



September 20 2016 General Session Meeting Minutes FINAL approved by Board
December 13 2016
(Revised September 23 2016)

Board Members Present: Jane **Woodward**, President; Morris **Pearson**, Vice President; Nancy **Corr**, Secretary / Treasurer; Dave **Bone**; Larry **Gyure**; Kevin **Loveland**; RCA **Moore**; Judy **Juntunen**.

Board Members Absent: Sirpa **Duoos**, excused; Corrina **Patzer**, excused. Note: For-Profit Cemetery Position vacant.

Staff Members Present: Michelle **Sigmund-Gaines**, Executive Director; Marianne **Itkin**, Investigator; Chad **Dresselhaus**, Education & Compliance Program Manager; Brenda **Biggs**, Compliance Specialist; Sarah **Casey**, Document Compliance and Indigent Disposition Program Specialist; Tyler **Anderson**, AAG; and Carla **Knapp**, Office & Licensing Manager.

Staff Members Absent: None.

Guests: Nancy Felton, CAO / CGCA

I Call to Order

The General Session of the Mortuary and Cemetery Board (Board) was called to order at 9:11 am, in Portland.

II General Session

A Approval of Meeting Minutes

- 1 Board Meeting Minutes, Draft – June 14 2016.**
- 2 Board Meeting Minutes, Draft – July 14 2016.**
- 3 Board Meeting Minutes, Draft – August 9 2016.**

After roll call, President Woodward asked if there were any corrections, questions or comments on the subject draft meeting minutes. Hearing none, she then asked if there was a motion on the floor to accept the subject minutes as prepared. She recognized Member Pearson.

Member Pearson so moved. Member Loveland seconded. President Woodward asked if there was discussion. Hearing none, she then asked those in favor to signify by saying aye. All were aye and the motion passed unanimously. Those voting in favor: Members Bone, Corr, Gyure, Juntunen, Loveland, Pearson, Moore, Woodward. Those voting no: none.

B President Comments

1 Executive Director's Performance Evaluation

President Woodward noted that Director Sigmund-Gaines' Performance Evaluation would be discussed during Executive Session, without staff present.

2 2017 Legislative Session

Because of the upcoming 2017 Legislative Session, she informed Board members that they must assume neutral positions on all pending legislation until they receive authorization to support or oppose from the Governor's Office.

3 Board Member Position, Terms Updates

President Woodward then provided an update on Board member terms. The Cemetery Operator (For Profit) position is currently vacant. Three Board member terms end this year and if interested in

renewing, they must contact the Governor's Office and submit a completed interest form, background page, resume, and statement of interest, by mid-October 2016.

C Public Comments

President Woodward noted that no one had signed up; she asked Director Sigmund-Gaines to proceed.

D Presentation and Approval of Executive Director's Report for September 2016

Director Sigmund-Gaines reviewed in detail the Report that was distributed as a handout, after the Board packet was issued. She then asked if there were any questions.


Hearing none, President Woodward asked if there was a motion to approve the Report, noting that since January 2015, for the tenth time in the Board's history, that the approval of an extension of case reporting for up to an additional 60 days under ORS 676.165 would not be required as there were no cases that needed an extension. She then recognized Member Corr.

Member Corr so moved. Member Pearson seconded. President Woodward asked if there was discussion. Hearing none, she then asked those in favor to signify by saying aye. All were aye and the motion passed unanimously. Those voting in favor: Members Bone, Corr, Gyure, Juntunen, Loveland, Pearson, Moore, Woodward. Those voting no: none.

E General Discussion & Action Items

1 Board Best Practices Report out for FY 2017 Vote & Discussion

The Board is required to implement performance measures and conduct an annual self-assessment against "Best Practices Criteria" as laid out by the Department of Administrative Services on an annual basis. The Board is required to report the percent of total best practices met by the Board (percent of yes responses) in the Annual Performance Progress Report as specified in the Board's budget instructions. If consensus is not achieved, the Board is required to record the response as "no."

The Board Best Practices form has been included in each Board member's packet for each Board meeting, in order to help remind Board members when applicable topics are discussed, or should be discussed. In addition, the symbol  is used to flag agenda items that relate to Best Practices.

Manager Dresselhaus distributed the self-assessment to each of the Board members for Fiscal Year (FY) 2017 (July 1 2016 - June 30 2017), with the request to complete and return to him, so that he could tally and then turn over to President Woodward. The results will then be announced at the next Board meeting.

He asked if there were any questions. Hearing none, President Woodward thanked him and asked Director Sigmund-Gaines to proceed.

2 2017 Legislation Schedule & Planning

Director Sigmund-Gaines reviewed the one legislative concept that the Board is submitting for the 2017 Legislative Session to allow all license types an opportunity to serve on our Board. She said that this is the third attempt to change the composition of the Board. One major issue is that one of our primary licensee groups (non-profit cemeteries) cannot serve on the Board. After detailed review, she asked the Board if it was okay to proceed or not. After brief discussion, the Board directed her to proceed, and to share it broadly, in order to get feedback. She said she would add a narrative and send out with a request to have feedback by mid-October 2016.

