

DON'T BURY THE LEAD

THE OFFICIAL NEWSLETTER OF THE OREGON MORTUARY & CEMETERY BOARD (OMCB)



Summerville Cemetery

OMCB MISSION

The mission of the Board is to protect public health, safety, and welfare by fairly and efficiently performing its licensing, inspection, and enforcement duties; by promoting professional behaviour and standards in all facets of the Oregon death care industry; and, by maintaining constructive relationships with licensees, those they serve and others with an interest in the Board's activities. In order to protect the public, it is the Board's responsibility to ensure that all of Oregon's death care facilities are properly licensed. The Board is self-supporting and derives its financing from licensing, examination, and a portion of the death certificate filing fee (not the fees derived from the purchase of a certified copy of a death certificate).

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UPCOMING BOARD MEETINGS

Tuesday, April 9th, 2024

- General Session will begin at 9am
- Portland State Office Building, Room 1D
800 NE Oregon Street
Portland, OR 97232
- For a link to join the meeting virtually via Microsoft Teams, email mortuary.board@omcb.oregon.gov

2024 BOARD MEMBERS

Rob Gashill, President

Embalmer / Funeral Service Practitioner | Estacada

Ruggiero Canizares, Vice President

Public Member | Eugene

Nancy Felton, Secretary/Treasurer

Cemetery Operator | Tigard

Craig Collins

Crematory Operator | Portland

Debra C. Harris

Public Member | Portland

Kevin Loveland

Embalmer / Funeral Service Practitioner | La Grande

Angela McKenzie-Tucker

Cemetery Operator | Portland

Elizabeth Pacheco

Public Member | Merrill

Melissa Porter

Cemetery Operator | Pendleton

REPORTING ARRESTS AND CONVICTIONS

All licensees have a duty to report certain arrests and convictions to the Board. Pursuant to [ORS 676.150\(3\)](#), a licensee who is arrested for a felony crime shall report the arrest to OMCB within 10 days. Additionally, a licensee who is convicted of a misdemeanor or felony shall report the conviction to OMCB within 10 days.

Board staff recommend licensees report this information in writing to OMCB. This information can be submitted via email or mail:

mortuary.board@omcb.oregon.gov

Oregon Mortuary & Cemetery Board

800 NE Oregon St Suite 430

Portland, OR 97232

Failure to report may result in disciplinary action. If you have any questions, please contact OMCB Education & Compliance Program Manager, Mallory Kenney, at mallory.kenney@omcb.oregon.gov.



