headquarters
- 17 District 2 Meeting with OFDA Program, Location TBD



Stephen J. Gehlert

## Excerpts from the Executive Director's Address

President and Convention Committee Chairman Mark Merz chose the theme "Harmony Through Diversity" for this year's convention.

I think this is an excellent theme, but more than just a theme for a three-day convention, it should become a mission statement for our association, for individual funeral homes and, ultimately, for the way we live our daily lives.

Let's look at the parts of this theme. *Harmony* is defined as reaching agreement, accord and peace in our relationships; and *Diversity* is defined as the state of being different or unlike each other. These definitions almost sound as if harmony and diversity are polarized ideas or concepts that could never find common ground.

A definition of diversity I like is this: It is a mosaic of people who bring a variety of ethnic and cultural backgrounds, styles, perspectives, values and beliefs as assets to the groups and organizations with which they act.

To truly accept diversity, we must learn to respect and value it. The reality is the differences we have, the unique ways we see and experience life, and our diverse backgrounds truly are the backbone of the success we have as an association.

Achieving harmony through diversity is the ability to understand and accept that all of us are different and unique — and respecting each other, not in spite of, but because of those differences.

Let's look at some of the types of diversity we experience every day on a personal and professional level:

- Racial
- Ethnic
- Age
- Gender
- Religious

On a corporate level, we experience diversity also. We have:

- Large-volume funeral homes
- Small-volume funeral homes
- Big-city funeral homes
- Small-town funeral homes

- Independent funeral homes
- Corporate funeral homes

With so many differences, how do we achieve harmony so we can benefit every family we serve and keep OFDA one of the finest and most viable funeral organizations in the country? Here are three ideas:

1. **Be an active learner:** Never stop learning. Be open to new ideas, especially those different from your own. John Wooden said, "It's what you learn after you know it all that counts."
2. **Use critical thinking:** Not just emotions or past experiences when we relate and discuss issues affecting our profession and what we believe.
3. **Look at the humanity in everyone:** See everyone as valuable, especially those who hold a different opinion from you. If we do this, it helps us to better understand their opinions and beliefs on a matter.

Stephen Covey once stated, "Strength lies in differences, not similarities." Think about that! If strength lies in our differences, then:

- Large-volume funeral homes need to seek knowledge and wisdom from the small firms
- Small firms need to seek guidance and perception from the large firms
- Corporate firms need to seek out success stories from the independent funeral homes
- Independents need to seek out the best business practices of the corporate firms

The reality is I see this type of community every week at OFDA. I see it at every committee meeting I attend; every Board meeting; every district meeting; every reception, lunch or dinner I share with funeral directors. I believe it is this harmony through our diversity that makes OFDA successful and creates the positive relationships that continually renew, refresh and revitalize our association year after year.

A lot of what we have discussed revolves around community, but community is more than warm, fuzzy feelings. It is even more than passionate individuals from every background offering their services for the good of the whole. Community gives us an emotional and spiritual safety net that provides security as we explore

# to OFDA Members at the Convention

new ideas and concepts that we learn from those who are different from us.

I would like to share with you four principles to help us develop a rich, diverse community of dedicated funeral professionals.

**The Teacher Principle:** We need to share our knowledge. Transfer what you have learned to your staff, to the next generation of funeral service, to OFDA and NFDA, and to anyone who seeks your wisdom and guidance.

**The Athlete Principle:** Play by the rules. Do what is right, ALL THE TIME. Know the laws, keep them, and insist that everyone in your firm does the same. Just like in a team event, if one person breaks the rules, we all suffer.

**The Soldier Principle:** Focus on the mission. Our mission is to care for the dead and help surviving loved ones cope with their loss. How this happens, like final disposition, isn't as important as the fact that we need to focus on what meets the needs of each and every family we serve.

**The Farmer Principle:** Reap the fruits of your labor. If we professionally and diligently take care of our families, we will reap the bountiful harvest of not just a good living for our families and employees but the more important fruit of service to families in the communities we live in and to the raising up of the funeral service profession.

The reality is the world normally shows us two distinct options for getting along. Quite frankly, both of them are horrible.

The first one is what is defined as the post-modern option, and that is not to believe anything too strongly. Well, I want all of us to believe strongly and speak strongly for the value of funeral service. I don't believe this is a viable principle.

The second option is the ruthless domination option. This basically states that you must do what you do "my way," or I will crush you. I cannot imagine an association where the leadership would adopt that philosophy. After all, we have seen it in Nazi Germany with Hitler, in communist Russia with Stalin and Lenin, and, more recently, in Iraq with Saddam Hussein. It is not a pretty picture and is no way to advance any community.

A third option is to adopt an attitude of peacemaking and reconciliation. Look for and develop an attitude of gentleness and even humbleness with ideas different than yours. Don't look down on those who think differently.

All associations grow when the parties involved are willing to *speak passionately* for what they believe, *listen attentively* to what others believe, and to ultimately seek what is best, not always for ourselves, but for the majority of members.

*With so many differences, how do we achieve harmony so we can benefit every family we serve and keep OFDA one of the finest and most viable funeral organizations in the country?*

When we do this well, our diversity does indeed become one of our greatest strengths and, in reality, is the backbone of creativity and growth within our association.

Roger Wilkins expressed it best when he wrote, "We have no hope of solving our problems without harnessing the diversity, the energy and the creativity of all our people."

Let's work together this year to explore the diverse ways we serve families and our association, to listen attentively to those who think differently from us and to earnestly seek wisdom from them.

If we succeed, not only will we reap the fruit of *Harmony Through Diversity*; but, more importantly, we will plant for future generations the heart of peacemaking and reconciliation.

