



OREGON MORTUARY & CEMETERY BOARD NEWS

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2015 Legislative Happenings

Relevant to: All Licensees

This legislative session is a busy one, which has already included many Salem trips to meet with Representatives, members of their staff, and Committee Administrators. All of the discussions and hard work paid off resulting in the 3 OMCB bills moving forward.

HB 2471 (which addresses apprenticeships, internships, testing & industry entry) has been passed by the House and has moved to the Senate. If it passes, OMCB will be establishing a rulemaking advisory group to establish educational competency requirements and related rules. If interested in being on the advisory group, please contact the Board office.

HB 2472 (which would allow for self-inspections and industry members to perform certain inspections) has been passed by the House and has moved to the Senate.

HB 5023 (OMCB's biennial budget) has been approved by the House and has moved to the Senate.

There are also three other bills that have passed the House and are headed to the Senate that were *not*

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initiated by the Board, but would impact licensees. Two of the bills are at the request of the OFDA:

HB3243 Makes improvements to Indigent Disposition Fund management and transfers management of the fund to OMCB.

HB3242 Grants the OMCB authority to issue a permit to certain persons to facilitate an interment in an unlicensed cemetery when a pre-existing interment right exists and there is an imminent need.

HB3056 Rep. Keny-Guyer has introduced a bill to establish additional licensing criteria for crematories.

OMCB Wins Seventh Year In-A-Row to End Hunger

Relevant to: All Licensees



Every year, the Governor challenges State agencies to raise money and food to support the estimated 15% of Oregon Families that are "food insecure." We are happy to report that once again, OMCB took first place for most food collected in the small agency category. Thank you for everyone's generosity in making this another successful year and for helping to feed those in Oregon who are less fortunate.

*Governor Brown recognizes the 2015 winners.
 Chad Dresselhaus accepts award for OMCB.*

Occupational Safety in Death Care

Relevant to: All Licensees

The Oregon Mortuary & Cemetery Board recently collaborated with Oregon OSHA to develop the new publication: **Occupational safety for the death care industry**. The publication identifies specific challenges and recommendations for handling, lifting, and transporting human remains; embalming operations; embalming room ventilation and maintenance; cremation; and standards.

The publication can be found on our website or at:
<http://www.orosha.org/pdf/pubs/4989.pdf>

“Oregon OSHA also offers a variety of safety and health services to employers and employees”

Did you know that Oregon OSHA also offers a variety of safety and health services to employers and employees?

They include:

- No-cost, on-site safety and health assistance to help Oregon employers recognize and correct workplace safety and health problems;
- Consultations in the areas of safety, industrial hygiene, ergonomics, occupational safety and health programs; and
- Assistance to new businesses.

For additional information, visit **Oregon OSHA's** website:

<http://www.orosha.org/>

Model Practice Act for Funeral Service

Relevant to: Funeral Homes, FSPs, Embalmers, Interns & Apprentices

The **Conference Model Practice Act for Funeral Service** was recently approved by the Model Act Committee, which consists of representatives from nine funeral service states serving as licensees, administrators, and consumers. The Committee, which was appointed by **The International Conference of Funeral Service Examining Boards**, worked for over a year and a half to develop the language in this Model Act. The Model Act was adopted at the 111th Annual Meeting on February 26, 2015.

The Model Act is to serve as a guideline to the legislature, regulatory officials, and members of the profession seeking to adopt or amend the laws governing mortuary arts and funeral services. The purpose of the Model Act is to facilitate the protection of the public by providing legal mechanisms that establish and provide

for the enforcement of uniform standards.

For a copy of the Model Act, please contact Chad Dresselhaus, our Education & Compliance Program Manager, at Chad.W.Dresselhaus@state.or.us or 971-673-1503 and he will email you a PDF version.

If you have any comments on the recommendations and how they should or shouldn't apply in Oregon, please let us know your thoughts.

For additional information on **The International Conference of Funeral Service Examining Boards**, visit The Conference's website:

<http://www.theconferenceonline.org>

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.

