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c/o Mary Louise Williams, Ph.D.

Department of Mortuary Science

Wayne State University

627 W. Alexandrine

Detroit, MI 48201

ph: (313) 577-7874 FAX:(313)577-4456

E-mail: MLWILLIAMS@wayne.edu

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"Bailment Agreements: Handling the Casket Store Consumer"

Gary Sokoll, M.Ed., J.D.
Associate Professor

Department of Funeral Service Education
University of Central Oklahoma
Edmond, Oklahoma 73034

“Bailment Agreements: Handling the Casket Store Consumer”

Introduction

During the 1990's, funeral service has been faced with a growing trend of third party casket stores offering the sale of caskets directly to consumers. In turn, these consumers provide a casket for the burial or entombment of the bodies of their dead loved ones. Not only has the funeral director lost the revenue from the sale of a casket, but also has become concerned with the issue of legal liability when he/she takes possession of the casket

It is the intent of this writing to share the legal issues surrounding a transaction where a consumer provides a casket for a funeral ceremony and/or disposition. Included is a discussion of the rights and duties of both the funeral director and consumer. Additionally, the content of a bailment agreement is outlined.

A legal relationship between the consumer and the funeral director may be created when a third party casket is delivered to a funeral home. When property is entrusted to the funeral director, the law of bailments may govern the legal rights and liabilities of both parties. Common law defines a bailment as an agreement to entrust goods or personal property of one person (bailor) to another (bailee) with the obligation of the bailee to return the bailed property to the bailor or dispose of the property as directed. Think of the consumer as the bailor and the funeral director as the bailee.

A bailment agreement may be oral or written and the terms may be created expressly by both parties. In the absence of an express agreement, a court of law may create an implied agreement.

The common law recognizes a bundle of rights and duties for both the bailee (funeral director) and the bailor (consumer) when a bailment agreement is created. This portion of the paper outlines these responsibilities

RIGHTS AND DUTIES OF THE FUNERAL DIRECTOR

The funeral director may take temporary possession of the casket to accomplish the purpose of the bailment (disposal by cremation, burial, etc.) Although temporary, this right permits the funeral director to recover damages from third persons for damage or loss to the property. Most likely, the funeral director's insurance carrier would subrogate the claim to defend the lawsuit.

The terms of a written bailment agreement may dictate the extent to which the funeral director can use the property. If no written agreement is made, the extent of usage may depend upon how necessary it is to have the goods at the funeral director's disposal in order to carry out the ordinary purpose of conducting funeral services and disposition.

In many bailments agreements (e.g., a car is taken to a repair shop), the bailee has the right to be compensated for services rendered and costs incurred on behalf of the bailor. However, funeral directors may be an exception since they are not allowed compensation for merely handling a casket provided by a consumer. The Federal Trade Commission prohibits the use of any casket handling fees.

In ordinary bailments, the funeral director may have the right to limit his/her liability by the type of risk or by the monetary amount, or both, as long as the limitations are called to the attention of the bailor (e.g., posted sign or contractual term) *and* the limitations are not against public policy. Overly broad attempts to limit liability may be unenforceable at law or against public policy. An example of such an “exculpatory clause” that is against public policy is one where the funeral director attempts to exclude liability for his/her own negligence. Such a clause might read:

“We assume no risk for damage to or loss of the casket or the contents therein, regardless of the cause. It is agreed that the next-of-kin assumes all risks.”

It is wise to avoid the use of this type of clause.

The duties of the funeral director (bailee) are derived from both contract law and tort law. The duty to properly use and dispose of the casket (and its contents) is grounded in contract law as well as rules promulgated by a state governing body, such as a state board of embalmers and funeral directors. The funeral director's failure to handle the property with appropriate care may result in tort liability.

When in possession of a consumer's casket, the funeral director must exercise a “reasonable standard of care” over the property to prevent damage or loss. Monetary damages for the loss or damage of the casket may be required of the funeral director when negligence has been proven in a court of law. It is prudent to care for the casket provided by a consumer in the same manner as a casket that is sold by the funeral home.

This duty may not be directly applicable to the funeral service transaction in most cases. However, in the event where the casketed body is shipped, delivery to the right person must be made. Likewise, when the casket and body are cremated, delivery of the cremains to the person designated by the next-of-kin is essential.

When property is entrusted to another for a specified purpose, it is often difficult for the bailor to discover and prove the specific acts of negligence committed by the bailee that caused any damage or loss to the property. Thus, the law of bailments recognizes a rule whereby a presumption of negligence by the bailee is raised when the bailor can prove that damage or loss has occurred. Once the presumption is raised, the burden shifts to the bailee to prove that he/she was not negligent. For example, if it is discovered that a garment is damaged by a dry cleaning service, the law will presume that the damage was caused by the negligence of the bailee. When damage to the garment is normally the type that results only from someone's negligence,

and when the dry cleaning service has full control of the goods, it is more likely than not that the damage was caused by the dry cleaner's negligence. Hence, damage to a casket provided by a consumer may be presumed to have been caused by the funeral director in control of the casket.

RIGHTS AND DUTIES OF THE CONSUMER

The consumer who provides a casket may have a right to expect the following:

1. The funeral director will exercise reasonable care while in possession of the casket.
2. The funeral director will use the casket as directed by the bailment agreement.
3. The casket will be delivered or disposed of according to the directions given by the consumer.
4. The funeral director will not convert or alter the casket except as agreed. For example, the consumer may expect that the casket interior will remain free of stains from cosmetics or leaking body fluids.
5. The consumer will not be bound by any limitations of liability imposed by the funeral director unless such are known and are enforceable by law.
6. Repairs made by the funeral director will be completed without defective workmanship. Here, it may be prudent for the funeral director to avoid undertaking any repairs of defects or damage not caused by the funeral home staff.

