



# OMCB

OREGON MORTUARY & CEMETERY BOARD

Regulating Death Care Facilities & Practitioners in Oregon.

## OMCB's Report for October 2024

### ADMINISTRATIVE

#### 2023-2025 Biennium Budget (July 1, 2023 through June 30, 2025)

#### Budget Summary through July 2024

Revenue	Biennium to Date	2023-25 Total Biennial Budget	% Received
All Sources (including cash reserves & reimbursements)	1,966,838.95	3,314,235	59%
Expenditures	Biennium to Date	2023-25 Total Biennial Budget	% Spent
Personal Services	1,017,074.18	1,912,623	53%
Services and Supplies	597,559.00	1,302,704	46%
<b>Total Expenditures</b>	<b>1,614,633.18</b>	<b>3,215,327</b>	<b>50%</b>

Licensing fee revenue is received once a year – even-numbered years for individual licensees & odd-numbered years for facility licensees – which results in a significant revenue increase at the end of each calendar year and is the main reason why our agency must maintain a higher than average ending balance at the end of each fiscal year and each biennium (typically the equivalent of 8-10 months). Our agency also self-insures against unknown expenses such as costs associated with administrative hearings. It is important to note that there is a difference between the agency's approved limitation (authorization to spend) and its cash reserve. If our agency anticipates exceeding the approved limitation total for any expense category, we must request additional limitation authority from the Oregon Legislature via an Emergency Board (Ways & Means) proceeding, even if we have a sufficient cash reserve to cover expenses.

#### Agency's Biennial Budget Revenue

The agency's biennial budget revenue consists of a beginning cash balance of **\$1,722,128.73** (cash reserves carried over from the 21-23 biennium), which is the remaining amount collected for death filing fees – which supports both the agency's operations/programs and the Indigent Disposition Program (IDP) Fund – licensing fees/renewals and estimates for miscellaneous revenue such as civil penalty payments and interest.

The death filing fee (\$30 for each report of death) is projected to equal approximately **\$1,092,106** in total revenue for the 23-25 biennium.

Based upon the allocation of the death filing fee, the following is projected to be received for the 23-25 biennium:

- The Indigent Disposition Program (IDP) Fund: **\$578,816**.
- The remaining balance to support agency operations/programs: **\$513,290**.

It is important to note that the actual amount received will depend upon the number of actual deaths registered and billed within the biennium. The revenue projection is based upon the population data provided by the [State Economist's Office](#), which is an anticipated 90,658 deaths within the 23-25 biennium.

These projections do not account for Oregon FSPs that are filing death certificates with Oregon Vital Records using Idaho funeral establishments as the funeral home of record and therefore are responsible for paying the Oregon death registration filing fees. However, there is not currently a mechanism for collecting these fees.

## LICENSING

### *Licensing Transactions Executed Pursuant to Delegated Authority*

1. **Permanently Lapsed Individual Licenses:** None
2. **Permanently Lapsed Facility Licenses:** None
3. **Individual or Facility Licenses Suspended:** None
4. **Licenses Revoked:** None

**AD:** Alternative Disposition Facility; **AE:** Apprentice Embalmer; **AF:** Apprentice FSP; **CE:** Cemetery; **CM:** City owned Cemetery; **CO:** Combination Embalmer and FSP; **CR:** Crematory; **CS:** Special Tax District owned Cemetery; **CY:** County owned Cemetery; **DC:** Death Care Consultant; **EM:** Embalmer; **FE:** Funeral Establishment; **FS:** Funeral Service Practitioner; **IP:** Intern Permit; **PN:** Preneed Salesperson; **RR:** Removal Registration.

### *Licensing Statistics*

License Type	June 26, 2024	Oct 2, 2024	Change from June to Oct.	Trend
Death Care Consultants	1	1	0	-
EM Apprentices	62	57	5	▼
FSP Apprentices	92	82	10	▼
Interns	3	2	1	▼
Embalmer Only	11	12	1	▲



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<b>FSP Only</b>	184	191	7	▲
<b>Combination FSP/ Embalmer</b>	354	365	11	▲
<b>Military Combination FSP/ Embalmer</b>	0	0	0	-
<b>Preneed Salespeople</b>	126	138	12	▲
<b>Funeral Establishments</b>	186	186	0	-
<b>Immediate Disposition Companies</b>	7	8	1	▲
<b>Crematoriums</b>	67	67	0	-
<b>Cemeteries, Operating</b>	297	300	3	▲
<b>Cemeteries, Operating, Municipal</b>	36	36	0	-
<b>Cemeteries, Operating, County</b>	7	7	0	-
<b>Cemeteries, Operating, Special District</b>	121	121	0	-
<b>Cemeteries, Registered Non-Operating</b>	49	49	0	-
<b>Removal Registrations</b>	39	39	0	-
<b>Alternative Disposition Facilities</b>	3	3	0	-
<b>Combined Total of all Licenses/Registrations</b>	1,645	1664	19	▲

