

Executive Director's Report for April 2024

ADMINISTRATIVE

2023-2025 Biennium Budget (July 1, 2023 through June 30, 2025)

Budget Summary through January 2024

Revenue	Biennium to Date	2023-25 Total Biennial Budget	% Received
All Sources (including cash reserves & reimbursements)	1,182,298.45	3,314,235	36%
Expenditures	Biennium to Date	2023-25 Total Biennial Budget	% Spent
Personal Services	543,532.86	1,770,023	31%
Services and Supplies	305,403.10	1,302,704	23%
Total Expenditures	848,935.96	3,072,727	28%

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 *\$1,722,128.73* (cash reserves carried over from the 21-23 biennium), which is the remaining amount collected for death filing fees – which supports both the agency's operations/programs and the Indigent Disposition Program (IDP) Fund – licensing fees/renewals and estimates for miscellaneous revenue such as civil penalty payments and interest.

The death filing fee (\$30 for each report of death) is projected to equal approximately **\$1,092,106** in total revenue for the 23-25 biennium.

Based upon the allocation of the death filing fee, the following is projected to be received for the 23-25 biennium:

- The Indigent Disposition Program (IDP) Fund: \$578,816.
- The remaining balance to support agency operations/programs: \$513,290.



It is important to note that 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 <u>State Economist's</u> Office, which is an anticipated 90,658 deaths within the 23-25 biennium.

LICENSING

Licensing Transactions Executed Pursuant to Delegated Authority

1. Permanently Lapsed Individual Licenses:

- a. ANDERSEN, D ROSS CO-3570
- b. Anderson, Isabella AF-2679
- c. Andrews, Nicholas AF-2568
- d. Andrews. Nicholas AE-3592
- e. Backus, Hannah AF-2634
- f. Baker, Korrie AF-2469
- g. BAKER, ROBERT W CO-3023
- h. Barnett, Heather AF-2626
- i. Barnett, Heather AE-3628
- j. Beach, Rebecca AF-2531
- k. Best, Iria AE-3597
- I. Best, Iria AF-2576
- m. BOLLMAN, LEE A CO-3048
- n. BOLLMAN, RENITA R FS-0525
- o. Bradley, Lara AF-2705
- p. BURKE, DANIELLE FS-0669
- q. Burton, Bailey AF-2527
- r. BUSH, KAREN M CO-3614
- s. CAFFERKY, ROBERT B CO-3482
- t. CALDWELL-ROHNE, AMANDA R CO-3763
- u. COATSWORTH, BRIAN L EM-2142
- v. Coles, Rachel AF-2639
- w. Coles, Rachel AE-3636
- x. Conway III, Edward AE-3652
- y. Conway III, Edward AF-2672
- z. Covington, Takiya AF-2656
- aa. Cox, Warren AF-2578
- bb. COZAD, CARYNN Y CO-3999
- cc. DIAZ-HILLS, DARLEEN AE-3531
- dd. DIAZ-HILLS, DARLEEN AF-2459
- ee. DITTMAN, ROBIN A CO-3920
- ff. Donley, Charles FS-0721
- gg. DRAKE, KELSIE FS-0695
- hh. Duran, Mauricio FS-0744
- ii. Eastman, Ashley AF-2640
- jj. Eastman, Ashley AE-3637
- kk. Edgerly, Elle AF-2698



