



# M C B

**OREGON MORTUARY & CEMETERY BOARD**

*Regulating Death Care Facilities & Practitioners in Oregon.*

## **The Oregon Indigent Disposition Program**

A Guide for Funeral Service Practitioners  
on Complying with Oregon Laws and Rules

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## Introduction

This guide has been prepared to help funeral directors and other employees of funeral establishments in the state of Oregon understand the Indigent Disposition Program.

The purpose of the Oregon Indigent Disposition Program is to provide licensed funeral establishments with reimbursement for costs incurred while providing services for the disposition of unclaimed indigent bodies. The Oregon Indigent Disposition Program has been in existence since the Oregon State Legislature assigned responsibility for reimbursement to the Health Division in 1993. Prior to that legislation, the responsibility for paying for indigent disposition fell solely to the county. In 2015, the Oregon Legislature reworked the requirements of the program, moving management to the Oregon Mortuary and Cemetery Board (OMCB) and amending the required process that a funeral establishment must go through before cremating or burying an indigent decedent. These changes went into effect on January 1, 2016.

Not every state manages a program like the Oregon Indigent Disposition Program. In every state adjacent to Oregon, payment for the care of unclaimed decedents falls to the county, which may or may not have funds, and may or may not have requirements regarding the decedent's residency in the county. Overall, fewer than half of state governments manage funds similar to this one. Each state has vastly different requirements for handling indigent cases, so any funeral director who is new to the state or who has reciprocal licensure is encouraged to reach out to OMCB if they have any questions on the program.

The maximum reimbursement rate for Indigent Disposition Reimbursement is set by the Oregon Mortuary Board annually. This rate will be posted on the OMCB website, and notification of any changes in this rate will be publicized.

Only a licensed funeral establishment or immediate disposition company may apply for indigent disposition reimbursement. Individuals acting as funeral service practitioners for the purposes of home burial are not eligible to receive funds.

### ***A few notes on language used in this guide:***

Because cremation is the method of final disposition for approximately 98% of indigent dispositions in the state of Oregon, this guide will frequently refer to cremation when discussing final disposition. Please be aware that indigent cases can, of course, also be buried. Nothing in the indigent process is different for a burial versus a cremation, with the exception that the funeral establishment needs to provide the plot information with the indigent application for any burials performed.

This guide will frequently use the term "Funeral Director." This should be assumed to refer to a licensed Funeral Service Practitioner or licensed Funeral Service Practitioner Apprentice, as defined in ORS 692. Please note, there are some elements of the indigent disposition process that can be completed by funeral establishment employees who are not licensed funeral service practitioners, such as researching potential next-of-kin or contacting the VA to determine veteran benefit eligibility. This guide will also frequently use the term "Funeral Home". This should be assumed to refer to a licensed Funeral Establishment or a licensed Immediate Disposition Company, as defined in ORS 692.

## Who qualifies as an Indigent Person Under Oregon Law?

According to ORS 97.170, an indigent person is a deceased person who does not have a death or final expense benefit or insurance policy that pays for disposition of the deceased person's body or other means to pay for disposition of the deceased person's body **and:**

(a) Who does not have a relative or other person with the legal right to direct and the means to pay for disposition of the deceased person's body;

(b) Whose relative or other person with the legal right to direct the disposition of the deceased person's body does not pay or arrange to pay for, or refuses to direct, the disposition of the deceased person's body within 10 days of being notified of the death; **or**

(c) For whom no person other than a person described in paragraph (a) or (b) of this subsection wishes to direct and pay for the disposition of the deceased person's body.

If any individual makes arrangements to pay for final disposition, then the decedent is not an indigent person. *Signing a contract is considered making arrangements to pay for the disposition.* Failure to follow through on payment arrangements is a civil matter that should be handled between the two parties to the contract. The indigent disposition program cannot provide reimbursement for the disposition of a decedent who does not meet the criteria of an indigent person.

## The Indigent Disposition Process

If there is a chance that you have taken on an indigent case, begin working on the Oregon Indigent Disposition Reimbursement Application as soon as possible! This application is designed to guide you through the process of handling an indigent case and give you a space to document your work.

If, in the course of working on the application, you discover a family member or other individual willing to pay for the disposition of the decedent- great! You don't need to finish the application, but you can still file it in the decedent's permanent record to document the steps you took in finding someone. If you don't find anyone willing or able to pay for the disposition, then starting the application early means that you've already got most of the documentation completed when it comes time to submit.

There are several steps to the indigent process. This section will start with a brief overview of what those steps are, will then go more in depth on each step, will then provide a flow chart of the process and finally, some tips on how to fill out each section of the application, based on common errors that OMCB sees when processing applications.

## Overview

Per ORS 97.170, a funeral establishment that takes custody of an unclaimed body shall, within five days of taking custody of the body:

- Submit a report of death (required within 5 days for ALL decedents, not just indigent decedents)
- Obtain contact information for next of kin from the agency that the body is received from.
- Attempt to locate and notify individuals with the right to direct disposition.
- Determine whether the Department of State Lands will be appointed as the personal representative of the deceased and contact them if so.
- Contact the Department of Veteran's Affairs to determine eligibility for benefits.

If no one claims the body within 10 days of taking custody of the body, or if **all** of the individuals with the right to control disposition acquiesce prior to 10 days, the funeral establishment may offer the body to an approved institution for education or research purposes.

Once ALL of the above has been completed, the funeral establishment may proceed with final disposition. Final disposition should not take place prior to completion of all of the above steps.

Please note- if family members are involved initially and the funeral establishment does not know that the decedent will be indigent, exceptions to timeframes may be permissible. Please document the family's involvement thoroughly on any application in which this is the case, and under no circumstances should the above requirements be completed more than five days after the funeral establishment determines that the decedent may be indigent. Remember, once a person with the right to control disposition signs a contract, the decedent can no longer be considered indigent.

## The Indigent Process: Step-by-Step

### ***Submit a report of death.***

Even when you will not be providing death certificates to any customer, funeral directors are still required by law to file a report of death. This must be initiated within the first five days of taking custody of the body, per ORS 97.170 and ORS 432.133. To meet the timing requirements of both laws, it may be necessary to initially report some items as "unknown" and then amend the registered record later when that information is known.

The Oregon Vital Events Registration System (OVERS) offers a user guide for funeral homes completing death reports. If you have questions or issues completing the report of death, please contact the OVERS help desk at 971-673-0279.

When completing the Indigent Disposition Reimbursement Worksheet, make sure that you list the date that you initiate the report in OVERS or the date that you file a paper copy with the County Vital Records Office. Do not list the date that you submitted the 24 Hour Notice of Receipt of Body card.

If this is not completed within five days of taking custody of the body, the application needs to include a written explanation for why it was not completed within the timeframe required by law. A space for this explanation is provided on the form, directly below the space to provide the date that the report was filed.

***Obtain all contact information known to the medical examiner, health care facility, or law enforcement regarding persons listed in ORS 97.130. (Step One of the Application)***

Collecting contact information from the facility that had the body before the funeral home takes custody may be done while you are initially taking custody, or it can be done at a later time, but it needs to be completed within the first five days after taking custody of the body. These agencies are required to disclose any contact information that they may have for individuals who can direct final disposition.

When filling out this section of the application, list the name of the agency or facility that had the body before the funeral home received it. Do not list the Department of State Lands. Be sure to include the name of the medical examiner, health care facility or law enforcement agency, including the name of the staff member providing you with information. If these agencies do not have contact information for the decedent's next of kin, document who you spoke to that told you that no information was available, and clearly mark on the form that no information was provided to you.

If the facility that had the body is able to provide you with contact information for individuals who can direct final disposition, this section of the application includes space for you to document your contact attempts. **Be sure to include the method of contact (phone, email, etc.), date of attempted contact, intended recipient of contact, relationship to the decedent, and result.** For example, "Left a voicemail for decedent's brother, John Smith, on 1/1/2016, 1/3/2016, and 1/5/2016. As of 1/7/2016 have received no response."

