



## **January 12, 2021: General Session Meeting (by Zoom and phone) Minutes Draft**

**Board Members Present** David **Bone** President; Ruggio **Canizares**; Craig **Collins**; Nancy **Felton**, Secretary / Treasurer; Rob **Gaskill**; Beatrice **Gilmore**; Deborah **Harris**; Angela **McKenzie-Tucker** Vice President;; Melissa **Porter**; and Randy **Tjaden**

**Board Members Absent:** Elizabeth **Pacheco**

**Staff Members Present:** Chad **Dresselhaus**, Executive Director; Pete **Burns**, Education and Compliance Manager; Marianne **Itkin**, Investigator; James **Liddle**, Compliance Specialist; Ryan **Christopher**, Office & Licensing Manager; Greg **Brown**, Compliance Specialist and Tyler **Anderson**, AAG.

**Staff Members Absent:** Kate **Robertson**, Program Administrator Indigent Disposition Fund;

**Guests:** Sherry **Lauer**, Chief Human Resources Office Department of Administrative Services; and Dalene **Paull**, The International Conference

### **I Call to Order**

The General Session of the Mortuary and Cemetery Board (Board) was called to order at 9:05 am via Zoom and telephone conference. After roll call, President Bone welcomed members of the Board, staff, and guests.

### **II General Session**

#### **A Approval of Meeting Minutes drafts**

Will be made available at April 13, 2021 board meeting.

Board Meeting Minutes Draft- **October 8, 2019**.

Board Meeting Minutes Draft- **December 10, 2019**.

President Bone questions why these drafts are not available now. Director Dresselhaus explains that this is relative to the large number of change of ownerships and facility renewals currently in process.

#### **B. President's Comments**

##### **1 Reflections of an outgoing Board President**

President Bone expresses his gratefulness to staff and industry, excited for new Board President Angela McKenzie-Tucker. Board will be in good hands. His term is not up for another 3 years so we are not done with him yet.

Director Dresselhaus expresses thanks to President Bone.

#### **C. Presentation and Approval of Executive Director's Report for January 2020**

Director Dresselhaus then reviewed the Report.

Member Felton questions why inspections are so low over the last few months?

Manager Burns explains that there has been resistance from licensees and delays in response times.

President Bone asks Pete to elaborate. Member Gaskill further questions about how many inquiries from inspectors went un-answered? Pete defers to specialist Brown. Greg explains that once we were

authorized to go full virtual with inspections that of 50- 55 requests, there are about 12-15 that we are still working to get info from. This results in constant interactions.

Member Tjaden states that he thinks it's absurd that no one would respond and that we should show up on their doorstep a week later. Manager Burns details that current State mandated health and safety restrictions prevent us from knocking on doors. He expresses that virtual inspections are a great value.

Member Gaskill states that we need throw our weight around. No excuses. Pete agrees and adds that we need to build on where we are at.

AAG Anderson questions if the Board feels that it would be a good internal policy that after two attempts to contact to then refer the matter to the Board?

President Bone says that if there has been no response then Yes the Board should be involved.

Director Dresselhaus is supportive but states this idea needs structure. Inspectors have been instructed to call first to make sure of owners and managers and initiate conversation which explains everything that is needed. So if they don't respond by the 7<sup>th</sup> or 10<sup>th</sup> day then we could send notice that they are subject to having it presented to the Board?

Member Porter asks why can't there be a deadline built into the inspection just like we do for investigations? Chad agrees this is a great suggestion

Investigator Itkin states that in her letter to Licensees regarding investigations it has all the OARs that pertain to legal requirements to cooperate.

President Bone says let's do this for now. Staff direction to come up with a plan to address this moving forward. How long do we feel is adequate and enough time to respond? Can we just make up a number? Let's have this by next Board meeting.

Member Collins questions if there already a rule? Present Bone, states he doesn't think there is any language already and that we'll need to put out a message to licensees with clear indication. We don't want to reinvent the wheel, give staff opportunity to come up with ideas. A Special Board meeting can be had if necessary.

Member Tjaden states it's not optional and the facilities must comply. He continues, this is the first time in his 40 years that we have 2 inspectors and allowing virtual inspections. He doesn't see the need to continue having this conversation, "Come on everybody!" President Bone agrees.

Manager Burns then provides details regarding the investigations aspect of the Report. Direct Dresselhaus then discusses the IDP Fund, he apologizes for getting this in last minute.

Vice President McKenzie-Tucker asks where is Kate? Manager Burns states that she is absent.

Director Dresselhaus then discusses the LC to increase filing fee by 10.00 and mentions the entire 10.00 will go into the IDP fund.

Member Felton asks if Board members will be sent an annual report. Director Dresselhaus states that we will be sustainable until 2026 and will review on an annual basis. Nancy asks if it will be at every board meeting that we will be provided an update and what is pending to be reimbursed? Director Dresselhaus states that Yes, this will be done at every meeting.

