

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN EMBALMING AND FUNERAL DIRECTING
MINUTES OF THE OCTOBER 15, 2024, OPEN PUBLIC MEETING

Board Members Present in person:

Paul Phaneuf, Chair
Rebecca Ridley, Member
Richard Gormley, Member

Board Members Remotely Attending:

Patrick Driscoll, Secretary
Janet Leombruno, Member (Joined meeting at 10:33 am)

DOL Staff Present in person at various times during the meeting:

Peter Kelley, Board Counsel
Marjorie Campbell, Executive Director
John Hill, Board Administrator
Bob Williams, Investigator

Board Members and Staff attended as noted.

1. The Executive Director called the meeting to order at 10:14 am and advised as to the recording of the public meeting. Board members and staff introduced themselves.
2. The Board Chair advised as to room procedures, exits, and fire alarm procedures.

Approval of Meeting Minutes: The Board members reviewed the meeting minutes from the public session of the September 17, 2024, meeting. After a brief discussion, a motion to approve the meeting minutes was made by Richard Gormley, motion seconded by Rebecca Ridley. The Chair called for a roll call vote.

In Favor: Paul Phaneuf, Richard Gormley, and Rebecca Ridley
Abstain: Patrick Driscoll
Opposed: None
Motion Passes

Executive Director Report:

1. Report on Administratively Approved License Registrations: The Board members were given the list of Administratively Approved License Registrations for review. After a brief discussion, a motion to accept the list of License Registrations was made by Rebecca Ridley, motion seconded by Richard Gormley. The Chair called for a roll call vote.

In Favor: Paul Phaneuf, Richard Gormley, Rebecca Ridley, and Patrick Driscoll

Opposed: None
Motion Passes

2. Report on Administratively Approved Continuing Education Course Providers: The Board members were given the list of Course Providers for review. After a brief discussion, a motion to accept the list of Continuing Education Course Providers was made by Richard Gormley, motion seconded by Rebecca Ridley. The Chair called for a roll call vote.

In Favor: Paul Phaneuf, Richard Gormley, Rebecca Ridley, and Patrick Driscoll
Opposed: None
Motion Passes

3. Update on Transition to New Testing Vendor: PSI has completed all of the test rescoring of the MA jurisprudence examination and will contact each applicant to notify them of the rescore results and to inform them whether a refund is owed to them. The Executive Director (ED) will also follow up to make sure that each applicant on the rescore list has been informed that the process was completed. There have been ongoing issues with getting license cards printed and ongoing communication issues with the individual testing sites. We will continue to have weekly meetings with PSI leadership.

Board Counsel Report: No new items

Discussion Items

1. Presentation of Funeral Director Statistics: Applications and Licensing Statistics: Board members were given statistics to review, which compared the number of applications per year, against the actual number of applicants who received a license, for the Funeral Assistants, Apprentices, and Funeral Directors Type 6's and Type 3's; going back the past 10 years. It was noted that there were no significant gaps in the statistics. Board chair requested a discussion on the next Board agenda whether or not we should bring back the Type 5 Funeral Director licenses. This discussion will include clarifying the scope of practice of the Funeral Director Type 6's and whether all of them are required to be under an agreement with an established Funeral Home, and/or registered with the local area of practice.
2. Discussion of extension of apprenticeship registration for those type 6 candidates who have pending applications.
 - Motion made by Janet Leombruno, to delegate to Board staff the authority to grant a one year extension of apprenticeship registration for such candidates who request it.
 - Motion seconded by Rebecca Ridley
 - The Chair called for a roll call vote
 - In Favor: Paul Phaneuf, Richard Gormley, Rebecca Ridley, Janet Leombruno, and Patrick Driscoll

- Opposed: None
- Motion passes

3. Swearing in Process: Currently, Board staff has the delegated authority, as part of emergency provisions during the pandemic, to conduct the swearing in for the new Funeral Director Type 6 licensees, and also the authority to issue licenses to Funeral Assistants, Apprentices, and Funeral Director Type 6's and Type 3's ; with the Board granting approval at their monthly Board meetings. Board members would like to bring back the in-person ceremony of welcoming new licensees into the profession. Board members discussed which licensees should need to come before the Board, personally or virtually and agreed to the following: Starting January 1, 2025, the following applicants shall come before the Board, prior to receiving their licenses:

- Funeral Director Type 6: with their Sponsor if affiliated with a Funeral Home, as well as to be sworn in before the Board.
- Embalming Apprentice: with their Sponsor
- Funeral Assistants: with their Sponsor
(Above referred to as "New Licensing Approval Process")

- Motion by Rebecca Ridley to accept the New Licensing Approval Process, effective January 1, 2025
- Motion seconded by Patrick Driscoll
- Board Chair called for roll call vote
- In Favor: Paul Phaneuf, Richard Gormley, Rebecca Ridley, Janet Leombruno, and Patrick Driscoll
- Opposed: None
- Motion passes

Investigative Update on Licensed Establishments:

Investigator Bob Williams gave a verbal update to Board members. He reported that he had completed the inspection on McNally, Watson and Clinton Funeral Home. Bob Williams also said he was working with John Hill with McKinney who just bought Norton Funeral Home. Matt Peachy is purchasing Sperry-McHoul FH in North Attleboro and McDonald-Finnegan is purchasing Anderson-Bryant FH in Stoneham. Bob reported also that so far things look well with pre-needs reports. Bob is reminding anyone purchasing a funeral home that they need to review the pre-need reports of the business that they are taking on and make sure that all is in order.

