



OREGON MORTUARY & CEMETERY BOARD

Oregon Mortuary & Cemetery Board, 800 NE Oregon Street, Suite 430, Portland, OR 97232
<http://www.oregon.gov/mortcem> mortuary.board@state.or.us 971.673.1500

Administrative Rulemaking: *Review & Update*

Relevant to: All Licensees

It has been an extremely busy several months as the administrative rules process began and successfully concluded.

Administrative rule advisory committees met weekly during October to discuss the policy impacts of the law changes and make recommendations to the Board.

OMCB staff used the recommendations as the basis for developing draft administrative rules, which were presented to the Board for review and approval.

During the November 3, 2015 meeting, the Board voted to approve and move forward with the proposed administrative rules.

The proposed administrative rules for HB 2471, HB 3242 & HB 3243 were filed with the Oregon Secretary of State, published in the [December Oregon Bulletin](#) and posted on our [website](#) for review and comment.

The public hearing took place on December 22, 2015 for all three of the proposed administrative rules (HB2471, HB3242 & HB3243). Written public comments were also accepted until 4pm on the same day.

All public comments and advisory committee recommendations were presented to the Board during its December 29, 2015 meeting, during which the Board voted to approve the proposed administrative rules with some changes.

The permanent administrative rules were filed with the Secretary of State and became effective January 1, 2016.

The Secretary of State's office is currently working on all of the end-of-year filings, so we anticipate that the permanent administrative rules will be posted in the near future.

INSIDE THIS ISSUE

| | |
|---|------|
| Administrative Rulemaking: <i>Review & Update</i> | 1 |
| Vital Records Fee Increase | 2 |
| Indigent Disposition Program | 3 |
| Indigent Disposition Fund Reimbursement Application (Form FS-432) | 4-5 |
| <i>The Washington Post: In Theory</i> (Part II) | 6 |
| Governor's State Employee Food Drive | 7-10 |
| Upcoming OMCB Meetings | 11 |

The OMCB's management of the Indigent Disposition Fund and the newly-created temporary burial permit are arguably the two most significant results of the recent legislative session and rulemaking process.

You can find additional information about the Indigent Disposition Program on Page 3 of this issue and the new **Indigent Disposition Fund Reimbursement Application** on Pages 4 and 5.

Our website also has a dedicated IDF page: <http://www.oregon.gov/MortCem/Pages/IDF.aspx>.

Another new development is the temporary burial permit, which is required when a burial takes place in an unlicensed cemetery. Beginning on January 1, 2016, an individual or facility licensed by the Board may be granted a temporary burial permit to bury a decedent under very specific circumstances – a burial may be lawfully made with documentation of plot ownership, a paid in full preneed contract & notification of who will be performing the opening and closing.

Since OAR 830-011-0065 was only adopted on January 1, 2016, the temporary burial permit application form has not yet been finalized. In the interim, applicants should contact one of the following OMCB staff: **Chad Dresselhaus**, Education & Compliance Program Manager (Chad.W.Dresselhaus@state.or.us, 971.673.1503), or **Carla Knapp**, Office/Licensing Manager (Carla.Knapp@state.or.us, 971.673.1507).



Vital Records Fee Increase

Relevant to: FSPs

There seems to be confusion regarding the recent price increase for purchasing vital records. Here is information taken from the [Vital Records Fee Increase FAQ page](#):

Question: What is happening?

Answer: The fees to purchase vital records are increasing on January 1, 2016. The basic fee for a certificate will be \$25. Fees for other services will also increase.

Question: What are vital records?

Answer: Vital records are the legal registration of a vital event. A vital event is a birth, marriage, divorce or death. Every vital event that occurs in Oregon must be recorded and permanently stored with the Center for Health Statistics, also known as Oregon Vital Records. Certified copies of the record are printed on special paper and are known as certificates – birth certificates, death certificates or marriage certificates.

Question: Why are certificates important?

Answer: A birth certificate is a legal document used to establish identity. It shows who you are, and when and where you were born. You need a birth certificate to enroll a child in school; to get a Social Security card, a driver's license or government benefits; or to apply for a passport.

