



**April 9, 2024 General Session Meeting Minutes FINAL
approved July 9, 2024**

Board Members Present: Robert Gaskill Present; Ruggiero Canizares, Vice President; Nancy Felton, Secretary / Treasurer; Craig Collins; Debra Harris; Kevin Loveland; Angela McKenzie-Tucker; Elizabeth Pacheco; Melissa Porter.

Board Members Absent: None

Staff Members Present: Chad Dresselhaus, Executive Director; Mallory Kenney, Education and Compliance Manager; Marianne Itkin, Investigator; James Liddle, Compliance Specialist; Ryan Christopher, Office & Licensing Manager; Sylvie Huhn, Program Administrator Indigent Disposition Fund; Greg Brown, Compliance Specialist, and Catriona McCracken, AAG

Staff Members Absent: None

Guests: Holly Houston, OFDA; David Bone, Hillside Chapel; Serena Trexler, Synergy

I Call to Order

The General Session of the Mortuary and Cemetery Board (Board) was called to order at 9:01 am, at the Portland State Office Building in room 1D.

After roll call was taken President Gaskill got right to business.

II General Session

A Approval of Meeting Minutes

President Gaskill asked if there were any question regarding the May 10, 2022, General Session Minutes draft as presented. There were none.

President Gaskill asked if there was a motion to approve the Minutes. He recognized Member McKenzie-Tucker.

Member McKenzie-Tucker so moved. Member Collins seconded.

President Gaskill asked those in favor to signify by saying aye. All others were aye, and the motion passed unanimously. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.

President Gaskill asked if there were any question regarding the January 22, 2024, General Session Minutes draft as presented. There were none.

President Gaskill asked if there was a motion to approve the Minutes. He recognized member Harris. Member Harris so moved. Member Loveland seconded.

President Gaskill asked those in favor to signify by saying aye. All others were aye, and the motion passed unanimously. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.

President Gaskill asked if there were any question regarding the January 24, 2024, General Session Minutes draft as presented. There were none.

President Gaskill asked if there was a motion to approve the Minutes. He recognized member Porter. Member Porter so moved. Member Collins seconded.

President Gaskill asked those in favor to signify by saying aye. All others were aye, and the motion passed unanimously. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.

B. President's Comments

President Gaskill mentioned that it was nice to have public participation.

He had asked the guests to introduce themselves. The following guests introduced themselves.

Jeanne Jackson
Jim Jackson
Lisa Diamond
Holly Houston
Dave Bone
Serena Tresler
Lindsay Smith
Elizabeth Johnson

C. Presentation and Approval of Executive Director's Report for April 9, 2024

Director Dresselhaus briefly discussed the revenue expense details of the report. He indicated that we are well positioned. He mentioned the revenue projections. He indicated that these projections are based on information from the State's economist office that provides the projected number of deaths per year.

Member McKenzie-Tucker asked if they are pulling that date from Oregon Vital Records.

Director Dresselhaus indicated that he was unsure, but he assumed so.

Member McKenzie-Tucker asked if Director Dresselhaus could provide a copy of that report by the next Board meeting.

Director Dresselhaus indicated that there was a link to the report provided to the members.

He briefly discussed the licensing details of the report.

He discussed the exam details of the report. He mentioned that our FSP exam had been transferred to The Conference. He indicated that we would present reports from The Conference by next meeting with details of those who have tested.

He asked staff member Christopher to provide an update about the Death Care Consultant Exam.

Staff member Christopher mentioned that last Friday he administered a Death Care Consultant Exam for on individual and the individual passed their exam. He stated that this was the first person to pass this exam and receive this license since he had started as staff 4 ½ years ago and they will be the first to receive this license type in the Board's history.

Director Dresselhaus briefly covered the Inspection details of the report. He briefly covered the investigation details of the report. He asked if there were any questions. There were none. He asked if the inspectors wanted to add anything.

He briefly discussed the Investigation details of the report. He asked if the inspectors wanted to add anything.

Staff member Brown mentioned being successful in getting responses from licensees.

Director Dresselhaus briefly covered the Indigent Disposition Program details of the report. He indicated that report shows information prior to House Bill 2120, which increased the Death registration filing fee from \$20 to \$30.

