

**Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes
Meeting of 9/18/18**

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
Charles Kilb, Board Counsel
Bruce Hopper, Chief Board Counsel
Robert Williams, Investigator
Christopher Carroll, Chief Investigator

Members of the Public Present:

Ruth-Ann Anderson
Bridget Groh
Linda Hirschberg
Brendan McNamara
Holly R Warco
Jean Kolling
Richard Monighetti
Gary Toye

Susan E. Davis
Joseph T. Everett
John Sampson, Sr.
John Sampson, Jr.
Natasha Belizave
Tammy Nelson
Joseph Decroteau

Call to Order

Mr. Phaneuf called the meeting to order at 10:12 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 August 29, 2018.

Mr. Driscoll moved to accept staff prepared open session minutes of the meeting held on August 29, 2018. Mr. Stefan seconded the motion. Motion passed by all Board members present.

The Board reviewed staff prepared executive session minutes of the meeting held on August 29, 2018.

Mr. Driscoll moved to accept staff prepared open session minutes of the meeting held on August 29, 2018. Mr. Gormley seconded the motion. Motion passed by all Board members present.

Report from Executive Director Michael Hawley

Mr. Hawley reported that Board staff has found a solution to remove incorrect funeral establishments from registrants' licenses prior to the printing of new licenses during this renewal period. He suggested that the Board may want to consider at a future meeting a review of which mailing address to include on license cards. He stated that registrants are encouraged to contact the Board with any errors. Mr. Hawley noted that the vendor, Professional Credential Services, is transmitting Funeral Director license records correctly and Board staff continues to process Apprentice Embalmer and Funeral Assistant applications monthly. In response to an inquiry by Mr. Phaneuf regarding electronic renewal, Mr. Hawley stated that although electronic renewal is preferred, paper renewal will likely continue to be offered next renewal period.

Report from Legal Counsel, Charles Kilb

Attorney Kilb announced that Mr. Hopper would not be present for the Board meeting and that he would serve as substitute Board Counsel today. He noted that he had worked with the Funeral Board as its lawyer for several years and that there didn't appear to be many changes to the Board since he last visited.

Report from Christopher Carroll, Chief Investigator

Mr. Carroll indicated he would address specific investigations in the closed investigatory conference.

Discussion

Board members briefly discussed the closing of Mount Ida College and the continuation of the program for current enrolled students at Cape Cod Community College.

Application Review:

Type 6 – Review and vote on applications

- Ruth-Ann Anderson
- Bridget Groh
- Linda Hirschberg

Mr. Driscoll moved to approve the above candidates for licensure. Mr. Gormley seconded. The motion passed unanimously.

Type 6 (Transition) – Review and vote on application

- Alfred Gay (Downgrade to Type 6)

Mr. Gay was unable to attend and the review and vote on his application was postponed until October 16, 2018.

Type 3 - Review and vote on application

- Brendan McNamara
- Richard Monighetti

Establishments – Review and vote on applications

- McNamara-Sparrell Funeral Home (Cohasset and Norwell)
- Neptune Cremation Services

The Board reviewed the McNamara-Sparrell Funeral Home applications for two establishments in the towns of Cohasset and Norwell in conjunction with Mr. McNamara's Type 3 Funeral Director application. Mr. Williams noted that the Cohasset establishment expects to be in compliance later this year. After some discussion, the Board approved Mr. McNamara's Type 3 application and the Norwell location of McNamara-Sparrell Funeral Home. The Board also approved a conditional licensure agreement for the Cohasset establishment with full approval contingent upon completion of the compliance plan by no later than February 1, 2019. Mr. Stefan moved to approve and Mr. Gormley seconded. The motion passed unanimously.

The Board reviewed the establishment certificate application for Neptune Cremation Services as well as Mr. Monighetti's application for Type 3 Funeral Director. As part of the review, the Board discussed the consumer disclosure document presented by Attorney Jean Kolling and requested that a signature line be added to the document for the consumer to authorize Neptune to conduct its unique business practices. The signed document would serve as consumer acknowledgement of the various stages of the removal and transport of dead human bodies associated with Neptune Cremation Services. Mr. Stefan moved to approve and Mr. Driscoll seconded. Mr. Gormley voted no. The motion passed with a majority of Board members present.

Investigative Conference

At 11:50 a.m., Mr. Driscoll moved to suspend the open meeting and enter into closed session to conduct an investigative conference to discuss a settlement offer 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-2016-799 – The Board discussed a request by a revoked registrant. Based on the discussion, the Board tabled the matter until the next meeting. No formal action taken.
- At 12:17 p.m. Mr. Driscoll moved to exit closed session. The motion was seconded by Mr. Gormley. **The motion passed unanimously.**

Executive Session: to discuss the reputation and character, rather than the professional competence of an individual, pursuant to G. L. c. 30A, § 21(a)(1)

At 12:18 p.m., Mr. Stefan 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). Mr. Driscoll seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Stefan: “Yes”, Mr. Gormley: “Yes”, and Mr. Driscoll: “Yes”.

At 12:46 p.m., Mr. Driscoll moved to exit executive session and enter open session. Mr. Gormley seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Stefan: “Yes”, Mr. Gormley: “Yes”, and Mr. Driscoll: “Yes”.

See Separate minutes for Executive Session actions.

Discussion (continued)

At 12:47 p.m. the Board resumed discussion of the revised preneed Report. Mr. Hawley noted that Board staff reconfigured the Report to reflect the formatting and editorial changes recommended by MFDA. A final version of the Report was sent to MFDA on September 12, 2018 for further review and staff is awaiting response. Once the preneed Report is approved, Mr. Hawley stated that a copy will be mailed to every funeral establishment with an explanatory letter regarding the change in deadline and content. The letter will also note the abrogation of Rule 39 by the Board. An electronically formatted version of the Report will be posted on the Board website.

Continuing Education Provider Applications:

The Board reviewed the following applications:

MFDA

- 2018 OSHA Training

NFDA

- NFDA Online Course: Mastering the Art of Funeral Home Phone Etiquette
- NFDA Online Course: Demonstration of Soft Tissue Repair

Elite Continuing Education

- Coping with Difficult People and Situations

The Dodge Institute

- Embalming the Ever-Increasing Number of Obese Bodies
- Dehydration and Emaciation
- The Opioid Epidemic and Funeral Service
- Almost Everything You Ever Wanted to Know about Mortuary Cosmetic Application – Part One of Two Part Program

Funeral CE

- Ethical Business Practices for Funeral Directors

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

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

At 1:00 p.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-2018-000593-IT-ENF – Based on the discussion, the Board provided a counter-offer to the Prosecuting Counsel
- EM-2018-000799-IT-ENF – Tabled. Board requested additional information.
- EM-2018-000874-IT-ENF – Tabled. Board requested additional information

At 2:45 p.m. Mr. Driscoll moved to exit closed session. The motion was seconded by Mr. Gormley. **The motion passed unanimously.**

Adjournment

At 2:47 p.m. Mr. Gormley 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 that reads "Michael Hawley". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Hawley
Executive Director

DRAFT