

Executive Director’s Report for April 12, 2022

ADMINISTRATIVE

2021-2023 Biennium Budget (July 1, 2021 through June 30, 2023)

Budget Summary through January 2022

Revenue	January 2022	Biennium to Date	% of Budget Received	2021-23 Biennium Total Budget
All sources (including cash reserves & reimbursements)	136,024	1,501,287	53%	2,832,630

Expenditures	January 2022	Biennium to Date	% of Budget Spent	2021-23 Biennium Total Budget
Personal Services	67,325	453,857	29%	1,586,966
Services & Supplies	139,079	325,951	26%	1,245,664
Total	206,404	779,808	28%	2,832,630

Licensing fee revenue is received once a year – even-numbered years for individual licensees & odd-numbered years for facility licensees – which results in a significant revenue increase at the end of each calendar year and is the main reason why our agency must maintain a higher than average ending balance at the end of each fiscal year and each biennium (typically the equivalent of 8-10 months). Our agency also self-insures against unknown expenses such as costs associated with administrative hearings. It is important to note that there is a difference between the agency’s approved limitation (authorization to spend) and its cash reserve. If our agency anticipates exceeding the approved limitation total for any expense category, we must request additional limitation authority from the Oregon Legislature via an Emergency Board (Ways & Means) proceeding, even if we have a sufficient cash reserve to cover expenses.

Agency’s Biennial Budget Revenue

The agency’s biennial budget revenue consists of a beginning cash balance of **\$1,246,258** (cash reserves carried over from the previous biennium), the total amount collected for death filing fees – which supports both the agency’s programs and the Indigent Disposition Program (IDP) Fund – licensing fees/renewals and estimates for miscellaneous revenue such as civil penalty payments and interest.

Based upon the previous \$6 allocation until December 31, 2021 and the \$16 allocation for January 1, 2022 and beyond, the death filing fee is projected to collect approximately **\$1,092,106** in total revenue for the 21-23 biennium. The actual amount received will depend upon the number of actual deaths registered and billed within the biennium. The revenue projection is based upon the population data provided by the [State Economist’s Office](#), which is an anticipated 80,836 deaths within the biennium.

LICENSING

Licensing Transactions Executed Pursuant to Delegated Authority

1. Permanently Lapsed Individual Licenses:

- a. **Arington**, Johnathon: CO, December 31, 2021
- b. **Baird**, Bradley: CO, December 31, 2021
- c. **Belvill**, John: CO, December 31, 2021
- d. **Bennecke**, Celeste: FS, December 31, 2021
- e. **Bennett**, Carols: CO, December 31, 2021
- f. **Bentley**, Christopher: FS, December 31, 2021
- g. **Bloom Jr**, Richard: FS, December 31, 2021
- h. **Bradish**, Leila: FS, December 31, 2021
- i. **Bradley**, Michelle: FS, December 31, 2021
- j. **Bright**, Gregg: CO, December 31, 2021
- k. **Brostrom**, Hannah: FS, December 31, 2021
- l. **Carmichael**, Steven: CO, December 31, 2021
- m. **Conover**, Brooke: CO, December 31, 2021
- n. **Cook**, David: CO, December 31, 2021
- o. **Davenport**, William: CO, December 31, 2021
- p. **Denison**, Lorri: FS, December 31, 2021
- q. **Devine**, Krystal: FS, December 31, 2021
- r. **Geer**, Gary: CO, December 31, 2021
- s. **Hendrickson**, Russ: CO, December 31, 2021
- t. **Hinton**, Cynthia: CO, December 31, 2021
- u. **Howell**, Robert: EM, December 31, 2021
- v. **Hylton**, Elizabeth: CO, December 31, 2021
- w. **Jenson**, Trey: FS, December 31, 2021
- x. **King**, Randall: CO, December 31, 2021
- y. **Knight**, Caryn: FS, December 31, 2021
- z. **Koons**, Joe: CO, December 31, 2021
- aa. **Krentz**, Derek: CO, December 31, 2021
- bb. **Kroos**, Jillian: CO, December 31, 2021
- cc. **Lara**, Victoria: CO, December 31, 2021
- dd. **Lund**, Douglas: CO, December 31, 2021
- ee. **Maiden**, Samantha: CO, December 31, 2021
- ff. **Maier**, Frank: FS, December 31, 2021
- gg. **Manzella**, Evone: FS, December 31, 2021
- hh. **Martin**, Ron: CO, December 31, 2021
- ii. **Meeker**, Gary: CO, December 31, 2021
- jj. **Morris**, Steven: FS, December 31, 2021
- kk. **Mullen**, Leigh: CO, December 31, 2021
- ll. **O'Connell**, Kelly: EM, December 31, 2021
- mm. **Ordeman**, Alice: CO, December 31, 2021
- nn. **Ordeman**, Denice: FS, December 31, 2021