The death certificate is the legal record of death. A death certificate is needed to settle the affairs of your loved ones. It has information about the person who died and the cause of their death. Insurance companies, the Social Security Administration and other agencies may ask for certified copies of the death certificate as proof of death.

Question: Why do the fees need to increase?

Answer: The last vital records fee increase was in 2003. The costs to support the state's vital records system have gone up over time, but revenue from fees has gone down. A fee increase is needed to maintain its current service level, as required by law.

Question: What is the death filing fee? Is it changing too?

Answer: The death record filing fee is the \$20 fee funeral homes pay to file a death record. This fee is not collected by the county or state vital records office; funeral homes pay the fee to Oregon Health Authority for each death certificate filed. Of the fee, \$6 goes to help support the indigent burial fund and \$14 goes to the State Mortuary and Cemetery Board.

This fee is not changing on January 1, 2016.

Question: Who is the contact person if I have questions about the new fees?

Answer: Please contact Jennifer Woodward, State Registrar, at jennifer.A.Woodward@state.or.us or at 971-673-1185 if you have questions or need more information.

Board Mission

The Board's programs affect those who have suffered a loss, those who make final arrangements and those who provide death care goods and services. It is the Board's responsibility to license and regulate the practice of individuals and facilities engaged in the care, preparation, processing, transportation and final disposition of human remains, to educate the general public, and advise on relevant issues of public policy.

2016 Board Members

Jane Woodward
President

Funeral Service Practitioner

Morris Pearson
Vice President

Embalmer

Nancy Corr
Secretary/Treasurer

Public Member

David Bone
Funeral Service
Practitioner/Embalmer

Sirpa Duoos
Cemetery Operator, City/County

Larry Gyure
Cemetery Operator, Special
District

Marie Henry
Cemetery Operator, For Profit

Judy Juntunen
Public Member

Kevin Loveland
Crematorium Operator

RCA Moore
Public Member

Corrina Patzer
Public Member

Members are volunteers serving 3 year terms. Members are appointed by the Governor & confirmed by the Senate.

Indigent Disposition Program

Relevant to: FSPs

The purpose of the Indigent Disposition Program is to provide licensed funeral homes with reimbursement for services for the disposition of unclaimed indigent bodies. This is a limited fund created to offset the costs incurred in providing final disposition.

The Oregon Legislature passed a bill to move administration of the fund and reimbursement program to the Oregon Mortuary & Cemetery Board beginning in 2016.

Note: If a Funeral Home submitted a claim between December 9th and January 8th to the Public Health Division under the prior version of the program, those claims will be processed by that agency as per the prior version of the program. The Oregon Mortuary & Cemetery Board will begin processing claims as of February 1, 2016 under the new law and rules. If a Funeral Home has a claim between January 9 and February 1, they should use the new form. Claims may be submitted at any time, but will not be processed until February 1st.

Rules Governing Claims

OAR 830-040-0090 Reimbursement for Cost of Services Performed and Supplies Provided for Disposition of Unclaimed Indigent Bodies

(1) A licensed funeral establishment, hereafter referred to as claimant, shall submit to the Oregon Mortuary & Cemetery Board (OMCB) an itemized statement of expenses for services performed and supplies provided for disposition of unclaimed indigent bodies.

(a) For purpose of this section, "funeral establishment" also includes immediate disposition companies and persons acting as funeral service practitioners as defined in ORS 432.

(2) Each itemized statement shall be accompanied by the claimant's certification that services for which reimbursement is claimed were in accordance with stipulations in ORS 97.170.

(3) The OMCB shall make the Form FS 23-154 or similar document containing all pertinent information available at its office and on its website.

(4) The OMCB shall disburse funds to eligible claimants upon receipt and verification of a claim.



(a) In accordance with ORS 413.825, the maximum reimbursement will equal the invoice amount or the currently published annual reimbursement rate, whichever is less; and

(b) The claimant must be current on all invoiced filing fees.

(c) If the fund amount at the close of the accounting period is insufficient to pay the eligible claims for the month, the OMCB will pay the claims using the collected funds referenced in ORS 413.825(1).

