

Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes
DATE: November 17, 2020
TIME: 10:00 a.m.

A regularly scheduled open public meeting of the Massachusetts Board of Registration of Embalmers and Funeral Directors (“the Board”) was held via Videoconference and Conference Call due to the Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20.

Board Members Present:

Paul Phaneuf
Patrick Driscoll
David Brezniak
Janet Leombruno
Richard Gormley

Staff Members Present:

Michael Hawley, Executive Director
Thomas F. Burke, Assoc. Executive Director
Peter M. Kelley, Board Counsel
Jennifer Romeo-Porcaro, Board Counsel
Robert Williams, Board Investigator

Members of the Public Present:

Glenn Burlamachi
Timothy Nay
Jay Elias
Glen Hall
Darlene Pauli

Call to Order:

Mr. Phaneuf called the meeting to order at 10:02 a.m. Evacuation procedures were tabled.

Review of Minutes:

The Board reviewed staff prepared public session minutes of the meeting held on October 20, 2020.

Ms. Leombruno moved to accept staff prepared public session minutes of the meeting held on October 20, 2020. Mr. Driscoll seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes.”, Mr. Gormley: “Yes”, Ms. Leombruno, “Yes”.

Report from Executive Director, Michael Hawley:

Mr. Hawley introduced Jennifer Romeo-Porcaro to the Board members. Ms. Romeo-Porcaro is new Board counsel for multiple licensing boards within the Division of Professional Licensure. In response to Board request, Mr. Hawley stated that he will send a list of lapsed Type 3 funeral directors to Robert Williams to confirm status of registrants whose licenses expired on October 31, 2020. Finally, Mr. Hawley reported that that the

following applicants and continuing education course offerings have been administratively approved for registration:

EM Board Licensed Registrants

Andrew Dolan (51282-EM-3) at Dolan Funeral Home in Chelmsford (11/6/2020)
Glen Taylor (51283-EM-6) at Witty Funeral Home in Orange (11/11/2020)
Sheila Carpenter-Light (51284-EM-6) downgrade 3 to 6 at Levesque Funeral Home Inc in Salem (11/12/2020)

Continuing Education Courses

Funeral Service Academy

Communicable Diseases & Funeral Professionals – ongoing dates - 2021 internet
1.00 CE hour
Complying with FTC Funeral Rule – ongoing dates - 2021 internet
3.00 CE hour
Embalming: Diseases & Conditions – ongoing dates - 2021 internet
3.00 CE hour
Embalming – Autopsies & Organ Tissue Donors – ongoing dates - 2021 internet
1.00 CE hour
Funeral Home Safety Overview – ongoing dates - 2021 internet
1.00 CE hour
Funeral Service Ethics – ongoing dates - 2021 internet
3.00 CE hour
Grief and Cultural Competence: African American Diaspora – ongoing dates - 2021 internet
1.00 CE hour
Grief and Cultural Competence: Hispanic Traditions – ongoing dates 2021 internet
1.00 CE hour
Grief and Cultural Competence: Jewish Traditions – ongoing dates - 2021 internet
1.00 CE hour
Grief Management” Overview for Funeral Professionals – ongoing dates - 2021 internet
3.00 CE hour
OSHA Compliance Guidance for Funeral Homes – ongoing dates - 2021 internet
6.00 CE hour
Part 1 – ongoing dates - 2021 internet 3.00 CE hour
Part 2 – ongoing dates - 2021 internet 3.00 CE hour
Safety Within Funeral Homes Part 1 – ongoing dates - 2021 internet 2.00 CE hour
Today’s Funerals: What’s New? Part 1 – ongoing dates - 2021 internet 3.00 CE hour
Children and Grief – ongoing dates - 2021 internet 2.00 CE hour
Funeral Pre-Planning: An Overview Part 1 – ongoing dates - 2021 internet 2.00 CE hour

WebCE.com

Modern Funeral Home Management – Ongoing Self-Study 3.00 CE hour

International Cemetery, Cremation and Funeral Association (ICCFA)

ICCFA 2020 Crematory Operator and Cremation Arranger Certification
November 17-18, 2020; live webcast 14.00 CE hour

Wilbert Funeral Services

It's About Time – November 5, 2020 online 1.00 CE hour
Children, Death and Funerals – Ongoing webinar 1.00 CE hour
The Four P's of Success – November 12, 2020 1.00 CE hour

Report from Board Counsel, Peter Kelley:

Mr. Kelley welcomed Ms. Romeo-Porcaro to the Board meeting.

