

**MASSACHUSETTETS BOARD REGISTRATION IN EMBALMING AND  
FUNERAL DIRECTING**

**PUBLIC SESSION MINUTES**

Tuesday, October 6, 2015 10:00 a.m.  
1000 Washington Street, Boston  
Conference Room 1D

**Board Members Present:**

Dahria Williams-Fernandes  
Peter Stefan  
Thomas O'Donnell  
Carolyn Lindsay

**Staff Members Present:**

Colleen Cavanaugh, Assoc. Exec. Director  
Charles Kilb, Board Counsel  
Christopher Carroll, Chief Investigator  
Robert Williams, Investigator

**Public Members Present:**

Margaret Nolan  
Sandra Ward

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Meeting Called to order at 10:30 a.m.

**Evacuation Procedure:**

Ms. Cavanaugh discussed safety procedures in the event of emergency.

**Executive Director Report:**

Mr. Hawley has nothing to report.

**Board Counsel Report:**

Attorney Kilb is now covering the Board during Ms. Pauzes' absence.

**Discussion:**

Review of Board's Regulations pursuant to Executive Order 562

The Board discussed the Board's regulations at 239 CMR 3.00 – 5.00 and considered changes that would make them more consistent with Executive Order 562. The discussion focused around 239 CMR 3.00. In particular, the discussion focused around the following areas:

- A. Discussion regarding requiring apprentice embalmers to attend a certain number of pre-need conferences with consumers in order to upgrade. This discussion also centered around relaxing the supervision requirements for apprentice embalmers engaged in embalming.
- B. Discussion of examination requirements, including rules regarding lapses beyond one year as well as creating a practicum portion of the exam. Per Board counsel, the Board was advised no change in regulations was needed to create a practicum portion of the exam, however, the Board could not amend the one year rule mandating retaking the examination, as that was statutory. The Board members unanimously agreed that providing an inactive registration status was the best option for addressing the examination issue. Members agreed that this could be used for registrants seeking to enter other death care professions. However, they decided continuing education would still be mandatory for inactive registrants.
- C. Board Counsel provided the Board language for registration by endorsement, essentially mandating applicants from other jurisdictions had to take an examination but would only be allowed to do so if they possessed credentials substantially equivalent to that of Massachusetts. The Board accepted this language as word-smithed.
- D. The Board members discussed eliminating change of ownership rules if a non-original owners owns an establishment for at least ten or twenty years. Because there was not consensus on this issue, it was put to a vote. A motion was made by Ms. Lindsay, seconded by Mr. Stefan, and it was:

Voted 3-1 to strike 3.04 (3)(b) the last sentence that was added ( For purposes of changes of ownership, a Type 3 registered to a Licensed Funeral Establishment for twenty years or more at the time of a transfer in ownership shall be deemed to be an original owner by the board.

Upon conclusion of the discussion, a motion was made by Mr. O'Donnell, seconded by Ms. Lindsay, and it was:

Voted unanimously to accept section 3.00 with changes as discussed.

**Pre-need reporting form:**

The Board briefly discussed an amended pre-need reporting form to be used by funeral establishments which must annually report their pre-need information to the Board. Legal counsel noted that the Board could choose to retain the present form at it reflects present

regulations, not prospective ones. Accordingly, a motion was made by Mr. O'Donnell, seconded by Ms. Lindsay, and it was:

Voted unanimously to not change the current form used for annual pre-need reporting.

**Establishment Certificates:**

McCarthy, McKinney and Lawler Funeral Home LLC was signed. As the establishment had previously been approved, no formal action was necessary.

**Open session for topics not reasonably anticipated 48 hours in advance of meeting:**

The Board members noted that, to avoid overwhelming staff, it would be good if an additional staff member could be recruited who could be assigned to the Board matters full time.

The Board members reiterated that, per a prior vote, the only exception to the pending lapse of funeral apprentices who have been registered in excess of six years is a current enrollment in mortuary school. It was noted that these individuals would also have to come before the board and execute conditional licensure agreements. No formal action

**4:30 p.m. Adjournment**

Ms. Lindsay moved to adjourn the meeting. Motion seconded by Mr. O'Donnell.  
Motion passed unanimously

Respectfully submitted,



Colleen Cavanaugh  
Associate Executive Director

List of Documents used at the meeting:

Agenda for the October 6, 2015 meeting

Copy of the Board's Draft Regulations