



OREGON MORTUARY & CEMETERY BOARD

Oregon Mortuary & Cemetery Board, 800 NE Oregon Street, Suite 430, Portland, OR 97232
<http://www.oregon.gov/mortcem> mortuary.board@state.or.us 971.673.1500

2015 Strategic Planning Recap

Relevant to: All Licensees

The 2015 Strategic Planning session was deemed a great success. Thirty-two individuals (including licensees, interested parties, OMCB board members & staff) gathered together at the Red Lion in Pendleton and had very productive conversations relating to the implementation of [HB 2471](#) (addresses FSP and Embalmer apprenticeships, internships, testing & industry entry), [HB 2472](#) (allows for self-inspections and industry members to perform certain inspections), [HB 3242](#) (grants OMCB authority to issue a permit to certain persons to facilitate an interment in an unlicensed cemetery when a pre-existing interment right exists and there is an imminent need) & [HB 3243](#) (makes improvements to Indigent Disposition Fund management and transfers management of the fund to OMCB).

You can still participate!

The next step is to send out a survey to all stakeholders for YOUR input in the coming weeks.

We will also be forming rulemaking committees in order to draft administrative rules that will provide additional guidance for the new laws:

[HB 2471](#) will need to clarify the licensing requirements for reciprocity and apprenticeships for “trainees” & internships.

Federal Trade Commission (FTC) Funeral Home Inspections

Relevant to: FSPs

Investigators working undercover in six states found failures to disclose pricing information to consumers, as required by the Federal Trade Commission’s Funeral Rule, in 27 of the 100 funeral homes they visited during 2014. All but two of the 27 homes have agreed to enter the Funeral Rule Offenders Program (FROP).

The FTC conducts undercover inspections every year to ensure that funeral homes comply with the agency’s Funeral Rule. The Rule, issued in 1984, gives consumers important rights when making funeral arrangements.

INSIDE THIS ISSUE	
2015 Strategic Planning Recap	1
Federal Trade Commission (FTC) Funeral Home Inspections	1
Cemetery Rules & Regulations	2
Burial at Sea	2
Frontline Documentary: <i>Being Mortal</i>	3-4
Disposal of Unclaimed Burial Spaces	4
Oregon Commission on Historic Cemeteries	5
New Board Member Bios	5
Upcoming OMCB Meetings	6

The rulemaking committee for [HB 2472](#) will identify what the self-inspection process will look like and what the inspection requirements will be for exempt operating cemeteries.

The rulemaking committee for [HB 3242](#) will need to identify the requirements regarding who can apply for and be granted permission to perform a burial in an unlicensed cemetery and how the cemetery records will be maintained.

The rulemaking committee for [HB 3243](#) will need to develop the process for qualifying, applying & receiving reimbursements from the indigent disposition fund.

Interested in participating on a committee? Let us know! Contact the [Board office](#).

Funeral homes with price list disclosure violations can enter a training program designed to increase compliance with the Funeral Rule. This year all but two of the homes found in violation chose to enter the FROP run by the National Funeral Directors Association (NFDA) rather than subject themselves to the possibility of a civil penalty action by the FTC. The FROP provides participants with a legal review of the price disclosures required by the Rule, and on-going training, testing and monitoring for compliance.

(Quoted from: <https://www.ftc.gov/news-events/press-releases/2015/05/undercover-inspections-funeral-homes-six-states-prompt-compliance>)

Cemetery Rules & Regulations

Relevant to: Cemeteries

According to ORS 97.710, a cemetery may make and enforce rules and regulations for:

- The cemetery's use, care, control, management, restriction and protection;
- Restricting and limiting the use of all cemetery property;
- Regulating the uniformity, class and kind of all markers, monuments and other structures within the cemetery;
- Prohibiting the erection of monuments, markers or other structures in or upon any portion of its property;
- Regulating or preventing the erection of monuments, effigies and structures within any portion of the cemetery grounds and for their removal;
- Regulating the care or preventing the introduction of plants or shrubs within the grounds;
- Preventing the interment of a body not entitled to be buried;
- Preventing the use of burial plots for purposes that would violate its restrictions;
- Regulating the conduct of persons and preventing improper assemblages; and
- All other purposes deemed necessary by the cemetery for the proper conduct of its business and the protection and safeguarding of the premises and the principles, plans and ideals on which the cemetery was organized.

Burial at Sea

Relevant to: All Licensees



"Burial at sea" is generally defined as the placement of human remains, and readily decomposable flowers and wreaths, in or on ocean waters seaward of the "three nautical mile line" as shown on official nautical charts published by the National Oceanic and Atmospheric Administration (NOAA).

Per federal law, for any vessel or aircraft that will be used for the transportation and burial, a copy of the general permit for burial at sea is required.

Burial of both human & cremated remains must take place at least 3 nautical miles from land. Additionally, human remains must be placed in water at least 600 feet deep & measures must be taken to ensure the remains sink to the bottom rapidly & permanently.

All burials at sea must be reported to the EPA in writing within 30 days after the burial.

(Taken from:
<http://yosemite.epa.gov/r10/ecocomm.nsf/oceans/burial-at-sea>)

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.