Apprentice Extension Request

- Glen Hall

Ms. Leombruno moved to grant a one-year license extension for Mr. Hall. Mr. Brezniak seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes.”, Mr. Gormley: “Yes”, Ms. Leombruno, “Yes”.

Application Review

- Timothy Nay

Mr. Nay appeared before the Board to review his application for downgrade/transition from Type 3 to Type 6 funeral director. In response to Board inquiry, Mr. Nay acknowledged past disciplinary action resulting in a six-month probation of his type 3 registration and a \$200 fine for unprofessional conduct. Mr. Nay expressed remorse for his actions and noted that he is eager to work as a Type 6 funeral director at Dyer-Lake Funeral Home.

After discussion, Ms. Leombruno moved to allow Mr. Nay to continue with the Type 6 funeral director registration process. Mr. Driscoll seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes.”, Mr. Gormley: “Yes”, Ms. Leombruno, “Yes”.

Compliance Monitoring:

Peter Stefan (2019-001039-IT-ENF, 2019-001040-IT-ENF, 2019-001276-IT-ENF, and 2019-001277-IT-ENF). Ninth Monthly Monitoring Report, dated 11/12/20. After discussion, the Board took the following action:

Mr. Driscoll moved to reject the 9th Monitoring Report and to send Board investigator, Robert Williams, to inspect Mr. Stefan's funeral establishment and hand-deliver suspension letter, previously sent on or about November 9, 2020 by both certified and first-class mail. In the absence of a proposed and board approved Type 3 Funeral Director to manage the funeral home, the funeral establishment should not operate. Mr. Brezniak seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: "Yes", Mr. Brezniak: "Yes", Mr. Driscoll: "Yes.", Mr. Gormley: "Yes", Ms. Leombruno, "Yes".

Discussion

- **Type 6 Funeral Registration**

The Board discussed whether the type 6 funeral registration should be separated into different classifications based on employment status, or if a separate license registration should be created for funeral directors who are not employed at a funeral establishment. Board counsel reminded the Board that Type 6 registrants who do not submit a certification of employment may work only as independent contractors while retaining the Type 6 status and Type 6 registrants must submit employment certification in order to work as funeral directors in the Commonwealth of Massachusetts. Counsel noted that Type 6 funeral directors may work at multiple establishments as long as separate employment certifications have been submitted. Board counsel advised that a change to classification can occur only through a change in the licensing regulations. After discussion, the Board instructed the investigator to continue to tally type 6 funeral registrants at establishments to ensure compliance and to report back to the Board as needed.

- **Impact of COVID-19**

In response to questions from cemeteries to Massachusetts funeral establishments regarding disclosure of covid-19 as cause of death for deceased persons, Board counsel advised that funeral directors should refer cemeteries first to the medical examiner and then to next of kin. He noted that funeral directors should not disclose the cause of death, as this is considered confidential or private information, specifically prohibited by 239 Code Mass. Regs. § 3.13(7)(citation inserted subsequently).

Open session for topics not reasonably anticipated 48 hours in advance of meeting:

In response to Board counsel query regarding funeral registrants with prior disclosed discipline who apply for different classification of licensure, the Board took the following action:

Ms. Leombruno moved to delegate Board staff and counsel to review funeral registrants with past disciplinary action who apply for different classification of licensure as long as registrants attest to past discipline in application. Mr. Driscoll seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: "Yes", Mr. Brezniak: "Yes", Mr. Driscoll: "Yes.", Mr. Gormley: "Yes", Ms. Leombruno, "Yes".

Closed Session: Investigatory Conferences, pursuant to G.L. c. 112, §65C.

At 11:20 a.m., Mr. Driscoll moved to suspend the open meeting and enter into closed session to conduct investigatory conferences, pursuant to G.L. c. 112, §65C. Ms. Leombruno seconded the motion. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes.”, Mr. Gormley: “Yes”, Ms. Leombruno, “Yes”.**

During the closed session, the Board took the following actions:

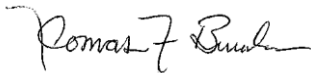
- 2020-000649-IT-ENF – Dismissed with Advisory Letter
- 2020-000732-IT-ENF – Dismissed.

At 11:57 a.m., Ms. Leombruno moved to exit closed session and to adjourn the meeting. Mr. Driscoll seconded the motion. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes.”, Mr. Gormley: “Yes”, Ms. Leombruno, “Yes”.**

List of Documents used at the meeting:

1. Agenda
2. Public Session Minutes from October 20, 2020 meeting.
3. Apprentice Extension Request
4. Compliance Monitoring Report and Order of Suspension
5. ED Report of administratively approved registrants and CE provider courses.

Respectfully submitted,



Thomas F. Burke
Associate Executive Director