

BEFORE THE OREGON MORTUARY AND CEMETERY BOARD

<p>In the Matter of the combination funeral service practitioner and embalmer license of</p> <p style="text-align: center;">MICHAEL R. MCNEIL,</p> <p style="text-align: center;">LICENSEE</p>	<p style="text-align: center;">CONSENT ORDER</p> <p style="text-align: center;">CASE NO. 13-1035C</p>
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The Oregon Mortuary and Cemetery Board (Board) initiated an investigation after it received a written complaint from a consumer regarding final disposition arrangements made for a decedent. During the course of the investigation, actions of Michael R. McNeil, OMCB License CO-3893, (McNeil) were determined to be related to the complaint.

The Board finds it has grounds to issue a Notice of Proposed Disciplinary Action, upon which McNeil would be provided with the opportunity to request a hearing. 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 McNeil agree to the following:

1. On or about August 31, 2013, Decedent A died. The family contacted Columbia Funeral Home and Cremation Center for making final disposition arrangements of burial. McNeil was the funeral service practitioner making arrangements with the family.
2. ORS 692.405 provides that the funeral service practitioner or person acting as such shall be responsible or causing to be affixed to each receptacle...in which a dead human body is contained an identifying metal disc, of a design to be approved by rule of the State Mortuary and Cemetery Board, that shall remain attached to the receptacle in which the body is contained and shall bear a corresponding number that is also in the report of death and the final disposition permit. Further, OAR 830-030-0000(4) provides that it is the responsibility of the funeral service practitioner...to ensure that an identifying metal disc with a number assigned by the State Registrar's Office imprinted on the disc is attached to the casket or other receptacle containing human remains, or is attached to the remains if there is no receptacle.
3. McNeil did not attach the metal identifying disc to the receptacle containing the remains of Decedent A. This action is a violation of ORS 692.405 and OAR 830-030-0000(4).
4. On September 4, 2013, McNeil delivered Decedent A to City of Vernonia Memorial Cemetery, CM-0374, for interment. When the sexton at the cemetery asked to verify the number on the identification identifying metal disc he found it was not attached to the casket. Instead of obtaining the disc, McNeil initialed the final disposition permit with the intention to deliver the disc to the sexton later. McNeil did not retain responsibility for the proper care and storage of the remains until the correct disc was obtained and affixed to the receptacle containing the remains of Decedent A. This action is a violation of OAR 830-030-0000(7).
5. Violations of the Board's rules are cause for disciplinary action under ORS 692.180(1)(g).

6. McNeil agrees that he has violated ORS 692.405, OAR 830-030-0000(4) and OAR 830-030-0000(7).
7. McNeil acknowledges that he has read, understands, and agrees to the terms of this Consent Order.
8. McNeil understands that he has the right to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), and hereby fully and finally waives any and all right to a hearing and any rights to appeal or otherwise challenge this Consent Order.
9. McNeil agrees the Board may issue the Order set forth below.
10. This Consent Order is a public document.
11. This Consent Order shall be effective when signed by the Executive Director of the Board.

ORDER

The Board issues the following final order:

McNeil is reprimanded for violation of ORS 692.405, OAR 830-030-0000(4), OAR 830-030-0000(7) and ORS 692.180(1)(g).

DATED this 17 day of July 2014.

OREGON MORTUARY AND CEMETERY BOARD

By: <Signed>
Michelle Gaines
Executive Director

It is so agreed.

July 16 2014
Date

<signed>
Michael McNeil
Licensee