2015 Board Members

Dwight Terry
President

Funeral Service
Practitioner/Embalmer

Jane Woodward
Vice President

Funeral Service Practitioner

Laurie Goolsby
Secretary/Treasurer

Public Member

Nancy Corr

Public Member

Sirpa Duoos

Cemetery Operator, City/County

Larry Gyure

Cemetery Operator, Special District

Judy Juntunen

Public Member

Kevin Loveland

Crematorium Operator

David Noble

Cemetery Operator, For Profit

Morris Pearson

Embalmer

Vacant

Public Member

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

Cemeteries, Crematories & Funeral Homes, Oh My!

Relevant to: Funeral Homes, Cemeteries & Crematories

Did you know Oregon law requires that all licensed facilities must be inspected once each biennium? Brenda Biggs, our compliance specialist and inspector, has been busy out in the field completing all on-site inspections. As of April 24, 2015, all on-site facility inspections were completed for the 13-15 biennium (July 2013-June 2015).

745 Licensed Facilities

475	Cemeteries
197	Funeral Establishments
65	Crematories
7	Immediate Disposition Facilities
1	Alternative Disposition Facility



Photos: Deadwood Cemetery Board meeting and on site facility inspection with (Left to Right) Johnnette Roane, Don Wilbur, Brenda Biggs (OMCB) and Megan Gerber.

DOING THE TWO-STEP: THE INSPECTION PROCESS

A facility inspection is completed in two steps: first, the on-site inspection of the physical facility and second, the inspection of documents and permanent records. The document inspection is conducted at the Board's office at a later date. Are you curious about what the inspector is looking for during an inspection? The OMCB publishes the actual checklists that are used during an inspection so you know exactly what to expect. The checklists are available for download from our website or can be sent to you upon request.

THE ON-SITE INSPECTION:

The on-site inspection process at Funeral Homes, Immediate Disposition facilities, Crematories and Alternative Disposition facilities starts with a walk through of the facility including checking the preparation/holding room, refrigeration unit, required signage, decedent identification and general cleanliness of the facility. We also collect the price lists and copies of permanent records for review.

During the on-site inspection at a cemetery, we check for vandalism, garbage, dangerous or deteriorating stairs, unsafe structures, debris piles, etc. As we walk through the cemetery, we photograph headstones of recent burials in order to request specific records of interment.

THE DOCUMENT REVIEW:

The document review process consists of reviewing all of the photographs, documents and records that we collect from each facility. We check all price lists, records and authorizations to ensure they contain all of the information required by the rules, regulations and statutes, as well as look for any irregularities of completed records. For cemeteries, we will also review the most recent cemetery rules for any changes that may need to be made based on any recent changes in Oregon law.

CONTINUING FORWARD

There is a lot of work to do in the next two months to complete the review of documents collected during the on-site visits.

If you have not heard from us yet about your inspections, you will be hearing from us soon. Our goal is to complete and send out all of the reviews by July 1, 2015.

After that, we'll look forward to seeing you all again as we hit the road in 15-17!



Burial of Human Remains on Private Property in Oregon

Relevant to: Funeral Homes, Cemeteries & FSPs

Did you know that our website has a fact sheet regarding the burial of human remains on private property?

www.oregon.gov/MortCem/popularity_boxes/burial_20091221.pdf

Generally, a party may bury remains on private property as long as they have the permission of the owner, and the written authorization of the local planning district. Any burial must also be recorded and disclosed upon sale of the property.

Funeral Homes or Cemeteries can assist families in completing a private property burial, or a person can arrange and perform the burial themselves. However, if they are not working with a Funeral

Home and wish to act as their own Funeral Service Practitioner, they are required to still comply with all laws. The Oregon Center for Health Statistics can provide a "home burial packet," which includes laws & regulations, a blank death certificate & a burial tag. Each tag number is tracked and the tag number issued must correspond to the remains identified on the completed death certificate.

For more information, contact:

JoAnn Jackson, Registration Manager
joann.jackson@state.or.us
971-673-1160
Oregon Center for Health Statistics (CHS)

Amending Name of Funeral Home on Death Record

Relevant to: Funeral Homes & FSPs

Occasionally, the name of the funeral home appearing on a death record needs to be changed due to clerical error or the family requested a change. There are a few things to remember when amending the funeral home name:

- This amendment changes the legal relationship of the two funeral homes; therefore only the person who has signed the death certificate can sign the amendment of the funeral home name.
- County offices can only amend the funeral home name and address at the initial registration before the first certified copies are issued.
- The amendment requires a paper affidavit to be submitted with the paper death record. The record will need to have a footnote documenting the change.
- The funeral director who signed the record is responsible for the record. The funeral director's name **cannot** be amended.
- A funeral director from the proposed new funeral home cannot request the change because he/she has no legal authority for the record prior to the amendment.