Summerville Cemetery

THE INDIGENT DISPOSITION PROGRAM (IDP) 2023 YEAR IN REVIEW

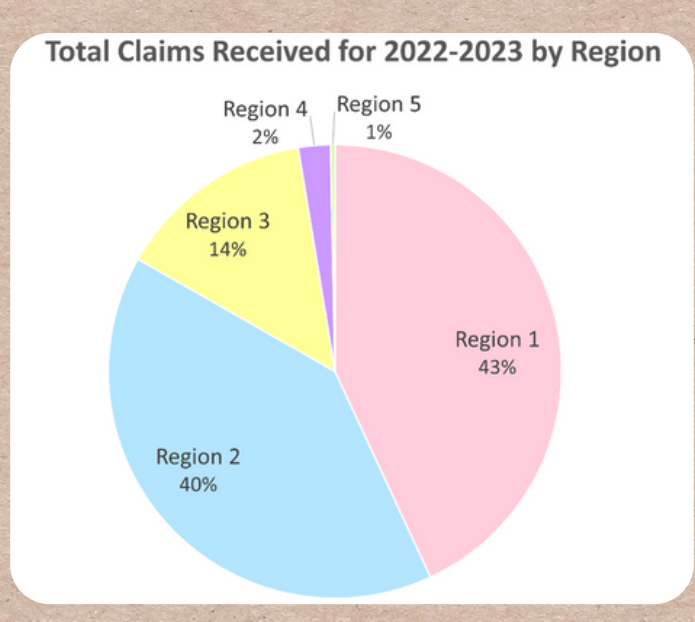
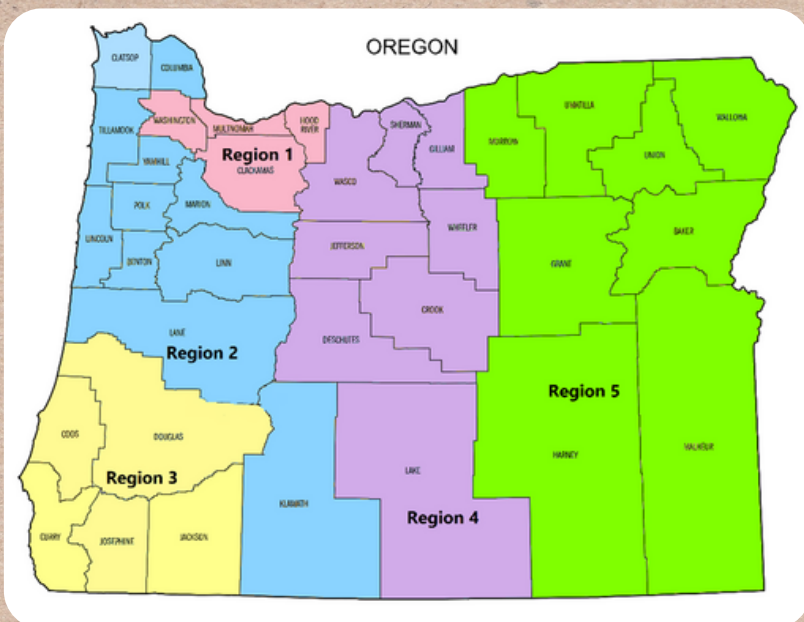
The purpose of the Indigent Disposition Program (IDP) is to provide licensed Oregon funeral establishments with reimbursement for costs incurred while providing services for the disposition of unclaimed indigent decedents. The Indigent Disposition Program has been in existence since the Oregon State 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 is 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.

For additional information about the Indigent Disposition Program, please visit the [IDP website](#) or contact Sylvie Huhn, Indigent Disposition Program Administrator, at Sylvie.Huhn@omcb.oregon.gov.



THE INDIGENT DISPOSITION PROGRAM (IDP) 2023 YEAR IN REVIEW (CONTINUED)

IDP Claims by Region	IDP Claims Received in 2022	% of Total IDP Claims in 2022	IDP Claims Received in 2023	% of Total IDP Claims in 2023	Total IDP Claims Received for Both Years (2022 & 2023)	% of Total IDP Claims Received for Both Years (2022 & 2023)	Regional Population for 2022*	Region % of Total Population	Deaths by Region†	IDP Claims as % of Total Deaths (2022)
Region 1: Portland Metro (Clackamas, Hood River, Multnomah and Washington Counties)	213	35.86%	350	49.09%	563	43.08%	1,842,484	43.45%	15,613	1.36%
Region 2: Willamette Valley, North and Mid-Coast (Benton, Clatsop, Columbia, Klamath, Lane, Lincoln, Linn, Marion, Polk, Tillamook & Yamhill Counties)	268	45.12%	257	36.04%	525	40.17%	1,398,875	32.99%	15,912	1.68%
Region 3: Southern Oregon and South Coast (Coos, Curry, Douglas, Jackson & Josephine Counties)	92	15.49%	93	13.04%	185	14.15%	510,259	12.03%	7,796	1.18%
Region 4: Central Oregon (Crook, Deschutes, Gilliam, Jefferson, Lake, Sherman, Wasco & Wheeler Counties)	19	3.20%	11	1.54%	30	2.30%	298,618	7.04%	2,998	0.63%
Region 5: Eastern Oregon (Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union & Wallowa Counties)	2	0.34%	2	0.28%	4	0.31%	189,901	4.48%	2,299	0.09%
Grand Total	594	100%	713	100%	1,307	100%	4,240,137	100%	44,618	1.33%

*Most recent data from US Census
†Most recent data from Oregon Health Authority

FACILITY SPOTLIGHT: THE FOREST CONSERVATION BURIAL GROUND

The Forest Conservation Burial Ground (CE-1020) provides a space to reconnect the experience of life and death with land conservation. The facility is a certified 'natural' burial ground with the Green Burial Council. All graves are hand-dug to minimize the impact to the land. Families are welcome to participate in the burial and to create a service that is meaningful to them.