II. Edgerly, Elle AE-3669

mm. FENTON, NESIKA LOUISE FS-0676

nn. Franklin, Ezra AE-3585

oo. Franklin, Ezra AF-2559

pp. Geer, GARY CO-3484

qq. HARRINGTON, SPENCERAE-3505

rr. HAWKINS, MICHAEL FS-0622

ss. Heaton, STEPHEN FS-0699

tt. Heydel, KATHRYN FS-0349

uu. HINTON, DAVID E CO-3652

vv. HOFSESS, LARRY A FS-0486

ww. Hughes, THOMAS CO-3539

xx. JENSEN, MYKAL CO-3998

yy. Kawate, Trinity AE-3634

zz. Kawate, Trinity AF-2635

aaa. Lenerville, Nicholas AF-2659

bbb. Levene, Simon AF-2604

ccc. Lugo, Indira CO-4006

ddd. MARSHALL, BRUCE E FS-0375

eee. MCCUNE, ANNA MAE FS-0520

fff. McEnroe, MarciAE-3641

ggg. McEnroe, MarciAF-2653

hhh. MCFARLAND, KELLY JOEFS-0574

iii. Meadow, Melissa CO-4042

jjj. MILLER, DEBORAH ANNE FS-0594

kkk.Mulgado, Brittany AF-2633

III. Mulgado, Brittany AE-3633

mmm. MUSGROVE, MARK D CO-3281

nnn. Nemmer, Shannan AE-3654

ooo. Nemmer, Shannan AF-2674

ppp. ORDEMAN, D FS-0076

qqq. Ostergren, Madison CO-4038

rrr. PARKS, CHARLES R CO-3294

sss. Parks, Emily AE-3635

ttt. Parks, Emily AF-2638

uuu. PATTERSON, KIMBERLY KAY FS-0418

vvv.PHILLIPS, ANDREW ALAN FS-0561

www. PRESTON, THOMAS D FS-0575

xxx. PYATT, REN L FS-0667

yyy.RAMIREZ ANA AE-3548

zzz. RAMIREZ SAMANTHA AE-3547

aaaa. RICH, ANGELA CO-3889

bbbb. Romero, Emiley AF-2684

cccc. Romero, Emiley AE-3661

dddd. Salazar, Jennifer AF-2619

eeee. Salazar, Jennifer AE-3624

ffff. Sanchez, Lisa FS-0714



gggg. Sanders, DeJuan AF-2680

hhhh. Savage, Colten AF-2665

iiii. Savage, Colten AE-3648

jjjj. SCHAEFER, NEIL WILLIAM FS-0609

kkkk. SMART, RICHARD A CO-3954

IIII. Smith, Lindsay AF-2598

mmmm. Smith, Lindsay AE-3610

nnnn. STARK, JANET L FS-0298

oooo. Stevens, Markus AF-2606

pppp. STOCKER, MARY A FS-0405

qqqq. STROMMER, ELI FS-0689

rrrr. TABOR, SPENCER E CO-3514

ssss. TAYLOR, JUDITH FS-0688

tttt.Taylor, Sarah AF-2686

uuuu. Taylor, Sarah AE-3663

vvvv. TIPPERY, ALEXANDRA C CO-3890

wwww.TJADEN, NIC T CO-3880

xxxx. Trick, DEBBY FS-0109

yyyy. Trick, GARY CO-3394

zzzz. TSUKIYAMA, JENNIFER CO-3810

aaaaa. Vantine, Dana EM-2300

bbbbb. WACHTER, PAMELA FS-0613

ccccc. WALTERS, JONI MICHELLE CO-3917

ddddd. WEBSTER, ROBERT CO-3419

eeeee. WESTHOFF, JORDAN L CO-3956

fffff. WOLFORD, VERNON MARK FS-0637

ggggg. WOOD, DENNIS A CO-3618

hhhhh. Woodruff, Nathaniel AF-2550

iiiii. Woodruff, Nathaniel AE-3578

jjjjj. WOODWARD, JANE C CO-3670

kkkkk. ZELL, TROY CO-3694

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	Jan 16, 2024	April 1, 2024	Change from Jan to Apr.	Trend
Death Care Consultants	0	0	0	-
EM Apprentices	86	60	26	•
FSP Apprentices	127	90	37	•
Interns	4	5	1	•
Embalmer Only	13	11	2	•
FSP Only	204	179	25	•
Combination FSP/ Embalmer	384	348	36	•
Military Combination FSP/ Embalmer	0	0	0	-
Preneed Salespeople	190	195	5	•
Funeral Establishments	194	190	4	•
Immediate Disposition Companies	6	7	1	A
Crematoriums	67	67	0	-
Cemeteries, Operating	293	295	2	A
Cemeteries, Operating, Municipal	36	36	0	-



Cemeteries, Operating, County	6	6	0	-
Cemeteries, Operating, Special District	121	121	0	-
Cemeteries, Registered Non- Operating	49	49	0	-
Removal Registrations	38	39	1	A
Alternative Disposition Facilities	2	2	0	-
Combined Total of all Licenses/Registrations	1,820	1,700	120	•

License Examinations

We are extremely pleased to announce that the Funeral Service Practitioner Law Exam has been transferred to **The International Conference of Funeral Service Examining Boards** (The Conference) and can now be taken nationwide anywhere a **Pearson VUE Testing Center** is located – there are four locations in Oregon.

