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#### The Association of Independent Funeral Homes of Virginia

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**Hello Associates** 

Hope this letter finds you and yours in good health. I hope that you were able to enjoy time away with your family for a restful vacation without having to wear masks. I'm afraid we are headed in the direction of being mandated to wear masks once again. One thing is for certain, it seems that no one really knows what in the world is going on with regards to Covid-19. There are numerous people with varying opinions and even they seem to change on a daily basis.

One thing is for certain. IFHV is still working to keep you up to date on the things we need to know. Your Board of Directors met last week and we are all anxious to meet again in person. We are hoping that will take place next spring when we offer another seminar for CEUs. For the time being we want to be sure our members remain safe and so our next seminar will be held September 12 & 13 and will again be virtual. This program promises to be informative. If you have not registered let me encourage you to do so and take advantage of these seminars.

On another subject many of you have responded with your opinion with regards to the increase of the Medical Examiner's Fee from \$50 to \$100. We really did not hear any objections to this action so we expect that it will go through without any opposition.

Please continue to let us know how we can best serve you as an association while we continue to work together for those we serve in their time of need.

Sincerely,

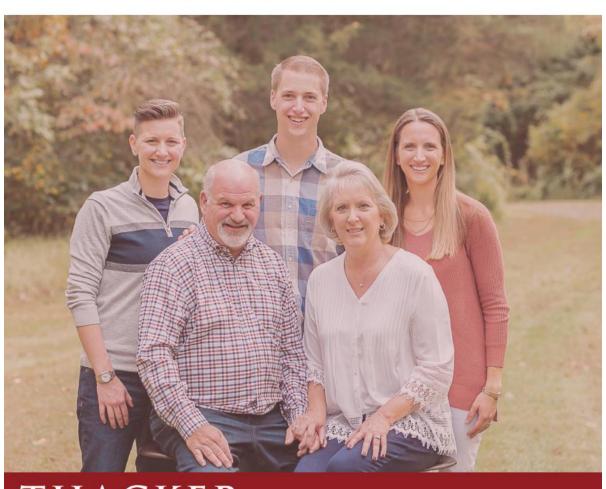
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#### Virginia's First Funeral Directing Degree Program is Open for Enrollment

Virginia's First Funeral Directing Degree Program is Open for Enrollment | Connecting Directors

July 27, 2021



Beginning this fall semester, Tidewater Community College in Virginia offers a new nationally-accredited Funeral Directing degree. The twoyear program, offered through its Virginia Beach campus, will be the State of Virginia's first program of its kind. The new Associate's degree was developed following Virginia's April 2020 General Assembly bill which approved separate licenses for the roles of Funeral Director and Embalmer.

#### **Not Their First Rodeo**

TCC, no newcomer to death care industry training, has offered a "Funeral Services" degree since 2013, but that program has a different focus. The new Funeral Director program is structured around the business side of the industry. Curriculum requirements include coursework on supporting the bereaved and the psychology of grieving, alongside procurement of required legal documentation, matters of management and the business operations of a funeral home, and legal requirements for final dispensation.

Basic technical educational framework of body preparation is there, as well — anatomy and embalming — but to a lesser degree, as the focus on restorative arts is found in the college's other two-year program, Funeral Services.

#### "Services" vs. "Director"

The main difference between TCC's - and, more widely, "Funeral Director" programs versus the already established "Funeral Services" degrees are mainly the absence of intensity of focus on mortuary science (with its focus on body preparation in anatomy, restorative arts, and embalming) in favor of the business side of things.

Requirements for TCC's Funeral Director degree include funeral service law, business law, public speaking, and additional business courses on a framework of math and science. A 2,000 hour externship is also required following the completion of the curriculum (compare to Funeral Services requirement of a 3,000 hour externship).

#### A Little Knowledge is a Dangerous Thing: Death Care Training

There are many excellent, high-quality programs for preparation for careers in the death care industry. Here's an excellent overview from the National Funeral Directors Association (NFDA).

Licensures and regulations vary by state, so if you're thinking of training in another state from the place you eventually hope to ply your trade, keep that in mind. Check with the licensing board of your state of practice to ensure its requirements will be met by the program you plan to attend.

#### **Standards of the Pros**

As of 2018, there were 57 nationally accredited mortuary/funeral director/service programs recognized by the American Board of Funeral Service Education (ABFSE). The directory includes 4-year (Bachelor's) degrees and 2 year programs, including fully online/remote programs. But what does it mean to be "accredited?"