As a general rule, the consumer has a duty to provide the funeral director with a casket that is free from hidden defects that could cause injury to funeral home personnel. In mutual benefit bailments, the consumer must notify the funeral director of all known defects and any hidden defects that the consumer could have discovered with reasonable diligence and proper inspection. Arguably, the consumer should inform the funeral director of any weight limitations including the casket bed, bottom, and handles. In addition, any liability for injuries incurred by pallbearers may rest with the consumer who fails to fulfill this duty since the pallbearers are reasonably expected to come into contact with the defective casket.

THE BAILMENT AGREEMENT

A written bailment agreement between the consumer and the funeral director may be a handy instrument to detail the rights and duties of both parties. Whether it serves to limit the liability of the funeral director when dealing with consumers who provide their own casket remains to be seen. Although a funeral director might request that a consumer sign such a document, it would be unwise to require a signature. The Federal Trade Commission may deem such a practice as an unreasonable burden and a violation of the funeral rule. The same may be said of the requirement for the signature on a "hold-harmless agreement."

When serving a family that provides a casket, the funeral provider should be mindful of a few basic ground rules.

1. *Never refuse service to a family that provides their own container.*

Funeral providers have a legal obligation to provide, without prejudice, any other merchandise and services. A refusal to deal with a consumer solely on the basis that the consumer provided his/her own casket is likely to be construed as a violation of the Federal Trade Commission's funeral rule anti-tying provisions.

2. *Do not charge a casket handling fee.*
3. *Be careful when considering the offering of discounts to families purchasing caskets from the funeral home.*

Discounting the price of the funeral service charge is likely to be construed as a "reverse" or "indirect casket handling fee," resulting in a violation of the FTC funeral rule banning casket handling fees. A funeral provider may, however, discount or lower the price of a casket, separate and apart from the funeral service charge.

Below is a brief description of the ingredients of a bailment agreement. The list is not intended to be all inclusive nor is the list in any given order. Additional provisions may be added to meet specific needs. It is essential that the funeral provider seek the counsel of an attorney to draft or review any bailment agreement.

1. Identify the bailor of the casket. In some cases, note that the bailor may not be the next-of-kin (person given the duty and rights of burial as provided by law). For example, when both a spouse and adult son survive the death of the husband (and father), the son may be the purchaser of the casket. Then, if the mother and son disagree on the method of disposition or the type of casket used, problems may arise for the funeral director.

Likewise, several adult children may be the sole survivors. Depending upon the law of a given jurisdiction, all adult children may share equally in the duty and rights of final disposition. In the event that one of several survivors provides a casket, that person is considered the bailor of the casket. This can lead to a difficult situation when the remaining children disagree on the type of casket and/or method of final disposition. In sum, the written bailment agreement should anticipate these problems and address solutions in advance.

2. Describe the casket in detail. Make a record of the manufacturer's name, the casket's model name and number (perhaps include a brief description of exterior and interior finishes), the name and address of the seller, warranty information (although the warranty has no effect on the funeral director), and size of the casket (e.g., standard vs. oversize).

3. Describe the purpose of the bailment. A paragraph may be included that describes how the casket will be used by funeral home personnel. This short statement informs the consumer of the utilitarian purpose of the casket (e.g., storage, viewing and transportation, etc.).

4. Draft a statement describing the ordinary intended use of the casket. Include a paragraph informing the consumer exactly how the casket will be used by funeral home personnel. Here is a list of ideas:

- a. The body will be placed in the casket. Once it is placed in the casket, it will not be removed (exceptions may exist).
- b. The bed will be adjusted to meet body size requirements (also, excess bed padding may be removed and discarded in models lacking adjustment mechanisms).
- c. The casket and body will be transported to the cemetery or airport in funeral home vehicles.
- d. The body (within the casket) will be displayed in the funeral home (or other facility) for viewing or an open casket funeral.
- e. The casket lid will be closed by the funeral home staff as needed (e.g., at end of funeral ceremony, before shipping, or for overnight purposes).
- f. The casket will be moved throughout the funeral home as needed.
- g. The casket will be lifted by man or machine as needed.

5. Seek permission to perform the following tasks:

- a. Installing the memorial record within the memorial tube. Securing the memorial tube within the casket's memorial tube receiving port.
- b. Locking or sealing the casket lid before final disposition. As an option, a funeral director may ask the family to perform this task. Hence, a funeral director's potential negligence liability may be avoided when family members undertake this responsibility. If this course of action is taken, a record should be made as to the identity of the person performing this function.
- c. Removal of the body from the casket in the event of body purge or leakage, casket repair or replacement by the seller, etc.
- d. Shipment or disposal (cremation, interment, entombment, or burial at sea) as per the legally effective written directions of the deceased or the wishes of the family. It may be wise to ask the bailor of the casket to remain at the grave site during interment.

6. Draft a listing of the known and hidden defects of the casket. Since it is the duty of the bailor to provide the bailee with information regarding known and hidden defects that could result in injury to the users of the casket, the consumer should provide any information that may be received from the seller of the casket. Here are a few items that may be addressed by the funeral director.

- a. The weight limitation on standard, oversize and child sized caskets. This may include information regarding stress placed on casket handles (both side and end handles), the casket bottom, and interior bed positioning mechanisms. Determine in advance any weight limitations of funeral home church trucks, casket standards, or biers. Be certain to inform the consumer of these limitations.
- b. Size limitations of caskets. Determine any doorway widths. Informing the consumer in advance may serve to avoid an embarrassing moment should it be discovered that the casket is too wide.
- c. The hinge for the caps will hold the weight of the lid when the casket remains open. Also, the hinge will continue to operate properly when the casket lid is opened and closed several times throughout the course of the viewing period and funeral ceremony.