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# 2012 Convention Recap

*Growing Together*  
**Harmony**  
through  
**Diversity**



OFDA Past Presidents — front row, from left to right: Tom Rue, CFSP; Bob Baird; David Schoedinger, CFSP; Ray Neville; Bill Rutherford, CFSP; Bob Shank Sr., CFSP; Ed Nurre; Don Pucak, CFSP; and Paul Frederick. Back row, from left to right: Terry Reardon; Gary Heller; Dan Tobias, CFSP; Jon Deitloff, CFSP; Ken Cahall, CFSP; Scott Davis, CFSP; Dwayne Spence, CFSP; Bill Wappner, CFSP; Walt Lindsey, CFSP; Tom Fleming; and Henry Epstein.



Todd Crandell inspired with Racing for Recovery — With Sobriety, Anything Is Possible.



Jeff Taylor educated with The Roar of Social Media — Is Your Funeral Home Listening?



The officers and OFDA staff officially started the 132nd OFDA Convention and Exhibition with a ribbon-cutting ceremony.



Poul Lemasters gave great legal advice about the pet funeral industry.



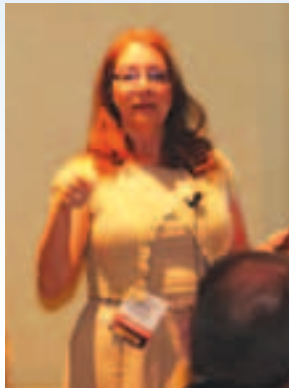
John Heald discussed Leveraging the Online Obituary.



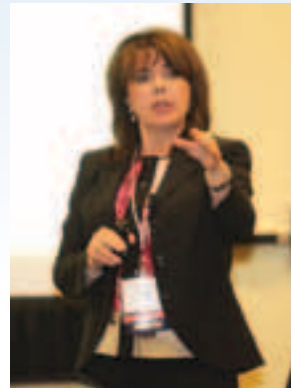
Coleen Ellis spoke about Servicing Pet Parents.



Kim Medici Shelquist discussed Creating Relationships with Hospice and End-of-Life Care Organizations.



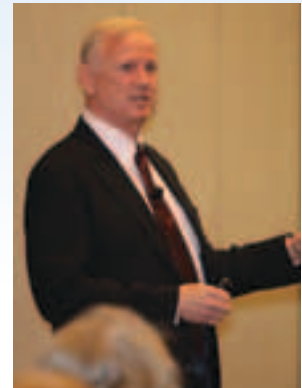
Monica Marie Lilak educated about the History and Relevance of Memorial Keepsake Jewelry.



Julie Burn shared her insights on Cremation Phone Shoppers ... How Do You Respond?



Ryan Thogmartin shared his knowledge about social media.



Chuck Berner, DDS, explained how dental identification works at a mass fatality event.

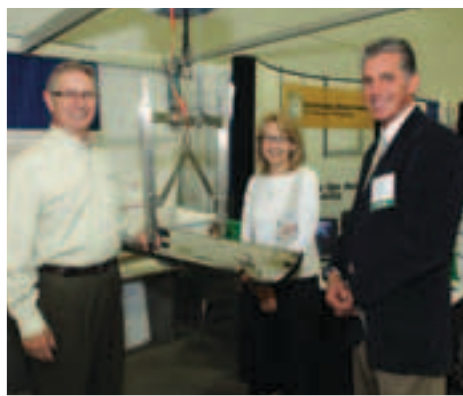


Lee Woodruff shared with us her experience of how life can change In An Instant.



2012-2013 Executive Committee and OFDA staff (left to right): Assistant Executive Director Melissa Sullivan; Treasurer Joan Billman, CFSP; President Mark Merz, CFSP; President-elect Anthony Quahliero; Secretary Terry Palmer, CFSP; Immediate Past President John Evans, CFSP; and Executive Director Steve Gehlert.





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**OFDA DISTRICT # 11**

**OFDA DISTRICT # 14**

**OFDA DISTRICT # 19**

*Thank you*



# Loose Lips Sink Licenses

by T. Scott Gilligan, OFDA General Counsel



A very interesting free-speech case is currently before the Massachusetts Supreme Court that may have a significant impact on funeral homes and their employees. Troy Schoeller, a Massachusetts funeral director and embalmer, had his licenses revoked by the Massachusetts Board of Registration of Funeral Directors and Embalmers for “unprofessional conduct.” The conduct consisted of Schoeller speaking to a reporter about his job as an embalmer at a funeral home. Schoeller admits he told the reporter he “hates embalming fat people.” He also described the body of a

baby he was embalming as a “bearskin rug.” Schoeller also offered crude descriptions to his reaction to fumes that emanated from bodies during embalming.

Although Schoeller did not identify the names of any of the decedents who he had worked on, the Massachusetts Board charged him with violations of Massachusetts Regulation 3.13(7), which prohibits a licensee from disclosing confidential or private information about any member of a family he or she is serving or to comment on the condition of any dead human body entrusted to his or her care. The Massachusetts Board found Schoeller had talked about bodies in his care in an unprofessional manner and revoked his licenses. Schoeller has appealed the license revocations to the Massachusetts Supreme Court.

Schoeller’s claim to the Supreme Court is that his speech is protected by the First Amendment. He argues he did not disclose any confidential information and the information that appeared in the newspaper articles was of legitimate public concern and interest. The attorney general defending the license revocation argues dignity and respect are at the very heart of the funeral profession and Schoeller’s public disclosure

of these sensitive matters was unprofessional and a violation of the regulation. The Massachusetts Supreme Court is expected to rule on the case later this year.

Most states have funeral laws and regulations that impose upon funeral homes and their employees the obligation to protect confidential information. In Ohio, Regulation 4717-8-01(C) provides it is unprofessional conduct for a licensee to disclose “confidences, privacies, confidential facts, confidential opinions or secrets of the life of any person, persons or family members, the knowledge of which was acquired through professional relationship with said person, persons, or family members.”

Could Ohio Regulation 4717-8-01(C) be used to discipline an Ohio funeral director or embalmer who made statements similar to Schoeller’s? While the Ohio regulation does not specifically prohibit statements regarding the condition of the body, it would be fairly easy for the Ohio Board of Embalmers and Funeral Directors to make the argument the

terms “confidences” and “confidential facts” include the condition of the body. Confidential information would also include other information, such as medical and health conditions that decedents suffered from when they died.

