Funeral Arrangements

- In Oregon you may name an agent for body disposition if you want someone other than your next-of-kin to be in charge. The form can be found in 97.130(7) of the laws.
- It is legal for a family or designated agent to handle everything without a funeral director. Or look for a home funeral guide: http://homefuneraldirectory.com/
- If you will be using a funeral home, prices must be given over the telephone. You must be given a General Price List (GPL) if you visit in person and before discussing any services.
- You must be shown a Casket and Outer Burial Container Price List before selecting either.
- You must be given a Statement of Funeral Goods and Services Selected with the total cost before any services are provided.
- Funeral Consumers Alliance of Oregon does a periodic price survey: www.funerals.org

Do not sign any contract for more than you can afford to pay. For indigent families, the funeral director can apply to Public Health which pays $650 if the funds are available. There is no other organization that assists with funeral costs.

Autopsy

- If the death was unexpected or the cause of death uncertain, the state will probably require an autopsy.
- If you have questions about the death, you may request and pay for a private autopsy.
- If a viewing is planned, there will likely be extra charges to repair the body for embalming.

Organ, Body, and Tissue Donation

- If death occurs in a hospital, you are likely to be asked about organ donation. Only about 1% of the deaths are eligible for major organ donation. The organ procurement organization (OPO) will pay for any extra body preparation needed if you plan a viewing. Decline any such charge you might find on the GPL.
- After-death donation of eyes, skin, and bones may be considered. Ask the hospital social worker or the funeral director about this.

Embalming and Other Requirements

- Regulations, not statutes, require embalming, refrigeration, or a sealed casket after 24 hours. This would not apply to home funeral families, only licensees.
- Administrative rules, which apply to licensees, require that a body be washed prior to any private or public viewing.
- If death is due to a communicable disease, the body must be embalmed, the worst possible time to embalm.
- If the body is to be shipped out of state, airlines prefer to have the body embalmed, but a sealed container can usually make that optional.
- Many funeral homes have a policy that requires embalming for a public viewing. Embalming does not protect the public health. It merely delays decomposition.
- If disposition does not occur within ten days, the Mortuary Board must be notified.

Caskets, Liners, and Vaults

- Neither is required by state law for burial. A rigid combustible container is required for cremation.
- A casket will not prevent natural decomposition.

Cremation

- You may build your own or purchase from a casket retailer. Vault dealers rarely sell to the public.
- The purpose of a vault is to keep the ground from caving in. It facilitates maintenance for the cemetery. It has no preservative qualities regardless of how much you spend.

Burial

- You may be buried on your own land with the permission of the local planning commission or governing body. A burial should be 150 feet from a water supply and 25 feet from a power line with two or three feet of earth on top. It is a good practice to draw a map of the land showing where the family cemetery is and have it recorded with the deed, as the burial must be disclosed to any new buyer.
- If you purchase a lot in a town or religious cemetery, you will also have the opening and closing costs in addition to the cost of the plot.
- Some cemeteries have restrictions on the kind of monuments or plantings and adornment allowed at the grave site.
- Authorization for disinterment must be obtained from the state registrar by the person with the right to control disposition.

Veterans and Their Dependents

- You will need a copy of the DD214 discharge papers for gaining benefits.
- The VA cemetery in Roseburg has space for cremated remains only. The ones in Portland and Eagle Point have space for both casketed and cremated remains. Interment and marker are free of charge for the veteran, spouse, and certain dependants.
- The U.S. Department of Veterans Affairs (VA) provides markers for veterans no matter where they are interred. Markers can be upright or flat, and they come in bronze, marble, and granite: (800) 697-6947.
- A free flag can be ordered through the U.S. Postal Service.

The Mortuary and Cemetery Board has eleven members. Three are morticians, three are cemeterians, one is a crematory operator, and four are public members one of whom must be a senior citizen. Preneed sales are regulated by the Department of Consumer and Business Services.

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Prepaying the Funeral Home

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<thead>
<tr>
<th>Pay on Death Savings Account or Bank CD</th>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>You have total control of the funds.</td>
<td></td>
<td>Asset for Medicaid purposes.</td>
</tr>
<tr>
<td>Can easily change plans or use for emergencies.</td>
<td></td>
<td>You must declare interest on your tax return.</td>
</tr>
<tr>
<td>Can make time payments easily.</td>
<td></td>
<td>Penalty to cash CD prior to death.</td>
</tr>
</tbody>
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<tr>
<th>Qualified Funeral Trust</th>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>If irrevocable, it won’t be an asset for Medicaid.</td>
<td></td>
<td>The funeral home may keep 10% of a guaranteed contract if you cancel.</td>
</tr>
<tr>
<td>The trust pays taxes on the interest.</td>
<td></td>
<td>The funeral home may possibly keep merchandise if you move or cancel.</td>
</tr>
<tr>
<td>There is a guarantee fund to protect against embezzlement.</td>
<td></td>
<td>Taxes may be paid on interest that otherwise wouldn’t be taxed if you are low-income.</td>
</tr>
</tbody>
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<th>Master or Simple Trust</th>
<th>Pros</th>
<th>Cons</th>
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<tr>
<td>You are supposed to receive an annual report of the interest earned which will serve as reassurance your funeral funds are safe.</td>
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</tr>
<tr>
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<tr>
<th>Funeral or Life Insurance</th>
<th>Pros</th>
<th>Cons</th>
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<td>Easily portable.</td>
<td></td>
<td>The funeral home may keep 10% of a guaranteed contract if you cancel.</td>
</tr>
<tr>
<td>If the funeral home is the beneficiary, it won’t be considered an asset for Medicaid eligibility.</td>
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<td>The funeral home may possibly keep merchandise if you move or cancel.</td>
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<tr>
<td>The insurance company pays the taxes.</td>
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Complaints

Valid complaints include dishonesty, misrepresentation, unprofessional conduct, negligence, breach of contract, violation of state or federal laws. For how to file a complaint, see: www.funerals.org/your-legal-rights/complaint

The Mortuary-Cemetery Board: www.oregon.gov/MortCem/index.shtml

Much of the information for this brochure was taken from Final Rights: Reclaiming the American Way of Death (Upper Access, 2011) www.finalrights.org

Additional information can be found at www.funerals.org

A comprehensive list of veterans benefits can be found here: http://www.funerals.org/faq/60-veterans-funeral-and-burial-benefits

Prepaying for a Funeral

If the contract guarantees the price, the interest is supposed to cover funeral inflation. But many investments do not appreciate as fast as the prices climb. You have a right to insist on no extra charges if it is clearly identified in the contract as “price guaranteed.” Any substitutions should be of equal quality to that described in the contract.

Third-party items such as the crematory fee or obituary usually cannot be guaranteed.

Warehousing of merchandise can avoid trusting requirements making a refund impossible.

Setting aside assets for Medicaid eligibility is the one time it makes sense to prepay for a funeral. There is no limit to the amount you may have in an irrevocable preneed account. Be sure to ask if you will be getting an annual report of your prepaid funds and let those who will be handling your affairs know that you have prepaid and where.

Social Security Death Benefit

There is a $255 death benefit for a surviving spouse. There is no similar benefit when that spouse dies.

Dependent children are entitled to survivor benefits when a parent dies.

Funeral or Life Insurance

Easily portable.

If the funeral home is the beneficiary, it won’t be considered an asset for Medicaid eligibility.

The insurance company pays the taxes.

If you need to cancel, you may get back only about half of what you paid.

If paying over time, you may pay twice the face value.

There may be a 30-day delay in receiving funds for which the funeral home may charge an extra fee.