

BURIAL & CREMATION

Introduction and Overview

Individuals caring for their own dead are encouraged to plan carefully and communicate in advance with any facilities and agencies that may be dealt with such as the hospital, hospice, nursing home, board of health, crematory or cemetery) to ensure no difficulties will be encountered due to confusion about the law. Legally, there are generally two options for disposition of a body - cremation or burial in an approved cemetery. Cremation must occur in a crematory licensed by the Department of Environmental Protection, and burial must occur in a cemetery approved by the local board of health.

Death Certificates

Prior to moving a deceased person, a Standard Certificate of Death (R-301) also known as a death certificate, obtained from and signed by a licensed physician is required. If a Registered Nurse Pronouncement of Death Form (R-312) is used to move the remains initially, a death certificate, signed by a licensed physician, must still be obtained. Authorized persons other than funeral directors who intend to obtain the burial permit must complete items No. 1-28 of the death certificate, the portion that is usually filled out by a funeral director. It should be noted that all responsibilities and obligations of funeral directors are the responsibility of an individual in charge of the disposition of the body including timely reporting and filing of death certificates and permits. When completing the form, the name of the individual in charge of the arrangements and obtaining the burial permit should be listed in item No. 24 (Funeral Service Licensee), while the words "other individual" should be listed in item No. 25 (license #). Item No. 28a/b (Name and Address of Facility) should be completed by entering the residential address of the individual identified in items No. 24-25. These items will be amended when the current supply of forms has been exhausted.

Burial Permits

Whenever possible, individuals seeking a burial permit for private disposal of a body should notify the burial agent of the city or town before death occurs and explain that a burial permit will be sought.

A burial permit is issued by the local board of health or its agent (often the town clerk) in the town where death occurred, even if cremation or burial will take place in another town. A complete death certificate, with a Registered Nurse Pronouncement of Death form, where applicable, must be submitted to the burial agent prior to issuance of the permit (M.G.L. c.114, s.45). As soon as possible (preferably within 36 hours after death) a burial permit must be obtained. It is legal to transport a body within the same town or city (from a Boston hospital to a home in Boston, for example) after receiving the death certificate but before obtaining a burial permit. However, a burial permit must be obtained before transporting a body across the town or city line.

Cremation

For cremation, an additional certificate from the medical examiner stating that he has viewed the body and that no further examination or judicial inquiry concerning the same is necessary (M.G.L. c.114, s.44). Such authorization is for the protection of the deceased, because once a body is cremated all evidence of possible crime destroyed. Some crematories will hold a body under refrigeration for all or part of this period, provided they have room. The crematory will arrange for the medial examiner who will complete the required document after viewing the body.

Upon burial or cremation, the person in charge of the cemetery or crematorium will countersign the burial permit and return it to the issuing municipality. Cremation must be carried out in a facility approved by the Department of Environmental Protection. Unless the death has been attributed to a communicable disease, cremation cannot occur until 48 hours after death.

Burial

There is no requirement to hold a body before burial. Burial can take place as soon as the cemetery is ready and must take place in an approved municipal or private cemetery approved by the local board of health. There is no restriction as to the disposition of ashes once cremation had occurred, however if the ashes are to be buried in a cemetery, a burial permit must be provided to the cemetery.

It should be noted that in the case of violent or unexplained death, the body must be turned over to a medical examiner or coroner and may be kept several days, which gives the family time to make preparations.

If death occurs in Massachusetts, but families wish to transport the body to another state for disposition, families should contact the health authorities for those states the body will pass through for specific requirements.

Containers/Outer Burial Containers

M.G.L. c.114, s. 44A requires a body to be place in a "suitable receptacle" in order to be cremated. The body should be placed in a rigid container lined with plastic sheeting to prevent leakage of body fluids. The use of a simple covered box allows for some dignity for all involved in the handling and moving of a body, regardless of final disposition. A simple container, often made out of strong cardboard, sometimes with a plywood base, designed to be destroyed during cremation and often called an "alternative container," can be obtained from a crematory or funeral director.