President Gaskill asked if there were any questions. There were none. He asked if there was a motion to approve the Executive Directors reports. He recognized member Loveland.

Member Loveland so moved. Member Collins seconded. All others were in favor. There were none opposed.

D. Public Comments

President Gaskill stated that the Board welcomes public comments, and that sign-up form will be available. He stated that before the start of general and public comments, anyone wishing to address the board is asked to sign up. He stated that advanced written copies of comments are appreciated.

He recognized Holly Houston with OFDA. (Holly Houston did not provide the Board with anything in writing beforehand.)

Holly Houston mentioned being in the early stages of working to get reimbursement from medical examiners for transporting deceased individuals. She asked for support for when they figure out how they are going to do this.

President Gaskill asked for clarification.

Holly Houston explained that she worked with Columbia County, and they are willing reimburse her funeral establishment.

Member McKenzie-Tucker mentioned the impact on Oregonians. She indicated that the medical examiners response is that Funeral Establishments bill families.

Holly Houston mentioned being in a workgroup to address this dynamic.

Vice-President Canizares asked for clarification that if this is not resolved that the public may be impacted.

Holly Houston provided confirmed that the public may be harmed.

Member Loveland mentioned that in his county he gets paid nothing for transportation to Portland for the medical examiner. He indicated that he does not bill the family.

Member McKenzie-Tucker indicated that if the county is the one requesting the service, then they should be the one responsible for the charges.

Director Dresselhaus indicated that guest David Bone had a comment.

President Gaskill recognized guest David Bone. (David Bone did not provide the Board with anything in writing beforehand.)

David Bone stated that he thought that the Board would be discussing a topic relating to apprenticeships and requirements today and that the purpose of him being here was to ask for clarification as it related to this topic. He stated that several years ago the board had determined that an apprentice embalmer was able to count when they do dis-infections, setting of features, dressing, and presenting a body for viewing, without arterial embalming. That as long as they got a signed authorization from the legal next of kin for what would be a modified preparation or something to that effect, that the apprentice embalmer could count that prep as one of their preps towards their 35 required embalmings. He mentioned that a few weeks ago, his apprenticeship and Rob's apprentice, who are friends, were talking about their requirements and found there was a discrepancy between how their two funeral homes interpreted part of the rules or the laws. He indicated that he called around to several places. He mentioned that he talked to Rob Gaskill, Dwight Terry, Kevin Loveland, and Marc Lund and their answers varied. He stated that he and Dwight distinctly remember that the Board made this rule in the past. He indicated that his point was that when this conversation comes up, he hopes that there is some continuity in terms of what has already been decided and interpretations now. He mentioned that he could get into the weeds of the ORSs or rules and how they specifically break out who can do what in a funeral home. He mentioned that if there is a funeral home that only has licensed funeral service practitioners and they don't have a licensed embalmer then they should not be able to facilitate any kind of bathing, disinfecting, setting of features of remains for any kind of viewing. He stated that it seemed to him that if an apprentice works at a funeral home and your funeral home doesn't do a lot of embalmings but does have a lot of viewings then those remains have to be disinfected and there has to be some kind of authorization from the Next of Kin.

He stated that the laws break out specifically things like cosmeticizing, disinfection, embalming, dressing, and casketing, they are all specifically listed but only under an embalmer apprentice or an embalmer. He stated that a for a FSP apprentice that's not part of their apprenticeship. He mentioned the other part of it where it says that basically for apprentice rules, it says that an embalmer apprentice must assist with 35 embalmings. He stated that when you assist with an embalming, in theory you could have an apprentice come into the prep room, set the features to get practice doing that and then leave, and his interpretation of that is that they are assisting with an embalming and that would count towards one of their required embalmings. He stated that to him, being able to count those minimal preps as embalmings is beneficial to our industry because it streamlines the process for new people coming in. He mentioned that we live in a cremation world in this part of the county and embalmings are not the norm. He indicated that obviously we could change that number but he's not looking for that, and that he's just looking for clarification. He stated that it would be nice if the Board would publish their findings and then keep a record of those findings. He stated he was sure that at some point in the past in the records there is information about this and a ruling on this. He stated that was all that he had to say about this.

