



Path of Totality 8/21/17

OREGON MORTUARY & CEMETERY BOARD

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Recent Rulemaking and Future Endeavors

Relevant to: All Licensees

Upon direction from the Board, OMCB recently completed administrative rulemaking that addressed communicable diseases, the Indigent Disposition Fund, and the Temporary Burial Permit. **All four administrative rule sections become effective on August 1, 2017.**

[OAR 830-030-0070](#) now appropriately defers to the Oregon Health Authority (OHA) for determining and providing requirements for the necessity of embalming and handling of human remains in response to a public health or emergency event.

When this occurs, OMCB will immediately send electronically such requirements to all licensees and will also post them on our website. These requirements will be considered effective upon issuance by OHA and ongoing until repealed or revoked in writing by OHA.

[OAR 830-030-0080](#) covers public/private funeral services and public viewings, and requires that a public viewing may not be held for human remains that have died of or with any communicable diseases – unless they have been embalmed. The recent rulemaking now specifically references OAR 830-030-0070 and OHA as the agency authorized to make decisions in cases of emerging/changing public health concerns.

As the result of a joint effort between OMCB and OFDA in 2015 ([HB3242](#)), the Temporary Burial Permit (TBP) was created. This was instituted to allow for the interment of decedents in an unlicensed cemetery under very strict criteria, including the requirement that the plot must have been previously purchased since an unlicensed cemetery may not sell plots.

An administrative rule committee was established to define the parameters of the TBP. This committee met a number of times and worked tirelessly to set reasonable standards for use. The committee's hard work resulted in [OAR 830-011-0065](#), which was a temporary rule at the time of initial filing.

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The most recent rulemaking made this same temporary rule a permanent one, although the governing law ([ORS 692.025, Sect. 1](#)) is set to be repealed on January 1, 2018.

Last, but definitely not least, in 2015, [HB 3243](#) directed OMCB to take over administration of the Indigent Disposition Fund (IDF) from the Oregon Department of Human Services (DHS).

Once again, an administrative rule committee was established to better define the criteria for reimbursement, which resulted in [OAR 830-040-0090](#).

The most recent rulemaking makes minor changes, requiring claims to be submitted to OMCB within 90 days of the decedent's disposition, but also allows for a claim to be made when other state or federal agencies deny reimbursement. An application may be submitted to OMCB within 30 days of denial by other agencies.

For the full text of the most recent rules, please visit: <http://www.oregon.gov/MortCem/Pages/Rulemaking.aspx> The Oregon Secretary of State's website typically updates rules on their site about 1-2 months after new rules are published.

MORE TO COME:

Further rulemaking endeavors will include permanent record requirements and substantive changes to preneed contracts, facility self-inspection program, competency-based assessment for apprenticeship & internship, and disaster/emergency management. Administrative rule committees are being assembled and will be meeting in the near future. Additional information will be shared when it becomes available.

HB 2371: Board Member Changes

Relevant to: All Licensees

As a result of the last annual strategic shareholder planning session and at the request of the Cemetery Association of Oregon (CAO), OMCB sponsored an agency bill in the most recent Oregon Legislative session which made adjustments to the composition of the Board, and extended term years for members. [HB 2317](#) made changes to [ORS 692.300](#) and became effective on May 18, 2017. Key changes:

- 1) All licensee types have the opportunity to serve as a Board member. Previously, our largest licensee group – nonprofit cemeteries – was not allowed to serve on the Board.
- 2) The number of members stays the same overall: **11 members**.
- 3) The ratio of licensees to public members remains the same: **7 licensees/4 public members**.
- 4) The term start date is based upon the actual appointment date rather than a fixed calendar year (previously all terms started in January).
- 5) If a Board member leaves before the end of a term, the new Board member will **not** complete the prior term, but will start their first term from that date.
- 6) We will return to 4-year terms from the current 3-year, which was the duration prior to 2009.
- 7) If a public member has served 2 full terms and a new public member has not been identified and is able to serve, the existing public member may serve a 3rd term until a new public member is appointed, at which time the existing public member would step down.

OMCB currently has four vacancies (2 public members & 2 associated with a cemetery), which will be filled by the Oregon Senate in September. Several members are currently serving beyond their terms in support of the Board until replaced. Our sincere appreciation to RCA Moore, Judy Juntunen and Larry Gyure.

Given these vacancies and the upcoming appointments, OMCB's strategic planning session has been postponed to Friday, October 6, 2017, so the newly-appointed Board members may participate in this valuable gathering of individuals who are passionate about the death care industry and the people they serve.

Updates to the Indigent Disposition Program

Relevant to: Funeral Establishments & Funeral Service Practitioners

As a result of the recent administrative rulemaking, claims for Indigent Disposition Reimbursement must now be submitted within 90 days of cremation or burial. If you're holding onto any applications that may be close to this deadline – **please submit them as soon as possible!**

Because of this new timeframe, the application form will be updated soon to reflect the new deadline and clarify some wording. Check the "Indigent Disposition Reimbursement" page on the OMCB website in the coming weeks to see the update, along with some new FAQs.