- oo. **Partenheimer**, Jennifer: FS, December 31, 2021
- pp. **Pascoe**, Tara: FS, December 31, 2021
- qq. **Patterson**, Lindsie: CO, December 31, 2021
- rr. **Powell**, Mary: FS, December 31, 2021
- ss. **Power**, Kelly: CO, December 31, 2021
- tt. **Rasmussen**, Lauren: CO, December 31, 2021
- uu. **Remsing**, Michael: FS, December 31, 2021
- vv. **Roberts**, Collin: CO, December 31, 2021
- ww. **Rose**, Eric: FS, December 31, 2021
- xx. **Ruiz**, Anna: CO, December 31, 2021
- yy. **Spencer**, Ronald: CO, December 31, 2021
- zz. **Strommer**, McKendree: CO, December 31, 2021
- aaa. **Sumner**, Felicia: FS, December 31, 2021
- bbb. **Sutton**, Holly: CO, December 31, 2021
- ccc. **Tjaden**, Randy: CO, December 31, 2021
- ddd. **Van Hooser**, Cherise: CO, December 31, 2021
- eee. **Weaver**, Marc: CO, December 31, 2021
- fff. **Wilhelm, Jr.** Clay: CO, December 31, 2021
- ggg. **Wilton**, Gregory: EM, December 31, 2021
- hhh. **Woodhouse**, Diana: CO, December 31, 2021
- iii. **Woolslayer**, Richard: CO, December 31, 2021
- jjj. **Worman**, Jason: CO, December 31, 2021

- 2. **Permanently Lapsed Facility Licenses:** None
- 3. **Individual or Facility Licenses Suspended:** None
- 4. **Licenses Revoked:** None

AD: Alternative Disposition Facility; **AE:** Apprentice Embalmer; **AF:** Apprentice FSP; **CE:** Cemetery; **CM:** City owned Cemetery; **CO:** Combination Embalmer and FSP; **CR:** Crematory; **CS:** Special Tax District owned Cemetery; **CY:** County owned Cemetery; **DC:** Death Care Consultant; **EM:** Embalmer; **FE:** Funeral Establishment; **FS:** Funeral Service Practitioner; **IP:** Intern Permit; **PN:** Preneed Salesperson; **RR:** Removal Registration.

Licensing Statistics

License Type	Dec. 28, 2021	April 6, 2022	Change from Dec. to April	Trend
Death Care Consultants	0	0	0	-
EM Apprentices	64	50	14	▼
FSP Apprentices	78	65	13	▼
Interns	11	11	0	-
Embalmer Only	13	10	3	▼
FSP Only	192	171	21	▼
Combination License: EM	397	358	39	▼
Combination License: FSP	397	358	39	▲
Military Combination License: EM	0	0	0	-
Military Combination License: FSP	0	0	0	-
Preneed Salespeople	189	200	11	▲
Funeral Establishments	195	195	0	-
Immediate Disposition Companies	7	7	0	-
Crematoriums	67	68	1	▲
Cemeteries, Operating	302	300	2	▼

Cemeteries, Operating, Municipal	36	35	1	▼
Cemeteries, Operating, County	7	7	0	-
Cemeteries, Operating, Special District	128	125	3	▼
Cemeteries, Registered Non-Operating	49	49	0	-
Removal Registrations	33	33	0	-
Alternative Disposition Facilities	2	2	0	-
Combined Total of all Licenses/Registrations	2,167	2,044	123	▼

License Examinations

For the duration of the pandemic, we have made a concerted and diligent effort to continue administering the FSP law examination and Death Care Consultant examination. The last FSP law exam was held on January 28, 2022, at Zeller Chapel of the Roses. The next exam is scheduled for April 21, 2022 and will be held at Zeller Chapel of the Roses.