According to the American Board of Funeral Service Education, "'Accreditation' is a process through which a program or institution voluntarily submits to evaluation by its peers against an established set of standards."

Accreditation, like other licensure, isn't permanent; first an institution must earn it, and thereafter, must reestablish its worthiness of the credential at regular intervals.

"Schools" do exist without accreditation; referred to as "degree mills", they lack the prestige of accredited programs.

#### Can You Attend an Unaccredited Funeral Director Degree Program?

Unaccredited programs certainly exist, but your state may not license you – even if you pass any required examinations — if the program you attend is not recognized. Check first.

Want to know more?

- Visit the <u>U.S. Department of Education's site on recognized accreditation</u>.
- Review the <u>NFDA's comprehensive directory on training</u> in general for careers in the death care industry.
- Check out information on why the process of an educational institution's standing in accreditation status is important.

TCC's new Funeral Director program is open for enrollment and is available fully remote beginning August 23.



#### SPECIAL LEGISLATIVE UPDATE 20201 SPECIAL SESSION II

The entire Virginia General Assembly returned to the state Capitol for the first time in over a year earlier this month, kicking off a short special session to elect judges and adjust the state budget to account for billions of dollars in federal coronavirus relief money.

The House and Senate failed to agree on a procedural resolution to define the rules and boundaries of the special session, including when it will adjourn. The House had unanimously approved a resolution that would have required the session to adjourn by Saturday, Aug. 14. The resolution also would have allowed either chamber to adjourn temporarily and reconvene on 48 hours' notice to allow the budget and courts committees to work on the spending plan and the election of eight judges to the Virginia Court of Appeals. The Senate eliminated the closing date and required the House and the Senate to make a "joint call" to adjourn temporarily. The Senate also reduced the required time for reviewing the final budget plan from 48 hours to 24. The House unanimously rejected the Senate amendments, leaving the assembly without operating procedures.

Over the course of about two weeks, legislators took up a wide-ranging budget proposal crafted by Gov. Ralph Northam and fellow Democratic leaders. It calls for spending most of Virginia's \$4.3 billion share of American Rescue Plan funding on initiatives such as increasing broadband access, supporting small businesses and tourism, improving air quality in public schools, boosting mental health and substance-abuse treatment, and backfilling the state's unemployment trust fund.

As of August 10<sup>th</sup>, 2021 lawmakers wrapped up action on more than \$3 billion in federal rescue funding, recessing the special session for the time being. Lawmakers could come back to fill openings on the Fairfax Circuit Court and Norfolk General District Court. The House and Senate recessed rather than adjourning to retain control over filling such vacancies.

We will provide more information about the impacts of any budget changes in the weeks to come.

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Virtual Learning Series September 12 and 13



#### September 12

4:00 pm - 6:00 pm 2 Hours CE Credit

## How to Position Your Business for Today's Digital World Courtney Gould Miller, Esq.

Every business today must think virtually, & funeral service is no different. But, online marketing is also not a one-size-fits-all approach — there are many ways to bring digital solutions into your firm (and a few wrong ways, too!) Courtney Gould Miller, the profession's leading marketing firm, will lead an interactive session highlighting key areas of a digital strategy. She will share cutting edge marketing trends on social media, search, websites, & e-commerce, including case studies featuring funeral homes, Cemeteries, &crematories. She will also share how you can use virtual to increase your connection with families during arrangements and pre-need appointments.

#### September 13

8:30 am - 10:30 am 2 Hours CE Credit

#### **Consolidation and Competition**

Glenn H. Gould, III, M.S.

The pandemic has been a challenge for the US in general but the post pandemic period could represent a greater challenge to the death care profession. In general, Independent funeral homes grow by taking business from corporate funeral businesses, and lose business to discount operations and direct cremation businesses. Glenn's presentation will discuss the death care industry consolidation relative to the challenges and opportunities it creates for Independent Funeral Homes, including the acquisition opportunities on the horizon.



#### Glenn H. Gould, III, M.S. is CEO of MKJ Marketing

MKJ Marketing is a death care industry marketing firm serving funeral homes, cemeteries and death care industry vendors in areas of Digital Marketing, Market Research, Advertising and Training Programs. MKJ was founded in 1982 and has over 3000 funeral home clients throughout the US and Canada. As CEO of MKJ Marketing, Glenn assists funeral homes and death care industry vendors in establishing marketing and advertising plans. He is recognized for his market research services having conducted over 800 positioning and prospective trade area studies throughout the US and Canada. In addition to quantitative research studies for funeral homes and cemeteries, Glenn has moderated one-on-one interviews, focus groups and test panels.



