

AGENDA

CONNECTICUT BOARD OF EXAMINERS OF EMBALMERS AND FUNERAL DIRECTORS

Tuesday, December 20 2022 at 9:00 AM

Department of Public Health
410 Capitol Avenue, Hartford, CT

CALL TO ORDER

I. OPEN FORUM

II. MINUTES

Review and approval of the minutes from the September 6, 2022 meeting.

III. OFFICE OF LEGAL COMPLIANCE

- A. Wayne T. Mohrlein, Embalmer – Petition No. 2022-693
Presentation of Consent Order – Joelle Newton, Staff Attorney, DPH

IV. DEPARTMENT OF PUBLIC HEALTH UPDATES

V. NEW BUSINESS

- A. Modification of course instruction for the licensure of funeral directors within the State of Connecticut.
- B. Schedule Meeting dates for 2023

ADJOURN

Board of Examiners of Embalmers and Funeral Directors via Microsoft Teams

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 249 182 052 600

Passcode: mYRLLB

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The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

The **Connecticut Board of Examiners of Embalmers and Funeral Directors** held a meeting on September 6, 2022.

BOARD MEMBERS PRESENT: Darrell L. McClam, Embalmer, Chairman
Daniel Jowdy, Embalmer
Edgar Rodriguez, Embalmer

BOARD MEMBERS ABSENT: Agnes Pier (Public Member)

ALSO PRESENT: Stacy Schulman, Hearing Officer
Robert Binkowski, Inspector, DPH

The meeting convened at 9:07 a.m. All participants were present via Microsoft TEAMS.

I. OPEN FORUM
None

II. MINUTES
The March 8, 2022 minutes were reviewed and approved with all in favor on a motion by Mr. Jowdy, seconded by Mr. Rodriguez.

III. NEW BUSINESS
Mr. Jowdy made a motion, seconded by Mr. Rodriguez, to add review of a work waiver request from Carrie Barns Smith. The motion passed unanimously

IV. Funeral Director Educational Requirements
The Board had a discussion with the Department of Public Health regarding the need for modification of the educational requirements for funeral directors Chris Andersen, Section Chief, Department of Public Health Practitioner Licensing and Investigations commented that a change in the requirements for a funeral directors license would require a legislative change.

V. OFFICE OF LEGAL COMPLIANCE
Wayne T. Mohrlein, Embalmer – Petition No. 2022-693
Joelle Newton, Staff Attorney, Department of Public Health, presented a motion for summary suspension in this matter. Mr. Mohrlein was present but was not represented.
Mr. Jowdy made a motion, seconded by Mr. Rodriguez, that the summary suspension be denied. The motion passed unanimously.
A hearing on the Statement of Charges will be held on December 20, 2022.

VI. NEW BUSINESS
Robert Binkowski, Funeral Home Inspector, DPH presented a request from Carrie Barns Smith asking for approval of twenty hour per week apprenticeship. Mr. Jowdy made a motion, seconded by Mr. Rodriguez to approve the request. The motion passed unanimously.

VII. UPDATES
Robert Binkowski, Funeral Home Inspector, DPH provided an update regarding funeral closings and ownership changes.

ADJOURNMENT

There was no further business, and the meeting was adjourned at 10:14 a.m.

Respectfully submitted,

Darrell L. McClam - Chairman
Board of Examiners of Embalmers and Funeral Directors

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Wayne T. Morhrlein, Embalmer

Petition Number: 2022-693

MODIFICATION OF CONSENT ORDER COVER SHEET

1. Wayne T. Mohrlein ("respondent") received his embalmer license in 2000.
2. On May 9, 2019, respondent entered into a Consent Order placing his license on probation for four (4) years based, in part, upon respondent's abuse or excess use of alcohol.
3. On June 24, 2022 and/or June 25, 2022, respondent violated the terms of the Consent Order when he abused or utilized alcohol to excess and on or about June 27, 2022 respondent's urine tested positive for the presence of alcohol.
4. The proposed Modified Consent Order increases the frequency of random urine screens in years two and three from twice monthly to weekly.
5. All other remaining terms and conditions of the Order shall remain in effect.
6. The Department and respondent, respectfully request the Board to accept the proposed Modified Consent Order.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In Re: Wayne T. Mohrlein, Embalmer

