

# Oregon Mortuary & Cemetery Board (OMCB)

HB 5023: 2023-25 Budget Presentation

*Joint Committee on Ways and Means*

*Subcommittee on Education*

*Senator Lew Frederick, Co-Chair*

*Representative Susan McLain, Co-Chair*

*February 8, 2023*

# The Origins of the Oregon Mortuary & Cemetery Board (OMCB)

- In 1921, the **Funeral Directors and Embalmers Board** was created.
- The name of the agency changed in 1983 to the **State Mortuary Board**.
- The Board's name was changed again in 1985 (after a significant incident in Lincoln City) to the **State Mortuary and Cemetery Board**.
- The Lincoln City incident had a profound impact on the community, the death care industry, the State of Oregon and this agency.
- As a result of this incident, the agency's focus became **Consumer Protection**.
- During the 1985 legislative session, the **Death Law Task Force** (comprised of Lincoln City residents, industry representatives & legislators) was formed and most of the laws relating to death care were rewritten.

# OMCB's Mission Statement

*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.*

# Summary of OMCB's Programs

The Board's programs affect those who have suffered a loss, those who make final arrangements and those who provide death care merchandise 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.

The Board protects the public and the industry by promoting and enforcing compliance with statutes and rules established for that purpose primarily through education.

# Education as a Means of Enforcement

The Board serves as an informational resource for the public relating to death care options, other agencies, organizations, the media, as well as licensees. Education is also one of the principal aims of the Board's inspection process. Inspectors welcome questions and provide on-site technical assistance, as well as explain the regulatory basis for any noted deficiencies. Finally, the Board provides apprenticeship registration for prospective funeral service practitioners and embalmers, and also provides the law examinations for licensure for funeral service practitioners and death care consultants.

# Licensing

The Board licenses both death care professionals and facilities.

Individual licenses include apprentice/trainee, combination (funeral service practitioner & embalmer), death care consultant, embalmer, funeral service practitioner, intern & preneed salesperson.

Facilities include alternative disposition company, cemetery authority, crematory authority, funeral establishment, immediate disposition company & removal company.

The Board also administers a funeral service practitioner (FSP) and death care consultant (DCC) exam at least twice each year.

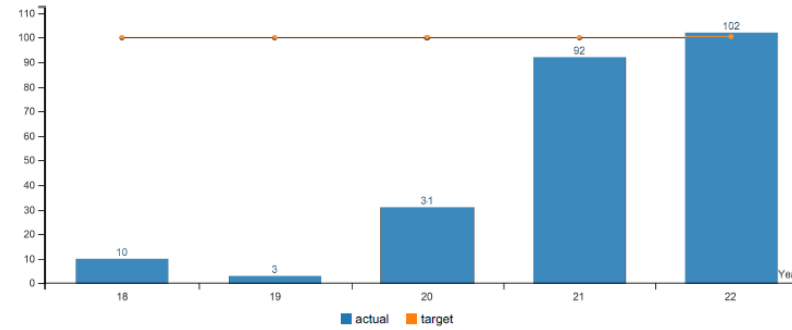
License Types Issued Between July 1st and June 30th	2009 - 2011	2011 - 2013	2013 - 2015	2015 - 2017	2017 - 2019	2019 - 2021*	2021- 2022
<b>Initial Individual Licenses:</b> Apprentice/Trainee, Combination, Death Care Consultant, Embalmer, Funeral Service Practitioner, Intern & Preneed Salesperson	417	435	476	375	349	290	221
<b>Initial Facility Licenses:</b> Alternative Disposition Company, Cemetery Authority, Crematory Authority, Funeral Establishment, Immediate Disposition Company & Removal Company (Washington)	216	80	65	65	39	30	20
<b>Individual Renewals:</b> Apprentice/Trainee, Combination, Death Care Consultant, Embalmer, Funeral Service Practitioner & Preneed Salesperson	1,264	1,289	1,260	1,101	1,121	801	734
<b>Facility Renewals:</b> Alternative Disposition Company, Cemetery Authority, Crematory Authority, Funeral Establishment, Immediate Disposition Company	717	711	726	753	748	709	0
<b>Total Licenses Issued</b>	<b>2,614</b>	<b>2,515</b>	<b>2,527</b>	<b>2,294</b>	<b>2,257</b>	<b>1,830</b>	<b>975</b>

## License Types Issued Per Biennium

\*It is important to note that for previous biennia, certain individual licenses were being counted twice in different categories – which provided an inaccurate total count of individual licensees. This inaccuracy was identified and corrected during the 2019-21 biennium, which is reflected in the total count reduction of licenses.