President Gaskill stated that a funeral director or an apprentice funeral direct can't set features legally, and that only an apprentice embalmer or embalmer can. He mentioned that if his apprentice is assisting and is setting the features and can't find the artery and he has to go in there and find it and inject, that this would still count as having assisted with the embalming for his apprentice. He stated that we need to put this into rule and indicated that it would take more than this meeting to accomplish this. He indicated that

embalming is so much less than it used to be. He indicated that it's almost impossible for his funeral home to get 35 embalmings in a year.

Member McKenzie-Tucker recommended adding this as a discussion item for the Board. She stated that this needs to be more encompassing than just defining a case. She stated that overall expectations about apprenticeships, including how logs are recorded and when a case counts. She stated that we've had several cases for this that have come into question and that there seems to be best practices and statutes that are in conflict. She indicated that it was time for us to dig in and actually provide clarity to licensees. She indicated that she didn't think anyone was wanting to do anything that was against the law but if everyone was interpreting this differently and then we are enforcing laws on people that felt like they are doing the right thing then we have a major problem.

Member Canizares mentioned that we were leading into a possible Rules advisory committee.

President Gaskill stated that we want to make this into rule and not just a discussion that we agree on, like they did last time. He indicated that that was what happened and that whatever was determined before was never put into rule. He indicated that this was a process that would not happen overnight and questioned what should be done in the meantime.

David Bone asked if there could be a ruling now.

Director Dresselhaus stated that he thought there couldn't be one now and mentioned that there were multiple issues being discussed. He stated that he felt it was appropriate to do the rule-making process and recruit for advisory committee members and one that should be included was Doug Ferrin with Mt. Hood Community College because we need to consider what they teach. He reiterated that there are multiple issues, such as, is 35 embalmings too many. He stated that we need to provide clarification on multiple things and review the current requirements to see if they are reasonable in today's times.

Member McKenzie-Tucker asked if when an apprenticeship log is submitted for someone to receive licensure, is there a question if someone says that they worked on a case and all they did was set features, do we count that case or not, and what was the current practice today.

Director Dresselhaus stated that he would assume we would do as we typically do until changed.

Board Members asked for clarification from staff member Christopher.

Staff member Christopher mentioned that the log for an apprentice embalmer does not require anybody to list any description of what they have done. He indicated that where people are going out of their way to let us know that they only set features, we would not count those cases, unless we could clearly see that setting the features was part of an embalming, such as President Gaskill was explaining. And for those cases there would be a consideration and we would count those because the person was embalmed. He stated that in some instances we have seen setting features listed, and it also clearly shows that there was no embalming, yet it is listed on the embalming log. He expressed that this causes confusion and in a general sense those cases are not counted towards the requirement for having assisted in an embalming. He also mentioned that generally when we see this sort of thing on a log that there are enough other documented cases to not prevent them from having the required number of cases.

President Gaskill stated that this is what was currently happening on the state level and at that Board level.

David Bone asked if the Board needed to go back through people's apprenticeship logs and un-license people. He asked what was going to happen. He stated he didn't feel like this was clarification.

President Gaskill stated that he didn't think so either.

David Bone stated that this was just staff member Christopher's interpretation of that rule. He stated that the rule says assist. He stressed his point that the rule says assist.

Staff member Christopher indicated that the rule specifies assist as it relates to assist in embalming.

David Bone stated that these were all embalming procedures that are specifically listed that only an embalmer or embalmer apprentice can do. He asked if it doesn't count as an embalming and it's only something an embalmer or an apprentice embalmer should do, then why can't an FSP do that and count it towards their apprenticeship.

President Gaskill recognized staff member Itkin.

Staff member Itkin reminded board members and informed guests that staff do not work their jobs in a vacuum, and that questions about what is on an apprenticeship log, specifically where they've shown all they've done is set features, that these types of discussions happen inside of staff meetings and ongoing staff conversations.

Staff member Christopher added that this was not just his interpretation.

Director Dresselhaus stated that we are going to hold this off for now. He expressed thanks to David Bone and indicated that we were good to conclude the conversation. He stated that he would work with our AAG to determine what we will do moving forward.

Vice President Canizares asked for clarification if we as a Board were delegating staff to start establishing a rules advisory committee to deal with this.

Member McKenzie-Tucker indicated that she thought the Board should.

Vice President Canizares asked for clarification that a Rules Advisory Committee would be formed.

