

Executive Director’s Report for October 10, 2023

ADMINISTRATIVE

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

Budget Summary through June 2023

Revenue	Biennium to Date	2023-25 Total Biennial Budget	% Received
All Sources (including cash reserves & reimbursements)	3,379,525.94	3,084,843	110%
Expenditures	Biennium to Date	2023-25 Total Biennial Budget	% Spent
Personal Services	1,661,288.47	1,669,630	100%
Services and Supplies	1,063,064.99	1,245,664	85%
Total Expenditures	2,724,353.46	2,915,294	93%

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	July 3, 2023	Oct. 2, 2023	Change from July to Oct.	Trend
Death Care Consultants	0	0	0	-
EM Apprentices	65	75	10	▲
FSP Apprentices	100	112	112	▲
Interns	0	3	3	▲
Embalmer Only	12	11	1	▼
FSP Only	188	198	10	▲
Combination FSP/ Embalmer	371	379	8	▲
Military Combination FSP/ Embalmer	0	0	0	-
Preneed Salespeople	154	173	19	▲



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Funeral Establishments	194	194	0	-
Immediate Disposition Companies	6	6	0	-
Crematoriums	68	68	0	-
Cemeteries, Operating	292	293	1	▲
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	36	36	0	-
Alternative Disposition Facilities	2	2	0	-
Combined Total of all Licenses/Registrations	1,704	1,764	62	▲

License Examinations

For 2023, in-person Funeral Service Practitioner exams were administered on January 25th, February 15th, and March 15th, and July 24th. 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					
Exam Date	Pass Rate			Score Range	
	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%



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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					
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 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!

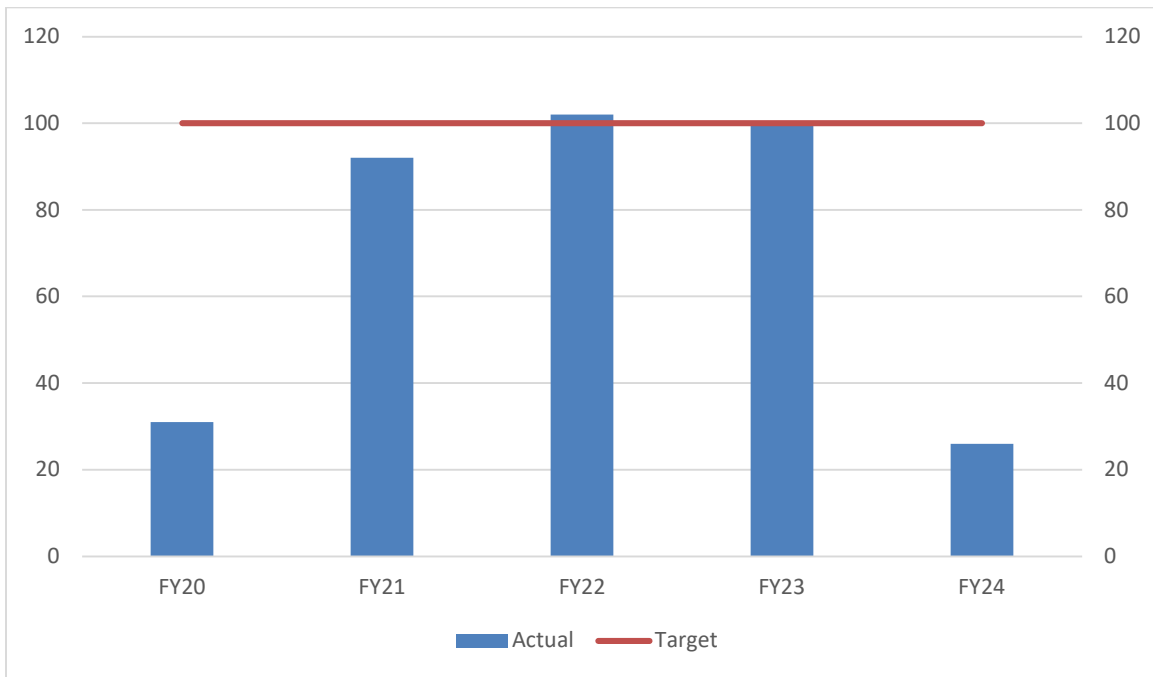
Our Inspectors returned to in-person, on-site inspections in June 2022 and have primarily continued conducting in-person inspections throughout FY 2022-2023 and now into FY 2023-2024. Additionally, we have continued utilizing virtual inspections as a tool when appropriate.

