

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: James Sanders, Embalmer
23 Murray Street
Waterbury, CT 06710

Petition No. 940519-30-003

CONSENT ORDER

WHEREAS, James Sanders, Embalmer, of Waterbury, Connecticut (hereinafter "respondent") has been issued license number 002055 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, on May 26, 1993, the Connecticut Board of Examiners of Embalmers and Funeral Directors (hereinafter "the Board") issued a Memorandum of Decision (hereinafter "the Decision") in the matter of James Sanders, Embalmer, Petition No. 910606-30-003, which suspended his embalmer's license for one year and stayed the suspension after three months and further placed his license on probation for a period of nine months under various terms and conditions, commencing immediately upon completion of the actual suspension; and,

WHEREAS, a term of the probation as set forth in the Decision required respondent to comply with all applicable state and federal statutes and regulations for licensed practice as an embalmer or funeral director, and provide the Board with a monthly affidavit stating that he was in compliance; and

WHEREAS, respondent hereby stipulates and agrees that the Statement of Charges dated February 9, 1995 states as follows:

1. In July 1994, respondent arranged the funeral of Ozzie Butler.

2. In arranging such funeral, respondent falsified information submitted on the Certificate of Death and the Removal, Transit and Burial Permit for Mr. Butler, in that respondent represented that said funeral was performed by Fuqua Funeral Home, when, in fact, it was not.
3. Respondent further falsified information on the Certificate of Death and the Removal, Transit and Burial Permit for Mr. Butler, by representing that he had embalmed the body when it was actually embalmed by another embalmer.
4. Respondent failed to comply with the Decision's requirement to submit affidavits.
5. By his falsification of official documents and his failure to submit affidavits as ordered in the Decision, respondent failed to comply with the Decision.
6. Based on the conduct set forth above, respondent's license is also subject to disciplinary action pursuant to §20-227(4) of the Connecticut General Statutes.

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

1. Respondent hereby waives his right to a hearing on the merits of this matter.
2. Respondent shall pay a civil penalty of \$1,000.00 (one thousand dollars) on the following terms:
 - a. he shall make an initial payment of \$200.00 (two hundred dollars) which shall accompany this document upon execution by respondent;
 - b. he shall pay the sum of \$200.00 (two hundred dollars) on or by the fifth business day of each month, thereafter for a period of four months.
 - c. all payments shall be in the form of certified checks, money orders, or other guaranteed funds, and shall be made payable to "Treasurer - State of Connecticut;" and,

- d. respondent shall note on each payment that it is in partial satisfaction of his civil penalty due in the matter of In re: James Sanders, Embalmer, Petition No. 940519-30-003.
3. Respondent's license shall be on probation for two years under the following terms and conditions:
 - a. By the fifth business day of each month, respondent shall report the following information to the Department regarding all funerals in which he assisted or which he conducted:
 - (i) respondent shall identify the person who removed the body, and took it to the funeral home for preparation;
 - (ii) respondent shall identify the person who performed the embalming if the body was embalmed; and,
 - (iii) if there was a wake, respondent shall identify the location of the wake.
 - b. By the fifth business day of each month, respondent shall submit the following documents to the Department for all funerals in which he assisted or which he conducted:
 - (i) The Certificate of Death; and,
 - (ii) The Removal, Transit and Burial Permit.
4. Respondent shall fully comply with all state and federal statutes and regulations applicable to his license.
 5. That this Consent Order is effective on the first day of the month after which the seal of the last signatory is affixed to this document.
 6. Respondent agrees and understands that this Consent Order may be considered as evidence of the above-alleged violations and that the allegations contained in the Statement of Charges in Petition No. 940519-30-003 shall be deemed true in

any proceeding before the Board in which (1) his compliance with this same order is at issue, or (2) his compliance with §20-227 of the General Statutes of Connecticut, as amended, is at issue.

7. Respondent stipulates and agrees that any violation of the terms of this Consent Order constitutes grounds for the Department to seek a summary suspension of respondent's license. Respondent specifically waives the provisions of Connecticut General Statutes §§4-182(c) and 19a-17(c) which require a finding of an emergency and a clear and immediate danger to the public health and safety, respectively.
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 Consent 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 other 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 of Public Health at any time prior to its being executed by the last signatory.
10. Respondent hereby authorizes a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance of the Department to present this Consent Order and the factual basis for said Consent Order to the Connecticut Board of Examiners of Embalmers and Funeral Directors. He understands that said Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted.

11. All reports required by the terms of this Order, and all correspondence shall be addressed to:

Bonnie Pinkerton, Special Investigator
Department of Public Health
Public Health Hearing Office
150 Washington Street
Hartford, CT 06106

12. Respondent understands that he has the right to consult with an attorney prior to signing this document.
13. Respondent understands that this Consent Order is a matter of public record.

