



OREGON MORTUARY & CEMETERY BOARD

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OMCB Named to The Conference's Model Practice Act Review Committee

Relevant to: FSPs, Embalmers

FAYETTEVILLE, ARKANSAS, August 1, 2016 – The International Conference of Funeral Service Examining Boards is pleased to announce the members of the Model Practice Act Review Committee. This committee has been tasked with reviewing The Conference Model Practice Act for Funeral Service that was adopted by Conference membership on February 25, 2015. A request for comments was sent to Conference membership as well as several association groups requesting feedback on the model.

Serving on the committee this year will be: Robert Barnes, Maine Board of Funeral Service, David Andrew "Andy" Clayton, Indiana State Board of Funeral & Cemetery Service, **Chad Dresselhaus, Oregon Mortuary & Cemetery Board**, Lori Hayes, Missouri Board of Embalmers & Funeral Directors, and returning members, Lisa Moore, Chair, California Cemetery & Funeral Bureau, Lorin Doyle, Washington Funeral & Cemetery Office, and Charles Perine, Alabama Board of Funeral Service.

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The addition of the review committee members represents a total of 14 jurisdictions who have participated on the project including: Alabama, California, District of Columbia, Indiana, Kansas, Maine, Maryland, Missouri, New York, North Carolina, Oklahoma, Oregon, Virginia and Washington.

The International Conference of Funeral Service Examining Boards is headquartered in Fayetteville, Arkansas. Founded in 1904, the membership of The Conference is composed of funeral service licensing and regulatory agencies throughout the United States and Canada. For more information on The Conference, visit www.theconferenceonline.org.



Working Copies of the Death Record

Relevant to: All Licensees

The working copy of the death record can be a useful tool. An acceptable use of the working copy is to allow a family member or informant to review the portion of the death record completed by the funeral director to verify that the information is correct. Print a working copy of the death certificate for review before dropping the record to paper in OVERS to avoid the amendment processes if misspellings or errors require correction.

Working copies should **not** leave the funeral home. A working copy of the death record is not a legal certificate and will not benefit the family.

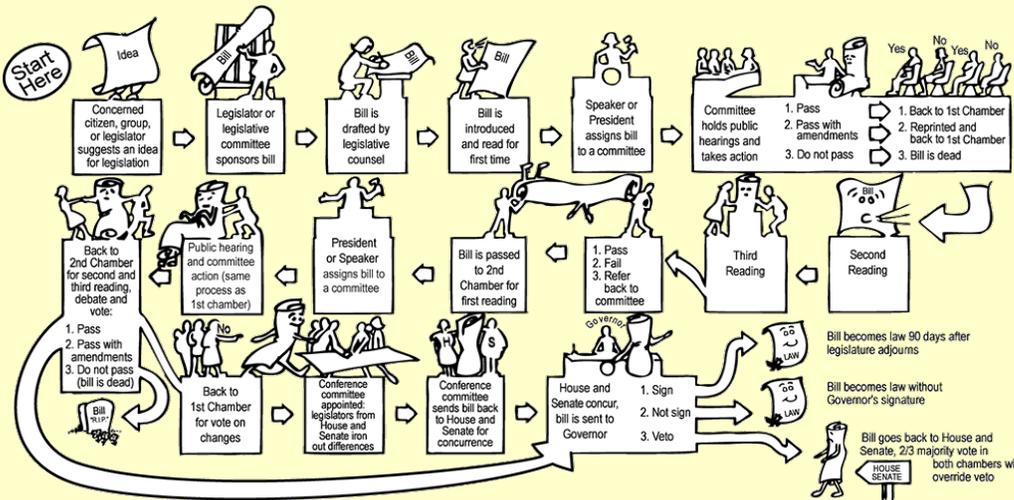
Once the information has been verified it should be shredded.

Cemeteries should not request working copies of death records from funeral homes as they have no use for it. The copy of the final disposition authorization is the document they need and can be located in OVERS under the forms tab. For additional questions please contact Cynthia Roeser, Registration Supervisor, at 971-673-0478 or at cynthia.r.roeser@state.or.us.

