



SEPTEMBER 25 2012 *FINAL* General Session Meeting Minutes
(Revised November 16 2012)

Board Members Present:

Kevin Korn, President
Dwight Terry, Vice President
Erin Phelps, Secretary / Treasurer
James Campbell
Laurie Goolsby
Larry Gyure
Joncile Martin
Lyn Stanger

Staff Members Present:

Michelle Gaines, Executive Director
Lynne Nelson, Compliance Manager
Robert Magill, Investigator
Brenda Biggs, Compliance Specialist
Carla Knapp, Office / Licensing Manager
Johanna Riemenschneider, AAG

Board Members Absent:

David Noble, excused
Pam Wachter, excused

Staff Members Absent:

None.

Guests:

Nancy Felton, CGC, CAO
Wally Ordeman, OFDA Lobbyist

Chad Dresselhaus, AFCTS
Mike Terwilliger, Twin Oaks

I Call to Order

The General Session of the Mortuary and Cemetery Board (MOCB) was called to order at 9:00 am.

II General Session

A Approval of Meeting Minutes

1 General Session Meeting Minutes Draft - July 24 2012

After roll call, President Korn asked if there were any corrections, questions or comments on the subject draft meeting minutes. Hearing none, he asked if there was a motion to approve the draft minutes as prepared. He recognized Member Goolsby.

Member Goolsby so moved. Member Stanger seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Phelps, Stanger, Terry. Those voting no: none.

2 Special General Session Meeting Minutes Draft - August 21 2012

President Korn asked if there were any corrections, questions or comments on the subject draft meeting minutes. Hearing none, he asked if there was a motion to approve the draft minutes as prepared. He recognized Member Terry.

Member Terry so moved. Member Goolsby seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Phelps, Stanger, Terry. Those voting no: none.

B President's Comments

1 Board Members must assume neutral positions on all pending legislation until they receive authorization to support or oppose (Quick Reference).

President Korn briefly discussed this Quick Reference that was included in the Board packet. He asked staff to send an electronic copy to all Board members. He asked if there were any questions or concerns. Hearing none, he continued to the next agenda topic.

2 Nominating Committee appointment and instructions.

President Korn appointed Members Campbell, Goolsby, and Wachter to this Committee, for the purpose of proposing nominations for the election of officers for 2013 at the November 28 Board meeting.

3 Board Member Terms ending this year.

Due to term limits, President Korn noted that Members Martin, Wachter and himself will be ending their terms at the end of this year. Members Goolsby and Terry will be ending their first terms, but will be signing up for their second terms.

C Presentation and Approval of Executive Director's Report for September 2012

Director Gaines reviewed in detail the Report that was distributed as a handout, which included the Aging Report list (approval of an extension of case reporting for up to an additional 60 days under ORS 676.165). She asked if there were any questions.

Hearing none, President Korn asked if there was a motion to approve the Executive Director's Report. He recognized Member Phelps.

Member Phelps so moved. Member Terry seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Phelps, Stanger, Terry. Those voting no: none.

D Public Comments

President Korn stated that the Board welcomed public comments, but stipulated that questions would not be considered at this time. After members of the audience introduced themselves to the Board, and since the guests present opted out of providing public comment, President Korn thanked them for their attendance. (For the record, Member Martin arrived.)

E General Discussion & Action Items

1 Secretary of State, Archives Division, Records Retention Schedule

Manager Nelson said that there was one recommendation considered by the Policy Subcommittee that they wanted the full Board to review and consider. It was regarding the retaining of investigative cases for a 50 year time period. The Secretary of State's Archives Division's current record schedule requires that all boards retain investigations for 25 years when the respondent is an individual, and 10 years when a corporation is involved. Exceptions are allowed. Most of the Health Related Licensing Boards have adopted a special retention schedule of retaining investigations for 50 years where action has been taken against a respondent by the board. Some other boards have a special retention schedule of 75 years.

After Board discussion followed regarding space, costs, staff time, President Korn asked if there was a motion to direct staff to work with Archives Division in order to draft a special retention schedule which will be brought back to the Board for review and possible adoption. He recognized Member Campbell.

Member Campbell so moved. Member Goolsby seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Martin, Phelps, Stanger, Terry. Those voting no: none.

2 Policy Subcommittee Progress

Manager Nelson reported that the Subcommittee meeting was held the day before the Board meeting and various topics and suggestions from stakeholders, staff and consumers were considered. Some suggestions were moved forward on Subcommittee members' recommendations into the proposed rules. She then distributed the Proposed Amended Rules to OMCB September 25 2012 Draft document for Board review.