To protect employees and the funeral home from civil lawsuits and disciplinary action by licensing boards, funeral home management should strongly consider taking each of the following measures:

(1) **Employee Training.** The need to protect confidentiality is a 24/7 responsibility that applies during work time and during off time as well as at the funeral home or away from the funeral home. It is important to constantly remind employees of this obligation. In the same way funeral homes conduct annual OSHA training and periodic Funeral Rule compliance, management should regularly train employees on the absolute need to protect confidentiality with regard to the families served by the funeral homes as well as the deceased human bodies entrusted to their care.

(2) **No Exceptions Policy.** Funeral directors, like everyone else in the workplace, often come home at the end of the day and share events from the workplace with spouses and other family members. In the course of these discussions, they may be tempted to relay a story about a dysfunctional family, describe a particularly difficult embalming or restoration or pass along some gossip that they heard about a decedent. Even though the funeral director expects his or her spouse or family member to keep the secret, the fact is the funeral director has just violated Section 4717-8-01(C) of the Ohio Administrative Code. And, if the spouse or other family member were to pass along the information to others, and it got back to the family of the decedent, both the funeral director and the funeral home have now placed their licenses at risk and could face lawsuits for disclosing family confidences.

In establishing a confidentiality policy for employees, it is necessary to stress there are **NO EXCEPTIONS** to the confidentiality

requirement. Unless the confidential information is being passed on to a co-worker who has a need to know the information or is being disclosed in accordance with law, the employee must be trained not to disclose the confidences to anyone. This includes spouses, immediate family members, co-workers or other professionals.

(3) **Funeral Home Records.** Many funeral homes have been in business for several generations and normally do not discard records or files of the individuals whom they have served. For those interested in genealogy, a funeral home can be a great source of information. As a result, funeral homes will periodically receive requests from family members or genealogists who would like to examine their records.

Because those records may contain confidential information, it is generally recommended that funeral homes not open up their files to anyone. Funeral-home files are the personal property of the funeral home,

and there is no requirement to give access to the files to anyone unless compelled by a court subpoena or an inspection requirement of a state board.

Funeral homes that are concerned that genealogists will be offended by a policy prohibiting any examination of funeral-home records may want to assemble an alphabetical or chronological compilation of the obituaries of the persons they have served. Since an obituary has been published, it becomes part of the public domain and is not confidential information. Therefore, there is no liability to allowing a genealogist to peruse through a binder containing copies of all of the obituaries of the decedents whom the funeral home has cared for.

(4) **Newspaper Reporters.** The funeral profession offers a certain fascination for the public. As a result, reporters occasionally contact funeral homes looking to do a story on the day-to-day life of a funeral director, women in funeral service or the changing

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way that America memorializes its dead. While all of these stories offer an opportunity to portray the funeral service in a positive light, they also present a huge risk of disclosing confidential information.

Several years ago, a funeral home in the western part of Ohio, together with two of its female funeral directors, faced disciplinary measures when they participated in a newspaper article on women in funeral service. While the article was very positive, the women were unaware that the photographer who accompanied the reporter throughout the funeral home took unauthorized pictures of decedents in the preparation room and laid out in a casket. When those photographs were published, the Ohio Board took disciplinary action against the funeral home and the wom-

en, although none of them had authorized the photographs to be taken.

The situation faced by the Ohio funeral home and the female licensees underscores the danger in dealing with reporters. If a funeral home receives a request to participate in a story, the funeral home should require the newspaper to agree in writing that no photographs will be taken unless preapproved by the funeral home. In addition, none of the photographs should be used until reviewed and approved by the funeral home. The funeral home may also want to demand preapproval of the article, although most newspapers would not agree to that requirement. Without the right to preapprove the article and any photographs, a funeral home should carefully evaluate the risks of participating in an article.

(5) **Employee Confidentiality Agreement.** Attached at the end of this article is a form entitled Employee Confidentiality Agreement, which documents the employee's acknowledgement of his or her obligation to protect confidential information against unauthorized disclosure. The form also documents that the employee agrees a breach of this responsibility may result in employee discipline, including termination of the employment relationship. The Employee Confidentiality Agreement is a very effective reminder to employees of their absolute obligation to protect confidential information against disclosure.

OFDA members with questions regarding this matter may contact General Counsel Scott Gilligan at 513-871-6332.

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## EMPLOYEE CONFIDENTIALITY AGREEMENT

EMPLOYEE: \_\_\_\_\_  
(Name of Employee)

FUNERAL HOME: \_\_\_\_\_  
(Name of Funeral Home)

1. **Legal Requirement.** Federal and state law imposes privacy and confidentiality requirements on the Funeral Home and its employees to protect confidential information of any family served by the Funeral Home, the knowledge of which was acquired through the Funeral Home's professional relationship with the family.
2. **Confidentiality Obligation of Employee.** Employee acknowledges the legal obligation of the Funeral Home to protect any confidential information of families served by the Funeral Home. Employee agrees that the Employee will not disclose, directly or indirectly, to anyone outside of the Funeral Home or, unless there is a need to know, to anyone associated with Funeral Home, any confidential information of any family member served by the Funeral Home. This obligation of confidentiality includes any information regarding the appearance of deceased remains, circumstances or causes of death, medical conditions, or other information regarding the decedent not otherwise known to the public or available through public documents.
3. **Indemnification.** Employee understands and agrees that the obligation to maintain confidentiality is a legal requirement of the Funeral Home. Employee agrees to indemnify and hold harmless the Funeral Home from any claims or damages the Funeral Home may suffer as a result of Employee's breach of the confidentiality obligations hereunder.
4. **Employee Responsibility.** Employee acknowledges and agrees that the obligation to maintain and protect confidentiality is a responsibility that Employee has assumed as a condition of employment and that any breach of that responsibility will result in disciplinary measures that may include termination of the employment relationship.

