

Oregon Mortuary & Cemetery Board (OMCB)
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October 2022

OREGON MORTUARY & CEMETERY BOARD NEWS

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 behavior 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 insure 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).

A LETTER FROM OUR PRESIDENT:



Hello, all! I am very excited to have our first OMCB news- letter out and available to the community. The board and staff have been working incredibly hard over the past few years to influence and create positive changes within the agency, and many of those changes or clarifications will be outlined in our newsletters. I do hope you take the time to read these communications. If there are ever any questions or concerns, please reach out and let us know.

I also wish to express my appreciation to all of our license holders and facility operators. It has truly been a challenging few years, and many of you faced obstacles that never could have been predicted. Thank you for your diligence and tire- less commitment to serving families and the community. The OMCB had a front-row seat to your hard work and sacri- fice, and we are in awe of all of you.

~ Angela R. McKenzie-Tucker, President
Oregon Mortuary & Cemetery Board



2023 Board Meeting Schedule:

- January 10, 2023
- April 11, 2023
- July 11, 2023
- October 10, 2023



OMCB STAFF

- **Chad Dresselhaus | Executive Director**
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- **Pete Burns | Education & Compliance Manager**
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- **Gregory Brown | Inspector**
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- **Ryan Christopher | Office & Licensing Manager**
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- **Sylvie Huhn | IDP Administrator**
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- **Marianne Itkin | Investigator**
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- **James Liddle | Inspector**
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General Price List Review Service Available

In an effort to optimize agency resources, staff is not able to review General Price Lists, outside of the scope of an inspection. You may wish to have your facility's legal counsel review documents to ensure compliance with state and federal requirements.

To ensure your General Price List (GPL) is compliant with the Federal Trade Commission Funeral Rule, NFDA offers a comprehensive GPL Review Service.

For \$400, (NFDA members receive a 45% discount of only \$225), you will receive a thorough analysis of your current General Price List by NFDA's general counsel, specializing in the legal format and content of funeral service general price lists and the disclosure requirements of the Federal Trade Commission Funeral Rule.

This offer includes:

A thorough legal analysis of your current GPL including:

General Price List

Casket Price List

Outer Burial Container Price List

Statement of Funeral Goods and Services Selected

Recommended improvements (if necessary).

A legal guarantee. If you're audited by the Federal Trade Commission, NFDA counsel will back your GPL free of charge.

A prompt response (within 30 days).

Download General Price List Review Request Form - PDF

For more information, please contact an NFDA Member Services Representative at 800-228-6332.

OREGON MORTUARY & CEMETERY BOARD



Who can sign a cremation authorization?

Reference: ORS 97.130(2)

Step-parents, step-children, and persons "related" to a decedent such as "friend", "companion", "partner" (other than Oregon registered domestic partners) may not sign an authorization for cremation, unless they have been appointed to do so by the decedent. ORS 97.130(8)

Facility License Renewal is Just Around the Corner

Facility Licenses and Certificates of Apprenticeship will expire after December 31, 2022.

At the beginning of November, Facility Licenses can be renewed online through the Facility Portal account for each location.

Facility Portal link: <https://omcb.us.thentiacloud.net/webs/omcb/facility/#/login>

At the beginning of November, Certificates of Apprenticeship can be renewed online through your individual Licensee Portal account.

Licensee Portal link: <https://omcb.us.thentiacloud.net/webs/omcb/service/#/login>

For more information about the renewal process, please visit the Board's website: <https://www.oregon.gov/omcb/pages/renewals.aspx>

If you have any questions about the renewal process please contact Ryan Christopher by email at ryan.chrisotpher@omcb.oregon.gov

PLEASE NOTE: Funeral Service Practitioner, Embalmer, and Combination Funeral Service Practitioner/ Embalmer licenses will expire after December 31, 2023. We will send out a reminder closer to this date.

Compliance Updates

OMCB Inspectors are on the Road Again

During the State’s travel restrictions due to the pandemic, our agency conducted virtual inspections in order to comply with the requirement to perform facility inspections—ORS 692.320(2)(A). Since the restrictions have now been lifted, our inspectors are now traveling and conducting in-person, on-site inspections again. We strive to engage in a cooperative role with licensees. We encourage you to re-view our agency’s [inspection checklists and procedures](#). Licensees are always welcome to reach out to Education & Compliance Program Manager, Pete Burns at 971-673-1503 or via email at pete.burns@omcb.oregon.gov.

Visit our website for more information: <https://www.oregon.gov/omcb/>

When Must a Cemetery Become Licensed?

According to [ORS 692.010\(9\)\(a\)-\(c\)](#), an “operating cemetery” is one that:

1. Performs interments;
2. Has fiduciary responsibility for endowment care, general care, or special care funds; or
3. Has outstanding preneed service contracts for unperformed services.

Therefore, if any of any of the above-mentioned actions/responsibilities apply to a cemetery, it must have a certificate of authority to operate from our agency.

Additionally, according to [ORS 692.990](#) and [ORS 692.025\(6\)](#), it is a misdemeanor if a person is conducting the business of an operating cemetery without first receiving a certificate of authority.

If there is an immediate need to inter a decedent at an unlicensed cemetery, an OMCB licensee must complete & submit a Temporary Burial Permit Application. Upon approval by our agency, a one-time interment may be lawfully performed.

