

**Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes**

DATE: July 19, 2022

TIME: 10:00 a.m.

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

Board Members Present:

Paul Phaneuf (in person)
David Brezniak (in person)
Janet Leombruno (via telephone)
Richard Gormley (in person)
Patrick Driscoll (via telephone)

Staff Members Present:

Thomas F. Burke, Executive Director
Peter Kelley, Board Counsel
Robert Williams, Board Investigator
Andrew Lutynski, Investigations Supervisor
Jason Wentworth, Executive Director

Members of the Public Present:

Patti Muldoon

Call to Order:

Mr. Brezniak moved to call the meeting to order at 10:12 a.m. and Mr. Gormley seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Yes.”, Ms. Leombruno: “Yes”.
Board staff reviewed building evacuation procedures and noted the location of restrooms.

Review of Minutes:

The Board reviewed staff prepared public session minutes of the meeting held on June 21, 2022.

Mr. Brezniak moved to approve the May 17, 2022 public session minutes. Ms. Leombruno seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes”, Mr. Gormley: “Yes.”, Ms. Leombruno: “Yes”.

Report from Executive Director, Thomas Burke:

- Mr. Burke announced that as of July 17, 2022, the Executive Office of Administration and Finance increased the mileage reimbursement rate to \$.62 per mile. He reminded Board members to use the updated Excel spreadsheet version of the reimbursement form for any travel incurred on or after July 17, 2022. All forms must be submitted electronically to Board staff for processing.
- Mr. Burke requested guidance from the Board on processing wall certificates for funeral establishments and registrants. **After discussion, Mr. Brezniak moved to authorize the Board chair to be the signatory for all Board-related wall certificates. Mr. Gormley**

seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes”, Mr. Gormley: “Yes.”, Ms. Leombruno: “Yes”.

- Mr. Burke reported that the following establishments/registrants and continuing education course offerings have been administratively approved:

EM Board Licensed Registrants and Establishments

Thomas Downes (51358-EM-6) at Hallett Funeral Home in South Yarmouth on June 22, 2022
 Randi Poulin (51359-EM-6) at Manuel Rogers Funeral Home in Fall River on June 27, 2022
 Ellie Martel (51360-EM-6) at Britton Funeral Home in Auburn on July 6, 2022
 Brenden P. Clocher (51361-EM-6) at Campbell Funeral Home in Beverly on July 6, 2022
 Catherine Ruggiero (51362-EM-6) at Ruggiero Family Memorial Home in Boston on July 12, 2022.
 Brandon Gobbi (51363-EM-6) at HL Farmer & Sons in Haverhill on July 12, 2022.
 Jacqueline Brangiforte (-EM-6) at Ruggiero Family Memorial Home in Boston on July 12, 2022.
 Laurie A. Tague (-EM-6) at Campbell Funeral Home in Beverly on July 12, 2022.
 Eric Daniels (-EM-6) at Cuffe-McGinn Funeral Home in Lynn on July 13, 2022.

Continuing Education Courses

New York State Funeral Directors Association

2022 Turning Stone Resort, Verona, New York
 August 22-24, 2022

• Families Gone Wild: Defusing Conflict in the Arrangement Room	1.00 Hours
• Dr. Michael Baden – Medical Examiner	1.00 Hours
• Yes You: How to Serve Families Better by Being Selfish	1.00 Hours
• Custom Approaches to Building a Better Residency	1.00 Hours
• Cremation is: Understanding Cremation Motivations	1.00 Hours
• What About the Kids?	1.00 Hours
• Marketing Bootcamp: You Must Start with the Basics	2.00 Hours
• Keeping Memories of Loved Ones Alive: A Critical Marketing Tool	2.00 Hours
• Understanding Nonverbal Communication	1.00 Hours
• The Relevance of Restorative Art & Defending the Truth: Embalming, Science & Social Media	2.00 Hours
• Principles & Methods of Severe Trauma Restoration	2.00 Hours
• What To Say and Not to Say to a Grieving Family	1.00 Hours

New Jersey State Funeral Directors Association, Inc. (NJSFDA)

(sponsored by New Jersey Funeral Service Education Corporation)

2022 Funeral Directors Convention and Expo, Atlantic City, New Jersey
 September 20-22, 2022

• Compassion Fatigue	1.00 Hours
• Embalming 101	1.00 Hours

After discussion, Mr. Brezniak moved to accept the Executive Director’s Report. Ms. Leombruno seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Yes.”, Ms. Leombruno: “Yes”.