## COMPLIANCE

### Overview of Inspections Completed During FY 2024-2025

OMCB’s Compliance Division has continued to maintain the pace and quality of our inspections throughout the current reporting quarter to once again meet the goal of our agency’s Key Performance Measure #1: *Percent of licensed facilities inspected not less than once per biennium.*

Our agency reached 102% of the annual target at the close of the fourth quarter of FY 2021-2022. We continued this pace through FY 2022-2023. Compliance achieved 100% of licensed facilities inspected in the biennium – the first time in the modern era!

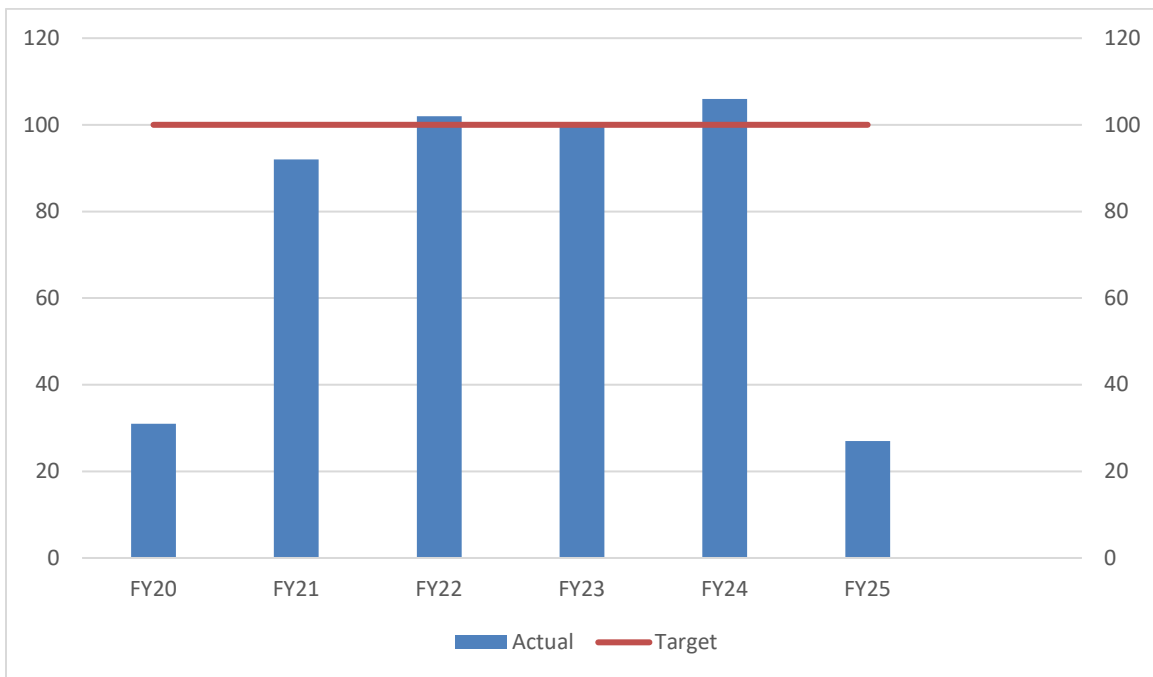
Our Inspectors returned to in-person, on-site inspections in June 2022 and have primarily continued conducting in-person inspections throughout FY 2022-2023, FY 2023-2024, and now into FY 2024-2025. Additionally, we have continued utilizing virtual inspections as a tool when appropriate.

Our Inspectors are well-trained and experienced with the inspection process. They continue to meet or exceed their quarterly targets. We have streamlined our initial/follow-up communications with facilities and developed a long-term scheduling plan, which resulted in our agency meeting the inspection goals for FY 2022-2023 and FY 2023-2024.

### Inspection Key Performance Measure

**KPM #1: Facility Inspection – Percentage of licensed facilities inspected not less than once per biennium.**

Data Collection Period: Jul 01 – Jun 30



As of the beginning of the 2023-2025 biennium, OMCB regulates 725 licensed facilities located throughout the state. Our agency’s statutory mandate is to inspect at least half of these (approximately 363) during each fiscal year. To achieve our inspection targets, our two Inspectors must complete approximately 91 inspections per quarter combined. For the past two years, Inspectors have met or exceeded those averages. Inspection details by quarter are in the chart below.