IN WITNESS WHEREOF, the Employee hereby agrees to the foregoing.

WITNESS: \_\_\_\_\_

EMPLOYEE SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

# Global Harmonization Is Almost Here!

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

Wouldn't it be great if "global harmonization" meant that all the nations on Earth had agreed to make peace and had promised to respect one another? Well, that's not what "global harmonization" means to the Occupational Safety and Health Administration (OSHA)!

On March 20, a final rule was published in the *Federal Register* effectively modifying OSHA's Hazard Communication Standard (HCS) to align it with the Globally Harmonized System of Classification and Labeling of Chemicals (known as the Globally Harmonized System or GHS). As you'll recall from the many OSHA training classes you've attended over the years, the HCS helps ensure chemical safety in the workplace by (1) requiring chemical manufacturers and importers to evaluate the hazards of the chemicals they produce or import, and prepare labels and safety data sheets to convey the hazard information to their downstream customers; and (2) requiring all employers with hazardous chemicals in their workplaces to have labels and safety data sheets for their exposed workers, and to train them to handle the chemicals appropriately.

The GHS is an international approach to hazard communication, providing agreed criteria for classification of chemical hazards, and a standardized approach to label elements and safety data sheets. The GHS was negotiated in a multi-year process by hazard communication experts from many different countries, international organizations and

stakeholder groups. It is based on major existing systems around the world, including OSHA's HCS. Major changes to the HCS include the following:

- **Hazard classification:** There will now be specific criteria for classification of health and physical hazards, as well as classification of mixtures.
- **Labels:** Chemical manufacturers and importers will be required to provide a label that includes a harmonized signal word, pictogram and hazard statement for each hazard class and category. Precautionary statements must also be provided. Examples of some of the new pictograms include:



- **Safety data sheets:** These will now have a specified 16-section format.
- **Information and training:** Employers will be required to train workers by December 1, 2013, on the new labels elements and safety data sheets format to facilitate recognition and understanding.

For more information on changes to the HCS, go to the following link: [www.osha.gov/dsg/hazcom/index.html](http://www.osha.gov/dsg/hazcom/index.html).

And be sure to attend the annual OSHA training provided by the OFDA this fall, where we will be discussing the new requirements in detail. If you have any health, safety, or environmental questions, please feel free to contact me at 614-404-3384 or [bgarrison@sandesolutions.net](mailto:bgarrison@sandesolutions.net).



## Meet the Ohio Board of Embalmers and Funeral Directors' New Executive Director

Vanessa Niekamp (sounds like "knee-camp") joined the State of Ohio Board of Embalmers and Funeral Directors as its new Executive Director on April 9, 2012.

The daughter of a small-business owner and a public servant, Vanessa grew up on the east side of Columbus, Ohio, attending both Columbus and Reynoldsburg city schools. A graduate of Independence High School, she went on to double-major in business administration and jazz performance at Capital University, as well as human resources management at Columbus State.

Now a 19-year state of Ohio employee, Vanessa has been responsible for a \$1.3 billion budget as the federal grants administrator for the Ohio attorney general and has effective collective bargaining experience with both the OCSEA and SEIU 1199 unions as the personnel and labor relations administrator for the Ohio Department of Jobs and Family Services, Office of Child Support.

Vanessa; her husband, Philip; and their two young sons, Erik (8) and Alan (4), have lived in the Pickerington, Ohio, area for the past 13 years.



# Ohio Legislature Considers OFDA-Supported Legislation

by John T. McGough, OFDA Lobbyist

As the Ohio Legislature winds down its legislative activity before its summer recess, there has been a flurry of legislative activity. Two of the bills seeing activity are OFDA-supported pieces of legislation. Below is a summary of the OFDA-supported legislation and other legislation and administrative actions affecting OFDA members.

## **H.B. 481 Passes out of Committee Absent Alkaline Hydrolysis Licensure**

H.B. 481, introduced by Rep. Bob Hackett, passed out of the House State Government & Elections Committee on May 8, 2012, with the following changes/additions to Ohio's funeral laws:

**Inactive Status.** Establishes a new procedure to allow funeral directors and embalmers to place their licenses on inactive status. The language requires that a funeral director or embalmer who has been on inactive status cannot return to the profession without first passing an Ohio funeral laws exam.

**Funeral Home License Applications.** One issue that has arisen recently is the issue of funeral-home license applications. Specifically, the issue arises when an existing funeral home is sold and the new owner files

a new funeral home license application with the State Board of Embalmers & Funeral Directors (hereinafter "the Board"). The legislation permits a funeral home to continue to operate until the Board meets to review the new application.

**Courtesy Card License.** The legislation allows the Board to issue Courtesy Card licenses to funeral directors in bordering states which would authorize them to conduct **limited funeral-related activities** in Ohio. The Courtesy Card license could only be issued to a licensed funeral director in a state adjoining Ohio. The adjoining state would also have to have a similar law authorizing Ohio funeral directors to conduct limited funeral-related activities in their state.

**Emergency License.** Funeral directors across the country have been involved through the years in state or federal declared emergencies. In fact, many states, including Ohio, have Mortuary Response Teams that are specially trained to provide assistance in natural disasters and emergencies when there may be significant casualties. The legislation authorizes funeral directors from other states to come to Ohio and

work with Ohio funeral directors during a declared emergency.

**Cremation Identification.** Due to a recent case involving a Columbus funeral home that relied upon a coroner's mistaken identification in a cremation case, the legislation spells out a funeral home's obligation to arrange an identification and the types of identification that satisfy Ohio law.

OFDA Legal Counsel Scott Gilligan provided proponent testimony in support of the legislation, as did Joe Wilson, CEO of Bio-Response Solutions, in support of the alkaline hydrolysis provisions that were in the introduced version of the bill. However, due to some religious concerns with the licensure of alkaline hydrolysis, that language was removed from the bill.

