

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

**Board Members Present in person:**

Paul Phaneuf, Chair  
Rebecca Ridley, Member

**Board Members Remotely Attending:**

Janet Leombruno, Member  
Patrick Driscoll, Secretary  
Richard Gormley, Member

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

Peter Kelley, Board Counsel  
Marjorie Campbell, Executive Director  
John Hill, Board Administrator  
Richard Holtz, Deputy General Counsel  
Salvatore Ciulla, Prosecuting Counsel

Board Members and Staff attended as noted.

1. The Executive Director called the meeting to order at 10:05 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.

10:09 Ms. Leombruno enters the meeting.

**Approval of Meeting Minutes:** The Board members reviewed the meeting minutes from the public session of the July 16, 2024 meeting. After a brief discussion, a motion to approve the July 16, 2024, meeting minutes was made by Rebecca Ridley, motion seconded by Janet Leombruno. The Chair called for a roll call vote.

In Favor: Paul Phaneuf, Patrick Driscoll, Janet Leombruno, Richard Gormley, and  
Rebecca Ridley  
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 Patrick Driscoll, motion seconded by Rebecca Ridley. The Chair called for a roll call vote.

In Favor: Paul Phaneuf, Patrick Driscoll, Janet Leombruno, Richard Gormley, and Rebecca Ridley  
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 Patrick Driscoll, motion seconded by Rebecca Ridley. The Chair called for a roll call vote.

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

3. Update on Transition to New Testing Vendor: With transition to new application processing and testing vendor, PSI, approximately 11 candidates have expressed scoring concerns. ED and other board staff will continue discussions with PSI, and PCS, the prior vendor, to ensure unanimity of scoring processes and procedures.
4. Introduction of New Board Counsel: Attorney Peter Kelley was introduced, he has worked with the Embalming and Funeral Home Board before. Attorney Kelley stated that he was on the procurement team when they were working to contract with PSI, and he will work with Board staff to help ensure that the PSI scores the Jurisprudence Exam accurately.

**Request for Extension of Apprentice License** (The Board, by unanimous consent, took these matters out of order from the Meeting Notice, because the petitioners were physically present in the meeting.)

1. Jacob Peters 6254-EM-A: Mr. Peters is requesting to extend his Apprenticeship. He has finished mortuary school and is in the process of trying to complete the embalming and arrangement meeting requirements to then apply for his Funeral Director license.
  - Motion made by Janet Leombruno to approve Mr. Peters' Apprentice License for one year.
  - Motion seconded by Rebecca Ridley.
  - Board The Chair called for a roll call vote.  
In Favor: Paul Phaneuf, Patrick Driscoll, Janet Leombruno, Richard Gormley, and Rebecca Ridley
  - Opposed: None
  - Motion Passes
2. Michael O'Sullivan 2680-EM-A: Mr. O'Sullivan currently has an expired Apprentice License (2009-2014). Mr. O'Sullivan completed mortuary school in May and will eventually be applying for his Funeral Directing license, but he must have a current

Apprentice License to apply. Board expressed concerns with 10-year gap from apprenticeship. To firm-up required skills, Board considered a 1-year extension with additional requirements, exceeding what were requirements from the 2009-2014 apprenticeship period. Any type 6 application will need to include written proof of both sets of requirements.

- Motion made by Janet Leombruno to re-instate Mr. O'Sullivan's Apprentice License and to allow for a one-year extension, conditioned on proof of personally embalming an additional 25 dead human bodies, and proof of attending an additional 25 pre-need or funeral arrangement conferences with consumers during the Apprentice License extension.
- Motion seconded by Rebecca Ridley
- The Chair called for a roll call vote
- In Favor: Paul Phaneuf, Patrick Driscoll, Janet Leombruno, Richard Gormley, and Rebecca Ridley
- Opposed: None
- Motion passes

### **Board Counsel Report**

1. Proposed Policy 24-001: Attorney Kelley stated that this Policy, which the Board voted on at the July meeting, and which would allow the Funeral Assistants and Apprentices to require only the annual one hour of OSHA training, is inconsistent with the Board's regulations; and therefore, the Policy cannot be implemented. Mr. Kelley suggested amending regulations to achieve goal of policy, the latter of which is unenforceable.