3 Indigent Disposition Program 2016-2017 Rate Review & Update

The Board officially took over this Program February 1 2016. Director Sigmund-Gaines provided an overview of the 271 reimbursement claims processed as of July 31 2016, which included some outstanding claims from January 2016 and the last quarter of 2015. Of the 271 claims, 141 claims were complete upon receipt. Three claims were denied, 8 were withdrawn, and additional 9 were determined to be not qualified since the funeral establishments were unresponsive to additional requests for

information. Additional information has been requested and has not been received yet for 10 claims. As of July 31 2016, 241 claims were paid.

Many funeral directors have expressed frustration with the requirement to contact the Department of Veteran Affairs, particularly in cases in which family members attest that the decedent was not a veteran or in cases in which the decedent's age, ability, or citizenship would not allow the decedent to be a veteran. This is the primary complaint that has been received since May. Based on the admittedly limited data from these seven months, there is a slightly higher percentage of indigent veteran decedents than the veterans in the general population, although this may be skewed by factors not studied here, such as age. There has also been at least one instance of an indigent decedent whose family was unaware of or did not disclose the decedent's veteran status, and the decedent would have been eligible for veteran's benefits if the funeral director had contacted the VA prior to performing final disposition. Because of these reasons, Director Sigmund-Gaines recommended that the requirement to contact the VA is kept in place, but refined to excuse funeral directors from contacting the VA in cases in which the decedent is under the age of 18 or the decedent is not a citizen or permanent resident. She also recommended educating funeral establishments about the 2015 expansions in VA benefits afforded to unclaimed veterans, which many funeral directors are unaware of.

In reviewing the number of incomplete claims, it is clear that over the past several months the percentage of incomplete claims submitted has decreased. It is anticipated that this number will continue to decrease as funeral establishments become more comfortable and more educated about the changes in the Indigent Disposition laws.

Over the seven months, the average number of claims received was just over 38. The reimbursement amount was set based on an estimate of 37.7 claims per month. Until additional data can be collected, Director Sigmund-Gaines recommended keeping the maximum reimbursement at the current rate of \$461.

4 Strategic Planning Session Change in Date and Interim Activity

Due to financial constraints, the Board has re-scheduled the off-site meeting from October 2016, to July 2017. After Board discussion, the Board directed staff to send out a survey to as many interested persons as possible, asking for input as to the topics to be discussed during the Strategic Planning day.

5 Board Treasurer Annual Review of Finances and Financial Controls Report

Secretary / Treasurer Corr reviewed the Procedure for In-House Cashiering process for receipt of an application, to the actual deposit. This procedure is based upon Oregon State Treasury Policy 02 18 01 PO, Cash Management, Deposit of Cash Receipts, Authority ORS 293.265. Two people are necessary for completing the in-house cashiering process; one person to prepare the deposit report; the second person reviews and then delivers the sealed deposit packet to the Cashier's Office, to await pickup from the armor car service, for delivery to the bank. In addition, she reported that she receives and reviews the monthly accounting reports sent via email from Board staff. Secretary / Treasurer Corr said that it seems to be an excellent system.

6 2017-19 Budget Process Update

Director Sigmund-Gaines reported to the Board that the Board's Agency Request Budget was completed and submitted, on time, a first in staff's institutional memory of 18 years. The Board has no policy packages, and is keeping the status quo. Budget and Management is reviewing and will be recommending changes in order to correct a system error. The next step will be the Governor's Balance Budget, a confidential document until it is submitted to the 2017 Legislature. She asked if there were any questions. Hearing none, President Woodward recognized Manager Dresselhaus.

7 Examinations Progress Update (transferring to The Conference)

Manager Dresselhaus reported that The International Conference of Funeral Service Examining Boards Inc (ICFSEB) will now be administering the Oregon State FSP Laws, Rules and Regulations Examination (LRR) via a computer-based exam. The LRR will be administered through a program on networked personal computers located at Pearson VUE professional testing facilities. He asked if there were any

questions. After brief Board discussion on the advantage of not having to travel to the Board's office for the exam, President Woodward directed Manager Knapp to the next agenda item.

8 Voluntary Self-Identification Form

Manager Knapp reported that the Equal Employment Opportunity Commission (EEOC) has revised the race and ethnicity categories we must report on for our Affirmative Action reports. This mandatory change came into effect August 1, 2016. All employees (including Board members) have to be offered the opportunity to fill out the revised Employee Voluntary Self-Identification form. She then distributed the form. Hearing no questions, President Woodward then directed the Board to consider the Special Request on the Licensing Actions report.

F Licensing Actions

1 Action Items - Special Request from Terrie Davis to Manage 3 Funeral Establishments (FEs)

Pursuant to Oregon Administrative Rules (OAR) 830-030-0000(12), a funeral service practitioner may be authorized by the Board to manage more than two FEs upon providing a written request to the Board that describes the basis for the request. Ms Davis is currently the manager of two FEs: Hubbard Chapel Inc, and Weddle Funeral Services Inc. She is asking the Board to consider her as the manager of a new facility that they plan on opening soon in the Stayton area.

