

**Massachusetts Board of Registration in Embalming and Funeral Directing  
Public Session Minutes  
Meeting of 6/19/18**

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

**Board Members Present:**

Patrick Driscoll  
Paul Phaneuf  
Peter Stefan  
Richard Gormley

**Staff Members Present:**

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

**Members of the Public Present:**

Joe Pasternak  
Tom O'Brien  
Ed O'Brien  
Donato B Dagnoli  
Geoffrey Bryant Leard  
Cynthia F. Bryant  
Douglas J. Leard  
James F. Dolan  
Matthew Crowley  
Christopher Goulet

Michelle Lydon  
Ed Flemming  
Matthew Perkins  
Erica DeNinno  
Caroline Cotto  
Adys Diaz  
Victor Leando  
Shannon McArthur

---

**Call to Order**

Mr. Phaneuf called the meeting to order at 10:09 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 May 15, 2018.

**Mr. Stefan moved to accept staff prepared open session minutes of the meeting held on May 15, 2018. Mr. Gormley seconded the motion. Motion passed unanimously.**

The Board reviewed staff prepared executive session minutes of the meeting held on May 15, 2018.

**Mr. Driscoll moved to accept staff prepared executive session minutes of the meeting held on May 15, 2018. Mr. Stefan seconded the motion. Motion passed unanimously.**

Mr. Patrick Driscoll arrived at 10:25 am for EM Board Meeting and subsequent review.

### **Establishments – Review and vote on applications**

- Boucher-O’Brien Funeral Home, LLC

**Per request from Mr. O’Brien, the Board reviewed the Boucher-O’Brien establishment application at an earlier time in the meeting. Mr. Stefan moved to accept the change in ownership and approve Boucher-O’Brien Funeral Home for licensure. Mr. Gormley seconded. The motion passed unanimously by all present board members.**

### **Report from Executive Director Michael Hawley**

Associate Executive Director Thomas Burke reported that all remaining funeral establishments and directors who have not submitted preneed reports have been contacted by Mr. Robert Williams. At the board chair’s request, Mr. Williams will present a list at the July 2018 board meeting of all non-compliant funeral establishments.

### **Report from Legal Counsel, Peter M. Kelley**

Attorney Kelley reported to the Board that the proposed bill to address removal of the unclaimed dead is still under consideration by the legislature. The legislation does not contain the Board’s proposed amended language that allows funeral directors greater flexibility in disposition of the unclaimed dead; however, the bill is out of committee and language may be changed before final passage. Attorney Kelley also noted that he will address correspondence to contiguous NE states re: removal etc. across state lines pursuant to G. L. c. 112, § 85A.

### **Report from Christopher Carroll, Chief Investigator**

No report.

### **Discussion**

The Board reviewed a proposed policy on the practice of removing personal materials from the deceased. Attorney Kelley advised the Board that this policy would permit funeral directors, with the consent of next of kin or legal representatives, to remove personal materials from the deceased, excluding personal property, including hair, fingerprints, DNA for stated purposes as disclosed by the funeral director. The Board requested that the policy be amended to include certain medical devices within the non-exhaustive list of potential personal materials for removal. Mr. Phaneuf recommended that Mr. Kelley review a similar policy established by NFDA. Attorney Kelley will revise the policy for Board review and approval at next Board’s meeting.

The Board discussed the continuing efficacy of Rule 39 in light of 239 Code Mass. Regs. § 3.11(3). Because current regulations are in conflict with this Rule, the Board acknowledged that Rule 39 can no longer be enforced because it is no longer in effect. After further discussion, Mr. Driscoll moved to rescind Rule 39 and its enforcement, seconded by Mr. Gormley. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Stefan: “Yes”, Mr. Gormley: “Yes”, and Mr. Driscoll: “Yes”.

### **Application Review:**

#### **Type 6 – Review and vote on applications**

- Adys N. Diaz
- Shannon B McArthur
- Matthew P Crowley
- Geoffrey Bryant Leard

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

#### **Type 3 – Review and vote on applications**

- Donato B Dagnoli
- Edward J O’Brien

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

#### **Establishments – Review and vote on applications**

- Hamel-Lydon Chapel & Cremation Services of Massachusetts, Inc.

**Mr. Driscoll moved to issue a conditional licensure agreement to Hamel-Lydon Chapel until 9/1/18 and approve the above establishment for licensure. Mr. Gormley seconded. The motion passed unanimously by all present board members.**

#### **Continuing Education Provider Applications:**

The Board reviewed the following applications:

##### **National Funeral Directors Association**

- 2018 National Funeral Directors Association Annual Convention
- OSHA Compliance Tips
- NFDA Leadership Conference
- 2018 FTC Funeral Rule Training
- Jewish Funeral Traditions and Rituals

- The 3E's to Cremation Success: Employees, Expectations, Engagement

### **Elite Continuing Education**

- Religions in the United States: What Every Funeral Director Should Know

### **MFDA**

- The Massachusetts Attorney General's Victim Compensation Program – Funeral Director Training
- 2018 MFDA “Building a Better Business” Continuing Ed Seminar Preneed Basics – A Review of 239 CMR 3.00 through 5.00
- The Disposition of Medical Devices – Home Study
- Due Diligence for Funeral homes Utilizing Third Party Crematories – Home Study
- Home Study – Distracted Driving – Is it Time for Funeral Homes to Ban Employee's Cell Phones While Driving?
- Third-Party Merchandise Guidelines
- Funeral Home Confidentiality – Home Study
- Screening & Hiring: An Expert Guide to Making the Right Hire – Home Study

### **New Jersey Funeral Service Education Corporation**

- Million Dollar Mistakes: Working Backward to Minimize the Risks of Mortuary Litigation
- Ethics and Mortality in the Funeral Industry
- Hot Dogs and Decomposition
- Using a Budget to Determine How to Charge for Your Services
- How to Make Social Media Work for Your Business
- Embalming Opioid Cases: A Case Study and Thorough Care Analysis
- What I Wish My Funeral Director Knew: Supporting Pregnancy Loss Families
- Battling Burnout and Building Resistance: Supporting and Retaining Funeral Professionals
- Certified Celebrant Training

### **Selected Independent Funeral Homes**

- 100<sup>th</sup> Annual Meeting

### **International Cemetery, Cremation & Funeral Association**

- 2018 ICCFA University

### **Life Celebration, Inc.**

- Funeral Mass Customization – Providing Families Only and Exactly What They Want

**Mr. Driscoll moved to approve and accept all continuing education courses. The motion was seconded by Mr. Gormley. The motion passed unanimously.**

**Closed session, Investigative Conferences and Adjudicative Conference [Closed pursuant to M.G.L. c. 112, § 65C; c. 30A, § 18, ¶ 5(d)]**

At 11:53 a.m., Mr. Driscoll moved to suspend the open meeting and enter into closed session to conduct investigative conferences and to discuss disciplinary cases and to conduct an adjudicative conference, both pursuant to M.G.L. c. 112, § 65C; c. 30A, § 18, ¶5(d). The motion was seconded by Mr. Gormley. **The motion passed unanimously.**

At 12:49 p.m. Mr. Phaneuf moved to exit closed session. The motion was seconded by Mr. Driscoll. **The motion passed unanimously.**

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

- EM-2018-000123-IT-ENF – Forwarded to Prosecutions
- EM-2018-000264-IT-ENF – Dismissed

**Adjournment**

At 1:04 p.m. Mr. Phaneuf moved to adjourn the meeting. Mr. Stefan 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,



---

Michael Hawley  
Executive Director