(d) If the fund amount at the close of the accounting period exceeds the total amount of claimants' itemized statements or the maximum per claim, the remaining funds will carry forward to the next accounting period and be made available to pay future claims up to the allowable maximum reimbursement or to repay the funds borrowed from the OMCB.

(5) Fraudulent submission of Form 23-154 or similar document will result in penalties set forth in ORS 692.180.

(6) An eligible reimbursement claim must include all expenses related to the case, and must include documentation of any reimbursement, in all or part, by any entity or person already made at time of filing.

(a) If a claimant receives payment from any other entity or person after a claim is filed, the claimant must:

(i) Amend the claim, if not yet paid;

(ii) If already paid, the claimant must submit a reimbursement form and accompanying payment to the fund within 90 days of receiving any amount from any other entity or person.

(7) In accordance with ORS 413.825(2), the OMCB shall set the annual reimbursement rate at the beginning of each biennium with an annual adjustment based on historical data and mortality projections. The reimbursement rate must be published by the OMCB on or before June 30, which becomes effective July 1 of each year.

Form FS-432 is on the following pages.

Indigent Disposition Fund Reimbursement Application

Mail or fax completed form and itemized statement of expenses to:
Indigent Disposition Fund Program Specialist
Oregon Mortuary & Cemetery Board (OMCB)
800 NE Oregon St, Suite 430
Portland, OR 97232
Fax: 971-673-1501



| | |
|---|--|
| FOR OFFICE USE ONLY | |
| Is claimant current on all invoiced filing fees? (If not, claimant is not eligible for reimbursement.) <input type="checkbox"/> Yes <input type="checkbox"/> No | |

ORS 97.170(1)(a)-(c) defines an "indigent person" as a deceased person who does not have a death or final expense benefit or insurance policy that pays for disposition of the deceased person's body or other means to pay for disposition of the deceased person's body and:

- Who does not have a relative or other person with the legal right to direct and the means to pay for disposition of the deceased person's body;
- Whose relative, or other person, with the legal right to direct the disposition of the deceased person's body does not pay or arrange to pay for, or refuse to direct, the disposition of the deceased person's body within 10 days of being notified of the death; or
- For whom no person other than a person described above wishes to direct and pay for the disposition of the deceased person's body.

CLAIMANT (Check will be made payable to funeral establishment):

| | | |
|--------------------------------|--|------------------|
| Name of Funeral Establishment: | Name of Authorized Representative Completing Form: _____ | |
| Remit To Address: | City, State, Zip: | Phone: |
| Tax ID #: | Funeral Establishment License #: | Expiration Date: |

CLAIM DETAILS: (Copies of all supporting information must be attached)

| | | | |
|---|----------------|--|-------------|
| Name of Deceased: | Date of Death: | Date of Disposition: | Tag Number: |
| Amount Requested (Attach itemized statement of expenses): \$ _____ | | Amount, if any, of other funds received for payment: \$ _____ | |

ORS 97.170(3)(a)(A)-(G) requires that a funeral establishment who takes custody of an unclaimed body of a deceased person shall within five days after taking custody of the body (Check each box when completed & provide information):

Submit a report of death under ORS 432.133 Date/time submitted: _____
 If delayed, reason: _____

Obtain all contact information known to the medical examiner, a health care facility or law enforcement regarding persons listed in ORS 97.130 Date/time contact information obtained: _____
 Name of Entity/facility: _____
 Person providing information: _____ Person obtaining information: _____
 Result: _____

Attempt to locate and notify the persons listed in ORS 97.130 Date/time attempt made: _____

Person making attempt: _____
 Result: _____

Attempt to arrange with any person listed in ORS 97.130 who will pay the expenses to make disposition of the body;
 Result: _____

If no person listed in ORS 97.130 can be located to pay the expenses to make disposition of the body, arrange with a person or institution not listed in ORS 97.130 that will pay the expenses to make disposition of the body (This is not body donation; rather group or organization who will pay expenses)

