



Protecting, maintaining and improving the health of all Minnesotans

**Minnesota Department of Health
AMENDED ADMINISTRATIVE PENALTY ORDER**

Washburn-McReavy Funeral Corp.
Mr. William L. McReavy
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. In May 2014 the Minnesota Department of Health received a complaint against Washburn-McReavy Funeral Chapel located at 5000 West 50th Street, Edina, Minnesota.
2. Washburn-McReavy Funeral Chapel staff neglected to properly identify two sets of human remains, referred to herein as "Decedent 1" and "Decedent 2." This error resulted in the remains of Decedent 1 being displayed at the visitation and service held for the family for Decedent 2.
3. As a further result of this error, in an attempt to quickly identify the remains and without the consent of the family of Decedent 2, Washburn-McReavy staff used a cell phone to take a photograph of the remains of Decedent 2 that were lying in Washburn-McReavy's Minneapolis preparation room and forwarded the photograph to another staff member's cell phone.
4. Washburn-McReavy staff also placed the remains of Decedent 2 into a casket that had been previously used without thoroughly cleaning the interior of the casket or replacing the interior lining.
5. Mr. William W. McReavy, admitted to the Minnesota Department of Health that Washburn-McReavy staff had not followed company procedures for properly identifying human remains prior to dressing, cosmetizing and casketing the human remains prior to the visitation and service held for the family of Decedent 2.
6. Mr. McReavy also admitted that a Washburn-McReavy staff member had photographed the remains of Decedent 2 in the preparation room and sent the photograph to another staff member's cell phone for identification purposes. Mr. McReavy also admitted that Washburn McReavy staff placed Decedent 2 in a casket that had been previously used without thoroughly cleaning the interior of the casket or replacing the interior lining.

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 the Washburn-McReavy Corp. must demonstrate, IN WRITING, to the satisfaction of the Director of the Compliance Monitoring Division that the corrective actions specified and that 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 October 4, 2014, which is the 31st day after you received the initial order dated September 3, 2014.

If Washburn-McReavy Corp. 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 of the initial order, 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 of the initial order 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:

1. Create, train, and implement a written procedure for tracking human remains from initial intake of the body through final disposition. The written procedure must ensure that human remains in the possession of Washburn-McReavy Corp. do not become misidentified. The written procedure for tracking human remains must be submitted to the Minnesota Department of Health, Mortuary Science Section before Oct. 15, 2014.
2. Create, train, and implement a written policy for Washburn-McReavy staff that addresses the use of photography of human remains, by cell phones or other means, in the preparation and embalming room and in any other area where there are human remains in the possession of Washburn-McReavy Corp. The written policy to address the use of photography of human remains must be submitted to the Minnesota Department of Health, Mortuary Science Section before Oct. 15, 2014.
3. Maintain a record of the new training for all employees of Washburn-McReavy Corp. on the new policy and procedures referenced in this corrective order. Maintain records, including a sign-in log, of the employees who attended the training. Such records must include, at a minimum, the topic, date and time of the training, printed names and the signatures of employees who attended the training. A copy of the record of new training for all employees must be submitted to the Minnesota Department of Health, Mortuary Science Section before Dec. 1st, 2014.

V. PENALTY ASSESSMENT

Forgivable Penalty Assessment

You are assessed a FORGIVABLE administrative penalty of \$3,000 for the violation described in Sections II and III.

If you demonstrate to the Director of the Compliance Monitoring Division, IN WRITING, on or before October 3, 2014, 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 October 4, 2014, which is the 31st day after you received the initial order. 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 \$7,000 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 on or before October 3, 2014, which is within 30 days of the date you received the initial 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 on or before September 23, 2014, which is within 20 days of the date you received the initial 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 17th day of September, 2014.



Darcy Miner, Director
Compliance Monitoring 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.