



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
CHARLESTON 25305

CHARLIE BROWN
ATTORNEY GENERAL

July 18, 1986

Ms. Debra A. Graham
Associate Counsel
West Virginia Legislative Rule-Making
Review Committee
State Capitol, E-228
Charleston, West Virginia 25305

Re: West Virginia Board of Embalmers
and Funeral Directors Legislative
Rule 30-6, Series I

Dear Ms. Graham:

Enclosed are the above-mentioned rules in their latest draft including the corrections you suggested and a few additional clerical, grammatical and organizational problems that I corrected. Nothing substantive was changed.

I have also enclosed a copy of the previous draft of these Rules marked up so you can tell at a glance where the changes were made.

Hopefully, at the next meeting of the Committee, these Rules will be approved.

If I can be of further assistance, please call me at 348-2971.

Very truly yours,

Charles G. Garlow
Assistant Attorney General

CGG/tlp

Enclosure

cc: Richard Hartman ✓
Secretary of State's Office
Vincent Mancinelli
Rose Toufexis, FTC
Karen Robinson, FTC

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OFFICE OF THE ATTORNEY GENERAL
SECRETARY OF STATE

Section 6 Price Disclosure

6.01 General Price and Information List--Upon the beginning of any in-person discussions with persons concerning the purchase of funeral goods or services or upon the request of any person, a licensee, his employees or agents must provide such persons a typewritten or printed list (for their retention) containing the following information:

- (a) The name, address, and telephone number of the licensed facility;
- (b) A caption describing the list as a "general price and information list";
- (c) The effective date for the price list;
- (d) The retail prices and other information specified for the following items if such items are offered for sale:
 - (1) Forwarding of remains to another funeral home together with a list of the services ~~provided~~ for any quoted price;
 - (2) Receiving remains from another funeral home together with a list of the services provided for any quoted price;
 - (3) Cremation without formal viewing, visitation or ceremony with the body present with a separate price for each container offered for sale

(including the price for either an unfinished wooden box or alternative container) and with a description of the services provided for each price quoted.

(4) Cremation without formal viewing, visitation or ceremony with the body present where the consumer provides the container with a description of the services provided with the price quoted;

(5) Burial without formal viewing, visitation, or ceremony with the body present where the consumer provides the casket with a description of the services provided with the price quoted;

(6) Burial without formal viewing, visitation, or ceremony with the body present with a separate price for each alternative container or casket offered for sale and with a description of the services provided with each of the prices quoted.

(7) Transfer of remains to the funeral establishment;

(8) Embalming;

(9) Other preparation of remains;

(10) Use of facilities for viewing;

(11) Use of facilities for funeral ceremony;

(12) Other use of facilities together with a list of facilities provided for any quoted price;

(13) Hearse;

(14) Limousine;

(15) Other automotive equipment together with a description of the automotive equipment provided for any quoted price;

(16) Acknowledgment cards;

(e) Prices and descriptions of each individual casket offered for sale;

(f) Prices and descriptions for each outer burial container offered for sale;

(g) The price for the services of funeral director and staff together with a list of the principal services provided with any quoted price, and if the charge cannot be declined by the consumer, the statement: "This fee for our services will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for cremations or burials without viewing, visitation, or ceremony with the body present, and forward or receiving remains)."

(h) The statement: "The goods and services shown above are those we can provide to our customers. You may choose only the items you desire. If legal or other requirements mean that you must buy any items you did not select, we will explain the reason in writing on the statement of goods and services."

(i) The statement: "This list does not include prices for certain items that you may ask us to buy for you, such as cemetery or crematory services, flowers and newspaper notices. The prices for those items will be shown on your bill, [and if applicable], we charge you for our services in buying such items."

(j) The statement (in immediate conjunction with the information indicated in Section 6.01(d)(8) of these rules): "Except in certain special cases, embalming is not required by law. If you selected a funeral which requires embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why on the statement of goods and services."

(k) The statement (in immediate conjunction with the information indicated in Section 6.01(d) (3) of these rules): "If you want to arrange a direct cremation you can use an unfinished wood box or an alternative container. Alternative containers can be made of materials like heavy cardboard or composition materials (with or without an outside covering), or pouches of canvas."

(1) The statement: "In West Virginia state law does not require you to buy a container to surround the casket in the grave. However, many cemeteries ask that you have such a container so that the grave will not sink in. Either a burial vault or a grave liner will satisfy these requirements."

~~[New rule]~~

6.02 Telephone Price Disclosures—A licensee, his employees or agents must: (a) tell persons who call the licensee's place of business and tell those who ask about the terms, conditions, or prices at which funeral goods or funeral services are offered that price information is available over the telephone; (b) tell persons who ask by telephone about the licensee's offerings or prices any accurate information from the General Price and Information List required by in Section 6.01 of these rules or from any other source which reasonably answers the questions and which is readily available.

~~[New rule]~~

6.03 Statement of Funeral Goods and Services—A licensee, his employees or agents must give a written statement for retention to each person who arranges a funeral or other disposition of human remains, at the conclusion of the discussion of arrangements. The statement must list at least the following information: (a) the funeral goods and funeral services selected by that person and the prices to be paid for each of them; (b) specifically itemized cash advance items, including but not limited to cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians, singers, nurses, obituary notices, gratuities and death certificates. These prices must be given to the extent then known or reasonably ascertainable. If the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of actual charges shall be provided before the final bill is paid; (c) citation to legal or other requirements mentioned in Section 6.01(h) of these rules; (d)

the statement: "If you selected a funeral which requires embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as direct cremation or immediate burial. If we charged for embalming we will explain why below."; and (e) the total cost of the goods and services.

[New rule]

6.04 Retention of Documents—True and accurate copies of the price lists required by Section 6.01 of these Rules must be retained for a period of one year after the date of their last distribution to customers. True and accurate copies of statements of goods and services required by Section 6.03 of these Rules must be retained for a period of one year after the date of their delivery to customers.



* M O D F I L E *

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee



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SECRETARY OF STATE

NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

October 9, 1986

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. Vincent Mancinelli
Executive Secretary
WV Board of Embalmers & Funeral Directors
108 Holland Avenue (WO)
Morgantown, WV 26505

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Regulations governing the Board of Embalmers
and Funeral Directors

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule as originally filed or as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the state register and with the agency proposing the rule.

cc: Charles Garlow, Esquire
Asst. Attorney General