



October 10, 2023, General Session Meeting Minutes – FINAL approved January 22, 2024

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

Board Members Absent: Kevin **Loveland**.

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

Staff Members Absent: none.

Guests: None.

I Call to Order

The General Session of the Mortuary and Cemetery Board (Board) was called to order at 9:08 am at the Portland State Office Building in room 1E. Member Pacheco was present by phone. President McKenzie-Tucker was not present at the beginning of the meeting.

II General Session

A Approval of Meeting Minutes

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

After roll call Vice President Gaskill asked if there was a motion to approve the July 11, 2023, minutes draft. Staff member Christopher stated that there was an error showing that staff member Greg Brown was both present and absent and that the minutes should be corrected to reflect that Greg was not present. Vice President asked if there was a motion to approve the minutes with this correction.

He recognized member Felton.

Member Felton so moved. Member Collins seconded. Vice President Gaskill 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, Pacheco, Porter.

B. President's Comments

1. Welcome Comments from Angela McKenzie-Tucker

Due to President McKenzie-Tucker not being present for the beginning of the meeting this agenda item was presented later in the meeting.

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

Director Dresselhaus briefly covered the budget details of the report.

Member Britton pointed out that the Licensing details for Apprentices reflected an increase of 112 and it should be 12.

All agreed.

Member Felton mentioned that it was good to see an increase in the licensing numbers.

Dresselhaus discussed details related to the Indigent Disposition Program and stated that this has been a record year for claims. He pointed out that there had been a significant increase in the number of claims, with 749 claims submitted so far this year.

He indicated that we have been scrutinizing the applications to ensure the funds are being used for what they are intended for.

Staff member Brown stated that some counties reimburse the funeral establishments.

Director Dresselhaus stated that it varied from county to county and ultimately by law the county should be responsible for paying for indigent deaths.

Member Felton indicated that we should bring this to the attention of the commissioners.

Vice-President Gaskill asked if there was a motion to approve the Executive Director's Report. He recognized member Felton.

Member Felton so moved. Member Porter seconded.

Vice President Gaskill 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, Pacheco, Porter.

D. Public Comments

As there were no public participants there were no public comments.

E. General Discussion & Action Items

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

Staff member Kenney reminded the Board that this had been provided to the members and they will need to complete it in July.

2. OMCB Newsletter

Vice President Gaskill complimented staff, specifically staff member Kenney for having put the newsletter together.

There was applause from all present.

Manager Kenney stated that it went out yesterday. She thanked Director Dresselhaus for coming up with the name for the newsletter, "Don't Bury the Lead". She stated that she was looking forward to continuing this project.

President Angela McKenzie-Tucker joined the meeting during the discussion for this topic.

President McKenzie-Tucker stated that she felt the newsletter was too long with 9 pages. She asked for confirmation that it would be released on a quarterly basis.

Staff member Kenney confirmed that was the goal.

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

Due to President McKenzie-Tucker not being present for the beginning of the meeting, at 9:27am she went over the president's comments. She mentioned that her staff were getting vaccines and a lot was happening in general.

3. Action Item: 2024 Board Meeting Schedule

Staff member Christopher presented the Board meeting schedule for the year 2024.

President McKenzie-Tucker asked if there was a motion to approve the 2024 Board Meeting Schedule. She recognized member Gaskill.

Member Gaskill so moved. Member Harris seconded.

Vice President Gaskill 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, Pacheco, Porter.

4. Election of Board Officers Update

Member Felton stated that she and Member Collins needed to meet today and that they would send out an email with an update when possible.

5. Executive Reappointments/Appointment (February)

Director Dresselhaus stated that members Gaskill and Harris had been reappointed and their terms will end in 2026. He mentioned the vacant position and that the next appointment will be in February 2024.

Member Gaskill asked who makes the decision about who is chosen out of the applicants.

Director Dresselhaus stated that he would be the one to make the recommendation to the Governor.

President McKenzie-Tucker stated that the Board should be made aware of the proposed individuals and that there should be discussion with the Board prior to recommending anyone to the Governor for any vacant positions.

AAG McCracken mentioned a new House bill related to agencies like ours and that all meetings with similar structures to OMCB would be required to record their meetings starting in 2024.

President McKenzie-Tucker asked who the next members were that would term out.

Director Dresselhaus stated that President McKenzie-Tucker and Secretary Felton are next to term out.

President McKenzie-Tucker stated that we need to have a robust recruiting process and avoid the default of just whoever is in line.

