

**Chapter 830 Mortuary and Cemetery Board**  
**Oregon Administrative Rules Compilation**

DRAFT Permanent Rules to Board for Discussion on 09-21-10

(To be effective 09-28-10)

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**DIVISION 11  
GENERAL INFORMATION**

**830-011-0000 Definitions**

- (1) "At Need". As used in this chapter, means arrangements entered into after a death has occurred, "at the time of need".
- (2) "Authorizing Agent(s)". The authorizing agent(s) is (are) the person(s) legally entitled to order the disposition of human remains and cremated remains.
- (3) "Burial Vault". A burial vault is a receptacle designed to protect the casket from the intrusion of outside elements, the weight of the surrounding earth, and the weight of maintenance equipment.

- (4) "Certificate of Authority". A Certificate of Authority is a certificate issued to an individual or corporation who is responsible for the operation of either a cemetery or crematory. If the crematory or cemetery is a corporation, the Certificate of Authority shall be issued to the corporation.
- (5) "Cremated Remains". Cremated remains are the remaining ash and bone fragments after the act of cremation is completed.
- (6) "Cremated Remains Container". As used in this chapter, a cremated remains container means any container in which processed cremated remains can be placed and closed [so as] to prevent leakage. At a minimum, this would be a plastic-lined cardboard container.
- (7) "Cremation". Cremation is the technical heating process that reduces human remains to ash and bone fragments.
- (8) "Cremation Chamber". A cremation chamber is the enclosed space in which the cremation process takes place.
- (9) "Cremation Container". A cremation container is the container in which the human remains are placed in the cremation chamber for a cremation. The container shall meet all the requirements of the crematorium.
- (10) "Crematory Authority". The crematory authority is the legal entity or the authorized representative of the legal entity who conducts the cremation.
- (11) "Crematory or Crematorium". A crematory or crematorium is any person, partnership, or corporation with a Certificate of Authority to operate a cremation chamber.
- (12) **"Death Care Consultant". As used in this chapter, a "death care consultant" means an individual who provides consultations related to funeral or final disposition arrangements, for payment, to the person or persons who are acting as a funeral service practitioner under ORS chapter 432. For purposes of this definition, the consultations include any conference, information, guidance or advice either at the time of death or when the death is soon to occur.**
- [(12)] (13) "Death Care Industry". As used in this chapter death care industry means the funeral service and [*cemetery, immediate disposition, and cremation industries*] **final disposition practitioners and facilities.**
- [(13)] (14) "Disinfectant Solution". A disinfectant solution is a chemical agent capable of destroying pathogens or their product when applied with sufficient time and concentration.
- [(14)] (15) "Disposition". Disposition is burial, entombment, burial at sea or cremation.
- [(15)] (16) "Embalmed". Human remains shall be considered embalmed when sufficient disinfectant solution or preservative fluid has been injected into the circulatory system and/or applied externally to render it not a hazard to public health.
- [(16)] (17) "Endowment Care Funds". Endowment care funds are principal amounts deposited from which the revenue on the principal is used for the care and maintenance of a cemetery.
- [(17)] (18) "Final Processing". Final Processing is the processing of cremated bone fragments to an unidentifiable dimension.
- [(18)] (19) "Grave Liner". A grave liner is a burial receptacle either in sectional or box form, built and designed to be installed in a grave to assist in preventing the ground from collapsing.
- [(19)] (20) "Holder of a Certificate of Registration". As used in this chapter a "Holder of a Certificate of Registration" means the same as "Certified Provider" as defined in ORS 97.923(2).
- [(20)] (21) "Holding Room". A holding room is a suitable room constructed in accordance with OAR 830-040-0020(2), (3), (4), (5), and (6) which licensed funeral establishments use for the care, storage, or holding of human remains prior to effecting disposition. This room shall be of sufficient size to accommodate at least one table for a casketed remains and attendant that may be used by the funeral establishment to care for or repair remains in those facilities which do not offer on premises embalmings. This room would be other than a chapel, viewing or visitation room, office supply room, closet or other room normally open to the public.
- [(21)] (22) "Human Remains". Human remains means a dead human body.