7. Draft a statement showing that the bailor (consumer) promises the size of the casket will conform to the size of the decedent. If the size does not conform, inform the consumer of this fact and indicate that the consumer will acquiesce in the use of the casket regardless of the appearance of the body contained therein. Alternately, inform the consumer of his/her option to provide a casket of a different size.

8. Draft a statement of consumer responsibility to inform the funeral director of known and hidden defects that may cause injury to funeral home personnel. The following may be included in this statement:

- a. The consumer has inspected the casket and promises that it is defect free and is fit for its intended purpose. If the casket is not defect free, indicate that the consumer will inform the funeral director of the said defects.
- b. Joint and several liability of all family members bound by the agreement in the event that a defective casket injures funeral home personnel and no notice of said defects has been provided by the bailor(s).

9. Determine and publish instructions (and/or limitations) for the repair of defective caskets. The repair of a defective casket provided by a consumer is not without risk. Normally, the seller of the goods should take on this responsibility. However, if a funeral director decides to repair minor defects (e.g., scratches in paint, loose hinges, etc.) permission should be secured from the bailor. Be certain to include a provision for a reimbursement of any costs for materials when repairing casket defects.

It is possible that the consumer may want to attempt a repair. It is reasonable for the funeral director to request that he/she be present when repairs are made. The bailment agreement may include a statement to this fact.

Finally, the seller of the merchandise may visit the funeral home to attempt a repair. Develop a policy on how these visits will be handled. Include the written policy in the bailment agreement. The following questions may be addressed when creating the said policy:

- a. Will repairs be made on the funeral home premises?
- b. Will the body remain in the casket during the time repairs are made?
- c. Will the family and/or funeral home personnel be present during the time repairs are made?
- d. Will visitation hours be delayed or discontinued during the repair procedure?
- e. Who will be responsible for any expenses when repairing a casket?
- f. At what hours of the day will repairs be made?

10. Draft a paragraph stating that the wishes of the person given the legal duty and rights of disposition are paramount to the wishes of the bailor of the casket. Again, the bailor of the casket may not be the person who is given the legal duty and rights of burial. In the event that family members disagree, inform the bailor of the casket that the funeral director's ultimate responsibility is directed to the person given the said rights and duties. Thus, if the surviving spouse wishes the body removed from the casket provided by the son, the funeral director may do so without incurring a liability to the son. In other words, inform the bailor of the casket that the wishes of the person given the said duties and rights are paramount to all others (assuming the decedent left no prior disposition instructions).

11. List the methods of terminating the bailment agreement. A paragraph may be included detailing the events that would terminate the bailment agreement. Here are a few of those events:

- a. Performance of the duties of the bailment agreement. (e.g., disposal or shipment of the casketed body as per the instructions of the bailor)
- b. A request by the person given the duty and right of disposition that the body be removed from the casket provided by the bailor.
- c. When multiple bailors exist and one bailor requests that the body be removed from the casket (alternately, the funeral director may require that all bailors agree to the removal of the body from the said casket).

12. Consider a "hold-harmless" agreement. There appears to be a difference of opinion regarding the use of hold-harmless agreements in transactions involving third party caskets. Some suggest that the funeral director avoid their use altogether. Others feel that a hold-harmless agreement may be used as long as the consumer is not forced to sign it as a condition to receiving other services. Again, bear in mind that any condition placed on the offering of services to consumers who provide their own caskets may be determined to be violation of the Federal Trade Commission's funeral rule.

If a funeral director decides to include a hold-harmless provision within the bailment agreement, the following questions may be addressed:

- a. Who is responsible for the injuries suffered by funeral home staff, pallbearers, or bystanders when a defective casket fails? (e.g., the casket handles become detached from the sides of the casket)
- b. Who is responsible for alleged damages (e.g., mental anguish) suffered by family members when the casket is either too large or too small for the size of the decedent?
- c. When arthritic body conditions exist, who is responsible for alleged damages in mental anguish suffered by family members when the casket fails to conform to or conceal the body's contour because of the failure of a casket bed positioning mechanism?
- d. Who is responsible for any damages suffered by the family when any part of a defective casket fails? (e.g., the bottom falls out)

13. Consider an indemnification agreement. If family members suffer some type of damage (mental anguish, etc.) caused by a defective casket, an indemnification agreement may serve to shift the responsibility of reimbursement for legal expenses and monetary judgment to the bailor of the casket. Hence, the bailor will reimburse the funeral director for attorneys fees, court costs, and judgments paid by the funeral director in the event that said funeral director is sued by family members.

SUMMARY

It appears that a written bailment agreement can serve as a useful communication tool informing consumers of funeral home policies regarding the use of caskets provided by family members. Some funeral directors may feel that the idea of such a document is clumsy and burdensome. Others may find that its use risks a Federal Trade Commission rules violation. In the absence of a written agreement, the common law may still provide a remedy should a funeral director be involved in litigation with a consumer who provides a casket. As an alternative, a funeral director may develop a written policy that could be given to the consumer without requiring a signature.

The handling of third party caskets remains a murky area of Federal Trade Commission law. Perhaps when test cases are litigated, a clearly defined legal pathway will be forthcoming.

References

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- Federal Trade Commission Funeral Industry Practices Revised Rule. 16 CFR 453. 1994
- "Complying with the Funeral Rule. A Business Guide Produced by the Federal Trade Commission." Federal Trade Commission, Washington, D.C. June 1994.
- Telephone Interview with Scott Gilligan, National Funeral Directors Association Legal Counsel. (April 1997).