(Quoted from
<https://public.health.oregon.gov/BirthDeathCertificates/RegisterVitalRecords/Documents/Death%20Newsletter/2016September.pdf>*)*

Oregon Legislative Session Begins Feb. 2017

Relevant to: All Licensees



How an idea becomes law—click image for full document—or go to

https://www.oregonlegislature.gov/citizen_engagement/Pages/How-an-Idea-Becomes-Law.aspx offered in several languages.

As 2016 is coming to a close, it's time to shift our collective focus to the upcoming 2017 Oregon Legislative Session, which kicks off February 1st.

The OMCB has only one legislative concept for this session, which was submitted at the request of the Cemetery Association of Oregon (CAO). This bill will address the fact that there are a few OMCB license types that are currently not able to serve as Board members; most notably, not-for-profit cemeteries, which is the key issue the CAO wishes to see addressed. To see the specific seats on the Board currently, look to the right of this article for the seat qualifications under each Member's name. →

The concept submitted seeks to accomplish the following:

- Keep the current number of Board Members (11) and current split of Industry to Public Member seats (7 and 4, respectively).
- Change the language so that all license types can serve as Board Members.
- Increase requirements for Governor to balance the Board with each appointment for license type, geography, size of facility, and profit vs non-profit facility types.
- Increase terms back to 4 years; terms were shortened in 2009 to 3 years as part of an overall change; with relatively few meetings per year, 4 year terms were more effective.
- Change start of terms to a rolling basis from starting each January; also allow individuals appointed to replace a Member who leaves mid-term to serve a full term—not just complete the prior incumbent's term.

As we see bill drafts, we will work with the community to develop amendments to make sure everyone's needs are met, and that we have a solid bill. Member Bone is the primary liaison with CAO and OFDA associations, and Member Moore for OMA and AARP. If you have any comments or questions, please submit them to mortuary.board@state.or.us and we will forward them to the appropriate person.

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.

2017 Board Members

Jane Woodward
President

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

Larry Gyure
Cemetery Operator, Special
District

Vacant
Cemetery Operator, For Profit

Judy Juntunen
Public Member

Kevin Loveland
Crematorium Operator

RCA Moore
Public Member

Corrina Patzer
Public Member

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

The Complaint Process: From the Investigator's Desk

Relevant to: All Licensees

Understandably, learning that a complaint has been filed against you or your facility can be a source of anxiety, but don't panic! The investigative process is straightforward and unbiased. We make no assumption of culpability on your part; our goal is simply to determine what actually transpired—to establish fact. Be assured that no part of the investigative process or the Board's discussions concerning a complaint against you or your facility is made public. Only formal Notices of Proposed Disciplinary Action and any subsequent Orders (formal disciplinary action) are open to public disclosure. Simply having a complaint filed against you is not information ever provided to the public.



Can't Talk About That

Probably the largest source of potential anxiety comes from the confidential nature of complaints and investigations for health-related professional licensing boards like the OMCB. The law dictates that the specifics of the complaint and investigation are confidential. This means the identity of the complainant is confidential and cannot be disclosed. Additionally, we cannot discuss the status or details of the *specific* investigation—the law allows only for information that furthers the investigation to be disclosed to either the complainant or the respondent (you). Those of you who have been in the business a long time probably remember this hasn't always been the case. But the Oregon Legislature created these laws to help protect licensees from frivolous complaints and the damage these could cause your business, as well as to protect the health and personally identifiable information of patients, clients and customers. With the requisite secrecy aside, the process is robust and straightforward and with your help, can go very smoothly. Our goal is to work with you to make the process as painless as possible.

A Look Behind the Curtain: The Complaint Investigation Process

It all starts with a complaint. By law, the Board is required to investigate any complaint from any source. This is most often in the form of a phone call, letter or email from an individual. But it also means that if the Board becomes aware of a complaint or gains knowledge of a potential violation from any source—such as a newspaper article or report from another agency—we are obligated to investigate. This does NOT mean, however, that all complaints take the same amount of time to review—only that they start out the same and go through the same initial process.

