

**BEFORE THE MORTUARY AND CEMETERY BOARD
OF THE STATE OF OREGON**

In the Matter of the funeral service practitioner license of Jerome Cox-Tanner , (FS-0382), <p style="text-align: center;">RESPONDENT</p>	Notice of Proposed Disciplinary Action and Opportunity for a Hearing CASE NO. 06-1022B
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Pursuant to ORS 692.180(1), the Oregon Mortuary & Cemetery Board (Board) proposes to initiate disciplinary action against Respondent on the grounds noted below. For statutory and rule violations the Board may impose one or more of the following sanctions: Reprimand; license revocation; civil penalty of up to \$1000 for each violation; or other sanctions as authorized by law.

Grounds for Disciplinary Action:

1.

1a. At all relevant times mentioned herein, Charlene Cox-Tanner and Jerome Cox-Tanner were registered with the Board as the joint proprietors of Cox and Cox Funeral Chapel, and licensed by the Board as a funeral establishment (OMCB License No. FE-8443). Charlene Cox-Tanner is now deceased.

1b. At all relevant times mentioned herein, Jerome Cox-Tanner was licensed as a funeral service practitioner (OMCB License No. FS-0382). (hereinafter referred to as "Respondent"); and Respondent was the assigned manager of Cox and Cox Funeral Chapel.

1c. At all relevant times mentioned herein Schawna Tanner ("Tanner") was Respondent's spouse; Tanner was working at and representing the funeral establishment; and Tanner was not licensed by the Board.

1d. Definitions that may be relevant to this notice are contained in: OAR 830-011-0000 and ORS 432.005.

2.

2a. Between May 27, 2005 and June 2, 2006, Schawna Tanner signed the name of “Jerome Cox-Tanner” and the license number “0382” on sixty-three (63) Certificates of Death and submitted the certificates to Vital Records. They are identified by the following Oregon State identification numbers: 446151; 446152; 446153; 446154; 446155; 446159; 446162; 446166; 446170; 446174; 446175; 446177; 446179; 446180; 446185; 446202; 446203; 446204; 446205; 446206; 446208; 446212; 446214; 446215; 446216; 446217; 446218; 446221; 446222; 446223; 446224; 446225; 446226; 446227; 446228; 446229; 446230; 446231; 446232; 446233; 446235; 446237; 446238; 446239; 446242; 446243; 446245; 446246; 446247; 446248; 446249; 447150; 447154; 447169; 447170; 447171; 447172; 447173; 447174; 447175; 447196; 447197; 447198.

2b. By signing and submitting the aforementioned Certificates of Death, Tanner violated an Oregon public health law, ORS 432.307(1) and (2), which is a violation of OAR 830-030-0090(1)(b); and Tanner used another’s license in violation of OAR 830-030-0090(2)(c)(C); and Tanner falsified clients’ records by signing someone else’s name in violation of OAR 830-030-0090(2)(b)(B). See also ORS 431.110(2).

3.

3a. In addition to the sixty-three (63) Certificates of Death mentioned above, between May 28, 2005 and June 3, 2006, Tanner signed Respondent’s name on approximately 144 other client service records including Statements of Funeral Goods and Services (contracts); Cremation Authorizations; Embalming Authorizations and Receipts for Cremated Remains. The permanent records which contain these falsified documents are identified by the decedents’ Oregon State identification numbers: 446151; 446152; 446153; 446154; 446155; 446159; 446162; 446166; 446170; 446174; 446175; 446177; 446179; 446180; 446185; 446202; 446203;

446204; 446205; 446206; 446208; 446210; 446211; 446212; 446214; 446215; 446216; 446217;
446218; 446220; 446221; 446222; 446223; 446224; 446225; 446226; 446227; 446228; 446229;
446230; 446231; 446232; 446233; 446235; 446237; 446238; 446239; 446242; 446243; 446245;
446246; 446247; 446248; 446249; 447150; 447154; 447157; 447162; 447169; 447170; 447171;
447172; 447173; 447174; 447175; 447176; 447179; 447196; 447197; 447198.

3b. By signing Respondent's name on the documents, Tanner falsified 144 client service records in violation of OAR 830-030-0090(2)(b)(B).

4.

4a. Tanner, while representing Cox and Cox Funeral Chapel, worked directly with at need persons to arrange for the disposition of at least seven (7) decedents who died in Oregon and one decedent (1) who died in California. Tanner coordinated and directed the various tasks associated with performing funeral services for at need persons, and supervised or otherwise controlled the transportation, care, preparation, processing and handling of the remains before the bodies underwent cremation, entombment or burial for the following eight (8) decedents, as identified by name or Oregon State identification numbers: 447179, 447175, 447197, 447196; 446232; 446212; and 447173; and by the name of the California decedent, "Deborah B."

4b. Tanner violated OAR 830-030-0004(1) and ORS 692.025(1) by performing the duties of a licensed funeral service practitioner when not licensed to do so.

4c. Respondent was aware of Tanner's actions described in the foregoing paragraphs, at the time or soon after Tanner performed those acts. Specifically, Respondent knew that Tanner performed the duties of a licensed funeral service practitioner when she was not licensed to do so; and Respondent knew that Tanner signed Respondent's name on various client records including Certificates of Death.

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5.

5a. The Board proposes to take disciplinary action in the form of imposing civil penalties against Respondent the assigned manager for Cox & Cox Funeral Chapel, for the following conduct:

(I.) Respondent allowed Tanner, an unlicensed, uncertificated or non-registered individual, to perform the duties of a licensed funeral service practitioner, as described above, and including but not limited to, making arrangements with families. The foregoing is a violation of OAR 830-050-0050(8); and

(II.) Respondent engaged in unprofessional conduct by directly or indirectly causing Tanner to be in violation of OAR 830-030-0090(1)(b), OAR 830-030-0090(2)(b)(B), OAR 830-030-0090(2)(c)(C), OAR 830-030-0004(1) and ORS 692.025(1), as described above. The foregoing is a violation of OAR 830-050-0000(2).

(III.) By allowing Tanner to perform the duties of a funeral service practitioner, as described above, Respondent failed to assign persons to perform functions for which they are licensed and which are within their scope of practice/scope of duties. The foregoing is a violation of OAR 830-030-0090(1)(e).

5b. The foregoing violations are cause for disciplinary action under ORS 692.180(1)(g).

Rights and Procedures

Respondent is entitled to a hearing as provided by the Administrative Procedures Act (ORS Chapter 183) and ORS 692.265(1). If Respondent wants a hearing, Respondent must file a written request for hearing with the State Mortuary & Cemetery Board (the "Board") within 20 days from the date this notice was mailed. If a request for hearing is not received within this 20-day period, Respondent's right to a hearing shall be considered waived. Hearing requests may be mailed to State Office Building, 800 NE Oregon St., Suite 430, Portland, Oregon 97232-2195.

If Respondent requests a hearing, Respondent will be notified of the time and place of the hearing. Respondent has the right to be represented by legal counsel at a hearing. A Notice of Contested Case Rights and Procedures is enclosed with this Notice of Proposed Disciplinary Action. If Respondent does not request a hearing within 20

days, or if Respondent withdraws a hearing request, notifies the Board or hearing officer that Respondent will not appear or fails to appear at a scheduled hearing, the Board may issue a final order by default imposing the discipline of civil penalties as determined by the Board. If the Board issues a final order by default, it designates its file on this matter as the record for purposes of establishing a prima facie case.

DATED this ____<21st>____ day of March, 2007

STATE MORTUARY AND CEMETERY BOARD

____<s> Lynne Nelson_____
Designee: Lynne Nelson, Compliance Manager