

IN THE MATTER OF
CULLEN HARRIS
License Number M01341

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BEFORE THE MARYLAND
STATE BOARD OF
MORTICIANS AND
FUNERAL DIRECTORS

CONSENT ORDER OF SUSPENSION/PROBATION

On or about August 21, 2015, the Maryland State Board of Morticians and Funeral Directors (the “Board”) received a complaint regarding the mortuary science practice of Cullen Harris (the “Respondent”) and his employing funeral establishment. The Board subsequently requested a response from the Respondent, which he provided the Board on or about October 6, 2015. Based upon the complaint, the Respondent’s response, as well as the Board’s subsequent investigation, on December 2, 2015, the Board met with the Respondent 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 M01341, and employed by a funeral establishment (the “Establishment”) in Baltimore. The Respondent is also the supervising mortician of that Establishment.
2. On August 6, 2015, the Decedent passed away at his home.
3. The Decedent’s family arranged to have the Establishment provide for the

Decedent's funeral services. Accordingly, on August 7, the Decedent's family met with Establishment representatives to set up the particulars of the services. According to the complaint, at that time, the family expressed wishes that the Decedent's sons be allowed to perform the final grooming, consisting of a haircut and shave, prior to the viewing. According to the complaint, the Establishment's representatives "expressed that this would be possible." Further, the parties agreed that the public viewing would be on August 11, 2015 from 3:00 p.m through 8:00 p.m., with a private family hour at 2:00 p.m.

4. According to the Respondent, he embalmed the Decedent on August 8. In his response to the Board, the Respondent stated:

After inspection of [the Decedent's] remains, we discovered that he had tissue gas which acts very rapidly to break down the body. He had very noticeable distention in his stomach, face and limbs, and issues with his complexion. We proceeded to embalm [the Decedent] by injecting each of his limbs individually as well as his face on both sides with a strong solution in an attempt to bring down the swelling as well as to retard the effects of the tissue gas. Upon making incisions, we noticed the frothy bubbling effect, which is a tell-tale sign of tissue gas. Although [the Decedent] seemed still swollen, in the days after embalming his swelling had dropped considerably from where he was. Because [the Decedent] had issues that needed to be dealt with, we were trying to give the fluid as much time to work as possible and bringing a family member to act as a barber with a body infected with tissue gas would not be the best nor safest case scenario.

5. According to the complaint, on August 10, the Decedent's son contacted the Establishment to set up a time to groom the Decedent. He was advised to call back "in the morning [of August 11] to find out the time to come." On August 11, an Establishment representative contacted the son regarding the obituary. When the son inquired about grooming the Decedent, he was informed that the Establishment had already called in a professional barber to groom the Decedent. In his complaint, the son stated, "I asked why weren't we informed of this

decision or asked how he likes his hair cut or shaved. [The Establishment representative] stated that they thought it was in the best interest to do this. At this point, disappointment was expressed because the final grooming was looked forward to as a part of the grieving for the sons.”

6. When family gathered at the Establishment for the family hour at approximately 2:00 p.m., the Decedent was not present. Establishment representatives informed the family that the Decedent was “en route” and would be arriving within “10-15 minutes.” Over the next two hours, the family was repeatedly told that the Decedent was on his way. The Decedent finally arrived at approximately 4:30 p.m., over two hours after the family hour was scheduled to begin and over one hour after the public viewing was scheduled to begin. Another decedent was transported to the Establishment at the same time. Similarly, that decedent was late for his viewing.

7. When the immediate family approached the Decedent’s casket, they noted a “foul odor” emanating from the remains. The complainant noted that the Decedent “seemed squeezed into the casket;” that “his lips were puckered and swollen along with his head and eyes;” that the “far side of his face had peeling and flaking;” and that his “collar was wet and had blood stains from leakage from his head.”

8. According to the complainant, upon seeing the Decedent in this condition, some in the family became “hysterical” and closed the casket, not wanting anyone to see him.

9. The family complained to the Respondent and the Respondent credited the family for approximately half of the funeral costs.