### **Discussion Items**

1. National Board Exam (NBE) Statistics for Massachusetts: Discussion of NBE (national funeral director examination) and Board's 2016 switch to a Mass. written practical examination. As change in examinations was made in order to facilitate greater access to type 6 licensure. Board asked for follow-up documentation related to funeral director licensing from 2016 to date. Members cautioned to have articulable reasons, based on evidence, before attempting to justify any further changes in examinations.
2. New York State FCA CEU Request-Building Tattoo Worthy Customer Relationships: Request was for one CE. Board members discussed that this course does relate to making solid relationships with customers, and therefore this course could be allowed for one CE credit.
  - Motion by Rebecca Ridley to accept this course for one CE credit.
  - Motion seconded by Janet Leombruno
  - The Chair called for a roll call vote

- In Favor: Paul Phaneuf, Patrick Driscoll, Janet Leombruno, Richard Gormley, and Rebecca Ridley
- Opposed: None
- Motion passes

3. Timing of Examination for Funeral Director Applicants: Discussion centered around confirming that one of the main reasons for the current requirement, that an applicant complete both their education and a two-year apprenticeship before taking the examination; is to ensure that people have the basic requirements and experience to take the exam and become Funeral Home Directors. We must be cautious not to open up the exam to applicants that are not qualified. Attorney Kelley noted that the Board may have leeway with some of the requirements, and as discussions continue on this subject, Board members could consider whether one of the exams (the Written Practical versus the Jurisprudence) might be more amenable to be taken before the two-year apprenticeship than the other. Ultimately, it was agreed that there should be ongoing discussions on this subject.

12:25 Mr. Gormley exited the meeting.

#### **Investigative Update on Licensed Establishments:**

No Report this month

At 12:28 pm, the Board exited its Public Session of the meeting, and voted to enter Closed Session.

- Motion to exit the Public Session and enter Closed Session, pursuant to G. L. c. 112, § 65C, for the purpose of conducting investigative and settlement conferences, made by Patrick Driscoll
- Motion seconded by Janet Leombruno
- The Chair called for a roll call vote
- In Favor: Paul Phaneuf, Patrick Driscoll, Rebecca Ridley, and Janet Leombruno

#### **Closed Session**

The Board recessed from 12:29 to 12:37.

#### **Investigative Conference (Closed per M.G.L. c. 112, sec. 65C)**

The Board took the following actions during the Investigative Conferences:

#### **Cases:**

- 2023-207308-FI-ENF: Refer to Prosecution
- 2023-207582-FI-ENF: Dismiss with Advisory
- 2024-000472-IT-ENF: Refer to Prosecution

At 1:25 pm, the Board exited Closed Session, entered Open Session, and adjourned the meeting

- Motion to exit Closed Session, enter Open Session, and adjourn the meeting by Rebecca Ridley
- Seconded by Patrick Driscoll
- Chair called for a roll call vote
- In Favor: Paul Phaneuf, Patrick Driscoll, and Rebecca Ridley
- Opposed: None
- Motion passes

Documents used in public session:

- Agenda for the August 20, 2024, Open Meeting
- Public Session Minutes for the July 16, 2024, Board Meeting
- Report on Administratively Approved License Registrations for August 2024
- Report on Administratively Approved Continuing Education Course Providers for August 2024
- NBE Statistics for Massachusetts from the Conference
- Documents from the New York State FDA CEU Request—Building Tattoo Worthy Customer Relationships
- Request for Extension of Apprentice License: 6254-EM-A
- Request for Extension of Apprentice License: 2680-EM-A