



January 11, 2022 General Session Meeting Minutes
FINAL Approved by Board April 12, 2022
via Teams and Telephone

Board Members Present: Angela **McKenzie-Tucker**, President; Rob **Gaskill**, Vice President; Nancy **Felton**, Secretary/Treasurer; David **Bone**; Ruggiero **Canizares**; Craig **Collins**; Debra **Harris**; Elizabeth **Pacheco**; and Melissa **Porter**

Board Members Absent: Beatrice **Gilmore**

Staff Members Present: Chad **Dresselhaus**, Executive Director; Pete **Burns**, Education & Compliance Program Manager; Gregory **Brown**, Compliance Specialist/Inspector; Ryan **Christopher**, Office & Licensing Manager; Sylvie **Huhn**, Indigent Disposition Program (IDP) Fund Administrator; Marianne **Itkin**, Investigator; and James **Liddle**, Compliance Specialist/Inspector

Board Counsel Present: Catriona **McCracken**, AAG

Staff Members Absent: None

Guests: Chris **Farmer**, Attorney NFDA; Lauren **Thomas**, The International Conference; Haylee **Morse-Miller**, Legislative Analyst, Legislative Fiscal Office for OMCB and the other Health Related Licensing Boards; and Wendy **Usher**, Hospice Volunteer

I. Call to Order

General Session was called to order at 9:05am via Microsoft Teams and telephone conference. After the roll call, President McKenzie-Tucker began going through the General Session agenda items.

II. General Session

A. Approval of Meeting Minutes

Board Meetings Minutes, Draft – October 12, 2021

President McKenzie-Tucker thanked Manager Christopher for putting together the minutes draft being presented. She reminded members that the October 12, 2021, Minutes Draft was uploaded and available for review via member's I-pads. She asked if there were any corrections or comments.

AAG McCracken verbally recommend some minor edits.

President McKenzie-Tucker asked if it was ok to approve the minutes draft with those edits.

She recognized Member Bone.

Member Bone so moved. Member Gaskill seconded.

President McKenzie-Tucker 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, Harris, McKenzie-Tucker, Pacheco, Porter.

B. President's Comments

1. Welcome Comments from Angela McKenzie-Tucker

President McKenzie-Tucker extended a happy new year and welcomed everyone to 2022. She stated that 2021 was a strange year and that it had been over a year since members and staff had seen each other.

She stated that the Executive Committee has continued to meet once a month or more, focusing on dialogue with Director Dresselhaus and gaining an understanding of the various financial reports. She added that there has been tremendous progress. She acknowledged appreciation of board staff. She reminded everyone that we only meet a few times a year and need to have all members attend each meeting. She emphasized that participation is vital. She stated that she was hopeful to be able to meet in person in the future. She offered that if there was anything anyone wanted to see done to please reach out to her.

C. Presentation and Approval of Executive Director's Report for January 2022

Director Dresselhaus stated that the Board had accomplished a great deal and that hopefully members have seen a progression with relevant information. He stated that the Executive Director's Report has become more of collaborative effort with staff involvement.

He reiterated what President McKenzie-Tucker had mentioned about meeting once a month with the Board officers. He stated they had a meeting with Katy Moreland with Shared Financial Services, and she helped review different details with the officers.

He indicated that he will be presenting some of that information soon. He stated that Member Felton carefully reviews our financial reports and they had a recent meeting in which she had some good questions. He stated overall he is working with the officers to better understand the documents and then determine what is pertinent.

He asked if there were any questions about the budget summary. Hearing none he turned the time over to Manager Christopher.

Manager Christopher briefly reviewed the licensing details found in the Executive Director's Report.

Director Dresselhaus thanked Manager Christopher. He stated that Manager Burns and the inspectors had created a new report as part of strategic plan to meet our targets.

Manager Burns reviewed the details of the report. He added that the Inspection Portal of the Thentia platform is still in beta testing, and that we are working towards being able to utilize the inspection aspects of the platform eventually.

President McKenzie-Tucker appreciated that success is being tracked monthly from the report.

Manager Burns stated that we are focusing on our KMPs, and that there was a 62% increase from the year before. He projected that Compliance would continue to meet the targets in the new calendar year.

He complimented Investigator Itkin for her continued diligence with the cases aging aspect and pointed out that those numbers are all detailed in the Executive Director's Report.