#### Courtney Gould Miller, Esq. is CSO, Legal Counsel and Head of Digital of MKJ Marketing

Courtney is a "go-to" resource in digital marketing for funeral homes and cremation businesses, leveraging MKJ's Digital 360 program to drive traffic and generate pre-need and at-need leads from search marketing, social media, blogging, email marketing, and online ads. She completed graduate studies in Digital and Content Marketing from Duke University and she is a frequent author and speaker in the deathcare and end-of-life industries. In 2016, she established MKJ's Nashville office where she leads MKJ's continuously growing digital team.

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## OSHA Issues New Workplace Guidance On June 10th the Occupational Safety and Health Administration



(OSHA) issued updated Guidance Mitigating and Preventing the Spread of COVID-19 in the Workplace. This guidance applies only to the unvaccinated and otherwise "at risk" workers. The guidance is intended to help employers and workers not covered by OSHA's COVID-19 Emergency Temporary Standard (ETS) to identify COVID-19 exposure risks to workers who are unvaccinated or otherwise atrisk, and to help them take appropriate steps to prevent exposure and infection.

As a sidenote, OSHA also issued a COVID-19 Emergency Temporary Standard (ETS) on June 10, 2021. Most of the provisions of OSHA's ETS took effect on July 5, 2021, however, the funeral industry is not subject to the ETS. The ETS only applies to health care workers and health service support workers. Page 6 Regulatory Support Services www.regulatorysupportservices.com The new Guidance provided by OSHA adopted the definition of an unvaccinated person as defined by the Centers for Disease Control and Prevention (CDC) to mean "any worker who is not yet two weeks removed from their final vaccination shot." The Guidance offered by OSHA defines an "at risk" employee, whether or not vaccinated, as follows:

Some conditions, such as a prior transplant, as well as prolonged use of corticosteroids or other immune-weakening medications, may affect workers' ability to have a full immune response to vaccination. See the CDC's page describing Vaccines for People with Underlying Medical Conditions, and further definition of People with Certain Medical Conditions. Under the Americans with Disabilities Act (ADA), workers with disabilities may be legally entitled to reasonable accommodations that protect them from the risk of contracting COVID-19 if, for example, they cannot be protected through vaccination, cannot get vaccinated, or cannot use face coverings. Employers should consider taking steps to protect these at-risk workers as they would unvaccinated workers, regardless of their vaccination status.

Employers, hence, should take steps to establish safety protocols for those employees who may have compromised immune systems or other underlying medical conditions, whether or not they are vaccinated. OSHA recommends that employers protect unvaccinated or otherwise at-risk workers and mitigate the spread of COVID-19, by doing the following (summarized) below:

- 1. Grant paid time off for employees to get vaccinated.
- 2. Instruct any workers who are infected, unvaccinated workers who have had close contact with someone who tested positive for SARS-CoV-2, and all workers with COVID-19 symptoms to stay home from work ensuring that absence policies are nonpunitive. Eliminate or revise policies that encourage workers to come to work sick or when unvaccinated workers have been exposed to COVID-19. Businesses with fewer than 500 employees may be eligible for refundable tax credits under the American Rescue Plan if they provide paid time off for sick and family leave to their employees due to COVID-19 related reasons. The ARP tax credits are available to eligible employers that pay sick and family leave for qualified leave from April 1, 2021, through September 30, 2021. More information is available from the IRS. Page 7 Regulatory Support Services <a href="https://www.regulatorysupportservices.com">www.regulatorysupportservices.com</a>
- 3. Implement physical distancing for unvaccinated and otherwise at-risk workers in all communal work areas.
- 4. Employers could also limit the number of unvaccinated or otherwise at-risk workers in one place at any given time, for example by implementing flexible worksites (e.g., telework); implementing flexible work

hours (e.g., rotate or stagger shifts to limit the number of such workers in the workplace at the same time); delivering services remotely (e.g., phone, video, or web); or implementing flexible meeting and travel options, all for such workers.

