

IN THE MATTER OF	*	BEFORE THE
WILLIAM W. CHAMBERS	*	BOARD OF MORTICIANS
LICENSE NUMBER: M00091	*	AND FUNERAL DIRECTORS
Respondent	*	CASE NUMBER: 10-044

* * * * *

PRE-CHARGE CONSENT ORDER

Based upon the belief that the public health, safety or welfare imperatively required emergency action, the Maryland Board of Morticians and Funeral Directors (the "Board"), under Md. Code Ann., State Gov't (S.G.) § 10-226(c)(2) (2009 Repl. Vol.) and pursuant to the Maryland Morticians and Funeral Directors Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 7-101 et seq. (2009 Repl. Vol.), on May 3, 2010, summarily suspended of WILLIAM W. CHAMBERS (the "Respondent"), License Number M00091, to practice mortuary science in the State of Maryland. The pertinent provisions of S.G. § 10-226(c)(2) are as follows:

(c) *Revocation of [sic] suspension.* –

- (2) A unit may order summarily the suspension of a license if the unit:
 - (i) finds that the public health, safety, or welfare imperatively requires emergency action; and
 - (ii) promptly gives the licensee:
 - 1. written notice of the suspension, the finding and the reasons that support the finding; and
 - 2. an opportunity to be heard.

A show cause hearing was held before the Board on May 25, 2010. In lieu of formal proceedings against the Respondent, the Board proposed this Consent Order.

As a result, the Board and the Respondent have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. The Respondent was initially licensed to practice mortuary science in the State of Maryland under license number M00091 on May 1, 1973. The Respondent's license is current and will expire on April 30, 2012.

2. At all times relevant to the statements herein, the Respondent, along with his brother Thomas S. Chambers (License Number M00670), owned and operated Chambers Funeral Home & Crematorium, P.A. ("Chambers"), a funeral establishment located at 5801 Cleveland Avenue, Riverdale, Maryland 20737.

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

4. The Respondent operates a full-service funeral home, where he 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.

5. On or about April 26, 2010, the Board's Investigator (the "Investigator") made an unannounced visit to inspect Chambers 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.

6. Accompanied by the Respondent and an unlicensed employee ("Employee A"), the investigator toured the premises.

7. While inspecting Chambers, 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.

8. The Respondent'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."

9. 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."

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

11. 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.

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

13. 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.

14. 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.

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

16. Upon the Investigator's request, the Respondent provided documentation of the origin of human remains in the garage. The Respondent 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.

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

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

19. Further, the Respondent 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."

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

21. The Respondent 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].

22. The Respondent also provided the contract between Chambers and Medical Facility A in which the Respondent 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.

23. On or about April 27, 2010, the Investigator returned to Chambers 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.

24. Both the Respondent and Thomas Chambers were present on April 27, 2010.

25. The Respondent 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. The Respondent and Thomas Chambers further explained that the 18 co-mingled remains would be interred in a single plot at Mt. Olivet Cemetery. The Respondent 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.

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

27. According to the Investigator, neither the Respondent nor 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.

28. The Respondent stated that the remains inside the body bags were not tagged.

29. 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 Findings of Fact, the Board concludes that the public health, safety or welfare imperatively required emergency action in this case, pursuant to S.G. § 10-226(c)(2).

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 10th day of June 2010, by a majority of the Board:

ORDERED that the suspension of the Respondent's license to practice mortuary science in the State of Maryland under license number M00091 is hereby **CONTINUED** for a minimum of thirty (30) days from the date of this Consent Order; and it is further

ORDERED that the termination of the suspension is subject to the satisfactory completion of the following conditions:

1. The Respondent shall correct all deficiencies identified in the April 27, 2010 Inspection Report. The Respondent must ensure that establishment's holding room meets the requirements as set forth in COMAR 10.29.03.04.E.(2). Upon notification by the Respondent that all deficiencies have been corrected, the Board's inspector shall promptly conduct a follow-up inspection. Any deficiencies found in the follow-up inspection shall result in a continued suspension until re-inspection(s) confirm that deficiencies have been corrected; and