ACADEMIC INVOLVEMENT IN COMMUNITY EDUCATION: OBSERVATIONS AND CONCERNS

Peter D. Frade, Ph.D. and Laurie Mastrogianis, M.A.*

Department of Mortuary Science
Wayne State University
Detroit, Michigan

Introduction

Current concern centers around future trends of mortuary science as a service profession. With statistics indicating an apparent change from traditional demands in the profession to new formats of delivery, present graduates in this field speculate if their career choice is well founded in the long-term. At Wayne State University's mortuary science department a three tier investigative effort has been initiated to gather more data on future perspectives in terms of personnel demands, availability of professionals, and informatics necessary to deliver to the public at large concerning the mortuary science profession. In regard to this latter effort, a joint involvement of students and faculty in the form of a community outreach approach was launched to reach secondary schools and community college students. Our objective was by addressing members at the secondary school level, young students are informed at an early stage in their career development about the dynamics of mortuary science as a profession. The following contribution describes our present educational outreach efforts and future educational perspectives with members of this and other community groups.

Academic Involvement in Community Education

Observations

Secondary School Outreach. As a means of reaching student groups at the secondary school level, our department was invited to speak to student subsets at local high school facilities in the metropolitan Detroit area. To insure that information disseminated to this group was at a comprehensible level, a *Career Day Executive Committee* was established within our department consisting of a faculty coordinator and six students representing varying academic and experience levels of mortuary exposure and ethnic representations. Student involvement in this type of outreach program is mandatory since students feel more comfortable to interact freely with peers than with faculty. Mortuary science students enhance their personal/professional image and the public's perception of them as a human service profession by having an opportunity to relate information about their chosen field from various perspectives of their own academic and experiential background. Most importantly, they have an opportunity to discuss in a public forum directions and issues to be considered by incoming students who are considering this profession as their life's work with its multi-dimensional professional obligations including transporting the deceased, preparation of the body for viewing, planning of the funeral ceremony, and emotionally supporting the mourners.

Since Fall 1996 we have addressed approximately 200 students ranging in age from 15 to 19 years of age. Our focus has been on-site school presentations with or without campus follow-ups in the form of facility tours at our university. In addition, students are given complete information packets describing programs, required prerequisites and course descriptions of our mortuary science program. From this rather limited effort, results are encouraging. Our students who involved themselves in

this effort look forward to future professional and community outreach efforts since it re-enforces their passion for the profession while educating prospective students on the multifaceted nature of this helping profession. They feel encouraged by the interest expressed in this profession by both members of the student body and their faculty. External faculty at secondary schools also realize that courses being taught at the secondary level can be enhanced by redirecting a portion of their teaching efforts toward prerequisite requirements utilized by the mortuary science professional programs. Certainly both students, external and internal faculties realize the dynamics this unique profession possesses. Yet the need exists to educate young students as to the realities of choosing such a unique and challenging profession as mortuary science. We plan to continue with this effort by increasing student involvement with increased opportunities for external, in-house and Internet presentations at our department.

Concerns

One of the parameters strongly shaping the future of the mortuary profession from a professional standpoint is open communication between those in the academic area and future generations of potential professionals in this area. The working of undergraduate mortuary science students in tandem with appropriate faculty members of the department enhance educational outreach efforts to secondary and community college groups by illustrating past developments, present standards and future perspectives in the profession and the industry. An area of future development centers around promoting to prospective students the psychology of funeral service and the role the funeral professional plays helping mourners cope with grief and loss issues. Students at pivotal stages in their education, while interested in the mechanics of this profession, may not be adequately cognizant of the crucial importance the psychology

profession contributes to the overall deliverance of quality funeral care to the bereaved. The full realization of "closure" or the "celebration of a life lived" are not commonly recognized among younger student groups. Yet these aspects are fundamental to formal and effective contemporary funeral service and therefore should be promoted as appropriate.

* Doctoral candidate for the degree in psychology at Wayne State University

Teaching Tips:

A mini directory of useful web sites:

Karolinska Institute, Sweden

<http://www.mic.ki.se/Other.html>

list of links covering many aspects of medicine including anatomy, pathology, psychology, occupational safety

Kathi Webster

<http://www.cyberspy.com/~webster/death.html>

index of internet resources with emphasis on the holistic perspective

Michael Kearl, Trinity University

<http://www.trinity.edu/~mkearl/death.html>

internet resources on death and dying

MedWeb, Emory University

<http://www.gen.emory.edu/medweb>

collection of documents, databases, conferences, newsletters

Centers for Disease Control and Prevention, Atlanta, GA

<http://www.crawford.com/cdc/mmwr/mmwr.html>

morbidity and mortality weekly report

Columbia University

<http://www.cpmc.columbia.edu/tbcpp/>

information about tuberculosis for health care providers

HealthWorld

<http://www.healthy.net/library/search/medline.html>

All search citations and abstracts available free

Harvard University, virtual library

<http://www.ohsu.edu/clinweb/wwwv1/>

comprehensive list of internet resources for medicine

National Library of Medicine, visible human project

http://www.nlm.nih.gov/research/visible/visible_human.html

University of Utah, webpath

<http://www-medlib.med.utah.edu/WebPath/webpath.html>

gross and microscopic pathology

Occupational Safety and Health Administration
<http://www.osha.gov/>
Osha standards, releases, fact sheets, technical information, etc.