Member Felton states that people have been complaining about not getting reimbursed in a timely manner.

Vice President McKenzie-Tucker states that IDP numbers need to match with financial account/ report. Director Dresselhaus agrees

Noting there were no other questions President Bone asks for motion to approve the Executive Directors report.

Member Canizares so moved. President Bone seconds. President Bone asked if there was further discussion. Hearing none, he then asked those in favor to signify by saying aye. All others were aye and the motion passed unanimously. Those voting in favor: Members Bone, Canizares, Collins, Felton, Gaskill, Gilmore, Harris, McKenzie-Tucker, Porter, Tjaden. Those voting no: None. Those abstaining: None.

#### **D. Public Comments**

President Bone noted that there were no comments.

#### **E. General Discussion & Action Items**

##### **1. Standing Item: Board Best Practices 2 min Check In for FY 2021 (July 2020 - June 2021) 🗨️**

The Board is required to implement performance measures and conduct an annual self-assessment against "Best Practices Criteria" as laid out by the Department of Administrative Services on an annual basis. The Board is required to report the percent of total best practices met by the Board (percent of yes responses) in the Annual Performance Progress Report as specified in the Board's budget instructions. If consensus is not achieved, the Board is required to record the response as "no."

The Board Best Practices form has been included in each Board member's packet for each Board meeting, in order to help remind Board members when applicable topics are discussed, or should be discussed. In addition, the symbol 🗨️ is used to flag agenda items that relate to Best Practices.

##### **2. Election of Officers**

On behalf of the nominating Committee, Chair Bone presented the following nominations as individual recommendations from each of the committee members for the election of officers for 2021 unless there was another recommendation: Angela McKenzie-Tucker, President; Robert Gaskill, Vice President; and Nancy Felton for Secretary/ Treasurer.

President Bone then asked if there were any other nominations to be considered. Hearing none, he then asked if there was a motion on the floor to accept the nominations as presented. He recognized Member Tjaden.

Member Tjaden moves. Member Canizares seconds.

Those voting in favor: Members Bone, Canizares, Collins, Felton, Gaskill, Gilmore, Harris, McKenzie-Tucker, Porter, Tjaden. Those voting no: None. Those abstaining: None.

### **3. Secretary of State Audit**

President Bone reminds everyone that we are in general session.

Director Dresselhaus recognizes Manager Burns in spearheading the process and his dedication, going above and beyond. Manager Burns expresses thanks and mentions that the audit process had started in Feb. 2020 and ended in Dec 2020. The he is glad we were able to go through this. He explains details of the report and thanks Sherry Lauer for her assistance and guidance in our responses and understanding.

Member Felton questions if the Board review the expenses? Pete- not currently...

Sherry states to be mindful that the Board shouldn't be involved on that level. It is Chads responsibility.

President Bone states that Chad presents him with an expense report for things like OFDA meetings and conventions, just so the Board knows. He agrees that it is ultimately Chad's responsibility.

There was no further questions or conversation on the subject Secretary of State Audit.

### **4. 2021-2023 Governor's Recommended Budget**

Director Dresselhaus discusses unique situation where OMCB is being transitioned to OHA/ Health Licensing Office. He doesn't have a lot of info at this time and asks Sherry to elaborate.

Sherry Lauer states that she has been involved in many conversation regarding this. Her understanding is that for the first year the budget would be whole. The intention at this point the positions are in the GRB to move the FTE related to the reorg,

The intention at this point is to not to loose staff, though there is a potential that there could be some sort of implication to the ED position. HLO has one director. Simply a potential. Up in the air and depends on what happens in the legislature.

Specialist Brown questions if there is staffing reduction based on the details showing full time equivalent has gone down?

Sherry- frankly I don't know, I'm not 100% sure. The intention was not to eliminate positions.

Director Dresselhaus states he is not sure either. Sherry directs Chad to follow up regarding the 3.50 reduction from 7.

Member Tjaden states that OMCB is self-funded and questions why would there be a consideration for merging with HLO with we are self-sufficient.

Sherry Lauer states that a lot of agencies are fee based. She discusses there being significant concern amongst HLRB for more control and oversight, because some agencies are not following requirements. The transition has to do with how the agencies have been run and how the Executive Directors have been working together or not working together.

Member Tjaden asks what other agencies has are self-sufficient. Sherry replies that it's too early to tell. When the GRB is published Chad and other EDs have to support the transition because it is part of the Governors recommend budget. Agencies hands are tied.

President Bone says thanks and stay tuned.

