

A History of the Partners In Care Alliance

Recognizing the need to maintain adequate consumer protection at a time when family owned funeral homes were increasingly bought out by large publicly traded conglomerates while the ownership changes were hidden from the untrained eye, a group of funeral professionals founded the Family Funeralhome Association (FFA) in the late 1970's. That small business enterprises were being marginalized soon became apparent, which motivated a small group of family funeral homes to start reaching out to the community of caregivers around them for solutions. In 1994, these entities also decided to organize into what has become the Partners In Care Alliance (PICA), a non-profit society with offices in Point Roberts, Washington, USA, and Vancouver, B.C., Canada. The group has made regulatory recommendations to the US Federal Trade Commission, the Competition Bureau of Canada, State and Provincial Governments, Bar Associations, Hospice Associations, Faith and Ethnic Groups, Nursing and Social Worker Associations and many regional regulators.

Background

1960's and 70's – Funeral consolidation began to take shape as several consolidators began a buying spree of family owned funeral homes in the US and abroad, capturing about 20% of the North American market by the late 1990's.

1980's - The national funeral chains began their marketing campaigns of pre-arranged funerals. This practice could be facilitated by gaining access to local cemetery records of the names and addresses of plot owners. In the name of updating plot records, it would become much easier for commissioned sales people to pitch plot owners' households and try to up-sell survivors on pre-paid funerals.

- Sophisticated consolidator funeral chain lobbies were also able to influence much of the ensuing funeral regulations in 42 US states and eight Canadian provinces allowing funeral homes in cemeteries.

A Chronology of Association Efforts to Improve the Quality of End of Life Care Regulations

PICA began as an ad-hoc group founded to ensure adequate options, promote consumer advocacy and foster information sharing initiatives. It began working with caregivers, ethno-cultural groups and faith communities to inform the public and build support for adequate options, while countering ineffective regulations.

In the late 1980's, the FFA formally brought questionable solicitation practices on the elderly to the attention of regulators, the B.C. Seniors Association, the Consumer's Association of Canada and the broader 'end-of-life-care' community.

In 1991, the Province of British Columbia finally enacted legislation banning direct solicitation (via telephone or door-to-door) of the public by funeral and/or cemetery companies.

In 1994, PICA began working with a broader cross section of consumer groups, healthcare professionals and clergy, offering in-service seminars and resources to help improve care for the bereaved and to educate the public and regulators on the need for better regulations.

This was necessitated by the fact that while using “find-for-a-fee” commissioned sales people allowed the national funeral chains to greatly expand their reach, it exerted disproportionate competitive pressure on small businesses and the non-profit cemetery community, forcing many smaller funeral homes to acquiesce to selling out.

In December 1991 allegations were filed against an international chain for exhuming the remains of clients and discarding them in a neighbouring swamp, then reselling the graves, which resulted in criminal charges being filed.

In 1994, FFA discovered that a major chain was trying to take over management of Mountain View, Vancouver’s only cemetery. While mobilizing the community to defend this vital public interest, it was ascertained that the name “Family Funeralhomes” was critical to the media and public’s understanding of what funeral “Independents” meant. It was also discovered that another international chain was trying to trademark a “Family” brand, which would effectively mask the identities of their funeral homes from the public, and give a “family owned” impression.

In 1995, the City of Vancouver officially received the proposal from a major chain to privatize the management of the City’s only non-profit cemetery. PICA and FFA contacted 500 organizations and individuals concerning this problematic proposal. Newspapers and TV began doing stories and 75 religious, ethno-cultural and civic organizations and leaders came forward in support of PICA and FFA’s bid to maintain the not-for-profit status of Mountain View.

With the support of the Jewish, Chinese, Japanese and Russian communities, as well as the United, Anglican, Pentecostal, Salvation Army, Catholic and Orthodox churches, synagogues, mosques and temples, PICA and FFA organized and shared the cost of preparing a counter proposal to the City of Vancouver.

On May 16, 1996, the City of Vancouver accepted PICA and FFA’s community based proposal.

In September 1996, licensing of personnel and facilities was finally legislated, but by then the national funeral chains had already acquired roughly 75% of the B.C. funeral service providers.

The FFA also filed trademark oppositions against misdescriptive trademark filings made by the world’s largest funeral conglomerate.

In 1997, PICA and FFA were invited to submit a request for regulatory reform to the Province of British Columbia. The key provisions were:

- 1) Mandatory disclosure of national funeral chain ownership of local funeral homes.
- 2) Mandatory disclosure of real address where funeral service providers operate from.
- 3) A ban on the solicitation of plot owners by funeral homes located in cemeteries.

In 1998 the 'family funeral care' trademark applications were published for opposition in the USA and Canada. FFA immediately filed against the application in Canada, but opposition in the US was yet to materialize. As part of FFA's opposition to the trademark application, 15,000 requests for evidence were mailed to family owned funeral homes inviting evidence and examples of the national funeral consolidators using confusing marketing information which gave an erroneous impression as locally owned family businesses.

The evidence received stood seven inches thick and filled five affidavits.

In 1999, PICA and FFA were asked by the Consumer Affairs Commission of the City of New York to provide evidence in support of their regulatory recommendations.