Funeral Service Practitioner Law Exam					
	Pass Rate			Score	Range
Exam Date	Passed	Failed	Pass Percentage	Highest Score	Lowest Score
July 24, 2023	15	1	93.75%	92%	72%
March 15. 2023	10	1	91%	93%	72%
February 15, 2023	1	1	50%	90%	72%
January 25, 2023	0	1	0%	58%	58%
December 14, 2022	5	0	100%	92%	77%
November 16, 2022	1	0	100%	85%	85%
September 28, 2022	1	0	100%	82%	82%
September 1, 2022	2	1	66%	80%	73.3%
July 28, 2022	9	1	90%	91.6%	60%
April 21, 2022	4	0	100%	92%	77%
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					
		Pass Rate		Score	Range
Exam Date	Passed	Failed	Pass Percentage	Highest Score	Lowest Score
November 16, 2022	0	1	0%	65%	65%
September 1, 2022	0	1	0%	60%	60%
April 21, 2022	0	1	0%	68%	68%
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 2023-2024

OMCB's Compliance Division has continued maintained the pace and quality of our inspections throughout the current reporting quarter to once again meet the goal of our agency's Key Performance Measure #1: Percent of licensed facilities inspected not less than once per biennium.

Our agency reached 102% of the annual target at the close of the fourth quarter of FY 2021-2022. We continued this pace through FY 2022-2023. Compliance achieved 100% of licensed facilities inspected in the biennium – the first time in the modern era!

Our Inspectors returned to in-person, on-site inspections in June 2022 and have primarily continued conducting inperson inspections throughout FY 2022-2023 and now into FY 2023-2024. Additionally, we have continued utilizing virtual inspections as a tool when appropriate.

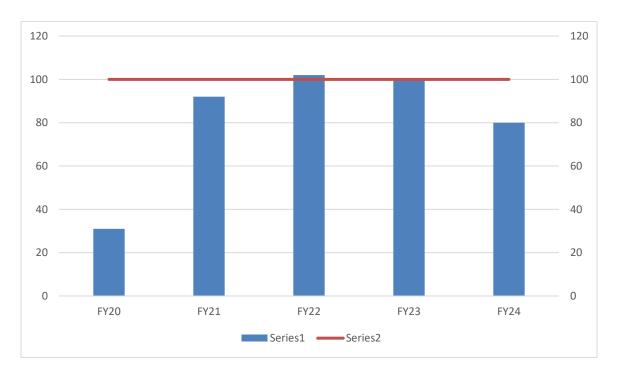
Our Inspectors are well-trained and experienced with the inspection process. They continue to meet or exceed their quarterly targets. We have streamlined our initial and follow-up communications with facilities, developed a long-term scheduling plan, and anticipate that our agency will continue to meet the inspection goals for FY 2023-2024.



Inspection Key Performance Measure

KPM #1: Facility Inspection – Percentage of licensed facilities inspected not less than once per biennium.

Data Collection Period: Jul 01 - Jun 30



As of the beginning of the 2023-2025 biennium, OMCB regulates 725 licensed facilities located throughout the state. Our agency's statutory mandate is to inspect at least half of these (approximately 363) during each fiscal year. To achieve our inspection targets, our two Inspectors must complete approximately 91 inspections per quarter combined. For the past two years, Inspectors have met or exceeded those averages. Inspection details by quarter are in the chart below.

