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OREGON MORTUARY & CEMETERY BOARD

*Regulating Death Care Facilities & Practitioners in Oregon.*

## JANUARY 29 2013 FINAL General Session Meeting Minutes (Revised March 11 2013)

### Board Members Present:

Dwight Terry, President  
Erin Phelps, Vice President (late)  
Laurie Goolsby, Secretary / Treasurer  
Larry Gyure  
Kevin Korn (late)  
Joncile Martin  
David Noble (late)  
Lyn Stanger  
Pam Wachter

### Staff Members Present:

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

### Board Members Absent:

James Campbell, excused

### Staff Members Absent:

None

### Guests:

Chad Dresselhaus, AFCTS  
Nancy Felton, CGC, CAO  
Rachel Fox, Metro Cemeteries

Margaret Neal, NCFH  
John Terpening, LFO Legislative Analyst

## I Call to Order

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

## II General Session

### A Approval of Meeting Minutes

#### 1 Annual Planning Retreat Meeting Minutes Draft - November 27 2012

After roll call, President Terry asked if there were any corrections, questions or comments on the subject draft meeting minutes. Board discussion followed. Staff was then directed to remove "Raise the death certificate filing fee to better support indigent disposition" under Possible Legislative Concepts. President Terry asked if there was a motion to approve the draft subject minutes as revised. He recognized Member Goolsby.

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

#### 2 General Session Meeting Minutes Draft - November 28 2012

President Terry 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 Wachter.

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

## B President's Comments

### 1 Executive Director Financial Transactions Review

Oregon Accounting Manual (OAM) policy number 10.90.00PO sets forth internal control standards for the review and approval of certain agency head financial transactions, including: time reporting, requests for vacation payoff, use of exceptional performance leave, travel expense reimbursement and Small Purchase Order Transaction System (SPOTS) card purchases.

By administrative rule, the Board's Executive Director acts under instruction of the Board President. OAR 830-011-0010(4). The Board has delegated routine review and approval authority for agency head financial transactions to the President of the Board. At each regularly scheduled bimonthly meeting, the President reviews and approves agency head financial transactions for the previous two months. However, pursuant to OAM 10.90.00PO, at least once each year the full Board must also review the agency head financial transactions that have been approved by the President. The Board's review and approval will be documented in the minutes.

Copies of the Executive Director's timesheets and travel expenses for 2012 were circulated amongst the Board members for their review, with the request that they initial the January 29 2013 Memo indicating their approval.

(By the end of the Board meeting, all Board members had initialed the requested Memo.)

### 2 Committee Assignments

President Terry noted for the record that this would be deferred to a later time.

### 3 Board Best Practices; Discussion & Review

The Board Best Practices form for Fiscal Year 2013, July 1 2012 thru June 30 2013, has been included in each Board member's packet, in order to help remind everyone when applicable topics are discussed, or should be discussed. Staff has been adding comments and or a symbol, , to any agenda items or minutes that could be tied to any of the Board's Best Practices Criteria, and will continue to update the form with any accomplishments and dates for each question. This form needs to be completed by each Board member after the May 28 2013, and then submitted at the July 23 2013 Board meeting.

Director Gaines requested that all Board members review this document before each Board meeting, specifically the last page. It will hopefully be reviewed again at the end of each Board meeting in order to ensure that all criteria has been addressed, or will be addressed.

### 4 OMCB Information Security Policy and Procedure Review and Compliance

The Department of Administrative Services (DAS) has the responsibility for and authority over state agency information systems and the information stored on those systems under the authority of Oregon Revised Statute (ORS) 182.122.

DAS fulfilled its authority by adopting a comprehensive approach to information security based on the International Organization for Standardization (ISO) 27001, which covers the framework for establishing security management and 27002:2005 addressing technical standards. This resulting State Information Security Plan is the foundation for information security in the State of Oregon Executive Branch agencies.

In this State Information Security Plan, DAS has defined policies, standards, and processes for state agencies with respect to information security. Fundamental components of information

security are addressed including roles and responsibilities. Executive department agencies are required to meet or exceed this State Information Security Plan. Agencies also may develop and adopt information security plans that are more stringent than the minimum requirements identified in this State Information Security Plan.

Director Gaines reported that the objectives in the Board's IS Security Plan & Risk Management Policies represent commonly accepted goals of information security management, the recognized standard for Oregon state government. The Board is responsible for the security of all information assets in whatever format they take. In order to meet that responsibility, the Executive Director will train employees, volunteers and contractors on the Policy and Procedures within one month of implementation and monitor compliance by active management oversight, performing random audits and reviewing reports.

All employees are ultimately responsible for understanding and complying with information security policies, and will be required to sign that they have received and read a copy of the IS Policy and Risk Management Plan, that they fully understand their role and responsibilities and, by signing, will be certifying that they will perform these duties. And then there will be a quarterly review in which all employees will be required to acknowledge in writing that they've reviewed by checking off a box and providing the date of review. She asked if there were any questions or comments. Hearing none, she requested that all Board members return their signed receipt to her by the end of the meeting.

