



July 11, 2023, General Session Meeting Minutes – FINAL approved October 10, 2023

Board Members Present: Angela **McKenzie-Tucker**, President; Rob **Gaskill**, Vice President; Nancy **Felton**, Secretary / Treasurer; Joseph **Britton**; Ruggiero **Canizares**; Craig **Collins**; Debra **Harris**; Melissa **Porter**.

Board Members Absent: Kevin **Loveland**; Elizabeth **Pacheco**.

Staff Members Present: Chad **Dresselhaus**, Executive Director; Marianne **Itkin**, Investigator; James **Liddle**, Compliance Specialist; Ryan **Christopher**, Office & Licensing Manager; Sylvie **Huhn**, IDP Administrator; Catriona **McCracken**, AAG.

Staff Members Absent: Greg **Brown**, Compliance Specialist.

Guests: Spencer **Harrington**, **Apprentice Funeral Service Practitioner**; Brian **Harrington**, **interested observer**.

I Call to Order

The General Session of the Mortuary and Cemetery Board (Board) was called to order at 9:01 am via Microsoft Teams and phone. After the roll call President McKenzie-Tucker got right to business.

II General Session

A Approval of Meeting Minutes

Board Meeting Minutes, Draft – **April 11, 2023**

Board Meeting Minutes, Amendment – **January 10, 2023**

Manager Christopher stated that an error was found, and an amendment made to the January 10, 2023, minutes which were presented and approved during the April 11, 2023, Board meeting regarding the agenda item G. Investigations 13. 22-1035 – Action should read 13. 22-1035 – No Action. Staff requested approval of the amendment.

President McKenzie-Tucker asked if there were any comments or questions regarding the proposed recommended amendment for January 10, 2023, Board meeting. Hearing none she asked if there was a motion to approve the amendment. She recognized member Gaskill.

Member Gaskill so moved. Member Harris 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 Britton, Canizares, Felton, Gaskill, Harris, McKenzie-Tucker, Porter.

President McKenzie-Tucker asked if there was a motion to approve the April 11, 2023, minutes draft.

AAG McCracken suggested some minor grammatical edits.

President McKenzie-Tucker asked if there was a motion to approve the April 11, 2023, minutes draft with the recommended minor grammatical edits.

She recognized member Gaskill.

Member Gaskill so moved. Member Britton 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 Britton, Canizares, Felton, Gaskill, Harris, McKenzie-Tucker, Porter.

For the record member Collins arrived at 9:07am and was not present for the above-mentioned votes.

B. President's Comments

1. Welcome Comments from Angela McKenzie-Tucker

President McKenzie-Tucker thanked everyone for coming and mentioned that the meeting was being held at Lincoln Memorial Park and Funeral Home. She thanked and acknowledged staff for all their recent hard work.

a. Mallory Kenney, new Education & Compliance Program Manager

President McKenzie-Tucker welcomed new staff member, education and compliance manager Mallory Kenney. She read a bio about Mallory and gave each board member and staff member an opportunity to introduce themselves and state the one food that they would eat if they could only eat one food. All members and staff introduced themselves and described their preferred food.

Mallory thanked everyone.

C. Presentation and Approval of Executive Director's Report for July 2023

Director Dresselhaus indicated that the agency's revenue is in a really good state. He briefly discussed some of the budget details of the report.

Member Felton asked that with the cash balance being pretty large would the state take that?

Director Dresselhaus mentioned that he didn't think we needed to worry about that and mentioned being mindful of our expenses.

Member Canizares mentioned that perhaps the excess was relative to more remote work and not having as many in-person meetings.

Director Dresselhaus stated that it is required for state agencies to have a cash balance to cover 6 to 8 months. He then briefly mentioned the Covered licensing section of the report.

Manager Christopher briefly discussed the details regarding the permanently lapsed licenses.

Director Dresselhaus briefly mentioned the IDP section of the report. He asked if there were any questions. There were none.