- [(22)] (23) "Identification Viewing". Identification viewing means viewing the remains for the purpose of identifying the remains, regardless of whether the remains have been washed or otherwise prepared.
- [(23)] (24) "Identifying Metal Disc". An identifying metal disc is a metal disc, approximately one inch in diameter with a number assigned by the State Registrar's office, each with a different number, for the purpose of accompanying dead human remains through the disposition process and to serve as a means of permanent identification of those remains.
- [(24)] (25) "Intern Apprentice". An intern apprentice is any student enrolled in an accredited funeral service education program who is serving his/her three-month internship under the supervision of a combination-licensed funeral service practitioner/embalmer at a participating funeral establishment.
- [(25)] (26) "Licensed Facility". A licensed facility is any licensed business governed by ORS Chapter 692, either cemetery, crematory, immediate disposition company or funeral establishment.
- [(26)] (27) "Licensee". Licensee means any *[funeral establishment, immediate disposition company, funeral service practitioner, embalmer, apprentice, cemetery authority or crematory authority]* **individual or facility** licensed under ORS Chapter 692 and any preneed salesperson registered under ORS 97.931.
- [(27)] (28) "Minimum Preparation of Human Remains". As used in this rule minimum preparation of human remains means the human remains are completely washed as defined in this section.
- [(28)] (29) "Offensive Treatment of Human Remains". As used in this rule and in ORS Chapter 692, offensive treatment of human remains is treatment offensive to the generally accepted standards of the community.
- [(29)] (30) "Prearrangement". As used in this chapter, means sales or agreements for undelivered goods or services to be delivered at an unspecified date in the future, entered into before a death has occurred, i.e., "before the time of need". Prearrangements by this definition do not include the sale of interment rights purchased before a death when the property is developed.
- [(30)] (31) "Preneed Funds". Preneed funds are specified amounts paid for goods and/or services that are sold in advance of need but not delivered.
- [(31)] (32) "Preneed salesperson". As used in these rules, "preneed salesperson" means an individual registered under ORS 97.931 and employed by a certified provider to engage in the sale of prearrangement or preconstruction sales contracts on behalf of the certified provider.
- [(32)] (33) "Preparation Room". As used in these rules, preparation room means the same as embalming facility as used in ORS Chapter 692.
- [(33)] (34) "Principal". Principal means those persons who have controlling authority over the licensed facility, including but not limited to:
- (a) Managers or other persons who have decision-making authority and whose primary duties include control over the operation of the licensed facility;
  - (b) Officers or directors who have some degree of responsibility for the operation of the licensed facility;
  - (c) Stock holders or corporations who own or control ten percent or more of the licensed facility by owning or controlling ten percent or more of the voting stock; and
  - (d) Partners.
- [(34)] (35) "Processed Cremated Remains". As used in this chapter, processed cremated remains are the result of pulverization, where the residual from the cremation process is cleaned leaving bone fragments reduced to unidentifiable dimensions.
- [(35)] (36) "Public Viewing". Public viewing means the human remains have, at minimum, been washed, as defined in this section, and the remains are placed in a viewing room, church, chapel or other suitable place for viewing of the remains.

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Permanent Rules -- DRAFT to Board 09-21-10 -- to be effective 09-28-10

- [(36)] (37) "Receptacle". As used in this chapter, a receptacle means a rigid container for human remains.
- [(37)] (38) "Refrigeration Unit". As used in this chapter, a refrigeration unit is one used in licensed facilities to store dead human remains that meet commercial standards.
- [(38)] (39) "Registration". As used in this chapter, registration may refer to the registration of a cemetery that does not fall under the category of "Operating Cemetery" as defined in ORS 692.010(7) or it may refer to the "registration" of preneed salespersons. Registration of non-operating cemeteries, and preneed salespersons is required for compliance with Oregon Laws.
- [(39)] (40) "Sanitary Condition". Sanitary means clean from dirt, foreign particles, blood stains, offensive odors, insects, etc.
- [(40)] (41) "Sealed Casket". A sealed casket is one that is designed by a manufacturer to be sealed prior to final disposition.
- [(41)] (42) "Solicitation". Solicitation is defined as actively endeavoring to obtain business or clientele through means such as telephone or personal contact.
- [(42)] (43) "Visitation". Visitation means a specific time and place to gather where the human remains are present, except for graveside service.
- [(43)] (44) "Washed". A human remains shall be considered washed and brought to a sanitary condition when the entire surface of the human remains has been bathed with a disinfectant solution and the mouth, nose, and other body orifices have been washed and when necessary packed with cotton saturated with a disinfectant solution.
- Stat. Auth.: ORS 128.414 & 692.320  
Stats. Implemented: ORS 692.320 & 128.414  
Hist.: MCB 1-1986, f. & ef. 10-21-86; MCB 1-1988, f. & cert. ef. 2-10-88; MCB 1-1989, f. & cert. ef. 2-6-89; Renumbered from 830-030-0010(1)(a) - (k) & 830-030-0020; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2001(Temp), f. 12-12-01, cert. ef. 1-1-02 thru 6-29-02; MCB 1-2002, f. 5-30-02, cert. ef. 6-30-02; MCB 1-2009, f. & cert. ef. 7-1-09

