



Protecting, maintaining and improving the health of all Minnesotans
Minnesota Department of Health
ADMINISTRATIVE PENALTY ORDER

Scott Mourhess
Washburn-McReavy Funeral Corp.
2301 Dupont Avenue South
Minneapolis, Minnesota 55405

I. Authority

The Minnesota Department of Health is authorized, pursuant to Minn. Stat. §149A.06, to order corrections and assess administrative penalties in an amount up to \$10,000.00 per violation for violations of Minnesota Statutes, Chapter 149A.

II. Findings of Fact

1. The Minnesota Department of Health, Mortuary Science Section investigated an incident involving the misidentification and mishandling of two sets of human remains by Washburn-McReavy Funeral Corp. ("Washburn-McReavy"). The incident occurred in April of 2014 at the Washburn-McReavy Funeral Chapel in Edina, Minnesota.
2. Washburn-McReavy staff failed to properly identify and track the human remains of two decedents. As a result, the funeral staff dressed, cosmetized, casketed, and publicly displayed the remains of one decedent for a visitation and funeral service intended for another decedent.
3. Scott Mourhess is a licensed Mortician and Funeral Director employed by Washburn-McReavy. Contrary to established funeral industry practice and Washburn-McReavy's procedures, Scott Mourhess failed to verify that the body sheets and the ankle bands which accompanied each of the decedents were placed on or with the appropriate decedent. As a result of this failure, one decedent was dressed, casketed, cosmetized and displayed at funeral services intended for another decedent.

III. Violation Reference

Minn. Stat. § 149A.70, Subd. 7(3) states:

No licensee or intern shall engage in or permit others under the licensee's or intern's supervision or employment to engage in unprofessional conduct. Unprofessional conduct includes, but is not limited to:

- (3) Failure to treat with dignity and respect the body of the deceased, any member of the family or relatives of the deceased, any employee, or any other person encountered while within the scope of practice, employment, or business.

IV. Corrective Order

It is ordered that Scott Mourhess must demonstrate, IN WRITING, to the satisfaction of the Director of the Health Regulation Division that the corrective actions specified and the appropriate steps toward correcting the violation have been taken. The Minnesota Department of Health must receive a written letter demonstrating your plans to comply with this Corrective Order before the 31st day after you receive this order.

If Scott Mourhess fails to demonstrate to the satisfaction of the Director that the corrective actions specified below and appropriate steps toward correction of the violation specified above have been taken, within the 30-day period, the forgivable penalty assessed will become due and payable as described in section V. A plan to correct the

violation shall be developed within the 30-day period for corrective action. The plan must be approved by the Director. Failure to comply with the approved plan shall be cause for subsequent enforcement action.

The following corrective actions are required by this order:

On or before April 15, 2015, Scott Mourhess must attend a continuing education course on the proper documentation and tracking of human remains, as follows:

1. The continuing education course must be conducted by a provider that is approved by the Minnesota Department of Health, Mortuary Science Section. On or before May 15, 2015, Scott Mourhess must identify an upcoming continuing education course that would satisfy the above requirement and must submit to the Minnesota Department of Health, Mortuary Science Section, for the Department's approval, a written outline of the course that includes the course content and objectives; the overall number of continued education units allowed for this course; and the name and title of the instructor with contact information. After approval of the proposed continuing education course by the Department, Scott Mourhess must attend the continuing education course.
2. In the event that Scott Mourhess (1) is, by May 15, 2015, after reasonably inquiry, unable to identify a continuing education course that meets the above requirement, or (2) there is no continuing education course that meets the above requirements which is offered on or before May 15, 2015, he shall submit to the Minnesota Department of Health, Mortuary Science Section a written request for an extension of time.
4. Within five working days after attending the approved course, Scott Mourhess must submit to the Minnesota Department of Health, Mortuary Science Section a copy of the completion certificate, the name of the continuing education course, the number of continuing education units received, and the date and time that the course was held.

V. PENALTY ASSESSMENT

Forgivable Penalty Assessment

You are assessed a FORGIVABLE administrative penalty of \$500 for the violation described in Sections II and III.

If you demonstrate to the Director of the Health Regulation Division, IN WRITING, within 30 days that the corrective actions and appropriate steps have been taken toward correcting the violation, which may include the development of a plan for correction, to the satisfaction of the Director, this penalty will be forgiven.

If you fail to demonstrate that the corrective actions and appropriate steps have been taken toward correcting the violation, to the satisfaction of the Director, the assessed penalty becomes DUE AND PAYABLE on the 31st day after this order was received. A plan to correct the violation shall be developed within the 30-day time period for corrective action. The plan must be approved by the director. Failure to comply with the approved plan shall be cause for subsequent enforcement action.

Non-forgivable Penalty Assessment

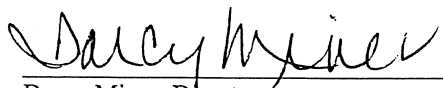
You are also assessed a NONFORGIVABLE penalty of \$500 for the violation described in Sections II and III.

The penalty shall be paid by certified check or money order payable to "Treasurer, State of Minnesota." The payment must be submitted to the Minnesota Department of Health within 30 days after you receive this order.

VI. REQUEST FOR HEARING

You may appeal this order by requesting a hearing. The hearing request must be in writing and delivered to the Department of Health by certified mail within 20 days after you receive this order. The request must state the specific reasons for seeking a review of the order. The Minnesota Department of Health will initiate a hearing within 30 days of receiving a request for a hearing.

SO ORDERED this 6th of January, 2015.



Darcy Miner, Director
Health Regulation Division
Minnesota Department of Health
85 East Seventh Place
P.O. Box 64900
St. Paul, Minnesota 55164-0900

Direct correspondence and any appeals to: Gilbert Acevedo, Manager of the Mortuary Science Section, Minnesota Department of Health, P.O. Box 64882, St. Paul, MN 55164-0882.