Member Canizares mentioned that the Board should be prepared if there happens to be no interest.

President McKenzie-Tucker stated that it is a Public Relations thing, as far as it related to recruiting for vacant positions.

There was no further conversation noted.

6. Transferring FSP Exam to The International Conference Update

Director Dresselhaus deferred to staff member Christopher.

Staff member Christopher mentioned that since 2014 there appeared to have been conversations amongst the Board based around having the Board staff transition from administering and proctoring the FSP law rules and regulations Exam as staff to having The International Conference of Funeral Service Examining Boards (The Conference) overtake this roll, and around 2016 the Board gave direction to make this happen. He stated that as of earlier this month, Board staff had successfully completed this transition and it was now possible for interested and eligible persons to apply and schedule a time to take the exam through The Conference at Pearson Vue testing centers around the nation. He indicated this was a big step towards modernizing our licensing process and working towards maximum efficiency as an agency.

President McKenzie-Tucker asked about the process of applying.

Staff member Christopher discussed the process. There was no further conversation.

7. Upcoming Individual License Renewals/Thentia

Staff member Christopher presented details related to the upcoming individual license renewal cycle. He stated that notices will be sent by certified mail around the end of October.

8. CAO Annual Fall Convention

Director Dresselhaus mentioned that the Cemetery Association of Oregon convention was coming up later in the week and that he would be attending and presenting. He mentioned that member Porter is a member of CAO. He briefly mentioned some of the topics he would be discussing.

Member Porter expressed excitement about having it take place at the coast and being happy about the day and ½ format.

9. 2023 KPM Report

Director Dresselhaus mentioned that the Mt. Hood Community College accreditation meeting happened last week, and he attended, along with Holly Houston and JC Aubry. He shared that staff are meeting on a regular basis with Doug and Edith with the Mt. Hood Community College Funeral Service Program.

Director Dresselhaus pointed out that this report is done every October. He stated that we were unable to complete the customer service KPM due to an inability to compile the data.

President McKenzie-Tucker asked if he would have the updated KPM report for January's meeting.

Director Dresselhaus confirmed yes.

10. Twenty Day Hold Notification Administrative Rulemaking Update

Director Dresselhaus mentioned that there would be a public hearing on Monday October 16th, and that this rule change would be effective as of Nov 1, 2024. He mentioned that this was one of the previous Education and Compliance Manager Pete Burns parting gifts.

President McKenzie-Tucker asked if there was any expected push back from the public.

Director Dresselhaus stated that Monday was the day for public comment and there hasn't been anything received so far.

Staff member Brown asked if there were any other requirements other than the number of days.

Director Dresselhaus stated that there will be a new requirement to report the date of disposition.

Staff member Itkin mentioned that she had been hearing from some that there is confusion regarding how this impacts the IDP requirements. She stated that it does not change anything regarding the IDP process or requirements.

President McKenzie-Tucker mentioned a need to start being more dynamic with this information and looking for red flags.

Staff member Brown mentioned that we need to make sure that we notify licensees that we don't accept faxed copies.

President McKenzie-Tucker mentioned this being an opportunity for cleaning up administrative details. She stated that she was betting that international ship outs would be the main reason for not completing disposition within 20 days. She asked if there was anything else. There was no further conversation regarding this topic.

11. Establishment of Competency Administrative Rulemaking Advisory Committee

Director Dresselhaus deferred to staff member Christopher.

Staff member Christopher explained some of the dynamics related to the Oregon Administrative Rule found in OAR 830-011-0020, pertaining to assisting and what must be included in an apprentice logbook. He indicated that as a requirement for becoming licensed as a Funeral Service Practitioner, Embalmer, or Combination FSP/ Embalmer an apprentice must provide proof of the completion of their apprenticeship and this could be done by having a supervisor provide a statement or by providing copies of the apprentices logbooks. He indicated that often time the copies of logbooks that he reviewed are not complete as required by rule. He indicated that there are many instances in which the requirement to list a specific competency demonstrated is left blank or shows something to the effect of "handing out folders", or "prep work". He mentioned that the Board had at some point during recent Board meeting discussed a similar topic specifically related to the concept of Assist as it related to the requirement for Apprentices found in OAR 830-011-0020. The Board had agreed that something needed to be done and at that time President McKenzie-Tucker agreed to address and work with Staff member Christopher, but nothing further was done as it related to coming to an understanding as to what it

meant to assist with an embalming or assist with the planning of a funeral or disposition as reference in OAR 830-011-0020. He indicated that he felt there was a need to have some way in which for staff to verify the competency of those becoming licensed.