### **5. Facility License Renewal Update**

Manager Christopher presents details regarding the status of the current facility renewal cycle process. He mentions that for over the last two and ½ years the Board has been working hard to modernize our licensing database. OMCB staff had been working in our previous foundational system since the 90s. This decades-old system had zero user interface features or options. He mentions that we understand that these technological transitions have had a major impact on our licensees, both individuals and facilities, and other industry members. He then said we are happy to announce that as of the beginning of November 2020 our new online Facility Portal has been made available. While the initial rollout was less than ideal and much subsequent follow will certainly be necessary. As of now 448 of 745 facility have been approved for renewal.

He then mentioned that as of very recently, with Board officer input a decision was made to waive the 50.00 reinstatement fee for facilities renewing between 1/1/2021 and 3/31/2021.

## **6. COVID-19 Vaccine Update**

Director Dresselhaus mentions being proud to get Death Care Work being included at a State level.

Manager Burns mentions the challenge and success in getting our name in the hat, and that we want to make sure we are not overlooked in regards to vaccines distribution. We are not getting much response at this point. Yesterday OHS put out a distribution survey, which has been sent out to our licensees. Next step is to get the info we received today validated and out to licensees.

Specialist Brown asks if State workers who do inspections will be given priority. Pete- not to my knowledge. Member Felton asks the same for cemetery workers? Director Dresselhaus states that he believes that based off the definition that they will.

Vice President McKenzie-Tucker states that very few death care workers have been vaccinated. President Bone states that he trusts Chad and Pete to make sure the updated info will be provided.

President Bone then requested that the Board adjourn General Session at 10:50 am for a break.

After Break Board members met privately with Sherry Lauer to discuss ED evaluation. Staff were excused from this session.

## **III Executive Session as authorized by ORS 192.660(2)(a), (b), (f), (h), (i) and / or (l)**

At 1:01 pm President Bone then directed the Board to enter into executive session. The executive session was held pursuant to ORS 192.660(2)(a), (b), (f), (h), (i) and / or (l). If present, representatives of the news media and designated staff would have been allowed to attend the executive session, but all other members of the audience would have been asked to leave the room. Representatives of the news media would have been specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. Note that no decision can be made in executive session. At the end of the executive session, the Board returned to open session. Executive session adjourned at 3:35 pm.

## **IV General Session**

President Bone called the general session of the Board back to order at 3:35 pm. Member Harris was excused. All others who were in attendance for the earlier general session were present by Zoom or telephone.

## **F Licensing Actions**

President Bone asked if there was a motion to approve this agenda item that was issued in the electronic packet that was provided to Board members. President Bone motioned.

Member Bone so moved. Member McKenzie-Tucker seconded. President Bone asked if there was discussion. Hearing none, he then asked those in favor to signify by saying aye. All others were aye and the motion passed unanimously. Those voting in favor: Members Bone, Canizares, Collins, Felton, Gaskill, Gilmore, McKenzie-Tucker, Pacheco, Porter, Tjaden. Those voting no: None. Those abstaining: None.

## **G. Investigations**

### **1. 2020-1017 Addendum – No Action**

Moved: Bone. Second: Gaskill.

For: Bone, Canizares, Collins, Felton, Gaskill, Gilmore, McKenzie-Tucker, Pacheco, Porter, Tjaden.

Against: None.

Recused: None.

Motion Passes: 9 - 0.

### **2. 2020-1020 Addendum – No Action**

Moved: Bone. Second: Canizares.

For: Bone, Canizares, Collins, Felton, Gaskill, Gilmore, McKenzie-Tucker, Pacheco, Porter, Tjaden.

Against: None.

Recused: None.

Motion Passes: 9 - 0.

### **3. 2020-1027 – No Action**

Moved: Bone. Second: Collins.

For: Bone, Canizares, Collins, Felton, Gaskill, Gilmore, McKenzie-Tucker, Pacheco, Porter, Tjaden.

Against: None.

Recused: None.

Motion Passes: 9 - 0.

### **4. 2020-1028 – Ratify**

Moved: Bone. Second: Collins.

For: Bone, Canizares, Collins, Felton, Gaskill, Gilmore, McKenzie-Tucker, Pacheco, Porter, Tjaden.

Against: None.

Recused: None.

Motion Passes: 9 - 0.

### **5. 2020-1029 – Ratify**

Moved: Bone. Second: Gilmore.

For: Bone, Canizares, Collins, Felton, Gaskill, Gilmore, McKenzie-Tucker, Pacheco, Tjaden.

Against: None.

Recused: Porter.

Motion Passes: 8 - 0.

### **6. 2020-1030 – Action**

Moved: Bone. Second: Tjaden.

For: Bone, Canizares, Collins, Felton, Gaskill, Gilmore, McKenzie-Tucker, Pacheco, Porter, Tjaden.

Against: None.

Recused: None.

Motion Passes: 9 - 0.

As there was no further business, President Bone thanked everyone for their time and adjourned the meeting, passing the baton to Angela

**V Adjournment** - the meeting adjourned at 3:40 pm.