EthnoMed, University of Washington
<http://weber.u.washington.edu/~ethnomed/index.html>
cultural beliefs and medical issues

Americans with Disabilities Act
<http://www.dol.gov/dol/esa/public/regs/statutes/ofccp/ada.html>
full text of the Act of 1990

Project on Death in America
www.soros.org/death.html
for scholars, researchers, and professionals

EPA
www.epa.gov/
information on various programs
www.epa.gov/ttnuatw1/hlthnet.formalde.html
formaldehyde

Federal Trade Commission
www.ftc.gov/index.html
provides text more than 150 publications

National Center for Infectious Diseases
http://www.cdc.gov/ncidod/id_links.html
emerging infectious diseases

Foundation for latex allergy
<http://www.flare.org/>
latex allergy research and education

National Organization for Rare Disorders
http://www.stepstn.com/nord/org_sum/312.html

Editor's note:

Submit your 'finds' and we will continue a directory

W. L. Philbrick School of Funeral Sciences
11380 N.W. 27 Avenue
Miami, Florida 33167-3495
(305) 237-1245 Suncom: 477-1245
FAX (305) 237-1620



Ralph A. Covert, L.F.D.
Chairperson

January 7, 1998

Mary L. Williams, Ph.D., Chairperson
Wayne State University
Dept. of Mortuary Service
627 W. Alexandrine
Detroit, Michigan 48201

Dear Mary Lou,

I received your notice "a call for papers" yesterday and thought I would share a couple of new (new to me) teaching strategies with you. I have been using them for the past two semesters with relative success. The students' grades have improved, however, it does require more work for the instructor. But, if it works, the extra effort on my part is worth it.

The two strategies that I am using are responsive reading and cooperative learning. The responsive reading assignment requires the students to write a summary of the assigned chapter from the text and then write a personal response to what they have read. Examples of the response questions are

1. Does the chapter make sense to you?
2. Do you agree with its content? Why or why not?
3. What stood out for you? Etc.

I have enclosed a copy of the handout for you. The students are required to hand in a reader response for each assigned chapter from their text in all of the courses that I teach. I look them over and then hand them back at the next class meeting. I find the exercise forces the students to read the chapter more closely, and it holds them responsible for the material. Quite often, in the past, they would wait for me to tell them what they should have read in the chapter. If they turn in all of their reader responses during the semester, I add five points to their final grade average. The five points are awarded to those students who have 75 or better. Nothing is awarded with averages below 75. We require a grade of 75 or better for passing.

The second teaching strategy is the use of cooperative learning. I divide the students up into groups of 4 or 5 during class time the day prior to an exam. They study together in these groups and share their reader responses with each other. Then they pick a response from their group to share with the other groups. I find this helps stimulate thinking, social skills, promotes questions, and clarifies misunderstanding of the study material. A couple of the rules for the individual groups are everyone must participate, and they must be polite and patient with each other. The groups are a mixture of intellects, race, gender, etc. so that cliques and friendships are disbursed. I am constantly walking around the classroom to monitor and answer any questions

during the study period.

Once again, I have been quite pleased with the results and plan to continue this procedure. If you have any questions, please do not hesitate to contact me.

May the New Year bring you good health and happiness.

Sincerely,



Ralph A. Covert

Enclosure

READING RESPONSE FORMAT

Please label each part:

1. Essential information

List the author, title, chapter, pages, journal, volume, number, date, etc.

2. Content Summary

Summarize the main points, highlighting key ideas, phrases, words, etc.

3. Response (for instructional information react to questions below)

React to the piece. Does it make sense to you?

Do you agree with the author's position? Why or why not?

What stood out for you?

What do you think you can use?

How can you apply this piece to your learning situation (current or future)?

How did you feel about the piece while you were reading it?

What is your overall evaluation?

Do you have anything else to add?

Response Reading Sample

1. Essential Information

John H. Bushman and Kay Parks Bushman (1997). Young Adults and the Literature that Meets Their Needs and Interests. Using Young Adult Literature in the Classroom (pp. 1-25). New Jersey: Merrill, an imprint of Prentice Hall.

2. Content Summary

The Bushmans discuss the importance of knowing the age level of the students that one is teaching. Adolescents' maturity varies according to age. The teacher has to take into consideration not only the age of the individual but the cognitive development, sexual maturity, physical growth, emotional upheaval and their interests. These changes have an effect on the students' maturity level.

The authors discuss Piaget's studies on cognitive development of children which is a process of maturation according to age. Piaget found that there is a correlation between age and the developmental process. He said children first see things in concrete operations and only through maturation do they change and start thinking in abstracts as well as concretes. Once the person can reason in cognitive and abstract thinking, they are able to hypothesize and use deductive and inductive reasoning.

Once the adolescent has reached a plateau of reasoning and maturation, the individual is ready to explore his own identity and function in society as a viable person. This metamorphic process is an ongoing developmental change that will continue through adulthood. In fact, Havighurst thinks it continues throughout

ones lifetime.

The Bushmans believe that the above studies shed light on the reasons why many students do not like to read and for too many, can not read. They have been turned off to reading by the school system because they have been forcing pre-adolescents, adolescents and young adults to read material that they can not relate to or does not have any meaning for them. Too much of the required reading has been assigned with the belief that there are certain books that should be read and the student should be introduced them. The authors are suggesting that the material is not appropriate for adolescents.

Adolescents should be reading material that is pertinent to them; they should be reading books that give meaning to their life. It is the teacher's responsibility to introduce various reading material to the student to spark an interest in reading and to help the person grow into a healthy individual.

3. Response

This was an excellent chapter. As I read the various studies by Piaget, Inhelder, and Havighurst, I thought, "This makes sense." Of course, there has been a tremendous error made over the years in the reading assignments. How can a 14 year old grasp Shakespeare's *Macbeth* and relate that to his life, let alone understand it." Probably Shakespeare should be read when the person has matured and has reached full cognitive and abstract development. A question

comes to mind, "Why hasn't some one thought of this long before now?"

