

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: Robert Kiniry, Embalmer

Petition No. 2003-0619-030-004

CONSENT ORDER

WHEREAS, Robert Kiniry of New Britain, CT (hereinafter "respondent") has been issued license number 001730 to practice embalming 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 filed an Amended Statement of Charges in Petition No. 2003-0619-030-004 on May 14, 2004, and the allegations of such Charges, if proven, constitute grounds for discipline; and

WHEREAS, the above described Charges if proven, constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227.

WHEREAS, respondent, in consideration of this Consent Order has chosen not to contest the above allegations of wrongdoing but but does not admit to any unlawful conduct. Respondent agrees that for purposes of this or any future proceedings before the Connecticut 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 and 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's license number 001730 to practice as an embalmer in the State of Connecticut is hereby voluntarily revoked.

3. Respondent shall transfer and relinquish control of any and all Haffey-Lyons and Kiniry Funeral Home and/or Central CT Direct Cremation and Burial Society pre-need funeral files, which shall include documentation of pre-need funeral funds, to ~~x~~ Department and Board approved trustee. Said trustee shall review all such pre-need files. Based upon the review, the trustee will notify individuals with outstanding pre-need files. Respondent shall fully cooperate with such trustee in providing and reviewing said information. Said transfer and relinquishment shall occur within two weeks of this order being executed by the last signatory.

the Department, which shall subsequently be transferred

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4. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

5. Respondent shall pay all costs necessary to comply with this Consent Order.

6. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.

7. 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.

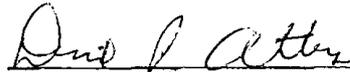
8. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which his compliance with this Consent Order or with §20-227 of the General Statutes of Connecticut, as amended, is at issue.

9. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
10. 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.
11. 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.
12. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services 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.
13. Respondent has the right to consult with an attorney prior to signing this document.
14. 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.

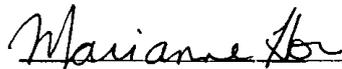
I, Robert Kiniry, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Robert Kiniry

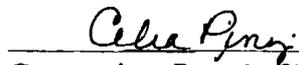
Subscribed and sworn to before me this 7th day of June 2004.


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 8th day of
June, 2004, it is hereby accepted.


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
on the 8 day of June 2004, it is hereby ordered and accepted.


Connecticut Board of Examiners of Embalmers
and Funeral Directors