***Attempt to locate and notify persons listed in ORS 97.130 (Step Two of the Application)***

Even if individuals are identified by the medical examiner, health care facility, or law enforcement, the funeral home is required to make further efforts to locate persons who could control disposition. Possible resources for locating individuals with the right to control final disposition include:

- Genealogy websites, such as Ancestry.com, Familysearch.org, or familytreenow.com
- Social Media sites, such as Facebook
- People-search websites (spokeo.com, pipl.com, etc.)
- Posting a notice in the local newspaper
- Contact the OMCB Indigent Disposition Program Specialist by email to request a search through public records databases (can also assist with locating a social security number, if needed)

If your research results in contact information for individuals who can direct final disposition, this section of the application includes space for you to document your contact attempts. **Be sure to include the method of contact (phone, email, etc.), date of attempted contact, intended recipient of contact, relationship to the decedent, and result.** For example, “Left a voicemail for decedent’s brother, John Smith, on 1/1/2016, 1/3/2016, and 1/5/2016. As of 1/7/2016 have received no response.”

***Determine whether the Department of State lands or other person is appointed as the personal representative of the deceased person. (Step Three of the Application)***

At this point in the process, the funeral home should determine if there are any “known heirs.” ORS 113.238 defines a known heir as an heir to the decedent who has been identified *and* found. If the funeral home has identified and found any heirs of the decedent, they should indicate this on step three of the Oregon Indigent Disposition Reimbursement Application and move on to step four.

If there are no known heirs, the Department of State Lands (DSL) must be contacted by the funeral home. DSL will research the decedent and attempt to find heirs. If they find heirs, they will provide any contact information that they have found and the funeral home can pursue these leads. If they find no heirs, DSL will become the estate administrator if the decedent had any property. They can then pay funeral expenses using the proceeds of the sale of this property.

If DSL becomes the decedent’s estate administrator, the process can be lengthy, and the funeral home may not know if they will receive funds or not. The funeral home may apply for indigent disposition reimbursement while they wait to see if the decedent’s estate will cover funeral expenses, however the funeral home *must reimburse the indigent disposition fund* if they receive payment for services rendered at a later date.

***Attempt to arrange with persons or institutions not listed in ORS 97.130 to pay expenses to make disposition of the body. (Step four of the application)***

If the funeral home is aware of someone who is not legally authorized by ORS 97.130(2) to direct final disposition who has indicated that they are willing to take responsibility for the funeral arrangements, attempt to make arrangements with them. This could be a friend, an ex-spouse, a neighbor, etc.

Document your attempts to contact them on step four of the application. If no such person exists, indicate that on the application by writing “N/A” or something similar.

Please note, if someone is willing to pay, but they are not a member of a class listed in ORS 97.130(2), they can sign a contract with the funeral home but they cannot sign the cremation authorization. Contact your local public health officer to have the cremation authorization signed. The public health officer is listed in ORS 97.130(2)(i).

***Contact the Department of Veteran's Affairs (VA) to determine whether the decedent is eligible for any veteran's benefits. (Step Five of the Application)***

ORS 97.170(3)(a)(G) requires the funeral home to "Contact the Department of Veterans' Affairs to determine whether the decedent is eligible for any state or federal benefits." Because of the way that this section of the law is worded, **the VA MUST be contacted for EVERY indigent case**, even if family or friends have disclosed veteran status to the funeral home or if the funeral home believes that the decedent would have been ineligible for military service due to age, nationality, ability, or other factors.

The VA has identified the National Cemetery Scheduling Office as the best contact to provide the appropriate information regarding a decedent's eligibility. The Scheduling Office can be reached at **1 (800) 535-1117**.

When trying to arrange for burial at a National Cemetery, the DD-214 discharge papers are helpful and will make the process more expedient, but they are not required for unclaimed veteran remains. *Lack of discharge papers should not prohibit any funeral establishments from arranging a burial for an indigent veteran.* Per the National Cemetery's Website "If you have no eligibility documentation, Scheduling Office agents will assist you with the verification process. Requests for eligibility determination when no military discharge documents are available may require 48 hours or more for verification. Scheduling Office personnel will contact you within 48 hours of the initial process with verification results or an explanation of the delay."

When you speak to the National Cemetery Scheduling Office, they will let you know if the person is eligible for burial. *If the person is eligible and is unclaimed, then additional benefits may be available to the funeral home that takes care of the decedent. The National Cemetery Scheduling Office may not inform you of the opportunity to receive these benefits.* The benefits are not contingent upon a service-related death or dying in a VA facility. Receiving the Unclaimed Remains Benefit will not impact the funeral home's ability to receive Oregon Indigent Disposition Reimbursement, unless the total amount received between the two reimbursements exceeds the total cost of services rendered. Additional up-to-date information about Unclaimed Remains can be found on the VA's website, and OMCB will provide links to this information on our own website.

***Attempt to arrange to transfer the body to an education/research institution. (Step Six of the Application)***

If no one claims the body within ten days OR if the persons notified acquiesce AND if the decedent is not eligible for VA benefits, the funeral establishment may transfer the body to an institution on the list maintained by OMCB for education or research purposes. The list of approved institutions is available on the OMCB website. Please ensure that you are only contacting institutions that are on the most current list.

If all individuals with the right to control final disposition have not acquiesced, you do not need to wait until you have had the body for ten days to *contact* the body donation institutions but you do need to wait until you have had the body for ten days to make the actual donation.



Contacting the education/research institutions ahead of time is a good idea, because it gives you time to plan for the transportation if needed.

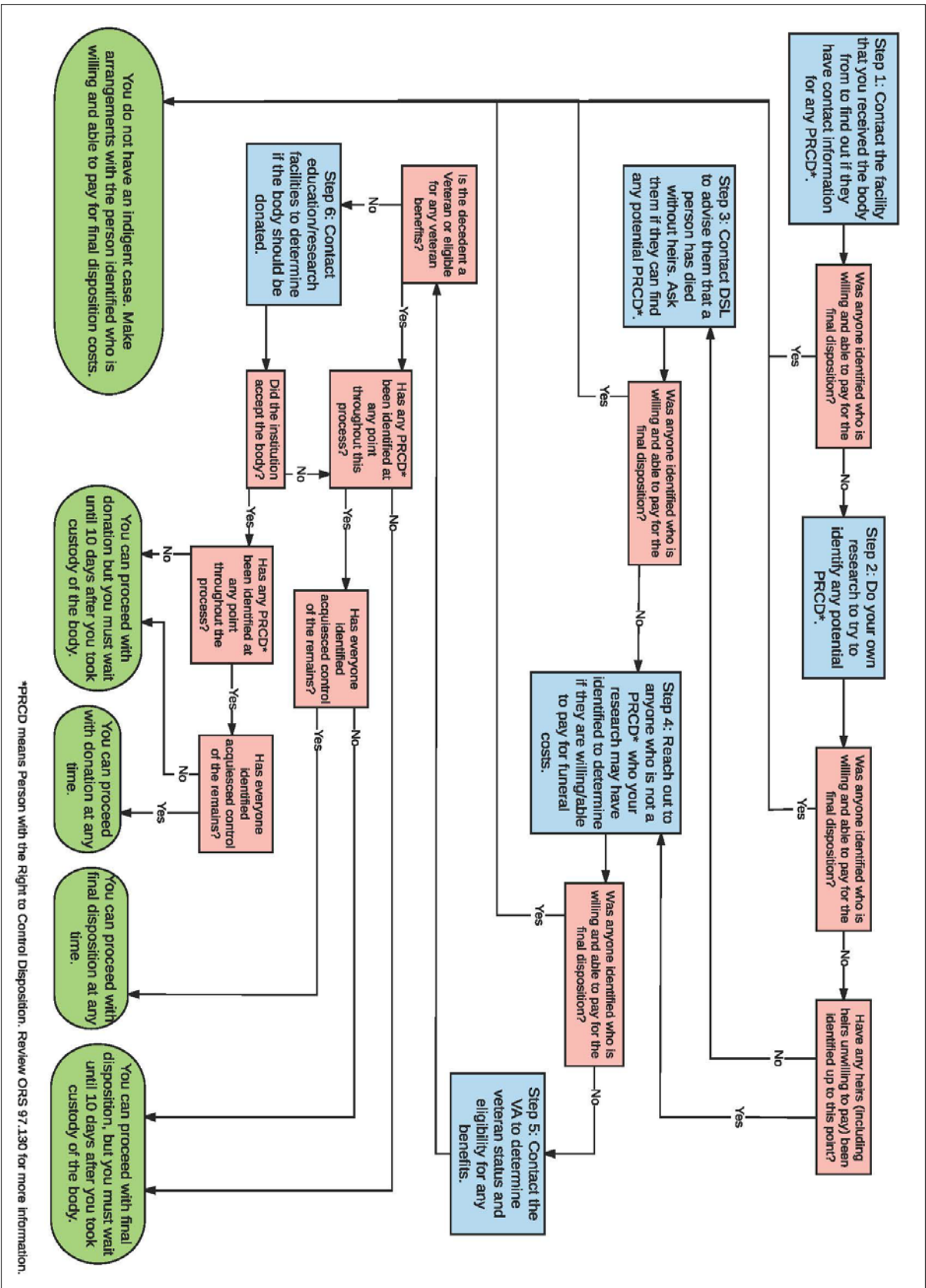
If a person with the right to control disposition has been identified and contacted, but is unwilling or unable to pay for the disposition, the funeral establishment may wish to inform the individual of the opportunity for body donation for education or research as part of the initial discussions regarding disposition arrangements. Because institutions for education/research typically cover the majority of costs involved with disposition, this option may be desirable for families who are financially unable to cover the costs of their loved ones' final arrangements. With consent of the individual with the right to control disposition for body donation, the ten day waiting period does not apply, the case is not considered indigent, and the funeral home is not limited to using only those body donation facilities that appear on the list maintained by OMCB.