Funeral Service Practitioner Law Exam					
Exam Date	Pass Rate			Score Range	
	Passed	Failed	Pass Percentage	Highest Score	Lowest Score
January 28, 2022	3	0	100%	87%	77%
October 27, 2021	7	1	87.5%	97%	68%
July 22, 2021	11	0	100%	93%	78%
March 16, 2021	12	1	92.3	98%	73%
December 1, 2020	3	0	100%	87%	82%
August 25, 2020	5	0	100%	97%	78%
June 23, 2020	8	1	88.8%	96%	70%
April 7, 2020	3	0	100%	93.3%	76.6%
March 23, 2020	6	0	100%	96.6%	80%
December 30, 2019	2	0	100%	90%	80%
December 20, 2019	2	0	100%	98.3%	95%
November 25, 2019	5	0	100%	98.3%	76.6%

Death Care Consultant Law Exam					
Exam Date	Pass Rate			Score Range	
	Passed	Failed	Pass Percentage	Highest Score	Lowest Score
March 16, 2021	0	1	0%	66%	66%
December 1, 2020	0	1	0%	56%	56%
July 11, 2019	0	1	0%	68%	68%
June 18, 2019	0	1	0%	65%	65%
September 25, 2015	0	1	0%	60%	60%
September 15, 2014	0	2	0%	67%	57%
October 18, 2013	0	1	0%	53%	53%
January 25, 2013	0	1	0%	63%	63%
July 23, 2012	0	2	0%	54.5%	52%
*October 20, 2010	1	0	100%	76%	76%

*First Death Care Consultant Exam offered.

COMPLIANCE

Overview of Inspections Completed During FY 2021-2022

OMCB’s Compliance Division has made tremendous progress in enhancing the pace and quality of our inspections through continual training and the continued development of virtual inspections.

The significant improvement of completed inspections is reflected in our agency’s Key Performance Measure #1: *Percent of licensed facilities inspected not less than once per biennium.*

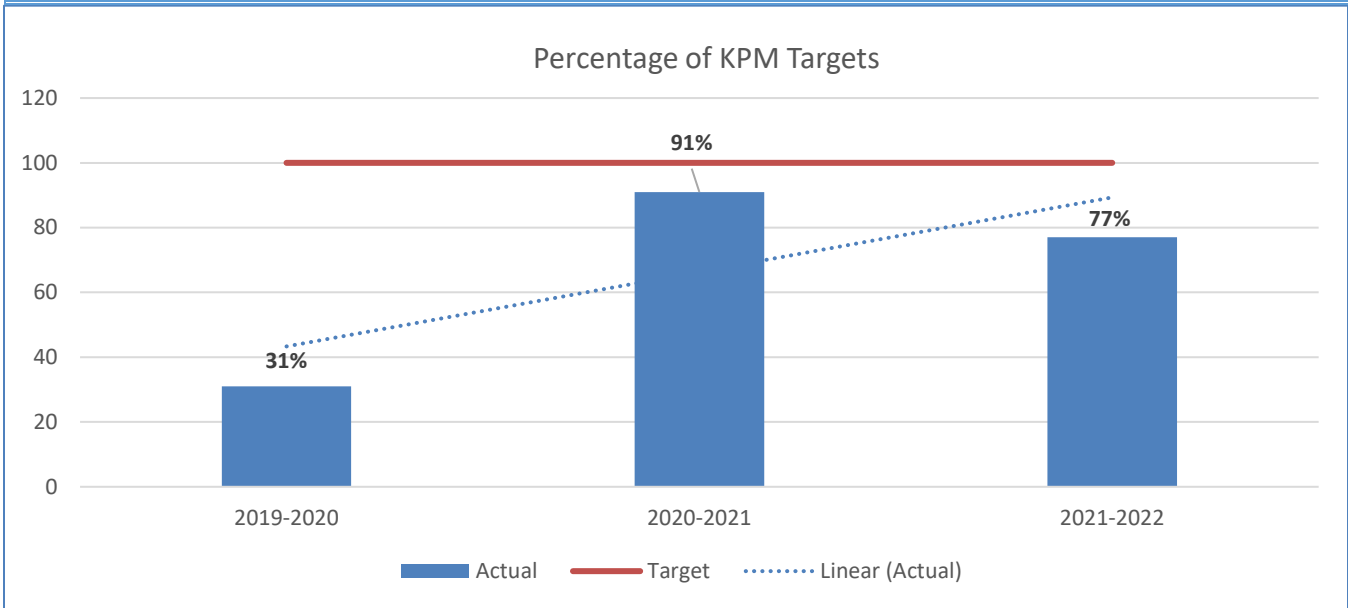
Our agency is currently at 77% of our yearly target in the fourth quarter of FY 2021-2022.

