

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTHCARE SYSTEMS**

In re: Gilbert Spencer, Embalmer

Petition No. 2004-0223-030-002

CONSENT ORDER

WHEREAS, Gilbert Spencer of Glastonbury (hereinafter "respondent") has been issued license number 001711 to practice as an embalmer by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 385 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. At all relevant times, respondent was the embalmer at Glastonbury Funeral Home in Glastonbury, Connecticut.
2. At all relevant times, respondent's daughter, Sharon Hansen, operated a family day care home on property adjacent to the funeral home.
3. The deceased P.L. died on January 20, 2004. Respondent entered into a contract to conduct the funeral services for P.L., and for storage of the deceased until the spring of 2004. Burial was scheduled for the Old Church Cemetery, which was closed to burials during the winter months. The cemetery does not have vault storage facilities.
4. On or about February 9, 2004 an annual funeral home licensure inspection conducted by the Department revealed that:
 - a. the human remains of P.L. were being stored in a garage used jointly by the funeral home and the nearby family day care home;
 - b. the garage was not secured or locked, and access was unrestricted;

- c. the casket was not secured or locked;
 - d. the casket was resting on plastic containers of uneven height; and
 - e. toys used by the family day care children were stored in the garage surrounding the casket.
2. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including, but not limited to §20-227(4).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Board of Examiners of Embalmers and Funeral Directors (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-227 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-227 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent shall pay a civil penalty of one thousand dollars (\$1000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
3. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
4. Respondent shall pay all costs necessary to comply with this Consent Order.

5. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Office of Practitioner Licensing and Certification of the Bureau of Healthcare Systems of the Department.
6. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
7. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which his compliance with this Consent Order or with §20-227 of the General Statutes of Connecticut, as amended, is at issue.
8. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
10. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted.
11. Respondent has the right to consult with an attorney prior to signing this document.
12. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

I, Gilbert Spencer, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Gilbert Spencer
Gilbert Spencer, Embalmer

Subscribed and sworn to before me this 29 day of APRIL 2005.

LINDA L. LYNCH
NOTARY PUBLIC
MY COMMISSION EXPIRES MAR. 31, 2010

Linda L. Lynch
Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 2nd day of May, 2005, it is hereby accepted.

Marianne Horn
Marianne Horn, Director
Division of Health Systems Regulation
Bureau of Healthcare Systems

The above Consent Order having been presented to the duly appointed agent of the Board of Examiners of Embalmers and Funeral Directors on the 10 day of May, 2005, it is hereby ordered and accepted.

Celia Pizzi
Board of Examiners of Embalmers
and Funeral Directors