56 - 000620

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In re: National Cremation Service

Petition No. 2004-1112-056-008
2005-1214-056-024

CONSENT ORDER

WHEREAS, National Cremation Service of Gales Ferry (hereinafter "respondent").

has been issued license number 000620 to operate as a funeral home by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 385 of the General Statutes of Connecticut, as amended; and,

WHEREAS, SCI is the corporate owner of respondent National Cremation Service and other licensed funeral homes in Connecticut; and,

WHEREAS, respondent admits that:

On or about August 27, 2004, respondent transported the deceased J.S. from New Milford Hospital to the SCI Leo Gallagher & Sons Funeral Home in Stamford CT without a Burial Transit Removal Permit.

1. Respondent failed to file the death certificate in a timely manner.
2. From approximately August 24 to August 26, 2004, non-licensed employees of respondent acted in the role of a licensed Funeral Director/Embalmer, in that they made the cremation arrangements with the family of the deceased J.S.

3. On or about September 1, 2004, the body of the deceased was transported from the SCI Gallagher Funeral Home in Stamford to the Garden State Crematory in New Jersey by unlicensed individuals.
4. Respondent failed to prepare the body in accordance with the requirements of the Public Health Code and Connecticut General Statutes.
5. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, including, but not limited to:

    a. §20-212;
    b. §20-220;
    c. §20-227(2);
    d. §20-227(4);
    e. §20-227(5);
    f. §7-62b;
    g. §7-65;
    h. §7-69; and/or

the Regulations of Connecticut State Agencies, §19a-36-A40(a).

WHEREAS, respondent admits that:

1. On or about November 30, 2005, respondent removed, transported and delivered the human remains of D.C. from Rhode Island to Connecticut without the permits required by Rhode Island and Connecticut General Statutes.
2. Respondent stored the unembalmed human remains of the deceased D.C. from November 30, 2005 until December 10, 2005, without the permit and certificate required by Rhode Island and Connecticut General Statutes.
3. Respondent NCS stored the unembalmed human remains of D.C. without refrigeration, contrary to their contractual obligations and company policy, as stated on the Respondent's General Price List dated July 7, 2004.

4. Respondent cremated the human remains of D.C. without the required Connecticut Cremation Permit.

5. Respondent directed the River View Crematory to accept, store and cremate the human remains of D.C. without a Connecticut Cremation Permit authorizing such cremation, and contrary to the requirements of Connecticut General Statutes.

6. Respondent charged and collected for refrigeration services not provided.

7. Respondent failed to prepare the human remains of D.C. as required by the Connecticut Public Health Code.

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. §20-227(5);
   d. §20-230b;
   e. §7-65;
   f. §7-69;
   g. §19a-323; and/or

   the Regulations of Connecticut State Agencies, §19a-36-A40(a).

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, SCI, the corporate owner of all of the above-referenced funeral home respondents, has revised its policies and procedures regarding the above-cited issues and has provided in-service education for all its personnel, as further described in Exhibit A attached hereto;

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 its rights to a hearing on the merits of this matter.
2. Respondent's license is hereby reprimanded.
3. Respondent shall pay a civil penalty of forty thousand dollars ($40,000) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Numbers 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 two years under the following terms and conditions:
   a. Respondent shall obtain at its own expense, the services of a monitor, pre-approved by the Department (hereinafter "supervisor"), to conduct a monthly random review of twenty percent (20%) of the records of respondent's funeral purchasers, whichever is the larger number. In the event respondent has twenty (20) or fewer funeral purchasers, the supervisor shall review all of respondent's records.
      (1) Respondent shall provide a copy of this Consent Order to its supervisor. Respondent's supervisor shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
      (2) Respondent's supervisor shall conduct such review and meet with respondent not less than once every month for the entire probationary period.
      (3) 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.

(4) Respondent shall be responsible for providing written supervisor reports directly to the Department monthly for the entire of the 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 a statement that respondent is operating with reasonable skill and safety, in compliance with the Connecticut General Statutes and Public Health Code, and with no activities requiring a license being performed by unlicensed employees.

5. Respondent shall cease and desist in allowing unlicensed personnel to perform any tasks requiring a license.

6. Respondent agrees to provide evidence to the Department within two months of the effective date of this Consent Order that each of its embalmer/funeral directors has complied with continuing education requirements for the current license renewal period.