The legislation would have authorized the State Board of Embalmers and Funeral Directors Board to license and regulate alkaline hydrolysis facilities. Alkaline hydrolysis is another disposition choice in addition to burial and cremation. Seven states currently authorize alkaline hydrolysis, and there are bills pending in several other states to authorize the process. The

legislation regulates alkaline hydrolysis very similarly to how cremation is regulated in Ohio today. According to the Mayo Clinic (which performs alkaline hydrolysis on donated bodies), alkaline hydrolysis is not a combustion process and does not produce toxic gases or other environmental pollutants.

H.B. 481 will likely go to the floor of the Ohio House in the near future for a vote. The legislation will then move to the Ohio Senate for further consideration. OFDA will work in the Senate to have the alkaline hydrolysis language reinserted into the legislation.

### **S.B. 308 Aids Funeral Homes in Obtaining Life Insurance Policy Information Related to a Deceased**

S.B. 308, introduced by Sen. Tim Schaffer, amends Ohio Revised Code Section 3904.13 to require life insurers to disclose the deceased's personal information to a funeral home for the limited purpose of planning a funeral and disposition of a deceased. One of the key provisions of this legislation is the requirement that the life insurer provide the life insurance policy information within one business day. This is because, in most cases, within 24 hours of death, the funeral home and the deceased's family are finalizing the details of the funeral and disposition. The bill establishes a form that the person with the right of disposition under Ohio law can complete to authorize a funeral home to receive life insurance policy information relating to the deceased.

S.B. 308 has received both sponsor and proponent testimony in the Senate Insurance, Commerce & Labor Committee. OFDA Immediate Past President John Evans and OFDA member Mike Schoedinger provided testimony in support of the bill on April 17, 2012.

### **Omnibus Environmental Legislation (S.B. 294) Preserves Infectious Waste Small Generator Exemption**

Sen. Tim Schaffer has introduced S.B. 294, which includes significant updates and changes to Ohio's environmental laws. With respect to the disposal of infectious wastes, the bill preserves the ability of infectious-

waste generators (including funeral homes and embalming facilities) that produce fewer than 50 pounds of infectious waste in any one month to transport and dispose of such wastes in the same manner as solid wastes.

S.B. 294 passed the Ohio Senate on April 24, 2012, and is pending in the House Agriculture and Natural Resources Committee.

### **Ohio Department of Taxation – Vendor Sales Tax Returns**

The Ohio Department of Taxation (ODT) is encouraging vendors (including funeral homes) who collect sales taxes from multiple locations to file a consolidated (cumulative) vendor sales tax return. While it's not specifically required under Ohio law, ODT is encouraging vendors who have two or more county vendor licenses to file a cumulative return. Ohio law does authorize the Ohio Department of Taxation to require cumulative returns of vendors that have multiple li-

censes. Below is a portion of ODT's website that explains the process to request permission to file a cumulative return.

### ***Can I report two or more licenses on the same return?***

*Cumulative return authority is available for reporting two or more regular county vendor licenses. You may request this authority through the Department of Taxation's Central Registration Unit (1-888-405-4039) or by filing an application, form ST 26, which is available on our Web site at Tax Forms. If granted, you will file one sales tax return each month, reporting your total Ohio sales and tax activity for all Ohio locations in the upper portion of the tax return and provide a county-by-county breakdown of your taxable sales and tax liability in the supporting schedule portion of the tax return. The Tax Commissioner may require this method of filing if it is determined that it is necessary for the efficient administration of the tax.*





# What Have You Done for Me Lately? Questions Every Preneed Company Should Be Willing to Answer

by Steve Jenkins, Director of Sales Development, Funeral Directors Life Insurance Company

The landscape of the funeral service and preneed market is quickly shifting. Members of the next generation of funeral planners — the baby boomers — are now sitting in arrangement rooms all over the country planning their parents' funerals. They are out-of-the-box thinkers who won't follow the standard formula ... they want something different and unique. They may not know exactly what they want, but they definitely know what they don't want — they don't want Grandma's funeral!

As a boomer myself, I understand well the thought processes of this new generation

of funeral clientele. I meet with families regularly who have listened to the stories of how their parents grew up and the rigidity of the society in which those parents lived. Their parents and grandparents lived through the Great War, the Great Depression and World War II. This was a time of great unrest, and tradition brought safety, security and comfort. But baby boomers grew up during the '50s and '60s. Social change was the name of the game! All this to say, we are working with a whole new breed of customer now, both on the preneed and the at-need side.

The preneed company I work with, Funeral Directors Life Insurance Company (FDLIC), has done many things that I think make a lot of sense to prepare our funeral home clients for this next generation of funeral planner. FDLIC has its ear to the ground and is paying attention to what baby boomers want. We are also helping funeral homes across the country make the most of their resources and circumstances to ensure future success.

If you are feeling uncertain, anxious and unsure about how to reach the next generation of

## New Requirements for Licensed Insurance Agents

The state of Ohio has implemented changes in insurance licensing that will affect both fully licensed agents and limited lines authority licenses (funeral expense). Funeral expense insurance licenses must now be renewed every two years, and there is NO CONTINUING EDUCATION REQUIREMENT.

For fully licensed agents, the CE requirement has been increased from 20 hours to 24 hours every 24 months, with three of those hours being in approved ethics training.

Beginning in 2012, all licenses must be renewed every two years, with the renewal date being determined by the agent's birthdate.

The new license renewal instructions can be referenced at the Ohio Department of Insurance website at [www.insurance.ohio.gov/Agent/Pages/AgentTab1.aspx](http://www.insurance.ohio.gov/Agent/Pages/AgentTab1.aspx).

License renewals may be completed electronically or by paper. (The paper application can be downloaded online.) When filling out a renewal form, agents will need both their Ohio insurance license numbers and their NPN numbers; these can also be found online using the agent locator option. If further assistance is needed, feel free to call Steve Jenkins or the FDLIC licensing department at 800-692-8411, ext. 6480.