### ***Final Disposition***

Having completed due diligence as outlined above “the funeral establishment may cremate or bury the body without the consent of persons listed in ORS 97.130 and is indemnified from any liability arising from having made such disposition” (ORS 97.170 (3)(c)). If the funeral establishment does not file a report of death within 5 days and complete Steps 1-6 of the application according to the appropriate timeframes, then they are not indemnified from liability and may be ineligible for reimbursement. This is why it is crucial for funeral establishments to document their handling of indigent cases accurately and completely.

## A Visual Guide to the Indigent Process

Steps 1-5 of this chart must be completed within the first five days of taking custody of a body that may be indigent. A report of death must also be submitted within the first five days.



# Tips on Completing Each Page of the Application

## Oregon Indigent Disposition Reimbursement Application Form



**Instructions:** ORS 97.170(1)(b)(c) defines an **indigent person** as a deceased person who does not have a death or final expense benefit or insurance policy that pays for disposition of the deceased person's body or other means to pay for disposition of the deceased person's body and:

- Who does not have a relative or other person with the legal right to direct and the means to pay for disposition of the deceased person's body;
- Whose relative or other person, with the legal right to direct the disposition of the deceased person's body, does not pay or arrange to pay for, or refuses to direct, the disposition of the deceased person's body within 10 days of being notified of the death; or
- For whom no person other than a person described above wishes to direct and pay for the disposition of the deceased person's body.

This form should only be submitted by licensed Oregon funeral establishments for decedents who meet the above criteria.

OMCB shall reimburse funds to eligible claimants upon receipt and verification of a claim. Incomplete applications and applications received without required documentation will be returned to claimant for completion before making any reimbursement. **Please ensure that all fields on this application are complete prior to submission.**

**This form must be submitted to OMCB within 90 days of final disposition.** If benefits from other state or federal agencies are being applied for, and are denied, the 90 day time limit is waived; however this form must be submitted within 30 days of that denial and must be accompanied by proof of that denial.

**Mail, Fax or Email Completed Forms to:**  
 Oregon Mortuary & Cemetery Board  
 Attn: Indigent Disposition Program Specialist  
 800 NE Oregon St., Suite 430  
 Portland, OR 97232  
 Fax: 971-673-1501  
 Email: [IDP:Claims@state.or.us](mailto:IDP:Claims@state.or.us)

**Ensure all required attachments are included:**

- Itemized invoice or SFSSS of final incurred expenses
- Applicable General Price List
- Cemetery, inter and final location (for burials only)
- Supporting documentation for any funds received

### DECEDENT INFORMATION

Last Name:		First Name:		Maid Name:	
Date of Death:	Date Custody Taken of Remains:	Date Report of Death Filed:	Date of Disposition:	State ID Tag Number:	
If report of death filed more than 5 days after taking custody of remains, why?					
How was Case Acquired?		The decedent's next of kin:		If the next of kin was found, were they:	
<input type="checkbox"/> ME Rotation	<input type="checkbox"/> Hospital	<input type="checkbox"/> Was found	<input type="checkbox"/> Was not found	<input type="checkbox"/> Unresponsive	<input type="checkbox"/> Estranged from the decedent
<input type="checkbox"/> Police Call	<input type="checkbox"/> Hospice	<input type="checkbox"/> Nursing Facility	<input type="checkbox"/> Other:	<input type="checkbox"/> Unable to pay for disposition	<input type="checkbox"/> Unwilling to pay for disposition
<input type="checkbox"/> Adult Foster Home	<input type="checkbox"/> Family/Decedent Request	Total Costs of Services Rendered:		Amount, if any, of other funds received for payment:	
<input type="checkbox"/> Mode of Disposition:	<input type="checkbox"/> Burial	<input type="checkbox"/> Dissolution			

### CLAIMANT INFORMATION (Check will be made payable to funeral establishment)

Name of Funeral Establishment:		Tax ID #:	
Business Address:		Funeral Establishment License #:	
City:	State:	Zip:	Preferred method of contact for questions: <input type="checkbox"/> Email <input type="checkbox"/> Fax
Phone:	Fax:	Name of Contact Person for questions on claim: Email of Contact Person for questions on claim:	

If you have any questions or need additional information, please contact the Indigent Disposition Fund Program Specialist at (971) 673-1504.  
 IDP App Form FS-432 Page 1 of 4 (Rev. 09/17)

Many application are considered incomplete because they do not include all required attachments! Make sure that these are included with your submission. If your funeral home handles indigent cases frequently, OMCB can keep a copy of your GPL on file so that you don't need to submit one with every application.

This is the date that you began the death report. This is not the date that you filed the 24 hour card. List the date that you began working on the record in the Oregon Vital Events Registration System (OVERS) or the date that you filed a paper copy with the county. This should be completed within five days for ALL Oregon deaths, not just indigent cases. You can begin working on the death report in OVERS even if you do not yet have all of the information that you will ultimately need. Vital Records offers a user guide for funeral homes completing death reports. If you have questions or issues completing the report of death, please contact the OVERS help desk at 971-673-0279.

Date of Disposition must be completed before submission of this form and the date must have already passed. This is what the funeral home is being reimbursed for, so it cannot be "TBD" and OMCB cannot reimburse a funeral home for something that has not yet happened.

This will be the person who OMCB contacts if there are any questions on the application. You may list the funeral director who worked on the indigent case, but some funeral homes prefer to have one employee act as the point of contact for all indigent cases, and that person may or may not be a licensed funeral director.

# Oregon Indigent Disposition Reimbursement Application Form



## Steps 1-5 must each be initiated within five days of taking custody of the body. ORS 97.130(9)(e)

**Step One** ORS 97.130(9)(d)  
 Obtain all contact information regarding any individual with the right to control disposition (persons listed in ORS 97.130) that is known to the medical examiner, health care facility or law enforcement from which the case is first acquired. These organizations are required to provide any known contact information to funeral establishments.  
 Name of Entity/Facility Case Acquired from: \_\_\_\_\_  
 Date information obtained: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 If receiving remains from hospice/hospital, confirm if decedent has a personal account and/or any relevant paperwork for final disposition, or contact information for any Medicare/Medicaid case worker to determine if decedent had the personal means or known benefit coverage for disposition.  
 Contact Information Provided by facility: \_\_\_\_\_  
 Contact Log & Result (Include Dates): \_\_\_\_\_

If this step was initiated more than 5 days after taking custody of remains, why?  
 \_\_\_\_\_

**Step Two** ORS 97.130(9)(e)  
 Even if contact information was provided in step one, funeral establishments are still required to perform due diligence to locate and notify any other persons listed in ORS 97.130. This can include searching on the internet or via other outreach in the local community.  
 Information Found: \_\_\_\_\_  
 Contact Log & Result (Include Dates): \_\_\_\_\_

If this step was initiated more than 5 days after taking custody of remains, why?  
 \_\_\_\_\_

If you have any questions or need additional information, please contact the Indigent Disposition Fund Program Specialist at (971) 973-1504. ID-App Form FS-452 Page 2 of 4 (Rev. 08/17)

Decedent Last Name & State ID Tag Number  
 \_\_\_\_\_

This is asking for who had custody of the body before you received it. List the name of the hospice, hospital, county medical examiner office, etc. Do not list the Department of State Lands, because the body was never in their custody. Do not list your own funeral home, because unless the decedent was personally known to you, you will not be providing contact information to yourself.

List the names of any possible individuals with the right to control disposition on the left, and detail your attempts to contact them on the right. Document the name of the individual and their relationship to the decedent whenever possible. If either of these steps results in no contact information, please document that in this space.