**830-011-0050**

**Background Investigation Required Prior to Oregon Licensure**

(1) All applicants for [*certificate of apprenticeship, reciprocal licensure, preneed salespersons registration, endowment care cemetery salespersons registration, funeral establishment license or certificate of authority to operate a cemetery or crematory*] **individual or facility licenses**, and principals of licensed facilities must submit to a background investigation. The background investigation may include, but not be limited to, information solicited from the Law Enforcement Data Systems, Corporations Commissions, Department of Motor Vehicles, other State agencies, personal references, former employers, credit checks, and when applicable, information solicited from the Secretary of State's Office, Division of Audits on endowment care, prearrangement and preconstruction sales funds. If the principal is a corporation, the Board may perform background investigations on the principals of that corporation. The Board may require the applicant or licensee to furnish any information necessary to perform a background investigation.

(2) The Board may deny, suspend or refuse to issue or renew a license or certificate when conditions exist in relation to any principal of a licensed facility which constitute grounds for refusing to issue or renew a license or certificate or for suspension of a license.

Stat. Auth.: ORS 692.320

Stats. Implemented: ORS 692.025

Hist.: MCB 1-1986, f. & ef. 10-21-86; MCB 1-1988, f. & cert. ef. 2-10-88; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97

**DIVISION 20**  
**EXAMINATION AND LICENSURE**

**830-020-0000**

**Applications and Examinations for Funeral Service Practitioner and Embalmer Licenses**

- (1) All applications for funeral service practitioner and embalmer licenses by examination, accompanied by the examination fee prescribed by ORS Chapter 692, must be received in the office of the Board at least [30] 14 days before the examination is held, or be postmarked before midnight of that date.
- (2) The examinations for a funeral service practitioner, and embalmer shall be given at least twice each year:
  - (a) Applicants for a funeral service practitioner license shall be required to successfully complete a written examination and receive a score of not less than 75 percent, based on the total number of questions;
  - (b) Applicants for an embalmer's license shall be required to successfully complete a written examination that will include two sections, funeral service arts and funeral service sciences, and must receive an average score of at least 75 percent on the sections with not less than 70 percent on either of these two sections; and
  - (c) If the Board deems it necessary, the applicant for an embalmer's license may also be required to pass an examination testing his qualifications as to the practical application of his knowledge.
- (3) Upon successful completion of the funeral service practitioner's examination, an appropriate license for the current year will be issued to the examinee after fulfilling the apprenticeship and upon payment of the annual license fee prescribed by ORS Chapter 692. An applicant for an embalmer's license may be examined by the Board after first providing evidence of graduation from a funeral service program accredited by the American Board of Funeral Service Education, but shall not receive an embalmer's license until he has fulfilled his apprenticeship and paid the required fee as prescribed in ORS Chapter 692.
- (4) If an applicant for a funeral service practitioner's, or embalmer's license fails to satisfactorily complete the examination, he may retake the examination the next time it is given upon payment of the full examination fee. Such fee must be received in the office of the Board at least [30] 14 days before the examination is given.
- (5) The examination fee shall not be returned to an examinee once he takes the examination.
- (6) Test results will be mailed to examinees within 30 days after completion of the examination. Exams are not reviewable by examinee, pursuant to the Public Records Act, ORS Chapter 192.

