Initial Application for License to Operate Fee: $270.00
Additional Principal (each): $90.00
Exempt Operating Cemetery Fee: $150

MCB
OREGON MORTUARY & CEMETERY BOARD
Regulating Death Care Facilities & Practitioners in Oregon.

800 NE Oregon Street, Suite 430
Portland OR 97232-2195
www.oregon.gov/omcb
mortuary.board@omcb.oregon.gov
phone: 971-673-1507
fax: 971-673-1501

INITIAL APPLICATION FOR OREGON LICENSE TO OPERATE

PROPOSED OWNERSHIP INFORMATION:

Proposed Business Name: _____
assumed business name, if any, as registered with the Corporation Division

License Type :
- ☐ Funeral Establishment
- ☐ Crematory
- ☐ Cemetery
- ☐ Immediate Disposition Company
- ☐ Alternative Disposition Company

Physical Location: _____
street address

_____
city, state, zip

_____ _____
on site telephone | on site fax

_____
primary e-mail

_____
e-mail for death filing fee invoices (funeral establishment and immediate disposition company)

Mailing Address: _____
print contact name

_____
street address

_____
city, state, zip

_____ _____
mailing telephone | mailing fax

Location of Death Care Records:

_____
print contact name

_____
street address

_____
city, state, zip

_____ _____
telephone | fax

Name of Owner: _____
true corporate, firm or individual name (Organization Level One)

Owner's Mailing Address: _____
print contact name

_____
street address

_____
city, state, zip

_____ _____
mailing telephone mailing fax

_____
e-mail

Will this facility write prearrangement/preconstruction trusts as defined in ORS 97.923: ☐ YES ☐ NO

If **YES**, this facility must be registered with the Oregon Department of Consumer & Business Services (Division of Finance & Corporate Securities) as a certified provider.

If **NO**, sales are limited to "at need" goods and services only.

PRINCIPALS OF PROSPECTIVE OWNER:

Proposed Manager: _____
print name of person who will manage / operate this applicant facility (include License # if applicable)

Manager e-mail: _____

Others who have decision making authority and whose primary duties include control over the operation of the applicant facility (provide all principals pursuant to OAR 830-011-0000(44)):

1. _____
name and title

_____
address

_____
phone

2. _____
name and title

_____
address

_____
phone

3. _____
name and title

_____
address

_____
phone

4. _____
name and title

_____
address

_____
phone

5. _____
name and title

_____
address

_____
phone

6. _____
name and title

_____
address

_____
phone

FACILITY REPRESENTATIVE:

Legal Name: _____ Title(s): _____

Address: _____
street address

_____
city, state, zip

_____ _____
telephone e-mail

I, _____, certify that I am a duly authorized officer or agent of the
(print name and title of duly authorized person)
above-named prospective facility's owner and that all information on this form and any attachments is true and correct. I understand that this application is not a license to operate and that the applicant owner must receive a funeral establishment license from the Oregon Mortuary and Cemetery Board before operating under the prospective ownership. I understand that making false or misleading statements in applying to the Board for licensure is cause for disciplinary action under OAR 830-050-0050(2) and ORS 692.180(1)(a).

Sign: _____
Date: _____

This completed application must be submitted with the following or it will be returned as incomplete:

Payment of Fees

Completed Background Information Questionnaire forms for each identified principal

All new principals must complete a Background Information Questionnaire unless the proposed principal currently holds an individual license issued by the Board.

If the facility is owned by more than one organizational level, a completed Applicant Facility Owner Information Sheet for every organizational level above Level One

Forms are available upon request or on the website: www.oregon.gov/MortCem

In accordance with
Oregon Revised Statutes & **Oregon Administrative Rule**:

FUNERAL ESTABLISHMENT OR IMMEDIATE DISPOSITION COMPANY LICENSE:

ORS 692.146

(1) The State Mortuary and Cemetery Board shall issue a license to a funeral establishment or immediate disposition company if the person who will operate the establishment or immediate disposition company applies to the board for a license on a form provided by the board. The application shall be accompanied by the application fee established under ORS 692.160.