There are many possible ways to research this. Here are some suggestions:

- Genealogy websites, such as Ancestry.com or Familysearch.org
- Social Media sites, such as Facebook
- People-search websites (spokeo.com, pipl.com, etc.)
- Newspaper records/obituaries
- Posting a notice in the local newspaper.
- Contact the Indigent Program Specialist to request a search through public records databases.

Provide an explanation for why the funeral home didn't complete this step within five days of taking custody of the body if there was a delay. If this step was initiated and/or completed within the first five days of taking custody, you can leave this section blank.

# Oregon Indigent Disposition Reimbursement Application Form



### Step Three ORS 97.170(3)(f)

Funeral establishments that take custody of the unclaimed body of a deceased person are required to determine if the Department of State Lands (DSL) is appointed as the personal representative of the decedent.

Have any known heirs been identified, including heirs unwilling to control disposition?  Yes  No

If yes, move on to Step Four. If no, please contact the Department of State Lands to advise them that an individual has died with no known heirs. Current contact information is available on the MCCB website.

Date contacted: \_\_\_/\_\_\_/\_\_\_ Name of staff member contacted: \_\_\_\_\_

Did DSL find any potential next of kin?  Yes  No

Contact information for any heirs found through State Lands: \_\_\_\_\_

Contact Log & Result (Include Dates): \_\_\_\_\_

If this step was initiated more than 5 days after taking custody of remains, why? \_\_\_\_\_

### Step Four ORS 97.170(3)(e)

Steps 1-3 focus on locating persons listed in ORS 97.130(2). If none have been located and there is another party who is willing to make and pay for final disposition for decedent, they may do so. This could be a friend, or an organization such as a community, religious organization, or such a person or entity exists, list below. If no such person exists, please write "NA."

Contact Information Provided: \_\_\_\_\_

Contact Log & Result: \_\_\_\_\_

### Step Five ORS 97.170(3)(g)

As part of due diligence, funeral establishments are required to contact the Department of Veterans Affairs for all indigent persons prior to completing disposition. This is required by law for ALL decedents, even if another person has provided you with veteran status. If the decedent is eligible for benefits, attach documentation of any funds applied for or received from the VA. To contact the VA call 1-800-535-1117.

Date contacted: \_\_\_/\_\_\_/\_\_\_ Name of VA Representative contacted: \_\_\_\_\_

Was decedent a Veteran?  Yes  No Listing of Benefits Available to decedent: \_\_\_\_\_

If this step was initiated more than 5 days after taking custody of remains, why? \_\_\_\_\_

If you have any questions or need additional information, please contact the Indigent Disposition Fund Program Specialist at (971) 973-1504. IDP App Form FS-432 Page 3 of 4 (Rev. 08/17)

Decedent Last Name & State ID Tag Number

List the names of any possible individuals with the right to control disposition that DSL told you about on the left, and detail your attempts to contact them on the right. If DSL had no contact information, please document that in this space.

Provide an explanation for why the funeral home didn't complete this step within five days of taking custody of the body if there was a delay. If this step was initiated and/or completed within the first five days of taking custody, you can leave this section blank.

ORS 97.170(3)(a)(g) states "Contact the Department of Veterans' Affairs to determine whether the decedent is eligible for any state or federal benefits." Because of this wording, the VA MUST be contacted for EVERY indigent case, even if family or friends have disclosed veteran status to the funeral home or if the funeral home assumes that the decedent would have been ineligible for military service due to age, nationality, ability, or other factors.

The National Cemetery Scheduling Office has been identified as the best contact to provide the appropriate information regarding a decedent's eligibility, and they can be reached at 1 (800) 535-1117. It is not recommended that you contact local VA offices, as they will only have access to the records of veterans who accessed VA benefits within the State of Oregon.

You will need the decedent's social security number when you call. If you do not have the decedent's social security number, contact the IDP Specialist with MCCB, who may be able to find the social security number for you.

# Oregon Indigent Disposition Reimbursement Application Form



**STEP SIX: ORS 97.170(3)(b)**

If the decedent is a veteran and is eligible for any benefits, completion of step six is not required. If no one claims the body within 10 days after the funeral establishment takes custody of the body, or if the persons notified acquiesce, or if the decedent is not eligible for any veteran benefits, the funeral establishment must offer the body to an institution on the list maintained by the OMCBB for education or research purposes.

Have the institutions on the most current list maintained by the OMCBB been contacted to determine if the unclaimed body is desired for education or research purposes?  Yes  No Date contacted: \_\_\_/\_\_\_/\_\_\_

Name of institution(s) contacted: \_\_\_\_\_

Name of Contact Person at facility: \_\_\_\_\_

Did any institution accept the unclaimed body?  Yes  No

## CLAIMANT CERTIFICATION

On behalf of the claimant listed on page 1 of this application, I certify that I have read, understood, and complied with the Oregon Revised Statutes (ORS) and the Oregon Administrative Rules (OAR) that govern the Indigent Disposition Program, and that claimant has performed all due diligence, documentation and actions required by law. I certify and attest that all documentation submitted and costs contained on the accompanying itemized statement of expenses for which reimbursement is being requested are the services provided as set forth in ORS 97.170(1), (3) and (5) for the disposition of an unclaimed indigent person, as defined in ORS 97.170(1) and (5). I understand that an eligible reimbursement claim must include all expenses related to the case, and must include documentation of any reimbursement, in all or part, by any entity or person already made at time of filing, as required by OAR 830-040-0090(6). I further understand that if I receive payment from any other entity or person after a claim is filed, I must amend the claim, if not yet paid, as required by OAR 830-040-0090(6)(a). If the claim has already been paid, I understand that I must submit written documentation showing the amount received and from whom, and I must submit this with accompanying payment to the Indigent Disposition Fund within 90 days of receiving any amount from any other entity or person, as required by OAR 830-040-0090(6)(b). Finally, I acknowledge and understand that a fraudulent submission of this form will result in penalties set forth in ORS 692.180.

Signature of Authorized Representative	Date Signed
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If you have any questions or need additional information, please contact the Indigent Disposition Fund Program Specialists at (503) 675-1504, IDP App Form FS-432 Page 4 of 4 (Rev. 08/17)

Decedent Last Name & State ID Tag Number

If the decedent qualifies for any benefits through the VA, do not offer the body for donation, per ORS 97.170 (3)(b).

Be sure to verify that the institutions that you offer the body to are on the most current approved list. Do not offer the body to any institution that is not approved.

If the body was accepted for donation by an approved institution for ongoing research or education, that institution becomes responsible for the burial or cremation of that body and the costs associated with that final disposition, per ORS 97.200. Since the funeral establishment is not completing final disposition, they are not eligible to receive indigent disposition reimbursement. Payment arrangements should be made with the institution. This form does not need to be submitted to OMCBB in these cases, but you should still file this application in the decedent's permanent record to document that the funeral establishment completed all of the necessary due diligence required prior to donation of an indigent person.

If the body was accepted for donation by an institution ONLY for instruction on preservation of a body, that institution does not become responsible for the burial or cremation of that body and the costs associated with that final disposition, per ORS 97.200(2). The body will be returned to the funeral establishment after use, and the funeral establishment may apply for indigent disposition reimbursement.

An unsigned application is incomplete. Please ensure that the application is signed before submission.

## Submitting the Application

The application form can be submitted by email, fax, or by mail.

Email applications to: [IDP.Claims@state.or.us](mailto:IDP.Claims@state.or.us).

Fax applications to: 971-673-1501

Mail applications to:

OMCB

Attn: IDP Specialist

800 NE Oregon St

Suite 430

Portland, OR 97232

The application must be submitted within 90 days of final disposition. If the funeral home applied for reimbursement through other state or federal agencies and was denied, the 90 day time limit is waived, but the application must be submitted within 30 days of the denial and must include written proof of the denial from the other agency.

When you submit the form, ensure that it is filled out completely and that ALL required documents are attached. A complete submission will include:

- All four pages of the Oregon Indigent Disposition Reimbursement Application
- Applicable General Price List
- Itemized invoice or SFGSS of incurred expenses
- Cemetery name and plot location (for burials only- not required for inurnments)
- Supporting documentation for any funds received for payment

After you submit the application, reimbursement typically takes 2-3 weeks provided that the application is complete. OMCB disburses reimbursement on a rolling basis. If any of the required documentation is missing or incomplete, Board staff will request supplemental information and reimbursement may be delayed.