President McKenzie-Tucker stated that this should be about minimum competency.

Member Harris asked if the apprentice's mentor must sign off on what the apprentice has done.

Several Board members and staff stated that yes, the supervisor must provide their written confirmation for each entry in the apprentice logbook.

Staff member Christopher indicated that a supervisor's written confirmation was often provided for logbook entries in which there was no documentation for the specific competency demonstrated as required by rule.

Member Canizares mentioned that when we have a rules advisory committee that we need to have direction from the Board for exactly what the goal of the committee is, with the benchmark being public safety.

AAG McCracken commented about the concept of a checklist for the supervisor and looking at it from both the apprentice side and supervisor side.

President McKenzie-Tucker asked if we were interest in getting volunteers to serve on this proposed committee.

Vice President Gaskill asked about when we are looking at starting this committee.

Director Dresselhaus indicated that it would be by the beginning of next year.

Member Collins stated that he would love to be part of this committee. He indicated that his apprentice, which started her apprenticeship in July had already completed the required 25 cases.

President McKenzie-Tucker asked if member Harris would be interested. The response from member Harris was not noted.

12. Reinstating Immediate Disposition Company License

Director Dresselhaus briefly mentioned the back story of this situation and how this application type was not an option for roughly the last four years. He indicated that by the beginning of 2024 we will be reinstating this application as an option. He indicated that staff would still need to update the application and application inspection checklist.

13. Policy Discussion: Facility Manager's Location

Director Dresselhaus brought up dynamics regarding this topic.

AAG McCracken encouraged changes to language in rule pertaining to this topic.

President McKenzie-Tucker mentioned semantics.

AAG McCracken mentioned that there was no definition for manager.

Member Pacheco brought up needing to have a definition for manager.

President McKenzie-Tucker gave direction to add this to the January meeting.

Member Porter mentioned a need to consider rural locations.

President McKenzie-Tucker stated that there needs to be a line in the sand like someone living in Arizona.

Member Canizares mentioned consideration for mileage or availability / if we define what it means we may correct the issue.

President Mckenzie-Tucker mentioned that she has been attending the Mass Fatality Workgroup.

(10:42am) (15 minute break)

Back: 11:01am

President McKenzie-Tucker asked if there anything else. Hearing nothing, she adjourned the general session of this meeting at 11:01 am.

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

At 11:02 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 3:02 pm.

IV General Session

President McKenzie-Tucker called the general session of the Board back to order at 3:07 pm. (All Board members who were in attendance for the earlier general session were present.)

F Licensing Actions

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

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

Those voting no: None. Those abstaining: None.

G Board Inspection Report

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

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. 22-1043A – Uphold

Moved: Porter. Second: Britton.

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

Against: None.

Recused: McKenzie-Tucker.

Motion Passes: 7 - 0.

22-1043B – Uphold

Moved: Porter. Second: Britton.

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

Against: None.

Recused: McKenzie-Tucker.

Motion Passes: 7 - 0.

2. 22-1061 A1 – No Action

Moved: Harris. Second: Collins.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

22-1061 A2 – Action

Moved: Harris. Second: Collins.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

3. 23-1004A – Table

Moved: Britton. Second: Collins.

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

Against: None.

Recused: McKenzie-Tucker.

Motion Passes: 7 - 0.

23-1004B – Table

Moved: Britton. Second: Collins.

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

Against: None.

Recused: McKenzie-Tucker.
Motion Passes: 7 - 0.

4. 23-1008A – Table

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

23-1008B – Table

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

5. 23-1017 – Table

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

6. 23-1018 – Table

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

7. 23-1019 – Table

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

8. 23-1020 – Table

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

9. 23-1023 – Ratify

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

Against: None.
Recused: None.
Motion Passes: 8 - 0.

10. 23-1025 – Table

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

11. 23-1026 – Action

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

12. 23-1028 – Table

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

13. 23-1029 – Table

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

14. 23-1031 – Table

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

15. 23-1032 – Ratify

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

16. 23-1033 – Table

Moved: Britton. Second: Collins.

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

17. 23-1034 A1 – Action

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

23-1034 A2 – Action

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

23-1034 A3 – No Action

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

23-1034 B1 – Action

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

18. 23-1035 – Table

Moved: Britton. Second: Collins.
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.