(2) The application shall disclose the following:

(a) The name and address of the establishment or company.

(b) That the establishment is operated by a licensed funeral service practitioner.

(c) That the immediate disposition company is operated by a licensed funeral service practitioner.

(3) For purposes of this section and ORS 692.025, each branch of a licensee's funeral establishment or immediate disposition company is a separate establishment and must be licensed at a fixed place of business.

OPERATING CEMETERY, CREMATORIUM OR FACILITY FOR FINAL DISPOSITION:

ORS 692.275

(1) A person may not conduct the business of an operating cemetery unless the person has a certificate of authority to do so. A person may apply for a certificate of authority on a form provided by the State Mortuary and Cemetery Board. The application must be accompanied by the application fee established under ORS 692.160. However, any exempt operating cemetery is entitled to receive a certificate of authority to operate upon payment of an initial fee not to exceed $100 and a fee not to exceed $50 for registration of all principals regardless of the total number of principals. An exempt operating cemetery is not required to pay the renewal fee or the fee for any change in principal other than the cemetery manager.

(2) A cemetery, other than an operating cemetery or a historic cemetery listed with the Oregon Commission on Historic Cemeteries under ORS 97.782, must be registered with the board. An owner of a cemetery, other than an operating cemetery or a historic cemetery listed with the Oregon Commission on Historic Cemeteries under ORS 97.782, must register the cemetery with the board on a form provided by the board. No fee may be required of a cemetery registrant.

(3) A person may not operate a crematorium unless the person has a certificate of authority to do so. A person may apply for a certificate of authority to operate a crematorium on a form provided by the board. The application must be accompanied by the application fee established under ORS 692.160.

(4) A person may not operate a facility for final disposition of human remains other than a cemetery or a crematorium unless the person has a certificate of authority to do so. A person may apply for a certificate of authority on a form provided by the board. The application must be accompanied by an application fee established under ORS 692.160.

(5) For purposes of this section and ORS 692.025, each location of a cemetery, crematorium or other facility for final disposition of human remains is a separate location and must be licensed separately. Those cemeteries that are subject to registration must be registered separately.

(6) The board may consider the recommendations of national associations:

(a) Related to cremation in adopting rules regulating crematoriums.

(b) Related to an alternative final disposition in adopting rules regulating the alternative final disposition.

(7) This section applies to operating cemeteries or other cemeteries owned by any city, county or other municipal corporation.

(8) The board may not subject an exempt operating cemetery to random inspections.

PRINCIPAL DEFINATION

OAR 830-011-0000

(44) "Principal" means a person who has controlling authority over a licensed facility, including, but not limited to:

(a) Managers or other persons who have decision-making authority and whose primary duties include control over the operation of the licensed facility;

(b) Officers or directors who have some degree of responsibility for the operation of the licensed facility;

(c) General partners, limited and joint ventures;

(d) Sole proprietors;

(e) Stockholders holding a majority of outstanding shares of stock; and

(f) Members of a limited liability company.

BACKGROUND INVESTIGATION REQUIRED PRIOR TO OREGON LICENSURE:

OAR 830-011-0050

(1) All applicants for individual or facility licenses and principals of facilities seeking or holding a license must submit to a background investigation. The background investigation may include, but is not limited to, information solicited from the Law Enforcement Data Systems, other government agencies or courts, personal references, former employers, and credit checks. The Board may require the applicant or principal to furnish any information necessary to perform a background investigation.

(2) The Board may deny, suspend or refuse to issue or renew a license or certificate when a condition exists in relation to any principal of a licensed facility which constitutes grounds for refusing to issue or renew a license or certificate or for suspension of a license.

SCOPE OF PRACTICE:

OAR 830-030-0000

(13) It is the responsibility of each licensed facility to have an assigned manager for each facility at all times and to notify the Board in writing within 30 days of the assignment. In the case of funeral establishments and immediate disposition companies, the assigned manager must be an Oregon licensed funeral service practitioner.

(a) For funeral establishments, the assigned manager must reside within 200 miles of all facilities they are assigned to manage.

