

Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes
DATE: July 21, 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
Robert Williams, Board Investigator

Members of the Public Present:

Joel W. Deputat
Joseph Ruggiero, Jr.
Joseph Ruggiero, III
Margie Nolan

Call to Order:

Mr. Phaneuf called the meeting to order at 10:18 a.m. Executive Director Hawley encouraged callers to identify themselves before speaking and to avoid the use of speakerphone, which may cause feedback and distort conversation. Evacuation procedures were tabled.

Review of Minutes:

The Board reviewed staff prepared public session minutes of the meeting held on June 16, 2020.

Mr. Driscoll moved to accept staff prepared public session minutes of the meeting held on May 19, 2020. Mr. Brezniak seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes.”, Ms. Leombruno, “Abstained”.

Discussion:

- **Reinstatement Request/Modification of Terms of Consent Agreement - Joseph Ruggiero Jr.**

At 10:21 a.m., Mr. Joseph Ruggiero spoke with the Board to request modification of the terms of his consent agreement in order to reinstate his previous funeral registration. Because the Board no longer issues the unlicensed Funeral Director license registration, the Board's original consent agreement allowed Mr. Ruggiero to apply for a Type 6 Funeral Director and Embalmer or Type 3 Funeral Director and Embalmer Registration, depending on his ownership status, with certain conditions. The Board amended the provision related to continuing education requirements and directed that an amended consent agreement issue, requiring Mr. Ruggiero to complete eight (8) continuing education courses (seven courses in ethics training and one course in OSHA certified training in the risk and prevention of bloodborne pathogens) and to pay application and initial licensure fees prior to passing the written practical and jurisprudence exams administered by the Board's testing vendor. Mr. Ruggiero's registration, if issued, will be subject to a term of probation of four (4) years, as per the original consent agreement.

Mr. Driscoll moved to accept the revised terms of the consent agreement for Joseph Ruggiero, Jr. 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".

Mr. Gormley joined the meeting at 10:35 a.m. and participated in the above deliberation and vote.

Report from Executive Director, Michael Hawley:

Mr. Hawley reported that that the following applicants for Type 6 Funeral Director have been administratively approved for registration:

Robert Marggraf (Type 6 reinstatement/downgrade)
Christina Barboza (Type 6 reinstatement/downgrade)
Felicia Bello-Maino (Type 6) administered oath; pending license transmission

The following continuing education courses have been administratively approved:

CANA – 102 Virtual Convention
Order of the Golden Rule – Shift Happens: Leading Your Way into a New Future – Day 1
Order of the Golden Rule – Shift Happens: Leading Your Way into a New Future – Day 2
Order of the Golden Rule – Shift Happens: Leading Your Way into a New Future – Day 3
Order of the Golden Rule – Shift Happens: Leading Your Way into a New Future – Day 4
Matthews International – Funeral...FUNeral...Moving Families from Grieving to Remembrance
WebCE, Inc. – Death Care Trends That Are Changing Tradition
NFDA – Building a Brand for Your Business
NFDA – Connecting with the LGBTQ Community
NFDA – Optimizing the Customer Journey
NFDA – The New Customer Service Paradigm
NFDA – 2020 Virtual Annual Convention, October 18-21, 2020

Life Celebration, Inc. – Funeral Mass Customization – Providing Families Only & Exactly What They Want.

Mr. Hawley reported that two staff members are present in the office on a regular basis to manage administrative tasks and duties. He noted that Mr. Christopher Henry is the new general counsel for the Office of Consumer Affairs and Business Relations (OCABR). Finally, Mr. Burke reported that the Board has licensed more than fifty (50) funeral assistants and apprentice embalmers since the onset of Covid-19 in mid-March

Report from Board Counsel, Peter Kelley:

Mr. Kelley reported that in light of the reorganization of Board Counsel at the Division of Professional Licensure he will continue to serve as counsel to the Board of Registration of Funeral Directors and Embalmers.

Application Review

- Tewksbury Funeral Home – Conditional Licensure Agreement

Mr. Joel Deputat, current owner of Tewksbury Funeral Home, met with the Board regarding the conditional licensure agreement for the transfer of ownership. Mr. Deputat reported that he is working with the buyer, Mr. John McDonough, to complete the construction required to meet compliance. Upon discussion, the Board tabled the review of the establishment certificate application until the construction is completed and Mr. Williams has inspected. In addition, the Board advised Mr. Deputat to apply for the transition registration to Type 6 Funeral Director. No vote was taken.

Compliance Monitoring:

After review and discussion, Ms. Leombruno moved to accept the July 10, 2020 monitoring report for Graham, Putnam & Mahoney Funeral Parlors and Peter Stefan. 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”.

Correspondence:

- Email to Board from Joseph McDonough dated July 9, 2020 regarding funeral director serving on cemetery board.

Upon review of Mr. McDonough’s inquiry, the Board chair noted, upon the advice of counsel, that current regulations do not permit funeral registrants to engage in any other business related to the disposition of human remains 239 CMR 3.13 (1). After discussion, Mr. Kelley agreed with the Board that the prohibition of such activities might be revisited during a period of regulatory review. The Board directed Mr. Kelley to respond to Mr. McDonough.

Discussion:

- Continuing Education

Mr. Hawley noted that paper renewal applications will be mailed to all funeral registrants this fall requiring signed attestation to completing the required continuing education (CE) courses. Ms. Nolan of the Massachusetts Funeral Directors Association (“MFDA”) stated that some members of MFDA expressed concerns about the cost and availability of CE courses during Covid-19. Mr. Kelley replied that current regulations require funeral registrants to complete continuing education within the renewal period but registrants may complete all courses online. Mr. Hawley reminded all present that approved CE courses are recorded in the minutes, which are posted on the Board’s website. He stated that Board-approved CE course offerings must meet regulatory criteria, including the OSHA certified course in bloodborne pathogen exposure risks and prevention as required by 239 CMR 5.03 (3).

- Impact of COVID-19

The Board discussed continued plans for adaptation for funeral gatherings based on the Governor’s phased reopening order. Ms. Nolan of MFDA notified the Board that her organization has prepared material and resources for members to utilize, especially in light of a potential second wave of infections. She noted that MFDA has introduced legislation for the construction of holding rooms in skilled nursing facilities and long-term care homes to provide a “cool room” for preserving dead human bodies. The goal, she stated, is to provide ease of transporting and disposing of decedents in cases of sudden increase of death due to coronavirus infections.

Mr. Brezniak left the meeting at 11:30 a.m.

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

At 11:35 a.m., Ms. Leombruno moved to suspend the open meeting and enter into closed session to conduct investigatory conferences, pursuant to G.L. c. 112, §65C. Mr. Gormley seconded the motion. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Gormley, “Yes”, Ms. Leombruno: “Yes”, Mr. Driscoll: “Yes.**

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

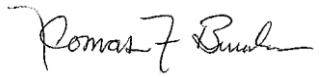
- 2020-0005-IT-ENF – Referred to Prosecutions.

At 12:17 p.m., Ms. Leombruno moved to exit closed session and to adjourn the meeting. Mr. Gormley seconded the motion. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Driscoll: “Yes.”, Mr. Gormley, “Yes”, Ms. Leombruno, “Yes”.**

List of Documents used at the meeting:

1. Agenda
2. Minutes from June 16, 2020 meeting.
3. Compliance Monitoring Report
4. Course Listing of CE Provider Courses

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
Associate Executive Director