

Manual of Professional Practice

Part 1

Introduction

Section 1. SPHERE & FUNCTION OF THE FUNERAL SERVICE PRACTITIONER

In the United States, where Judeo-Christian tradition has fostered respect for the human dead and considerations of public health require protection of the living against infection or contagion, the direction of funerals and the disposition of human remains is entrusted to a specialized group: funeral directors.

The funeral director serves their fellow man and woman during one of the most trying periods that human beings experience. He/she is called to serve because the bereaved family has neither the training nor the facilities required for the funeralization and disposition of the deceased and the many corollary responsibilities. These services require specialized knowledge in the mortuary arts and sciences. Moreover, in his/her ministrations to the bereaved, the funeral director must be empathetic and have a true understanding of the psychology of grief and the mourning processes.

It is his/ her responsibility to counsel the bereaved family and to conduct him/herself in a manner that subserves their best interests and, at the same time, conforms to their wishes. The manner in which each funeral director approaches this task determines not only his/her own success, but the esteem with which the public regards the profession.

Section 2. ETHICAL PRACTICE

Ethics is the science of rectitude and duty. Its subject is morality and its sphere is virtuous conduct. It treats the various aspects of rights and obligations. In essence, ethics is a set of principles that governs conduct for the purpose of establishing harmony in all human relationships. For practical purposes, ethics is fair play.

In the absence of a specific set of rules by which humankind is governed or through which he learns to govern himself in his relations with others, he is dependent upon traditional customs and practices as rules of conduct. This manual, therefore, is intended to suggest some desirable uniform rules of conduct by which all funeral directors may be guided in the practice of their profession. No code or manual can specify all the duties of the funeral director in every circumstance that confronts him or her. The present manual is designed merely to serve as a guide in promoting professional attitudes and insuring ethical conduct in many of the situations where neither custom nor tradition have provided a standard of practice that best serves the interests of the public and the profession.

PART II

PROFESSIONAL RESPONSIBILITIES

In the many services rendered by the funeral director, contact is required not only with the family, but with numerous other individuals, groups and agencies. This article outlines some of the professional responsibilities that must be met in these contacts.

Section 1. RESPONSIBILITY TO THE FAMILY

Subsection 1. Judicious Counsel

Experience qualifies the funeral director to be of great value to those whom he or she serves and it is a professional obligation to give judicious counsel.

When there is an arrangement conference, you are under greater scrutiny than at any time during the funeral process. The observers are the ones who can and will do you the most harm if you are not considerate of them, even if they are onlookers.

Take the time to sort out the decision makers while still attending to the psychic needs of each other who are present. It takes special strokes for all the folks.

In accordance with the wishes of the family, the funeral director must inform them concerning the time, the place and numerous incidental details of the funeral. Arrangements with the minister and the cemetery are generally part of this responsibility. Careful consideration must be given to the religious beliefs and practices of the family.

In counseling the family in the selection of the service and furnishings, the ethical funeral director considers their financial limitations. Once a funeral director is called by the family or their representatives and as a result of such call removes the body, he shall provide the necessary services and merchandise in keeping with the wishes and finances of the family or their representative. To encourage or allow an expenditure beyond the means or wishes of a family is both unethical and unprofessional.

Before the family selects the funeral service, the funeral director should explain the various aspects of the funeral and the costs as to the services and the merchandise he or she provides and as to that obtained from others such as cemeteries, florists and so forth. In such explanation, the funeral director should make clear the range of prices for funerals available. Also, the funeral director should welcome any questions or discussions as to that which is or is not required by laws and/or regulations to such laws.

The funeral director should review for the family the various death benefits and/or burial allowances that may be available to them such as those involving Social Security, the Veterans Administration, armed forces, labor unions, fraternal and other organizations. He or she will assist in the preparation and filing of the necessary forms to secure these benefits and allowances for the family. Where further professional assistance is required, the funeral director should suggest that the families seek the advice of other professionals.

When a family decides on the kind of services and/or merchandise desired, the funeral director shall provide a Statement of Goods and Services for the family to approve and sign showing (1) the price of the services and/or merchandise that the family has selected and what is included therein; (2) the price of each of the supplemental items of service and/or merchandise requested; and (3) the amount involved for each of the items for which the funeral director will advance monies as an accommodation to the family.

