

Final Order on Default

Mortuary and Cemetery Board State of Oregon

In the Matter of
crematory operator:

SCOTT COLLINS,

Respondent

Agency Case No.: 09-1060D

FINAL ORDER

On July 23, 2012, the Oregon Mortuary & Cemetery Board (Board) properly served a Notice of Proposed Disciplinary Action and Opportunity for Hearing (Notice) on Scott Collins, crematory operator, that it intended to initiate disciplinary action for violations of ORS 692.180(1)(g), and *former* OAR 830-030-0090, *former* OAR 830-030-0090(2)(b)(A) and *former* OAR 830-040-0000(6)(a) (all since amended by OMCB Order 1-2012).

The Notice offered Scott Collins an opportunity for a hearing if requested within 21 days from the date the Notice was mailed. Collins did not request a hearing within this 21-day period or otherwise. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after considering the Board's file relating to this matter, the Board enters the following Final Order by Default:

FINDINGS OF FACT

1. At all times mentioned herein, Scott Collins (hereafter "Respondent") was employed as a crematory operator by Portland Cremation Center, LLC., a crematory authority in Portland (OMCB License No. CR-0694, hereafter "PCC"); and PCC conducted cremation services for area funeral homes.
2. At all times mentioned herein, Portland Cremation Center, LLC dba Portland Mortuary Services (hereafter "PMS") was licensed by the board as a funeral establishment in Portland (OMCB License No. FE-8536); and PMS conducted removal and refrigeration services for area funeral homes. PCC and PMS are co-located.
3. At all times mentioned herein, Care Cremation Society, Inc. dba Care Cremation Service was licensed by the Board as an immediate disposition company in Clackamas (OMCB License No. IM-9078) and Care Cremation Service contracted with PMS to remove and hold remains, and with PCC to cremate remains.

4. On October 26, 2009, a female adult passed away (hereafter identified as “Decedent”). Decedent’s family called Care Cremation Service to arrange a final disposition by direct cremation, and the family signed the required cremation authorization. (See ORS 97.150 and *former* OAR 830-040-0000(6)(g) since amended by OMCB Order 1 2012.) Care Cremation Service contracted with PMS to do the removal and hold the remains, and Care Cremation Service contracted with PCC to do the cremation.
5. On October 26, 2009, Decedent was transported to PMS for holding, and on behalf of Care Cremation Service, the metal Oregon State Identification Tag Number “H91816” was assigned and affixed to Decedent’s remains. This number must be written on the final disposition permit by the responsible funeral service practitioner. (See *former* OAR 830-030-0000(3), since amended by OMCB Order 1 2012 and ORS 692.405.) However, on or about October 28, 2009, Care Cremation Service provided PCC with a final disposition permit and a cremation authorization with the wrong Oregon State Identification Tag Number written on them. Instead of writing Tag Number “H91816” on the final disposition permit and on the cremation authorization, a Care Cremation Service representative wrote tag number “H91815.”
6. On October 28, 2009, Respondent, as the crematory sexton for PCC, accepted the remains of Decedent when he signed the final disposition permit for Decedent, verifying that the Oregon State Identification Tag Number (H91815) written on the final disposition permit matched the metal Oregon State Identification Tag Number that was attached to the Decedent (H91816) when the numbers did not match.
7. After cremation of the remains of Decedent, Respondent placed the processed cremated remains into a temporary cremated remains receptacle. *Former* OAR 830-030-0050(5) (since amended by OMCB Order 1 2012) requires that the following information be affixed to the temporary receptacle for cremated remains: *The decedent’s name, date of death, identifying metal disc number, name of the funeral home and name of the crematory.* Respondent affixed a label containing this information to the temporary receptacle of Decedent; however, the label he attached to the receptacle contained an Oregon State Identification Tag Number (H91815) that did not match the metal Oregon State Identification Number attached to the cremated remains receptacle (H91816). See ORS 692.405. The receptacle was released to Care Cremation Service, and then Care Cremation Service released the labeled cremated remains receptacle and metal tag to the family.

CONCLUSIONS OF LAW

8. When accepting human remains at the crematory without properly verifying that the number on the metal Oregon State Identification Tag Number attached to the remains matched the Oregon State Identification Tag Number written on the Final Disposition Permit, Respondent violated *former* OAR 830-030-0000(5) (since amended by OMCB Order 1 2012).
9. By failing to verify the foregoing numbers matched, Respondent caused his employer to fail to follow through with agreed upon arrangements to return to the funeral home

cremated remains with a correct label attached to it. Respondent's conduct, therefore, failed to abide by the accepted minimum standards of the death care industry in violation of *former* OAR 830-030-0090 (since amended by OMCB Order 1-2012).

10. Further, because Respondent failed to verify the tag numbers matched, Respondent caused the crematory authority's permanent records to contain two documents with inaccurate information: Specifically, the final disposition permit and cremation authorization for Decedent both incorrectly stated Tag Number H91815 instead of Tag Number H91816. Respondent, therefore, violated *former* OAR 830-030-0090(2)(b)(A) and *former* OAR 830-040-0000(6)(a) (since amended by OMCB Order 1-2012) in two instances.
11. Violation of a Board rule is grounds for disciplinary action pursuant to ORS 692.180(1)(g).
12. Disciplinary action of a reprimand is appropriate under the circumstances.

ORDER

1. Respondent is reprimanded.
2. This Final Order shall become effective when signed by the Executive Director of the Board.

DATED and ENTERED this __28th__ day of August, 2012.

_<s> Michelle Gaines _____
Michelle Gaines
Executive Director
Oregon Mortuary & Cemetery Board

Date of Service: ___Aug. 28, 2012_____

Appeal Rights: You are entitled to judicial review of this order in accordance with ORS Chapter 183.482. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the date of service of this order.