

**Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes
Meeting of 2/20/18**

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

Board Members Present:

Patrick Driscoll
Paul Phaneuf
Peter Stefan

Staff Members Present:

Michael Hawley, Executive Director
Thomas Burke, Associate Executive Director
Peter Kelley, Board Counsel
Robert Williams, Investigator
Christopher Carroll, Chief Investigator

Members of the Public Present:

Michael Romaniak
John Bresnahan
Caroline Sullivan-Mulherin
Korey Mulherin
Jacob Cormier
Andrew N. Coucher
Jody Darren Newcomb
TJ O'Brien
Scot Masamery
Megan Madonna
Marie Madonna

Mark Madonna
Joseph Guzman
Charles Breen
Erica Madonna
Andrew Pickering
Kenneth Pedersen
Martin O'Brien
Jeffrey M. Davis
David Midolo
Lisa M. Breen

Call to Order

Mr. Phaneuf called the meeting to order at 10:15 a.m. Board staff reviewed building evacuation procedures and noted the location of restrooms.

Review of Minutes

The Board reviewed staff prepared open session minutes of the meeting held on January 20, 2018. Executive session minutes will be available for review and acceptance next month.

Mr. Driscoll moved to accept staff prepared open session minutes of the meeting held on January 20, 2018. Mr. Stefan seconded the motion. Motion passed unanimously.

Report from Executive Director Michael Hawley

Executive Director Hawley reported that the Board has received approximately 418 preneed reports for the 2017 calendar year. Director Hawley stated that a follow-up letter will be mailed to the remaining funeral establishments to ensure compliance and that he will provide the number of subsequent submitted reports at the next board meeting. After discussion among the Board members, the Director acknowledged their concerns regarding the current accuracy of both electronic and printed licensure information. The Director stressed the importance of receiving notification from licensees directly so that staff may correct licensure data manually as needed.

Report from Legal Counsel, Peter M. Kelley

Attorney Peter M. Kelley notified the Board that the matter of proper disposition of the unclaimed dead might be addressed by the legislature to create statutory language allowing registrants, following a thirty (30) day period and with the consent of next of kin, to dispose of unclaimed human bodies, including cremation. Attorney Kelley cited, as a basis for the statutory language, the common law right of sepulcher that protects the right of surviving kin to interment of deceased family members, and, by extension, may be used to establish a principle by which funeral directors may dispose of unclaimed dead human bodies. Attorney Kelley noted that the creation of a new law will assist in the interment of the deceased who either have no extended family or who lack financial resources. Attorney Kelley will continue to monitor the development of statutory language and follow up with Margaret Nolan of the Massachusetts Funeral Directors Association (MFDA) as needed.

Report from Christopher Carroll, Chief Investigator

No report.

Continuing Education Provider Applications:

The Board reviewed the following applications:

American Academy McAllister Institute of Funeral Service, Inc.

- OSHA Annual Compliance Guidance for Funeral Homes
- Developing Your Funeral Home's Code of Ethics
- Ethics in the Funeral Home Workplace
- Cremation Arrangements, Procedures and Changes
- The History of American Funeral Directing
- Legal Implication of Goals and Expectations of Funeral Home Owners and Employees
- Your Funeral Directors license in Good "Legal" Standing
- "Pediatric Forensic Pathology with (Special autopsy techniques and Post autopsy restoration)"

Insight Institute

- Certified Funeral Celebrant Training

International Cemetery, Cremation & Funeral Association

- 2018 ICCFA Annual Convention & Exposition

Norwalk Vault Company/Julie A. Burn, JA Burn & Associates, Inc.

- Norwalk Vault Company Seminar

Order of the Golden Rule

- 2018 Annual Conference & Solution Center

NFDA

- The Importance of Youth at Funerals
- Sexual Harassment in the Workplace
- Meet the Mentors Program 2018
- NFDA Certified Preplanning Consultant (CPC) Program Correspondence Option
- NFDA Certified Preplanning Consultant (CPC) Program (April, 2018)
- NFDA Certified Preplanning Consultant (CPC) Program (June, 2018)
- Awareness and Response for the Opioid Crisis

Mr. Phaneuf moved to accept all continuing education courses presented. The motion was seconded by Mr. Stefan. The motion passed unanimously.

At 10:56 a.m., Mr. Driscoll moved to go into executive session to comply with the provisions of the public record law, G. L. c. 30A, §21(a)(7); G. L. c. 66, § 10, to review reputation or character rather than professional competence of applicants, pursuant to G. L. c. 30A, § 21(a)(1); and to maintain the confidentiality of test questions and answers, pursuant to G. L. c. 4, § 7, ¶ 26(l). Mr. Stefan seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Stefan: “Yes” and Mr. Driscoll: “Yes”.

At 11:32 a.m., Mr. Phaneuf moved to exit executive session and enter open session. Mr. Stefan seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Stefan: “Yes”, and Mr. Driscoll: “Yes”.

Closed session, Investigative Conferences [Closed pursuant to M.G.L. c. 112, § 65C]

At 11:35 a.m., Mr. Driscoll moved to suspend the open meeting and enter into closed session to conduct investigative conferences to discuss disciplinary cases pursuant to M.G.L. c. 112, § 65C. The motion was seconded by Mr. Stefan. **The motion passed unanimously.**

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

- EM-2017-001152-IT-ENF Tabled due to lack of quorum
- EM-2017-001321-IT-ENF Forwarded to Prosecutions

At 12:29 p.m. Mr. Driscoll moved to exit closed session. The motion was seconded by Mr. Stefan. **The motion passed unanimously.** Mr. Phaneuf announced that the Board would recess for lunch. He stated that the meeting would resume at approximately 1:00 p.m.

Lunch Break

At 1:15 p.m. the meeting resumed.

Application Review:

Type 6 – Review and vote on applications

- Lisa Breen
- Korey Mulherin
- Martin O'Brien
- Jacob Cormier
- Megan Madonna
- David Midolo
- Jody Darren Newcomb

Mr. Driscoll moved to approve the above candidates for licensure. Mr. Stefan seconded. The motion passed unanimously by all present board members.

Type 6 (downgrade from Type 3) – Review and vote on application

- Kenneth Pedersen

Type 3 and Establishment Applicant – Review and vote on applications

- Lisa Breen

Mr. Driscoll moved to approve the above candidate for licensure. Mr. Stefan seconded. The motion passed unanimously by all present board members.

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

Following brief discussion, the Board approved Director Hawley's request to conduct application interviews during the initial public session beginning at 10:30 a.m. and to monitor such change as it affects applicants at subsequent meetings. Board members Mr. Driscoll inquired about the appropriate length of time for funeral establishments to maintain hard-copy records of fully funded and executed preneed contracts. Under Attorney Kelley's counsel and guidance, the board agreed that such contracts should be maintained for a period of no longer than six (6) years.

Adjournment

At 2:16 p.m. Mr. Phaneuf moved to adjourn the meeting. Mr. Driscoll seconded the motion.
Motion passed unanimously.

List of Documents used at the meeting:

1. Agenda
2. Minutes from previous meeting(s) where applicable
3. Applications for personal registration
4. Continuing education provider applications

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Hawley". The signature is written in a cursive style with a long, sweeping underline.

Michael Hawley
Executive Director