The original funeral home does not have the right to transfer its obligations, including accuracy of

data, storage of business records, and payment of the \$20 filing fee without the consent of the new funeral home.

The funeral director should only request this amendment with the consent of both funeral homes.

Certified copies can only be ordered by the new funeral home. The funeral home removed from the record cannot order records or pay for certified copies because they no longer have any authority for the record.

Requests to amend the funeral home after the record is registered, even when the original is still at the county office, should be referred to Patty Thompson, Amendment Specialist. She can be contacted by email Patricia.A.Thompson@state.or.us or telephone at 971-673-1163. Patty is the best resource for questions on amending personal information on death records.

*Taken from the March 2015 issue of **New from the Center for Health Statistics Concerning the Oregon Death Certificate:***

<http://public.health.oregon.gov/BirthDeathCertificates/RegisterVitalRecords/Documents/Death%20New%20letter/2015March.pdf>

Right to Control Disposition

Relevant to: Funeral Homes & FSPs

A common question asked by licensees and members of the public is: "If the deceased didn't make any arrangements before death, who can make the final disposition decisions?"

According to ORS 97.130(2)(a) through (i), the following listed classes have decision making authority (listed by priority):

1. The spouse of the decedent.
2. A son or daughter of the decedent (18 years of age or older).
3. Either parent of the deceased.
4. A brother or sister of the decedent (18 years of age or older).
5. A guardian of the decedent at the time of death.
6. A person in the next degree of kindred to the decedent.
7. The personal representative of the decedent's estate.
8. The person nominated as the personal representative of the decedent in the decedent's last will.
9. A public health officer.

Memorial Day History

Relevant to: Cemeteries

As cemeteries across the US prepare for the busiest day of the year, Memorial Day, here is information about its origin:

- On May 5, 1868, Maj. Gen. John A. Logan declared that Decoration Day should be observed on May 30 – a time for the nation to decorate the graves of those who died in war with flowers.
- Poppies have been the traditional flower used – known as the "Flower of Remembrance" – which was mentioned in the poem "In Flanders Fields" by World War I Col. John McCrae.
- The first large observance was held in 1868 at Arlington National Cemetery.
- Small American flags were placed on each grave, which is a tradition followed by many cemeteries today.
- In 1966, Congress and President Lyndon Johnson declared Waterloo, N.Y. as the birthplace of Memorial Day.



It is important to note that the listed class individual authorized to make decisions must be "available at the time of death" and this applies only when the decedent didn't give previous direction.

On a similar note, when an individual makes prearrangements, such decisions generally "are not subject to cancellation or substantial revision" (ORS 97.130[1]). The only time a prearrangement may be cancelled or revised is when the individual making the arrangements and the individual's estate do not have sufficient funds to pay. In this situation, the arrangements become void and the person within the first applicable listed class who agrees to be financially responsible has the authority to control the individual's disposition.

Finally, a pre-authorized cremation does not require the authorization of anyone listed in ORS 97.130 because the person making the prearrangement is the first class and the individual is making his/her wishes known.



- It was not until after World War I that the day was expanded to honor those who have died in all American wars.
- In 1971, Memorial Day was declared a national holiday by an act of Congress, though it is still often called "Decoration Day."
- In December 2000, the National Moment of Remembrance was established, which encourages all Americans to take a minute of silence at 3 pm to remember and honor those who have died in service.

Taken from:

<http://www.va.gov/opa/speceven/memday/>

Upcoming OMCB Meetings

Oregon Mortuary
& Cemetery Board

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971.673.1501

Regulating Death Care
Facilities & Practitioners
In Oregon.

Tuesday, June 9, 2015 at 9am in Portland

OMCB Board Meeting
800 NE Oregon Street, Room 445

Thursday, July 30th, 2015 9am in Pendleton

Annual Community Planning Session
Pendleton Red Lion

Friday, July 31st, 2015 9am in Pendleton

OMCB Board Meeting
Pendleton Red Lion

Tuesday, September 29th at 9am in Portland

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

SAVE THE DATE: July 30th!
OMCB Annual Community
Strategic Planning Day
Pendleton, Oregon