

CONSENT ORDER

State Mortuary and Cemetery Board State of Oregon

In the Matter of the crematory license of
**PORTLAND CREMATION CENTER,
LLC.,**

LICENSEE

OMCB CASE NO. 07-1010C

CONSENT ORDER

WHEREAS, the Oregon Mortuary and Cemetery Board (“Board” or “OMCB”) is prepared to issue a notice of proposed disciplinary action in Case No. 07-1010C on the following basis:

1. At all times mentioned herein, Portland Cremation Center, LLC. (hereafter “Licensee”) was licensed by the Oregon Mortuary and Cemetery Board as a crematory (OMCB License No. CR-0694).
2. At all times mentioned herein, G. Craig Collins (hereafter “C. Collins”) was licensed by the Board as a funeral service practitioner (OMCB License No. FS-0500); and C. Collins was the owner and manager of Licensee crematory.
3. At all times mentioned herein, Scotty Collins (hereafter “S. Collins”), an unlicensed individual, was employed by Licensee and C. Collins as a crematory operator.
4. On or about January 20, 2007, Clara T died at her residence in Central Point, OR.
5. On or about January 22, 2007, MedCure, a procurement company, picked up the remains of Clara T and transported them to Portland, OR.
6. After procurement, Clara T’s remains were transferred to Farnstrom-Gable Funeral Chapel in Portland, OR. (OMCB License No. FE-8528) for storage in their refrigeration unit until the remains could be picked up for cremation.
7. On or about February 24, 2007, C. Collins picked up Clara T’s remains from Farnstrom-Gable Funeral Chapel and transported them to Licensee crematory.
8. On or about February 24, 2007, Licensee accepted custody of Clara T’s remains without the required identifying metal disc which is also referred to in this Order as the “State ID tag.” ORS 692.405; OAR 830-030-0000(3)
9. Licensee, therefore, failed to verify that the State ID tag was properly secured to a receptacle containing human remains, upon taking custody of the remains. The foregoing is

a violation of OAR 830-030-0030(1) and OAR 830-030-0000(3) and (5) which is cause for discipline under ORS 692.180(1)(g).

10. On or about February 26, 2007, crematory operator, S. Collins, noticed there was no State ID tag attached to the receptacle containing Clara T's remains, or to any paperwork for Clara T, so delayed the cremation and notified C. Collins of this circumstance.

11. On or about February 26, 2007, C. Collins instructed or allowed S. Collins to proceed with the cremation of Clara T's remains without the required State ID tag.

12. On or about February 27, 2007, S. Collins cremated the remains of Clara T.

13. Licensee, therefore, violated the following rules which are cause for disciplinary action under ORS 692.180(1)(g):

a. OAR 830-030-0030(1), which provides that the crematory authority shall not cremate human remains without an identifying metal disc unless death occurred in a state other than Oregon.

b. OAR 830-030-0040(5), which requires that the identifying metal disc shall be placed on the inside of the cremation chamber where it shall remain until the cremation process is complete or hung on the outside of the retort if the cremation chamber has a hook for such purpose.

c. OAR 830-030-0000(4), which provides that it shall be the responsibility of the Crematory Authority to see that the identifying metal disc shall accompany remains through the cremation process.

14. On or about February 27, 2007, C. Collins instructed or allowed S. Collins to sign the final disposition permit for the remains of Clara T, thereby stipulating that S. Collins personally verified that the number on the identifying metal disc properly corresponded to the State ID number on the final disposition permit, as required by OAR 830-030-0000(5).

15. Licensee, therefore, directed S. Collins to fabricate a document in the permanent record for the final disposition of Clara T, which is a violation of OAR 830-030-0090(2)(b)(E), and which is grounds for discipline under ORS 692.180(1)(g).

16. The foregoing fabrication of data in a record is a violation of OAR 830-030-0090(2)(b)(B) and results in an inaccurate record in violation of OAR 830-040-0000(6) and OAR 830-030-0090(2)(b)(A) which is cause for disciplinary action under ORS 692.180(1)(g).

17. In addition, by directing another to fabricate the foregoing document, the Licensee engaged in dishonest conduct, a violation of ORS 692.180(1)(b) and grounds for discipline.

18. On February 28, 2007, Licensee, through S. Collins, released Clara T's cremated remains to MedCure without the identifying metal disc affixed to the receptacle containing Carla T's cremated remains.

19. Therefore, Licensee violated ORS 692.405 when C. Collins or S. Collins failed to affix an identifying metal disc to the receptacle containing Clara T's cremated remains before they were released, which is grounds for disciplinary action under ORS 692.180(1)(g).

Whereas, the Board and the Licensee are desirous of resolving and settling the matters regarding Case No. 07-1010C without further proceedings thereon. This Consent Order constitutes the entire agreement of the parties and is a final order of the Board; and

Whereas, Licensee is aware of the right to a hearing with the assistance of counsel and the right to judicial review, and hereby freely and voluntarily waives those rights. Licensee hereby acknowledges that Licensee has read, understands, and agrees to the terms of this Consent Order; and

Whereas, the Licensee agrees that the Board may enter the following order:

NOW THEREFORE IT IS HEREBY ORDERED:

1. Licensee is hereby reprimanded for violating OAR 830-030-0030(1); 830-030-0000(3) and (5); 830-030-0040(5); 830-030-0000(4); 830-030-0090(2)(b)(E); 830-030-0090(2)(b)(B); 830-040-0000(6); and 830-030-0090(2)(b)(A); and ORS 692.180(1)(b) and (g).

2. This Consent Order shall become effective when signed by the Executive Director of the Board.

DATED this 28th day of February, 2008.

MORTUARY AND CEMETERY BOARD
OF THE STATE OF OREGON

By: _____<S> David Koach_____
David J. Koach, Executive Director

It is so Agreed.

2/23/08
Date

<S> G C Collins
G. Craig Collins, Licensee