### **Supplemental Information Requests**

If the application is incomplete for any reason, the facility will receive a notification in writing by either email or fax. This notification will inform the funeral home of what needs to be completed. Supplemental information requests are not denials- they are instead an opportunity for the funeral home to provide complete information or to take care of administrative tasks that may be preventing OMCB from issuing a reimbursement, such as bringing past due death record filing fees current. If you receive a request for supplemental information, please provide the requested information to OMCB *in writing – either fax, email, or US mail-* as soon as possible- the funeral home cannot be reimbursed until the information is received.

### **Application Denials**

If the application does not qualify for reimbursement, the funeral home will receive notification in writing via US mail. The notification will include an explanation for why the application was denied. If you believe that an application was denied in error, you have the opportunity to provide additional information in writing to OMCB for consideration.

# Frequently Asked Questions

## General Questions

### ***How long do I have to wait before cremating the decedent?***

ORS 97.170 (3)(b) and (c) allow the cremation of an indigent decedent if no one has claimed the body within 10 days of the funeral home taking custody of the body OR if all individuals who have the right to control disposition have acquiesced. This means that if there is no one with the right to control disposition identified, the body cannot be legally cremated prior to day 10. If there have been family members or other individuals with the right to control disposition identified and they all acquiesce, you can proceed with cremation (or donation) earlier than 10 days.

### ***Who signs the cremation authorization or interment authorization?***

It is recommended that the funeral director be the person to sign the cremation authorization. You can also include the statement “*per ORS 97.170(3)(c)*” which is the section of the indigent disposition law authorizing the funeral home to proceed with cremation without the consent of anyone listed in ORS 97.130(2).

ORS 97.170(3)(c) reads “If no person or institution claims the body...the funeral establishment may cremate or bury the body without the consent of persons listed in ORS 97.130 and is indemnified from any liability arising from having made such disposition.”

A cremation authorization is not complete and valid unless it includes directions on what to do with the cremated remains, per ORS 97.150. The funeral director should ensure that this section of the authorization is completed- and could read as “release to funeral home for storage” or “release to the decedent’s minor child” etc. Funeral homes can decide how they want to handle the remains after cremation, but they should be sure to complete this section of the cremation authorization.

### ***Don’t I need the medical examiner or public health official to sign the cremation authorization?***

No. The Public Health Officer appears in ORS 97.130(2) as a person who can authorize final disposition, but ORS 97.170(3)(c) allows the funeral establishment to bury or cremate an indigent person without the permission of anyone listed in ORS 97.130(2).

The public health officer should still be contacted in cases where the decedent is *not* indigent because either their own funds and/or preneed arrangements will be covering the cost of disposition, or in cases where a person who is not listed in ORS 97.130 is choosing to cover the cost of disposition, such as a friend or an ex-spouse, etc.



## Dealing with Family Members

*The decedent's family came in and signed paperwork, but then they disappeared.*

### ***Can I apply for indigent reimbursement?***

If you have a contract that is signed, then you have a person who has made arrangements for the care of the decedent. Per ORS 97.170(1), this does not qualify as an indigent person. This is a civil matter where at least one of the two parties to the contract did not fulfill the obligations that they agreed to. This is a case where the funeral home should follow their established business model for collecting payment from consumers, such as sending the bill to collections, etc. The disposition is not eligible for reimbursement.

### ***Can I have family members sign a document stating that they are walking away?***

Yes. Several funeral homes have begun doing this. This is not in any way required, and in cases where the family refuses to come into the funeral home, it may be impossible to get someone to sign this. There are two advantages to using a document like this. First, it lays out a mutual understanding between you and the family about what is about to happen. Second, it provides documentation in the decedent's permanent record that clearly shows that the person with the right to control disposition acquiesced that control and what day they acquiesced.

A few things to consider if using a document similar to this: A family member cannot acquiesce the right to control final disposition on behalf of another family member. For example, if you are able to contact the daughter of the decedent and she is willing to come in and sign this document, she can't also sign it for her brother, mother, daughter, etc. Each of those individuals may also have the right to direct the disposition of the decedent, and the funeral home cannot simply skip the process of contacting them because a single family member acquiesced her right to control final disposition.

Additionally, if a family member signed a contract and the funeral establishment has already performed final disposition, the facility cannot simply have the family member sign a document stating that they are now acquiescing control of the disposition. They have already directed disposition, and the contracted goods and services have already been fulfilled by the funeral home. Having a family member sign these documents after final disposition does not make the claim eligible for reimbursement.

Included on the next page is a sample of a document showing that a person with the right to control disposition is acquiescing that right. If you choose to draft your own document, please feel free to send a copy to the Indigent Disposition Specialist for review to ensure that the document does not misrepresent the law. If you would like a copy of this document that you can make edits to, contact the OMCB office by email and we can send you a Word version.

## Waiver of Right to Control Final Disposition

I \_\_\_\_\_ being the \_\_\_\_\_ of the decedent,  
(Name of individual with the right to control disposition) (Relationship)

\_\_\_\_\_, do hereby warrant and represent to the  
(Decedent's Name)

\_\_\_\_\_ that I have the authority to direct and arrange for the disposition  
(Funeral Home)

of the decedent under Oregon Revised Statute 97.130(2).

By signing this form, I waive my right to control the final disposition of the remains of the deceased person listed above. By waiving this right, I understand that I am relinquishing my right to designate the manner of final disposition, as well as the right to make arrangements for funeral services for the decedent.

I know of no other person who has a superior right to control disposition, per ORS 97.130(2), and I know of no other person or persons who wish to direct or pay for the disposition of the deceased person's body, OR I have provided any contact information that I have for those individuals to the funeral home.

I am aware that Oregon Revised Statute 97.170 gives the funeral home the ability to proceed with final disposition when no one with the right to claim the decedent's body chooses to do so and that Oregon Revised Statute 97.170(3)(c) indemnifies the funeral home from liability associated with that disposition provided they follow all other applicable laws.

I understand that as part of this process, the funeral home will seek out other individuals who may wish to direct the final disposition of the decedent, and that those individuals may direct final disposition in a manner that I may disagree with. I understand that the decedent's body will be offered for donation for education or research purposes. I understand that I am giving up my right to receive the cremated remains.

I am aware that I am not required to sign this form, but that the funeral home will proceed without this signed form if I fail to make arrangements for funeral services for the decedent within ten days of being notified of the decedent's death, including payment or arrangements for payment. Additionally, I am aware that the funeral home may proceed sooner than ten days if they find someone else who is willing to make arrangements and payment.

I hereby warrant and represent the truthfulness of these statements and that the funeral home may rely upon the statements made herein in good faith.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

***The family wants to purchase death certificates. Do I have to provide them to the family if they won't be paying for anything else?***

We recommend that you do not enter into a contract for *any* funeral goods or services with a person who is unwilling to pay or make arrangements to pay for the disposition of the decedent. If the person who wants to purchase a death certificate is legally able to obtain one, they can contact Vital Records to do so.

***The person with the right to control disposition is able to pay part of the costs, but not all of them. Will the Oregon Indigent Fund cover the remainder that they are unable or unwilling to pay?***

No. The Oregon Indigent Disposition Fund is not a fund designed to assist the family with the cost of disposition. It is designed to offset costs incurred by the funeral home when there is no person willing or able to direct and pay for the disposition of an unclaimed decedent. If a funeral home enters into a contract with an individual for partial costs, then the funeral home has made the business decision to provide services at a reduced rate, and the Oregon Indigent Disposition Fund cannot reimburse the funeral home for any of the costs of that disposition.

Family members or other individuals with the right to control disposition should never be asked to sign a contract that states that the remaining balance is to be paid by the Oregon Indigent Disposition Fund. This could be interpreted as a misrepresentation of the law.

***Every person with the right to control disposition has acquiesced. Do I still need to wait ten days before I cremate the body?***

No. ORS 97.170 (3)(b) and (c) allow for the funeral establishment to move forward with final disposition (including donation) if the persons with the right to control disposition have acquiesced that control prior to ten days after the funeral home took custody of the body, provided that the funeral home has completed all of the steps of the indigent disposition process.

***Do we have to give the family the cremated remains?***

You must release the cremated remains to the person who is designated to receive them on the cremation authorization. For most indigent disposition cases, this will be the funeral home. You are not obligated to give the remains to any person who shows up and asks for them, just as they could not show up and demand that you give them any other item that is your personal property.