2. Within five (5) days of the date of this Consent Order the Respondent shall engage, at its own expense, Tim Harmon as a standard of practice mentor. Mr. Harmon shall provide mentoring services with regard to all stages of the handling of human remains from initial possession by the Respondent to final disposition. The Respondent shall provide Mr. Harmon with a copy of this Consent Order prior to the initial mentoring session, and the Board may release to Mr. Harmon any portion of the investigative file as is deemed necessary by the Board and/or Mr. Harmon, provided that a copy of the investigative file is also released to the Respondent. The

number of mentoring sessions is subject to Mr. Harmon's discretion. The mentoring services are subject to the following terms and conditions:

- a. A minimum of one (1) mentoring session shall be held on-site at the establishment, with additional on-site sessions at Mr. Harmon's discretion. Mr. Harmon shall provide the Board with a written report at the conclusion of the final mentoring session;
- b. The Respondent shall abide by any and all recommendations made by Mr. Harmon. Failure to cooperate with Mr. Harmon and failure to abide by Mr. Harmon's recommendations shall be deemed a violation of the Order; and
- c. Within three (3) months of the reinstatement of the Respondent's license, Mr. Harmon shall make one (1) unannounced on-site visit to the establishment. Mr. Harmon shall provide the Board with a written report of the visit. A negative report from Mr. Harmon may result in a violation of this Consent Order and further sanctions at the Board's discretion, after notice and opportunity for hearing; and it is further

ORDERED that after thirty (30) days from the date of this Consent Order and that upon confirmation from the Board's Inspector that all deficiencies noted in the Board's April 27, 2010 Inspection Report and any follow-up inspection(s) have been corrected, the Board shall lift the period of active suspension and reinstate the Respondent's license to practice mortuary science in the State of Maryland; and it is further

ORDERED that upon reinstatement of his license to practice mortuary science in the State of Maryland, the Respondent will be placed on **PROBATION** for a period of at least two (2) years, subject to the following terms and conditions:

1. The establishment shall be subject to a minimum of four (4) unannounced inspections during the first year of the probationary period; and
2. The establishment's failure to pass the Board's inspections may be deemed a violation of this Consent Order; and it is further

ORDERED that after two (2) years from the date of this Consent Order, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, will grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

ORDERED that the Respondent shall not take possession of more human remains than he has space to properly store and transport, and shall not use its garage area as a holding room to store human remains; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of Probation and this Consent Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, may impose any sanction which the Board may have imposed in this case, including a probationary term and conditions of probation, reprimand, suspension, revocation and/or a monetary penalty,

said allegations of violation of the terms and condition of this Consent Order shall be proven by a preponderance of the evidence; and it is further

ORDERED that the Respondent shall practice according to the Maryland Morticians and Funeral Directors Act and in accordance with all applicable laws, statutes and regulations; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of the Consent Order; and it is further

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

6/10/10
Date

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

CONSENT

I, William W. Chambers, owner and operator of Chambers Funeral Home & Crematorium, P.A., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights we may have had to contest the Findings of Fact and Conclusions of Law.

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 counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I

acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I waive our right to appeal any adverse ruling of the Board that might have followed any such hearing.

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

June 10 2010

Date

William W. Chambers

William W. Chambers, Owner and Operator of
Chambers Funeral Home & Crematorium, P.A.

Reviewed and approved by:

David J. Martin

David J. Martin, Esq.
Attorney for the Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Prince Georges:

I HEREBY CERTIFY that on this 10th day of June, 2010, before me, a Notary Public of the foregoing State personally appeared William W. Chambers, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal

Miguel A. Figueroa
Notary Public

My Commission Expires: 6/1/13

MIGUEL A. FIGUEROA
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires June 1, 2013