

**BEFORE THE MORTUARY AND CEMETERY BOARD**

**OF THE STATE OF OREGON**

In the Matter of the	)	
funeral service practitioner license of	)	<b>CONSENT ORDER</b>
<b>RACHEL PATSTONE,</b>	)	
<b>LICENSEE</b>	)	<b>CASE NO. 09-1006B</b>

WHEREAS, the Oregon Mortuary and Cemetery Board (Board, OMCB) is prepared to issue a Notice of Proposed Disciplinary Action (Notice), against Licensee Rachel Patstone in Case No. 09-1006B upon the following bases:

1. At all times mentioned herein, Chapel of the Valley Funeral Home, Inc. dba Rogue Valley Funeral Alternatives was licensed by the Board as funeral establishment in Medford (OMCB License No. FE-8390).
2. At all times mentioned herein, Rachel Patstone was licensed by the Board as a funeral service practitioner (OMCB License No. FS-0541, hereafter "Licensee"), and at all times mentioned herein Licensee was an employee of Rogue Valley Funeral Alternatives.
3. On January 6, 2009, "Barbara D" died at an assisted living facility. The remains were released by the medical examiner on rotation to Rogue Valley Funeral Alternatives. Licensee handled the final disposition arrangements of cremation. The person with the right to control final disposition of the remains of Barbara D was the decedent's nephew, "Ron D". ORS 97.130(2)
4. On or about January 10, 2009, Licensee permitted the girlfriend of Ron D, "Karen A" to authorize the cremation by having her initialize various statements on the cremation authorization, and sign the authorization as an authorizing agent. Karen A did not have the legal right to control final disposition of the remains of Barbara D and was therefore not an authorizing agent. Licensee, therefore, violated ORS 97.130(2) which is cause for disciplinary action under ORS 692.180(1)(j), OAR 830-030-0090(1)(a) and ORS 692.180(1)(g).
5. On or about January 16, 2009, Licensee obtained the signature of Ron D on the cremation authorization. However, Licensee failed to obtain a statement of disposition of cremated remains on the cremation authorization in violation of ORS 97.150(1) and OAR 830-040-0000(7). The foregoing is cause for disciplinary action under ORS 692.180(1)(j) and ORS 692.180(1)(g).
6. When the family advised Licensee they did not have the funds to pay for the cremation, Licensee told them they could not claim the cremated remains unless they paid the bill in full and that if the charges were paid in full after 180 days, the facility would dispose of the cremated remains. Licensee, therefore, attached, detained or claimed to detain human remains for a debt or demand or upon a pretended lien or charge as a debt in violation of ORS 97.110 and cause for disciplinary action under ORS 692.180(1)(j), OAR 830-030-0090(1)(a) and ORS 692.180(1)(g).
7. On January 20, 2009 the remains of Barbara D were cremated pursuant to the authorization signed by Ron D. In January 2009, Licensee released a small portion of the cremated remains to the assisted living facility after the facility paid the funeral establishment a portion of the cremation

charges. Licensee did not obtain a statement of delivery authorizing the release of that portion of the cremated remains from the person with the right to control final disposition in violation of ORS 97.150(1) which is cause for disciplinary action under ORS 692.180(1)(j), and a violation of OAR 830-030-0090 which is cause for disciplinary action under ORS 692.180(1)(g). Further, Licensee did not obtain a signed receipt for cremated remains from the assisted living facility representative which is a violation of OAR 830-040-0000(8) which is cause for disciplinary action under ORS 692.180(1)(g).

WHEREAS, the Board and the Licensee are desirous of resolving and settling those matters regarding Case No. 09-1006B without further proceedings thereon; and

WHEREAS, Licensee is aware of the right to a hearing with the assistance of counsel and the right to judicial review of the Board's decision in Case No. 09-1006B and hereby freely and voluntarily waives those rights; and

WHEREAS, Licensee hereby acknowledges that Licensee has read, understands, and agrees to the terms of this Consent Order and that this Consent Order constitutes the entire agreement of the parties and is a final order of the Board; and

WHEREAS, the Licensees agree that the Board enter the following order:

NOW THEREFORE IT IS HEREBY ORDERED:

1. Licensee is reprimanded for violating ORS 97.130(2), ORS 97.150(1), ORS 97.110, ORS 692.180(1)(j), OAR 830-030-0090, OAR 830-030-0090(1), OAR 830-030-0090(1)(a), OAR 830-040-0000(6)(g), OAR 830-040-0000(7), OAR 830-040-0000(8) and ORS 692.180(1)(g).
2. This Consent Order shall become effective when signed by the Executive Director.

DATED this   16th   day of   May  , 2011

OREGON STATE MORTUARY AND CEMETERY BOARD

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

**It is so agreed.**

  5-11-11    
Date

  <s> Rachel Patstone    
Licensee, Rachel Patstone