

IN THE MATTER OF

CHAMBERS FUNERAL HOME
& CREMATORIUM, P.A.

LICENSE NUMBER: E00345

Respondent-Establishment

* BEFORE THE
* BOARD OF MORTICIANS
* AND FUNERAL DIRECTORS
* CASE NUMBER: 10-046

* * * * *

ORDER FOR SUMMARY SUSPENSION

The Maryland Board of Morticians and Funeral Directors (the "Board") hereby **SUMMARILY SUSPENDS** the license of CHAMBERS FUNERAL HOME & CREMATORIUM, P.A. (the "Respondent-Establishment"), License Number E00345, to operate a funeral establishment in the State of Maryland. The Board takes such action pursuant to its authority under Md. State Gov't Code Ann. ("S.G.") § 10-226(c) (2009 Repl. Vol.) concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on the information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:¹

1. The Respondent-Establishment was initially licensed to operate as a funeral establishment in the State of Maryland under license number E00345 on May 1, 1971. The Respondent-Establishment's license is current and will expire on November 30, 2010.

¹ The statements regarding the Respondent-Establishment's conduct are only intended to provide the Respondent-Establishment with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a completed description of the evidence, either documentary or testimonial, to be offered against the Respondent-Establishment in this matter.

2. At all times relevant to the statements herein, the Respondent-Establishment was owned and operated by Thomas S. Chambers (License Number M000670) and William W. Chambers (License Number M00091).

3. Thomas Chambers was the supervising mortician at the Respondent-Establishment until April 28, 2010, when William Chambers was named the supervising mortician.

4. The Respondent-Establishment is located at 5801 Cleveland Avenue, Riverdale, Maryland 20737.

5. The Respondent-Establishment operates a full-service funeral home, in which it prepares human remains for viewing and services prior to burial or cremation, cremates human remains pursuant to contracts with family members, and makes final disposition.

6. On or about April 26, 2010, the Board's Investigator (the "Investigator") made an unannounced visit to inspect the Respondent-Establishment in accordance with the Board's authority under Md. Health Occ. Code Ann. § 7-409(a). The purpose of the visit was to follow-up on deficiencies noted at a previous inspection.

7. Accompanied by William Chambers and an unlicensed employee of the Respondent-Establishment ("Employee A"), the investigator toured the premises.

8. While inspecting the Respondent-Establishment, the Investigator noted multiple deficiencies, including but not limited to: unsanitary conditions in the embalming and preparation room, non-impervious surfaces in the embalming and preparation room, unsanitary and non-impervious refrigeration unit, and rusting pipes.

9. The Respondent-Establishment's refrigeration unit is located in the garage, which is a separate building that also houses the crematory and the crematory observation area. The building door was unlocked and unattended during the time of the Investigator's visit, allowing access to human remains. Thomas Chambers informed the Investigator that the door is always unlocked [during business hours] "and it will stay that way."

10. During the inspection on April 26, 2010, as the Investigator was approaching the garage, Employee A stated "[d]on't get upset about all the bodies in there."

11. The Investigator entered the garage building through the unlocked doors and immediately observed one body bag containing human remains in the crematory observation area.

12. Upon entering the garage building, the Investigator observed a "large pile," approximately 12 feet by 12 feet, of body bags containing human remains strewn on the floor of the garage, in front of a removal van belonging to the Respondent-Establishment.

13. There was visible leakage from the body bags, as well as a pungent odor.

14. The Investigator observed that some identification tags were no longer attached to the body bags and were loose in the pile. The identification tags were observed to be either torn or wet with fluids, causing the tags to become detached from the body bags and/or illegible.

15. The Investigator also observed writing on some of the body bags. However, fluid leakage from the body bags caused the writing to smear and become

illegible. As a result, it was not immediately possible to determine the identity of the remains contained in any particular body bag.

16. William Chambers explained to the Investigator that the pile of human remains was awaiting cremation, pursuant to a contract between the Respondent-Establishment and a medical facility ("Medical Facility A"), whereby the Respondent-Establishment removes the cadavers from Medical Facility A and provides cremation services.

17. Upon the investigator's request, William Chambers provided documentation of the origin of human remains in the garage. William Chambers produced a document entitled "Billing List of Cremations 2010" on Medical Facility A's letterhead, which purportedly listed the names of the 46 human remains in the garage, along with identification numbers. The document also indicated whether the cremated remains were to be returned to Medical Facility A for return to the families or interred at Mt. Olivet Cemetery in Washington, D.C.

18. At the top of the Billing List of Cremations 2010, William Chambers wrote a statement, at the Investigator's request, "picked up cadavers on Thurs 4/22/10 will cremate cadavers by May 10, 2010."

