



LPRO: LEGISLATIVE POLICY AND RESEARCH

# MEMORANDUM

Prepared for: Oregon State Senate

Date: May 28, 2020

By: Tyler Larson, Analyst

Re: Legislative Review of Executive  
Appointments

## STATE MORTUARY AND CEMETERY BOARD

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The Governor has appointed the following individuals to the State Mortuary and Cemetery Board subject to Senate confirmation.<sup>1</sup>

### Appointees

Ruggiero Canizares of Eugene, New Appointment

### Term

July 1, 2020 – June 30, 2024

### Appointment/Confirmation Authority

[ORS 692.300 \(2019\)](#)

### Statement of Economic Interest<sup>2</sup>

Not required.

### Statutory Requirements<sup>3</sup>

The board consists of 11 members appointed by the Governor and subject to confirmation by the Senate.<sup>4</sup> All members of the board must be residents of this state. For each vacancy on the board that is not a public member, the Governor may select from a list of three to five nominees submitted by professional organizations that represent individuals licensed, certified, or registered by the board or facilities regulated by the board. Members serve four-year terms and at the pleasure of the Governor. Members are entitled to compensation and expenses as provided in [ORS 292.495 \(2019\)](#).

One member must be a funeral service practitioner (GASKILL).

Two members must be representatives of an immediate disposition company or a licensed funeral establishment, and at least one of the two must be a licensed embalmer (BONE).

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<sup>1</sup> See [Or. Const. art. III sect. 4](#), [ORS 171.562 \(2019\)](#), [ORS 171.565 \(2019\)](#).

<sup>2</sup> See [ORS 244.050 \(2019\)](#).

<sup>3</sup> See [ORS 182.100 \(2019\)](#) for affirmative action policy and [ORS 236.115 \(2019\)](#) for diversity criteria.

<sup>4</sup> [ORS 692.300 \(2019\)](#).

Three members must be representatives of cemeteries, one representing a for-profit cemetery (MCKENZIE-TUCKER), one representing a nonprofit cemetery (FELTON), and one representing a cemetery owned or operated by a city, county, or special district (PORTER).

One member must be a representative of a crematorium or other facility for final disposition of human remains that is not a cemetery (COLLINS, TJADEN).

Four members must be representatives of the public, one of whom must be a member of a recognized senior citizen organization (**CANIZARES**, GILMORE, HARRIS, PACHECO).

## **Duties and Authority**

The board regulates death care facilities and practitioners in Oregon.

The board must:<sup>5</sup>

- offer examinations and issue licenses to applicants who meet specified qualifications;
- establish fees for the administration of licensing;
- meet at least semiannually and at such other times as it may determine;
- elect from its members, each for a term of one year, a president and secretary;
- inspect, at least once every two years, the premises and records of funeral establishments, cemeteries, crematoriums, immediate disposition companies, and other facilities used for the final disposition of human remains and any other location at which human remains may be stored, temporarily held, or processed prior to final disposition;
- employ one or more persons to perform inspections and to aid in the enforcement of the statutes and rules administered by the board;
- conduct an investigation upon receipt of a complaint;
- accord an opportunity for hearing when the board takes specified disciplinary actions;
- have a common seal;
- publish for distribution to funeral service practitioners, embalmers, and trainees of funeral service practitioners and embalmers, and to other interested persons, the statutes and rules administered by the board;
- adopt rules promoting environmentally sound death care practices;
- impose and collect a filing fee of \$20 for each report of death, \$6 of which must be dedicated to the board's role in the disposition of unclaimed bodies;
- adopt rules regarding the use of the fees; and
- maintain a list of institutions that may accept or process bodies for education or research purposes.

The board may adopt and enforce rules for the protection of the public health, safety and welfare relating to the following:<sup>6</sup>

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<sup>5</sup> [ORS 692.405-415 \(2019\)](#), [ORS 97.170 \(2019\)](#).

<sup>6</sup> [ORS 692.320 \(2019\)](#).

- the licensing of or issuance of certificates of authority for funeral service practitioners, embalmers, death care consultants, funeral establishments, crematoriums, cemeteries, and other facilities for final disposition of human remains;
- the registration of trainees;
- the practice of funeral service practitioners, embalmers, and death care consultants, including the operation of funeral establishments, immediate disposition companies, crematoriums, cemeteries and other facilities for final disposition of human remains;
- sanitary conditions of funeral establishments, crematoriums, cemeteries, other facilities for final disposition of human remains, and any location at which human remains are stored, temporarily held or processed prior to final disposition; and
- matters necessary to carry out the statutory provisions administered by the board.

The board may:<sup>7</sup>

- make random inspections or establish a self-inspection program to supplement mandatory inspections;
- adopt rules setting criteria by which an operating cemetery is exempt from mandatory inspections;
- hold hearings, conduct investigations, subpoena witnesses, administer oaths, and take testimony in order to carry out the provisions administered by the board;
- employ staff, fix the compensation for staff, and incur other necessary expenses;
- institute proceedings in the circuit courts to enforce obedience by injunction;
- investigate a complaint made by any person or by the board; and
- impose civil penalties, suspend or revoke a license to practice or to operate or a trainee registration, or refuse to grant or renew a license or registration for specified violations.

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<sup>7</sup> [ORS 692.405-415 \(2019\)](#).

## Executive Appointments Board Roster

### Mortuary and Cemetery Board, State

Agency: Department of Human Services

Authorization: ORS 692.300

Members: Min: 11 Max: 11

Term Length: 4 years Limit: 2

Senate confirmation required? Yes

**Policy Area:** Health

**Board Contact:**

Chad Dresselhaus

800 NE Oregon Street, Suite 430

Portland, OR 97232

971-673-1502

Fax: 971-673-1501

chad.w.dresselhaus@state.or.us

### Current Appointments:

#### Member Name and Address (Alphabetical)

David A Bone

Funeral Service Practitioner/Embalmer

Position Number: 1

Term(s): 01-01-2019 - 12-31-2022

01-01-2016 - 12-31-2018

Ruggiero S Canizares

Public Member

Position Number: 9

Term(s): 07-01-2020 - 06-30-2024

Craig Collins

Crematorium Operator

Position Number: 6

Term(s): 01-01-2020 - 12-31-2023

Nancy L Felton

Funeral Service Practitioner, Non Profit Cemetery

Position Number: 4

Term(s): 01-01-2018 - 12-31-2021

09-25-2017 - 12-31-2017

Rob Gaskill

Funeral Service Practitioner

Position Number: 2

Term(s): 05-15-2019 - 12-31-2022

Bea Gilmore

Senior Member

Position Number: 8

Term(s): 01-18-2018 - 12-31-2021

09-25-2017 - 12-31-2020

Debra C Harris

Public Member

Position Number: 11

Term(s): 05-15-2019 - 12-31-2022

Angela R McKenzie-Tucker

Funeral Service Practitioner, Embalmer, Fnl Est or IDC, For profit cemetery

Position Number: 10

Term(s): 01-01-2018 - 12-31-2021

09-25-2017 - 12-31-2017

## Executive Appointments Board Roster

### Mortuary and Cemetery Board, State

**Member Name and Address** (Alphabetical)

**Policy Area:** Health

Beth Pacheco  
Public Member

Position Number: 7

Term(s): 01-01-2018 - 12-31-2021  
09-25-2017 - 12-31-2017

Melissa J Porter  
Cemetery Operator (City/County Owned)

Position Number: 5

Term(s): 02-14-2020 - 12-31-2023

Randy G Tjaden  
Crematorium Operator

Position Number: 3

Term(s): 01-01-2018 - 12-31-2021