

DON'T BURY THE LEAD

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



Idlewilde 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).

INSIDE THIS ISSUE

Keeping Death Certificates in Cemetery Records

Public Health Officers Vs. Funeral Service Practitioners: Who Should Sign Final Disposition Authorizations?

Process for Completing a Disinterment Permit

Recent Board Disciplinary Actions

UPCOMING BOARD MEETINGS

Tuesday, October 8th, 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 OMCB BOARD MEMBERS

Rob Gaskill, President
Embalmer / Funeral Service Practitioner |
Estacada

Ruggiero Canizares, Vice President
Public Member | Eugene

Nancy Felton, Secretary/Treasurer
Cemetery Operator | Tigard

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Cemetery Operator | Portland

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Elizabeth Pacheco
Public Member | Merrill

Melissa Porter
Cemetery Operator | Pendleton

KEEPING DEATH CERTIFICATES IN CEMETERY RECORDS

Death certificates do not become public records until 50 years following the date of death. During the first 50 years they can only be requested by eligible recipients. Eligible recipients are defined as family members (spouse, child, parent, sibling or other family member) or legal representatives of the decedent. Eligible recipients may also be persons or organizations with a personal or property right.

Cemeteries are not eligible recipients unless they have a notarized permission note from an eligible person. Therefore, they should not receive copies of death certificates, not even a "working copy". Working copies are for internal use only and are not to be provided to anyone, including cemetery staff.

From a vital records standpoint, there's no prohibition on cemeteries having a final copy of a death certificate for their files. However, someone who is eligible to order a death certificate under [ORS 432.380](#) needs to provide it to them. Cemeteries are not eligible themselves to directly order a certificate.

Because funeral establishment staff cannot provide certificates to someone who is not eligible ([OAR 333-011-0335\(8\)](#)) a funeral establishment cannot provide a death certificate to a cemetery without notarized permission from someone who is eligible.

Additional information regarding disclosure and authorization of copies of death certificates may be found in [ORS 432.350 and 432.380](#).



PUBLIC HEALTH OFFICERS VS. FUNERAL SERVICE PRACTITIONERS: WHO SHOULD SIGN FINAL DISPOSITION AUTHORIZATIONS?

ORS 97.130(2)(a)-(i) identifies the individuals who have the legal right to control a decedent's disposition/sign the disposition authorization – listed in order of priority:

(2) A person within the first applicable listed class among the following listed classes that is available at the time of death, in the absence of actual notice of a contrary direction by the decedent as described under subsection (1) of this section or actual notice of opposition by completion of a written instrument by a member of the same class or a member of a prior class, may direct any lawful manner of disposition of a decedent's remains by completion of a written instrument:

- (a) The spouse of the decedent.
- (b) A son or daughter of the decedent 18 years of age or older.
- (c) Either parent of the decedent.
- (d) A brother or sister of the decedent 18 years of age or older.
- (e) A guardian of the decedent at the time of death.
- (f) A person in the next degree of kindred to the decedent.
- (g) The personal representative of the estate of the decedent.
- (h) The person nominated as the personal representative of the decedent in the decedent's last will.
- (i) A public health officer.**

A public health officer is the **only** individual authorized by Oregon law to sign a decedent's disposition authorization when there is no individual listed in ORS 97.130 who is available/willing to pay for a decedent's disposition, BUT there is an individual not on the list who is willing to pay (a friend, step-relative, neighbor, etc.)

On the other hand, a funeral service practitioner is authorized to sign the disposition authorization for an indigent decedent, even though they are not listed in ORS 97.130 because indigent cases are covered in ORS 97.170.

ORS 97.170(3)(c) authorizes funeral establishments/funeral service practitioners to authorize & perform an indigent's disposition:

(c) If no person or institution claims the body as provided in paragraphs (a) and (b) of this subsection, the funeral establishment may cremate or reduce or bury the body without the consent of persons listed in ORS 97.130 and is indemnified from any liability arising from having made such disposition.