After Board review and revision, President Korn asked if there was a motion to direct staff to issue the notice of proposed rulemaking. He recognized Member Stanger.

Member Stanger so moved. Member Goolsby seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Martin, Phelps, Stanger, Terry. Those voting no: none.

3 Board Best Practices Report for Fiscal Year 2012 (July 2011 - June 2012)

President Korn then asked Member Goolsby to proceed with this agenda item.

The Board is required to implement performance measures and conduct an annual self-assessment against "Best Practices Criteria" as laid out by the Department of Administrative Services. The Board is required to report the percent of total best practices met by the Board (percent of yes responses) in the Annual Performance Progress Report as specified in the Board's budget instructions. If consensus is not achieved, the Board is required to record the response as "no."

The Board Best Practices form has been included in each Board member's packet, in order to help remind Board members when applicable topics are discussed, or should be discussed. At the March 20 2012 Board meeting, staff was tasked to identify accomplishments and dates for each question in order to help provide Board members with as much information needed in order to complete the self-assessment.

For the Annual Performance Progress Report for Fiscal Year 2012 (July 1 2011 thru June 30 2012), the Board discussed collectively, but each Board member was required, as an individual, to complete and submit the Board Best Practices Self-Assessment Final Scorecard before the July 24 2012 Board meeting to Member Goolsby. New Board members were not required to complete the self-assessment. Due to schedule conflicts, this Report was rescheduled to the September Board meeting.

Member Goolsby reported 100% for FY 2012. After discussion, staff was directed to add a comment or a symbol to any agenda items or minutes that could be tied to any of the Board's Best Practices Criteria, and to continue to update the form that is included in each Board member's packet with any accomplishments and dates for each question.

Director Gaines asked the Board to let her or staff know at each Board meeting if they need additional information or materials or training, in order to fulfill their role as a Board member and meet these Practices.

4 2013 & 2014 Legislative Sessions Discussion

Director Gaines then said that the 2013 Legislature will convene January 14 2013. The Board does not have any bills that will be presented during this session. That doesn't mean that we won't be involved in a bill that could originate from another agency, from a stakeholder in the general population or an association, or from a legislative committee.

We have a couple of topics on our legislative agenda for possible consideration if something were to come up that would have a bill with a relating clause that we could add an amendment to. One of those topics has to do with the indigent burial fund and some concerns with that definition and how that fund is structured. Both the Oregon Health Authority and the Department of Human Services that currently has oversight of this fund, are interested in working with us in determining if that is a function that this Board would be interested in taking on. They don't have a bill to do that, but they want to talk about what that might look like. Director Gaines said that she has asked them for more detail and exactly what it takes to operate that so we can bring it to the Board and make a determination of what that would involve. From discussion from the Policy Subcommittee and input we have received from various stakeholders, there is interest in looking at how the process could be improved even within rule or even just in practice by DHS.

The other piece would be if we could have continuing conversation with our stakeholders and figure out if we have a platform or a collection of items that we agree on that could be taken then to DHS for any rulemaking that they would need to initiate, or potentially if there is something that would take a statutory change, even if it is something so minor as the fact that it is called indigent burial fund even though that is not necessarily the disposition that is used, so that could be a minor change. One request was could we set up a stakeholder workgroup that could meet a couple of times, provide information through the Policy Subcommittee and then to the Board for developing that platform so if there is a bill introduced in the 2013 Session that would allow us to make some statutory changes such as that small one, that we would be able to say as a broader stakeholder community this is what we agree on, or what we don't agree on and be able to have those discussions with the Legislature.

After brief discussion, the Board directed staff to proceed in coordinating those stakeholder conversations, gather input and bring to the Policy Subcommittee and then to the full Board.

President Korn then asked Mr Ordeman what OFDA's position on this issue would be. Mr Ordeman responded back that OMCB could handle it better now.

Director Gaines then discussed non transplant anatomical tissue recovery organizations. This bill was originally introduced by the House Health Committee in the 2011 Legislative Session and it was tabled for further stakeholder workgroup action in a future session. If the House Health Committee re-introduces that bill, they would pull together the stakeholders that were involved last time to try to come together to with a workable bill, so if that moves forward, we may be involved in that bill.

It is not too early for us to start thinking about any legislative concepts we want to start working on for the 2014 legislature, as they prefer that we have had conversations with stakeholders, and that we have things ready to submit to the Governor for consideration.