A few brief notes when submitting applications:

- "Date of Disposition" must be completed when the application is submitted – the fund can't reimburse a funeral home for a disposition that the facility hasn't completed yet.
- Funeral homes do not need to wait until day 10 to *contact* Western University to find out if they are interested in taking a body donation for an indigent decedent, but they do need to wait until day 10 to actually make the donation *unless all family members have already acquiesced or walked away (ORS 97.170 (3)(b))*. Remember – if a family is open to the idea of donation and the decedent is eligible, working with the family to get the appropriate signatures to donate the body (to Western University or to another facility that the family approves) can save the funeral director from needing to go through the other steps in the indigent disposition process!

As always, feel free to call or email Sarah Casey, the Indigent Disposition Program Specialist, if you have questions while working on an application!

Board Mission

The Board's programs affect those who have suffered a loss, those who make final arrangements and those who provide death care goods and services. It is the Board's responsibility to license and regulate the practice of individuals and facilities engaged in the care, preparation, processing, transportation and final disposition of human remains, to educate the general public, and advise on relevant issues of public policy.

Board Members

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Funeral Service
Practitioner

Morris Pearson Vice President Embalmer

Nancy Corr Secretary/Treasurer Public Member

David Bone Funeral Service Practitioner/Embalmer

Sirpa Duoos Cemetery Operator, City/County

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Vacant Cemetery Operator, For Profit

Vacant Public Member

Kevin Loveland Crematorium Operator

Vacant Public Member

Corrina Patzer Public Member

Members are volunteers serving 3 year terms. Members are appointed by the Governor & confirmed by the Senate.

WesternU Accepts Indigent Donor-Patients, Alleviates Impact on State's Indigent Fund

Relevant to: All Licensees



At the entrance of Western University of Health Sciences a large plaque reads: “In honor of the men and women who have given the gift of themselves to the advancement of medicine.”

The plaque is a daily reminder of the gift donor-patients have given the medical students at the University’s College of Osteopathic Medicine of the Pacific-Northwest. Located in Lebanon, Oregon, WesternU COMP-Northwest graduates more than 100 osteopathic physicians annually.

The medical students’ first patient at WesternU COMP-Northwest is a donor-patient. On their second day of school, students walk through the double doors of the state-of-the-art anatomy lab, taking one of their first steps toward their careers in medicine.

The donor-patients at the medical school come from all corners of Oregon. Some donors sign up through the University’s Willed Body Program before passing, but a small amount of donors are transported to WesternU COMP-Northwest as legally-defined indigents under the Oregon Indigent Disposition Program.

“Legally, a decedent may be considered indigent in one of two ways,” explained Steve Carmichael, director of the WesternU COMP-Northwest Willed Body Program. “When the deceased truly has no family [and no pre-need or the financial means of their own to cover disposition]. The other is if the family ‘walks away’ from them financially.”

The Oregon Indigent Disposition Program requires that indigent remains be offered for donation prior to any other disposition arrangements. WesternU is currently the only medical school in Oregon approved to accept indigent individuals.

Last year, WesternU COMP-Northwest was only able to accept 15 indigent individuals, although that number could easily be increased if funeral homes could notify the university sooner after an individual’s death, and bring the donor to the campus by the 10th day. While the Indigent Disposition Program has specific requirements and timeframes for locating and seeking consent from any family members, it is possible that more families may choose donation and reduce the number of cases considered indigent.

Through the Willed Body Program, funeral homes may collect \$470 for the deceased, and if the funeral home is located more than 100 miles away from Lebanon – the assistance is increased by \$200. These funds are disbursed to the funeral home after the body is received at WesternU. To help keep costs down for the funeral home and/or estate, embalming is done at the medical school. The current reimbursement from the State is \$461.

“Each individual who is accepted is a learning experience for health-care professionals, and this allows funds to remain in the State’s Indigent Account to be used for cremation for others who may not be accepted into the program for reasons beyond anyone’s control, such as contagious disease, height and weight restrictions, or decomposition,” Carmichael said.

Article adapted from information provided by WesternU Public Affairs.



Records Management: Converting Paper Files to an Electronic Database

Relevant to: All Licensees

We understand that the accumulation of paper files can be overwhelming and space is often at a premium. Additionally, the cost of off-site storage to archive historical records can be cost-prohibitive.

Many businesses are making the transition to becoming as paperless as possible, which has many advantages.

We have identified what the Board requires when converting paper files to an electronic database.

The use of electronic systems is allowable as long as the following are satisfied:

- The system preserves the documents along with the relevant “metadata” (such as when the documents were scanned, etc.).
- The original document content can’t be edited or overwritten. So, if you do edit a record to correct something, for example, the original information is still accessible.
- The system has an audit trail feature to track and show any and all edits to the record.
- Board staff has **direct** access to the records, as required by law. This can be provided in house at your facility – it just means that Board staff must be able to review records and perform any records audits.
- Copies of documents and related metadata can be printed or electronically transmitted to the Board when requested.
- The system has the appropriate controls for personally identifiable information or regulated information (such as social security numbers, etc.).

Upcoming OMCB Meetings

Friday, August 11, 2017
OMCB Board Meeting
Teleconference

-- NEW --

Thursday, October 5, 2017
OMCB Board Meeting
Location: PSOB

-- NEW --

Friday, October 6, 2017
Strategic Planning Session
Location: PSOB

Tuesday, November 14, 2017
OMCB Board Meeting
Location: PSOB

PSOB= Portland State Office Building

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