



Minnesota
Department
of Health

PROTECTING, MAINTAINING & IMPROVING THE HEALTH OF ALL MINNESOTANS

**Minnesota Department of Health
ADMINISTRATIVE PENALTY ORDER**

Barth A. Humlie
6527 Portland Avenue South
Richfield, Minnesota 55423

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. On November 6, 2015 the Minnesota Department of Health received a complaint regarding the incompleteness and falsification of a **Release of Human Remains Document** required by the state of Wisconsin.
2. Barth A. Humlie is a licensed Mortician (M-2726) employed by Morris Nilsen Funeral Home. Barth A. Humlie also holds a license to practice mortuary science in the state of Wisconsin.
3. Barth A. Humlie gave permission and direction to a Minnesota licensed mortician to forge his name and Wisconsin license number in order to complete documentation for the possession and transport of dead human remains from the state of Wisconsin.
4. In addition, Barth A. Humlie asked for and received compensation from Thomson Dougherty Funeral Home for the use of his name and Wisconsin license number while engaging in an act of Forgery.

III. Violation Reference

Minn. Stat. § 149A.70, subd.4 Solicitation of Business states:

No licensee shall directly or indirectly pay or cause to be paid any sum of money or other valuable consideration for the securing of business or for obtaining the authority to dispose of any dead human body.

For purposes of this subdivision, licensee includes a registered intern or any agent, representative, employee, or person acting on behalf of the licensee.

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) Knowingly making a false statement in the procuring, preparation, or filing of any required permit or document.

Minn. Stat. § 149A.93, subd.5. Death Outside State; Disposition Permit states:

When a death occurs outside of the state and the body travels into or through this state, the body must be accompanied by a permit for burial, removal, or other disposition issued in accordance with the laws and rules of the state where the death occurred.

IV. Conclusion

1. Barth A. Humlie assisted in the act of providing a false statement in the procuring, preparation, and filing of a required permit or document.
2. Barth A. Humlie allowed a Minnesota licensed mortician to use his signature and license number in an act of forgery to complete a Wisconsin document for the possession and transfer of human remains (the decedent) when never himself having possession of the body. Barth A. Humlie deceitfully represented his signature and Wisconsin license number for the filing of records in the state of Wisconsin.

V. Corrective Order

It is ordered that, before the 31st day after Barth A. Humlie receives this order, he must demonstrate, IN WRITING, that the corrective actions specified herein have been taken or that he has taken appropriate steps toward correcting the violation and that he has a plan for full compliance.

If Barth A. Humlie fails to demonstrate that the corrective actions specified below have been taken or 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 VI.

Barth A. Humlie shall develop a plan to correct the violation within the 30-day period. The plan must be approved by the Department. 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 March 15, 2017, Barth A. Humlie must attend continuing education course(s) and complete a total of at least 10 CEUs on the proper protocol for taking possession of and transporting human remains from another state, obtaining proper authorization and documentation including valid signatures for a death that occurs outside the state of Minnesota, and funeral ethics including completing a separate CE course that addresses the same areas which pertain to Wisconsin funeral law, as follows:

1. The continuing education course(s) must be conducted by a provider that is approved by the Minnesota Department of Health, Mortuary Science Section on or before March 15, 2017. Barth A. Humlie must identify upcoming continuing education course(s) 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; an 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, Barth A. Humlie must attend the continuing education course. In addition,

Barth A. Humlie shall do an extensive review of both MN Chapter 149A and Wisconsin Funeral Law and provide the Minnesota Department of Health an essay on how the laws from both states apply to the areas of violation.

2. In the event that Barth A. Humlie (1) is, by March 15, 2017, after reasonable inquiry, unable to identify a continuing education course that meets the above requirements; or (2) there is no continuing education course that meets the above requirements which is offered on or before March 15, 2017, he shall submit the Minnesota Department of Health, Mortuary Science Section, a written request for an extension of time.
3. Within five working days after attending the approved course(s), Barth A. Humlie 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.

VI. PENALTY ASSESSMENT

Forgivable Penalty Assessment

Barth A. Humlie is assessed a FORGIVABLE administrative penalty of \$500 for the violation described in Sections II and III.

If Barth A. Humlie demonstrates, IN WRITING, within 30 days of receipt of this order, that the corrective actions have been taken, or that appropriate steps have been taken toward correcting the violation, which may include the development of a plan for correction, this penalty will be forgiven.

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

Non-forgivable Penalty Assessment

Barth A. Humlie is also assessed a NONFORGIVABLE penalty of \$3,500.00 for the violations 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, Mortuary Science Section within 30 days of the date of receipt of this order.

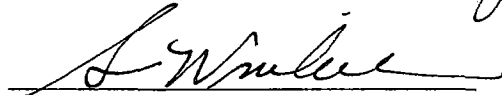
1. Licensee may pay the \$3,500.00 civil penalty in monthly installments of up to six months after the effective date of this action. If licensee chooses to make installments, he must notify MDH in writing about his intentions, including how many installments he intends to make, in what amount, and over which time period. Licensee must send this information to: Investigation and Enforcement Unit, Mortuary Science Program, MDH, PO Box 64882, Saint Paul, MN 55164-0882.
2. Each payment must be made by check or money order payable to "Treasurer, State of Minnesota" and mailed to; Investigation and Enforcement Unit, Mortuary Science Section, MDH, PO Box 64882, Saint Paul, MN 55164-0882. Each payment is due by the last day of each month; however, licensee may prepay at any time.

3. The penalty may be referred to the Minnesota Department of Revenue (MDOR), or any other source of collection, if the debt is 14 days past the established due date. When this determination for a penalty becomes public and MDH refers the matter to MDOR, MDOR is authorized by Minnesota Statutes, section 16D.17 to obtain a judgement against licensee without further notice or proceeding.

VII. 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 20th day of January, 2017



Susan Winkelmann
Assistant Division 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: Anne Kukowski, Manager of the Mortuary Science Section, Minnesota Department of Health, P.O. Box 64882, St. Paul, MN 55164-0882.