Member McKenzie-Tucker volunteered to lead the advisory committee.

Vice President Canizares motioned to establish and authorize staff put together a rules advisory committee to address this single multifactorial issue.

President Gaskill recognized Vice President Canizares.

Vice President Canizares so moved. Member Porter seconded.

All members present were in favor.
There were none opposed.

Vice President Canizares indicated that he understood the lack of clarity about the rule. He addressed David Bone and asked him to share what public harm there could be without clarity regarding this rule. He mentioned the concept of issuing a temporary ruling and indicated that we first need the rules advisory

committee. He indicated that we to know why there is urgency in this matter and why we need clarity, and how this may potentially harm the public if there is no immediate clarity until the rules advisory committee clears this up.

David Bone stated that ultimately it lies with the same weight that it would if it wasn't an apprentice, and it was an embalmer or a funeral service practitioner in the sense that umm... as far as harm to the public it states in the rules and statues that you can't hold public viewings over un-embalmed bodies. He stated that he thought that it might harm the public in the sense that it might be prohibitive for people coming into the industry to be able to get licensed in a timely enough manner that they want to continue in this business. He indicated that that the average person is only in the funeral business for about 5 years based on something that he saw at one time. He mentioned there being a critical need for funeral directors because the death rate is skyrocketing up and the number of funeral service practitioners is dropping off. He mentioned the ability to bring new people in and get them up to speed to work practically in a funeral home where embalmings are not something that happen daily. He mentioned some locations that are centralized where a lot of embalmings occur. He indicated that to him this was harmful to the public and stated that there is just a lack of people who have an understanding of what they can do. He stated that there may be potential harm to the public that exists now in terms of funeral homes that don't have embalmers or apprentice embalmers that are providing services that they are supposed to do. He mentioned that dressing and casketing is that has to be supervised by an embalmer. And if you have funeral homes that don't have embalmers on staff then how are they facilitating this. He asked if there are laws and rules there are being broken as it related to this idea that are harming the public.

Vice-President Canizares stated that he was going to lean on his professional colleagues to determine if it has risen to the level of needing a temporary rule making.

President Gaskill stated that because funeral home are doing it differently,

He stated that he had talked to a few funeral directors and embalmers and the big thing to him was that you cannot set features on a deceased person unless you are licensed as an apprentice embalmer or an embalmer and that if you are a licensed funeral director that you cannot set features. He indicated that he thought that we should allow setting the features, dressing, disinfecting without arterial embalming as considered as part of their embalmings until we make a rule about what is expected.

President Gaskill stated that if he honestly felt like if was going to hurt the public and if the public was being harmed, he would have a real problem but that he did not see where it was an issue as far as it related to apprentices getting 35 vessels raised.

Member Loveland mentioned having bought a funeral home in Enterprise Oregon and that out of one hundred funerals they will probably embalm 5 people. He mentioned his apprentice in La Grande and that they do more embalming there. He indicated that he couldn't imagine trying to get an apprentice through at the location that does less embalming, if they we didn't allow setting features, that his apprentice would not be able to get the embalmers license. He expressed support for allowing setting features as a practice, at least on a temporary basis to address the current issue until the Board can discuss this.

Director Dresselhaus mentioned that there should be a balance with a minimum of embalmings that are done. He indicated that we don't want someone just setting features thirty-five times and then coming out as an embalmer. He stated that there should be a baseline of actual embalmings. He mentioned concerns based around competency and not opening the requirements to be too wide and not having a standard. He indicated that under the current rule an apprentice could set thirty-five features and claim they had completed their apprenticeship.

Vice-President Canizares indicated that this was what the advisory committee would resolve.

Guest Serena Trexler mentioned the possibility of having a license for specific just setting features.

President Gaskill and member McKenzie-Tucker pointed out issues with this.

Member McKenzie-Tucker mentioned that this was a slippery slope and mentioned different types of regulations for vaccination requirements when you are exposed to bodily fluids. She indicated that we were all on the same page in that this needs to be dug into. She stated that to member Canizares' question, that the harm to the public is that at this point, what does it mean if you served our embalming apprenticeship. And it depends on who your preceptor was and what location you were at, and that this was a scary thing, and that there isn't a standard achieved through this process.