On the first day of reading class, I would have the students write a biography. They would be asked to include in their biography their likes and dislikes. From their biography, I would try to assess their interests so that I could suggest some reading material that would not only interest them, but help them cope or understand their concerns. Many of today's youth have to be encouraged to read because of too many outside obstacles have gotten in the way of good reading habits. The teacher has to encourage reading and make it exciting or the student will never read after he is no longer required to read.

I thought one of the most important messages in this chapter was morals. One of my biggest concerns is the moral decay among our youth. In fact, it is frightening. The role models are gone. Respect is gone. Ethics are gone. There are no resources for today's youth to learn and appreciate decency. Many can not learn it at home and they are certainly not going to learn it from television. Television is one of the main culprits in destroying our youth. There was a time, however, that I think it was a positive factor, but not since the late 50's or early 60's.

The chapter discussed the moral issue. Books and other reading material may be the means in which we can instill good moral values. I know reading teachers can not save the world from moral decay, but they can certainly have

some influence on those that are in the reading classroom. Reading may be one of the last bastions in order to help the youth to appreciate the meaning of good morals.

Editor's reply:

Senior seminar is required of bachelor degree graduates of Wayne State. In these classes, I've employed a structure similar to that which you are reporting. Groups of students select a problem, define the variables, develop the method of study, collect and analyze data, and, finally, present their conclusions.

Over the last three years, we've examined:

- a) effects of the apprenticeship experience on licensure rates
- b) employment opportunities for funeral service graduates in positions outside of funeral service
- c) employment trends in funeral service
- d) funeral service litigation.

The experience has been so successful that another faculty member of the department used the same approach to do a pilot study on gender differences in aftercare utilization and, currently, our class is investigating:

- * the impact of ADA on the operation and management of funeral homes
- * do-it-yourself funerals and FTC loopholes
- * new employment practices: non-competition and variable work-week agreements

These undergraduate research experiences have not only provided our students with the opportunity to apply research and team building skills to topics directly related to their profession but have also enabled the department to gather vast amounts of useful information in a comparatively short interval of time.

DYNAMICS OF DIDACTIC CHALLENGES IN CHEMISTRY AND
PATHOLOGY COURSE OFFERINGS IN MORTUARY SCIENCE

Peter D. Frade, Ph.D.
Associate Professor

Department of Mortuary Science
Wayne State University
Detroit, Michigan

Introduction

The teaching of science based courses in professional programs such as mortuary science present challenges to faculty to deliver custom tailored information to students meeting specific professional requirements and in a manner promulgating "dynamic" knowledge through comprehension and thought. The development of a "synthetic thought" process in students, in particular, remains an ongoing problem. In practice, students tend to segregate or compartmentalize information learned as independent non-interactive units rather than related entities that allow for the assimilation of "informational conduits" responsive to subject dependent challenges. Quite notable is the feeling among students that courses such as anatomy, chemistry, medical microbiology, and pathology, while exact sciences, remain independent of each other in their informational content and that knowledge learned remain solely within the structural confines of the respective subjects. As a means of restructuring student perceptions and enhancing their interest and

scholastic performance in chemistry and pathology, the following efforts were attempted and found to be effective at our institution.

Chemistry

Our mortuary science chemistry course is structured to review fundamental concepts of general inorganic chemistry while presenting a rigorous overview of organic and biochemistry with topics collectively integrated with thanatochemistry. The informational content of this chemistry course must be beneficial to students presenting to our department with varied pre-admission undergraduate chemistry profiles. In essence, our approach must be relevant to students with minimal chemistry course exposure while at the same time offer challenges to those with more extensive exposure in their pre-professional work. To enhance our teaching perspectives, a survey is distributed to our students on the first day of class requesting documentation of credit hours completed in specific areas of chemistry prior to admission. This survey helps to fine tune the depth to which lecture topics are addressed by faculty and at the same time indicate potential student deficiencies requiring scheduling of in-house tutoring sessions early in the semester. It is the departmental goal of this course offering that students not only be

proficient in areas of inorganic, organic, and biochemistry but ultimately appreciate the relevance of these subject areas to thanatochemistry.

With an ever increasing interaction between mortuary and forensic science professionals in contemporary society, lectures concerning biochemical decomposition, chemical preservation, xenobiotic disposition and tissue storage as well as chemical toxicology evolve as important dimensions of this specialized chemistry course. In particular, toxicology associated with chemical components of embalming chemicals as well as their safe handling under OSHA guidelines be stressed. To underscore the importance of toxicology, qualitative and quantitative aspects of this topic are examined. A special assignment requires students to individually investigate the complete toxicological profile of specific chemical components associated with or found in various embalming preparations. Required data is obtained by manual means or by electronically searching chemical toxicology databases available through our university medical library services. Students may present their results either as written reports (with references) or as oral presentations to other members of their class.

A laboratory component of our chemistry course compliments the lecture offering by covering specific principles related to certain lecture topics supportive of thanatochemical processes. Actual experiments stressing basic chemical principles and incorporating qualitative analysis

include (1) identification of chemical reaction types (2) properties and dynamics of solution chemistry inclusive of chemical equilibria, hydrolysis, pH, osmosis / diffusion, and surface tension (3) chemical properties and reactivity of organic carbonyl compounds (4) qualitative analysis of amino acids, proteins, carbohydrates, and lipids (5) qualitative and quantitative aspects of enzyme activity and (7) physicochemical factors influencing decomposition of synthetic, organic, and biological substances. Prior to each weekly laboratory session, students are required to look up physical, chemical, and toxicological properties associated with chemical reagents being used in the experiment. Weekly take home laboratory quizzes challenge students to expound on the relevancy of chemical theory and experimental results consequential to possible chemical and physical processes occurring in the "dead state". Here, *relevancy* is emphasized by stimulating the student's ability to draw on acquired scientific information.

