

**Massachusetts Board of Registration in Embalming and Funeral Directing  
Public Session Minutes  
Meeting of 01/05/16**

Held at  
1000 Washington Street, Boston, MA, 02118  
At 10:00 a.m.  
Room 1D

**Board Members Present:**

Patrick Driscoll  
Thomas O'Donnell  
Paul Phaneuf  
Peter Stefan (arrived at 10:31 a.m.)

**Board Member Absent:**

Carolyn Lindsay

**Staff Members Present:**

Michael Hawley, Executive Director  
Shara Benedetti, Associate Executive Director  
Charles Kilb, Board Counsel  
Christopher Carroll, Chief Investigator  
James Read, Chief Prosecutor  
Bruce Hopper, Chief Legal Counsel

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**Call to Order**

Mr. O'Donnell called the meeting to order at 10:04 a.m. Board staff reviewed building evacuation procedures and noted the location of restrooms.

**Review of Minutes**

The Minutes of the meeting held on December 15, 2015 will be prepared for review and approval at the next meeting. No formal action.

**Correspondence**

None reviewed at this time

## **Wall Certificates**

McDonough Funeral Home, Lowell MA

The wall certificate was signed.

## **Report from Executive Director Michael Hawley**

### Apprentice to Funeral Transitions

Mr. Hawley reported to the Board that approximately half of the registered apprentices have transitioned to a licensed funeral director or a funeral assistant.

### E-Licensing Status

Mr. Hawley provided the Board with an update of the status on the E-Licensing system currently in progress. Mr. Hawley indicated that the staff has worked hard to create a way for all relationships to be accounted for in the new system. Mr. Hawley is hopeful the new E-Licensing system will be running by August of 2016. Mr. Driscoll inquired if other Boards are currently on the E-Licensing system. Mr. Hawley indicated that there are Boards already using the system. Mr. Hawley indicated that licensees and applicants will be notified that they will be able to complete applications online, but will also still be able to submit them via mail. Mr. Hawley indicated that with the E-Licensing system, licensees will be able to renew online and the renewal will be instantly updated on the website.

Mr. Hawley further indicated that PCS will still be receiving the funeral director applications after the E-Licensing system is in place because PCS must administer the exam to the new applicants.

The Board expressed concerns with PCS slowing down the application process. Mr. Phaneuf also indicated that he found that it was difficult to find the apprentice application on the PCS website. Mr. Hawley took the Board's concerns under advisement.

## **Report from Legal Counsel, Charles Kilb**

### Regulation Change Update

Mr. Kilb indicated to the Board that he is waiting on approval for the new regulations. Mr. Phaneuf inquired when the hearing would be. Mr. Kilb indicated

that he is hopeful for next month, but he is not certain as administration approval must be obtained first. Mr. Kilb suggested that a public hearing could be held at the beginning of a board meeting and that the Board may review and make final changes to the regulations that very same day. Mr. Kilb indicated that only one public hearing for review of new regulations is required, the Board is free to schedule additional public hearings if desired, however, at least one Board member must attend each hearing. The Board members expressed a desire to only schedule one hearing at this time.

Mr. Kilb further indicated that he has a number of establishment applications that he is hopeful will be on a meeting agenda in the near future.

Draft Policy regarding review of conviction and pending criminal case data regarding applicants for licensure

Mr. Kilb indicated that the draft CORI policy was proposed to the Board approximately 5 years ago and at that time, the Board declined to adopt the policy. Mr. Kilb explained that the draft policy would function as a screening mechanism. The policy would eliminate the need for certain applicants to come before the board during an executive session to discuss their CORI record. The new policy would also specify that applicants with certain types of convictions, as outlined in the draft policy would have to wait 10 years from the date of his or her conviction in order to be eligible to apply for a license, though anyone aggrieved would have certain due process rights spelled out in the policy. Mr. Kilb explained that the policy is a way to set out minimum standards with respect to applicants' criminal histories.

Mr. Driscoll indicated that he is in favor of a policy that eliminates the need for applicants with certain very minor convictions to come forward in the executive session and be subject to questioning by the Board with respect to those minor conviction(s). Mr. Driscoll inquired if the Board could require that applicants with certain convictions pertinent to the funeral profession come before the Board during an executive session. Mr. Driscoll expressed concern about convictions involving fraud, theft or moral character. Mr. O'Donnell expressed concerns about drug offenses and indicated that the Board may want to speak to an applicant with prior drug offenses regarding any substance abuse treatment they may have received or are receiving. Mr. Kilb noted that, as drafted, all recent crimes would come before the Board and that more serious crimes would involve additional scrutiny.