19. William Chambers also provided additional documentation on Medical Facility A's letterhead which listed the names of the cadavers whose cremated remains were to be interred.

20. Further, William Chambers provided a third document, also on Medical Facility A's letterhead, which stated, "[o]n March 26, 2010 [sic] Chamber F.H. removed 44 cadavers and 6 bags of human tissue for cremation."

21. It is unclear exactly how many human remains were in the garage. Documentation from Medical Facility A stated that the Respondent-Establishment picked up 44 cadavers plus six bags of human tissue, while the billing list indicated 46 cadavers and William Chambers referenced 60 cadavers during his discussions with the Investigator.

22. William Chambers also provided a letter on Medical Facility A's letterhead, dated March 2, 2010, which detailed Medical Facility A's needs regarding cadaver removal and cremation. The letter states "[a]s you are accustomed to, we just want to reiterate that this removal, despite the large quantity of cadavers, should be handled in a respectful manner – both to the cadavers as well as faculty, students and staff that may be in the proximity of the removal." The letter also stated that the remains that were being returned to the families must be returned to Medical Facility A by Monday, May 4, 2010 [sic].

23. William Chambers also provided the contract between the Respondent-Establishment and Medical Facility A in which the Respondent-Establishment agreed, *inter alia*, to transport cadavers in a "respectful and organized manner," and cremate the remains at a rate of \$230 per body and \$115 per body bag.

24. On or about April 27, 2010, the Investigator returned to the Respondent-Establishment to complete her inspection report and investigation. Due to the risks to public health observed on her April 26, 2010 visit, the investigator was accompanied by a representative from the Prince George's County Health Department (the "PGCHD Representative"), as well as a Board liaison.

25. Both Thomas and William Chambers were present on April 27, 2010.

26. William Chambers explained to the Investigator, the PGCHD Representative and the Board liaison that he intended to cremate all of the human remains, and that 18 of the human remains would be co-mingled, cremated two-at-a-time for efficiency purposes. William and Thomas Chambers further explained that the 18 co-mingled remains would be interred in a single plot at Mt. Olivet Cemetery. William and Thomas Chambers stated that the other human remains would be cremated one at a time and the cremated remains were to be returned to the families through Medical Facility A.

27. On or about April 27, 2010, the Investigator observed two body bags containing full human remains in one of the Respondent-Establishment's retorts. The name cards purportedly associated with the two body bags were affixed to the outside of the retort.

28. According to the Investigator, William and Thomas Chambers were unable to readily identify some of the human remains because the identification tags were torn or soaked with fluids, causing the writing to smear and become illegible.

29. William Chambers stated that the remains inside the body bags were not tagged.

30. Thomas Chambers stated to the Investigator that "at the end, we will be able to tell who remains by the process of elimination."

CONCLUSIONS OF LAW

Based on the foregoing investigative findings, the Board concludes that the public health, safety, and welfare imperatively requires emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-226(c)(2).

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 3 day of May 2010, by a majority of the Board:

ORDERED that the license issued to the Respondent-Establishment to operate as a funeral establishment in the State of Maryland under license number E00345 is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent-Establishment is prohibited from operating as a funeral establishment in the State of Maryland; and it is further

ORDERED that, effective immediately, the Respondent-Establishment shall not make any further arrangements or enter into any pre-need or at-need contracts to provide arrangements; and it is further

ORDERED in the event that the Respondent-Establishment is currently in possession of the remains of decedents with existing pre-need or at-need contracts, the Respondent-Establishment may complete those services after providing the Board with a copy of the contracts; and it is further

ORDERED that if the Respondent-Establishment is currently in possession of the remains of decedents with existing pre-need or at-need contracts, the Respondent-Establishment must satisfy the contracts **on or before 4:00 p.m. on Friday, May 7th, 2010**; and it is further

ORDERED that after 4:00 p.m. on Friday, May 7, 2010, the Respondent-Establishment must refer any and all business to another funeral establishment; and it is further

ORDERED that the Respondent-Establishment shall post a conspicuous and securely attached notice on the Respondent-Establishment's entry door or other obvious location which shall state that the Respondent-Establishment shall be closed until further notice and that execution of services pursuant to a pre-need contract shall be fulfilled by another funeral establishment pursuant to Code Md. Regs. tit: 10, § 29.06.06; and it is further

ORDERED that the owners of the Respondent-Establishment shall immediately return all licenses to the Board; and it is further

ORDERED that this **ORDER FOR SUMMARY SUSPENSION** is a **PUBLIC DOCUMENT** as defined in Md. State Gov't Code Ann. §§ 10-611 *et seq.* (2009 Repl. Vol.).

5/3/10
Date

Dr. Hari P. Close
Dr. Hari P. Close, President
Maryland Board of Morticians and Funeral Directors