Research projects including directed study are available for students who are intrigued beyond the scope of the chemistry class room setting and are conducted under the guidance of one or more faculty members. Real life research projects available within the framework of mortuary science involve novel applications of chemistry to biochemical problems associated with embalming processes and preservation. Most

effective projects are those which closely orient student interests with those of the faculty. Currently, faculty sponsored student research projects are conducted with the potential for limited internal funding within our college. A real plus for a didactic format which combines lecture, laboratory, special projects, and optional in-house research is the fostering of a closer interaction between faculty and students. This approach continues to receive favorable feedback from student surveys of the past three years.

Pathology

The underscored objective stressed in our disease course offering in mortuary science is to introduce students to the basic study of disease inclusive of epidemiology and pathogenesis. In turn, this knowledge enhances an understanding of disease states which may directly impact restorative art efforts or impede successful preservation techniques of embalming. An appreciation for basic pathology by students is developed in terms of (1) terminology (2) epidemiology and biostatistics (3) etiology of disease states (4) principal manifestation of commonly encountered diseases with post-mortem consequences and (5) the elucidation of factors from disease state data which potentially compromise effective post-mortem preservation.

While this particular course does not have a laboratory component in its structure, other modalities are incorporated to enhance presentation of topics. Lecture and discussion of topic material beyond the basics of historic and contemporary diseases traditionally emphasized with introductory level courses enhance the mortician specialist's ability to communicate more effectively with other members of the medical and allied health community. In presenting diseases of the digestive system, for example, we incorporated an invited medical specialist from the gastroenterology unit of a major medical center who lectured on assorted pathologies of this organ system. The lecture included descriptive information on contemporary diagnostic instrumentation along with robust digital images of gastrointestinal pathologies captured by fiber optic technology. This presentation allowed our students to visualize these pathologies explicitly, further encouraging an exciting interaction between students and presenter concerning the significance of clinical results and outcome. With modern digital enhancements, disease presentations are vibrant, interesting, and take on a new dimension of significance which allow mortuary science students firsthand insight into pathologic factors leading to post-mortem consequences.

With escalating amounts of medical information available at the time of death, recognition of unfamiliar disease states by mortuary science professionals becomes complicated. In our pathology course, the

incorporation of an assignment assessing the relationship between properties of uncommon pathologies and post-mortem consequence challenged students in terms of (1) actual disease or syndrome identification (2) target organ(s) or system(s) affected (3) etiology if known (4) availability of any pertinent epidemiology associated with the pathological condition (5) presence of any clinical treatment modalities potentially compromising the embalming process (6) necessity for additional pre-embalming precautions and (7) alternative embalming protocol options for individuals diagnosed clinically with the assigned condition prior to death. In effect, this assignment required students to research current medical and epidemiological literature, evaluate and present pertinent facts, and project conclusions based on consultation with medical and mortuary professionals in the area. This assignment also fostered the assimilation of information gained from previous courses in anatomy, embalming, and medical microbiology. Paramount is the delineation of important contributory factors from non-essential information in the practice of mortuary science. Distribution of bound composite copies upon completion to individual members of the class generated further discussion and served as future reference. A summary of the diseases and syndromes considered in this project is presented in Table I.

Table I

Summary of Uncommon Diseases and Syndromes

<i>Disease</i>	<i>Syndrome</i>
Behcet's disease	Alport's syndrome
Bourneville's disease	Bard-Pic syndrome
Bowen's disease	Bloom's syndrome
Chagas' disease	Chediak-Higashi syndrome
Darier's disease	Crigler-Najjar syndrome
Hirschsprung's disease	Cronkhite-Canada syndrome
Kashin-Bek disease	Klippel-Feil syndrome
Kawasaki disease	Leriche's syndrome
Krabbe's disease	Lesch-Nyhan syndrome
Machado-Joseph disease	Letterer-Siwe syndrome
Niemann-Pick disease	Louis-Bar syndrome
pulmonary Wegener's granulomatosis	Nelson's syndrome
Raynaud's disease	Pepper syndrome
Schilder's disease	Pierre Robin's syndrome
Weil's disease	Sjogren's syndrome
Werdnig-Hoffmann disease	Sturge-Weber syndrome
Werlhof's disease	Wolff-Parkinson-White syndrome

Conclusion

To function productively as a professional and meeting its challenges in contemporary society, it is imperative that students not only extract information accumulated during their academic years but do so in a manner that effectively generates synthetic thought processes. Non-retrievable compartmentalization of information acquired during their

didactic years potentially hinders students in achieving their educational objectives and career goals. In our department, we have embraced this issue by (1) effective networking among faculty resulting in improved communication and course structuring (2) incorporation of special topic components (3) team teaching where appropriate and (4) the creation of challenging projects reflective of real life scenarios, implications, and consequences. Coordinated research with individual faculty outside the formalized class room efforts supports and expands the scope of professional development by stimulating student interest and enthusiasm for their chosen profession. Directed study components generate a sense of importance and topic relevance in the learning process by offering students first hand experience in solving challenging problems. In our experience, creative educational approaches in scientific courses which unite lecture and laboratory with special projects and the option for directed research contribute much in generating mental strategy affecting both synthetic thought processes and expanding professional awareness.