Petition Number: 2022-693

MODIFICATION OF CONSENT ORDER

WHEREAS, on April 1, 2021, the Connecticut Board of Examiners of Embalmers and Funeral Directors (“Board”) ordered a Consent Order in Petition No. 2018-1071 (“Order”) that placed respondent’s embalmer license on probation for four (4) years based, in part, upon respondent’s abuse or excess use of alcohol (Attachment A). The Order required, in part, that respondent shall refrain from ingesting alcohol and that he submit to random urine screens which shall be negative for the presence of alcohol.

WHEREAS, on about June 24, 2022 and/or June 25, 2022, respondent abused or utilized alcohol to excess and on or about June 27, 2022 respondent’s urine tested positive for the presence of alcohol in violation of the terms of the Order.

WHEREAS, the Department and respondent wish to modify the Consent Order to increase the frequency of random urine screens in years two (2) and three (3) as follows:

A. Paragraph 2b(1) is deleted and replaced with new paragraph 2b(1) as follows:

- (1) During the entire probationary period, respondent, at respondent’s own expense, shall submit to weekly random observed urine screens for alcohol, marijuana, controlled substances, Ethylglucuronide (EtG) and legend drugs in accordance with Department Requirements for Drug and Alcohol Screens, attached hereto

marked as 'Attachment A: Department Requirements for Drug and Alcohol Screens'. Respondent shall submit to such screens on a more frequent basis if requested to do so by the therapist or the Department. Said screens shall be administered by a facility approved by the Department. All such random screens shall be legally defensible in that the specimen donor and chain of custody shall be identified throughout the screening process. All laboratory reports shall state that the chain of custody procedure has been followed.

3. All other remaining terms and conditions of the Order shall remain in effect.
4. Respondent has been advised that he has the right to consult with an attorney at any time, including prior to signing this Modification of Consent Order.
5. This Modification of Consent Order is effective upon the order and acceptance of the Connecticut Board of Examiners of Embalmers and Funeral Directors.

I, Wayne T. Mohrlein, have read the foregoing Modification of Consent Order, and I agree to the modification and to the terms and conditions therein.

Wayne T. Mohrlein
Wayne T. Mohrlein

Subscribed and sworn to before me this 21st day of September, 2022.

Gayle Furman
~~Commissioner Superior Court~~ Notary Public
GAYLE FURMAN
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2024

The above Modification of Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 27th day of September, 2022, it is hereby accepted.

Christian D. Andresen

Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Modification of Consent Order having been presented to the Connecticut Board of Examiners of Embalmers and Funeral Directors on the _____ day of _____, 2022, it is hereby ordered and accepted.

BY: _____
Connecticut Board of Examiners of Embalmers and
Funeral Directors

A

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH

In re: Wayne T. Mohrlein, Embalmer

Petition No. 2018-1071

CONSENT ORDER

WHEREAS, Wayne T. Mohrlein of Colchester, Connecticut (hereinafter "respondent") has been issued license number 002533 to practice embalming by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 385 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. Respondent has a history of substance abuse, including the abuse of alcohol.
2. In or about 2018 and/or 2019, including, but not limited to, on or about August 18, 2018, January 23, 2019 and/or April 17, 2019, respondent abused and/or utilized to excess alcohol.
3. Respondent's abuse and/or excess use of alcohol does, and/or may, affect his practice as an embalmer.
4. In or about May 2019, July 2019, November 2019 and/or January 2020, one or more health care practitioners diagnosed respondent with an emotional disorder and/or a mental illness.
5. Respondent's emotional disorder or disorders and/or mental illness or illnesses does, and/or may, affect his practice as an embalmer.

