

Murdo, Patricia

Subject: FW: response to your email/questions answered

This email relates to a complaint against the Board of Funeral Service. The email address has been removed for privacy purposes. More material was made available to committee members.

From:

Sent: Wednesday, December 21, 2011 9:34 AM

To: Murdo, Patricia

Subject: response to your email/questions answered

Pat-

Sorry I never got back to you last week- have been working several long days. Thank you for reading the complaint information and responding. Here are my comments and the answers to your questions.

You're right, I was not familiar with the unprofessional conduct criteria that the Funeral Board uses to determine sanctions against licensees. In looking at 37-1-316, MCA, Unprofessional conduct, that you referenced in your email, Item 11 clearly applies when it came to transferring ashes to a small pendant on my countertop, when Mr. Brothers stated several times that he was blind and couldn't see because he had just seen an eye doctor who had dilated his eyes. I guess you could say he was temporarily "physically disabled to practice his profession with reasonable skill." Also Item 18 refers to "conduct that does not meet the generally accepted standards of practice." Are there standards of practice for morticians? If so, what is included in these "generally accepted standards of practice?" Are they available for public access?

Yes, that is true that the Board did not focus on the general complaints of "sloppiness," nor did they address Mr. Brothers' lack of caring, consideration, compassion, sensitivity, dignity, responsibility, accountability, etc. When you are in the mortician business, one would think these important attributes should matter and that you would be on top of your game in providing the highest quality service which should include these important attributes. There is no second chance to get it right!!! I wonder if there is any continuing education attached to mortician licenses??? It probably wouldn't matter in this case.

In answer to your 1st question: Did I receive any handouts or basic information from the funeral home? As we stated in our complaint, we received NO INFORMATION OR DIRECTION AT ANY TIME FROM RON BROTHERS OR HIS STAFF. They retrieved my mom's body from the hospital on Wednesday, November 24, 2010, and I did not hear anything from Brothers Mortuary until Monday, November 29, 2010. I was not provided any information or papers to sign when they picked my mom up from the hospital. Tera from Brothers Mortuary called me on Monday, November 29, 2010, and asked me to come to Hamilton to sign some papers since the Coroner had signed off on my mom's death that morning and they could now proceed with her cremation. This is the first mention of paperwork of any kind!!!! When I did see these papers for the first time on Monday, November 29, 2010, at Brothers Mortuary in Hamilton, they included an Authorization for Cremation and Disposition for me to sign, A Statement of Funeral Goods and Services Selected, a blank form for an obituary, and a Simplified Price List.

So in answer to your 2nd question of "did the funeral home provide me with any information that informed me that not only was the coroner's signature necessary but that they needed either disposition directions (provided in written or audio form by my mother prior to her death) or a directive from the person authorized to direct disposition of the remains?" The answer to this is yes. When Tera and another woman from Brothers Mortuary picked up my mom from the hospital after she had passed, I told them that my mom wanted to be cremated. Tera stated that the cremation could not take place for 24 hours and that the Coroner had to sign off on her death. Tera also stated, at the time, that nothing would probably get done until the following Monday because of the holiday and the weekend. I don't understand why the above mentioned papers and other general information were not provided to me when they retrieved my mom from the hospital????? Obviously, if they would have provided, at a minimum, the Authorization for Cremation and Disposition for me to sign, perhaps my mom might have been cremated sooner than the 5 days it took Brothers Mortuary to cremate her. Probably not though, since Tera had stated to me that nothing would get done until the following Monday. Both my brother and I had repeatedly questioned either Mr. Brothers or Tera as to why IT TOOK THEM 5 DAYS TO CREMATE OUR

MOM. Brothers Mortuary had access to the Coroner 24/7/365 days a year as stated to me by Sheriff McMeekin, who was also the Coroner at the time. As was already stated in our complaint, Ron Brothers and his staff blamed the Coroner for not signing off on our mom's death in a timely manner because he was unavailable (which was not true), then they blamed the doctor for not being available in her office after thanksgiving and during the weekend to provide the cause of death (which was also not true), and then they blamed me for not signing the authorization (which I didn't even know existed until Monday, November 29, 2010, when it was handed to me to sign at the mortuary). We believe the problem was that Mr. Brothers was unavailable and that he is the one that did not do his job as a professional mortician!!

As was also stated in our complaint, Ron Brothers questioned why I had not picked up a packet of information from his mortuary the summer of 2009, when I had my mom out for a drive, since as he stated to me, "you knew your mom was sick and was going to die." He said this to me during one of many upsetting conversations I had with Mr. Brothers following my mom's death. I couldn't believe he said this to me. In other words, it was my fault that they provided ABSOLUTELY NO GUIDANCE OR ANY INFORMATION about what and how things are done at our time of need. After all, Mr. Brothers thought, that by my being a professional nurse and having the experience of patients dying, that somehow I should know what mortuary staff are suppose to provide to families at their time of loss!! THE FUNERAL HOME DID NOT SPELL OUT OR PROVIDE ME WITH ANY WRITTEN MATERIALS THAT CONTAINED THE ABOVE INFORMATION UNTIL MONDAY, NOVEMBER 29, 2010. I never did receive that allusive packet that Ron Brothers referred to! And NO, the Compliance Officer has never asked me these questions.