#### **C Presentation and Approval of Executive Director's Report for January 2013**

Director Gaines reviewed in detail the Report that was included in the Board packet, 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. (For the record, Member Noble arrived.) Discussion followed regarding the Operational Summary Statistics. After discussion, staff was directed to report the combination licensees in a different format.

President Terry then asked if there was a motion to approve the Executive Director's Report. He recognized Member Korn.

Member Korn so moved. Member Wachter seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Goolsby, Gyure, Korn, Noble, Stanger, Terry, Wachter. Those voting no: none. (For the record, Member Phelps arrived.)

#### **D Public Comments**

President Terry 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, the Board heard public comment from Margaret Neal. President Terry thanked her and then thanked all of the audience for their attendance. He then directed Manager Nelson to continue to the next scheduled agenda item.

#### **E General Discussion & Action Items**

##### **1 Policy Subcommittee Report**

Manager Nelson distributed and reviewed in detail a handout, OMCB Rule and Policy Direction Topics, a summary of the topics discussed at the January 28 2013 Policy meeting. (For the record, Member Martin arrived.)

## 2 Rulemaking Update - Consideration of Adoption of Proposed Rules

Manager Nelson then distributed the Public Comment on Proposed Rule Amendments handout and reviewed in detail with the Board.

After Board discussion, President Terry asked if there was a motion to adopt the rules as prepared. He then recognized Member Phelps.

Member Phelps so moved that the Board adopt the rules as amended, but with March 29 2013 as the effective date. Member Gyure seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Terry, Wachter. Those voting no: none.

## 3 2012 Year in Review Report

Director Gaines distributed 2012 in Review handout, looking back on calendar year 2012, a list of accomplishments and activities in that calendar year, broken down by category. She asked the Board to let her know what they thought, as she intends to create an annual report for each calendar year moving forward.

## 4 Strategic Planning Session - Follow up Review and Actions

Director Gaines distributed the Board's Strategic Framework handout, Death Care: Creating a Shared Vision for the Future. After Board review and discussion, Indigent Burial was changed to Indigent Disposition Fund, and a topic was added: educational brochure to hospices, social works will be developed as to the intent of this fund. The Board asked to review the brochure before it was released.

President Terry thanked her and asked if there was a motion on the floor to approve the Strategic Framework handout as amended, pages 1 and 2 only. He then recognized Member Martin.

Member Martin so moved. Member Goolsby seconded. Discussion followed. After brief Board discussion, Member Martin amended her motion to add the topic Donation to the Strategic Framework. Member Goolsby seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Terry, Wachter. Those voting no: none.

For possible legislative concepts for the 2014 Legislative Session, the Board requested that the Policy Subcommittee review and provide recommendations to the full Board.

Board discussion followed regarding the prior motion to adopt the minutes from the November 27 2012 Annual Planning Retreat meeting. President Terry asked if there was a motion on the floor to amend the prior motion, as the Strategic Framework document has since been modified. He then recognized Member Noble.

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

## 5 OMCB Upcoming Meeting Topic & Location Forecast

Director Gaines discussed options for hosting a meeting outside of the Portland area. After hearing options, the Board agreed to hold their March 19 2013 Board meeting in Salem, at the Capitol building. The Strategic Planning meeting was moved from July 23 to September 24,

canceling the July 24 Board meeting, then moving the Board's regular meeting from September 24 to September 25 2013. And that two day meeting would be located in the Eugene area. President Terry asked if there were any other revisions. Hearing none, he then asked if there was a motion on the floor to modify the Board's meeting schedule as stated. He then recognized Member Noble.

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

Staff was directed to contact Kuri Gill, Program Coordinator from the Oregon Commission on Historic Cemeteries and Mary McCarron, Financial Examiner from the Division of Finance and Corporate Securities, to see if they would be able to speak before the Board, during the March meeting in Salem.

President Terry noted that he would not be able to attend the July 23 2013 Board meeting, leaving Vice President Phelps in charge.

#### **6 General Legislative Update - Upcoming Session Forecast**

Director Gaines reported that bills are being scheduled for hearing and she is currently tracking 65 bills. A number of the bills relate to consolidation; one bill will move the Oregon Health Licensing Agency into the Oregon Health Authority; some relate to sunset reviews; practices within the Health Professional Regulatory Professions; transparency and administrative rulemaking; changes to zoning laws regarding farm use and cemeteries on farm land. She said she would send out updates as needed.

#### **7 2013 - 2015 Governor's Balanced Budget Review, Approval**

Director Gaines distributed a copy of the Board's budget documents that were just received for the Governor's Balanced Budget. These documents will be used to modify the Board's Agency Request Budget, which was submitted August 23 2012. The Agency Request's expenditures were initially estimated to be \$1,459,744 (Other Funds). The Governor's Balanced Budget's revised those estimates downward to \$1,412,605, leaving the Board with 9.9 months cash reserves.

President Terry asked that the approval vote be deferred to later in the meeting in order to allow Board members to review the budget documents before voting.

#### **8 Statewide Travel Policy Update**

Effective January 1 2013, Manager Knapp reported that the private vehicle mileage reimbursement increased to \$0.565. She then requested that each Board and staff member sign and turn in their Authorization to use Private Vehicle, as it is required each calendar year.