We are anticipating a gradual return to in-person, on-site inspections once restrictions are lifted. The Inspectors are ready to begin in-person site inspections again, as well as continue to utilize the expanded virtual inspection process as appropriate.

Our Inspectors are well-trained and experienced with the inspection process; and continue to meet or exceed expectations. We have streamlined our initial and follow-up communications with facilities, developed a long-term scheduling plan, and anticipate that our agency will continue to meet the inspection targets for 2022-2023.

Inspection Key Performance Measure

KPM #1	Facility inspection – Percent of licensed facilities inspected not less than once per biennium.
	Data Collection Period: Reporting Year 2022 (July 1, 2021 – June 30, 2022)



OMCB currently regulates 756 licensed facilities located throughout the state. Our agency’s statutory mandate is to inspect at least half of these (approximately 378) during each fiscal year. To achieve our inspection targets, each Inspector must complete approximately 16 inspections per month or 48 per quarter on average. For the past five quarters, Inspectors have met or exceeded those averages. Inspection totals by quarter are in the chart below.

Total Inspections Completed During the Past Four Quarters				
FACILITY TYPE	April – June 2021 (Q4)	July – September 2021 (Q1)	October – December 2021 (Q2)	January – March 2022 (Q3)
Funeral Establishment	27	20	4	26
Cemetery Authority	68	67	78	65
Crematory Authority	4	9	14	4

Alternative Disposition Facility	0	1	0	1
Immediate Disposition Company	5	1	0	0
Biennial Inspections Completed per Quarter	104	98	95	96
Biennial Licensing Action (LA) Inspections	2	0*	0*	5
Total Inspections Completed per Quarter	106	98	95	101
Total Biennial Inspections for FY	334	98	194	290

*All LA inspections were full biennial inspections this quarter.

Special Projects/Other Items:

In an ongoing effort to improve the inspection process, the Education & Compliance Program Manager and Inspectors are periodically streamlining post-inspection communication to facilities.

Inspectors are also still responding to requests for information related to Eternal Hills as well as assisting with Licensing projects as needed, which can take time away from their essential duties.

Around 63% or approximately 457 of our 730 licensees are cemeteries. Of these, around 160 are municipal or special district cemeteries. Many are inactive or perform only a few interments a year. As such, some may qualify for certain exemptions: including random inspections and potentially exemption from full biennial inspections. The OMCB Compliance Division is working with DOJ to identify which and how many cemeteries may qualify for exemptions and what that may look like. We anticipate having more information on this topic to provide to the Board for consideration during our July board meeting.

These “exempt operating cemeteries” continue to be difficult to reach by email and phone, which is why the Inspectors will begin sending certified mail requests to those particularly unresponsive facilities after a reasonable amount of time has lapsed. Our division anticipates this will pull even more facilities into inspection compliance.

Investigations

The following table shows the total number of cases by phase through April 2022. Cases that were opened in prior years but did not close during the prior calendar year are included until closed.

Please note that in order to be consistent with case counts, related cases are counted individually. For example, a case with multiple respondents – separated by individual investigations, like 21-0000ABC – will be counted individually (A, B and C) and tracked/reported as three different cases. These cases are often investigated together and are presented simultaneously to the Board. However, they often close at different stages, so it is more practical to count them as individual cases. We have applied that count change to the numbers below. We are also showing month by month comparisons with a FY total. This will show the flow of cases from quarter to quarter and a yearly total.

Case Status by the Numbers: July 2021 to April 2022				
Case Status	July 2021	October 2021	January 2022	April 2022
Open	9	12	15	24
Hold	3	2	11	11
Post	4	4	9	1
Closed	7	13	4	12

Case Phases:

“Open”: All cases not yet reported to the Board and are in various stages of review or investigation – such as intake, investigation, writing investigative report, or presenting to Board.