**Sections 3905.06, 3905.07 & 3905.40**— *Individual agents seeking to renew their insurance license shall apply biennially for a renewal of the license on or before the last day of their birth month. Business entity agents seeking to renew their insurance license shall apply biennially for a renewal of the license on or before the date determined by the superintendent. The superintendent shall send a renewal notice to all licensees at least one month prior to the renewal date. (Previously, Ohio's licenses for major lines were perpetual and were not connected to the compliance*

*with continuing education requirements. Limited lines licenses were renewed automatically on September 1 if an active appointment was held on July 1 of the same year. Limited lines agents were permitted to renew the license upon request, if desired, without holding any active appointments).*

*Renewal Process:*

- 1) Agent shall submit a renewal application to the superintendent;*
- 2) The application shall be accompanied by a biennial license renewal fee of \$25. The following insurance agents are not required to pay the license renewal fee: (a) Individual resident agents who hold a major line of authority or title license and have met their continuing education credit requirements; (b) Surety bail bond agents; or (c) Surplus line brokers.*
- 3) Resident individual agents licensed with major lines of authority(s) or title must complete continuing education requirements prior to the renewal date.*

funeral planners, it's time to ask some hard questions. Specifically, what is your preneed provider doing to help you prepare?

Here are a few questions every preneed provider should be willing to answer:

- *Are your training programs preparing our staff to serve the next generation of funeral planners?*
- *Will you set aside time to help me leverage my resources to maximize my return on investment?*
- *Are you committed to providing me with all the tools I need to succeed today and in the future?*
- *Are you willing to be transparent with me on important issues like return rates and your financial position?*
- *Are you pushing the envelope in the areas of research and development of new technologies to help my business succeed?*

These are all questions that FDLIC has answered with a resounding "YES!" through word and deed. We not only talk the talk; we walk the walk.

The fact is, ready or not, times are changing. It's time to start asking your preneed provider, "What have you done for me lately?"

**Late Renewal Process:**

*If an agent does not apply for the renewal of the license on or before the license renewal date, the agent may submit a late renewal application along with all applicable fees required under this chapter prior to the first day of the second month following the license renewal date.*

**Section 3905.481** –Each individual who is issued a resident insurance agent license shall complete at least twenty-four hours of continuing education in each license renewal period. The continuing education shall be offered in a course or program of study approved by the superintendent of insurance in consultation with the insurance agent education advisory council and shall include at least three hours of approved ethics training. (Previously, this section required resident agents to complete 20 continuing education credits biennially by December 31, and there was no ethics requirement).



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# Avoid The Preneed Shortfall Trap

by T. Scott Gilligan, OFDA General Counsel



With interest rates at historic lows, many Ohio funeral homes are confronted with miniscule returns on preneed trust funds and preneed insurance policies. In many cases, funeral homes are finding the proceeds from trust funds or insurance policies they received upon the death of a preneed consumer fail to match their at-need prices for the funeral goods and services they provide. As a result, they have preneed shortfalls that are quickly eroding funeral-home profits. With some funeral homes performing one preneed contract for every at-need contract, preneed shortfalls threaten to drag their operations into the red.

Why has this happened, and what can a funeral home do to avoid preneed shortfalls in the future? Preneed shortfalls happened primarily because funeral homes guaranteed the price of their preneed contracts in a market where interest rates cannot keep up with escalating operating costs. A 1 to 2 percent return will not cover increases arising from health care, fuel or merchandise expenses. To cover those costs, funeral homes must routinely increase at-need prices to maintain a profitability level. However, with guaranteed-price preneed contracts, funeral homes are not able to increase prices to cover escalating operating costs. The result, unfortunately, is a huge drain on profitability.

There are three possible solutions that a funeral home can implement to avoid the preneed shortfall trap in the future. The first is to reevaluate the funeral home's preneed investment policy. Are preneed contracts being invested to obtain optimal returns or simply to generate commission earnings? In other words, are you sacrificing long-term profitability for short-term gains?

If a funeral home is looking to optimize preneed returns, it need not look any further than the

OFDA Master Trust, which, in the last year, provided a 5.9 percent return on market value. During the past three years, the Master Trust has had a remarkable 16.8 percent annual return, while the five-year look back (which captures a good part of the recession) had returns of 4.4 percent on an annualized basis. However, even when the market value was not increasing because of declines in the stock market in 2008-2009, the OFDA balanced investment fund still provided a 2 percent minimum crediting rate. The crediting rate, in combination with the ability to share in market value when the stock market increases, provides a funeral home its best opportunity to avoid preneed shortfalls.

The second option to avoid preneed shortfalls is for funeral homes to eliminate the guaranteed-price preneed contract. The OFDA Master Trust now offers funeral homes the option of providing guaranteed-price contracts or non-guaranteed price contracts. Whether to offer the guaranteed-price option is, of course, up to each funeral home to decide. Some funeral homes feel, because consumers expect the guaranteed-price product, they need to offer a guaranteed-price contract. Other funeral homes have made the decision not to offer the guaranteed-price contract because of the risk of the preneed shortfall. The decision is up to you.

A third option some funeral homes are pursuing is to offer the guaranteed-price preneed contract but to charge the consumer a surcharge for the guaranteed-price option. The surcharge, which is collected from the consumer, is then placed into trust or added to the preneed insurance policy to provide a cushion to reduce the risk of a preneed shortfall. For example, if a funeral home decided to offer a consumer the option of guaranteeing the price of a preneed contract, it would list the price of that guarantee on its General Price List. The consumer would then have the option of purchasing the guaranteed-price option or accepting a non-guaranteed-price contract.

With regard to the FTC Funeral Rule, there is no prohibition against offering the guaranteed-price option. As long as it is disclosed on the General Price List and recorded on the Statement of Funeral Goods and Services Selected when purchased, it complies with the requirements of the Funeral Rule. As far as Ohio preneed law, the only requirement would be the surcharge received from the consumer for the

price guarantee would have to be trusted or be part of the preneed insurance policy premium.