Here is the link to the [Temporary Burial Permit Application](#)

If you have any questions regarding the cemetery licensing process, please reach out to Ryan Christopher, our Office & Licensing Manager: Ryan.Christopher@omcb.oregon.gov.

2022 Board Members

Angela McKenzie-Tucker **President**

For Profit Cemetery Operator

Rob Gaskill **Vice President**

Funeral Service Practitioner /
Embalmer

Nancy Felton **Secretary/Treasurer**

Non-Profit Cemetery Operator

David Bone

Funeral Service Practitioner /
Embalmer

Joseph Britton Public Member

Ruggiero Canizares Public Member

Craig Collins

Funeral Service Practitioner

Deb Harris Public Member

Kevin Loveland Crematory Operator

Beth Pacheco Public Member

Melissa Porter

City/County Owned Cemetery
Operator

Board Members are volunteers who serve 4 year terms. They are appointed by the Governor & confirmed by the Senate.



More Reminders...

Imminent Death

In reference to a complaint, the Board reiterated its position that *any* discussion of arrangements before a death constitutes a Preneed discussion, even if the death is imminent. Disciplinary action could be initiated against a licensee who engages in an at-need discussion concerning the imminent death of an individual, whether or not there is an intentional effort to not properly trust funds or fund with an insurance product.

Holding Power of Attorney does not allow someone to “jump the list” in ORS.97.130(2)

A person with Power of Attorney is not on the list of persons with the right to control disposition in ORS 97.130(2). No special provision exists in ORS 97.130 for a person to make at need arrangements on the *sole* basis of having held Power of Attorney for the decedent during the decedent’s lifetime, even if that person executed a preneed on the decedent’s behalf during their lifetime.

POA or durable POA does not place the attorney on 97.130 unless the document contains language “substantially similar” to that in the Appointment Of Person To Make Decisions Concerning Disposition Of Remains set forth in ORS 97.130(8).

Legislative Updates

HB: 2574: Natural Organic Reduction Comes to Oregon



On July 1, 2022 HB 2574 went into effect allowing Funeral Homes, under an Alternative Disposition Facility License to offer Natural Organic Reduction (NOR) as a new form of disposition in Oregon.

The bill, sponsored by Oregon Representatives Pam Marsh and Brian Clem, makes Oregon the third state to offer NOR, following WA and CO.

In October 2021, the Board authorized staff to convene an Rulemaking Advisory Committee to draft rule language. The committee met from December 2021 to May 2022. Draft rules were approved by the Board at a special board meeting convened in May 2022,

prior to the legislative deadline for submission in mid-June.

Since the July 2022 effective date, OMCB has yet to receive any application for this new form of disposition. However, staff have fielded many calls from the public, media and potential licensees. There is clearly an interest in this new form of disposition. It remains to be seen how it will be incorporated in Oregon.

Representative Marsh has posted an informative [Q&A about HB 2574 and Natural Organic Reduction](#).

For more information, please reach out to OMCB Staff: 971-673-1500 | mortuary.board@omcb.oregon.gov



Did You KNOW???

Top 5 Inspection Violations

1. Cremation/Internment Authorization missing names/time and/or date/ phone/signatures/printed name: OAR 830-040-0000 General Principles
2. GPL does not accurately reflect price changes / hyperlink to GPL missing on website: OAR 830-040-005 (6)
3. Apprentice logs for embalmer and FSP both missing required information: OAR 830-011-0020
4. SFGSS contracts are missing required "OMCB" statement at bottom of contract: OAR 830-0040-0005 (1)
5. Prep Room: Waste can not covered: OAR 830-040-0020 (3)(b)/Authorized Entry Only" sign: OAR 830-0040-0020 (2) (c)

OMCB Convenes Advisory Committee to Review 10-Day Hold Notifications

The Board has established an advisory committee for the purpose of reviewing and possibly modifying/updating the current ten-day hold notification requirement (OAR 830-030-0010):

All human remains must undergo final disposition within ten days after a licensed funeral establishment takes possession of the remains. If human remains are going to be kept longer than a ten-day period due to exigent circumstances, it is the responsibility of the licensee responsible for those human remains to notify the Board's office.

If you would like to provide input to the advisory committee, please email Pete Burns, our Education & Compliance Program Manager: Pete.Burns@omcb.oregon.gov.



OMCB

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

Board Updates

OMCB Staff Presents at OFDA District Meeting



On Tuesday September 27, 2022, the Oregon Funeral Directors Association (OFDA) held a district meeting in Clackamas at the Monarch Hotel.

OMCB was pleased to coordinate with OFDA and present relevant information during the meeting. Due to statewide restrictions, it had been a couple of years since OMCB staff was able to attend and present at these gatherings. OMCB Executive Director Chad Dresselhaus presented information related to cemetery licensure and different designations; OMCB's temporary burial permit; Indigent Disposition Fund updates; and facility license renewal period.

OMCB Education and Compliance Manager Pete Burns provided updates regarding Natural Organic Reduction; the Ten-Day Notification Advisory

Committee; and inspection updates.

If you have questions regarding these topics or anything else, please reach out to OMCB staff. OMCB Board Officers Angela McKenzie-Tucker (Board President), Rob Gaskill (Vice President) & Nancy Felton (Secretary/Treasurer) also attended as OFDA members and Board representatives. Events like these illustrate how important it is for OMCB to collaborate with licensees and provide opportunities for communication and education.