- 5. At fixed workstations where unvaccinated or otherwise at-risk workers are not able to remain at least
- 6 feet away from other people, transparent shields, or other solid barriers.
- 6. Provide unvaccinated and otherwise at-risk workers with face coverings or surgical masks, unless their work task requires a respirator or other PPE. CDC provides general guidance on masks.
- 7. Employers should provide face coverings to unvaccinated and otherwise at-risk workers at no cost. Under federal anti-discrimination laws, employers may need to provide reasonable accommodation for any workers who are unable to wear or have difficulty wearing certain types of face coverings due to a disability or who need a religious accommodation under Title VII. In workplaces with employees who are deaf or hard of hearing, employers should consider acquiring masks with clear coverings over the mouth for unvaccinated and otherwise at-risk workers to facilitate lip-reading.
- 8. Unless otherwise provided by federal, state, or local requirements, unvaccinated workers who are outdoors may opt not to wear face coverings unless they are at-risk.
- 9. When an employer determines that PPE is necessary to protect unvaccinated and otherwise at-risk workers, the employer must provide PPE in accordance with relevant mandatory OSHA standards and should consider providing PPE in accordance with other industry-specific guidance. Page 8 Regulatory Support Services <a href="https://www.regulatorysupportservices.com">www.regulatorysupportservices.com</a>
- 10. For operations where the face covering can become wet and soiled, provide unvaccinated and otherwise at-risk workers with replacements daily or more frequently, as needed.
- 11.Employers with workers in a setting where face coverings may increase the risk of heat-related illness indoors or outdoors or cause safety concerns due to introduction of a hazard (for instance, straps getting caught in machinery) may wish to consult with an occupational safety and health professional to help determine the appropriate face covering/respirator use for their setting.
- 12.Educate and train workers on your COVID-19 policies and procedures using accessible formats and in language they understand workplace policies and procedures implemented to protect workers from COVID-19 hazards.
- 13. Suggest that unvaccinated customers, visitors, or guests wear face coverings, especially in public-facing workplaces such as retail establishments.
- 14. Maintain Ventilation Systems.
- 15.Perform routine cleaning and disinfection.
- 16.Implement protections from retaliation and set up an anonymous process for workers to voice concerns about COVID-19-related hazards. Section 11(c) of the Act prohibits reprisal or discrimination

against an employee for speaking out about unsafe working conditions or reporting an infection or exposure to COVID-19 to an employer.

17.Follow other applicable mandatory OSHA standards: All of OSHA's standards that apply to protecting workers from infection remain in place. These mandatory OSHA standards include: requirements for PPE (29 CFR 1910, Subpart I (e.g., 1910.132 and 133)), respiratory protection (29 CFR 1910.134), sanitation (29 CFR 1910.141), protection from bloodborne pathogens: (29 CFR 1910.1030), and OSHA's requirements for employee access to medical and exposure records (29 CFR 1910.1020).

For the full list of recommendations, we encourage you to review the Guidance in detail. Employers should take additional steps to mitigate the spread of COVID-19 for unvaccinated and otherwise at-risk workers in workplaces where there is heightened risk under the following circumstances:

- Close contact— where unvaccinated or otherwise at-risk workers are working close to one another, for example, on production or assembly lines. Such workers may also be near one another at other times, such as when clocking in or out, during breaks, or in locker/changing rooms.
- Duration of contact where unvaccinated or otherwise at-risk workers often have prolonged closeness to coworkers (e.g., for 8–12 hours per shift). Continued contact with potentially infectious individuals increases the risk of SARS-CoV-2 transmission.
- Type of contact unvaccinated or otherwise at-risk workers who may be exposed to the infectious virus through respiratory droplets in the air—for example, when unvaccinated or otherwise at-risk workers in a manufacturing or factory setting who have the virus cough or sneeze. It is also possible that exposure could occur from contact with contaminated surfaces or objects, such as tools, workstations, or break room tables. Shared spaces such as break rooms, locker rooms, and entrances/exits to the facility may contribute to their risk.

Other distinctive factors that may increase risk among these unvaccinated or otherwise at-risk workers include:

- A common practice at some workplaces of sharing employer-provided transportation such as rideshare vans or shuttle vehicles; and
- Frequent contact with other unvaccinated or otherwise at-risk individuals in community settings in areas where there is elevated community transmission.

Within the Guidance, OSHA makes clear that the guidance is not a standard or regulation, and it creates no new legal obligations. The recommendations are advisory in nature and informational in content. As you know, and we like to consistently remind you, that even if there is no specific provision which is directed to your workplace, you should always be mindful of your employee's safety under all circumstances, especially in light of OSHA's General Duty Clause, 29 U.S.C. § 654, 5(a)1, which requires employers to "provide their workers with a safe and healthful workplace free from recognized hazards that are causing or likely to cause death or serious physical harm."