Regarding the conflict of interest issue, I thought that I heard someone mention during the first Economic Affairs Interim Committee hearing to abolish this Board, that possibly there could be a neutral entity that would provide this public service in reviewing these complaints. Obviously, it is not fair that a voting member of the Board is listening to and voting on a complaint lodged against that member.

In regards to the way that the Screening Panel Meeting was conducted in that I only had the right to answer questions and not present further information. That is correct, but when I attempted to answer questions posed to me, I was cut off and was not allowed to fully address the question. Either the Chairman or their attorney would stop me from completing my answer. In reviewing the brochure that was sent to me by the Compliance Officer before this Screening Panel Meeting, I see that it states that there will be "no opportunity to provide testimony or present arguments and that you can only respond to direct questions from a panel member and that your participation is limited to listening to discussion." I understood, after reading this brochure, that the committee was suppose to review and discuss the complaint and the response in their entirety in order to determine appropriate action. What if this committee does not address all of the expressed complaint issues, and what if only three out of five Board members present participate and dictate to the other members present what is going to happen with the complaint? Is this right or is this how this committee is suppose to function??

You say word of mouth should go a long way in preventing others from using this horrible mortuary, but I have been reluctant to say much, since Mr. Brothers was found "innocent" so to speak, and I did not want him to come back at me in some way for bad mouthing him. I have questioned Joe Balyeat about this, and he has assured me that I can't get in any kind of trouble. I was also reluctant to share this experience with the Committee deciding whether to abolish the Funeral Board for this reason.

Just to let you know this nightmare continues. After I purchased the pendant, referred to in the complaint, along with a small keepsake urn from Mr. Brothers, both of which contain my mom's remains, I put them away in the original box/wrapping they came in and never looked at them again until a couple weeks ago when I decided to purchase a chain so I can wear the pendant. The pendant never came with a chain even though the picture I ordered it from at Brothers Mortuary showed the pendant with a chain. Now remember, I was told by Mr. Brothers, at the time, that there would be no problem finding a chain to match this bronze pendant after he had delivered it to my house without a chain. At the time of delivery of this pendant and small urn to my home by Mr. Brothers, it was chaotic as stated in our complaint, and I was trying to get ready to leave the next morning for Havre to finish planning and preparing for my mom's memorial service. Also at the time of my mom's passing, and for several months following, there was so much going on with grieving the loss of my mom, dealing with the complaint, making numerous trips over several months to Havre to go through my mom's things and prepare her house for sale, in the midst of lots going on at my home in Missoula. So the bottom line is, I never looked at the pendant or the small keepsake urn that I had purchased until I decided to buy a chain a couple of weeks ago so that I could wear the pendant. When I removed the two items from the original pendant box/urn wrapping, I was shocked to see that there were ashes on the outside of both of these items; it was obvious that neither the urn nor the pendant were properly sealed. Also, when I removed the pendant from the box it came in, I noticed that the back side of this heart pendant was damaged. There is a large rough divet-like area and also a big

scratch. Remember, these items have never been looked at since I received them; they have been in the original box/wrapping. I couldn't believe it.

When I went to the jewelry store to purchase a chain for the pendant, not only was I unable to find a chain to match (apparently bronze is a hard color to find a chain to match), but the jeweler also noticed that it didn't seem like the pendant was even sealed because of the obvious ashes on the outside, so she looked at it under a magnifying glass to confirm that it indeed wasn't sealed properly. And she also noticed that the back of the pendant was damaged. So, not only am I unable to find a matching chain for the pendant, but I have a damaged pendant as well. I then shared some of what had happened to our family, and she was appalled. She shared with me the positive story of her dad's passing and subsequent funeral home dealings. She suggested I take both of the items to a reputable funeral home to see if they could seal the pendant and the small urn. So I did drive to the funeral home, but it appeared they had a service going on at the time, so I didn't go in. When I got home, I decided to contact the Madelyn Company directly, where the pendant originally came from, to see what to do with the damaged pendant. They expressed their sorrow for what had happened and the state of the existing pendant and offered to assist me in making the situation right. They want me to choose another keepsake pendant to be sent to a reputable local funeral home so they can transfer the ashes from the damaged pendant to a new pendant, and seal it properly. I will also take the small urn to them as well and ask them to properly seal it. This just keeps going on and on. Because of this experience, I never want to have anything to do with another funeral home. Just to have to go back to a funeral home again to deal with my mom's remains is going to be difficult. I shouldn't have to be doing this!! My mom has been gone for over a year. We were very close. I thought I would be moving forward by purchasing a chain to be able to wear the pendant, and then to have this happen. It just keeps me in a state of constant turmoil. I don't wish any part of this experience on another person. What a nightmare!! You can share this additional information with the committee as well.

Please keep me informed as to what happens with all of this. When does this committee meet in January? Will it be televised so that I can watch?

Thank you
glynis golden potts