

**Minnesota Department of Health  
ADMINISTRATIVE PENALTY ORDER**

Methven-Taylor Funeral Home  
Mr. Timothy S. Taylor  
850 East Main Street  
Anoka, Minnesota 55303

***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 January 14, 2015, the Minnesota Department of Health, Mortuary Science Section (“Department”) investigated a complaint concerning Methven-Taylor Funeral Home.
2. During the investigation, the Department learned that on November 14, 2014, the staff of Methven-Taylor Funeral Home accepted a dead human body for final disposition. A review of the funeral home’s records concerning the decedent indicated that the decedent’s body was sent to the crematory on November 22, 2014.
3. During the period from November 14, 2014 to November 22, 2014, when the decedent’s body was in the funeral home awaiting cremation, Methven-Taylor Funeral Home staff did not embalm, refrigerate, or pack in dry ice the decedent’s body.

***III. Violation Reference***

**Minn. Stat. § 149A.94, Subd. 1 states:**

**Generally.** Every dead human body lying within the state, except unclaimed bodies delivered for dissection by the medical examiner, those delivered for anatomical study pursuant to section 149A.81, subdivision 2, or lawfully carried through the state for the purpose of disposition elsewhere; and the remains of any dead human body after dissection or anatomical study, shall be decently buried or entombed in a public or private cemetery, alkaline hydrolyzed, or cremated within a reasonable time after death. Where final disposition of a body will not be accomplished within 72 hours following death or release of the body by a competent authority with jurisdiction over the body, the body must be properly embalmed, refrigerated, or packed with dry ice. A body may not be kept in

refrigeration for a period exceeding six calendar days, or packed in dry ice for a period that exceeds four calendar days, from the time of death or release of the body from the coroner or medical examiner.

#### ***IV. Corrective Order***

It is ordered that the Methven-Taylor Funeral Home must demonstrate, IN WRITING, to the satisfaction of the Director of the Health Regulation Division that the corrective actions specified have been taken or 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 the 31<sup>st</sup> day after you receive the order.

If Methven-Taylor Funeral Home fails to demonstrate to the satisfaction of the Director that the corrective actions specified below have been taken or that 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:**

1. Create and implement written procedures for ensuring that all human remains brought into the funeral home will be properly embalmed, refrigerated or packed with dry ice if final disposition of those remains will not take place within 72 hours following the death or release of the body, in accordance with Minnesota Statutes section 149A. 94.
2. Conduct training for all Methven-Taylor Funeral Home staff licensed funeral directors and interns to review Minnesota Statutes section 149A.94 and ensure all staff is knowledgeable of this law. The Owner must also train the staff on how to discuss this topic with the families Methven-Taylor Funeral Home serves, including the options families have when final disposition may not take place within 72 hours after death or release of the body.
3. On or before April 1, 2015, submit to the Department a copy of the training materials, the date the training was held, and the name, license number, and signature of the funeral directors and interns who attended the training.

#### **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 Health Regulation Division, IN WRITING, within 30

days of 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 the initial 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**

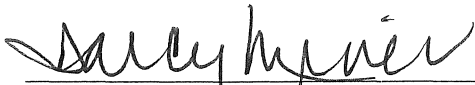
You are also assessed a NONFORGIVABLE penalty of \$2,000 for the violation described in Sections II and III.

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 within 30 days of the date of receipt of 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 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 20<sup>th</sup> day of February 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.