<b>Total Inspections Completed During the Past Four Quarters</b>				
<b>FACILITY TYPE</b>	<b>October – December 2023 (Q2)</b>	<b>January – March 2024 (Q3)</b>	<b>April – June 2024 (Q4)</b>	<b>July – September 2024 (Q1)</b>
Funeral Establishment	9	27	21	19
Cemetery Authority	85	61	64	63
Crematory Authority	2	8	11	12
Alternative Disposition Facility	0	0	0	0
Immediate Disposition Company	0	0	0	2
Biennial Inspections Completed per Quarter	96	96	96	96
Total Inspections Completed per Quarter	97	98	100	100
Total Biennial Inspections for FY	97 (53% complete)	193 (80% complete)	289 (106% complete)	96 (25% complete)

**Special Projects/Other Items:**

Additionally, Inspectors continue to work on investigations alongside the Investigator when appropriate. Inspectors will also be assisting with Facility Licensing application review this coming quarter.

**Investigations**

The following table shows the total number of cases by phase to June 2024.

Please note that in order to be consistent with case counts, related cases are counted individually. For example, a case with multiple respondents – separated by individual investigations, like 22-0000ABC – will be counted individually (A, B and C) and tracked/reported as three different cases. These cases are often investigated together and are presented simultaneously to the Board. However, they often close at different stages, so it is more practical to count them as individual cases. We have applied that count change to the numbers below and the following illustrates the status of cases from quarter to quarter.

Case Status	January 2024	April 2024	July 2024	October 2024
Open	39	30	38	34
Hold	0	5	0	0
Post	6	37	19	17
Closed	3	15	35	12

**Case Phases:**

**“Open”:** All cases not yet reported to the Board and are in various stages of review or investigation – such as intake, investigation, writing investigative report, or presenting to Board.

**“Hold”:** Cases that have been presented to the Board but require some other activity or action by another entity before the Board completes deliberation on a case. This may include cases awaiting determination by another agency, or findings in civil or criminal proceedings. In some cases, it can also mean additional investigation is required for clarification before returning to the Board for review/discussion.

**“Post”:** Cases that have been presented since the last Board meeting, but there is post-meeting activity still required before closure. This includes closing out cases resulting in no action, as well as all activity relating to cases where action is being taken, through the course of any negotiations, appeals, or related activity. This process has the potential of taking years before a case can be closed.

**“Closed”:** Cases that have been moved completely through the Post phase and have been closed out since the last board meeting. This may include closed cases requiring some form of monitoring or follow-up, such as in the case of a negotiated consent period, when there are relevant consent order terms to be monitored.

### *Case Status from the July 9th, 2024 Board Meeting*

There were 25 cases presented to the Board during the July 9th Board Meeting.

6 cases have been closed and 11 cases were tabled. No cases have requested hearings.

<b>Cases Presented During Last Board Meetings (July 2024)</b>			
<b>Case Number</b>	<b>Case Action/No Action</b>	<b>Current Case Status</b>	<b>Note/Comment</b>
<b>23-1027A</b>	<b>Action</b>	<b>Post- Pending Consent Order</b>	
<b>23-1027B</b>	<b>Action</b>	<b>Post- Pending Consent Order</b>	
<b>23-1037</b>	<b>Action</b>	<b>Closed</b>	
<b>23-1040A</b>	<b>Action</b>	<b>Post-Pending NDA</b>	
<b>23-1040B</b>	<b>Action</b>	<b>Post-Pending NDA</b>	
<b>23-1041A</b>	<b>Action</b>	<b>Post-Pending NDA</b>	
<b>23-1041B</b>	<b>Action</b>	<b>Post-Pending NDA</b>	
<b>23-1042A</b>	<b>Action</b>	<b>Post-Pending Consent Order</b>	
<b>23-1042B</b>	<b>Action</b>	<b>Post-Pending Consent Order</b>	
<b>23-1043A</b>	<b>Action</b>	<b>Re-Presenting at October Board meeting</b>	
<b>23-1043B</b>	<b>Action</b>	<b>Re-Presenting at October Board meeting</b>	