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.



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Total Inspections Completed During the Past Four Quarters				
FACILITY TYPE	October – December 2022 (Q2)	January – March 2023 (Q3)	April – June 2023 (Q4)	July – September 2023 (Q1)
Funeral Establishment	45	18	35	42
Cemetery Authority	34	73	38	34
Crematory Authority	18	4	4	19
Alternative Disposition Facility	0	0	0	2
Immediate Disposition Company	0	1	3	0
Biennial Inspections Completed per Quarter	95	96	80	97
Total Inspections Completed per Quarter	97	105	83	97
Total Biennial Inspections for FY	190 (50% complete)	286 (75% complete)	366 (100% complete)	97 (26% 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 July 2023.

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	January 2023	April 2023	July 2023	September 2023
Open	28	17	44	39
Hold	11	11	11	16
Post	1	3	9	7
Closed	17	18	4	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 July 11, 2023 Board Meeting

There were 16 cases presented to the Board during the July 11, 2023 Board Meeting.

Eleven cases have been closed and one case was tabled. No cases have requested hearings.

Cases Presented During Last Board Meeting (July 11, 2023)			
Case Number	Case Action/No Action	Current Case Status	Note/Comment
22-1057	Action	NPDA in process	
22-1062	Action	NPDA in process	
23-1002	Tabled	Further investigation	
23-1003	Action	NPDA in process	
23-1005	No Action	Closed	
23-1006	No Action	Closed	
23-1007	Tabled	Further investigation	
23-1009	No Action	Closed	
23-1010	No Action	Closed	
23-1011	No Action	Closed	
23-1012	No action	Closed	
23-1013	No Action	Closed	



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23-1014	No Action	Closed	
23-1015	No action	Closed	
23-1016	No action	Closed	
23-1024	No Action	Closed	

Case Status from the September 21, 2023 Board Meeting

There were 11 cases presented to the Board during the September 21, 2023 Special Board Meeting.

Two cases have been closed and ten have pending NPDAs.

Cases Presented During Last Board Meeting (July 11, 2023)			
Case Number	Case Action/No Action	Current Case Status	Note/Comment
22-1023	Action	NPDA in process	
22-1027	Action	NPDA in process	
22-1028	Action	NPDA in process	
22-1036	Action	NPDA in process	
22-1037	No Action	Closed	
22-1040	Action	NPDA in process	
22-1041	Action	NPDA in process	
22-1043	Action	NPDA in process	

22-1049	No Action	Closed	
22-1051	Action	NPDA in process	
22-1060	Action	NPDA in process	

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 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.

New Application:

An updated IDP Reimbursement Claim Application was circulated and publicized in June of 2023, which provides additional instruction/clarification to help make the reimbursement process more streamlined and state compliant. New additions to the application packet include the Oregon Estates Administration Program Intake Form (required for Step Three) and the Unclaimed Remains Eligibility Request Form (required for Step 5). Along with a 10-day body hold and a Statement of Funeral Goods and Services, the new documentation requested includes responses received from the VA and the Estates Program and a copy of the Final Disposition Authorization.

New Reimbursement Rate:

During the April 11, 2023 Board Meeting, the Board voted to increase the IDP reimbursement amount from **\$500** to **\$550**, which became effective on **July 1, 2023**.

All IDP Reimbursement Claim Applications that are dated **July 1, 2023** or after are eligible for the increased reimbursement amount.

Current Status of IDP Claims	Number of Claims Processed from July 1, 2023 to September 30, 2023
Under Review/Approved, Processing	45
Submitted for Payment	126
Waiting for Supplemental Information	41
Denied	21
Grand Total	233



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Indigent Claims Received	CY 2020	CY 2021	CY 2022	YTD 2023 (As of Sept 30th)
Total Number of Claims Reviewed	472	464	492	749
Number of Claims paid	304	351	349	391
Under Review/Approved, Processing	111	34	45	45
Currently Open Claims (Waiting on additional information, researching, etc.)	39	52	72	41
Withdrawn/Denied	18	19	26	57