This is part of the reason why it is important to have the funeral director sign the cremation authorization, per ORS 97.170 (3)(c). Many funeral directors feel as though it's "safer" to have a family member or someone else sign the cremation authorization, but the law is clear: if a funeral director has completed the indigent disposition process outlined in ORS 97.170, they can legally cremate or bury the decedent without the consent of individuals listed in ORS 97.130(2) and the funeral home is indemnified from any liabilities arising from having completed that final disposition. Having the family

member sign the cremation authorization means that the funeral home must follow through with their directions for handling the cremated remains.

***If a person shows up wanting to claim the cremated remains, can I hold them until they reimburse me for the cost of the disposition?***

No. ORS 97.110 prohibits attaching human remains to any debt. That being said, unless the cremation authorization specified that this person was to receive the cremated remains, the remains are now the personal property of the funeral home or whoever else was designated to receive the remains. You are not obligated to give the remains to any person who shows up and asks for them, just as they could not show up and demand that you give them any other item that is your personal property. Most funeral homes do not want to store cremated remains indefinitely, so you may choose to give them the remains. You may choose to enter into other business arrangements with them, such as selling them an urn, etc., just as you would with any other consumer, but again, per ORS 97.110, you cannot make giving someone the remains conditional on them paying any debt, so you cannot say “I will only give these to you if you purchase an urn,” etc. If the person offers to compensate you for the cost of disposition, they are welcome to do so. If they compensate you for disposition after OMCB has already provided you with reimbursement, the reimbursement must be returned to OMCB.

***The family initially indicated that they would take responsibility, but they never came in and weeks went by and now we are out of compliance with the law because we didn't do certain things within five days of taking custody of the body. What do we do now?***

Based on ORS 97.170, if the family has not made arrangements within ten days of being notified of the death, the decedent qualifies as an indigent person. Document the date that you initially contacted the persons with the right to control disposition, what they told you regarding their intentions to make arrangements, and the date that the funeral home determined that the decedent is indigent because the family was refusing to take financial responsibility. You can think of this refusal date as “restarting the clock,” because up until this point you thought you had a body that was claimed- it only became unclaimed on this day. Under no circumstances should the steps of the indigent process that are required to be completed within the first five days of taking custody of the body be initiated more than five days after “restarting the clock.”

If the family member has already signed a contract with the funeral home arranging to make payment for final disposition, the decedent does not meet the criteria of an indigent person and the indigent disposition fund cannot reimburse the funeral home for any costs incurred that were not paid by the family member.

## Department of Veteran Affairs Issues

### ***How do I contact the Department of Veteran Affairs (VA)?***

The VA has recommended that funeral directors contact the National Cemetery Administration Scheduling Line. When calling, be sure to indicate that you have an unclaimed person and you are trying to determine if they are a veteran or not. You will need the decedent's social security number when you call. If you do not have the decedent's social security number, you can contact the Indigent Disposition Program Specialist with OMCB, who may be able to find the social security number for you.

It is not recommended that you contact local VA offices, as they will only have access to the records of veterans who accessed VA benefits within the state of Oregon. For example, a veteran who lived in Portland but accessed all of their VA services at a facility in Vancouver, Washington may not appear in the local VA system as a result.

The VA released a fact sheet on how their Unclaimed Remains Program works, including how to contact the VA to determine eligibility of an unclaimed decedent. OMCB provides a link to this fact sheet on our website.

### ***The VA said that the decedent is eligible for burial at a National Cemetery. Is the funeral home eligible to receive any funds from the VA?***

Maybe. In 2015, the VA published new administrative rules regarding payment for funeral services for Unclaimed Veterans. This benefit can cover transportation to the cemetery as well as a casket or urn, a burial allowance, and a plot allowance.

When calling the scheduling line, the representative that you speak with will likely not tell you whether or not the funeral home is eligible to receive the Unclaimed Remains Benefit, as their primary objective is to determine whether or not the individual is eligible for placement in a National Cemetery. If the decedent is determined to be a veteran and is unclaimed, we encourage you to apply for this benefit. Please note, the VA may define an unclaimed veteran differently than the State of Oregon defines an indigent person.

The fact sheet for this program is available on the OMCB website. You should use the same VA form that a spouse or family member would use to apply for burial benefits. Make sure that you are using the most current form, as older versions of the form do not include space to indicate that you are applying for unclaimed remains benefits. *It is important to note that if you do not indicate on the application that the decedent is unclaimed, it will be denied by the VA.* OMCB has no control over the VA Unclaimed Remains Program, but is providing this information as a courtesy to our licensees. That being said, if we can assist you in some way with the application process, we would be happy to do so.

Receiving the Unclaimed Remains Benefit will not impact the funeral home's ability to receive Oregon Indigent Disposition Reimbursement, unless the total amount received between the two reimbursements exceeds the total cost of services rendered.

***I already know that this decedent was not a veteran because I was able to speak to his/her family. Why do I still need to contact the VA?***

ORS 97.170(3)(a)(G) states that the funeral home is required to *contact* the Department of Veteran Affairs. If the funeral establishment cremated any indigent decedent without contacting the VA, then the funeral establishment has not lawfully cremated that individual.

Beyond the legal requirement to contact the VA, the decedent may be eligible for benefits that the family is unaware of, such as burial benefits for spouses or disabled children. If the decedent was preceded in death by his or her spouse who was a veteran, there may already be a plot or niche set aside for the decedent next to their spouse. Family members may be unaware of this.

Several cases have come to OMCB's attention in which the family did not think that the decedent's service in the National Guard or the Coast Guard made them a veteran, but the decedent was in fact eligible for veteran benefits. In 2016, 11% of indigent claims were for veterans. Of that 11%, roughly one in ten were eligible for VA benefits, but the funeral director took the word of the family member and did not begin researching the benefits available until after the cremation had already occurred. In an effort to ensure that every indigent veteran receives the honors that they earned, the VA must be contacted for every indigent decedent.

***The decedent was too young to serve in the military/not from the United States/permanently disabled since childhood, etc. Why do I still need to contact the VA when I know that they couldn't have been a veteran?***

ORS 97.170(3)(a)(G) states that the funeral home is required to contact the Department of Veteran Affairs. When the legislature wrote the law, no exceptions were included. Additionally, the decedent may be eligible for benefits because of their relative's veteran status, rather than their own. For example, unmarried children may be eligible for burial up to age 23, or beyond age 23 if they are disabled. Spouses are typically eligible for burial. The parent of a service member who died under certain circumstances may even be eligible. *Essentially, the funeral establishment is not authorized to make the determination regarding whether the decedent is eligible for any veteran benefits, only the Department of Veteran Affairs can make that determination.*

## **Body Donation**

***I heard that OHSU no longer accepts indigent cases for body donation, so I don't need to do step 6 on the worksheet, right?***

The law no longer requires the funeral home to contact Oregon Health & Science University (OHSU) specifically- it now requires the funeral home to contact education/research facilities on a list maintained by OMCB and offer the body for donation. That list can be found on the OMCB website. Failure to contact the facilities on

the list, or contacting facilities that are not on the list, may be cause for denial of an indigent claim. OHSU has not accepted indigent cases since 2009.

***After ten days, the body is in a state of decomposition too advanced to allow for donation. Why would I offer the body for education/research?***

ORS 97.170(3)(b) requires that the body be offered, unless they are eligible for any veteran benefits. You can certainly let the education/research facility know about the state of decomposition, but it is ultimately up to the facility to determine whether they want the body, not the funeral establishment.

Furthermore, you don't need to wait until ten days to *contact* the education/research facility. You could contact the facility on day 1 or on day 4 or on day 7 and let them know when you anticipate that the body will be available to be legally donated. They can then make a decision on whether or not they desire the body for research/education purposes, and the funeral establishment can plan their travel to the facility accordingly.

Finally, you do not need to wait ten days if all persons with the right to control final disposition have acquiesced that control. If all of those individuals have acquiesced prior to ten days, you can proceed with donation provided that all other elements of ORS 97.170 have been completed.

Remember- if the family is okay with donation and the body is eligible, you could even have them sign all of the donation paperwork, therefore claiming the body and directing and making payment arrangements for the final disposition, and proceed with donation without needing to complete the remaining steps of the indigent process.

## **Other Government Agencies or Community Organizations**

***Can I apply for indigent disposition reimbursement when I am taking care of a decedent who was a child in the custody of the state, i.e. a foster child?***

No. Contact the Department of Human Services. Per ORS 97.170(4), the Department of Human Services is responsible for contacting individuals with the right to control final disposition, and if there is no one who is willing or able to pay for the costs of disposition, the Department of Human Services is required to authorize final disposition and cover the costs.