Therefore:

Public Health Officer signs when: there is no one in ORS 97.130(2)(a)-(h) that is available/willing to pay, but there are funds from another source to pay for the disposition.

Funeral Service Practitioner signs when: there are no funds available and the decedent is determined to be indigent.



Idlewild Cemetery


PROCESS FOR COMPLETING A DISINTERMENT PERMIT

Pursuant to [ORS 432.158\(8\)](#), with the exception of interment or temporary storage of human remains in case of natural disaster or other emergency, disinterment of human remains requires authorization for disinterment and reinterment. The state registrar may issue authorization for disinterment and reinterment to a funeral service practitioner or person acting as a funeral service practitioner upon application, as required by the state registrar by rule.

Oregon's Center for Health Statistics (CHS) processes the Disinterment Permit Application (Form 45-8). The funeral establishment needs to fill out the top portion then collect signatures from both the next of kin sign and person in charge of disinterment. Once the form is completed, the funeral establishment can email it to CHS.Registration@oha.oregon.gov, or fax to 971-673-1201.

Once CHS receives the form, the State Registrar will sign, date and stamp a permit number on it. CHS will then email and or fax the form to the funeral establishment. The funeral establishment needs to make one copy for the cemetery to keep and one copy to accompany the remains to the destination.

For more information regarding the statutory requirements relating to disinterment please see [ORS 97.220](#).

		OREGON HEALTH AUTHORITY CENTER FOR HEALTH STATISTICS PO BOX 14050, PORTLAND, OREGON 97293-0050	
APPLICATION AND PERMIT TO DISINTER, TRANSPORT AND REINTER REMAINS			
FORWARD THIS FORM TO THE STATE VITAL RECORDS UNIT IN TRIPPLICATE. (TWO COPIES WILL BE RETURNED — ONE FOR THE CEMETERY OF REMOVAL, THE OTHER TO ACCOMPANY THE REMAINS TO THE DESTINATION.)			
NAME OF DECEASED:		DATE OF DEATH:	
CEMETERY WHERE NOW INTERRED:		DATE OF BURIAL:	
CEMETERY RECEIVING REMAINS:	REMAINS TO BE (CHECK ONE): <input type="checkbox"/> REINTERRED <input type="checkbox"/> CREMATED <input type="checkbox"/> STORED		
PERSON REQUESTING DISINTERMENT:	RELATIONSHIP TO DECEASED:		
SIGNATURE OF NEXT OF KIN:	FUNERAL HOME OR CEMETERY MANAGING DISINTERMENT - USE COMPLETE ADDRESS:		
SIGNATURE OF PERSON IN CHARGE OF DISINTERMENT:			
Permission is hereby granted to the applicant to disinter and transport the remains named above, providing that the procedure be supervised by a licensed funeral service practitioner or person acting as a funeral service practitioner.			
SIGNATURE OF STATE REGISTRAR:	DATE:	PERMIT NUMBER:	

45-8 (02/13)

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

RECENT DISCIPLINARY ACTIONS

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

-OAR 830-030-0090 for keeping a decedent in custody for eight days before contacting the decedent's family to make arrangements, resulting in a civil penalty of \$500.

The Board also took action against the funeral establishment manager for violation of:

-OAR 830-030-0090(2) (Principals are responsible), resulting in a civil penalty of \$500.

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

-OAR 830-030-0090 for failing to provide documents, which prevented the decedent's cremation from being scheduled.

-OAR 830-030-0090 for allowing an unauthorized individual to sign the decedent's cremation authorization.

-OAR 830-040-0000(7)(g) for have incomplete permanent records, resulting in a civil penalty of \$2,500.

The Board took action against the general manager of the funeral establishment for violations of:

-OAR 830-030-0090(5)(f) for failing to provide the Board with requested documents or information within the Board's jurisdiction

-OAR 830-030-0090(5)(g) for failing to cooperate and to respond to investigation inquiries made by the Board's Investigator regarding matters within the Board's jurisdiction.

-OAR 830-030-0090(2) (Principals are responsible), resulting in a total civil penalty of \$1,000.