Licensing Application Questions

1. Question from Funeral Director Type 6 Applicant Tammy Nelson: This applicant is applying for a Type 6 Funeral Director license. Ms. Nelson began her application on 6/11/2018, passing the Jurisprudence exam on 12/21/2018. Since then, she has not passed the Written Practical exam

despite multiple attempts. Ms. Nelson indicated to Bosrd she did complete her education and apprenticeship requirments. Issue is whether her Jurisprudence exam score from 2018 can now be used in her current application. Board members discussed and decided that Ms. Nelson would have to retake the Jurisprudence exam, as this is the process for any lapsed licensee. Also, she will have to take the Written Practical exam as she has not yet passed this exam.

- Motion made by Rebecca Ridley to accept Ms. Nelson's apprenticeship, but that she would have to retake the Jurisprudence exam and the Written Practical exam, and she will have to start a new application with PSI.
- Motion seconded by Patrick Driscoll
- Board Chair called for a roll call vote
- In Favor: Paul Phaneuf, Richard Gormley, Rebecca Ridley, Janet Leombruno, and Patrick Driscoll
- Opposed: None
- Motion passes

Topics Not Reasonably Anticipated 48 Hours in Advance of Meeting

1. Question from Applicant Tania Cooper: Applicant is requesting that her Apprenticeship be extended to allow her time to take the Written Practical exam by the end of the year. She intends to apply for a Type 6 Funeral Director when she passes the exam, and she did pass the Jurisprudence exam in 2018.
 - Motion made by Rebecca Ridley to extend Tania Cooper's Apprentice license for one year
 - Motion seconded by Patrick Driscoll
 - Board Chair called for a roll call vote
 - In Favor: Paul Phaneuf, Richard Gormley, Rebecca Ridley, Janet Leombruno, and Patrick Driscoll
 - Opposed: None
 - Motion passes
2. Question from Applicant James Scopa: Applicant graduated from Mortuary school in 2018; he still needs to pass the Jurisprudence exam and the Written Practical exam, and is seeking a year extension for his Apprentice license.
 - Motion made by Rebecca Ridley to extend James Scopa's Apprentice license for one year
 - Motion seconded by Richard Gormley
 - Board Chair called for a roll call vote
 - In Favor: Paul Phaneuf, Richard Gormley, Rebecca Ridley, Janet Leombruno, and Patrick Driscoll
 - Opposed: None
 - Motion passes

Public Comment:

1. There was discussion from Board members and the public that there is a new registration system for death certificates for Massachusetts coming out within a month. Watch for courses to be offered for information about the new Death Certificate. There may also be ongoing discussion at the Board meetings as the State transitions to the new form, and whether or not that will require revisions to the current Jurisprudence exam.
2. Reminder that there will be the November MARVIR Launch Training for Funeral Directors under the 2024 New Electronic Death Registration System.
3. There were questions about topics for future Board meetings, including a request to bring back a discussion to clarify the number of CE's that are required for Funeral Assistants and Apprentices. There was also a request to bring up discussion about the form for a Type 6 Funeral Director, and whether or not a new form needs to be completed for each new establishment.
4. Alex Messina, Funeral Director Type 6 applicant: addressed the Board regarding her frustration with the delays she has experienced with PSI over the past several months. She has passed both exams, she has been sworn in, and yet she still does not have her license with PSI. The Executive Director, Marjorie Campbell, will follow up again with PSI to resolve this issue.

At 12:19 pm, the Board exited its Public Session of the meeting and voted to enter Closed Session.

- Motion to exit Public Session and to enter Executive Session, per M.G.L. c. 30A, sec. 21(a)(1), for the purposes of discussing character or reputation and not professional competence, thereafter to enter Closed Session, pursuant to M.G. L. c. 112, § 65C, for the purpose of conducting investigative and settlement conferences, made by Richard Gormley
- Motion seconded by Rebecca Ridley
- Board Chair called for a roll call vote
- In Favor: Paul Phaneuf, Richard Gormley, Rebecca Ridley, Janet Leombruno, and Patrick Driscoll
- Opposed: None
- Motion passes

The Board took the following actions during the Investigative Conferences:

Cases:

- 2024-000659-IT-ENF: Refer to Prosecutions
- 2024-000322-IT-ENF: Refer back to OI
- 2024-000672-IT-ENF: Dismiss with Advisory (Paul Phaneuf recused)
- 2024-000617-IT-ENF: Refer back to OI (Rebecca Ridley recused)

At 1:30 pm, the Board voted to Adjourn the meeting

- Motion to Adjourn the meeting made by Patrick Driscoll
- Seconded by Richard Gormley
- Chair called for a roll call vote
- In Favor: Paul Phaneuf, Richard Gormley, Patrick Driscoll, and Janet Leombruno
- Opposed: None
- Motion passes

Documents used in public session:

- Agenda for the October 15, 2024, Open Meeting
- Public Session Minutes for the September 17, 2024, Board Meeting
- Report on Administratively Approved License Registrations for October 2024
- Report on Administratively Approved Continuing Education Course Providers for October 2024
- Board statistics: Applications and Licensing statistics
- Email from Applicant requesting Type 6 license