

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF HEALTHCARE SYSTEMS

RECEIVED  
JUL 17 2004  
DEPARTMENT OF PUBLIC HEALTH  
OFFICE

In re: Joseph Fulton, Embalmer

Petition No. 2004-0803-030-009

CONSENT ORDER

WHEREAS, Joseph Fulton of Old Lyme (hereinafter "respondent") has been issued license number 001924 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, respondent admits that:

1. At all relevant times, respondent was the embalmer/manager of Fulton-Theroux Funeral Home in New London.
2. On or about July 11, 2004, respondent transported the human remains of the deceased, W.B., from his group home residence in Lisbon, to respondent's funeral home in New London, without obtaining a pronouncement of death.
3. Respondent failed to notify the Office of the Chief Medical Examiner in a timely manner of the unattended death of W.B. and/or that the identity was unknown of the Emergency Medical Technician who had made a presumption of death.
4. Respondent failed to obtain a Removal, Transit and Burial permit until July 20, 2004.
5. Respondent stored the deceased at the funeral home for eight (8) days without obtaining a pronouncement of death.
6. Respondent failed to ensure that the death certificate for W.B. was signed and filed in a timely manner.

7. Respondent failed to provide the deceased with a timely cremation.
8. 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-407;
  - d. §7-62b(b); and/or
  - e. §7-69.

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 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, 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 to practice as an embalmer in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of one thousand dollars (\$1,000.00) 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 shall comply with all state and federal statutes and regulations applicable to his licensure.
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 Office of Practitioner Licensing and Certification of the Bureau of Healthcare Systems 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 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.
9. 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.
10. 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.
11. 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.
12. Respondent has the right to consult with an attorney prior to signing this document.
13. 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, Joseph Fulton, 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.

Joseph Fulton  
Joseph Fulton, Embalmer

Subscribed and sworn to before me this 16<sup>th</sup> day of November 2004.

**KAREN C. POMPEA**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES OCT. 31, 2006

Karen C. Pompea  
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 22<sup>nd</sup> day of November, 2004, 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 9 day of December 2004, it is hereby ordered and accepted.

Alia Pinn, chair  
Board of Examiners of Embalmers and Funeral Directors