

**BEFORE THE MORTUARY AND CEMETERY BOARD
OF THE STATE OF OREGON**

<p>In the Matter of the funeral service practitioner and embalmer license of Christopher L. Bartlett, (OMCB License No. CO-3603),</p> <p style="text-align: center;">RESPONDENT</p>	<p>Notice of Proposed Disciplinary Action And Opportunity for a Hearing</p> <p style="text-align: center;">CASE NO. 07-1017A</p>
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Pursuant to ORS 692.180, the Oregon Mortuary & Cemetery Board (“OMCB,” “Board”). proposes to take disciplinary action against the funeral service practitioner and embalmer license of Christopher L. Bartlett on the grounds noted below. For statutory and rule violations the Board may impose one or more of the following sanctions: Reprimand; license revocation; civil penalty of up to \$1000 for each violation; or other sanctions as authorized by law.

Grounds for Disciplinary Action:

1.

1a. At all times mentioned herein Christopher L. Bartlett (hereafter “Respondent”) was licensed by the OMCB as a funeral service practitioner and embalmer (OMCB License No. CO-3603).

1b. At all times mentioned herein Christopher L. Bartlett dba Oregon Mortuary Services (hereafter “OMS”) was licensed by the OMCB as a funeral establishment (OMCB License No. FE-8523); and at all times mentioned herein Respondent was the manager of OMS.

1c. Definitions that may be relevant to this notice are contained in OAR 830-011-0000 and ORS 692.011.

2.

2a. OAR 830-040-0020(9) provides that a funeral establishment's preparation room shall be kept in a sanitary condition at all times.

2b. OAR 830-040-0020(8) provides that instruments used during an embalming shall be cleaned and sterilized after each embalming; and that instruments shall be free of stains and foreign particles.

2c. OAR 830-030-0004(4)(b) provides that only a licensed embalmer or certificated embalmer apprentice shall perform the required sanitizing of the preparation room, including but not limited to, embalming tables, work surfaces, sinks, floors, instruments, and handling and properly disposing of hazardous waste.

2d. OAR 830-040-0010 provides that all funeral establishments shall keep their premises sanitary at all times.

3.

3a. On March 14, 2007, the preparation room at OMS contained two embalming or preparation instruments stained with rust.

3b. The foregoing is a violation of OAR 830-040-0020(8) and (9), which is cause for disciplinary action under ORS 692.180(1)(g).

4.

4a. On August 21, 2007, approximately four days after an embalming, the preparation room was unsanitary in the following manner:

- i. The room contained a partially filled, uncovered waste can.
- ii. There were several instruments with foreign matter.
- ii. One sink contained two used shaving razors and a soiled toothbrush.
- iv. Another sink contained other various other soiled work tools.
- v. A large gauze pad and two white rag towels were on the floor.
- vi. A syringe containing opaque pink fluid with exposed needle lay on the counter top.
- viii. There was a bucket full of dark brown water with a soiled submerged mop.

4b. The foregoing instances of failing to keep the preparation room sanitary are violations of OAR 830-040-0020(8) and (9), and OAR 830-040-0010 which are cause for disciplinary action under to ORS 692.180(1)(g).

5.

5a. OAR 830-030-0004(4)(b) provides that only a licensed embalmer or certificated embalmer apprentice shall handle and properly dispose of contaminated waste.

5b. In July 2007, Respondent failed to dispose of contaminated waste in a timely manner. As a result, and in order to protect other employees at the facility, an unlicensed person, Donald B., handled contaminated waste when cleaning the area where the OMS contaminated waste bins are located, in violation of OAR 830-030-0004(4)(b).

5c. Respondent, therefore, failed to assign persons to perform functions for which they are licensed and which are within their scope of practice/scope of duties in violation of OAR 830-030-0090(1)(e) which is cause for disciplinary action under ORS 692.180(1)(g).

5d. Further, directly or indirectly causing any person or licensee to be in violation of any section of applicable rule or law is considered unprofessional conduct which is a violation of OAR 830-050-0000(2) and cause for disciplinary action under ORS 692.180(1)(g).

Rights and Procedures

You are entitled to a hearing as provided by the Administrative Procedures Act (ORS Chapter 183) and ORS 692.265(1). If you want a hearing, you must file a written request for hearing with the State Mortuary & Cemetery Board (the "Board") within 21 days from the date this notice was mailed. If a request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived. Hearing requests may be mailed to the Oregon Mortuary and Cemetery Board, 800 NE Oregon St., Suite 430, Portland, Oregon 97232-2195.

If you request a hearing, you will be notified of the time and place of the hearing. You have the right to be represented by legal counsel at a hearing. A Notice of Contested Case Rights and Procedures is enclosed with this Notice of Proposed Disciplinary Action. If you do not request a hearing within 21 days, or if you withdraw a hearing request, notify the Board or hearing officer that you will not appear or fail to appear at a scheduled hearing, the Board may issue a final order by default imposing the discipline as determined by the Board. If the Board issues a final order by default, it designates its file on this matter as the record for purposes of establishing a prima facie case.

DATED this 8th day of May, 2008

STATE MORTUARY AND CEMETERY BOARD

<s> Lynne Nelson _____
Designee: Lynne Nelson, Compliance Manager