

AGENDA

CONNECTICUT BOARD OF EXAMINERS OF EMBALMERS AND FUNERAL DIRECTORS

Tuesday, January 27, 2011 at 9:30 AM

Department of Public Health
410 Capitol Avenue, Hartford, CT
Third Floor - Hearing Room

CALL TO ORDER

I. MINUTES

Review and approval of the minutes from the December 7, 2010 meeting.

II. CHAIR UPDATES/CORRESPONDENCE

III. OPEN FORUM

IV. DEPARTMENT OF PUBLIC HEALTH UPDATES

- A. Jennifer Filippone, Section Chief, Practitioner Licensing and Investigation
- B. Investigations Update
Gary Griffin, Investigations Supervisor, DPH

V. NEW BUSINESS

Schedule hearing date

- Brenda Ortiz, Embalmer – Petition No. 2008-1215-030-009
- Community Funeral Chapels – Petition No. 2008-1215-056-009

VI. LEGAL OFFICE BUSINESS

- A. Buckmiller Brothers Funeral Homes, Inc. – Petition No. 2009-1231-056-013
Presentation of Consent Order – Ellen Shanley, Staff Attorney, DPH

ADJOURN

The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

The **Connecticut Board of Examiners of Embalmers and Funeral Directors** held a meeting on December 7, 2010 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut in the Hearing Room on the third floor.

BOARD MEMBERS PRESENT: Daniel P. Jowdy, Embalmer - Chairman
James Donohue
Peter Hansen, Embalmer
John B. Sterry, Jr.

BOARD MEMBERS ABSENT: Gerald Bosak, Jr., Embalmer

ALSO PRESENT: Jeffrey A. Kardys, Board Liaison
Jennifer Filippone, Section Chief, Department of Public Health
Gary Griffin, Department of Public Health

The meeting convened at 9:37 a.m.

I. MINUTES

The minutes from the September 14, 2010 meeting were reviewed. Mr. Hansen made a motion, seconded by Mr. Donohue, to approve the minutes. The motion passed unanimously.

II. OPEN FORUM

There was discussion regarding Continuing Education programs being offered by Litton College and the Connecticut Funeral Directors' Association

III. DEPARTMENT OF PUBLIC HEALTH UPDATES

A. Electronic Death Certificates

Carol Mangiafico, Vital Records Section provided the Board with an update regarding implementation of electronic death certificates. The Department of Public Health (DPH) and the Department of Information Technology are currently working on security protocols. It is anticipated that preliminary testing will begin in February followed by live testing until April. The target date for implementation is April 24, 2011. There will be state wide training for this program.

B. Investigations Update

Gary Griffin, Investigation Supervisor, Department of Public Health reported that there are nineteen cases currently in various stages of investigation by the Department. Fourteen additional cases have been referred to the Department's Legal Office for further review.

IV. NEW BUSINESS

A. License Reinstatement Review – Kevin Gallagher

Frank Manna, Department of Public Health presented a license reinstatement application for Kevin Gallagher. Mr. Hansen made a motion, seconded by Mr. Bosak, to recommend license reinstatement provided Mr. Gallagher successfully passes the law examination, the practical examination and becomes compliant with continuing education requirements. The motion passed unanimously.

B. Schedule Meeting Dates for 2011

The following meeting dates have been scheduled for 2011:

January 27, 2011

March 24, 2011

June 16, 2011

September 27, 2011

December 8, 2011

All meetings will be scheduled for 9:30 a.m., at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

V. LEGAL OFFICE BUSINESS

A. James T. Toohey and Son Funeral Home – Petition No. 2009-0521-056-001

Diane Wilan, Staff Attorney, Department of Public Health presented a Consent Order in the referenced matter. Ellen Toohey was present on behalf of the Funeral Home.

Following discussion Mr. Donohue made a motion, seconded by Mr. Sterry to approve the Consent Order which imposes a \$5000.00 civil penalty and a 1 year probation. The motion passed unanimously. Mr. Jowdy signed the Order.

B. Brian S. Delton, Embalmer – Petition No. 2010-5635

Ellen Shanley, Staff Attorney, Department of Public Health presented a Motion for Summary Suspension in the referenced matter. Brian Delton was present with Attorney Robert Weinstein. Attorney Weinstein spoke in opposition to the Summary Suspension motion.

Mr. Jowdy made a motion, seconded by Mr. Sterry, to deny the Motion for Summary Suspension in that the allegations against Mr. Delton do not rise to a level of immediate threat to public safety or welfare. The motion passed unanimously.

A hearing on the Statement of Charges in this matter will be scheduled for January 27, 2011.

C. Wayne Buckmiller, Funeral Director – Petition No. 2010-10

Ellen Shanley, Staff Attorney, Department of Public Health presented a Consent Order in the referenced matter. Respondent was present on with Attorney Danielle Rado.

Following discussion Mr. Donohue made a motion, seconded by Mr. Sterry to approve the Consent Order which imposes a \$2000.00 civil penalty and a reprimand. The motion passed unanimously. Mr. Jowdy signed the Order.

D. Buckmiller Brothers Funeral Homes, Inc. – Petition No. 2009-1231-056-013

Ellen Shanley, Staff Attorney, Department of Public Health presented a Consent Order in the referenced matter. Wayne Buckmiller was present on behalf of the Funeral Home.

Mr. Hansen made a motion, seconded by Mr. Donohue, to enter executive session to a written request for legal advice from the Board to Hearing Officer Olinda Morales. The motion passed and the Board entered executive session from 10:45 a.m. to 11:05 p.m. No motions were made and no votes taken during executive session.

Following executive session, Mr. Hansen made a motion, seconded by Mr. Donohue, to deny the Consent Order as written, with a recommendation that the proposed Order be modified to require a period of monitoring for at least one year. The motion passed unanimously.

VI. ADJOURNMENT

There was no further business and the meeting was adjourned at 11:10 a.m.

Respectfully submitted,

Daniel Jowdy, Chairman
Board of Examiners of Embalmers and Funeral Directors