



MCB

OREGON MORTUARY & CEMETERY BOARD

Regulating Death Care Facilities & Practitioners in Oregon.

Fact Sheet: Who to Contact When a Patient Dies While Under a Caretaker's Supervision

When a patient dies while under a caretaker's supervision, the caretaker should determine which one of the following applies:

1. The Patient/Decedent did not make funeral arrangements in advance, but an applicable individual is willing to make arrangements and pay.

If the decedent did not make funeral arrangements in advance, Oregon law provides a list of applicable individuals (in order of priority) who have the authority to make decisions relating to the decedent's final disposition: (1) The spouse of the decedent, (2) A son or daughter of the decedent 18 years of age or older, (3) Either parent of the decedent, (4) A brother or sister of the decedent 18 years of age or older, (5) A guardian of the decedent at the time of death, (6) A person in the next degree of kindred to the decedent, (7) The personal representative of the estate of the decedent, (8) The person nominated as the personal representative of the decedent in the decedent's last will, and (9) a public health officer. (ORS 97.130[2][a]-[i])

Unless the caretaker is also a relative (as defined in ORS 97.130) or unless the caretaker has been designated as guardian or person with the right to control via a separate legal document, the caretaker is **not** one of these applicable individuals. Additionally, a caretaker is **not** a "public health officer."

Once the appropriate applicable individual is identified and contacts the funeral home, the funeral director will ensure that all arrangements are made, including transportation of the decedent's body to the funeral home.

2. The Patient/Decedent made funeral arrangements and paid in advance.

If the decedent made funeral arrangements and paid in advance, the funeral home should be contacted so the preneed contract can be honored. Once the funeral home is contacted, the funeral director will arrange for transportation of the decedent's body to the funeral home and will provide the agreed upon prepaid merchandise and services.

3. The Patient/Decedent did not make funeral arrangements in advance and an applicable individual can't be located.

If the decedent did not make funeral arrangements in advance and an applicable individual can't be located, the caretaker should contact local law enforcement or the county medical examiner. Local law enforcement will most likely contact the county medical examiner who will most likely contact a funeral home.



If the funeral director who takes custody of the decedent's body is unable to locate an applicable individual, the funeral director has two options:

1. Transfer the decedent's body to an institution who will use it for education or research purposes (ORS 97.170[4][c]), or
2. Cremate or bury the decedent's body without consent of any applicable individual (ORS 97.170[4][d]).

A caretaker is **not** authorized to make this decision.

For additional information, please contact our office at **971-673-1500**
or via email at mortuary.board@state.or.us.