B

6. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including, but not limited to:

- a. §20-227(8); and/or
- b. §20-227(9).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Connecticut Board of Examiners of Embalmers and Funeral Directors (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-227 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-227 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives respondent's right to a hearing on the merits of this matter.
2. Respondent's license number 002533 to practice as an embalmer in the State of Connecticut shall be placed on probation for a period of four (4) years under the following terms and conditions:
 - a. Respondent shall participate in regularly scheduled therapy at respondent's own expense with a licensed therapist pre-approved by the Department (hereinafter "therapist").
 - (1) Respondent shall provide a copy of this Consent Order to respondent's therapist.
 - (2) Respondent's therapist shall furnish written confirmation to the Department of the therapist's engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.

- (3) If the therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy sessions is warranted, or that respondent should be transferred to another therapist, the therapist shall advise the Department, and the Department shall pre-approve said termination of therapy, reduction in frequency of therapy sessions, and/or respondent's transfer to another therapist.
 - (4) The therapist shall submit reports monthly for the first and fourth years of probation; and quarterly for the second and third years of probation. Such reports shall address, but not necessarily be limited to, respondent's ability to practice as an embalmer in an alcohol and substance free state, safely and competently. A report indicating that respondent is not able to practice in an alcohol and substance free state, safely and competently shall be deemed to be a violation of this Consent Order. Said reports shall continue until the therapist determines that therapy is no longer necessary or the period of probation has terminated.
 - (5) The therapist shall immediately notify the Department in writing if the therapist believes respondent's continued practice poses a danger to the public, or if respondent discontinues therapy and/or terminates the therapist's services.
- b. During the entire four-year probationary period, respondent shall refrain from the ingestion of alcohol in any form and the ingestion, inhalation, injection or other use of any controlled substance and/or legend drug unless prescribed or recommended for a legitimate therapeutic purpose by a licensed health care professional authorized to prescribe medications. Respondent shall inform said licensed health care professional of respondent's substance abuse history. In the event a medical

condition arises requiring treatment utilizing controlled substances, legend drugs, or alcohol in any form, respondent shall notify the Department and, upon request, provide such written documentation of the treatment as is deemed necessary by the Department.

- (1) During the first and fourth year of the probationary period, respondent at respondent's own expense, shall submit to weekly random observed urine screens for alcohol, controlled substances, Ethylglucuronide (EtG) and legend drugs; in accordance with Department Requirements for Drug and Alcohol Screens, attached hereto marked as ('Attachment A: Department Requirements for Drug and Alcohol Screens'); during the second and third year of the probationary period, he shall submit to such screens on a twice monthly basis. Respondent shall submit to such screens on a more frequent basis if requested to do so by the therapist or the Department. Said screens shall be administered by a facility approved by the Department. All such random screens shall be legally defensible in that the specimen donor and chain of custody shall be identified throughout the screening process. All laboratory reports shall state that the chain of custody procedure has been followed.
- (2) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Department by the testing laboratory. All screens shall be negative for the presence of drugs and alcohol. Respondent agrees that an EtG test report of EtG at a level of 1000ng/mL or higher shall be deemed to constitute a positive screen for the presence of alcohol under this Consent Order. All positive screen results shall be confirmed by gas chromatograph/mass spectrometer (GC/MS) testing.