Subsection 2. Factual Representation

Misrepresentation is unethical and unprofessional. Representations concerning any aspect of the services rendered or the funeral furnishings or disposition alternatives should be full and factual. The meeting of the minds is an essential requirement in any transaction. This cannot be accomplished on an unfactual basis.

Subsection 3. Fulfillment of Contractual Obligations

Whether verbal or written, the funeral director is obligated to fulfill his agreements and contracts in every detail. To do otherwise is unethical and unprofessional.

Subsection 4. Confidential Relationships

During the funeral director's service to a family, information of a confidential nature is frequently acquired. Facts concerning the cause of death, expenditures for the funeral, the source of funds, or other information of a personal nature should be discussed only with members of the family or their authorized representatives. Every confidence must be held inviolate. Failure of the funeral director or employees to exercise the utmost discretion in all confidential relationships reflects an unprofessional attitude.

Subsection 5. Custody of Property

By the very nature of his work, the funeral director often becomes the custodian of personal effects of the deceased or of members of the family. The custody of items that have either a monetary or sentimental value represents a temporary trusteeship. Disposition of these items should be made at the earliest opportunity and in accordance with the wishes of the family.

Subsection 6a. Attitude Toward Organ and Tissue Donation

Members are urged to support the wishes of families who choose to authorize organ and tissue donation, if the organ or tissue are necessary and medically acceptable.

Subsection 6b. Attitude Toward Body Donation

Members are urged to support the wishes of individuals or families who choose body donations, if the body is needed and medically acceptable.

Section 2. RESPONSIBILITY TO THE CLERGY

Subsection 1. Respect for Religious Creeds and Customs

The funeral is an outgrowth of religious practice. Consideration for the customs and mourning habits of all religious creeds and denominations is, therefore, a paramount obligation of the funeral director. It is his duty to understand the religious practices of each family served and to adjust his services to conform with their beliefs and the associated rituals within legal and/or moral community standards.

Subsection 2. Deference To The Clergy

Before any funeral arrangements are made, the funeral director should determine, if he does not know, who is the minister, priest or rabbi of the deceased and/or the family. The funeral director should ascertain if such clergyman has been notified of the death. If this has not been done, the funeral director should suggest it be done and should offer to do so for the family, if desired.

When a funeral service is conducted in a place other than the church of the clergyperson, his or her wishes and desires should be considered to whatever extent possible, except that the wishes of the clergyperson shall be subservient to those of the family except where dogma is involved.

When conducting a funeral in a church, the policy rules and regulations of that church must serve as the guide to the conduct of the service. Any exceptions to such procedures requested by the family should be cleared with the clergyman or proper authority well in advance of the time of their actual performance.

The funeral director should remain alert to the needs of the families served and when the need for religious or pastoral counseling is indicated, should make proper referrals whenever possible.

In the matter of the honorarium or the stipend, the personal wishes of the clergyman should be respected. When the funeral director assumes the responsibility for the honorarium at the direction of the family, it is desirable to use a check for the transaction for record keeping purposes. If the clergyman does not accept honoraria, the family should be so informed in order that they may express their appreciation in other ways.

Section 3. RESPONSIBILITIES TO MEDICAL AND HOSPITAL PERSONNEL

Subsection 1. Conformity With Health Laws and Regulations

The funeral service practitioner is licensed for the purpose of promoting public health. Conformity with health laws and regulations is a legal responsibility. In addition, he or she shares with all medical and hospital personnel the professional responsibility of cooperating with all groups and in supporting all measures that promote the health of the public. Courtesy, tact and discretion should characterize all of his professional transactions.

Subsection 2. Information Concerning The Cause of Death

The funeral director and the attending physician have the joint responsibility of completing and signing the certificate of death. It is a matter of professional courtesy to cooperate to the fullest possible extent in this matter.

The medical examiner, physician, justice of peace- or the coroner if he has jurisdiction- is the final authority in determining the cause of death. All questions relating to the cause of death, as well as other medical data, should be referred to him. Information contained on the death certificate is confidential and should be discussed only with the physician, with members of the family or with authorized officials. Indiscreet discussion of these matters is unprofessional and may be embarrassing as well as detrimental to the best interests of the family.

Subsection 3. Attitude Toward Autopsy

Post-mortem examination of the human body is an essential instrument in the advancement of medical knowledge. Unwarranted discouragement of autopsy by funeral directors is unprofessional.