7. Respondent agrees that each of its embalmers and funeral directors shall at all times be current in meeting the statutory requirements for continuing education credits, and shall maintain evidence of such coursework for all licensed personnel at the funeral home facility.

8. Respondent shall notify the Department in any situation in which it is unable to file a death certificate for a deceased within the required five-day time period.

9. 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

10. 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.

11. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.

12. Respondent shall pay all costs necessary to comply with this Consent Order.

13. 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 13.a. above to demonstrate to the satisfaction of the Department that it has complied with the terms of this Consent Order or, in the alternative, that it 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, it 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.

14. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from operating as a funeral home 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 its conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).

15. 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 its license before the Board.

16. In the event respondent does not operate as a funeral home for periods of thirty (30) consecutive days or longer, 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.

17. Legal notice shall be sufficient if sent to respondent's last known address of record reported to Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.

18. 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.

19. 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 its compliance with this Consent Order or with §20-227 of the General Statutes of Connecticut, as amended, is at issue.

20. 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.

21. 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 it may have under the laws of the State of Connecticut or of the United States.

22. 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.

23. 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.

24. Respondent has the right to consult with an attorney prior to signing this document.

25. 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, Harvey W Bollinger Jr, affirm that I am fully authorized and empowered to bind all of the above-referenced funeral home respondents. I 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.

Subscribed and sworn to before me this 9 day of January 2007.

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 10th day of January 2007, 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 Board of Examiners of Embalmers and Funeral Directors on the 11 day of January 2007, it is hereby ordered and accepted.

Board of Examiners of Embalmers and Funeral Directors

Attachment "A"

Fountain National Academy

Of Professional Embalming Skills

Vernie R. Fountain, Founder, CFSP, Embalmer, Post Mortem Reconstructive Specialist
2211 West Norton Road
Springfield, Missouri 65803 USA

Phone: 417-833-5130
Fax: 417-833-6203
E-mail: vrfountain@earthlink.net
Web site: www.fnacademy.com

December 10, 2005

Mr. Richard J. Bowden
466 Neipsic Road
Glastonbury, CT 06033
Phone: 860-802-8277

Proposal for Seminar

Sponsor: Richard J. Bowden or ( ).
Date of Seminar(s): To be Determined around the weeks of February 13 or 20th , 2006
Location: Connecticut area (to be determined)
Air Travel: Arranged by Vernie Fountain and billed to sponsor
Lodging: Arranged by and billed to sponsor
Title: Embalming & Reconstructive Techniques
Length: Same seminar 1 day each - back to back. 9:00 a.m. – 4:00 p.m. each day
CEU application for credits: Sponsor is responsible for application and administration of.
Promotion & Registration of Participants: Sponsor is responsible
Format: Power Point presentation and demonstration on a cadaver(s).
Procurement of and or costs of Cadaver(s): Sponsor is responsible
Licensure Clearance Issues with CT State Board: Sponsor is responsible.
Topics: *The topics listed will be covered but not limited to)*
*Values Associated with Embalming and Post Mortem Reconstructive Surgery
*Pre-embalming analysis
*Methods of mouth closure *(lab demonstration on cadaver)*
*Injection Solutions and Dilutions
*Soft Tissue Injuries and Waxing Techniques
*Reduction of facial swelling
*Cosmetics with the Airbrush System
*Bone Repair *(Brief discussion of)*

Professional – Knowledgeable – Dependable – Confidential – Reasonable Fee Structure
Fountain Embalming Services provides Embalming and Post Mortem Reconstructive Surgery
Fountain National Academy, provides Producing/Conducting Embalming Seminars for the Professional Embalmer
Speaking/Seminar Presentations at State & National Conventions in the U.S. and Abroad
Consulting as an Expert Witness Consulting/Testimony in civil law suits – Organ & Tissue Donation Consulting
Mass Fatality Disaster Management Consulting
Owner of: Forensic Investigative Resources of the Midwest (F.I.R.M.) a Licensed and Insured Detective Agency
Private Investigation into deaths - Body Exhumation – Autopsy – Locating & Coordinating Forensic Experts
Surveillance – Employee background checks – Locating persons that skip out on debts. Investigation can be tailored to meet your needs