“Hold”: Cases that have been presented to the Board but require some other activity or action by another entity before the Board completes deliberation on a case. This may include cases awaiting determination by another agency, or findings in civil or criminal proceedings. In some cases, it can also mean additional investigation is required for clarification before returning to the Board for review/discussion.

“Post”: Cases that have been presented, but there is post-meeting activity still required before closure. This includes closing out cases resulting in no action, as well as all activity relating to cases where action is being taken, through the course of any negotiations, appeals, or related activity. This process has the potential of taking years before a case can be closed.

“Closed”: Cases that have been moved completely through the Post phase and have been closed out. This may include closed cases requiring some form of monitoring or follow-up, such as in the case of a negotiated consent period, when there are relevant consent order terms to be monitored.

Case Status from the January 11, 2022 Board Meeting

There were 10 cases presented to the Board during the January 2022 board meeting. Three of those were closed administratively and ratified by the Board at the meeting. Seven cases were heard and received either Action or No Action. The current status of those cases are listed below. One case was tabled and is being presented during the April 2022 Board Meeting. Another is pending drafting of the LOE, which will require consultation with agency AAG. The remainder of the cases are closed.

Cases Presented During Last Board Meeting (January 11, 2022)			
Case Number	Case Action/No Action	Current Case Status	Note/Comment
21-1018	No Action	Closed	
21-1020	Tabled	Presenting @ April 2022 Board Meeting	
21-1022	No Action: LOE	Post	Pending LOE Language: Consulting w/AAG
21-1025	No Action	Closed	
21-1026	Action	Closed: Consent Order	
21-1027	Action	Closed: Consent Order	
21-1028	No Action	Closed	

Case Aging

There are currently zero cases that have gone over 180 days. Approval of the Executive Director's Report will also authorize up to an additional 60 days for case reporting to the Board under ORS 676.165 to cover any cases where aging will exceed the aging limits based on the date of the next available scheduled meeting. All aging will continue to accrue and any case reports exceeding aging limits will be reported both here as well as on legislative key performance measures.

Indigent Disposition Program (IDP) Fund

The Indigent Disposition Program (IDP) Fund is funded by a portion of the death filing fee. The death filing fee is \$30 per death report filed, billed to funeral homes monthly.

HB 2120 specifies the following allocation for the increased death filing fee of \$30:

- 1) \$14 shall be deposited into OMCB's agency account (no change)
- 2) \$16 shall be deposited into the IDP Fund (an increase of \$10)

It is important to note that the death filing fee is only collected for the initial report of a death and is not associated with the cost for certified copies of a record of death (formerly called death certificates). With the updated fee amount, \$16 from each \$30 received will be allocated to support the IDP Fund and its administration.

Indigent Disposition Program (IDP) Fund Background

In January of 2016, the death filing fee management and IDP Fund administration was transferred from the Public Health Division to OMCB via legislative action. Additionally, changes to ORS 97.170 took effect, which established additional requirements that a funeral establishment or immediate disposition company must complete prior to performing final disposition for an indigent person and applying for reimbursement.