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

-OAR 830-050-0050(6) for allowing an unlicensed employee to act within the scope of practice of a Funeral Service Practitioner by making arrangements with 38 families, resulting in a civil penalty of \$19,000 (comprising of \$500 per each of the 38 violations of OAR 830-050-0050(6)).

The Board took action against an unlicensed person for violation of:

-ORS 692.180(1)(a) resulting in a civil penalty of \$100, and violation of OAR 830-030-0004(1)(a)(b) for making arrangements with 38 families while unlicensed, resulting in a civil penalty of \$3,800 (comprising of \$100 per each of the 38 violations of OAR 830-030-0004(1)(a)(b)) totaling \$3,800.

The Board took action against a funeral service practitioner for violations of:

-OAR 830-030-0090(4)(h) for providing false information on a facility form and for signing an apprenticeship log as the apprentice's supervisor prior to the Board receiving the Transfer Apprenticeship application, resulting in a civil penalty of \$1,000.

The Board took action against a previous funeral service practitioner apprentice for violation of:

-OAR 830-030-0004(1)(a)(b) for functioning as a funeral service practitioner apprentice for 45 decedents while unlicensed, resulting in a civil penalty of \$90.

The Board took action against a funeral service practitioner for violation of:

-OAR 830-011-0020(7) for ceasing to supervise their assigned funeral service practitioner apprentice without advising the Board, resulting in a civil penalty of \$1,000.

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

-OAR 830-030-0090(4)(e) and ORS 692.180(1)(e) for allowing an unlicensed person to act as a funeral service practitioner apprentice for 45 decedents, resulting in a civil penalty of \$22,500 (comprising of \$500 for each decedent arrangement.)

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

-OAR 830-030-0090 for a significant delay (93 days) between taking custody of a decedent and the decedent's cremation, resulting in a civil penalty of \$1,000.

-OAR 830-030-0090(2) in that Respondent's employee signed the decedent's Cremation Authorization, stating their relationship to the decedent as "Funeral Director" which is not on the list of persons with the right to control disposition pursuant to ORS 97.130(2) and this Authorization was used for the decedent's cremation, resulting in a civil penalty of \$1,000.

The Board took action against a funeral service practitioner for violation of:

-OAR 830-030-0090 for signing a decedent's Cremation Authorization, stating his relationship to the decedent as "Funeral Director" which is not on the list of persons with the right to control disposition pursuant to ORS 97.130(2) and this Authorization was used for the decedent's cremation, resulting in a civil penalty of \$50.

RECENT DISCIPLINARY ACTIONS (CONTINUED)

The Board took action against a funeral service practitioner (funeral establishment owner) for violations of:

-ORS 692.025(4) and OAR 830-030-0008(1)(a) for storing human remains in a refrigeration unit at a location not licensed as a funeral establishment, resulting in a civil penalty of \$500 if respondent immediately ceased from storing human remains at the unlicensed refrigeration unit location and \$1,000 per day if respondent continued to store human remains at the unlicensed refrigeration unit location.

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

-OAR 830-030-0090 in that there was a significant delay (49 days) between Respondent taking custody of a decedent and decedent undergoing final disposition, resulting in a civil penalty of \$1,000.

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

- OAR 830-030-0090 in that there was a significant delay (89 days) between Respondent taking custody of a decedent and decedent undergoing final disposition, resulting in a civil penalty of \$1,000.

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

-OAR 830-030-0090 in that there was a significant delay (72 days) between Respondent taking custody of a decedent and decedent undergoing final disposition, resulting in a civil penalty of \$1,000.

-ORS 97.130(1) for significantly delaying final disposition by obtaining an unnecessary under the law cremation authorization, thereby denying the decedent's right as the person of the highest class, resulting in a civil penalty of \$1,000.



The Board took action against a funeral service practitioner for violation of:

-ORS 676.150(3) for failing to notify the Board of a felony conviction within ten (10) days, resulting in revocation of the respondent's Combination Funeral Service Practitioner/Embalmer License and a civil penalty of \$250.

