

**BEFORE THE MORTUARY AND CEMETERY BOARD
OF THE STATE OF OREGON**

In the Matter of the Funeral Service Practitioner License of Jerome Cox- Tanner, LICENSEE	FINAL ORDER by DEFAULT CASE NO. 06-1022B
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On March 21, 2007, the Oregon Mortuary and Cemetery Board (Board) properly served a Notice of Proposed Disciplinary Action and Opportunity for Hearing (Notice) on Jerome Cox-Tanner (Licensee) that it intended to discipline Licensee for violations of ORS chapters 432 and 692 and the Board's administrative rules. The Notice offered Licensee an opportunity for hearing if requested within 20 days from the date the notice was mailed. Licensee did not timely request a hearing within this 20-day period. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after considering the Board's file relating to this matter, the Board enters the following Final Order by Default:

FINDINGS OF FACT

1. Between approximately May 27, 2005 and June 3, 2006, Charlene Cox-Tanner and Jerome Cox-Tanner (Licensee) were registered with the Board as the joint proprietors of Cox and Cox Funeral Chapel, and licensed by the Board as a funeral establishment. Charlene Cox-Tanner is now deceased (OMCB License No. FE-8443).
2. At all relevant times, Licensee has been licensed as a funeral service practitioner (OMCB License No. FS-0382) and the assigned manager of Cox and Cox Funeral Chapel.
3. Schawna Tanner (Tanner) is Licensee's spouse. At all relevant times, Tanner was working at and representing Cox and Cox Funeral Chapel, and Tanner was not licensed by the Board.
4. Between approximately May 27, 2005 and June 2, 2006, on behalf of Cox and Cox Funeral Chapel, Tanner signed Licensee's name and the license number "0382" on 63

Certificates of Death and submitted the certificates to Oregon's Department of Human Services, Center for Health Statistics (Vital Records). The certificates were signed and submitted for 63 decedents identified by the following Oregon State Identification numbers:

446151; 446152; 446153; 446154; 446155; 446159; 446162; 446166; 446170;
446174; 446175; 446177; 446179; 446180; 446185; 446202; 446203; 446204;
446205; 446206; 446208; 446212; 446214; 446215; 446216; 446217; 446218;
446221; 446222; 446223; 446224; 446225; 446226; 446227; 446228; 446229;
446230; 446231; 446232; 446233; 446235; 446237; 446238; 446239; 446242;
446243; 446245; 446246; 446247; 446248; 446249; 447150; 447154; 447169;
447170; 447171; 447172; 447173; 447174; 447175; 447196; 447197; 447198

5. Between approximately May 28, 2005 and June 3, 2006, on behalf of Cox and Cox Funeral Chapel, Tanner signed Licensee's name on approximately 144 client service records including Statements of Funeral Goods and Services (contracts), Cremation Authorizations, Embalming Authorizations and Receipts for Cremated Remains. These client service records are located in the permanent records for decedents identified by the following Oregon State identification numbers:

446151; 446152; 446153; 446154; 446155; 446159; 446162; 446166; 446170;
446174; 446175; 446177; 446179; 446180; 446185; 446202; 446203; 446204;
446205; 446206; 446208; 446210; 446211; 446212; 446214; 446215; 446216;
446217; 446218; 446220; 446221; 446222; 446223; 446224; 446225; 446226;
446227; 446228; 446229; 446230; 446231; 446232; 446233; 446235; 446237;
446238; 446239; 446242; 446243; 446245; 446246; 446247; 446248; 446249;
447150; 447154; 447157; 447162; 447169; 447170; 447171; 447172; 447173;
447174; 447175; 447176; 447179; 447196; 447197; 447198.

6. Tanner, while representing Cox and Cox Funeral Chapel, worked directly with families who sought the funeral establishment's services to arrange for the disposition of at least seven (7) decedents who died in Oregon (Identification Numbers 447179, 447175, 447197, 447196, 446232, 446212, and 447173) and one (1) decedent who died in California (Deborah B.), coordinated and directed the various tasks associated with performing funeral services, and supervised or otherwise controlled the transportation, care, preparation, processing and handling of the remains before the eight decedents underwent cremation, entombment or burial.
7. Cox and Cox Funeral Chapel's proprietor and manager, Licensee, was aware of Tanner's actions described in the foregoing paragraphs, at the time or soon after Tanner performed those acts. Specifically, Licensee knew that Tanner performed the duties of a licensed funeral service practitioner when she was not licensed to do so; and Licensee knew that Tanner signed Licensee's name on various client records including Certificates of Death.