President McKenzie-Tucker asked if there was a motion to approve the Executive Director's Report. She recognized member Canizares.

Member Canizares so moved. Member Felton 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 Britton, Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Porter.

D. Public Comments

President McKenzie-Tucker welcomed the two public participants present and gave them an opportunity to address the Board.

Spencer Harrington addressed the Board and indicated that he had been having trouble getting in contact with the Board staff. He expressed frustration as it related to this. He indicated that he wanted to take the FSP exam but that there was not one currently scheduled. He expressed sincere appreciation for member Gaskill who had been helping him.

President McKenzie-Tucker acknowledged that she and the Board officers were aware of delays in staff response and follow-up in general and they were working to address the situation.

President McKenzie-Tucker stated that when she had initially applied for licensure with the Board that she recalled having just walked into the Board's office with her application and being told that she was "good to go".

Director Dresselhaus stated that for better or worse, past administration may have taken certain liberties as it related to licensing and other agency aspects, but that at this point the effective date of an individual's application is based on when the staff validates everything and not on when we receive the application.

E. General Discussion & Action Items

1. Standing Item: Board Best Practices 2 min. Check In for FY 2023 (July 2023 – June 2024)

Director Dresselhaus reminded the members that this is voted on at the end of each year and that there was a paper slip for each member to complete and give to Mallory before end of the meeting.

AAG McCracken mentioned that there needs to be the name of who is voting included.

Director Dresselhaus stated that this was news to him.

2. Administrative Fee Schedule for 2023

Manager Christopher addressed the Administrative Fee Schedule for 2023 that was provided to the members and mentioned that there were no changes from the previous version of this document.

President McKenzie-Tucker asked if there were any questions. There were none.

President McKenzie-Tucker asked if there was a motion to approve this agenda item. She recognized member Gaskill.

Member Gaskill 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 Britton, Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Porter.

3. Administrative Rulemaking

a. 20-Day Hold Notification

Director Dresselhaus mentioned the committee had determined that they recommend an increase in the number of days from 10 days to 20 days as it related to the requirement found in “830-030-0010 Care of Human Remains (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.” He added that establishments would also all need to let us know once disposition had occurred. He indicated that there will be a chance for public comments.

President McKenzie-Tucker asked if there was a motion to approve. She recognized member Felton.

Member Felton 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 Britton, Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Porter.

b. Birth Certificate/Photo ID

Director Dresselhaus discussed a recently proposed rule change that would remove barriers related to the individual licensure requirements, gender neutralizing the language found in rule, and adding language for government issued ID.

He mentioned meeting with our policy advisor to discuss aspects related to adding reprimand as a disciplinary action option and got into discussion about standardizing and that this is now on hold as it affects all health-related licensing boards.

AAG McCracken mentioned that the Governor’s office is interested in looking into this. She mentioned that we should add cease and desist to the list. She mentioned that if we are going to change that we should consider some other changes. She referenced the situation with Michael Turner and how we could add at least one aggregate year to the language.

Manager Christopher voiced concerns.

AAG McCracken suggested putting in a parameter related to using the wording “aggregate year within 10 years.”

Member Canizares stated that 10 years is a wide range, so this must be industry specific.

Other Members agreed 10 years is fine.

There was discussion related to the adding an application requirement for providing a photo ID.

Member Canizares voiced concern related to ID theft and pushed for US ID and not just government issued ID.

AAG McCracken reiterated the wording she recommended.

President McKenzie-Tucker asked if we were ok to move forward with the recommended change.

Member Gaskill so moved. Member Felton 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 Britton, Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Porter.

President McKenzie-Tucker asked if there were any questions. There were none.

4. Accounts Receivable (Civil Penalties) Update

Director Dresselhaus mentioned that this is a long-term project working on writing off many of the items found on the accounts receivable list.