(b) For alternative disposition facilities, cemetery authorities, crematory authorities, and immediate disposition companies, the assigned manager must be able to arrive at all facilities they are assigned to manage within 12 hours.

(14) If it is necessary for an assigned manager to reside further than 200 miles from any funeral establishment they are assigned to manage, the assigned manager or a facility principal must submit a written request to the Board for an exception to the 200-mile residency requirement – such exception for a temporary absence shall be no longer than 60 days. The written request must include at a minimum the following information:

(a) The time period of the assigned manager's temporary absence;

(b) The reason for the assigned manager's temporary absence; and

(c) The steps taken to ensure that all facility operations will continue under supervision on a daily basis, which shall include at a minimum:

(A) All electronic communication with facility staff, including but not limited to emails, faxes, internet messaging, phone calls, text messages, and video conferencing; and

(B) Any additional means of supervision that will be utilized during the assigned manager's temporary absence.

(15) The Board will review the written request for an exception to the residency requirement and determine whether, in its discretion, an acceptable reason has been provided and whether

appropriate steps have been taken to ensure that facility operations will continue under supervision on a daily basis during the assigned manager's temporary absence. If the written request includes all of the requirements and the reason is satisfactory, the Board may approve the request. If the written request fails to include all of the requirements and/or the reason is unsatisfactory, the Board may deny the request and require the facility to assign a new manager and submit a change of principal application for all impacted facilities.

(16) Upon submission of a written notification to the Board, a funeral service practitioner may be authorized to manage two funeral establishments or two immediate disposition companies, or one of each. A funeral service practitioner may be authorized by the Board to manage more than two funeral establishments or immediate disposition companies, or a combination of them, upon providing a written request to the Board that describes the basis and acceptable reason for the request. The Board may approve the written request after consideration of the provided information. Prior to making its decision, the Board may request additional information from the requesting funeral service practitioner

RESPONSIBILITIES OF LICENSED FACILITIES:

OAR 830-040-0000

(1) Every licensee is responsible for complying with the provisions of ORS Chapter 692 and rules adopted thereunder, and any other law pertaining to the duties and responsibilities of the funeral service practitioner or the operation or licensing of funeral establishments, immediate disposition companies, cemeteries, crematoriums and alternative disposition facilities.

(2) Alternative Disposition Facility Authorities must comply with the requirements in this division (Division 40) applicable to Crematory Authorities and cremated remains, as if alternative disposition remains are cremated remains, as if the Alternative Disposition Facility is a Crematory Authority, and as if dissolution and natural organic reduction are cremation.

(3) The Board may refuse to allow use of any facility name that is misleading as to the nature of the facility's purpose.

(4) When a person, firm, partnership or corporation applies to the Board for a facility license, the name on the application must identify the primary activity of the facility. This name must be the registered name with the Board and must also be used as the advertised name of the facility.

(5) Each licensed facility must provide the Board with its true corporate, firm or individual name. Applications for all licensed facilities must be made on the most current application and specify the names of all principals. If the principal is a corporation, the application must include the names of all principals of that corporation.

(6) When there is a change in any principal of the licensed facility, the licensee must provide the Board with the name of the new principal(s) on the most current form provided by the Board within 30 days of the change. If the new principal is a corporation, the licensee must provide the names of the principals of that corporation to the Board on the most current form provided by the Board.

(13) Facilities must post their facility license and certificates of apprenticeship in a conspicuous location for public viewing. Other individual licenses will be available for inspection upon request.

(14) Every Cemetery Authority, Crematory Authority and Alternative Disposition Facility Authority must keep the Board's office informed of the location of their permanent records. These records must be made available for random inspections by the Board at any reasonable time.

NAME REGISTERED WITH BOARD:

OAR 830-040-0030

Each licensed facility shall be registered with the State Mortuary and Cemetery Board by its true corporate, firm or individual name. In addition, one assumed business name, as registered with the Secretary of State Corporation Division, may be used by such licensed facility and shall be promptly reported to the Board.