Determine whether the Department of State Lands or other person is appointed as the personal representative of the deceased person pursuant to ORS 113.085 Date/time contacted: _____
 Person providing information: _____ Person obtaining information: _____
 Result: _____

Contact the Department of Veterans' Affairs to determine whether the decedent is eligible for any state or federal benefits
 Date/time contacted: _____
 Person providing information: _____ Person obtaining information: _____
 Result: _____

In accordance with ORS 97.170(3)(b), if no one claims the body within 10 days after the funeral establishment takes custody of the body, or if the persons notified acquiesce, or if the decedent is not eligible for any veteran benefits, the funeral establishment may transfer the body to an institution on the list maintained by the OMCB for education or research purposes.

Q: Have the institutions on the most current list maintained by the OMCB been contacted to determine if the unclaimed body is desired for education or research purposes? (Contact the OMCB office for contact information.) No Yes

Q: Did any institution accept the unclaimed body? No Yes Date/time contacted: _____
 Person contacting facility: _____ Person at facility: _____
 Name of institution accepting the unclaimed body (or N/A): _____

The least costly and most environmentally sound manner of disposition that complies with the law, in accordance with ORS 97.170(5) was used. Cremation Burial - Cemetery _____

CLAIMANT'S CERTIFICATION

I have read, understand, and complied with the Oregon Revised Statutes (ORS) and the Oregon Administrative Rules (OAR) that govern the lawful distribution of funds from the Indigent Disposition Fund. I certify and attest that all costs contained on the accompanying itemized statement of expenses for which reimbursement is being requested are the services provided as set forth in ORS 97.170(1), (3) and (5) for the disposition of an unclaimed indigent person, as defined in ORS 97.170(1) and (5).

I understand that an eligible reimbursement claim must include all expenses related to the case, and must include documentation of any reimbursement, in all or part, by any entity or person already made at time of filing, as required by OAR 830-040-0090(6).

I further understand that if I receive payment from any other entity or person after a claim is filed, I must amend the claim, if not yet paid, as required by OAR 830-040-0090(5)(a)(i). If the claim has already been paid, I understand that I must submit a reimbursement form and accompanying payment to the Indigent Disposition Fund within 90 days of receiving any amount from any other entity or person, as required by OAR 830-040-0090(5)(a)(i).

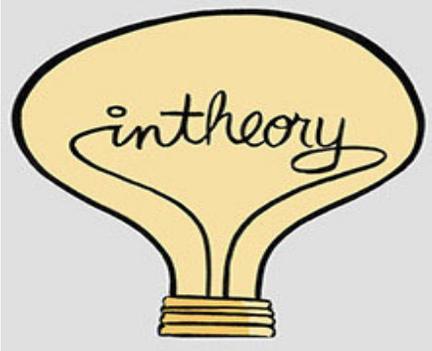
Finally, I acknowledge and understand that a fraudulent submission of this form will result in penalties set forth in ORS 692.180.

| | | |
|---|------|--|
| | Date | |
| Signature of Funeral Service Practitioner | | Printed Name of Funeral Service Practitioner |

Note: The OMCB shall disburse funds to eligible claimants upon receipt and verification of a claim. Incomplete applications and applications received without the required itemized statement of expenses will be returned to claimant for completion before making any reimbursement.

The Washington Post: In Theory (Part II)

Relevant to: All Licensees



“Doctors must learn to become comfortable talking about death; it’s a basic reality of their whole line of work.”

“Doctors need to learn to accompany their patients through the dying process. If death is seen as the last enemy of medicine, then doctors will lose every time. ... Our next medical innovation – the acceptance of our mortality – will not come as a technical solution to a scientific problem. It will have to be a more human approach to a deep mystery of every life – the mystery of being mortal.”

Continued from December 2015 E-News Issue:

Whatever the standard has been in the past, Kheriaty is clear about what must happen. **Doctors must learn to become comfortable talking about death; it’s a basic reality of their whole line of work.** “Doctors need to learn to accompany their patients through the dying process. If death is seen as the last enemy of medicine, then doctors will lose every time. ... Our next medical innovation – the acceptance of our mortality – will not come as a technical solution to a scientific problem. It will have to be a more human approach to a deep mystery of every life – the mystery of being mortal.”