It is true that the performance of autopsies will frequently cause delay and inconvenience to the family and to the funeral director. Nevertheless, these difficulties can be minimized through cooperation between funeral directors and pathologists in understanding each other's problems.

The fact is, until we as a profession can get beyond self-interest, animosity toward pathologists and personal bias; we lose respect as professionals. As a way of encouraging each licensee to address autopsies professionally, following is the joint recommendation of the College of American Pathologists and the National Funeral Directors Association:

1. Encourage the performance of arterial embalming prior to autopsy except in those cases in which microbiological or toxicological studies are indicated.
2. Reduce procedural delays in an effort to minimize the time interval from death to release of the remains, preferably to a period of four to six hours.
3. Suggest and encourage the use of autopsy techniques which will eliminate technical difficulties for the embalmer.

4. Establish a joint CAP (College of American Pathologists) NFDA Educational Program.
5. Seek legal permission for pathologists to sign death certificates following the completion of an autopsy.
6. Encourage the adoption of a simplified, non-technical autopsy consent form.
7. Encourage both professions to cooperate with and promote organ donor programs.

Questions relating to autopsy should be referred to the family physician, pathologist, coroner, justice of peace or medical examiner.

Subsection 4. Funeral Director-Coroner

A funeral director who is also a coroner or justice of peace is not relieved of any of the professional imperatives of this Code or Manual of Professional Practice. It is unethical for a funeral director whether or not he is a coroner or justice of peace to use the coroner or justice of peace office in the furtherance of his interests in the practice of funeral directing when such use subverts a family's free choice or unduly influences their judgment in the selection of a funeral director.

Section 4. RESPONSIBILITY TO THE CEMETERY OR CREMATORY

The work of the funeral director is not done until he has completed necessary arrangements with the cemetery of the family's choice or the available crematory. Information regarding the time of service, the type of outer burial container to be used or other pertinent information should be given the cemetery in ample time to permit full preparation for the interment. When there will be a cremation, the crematory should be informed thereof so the time of the cremation can be set.

If a funeral director assumes financial responsibility for payment of cemetery or crematory charges, then it is his or her duty to make payment at the proper time so that no situation arises that may embarrass either the family or the funeral director.

Section 5. RESPONSIBILITIES TO GOVERNMENTAL AND OTHER PUBLIC AGENCIES

Subsection 1. Relations With The Licensing Board

Texas Funeral Service Commission is established by law to regulate the practice of embalming and funeral directing in a manner that will best serve the public health and welfare. The rules and regulations of this commission are as binding as the law itself. Respect for the licensing authority and conformity with its rules and regulations is not only a legal requirement but is an essential aspect of professional practice.

Subsection 2. Relations With Other Agencies

There are numerous other agencies with whom the funeral director must deal in the conduct of business and in serving families. It is the responsibility of the funeral director

to be fully informed concerning the functions of these agencies as they pertain to funeral service, to observe their rules and regulation, to prepare and file necessary forms and to assist clients in their transactions; in so doing, it is unethical to encroach upon the prerogative of other professions.

Section 6. RESPONSIBILITY TO THE PRESS AND PUBLIC

Funeral directors should be available to discuss with anyone all matters relative to the conduct of a funeral. Whenever possible, the funeral director should assume active leadership in seminars or discussions which will bring a deeper understanding to all concerned about death, the funeral and bereavement.

Professional attitudes are frequently revealed in dealing with the press. It is important that the obituary provide news of human interest and yet not reveal information that a family would prefer not to have published. This often requires the utmost discretion and resourcefulness on the part of the funeral director.

Harm can be done by trying to make headlines. At the same time, omission of information that reflects credit to the deceased and high standing in the community denies the family of honorable mention. The funeral director enhances the appreciation of his families and the press by releasing full and factual information that permits proper public evaluation.

PART III

Section 1. RESPECT FOR THE DECEASED

In the preparation of the deceased, a good general rule to follow is to show the same care and consideration that would be given to a member of the embalmer's or funeral director's own family. The deceased entrusted to the care of the funeral firm represents the cherished remains of a person who, in life, held the love and esteem of a family and friends. The funeral director and all members of his staff must keep this fact in mind at all times.

By state law only authorized personnel should be in attendance during the preparation of the body.

