

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN EMBALMING AND FUNERAL DIRECTING
MINUTES OF THE FEBRUARY 20, 2024, OPEN PUBLIC MEETING

Board Members Present in person:

Paul Phaneuf, Chair (PP)
David Brezniak, Member (DB)
Richard Gormley, Member (RG)

Board Members Absent:

Patrick Driscoll, Secretary (PD)
Janet Leombruno, Member (JL)

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

Jenna Hentoff, Board Counsel (JH)
Kathleen McNally, Executive Director (KM)
John Hill, Board Administrator (JEH)
Robert Williams, Investigator, Office of Investigations (RW)

DOL Staff Present remotely at various times during the meeting:

Bryan Freitas, Supervisor, Office of Investigations
Anika Rosengarten, Intern, DOL Staff

Public Attendees present in person at various times during the meeting.

Patricia Muldoon

Public Attendees Remotely:

Margaret (Margie) Nolan, Tara McGrath, Sandy Ward, Calvin McKemmie

Board Members and Staff attended as noted, with members of the public attending as noted in-person and remotely.

1. KM made note of the Board Members, Staff, and the public in attendance.
2. KM advised as to the recording of the public meeting.
3. The Chair called the meeting to order at 10:05 AM with advisement as to the location of Rest Rooms, Exits, and Fire alarm procedures for this location.
4. The Chair led the discussion of the Open Public Meeting Minutes from January 16, 2024.

A MOTION to approve the minutes as submitted was made by RG. Seconded by DB. The Chair called for a roll call vote:

Paul Phaneuf - Yes
Richard Gormley – Yes

David Brezniak – Yes
Patrick Driscoll – Absent
Janet Leombruno – Absent

The Motion passed.

6.The Administratively Approved License Registrations Report was provided to the Board for acceptance:

Approved Funeral Registrants and Establishments

Mark A. Scott, Toomey-O'Brien Funeral Home, W. Springfield, 1-17-2024 – 51451-EM-6

Erick Mulligan, Campbell Funeral Home, Beverly, 1-25-2024 – 51452-EM-6

Ryan Ricci, Varnum Funeral Home, Brookfield, 1-25-2024 – 51453-EM-6

Thomas MacKinnon, MacKinnon Funeral Home, Marshfield, 1-25-2024 – 51454-EM-6

William Juzwic, Shaw-Majercik Funeral Home, Webster, 2-12-2024 – 51455-EM-6

Jeffrey Russo, Joseph W. Casper Funeral Home, South Boston, 2/16/2024 – 1077-EM-FA

Jonathan Torres, Campbell Funeral Home, Beverly, 2-16-2024 – 1078-EM-

After a brief discussion, a **MOTION** to approve the Administratively Approved License Registrations as submitted was made by DB. Seconded by RG. The Chair called for a roll call vote:

Paul Phaneuf - Yes
Patrick Driscoll – Absent
Richard Gormley – Yes
David Brezniak – Yes
Janet Leombruno – Absent

The Motion passed.

7.The Administratively Approved Continuing Education Units (CEU) Report was provided to the Board for acceptance:

The International Order of the Golden Rule

- 2024 OGR Annual Conference 6.00 Hours
 - The Young and Restless: Bridging the Gap Between Deathcare Leaders of Today and Tomorrow – 1 Hour
 - Embracing the Future of Cremation: Insights From an Owner and Supplier – 1 Hour
 - Cosmetic Techniques for Opaque and Semi-Opaque Applications – 1 Hour
 - Compassionate Connections: Enhancing Interpersonal Skills in the Funeral Profession – 1 Hour
 - Exit With Success: Succession Planning and Your Business – 1 Hour

- The 'F' Words of Funeral Service: Best Practices in Customer Service for the Modern Funeral Professional – 1 Hour

MKJ Marketing

- MKJ Marketing Summit – Moving Your Business Forward 12.00 Hour

Wilbert Funeral Services

- A Business Case for Diversity, Equity & Inclusion in the Workplace 1.00 Hour
- Introduction to Advanced Reconstructive Surgery Techniques 1.00 Hour
- The Information Race: Who's Fastest? Us or the Consumer? 1.00 Hour
- Focus on the OSHA's Bloodborne Pathogen Standard 1.00 Hour

DENIED:

National Funeral Directors Association,
Online Cremation Certification Program 6.00 Hour

After a brief discussion, a **MOTION** to accept the Administratively Approved Continuing Education Report as presented was made by DB, Seconded by RG. The Chair called for a roll call vote:

Paul Phaneuf - Yes

Patrick Driscoll - Absent

Richard Gormley - Yes

David Brezniak - Yes

Janet Leombruno – Absent

The Motion passed.

6. Executive Director Kathleen McNally reported on the 2023 Pre-Need Report submissions. She notified the Board that they were under review and further, that a number of reports were filed on paper rather than through the preferred online form. A report will be provided during the March 2024 Board Meeting, which will include the number of Funeral Establishments which submitted pre-need reports timely, late, or no pre-need report submitted, for 2023.
7. Executive Director Kathleen McNally reported that a new vendor, PSI, is taking over the applications and testing for the Board. This process is currently in transition. The Chair stated that he would like the Board to discuss allowing applicants to sit for the funeral director licensing exam immediately after the applicant completes and graduates from mortuary school instead of requiring them to wait until they have completed their two (2) year apprenticeship. Board Counsel Jenna Hentoff advised to table this issue until the March of 2024 to allow the new vendor to complete its transition process. No action was taken by the Board and this matter was tabled to the March 2024 Board Meeting.
8. Executive Director Kathleen McNally reported that eight (8) funeral homes were reported to the Board as recently closed.

