

CONSENT ORDER

State Mortuary and Cemetery Board State of Oregon

In the Matter of the Funeral Service Practitioner and Embalmer License of BRIAN IRELAND, LICENSEE	AGENCY CASE No. 11-1051B CONSENT ORDER
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The Oregon Mortuary and Cemetery Board (Board, OMCB) initiated an investigation of Brian Ireland (OMCB License No. CO-3817, hereafter "Licensee") after it received a written complaint regarding final disposition arrangements.

The Board finds it has grounds to issue a Notice of Proposed Disciplinary Action. Licensee would be provided with the opportunity to request a hearing on such Notice. In lieu thereof, the parties wish to resolve this matter informally, by entering into this Consent Order, on the terms set forth below, pursuant to ORS 183.417(3).

The Board and Licensee agree to the following:

1. On June 11, 2011, a male adult passed away. The family contacted Keizer Funeral Chapel (OMCB License No. FE-8631) for the final disposition arrangements of direct cremation with delivery of the cremated remains to the family, and to provide six death certificates.
2. Timothy Boje, (OMCB License CO-3788), an employee and representative of Keizer Funeral Chapel performed the removal of the remains. During the removal, Boje told the family that the cremation could not take place until the doctor signed the death certificate, and that he would ensure it was signed immediately.
3. At the funeral establishment, Timothy Boje requested Licensee assist him with the death certificate, however, neither Boje nor Licensee obtained and delivered the death certificates, or the cremated remains, to the family in a timely manner as is the minimum accepted standard of the death care industry. See OAR 830-030-0090. The death certificates and cremated remains were not delivered to the family until July 15, 2011. See also ORS 432.307
4. On July 15, 2011 Licensee personally delivered the death certificates and the cremated remains to the family. Licensee submitted the receipt for delivery of cremated remains to the family and obtained their signature, however, Licensee failed to sign the receipt as the person releasing the cremated remains as required in *former* OAR 830-040-0000(8) (v. 2010, renumbered 2012).
5. Violations of the Board's rules are cause for disciplinary action under ORS 692.180(1)(g).
6. Licensee stipulates that he violated OAR 830-030-0090, *former* OAR 830-040-0000(8) (v. 2010, renumbered 2012) and ORS 692.180(1)(g).
7. Licensee took immediate steps to create written procedures for all facility employees to ensure timely completion and delivery of death certificates.

8. Licensee acknowledges he has read, understands, and agrees to the terms of this Consent Order. Licensee enters into this Consent Order without any force or duress. Licensee acknowledges that no promises or representations not stated herein have been made to induce Licensee to sign this Consent Order.
9. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), and Licensee hereby fully and finally waives any and all right to a hearing and any rights to appeal or otherwise challenge this Consent Order.
10. Licensee agrees the Board may issue the Order set forth below.
11. This Consent Order is a public document.
12. This Consent Order shall be effective when signed by the Executive Director of the Board.

ORDER

The Board issues the following final order:

1. Licensee is reprimanded for violating OAR 830-030-0090, *former* OAR 830-040-0000(8) (v. 2010, renumbered 2012) and ORS 692.180(1)(g).

DATED this ___4th ___ day of ___March_____, 2014.

OREGON STATE MORTUARY AND
CEMETERY BOARD

By: __<s> Michelle Gaines_____
Michelle Gaines,
Executive Director

It is so agreed.

__2-21-14_____
Date

____<s> Brian Ireland_____
Brian Ireland, Licensee