

Executive Director’s Report for January 10, 2023

ADMINISTRATIVE

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

Budget Summary through November 2022

Revenue	Biennium to Date	2021-23 Total Biennial Budget	% Received
All Sources (including cash reserves & reimbursements)	2,735,810.32	3,084,843	89%
Expenditures	Biennium to Date	2021-23 Total Biennial Budget	% Spent
Personal Services	1,186,999.58	1,669,630	71%
Services and Supplies	710,151.64	1,245,664	57%
Total Expenditures	1,897,151.22	2,915,294	65%

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:** None
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	Oct. 5, 2022	Jan. 4, 2023	Change from Oct. to Jan.	Trend
Death Care Consultants	0	0	0	-
EM Apprentices	71	85	14	▲
FSP Apprentices	101	122	21	▲
Interns	9	12	3	▲
Embalmer Only	10	11	1	▲
FSP Only	175	178	3	▲
Combination FSP/ Embalmer	367	370	3	▲
Military Combination FSP/ Embalmer	0	0	0	-



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Preneed Salespeople	118	129	11	▲
Funeral Establishments	194	194	0	-
Immediate Disposition Companies	7	7	0	-
Crematoriums	69	69	0	-
Cemeteries, Operating	303	303	0	-
Cemeteries, Operating, Municipal	36	36	0	-
Cemeteries, Operating, County	7	7	0	-
Cemeteries, Operating, Special District	125	125	0	-
Cemeteries, Registered Non-Operating	49	49	0	-
Removal Registrations	35	35	0	-
Alternative Disposition Facilities	3	3	0	-
Combined Total of all Licenses/Registrations	1,679	1,735	56	▲

License Examinations

The Funeral Service Practitioner & Death Care Consultant Exams were administered on November 16, 2022, and December 14, 2022, at the Portland State Office Building. There is currently not a date scheduled for the next exams.

Funeral Service Practitioner Law Exam					
Exam Date	Pass Rate			Score Range	
	Passed	Failed	Pass Percentage	Highest Score	Lowest Score
December 14, 2022	5	0	100%	92%	77%
November 16, 2022	1	0	100%	85%	85%
September 28, 2022	1	0	100%	82%	82%



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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					
Exam Date	Pass Rate			Score Range	
	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 2021-2022

OMCB's Compliance Division has again 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.*

OMCB reached 102% of our yearly target at the close of the fourth quarter of FY 2021-2022. We have continued this pace into Q1 and Q2 of FY 2022-2023.

Our Inspectors returned to in-person, on-site inspections in June 2022. They have expanded these throughout this

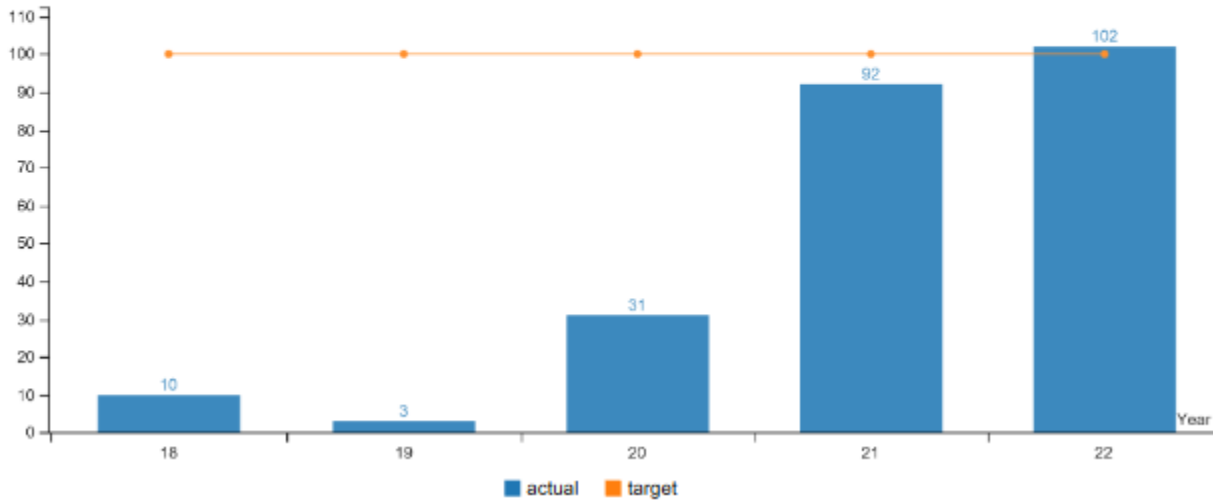
current quarter and continue to rely on virtual inspections when appropriate, mostly to support licensing actions.