Stat. Auth.: ORS 183.341, 183.545, 692.160 & 692.320

Stats. Implemented: ORS 692.045, 692.070, 692.105, 692.130, 692.140 &

692.320 Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0100; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1998, f. & cert. ef. 6-22-98

**830-020-0020**

**Funeral Service Practitioner and Embalmer Licenses[:]; Military Leave**

- (1) Funeral service practitioners and embalmers shall be licensed only after compliance with ORS Chapter 692, and rules adopted thereunder. Licenses for funeral service practitioner and embalmer will not be issued or renewed unless assessed civil penalties have been paid.
- (2) A license issued pursuant to ORS Chapter 692 shall not be transferable.

- (3) The Board shall publish, [*biennially for distribution to licensees and other persons whom the Board may from time to time designate, a list of the officially licensed funeral establishments, funeral service practitioners, and embalmers*] **on its internet website, a list of the Board's licensees.**
- (4) A person licensed under ORS Chapter 692 shall not be required to renew his/her individual funeral service practitioner or embalmer license while in active military service unless the person is required by that branch of the military service to maintain an active license from the state in which he/she is licensed in order to perform those services for that branch of the service. Such person shall notify the Board in writing of the date he/she will begin active military duty. The Board will not require this person to pay renewal licensing fees until completion of military duty. After release from active duty under honorable conditions, this person shall notify the Board in writing within 60 days of such discharge and shall be restored to former status. No fees will be requested until the following renewal period.

Stat. Auth.: ORS 692.320

Stats. Implemented: ORS 692.190

Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0105; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98

#### 830-020-0040

##### License, Certificate and Registration Fees

(1) Initial application fees:

- (a) Funeral establishment, immediate disposition company, crematory or cemetery that performs more than five interments per year  
—\$150 (includes first principal) plus \$50 for each additional principal;
- (b) Cemetery that performs five or fewer interments annually  
—\$100 (includes first principal) plus \$50 for each additional principal;
- (c) Change of principal— \$50 per licensed facility;
- (d) Apprentice funeral service practitioner or apprentice embalmer — \$50;
- (e) Reciprocal funeral service practitioner or reciprocal embalmer — \$160;
- (f) Intern Apprentice— \$25;
- (g) Preneed Salesperson — \$150;
- (h) Certificate of Removal Registration— \$30;
- (i) Funeral Service Practitioner— \$80 per year;**
- (j) Embalmer— \$80 per year;**
- (k) Death Care Consultant— \$80 per year.**

(2) Renewal application fees:

- (a) Funeral establishment or immediate disposition company— \$350 per year, payable biennially;
- (b) Crematory — \$100 per year plus \$2 per cremation performed during the two calendar years preceding the year in which the current license expires, payable biennially;
- (c) Cemetery—\$4 per interment performed during the two calendar years preceding the year in which the current license expires up to a maximum of 150 interments or \$600 per year, payable biennially; (Cemeteries with ten or fewer interments biennially are not required to pay a renewal fee in accordance with ORS 692.275.)
- (d) Funeral service practitioner— \$80 per year, payable biennially;
- (e) Embalmer — \$80 per year, payable biennially;
- (f) Combination funeral service practitioner/embalmer — \$160 per year, payable biennially;
- (g) Apprentice funeral service practitioner — \$25 per year, payable annually;
- (h) Apprentice embalmer— \$25 per year, payable annually;

- (i) Preneed salesperson — \$25 per year, payable biennially.
- (j) **Death care consultant — \$80 per year, payable biennially;**
- (3) Exam fees:
  - (a) Funeral service practitioner exam — \$100;
  - (b) Embalmer exam (written or practical) — \$130 to \$400 (depending on the cost to the Board).
  - (c) **Death care consultant exam — \$100**
- (4) License, certificate and registration reissue fees:
  - (a) Transfer of apprenticeship, replacement license, name change or manager change— \$25;
  - (b) Licensed facility location change— \$250.
- (5) Reinstatement of lapsed license, certificate or registration—\$50 each.
- (6) Funeral service practitioners, embalmers, and preneed salespersons shall renew their licenses on even numbered years. Funeral establishments, immediate disposition companies, cemeteries, and crematoriums shall renew on odd numbered years.
- (7) Fees paid under this section are not refundable or transferable.