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23-1044A	Action	Re-Representing at October Board meeting	
23-1044B	Action	Re-Representing at October Board meeting	
23-1048	No action	Closed	
23-1049A	Tabled	Presenting at October Board meeting	
23-1049B	Tabled	Presenting at October Board meeting	
23-1050A	Tabled	Presenting at October Board meeting	
23-1050B	Tabled	Presenting at October Board meeting	
23-1051A	Tabled	Presenting at October Board meeting	
23-1051B	Tabled	Presenting at October Board meeting	
23-1058	Tabled	Presenting at October Board meeting	
23-1059	Tabled	Presenting at October Board meeting	
24-1001A	Action	Post-Pending Closure	
24-1001B	Action	Post-Pending Consent Order	
24-1002	No action	Closed	
24-1003	No action	Closed	
24-1004	No action	Closed	
24-1005A	No action	Closed	
24-1005B	No action	Closed	
24-1005C	No action	Closed	
24-1005D	No action	Closed	
24-1005E	No action	Closed	
24-1005F	No action	Closed	
24-1006	Tabled	Presenting at October Board meeting	
24-1007	Tabled	Presenting at October Board meeting	
24-1008	Tabled	Presenting at October Board meeting	



24-1009	Action	Post-Pending Request for Hearing	
24-1012A	Tabled	Presenting at October Board meeting	
24-1012B	Tabled	Presenting at October Board meeting	
24-1013A	Tabled	Presenting at October Board meeting	
24-1013B	Tabled	Presenting at October Board meeting	
24-1014A	Tabled	Presenting at October Board meeting	
24-1014B	Tabled	Presenting at October Board meeting	

### *Case Aging*

There are currently no cases that have gone over 180 days. Approval of the Executive Director’s Report authorizes up to an additional 60 days for case reporting to the Board under ORS 676.165 to cover any cases where aging will exceed the aging limits based on the date of the next available scheduled meeting. All aging will continue to accrue and any case reports exceeding aging limits will be reported both here as well as on legislative key performance measures.

### *Indigent Disposition Program (IDP) Fund*

#### *Historical Background*

The purpose of the Indigent Disposition Program (IDP) is to provide licensed Oregon funeral establishments with reimbursement for costs incurred while providing services for the disposition of unclaimed indigent decedents. The Indigent Disposition Program has been in existence since the Oregon State Legislature originally assigned administrative responsibility for reimbursement to the Public Health Division of the Oregon Health Authority in 1993. Prior to that legislation, each county was responsible for covering all indigent disposition expenses. In 2015, the Oregon State Legislature revised certain elements of the program, transferred management to the Oregon Mortuary & Cemetery Board (OMCB) and amended the required process that a funeral establishment must complete prior to performing final disposition of an indigent decedent. These changes went into effect on January 1, 2016.

Not every state has established a program like Oregon’s Indigent Disposition Program. In the states surrounding Oregon, payment for the care of unclaimed decedents falls to the county – which may or may not have sufficient funds – and may or may not have requirements regarding the decedent’s residency in the county. Overall, fewer than half of all state governments have established funds similar to this one.

The Indigent Disposition Program’s maximum reimbursement rate is set annually by OMCB’s Board – the current rate is \$550 per approved claim. This rate is posted on OMCB’s website and notification of any rate changes are publicized.

In accordance with OAR 830-040-0090(1), only a licensed funeral establishment (including an immediate disposition company or persons acting as funeral service practitioners) may apply for indigent disposition reimbursement.

## How the IDP Fund is Currently Funded with the Implementation of HB 2120:

With the implementation of HB 2120 that became effective on January 1, 2022 – now included in **ORS 692.415** – the \$30 death filing fee is allocated as follows:

- \$16 to be used to carry out the management/administration of the IDP Fund, and
- \$14 is to be used for OMCB’s agency budget account – still the primary source of our agency’s revenue.

## Current Reimbursement Rate:

The current IDP reimbursement rate is \$550 per claim as of July 2023.

Current Status of IDP Claims	Number of Claims Processed from May 31, 2024 to September 25, 2024
Under Review/Processing	28
Submitted for Payment	187
Waiting for Supplemental Information	31
Withdrawn/Denied	10
Grand Total	256

Indigent Claims Received	CY 2021	CY 2022	CY 2023	YTD 2024 (as of Sept 25th)
Total Number of Claims Reviewed	456	492	719	624
Number of Claims submitted for payment	351	349	539	606
Under Review/ Processing	34	45	72	28
Currently Open Claims (Waiting on additional information, researching, etc.)	52	72	53	31
Withdrawn/Denied	19	26	55	45