9. Board Counsel Jenna Hentoff (JH) provided an update to the Board regarding the recent sale of the Webster property of the Robert J. Miller Funeral Home and the Pre-need contracts which were entered into with the former establishment. Attorney Hentoff notified the Board that she discussed with counsel for the Miller estate the regulations which require that Pre-need contracts must be kept and maintained by a Licensed Funeral Establishment operated by a Type 3 licensed Funeral Director, and further discussed the requirements for ownership of a funeral establishment. Attorney Hentoff notified the Board that as of the time of the Board's meeting, there had been no additional information received from the estate's counsel regarding the transfer of such pre-need contracts to another Licensed Funeral Establishment.

After discussion, a **MOTION** was made by DB to file a complaint and turn this matter over to the Office of Investigations for additional action. RG seconded the motion. The Chair called for a roll call vote:

Paul Phaneuf - Yes
Patrick Driscoll - Absent
Richard Gormley - Yes
David Brezniak - Yes
Janet Leombruno – Absent

The Motion passed.

10. The Board discussed two drafted template letters for purposes of the notification required by Board regulation to buyers and/or beneficiaries of a pre-need contract, in the event of the closure or sale of that Funeral Home where Pre-need contracts are maintained. Attorney Hentoff indicated to the Board that regulations do not currently require the use of a Board approved letter and any such approved templates may only be an option for licensees to use unless the Board chooses to review their regulations. The Board took no action at this time and the matter is to be placed on the March 2024 Meeting Agenda.
11. The Board discussed the CEU Requirements for funeral assistant licensees, who are not permitted to engage in much of the work generally covered by continuing education courses, and apprentice licensees still attending mortuary school. Board Counsel Hentoff reported that the Board's continuing education regulations refer to registrants or licensees. Attorney Hentoff reported that she can review the best options for the Board to modify the continuing education requirements for funeral home assistant licensees and apprentice licensees who are enrolled in mortuary school. The Board took no action at this time and this matter was tabled to the March 2024 Board Meeting.
12. John Hill reviewed a request to the Board for approval for CEU courses which were submitted late and for which he was unable to add to the list of CEU's reviewed by the Board earlier in the meeting. The courses were all NFDA courses and did include a course on cremation.

A **MOTION** was made by DB to accept and approve the CEU courses as discussed and deny the cremation course. Seconded by RG. The Chair called for a roll call vote:

Paul Phaneuf - Yes
Patrick Driscoll - Absent
Richard Gormley - Yes
David Brezniak - Yes
Janet Leombruno – Absent

The Motion passed.

13. A **MOTION** to close the Open meeting and enter closed Investigative Conference pursuant to G.L. c. 112, § 65C and not return to an Open Meeting was made by DB. Seconded by RG. After a brief discussion, the Chair called for a roll call vote:

Paul Phaneuf - Yes
Patrick Driscoll – Absent
Richard Gormley - Yes
David Brezniak- Yes
Janet Leombruno – Absent

The Motion passed and the Open Public meeting closed at approximately 10:55 A.M.

The following actions took place during the Closed Investigative Conference:

2023-000731-IT-ENF	Dismissed
2023-000843-IT-ENF	Tabled
2023-000844-IT-ENF	Tabled
2023-207584-FI-ENF	Refer to Prosecution
2023-207586-FI-ENF	Refer to Prosecution
2023-207587-FI-ENF	Refer to Prosecution
2023-207588-FI-ENF	Refer to Prosecution
2023-207589-FI-ENF	Refer to Prosecution

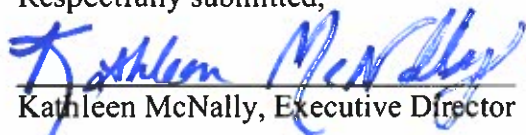
6. A **MOTION** to adjourn and close the meeting was made by DB. Seconded by RG. The Chair called for a Roll Call Vote:

Paul Phaneuf - Yes
Patrick Driscoll – Absent
Richard Gormley - Yes
David Brezniak- Yes
Janet Leombruno – Absent

The Motion passed and the Meeting was closed at approximately 11:48 AM.

The above minutes were taken at the meeting held on February 20, 2024.

Respectfully submitted,


Kathleen McNally, Executive Director

Documents used in public session:

- Agenda for the February 20, 2024, Open Meeting
- Draft minutes of the January 16, 2024, Open Meeting
- List of Approved License Registrants and Establishments
- List of Approved and Denied Continuing Education Courses
- List of recently closed Funeral Establishments.
- Draft template letter for Pre-need contract notice to consumers if Funeral Home closes.
- Draft template letter for Pre-need contract notice to consumers if Funeral Home is sold.
- Request for approval of NFDA continuing education courses