Our Inspectors are well-trained and experienced with the inspection process. They continue to meet or exceed their 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 2022-2023.

Inspection Key Performance Measure

KPM #1	Facility Inspection - Percent of licensed facilities inspected not less than once per biennium.
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



OMCB 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, or 96 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	January – March 2022 (Q3)	April – June 2022 (Q4)	July-September 2022 (Q1)	October – December 2022 (Q2)
Funeral Establishment	26	11	46	45
Cemetery Authority	65	79	34	34
Crematory Authority	4	5	14	18
Alternative Disposition Facility	1	0	1	0
Immediate Disposition Company	0	0	0	0
Biennial Inspections Completed per Quarter	96	95	95	95
Total Inspections Completed per Quarter	101	98	96	97
Total Biennial Inspections for FY	290 (77% complete)	385 (102% complete)	95 (25% complete)	190 (50% complete)

Special Projects/Other Items:

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

Inspectors are currently being cross-trained on the investigative process, as they may be required to conduct an investigation based upon the results of an inspection. Both inspectors have completed an investigation for this board meeting.

Investigations

The following table shows the total number of cases by phase through September 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 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 by the Numbers: April 2022 to January 2023 (YTD)				
Case Status	April 2022	July 2022	October 2022	January 2023 (YTD)
Open	24	17	19	28
Hold	11	11	11	11
Post	1	4	5	1
Closed	12	11	22	17

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 October 11, 2022 Board Meeting

There were 23 cases presented to the Board during the October 11, 2022 Board Meeting. 21 of those have been closed; Two of which are pending payment of civil penalties. One case was tabled and is being presented during the current January 2022 Board Meeting. One case is an ongoing investigation following board direction.

Cases Presented During Last Board Meetings (October 11, 2022)			
Case Number	Case Action/No Action	Current Case Status	Note/Comment
22-1003	Action: Civil Penalty	Closed	
22-1005A	Action: Civil Penalty	Closed	A-2 only
22-1013 ABC	Action: Civil Penalty	A Closed B Closed* C Closed	*Pending Payment of Civil Penalty
22-1015	No Action	Closed	
22-1016	No Action	Closed	
22-1017AB	No Action	Closed	
22-1019	Action: Civil Penalty	Closed	
22-1020	Tabled	Presenting to Board	
22-1021ABCDEF	No Action	Closed	
22-1023	Tabled	Ongoing	

		investigation	
22-1024ABC	Action: Civil Penalty	Closed	
22-1015	No Action	Closed	
22-1016	No Action	Closed	
22-1017AB	No Action	Closed	
22-1019	Action: Civil Penalty	Closed	

Case Aging

There are currently zero 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

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.

[ORS 692.415](#) 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 is 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.