Section 2. OPERATION OF THE FUNERAL HOME

The funeral director in charge is responsible for the operation and management of the funeral home. The law extends him/her that privilege and, at the same time, holds him or her accountable. It is his or her duty to so manage the affairs of the funeral home that the highest interest of society may be served and the standards of the profession maintained.

Subsection 1. Employer-Employee Relations

The funeral director and employees have the joint responsibility of fostering and maintaining a happy professional relationship. A friendly atmosphere is most conducive to effective and efficient public service.

Each member of the funeral director's staff contacts the public at times. It is the funeral directors responsibility to insure that each employee is properly trained for his/her duties. Moreover, these duties will be performed more effectively if the employee has reasonable assurance of job security, is adequately compensated for services, and feels that there is opportunity for advancement and increased income as he or she qualifies to accept greater responsibilities.

In turn, the employee has definite obligations to the funeral director. As the representative of his employer in all public contacts, his/her actions reflect credit or discredit upon the funeral director. His/her personal appearance and conduct should be beyond reproach. It is the duty of employees to be loyal to their employer, to be diligent and trustworthy and to perform his/her work in the best possible manner in accordance with the desires of the owner/manager.

Effective employer-employee relations are maintained through mutual respect and consideration of each for the welfare of the other.

It is unethical and unprofessional for either the employer or employee to use confidential information or records to the detriment of the other, either during or following the period of employment.

Subsection 2. Preceptor-Trainee Relations

The preceptor-trainee relationship is an employer-employee relationship of a special character. The mutual obligations of employer and employee as outlined in the preceding section apply here, too. In addition, there is the relationship of teacher to student that imposes additional responsibilities.

The traineeship is a definite and important part of the education of the prospective embalmer and funeral director. It is the responsibility of the preceptor to provide opportunity for experience in all phases of funeral service under competent supervision, and to permit the trainee to assume progressively increasing responsibilities. Moreover, the trainee should inspire ideals of ethical practice and public service.

The trainee should welcome the privilege of furthering his or her education by applying themselves diligently to all duties assigned. They should take every opportunity to participate in every phase of maintenance, operation and management of the funeral home. Menial tasks are often essential and should be accepted in the same spirit as other duties and responsibilities that are assigned.

Mutual respect and consideration between preceptor and trainee is a prime condition for an effective traineeship. It is unethical and unprofessional for the preceptor or trainee to shirk their respective obligations.

Subsection 3. Proper Maintenance of Facilities

It is a matter of good business and sound professional practice for the funeral director to maintain the funeral home in a condition that gains public acceptance and merits public esteem. In particular, the funeral director is obligated to observe all health regulations designated to safeguard the health of the staff and the public. Such regulations should be viewed as a basic standard that serves as a guide for higher standards.

Subsection 4. Accuracy in Records

All records should give a full and factual account of past transactions. It is unethical to withhold from or insert in any invoice or other book or record any statement or statements by reason of which omission or insertion a false record is made, wholly or in part, of any transaction represented on the face of such invoice, book or record with the purpose or effect of thereby misleading or deceiving any client, organization or government agency.

Subsection 5. Aiding or Abetting Practice by Unlicensed Personnel

It is unethical, unprofessional and unlawful for a funeral director to aid or abet an unlicensed person to represent himself/herself as a licensed embalmer or funeral director or to engage in practices reserved to the holders of such licenses.

Section 3. PUBLICITY AND PROMOTION

All advertising should be factual and dignified.

Subsection 1. Employment of Agents or Solicitors

It is unethical and unprofessional for a funeral director to employ, retain or otherwise engage agents to solicit funerals or clientele at the time of death or when death is imminent. This guide shall not be deemed to discourage advertising.

Subsection 2. Payment of Commissions

It is unethical and unprofessional for a funeral director to pay or offer to pay or give to any person or group, a commission or other valuable consideration for the solicitation or procurement of clientele. This shall not be deemed to discourage the promotion of pre-arranged or pre-financed funeral arrangements allowed by the Code and Rules, set by the Texas Department of Banking and/or Insurance Commission.

Section 4. AIDING AND ABETTING ANOTHER

TO VIOLATE THIS CODE AND MANUAL

It is unethical for any funeral director to aid or abet another person to violate any provision of this Code of Ethics or Manual of Profession Practice.