PICA and the FFA's recommendations were accepted and mandatory disclosure of national funeral chain ownership became law in New York.

FFA filed a complaint to the U.S. Federal Trade Commission against an international chain for advertising itself in certain regions as "Affiliated Family Funeral Homes".

In October 1999, PICA and FFA addressed the Wills and Estates Division of the Canadian Bar Association, expressing their concerns about the lack of national regulations in funeral service.

- Chief among the concerns was "tied selling" between funeral homes and cemeteries.
- "Tied selling" is actually a violation of the Criminal Code of Canada.

In November 1999, the FFA Chair addressed the US Federal Trade Commission and raised the same concerns about the concentration of ownership and 'tied selling' between funeral homes and cemeteries where they were allowed to be located together.

In September 2000, PICA and FFA were invited to participate in the Public Policy Forum review of the Canadian Competition Act.

Nine recommendations were made under Bill C-402 that was sponsored by MP Dan McTeague, dealing with the "abuse of dominance" in the retail sector. Bill C-402 was in response to consumer concerns about markets dominated by a few big players.

PICA urged the federal government not to allow history to keep repeating itself on these issues, declaring it was vital to give equal weight to the views of all Canadians. None of

PICA's input was recorded in the meeting minutes, causing PICA to file a formal complaint.

On March 6, 2001, the province of B.C. adopted the three primary recommendations of PICA from 1997 in the new legislation.

In May 2001 Consumer Reports Magazine reported that family-owned local independent funeral homes "...on average offered funerals for \$2,000 less than the big national chains."

When asked by a creditor to attend the bankruptcy hearings of a major chain, PICA and FFA stated that the chain would be worth considerably more broken up and sold back to individual operators, but the recommendations were ignored.=

In 2002 FFA gained the full support of some 4,000 family owned funeral homes for their opposition to the international chain's "family funeral care" trademark application in the USA.

On April 23, 2002, the Canadian Trademark Office found in favor of the FFA opposition, and denied the international chain's Canadian trademark registration.

In June 2003, the Order of the Golden Rule Association, and the Independent Funeral Directors Associations of Florida, Indiana, Georgia, Michigan, Maryland, Maine, New York, and Virginia—18 independent groups in total, formed the Network of Independent Funeral Directors Association (NIFDA). They also announced their joining PICA and FFA's opposition to register "family funeral care" as a trademark in the United States.

The international chain declined to defend its USA Trademark registration against FFA's opposition.

In April, 2004, the Florida Courts dropped the criminal charges against the international chain because a criminal conviction might result in the insurance company not paying the victims of their malpractice.

A new BC consumer regulatory organization, the Business Practice and Consumer Protection Authority (BPCPA) was introduced.

In 2006, PICA expressed its concern that neither the law requiring funeral home ownership or the law requiring disclosure of location are being enforced.

BC Business covered the PICA Campaign

Frank Stewart was invited to be keynote speaker at the Catholic Cemetery Association Convention held in Vancouver B.C., Canada. PICA called into question Mr. Stewart's

position on consolidators partnering with the Church communities especially with respect to operation of their cemeteries.

In 2007, presentations and tours to healthcare workers, colleges and faith communities continued to raise awareness of vital reforms required to ensure a healthy regulatory environment.

In 2008, Globe & Mail Report on Small Business covered the PICA Campaign.

PICA arranges its first faith luncheon to begin a faith based taskforce to complete the reforms required for a healthy funeral service regulatory environment.

PICA hosts its first Missing Women's Memorial Service at the gates of the Pickton Farm, recommending that the Attorney General, in acknowledgement of the 69 women buried there already, should donate the farm to be operated as a not-for-profit cemetery.

In 2012, PICA made a formal submission to the Rotary Club of Vancouver and the City of Vancouver to open a new section of Mountain View called the Rotary Gardens, which is yet to come to fruition.

In 2013, PICA participated in the Canadian Hospice Palliative Care Convention, requesting their support for broader ethical regulatory support and increased enforcement of existing legislation.

In 2014, PICA asked the City of Surrey to allow for the opening of the first new cemetery in Metro Vancouver in 50 years.

In 2015, lobbying continued for the rezoning of a property in Surrey to open the first new cooperative cemetery.

In 2016, 3rd reading to rezone a property in Surrey for a new cemetery was achieved.

On May 8th, 2017, 4th and final reading was achieved, and July 22nd, Heritage Gardens Surrey completed the purchase. Garden improvements were completed over the next year, and the cemetery opened September 23rd, 2018.

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In January, 2019, PICA sponsored the formation of the PICA Cooperative, to partner with Heritage Gardens Surrey Cemetery (HGSC) to unveil the first cooperative based cemetery in North America.

- HSGC hosts a Hospice Garden (for Hospice patients), a Service Club Garden (Rotary, Gyros, Soroptimists, Lions, Kiwanis, the Solidarity Garden (for union members), the Vancouver Orthodox Cemetery, the Christian Garden, Jewish Garden, Ismaili Garden, and the PICA (public) Garden.

Also in 2019, PICA is aiming to launch a revised PICA Ethical Code of Funeral and Cemetery Practice, starting in B.C., Ontario, Washington and Florida.