There are a number of options when offering a guaranteed-price option. Some funeral homes charge a flat fee, while others will charge a percentage of the preneed contract in order to guarantee the prices. Another approach being used by some funeral homes is to offer guarantees of different lengths. For example, we observed a General Price List from a funeral home that offered a five-year guarantee at a certain price, a 10-year guarantee at a higher price and then a lifetime guarantee at a still higher price. Below is an example of how this might appear on a General Price List:

- Preneed Price Guarantee for Five Years  
\$ \_\_\_\_\_
- Preneed Price Guarantee for 10 Years  
\$ \_\_\_\_\_
- Lifetime Preneed Price Guarantee  
\$ \_\_\_\_\_

The purpose of the guaranteed-price surcharge is to reduce the risk of a preneed shortfall. As long as it is always presented as an option to the consumer, there is nothing unlawful about providing this option.

OFDA members with questions regarding preneed funding may contact Scott Gilligan at 513-871-6332.



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**Billy O. "Bill" Eley** of Haines City, Florida, and formerly of Spencerville, Ohio, died at 3:14 a.m. on Thursday, May 10, 2012, in the Winterhaven Hospital in Florida, following a six-year kidney ailment; he was 85.

He was born July 26, 1926, in Lima, Ohio, the son of the late Edgar C. and Naomi E. Hasting Eley. He is survived by his wife, Phyllis Anne Fautor, whom he married on June 28, 1952; a daughter, Kayleen (Bev) Vance of Columbus, formerly of Wapakoneta; a granddaughter, Laura Ann (Robert) Standish of Harrison, Tennessee; a grandson, Kevin Allen Vance of Columbus; and a great-grandson, Conner Standish; two sisters, Betty (Andy) Kiser, of Estero, Florida, and Mary (Bob) Henne, Fort Meyers, Florida; and a sister-in-law, Grace Fautor of New Knoxville.

He lived in Lima, Cridersville and Spencerville before moving to Florida with his wife in 2000.

Bill was a 1944 graduate of the Cridersville High School and then served in the Navy in the South Pacific during World War II. Following the war, he enrolled in the Cleveland College of Mortuary Science. He worked at the Bayliff Funeral Home in Cridersville and served his apprenticeship under Walter E. Bayliff. He was a licensed funeral director and embalmer for more than 60 years, receiving his 50-year commendation from the Ohio Funeral Directors Association in 2000. He had worked at the Ohio Decorative Products and Flexible Foam in Spencerville for 36 years, and, upon his retirement there, he worked at the Thomas E. Bayliff Funeral Home of Spencerville for 13 additional years before moving to Florida. When in

Florida, he worked at Orlando's Universal Studios for five years.

He was a member of the Trinity United Methodist Church in Spencerville. He was a 60-year member and past master of Acadia Lodge #306, F & AM; and a 60-year member and past high priest of Spencerville Chapter #169, RAM, of which he was secretary for several years and a recipient of the Distinguished Service Award from the Grand Chapter of RAM of Ohio. He was a member of the Delphos Council #72 R & SM; a member of Ivanhoe Commandary #54; KT of Van Wert; and a member of the Ancient Accepted Scottish Rite Valley of Toledo, 50-year member in 2005.

Memorial contributions may be made to the Acadia Lodge or to the Trinity Church Memorial Funds.

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**Dale E. Law**, 62, of Delaware, died Thursday, March 29, 2012, in Riverside Hospital. He was born April 19, 1949, in Delaware to Hugh and Albina (Dunlap) Law. A lifetime resident of Delaware County, he graduated from Hayes High School in 1967, attended OSU and graduated from the Cincinnati College of Mortuary Science in 1971. Dale was an employee and had 26 years of perfect attendance at Honda of America Auto Plant in Marysville. He was also employed as a funeral director at Robinson Funeral Home since 1985.

He was a member of Hiram Masonic Lodge and a former member of Kiwanis Club and the Elks Lodge. Dale spent many years as a member of Grace United Methodist Church, where he

was married, and later attended Grace Brethren Church.

Dale is survived by his wife, Linda; his two daughters, Lisa (Richard) Higginbotham of Worthington and Valarie Law of Delaware; his mother, Albina of Delaware; his brother, Gary (Cathy) of Florida; his father-in-law, Claude Thomas of Delaware; his brother-in-law, Robert (Angela) Thomas of Delaware; and a niece, Stephanie (Patrick) Joseph of Dublin.

Memorial contributions may be made to the Delaware Chapter of the Central Ohio Diabetes Association, P.O. Box 81, Delaware, OH 43015.

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**LeRoy M. Meier**, 90, of Lima, Ohio, grandfather of Jon (Chamberlain-Huckeriede Funeral Home), and Mike Neeper (Rodman-Neeper Funeral Home), died on Friday, April 27, 2012, at 2:10 a.m. at St. Rita's Medical Center, Lima, Ohio. Born Friday, October 21, 1921, in Lima, Ohio, he was the son of the late Lewis Meier and the late Florence Stephens Meier. He was the husband of Jeanne (Mack) Meier, who survives.

LeRoy married Jeanne Mack on April 25, 1942, and had just celebrated their 70th anniversary. He had worked at the Gro Cord Rubber Company until 1959 and then worked at the Ford Motor Company in Cutter Grind and retired on February 1, 1987, after 30 years. He was a World War II vet, serving in the U.S. Army in the Philippines and the South Pacific. He attended St. John's School and was a member of St. Gerard Catholic Church. He was a life member of the VFW Post

1275 and the American Legion Post 96, both of Lima. He loved going to casinos and watching the Cincinnati Reds.