Stat. Auth.: ORS 692.160, 692.320 & 97.931

Stats. Implemented: ORS 692.160 & 97.931

Hist.: SMB 1-1984, f. & ef. 10-22-84; MCB 1-1985(Temp), f. & ef. 7-3-85; MCB 2-1985(Temp), f. & ef. 11-5-85; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0110; MCB 2-1989(Temp), f. 10-2-89, cert. ef. 11-1-89; MCB 3-1989, f. 12-4-89, cert. ef. 12-1-89; MCB 1-1992, f. & cert. ef. 2-11-92; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 3-1993, f. 10-28-93, cert. ef. 11-1-93; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2001(Temp), f. 12-12-01, cert. ef. 1-1-02 thru 6-29-02; MCB 1-2002, f. 5-30-02, cert. ef. 6-30-02; MCB 1-2004, f. 9-30-04, cert. ef. 11-1-04

### **830-030-0090**

#### **Standards of Practice**

Every licensee or agent of a licensed facility of the Oregon State Mortuary and Cemetery Board (Board) shall abide by the accepted standards of the Death Care Industry and the minimum standards, including but not limited to the following standards of practice set forth by the Board. Violations of the following may be cause for Board action.

- (1) Required conduct related to safety and integrity:
  - (a) Compliance with Oregon Revised Statutes relating to death care;
  - (b) Compliance with Oregon Public Health Laws;
  - (c) Compliance with FTC Funeral Rule;
  - (d) Implementation and/or follow through of agreed upon arrangements as designated by the responsible party;
  - (e) Assign persons to perform functions for which they are licensed and which are within their scope of practice/scope of duties;
  - (f) Maintain supervision of apprentices and unlicensed persons to whom tasks are assigned;
  - (g) Report through proper channels facts known regarding the incompetent, unethical, unsafe or illegal practices of any death care industry licensee;
  - (h) Respect the dignity and rights of clients, regardless of social or economic status, age, race, religion, sex, sexual preference, national origin, or disability; and
  - (i) Respect the dignity of dead human remains by appropriate handling, including but not limited to, refrigerating, embalming, dressing, cremating, and burial.
- (2) Conduct unacceptable under the Board's "Standards of Practice."
  - (a) Conduct generally:
    - (A) Abusing a corpse, as defined in ORS 166.085 and 166.087;

- (B) Abusing a client. The definition of abuse includes but is not limited to causing physical or emotional discomfort or intimidating, threatening or harassing a client;
  - (C) Engaging in unacceptable behavior towards or in the presence of a client such as using derogatory names or gestures or profane language;
  - (D) Failing to report actual or suspected incidents of client or corpse abuse through the proper channels in the work place and to the appropriate state agencies;
  - (E) Using the death care industry practitioner/client relationship to exploit the client by gaining property or items of value from the client for personal gain beyond the compensation for services;
  - (F) Aiding, abetting, or assisting any individual to violate or circumvent any law, rule or regulation intended to guide the conduct of the death care industry; [*including but not limited, to funeral service practitioners, embalmers, apprentices, or preneed sales registrants; and*]
  - (G) Failing to conduct death care services for the living or the deceased without discrimination on the basis of age, race, religion, [*sex*], **gender, gender identity**, sexual preference, national origin, nature of health problems or disability.
- (b) Conduct related to communication and record keeping:
- (A) Inaccurate record keeping in client record as required in OAR 830-040-0000;
  - (B) Falsifying a client's funeral service, cemetery or crematory records; including but not limited to, filling in someone else's omissions, signing someone else's name, recording services and/or merchandise not provided, fabricating data;
  - (C) Altering a funeral service, cemetery or crematory record; including but not limited to, changing words/letters/numbers from the original document to mislead the reader of the record;
  - (D) Destroying any document pertaining to a death care service as it pertains to statutory requirements; and
  - (E) Directing another person to falsify, alter or destroy any death care document.
- (c) Conduct related to licensure violations:
- (A) Practicing without an appropriate, Oregon license/certificate or registration;
  - (B) Allowing another person to use one's license, certificate or registration;
  - (C) Using [*another's*] **another's** license, certificate or registration;
  - (D) Using fraud, misrepresentation, or deceit during the application process for licensure, certification or registration or while taking the licensure exam;
  - (E) Impersonating any applicant or acting as a proxy for the applicant in any Board examination; and
  - (F) Disclosing the contents of the licensure examination or soliciting, accepting or compiling information regarding the contents of the examination, before, during or after its administration.
- (d) Conduct related to the licensee's relationship with the Board:
- (A) Failing to provide the Board with requested documents within the Board's jurisdiction; and
  - (B) Failing to cooperate or answer truthfully and completely inquiries regarding matters within the Board's jurisdiction.

