

IN THE MATTER OF
Rosa Turner
Registration No. RC184

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BEFORE THE MARYLAND
BOARD OF MORTICIANS AND
FUNERAL DIRECTORS

CONSENT ORDER

Following a hearing on March 13, 2019, the Maryland State Board of Morticians and Funeral Directors (the “Board”), issued a final order dated August 2, 2019, placing Rosa Turner, a registered crematory operator, Registration Number RC184 (the “Respondent”) on probation with conditions. Among those conditions were that the Respondent obtain a mentor from among the registered crematory operators of the State of Maryland, and complete twenty-five cremations under the mentor’s supervision. The Respondent failed to comply with these terms of her probation. The Respondent and Representatives of the Board participated in a pre-charge case resolution conference on December 7, 2020. On December 9, 2020, the Board voted to offer a Pre-Charge Consent Order to the Respondent, in lieu of issuing charges for violations of the Maryland Morticians and Funeral Directors Act (the “Act”), Md. Code Annotated, Health Occupations Article (“Health Occ.”), § 7-101 *et seq.*

As a result of that offer, the Respondent and the Board agreed to the following Consent Order.

FINDINGS OF FACT

The Board finds that:

1. The Respondent was originally registered to operate a crematory in the State of Maryland under registration number RC184 on October 1, 2016.

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2. On or about December 18, 2017, the Board received a complaint alleging that the Respondent comingled cremated human remains ("cremains") of more than one decedent, and disposed of these cremated human remains improperly (Complaint No. 18-051).

3. On March 13, 2019 the Board held an evidentiary hearing as to the allegations in Complaint No. 18-051. The Board found that the Respondent had violated Health Occ. 7-316(15), (18), and (24) by failing to comply with the requirements of the Code of Maryland Regulations (COMAR) 10.29.19.10, 10.29.18.02, and COMAR 10.29.20.02.

4. On August 2, 2019 the Board issued a Final Order reprimanding the Respondent's registration and placing the registration on one year of supervised probation.

5. The Final Order included certain terms and conditions of probation, including that the Respondent to be supervised by a mentor during the period of her probation. The Final Order required the Respondent to compile a list of at least two proposed candidates from among the registered crematory operators in the State of Maryland to serve as her a mentor, and to submit this list to the Board within fifteen (15) days of the effective date of the Final Order. The Respondent was further required to complete twenty-five (25) cremations under the supervision of her Board-approved mentor and to submit a matrix documenting these cremations within seven (7) days of their completion.

6. The Respondent failed to comply with these requirements.

7. On December 7, 2020, the Respondent and Respondent's Counsel met with representatives from the Board,

CONCLUSIONS OF LAW

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Based on the foregoing findings of fact, the Board concludes that the Respondent violated Health Occ., § 7-316(a)(26):

Subject to the hearing provisions of § 7-319 of this subtitle and except as to a funeral establishment license, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke any license if the applicant or licensee:

...
(26) Commits any act of unprofessional conduct in the practice of mortuary science...

The Final Order executed on August 2, 2019 states on page 10:

Failure to submit a list of Mentor candidates to the Board within **FIFTEEN (15) DAYS** of the effective date of this Order; or failure to submit the completed written matrix signed, dated and notarized by the Respondent within **SEVEN (7) DAYS** of the conclusion of the twenty-five cremations shall constitute unprofessional conduct and a violation of this order.

The Board finds that this violation of the Act falls within category B.(24) of the Board's sanctioning guidelines. See COMAR 10.29.01.10.B(24) The range of potential regulatory sanctions for a violation of B.(24) is a reprimand up to a revocation of the license (or registration) and a \$5,000.00 fine. *Id.*

ORDER

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

ORDERED that the probation imposed by the Final Order of August 2, 2019 is terminated.

It is further

ORDERED that the Respondent's registration as a crematory operator in the State of Maryland is hereby placed on **PROBATION** for a minimum of **TWO (2) YEARS** from the effective date of this Order, subject to the following conditions:

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1. The Respondent's registration status as a crematory operator shall be listed on the Board's website as being on probation.
2. The Respondent shall provide to the Board written evidence of her successful completion of at least one Continuing Education Unit (CEU) per six-month period, with coursework in ethics, relevant to the operation of a crematory. A list of acceptable CEUs will be provided to the Respondent by the Board.
3. The Respondent shall complete the first CEU within six (6) months of the effective date of this Order, and the subsequent CEUs within the following six-month periods for the duration of the period of probation.
4. The Respondent shall retain documentation of the required CEUs. Documentation shall consist of an official transcript with the licensee's name, course title, date of completion, number of CEU credits awarded, and exam score.
5. The crematory owned and operated by the Respondent, and any other crematory at which the Respondent is employed or regularly performs cremations during the period of probation, shall undergo random and unannounced inspections by the Board pursuant to COMAR 10.29.03. Where practicable, these inspections shall be random throughout the period of probation. Any deficiencies shall be promptly corrected.
6. The Respondent is responsible for the cost of compliance with the terms and conditions set forth in this order; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this probation or this Consent Order, the Board, in its discretion, after notice and an opportunity for an

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evidentiary hearing before the Board, if there is a genuine dispute as to material fact, or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board is statutorily authorized to impose in this case under § 7-316 of the Act, including a reprimand, additional probation, suspension, or revocation, said violation being proven by a preponderance of the evidence; and be it further

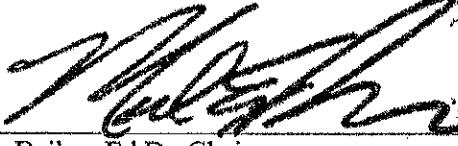
ORDERED that no earlier than **TWO (2) YEARS** from the effective date of this Consent Order, the Board may consider a petition for termination of the Respondent's probationary status, provided that she has been satisfactorily compliant with the probationary terms of this Consent Order; and it is further

ORDERED that the Respondent shall comply with the Maryland Morticians and Funeral Directors Act, Health Occ., § 7-101 *et seq.*, and all federal and State laws and regulations governing the practice of funeral services and cremation in Maryland; and it is further

ORDERED that this is a Final Decision and Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Maryland Code Annotated, General Provisions Article § 4-101 *et seq.*

12/15/2020

Date



Mark Bailey, Ed.D., Chair
Maryland Board of Morticians and Funeral Directors

CONSENT

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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 legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent order. 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

1/21/21
Date



Rosa I. Turner, Registration Number RC184

NOTARIZATION

STATE: Maryland

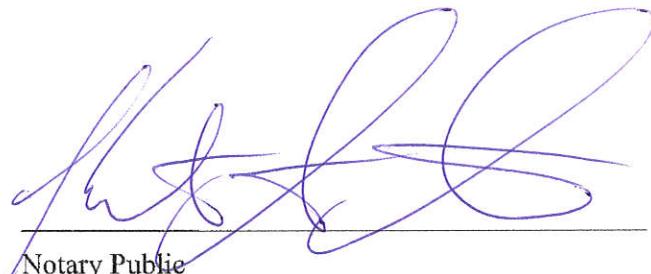
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CITY/COUNTY: Charles

I HEREBY CERTIFY that on this 21st day of January, 2021, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Rosa I. Turner** and made oath in due form of law that the foregoing was the voluntary act and deed of **Rosa I. Turner**.

AS WITNESSETH my hand and Notarial Seal.

SEAL



Notary Public

My Commission Expires: 12/18/2024