2015 Board Members

Dwight Terry
President

Funeral Service
Practitioner/Embalmer

Jane Woodward
Vice President

Funeral Service Practitioner

Laurie Goolsby
Secretary/Treasurer

Public Member

Nancy Corr
Public Member

Sirpa Duoos
Cemetery Operator, City/County

Larry Gyure
Cemetery Operator, Special
District

Marie Henry
Cemetery Operator, For Profit

Judy Juntunen
Public Member

Kevin Loveland
Crematorium Operator

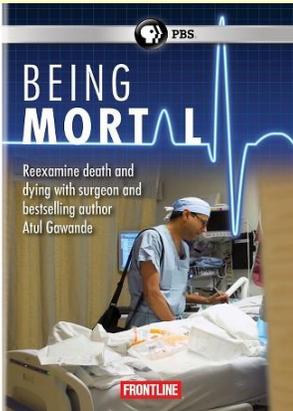
RCA Moore
Public Member

Morris Pearson
Embalmer

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

FRONTLINE Documentary: Being Mortal

Relevant to: All Licensees



FRONTLINE

Medical schools do a great job teaching students how to fix people. But they aren't so good at preparing doctors for what Dr. Atul Gawande calls "the two big unfixables" – aging and dying.

A surgeon and writer, Dr. Gawande is a prominent voice among the small, but growing, chorus inside medicine arguing there must be a better way to help patients navigate the end of life.

He first wrote about the topic in a New Yorker article, *Letting Go*, then in the bestselling book *Being Mortal* and now in this documentary based on the book.

In this documentary, Dr. Gawande takes us behind closed doors to witness intimate and heart-breaking end-of-life conversations between doctors, patients and their families. We see the search for an elusive sweet spot where doctors guide patients to just the right balance of toxic treatments (that studies say can actually shorten life) and hospice/palliative care (that can provide a better quality of life in whatever time remains).

What makes the show so compelling, and at times uncomfortable, is that it thrusts us into the most wrenching moments when a doctor must tell his or her patient the hardest of truths: Sometimes all the technology and brainpower that medicine has to offer can't stop the inexorable march to death.

In their zeal to give their terminal patients hope, some doctors can't help themselves. Dr. Gawande catches himself telling a pregnant woman, facing both lung and thyroid cancer, "Maybe that experimental (lung) therapy will work for the thyroid cancer, too."

In a conversation with her widower after her death, Dr. Gawande expresses regret and acknowledges: "I knew it was a complete lie. I just wanted something positive to say."

Later in the broadcast, the roles are reversed. Dr. Gawande becomes listener as the oncologist for his father lays out eight or nine options to treat his dad, saying, "You really should think about taking the chemotherapy. Who knows? You could be playing tennis by the end of the summer."

That absurd inducement to get Dr. Gawande's father to begin his chemo regimen made Dr. Gawande mad. "My dad's potentially within weeks of being paralyzed," he says, but concedes "the oncologist was being totally human and was talking to my dad the way I had been talking to my patients for 10 years."

"Oftentimes, what we say as physicians is not what the patient hears."

"These are really important conversations that should not be waiting the last week of someone's life – between patients, families, doctors, other health care providers involved in the care of that patient."

"Accepting death comes with incredibly complex emotions."

Continued from Page 3

Enter the palliative care specialists, who by their skillset and vocabulary are helping doctors, patients and their families make sense of the complicated end-of-life conundrum.

We meet Dr. Kathy Selvaggi, who often asks terminal patients, “What is your understanding of what’s going on?”

“Oftentimes, what we say as physicians is not what the patient hears,” she notes.

That’s especially true for Norma, who is terminally ill. Her doctor hasn’t broached end-of-life issues in the two years he’s cared for her. When he finally says she has three to four months to live, Norma insists on finding the right medicine so she can take her granddaughter to Disney World.

The young doctor says he feels “very much a failure. And it’s hard. It’s just a fight mentality that perhaps goes back to training in med school and just the way we are wired. We’re not trained for that other mode.”

Disposal of Unclaimed Burial Spaces

Relevant to: Cemeteries

An “unclaimed burial space” is a burial space in a cemetery: (1) that has not been used for purposes of interment for at least 75 years by the record owner of the burial space or by a party claiming through the record owner of the burial space; and (2) for which the cemetery has no record of any verbal or written contact for a period of at least 75 years with the record owner of the burial space or with a party claiming through the record owner of the burial space.

Once a cemetery prepares an inventory of the unclaimed burial spaces & the cemetery’s governing body directs to dispose of the unclaimed burial spaces, the cemetery must do the following:

1. Send, by certified mail, return receipt requested, a notice containing a description of the unclaimed burial space and the address and telephone number of the cemetery, in substantially the form set forth in ORS 97.725(10), to the last known address of the record owner of each unclaimed burial space described in the inventory and to the last known address of any other person who the cemetery has reason to believe has an ownership or security interest in any of the unclaimed burial spaces described in the inventory.

Dr. Selvaggi finally helped Norma understand that she is dying, but says these conversations shouldn’t wait until the last week of someone’s life. They need time to say goodbye.