The Forest Conservation Burial Ground is proud to be a part of the expanded Cascade-Siskiyou National Monument in southern Oregon.



We'd like to highlight your facility in an upcoming issue of OMCB's Newsletter!
Complete the [Newsletter Facility Spotlight Form](#) to be considered!

THE INTERNATIONAL CONFERENCE'S ANNUAL MEETING

The International Conference of Funeral Service Examining Boards held its 120th Annual Meeting in Myrtle Beach, South Carolina.

Interestingly, did you know that Myrtle Beach has approximately 2,000 full-service restaurants and a 200-foot observation wheel – the SkyWheel?

While there were a number of important topics discussed, the two that seemed to capture everyone's attention were the FTC presentation and Natural Organic Reduction (aka Body Composting or Terramation).



The FTC Funeral Rule

A majority of the FTC presentation focused on the proposed changes to the Funeral Rule, which included the following topics:

- Accurate online posting and inclusion of price disclosures.
- How third party costs are listed on the General Price List.
- Should the Basic Services Fee be amended?
- How should the Funeral Rule incorporate new forms of disposition?
- Should the Embalming Disclosure be amended?
 - Some maintain that it is confusing.
- Should the General Price List be revised to be easier for consumers to read?
- Should the Funeral Rule be changed to better address historically underserved populations?

So far, the FTC has completed the following actions:

- The FTC sought public comment as part of its review of the Funeral Rule in February of 2020.
- The FTC extended the comment deadline for Funeral Rule review to June 15, 2020.
- The FTC extended the public comment period on potential Funeral Rule changes to January 17, 2023.
- The FTC hosted a workshop examining issues related to proposed changes to the Funeral Rule on September 7, 2023 – [link to the agenda](#).

Natural Organic Reduction (NOR)

Natural Organic Reduction (NOR) was easily the most popular topic of conversation during the Annual Meeting. While Washington State, Colorado, Oregon, Vermont, California, New York & Nevada are currently the only states that recognize natural organic reduction as a legal form of disposition, there are a number of states that are either considering legislation or in the process of introducing the concept.



Most of the interest revolved around the NOR process, what vessels were used for the process, and what the result of NOR looks like.

Rick Little, Board Member of the Washington State Funeral and Cemetery Board and MHCC Advisory Committee Member, presented information that addressed these questions and more. While Rick thoroughly educated and entertained the attendees, the highlight of his presentation was when he passed around the results of a pig that had gone through the NOR process.

RECENT DISCIPLINARY ACTIONS

The Board took action against a funeral establishment for violations of:

-OAR 830-030-0090 in that the decedent was in the Respondent's custody for seven days prior to the family initially being contacted by anyone at the facility and the decedent was in Respondent's custody for fifteen days, during which time the family was not contacted to make arrangements with a Funeral Service Practitioner (FSP), resulting in a civil penalty of \$1,500.

-ORS 432.158(2) in that the Respondent did not file a 24-hour notification of death to the county registrar in the county in which death occurred, resulting in a civil penalty of \$1,000.

-ORS 432.133(1)(a) in that the Respondent did not report the death to the county registrar of the county in which the death occurred or to the Center for Health Statistics within five calendar days, resulting in a civil penalty of \$1,000.

-ORS 432.133(2)(c) in that Respondent did not provide sufficient information to identify the decedent to the medical certifier within 48 hours after death, resulting in a civil penalty of \$1,000.

The Board took action against a former Apprentice Embalmer for violations of:

-ORS 692.025(2)(a), for practicing as an embalmer without a license, resulting in a civil penalty of \$1,000.

-ORS 692.180(b), ORS 692.230(1) and OAR 830-030-0090(5)(d) for making a false statement to the Board regarding the apprentice's supervisor on an apprenticeship renewal form, resulting in a civil penalty of \$500.