Stat. Auth.: ORS 183.341, 183.545, 692.160 & 692.320

Stats. Implemented: ORS 692.320

Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86;  
Renumbered from 830-010-0170; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98

**DIVISION 40**  
**FUNERAL ESTABLISHMENTS, IMMEDIATE DISPOSITION COMPANIES,**  
**CREMATORIUMS, CEMETERIES AND OPERATORS OF SAME**

**830-040-0000**

**General Principles**

- (1) Every licensee operating under ORS Chapter 692 shall be responsible for complying with the provisions of ORS Chapter 692 and rules adopted thereunder, and any other law pertaining to the duties and responsibilities of the funeral service practitioner or the operation or licensing of funeral establishments, immediate disposition companies, cemeteries and crematoriums.
- (2) No licensed facility shall be advertised or operated without the appropriate license or certification or be held out under any name which could be termed misleading.
- (3) When a person, firm, partnership or corporation applies to the Board for a funeral establishment license, immediate disposition company license, or certificate of authority to operate a cemetery or crematorium, the name shall contain the identification of the activity, business or profession of funeral, immediate disposition, cemetery or crematory service as set forth in ORS Chapter 692 and the rules adopted thereto. This identified name shall be the registered name with the Board and shall also be utilized as the advertised name of the funeral, immediate disposition company, cemetery or crematory establishment.
- (4) Applications for all licensed facilities shall specify the names of all principals. If the principal is a corporation, the application shall include the names of all principals of that corporation.
- (5) When there is a change in any principal of the licensed facility, the licensee shall provide the Board with the name of the new principal(s) on a form provided by the Board within 30 days of the change. If the new principal is a corporation, the licensee shall provide the names of the principals of that corporation to the Board on a form provided by the Board.
- (6) All licensees, licensed facilities and funeral service practitioners shall keep a detailed, accurate, and permanent record of all transactions that are performed for the care and preparation and final disposition of human remains. The record shall set forth as a minimum:
  - (a) Name of decedent and the identifying metal disc number provided by Vital Statistics;
  - (b) Date of death;
  - (c) Name of purchaser of professional services and relationship;
  - (d) Name of place wherein remains are to be interred or cremated (in cemetery records the exact location of the interment of remains by crypt, niche, or by grave, lot and plot);
  - (e) The name of the funeral service practitioner or cemetery or crematory personnel responsible for making the arrangements;
  - (f) The name of the embalmer responsible for embalming (does not apply to cemetery or crematorium records); and
  - (g) Written documentation of permission to embalm or cremate a human remains is required from the person who has the right to control disposition of the remains pursuant to ORS 97.130(1) and (2). The record of such authorization shall be made to include as a minimum: The name of the authorizing individual and relationship to the deceased, date and time contacted, phone number and name of the licensee or funeral home representative acquiring the authorization (does not apply to cemetery or crematorium records).
- (7) In the case of cremation, the licensee responsible for making the cremation arrangements shall require the person making the cremation arrangements to provide the licensee with a signed statement specifying the action taken regarding delivery of the cremated remains. A copy of this statement shall be retained by the responsible licensee and be made a part of the permanent record.
- (8) If cremated remains are not retained by the licensee accepting initial responsibility, the licensee shall upon delivery of such cremated remains to another individual, obtain a signed receipt from that

**Chapter 830 Mortuary and Cemetery Board  
Oregon Administrative Rules Compilation**

Permanent Rules -- DRAFT to Board 09-21-10 -- to be effective 09-28-10

individual. The receipt shall state the name of the individual receiving the cremated remains, the name of the deceased, and the date of delivery of such cremated remains. The individual receiving the cremated remains shall sign the receipt. The licensee or the licensee's representative releasing the cremated remains shall also sign the receipt and a copy of that receipt shall remain a part of the permanent record.