President McKenzie-Tucker asked if there were any questions.

Hearing none she asked if there was a motion to approve the Executive Director's Report. She recognized Member Bone.

Member Bone so moved. Member Gaskill seconded.

President McKenzie-Tucker 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, Harris, McKenzie-Tucker, Pacheco, Porter.

D. Public Comments

President McKenzie-Tucker extended and was excited welcome to all the public guests. This included, Haylee Morse- Miller, Legislative Analyst, Legislative Fiscal Office for OMCB and the other Health Related Licensing Boards; Chris Farmer, Attorney for NFDA; Lauren Thomas, The International Conference; Wendy Usher, Hospice Volunteer here out of curiosity.

President McKenzie-Tucker asked if there as any public commentary. Hearing none she moved on.

E. General Discussion & Action Items

1. Standing Item: Board Best Practices 2 min Check In for FY 2022 (July 2021 – June 2022)

Manager Burns reminded members of the Best Practices survey, and that have done this at the end of the fiscal year. He stated that it will be coming out again in July. If anyone had questions reach out to him or Director Dresselhaus.

2. Election of Officers

President McKenzie-Tucker stated that Member Felton was head of the nominating committee.

Member Felton stated that nobody else had come forward as interested in serving. She indicated that the committee proposed that three of current officers would hold their same positions.

- **McKenzie-Tucker** as President
- **Gaskill** as Vice President
- **Felton** as Secretary/Treasurer

Member Porter stated that she was ok with that and added that the three have done a good job.

Member Pacheco, Member Canizares and Member Bone agreed.

President McKenzie-Tucker told everyone to please call her if there is ever anything thing anyone wanted to talk about.

She asked if there was a motion to approve. She recognized Member Harris.

Member Harris so moved. Member Canizares seconded.

President McKenzie-Tucker 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, Harris, McKenzie-Tucker, Pacheco, Porter.

3. New Board Member Appointment

Director Dresselhaus stated that as you are all aware, Randy Tjaden's resignation opened a vacant position for crematory operator. Kevin Loveland will be filling that position and will bring a wealth of knowledge from an often-overlooked area of Eastern Oregon. He stated that he knows Member Porter and Kevin are fixtures of that area. He added that it is very important that we have diverse representation in all areas of the state. Kevin is on the list to be confirmed by the Senate in February. He indicated that we are glad to have him back on the board.

Member Canizares expressed excitement about the new Board member. He stated that he hopes the onboarding process goes more smoothly than it did for him. He mentioned that he started as Board member in July 2019 and is only now on the Workday system. He added that if the Board is going to encourage public participation it needs to be nimbler.

President McKenzie-Tucker thanked and agreed with Member Canizares.

4. Death Filing Fee

a. Increase Effective January 1, 2022

Director Dresselhaus reminded everyone that emails were sent out in November or December and again recently explaining the increase from \$20.00 to \$30.00. There has been some confusion about when this applies. He clarified that if a death occurs in December 2021, but the funeral establishment doesn't handle the arrangements until January 2022, then we would apply \$20.00. He added that we will closely observe how the transition goes.

b. Outstanding Filing Fee Update

Manager Burns indicates that these details were provided in the Board materials. He added that in April 2021, we identified several outstanding filing fees. These were reported in October and licensees were notified. The outstanding fees that were at \$65,000 moved down to about \$20,000. Invoices are being tracked by DAS and Shared Financial Services. More info on these open invoices will be available.

President McKenzie-Tucker expressed praise.

Member Gaskill stated that he didn't realize that the filing fees weren't coming in and it was a bit of a surprise.

Member Burns stated that we've had a lot of fixes with Thentia and that we are continuing to fine tune our process.

5. NOR Administrative Rules Advisory Committee

Manager Burns explained that this committee has 8 industry experts. There have been two meetings, both were in December 2021. The next one is scheduled for January 20, 2022. They will establish a committee chair. There

are very specific dates that things will need to be done. He indicated that our Washington counterpart has been terrific. He stated that if anyone had input to send along to him.

Member Felton stated that the meetings have gone very well.

Guest Farmer stated that the conversation has been robust and very successful so far.

President McKenzie-Tucker expressed thanks. She asked to be reminded when this needed to be completed. Manger Burns stated that rules are set to be implemented on July 1, 2022.