ULTIMATE FINDINGS OF FACT

1. An unlicensed person, Tanner, performed the duties of a licensed funeral service practitioner on behalf of Cox and Cox Funeral Chapel by filing Certificates of Death, signing Licensee's name and funeral service practitioner number on various client service records and making funeral arrangements with families.

2. Licensee engaged in unprofessional conduct by allowing Tanner to perform the duties of a licensed funeral service practitioner in a funeral establishment under his direction and management while she was not licensed.

3. Licensee, as the agent of Cox and Cox Funeral Chapel, failed to assign persons to perform functions for which they are licensed and which are within their scope of practice/scope of duties when he did not assign a licensed funeral service practitioner to perform Tanner's duties.

CONCLUSIONS OF LAW

1. Only a licensed funeral service practitioner shall submit the certificate of death to the Oregon Department of Human Services (Vital Records). ORS 432.307(1) and (2); OAR 830-030-0090(1)(b). Tanner, who is not licensed, violated these laws in 63 separate instances by submitting certificates of death to Vital Records.
2. A person may not use another's license or falsify clients' records by signing someone else's name. OAR 830-030-0090(2)(c)(C); OAR 830-030-0090(2)(b)(B). Tanner violated these laws when she signed 63 death certificates and 144 other client records using Licensee's name or license number.
3. Only a licensed funeral service practitioner shall coordinate and direct the various tasks associated with performing funeral services for at need persons, and supervise or otherwise control the transportation, care, preparation, processing and handling of the remains before the bodies undergo cremation, entombment or burial. OAR 830-030-0004(1); ORS 692.025(1). Tanner violated these laws when she arranged funeral services for eight decedents.
4. Licensee violated OAR 830-050-0050(8) on eight occasions when he allowed Tanner, an unlicensed individual, to perform the duties of a licensed funeral service practitioner in a funeral establishment under his direction and management when she arranged funeral services for eight decedents.
5. Licensee engaged in unprofessional conduct in violation of OAR 830-050-0000(2) by directly or indirectly causing Tanner to be in violation of OAR 830-030-0090(1)(b), OAR 830-030-0090(2)(b)(B), OAR 830-030-0090(2)(c)(C), OAR 830-030-0004(1) and ORS 692.025(1) in a total of 215 instances while she was acting on behalf of a funeral establishment under his direction and management.
6. Licensee violated OAR 830-030-0090(1)(e) by failing to assign persons to perform functions for which they are licensed and which are within their scope of practice/scope of duties when he, as an agent for Cox and Cox Funeral Chapel, did not assign a licensed funeral service practitioner to perform the duties Tanner performed in a total of 215 instances.
7. Violation of ORS chapter 692 or any administrative rule adopted thereunder is cause for disciplinary action under ORS 692.180(1)(g), including imposition of a civil penalty up to \$1,000 per violation.

ORDER

1. Licensee is ordered to pay civil penalties in the total amount of \$1,500.00.
2. Payment is due within 10 days after the date this order becomes final by operation of law or on appeal. Failure to pay the civil penalties within the time prescribed is a violation of this Order, for which the Board may take additional disciplinary action, including license revocation.
3. This Final Order is effective when issued by the Board.

DATED and ENTERED this __<30th>__ day of May, 2007.

Oregon Mortuary & Cemetery Board

<s> David J. Koach
David J. Koach, Executive Director

Date of Mailing: ____<May 30, 2007>_____

Notice: Civil penalty amounts are established in Oregon Revised Statutes 692.180. Interest will accrue in accordance with Oregon Laws 1991, chapter 734, section 2 and ORS 82.010. If unpaid, civil penalties may be recorded and filed with county clerks as liens against property 10 days after the expiration of the statutory appeals period. If you have any question about payment, please call (971)673-1503. Make checks payable to the Oregon Mortuary & Cemetery Board.

Appeal Rights: You are entitled to judicial review of this order in accordance with ORS Chapter 183.482. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the date this order was mailed.