

**BEFORE THE BOARD OF MORTUARY SCIENCE EXAMINERS  
OF THE STATE OF IOWA**

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<b>IN THE MATTER OF:</b>	)	<b>Case No. 06-04</b>
	)	
<b>CRAIG WATTS, F.D.</b>	)	
License. No. 104 02115	)	
	)	<b>CONSENT ORDER</b>
<b>Respondent.</b>	)	
	)	

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The Iowa Board of Mortuary Science Examiners (Board) and Craig Watts, F.D. (Respondent) enter into this Settlement Agreement and Consent Order (Order), pursuant to Iowa Code sections 17A.10(1) and 272C.3(4) (2005).

1. The Board has jurisdiction of this matter pursuant to Iowa Code section 147.14(16) (2005), and Iowa Code chapters 17A, 156, and 272C (2005).
2. Respondent was issued Iowa license number 104-02115 on the 8<sup>th</sup> day of October, 1977. The license was suspended through prior disciplinary order (Case Nos. 03-008, 04-009) on October 6, 2004, but has been reinstated on probationary status.
3. On April 18, 2006, the Board charged Respondent in four counts as follows:
  - a. Failure to comply with his initial impaired practitioner contract in violation of Iowa Code section 272C.3(1)(k) and 645 Iowa Administrative Code 103.3(13).
  - b. Possessing a controlled substance without legal authority in violation of Iowa Code section 147.55(3) and 272C.10(3) and 645 Iowa Administrative Code 103.3(8)(a).
  - c. Addiction rendering Respondent unsafe to practice in violation of Iowa Code section 147.55(4) and 272C.10(4), and 645 Iowa Administrative Code 103.3(6)(c) and 103.3(7)(b).
  - d. Failure to comply with an order of the Board imposing discipline in violation of Iowa Code section 272C.3(2)(a) and 645 Iowa Administrative Code 103.3(11).
4. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order. This Consent Order is the final agency order in the contested case.

5. Respondent agrees the State's counsel may present this Order to the Board and may have ex parte communications with the Board solely for the purpose of presenting the Order.

6. This Order shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

7. This Order and the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2005).

8. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2005). However, no action may be taken against Respondent for violations of these provisions without an opportunity for hearing, or waiver of hearing.

9. This Order is subject to approval of the Board. If the Board fails to approve this Order, it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall fully dispose of all issues in this case.

10. This Order shall not preclude additional charges as to any new complaints received by the Board that are unrelated to the charges at issue in the Order.

11. Respondent understands that he should treat this Consent Order in the nature of a "last chance" order in light of (a) his prior disciplinary history with the Board, including his prior suspension, (b) the public's right to expect that a licensed funeral director practicing mortuary science will not possess or be impaired by controlled substances, and (c) the serious nature of the potential risk to the public if Respondent fails to fully comply with his appropriate substance abuse evaluation, treatment, and aftercare monitoring.

**IT IS THEREFORE ORDERED:**

**A. Reprimand:** Respondent is reprimanded for failing to comply with his impaired practitioner's contract.

**B. Civil Penalties:** Respondent shall pay a civil penalty of \$1,000 to the Board office no later than July 15, 2006.

**C. Suspension:** Respondent's license to practice as a funeral director in the state of Iowa is immediately suspended, effective upon the date this Consent Order is fully executed.

(1) Respondent shall physically surrender his funeral director's license to the Board office within seven (7) business days of the execution of this Consent Order.

(2) Respondent may not petition the Board to be released from suspension for at least six (6) months from the execution of this Consent Order.

(3) In addition to the provisions of 645 Iowa Administrative Code 11.31, Respondent must demonstrate as a condition of reinstatement all of the following:

- (a) independent verification that he is in full compliance of all terms of probation in Criminal Case No. SRIN011792,
- (b) independent verification of the aftercare program established by Capstone Behavioral Healthcare or such alternative provider as the Board may pre-approve, which must include participation in an AA or NA meeting schedule and chemical screening,
- (c) independent verification of his strict compliance with the aftercare program established as provided in subparagraph (b),
- (d) independent verification of the name of his AA or NA sponsor,
- (e) independent verification that he has attended AA or NA meetings as provided in his aftercare program,
- (f) independent verification by First Lab or such alternative source as the Board may pre-approve of at least 3 drug-free chemical screenings spaced at least one month apart with at least one such screening within the month prior to any application to reinstate,
- (g) submission to the Board of a release form sufficient to permit the Board to receive information directly from Respondent's aftercare program, AA or NA sponsor, chemical screening source, and any other applicable evaluation, treatment, or aftercare provider, and
- (h) full compliance with the terms of this Consent Order.

(4) Respondent understands that if the Board reinstates his license, he will be placed on probationary status upon such terms and conditions as are appropriate for the protection of the public and, if possible, will be referred back to the Impaired Practitioner Review Committee. If accepted back into the Impaired Practitioner Review Committee program, Respondent's funeral director license shall remain in probationary status until such time as Respondent is released from the monitoring of the Impaired Practitioner Review Committee. If not accepted back into such program, the Board shall devise an equivalent monitoring program as the circumstances then existing may reasonably require.

(5) Within 14 days of the execution of this Consent Order (a) Respondent must identify for the Board by name, address and license number the licensed funeral director who shall perform mortuary science services at his funeral home establishment while Respondent's

funeral director's license is suspended, and (b) the identified funeral director must provide the Board written verification of the terms and conditions of the arrangement. Respondent shall not alter the terms or change the designated funeral director without prior Board approval.

**C. Future Compliance**

Respondent shall in the future adhere to all statutes and administrative rules applicable to the practice of mortuary science in the state of Iowa.

**This consent order is approved by the board on June 8, 2006.**