

DON'T BURY THE LEAD

THE OFFICIAL NEWSLETTER OF THE OREGON MORTUARY & CEMETERY BOARD (OMCB)



St. Paul's Cemetery (Silverton)

OMCB MISSION

The mission of the Board is to protect public health, safety, and welfare by fairly and efficiently performing its licensing, inspection, and enforcement duties; by promoting professional behaviour and standards in all facets of the Oregon death care industry; and, by maintaining constructive relationships with licensees, those they serve and others with an interest in the Board's activities. In order to protect the public, it is the Board's responsibility to ensure that all of Oregon's death care facilities are properly licensed. The Board is self-supporting and derives its financing from licensing, examination, and a portion of the death certificate filing fee (not the fees derived from the purchase of a certified copy of a death certificate).

We'd like to highlight your facility in an upcoming issue of OMCB's Newsletter! Complete the [Newsletter Facility Spotlight Form](#) to be considered!

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UPCOMING BOARD MEETINGS

Monday, January 22nd, 2024 & Wednesday, January 24th, 2024

- General Session will begin at 9am
- This two-day meeting will be held virtually via Microsoft Teams
 - Email mortuary.board@omcb.oregon.gov for the link to join

2024 OMCB BOARD MEMBERS

Angela McKenzie-Tucker, President
Cemetery Operator | Portland

Rob Gaskill, Vice-President
Embalmer / Funeral Service Practitioner |
Estacada

Nancy Felton, Secretary/Treasurer
Cemetery Operator | Tigard

Joseph Britton
Public Member | Portland

Ruggiero Canizares
Public Member | Eugene

Craig Collins
Crematory Operator | Portland

Debra C. Harris
Public Member | Portland

Kevin Loveland
Embalmer / Funeral Service Practitioner |
La Grande

Elizabeth Pacheco
Public Member | Merrill

Melissa Porter
Cemetery Operator | Pendleton

TOP 3 REMINDERS WHEN SUBMITTING AN INDIGENT DISPOSITION PROGRAM REIMBURSEMENT APPLICATION PACKET

1. Make sure to use the most recent version of the [Oregon Indigent Disposition Program Reimbursement Claim Application](#). The checklist on the first page lists all the required documentation that should be included when submitting an application packet for reimbursement.

2. Please wait 10 business days until performing disposition. These 10 business days start from the date of custody unless the decedent was declared an indigent case at a later date. If the decedent becomes an indigent case after the initial date of custody, the 10 business day wait time would start on that date.

3. For Step Three and Step Five of the application, outreach to both the State Treasury and the Veteran's Administration must be attempted within five business days from either the date of custody or the date that the decedent was declared an indigent case.

Have additional questions? Contact IDP Administrator, Sylvie Huhn at sylvie.huhn@omcb.oregon.gov.



WHEN MUST A CEMETERY BE LICENSED?

It appears there is some confusion regarding when a cemetery must be licensed, so we wanted to review what is required.

Definition of an "Operating Cemetery"

According to ORS 692.010(9)(a)-(c), an "operating cemetery" is defined as a cemetery that:

- (a) Performs interments;
- (b) Has fiduciary responsibility for endowment care, general care or special care funds; or
- (c) Has outstanding preneed service contracts for unperformed services.

Therefore, if any of the three above apply to a cemetery, it must be licensed.

According to ORS 692.025(6) & ORS 692.990, it is a misdemeanor if someone is conducting the business of an operating cemetery without first receiving a certificate of authority (license).

"Exempt Operating" and "Registered" Cemeteries

There are sub-categories of cemeteries, which are designated as an "exempt operating" and "registered" cemetery.

According to ORS 692.010(3), an "exempt operating cemetery" is an operating cemetery that has 10 or fewer interments annually.

As described in ORS 692.275(1), an exempt cemetery's initial fee shall not exceed \$100 (as opposed to \$150 for operating cemeteries) and registration of principals is capped at \$50 (as opposed to \$50 per principal for operating cemeteries). Additionally, 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.

According to ORS 692.275(2), "[a] cemetery, other than an operating 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.

Temporary Burial Permit Application

In 2018, legislation was passed that allowed an interment to occur in an unlicensed cemetery under very specific circumstances - ORS 692.280 & OAR 830-011-0065.

If a decedent needs to be interred in an unlicensed cemetery, a licensee must submit the Temporary Burial Permit Application.

In addition to a completed Temporary Burial Permit Application, the following information/supporting documentation must be provided:

1. Proof of plot ownership (cemetery deeds, interment right paperwork & preneed cemetery contracts are the most common)
2. Preneed cemetery contract (if applicable)
3. Preneed funeral contract (if applicable)
4. Interment Authorization (completed)
5. At need funeral contract
6. Certificate of death (working copy is acceptable)
7. Final Disposition Authorization
8. Vendor contract (for opening/closing)

Becoming a Licensed Cemetery

If you are associated with a cemetery that needs to become licensed, please complete and submit the Initial Application for Oregon Certificate of Authority to Operate a Cemetery.