Manager Kenney stated that she had reached out to Department of Revenue (DOR) and determined that outstanding accounts receivable stay with them for 6 months and then go to a private collection firm for 6 months and then if still no payments, then back to DOR. She indicated that it could be a while before they end up in the Ready for Write Off (RWO) status. She discussed the timeline for getting to the point of RWO. She indicated that there were 8 debts with DOR, 2 are with the second PCF and will be back with RWO in September that total \$132,000. There are 3 more that are with DOR but have not been moved to PCF, this could be for various reasons. There is about \$103,000 in debt that is still with SFS and has not been sent to DOR.

Member Canizares suggested going out of sequence of the agenda to address Transferring FSP Exam to The Conference for the sake of our public attendees.

All members agreed.

5. Transferring FSP Exam to The International Conference

Director Dresselhaus mentioned that there were two options, one being to finalize the transfer of the FSP exam to The Conference, which had been a goal of the agency for almost a decade and near completion, or to administer another in person exam on July 24th. He asked manager Christopher to speak.

Manager Christopher stated that we had already chosen to finalize the transfer of the exam to The Conference. He stated that since 2014 the agency had been working toward making this change and that this is a major achievement for the agency and the industry in terms of efficiency. He indicated that we did not have an exact date determined as to when this would be complete but that it could be done within the next few weeks.

Member Gaskill and President McKenzie-Tucker pushed for an in-person exam on July 24th.

Spencer Harrington had an opportunity to speak and indicated that he would prefer to take an in-person exam on July 24th.

Manager Christopher expressed concern related to efficiency and not wanting to postpone the progress being made as it related to transferring the exam to The Conference.

Board officers expressed frustration towards manager Christopher.

President McKenzie-Tucker stated that we would move forward with having an in-person exam on July 24th, with the understanding that this would push the potential transfer of the FSP exam to The Conference to a more undeterminable date.

The board took a break at 10:35 am and returned at 10:53 am.

6. New IDP Reimbursement Claim Application

Director Dresselhaus mentioned that the IDP application was recently updated, and it has now been updated again. The new updated application includes a spot for them to add a detail about the response from State Lands.

AAG McCracken recommended looking at certain House Bills that were similar.

Director Dresselhaus asked her to send those to him.

Increased Reimbursement Amount

Director Dresselhaus mentioned that on July 1, 2023, the IDP reimbursement amount was increased from \$500 to \$550.

President McKenzie-Tucker asked if the agency had seen an increase in the number of claims since that time.

Administrator Huhn stated that yes there was a recent spike.

7. Disciplinary Action Matrix Update

Director Dresselhaus stated that member Felton is no longer able to be part of the committee and member Gaskill has agreed to be the chair, and member Collins is also part of the committee.

8. Next Newsletter

Director Dresselhaus mentioned that the last Newsletter was well received but due to staff change we have not had one recently, and now that Mallory is on staff our goal is to have the next draft ready for October.

He suggested that if anyone had a topic to, send that to Mallory.

9. Increasing In-Person Board Meetings Discussion

Member Canizares mentioned the benefits of meeting in person and suggested that with the 4 regular meetings that two be in person. He suggested an in-person meeting for October at PSOB which will be a hybrid meeting, and to have to have the January meeting be virtual.

All agreed.

Follow Up Action Items

1. Last Agency Fee Increase

Director Dresselhaus discussed the historical document that was provided and mentioned that there hasn't been a fee increase since 2004. He stated that this topic came about because of a discussion at the last board meeting and consideration regarding creating a staff member position.

He asked if there were any questions. There were none.

2. DOR %

Director Dresselhaus stated that DOR takes 19.8% for their services as it relates to collecting outstanding accounts payable.

3. Policy Advisor: Reprimand/Probation/Subpoena Authority

Director Dresselhaus stated that this was a long-term conversation and that he would have an update for the next meeting.

4. Executive Summary: Managing Facilities

Director Dresselhaus indicated that this document had been provided to the Board members. There was no discussion and no questions.

5. Reinstatement Fee Update

Director Dresselhaus mentioned that the issue we had experienced had been corrected.