#### **9 2013 Governor's Food Drive**

Investigator Magill reported that the Food Drive will officially kick off February 1, and will end on Friday, March 1 2013. Donations may be made through payroll deductions, cash donations or donation of food. The Board has won the last four years in a row, with the highest average employee donation. We intend to win this year, but only with the continued support and donations received from staff, Board members and licensees. He thanked everyone in advance for their donations.

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

President Terry asked the Board to review the agenda items identified on the January 29 2013 Licensing Actions revised for handout. He asked if there were any questions or comments. Hearing none, he asked if there was a motion to approve. He recognized Member Martin.

Member Martin recommended, and so moved, that the Board approve the Licensing Actions agenda items as revised for handout. Member Gyure seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Terry, Wachter. Those voting no: none.

**G General Discussion & Action Items Continued**

**10 2013 - 2015 Governor's Balanced Budget Review, Approval**

After the full Board reviewed the budget documents, President Terry asked if there were any questions or comments. Hearing none, he asked if there was a motion on the floor to approve the budget. He then recognized Member Wachter.

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

President Terry then requested that the Board adjourn general session at 10:30 am, for the purpose of entering into executive session.

**III Executive Session**

President Terry 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 2:00 pm.

**IV General Session**

President Terry called the general session of the Board back to order at 2:03 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.

**H Investigations**

President Terry asked the Board to review the Executive Session Schedule Revised for Handout that was distributed to all Board members. He then asked Board members to report if they had a potential conflict with any of the cases before voting. Members Terry, Stanger, and Wachter all noted that they would be abstaining from a case. President Terry then directed Member Korn to proceed with the Board's recommendations.

**a 2009-1037A and B** - Member Korn reported that these cases were tabled.

**b 2010-1048A and B** - Member Korn reported that the full Board considered these cases during executive session and recommended that the Board take no action, and he so moved. Member Wachter seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Terry, Wachter. Those voting no: none.

- c 2010-1051** - Member Korn reported that the full Board considered this case during executive session and recommended that the Board take no action, and he so moved. Member Goolsby seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Terry, Wachter. Those voting no: none.
- d 2011-1011A and B** - Member Korn reported that the full Board considered these cases during executive session and recommended that the Board initiate Disciplinary Action, and he so moved. Member Gyure seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Terry, Wachter. Those voting no: none.
- e 2011-1036A and B** - Member Korn reported that the full Board considered these cases during executive session and recommended that the Board take no action, and he so moved. Member Goolsby seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Terry, Wachter. Those voting no: none.
- f 2011-1040** - Member Korn reported that the full Board considered this case during executive session and recommended that the Board take no action, and he so moved. Member Wachter seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Terry, Wachter. Those voting no: none.
- g 2012-1019A and B** - Member Korn reported that the full Board considered these cases during executive session and recommended that the Board initiate Disciplinary Action, and he so moved. Member Gyure seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Terry, Wachter. Those voting no: none.
- h 2012-1023A and B** - Member Korn reported that the full Board considered these cases during executive session and recommended that the Board initiate Disciplinary Action, and he so moved. Member Gyure seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Terry, Wachter. Those voting no: none.
- i 2012-1031** - Member Korn reported that the full Board considered this case during executive session and recommended that the Board initiate Disciplinary Action, and he so moved. Member Phelps seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Terry, Wachter. Those voting no: none.
- j 2012-1032A and B** - Member Korn reported that the full Board considered these cases during executive session and recommended that the Board initiate Disciplinary Action, and he so moved. Member Goolsby seconded. Member Terry abstained. All others were aye and the motion carried. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Wachter. Those voting no: none. Those abstaining: Member Terry.
- k 2012-1040A and B** - Member Korn reported that the full Board considered these cases during executive session and recommended that the Board initiate Disciplinary Action, and he so moved. Member Gyure seconded. All others were aye and the motion carried unanimously.

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

- l 2012-1052** - Member Korn reported that the full Board considered this case during executive session and recommended that the Board take no action, and he so moved. Member Goolsby seconded. Member Stanger abstained. All others were aye and the motion carried. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Terry, Wachter. Those voting no: none. Those abstaining: Member Stanger.
- m 2013-1003A, B and C** - Member Korn reported that the full Board considered these cases during executive session and recommended that the Board initiate Disciplinary Action, and he so moved. Member Stanger seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Terry, Wachter. Those voting no: none.
- n 2008-1023A, B, C, D and E** - Member Korn reported that the full Board considered these cases during executive session and recommended that the Board accept the consent order, and he so moved. Member Goolsby seconded. Member Wachter abstained. All others were aye and the motion carried. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Terry. Those voting no: none. Those abstaining: Member Wachter.
- o 2013-1005** - Member Korn reported that the full Board considered this case during executive session and recommended that the Board initiate Disciplinary Action, and he so moved. Member Wachter seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Goolsby, Gyure, Korn, Martin, Noble, Phelps, Stanger, Terry, Wachter. Those voting no: none.

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

**I Adjournment** The meeting adjourned at 2:11 pm.