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#### Death Tech — will new technologies move forward

August 2, 2021 By Funeral Director Daily



Want to deliver the audio at your own funeral with a text written after your death by your pastor or other spokesman? Evidently, voice synthesizing technology can now make that happen. . . . a written text will mimic your own voice, even after death giving you the opportunity to deliver your own funeral sermon.

**This article** from *Fortune* entitled, "*Tech can't solve death. But startups increasingly want to help with what comes after*", gives an insight into what may be around the corner in what is being termed "Death Tech" and wonders if "Death Tech" will be around to stay.

The article centers most of its attention on a product in the operating stage called *GoodTrust*. GoodTrust allows people to store digital archives that

can be accessed by a trusted spouse or partner following death. Founder Rikard Steiber, who was formerly a global marketing director at Google says, "We know exactly the information and documentation these companies require." You can visit the GoodTrust website **here.** 

A paragraph from the article states this, "In general, tech makes it easier to provide cheaper and broader access to certain aspects of the death business, says Steiber. His company just introduced a service that lets anyone create their last will in 15 minutes for free, a type of service that could otherwise cost hundreds or thousands of dollars in lawyer fees. "This new feature from GoodTrust will empower over 140 million US adults who do not have a will today, to get one today," he says.

And, Steiber says there is already a built in market for his services. . . . Facebook has 30,000 users who die every day. Others aren't so sure. David Nixon, of Illinois based Nixon Consulting, a well-known funeral industry consultant, says, "The funeral profession is extremely slow to change. . . . while many funeral home owners are neither tech-savvy nor interested in learning new things. . . . There have been a number of these startups over the last 15 years, in some cases 30 years. Few have caught on."

**Funeral Director Daily take**: I think preferences change over time and new generations look for new products. Recently, an article in The *Memorial Business Journal* from the National Funeral Directors Association mentioned that within 25 years, casketed burials will represent only 16% of the disposition market. That is a huge change in a generation or two from the 85% it represented when I started full-time in the funeral business in 1980.

I also expect that technology will change things moving forward. *GoodTrust* sounds like a service that I might use. . . . I would want my wife and children to be able to access what I have online and I'm guessing that a product like *GoodTrust* will help them do that at the time of my death.

A bigger question that I have is how *GoodTrust* fits into the funeral industry. I don't think it does. . . . it is a stand-alone product that is more relevant in the legal and estate businesses. However, a question for funeral directors. . . . as we see full service funeral services becoming less and less, might be, "How do I make a product like *GoodTrust* into a revenue producer for my funeral home?"

Cremation crept up on many funeral businesses. How many funeral homes in your area do you know who were really late to the party adding a crematory or simply "cremation services" to the funeral home title? I'm guessing, because of not catching the trend, they missed a little revenue on the way to where they are today.

I don't disagree with consultant Nixon when he says few of these start-ups have caught on. However, with the next generation, a generation that has grown up with apps and cell phones continues to mature, there will be technology that solves some death care issues that grieving families will use regularly. Owners and operators need to be on the look-out for them, recognize the profitable ones, and be able to profit yourself from their use.

That is how a once old-fashioned funeral home will move to being at the forefront of what consumers will be looking for when a death in the family occurs in the future. . . . even if burial disposition is only 16%. It's about a continual evolution of our role in society. The business of death care is truly a continual evolution of services to stay relevant well into the future.

#### Be Forewarned, another Competitor Enters the Market

#### "This casket startup is taking on big funeral industry with a focus on direct-toconsumer innovation"

**Nora James – 8/10/21** 



Another company with ties to the Seattle area is getting into the business of making after-life decisions and purchases easier through the use of technology.

Titan Casket is a new startup that's bringing direct-to-consumer convenience, savings and customer service to the often emotional task of purchasing a casket. The company's co-founders include a husband-and-wife team in Bellevue, Wash., and a longtime casket manufacturer and supplier on the East Coast.

Titan's mission is to make it easy to buy a casket online, through its own marketplace and even on Amazon, where it's the top casket seller. The goal is to educate consumers and save them money during a

process in which grief usually trumps the notion of shopping around and higher funeral home prices pass as acceptable in the moment.