10. Both as the embalmer in this case and as the supervising mortician

responsible for all activities at his Establishment, the Board finds that the Respondent's handling of the Decedent's funeral services did not meet generally accepted standards in the practice of mortuary science. Here, the Respondent was presented with a body that apparently had tissue gas and the Respondent made efforts to subdue that gas. The Board believes, however, that a reasonable mortician would have communicated with the Decedent's family regarding the Decedent's condition, especially in light of the family's extraordinary request that they personally shave him as well as their request that the Decedent be made available for a public viewing with an open casket. Indeed, because the family was not consulted, they had to see their father in a condition that was not appropriate for grieving relatives and they were exposed to a foul odor emitting from their loved one. Further, the family had to wait for several hours past the agreed upon viewing time for their father to arrive. Each time they asked where their father was, they were only told that he was on the way by Establishment representatives without any direct communication from the Respondent himself.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Respondent violated Md. Code Ann., Health Occ. § 7-316(a)(26) ("Commits an act of unprofessional conduct in the practice of mortuary science").

ORDER

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

ORDERED that, upon the effective date of this Order, the license of the Respondent to practice mortuary science in the State of Maryland shall be **SUSPENDED** for a period of **SEVEN**

(7) CALENDAR DAYS; and it is further

ORDERED that, upon the completion of the Respondent's suspension, the license of the Respondent to practice mortuary science in the State of Maryland is placed on **PROBATION** for a minimum of **SIX (6) MONTHS** subject to the following terms and conditions:

1. The Respondent's status as a mortician be listed in the Board's computer records and website as being on "**Probation**";
2. **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 a Board-approved course in embalming. The Respondent's failure to submit to the Board satisfactory evidence of the completion of the aforementioned course within **SIX (6) MONTHS** from the effective date of this Order shall constitute a violation of probation and a violation of this Order.
3. Pursuant to Md. Code Ann., Health Occ. § 7-310(e)(4), the Respondent may not act as a supervising mortician for an establishment during the pendency of this probation.
4. The Respondent shall pay to the Board a monetary fine of **FOUR THOUSAND DOLLARS AND ZERO CENTS (\$4000.00)** in full by money order or cashier's check made payable to the Board and delivered personally or by certified mail to the Board. Failure to pay this monetary fine in full to the Board within **NINETY (90) DAYS** of the effective date of this Order shall constitute a violation of probation and a violation of this Order.
5. The Respondent shall comply with the Maryland Morticians and Funeral Directors

Act and the Board's regulations. Any violation of the Maryland Morticians and Funeral Directors Act or the Board's regulations shall constitute a violation of probation and a violation of this Order; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this probation and/or this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, if there is a genuine dispute as to the material fact(s), or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board may have imposed in this case under Md. Code Ann., Health Occ. § 7-316 including a reprimand, additional probation, suspension, revocation, and/or monetary fine, said violation being proven by a preponderance of the evidence; and it is further

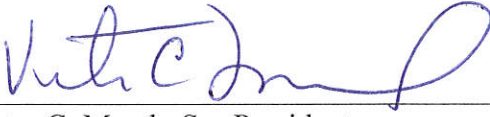
ORDERED that no earlier than **SIX (6) MONTHS** after the effective date of this Consent Order, the Board will consider a petition for termination of the Respondent's probationary status, provided that the Respondent has been compliant with the probationary terms of this Consent Order; and it is further

ORDERED that there shall be no early termination of the six (6) month probationary period. As such, the Board will not consider any requests from the Respondent to terminate probation any earlier than six (6) months from the effective date of this Order; and it is further

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

1/13/16

Date
TO TAKE EFFECT:
1/22/16

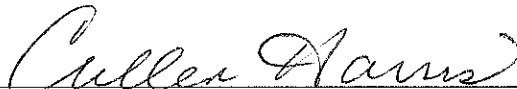


Victor C. March, Sr., President
Maryland State Board of Morticians and Funeral Directors

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.



Cullen Harris, M01341