Also, you will need to complete and submit a Background Information Questionnaire for every individual who is a principal - as defined in OAR 830-011-0000(41):

Principal means a person who has controlling authority over the licensed facility, including but not limited to:

1. Managers or other persons who have decision-making authority and whose primary duties include control over the operation of the licensed facility;
2. Officers or directors who have some degree of responsibility for the operation of the licensed facility;
3. General Partners, limited and joint ventures;
4. Sole proprietors;
5. Stockholders holding a majority of outstanding shares of stock; and
6. Members of a Limited Liability Company.

If you are unsure about your cemetery needing to become licensed, it would be beneficial to review the Cemetery Licensing/Registration Questionnaire.

If you have any additional questions about getting your cemetery licensed, please contact Ryan Christopher, our Office & Licensing Manager, at Ryan.Christopher@omcb.oregon.gov.



COMMON ISSUES FOUND ON CREMATION AUTHORIZATIONS & HOW TO AVOID THEM

Want to ace your next OMCB Inspection? We're here to help! Read on to see the most common issues our Inspectors found when it comes to Cremation Authorizations along with their helpful tips.

Issues under OAR 830-040-0000(7)(g):

- Phone number of the authorizing agent missing; **make sure this information is on the form.**
- Date and time permission was obtained missing; **the time permission was obtained needs to be captured on the Authorization for Cremation itself.**
- Printed name and signature of the licensee or facility representative who acquired the authorization missing; **it's common for either the printed name or signature to be missing, both need to appear.**
- Relationship to the deceased is missing or captured incorrectly. According to ORS 97.130(2), after self-authorization, the only persons able to authorize final disposition are:
 - (a) The spouse of the decedent.
 - (b) A son or daughter of the decedent 18 years of age or older.
 - (c) Either parent of the decedent.
 - (d) A brother or sister of the decedent 18 years of age or older.
 - (e) A guardian of the decedent at the time of death.
 - (f) A person in the next degree of kindred to the decedent.
 - (g) The personal representative of the estate of the decedent.
 - (h) The person nominated as the personal representative of the decedent in the decedent's last will.
 - (i) A public health officer.

Cannot be a significant other, step-relative, in-law or friend. If one of these is available, they must also qualify under another category or have been appointed by someone of the highest possible class. When filling out the "relationship to the deceased" field, it is recommended that you put a specific option from a-i.

Issues under ORS 97.150(1)(a):

- Further instructions to the cemetery authority, crematory operator, alternative disposition facility operator or licensed funeral service practitioner as to the final disposition of the cremated or reduced remains are missing; **If the cremated or reduced remains are to be picked up, list the specific individuals authorized to collect. In accordance with OAR 830-040-0000(9), when cremated remains are picked up, you must obtain a signed receipt from that individual including:**
 - printed name of the individual receiving the cremated remains
 - the name of the deceased; the date of delivery of the cremated remains
 - the receiving individual's signature
 - the printed name and signature of the licensee or the licensee's representative releasing the cremated remains.

If the cremated or reduced remains are to be mailed, write the address they will be mailed to.

IMMEDIATE DISPOSITION COMPANY APPLICATION UPDATE

We are pleased to announce facility licensure applications for Immediate Disposition Companies are available.

Immediate disposition means a direct method of disposition of human remains by way of immediate burial or immediate cremation. Immediate disposition company means any business, other than a licensed funeral establishment, where a licensed funeral service practitioner operates the business of immediate disposition and where business records are kept.

A person may not operate an immediate disposition company unless the immediate disposition company meets the necessary requirements. An immediate disposition company must: (a) Be licensed at a fixed location under ORS 692.146; and (b) Be operated by a licensed funeral service practitioner.

An Immediate Disposition Company shall only: (a) Arrange for immediate burials and immediate cremations without public viewing, visitation or ceremony with the human remains present, except for a graveside service; and (b) If minimum preparation of a human remains is requested by the family, for purposes of having an "identification viewing," the immediate disposition company shall refer the family to a licensed funeral establishment to provide those services.

If the immediate disposition company is conducting preneed sales of funeral goods and services funded by trusts, it must be registered with the Department of Consumer and Business Services and comply with the provisions of ORS 97.923 to 97.949.



To apply for an initial facility license, submit the Initial Application For Oregon License To Operate An Immediate Disposition Company. To apply to change the ownership of an existing facility, submit the Change Of Ownership Application For Oregon License To Operate an Immediate Disposition Company.

Additionally, you must submit a Background Information Questionnaire for any principals of the facility that do not currently hold an individual license with the Board.

The fee for initial licensure is \$150 (includes first principal) + \$50 for each additional principal. The fee to renew the license is \$700 every 2 years.

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