Student Commentary:

Practical Application of a Theoretical Science:

a Comedic Short Story

Lisa Adkins

Hair Dye Incident

A Comedic Short Story About The Usefulness of Chemistry

I had decided to color my hair one evening. My ash blond color just absorbs too much light, giving it a dull, lack-luster appearance. It just does not become my personality, so I decided to give Mother Nature some assistance, and changed my hair to dark auburn. I have plenty of experience with this task, so I set about initiating my project. Feeling confident that I could handle this task without incident, I began the chemical preparation. Although I had taken basic safety precautions, such as adequate protection of clothing, metallic objects in the bathroom, and carpeting, unfortunately, the unthinkable happened.

After mixing the solute and solvent to form the hair color solution, I set about to begin the chemical process of dyeing my hair. Unbeknownst to me, an air pocket had formed in the container of solution. Upon exerting ample pressure on the container to extract the solution, the air pocket made itself known to me by blowing out of the tip of the container, and of course, forcibly expelling the solution that was preceding it in the container. The force of the expulsion was enough to propel the solution off my head onto the carpeted floor away from the protected area!

Since the accident happened quickly and suddenly, I knew I had to initiate action immediately before the situation became irreversible. I have synthetic fibers for the carpeting, and it is chemically treated to repel mildew (it is actual "bathroom carpet"). In my panic, with only seconds to determine my course of action, I relied on one of the most basic chemical principles-- NEUTRALIZATION!!!!. I scanned my brain in those few precious seconds before the situation became catastrophic, and deduced that since I was using an "--oxide" solution, it was most probably alkaline. I logically followed that pattern of thought with the assumption that I could produce a neutralization reaction, if I could just find an acidic solution. Well, that is easier said than done. My mind was still racing, "what can I use?, what can I use?, an acid, and acid, that I have right here, hmmm". A brainstorm that lasted about a second revealed to me that I have acetic acid right here in my house! Oh halleluia, maybe I can limit the damage, and save my life (during this disastrous period, I received death threats from my sister Sherry if I could not alleviate the situation!). I sped to the cabinet in the kitchen, hoping that I did not create any more havoc by spreading this catastrophic spill behind me as I traveled at the speed of Lisa. Fortunately, no further spills were located in the path traveled. I raced back to the bathroom with the precious acid in my grip and poured the undiluted

VINEGAR directly on the spot on the carpet. I waited a few seconds, and then added water. I did not know if the vinegar would do any harm to the carpet, and I did not want to take any chances, so I added the water to dilute the whole damn mess. I began gently sopping up the wet spot, careful not to rub or crush, so that I did not grind the dye into the carpet. Well, let me assure you, I was **so** relieved. The dye did come out of the carpet without any residue left. I did have to repeat the process two more times before all the color was removed, but it worked!!! **But**, now let me tell you what happened while I was working on the carpet stain. I was on my hands and knees next our painted wooden vanity intensely and feverishly working on the stain. I did not notice at any point during this process that strands of my color dye saturated hair were rubbing against the vanity. While I was working to remove the dye on the carpet, I was painting the vanity dark auburn. I am sure that now you can see why my sister was threatening my life. After the initial shock of "Oh, you have got to be joking--this did not happen", I proceeded to attempt another neutralization reaction. I knew this would be much more difficult, if successful at all, given that paint is porous, and so is wood. Believe it or not, after several applications, much elbow grease, and a few prayers, I was able to extract enough pigment so that the spots are only visible if you are looking for them.

I must admit that I did not even consider ions, electrons etc., when I was panicking, but I think that it worked out okay. So this incident ended successfully. The dye is out of the carpet, almost totally gone from the vanity, and Lisa is still alive; although I did have to buy my sister several caramel apples before she was able to let go of the horror and emotional trauma of the incident.

For your enjoyment, I have listed all of the chemicals/compounds noted during this incident.

Loreal@ Preference Hair Color--Dark Auburn

Water
Cocamide Dea
Butoxyethanol
Peg-2 tallow amine
DS alcohol 40
Polyglyceryl-4 oleyl ether
Oleyl alcohol
Ammonium hydroxide
Polyglyceryl 2- oleyl ether
Propylene glycol
Oleic acid
Sodium diethylaminopropyl cocoaspartamide
Pentasodium Pentetate
Ammonium acetate
p-Methylaminophenol sulfate
sodium metabisulfite
p-phenylenediamine
p-aminophenol
Erythorbic acid
fragrance
m. Aminophenol
2-methyl,5-hydroxyethylaminophenol
Phenyl methyl pyrazolone
6-hydroxyindole
resorcinol

Color Developer

Water
Hydrogen peroxide
Ceteraryl alcohol
Oleamide Dea
Ceteareth-30
Glycerin
Phosphoric acid
Pentasodium pentate

Sodium Stannate
Tetrasodium pyrophosphate

Color Conditioner

Water
Cetearyl alcohol
Behentrimonium chloride
Sodium cocoamphopropionate
Amodimethicone
Cetrimonium chloride
Trideceth 12
fragrance
Camphor benzalkonium methosulfate
Methylparaben
Chlorhexidine Dihydrochloride

Remedy

Acetic acid (Vinegar : HC₂H₃O₂)
Water (H₂O)

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Co-editors: Mary Louise Williams, Ph.D.

Wayne State University
Dept. of Mortuary Science
627 W. Alexandrine
Detroit, MI 48201
ph: (313) 577-7874
FAX: (313) 577-4456
E-mail: MLWILLIAMS@wayne.edu

D. Elaine Reinhard, M.S.
Hudson Valley Community College
Mortuary Science Dept.
80 Vandenburg Ave.
Troy, NY 12180
ph: (518) 270-7113
FAX: (518) 270-7542
E-mail: reinhela@hvcc.edu

Editorial Board:

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c/o D. Elaine Reinhard
Hudson Valley CC/Mort. Sci. Dept.
80 Vandenburg Ave.
Troy, NY 12180