TO: LOCATION MANAGERS OF SCI CONNECTICUT FUNERAL HOMES

FROM: HARVEY BOLLINGER

DATE: JULY 24, 2006

SUBJECT: CONNECTICUT ISSUES

Please allow this to serve as a follow-up to our recent conversations regarding various issues in Connecticut:

1. In order to ensure that all SCI Connecticut locations are in full compliance with Connecticut Statute 7-62b in regards to the timely filing of death certificates, each location manager of an SCI Connecticut funeral home will be responsible for carrying out the timely filing of death certificates for all deaths that occur in the State of Connecticut. In the event that an SCI Connecticut funeral home encounters a situation where a death certificate will not be filed within the applicable five day period (for example: an SCI Connecticut funeral home is not contacted to serve a family until after five days has elapsed), the location manager for the SCI Connecticut funeral home will promptly contact either Kathleen Boulware or Gary Griffith to discuss such a case. Each location manager will be responsible for compiling a monthly tracking log that records every death certificate filed in the State of Connecticut from that location. The location manager will be required to sign such monthly tacking log and forward a copy to my office. Each location manager will make its staff aware of the above policy.

2. SCI Connecticut is further committed to ensuring that the disposition of all decedents in its possession is carried out in a prompt manner. In cases where the decedents are survived by family members, or have individuals with custody and control over such decedent's remains, SCI Connecticut will work with such families or custodians to bring about a prompt disposition of such decedent's remains. In cases where there are no family members or custodians of a decedent, SCI Connecticut will promptly obtain custody and control of such decedent's remains from the applicable court of probate in accordance with Connecticut Statute 45a-318(e), after SCI Connecticut has made a reasonable and diligent effort to determine if a decedent does not have any surviving family members or other individuals with custody and control of the decedent's remains. All SCI Connecticut funeral homes have received training on the above policy. Each location manager will make its staff aware of the above policy.

3. SCI Connecticut agrees that if it receives any inquiries from individuals about crematories within the ten mile geographical area surrounding any SCI Connecticut location, it will disclose the name of all such crematories within the ten mile area, including any crematories that are not affiliated with SCI Connecticut. Each location manager will make its staff aware of the above policy.

CT - Managers

Please be advised that such policies must be strictly adhered to. Failure to comply with the above policies may result in disciplinary action being taken against you. Such disciplinary action may include termination.

If you have any questions regarding the above, please do not hesitate to contact me. I greatly appreciate your anticipated cooperation in this matter.

Harvey Bollinger

cc: Dan Kleban
SCI Legal Dept.

Michelle BARANO Leo P. Gallagher 7/25/06
Stamford
Greenwich
Boston & Reynolds
Bosak Talbot

J FULTON FULTON-THEROUX 2695
2694
2693

RICHARD C. MONICHETTI - WCS 2708

Michael S Nowak Charles Allen 2085
2080
2081

Newkirk & Whitney 2222
Callahan 1532 7/25/04
Glastonbury 2643
New Britain 2487

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- Newkirk - New Britain
- Callahan
- Glastonbury

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Harvey Bollinger

cc: Dan Kleban
SCI Legal Dept.

LINDA L. CLEMENTS 7/31/06
Lisa J. Manarel 7/31/06
MARCIA. Leclerc 7/31/06
PATTON J. ZAMBER 7/31/06
Philip C Porter 7/31/06
JAMES EASTON 7/31/06
Cynthia Thibeault 8/1/06
ANN M. TARGONSKI 8/01/06
BARBARA M. Thompson 8/01/06
RICHARD J. BOWDEN 8/1/2006
Edward R Pookop 8/3/2006
David Grezlik 8-3-06
Robert J. Lachance Jr. 8/7/06

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- Gallagher
- Boscle

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Harvey Bollinger

cc: Dan Kleban
SCI Legal Dept.

Name	date		
Tom Gallagher	7/28/06	LP Gallagher - green/stamf Bouton/Reynolds Bosak - Talboys	[signature]
Melissa B Fahey	7/28/06	Leo P Gallagher greenwich / stamfords Bouton Reynolds Bosak - Talboys	MELISSA B. FAHEY
[signature] BRIEN J. McMahon	7/28/06	Leo P. Gallagher & Son Greenwich / STAMFORD Bouton & Reynolds Bosak - Taboys	[signature]
Jason Caratozzolo	7-28-06	Leo P. Gallagher & Son Bouton & Reynolds Bosak - Talboys	[signature]
SUSAN DAURIA	7/31/06	2523 2636 4878 4879	[signature]
Christopher M. Ferrario	8/2	2523 2634 4878 4879	[signature]

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FuHon-Tlemoux

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Harvey Bollinger

cc: Dan Kleban
SCI Legal Dept.