Mr. Kilb indicated that under the proposed policy, every applicant's CORI will still be reviewed. If an applicant has a possibility of an adverse determination, the applicant will receive a copy of his or her CORI and would be invited to come to a board meeting where the applicant would speak with the Board during the executive session. Mr. Kilb indicated to the Board that other boards have adopted the policy and it has worked well in the past, however he encouraged

the Board to stay actively involved in the process and amend the policy as needed.

Voted: Mr. Driscoll moved to adopt the draft CORI policy, seconded by Mr. Phaneuf. All in favor.

**Motion passed unanimously.**

#### Review of Current Policies and Guidelines

The Board tabled review of the current policies and guidelines for the next meeting.

#### Report from Chief Investigator, Christopher Carroll

Mr. Carroll updated the Board on the Diaz matter.

#### CEU Provider Applications

The Board reviewed the following CEU provider applications:

##### **NFDA**

Certified Crematory Operatory Program (CCO) Seminar  
NFDA Home Studies (Various)  
NFDA Leading the Conversation: How to Connect with Senior Adults in the Arrangement Conference  
Embalming Risk Management  
At the Intersection of Profit & Service: The Funeral Home in 2016

##### **MFDA**

10 Arrangement Steps Essential For Families Selecting Cremation  
Moving from Grieving to Remembrance  
The Beauty, Characteristics and Value of Enduring Metals Used in the Art of Casket  
The Beauty, Characteristics and Value of American Woods Used in the Art of Casket Construction  
Funeral Home Professional Communication Skills

Ms. Lindsay suggested in a notation, read during the meeting by Mr. O'Donnell, that the CEUs should be categorized by subject. Ms. Lindsay also expressed a desire to attend a CEU class. Ms. Lindsay also indicated that she thought the MFDA classes appeared interesting and helpful, but thought it

would be better if there was a form of examination instead of survey questions at the end.

Voted: Mr. Phaneuf moved to approve all of the above-listed CEU provider applications, seconded by Mr. Stefan. All in favor.

**Motion passed unanimously.**

**Closed – Executive Session pursuant to M.G.L. c. 30A, § 21; M.G.L. c. 4 § 7 (Twenty-Sixth)(I); and M.G.L. c. 66A § § 1-3**

At 10:20, a.m., a motion was made by Mr. O'Donnell, seconded by Mr. Phaneuf, to go into executive session pursuant M.G.L. c. 30A, § 21(a)(1) § 21; M.G.L. c. 4 § 7 (Twenty-Sixth)(I); and M.G.L. c. 66A § § 1-3 for the purpose of discussing examination questions and answers. The Chair announced the Board would likely be in Executive Session for approximately three hours. A roll call vote was taken:

Members in favor: Mr. Stefan, aye; Mr. Driscoll, aye; Mr. O'Donnell, aye; Mr. Phaneuf, aye.

Members opposed: none

**Investigative Session Case, Investigative Conferences, Settlement Offers: Closed session pursuant to M.G.L. c. 112, § 65C**

Mr. Phaneuf moved to enter into investigative session, seconded by Mr. Driscoll, all in favor.

Voted: To enter Investigative Conference: Closed session pursuant to M.G.L. c. 112, § 65C.

**Motion passed unanimously.**

Mr. Stefan recused himself from the session and left the meeting room during this session.

Upon returning to open session, the following was noted for the record:

The Board provided a settlement offer in the matter of Docket Nos. EM-14-015 et al. and FE-14-002

**3:58 p.m. Adjournment**

Mr. Phaneuf moved to adjourn the meeting. Mr. Driscoll seconded.

**Motion passed unanimously.**

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'SB', written in a cursive style.

Shara Benedetti  
Associate Executive Director

**List of Documents used at the meeting:**

Agenda for the January 6, 2016 meeting

Draft CORI Policy

CEU Provider Applications:

**NFDA**

- Certified Crematory Operatory Program (CCO) Seminar
- NFDA Home Studies (Various)
- NFDA Leading the Conversation: How to Connect with Senior Adults in the Arrangement Conference
- Embalming Risk Management
- At the Intersection of Profit & Service: The Funeral Home in 2016

**MFDA**

- 10 Arrangement Steps Essential For Families Selecting Cremation
- Moving from Grieving to Remembrance
- The Beauty, Characteristics and Value of Enduring Metals Used in the Art of Casket
- The Beauty, Characteristics and Value of American Woods Used in the Art of Casket Construction
- Funeral Home Professional Communication Skills

Draft Policy regarding review of conviction and pending criminal case data regarding applicants for licensure