Director Dresselhaus stated that things will need to be finalized in May.

6. IDP Update

Director Dresselhaus stated that it had been some time since our Administration took over the IDP process. The more we review the more we determine that it needs a fine-tooth comb review, like the inspection process did. We need to do a deep dive into that. An email went out recently regarding the IDP and 10-day hold. He stated that it was a little confusing and so it will be redrafted and sent again to make more sense. He added that we aren't receiving the 10 day holds, and in some cases, it comes six months later and only after have we let them know. He stated that if an establishment does not provide the 10-day hold, we will be denying the application, effective 2/1/2022. He asked if there were any questions?

Member Felton asked what if it isn't an indigent case and family is just out of town or something?

Member Bone asked if Director Dresselhaus could address the conversation that he had with Director Dresselhaus had the other day.

Director Dresselhaus stated that was one of the reasons it became apparent that the line blurred between IDP and 10-day hold. He suggested to think of them as separate issues and that the 10-day hold is required in every situation where a deceased is being held for longer than 10 days.

Member Bone stated that on the IDP application it asked for a working copy of the death certificate, which is new. He stated that it took two weeks to hear back from State Lands and another week or so for family to get back in contact. He added that he just wants to make sure that it is clear that disposition doesn't need to be on the 10th day. He added that this brings up another question about crematoriums being backed up.

Member Collins stated that the 10-day hold would need to be filled out by the funeral home. He added that he has been 14 days out on all cremations for the last 3 months.

Member Canizares asked, looking from outside the box, what is the reason for the rule with the 10-day hold? Is it a huge administrative burden? What is the public participation?

Director Dresselhaus quoted OAR 830.030.0010(4) "All human remains must undergo final disposition within ten days after a licensed funeral establishment takes possession of the remains. If human remains are going to be kept longer than a ten-day period due to exigent circumstances, it is the responsibility of the licensee responsible for those human remains to notify the Board's office."

Manager Burns stated that the public safety piece is to confirm that nothing happens too quickly as it related to IDP.

Investigator Itkin stated that a crematory can't hold for more than 48 hours, and the body would need to go back to the funeral home after that point.

President McKenzie-Tucker stated that this was good discussion. She added that we owe our licensees some clarification.

She gave direction for staff do more research around the 10-day hold requirement and present next meeting.

Manager Burns recognized IDP Administrator Huhn. He pointed out that she immediately started working on claims after starting in October 2021. He stated that she has just dove right into the position and started increasing the volume of processing.

IDP Administrator Huhn stated both the guide and application need to be made clearer. She stated that communication is the most important thing, and we will be redesigning and adding more information. She will be meeting with State Lands soon. She states that it should be easy to access and easy to see what all the requirements are. She added that it's a work in progress and we are excited to see that coming out soon.

President McKenzie-Tucker gave praise to IDP Administrator Huhn.

7. Individual License Renewal Update

Manager Christopher mentioned that the individual renewal cycle was underway and much of his time and focus has been involved with this process. He indicated that since the beginning of November 2021 there has been a high volume of phone calls and emails from those needing assistance with renewal related matters. He added that many of the issues experienced in the previous renewal cycles that were relative to the new licensing and records database system Thentia had been resolved, though we do have some yet unresolved Thentia related dynamics that will still need to be resolved. He stated that one major change in the renewal process this year was that OMCB would no longer be printing physical licenses for those who renew, and that licensees are now able to print copies of their licenses at any time from within their licensee portal accounts.

Member Felton mentioned that she was aware that some Preneed Salesperson licensees have had trouble with the online process.

Member Christopher acknowledged that he was aware of this issue and that it should be resolved. He indicated that he would ensure that it was resolved and follow up with those impacted.

President McKenzie-Tucker gave praise. She thanked the guests for attending and informed that the Board would be ending the general session and there would be a short break before beginning the Executive Session.

President McKenzie-Tucker gaveled out of General Session at 10:23am.

Staff notes indicate that after the break, Member Pacheco was not present for the Executive Session or for the remaining duration of the Board Meeting.

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

At 10:39am, President McKenzie-Tucker 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 2:41pm.

IV. General Session

President McKenzie Tucker called General Session back to order at 2:41pm. All Board Members who were in attendance for the earlier general session except for Member Pacheco, were still present by Microsoft Teams or telephone conference.