President McKenzie-Tucker asked if there anything else. Hearing nothing, she adjourned the general session of this meeting at 11:18 am.

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

At 11:18 am, President McKenzie-Tucker 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 3:46 pm.

IV General Session

President McKenzie-Tucker called the general session of the Board back to order at 3:00 pm. (All Board members who were in attendance for the earlier general session were present.)

F Licensing Actions

President McKenzie-Tucker asked if there was a motion to approve this agenda item. She recognized member Gaskill.

Member Gaskill so moved. Member Britton 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 Britton, 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 this agenda item. She recognized member Gaskill.

Member Gaskill so moved. Member Britton 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 Britton, Canizares, Collins, Felton, Gaskill, Harris, Loveland, McKenzie-Tucker, Porter.

H Investigations

1. 22-1057 A1a – No Action

Moved: Gaskill. Second: Harris.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

22-1057 A1b – Action

Moved: Gaskill. Second: Harris.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

2. 22-1062A1 – Action

Moved: Porter. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

22-1062A2 – Action

Moved: Porter. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

22-1062A3 – No Action

Moved: Collins. Second: Britton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

22-1062B

Moved: Gaskill. Second: Harris.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

22-1062C1 – No Action

Moved: Gaskill. Second: Harris.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

3. **23-1002A** – Tabled

23-1002B – Tabled

4. **23-1003A1** – No Action

Moved: Gaskill. Second: Felton.

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

Against: None.

Recused: Collins.

Motion Passes: 7 - 0.

23-1003A2 – No Action

Moved: Gaskill. Second: Felton.

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

Against: None.

Recused: Collins.

Motion Passes: 7 - 0.

23-1003A3 – Action

Moved: Harris. Second: Canizares.

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

Against: None.

Recused: Collins.

Motion Passes: 7 - 0.

23-1003B1 – No Action

Moved: Gaskill. Second: Porter.

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

Against: None.

Recused: Collins.

Motion Passes: 7 - 0.

23-1003B2 – No Action

Moved: Harris. Second: Canizares.

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

Against: None.

Recused: Collins.

Motion Passes: 7 - 0.

23-1003C – Action

Moved: Canizares. Second: Britton.

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

Against: None.
Recused: Collins.
Motion Passes: 7 - 0.

23-1003D – Action

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

5. **23-1005 – Ratify**

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

6. **23-1006A – No Action**

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

23-1006B – No Action

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

23-1006C – No Action

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

7. **23-1007A – Tabled**

23-1007B – Tabled

8. **23-1009 – Ratify**

Moved: Collins. Second: Felton.
For: Britton, Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Porter.
Against: None.
Recused: None.

Motion Passes: 8 - 0.

9. **23-1010A** – Ratify

Moved: Collins. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

23-1010B – Ratify

Moved: Collins. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

10. **23-1011** – No Action

Moved: Gaskill. Second: Porter.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

11. **23-1012** – No Action

Moved: Gaskill. Second: Porter.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

12. **23-1013** – Ratify

Moved: Porter. Second: Collins.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

13. **23-1014** – Ratify

Moved: Porter. Second: Collins.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

14. **23-1015** – No Action

Moved: Gaskill. Second: Britton.

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

Against: None.
Recused: McKenzie-Tucker.
Motion Passes: 7 - 0.

15. **23-1016** – No Action
Moved: Gaskill. Second: Felton.
For: Britton, Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Porter.
Against: None.
Recused: None.
Motion Passes: 8 - 0.

16. **23-1024** – No Action
Moved: Gaskill. Second: Britton.
For: Britton, Canizares, Collins, Felton, Gaskill, Harris, Porter.
Against: None.
Recused: McKenzie-Tucker.
Motion Passes: 7 - 0.

After voting Director Dresselhaus mentioned that there will be a special Board meeting in September to address the tabled cases. That was tentatively for 9am on 9/19/2023.

President McKenzie-Tucker adjourned the meeting.

V Adjournment - the meeting adjourned at 3:10 pm.