Report from Board Counsel, Peter Kelley:

Mr. Kelley reported that the COVID Extension bill, S. 2985 (“An Act Relative to Extending Certain State of Emergency Accommodations”) was signed by the Governor and is now in effect. The bill extends certain COVID-19 related measures until March 31, 2023, including allowing public bodies to hold its meetings remotely under the open meeting law. In response to Mr. Kelley’s report, the Board instructed staff to convene subsequent Board meetings remotely.

Discussion:

- Incoming Executive Director, Jason Wentworth

Thomas Burke formally welcomed Jason Wentworth as the new Executive Director for the Board of Registration of Embalming and Funeral Directing. Mr. Wentworth is the former assistant Commissioner for the Massachusetts Department of Agricultural Resources (MDAR) and has spent time working with the state legislature.

- Executive Order No. 600: Protecting Access to Reproductive Health Care Services in the Commonwealth

Attorney Kelley advised the Board that Governor Baker’s recent Executive Order prohibits any executive department, employee, or officer from expending resources in an out-of-state investigation of a licensed Massachusetts professional seeking reproductive healthcare services in that jurisdiction. Further, the Board may not deny or prohibit licensure to any licensed professional seeking reproductive healthcare services in any other state that imposes civil or criminal liability. Board advised that the agency will be implementing proposed policies for Board’s future consideration.

- Preneed Reports 2021 – Update

Mr. Burke reported that as of July 15, 2022, Board staff has received all but 34 missing preneed reports for fiscal year 2021. After discussion, the Board instructed staff to send the name and establishment numbers of the 34 funeral establishments to the Board Investigator to follow up. The Board instructed staff to report the names of funeral establishments who do not comply at a subsequent Board meeting and cross-reference with establishments who failed to report for fiscal year 2020. The Board instructed staff to review ways to improve submission of reports through interactive portable document format and electronic reporting.

- Protocol for Closing for Funeral Establishments

Mr. Burke reminded the Board that the protocol for closing funeral establishments is set forth in 239 CMR § 3.04(6) and § 4.03(1). The Board acknowledged that according to § 4.03(1), funeral directors “shall send written notice of any proposed cessation of the funeral establishment's operation to the Buyer (and Beneficiary, if different) of each Pre-need Funeral Contract, via certified mail, return receipt requested, at least ten days prior to the effective date of that proposed cessation of operations.”

After discussion, Mr. Brezniak moved to require funeral director to submit to the Board copies of letters sent pursuant to 239 Code Mass. Regs. § 4.03(1) to holders of Preneed funeral contracts and written notification of closing of the establishment within ten calendar days upon closure. Mr. Gormley seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Yes.”, Ms. Leombruno: “Yes”.

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

- Ms. Patti Muldoon of the Consumers Funeral Alliance of Eastern Massachusetts inquired whether closed disciplinary action may be accessed on the Board website to ensure transparency for consumers. Board staff responded that all closed disciplinary action is accessible to the public by means of public records request. Board staff noted that consumers may access evidence of current and past discipline via the “Check a Commonwealth Licensee” feature on the Board website.

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

At 12:04 p.m., Mr. Brezniak moved to exit open session 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. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Yes.”, Ms. Leombruno: “Yes”.

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

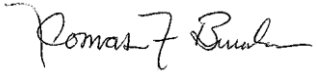
- 2022-000625-IT-ENF –Dismissed/no further action.
- 2022-000163-IT-ENF – Dismissed with Advisory.
- 2022-000184-IT-ENF – Forward to prosecutions.
- Open complaint against Type 3 for establishment’s failure to send out § 4.03(1) correspondence.

At 1:06 p.m., Mr. Gormley moved to exit closed session and thereafter to adjourn the meeting. Mr. Brezniak seconded the motion. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Yes.”, Ms. Leombruno: “Yes”.**

List of Documents used at the meeting:

1. Agenda
2. Board Public Session Minutes
3. ED Report of administratively approved registrants and establishment & CE provider courses.
4. Reimbursement Forms

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas F. Burke". The signature is written in a cursive, flowing style.

Thomas F. Burke
Executive Director