President Gaskill mentioned that he has only allowed arterial embalming as counting towards the embalming requirements for his apprentice.

Vice-President Canizares asked if David Bone was satisfied with a rules advisory committee that will delve into this. He indicated that he did hear an urgency to the point where we would need to talk to our AAG about having a temporary rule making.

David Bone mentioned that the only a sense of urgency that he was going to put out was that in our industry a lot of people will be graduating in June and that's when a lot of apprenticeship positions are filled in funeral homes. He indicated that after the 12-month requirement, hourly requirements, and a certain number of embalmings that a lot of people coming up in June and July will be applying to take their exams to become licensed. He stated that there was a sense of urgency here because of this conversation, an apprentice can send something into the Board and the Board can determine that they didn't assist with he required number of embalmings. He indicated that this could impact hiring practices and availability for providers to be able to serve families.

He mentioned that there are people who may leave funeral homes that don't have the ability to provide 35 arterial embalmings.

President Gaskill indicated that his apprentice will have been with him a year in August and that she currently has done 10 arterial embalmings, but she would have a done total of 32 if they could count setting features and dressing. He stated that there was no way that she would get 35 embalmings by August.

Vice-President Canizares mentioned that he was unsure if we could do a temporary rule making, and that he thought that we needed to have AAG McCracken here. He stated that when the Board reconvened that we would see if there is a basis for a temporary rule while we have a rules advisory committee with the concerns are being brought up. He indicated that we need to ask AAG McCracken first to see if we can do a temporary rule making now that we have delegated staff to create a rules advisory committee.

Director Dresselhaus stated that this was not staff member Christopher's decision, and that this was his decision because he was the director, and if there were any concerns about this to bring those concerns to him. He indicated that he was concerned about counting setting of features. He asked what the Board would be satisfied with.

Member Collins mentioned issues only washing and setting features. He indicated that the benchmark should be whether or not the apprentice can embalm on their own with someone supervising. He indicated that by the fifteenth one they were good to go.

There was general discussion around fifteen embalmings being sufficient.

David Bone indicated that his understanding was that the way it was interpreted in years past was that preparing a body for public viewing, bathing, and disinfecting, setting features, dressing and casketing did count towards the requirement for an apprentice to assist in 35 embalmings. He indicated that this was why there was an authorization approved by the Board, which is the Minimum Preparation Authorization, which gives Funeral Establishments specific authorization to perform specific things to prepare a body for viewing. He indicated that another reason that this came up was that at one time he worked for a corporate funeral home, and they required an ID viewing for all cremations and required that family view the body to sign off that they haven't misidentified the body. He stated that they also instructed them as a company to charge a fee to families for performing that service and they called it an "ID view". He stated that the Board ruled that you cannot compel a family to have something done in your funeral home that then make them pay for it. He stated that they split the hairs between an ID viewing and a final viewing. He indicated that an ID viewing was like you see on the T.V., you pull the sheet back and that's how they look from the point that they were removed from the place of death with tubes, IV's, no feature set, and no bathing. It's just for someone to say yes, I positively identify these remains as my dad, and I sign for it.

He indicated that final viewing is different, and this is where they create a situation where it's pleasant in a sense for the people to be able to have a final viewing of their loved one, where some dignity has been restored to that person. He stated it is required by law and statute that the body is bathed and disinfected and that you can set or not set features if you were holding the viewing for the public.

He indicated that this is what would differentiate between telling his apprentice that we have gravesite service tomorrow and to go and dress "Mr. Smith" and put him in the casket in the morning to take to the cemetery, and there is not going to be any open casket viewing. He indicated that this was not an embalming but that it could only be done by an embalmer or an apprentice embalmer.

He stated that if you have a facility that doesn't have an embalmer apprentice or in an embalmer that they should not be dressing bodies and putting in them in a casket.

Serena Trexler mentioned that most Mortuary schools require ten embalmings to graduate. She suggested making the requirement for apprenticeship be 10.

Staff member Christopher indicated that students who are also apprentices can count their cases towards the requirements as an apprentice but if they're only an intern that it doesn't count towards requirements as an apprentice. He indicated that the rules are specific about requirements for an intern versus those for an apprentice funeral service practitioner or apprentice embalmer.

Member Loveland stated that they have to work 30 hours a week.

