

May 20, 2009 MEETING MINUTES

**OREGON MORTUARY & CEMETERY BOARD
PUBLIC HEARING on PROPOSED OAR 830 RULE AMENDMENTS
MAY 20, 2009**

PSOB, 800 NE Oregon Street, Rm. 445, Portland, OR 97232

Lynne Nelson, Presiding Officer for the Public Hearing

At 9:00am, OMCB Compliance Manager Lynne Nelson first stated the following to the only person in attendance, Mr. Wally Ordeman:

“Each person wishing to comment orally at this hearing should sign in on the registration list. I will use that list to call each person when it is his or her turn to testify. When I call your name, please come forward, state your name and where you are from. If you represent an organization, please state the name. You may then present your comments. If you have written material to enter into the record, please say so and try to summarize it. Give me a copy of that material if you have not already submitted it to the Board”

Nelson then began the Formal Hearing by stating the following:

“Today is May 20, 2009. The time is 9:07 a.m. This hearing is now in session. It is being tape recorded to maintain a permanent record.

“My name is Lynne Nelson. I am the Compliance Manager of the Oregon Mortuary and Cemetery Board and I am the presiding officer for today's rulemaking hearing.

“The purpose of this hearing is to provide an opportunity for public comment on certain rule amendments proposed by the Oregon Mortuary and Cemetery Board. The rule changes are noted by particular rule number in the Statement of Need and Fiscal Impact, and in the Proposed Rule Amendments, copies of which are provided to you at this meeting.

*“As explained in a separate notice from the Board, dated **April 13, 2009**, the proposed rules recognize industry changes in practices and terminology, corrects outdated references to various statute numbers and amends rules to reflect statutory changes. Plain language changes are also proposed.*

“There may be a nominal fiscal impact as stated in the Notice.

“Comments about the proposed amendments will be accepted at today's hearing.

“In addition to presenting oral comments at this hearing, anyone may submit written comments until 4:00 p.m. today, which is the close of the public comment period.

“Send comments addressed to

*Michelle Gaines
Oregon Mortuary and Cemetery Board,
800 NE Oregon Street, Suite 430
Portland Oregon 97232*

Comments received after 4:00 p.m. today will not be reviewed or considered by the Board unless the Board decides to extend the public comment period for everyone.

The Board will not respond to questions during this hearing. After the close of the public comment period, I will prepare a report to the Board, which will be available from the Board.

I will begin taking comments now.”

Ms. Nelson called the name of the first, and still the only person present at the meeting,, Mr. Wally Ordeman.

PUBLIC COMMENTS MADE:

1. Wally Ordeman, Fisher Family Funeral Homes, OFDA and CIAC Member

Because of ORS Chapter 692.190(9) - related to the ‘recognition of experience in lieu of apprenticeship’ - Mr. Ordeman suggested the following rule be amended to omit the requirement to provide “length of apprenticeship” as it was no longer required:

ORAR 830-020-0030(1)(d) A certificate from the state(s) the applicant is licensed in which includes: (*Length of apprenticeship,*) Examination score, date licensed, status of license at the present time, and whether the applicant's license has ever been suspended or revoked or other disciplinary action taken.

Mr. Ordeman also suggested making the embalmer practical exam ‘optional’ when a person applies for embalmer licensure through the foregoing ‘recognition of experience in lieu of apprenticeship’ statute (ORS 692.190(9)), because it was a hardship on applicants and not always necessary. The Board, he stated, could still require the exam if the Board felt it was necessary for the applicant to prove practical embalming knowledge. The recommended change is:

ORAR 830-011-0020(12) Embalmer applicants who meet the requirements set forth in section (11) of this rule, (*shall*) **may** be required to demonstrate competency by way of a practical examination at a time and place designated by the Board.

Mr. Ordeman then stated he had no further comment.

Ms. Nelson then stated that she has called the name of everyone who signed the registration list and that there was no one else in attendance to make a public comment. She stated that the Board had, so far, received one written comment, and she would include those comments in the public comments received on these proposed rule changes.

Seeing no other person to make public comment, Ms. Nelson thanked Mr. Ordeman for coming and providing the Board with his comments.

Ms. Nelson adjourned the hearing is adjourned at 9:12am.

2. Robert McCormick, Shedd Cemetery

Mr. McCormick submitted the following comments by email on May 19, 2009:

May 19, 2009

Shedd, Oregon (from Bob McCormick, Clerk, Shedd Cem. Assc.)

Oregon Mortuary and Cemetery Board:

I would like to have on record the following concerns.

The common perception is that once a body is turned to ash, it is "no more". (As nothing, it isn't even a human remain). If it is the family's desire to have the ashes "tracked" to a resting place, okay for your proposed (and necessary) accountings. However, for "private" dispositions (as listed on the death certificate) that is the end of the line for state requirements and should be noted in your "guideline / mandates rules". Since I see nothing about that cross-referenced, I feel that your proposed items have not touched on that issue, so to me, it is unresolved! Your office definitions of "human remains" and the state vital statistics office have a difference of definition. I see there is also no cross-referencing to theirs, so you had best expect that there will be continued "issues" with this subject.

Your paperwork related to proposed changes ---- lists definitions -- one of which is (p. 3, #16) --
- Endowment Care Fund: Endowment care funds are principal amounts deposited from which the revenue on the principal is used for the care and maintenance of a cemetery". I question that broad definition in e-mail to Michelle Gaines (May 12) and mentioned that I understood state statute (97.810) specifically stated services, which might include all the cemetery, but again might not! The reason for concern of definition is the overlap with the Consumer and Business reports and fees system regarding confusions from that "endowment" term, given sub-sections # 9,10, and 11 (of 97.810).

I think the OMCB functions are appreciated by the public and those of the industry. However, the members-owned, non-profit cemetery associations have reason to be concerned about all the "regulations". They just want to continue with family burials and grounds up-keep. They are "scared" of the "state's hammer" of rules and changes. Things never remain simple. Michelle's May 12 e-mail cited " 2007 Edition (Emphasis added)". The last edition we received was 2005, and prior additions I've given to adjacent cemeteries that had no copies. Your jurisdiction includes more than endowment defined cemeteries, yet they are the only ones that you keep informed of laws/rules/changes. Most small cemeteries do not belong to associations/lobbies because those individuals most interested have enough to do just maintaining the grounds and those book work requirements of which they are aware. Then you schedule hearings right before the cemeteries busiest weekend of the year.

Further, family and limited area non-profit board members do not have time to surf web sites for board reports they cannot find through the home pages of among the various OMCB, state legislature, and cemetery associational groups. Small cemeteries have there place, too. Please be patient with us and our limitations. Thanks also for looking out for us--- but don't complicate the process. Limit ashes to the fire and so done (no longer human remains). Don't generalize "endowment", but limit it to "purpose" (which might be a "specific" cemetery care).

Please read and enter this with records of comment for pending rule change, 9:00am, May 20, 2009.

Thank-you.

Bob McCormick, Clerk, Shedd Cemetery Association.

(this not written on the cemetery board's request, our annual meeting is May 23rd).