Most cemeteries require that the container be placed inside a concrete grave liner to prevent the ground from subsiding. These may be purchased from some cemeteries or at a funeral home. Most cemeteries do not permit anyone other than their own staff to open or fill a grave.

Transportation

There are existing state regulations governing transportation of a body specifically pertaining to licensed funeral directors. There are no such regulations governing the transportation of a body by non-funeral directors. Regardless, the length of the box for transporting a body should be considered in choosing the vehicle for transportation to ensure the dignity of the body is preserved.

Preparing the Body

Time is an obvious constraint when preparing a body for burial. Nursing homes and hospitals often want a body removed immediately, even in the middle of the night. It is important to plan ahead whenever possible.

Many people who are involved in the care of their loved one's body after death were involved in their care and comfort before death. The common sense measures to prevent spread of infection in persons who need nursing and other care before death should apply after death as well. Measures are good hygiene, avoidance of direct contact with body fluids, and most importantly, good handwashing.

The human body decomposes rapidly after death. Care must be taken to keep the body as cool as possible in order to slow the decomposition that results in noxious odors and the leakage of body fluids from body orifices. A human body can be kept in a cool room for at least 24 hours before decomposition begins. Heat in the room should be turned off in the winter, and air conditioning should be turned on in summer. Ice can be used instead of refrigeration.

Individuals who do not have any infections prior to death present little to no infection risk after death. If an individual does have a diagnosis of an infectious disease prior to death, the person's health care provider or the physician signing the death certificate should be consulted regarding any special considerations to prevent infection risk in the handling of the body.

Infections are spread from person to person through coughing, sneezing, contaminated hands, intimate contact or through contact with contaminated drainage, blood or body fluids. Thus, many infections are not likely to be transmitted after death unless body fluids containing the infectious agent come in contact with living persons in a way that allows the infections to be passed.

Some infections are silent (with no signs or symptoms in the person who is infected), especially infections spread through the blood or other body fluids. Since persons may have blood-borne infections without a diagnosis or without their knowing it all blood and certain other body fluids, regardless of source, should be considered infected and capable of transmitting infection. Barriers, such as rubber gloves, protective clothing and eye protection are used when contact with blood or other potentially hazardous infectious materials is likely. In general, any approach that

prevents exposure to blood and body fluids prevents transmission of infection. In fact, exposure of intact skin rarely results in infection, so handwashing is an important way of limiting infection risk.

Soiling of the environment or materials with body fluids should be avoided. Soiled equipment, sheets, clothes, etc. should be carried out as they would in the care of a living person who is ill. Disposable materials should be bagged in non-leaking plastic and disposed of in the rubbish. Non-disposable materials should be disinfected. A quarter cup of household bleach in water is a very effective disinfectant.

Organ and Body Donation

Persons wishing to be an organ donor should obtain a donor card from the Registry of Motor Vehicles, which, after being signed and witnessed, is attached to an individual's drivers license. Individuals wishing to become a body donor should contact a medical or dental school and ask about their donation program. In Massachusetts, donation must be arranged by the donor personally before death. There are some restrictions on the acceptance of bodies to schools. It is important to make alternative plans in case the school is unable to accept the body.

References

Massachusetts Department of Public Health

Registry of Vital Records and Statistics

150 Mt Vernon St, 1st Floor

Dorchester, MA 02125-3105

617-740-2600

www.mass.gov/dph/rvrs

Funeral Consumers Alliance of Eastern MA (serving Eastern and Central Massachusetts)

66 Marlborough Street

Boston, MA 02116

617-859-7990

www.FCAEMass.org

Funeral Consumers Alliance of Western MA

P. O. Box 994

Greenfield, MA 01302

413-774-2320

www.FuneralConsumersWMAss.org

Funeral Consumers Alliance

33 Patchen Road

So. Burlington, VT 05403

800-765-0107

www.funerals.org

Caring for the Dead: Your Final Act of Love (1998)

Upper Access Books

P.O. Box 457

Hinesburg, VT 05461

802-482-2988