In some cases, complaints are reviewed and closed without any contact with the licensee. For example, we may receive a complaint about how much something costs, which is not regulated. Sometimes, there has been a misunderstanding rather than a violation of law, and the Board is able to coordinate with the consumers and with you to resolve these issues. Such cases are closed administratively, ratified by the Board, and the regulations (or lack of regulations) are explained to the complainant.

In other cases, we need to review documents to understand the context of the complaint and to determine scope and oversight. A consumer may not be clear on the meaning of part of a statement of goods and services, or why something is documented a particular way. Often, simply reviewing those documents makes it clear to the investigator that no violation has taken place. Such complaints would also close administratively and would not require any additional statements or effort on your part. For these situations, we will typically call you or your facility requesting documents or specific information to help us make this determination, if necessary.

If after determining that the complaint is within the board's jurisdiction and if a preliminary review of the documents does not resolve the matter outright, you will receive a formal letter requesting a response. The request for response contains the state statutes authorizing the Board to investigate any complaint, and also contains the Oregon Administrative Rules (OAR's) requiring you (the licensee or agent of a licensed facility) to make complete, truthful disclosure of facts, and to provide answers to specific questions, as well as to provide any documents requested. Please comply with these requests in a concise and timely manner.

Continued on Page 4

The Complaint Process: From the Investigator's Desk

Continued from Page 3

You may amend or add to your statement or provide the investigator with new information at any time before the report is presented to the Board. Your cooperation in providing all statements and documents when they are initially requested can go a long way in facilitating the investigative process and resolving the matter as expediently as possible. With that said, we understand that you are busy and we are happy to work with you on due dates that work for you. Your statements and the materials you provide are essential to the process and we want to make sure the Board has the full story within the case report.

During this phase of the investigation, we will also be gathering related materials from any other parties involved. This would include the complainant and any other witnesses including other staff members, other facilities, if applicable, or similar. Therefore, please let us know if there are other persons we should speak to. All in all, our goal is to identify and document the facts related to the situation in a concrete and objective manner.

Board Review and Timing

The status and aging of all complaints and cases are reported to the Board at every meeting. This includes a report of new complaints received since the last meeting, as well as the status of all cases that are "in Post"—meaning the Board has reviewed the case report and made a determination of action or no action already, but the overall process is not yet completed. In this way, the full Board has visibility of all cases. This also allows that, as complaints come up, individual members can recuse themselves from any case where they may have a potential conflict of interest. When that happens, that individual member is excluded from the review and deliberation of the investigative report for that case—they are not provided the case report nor do they participate in the review and deliberation process.

Once all the investigative material has been gathered and a case report is prepared, all of it is presented to the Board for their review and consideration. A case report will include a description of all relevant facts, the applicable laws, and copies of all relevant documents and statements in the form of exhibits which are copies of original documents or photos. Depending on the complexity of the case and the number of respondents, case reports can be very long in order that the Board has all the relevant information needed to perform a complete review and determination—which is essential.

This whole process can take time. Investigative reports are legally required to be presented to the Board within 180 days from the date the complaint is received and the majority of cases reach the Board long before this deadline. In some cases, due to complexity, workload or the ability to acquire all the necessary information from all parties, case reports can take that long to prepare. And sometimes, after reviewing the report, the Board may request additional investigation to be performed and the case brought back at a future meeting.

However it goes, once the Board makes a determination, a staff member will contact you as soon as possible after the Board meeting to provide you with information on the outcome of the case review. Depending on when the meeting is held and what else is happening, this can take a few days after the date of the meeting, although we attempt let you know the Board's determination as quickly as possible. No matter what the outcome, you will also receive a formal document of that outcome for your records, and, if the Board did happen to vote to initiate disciplinary action, you will receive a Notice outlining the specific facts that are the basis of the proposed discipline, as well as a description of your full due process rights—and we will walk through that part of the process in an upcoming article.