Kheriaty views the growing acceptance of physician-assisted suicide as a symptom of the problem. “On the surface, allowing doctor-assisted suicide might seem like a step toward accepting our mortality. But this proposed ‘solution’ is actually just another form of denial. It solves nothing, because it is premised on the false assumption that our autonomy has no inherent limits.” He notes that denial can manifest both ways – either through a refusal to acknowledge death, or an insistence that death can be completely controlled by human timelines – through suicide, if necessary.

Thomas Petri echoes this broad sense of American culture’s refusal of limits in an essay examining the idea of “dependency.” For Petri, a Roman Catholic priest and academic dean at the Dominican House of Studies, the idea of “independence” often gets in the way of experiencing a high-quality end-of-life. By insisting that we need to support and care for ourselves, we rob ourselves of the opportunity to be cared for, and our loved ones of the chance to provide that care.

The American life is often conceived as a march towards greater autonomy, says Petri. “We live our lives protecting our independence, which we cede only in exchange for a few greater goods. So it’s not surprising that many of us do not tolerate pain and suffering well, much less the slow march to death that degenerative disease often entails.” **But end-of-life process is one that leads to ever-increasing dependence on others, which explains why most of us would like to avoid facing it.**

It is on this basis that Petri critiques the “death with dignity” movement, insisting that the individual choice to end life robs us all of the opportunity to grow as human beings. He warns that what seems like a benign movement now may morph into something more troubling later. He points to the European experience, where he says social pressure and coercion are already becoming factors in the decision to end lives through suicide or euthanasia. Petri argues for a culture that embraces the end-of-life experience, with all its diminishment and challenges. “Those whose lives are ending offer a testimony that life is more than independence and that the human spirit is greater than disease and disability.”

To be continued...

(Taken from: <http://us3.campaign-archive2.com/?u=163e18111683bc0d5746e6f89&id=00794f1e45>)

Governor's State Employees Food Drive

Relevant to: All Licensees



1/12/16

RE: Governor's State Employees Food Drive

Hello all,

This is Brenda Biggs, inspector at the Oregon Mortuary and Cemetery Board. This year I am serving as the department's agency coordinator for the Governor's State Employees Food Drive. This annual food drive is the largest food drive in the State, benefiting the Oregon Food Bank Network. Last year the food drive challenge raised millions of pounds of food for Oregon families.

As agency coordinator, I am reaching out to everyone asking that you as individuals, or your business, consider making a cash or food donation. Your donation will be used by the Oregon Food Bank to feed hungry children, adults and families here in Oregon. (Please see the attachment).

A \$1 donation equals 4 pounds of food.
A \$10 donation equals 40 pounds of food.

Attached is a Cash Donation Designation Form so that your donation can go to the specific food bank location that you request. These donations are tax deductible. Please remember to complete the receipt information so that the regional food bank can forward your receipt. Checks should be made payable to the Oregon Food Bank.

Additionally, the Oregon Mortuary and Cemetery Board is accepting food donations here at the office. Please feel free to come by and help fill the Oregon Mortuary and Cemetery Board food barrel no later than February 28, 2016.

If you have any questions or if there is any way I can assist you, please do not hesitate to contact me at my direct line. Thank you for your consideration and I look forward to hearing from you soon.

Yours very truly,

Compliance Specialist, OMCB
800 NE Oregon St. Suite 430
Portland OR 97232

Direct Phone: (971) 673-1505
Fax: (971) 673-1501

www.oregon.gov/fooddrive

13

MOST WANTED FOODS

Consider donating healthy, whole grain, low-fat, low-sodium, and low sugar products.

Print a copy of the poster below from the food bank site at www.oregonfoodbank.org

CANNED MEAT

e.g. chicken, tuna, salmon



CANNED & BOXED MEALS



soup,
chili,
stew...