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

-OAR 830-030-0090(1)(a) and (b) for failing to contact the person with the right to control disposition to make arrangements, , resulting in a civil penalty of \$1,000.

-ORS 432.158(2) for failing to file a 24-death notice, , resulting in a civil penalty of \$1,000.

-ORS 432.133(1)(a) and ORS 692.270(1) for failing to submit a report of death, resulting in a civil penalty of \$1,000.

-ORS 432.133(2)(c) for failing to request medical certification, resulting in a civil penalty of \$1,000.

The Board also took action against a funeral service practitioner for violations of:

-OAR 830-030-0090(1)(a) and (b) for failing to contact the person with the right to control disposition to make arrangements, , resulting in a civil penalty of \$1,000.

-ORS 432.158(2) for failing to file a 24-death notice, , resulting in a civil penalty of \$1,000.

-ORS 432.133(1)(a) and ORS 692.270(1) for failing to submit a report of death, resulting in a civil penalty of \$1,000.

-ORS 432.133(2)(c) for failing to request medical certification, 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 89 days passed between receiving payment for ship out of the decedent and sending the first ship out documents to the [redacted] consulate, resulting in a civil penalty of \$1,000.

-OAR 830-030-0090(5)(f) and OAR 830-030-0090(5)(g) for taking 289 days to provide the Board the entire decedent file, resulting in a civil penalty of \$1,000 each.

-OAR 830-030-0090(4)(g) in that a signed SFGSS was missing from the decedent's file, resulting in a civil penalty of \$1,000.

The Board took action against a crematory for violation of:

-OAR 830-030-0050(2) in that upon inspection, the collection tray located just below the cremation chamber door contained approximately ¼ cup of bone fragments and ash, resulting in a civil penalty of \$1,000.

RECENT DISCIPLINARY ACTIONS (CONTINUED)

The Board took action against a funeral establishment for 1) violations of:

-OAR 830-030-0090 in that 43 days passed between when decedent was brought into custody and ship out occurred, resulting in a civil penalty of \$1,000.

-OAR 830-040-0010(4) in that permanent records were requested five times over the course of 163 days before they were submitted to the Board, resulting in a civil penalty of \$1,000.

-OAR 830-030-0090(4)(g) in that the decedent's permanent records were missing a signed and dated SFGSS and a signed embalming authorization, resulting in a civil penalty of \$1,000.

OAR 830-030-0010(3) in that the decedent was embalmed without written authorization, resulting in a civil penalty of \$1,000.

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

-OAR 830-030-0090 in that 27 days passed between Respondent receiving payment and the shipment of the cremated remains and 13 days passed between the cremation occurring and the shipment of the cremated remains, resulting in a civil penalty of \$1,000.

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

- OAR 830-030-0090 in that there was a significant delay (89 days) between Respondent taking custody of a decedent and decedent undergoing final disposition, resulting in a civil penalty of \$1,000.

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

-OAR 830-030-0090 in that 62 days passed between receiving a signed SFGSS and ordering pendants, resulting in a civil penalty of \$500.

-OAR 830-030-0090 in that 85 days passed between receiving a signed SFGSS and ordering the death certificate, resulting in a civil penalty of \$1,000.

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

-OAR 830-030-0090 in that 39 days passed between payment and delivery of the death certificates, resulting in a civil penalty of \$250.

The Board also took action against a funeral establishment for violation of;

-OAR 830-040-0000(9) in that the decedent's permanent records did not contain a signed release for cremated remains, resulting in a civil penalty of \$1,000.

The Board also took action against a funeral service practitioner for violation of:

-OAR 830-040-0000(9) in that the decedent's permanent records did not contain a signed release for cremated remains, resulting in a civil penalty of \$1,000.

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Please note: The OMCB office, which is located in the Portland State Office Building (PSOB), is secured at all times and requires badge access to enter. To ensure that the appropriate staff member is available, please contact us in advance to schedule a visit.