5 November 27 2012 Board Strategic Planning Retreat

Director Gaines reported that the Board would be meeting to specifically focus on the Board's budget and long term sustainability, tying it into the State of Oregon's 10 year plan, strategic outcomes that the Governor has put forth, our long range plans that we have the strategic framework that we have now, and we look to update that, and then back into the operations, the programming that we are offering and any direction that we want to set for future biennia.

Discussion followed regarding location and stakeholder input. Once a location has been identified, staff will send to the Board.

6 Key Performance Measures for Fiscal Year 2012

Director Gaines then discussed the Board's draft Annual Performance Program Report for FY 2012 (July 2011 thru June 2012). This is tied into the Board's Legislatively Approved Budget. Every agency has KPMs that they submit to the Legislature and part of the Legislative review of the budget is an assessment of how you are performing on your KPMs. There are four official key performance measures that are part of our legislative report and what they ask for is essentially a status in each of the fiscal years of the biennia, so this is our report that is half way through the 2011 - 2013 biennium budget. She then discussed each category. Afterwards, she asked if there were any questions.

Member Campbell said he was curious on how we increased KPM # 1 by 14%, even under staffed; what can we attribute that progress to. Under investigations, he asked if we could pull out the cases that we didn't take action on, so we can understand the number more clearly, how many of them there are. For customer service he was wondering how thin our level of contact is with the public, is it 10% of interactions, or 70%.

Director Gaines thanked him and said we could take a look at the survey and consider adding questions, such as, are they a licensee.

Member Stanger asked if we could differentiate the inspections that are paperwork review only, versus on site. Member Phelps agreed.

Director Gaines thanked them. She said that these results would be posted to the Board's website after this meeting.

F Licensing Actions - Requests for approval of initial License, Certificate or Registration Application, transfer of Apprenticeship, Change of location, Name Changes, etc.

President Korn asked the Board to review the agenda items identified on the September 25 2012 Licensing Actions Revised document, that was included in the Board packet. He asked if there were any questions or comments. Hearing none, he directed Member Terry to proceed.

Member Terry recommended, and so moved, that the Board approve the Licensing Actions agenda items under **F1a-j, F2, F4a-f, F6a - 1 and F8b1-2**. Member Goolsby seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Martin, Phelps, Stanger, Terry. Those voting no: none.

President Korn then requested that the Board adjourn general session at 11:17 am, for the purpose of entering into executive session.

III Executive Session

After a brief break, President Korn then directed the Board to enter into executive session as authorized under ORS 192.660(2)(a), (b), (f), (h), (i) and / or (k). Executive session adjourned at 12:21 am.

IV General Session

President Korn called the general session of the Board back to order at 12:21 pm. All Board members that were in attendance for the earlier general session were present. No members of the public had returned from the earlier public session.

7 Oregon Health Licensing Agency Overview

Director Gaines provided an introduction of this agenda item. During the October teleconference call regarding the Board's budget, because our revenues are flat, but the Board's expenses will continue to increase year over year, she was directed by the Board to look at different scenarios on how to address that and improve our financial stability. Options considered were semi-independence, reducing the Board's programs or merging with the Oregon Health Licensing Agency, located in Salem. For partnering with OHLA, she invited Randy Everitt, the Executive Director, to talk about what his agency does, how it serves the 11 boards that are currently part of this conglomerate, and also address some of the specific questions about service levels or cost determination or how the processes has gone in migrating boards into this agency.

Director Everitt thanked the Board for inviting him. He then provided a slide presentation that gave an overview of his agency. OHLA started about 25 years ago as a consumer protection agency, and was designed to have central oversight over all boards and commissions that were sent by the Legislature. Of the eleven boards and

commissions that they currently have oversight over, some are health related or trade related, but all are advisory boards. Some boards have extended authority, such as rulemaking.

OHLA's statutory authority is to issue licenses, ensure qualifications, conduct examinations, respond to and investigate complaints, inspect facilities and oversee policy formulation, including legislation and rulemaking. OHLA's job is to also provide board member training, develop education requirements, establish practice standards, establish code of conduct, and advise each agency. He provided a breakdown of each board's budget, how it is broken down percentage wise within OHLA's overall budget, and cost per service unit.

OHLA currently has four investigators and four inspectors state-wide. In addition, OHLA has four special investigators that do nothing but handle cases for the Board of Direct Entry Midwifery, due to a high percentage of their licensing base represented in investigations (28 percent). Each one of the boards can have a subject matter expert or two or three people from the licensed profession. If a board requires special assistance, Director Everitt is able to assign any or all of OHLA staff to assist that board until the situation is resolved.