Total Inspections Completed During the Past Four Quarters					
FACILITY TYPE	April – June 2023 (Q4)	July – September 2023 (Q1)	October – December 2023 (Q2)	January – March 2024 (Q3)	
Funeral Establishment	35	42	9	27	
Cemetery Authority	38	34	85	61	



Crematory Authority	4	19	2	8
Alternative Disposition Facility	0	2	0	0
Immediate Disposition Company	3	0	0	0
Biennial Inspections Completed per Quarter	80	97	96	96
Total Inspections Completed per Quarter	83	97	97	98
Total Biennial Inspections for FY	366 (100% complete)	97 (26% complete)	193 (53% complete)	289 (80% complete)

Special Projects/Other Items:

Inspectors are assisting with Licensing projects as needed. This includes ongoing licensing portal support, contact and communications with licensees and facilities, etc.

Additionally, Inspectors continue to work on investigations alongside the Investigator when appropriate.

Investigations

The following table shows the total number of cases by phase to March 2024.

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 22-0000ABC – 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 and the following illustrates the status of cases from quarter to quarter.



Case Status	July 2023	October 2023	January 2024	March 2024
Open	44	39	39	30
Hold	11	16	0	5
Post	9	7	6	37
Closed	4	15	3	15

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 since the last Board meeting, 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 since the last board meeting. 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 22nd & 24th, 2024 Board Meeting

There were 49 cases presented to the Board during the January 22nd/24th Board Meeting.

3 cases have been closed and 15 cases were tabled. No cases have requested hearings.

Cases Presented During Last Board Meetings (January 2024)					
Case Number Case Action/No Action Current Case Status Note/Comment					
22-1025 Addendum	Reopen	Presenting 4/9/2024			
22-1031 Addendum	No Action	Closed			



22-1048 Addendum	Action	Pending NPDA	
22-1050 Addendum	Action	Pending NPDA	
22-1051 2 [™] Addendum	Uphold prior action	Pending NPDA	
22-1055 Addendum	No action	Closed	
22-1056 Addendum	No action	Closed	
22-1057 2 nd Addendum	Action	Pending request for hearing	
23-1002A Addendum	Action	Pending NPDA	
23-1002B Addendum	Action	Pending NPDA	
23-1004A Addendum	Action	Pending NPDA	
23-1004B Addendum	Action	Pending NPDA	
23-1004C Addendum	Action	Pending NPDA	
23-1007A Addendum	Action	Pending request for hearing	
23-1007B Addendum	Action	Pending request for hearing	
23-1008A Addendum	Action	Pending request for hearing	
23-1008B Addendum	Action	Pending Consent Order	
23-1008C Addendum	Action	Pending Consent Order	
23-1017 Addendum	Action	Pending NPDA	
23-1018 Addendum	No action	Closed	
23-1019A Addendum	Action	Pending request for hearing	
23-1019B Addendum	Action	Pending request for hearing	
23-1021	Tabled	Presenting 4/9/2024	
23-1022A	Action	Pending request for hearing	
23-1022B	Action	Pending request for hearing	



23-1025 Addendum	Action	Pending request for	
23-1027	Tabled	hearing Presenting 4/9/2024	
23-1028A		Pending request for	
Addendum	Action	hearing	
23-1028B	A -+:	Pending request for	
Addendum	Action	hearing	
23-1029 Addendum	Action	Pending Consent Order	
23-1031 Addendum	Action	Pending Consent Order	
23-1033 Addendum	Action	Pending NPDA	
23-1035 Addendum	Action	Pending Consent Order	
23-1036	Tabled	Presenting 4/9/2024	
23-1037	Tabled	Ongoing investigation	
23-1038	Tabled	Presenting 4/9/2024	
23-1039	Tabled	Presenting 4/9/2024	
23-1040	Tabled	Ongoing investigation	
23-1041	Tabled	Ongoing investigation	
23-1042	Tabled	Ongoing investigation	
23-1043	Tabled	Ongoing investigation	
23-1044	Tabled	Ongoing investigation	
23-1045	Action	Pending Consent Order	
23-1046	Tabled	Presenting 4/9/2024	
23-1047	Tabled	Presenting 4/9/2024	
23-1048	Tabled	Ongoing investigation	
23-1052	Action	Pending request for hearing	
23-1053	Action	Pending NPDA	
23-1057	Tabled	Presenting 4/9/2024	