***The decedent was in jail at the time of his death. Do I need to do anything differently?***

Nothing in the process of seeking persons with the right to control disposition should be different, but depending on what facility the decedent was in the custody of, the reimbursement could come from different parties.

For county or other local facilities, check with the facility to determine if they provide any reimbursement for the care of a decedent that passed away in their custody. It will vary from county to county whether or not they are able and/or required to provide this

funding. If they are unable to reimburse the facility for the cost of services, the funeral home is eligible to apply for reimbursement through OMCB.

If the decedent was in the custody of the Oregon Department of Corrections (DOC) and is unclaimed, the DOC is required by law to pay for the disposition of the decedent. This is true even if the decedent died in a hospital while in custody. OAR 291-027-0065 and OAR 291-027-0080 provide additional information on the DOC's responsibility in these cases. Contact the facility that the decedent was in custody of to make payment arrangements.

***I've been informed that the decedent's religious beliefs would prohibit cremation. Burial will obviously be more expensive- what are my options for mitigating these additional costs?***

When a decedent's faith is the reason for burial, the local faith community may be willing to step in and shoulder some of the cost of the disposition. Reach out to faith leaders to discuss the options. You may also wish to call around to local cemeteries to inquire about the possibility of having a plot donated. If you are in an area where plots are relatively expensive, try looking a little bit further out of town for a cemetery that may be willing to donate a space, or one that may have a potter's field or inexpensive plot.

We also recommend that you call the VA as soon as possible to determine the decedent's veteran status and eligibility for burial in a National Cemetery. If the decedent is unclaimed, the VA may also reimburse the funeral home for the cost of a plot in a private cemetery. Read through the VA's fact sheet on Unclaimed Remains for the most up-to-date information on this program. The fact sheet is available on the Indigent Disposition page of the OMCB website.

If you are having difficulty finding a burial space in order to honor a decedent's religious beliefs, please contact the Indigent Disposition Specialist, as we would be happy to help you research and identify options.

***The decedent's church/hospice/etc., can pay a small amount, but not enough to cover the full expenses. Can I still apply for reimbursement?***

Yes. ORS 97.170 is not intended to discourage these types of organizations from donating toward the cost of final disposition. It is important to note that the decedent must still meet the definition of an indigent person under ORS 97.170(1) in order for the funeral home to be eligible for indigent disposition reimbursement. This can be an issue if a person listed in ORS 97.130(2) signs a contract with the understanding that another organization, such as their church, is going to cover the costs and then fails to follow through- the person who signed the contract has still directed disposition and made arrangements to pay for the costs of final disposition and the decedent cannot be considered indigent.



## **Other Unique Circumstances**

### ***I found a bank statement or ATM receipt in the decedent's wallet that indicates he had enough money to pay for his own funeral services. How can I get access to these funds?***

If no heirs have been identified for the decedent, then the funeral home is required to contact the Department of State Lands (DSL) to advise them that a person has died intestate.

When you contact DSL, let them know that you are aware of the existence of this bank account. You will still need to go through the indigent disposition process in order to legally bury or cremate the individual, but making sure that DSL is aware of funds may help get those funds to the funeral establishment more quickly. If DSL is appointed as the estate representative, then funeral expenses are high on the priority list of debts that the estate must pay if there are insufficient funds to cover all debts.

### ***The decedent owns a plot at a cemetery, but never made any arrangements for funeral services. What do I do?***

The plot can be used for burying or inurning the decedent, and this will not impact the funeral home's eligibility to receive indigent disposition reimbursement, provided that the funeral home completes all of the requirements of the process. The funeral home is not required to utilize the plot, but they may wish to do so rather than storing the cremated remains indefinitely.

### ***Can I apply for indigent disposition reimbursement for the care of fetal remains?***

Yes. Nothing in the law would prohibit reimbursement for the final disposition of unclaimed fetal remains that require final disposition, provided that all of the requirements of ORS 97.170 are met.

### ***The funeral home received funds to cover disposition after OMCB had already reimbursed us for the disposition of an indigent decedent. What do I need to do?***

It is not uncommon for payment to be received after the funeral home has already received reimbursement. This may be from a family member or friend who was unaware of the decedent's death, or the Department of State Lands may find funds in the decedent's estate to cover the disposition, or another agency may pay for the final disposition. If the funeral home receives funds, OMCB must be notified and typically must be reimbursed. Contact the indigent disposition program specialist to discuss the specifics of your situation, or send a reimbursement to the OMCB office, Attn: IDP. Be sure to include a written explanation for the funds that includes the decedent's last name and state ID tag number.

### ***More questions?***

Contact the Indigent Disposition Specialist at 971-673-1504 or [IDP.Claims@state.or.us](mailto:IDP.Claims@state.or.us).

## Appendix A – Oregon Revised Statute, Chapter 97.170 – 210

**97.170 Disposition of unclaimed body of deceased person; rules.** (1) As used in this section, “indigent person” means a deceased person who does not have a death or final expense benefit or insurance policy that pays for disposition of the deceased person’s body or other means to pay for disposition of the deceased person’s body and:

- (a) Who does not have a relative or other person with the legal right to direct and the means to pay for disposition of the deceased person’s body;
- (b) Whose relative, or other person, with the legal right to direct the disposition of the deceased person’s body does not pay or arrange to pay for, or refuses to direct, the disposition of the deceased person’s body within 10 days of being notified of the death; or
- (c) For whom no person other than a person described in paragraph (a) or (b) of this subsection wishes to direct and pay for the disposition of the deceased person’s body.

(2) The State Mortuary and Cemetery Board shall maintain a list of institutions that may accept or process bodies for education or research purposes.

(3)(a) A funeral establishment licensed under ORS 692.146 that takes custody of the unclaimed body of a deceased person shall, within five days after taking custody of the body:

- (A) Submit a report of death under ORS 432.133;
- (B) Obtain all contact information known to the medical examiner, a health care facility or law enforcement regarding persons listed in ORS 97.130;
- (C) Attempt to locate and notify the persons listed in ORS 97.130;
- (D) Arrange with any person listed in ORS 97.130 who will pay the expenses to make disposition of the body;
- (E) If no person listed in ORS 97.130 can be located to pay the expenses to make disposition of the body, arrange with a person or institution not listed in ORS 97.130 that will pay the expenses to make disposition of the body;
- (F) Determine whether the Department of State Lands or other person is appointed as the personal representative of the deceased person pursuant to ORS 113.085; and
- (G) Contact the Department of Veterans’ Affairs to determine whether the decedent is eligible for any state or federal benefits.

(b) If no one claims the body within 10 days after the funeral establishment takes custody of the body, or if the persons notified acquiesce, or if the decedent is not eligible for any benefits described in paragraph (a)(G) of this subsection, the funeral establishment may transfer the body to an institution on the list of institutions described in subsection (2) of this section that desires the body for education or research purposes.

(c) If no person or institution claims the body as provided in paragraphs (a) and (b) of this subsection, the funeral establishment may cremate or bury the body without the consent of persons listed in ORS 97.130 and is indemnified from any liability arising from having made such disposition. The method of disposition must be in the least costly and most environmentally sound manner that complies with law, and that does not conflict with known wishes of the deceased. If the deceased person is an indigent person, the board shall reimburse the funeral establishment for the costs of disposition under subsection (5) of this section.

(4) If the deceased person is a child over whom the Department of Human Services held guardianship at the time of death, the department shall promptly attempt to locate and notify the relatives of the deceased child or any other person who has an interest in the deceased child and shall arrange with any person who will pay the expenses to make disposition of the body. If no relatives or interested persons claim the body, the department may transfer the body to an institution that is on the list maintained by the board under subsection (2) of this section that desires the body for education or research purposes, or may authorize burial or cremation of the body. The department shall pay expenses related to burial or cremation authorized by the department under this subsection.