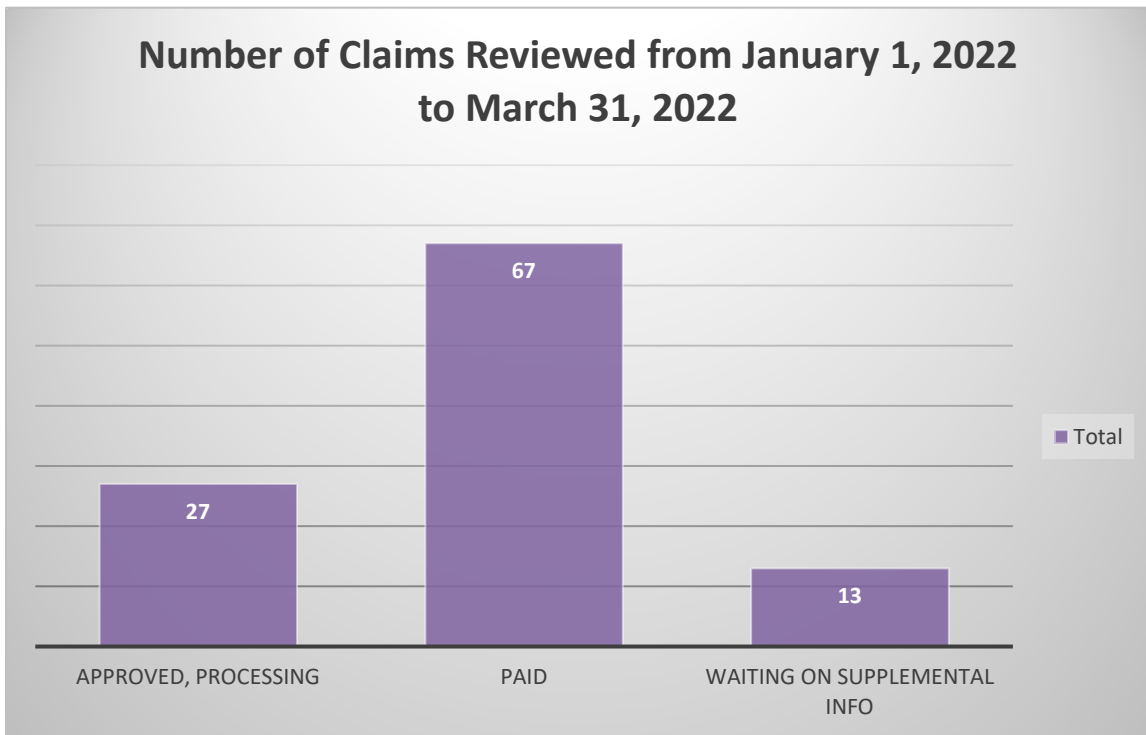
During the four years prior to OMCB taking over administration of the IDP Fund, the fund paid indigent claims for 0.9% to 1.3% of deaths in the state, depending upon the year. Although the maximum reimbursement rate was set at \$650, the fund was rarely able to pay the maximum amount. Over the five years prior to the transfer of the fund's management, the average amount paid was \$492, with monthly averages varying widely – while the fund was able to reimburse nearly the maximum during some months, reimbursements averaged only \$262 during others.

When OMCB took over administration, the law changed to provide funeral establishments and immediate disposition companies with a more predictable, fixed rate – the initial amount was \$461. The reimbursement rate was set in mid-2015 as a calculation of the maximum amount that the fund could provide given a 100% payment rate by funeral establishments for death filing fees and the anticipated death rate for 2015 and 2016.

In July of 2018, the Board voted to increase the reimbursement rate from \$461 to \$500, based upon death rate projections and IDP Fund solvency.

During the April 9, 2019 meeting, the Board voted to keep the reimbursement amount at \$500.

Current Status of IDP Claims	Number of Claims Reviewed from January 1, 2022 to March 31, 2022
Approved, Processing	27
Paid	67
Waiting for Supplemental Information	13
Grand Total	107



Note: We have not yet received the March 2022 IDPF monthly report from DAS, so most of the claims from March have the status of either *Approved, Processing* or *Waiting on Supplemental Info*.

IDP Fund Numbers (Calendar Year 2019 through YTD: March 31, 2022):

Indigent Claims Received	CY 2019	CY 2020	CY 2021	CY 2022 (YTD: March 31st)
Total Number of Claims Reviewed	398	475	455	107
Number of Claims paid	324	304	477	67
Approved, Processing	49	111	164	27
Currently Open Claims (Waiting on additional information, researching, etc.)	4	39	72	13
Withdrawn/Denied	21	18	14	0

Indigent Claims Reimbursed	CY 2019	CY2020	CY 2021	CY 2022 (YTD: March 31st)
Average Amount Reimbursed per <i>Qualifying Claim*</i>	\$497	\$485	\$500	\$500
Total Amount Reimbursed	\$212,612	\$248,536	\$150,148	\$34,500
Average Number of <i>Total</i> Claims received per Month	44.2	39.5	38	33
Average Number of <i>Qualifying</i> Claims received per Month	41.4	34.5	39.8	-*

*Some claims are still in process this quarter.

Solvency:

Indigent Claims Reimbursed	FY 2020	FY 2021	FY 2022 (YTD: February 28th)
Death Filing Fee Total	\$731,504	\$691,180	\$702,510
Amount Allocated to IDP Fund	\$219,462	\$207,354	\$252,040.10
Net Cash By FY	\$-29,074	\$57,205.84	\$85,010.10
Ending Cash Balance	\$68,623.26	\$125,829.10	\$210,389.20