OMCB's budget is projected to be \$1,459,744 for the 2013 - 2015 budget, and since OMCB has approximately 2,200 licensees, this breaks down to \$596 cost per service unit. If OMCB merged with OHLA, the two year budget would be approximately \$558,000, bringing down the cost per service unit to \$228.

After Board discussion regarding ending balances, surpluses, expanding programs, investigations, qualifications for his position (he serves at the pleasure of the Governor and or the Director of DAS) President Korn thanked Director Everitt for his time and presentation.

After a brief break, at 1:41 pm, President Korn then directed the Board to enter into executive session as authorized under ORS 192.660(2)(a), (b), (f), (h), (i) and / or (k). Executive session adjourned at 3:33 pm.

V General Session

President Korn called the general session of the Board back to order at 3:33 pm. Member Terry left, but all other Board members that were in attendance for the earlier general session were present. No members of the public had returned from the earlier public session.

G Investigations

President Korn asked the Board to review the Executive Session Schedule that was included in the Board packet. He then asked Board members to report if they had a potential conflict with any of the cases before voting. Hearing none, President Korn then proceeded with the Board's recommendations.

- a 2011-1049A and B** - Member Korn reported that the full Board considered these cases during executive session and recommended, and he so moved, that the Board take no action. Member Phelps seconded. All others were aye and the motion carried unanimously. Those voting in

favor: Members Campbell, Goolsby, Gyure, Korn, Martin, Phelps, Stanger. Those voting no: none.

- b 2012-1006** - Member Korn reported that the full Board considered this case during executive session and recommended, and he so moved, that the Board take no action. Member Gyure seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Martin, Phelps, Stanger. Those voting no: none.
- c 2012-1037A and B** - Member Korn reported that the full Board considered these cases during executive session and recommended, and he so moved, that the Board initiate Disciplinary Action. Member Gyure seconded. Others were aye and the motion carried. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Phelps, Stanger. Those voting no: Member Martin.
- d 2012-1038A and B** - Member Korn reported that the full Board considered these cases during executive session and recommended, and he so moved, that the Board initiate Disciplinary Action. Member Gyure seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Martin, Phelps, Stanger. Those voting no: none.
- e 2012-1039A and B** - Member Korn reported that the full Board considered these cases during executive session and recommended, and he so moved, that the Board initiate Disciplinary Action. Member Gyure seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Martin, Phelps, Stanger. Those voting no: none.
- f 2012-1009** - Member Korn reported that the full Board considered this case during executive session and recommended, and he so moved, that the Board take no action. Member Gyure seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Martin, Phelps, Stanger. Those voting no: none.
- g 2012-1020A and B** - Member Korn reported that the full Board considered these cases during executive session and recommended, and he so moved, that the Board take no action. Member Phelps seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Martin, Phelps, Stanger. Those voting no: none.
- h 2012-1029** - Member Korn reported that the full Board considered this case during executive session and recommended, and he so moved, that the Board take no action. Member Gyure seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Martin, Phelps, Stanger. Those voting no: none.
- i 2011-1063** - Member Korn reported that the full Board considered this case during executive session and recommended, and he so moved, that the Board accept the Final Order. Member Gyure seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Martin, Phelps, Stanger. Those voting no: none.
- j 2012-1018** - Member Korn reported that the full Board considered this case during executive session and recommended, and he so moved, that the Board initiate Disciplinary Action. Member Gyure seconded. All others were aye and the motion carried unanimously. Those

voting in favor: Members Campbell, Goolsby, Gyure, Korn, Martin, Phelps, Stanger. Those voting no: none.

- k 2011-1066A and B** - Member Korn reported that the full Board considered these cases during executive session and recommended, and he so moved, that the Board initiate Disciplinary Action. Member Gyure seconded. Others were aye and the motion carried. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Phelps, Stanger. Those voting no: Member Martin.
- l 2012-1027A, B and C** - Member Korn reported that the full Board considered these cases during executive session and recommended, and he so moved, that the Board initiate Disciplinary Action. Member Gyure seconded. Others were aye and the motion carried. Those voting in favor: Members Campbell, Goolsby, Gyure, Korn, Phelps, Stanger. Those voting no: Member Martin.

(For the record, Member Goolsby left.)

- m 2012-1044** - Member Korn reported that the full Board considered this case during executive session and recommended, and he so moved, that the Board initiate Disciplinary Action. Member Gyure seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Gyure, Korn, Martin, Phelps, Stanger. Those voting no: none.

President Korn asked if there were any other additional comments. Hearing none, he thanked everyone for their full participation and adjourned the meeting.

V Adjournment The meeting adjourned at 3:42 pm.