

Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes
DATE: December 21, 2021
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.

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Board Members Present:

Paul Phaneuf
Patrick Driscoll
David Brezniak
Janet Leombruno

Staff Members Present:

Thomas F. Burke, Executive Director
Peter M. Kelley, Board Counsel

Members of the Board Not Present:

Richard Gormley

Members of the Public Present:

Patti Muldoon
Sandy Ward
Frank Singelton

Call to Order:

Mr. Phaneuf called the meeting to order at 10:08 a.m. Evacuation procedures were tabled. Mr. Burke advised members of the public to mute volume and utilize hand function to address the Board.

Review of Minutes:

The Board reviewed staff prepared public session minutes of the meeting held on October 19, 2021.

Mr. Driscoll moved to accept staff prepared public session minutes of the meeting held on October 19, 2021. Ms. Leombruno seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Ms. Leombruno: “Yes”.

Report from Executive Director, Thomas Burke:

Mr. Burke reminded Board members that the deadline to submit 2021 pre-need reports is January 31, 2022. He noted that the report is available to download on the EM Board

website. Mr. Burke reported that the following applicants and continuing education course offerings have been administratively approved:

EM Board Licensed Registrants

Glen Hall (51330-EM-6) at Badger Funeral Home in Littleton and Groton on October 26, 2021
Francis O'Hara (51331-EM-6) downgrade Type 6 Independent Contractor on October 27, 2021
Robert MacGregor (51332-EM-6) Bell-O'Dea Funeral Home in Brookline on November 4, 2021
Leo Spano (51333-EM-6) at Gately Funeral Service in Melrose on November 26, 2021.
Ruggiero Family Memorial Funeral Home (1062-FE-FE) in Peabody on December 1, 2021
Ron Lashway, Jr. (51334-EM-6) at Douglass Funeral Service in Amherst on December 2, 2021
Kate Davignon (51335-EM-6) at Beers and Story Funeral Home in Palmer on December 2, 2021
Michael Tramontano (51336-EM-6) at O'Donnell Cremations, Funerals in Salem on December 16, 2021

Continuing Education Courses

The Wilbert Funeral Services (offered via webinar/electronic means)

- What is Probate Court and How does it impact Funeral Services
December 16, 2021 – online web format 1.00 CE Hours
- Deathcare Etiquette for the Deathcare Professional
January 20, 2022 – online web format 1.00 CE Hours

National Funeral Directors Association (NFDA)

- Law Enforcement Funerals
January 20, 2022 – webinar format 1.00 CE Hours

Funeral Service Academy

All courses below will be offered throughout 2022 calendar year via webinar format – Amy Harmon, Executive Director.

- Children and Grief (2 CE Hours)
- Communicable Disease and Funeral Professionals (1 CE Hour)
- Complying with the Federal Trade Commission Funeral Rule (3 CE Hours)
- Embalming: Autopsies & Organ/Tissue Donors (1 CE Hour)
- Embalming: Diseases & Conditions (3 CE Hours)
- Funeral Home Safety Overview (1 CE Hour)
- Funeral
- Pre-Planning: An Overview (2 CE Hours)
- Funeral Service Ethics (3 CE Hours)
- Grief and Cultural Competence: The African American Diaspora (1 CE Hour)
- Grief and Cultural Competence: Hispanic Traditions (1 CE Hour)
- Grief and Cultural Competence: Jewish Traditions (1 CE Hour)

- Grief Management: A Overview for Funeral Professionals (3 CE Hours)
- OSHA Compliance Guidance for Funeral Homes (6 CE Hours)
- OSHA Compliance Guidance for Funeral Homes - Part 1 (3 CE Hours)
- OSHA Compliance Guidance for Funeral Homes - Part 2 (3 CE Hours)
- Safety within Funeral Homes (2 CE Hours)
- Today's Funerals: What's New? (3 CE Hours)
- Working with Elderly Clients (2 CE Hours)
- Cremation Best Practices (2 CE Hours)

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

Report from Board Counsel, Peter Kelley:

Mr. Kelley requested that Board members email scanned copies of signed ethics disclosures to Board Counsel and mail the original documents to his attention at the Division.

Mr. Kelley presented a correspondence to the Board regarding a request from a licensed funeral establishment to lease property owned by a cemetery in the Commonwealth of Massachusetts for the purpose of conducting business. He noted that leasing property is acceptable for the purchase of funeral establishments and asked the Board to consider whether this request falls within the professional ethics in 239 CMR 3.13 (1). The Board expressed concerns about the proposal to lease cemetery property and instructed Board Counsel to review further and report back to the Board at a subsequent meeting.

Discussion:

- Consumer Fact Sheet – Update

The Board reviewed a first draft of the revised Consumer Fact Sheet. Board member Janet Leombruno and Funeral Consumer Alliance representatives Sandy Ward discussed the revisions and re-organization of the current Fact Sheet. They reported that out-of-date information was removed and links to the Board website added for easier access. After review and discussion, the Board chair instructed Board Counsel to review the draft. Executive Director Burke requested that Board members send comments for further discussion to him to include at the following Board meeting. The Board tabled further discussion until the following meeting and no vote was taken.

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

The Board discussed the topic of funeral establishment advertisements and the need for clear and plain language regarding corporate ownership. The Board instructed staff to include this topic on the January agenda. The Board discussed whether funeral directors

who apply via reciprocity must take both the written practical and jurisprudence exams. Board counsel advised that both exams are required for in-state and out-of-state applicants.

Mr. Brezniak moved to delegate Board Chair, Mr. Phaneuf, to follow up on the revisions to the Consumer Fact Sheet. Ms. Leombruno seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Ms. Leombruno: “Yes”.

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

At 11:29 a.m., Ms. Leombruno moved to exit open session and into closed session to conduct investigatory conferences, pursuant to G.L. c. 112, §65C and adjudicatory conferences pursuant to G. L. c. 30A, § 18, ¶ 5(d). Mr. Driscoll seconded the motion. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Ms. Leombruno: “Yes”.**

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

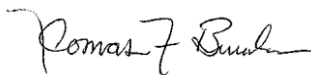
- 2021-000850-IT-ENF – Dismissed.
- 2021-000988-IT-ENF – Dismissed with Advisory. Mr. Brezniak took no part in the discussion of or deliberation upon this matter.
- 2021-001012-IT-ENF – Closed, No Action. Mr. Phaneuf took no part in the discussion of or deliberation upon this matter.

At 12:18 p.m., Ms. Leombruno moved to exit closed session and thereafter to adjourn the meeting. Mr. Driscoll seconded the motion. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Ms. Leombruno: “Yes”.**

List of Documents used at the meeting:

1. Agenda
2. Public Session Minutes from October 19, 2021 meeting.
3. ED Report of administratively approved registrants and CE provider courses.
4. Draft of Consumer Fact Sheet

Respectfully submitted,



Thomas F. Burke
Executive Director