- (3) Respondent understands and agrees that if respondent fails to submit a urine sample when requested by respondent's monitor, such missed screen shall be deemed a positive screen.
 - (4) Respondent shall notify each of his health care professionals of all medications prescribed for respondent by any and all other health care professionals.
 - (5) Respondent is hereby advised that the ingestion of poppy seeds, mouthwash and over the counter cough or cold medicines or remedies has from time to time, been raised as a defense to a positive screen result for morphine, opiates and/or alcohol and as a defense of an EtG at 1000ng/mL or higher. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances, mouthwash and over the counter cough or cold medicines or remedies during the term of this Consent Order. In the event respondent has a positive screen for morphine, opiates and/or alcohol or if respondent's test reports an EtG at 1000ng/mL or higher, respondent agrees that the ingestion of poppy seeds and/or mouthwash and/or over the counter cough or cold medicines or remedies shall not constitute a defense to such a screen.
- c. During the entire probationary period, respondent shall attend "anonymous" or support group meetings on an average of eight to ten times per month and shall provide quarterly reports to the Department concerning respondent's record of attendance.
 - d. During the period of probation, respondent shall report to the Department any arrest under the provisions of Connecticut General Statutes section 14-227a. Such report shall occur within fifteen (15) days of such event.

- e. Respondent shall provide respondent's employer, at each facility and practice setting where respondent practices as an embalmer throughout the probationary period, with a copy of this Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of practice with a new employer. Respondent agrees to provide employer reports from any and all employers where he is employed as an embalmer during the probationary period, monthly for the first and fourth years of the probationary period; and, quarterly for the second and third years of the probationary period. Such employer reports shall state whether respondent is practicing with reasonable skill and safety, in an alcohol and substance-free state. Any report indicating that respondent is not practicing with reasonable skill and safety, in an alcohol and substance-free state shall be deemed to be a violation of this Consent Order.
- f. During the period of probation, respondent shall only practice in a facility and practice setting that physically includes other licensed embalmers on-site while respondent is practicing at said facility and practice setting. Respondent shall not be self-employed during the period of probation.
3. All correspondence and reports are to be addressed to:

Olive Tronchin, Health Program Assistant
Practitioner Compliance and Monitoring Unit
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

4. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
5. Respondent shall comply with all state and federal statutes and regulations applicable to respondent's licensure.

6. Respondent shall pay all costs necessary to comply with this Consent Order.
7. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 7a above to demonstrate to the satisfaction of the Department that respondent has complied with the terms of this Consent Order or, in the alternative, that respondent has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, respondent shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
8. If, during the period of probation, respondent practices as an embalmer outside Connecticut, respondent shall provide written notice to the Department concerning such practice. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved

by the Department. In the event respondent intends to return to the practice of embalming in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 2 above.

9. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.
10. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
11. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
12. Respondent understands and agrees that this Consent Order shall be deemed a public document and the above admitted violations shall be deemed true in any proceeding before the Board in which respondent's compliance with this Consent Order or with §20-227 of the General Statutes of Connecticut, as amended, is at issue.
13. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as an embalmer, upon request by the Department, with notice to the Board, for a period not to exceed forty five (45) days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said forty-five (45) day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with

the Department's investigation shall be considered by the Board and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

14. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
15. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that respondent may have under the laws of the State of Connecticut or of the United States.
16. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
17. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the

Board has complete and final discretion as to whether this executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision by the Board and/or a panel of the Board and a final decision by the Board.

18. Respondent understands and agrees that respondent is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which respondent is away from respondent's residence.
19. Respondent has the right to consult with an attorney prior to signing this document.
20. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only and is not intended to affect any civil or criminal liability or defense.
21. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Wayne T. Mohrlein, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Wayne T. Mohrlein
Wayne T. Mohrlein

Subscribed and sworn to before me this 22nd day of February, 2021.

Arlene L. Roberts
Notary Public or person authorized
by law to administer an oath or affirmation

ARLENE L. ROBERTS
NOTARY PUBLIC
MY COMMISSION EXPIRES APR. 30, 2021

The above Consent Order having been presented to the duly appointed agent of the
Commissioner of the Department of Public Health on the 2nd day of
March, 2021, it is hereby accepted.

Christian D. Andresen

Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the
Connecticut Board of Examiners of Embalmers and Funeral Directors on the 1st day of
April 2021, it is hereby ordered and accepted.

[Signature]
Connecticut Board of Examiners of Embalmers
and Funeral Directors