# Inspections

The Board inspects all death care facilities at least once each biennium. The Board takes a preventative approach to compliance – by educating licensees when in the field in order to prevent future violations. With the exception of egregious or continual violations, deficiencies that are noted during routine inspections rarely result in formal disciplinary action.



Report Year	2018	2019	2020	2021	2022
<b>Inspections Completed</b>					
Actual	10%	3%	31%	92%	102%
Target	100%	100%	100%	100%	100%

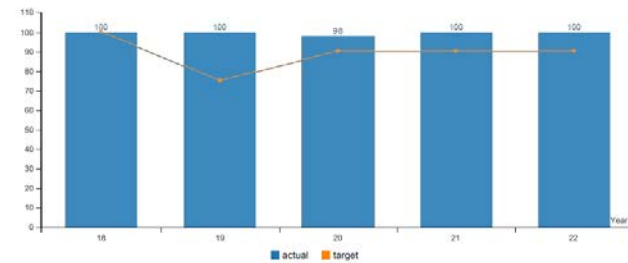


# Investigations

ORS 676.165 requires the Board to conduct a confidential investigation upon receipt of a complaint by any person against a licensee or applicant. The Board may also initiate an investigation upon its own motion. Although complaint investigations are mandatory, the Board's sanctioning authority is discretionary.

KPM #2 Complaint Investigation - Percent of investigative reports completed within six months of a complaint from any person against a licensee.  
Data Collection Period: Jul 01 - Jun 30

\* Upward Trend = positive result



Report Year	2018	2019	2020	2021	2022
Complaint Investigation					
Actual	100%	100%	98%	100%	100%
Target	100%	75%	90%	90%	90%

# Indigent Disposition Program (IDP)

The purpose of the Indigent Disposition Program is to provide licensed Oregon funeral establishments with reimbursement for costs incurred while providing services for the disposition of indigent decedents. The Indigent Disposition Program has been in existence since the Oregon State Legislature originally assigned administrative responsibility for reimbursement to the Public Health Division of the Oregon Health Authority in 1993. Prior to that legislation, each county was responsible for covering all indigent disposition expenses. In 2015, the Oregon State Legislature revised certain elements of the program, transferred management to the Oregon Mortuary & Cemetery Board (OMCB) and amended the required process that a funeral establishment must complete prior to performing final disposition of an indigent decedent. These changes went into effect on January 1, 2016.

# How the Indigent Disposition Program (IDP) is Funded

The IDP Fund receives its revenue from the death filing fee, which is described in **ORS 692.415**:

*(1) The State Mortuary and Cemetery Board shall impose and collect a filing fee of \$30 for each report of death. The board shall deposit the amount received into the State Mortuary and Cemetery Board Account established under ORS 692.375. The fee shall be used as follows:*

- (a) \$16 to be used to carry out the requirements of ORS 97.170 (5); and*
- (b) \$14 to be used in the same manner as other funds credited to the account are used.*

Therefore, OMCB collects \$30 (death filing fee) for each death and allocates the amount as follows:

- \$16 is paid to the IDP Fund, and
- \$14 is paid to OMCB's agency budget account – this is the main source of our agency's revenue.