(9) No *[funeral establishment operator, immediate disposition company operator, cemetery authority or crematory authority or death care consultant licensee or facility operator]* **licensee or operator of a licensed facility or a licensee's agent** shall:

- (a) Fail to preserve permanent records for inspection by the Board; or
- (b) Alter, cancel or obliterate entries in permanent records for the purpose of falsifying any record required by this chapter to be made, maintained or preserved.

(10) After human remains are released to the cemetery authority, they shall be placed in their designated grave, crypt or vault within 24 hours after taking possession of the remains unless exigent circumstances exist. After human remains are released to the crematory authority, those remains shall be cremated and processed within 48 hours unless exigent circumstances exist. In such exigent circumstances, the cemetery/crematory authority shall notify both the funeral service practitioner responsible for the arrangements and the office of the Board. The funeral service practitioner responsible for the arrangements for that deceased shall notify the family of such exigent circumstances.

(11) No licensee shall pay, cause to be paid or offer to pay, and no person, firm or corporation shall receive, directly or indirectly, any commission, bonus, rebate or other thing of value in consideration for recommending or causing a human remains to be taken to any specific funeral establishment.

(12) When the Board issues to any person a certificate of authority to operate, license or certificate of apprenticeship the licensee shall post the certificate in a conspicuous location for public viewing. Individual licenses will be available for inspection upon request.

(13) Every cemetery authority and crematory authority shall keep the Board's office informed of the location of their permanent records. These records shall be made available for random inspections by the Board at any reasonable time.

Stat. Auth.: ORS 183.341, 183.545, 692.160 & 692.320

Stats. Implemented: ORS 692.025 & 692.160

Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0200; MCB 1-1988, f. & cert. ef. 2-10-88; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2009, f. & cert. ef. 7-1-09

**830-040-0050**

**Advertising**

(1) Each licensed facility advertising through any media (including but not limited to telephone books, newspapers, direct mail, bill boards, etc.) shall include either the licensed facility's registered name, or its assumed business name and physical address as it appears on the Board's records. All printed materials and letterhead shall include the physical *[location]* **address** of the facility.

(2) No person, firm or corporation shall advertise, promote, or market at need or preneed funeral arrangements without first having received a license from the Board.

(3) No cemetery or cremation facility, or person, firm or corporation shall advertise, promote, or market at need or preneed cemetery or cremation plans without first having received either a certificate of authority to operate that cemetery or crematorium.

(4) No person, firm or corporation shall advertise, promote, or market at need or preneed immediate disposition arrangements without having first registered with the Board.

(5) Any advertisement or marketing materials which intentionally conceals or misstates a material fact shall be considered misrepresentation.

Stat. Auth.: ORS 183.341, 183.545, 692.160 & 692.320

Stats. Implemented: ORS 692.160

Hist.: FDB 1-1978, f. & ef. 6-30-78; SMB 1-1984, f. & ef. 10-22-84; MCB 1-

1986, f. & ef. 10-21-86; Renumbered from 830-010-0220; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93

**DIVISION 60  
DEATH CARE CONSULTANTS  
LICENSURE, EXAMINATION AND SCOPE OF PRACTICE**

**OAR 830-060-0010**

**Initial Applications, Background, Examination, License Renewal**

**(1) Any individual who practices as a death care consultant must be licensed under this chapter.**

**(a) This chapter does not apply to persons who provide general information on funeral or final disposition arrangements via education classes or workshops, publications (printed or electronic materials) or speaking engagements or to persons who practice law under ORS Chapter 9.160.**

**(b) The Board shall not take action against an individual for practicing without a death care consultant license based on conduct that occurs before the Board distributes the results of the first death care consultant examination administered by the Board if the individual had submitted a license application before the exam and the individual pays the appropriate fees and sits for the first death care consultant examination administered by the Board.**

**(2) Application Requirements:**

**(a) Applicants for licensure as a death care consultant must apply on the most current application form available at the time the applicant submits the application. Applicants may obtain the most current application via the Board's website, at the Board's office, or request the Board send the application by mail.**