Member Felton asked if there were apprentices that don't go to college while they are apprentices.

Member McKenzie-Tucker indicated that we need to look at the standardization about what is the outcome that we are looking for. She stated that she thought we needed to go to an advisory committee and move the rest of this discussion to the Executive Session. She stated that the reassurance to our public

members who were there and to those listening abroad is that we will address this, and we'll address this as soon as possible.

Staff member Christopher indicated that if we were going to be forming an advisory committee that he would urge the committee to include a review of the apprentice funeral service practitioner dynamics, and it should also focus on back giving a definition for assist. He stated that we have a very parallel dynamic with apprentice funeral service practitioners who provide logs where they refer to competency demonstrated and only show that they handed out folders. He indicated that we don't know if they arranged any funerals or dispositions through some form of direct contact with the family or representative, but somehow, they're supervisors are confirming that their apprentice handing out folders makes them qualified to be a funeral service practitioner.

President Gaskill mentioned not being able meet with families when he was an apprentice and that he was only allowed to assist at funerals and embalm bodies. He indicated that he hoped staff member Christopher could be part of the committee and acknowledged that this affects staff member Christopher most.

Staff member Christopher mentioned he would be glad to participate in any way possible.

Director Dresselhaus indicated that staff member Christopher would have a unique perspective because he is also a licensee.

President Gaskill indicated that it was imperative that staff member Christopher be part of the committee. He expressed appreciation for the discussion.

E. General Discussion & Action Items

1. Standing Item:

a. Board Best Practices 2 min. Check In for FY 2023 (July 2023 – June 2024)

Staff member Kenney provided a quick reminder this will be completed in July.

2. Board Treasurer Annual Review of Finances and Financial Controls Report

Felton provided a brief update on this topic. She indicated that both the General Fund and the IDP fund are in a good position financially. She indicated that she has been focusing on the civil penalty details. She indicated that the board's budget is in good condition, and we should proud for keeping expenses down and helping the IDF fund grow.

Director Dresselhaus mentioned that the last few months have been really difficult because he doesn't know what happened, but DAS Shared Financial had moved to a new system or staff and that the financials were all over the place from September through December, they were all messed up.

Member Felton indicated that there were several pages of questions.

Director Dresselhaus thanked member Felton for pushing and asking for clarification.

3. License Renewal Update

Staff member Christopher referenced the Executive director's reports. He indicated that there were 95 individuals whose licenses appear to have permanently lapsed. He mentioned that did not include the preneed statistics because Preneed Salesperson are on a separate renewal schedule. The preneed licensees are on a separate renewal cycle and so those licenses are still in a position where their licenses have

expired, but they have until the end of May to renew and pay a reinstatement fee to become active again. He asked if there were any questions.

Member Porter mentioned that the Cemetery Association would like to work with this Board more closely in getting some of the smaller, more rural cemeteries through the renewal process. She mentioned instances where an 80-year-old individual who is a volunteer on the board and they don't know how to run the online system. She mentioned trying to have workshops or something that the association can host with the board to get them through that process. She mentioned we want the perception from the Cemetery Association to be that the Board is not this big bad wolf that they're here to help with all of that.

Member Loveland stated that he agreed.

Staff member Christopher mentioned that if anyone was aware of people that are on that Executive Directors report and you know that they didn't mean to permanently lapse and they feel like they didn't get the notice or there was an issue on our part, we are open to acknowledging that we're not perfect and that we're willing to look at those look at those individuals on a case by case basis, and to have anybody that you're aware of that didn't mean to lapse reach out to him.

4. TEDS Update

Staff member Christopher provided a brief update on the Travel Expense Details Sheets and mentioned that staff is working to make sure that we're staying on top of these.

5. Executive Appointments Update

Director Dresselhaus mentioned that member Collins has been reappointed up through 2027. He mentioned having support from the Governors office to find a person to fill the vacant public member role, and the new member will be Neal Naigus, who is affiliated with Portland Community College. He mentioned that we will be filling David Bone's empty position.

Vice-President Canizares mentioned being up for reappointment in June.

6. The International Conference of Funeral Service Examining Boards - Annual Meeting

Director Dresselhaus mentioned that he recently attended The International Conference in Myrtle beach South Carolina. He stated that this was referenced latest newsletter. He stated that it was a great opportunity to interact with colleagues of regulators from other States and Canada. He indicated that the two big topics were based around the FTC and Natural Organic Reduction. He mentioned that staff had recently been to a NOR facility.

