

SB 872 -1, -2, -3 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/25, 3/25, 3/26

WHAT THE MEASURE DOES:

The measure authorizes the State Mortuary and Cemetery Board to issue reprimands, license limitations, and conditions of probation in licensee disciplinary actions, allows emergency suspensions, increases the per violation civil penalty cap to \$5,000, and permits the Board to assess the costs of the disciplinary proceedings. The measure sets notice and time requirements that the Board must adhere to, and clarifies that disciplinary proceedings are contested case proceedings under the Administrative Procedures Act. It also makes conforming amendments to statutes authorizing trainee registrations and certificate of removal registrations.

FISCAL: Has minimal fiscal impact

REVENUE: Has minimal revenue impact

ISSUES DISCUSSED:

- Health care regulatory board functions and disciplinary authority
- Oversight limitations under current authority
- Forthcoming amendment
- Whether civil penalties go into agency appropriations

EFFECT OF AMENDMENT:

- 1 The amendment clarifies that the Board may investigate trainee registrants upon its own motion, in addition to upon complaint.
- 2 The amendment removes the authority to take such other disciplinary action the board deems proper, including assessment of disciplinary proceeding costs.
- 3 The amendment combines the -1 and -2 amendments, clarifying that the Board may investigate trainee registrants upon its own motion, and removing the authority to assess the costs of of disciplinary proceedings.

BACKGROUND:

The State Mortuary and Cemetery Board (Oregon Mortuary and Cemetery Board, or OMCB) is responsible for the licensure and discipline of funeral service practitioners, embalmers, death care consultants, funeral establishment operators, cemetery operators, crematory operators, and alternative disposition facilities. Persons may not engage in the unlicensed practice of these professions in Oregon. The OMCB must inspect each licensed facility -- currently numbering 756 -- at least one once every two years. [ORS 692.320](#). Upon a complaint or its own motion, the OMCB is authorized to investigate licensee violations listed in [ORS 692.180](#) and to issue discipline and civil penalties of up to \$1,000 per violation. Trainees in these professions are permitted under the direct supervision of a licensed professional, and the OMCB may also suspend or revoke trainee registration if the trainee has violated the provisions of ORS 692.180. The OMCB may be represented by the Oregon Department of Justice in disciplinary hearings and appeals and be charged hourly [rates](#) for legal services rendered pursuant to [ORS 180.160](#).