

IN THE MATTER OF  
MELISSA BLAKE  
License Number M01168

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BEFORE THE MARYLAND  
STATE BOARD OF  
MORTICIANS AND  
FUNERAL DIRECTORS

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**CONSENT ORDER OF REPRIMAND**

On or about June 30, 2015, the Maryland State Board of Morticians and Funeral Directors (the "Board") received a complaint regarding the mortuary science practice of Melissa Blake (the "Respondent"). The Board initiated an investigation. Based upon that investigation, on December 9, 2015, the Board met with the Respondent, along with her attorney, in an attempt to settle the matter prior to the issuance of formal charges. As a result of that meeting, the Respondent and the Board agreed to the following Consent Order.

**FINDINGS OF FACT**

The Board finds that:

1. At all times relevant, the Respondent was licensed to practice mortuary science in the State of Maryland, license number M01168, and employed by a funeral establishment in Salisbury, Maryland. On or about November 14, 2014, the Respondent was designated as the supervising mortician of that establishment.

2. On or about October 30, 2014, the Respondent made pre-need funeral and direct cremation arrangements for a decedent (hereinafter, "the Decedent") with the Decedent's grandson (hereinafter, "the Grandson"), who was acting on the Decedent's behalf as his legal power of attorney.

3. On or about November 7, 2014, the Decedent died. He was survived by three children, as well as the Grandson. It is not in dispute that the Respondent was aware of the Decedent's children.

4. On November 8, 2014, the Respondent met with one of the Decedent's children and the Grandson at which time the Decedent was identified as the person to be cremated. After identification, the Grandson signed a form identifying the Decedent as the person to be cremated. That form was also signed by the Respondent.

5. The Decedent was cremated on November 9, 2014.

6. On November 26, 2014, the Grandson, after providing a valid will to the Respondent and signing as "the person legally entitled to control the disposition of the remains of the Decedent," authorized the release of the Decedent's cremated remains to himself. A funeral home representative also signed that release.

7. Thereafter, one of the Decedent's children filed a complaint with the Board regarding, in relevant part, the release of the Decedent's cremated remains to the Grandson.

8. Maryland law sets forth an "order of priority" for those individuals or classes of individuals that have the "right to arrange for the final disposition" of a decedent. *See Md. Code Ann., Health-Gen. § 5-509(c)*. Specifically, the order is:

- (1) The surviving spouse or domestic partner of the decedent;
- (2) An adult child of the decedent;
- (3) A parent of the decedent;
- (4) An adult brother or sister of the decedent;
- (5) A person acting as a representative of the decedent under a signed authorization of the decedent;
- (6) The guardian of the person of the decedent at the time of the decedent's death, if one has been appointed; or

(7) In the absence of any person under items (1) through (6) of this subsection, any other person willing to assume the responsibility to act as the authorizing agent for purposes of arranging the final disposition of the decedent's body, including the personal representative of the decedent's estate, after attesting in writing that a good faith effort has been made to no avail to contact the individuals under items (1) through (6) of this subsection.

*Id.*

9. Furthermore, prior to cremation, a decedent must be identified by (1) the next of kin; (2) a person who is authorized to arrange for final disposition of the body under §§ 5-508 through 5-512 of the Health-General Article; or (3) the medical examiner. *See* Md. Code Ann., Health-Gen. § 5-502(b).

#### **CONCLUSIONS OF LAW**

By allowing the Grandson to identify the Decedent's remains for the purposes of cremation and by allowing the Grandson to authorize the release the Decedent's cremated remains to himself, the Board concludes that the Respondent violated Md. Code Ann., Health Occ. § 7-316(a)(18) ("Violates any provision of this title or of the laws relating to cremation").

#### **ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:


**ORDERED** that the license of the Respondent to practice mortuary science in the State of Maryland is hereby **REPRIMANDED**; and it is further

**ORDERED** that in addition to the continuing education units required by Section 7-314 of the Health Occupations Article and the Code of Maryland Regulations 10.29.05 *et seq.*, the Respondent shall complete (1) a Board-approved course regarding *the rights of final disposition and lineage* **and** (2) a Board-approved course regarding *cremation regulation* in the State of Maryland.

The Respondent's failure to submit to the Board satisfactory evidence of the completion of the aforementioned courses within **SIX (6) MONTHS** from the effective date of this Order shall constitute unprofessional conduct and a violation of this Order; and it is further

**ORDERED** that this document is a **PUBLIC DOCUMENT** under Md. Code Ann., General Provisions § 4-333(b).

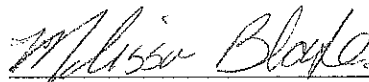
2/11/16  
Date

  
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Victor C. March, Sr., President  
Maryland State Board of Morticians and Funeral Directors

**CONSENT**

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby accept and submit to the foregoing Consent Order and its conditions. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.

  
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**Melissa Blake, M01168**