

**MASSACHUSETTETS BOARD REGISTRATION IN EMBALMING AND  
FUNERAL DIRECTING  
PUBLIC SESSION MINUTES**

Tuesday, November 3, 2015 10:00 a.m.  
1000 Washington Street, Boston  
Conference Room 1D

**Board Members Present:**

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

**Staff Members Present:**

Michael Hawley, Executive Director  
Colleen Cavanaugh, Assoc. Exec. Director  
Charles Kilb, Board Counsel

**Public Members Present:**

Margaret Nolan

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Meeting Called to order at 10:07 a.m.

**Evacuation Procedure:**

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

**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 covered 239 CMR 3.00 through 239 CMR 5.00. In particular, the discussion focused around the following areas:

A. Discussion regarding length of time an individual must be an owner of a funeral establishment in order to meet new provisions allowing them to be deemed an "original owner", by unanimous consent, the Board members agreed to a timeframe of ten years.

B. Mandates of Medical Examiners to view a decedent at a crematory or other location while said decedent is in the custody of a funeral director. It was noted, with participation of legal counsel, that the Board only has the authority to regulate funeral directors,

not medical examiners. The Board, by unanimous consent, decided to place a mandate in the regulations that, while in the care of a funeral director, a decedent may only be viewed by the medical examiner in a licensed funeral establishment. Legal counsel noted that, should a funeral director placate a medical examiner by allowing a viewing at a crematory, by regulation, it will be the funeral director who would face discipline.

C. The Board inserted an obligation in the regulations that a funeral director not leave a decedent in a crematory overnight if it cannot be cremated, as that decedent is in the custody of the funeral director until the cremation takes place.

Thereafter, the Board generally reviewed the amendments to all sections of the regulations, no further changes made.

**A motion was made by Ms. Williams-Fernandes, seconded by Ms. Lindsay, and it was:**

**Voted unanimously to accept the changes to the regulations as amended.**

Board counsel will send out a draft copy of the regulations to the Board members reflecting all changes. He will additionally make a version which highlights the changes made at the November 3, 2015 Board meeting available to any Board member on request.

#### MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR

1. Mr. O'Donnell has requested the following items for the next meeting:
  - An alphabetized list of each type class of a license (Funeral Assistant, Apprentice, Type 3, and Type 6).
  - A list of all the Funeral Establishments alphabetized by town. He would like this list distributed for all the board members.
  - A list of all the preneed cases.
  - A list of all lapsed and expired licenses for each type class.
  
2. Members inquired regarding the process of getting items on the agenda for the next meeting. Board counsel noted that they could either request items at the end of a meeting, or between meetings, members can contact staff with proposed agenda items. Staff will work with the Chair to create the final agenda. The Board was reminded that per the Open Meeting Law,

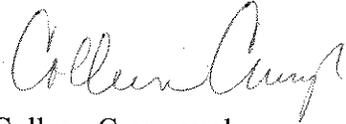
they cannot deliberate on Board matters outside of meetings, thus they need to act through staff rather than contacting each other directly.

3. Legal Counsel reminded the Board that in the near future, they will need to contact local Board's of Health regarding registrants who have failed to renew their licenses.

### **1.23 a.m. Adjournment**

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

Respectfully submitted,



Colleen Cavanaugh  
Associate Executive Director

### List of Documents used at the meeting:

Agenda for the November 3, 2015 meeting

Copy of the Board's Draft Regulations (Draft after 10/20/15 meeting)