After Board review, President Woodward asked if there was a motion to approve. She then recognized Member Bone.

Member Bone so moved. Member Pearson seconded. President Woodward asked if there was discussion. Hearing none, she then asked those in favor to signify by saying aye. All were aye and the motion passed unanimously. Those voting in favor: Members Bone, Corr, Gyure, Juntunen, Loveland, Pearson, Moore, Woodward. Those voting no: none.

President Woodward adjourned the general session at 11:11 am.

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

President Woodward 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). Representatives of the news media and designated staff are 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 be 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. No decision can be made in executive session. At the end of the executive session, the Board returned to open session and would welcome the audience back into the room. Assistant Attorney General Advice would be provided. Executive session adjourned at 3:11 pm.

IV General Session - Board actions as result of Executive Session.

President Woodward called the general session of the Board back to order at 3:11 pm. All Board members who were in attendance for the earlier general session were present. No members of the public were in attendance.

G Licensing Actions Cont'd.

President Woodward asked if there were any questions or comments on the Licensing Actions agenda items. Hearing none, she asked if there was a motion on the floor to approve the subject Licensing Actions as presented, agenda items F1 - 14. She recognized Member Corr.

Member Corr recommended, and so moved, that the Board approve as presented. Member Pearson seconded. President Woodward asked if there was discussion. Hearing none, she then asked those in favor to signify by saying aye. All were aye and the motion passed unanimously. Those voting in favor: Members Bone, Corr, Gyure, Juntunen, Loveland, Pearson, Moore, Woodward. Those voting no: none.

H Investigations

President Woodward asked the Board to review the Executive Session Schedule that was revised since the Board packet was issued. She then asked Board members to report if they had an actual or potential conflict with any of the cases before voting on each item. Members Loveland and Moore stated that they would be recusing. President Woodward then reported that the Board had considered these cases during Executive Session, and called for a motion and vote for each.

1 2016-1020A, B and C - Action.

Moved: Woodward. Second: Corr. No discussion.

For: Bone, Corr, Gyure, Juntunen, Loveland, Moore, Pearson, Woodward.

Against: None.

Recused: None.

Motion Passes Unanimously: 8 - 0.

2 2016-1032 - Action.

Moved: Woodward. Second: Corr. No discussion.

For: Bone, Corr, Gyure, Juntunen, Loveland, Moore, Pearson, Woodward.

Against: None.

Recused: None.

Motion Passes Unanimously: 8 - 0.

3 2016-1026A, B and C - No Action.

Moved: Woodward. Second: Bone. No discussion.

For: Bone, Corr, Gyure, Juntunen, Loveland, Moore, Pearson, Woodward.

Against: None.

Recused: None.

Motion Passes Unanimously: 8 - 0.

4 2016-1033A and B - No Action.

Moved: Woodward. Second: Bone. No discussion.

For: Bone, Corr, Gyure, Juntunen, Loveland, Moore, Pearson, Woodward.

Against: None.

Recused: None.

Motion Passes Unanimously: 8 - 0.

5 2016-1035A, B and C - No Action.

Moved: Woodward. Second: Bone. No discussion.

For: Bone, Corr, Gyure, Juntunen, Loveland, Moore, Pearson, Woodward.

Against: None.

Recused: None.

Motion Passes Unanimously: 8 - 0.

6 2016-1036 A and D - Action.

Moved: Woodward. Second: Corr. No discussion.

For: Bone, Corr, Gyure, Juntunen, Pearson, Woodward.

Against: None.

Recused: Loveland, Moore.

Motion Passes: 6 - 0.

7 2016-1036 B, C, E and F – No Action.

Moved: Woodward. Second: Corr. No discussion.

For: Bone, Corr, Gyure, Juntunen, Pearson, Woodward.

Against: None.

Recused: Loveland, Moore.

Motion Passes: 6 - 0.

8 2016-1088 – Action (Deny).

Moved: Woodward. Second: Bone. No discussion.

For: Bone, Corr, Gyure, Juntunen, Loveland, Moore, Pearson, Woodward.

Against: None.

Recused: None.

Motion Passes Unanimously: 8 - 0.

9 2016-1091 – Ratify.

Moved: Woodward. Second: Bone. No discussion.

For: Bone, Corr, Gyure, Juntunen, Loveland, Moore, Pearson, Woodward.

Against: None.

Recused: None.

Motion Passes Unanimously: 8 - 0.

10 2016-1065 - Ratify.

Moved: Woodward. Second: Bone. No discussion.

For: Bone, Corr, Gyure, Juntunen, Loveland, Moore, Pearson, Woodward.

Against: None.

Recused: None.

Motion Passes Unanimously: 8 - 0.

Having no further business, President Woodward adjourned the meeting.

V Adjournment - the meeting adjourned at 3:17 pm.