Staff member Kenney mentioned having gone with staff member Liddle to visit two different NOR facilities in Washington. She discussed the differences between the two locations.

7. OFDA Annual Convention (Eugene)

Member McKenzie-Tucker mentioned that the OFDA Annual Convention is coming up on May 6, 7, and 8th, and will be at graduate hotel in Eugene. She briefly discussed the topics that would be discussed. She encouraged everybody to attend.

8. Proposed Administrative Rule: Facility Manager Location Requirement

Director Dresselhaus mentioned that this was direction from the Board to staff to draft some proposed administrative rules regarding facility managers and proximity to the location they are managing. He briefly discussed the document that had been provided to the members showing the proposed changes.

Member McKenzie-Tucker expressed support for the 200-mile aspect. She expressed overall praise for the staff's efforts.

President Gaskill asked if there was a motion to approve the Proposed Administrative Rule related to Manager Location Requirements. He recognized Member McKenzie-Tucker.

Member McKenzie-Tucker so moved. Member Collins seconded.

All others were in favor. There were no opposed.

9. M365 Board Channel Update

Dresselhaus mentioned that we are still working on getting this migration complete.

Member Harris mentioned her experience with the testing process and after trying multiple ways she was finally successful.

Director Dresselhaus reiterated that he is hopeful that we will be ready in July.

Member Pacheco mentioned that she was on Teams with an Outlook account and was successful in logging on today.

Vice-President Canizares asked for clarification and addressed concerns related to printing. He expressed concern about printed materials and recommended something like a NDA.

Director Dresselhaus indicated that DAS is not concerned and that he will follow up with DAS regarding this and see if there is something that can be drafted.

10. Newsletter

Staff member Kenney stated that this was sent out last week. She indicated that staff will be posting a copy on the Board's website. She expressed thanks to the staff for contributing. She mentioned the Facility Highlights section and encouraged member to send suggestions.

11. Indigent Disposition Program (IDP): 2023 Year in Review

Dresselhaus discussed details of the report that was provided to the members. He recommended that the reimbursement rate remain at \$550. He stated that the number of claims submitted this year has increased but the amount paid out has not. He discussed the veteran's details of the report and mentioned adding race and gender and domicile unknown details. He asked if there were any questions. He praised staff member Huhn.

President Gaskill asked if there was a motion to approve the Indigent Disposition Program report. He recognized member Collins.

Member Collins so moved. Member Loveland seconded.

All others were in favor.

There were none opposed.

12. Disciplinary Action Matrix Update

Dresselhaus indicated that between now and the next meeting he wanted to have a meeting to address this topic. He indicated that this would be targeted for June and would be an in-person off-site meeting, and all staff will be attending. He asked everyone to send him their availability.

13. Strategic Planning/DEI & Affirmative Action Plans

Director Dresselhaus indicated a document regarding this topic had been provided to the members and that every state agency needs to have a strategic plan by June.

The Board gave general direction to move forward.

President Gaskill adjourned the general session at 10:53 am.

III Executive Session as authorized by ORS 192.660(2)(a), (b), (f), (h), (i) and / or (l)

At 10:54 am, President Gaskill directed the Board to enter into executive session. The executive session was held pursuant to ORS 192.660(2)(a), (b), (f), (h), (i) and / or (l). If present, representatives of the news media and designated staff would have been allowed to attend the executive session, but all other members of the audience would have been asked to leave the room. Representatives of the news media would have been specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. Note that no decision can be made in executive session. At the end of the executive session, the Board returned to open session. Executive session adjourned at 3:48 pm.

IV General Session

President Gaskill called the general session of the Board back to order at 3:52 pm. All Board members who were in attendance for the earlier general session were present.

F. Licensing Actions

Vice-President Canizares made a motion to approve this agenda item.

Vice-President Canizares so moved. Member Harris seconded.

President Gaskill asked those in favor to signify by saying aye. All others were aye and the motion passed unanimously. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Pacheco, Porter. Those voting no: None. Those abstaining: None.