Joseph Fulton 7-28-06

[illegible] 7/28/06

Shelley O'Neal 7/28/06

[illegible] 7-28-06

[illegible] 7-28-06

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Church + Allen

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Harvey Bollinger

cc: Dan Kleban
SCI Legal Dept.

Wendy Kolpos 8/3/06

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Chuck + Allen

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Harvey Bollinger

Alexis Laffey

cc: Dan Kleban
SCI Legal Dept.

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FROM: HARVEY BOLLINGER

DATE: JULY 24, 2006

SUBJECT: CONNECTICUT ISSUES

Please allow this to serve as a follow-up to our recent conversations regarding various issues in Connecticut:

1. In order to ensure that all SCI Connecticut locations are in full compliance with Connecticut Statute 7-62b in regards to the timely filing of death certificates, each location manager of an SCI Connecticut funeral home will be responsible for carrying out the timely filing of death certificates for all deaths that occur in the State of Connecticut. In the event that an SCI Connecticut funeral home encounters a situation where a death certificate will not be filed within the applicable five day period (for example: an SCI Connecticut funeral home is not contacted to serve a family until after five days has elapsed), the location manager for the SCI Connecticut funeral home will promptly contact either Kathleen Boulware or Gary Griffith to discuss such a case. Each location manager will be responsible for compiling a monthly tracking log that records every death certificate filed in the State of Connecticut from that location. The location manager will be required to sign such monthly tacking log and forward a copy to my office. Each location manager will make its staff aware of the above policy.

2. SCI Connecticut is further committed to ensuring that the disposition of all decedents in its possession is carried out in a prompt manner. In cases where the decedents are survived by family members, or have individuals with custody and control over such decedent's remains, SCI Connecticut will work with such families or custodians to bring about a prompt disposition of such decedent's remains. In cases where there are no family members or custodians of a decedent, SCI Connecticut will promptly obtain custody and control of such decedent's remains from the applicable court of probate in accordance with Connecticut Statute 45a-318(e), after SCI Connecticut has made a reasonable and diligent effort to determine if a decedent does not have any surviving family members or other individuals with custody and control of the decedent's remains. All SCI Connecticut funeral homes have received training on the above policy. Each location manager will make its staff aware of the above policy.

3. SCI Connecticut agrees that if it receives any inquiries from individuals about crematories within the ten mile geographical area surrounding any SCI Connecticut location, it will disclose the name of all such crematories within the ten mile area, including any crematories that are not affiliated with SCI Connecticut. Each location manager will make its staff aware of the above policy.

Church + Allen

Please be advised that such policies must be strictly adhered to. Failure to comply with the above policies may result in disciplinary action being taken against you. Such disciplinary action may include termination.

If you have any questions regarding the above, please do not hesitate to contact me. I greatly appreciate your anticipated cooperation in this matter.

Harvey Bollinger

cc: Dan Kleban
SCI Legal Dept.

Gary Wytkewicz

TO: LOCATION MANAGERS OF SCI CONNECTICUT FUNERAL HOMES

FROM: HARVEY BOLLINGER

DATE: JULY 24, 2006

SUBJECT: CONNECTICUT ISSUES

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Swan. E.H.

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Harvey Bollinger

cc: Dan Kleban
SCI Legal Dept.

Emily Blan 7/31/06

[illegible] 7-31-06

Sharon Plunkett 7/31/06

[illegible] Anderson 7/31/06

[illegible] 7/31/06

[illegible] 8/8/06

Windy K Legas 10/3/06

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

April 20, 2009

National Cremation Services
Richard Monighetti, Emblamer
444 Farmington Ave
New Britain, CT 06053

Re: Consent Order
Petition Nos. 2004-1112-056-008
2005-1214-056-024
Licenses No. 000620

Dear Mr. Monighetti:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective April 16, 2009.

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

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

Thank you for your cooperation during this process.

Best of Luck in the future,

Olive Tronchin, HPA
Practitioner Licensing and Investigations Section

c: J Fillippone

Phone: (860) 509-7400
Telephone Device for the Deaf (860) 509-7191
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