*

*

*

*

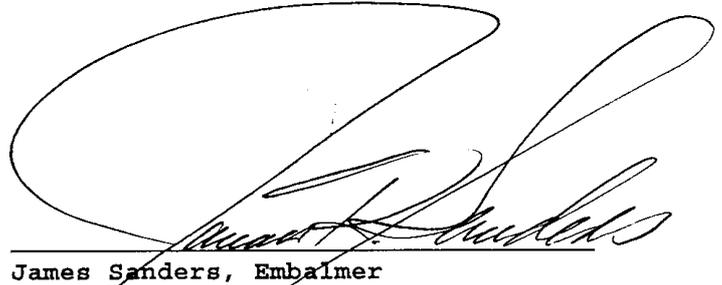
*

*

*

*

I, James Sanders, Embalmer, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



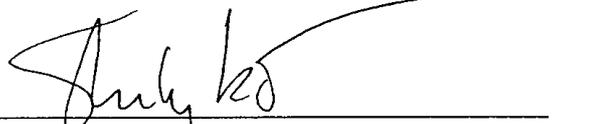
James Sanders, Embalmer

Subscribed and sworn to before me this 12th day of September 1995.

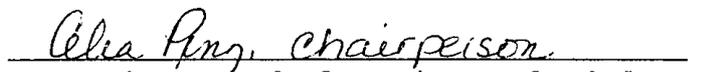
WILLIAM C. GERRISH
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 1996


Notary Public or person authorized
by law to administer an oath or
affirmation

The above Consent Agreement having been presented to the duly appointed agent of the Commissioner of Public Health and Addiction Services on the 12th day of September 1995, it is hereby ordered and accepted.


Stanley K. Peck, Director
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners of Embalmers and Funeral Directors on the 18th day of September 1995, it is hereby ordered and accepted.


Connecticut Board of Examiners of Embalmers
and Funeral Directors

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: James Sanders, Embalmer
23 Murray Street
Waterbury, CT 06710

Petition No. 940519-30-003

STATEMENT OF CHARGES

Pursuant to the provisions of General Statutes of Connecticut, §19a-9 and §19a-14, the Department of Public Health and Addiction Services (hereinafter "the Department") brings the following charges against James Sanders:

FIRST COUNT

1. James Sanders (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut Embalmer license number 002055.
2. On May 26, 1993, the Connecticut Board of Examiners of Embalmers and Funeral Directors (hereinafter "the Board") issued a Memorandum of Decision (hereinafter "the Decision") in the matter of James Sanders, Embalmer, Petition No. 910606-30-003, which suspended respondent embalmer's license for one year and stayed the suspension after three months, and further placed his license on probation for a period of nine months under various terms and conditions, commencing immediately upon completion of the actual suspension.
3. The terms of probation as set forth in the Decision, require, inter alia, that respondent provide the Board with monthly affidavits confirming compliance with all applicable state and federal statutes and regulations.
4. Respondent has failed to submit one or more affidavits as required by the Decision.
5. Respondent's conduct as described in Paragraph 4 above constitutes violations of the terms of his probation as set forth in the Decision, and subjects respondent's license to revocation or other disciplinary action as authorized by the General Statutes of Connecticut §19a-17 and 20-227(2).

SECOND COUNT

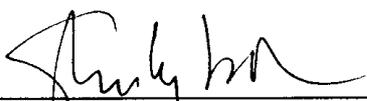
6. Paragraph 1 is incorporated herein by reference as if set forth in full.
7. In July 1994, respondent arranged the funeral of Ozzie Butler.

8. In doing so, respondent:
- a. misrepresented on the Certificate of Death that he embalmed the body when, in fact, he did not;
 - b. misrepresented on the Certificate of Death that Fugua Funeral Home, Bloomfield, Connecticut, was the funeral home when, in fact, it was not; and/or,
 - c. misrepresented on the Removal, Transit and Burial Permit that the permit was issued to Fugua Funeral Home when, in fact, it was not.
9. The terms of probation as set forth in the Decision, require, inter alia, that respondent comply with all applicable state and federal statutes and regulations.
10. Respondent's conduct as described in paragraphs 7 and 8, constitutes violations of the terms of his probation as set forth in the Decision in that he failed to comply with state and federal statutes and regulations applicable to his license, and subjects respondent's license to revocation or other disciplinary action, as authorized by the General Statutes of Connecticut §19a-17 and §20-227(3).
11. The conduct described in paragraphs 7 and 8 above, also constitutes violations of Connecticut General Statutes §20-227(2), (4), and/or (5).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners of Embalmers and Funeral Directors, as authorized in §20-227, revoke or take any other actions as authorized in §19a-17 against the embalmer license of James Sanders as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 9th day of February 1995.



Stanley K. Peck, Director
Division of Medical Quality Assurance

SV:dh
0385Q/9-10
1/95