G. Executive Session Minutes

January 22, 2024, and January 24, 2024

Vice-President Canizares made a motion to approve the executive session minutes for January 22, 2024 and January 24, 2024.

Vice-President Canizares so moved. Member Harris seconded.

President Gaskill asked those in favor to signify by saying aye. All others were aye and the motion passed unanimously. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Pacheco, Porter. Those voting no: None. Those abstaining: None.

H. Temporary Rule Making related to Embalmer Apprenticeship

Vice-President Canizares made a motion to direct the OMCB staff to engage in temporary rule making for requirements for embalmer apprenticeship.

Vice-President Canizares so moved. Member Harris seconded.
President Gaskill asked those in favor to signify by saying aye. All others were aye and the motion passed unanimously. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Pacheco, Porter. Those voting no: None. Those abstaining: None.

I. Write-Offs of Debts

Vice-President Canizares made a motion to approve two write-offs for debts that were presented to the Board.

Vice-President Canizares so moved. Member Harris seconded.
President Gaskill asked those in favor to signify by saying aye. All others were aye and the motion passed unanimously. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Pacheco, Porter. Those voting no: None. Those abstaining: None.

J. Board Inspection Report (BIR)

Vice-President Canizares made a motion to approve the Board Inspection Report as presented.

Vice-President Canizares so moved. Member Harris seconded.
President Gaskill asked those in favor to signify by saying aye. All others were aye and the motion passed unanimously. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Pacheco, Porter. Those voting no: None. Those abstaining: None.

H. Investigations

1. 22-1025A1 – No action due to no violation of law

Moved: Canizares. Second: Harris.

For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.

Against: None.

Recused: None.

Motion Passes: 9 - 0.

22-1025B1 – No action due to no violation of law

Moved: Canizares. Second: Harris.

For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.

Against: None.

Recused: None.

Motion Passes: 9 - 0.

2. 23-1021 – Ratify administrative close

Moved: Canizares. Second: Harris.

For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, Pacheco, Porter.

Against: None.

Recused: McKenzie-Tucker.

Motion Passes: 8 - 0.

3. 23-1027 – Table

4. 23-1036 – Ratify administrative close

Moved: Canizares. Second: Harris.

For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.

Against: None.

Recused: None.
Motion Passes: 9 - 0.

5. 23-1038 – No action due to no violation of law

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.
Against: None.
Recused: Collins.
Motion Passes: 8 - 0.

6. 23-1039A1 - No action no violation of law

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.
Against: None.
Recused: None.
Motion Passes: 9 – 0

23-1039B1 – No action due to no violation of law

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.
Against: None.
Recused: None.
Motion Passes: 9 – 0

7. 23-1046A1 – Disciplinary Action – Permanent Revocation of respondents license due to violation of ORS 692.188(1) and OAR 830-030-0090(5)

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.
Against: None.
Recused: None.
Motion Passes: 9 – 0

8. 23-1047 – Ratify administrative close

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.
Against: None.
Recused: None.
Motion Passes: 9 – 0

9. 23-1055 – No action due to no violation of law

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.
Against: None.
Recused: None.
Motion Passes: 9 – 0

10. 23-1056A1 B1 B2 and C1 – No action due to no violation of law

Moved: Loveland. Second: Harris.
For: Collins, Felton, Gaskill, Harris, Loveland, Pacheco, Porter.

Against: Canizares.
Recused: McKenzie-Tucker.
Motion Passes: 7 - 1.

11. 23-1057 – Ratify administrative close

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, Pacheco, Porter.
Against: None.
Recused: McKenzie-Tucker.
Motion Passes: 8 - 0.

12. 23-1060A1 A2 and A3 – No action due to no violation of law

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.
Against: None.
Recused: None.
Motion Passes: 9 – 0

13. 23-1061A1 – No action due to no violation of law

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.
Against: None.
Recused: None.
Motion Passes: 9 – 0

OMCB CONFIDENTIAL CASE SUMMARY 4/9/2024

23-1049, 23-1050, 23-1051, 23-1058, 23-1059 – Table for further discussion and to acquire additional information documents

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Pacheco, Porter.
Against: None.
Recused: None.
Motion Passes: 9 – 0

After voting President Gaskill thanked everyone and concluded the meeting.

V Adjournment - the meeting adjourned at 4:04 pm.