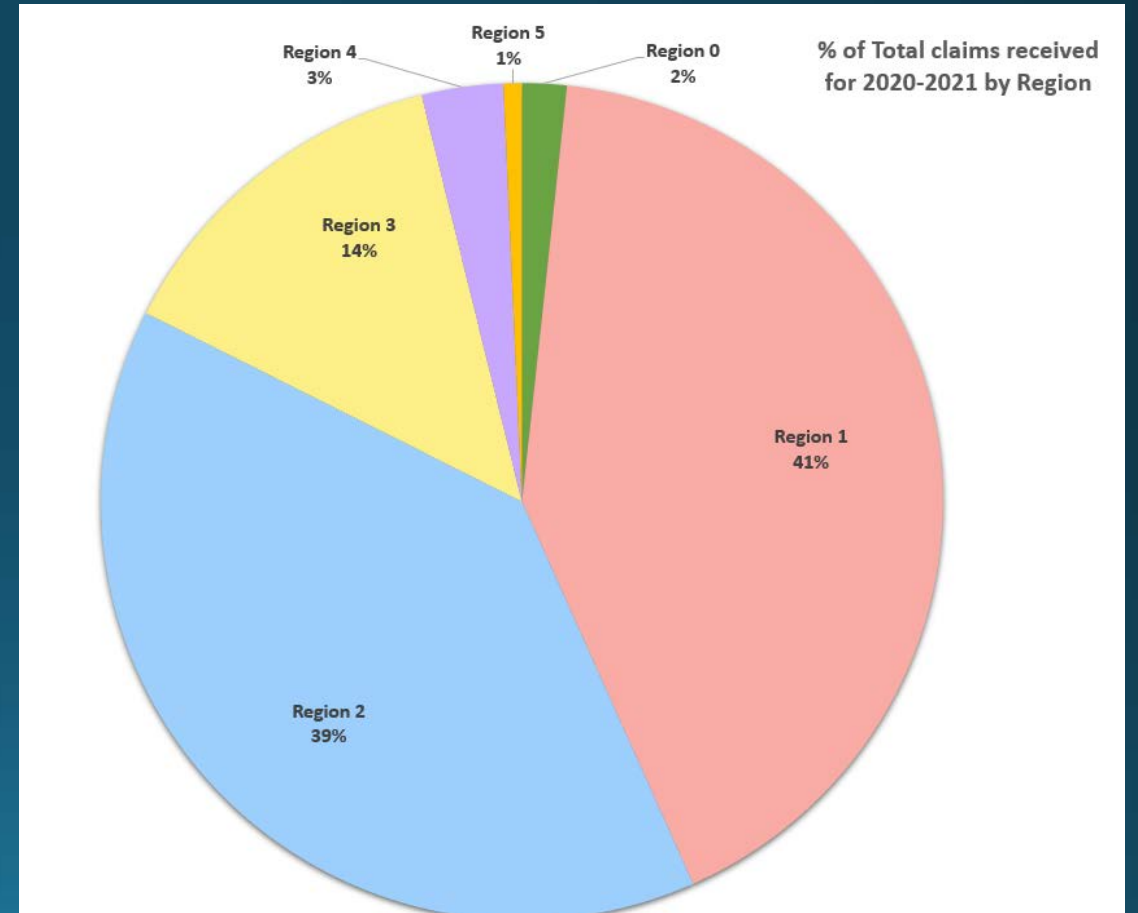
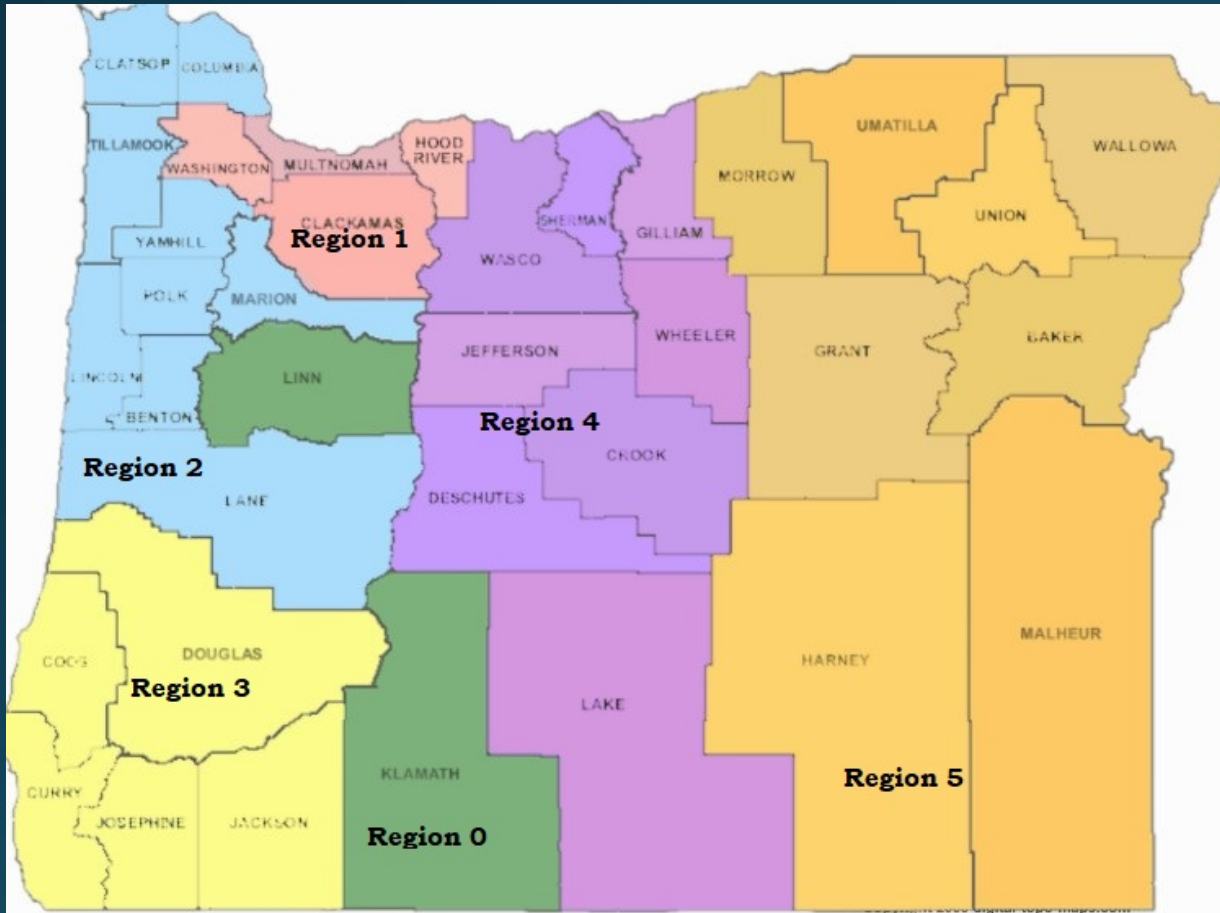
# Indigent Disposition Program (IDP) Fund: Claims Received by Region (2020-21)