I hope this helps shed some light on the complaint investigation process and I am happy to answer any questions you might have. We are your Board and we are here to assist you maintain compliance with rules and statutes and succeed in your business.

Sincerely,
Marianne Itkin
Investigator, OMCB

New Program Announced by the Department of Veterans Affairs

Relevant to: All Licensees



U.S. Department
of Veterans Affairs

Earlier this month, the Department of Veteran Affairs announced a new program providing pre-need eligibility determination for interment in a VA national cemetery. When making pre-need arrangements with a funeral home, veterans and their spouses may wish to learn if they are eligible for burial or memorialization in a VA national cemetery. By completing a few forms, interested individuals can better prepare for their final arrangements. Supporting documentation is not required to apply, however, if these documents are available the VA will be able to process the application faster.

If the individual is eligible for burial benefits, the VA will notify them of the determination and store the pre-need application, supporting documentation, and the decision letter for use at the time of need. Burial benefits include a gravesite in any of VA's open national cemeteries, the opening and closing of the grave, a government grave liner, a government headstone or marker, and perpetual care of the grave, all at no cost to the family.

Applicants may indicate a preference for a VA national cemetery on the application form, but a pre-need determination of eligibility does not guarantee burial in a specific VA national cemetery or a specific gravesite. VA assigns gravesites in cemeteries with available space once death has occurred and the burial is scheduled.

At the time of need, funeral homes should still contact the National Cemetery Scheduling Office at (800) 535-1117 to request burial. For more information on how individuals can apply for Pre-Need Burial Eligibility Determination, visit <http://www.cem.va.gov/pre-need>.

Electronic Death Record System (EDRS) Update From Oregon Vital Records

Relevant to: FSPs, Funeral Establishments & IDCs

In April 2016, we revised our Electronic Death Registration System (OVERS) brochure. This brochure is written specifically for medical certifiers. It explains the benefits of using OVERS to report Oregon deaths, the system features and how it works. We also included updated statistical data such as the number of records that were completed during the last year in OVERS (11,000 in 2015) and the time it takes to complete a death record (9.5 days for electronic, versus 36.2 days for paper). Additionally, the brochure includes information about the online registration process and free training on OVERS.



To place an order for these updated EDRS brochures for your facility, please contact Linda Reynolds at 971-673-1173 or Linda.I.Reynolds@state.or.us, or by going to this link http://public.health.oregon.gov/BirthDeathCertificates/RegisterVitalRecords/Documents/45_43B.pdf.

Our office is excited to announce some new functionality coming to OVERS in the near future. Currently, the only way for a medical certifier to certify a record is by capturing their fingerprint on our biometric devices. The Center for Health Statistics has been working with our vendor to develop software for signing functionality to give certifiers additional options. Signature pens will allow an image of the signature to be stored in the EDRS system; the image will not appear on the record but can be recalled if there is a dispute on who certified the record. CHS is happy to report that we have received the functionality and are currently testing different equipment options. We didn't feel the signature pens we tested recently met our expectations so we are continuing to explore different possibilities. For questions about signing functionality, please contact Krystalyn Salyer at 971-673-1197 or krystalyn.salyer@state.or.us.

(Quoted from

<https://public.health.oregon.gov/BirthDeathCertificates/RegisterVitalRecords/Documents/Death%20Newsletter/2016September.pdf>)

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To conserve resources, we have distributed only one copy per facility.
The full color version of this publication can be read or printed from our website.

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**Regulating Death Care
Facilities & Practitioners
in Oregon.**

Upcoming 2017 OMCB Meetings

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

Tuesday, May 9, 2017
OMCB Board Meeting
Location: PSOB

Thursday & Friday, August 10 & 11, 2017
Strategic Planning Session
Location TBD

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



**COMING SOON!
STRATEGIC
STAKEHOLDER SURVEY**

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