At 12:56pm, Board Members and Staff were notified by email of the death of Board Member Beatrice Gilmore.

F. Licensing Actions

President McKenzie-Tucker asked if there was a motion to approve this agenda item as presented, except for the Special Request. Direction was given to staff to gather more information regarding the Special Request and present to the Board at a future Board meeting for a possible determination. She recognized Member Harris.

Member Harris so moved. Member Porter seconded.

President McKenzie-Tucker 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, Harris, McKenzie-Tucker, Porter.

Those voting no: None. Those abstaining: None.

G. Board Inspection Report

President McKenzie-Tucker asked if there was a motion to approve the Board Inspection Report.

She recognized Member Bone.

Member Bone so moved. Member Gaskill seconded.

President McKenzie-Tucker asked if there was discussion. Hearing none, she 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, Harris, McKenzie-Tucker, Porter.

Those voting no: None. Those abstaining: None.

H. Investigations

President McKenzie Tucker asked the Board if there was any discussion. There was none.

1. 21-1018: No Action

Moved: Gaskill. Second: Bone

For: Bone, Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Porter.

Against: None.

Recused: None.

Motion Passes: 8 - 0.

2. 21-1019: Ratify

Moved: Gaskill. Second: Harris.
For: Bone, Canizares, Collins, Felton, Gaskill, Harris, Porter.
Against: None.
Recused: McKenzie-Tucker
Motion Passes: 7 - 0.

3. 21-1020: Tabled

Moved: Bone. Second: Porter.
For: Bone, Canizares, Felton, Gaskill, Harris, Porter.
Against: none
Recused: Collins; McKenzie-Tucker
Motion Passes: 6 – 0.

4. 21-1021: Ratify

Moved: Harris. Second: Felton
For: Bone, Canizares, Collins, Felton, Gaskill, Harris, Porter.
Against: None.
Recused: McKenzie-Tucker
Motion Passes: 7 - 0.

5. 21-1022: No Action

Moved: Gaskill. Second: Felton.
For: Bone, Canizares, Collins, Felton, Gaskill, Harris, Porter.
Against: None.
Recused: McKenzie-Tucker
Motion Passes: 7 - 0.

6. 21-1024: Ratify

Moved: Bone. Second: Harris.
For: Bone, Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Porter.
Against: None.
Recused: None.
Motion Passes: 8 - 0.

7. 21-1025A: No Action

Moved: Gaskill. Second: Harris.
For: Bone, Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Porter.
Against: None.
Recused: None.
Motion Passes: 8 - 0.

8. 21-1025B: No Action

Moved: Gaskill. Second: Felton.
For: Bone, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Porter.
Against: Canizares
Recused: None.
Motion Passes: 7 - 1.

9. 21-1026A1 - A6: Action

Moved: Bone. Second: Felton.

For: Bone, Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Porter.

Against: None.

Recused: None

Motion Passes: 8 - 0.

10. 21-1027A1: Action

Moved: Felton. Second: Gaskill.

For: Bone, Canizares, Collins, Felton, Gaskill, Harris, Porter.

Against: None.

Recused: McKenzie-Tucker

Motion Passes: 7 - 0.

11. 21-1027A2: No Action

Moved: Bone. Second: Gaskill.

For: Bone, Canizares, Collins, Felton, Gaskill, Harris, Porter.

Against: None.

Recused: McKenzie-Tucker

Motion Passes: 7 - 0.

12. 21-1027A3: No Action

Moved: Gaskill. Second: Bone.

For: Bone, Canizares, Collins, Felton, Gaskill, Harris, Porter.

Against: None.

Recused: McKenzie-Tucker

Motion Passes: 7 - 0.

13. 21-1027B: No Action

Moved: Porter. Second: Gaskill.

For: Bone, Canizares, Collins, Felton, Gaskill, Harris, Porter.

Against: None.

Recused: McKenzie-Tucker

Motion Passes: 7 - 0.

14. 21-1028: No Action

Moved: Harris. Second: Gaskill.

For: Bone, Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Porter.

Against: None.

Recused: None.

Motion Passes: 8 - 0.

After voting concluded, President McKenzie-Tucker thanked all for participating and adjourned the meeting.

V. Adjournment

The meeting was adjourned at 2:57pm.