PEANUT BUTTER



and
other
nut
butters

canned or dried BEANS & PEAS



PASTA, RICE & CEREAL



whole grains

FRUITS & VEGETABLES



shelf-stable MILK



COOKING OIL



100% FRUIT & VEGETABLE JUICE

canned,
plastic or
boxed



To ensure food safety, Oregon Food Bank cannot use:

- Rusty or unlabeled cans
- Perishable items (applies only to food drive donations)
- Homemade items
- Food in glass jars
- Noncommercial canned or packaged items
- Alcoholic beverages, mixes or soda
- Open or used items

11

www.oregon.gov/fooddrive

GOVERNOR'S CHALLENGE

What's the Governor's Challenge? The Governor has challenged state employees to each donate at least \$144 annually to the food bank of their choice.

How can I meet the challenge? You can meet the challenge through a one-time payroll deduction, a monthly payroll deduction of at least \$12 per month (for one year), or a one-time cash donation.

Picture your DONATION:



\$12/mo



48 lbs food

OR



36 meals



\$20/mo



80 lbs food

OR



60 meals



\$30/mo



120 lbs food

OR



90 meals



\$40/mo



160 lbs food

OR



120 meals



Governor's State Employees Food Drive Cash Donation Designation Form



1. Complete this form to designate which Regional Food Bank you would like to receive your cash donation. Be sure to write the designation code for the Regional Food Bank you wish to receive your donation (listed below).
2. Return this form and your donation by February 29, 2016, to your Agency/Site Coordinator.

Agency Name _____ Agency Number _____

Employee Name _____ Phone _____

Date: _____ Designation Code (see below): _____ Amount: \$ _____

| Regional Food Bank | Counties Served | Designation Code |
|---------------------------------|------------------------------------|------------------|
| ACCESS Food Share | Jackson | BK01 |
| CAPECO Food Share | Gilliam, Morrow, Umatilla, Wheeler | BK02 |
| NeighborImpact | Crook, Deschutes, Jefferson | BK03 |
| CCA Regional Food Bank | Clatsop | BK04 |
| Columbia Pacific Food Bank | Columbia | BK05 |
| Community Connection | Baker, Grant, Union, Wallowa | BK06 |
| FOOD for Lane County | Lane | BK07 |
| Josephine County Food Bank | Josephine | BK08 |
| Klamath/Lake Counties Food Bank | Klamath, Lake | BK09 |
| Food Share of Lincoln County | Lincoln | BK10 |
| Linn Benton Food Share | Linn, Benton | BK11 |
| OFB Southeast Oregon Services | Harney, Malheur | BK12 |
| Marion-Polk Food Share | Marion, Polk | BK13 |
| Mid-Columbia Community Action | Hood River, Sherman, Wasco | BK14 |
| OFB- Portland Metro Area | Clackamas, Multnomah | BK15 |
| OFB-Tillamook County Services | Tillamook | BK16 |
| South Coast Food Share | Coos, Curry | BK17 |
| OFB-Washington County Services | Washington | BK18 |
| UCAN Food Bank | Douglas | BK19 |
| YCAP Regional Food Bank | Yamhill | BK20 |
| Clark County Food Bank | Clark, WA | BK21 |

If you would like a tax receipt from your Regional Food Bank, please complete the following information.

Address: _____

City: _____ State: _____ Zip: _____

Thank you for your generosity! All gifts are tax-deductible to the full extent allowed by law.

AGENCY COORDINATOR: Please return this form with the cash donation to the designated food bank.

Upcoming OMCB Meetings

**Oregon Mortuary
& Cemetery Board**

800 NE Oregon Street
Suite 430
Portland, OR 97232

Phone:
971.673.1500

Fax:
971.673.1501

**Regulating Death Care
Facilities & Practitioners
in Oregon.**

Tuesday, February 9, 2016 @ 9am
OMCB Board Meeting
Location: TBD

Tuesday, April 12, 2016 @ 9am
OMCB Board Meeting
Location: TBD

Tuesday, June 14, 2016 @ 9am
OMCB Board Meeting
Location: TBD

We're on the Web!

Visit us at:

<http://www.oregon.gov/mortcem>

Oregon Mortuary & Cemetery Board
800 NE Oregon Street, Suite 430
Portland, Oregon 97232