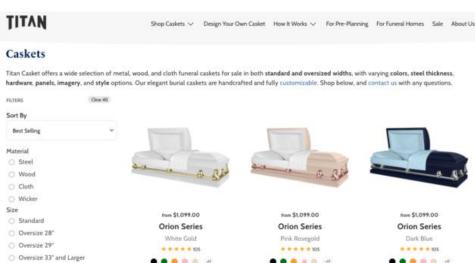
"Most customers go to a funeral home and they buy their casket and the prices are exorbitant," said Titan cofounder Josh Siegel. With a tech background that includes more than eight years at Amazon, Siegel is currently the chief product officer at RealSelf, the Seattle cosmetic treatment review startup. He's serving as an advisor to Titan while his wife Liz Siegel and Massachusetts-based Scott Ginsberg serve as co-CEOs and run Titan's day-to-day operations.

The reason behind high prices at funeral homes, according to Titan, is because two large manufacturers control most of the casket market and they only sell to funeral homes, and "it's really up to the funeral home what to charge," Josh Siegel said.

Ginsberg said a casket that Titan charges \$1,000 for can range in price from \$1,800 to \$3,300, depending on the funeral home.

"Directors know that people don't shop," Ginsberg said. "You're going to go to the same funeral home you've always gone to. It's not right, it's not wrong, it's just what people do. The director kind of knows he has you."

It's a process that Ginsberg started seeking a solution for five years ago. With more than 20 years in the casket business, Ginsberg was laid up in 2016 after a skiing accident. He said he bought a "zippy new laptop"



and started figuring out how to sell online, first on Amazon.

"I sold one, then two, then three and it just started to snowball," Ginsberg said. "But it's not my ball of wax," he said of running an online marketplace. "I'm more of a product person. I have the vision of where I know it should be." He found Josh Siegel through the Columbia Business School's alumni directory. They started kicking ideas around. But a visit by Ginsberg to eyeglasses retailer Warby Parker sealed what he thought they should strive for — to be "the Warby Parker of caskets."

"I've always loved their website," Ginsberg said. "I called Josh up, I said, 'Direct to consumer is it. I think it's time. The marketplace is there, people's mindset is there more so than ever."

An increasing number of startups are innovating to bring change to the \$20 billion funeral industry. In Seattle, Recompose has gained attention by offering an alternative choice to conventional burial and cremation methods by turning human remains into soil. Portland, Ore.-based Solace has added digital convenience to the process of planning and facilitating cremation services. In May, a team from the University of Washington called AfterLife Listings won the \$25,000 grand prize in a student startup competition for its idea to simplify planning and transactions related to burial plots.

"The whole industry and this business in particular is very mission-based, and everyone doing death tech has a similar ethos," Siegel said. "It's been very rewarding building this and helping families."

Siegel had experience at Amazon running the tech giant's home entertainment store, so he was used to shipping big items like TVs. But more importantly, he and his co-founders have learned from Amazon's customer service principles. "Part of it was me being there, but part of it is you've seen those same principles now in many direct-to-consumer companies, where they are taking care of the customer first and foremost and building through word of mouth," Siegel said. "If there's any industry where that matters, it's this one, both because it's the right thing to do and because it's not a refrigerator that can be delivered late or be replaced."

It's been very rewarding building this and helping families.

Titan launched as a fully realized business in January 2020, is profitable and the founders have not raised venture or any outside capital to date. They're open to that option if it means they can scale faster in terms of inventory or invest it back into tech. Titan has grown 5x from last year and they have warehouses in the Northeast and in Los Angeles to be able to better stock inventory and hit shipping targets all over the country. Liz Siegel and Ginsburg handle the bulk of customer service and sales, which is facilitated in online chats or phone calls with customers, and there are two other employees on the operational side.

The plan is to ramp up and hire more customer service reps and maintain a high bar.

"It's a core capability of the company. It's not something you'd want to outsource," Siegel said. "A lot of the magic is not in the technology, it's in the deep product expertise that Scott has and the customer service and operational intensity of Liz."

Liz Siegel has literally gone from the cradle to the grave with her retail experience. A lawyer before she and her husband had three kids, she previously ran her own baby products company.

"It was kind of a way to dip a toe into retail, see how things worked, particularly with Amazon and building websites and all that sort of thing," she said. "I kept it going for a while and then once Titan really started to take off the Seattle baby stuff had to take a back seat because now it's all caskets all the time."

Titan can ship to funeral homes and customers are able to bring in their own casket because of a federal law called "the Funeral Rule," enforced by the Federal Trade Commission. It states, in part: "The funeral provider cannot refuse to handle a casket or urn you bought online, at a local casket store, or somewhere else — or charge you a fee to do it." "In all fairness, a lot of funeral homes are wonderful to work with," Liz Siegel said. "There are the occasional bad actors, but we like to have good relationships with funeral homes and to work closely with them."