IDP Claims by Region	IDP Claims Received in 2021	% of Total IDP Claims in 2021	IDP Claims Received in 2020	% of Total IDP Claims in 2020	Total IDP Claims Received for Both Years (2020 & 2021)	% of Total IDP Claims Received for Both Years (2020 & 2021)	Regional Population*	Region % of Total Population	Deaths by Region+	IDP Claims as % of Total Deaths (2021)
Region 1: Portland Metro (Clackamas, Hood River, Multnomah and Washington Counties)	185	39.87%	227	43.16%	412	41.62%	1,688,567	42%	15,314	1.21%
Region 2: Willamette Valley, North and Mid-Coast (Benton, Clatsop, Columbia, Klamath, Lane, Lincoln, Linn, Marion, Polk, Tillamook & Yamhill Counties)	202	43.53%	202	38.40%	404	40.81%	1,368,742	33.70%	15,966	1.27%
Region 3: Southern Oregon and South Coast (Coos, Curry, Douglas, Jackson & Josephine Counties)	53	11.42%	83	15.78%	136	13.74%	517,740	12.75%	8,237	0.64%
Region 4: Central Oregon (Crook, Deschutes, Gilliam, Jefferson, Lake, Sherman, Wasco & Wheeler Counties)	21	4.53%	10	1.90%	31	3.13%	295,973	7.29%	3,072	0.68%
Region 5: Eastern Oregon (Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union & Wallowa Counties)	3	0.65%	4	0.76%	7	0.71%	189,435	4.67%	2,392	0.13%
<b>Grand Total</b>	<b>464</b>	<b>100%</b>	<b>526</b>	<b>100%</b>	<b>990</b>	<b>100%</b>	<b>4,060,457</b>	<b>100%</b>	<b>44,981</b>	<b>1.03%</b>