Case Aging

There are currently no cases that have gone over 180 days. Approval of the Executive Director's Report authorizes 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

Historical Background

The purpose of the Indigent Disposition Program (IDP) is to provide licensed Oregon funeral establishments with reimbursement for costs incurred while providing services for the disposition of unclaimed indigent decedents. The Indigent Disposition Program has been in existence since the Oregon State Legislature originally assigned administrative responsibility for reimbursement to the Public Health Division of the Oregon Health Authority in 1993. Prior to that



legislation, each county was responsible for covering all indigent disposition expenses. In 2015, the Oregon State Legislature revised certain elements of the program, transferred management to the Oregon Mortuary & Cemetery Board (OMCB) and amended the required process that a funeral establishment must complete prior to performing final disposition of an indigent decedent. These changes went into effect on January 1,2016.

Not every state has established a program like Oregon's Indigent Disposition Program. In the states surrounding Oregon, payment for the care of unclaimed decedents falls to the county – which may or may not have sufficient funds – and may or may not have requirements regarding the decedent's residency in the county. Overall, fewer than half of all state governments have established funds similar to this one.

The Indigent Disposition Program's maximum reimbursement rate is set annually by OMCB's Board – the current rate is \$550 per approved claim. This rate is posted on OMCB's website and notification of any rate changes are publicized.

In accordance with OAR 830-040-0090(1), only a licensed funeral establishment (including an immediate disposition company or persons acting as funeral service practitioners) may apply for indigent disposition reimbursement.

How the IDP Fund was Funded Prior to HB 2120:

Prior to the implementation of HB 2120 during the 2021 Legislative Session, the IDP Fund received its revenue from the death filing fee as follows:

(1) The State Mortuary and Cemetery Board shall impose and collect a filing fee of \$20 for each report of death and shall deposit the total amount of the fee collected to the credit of the State Mortuary and Cemetery Board Account established under ORS 692.375. Of the fee, at least \$6 must be used by the board to carry out the purposes of ORS 97.170 (5). The board shall use the remainder of the fee in the same manner as other funds credited to the account under ORS 692.375.

(2) The board shall adopt rules regarding the use of the fee described in subsection (1) of this section and shall consider historical data related to expenditures made for the purposes of carrying out ORS 97.170 (5) and 692.375. Expenditures relating to the administration of the fee may not exceed five percent of the moneys collected.

Therefore, OMCB previously received \$20 (death filing fee) for each death and allocated the amount as follows:

- \$6 was paid to the IDP Fund, and
- \$14 was paid to OMCB's agency budget account this is the primary source of our agency's revenue.

How the IDP Fund is Currently Funded with the Implementation of HB 2120:

With the implementation of HB 2120 that became effective on January 1, 2022 – now included in **ORS 692.415** – the \$30 death filing fee is allocated as follows:

- \$16 to be used to carry out the management/administration of the IDP Fund, and
- \$14 is to be used for OMCB's agency budget account still the primary source of our agency's revenue.

Current Reimbursement Rate:

The current IDP reimbursement rate is \$550 per claim as of July 2023.



Reimbursement Rate Recommendation:

The IDP revenue from the death filing fee for 2023 was \$697,273.75 & the IDP reimbursement claim payments for 2023 totaled \$250,215.00.

DAS Shared Financial Services has confirmed the IDP Fund has a healthy reserve/balance and based upon this information, it is recommended that the IDP reimbursement rate remain at \$550 for the upcoming year (July 1, 2024 to June 30, 2025).

IDP Claims Received Per Year		IDP Claims Paid Per Year		% of IDP Claims Paid Per Year
2019	528	2019	487	92.23%
2020	526	2020	476	90.49%
2021	464	2021	371	79.96%
2022	594	2022	518	87.2%
2023	713	2023	533	74.75%
Average Per Year	565	Average Per Year	477	84.42%