

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

In re: Robert Palmer, Embalmer

Petition No. 2008-0429-030-004

CONSENT ORDER

WHEREAS, Robert Palmer of Canaan (hereinafter "respondent") has been issued license number 002297 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 manager of Newkirk-Palmer Funeral Home in Canaan, Connecticut.
2. On or about October 12, 2001, Newkirk-Palmer Funeral Home entered into and received payment for two pre-need funeral service contracts for F.H. and E.H.
3. Respondent failed to provide F.H and E.H. with signed pre-arrangement contracts on or about October 12, 2001.
4. On or about June 10, 2003, respondent accepted an additional payment from F.H. and E.H. without providing them an Addendum of Service and Merchandise Purchased, and/or a Statement of Funeral Goods and Services Selected.
5. E.H. died on October 14, 2004.
6. Respondent provided funeral services for E.H. during October 2004.
7. Respondent failed to provide the family of E.H. with an itemized list of services and merchandise purchased and used for E.H. prior to or after the service.
8. F.H. died on January 23, 2006.
9. Respondent removed and cremated F.H., and planned a memorial service with the family for January 31, 2006.
10. Respondent failed to provide the family of F.H. with an itemized list of services and merchandise purchased and used for F.H. prior to or after the service.

11. Respondent did not attend the memorial service for the deceased.
12. Respondent did not bury the cremains of F.H. until after September 13, 2007.
13. Respondent failed to install a gravestone for F.H. and E.H. until 2009, although it had been ordered and paid for at the time of F.H.'s memorial service.
14. The March 7, 2006 itemized charges for funeral services and merchandise provided for the funeral services for F.H. and E.H. did not comply with the terms of the funeral service contracts for F.H. and/or E.H.
15. Respondent marked up the crematory fee (a cash advance charge) for the cremation of E.H.
16. During approximately 1996, respondent entered into a pre-need funeral service contract with N.H. and/or A.H., and accepted payment of \$1935.00 from N.H. for burial of their cremains, and for ordering and installing veterans' stone grave markers.
17. Respondent's file failed to document why the respondent accepted the payment in 1996.
18. Respondent failed to provide N.H. with a copy of an itemized statement of the services and/or merchandise purchased when the respondent accepted the payment.
19. N.H. died in Florida on March 18, 2003.
20. A.H. died in Florida on April 7, 2003.
21. Respondent performed the burial of N.H. and A.H. on June 21, 2003.
22. Respondent did not install the grave markers until 2006, and did not complete the lettering until approximately September 2007.
23. 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. §20-230b;
 - d. §42-200;
 - e. §42-202;
 - f. §42-203
 - g. §42-206; and/or

the Regulations of Connecticut State Agencies, §20-211-35.

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's license number 002297 to practice as an embalmer in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of two thousand dollars (\$2000.00) 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 Practitioner Licensing and Investigations Section of the Healthcare Systems Branch 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 not be contested 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. 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 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.
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. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
14. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Robert Palmer, 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 Palmer

Subscribed and sworn to before me this 15th day of July 2010.

A. Terri Carlson
Notary Public, Connecticut
My Commission Expires 2/28/2012



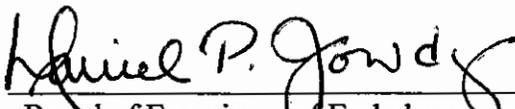
Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 23rd day of July 2010, it is hereby accepted.



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 _____ on the 14th day of SEPT. 2010, it is hereby ordered and accepted.



Board of Examiners of Embalmers and Funeral Directors