

3D-001842

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

In re: Michael P. Weinstein, Embalmer

Petition No. 2007-0817-030-004

CONSENT ORDER

WHEREAS, Michael P. Weinstein of Hartford (hereinafter "respondent") has been issued license number 001842 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 respondent admits that:

1. At all relevant times, respondent was the president and embalmer of Weinstein Mortuary, Inc., in Hartford, Connecticut.
2. On or about July 11, 2007, respondent cremated the body of the deceased S.B., prior to obtaining a Connecticut Cremation Permit.
3. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, including, but not limited to:
 - a. §20-227(2);
 - b. §20-227(4);
 - c. §19a-323; and/or
 - d. §19a-324.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and 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.

WHEREAS, respondent has revised the policies of Weinstein Mortuary, Inc., and created a tracking system to ensure that all required paperwork is completed before final disposition of each decedent.

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 001842 to practice as an embalmer in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of two thousand five hundred dollars (\$2500.00) 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.
4. Respondent's license shall be placed on probation for a period of one year under the following terms and conditions:

(a) Respondent shall be responsible for providing copies of all ~~cremation certificates~~ *cremation permits, cremation authorizations, burial permits, and the cremation tracking* directly to the Department for the entire probationary period. *worksheets prior to the*

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

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

time of each cremation,
MPW lewB

6. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.

7. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
- a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 7.a. above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board of Embalmers and Funeral Directors which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
8. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
9. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as an embalmer, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the

violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45-day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

10. 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.
11. In the event respondent is not employed as an embalmer for periods of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such periods of times shall not be counted in reducing the probationary period covered by this Consent Order and such terms shall be held in abeyance. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order. In the event respondent resumes the practice of embalming, respondent shall provide the Department with thirty (30) days prior written notice. Respondent shall not return to the practice of embalming without written pre-approval from the Department. Respondent agrees that the Department, in its complete discretion, may require additional documentation from respondent and/or require respondent to satisfy other conditions or terms as a condition precedent to respondent's return to practice. Respondent understands that any return to the practice of embalming without pre-approval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.

12. If, during the period of probation, respondent practices embalming outside Connecticut, he shall provide written notice to the Department concerning such employment. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice of embalming in Connecticut, respondent agrees to comply with all terms and conditions contained in paragraph 11 above.
13. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
14. Respondent shall pay all costs necessary to comply with this Consent Order.
15. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
16. 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.
17. Respondent understands this Consent Order may be considered as a public document and evidence of the above-admitted violations in any 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.
18. 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.

19. 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.
20. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch 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.
21. Respondent has the right to consult with an attorney prior to signing this document.
22. 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, Michael P. Weinstein, 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.

Michael P. Weinstein
Michael P. Weinstein

Subscribed and sworn to before me this 23rd day of September 2008.

Marc Tressel
Notary Public, Connecticut
My Commission Expires May 31, 2013

Marc Tressel
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 29th day of September 2008, it is hereby accepted.

Jennifer Filippone
Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Systems Branch

The above Consent Order having been presented to the duly appointed agent of the Board on the 2 day of December 2008, it is hereby ordered and accepted.

Celia Pomy
Board of Examiners of Embalmers and Funeral Directors



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

March 1, 2011

Michael P. Weinstein, Embalmer
640 Farmington Avenue
Hartford, CT 06105

Re: Consent Order
Petition No. 2007-0817-030-004
License No. 001842

Dear Mr. Weinstein:

Please accept this letter as notice that you have satisfied the terms of your license registration effective January 1, 2010.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your Embalmer license related to the above-referenced Consent Order.

Please be certain to retain this letter as documented proof that you have completed your probation.

Thank you for your cooperation during this process.

Best of luck in the future,

Olive Tronchin, HPA
Practitioner Licensing and Investigations Section

c: Jennifer Filippone



Phone: (860) 509-7400
Telephone Device for the Deaf (860) 509-7191
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P.O. Box 340308 Hartford, CT 06134
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