Surviving are: two daughters, Karen (Clarence) Neeper of Lima, Ohio, and Robin (Pete) White of Lima, Ohio; nine grandchildren, Mike (Lora) Neeper of Delaware, Ohio, Jon (Chandra Lewis) Neeper of Lima, Ohio, Marta (Ron) Truex, of Lima, Ohio, Kurt (Jerilyn) Neeper, of Lima, Ohio, Brittany White of Reno, Nevada, Ashley White of Reno, Nevada, Caitlin White of Findlay, Ohio, Zachary White of Lima, Ohio, and Annelise (Rico) Jones of Cincinnati, Ohio; and eight great-grandchildren, Jordan, Christian, Quinn, Ethan, Brayden, Connor, Cameron and Chiara. He was preceded in death by a son, Mike Meier; a daughter, Cathie Ahmed; and his brothers, James Meier and Arthur Meier.

Memorial contributions may be sent to St. Gerard Catholic Church, 240 W. Robb, Lima, OH 45801.

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**Paul E. Richardson**, father of Weigel Funeral Home Director Barry Richardson, passed away peacefully Wednesday, April 25, 2012, at Woodland Country Manor at the age of 84. He was born in Trenton, Ohio, the son of the late Lawrence and Stella (Howe) Richardson, on September 10, 1927.

He received his education in the Butler County Public and Parochial schools. Paul married Mildred M. Sizelove in West College Corner, Indiana, on March 26, 1949. He was a farmer and enjoyed trucking livestock for the local area farmers. Paul was a volunteer fireman, he coached and played softball, and he was active in the College Corner community. For many years, he and Mildred wintered in Florida, where they volunteered at the Florida State Fair and made many devoted friends.

Paul is survived by his wife of 63 years, Mildred; his son, Barry Richardson, and his wife, Marla, of Hamilton, Ohio; his daughter, Susan Rooney, and her husband, Patrick, of Oxford, Ohio; his four grandsons, Casey L. Keen of Oxford,

Ohio; John E. Richardson, and his wife, Joni, of Liberty Township, Ohio; Todd A. Richardson, and his wife, Samantha, of Hamilton, Ohio; and Spc. Michael R. Rooney of Fort Benning, Georgia; his six great-grandchildren, Alli, A.J., Lucy, Madilynn, Emma and Luke Richardson; his brothers and sisters, Earl Richardson, and his wife, Mary Lou, of Fort Myers, Florida; Larry Richardson, and his wife, Deanna; and Harold Richardson, and his wife, Cathy, all of Oxford, Ohio; Laverna Harvey, and her husband, Don, of Brookville, Indiana; and Mary Ellen Taylor, and her husband, John, of Boston, Indiana, his sister-in-law, Patricia Richardson; an aunt, Martha Wright of Jacksonville, North Carolina; and many nieces and nephews. Paul was preceded in death by a brother, Kenneth Richardson. Memorials may be directed to the College Corner Fire Department, 106 South Brookville Pike, West College Corner, IN 47003 or to a charity of choice.

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**Mildred S. Richardson**, mother of Weigel Funeral Director Barry A. Richardson, went to join her husband with the Lord on Friday May 11, 2012. She was born in Oxford Township, Ohio, on June 27, 1928, the daughter of the late Loren L. and Edna L. (Creek) Sizelove. She was a 1946 graduate of McGuffey High School, Oxford, and attended Miami University for two years.

She married Paul E. Richardson on March 26, 1949, in West College Corner, Indiana, and he preceded her in death on April 25, 2012. She was a member of College Corner Presbyterian Church, and she was devoted to her children, grandchildren and great-grandchildren and proud of their accomplishments. She wintered in Florida for years, was active in her church and supported mission work.

She is survived by a son, Barry A. Richardson, and his wife, Marla, of Hamilton; a daughter, Susan E. Rooney, and her husband, Patrick, of Oxford; a brother, Harold Sizelove, and his wife, Phyllis, of Bath, Indiana; four grandchildren, Casey L. Keen, Oxford; John E. Richardson, and his wife, Joni, of Liberty Township; Todd A. Richardson,

and his wife, Samantha, of Hamilton and Spc. Michael R. Rooney of Fort Benning, Georgia; six great-grandchildren, Alli, A.J., Lucy, Madilynn, Emma and Luke Richardson; and a host of other family members and friends.

Memorials may be directed to the College Corner Presbyterian Church, 112 Stateline Street, P.O. Box 307, College Corner, OH 45003.

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**Joan J. Wood**, age 83, of Gallipolis, died Thursday, March 29, 2012. Born February 12, 1929, in Vanwert, Ohio, she was the only daughter of the late Leslie S. and Lucille Johnson Showers. In addition to her parents, she was preceded in death by her husband, Paul F. "Fred" Wood.

Joan was a graduate of Gallia Academy High School. She received her B.S. from Rio Grande College and her master's in education from Marshall University. She was a well-known elementary school teacher in the Gallipolis City Schools, serving for many years in East Gallipolis and Washington Elementary. She later received her funeral director's license and, together with her husband, Fred, owned and operated Waugh-Halley-Wood Funeral home for many years. After retiring, she enjoyed traveling and flower gardening. Joan was a member of St. Peter's Episcopal Church. She also served on several community boards and was a member of many local organizations, especially The Business and Professional Women, where she had served as district deputy and was honored with the Member of the Year award.

She is survived by her son and daughter-in-law, Gene and Peggy Wood, with whom she had made her home the last four years. She is also survived by her loving caregivers, Cathy and Phyllis Montgomery, and Keith and Linda Coughenour; her constant companion, Molly Jane; and her extended family.

Contributions can be made to Holzer Hospice, 100 Jackson Pike, Gallipolis, OH 45631 in Joan's memory.

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The Cincinnati College of Mortuary Science invites applications for a didactic-clinical faculty position to begin September 1, 2012. Faculty member responsibilities include teaching courses within the associate and bachelor degree programs, to provide clinical laboratory instruction, evaluation and supervision in accordance with college policies. Faculty members are expected to participate in accreditation, assessment, re-

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Phone: 513-761-2020

Fax: 513-936-7113

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