PART IV

PROFESSIONAL COOPERATION

The status of a profession is measured by their loyalty to each other and their unity as a group. Respect for the profession by the public is lost when members of the profession forget this fact. The practice of full cooperation in all intra-professional relationships elevates the total appreciation by the public and deprives no funeral director of his rightful share of income from his professional activities.

Section 1. DEFERENCE TO FAMILY'S CHOICE OF FUNERAL DIRECTOR

In some instances, the funeral director is confronted with division in a family concerning their choice of a funeral director. Professional consideration as well as good taste dictates the withdrawal of all funeral directors so involved until a decision has been made. It is unethical for a funeral director to attempt to influence the family's judgment in such instances.

When called upon to remove the remains from the scene of an accident, or in comparable circumstances, the release of the remains to the funeral director of the family's choice should be made in the quickest and most expedient manner. No expense beyond that for the removal should be incurred until reasonable effort has been made to contact the family of the deceased.

When additional expense is incurred because of unavoidable circumstances, these expenses should be no more than are customarily charged for similar services in that community. It is the professional obligation of the two directors concerned to transact the release and payment for services in a manner that is equitable and that gains the respect of family and friends, thus contributing to the strength and solidarity of the profession.

Section 2. FUNERAL INVOLVING JOINT DIRECTOR RESPONSIBILITIES

Subsection 1. Cases That Require Transportation To Another Funeral Director

When called upon by a family or fellow funeral director to arrange for the removal, preparation, and transportation of the deceased to another community, such services should be rendered with the same care and diligence as in serving one's own clients.

The family concerned desires the prompt return of the remains and anticipates that no unnecessary expense will be incurred other than that incident to transportation and necessary duplication of services. They have the right to expect the funeral directors concerned to cooperate in that end.

When death occurs in a place other than where the funeral and/or final disposition are to take place and the services of two funeral directors are necessary, the basic service should be selected from the funeral director in charge, who in most instances, will be the family funeral director. Because of the situations which develop, additional expenses will be incurred such as added transportation, and the family is responsible for such charges. However, where two funeral directors together provide the basic components of the complete service, unless the family wants what amounts to such complete service both where death occurred and also where the final disposition will take place, an adjustment or allowance should be made. The family should pay only for a complete service plus any additional charges incurred because the final disposition was held at a place other than where death occurred. As soon as the details and schedule in the transporting of remains are known to the shipping funeral director he or she shall immediately notify the receiving funeral director thereof.

Subsection 2. Cases That Involve Accommodation

Embalming Services

When called upon by a colleague for cooperation in the removal and preparation of the remains, it is ethical and professional to represent him or her, as you would wish to be represented if the situation were reversed. The work should be thorough and at no greater expense than is customarily charged in your community for similar services.

Subsection 3. Cases That Involve Accommodation Use of Another Funeral Director's Facilities

In most communities, funeral directors accommodate each other by permitting the use of their facilities by another funeral director as a matter of professional courtesy and for the convenience of the bereaved family. Such privileges should never be abused. The visiting funeral director should always consider the best interests of the host director by adherence to the directions and procedures prescribed by the latter.

Compensation for use of the staff and facilities of the host director should be equitably adjusted so that the cost to the family be reasonable and they not be required to pay for unnecessary duplication of services.

It is unethical and unprofessional to exploit the use of another funeral director's facilities as a means of personal publicity or for the purpose of enlarging one's clientele.

It is unethical for a funeral director who does not maintain a fixed place of practice, or is not regularly employed in such a place, to represent himself to the public as being available to the practice.

Section 3. DEFAMATION OF OTHERS

Care must always be exercised in the comments of one funeral director concerning another. Insinuations, non-factual statements or the overplay of facts, that have the intent or effect of harming a fellow funeral director, should be avoided at all times.

It is unethical and unprofessional for a funeral director to make or suffer to be made any comment or public announcement in defamation of another funeral director. Reference to another funeral director's misconduct; inability to perform contracts or render adequate service; questionable credit standing; adequacy of staff, facilities and equipment; business methods; prices, values and terms; conditions of employment; or other references that have the tendency or effect of disparaging or misleading; shall be considered defamation. Those who operate unethically may be reported to their association and/or the profession's regulatory authority.

Section 4. INDUCING BREACH OF AGREEMENT

It is unethical and unprofessional for a funeral director to attempt to induce a breach in the agreement between another funeral director and his clients.