Dr. Gawande is encouraged that palliative care physicians are becoming more central to the care of seriously ill patients, whether dying or not.

“But it is not cause for celebration,” Dr. Gawande writes in *Being Mortal*. “That will be warranted only when all clinicians apply such thinking to every person they touch.”

(Taken from: <http://www.nextavenue.org/being-mortal-pbs-documentary-takes-lifes-end/>)

As of the publication date, *Being Mortal* was viewable on the following website:
<http://www.pbs.org/wgbh/pages/frontline/being-mortal/>



2. Post the notice for at least four weeks at the cemetery containing the unclaimed burial spaces in a place reasonably likely to provide notice to owners of the burial spaces.
3. Publish the notice in a newspaper of general circulation in the area of the cemetery for at least four successive weeks.
4. Provide notice by telephone and electronic mail, if telephone or electronic mail contact information is available, to the record owner of each unclaimed burial space and to any other person who the cemetery has reason to believe has an ownership or security interest in any of the unclaimed burial spaces.

If, within 120 days after the date of the notice, a person makes a claim with the cemetery presenting documentation that the person is the lawful owner or holds a security interest in an unclaimed burial space described in the inventory, the cemetery shall, during the 30 days following the expiration of the 120-day period either (1) approve the claim and execute an instrument transferring the right of interment in the burial space to the claimant or (2) notify the claimant that the cemetery denies the claim.

For additional information, please refer to ORS 97.725.

Oregon Commission on Historic Cemeteries

Relevant to: All Licensees

In recognition that Oregon's old cemeteries are historic sites worthy of care and protection, the Oregon Legislature established the Oregon Pioneer Cemetery Commission to assist in coordinating restoration, maintenance and enhancement of historic cemeteries in 1999. The commission was renamed the Oregon Commission on Historic Cemeteries (OCHC) in 2003 to recognize the importance of all historic cemeteries. Directed by a board of seven citizens who have broad knowledge on issues concerning the care and preservation of historic cemeteries and gravesites, the OCHC holds quarterly meetings open to the public around the state.

The OCHC is empowered to develop and maintain a list of all historic cemeteries in Oregon that are not operating, make recommendations of funding, obtain grants funding, and seek legislative appropriations for historic cemeteries, and to assist in obtaining care for above ground artifacts, such as grave markers, structures, railings and curbs, ironwork, fencing and historic plantings. A primary responsibility of the OCHC



is to develop and maintain a statewide registry of historic cemeteries and gravesites. The historic cemetery survey is designed to document the current conditions and needs of all historic cemeteries of any size that contain burials of at least one person who died on or prior to February 14, 1909.

(Quoted from

<http://www.oregon.gov/oprd/HCD/PROGRAMS/pages/commissions.aspx#OCHC>)

The OCHC's website

(<http://www.oregon.gov/OPRD/HCD/OCHC/pages/index.aspx>) provides a wealth of information including a select list of Oregon historic cemeteries, a workbook for historic cemetery planning, legal concerns for historic cemeteries, and how to avoid and respond to cemetery vandalism.



New Board Member Bios

Relevant to: All Licensees

Marie Henry

Marie has been in the funeral and cemetery industry since 1999. She is currently the General Manager at Lincoln Memorial Park Cemetery and Funeral Home in Portland. Marie is a Certified Dignity Memorial Celebrant assisting families with creating meaningful ceremonies to celebrate a life lived. She has a Bachelor's degree in Business Administration with a Human Resources minor. Marie enjoys spending time with her family, reading, and learning new things.

Judy Juntunen

Judy has a B.S. and M.A. in Liberal Arts and Education from Oregon State University. She served as Assistant Director and Research Librarian at the Benton County Historical Society and Museum for 20 years and retired in 2003. She was a member of the Oregon Commission for Historic Cemeteries for 8 years and currently serves on the Association for Gravestone Studies' Board. Judy also volunteers to help with the Crystal Lake Cemetery's records and has recently worked to mark unmarked graves.

RCA Moore

RCA has been an active AARP volunteer for a couple of decades working on various senior issues. Since January 2000 he has been President of the Oregon Memorial Association and developing a Life Completion program called *The Plan That Works*, aimed at helping people make meaningful end-of-life decisions. In addition to professional & research interests in Social Psychology, RCA has interests in practical politics and journalism and is retired from parish ministry with the Unitarian Universalists. Currently, his spare time is taken up with singing and the jazz guitar.

Upcoming OMCB Meetings

Oregon Mortuary & Cemetery Board

800 NE Oregon Street
Suite 430
Portland, OR 97232

Phone:

971.673.1500

Fax:

971.673.1501

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

Tuesday, September 29th, 2015 @ 9am in Portland

OMCB Board Meeting
Location: Portland State Office Building

PLEASE NOTE: The date for the November meeting has changed:

Tuesday, November 3rd, 2015 @ 9am in Portland

OMCB Board Meeting
Location: Portland State Office Building

We're on the Web!

Visit us at:

<http://www.oregon.gov/mortcem>

Oregon Mortuary & Cemetery Board
800 NE Oregon Street, Suite 430
Portland, Oregon 97232