\*Data from US Census

+Data from Oregon Health Authority

# Indigent Disposition Program (IDP) Fund: Regional Map & Graph (2020-21)



# Indigent Disposition Program (IDP) Fund: Claims Received/ Paid Per Year (2018-21)

IDP Claims Received Per Year		IDP Claims Paid Per Year		% of IDP Claims Paid Per Year
2018	422	2018	394	93.4%
2019	528	2019	487	92.2%
2020	526	2020	476	90.5%
2021	464	2021	371	80%
Average Per Year	485	Average Per Year	432	89%

# Indigent Disposition Program (IDP) Fund: Claim Status (2020-21)

IDP Claim Status	Total IDP Claims Received in 2021	% of Total IDP Claims in 2021	Total Claims Received in 2020	% of Total IDP Claims in 2020
Paid	371	79.96%	476	90.49%
Waiting for Supplemental Information	64	13.79%	13	2.47%
Withdrawn	18	3.88%	22	4.18%
Denied	1	0.22%	6	1.14%
Approved, Processing	3	0.65%	3	0.57%
Other, See Additional Info	4	0.86%	6	1.14%
Intake	3	0.65%	-	-
Grand Total	464	100%	526	100%

# Indigent Disposition Program (IDP) Fund: Veteran Status for Paid Claims (2020-21)

Veteran Status for Paid Claims	IDP Claims Paid in 2021	% of Total Claims Paid in 2021	IDP Claims Paid in 2020	% of Total Claims Paid in 2020	Total Population in 2021*	% of Total Population in 2021
Not a Veteran	302	81.40%	388	81.51%	3,941,852	93.69%
Veteran	54	14.56%	84	17.65%	265,325	6.31%
Unknown Status Due to Incomplete Application	15	4.04%	4	0.84%	-	-
Grand Total	371	100%	476	100%	4,207,177	100%



**Indigent  
Disposition  
Program (IDP)  
Fund:  
How Funeral  
Homes  
Acquired  
Indigent Cases  
in 2021**

<b>How Funeral Homes Acquired Indigent Cases in 2021</b>		
<b>Adult Foster Home</b>	2	0.54%
<b>Hospice</b>	64	17.25%
<b>Hospital</b>	83	22.37%
<b>Medical Examiner</b>	145	39.08%
<b>Nursing Facility</b>	29	7.82%
<b>Other</b>	24	6.47%
<b>Police Call</b>	24	6.47%
<b>Grand Total</b>	371	100%

**Indigent  
Disposition  
Program (IDP)  
Fund:  
Claims  
Complete/  
Incomplete  
Upon  
Submission  
(2020-21)**

	IDP Claims Received in 2021		IDP Claims Received in 2020	
IDP Claims Complete Upon Submission	232	50%	402	76.43%
IDP Claims Incomplete Upon Submission	232	50%	124	23.57%
<b>Grand Total</b>	<b>464</b>	<b>100%</b>	<b>526</b>	<b>100%</b>

# Indigent Disposition Program (IDP) Fund: Internal Processing Time

## Average Internal Processing Time (including weekends and observed holidays)

2020	157 days
2021	72 days
2022	23 days

*Internal processing time* begins on the day a completed application is received by our office and concludes when the reimbursement warrant is issued (or the day an application is withdrawn or denied). This does not include the time our staff is waiting for a pending application to be completed by the applicant.

“

Only you can master your mind, which is what it takes to live a bold life filled with accomplishments most people consider beyond their capability.

”

- David Goggins, The Toughest Man Alive