

IN THE MATTER OF
BRETA LONDON
License Number M01609

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BEFORE THE
MARYLAND STATE BOARD
OF MORTICIANS AND
FUNERAL DIRECTORS

CONSENT ORDER OF REPRIMAND AND PROBATION

In September 2014, the Maryland State Board of Morticians and Funeral Directors (the “Board”) received information regarding the mortuary science practice of Breta London (the “Respondent”). Based upon that information, on December 10, 2014, the Respondent, along with her attorney Thomas Whiteford, Esq., attended a settlement conference with Board representatives in an effort to resolve the matter prior to the issuance of formal charges. The Respondent and the Board subsequently agreed to the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

The Board finds that:

1. On or about May 12, 2010, the Board issued the Respondent a license to practice mortuary science in the State of Maryland, license number M01609.
2. At all times relevant, the Respondent was the supervising mortician for a funeral establishment (the “Establishment”) located in Brentwood, Maryland.
3. On or about June 30, 2014, the Respondent hired Person A, a person not licensed in the State of Maryland to practice mortuary science. At the time of hire, the understanding between the Respondent and Person A was that he would apply for licensure in the State of Maryland as a mortician.
4. On or about September 24, 2014, the Board received Person A’s application for

licensure as a mortician in the State of Maryland.

5. Concurrent to the submission of his Application, Person A disclosed to the Board that, while employed for the Establishment, he had prepared several bodies for final disposition and performed at least three embalmings since beginning employment. Person A also disclosed that the Respondent was aware that he was performing those tasks.

6. The Board initiated an investigation.

7. During the Board's investigation, the Respondent disclosed that, to her knowledge, Person A, without a Maryland mortician's license, embalmed three individuals.

8. The practice of mortuary science includes the preparation of a dead human body for disposition and the disinfection and preservation of dead human bodies by arterial or cavity injection, or embalming. *See* Md. Code Ann., Health Occ. § 7-101(u). Prior to practicing mortuary science in the State of Maryland, an individual must be licensed by the Board. *See* Md. Code Ann., Health Occ. § 7-302(a)(1). As the supervising mortician for the Establishment, the Respondent is responsible for all acts conducted at the Establishment. By her own admission, the Respondent was aware that Person A had practiced mortuary science at the Establishment prior to licensure by the Board. Thus, because the Respondent was aware or should have been aware that Person A was practicing mortuary science without a license, the Board finds that the Respondent acted in an unprofessional manner within the meaning of Md. Code Ann., Health Occ. § 7-316(a)(26).

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 the license of the Respondent to practice mortuary science in the State of Maryland, license number M01609, is hereby **REPRIMANDED**; and it is further

ORDERED that the license of the Respondent to practice mortuary science in the State of Maryland is placed on **PROBATION** for a minimum of **TWO (2) YEARS** 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 **TWELVE (12) continuing education credits within TWELVE (12) MONTHS of the effective date of this Order.** The credits shall not be completed in connection with the Respondent's employer. The Respondent's failure to submit to the Board satisfactory evidence of the completion of the TWELVE (12) continuing education credits within TWELVE (12) 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 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 the Respondent shall pay to the Board a monetary fine of **ONE THOUSAND DOLLARS AND ZERO CENTS (\$1000.00)** in full by money order or cashier's check made payable to the Board and delivered personally or by certified mail to the Board within **NINETY (90) DAYS** of the effective date of this Order. 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; and it is further

ORDERED that the Respondent shall be responsible for paying all costs required to comply with the terms and conditions of this Consent Order; and it is further

ORDERED that, in the event the Board grants to the Respondent any other type of license, certificate, or permit that the Board is authorized to grant, that license, certificate, or permit may be subject to the all of the same conditions imposed in this Consent 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 **TWO (2) YEARS** 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 safely employed as a mortician for at least **NINE (9) MONTHS** immediately preceding the petition for termination; and it is further

ORDERED that there shall be no early termination of the two (2) year probationary period. The Board will not consider any requests from the Respondent to terminate probation any earlier than two (2) years 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).

1/14/2015
Date




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 admit the truth of the Findings of Fact, and 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.



Breta London, License Number M01609