(5) Upon receipt of a qualifying statement as required by the board by rule that the deceased person is an indigent person, the board shall reimburse a funeral establishment the reasonable costs for disposition of the body of any

unclaimed deceased indigent person. The method of disposition must be in the least costly and most environmentally sound manner that complies with law. The board shall adopt rules establishing the requirements and process for reimbursement and setting the amount that may be reimbursed to a funeral establishment under this subsection. [Amended by 1973 c.842 §1; 1985 c.704 §1; 1993 c.345 §4; 1995 c.162 §62; 2009 c.709 §8; 2015 c.651 §1]

**97.180 Period within which body may not be used or dismembered.** An institution that receives a body pursuant to ORS 97.170 and that intends to use the body for ongoing research may properly preserve the body upon receipt for anatomical purposes, but may not use or dismember the body for at least 30 days after receipt. If a relative or friend of the deceased person claims the body within the 30 days specified in this section, the institution with custody of the body shall release the body to a funeral establishment licensed under ORS 692.146 on behalf of the relative or friend. [Amended by 2015 c.651 §2]

**97.190 Post-mortem examination of body.** Unless required by a medical examiner to determine the cause of death or specifically authorized and ordered by the superintendent of the hospital or institution in which any person coming under the provisions of ORS 97.170 may die, no such body as is mentioned in ORS 97.170 is subject to post-mortem examination, except by consent of the State Mortuary and Cemetery Board. [Amended by 1959 c.629 §43; 1965 c.221 §13; 1977 c.582 §1; 2015 c.651 §3]

**97.200 Disposition of remains after use. (1)** An institution that uses a body for ongoing research pursuant to ORS 97.170 shall bury respectfully or cremate the remains upon completion of use. If the institution cremates the remains, the institution shall deliver the ashes to a relative of the deceased person if a relative is known to the institution. If no relative is known to the institution, the institution shall hold the ashes for three years after cremation and may then dispose of the ashes in a respectful manner. The institution shall pay burial, cremation, storage and delivery expenses for a body the institution used pursuant to ORS 97.170.

**(2)** Notwithstanding subsection (1) of this section, an institution that uses a body pursuant to ORS 97.170 only for instruction on preservation of a body shall, upon completion of use, return the body to the funeral establishment from where the institution received the body. [Amended by 2015 c.651 §4]

**97.210 Exceptions to application of ORS 97.170 to 97.200; rules.** The body of any person who died of smallpox, diphtheria, scarlet fever or other disease that the Oregon Health Authority, by rule, may prescribe, shall not be subject to the provisions of ORS 97.170 to 97.200. [Amended by 1977 c.582 §2; 2009 c.595 §62]

## Appendix B – Oregon Administrative Rule 830-040-0090

### 830-040-0090. Reimbursement for Cost of Services Performed and Supplies Provided for Disposition of Unclaimed Indigent Bodies

(1) A licensed funeral establishment, hereafter referred to as claimant, shall submit to the Oregon Mortuary & Cemetery Board (OMCB) an itemized statement of expenses for services performed and supplies provided for disposition of unclaimed indigent bodies. For the purpose of this section, “funeral establishment” also includes immediate disposition companies and persons acting as funeral service practitioners as defined in ORS 432.

(a) Claims must be submitted to the OMCB within 90 days of final disposition of the decedent, except in cases where application to other state or federal agencies has been made and decision is pending;

(b) In cases where application for reimbursement for cost of services performed and supplies provided has been denied by other state or federal agency, claimant may submit application for reimbursement to OMCB within 30 days of denial by other state or federal agency.

(2) Each itemized statement shall be accompanied by the claimant’s certification that services for which reimbursement is claimed were in accordance with stipulations in ORS 97.170.

(3) The OMCB shall make the Form FS 23-154 or similar document containing all pertinent information available at its office and on its website.

(4) The OMCB shall disburse funds to eligible claimants upon receipt and verification of a claim.

(a) In accordance with ORS 413.825, the maximum reimbursement will equal the invoice amount or the currently published annual reimbursement rate, whichever is less; and

(b) The claimant must be current on all invoiced filing fees.

(c) If the fund amount at the close of the accounting period is insufficient to pay the eligible claims for the month, the OMCB pay the claims using the collected funds referenced in ORS 413.825(1).

(d) If the fund amount at the close of the accounting period exceeds the total amount of claimants’ itemized statements or the maximum per claim, the remaining funds will carry forward to the next accounting period and be made available to pay future claims up to the allowable maximum reimbursement or to repay the funds borrowed from the OMCB.

(5) Fraudulent submission of Form 23-154 or similar document will result in penalties set forth in ORS 692.180.

(6) An eligible reimbursement claim must include all expenses related to the case, and must include documentation of any reimbursement, in all or part, by any entity or person already made at time of filing. If a claimant receives payment from any other entity or person after a claim is filed, the claimant must:

(a) Amend the claim, if not yet paid;

(b) If already paid, the claimant must submit a reimbursement form and accompanying payment to the fund within 90 days of receiving any amount from any other entity or person.

(7) In accordance with ORS 413.825(2), the OMCB shall set the annual reimbursement rate at the beginning of each biennium with an annual adjustment based on historical data and mortality projections. The reimbursement rate must be published by the OMCB on or before June 30, which becomes effective July 1 of each year.

Stat. Auth.: ORS 97.170

Stats. Implemented: ORS 97.170

HD 14-1993(Temp), f. 10-14-93, cert. ef. 10-15-93; HD 2-1994, f. & cert. ef. 1-12-94; PH 7-2009(Temp), f. & cert. ef. 7-20-09 thru 1-15-10; Administrative correction 1-25-10; PH 1-2010, f. & cert. ef. 1-14-10; Renumbered from 333-012-0500 by MCB 3-2015, f. 12-31-15, cert. ef. 1-1-16; MCB 5-2017, f. 7-13-17, cert. ef. 8-1-17

## Appendix C – Other Oregon Laws that pertain to the Indigent Disposition Program

**ORS 692.415 Report of death filing fee; use of funds; rules.** (1) The State Mortuary and Cemetery Board shall impose and collect a filing fee of \$20 for each report of death and shall deposit the total amount of the fee collected to the credit of the State Mortuary and Cemetery Board Account established under ORS 692.375. Of the fee, at least \$6 must be used by the board to carry out the purposes of ORS 97.170 (5). The board shall use the remainder of the fee in the same manner as other funds credited to the account under ORS 692.375.

(2) The board shall adopt rules regarding the use of the fee described in subsection (1) of this section and shall consider historical data related to expenditures made for the purposes of carrying out ORS 97.170 (5) and 692.375. Expenditures relating to the administration of the fee may not exceed five percent of the moneys collected.

[Formerly 413.825]

**ORS 113.238 Requirements and prohibitions related to certain decedents who die intestate and without heirs.** (1) A person who has knowledge that a decedent died wholly intestate, that the decedent owned property subject to probate in Oregon and that the decedent died without a known heir shall give notice of the death within 48 hours after acquiring that knowledge to an estate administrator of the Department of State Lands appointed under ORS 113.235.

(2) Except as provided by ORS 708A.430 and 723.466, a person may not dispose of or diminish any assets of the estate of a decedent who has died wholly intestate, who owned property subject to probate in Oregon and who died without a known heir unless the person has prior written approval of an estate administrator of the Department of State Lands appointed under ORS 113.235. The prohibition of this subsection:

(a) Applies to a guardian or conservator for the decedent; and

(b) Does not apply to a personal representative appointed under ORS 113.085 (3) or to an affiant authorized under ORS 114.520 to file an affidavit under ORS 114.515.

(3) For purposes of this section, a known heir is an heir who has been identified and found. [2003 c.395 §8; 2009 c.541 §3]

**ORS 113.242 Authority of estate administrator.** (1) An estate administrator of the Department of State Lands appointed under ORS 113.235 may take custody of the property of a decedent who died owning property subject to probate in Oregon upon the estate administrator receiving notice that:

(a) The decedent died wholly intestate and without a known heir as described in ORS 113.238 (3); or

(b) The decedent left a valid will, but no devisee has been identified and found.

(2) For any estate described in subsection (1) of this section, an estate administrator of the Department of State Lands appointed under ORS 113.235 may:

(a) Incur expenses for the funeral, burial or other disposition of the remains of the decedent in a manner suitable to the condition in life of the decedent;

(b) Incur expenses for the protection of the property of the estate;

(c) Incur expenses searching for a will or for heirs or devisees of the decedent;

(d) Have access to the property and records of the decedent other than records that are made confidential or privileged by statute;

(e) With proof of the death of the decedent, have access to all financial records of accounts or safe deposit boxes of the decedent at banks or other financial institutions; and

(f) Sell perishable property of the estate.

(3) The reasonable funeral and administrative expenses of the Department of State Lands incurred under this section, including a reasonable attorney fee, shall be paid from the assets of the estate with the same priority as funeral and administration expenses under ORS 115.125. [2003 c.395 §9]