

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

In re: Cathy Klein, Embalmer

Petition No. 2004-0707-030-006

CONSENT ORDER

WHEREAS, Cathy Klein of Columbia (hereinafter "respondent") has been issued license number 002517 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. On or about July 1, 2004, Jason Godbout, unlicensed, embalmed the human remains of A.C. at Gilman Funeral Home in Putnam, CT.
2. On or about July 1, 2004, respondent signed the death certificate as the funeral director for A.C., although she did not embalm the human remains of A.C., and was not an employee of Gilman Funeral Home at the time.
3. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including, but not limited to:
 - a. §20-227(4); and/or
 - b. §20-227(7).

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 her right to a hearing on the merits of this matter.
2. Respondent's license number 002517 to practice as an embalmer in the State of Connecticut is hereby reprimanded.
3. All terms and conditions of this Consent Order, including respondent's one-year probation, will become effective at the time she becomes re-employed as an embalmer or funeral director.
4. Respondent's license shall be placed on probation for a period of one year under the following terms and conditions:
 - a. Respondent shall obtain at her own expense, the services of a consultant, pre-approved by the Department (hereinafter "supervisor"), to conduct a quarterly random review of twenty percent (20 %) or fifteen (15) of respondent's client records, whichever is the larger number. The records to be reviewed shall include death certificates, contract arrangements, pre-need contracts and escrow account contracts. In the event respondent has fifteen (15) or fewer clients, the supervisor shall review all of respondent's records.
 - (1) Respondent's supervisor shall conduct such review and meet with her not less than once every three months for the entire probationary period.
 - (2) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
 - (3) Respondent shall be responsible for providing written supervisor reports directly to the Department quarterly for the entire probationary period. Such

supervisor's reports shall include documentation of dates and duration of meetings with respondent, number and a general description of the records reviewed, additional monitoring techniques utilized, and statement that respondent is practicing with reasonable skill and safety.

5. Respondent shall comply with all state and federal statutes and regulations applicable to her licensure.
6. Respondent shall pay all costs necessary to comply with this Consent Order.
7. 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

8. 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.
9. 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 9.a. above to demonstrate to the satisfaction of the Department that she has complied with the terms of this Consent Order or, in the alternative, that she has cured the violation in question.

- d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, she shall be entitled to a hearing before the Board 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.
10. In the event respondent violates any 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 constitute an admission that her conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).
11. 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 her license before the Board.
12. In the event respondent is not employed as an embalmer or funeral director for periods of thirty (30) consecutive days or longer, or is employed as an embalmer or funeral director for fewer than twenty (20) hours per week, or is employed outside of the State of Connecticut, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order.

13. 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.
14. 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.
15. Respondent understands this Consent Order may be considered as a public document and evidence in any proceeding before the Board in which her compliance with this Consent Order or with §20-227 of the General Statutes of Connecticut, as amended, is at issue.
16. 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 she may have under the laws of the State of Connecticut or of the United States.
17. 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.
18. 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.
19. Respondent has the right to consult with an attorney prior to signing this document.
20. 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, Cathy Klein, 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.

Cathy Klein
Cathy Klein, Embalmer

Subscribed and sworn to before me this 8th day of FEB 2005.

Joan W. Feldman
~~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 February 2005, 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 on the 8 day of February 2005, it is hereby ordered and accepted.

Celia Pizzi
Board of Examiners of Embalmers and Funeral Directors