**(b) Applicants for licensure as a death care consultant must pay all appropriate fees established by the Board under OAR 830-020-0040.**

**(c) Applicants for licensure as a death care consultant are, prior to licensure, required to successfully complete a written examination established by the Board, and receive a score of not less than 75 percent, based on the total number of questions.**

**(d) Applicants for licensure, prior to completing the written examination for death care consultant licensure, must be at least 18 years old.**

**(e) All applicants for licensure as a death care consultant licensure must submit to a background investigation pursuant to OAR 830-011-0050 and ORS 692.025(8).**

**(3) Examinations:**

- (a) All applications for death care consultant examination, accompanied by the examination fee established under OAR 830-020-0040, must be received in the office of the Board at least 14 days before the examination is held, or be postmarked before midnight of that date.
- (b) The examination fee will not be returned to an applicant/examinee once the examination begins.
- (c) If an applicant for a death care consultant's license fails to successfully complete the examination, that person may retake the examination the next time it is given upon payment of the full examination fee. The examination fee must be received in the office of the Board at least 14 days before the examination is given.
- (d) The examinations for death care consultants shall be given at least twice each year.
- (e) Examination results will be distributed within 30 days after the examination.
- (f) Examination questions and answers are not reviewable by examinee pursuant to the Public Records Act, ORS Chapter 162.

**(4) Renewing Licenses, Lapsed Licenses**

- (a) All death care consultant licenses issued will expire two years from the date of licensure unless renewed as provided in this section.
- (b) It is the responsibility of the death care consultant to keep the Board's office advised, in writing, of any address changes within 30 days of the change.
- (c) At least sixty (60) days prior to the expiration of the death care consultant's two-year license, the Board will mail to each ~~the~~ licensed death care consultant a form stating that the renewal fee is due and payable. The renewal notice will be mailed to the most current address filed with the Board by the death care consultant. If the renewal form is not returned and the renewal fee is not paid by the renewal date the license will lapse.
- (d) Upon lapse of a death care consultant license, the Board will send notice of the lapse to the most current address filed with the Board by the death care consultant.
- (e) The Board may reinstate a lapsed license if the death care consultant applies for reinstatement on a form provided by the Board not later than the 90th day after the lapse and pays the renewal fee as well as the reinstatement fee established in OAR 830-020-0040.

**OAR 830-060-0020**

**Death Care Consultant Scope of Practice, Records, Price List, General**

- (1) A death care consultant may provide information or advice on matters related to funeral or final disposition arrangements including those matters subject to State or Federal regulatory requirements.
- (2) Death care consultants may not provide any direct physical assistance with, or supervision of, the handling of the remains unless the individual also holds the proper license or licenses under this chapter and ORS 692.
- (3) Death care consultants shall maintain legible permanent records of all transactions or contracts for services provided including, at a minimum, the following information:
  - (a) the name, address and telephone number of the person acting as the funeral service practitioner
  - (b) the name, address and telephone number of the person having the right to control final disposition of the remains pursuant to ORS 97.130
  - (c) the date or dates the consultation services are provided
  - (d) the physical location or locations the consultation services are provided

**(4) Death care consultants shall maintain a general price list of all consultation services offered for sale. The death care consultant must give the general price list to any consumer, for their retention, before entering into discussions about consultation services. The general price list must contain, at a minimum, the following information:**

- (a) the death care consultant's name and, if applicable, their business name as registered with the Secretary of State Corporation Division**
- (b) the effective date of the price list**
- (c) the consultation services offered with their prices**
- (d) on the first page of the price list, in prominent type, the death care consultant's license number must be printed in the following format:**

**"Oregon Mortuary and Cemetery Board License No. DC-\_\_\_\_\_"**

**(5) A death care consultant may practice under any lawful business title not otherwise protected by law, as long as they indicate proper licensure on the general price list.**

~~**(6) Death care consultant permanent records and price lists shall be submitted to the Board upon request for inspection or investigation.**~~

Stat. Auth.: ORS 692.025, ORS 692.143; ORS 692.320; ORS 692.160; ORS 692.170

Stats. Implemented: ORS 692.160

Hist.: 2009 SB 796