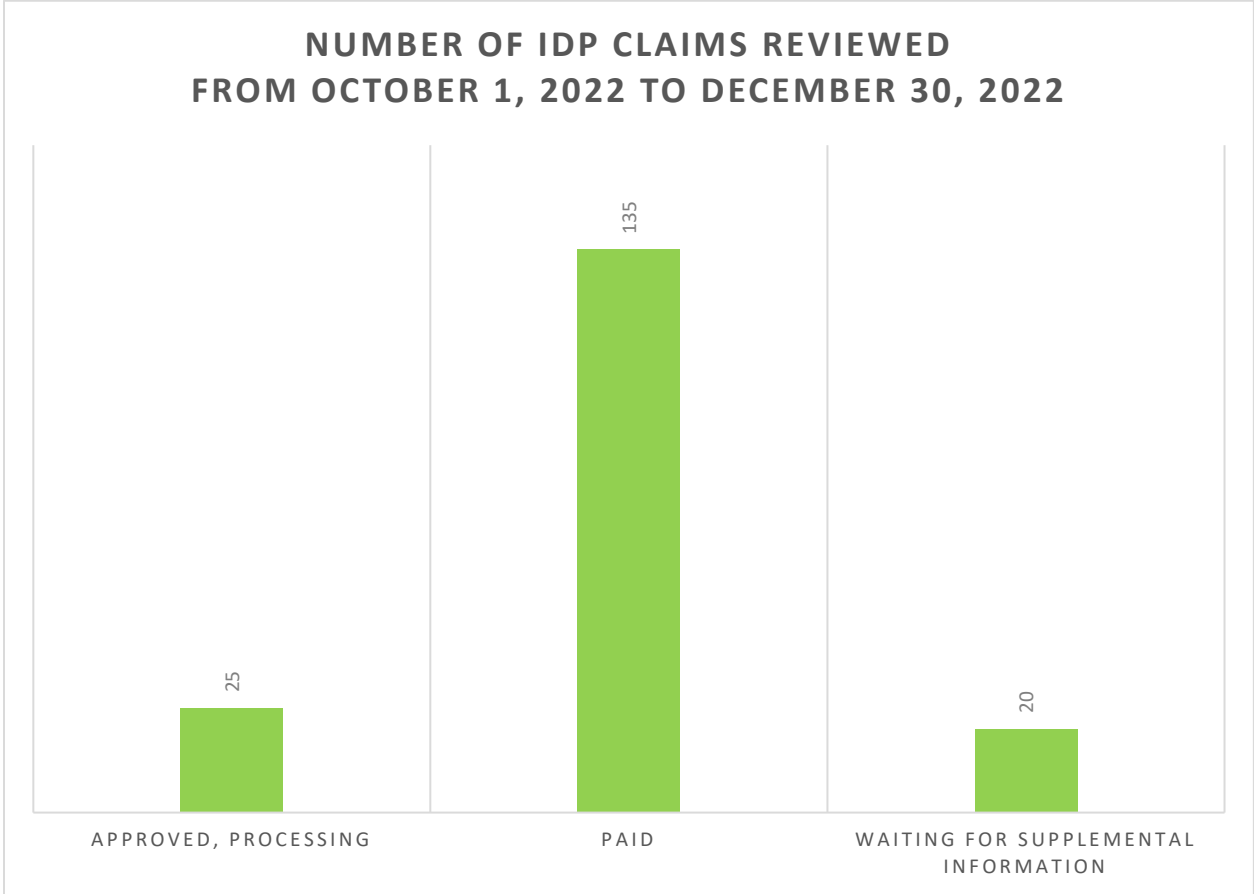
When OMCB took over administration, the law changed to provide funeral establishments and immediate disposition companies with a more predictable, fixed rate – the initial amount was \$461. The reimbursement rate was set in mid-2015 as a calculation of the maximum amount that the fund could provide given 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 (through December 30, 2022):

Current Status of IDP Claims	Number of IDP Claims Reviewed from October 1, 2022 to December 30, 2022
Approved, Processing	26
Paid	135
Waiting for Supplemental Information	20
Grand Total	181



IDP Fund Numbers (Calendar Year 2019 through 2022):

Indigent Claims Received	CY 2019	CY 2020	CY 2021	CY 2022
Total Number of Claims Reviewed	398	472	464	492
Number of Claims paid	324	304	351*	349
Approved, Processing	49	111	34	45
Currently Open Claims (Waiting on additional information, researching, etc.)	4	39	52	72
Withdrawn/Denied	21	18	19	26

*This number has been updated since last ED Report.



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Indigent Claims Reimbursed	CY 2019	CY2020	CY 2021	CY 2022 (YTD: 11/22)
Average Amount Reimbursed per Qualifying Claim*	\$497	\$485	\$500	\$500
Total Amount Reimbursed	\$212,612	\$248,536	\$150,148	\$229,500
Average Number of Total Claims received per Month	44.2	39.5	38.6	41
Average Number of Qualifying Claims received per Month	41.4	34.5	32.6	32.8

Solvency:

Indigent Claims Reimbursed	FY 2020-21	FY 2021-22	FY 2022-23 (As of 11/22)
Death Filing Fee Total	\$691,180	\$1,149,130	\$522,750
Amount Allocated to IDP Fund	\$207,354	\$490,222.55	\$278,782.58
Net Cash By FY	\$57,205.84	\$256,762.55	\$230,917.58
Ending Cash Balance	\$125,829.10*	\$355,012.02	\$613,509.22

*This number has been updated since last ED Report.