-The respondent's embalmer's license was put on hold until all civil penalties were paid.

The Board also took action against the Apprentice's supervisor for violation of:

-OAR 830-011-0020(7) for failing to notify the Board when he terminated his supervision, resulting in a civil penalty of \$500.

The Board took action against a funeral establishment for violations of:

-OAR 830-030-0090(1)(b) in that the decedent's cremated remains were presented to the cemetery without any instructions, and as a result, the decedent was inurned without a service or witness, resulting in a civil penalty of \$1,000.

-OAR 830-030-0090 and OAR 830-030-0090(1)(b) in that 63 days passed between the Respondent receiving the decedent and the death certificates being provided, resulting in a civil penalty of \$1,000.

The Board took action against a funeral establishment for violations of:

-OAR 830-030-0090(1)(b) in that it took the Respondent 143 days from the date of death to provide the death certificates, resulting in a civil penalty of \$1,000.

-OAR 830-030-0090 in that the family didn't receive any contact from Respondent regarding this delay for three months, resulting in a civil penalty of \$1,000.

The Board took action against a funeral establishment for violation of:

-OAR 830-030-0090(1)(b) in that the last date lettering inscription was completed 254 days after payment was received, resulting in a civil penalty of \$1,000.

The Board took action against a funeral establishment for violations of:

-OAR 830-030-0090 in that twenty-five days passed between when documents were first signed and when the Respondent contacted the Complainant advising the cremation had not taken place because two forms hadn't been sent to the proper individual, resulting in a civil penalty of \$1,000.

-OAR 830-030-0090(1)(b) in that sixty-two days passed between the decedent's death and the Complainant receiving the death certificate (including a delay of 14 days from the date the certificate was registered to the day it was released to the Complainant), resulting in a civil penalty of \$500.

The Board took action against a funeral establishment for violation of:

-OAR 830-030-0090 and OAR 830-030-0090(1)(b) in that 50 days passed between payment and delivery of a decedent's death certificates. Of those 50 days, 39 were caused by the respondent's delay in ordering said death certificates, resulting in a civil penalty of \$1,000.



RECENT DISCIPLINARY ACTIONS (CONTINUED)

The Board took action against a funeral establishment for violations of:

-OAR 830-030-0090(1)(b) for failing to return an item of personal property to a decedent's family, resulting in a civil penalty of \$100.

-OAR 830-030-0090(5)(f) for failing to provide the Board with requested documents or information within the Board's jurisdiction, resulting in a civil penalty of \$1,000.

-OAR 830-030-0090(5)(g) for failing to cooperate or answer truthfully or completely inquiries regarding matters within the Board's jurisdiction, resulting in a civil penalty of \$1,000.

The Board took action against a funeral establishment for violations of:

-ORS 432.133(2)(c) in that 26 days passed prior to the Respondent providing the medical certifier with the required information, resulting in a civil penalty of \$500.

-OAR 830-030-0090 in that it took the Respondent approximately three weeks to request documentation from the Complainant that would allow for the decedent's cremation, resulting in a civil penalty of \$500.

-OAR 830-030-0090 in that due to Respondent's delays, the decedent's cremation was not performed until approximately 26 days after the decedent's death, resulting in a civil penalty of \$500.

-OAR 830-030-0090(5)(f) in that several documents expected to be in the permanent records were not provided after repeated requests, resulting in a civil penalty of \$500.

-OAR 830-040-0000(7) in that several documents expected to be in the permanent records were not provided after repeated requests, resulting in a civil penalty of \$500.

The Board took action against a funeral establishment for two violations of:

-ORS 692.180(1)(a), resulting in a civil penalty of \$1,500.

The Board took action against a funeral establishment for violations of:

-ORS 97.170(3)(a)(D) in that the Respondent did not arrange with the Complainant to pay the expenses for her father's disposition, resulting in a civil penalty of \$1,000.

-ORS 97.130(2) in that the Respondent did not perform due diligence in attempting to locate and notify the persons listed in ORS 97.130(2), resulting in a civil penalty of \$1,000.

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