

MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of February 13, 2013

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

**THE PUBLIC HEALTH COUNCIL OF
MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH
Henry I. Bowditch Public Health Council Room, 2nd Floor
250 Washington Street, Boston MA**

Docket: Wednesday, February 13, 2013, 9:00 AM

1. ROUTINE ITEMS: No Floor Discussion

- a. Introduction **(No Vote)**
- b. Record of the Public Health Council Meeting of October 10, 2012 **(Approved)**

2. DETERMINATION OF NEED: Category 1 Applications

- a. Project Application Number 4-3C15 of Dana Farber Cancer Institute for establishment of radiation therapy service in Weymouth **(Approved)**
- b. Project Application Number 4-3C16 of Steward Norwood Hospital, Inc. for new construction and major renovations **(Approved)**
- c. Significant change to approved DoN Project Number 1-4886 of Baystate MRI & Imaging Services. LLC to add portable PET/CT service site at Berkshire Medical Center, Pittsfield **(Approved)**

3. DETERMINATION OF NEED: Category 2 Applications

- a. Project Application Number 4-3C14 of Quincy Medical Center, A Steward Family Hospital for substantial renovations, new construction, and establishment of a 13-bed obstetrical service **(Approved)**

4. REGULATIONS:

- a. Request final approval of emergency amendments to 105 CMR 722.000 related to authorizing a waiver of requirements for hospital pharmacies **(Approved)**
- b. Proposed amendments to 105 CMR 700.000 related to prescriber use of the Online Prescription Monitoring Program **(Information only)**

Public Health Council

Presented below is a summary of the meeting, including time-keeping, attendance and votes cast.

Date of Meeting: Wednesday, February 13, 2013

Beginning Time: 9:16 AM

Ending Time: 11:00 AM

Attendance and Summary of votes

Board Member	Attended	1b	2a	2b	2c	3a	4a
		Record of the Public Health Council Meeting of October 10, 2012	Determination of Need Project Application Number 4-3C15 of Dana Farber Cancer Institute for establishment of radiation therapy service in Weymouth	Determination of Need Project Application Number 4-3C16 of Steward Norwood Hospital, Inc. for new construction and major renovations	Determination of Need Significant change to approved DoN Project Number 1-4886 of Baystate MRI & Imaging Services. LLC to add portable PET/CT service site at Berkshire Medical Center, Pittsfield	Determination of Need Project Application Number 4-3C14 of Quincy Medical Center, A Steward Family Hospital for substantial renovations, new construction, and establishment of a 13-bed obstetrical service	Regulations: Request final approval of emergency amendments to 105 CMR 722.000 related to authorizing a waiver of requirements for hospital pharmacies
Dr. Michele David	No	-----	-----	-----	-----	-----	-----
Harold Cox	No	-----	-----	-----	-----	-----	-----
Denis Leary	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Dr. John Cunningham	Yes	Yes	Yes	Yes	Yes (M)	Yes	Yes
Dr Muriel Gillick	No	-----	-----	-----	-----	-----	-----
Lucilia Prates-Ramos	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Paul J. Lanzikos	Yes	Yes	Yes (M)	Yes	Yes	Yes	Yes (2 nd)
Jose Rafael Rivera	Yes	Yes (2 nd)	Yes	Yes	Yes (2 nd)	Yes	Yes
Dr. Michael Wong	No	-----	-----	-----	-----	-----	-----
Helen Caulton-Harris	No	-----	-----	-----	-----	-----	-----
Dr. Meredith Rosenthal	Yes	Yes	Yes (2 nd)	Yes	Yes	Yes (2 nd)	Yes
Dr. Alan Woodward	Yes	Yes	Yes	Yes (M)	Yes	Yes	Yes
Lauren Smith	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Albert Sherman	Yes	Yes (M)	Yes	Yes (2 nd)	Yes	Yes (M)	Yes (M)
Summary	9 members attended	Approved with 9 votes	Approved with 9 votes	Approved with 9 votes	Approved with 9 votes	Approved with 9 votes	Approved with 9 votes

(M): Made motion

(2nd): Seconded motion

PROCEEDINGS

A regular meeting of the Massachusetts Department of Public Health's Public Health Council (M.G.L. C17, §§ 1, 3) was held on Wednesday, February 13, 2012 at the Massachusetts Department of Public Health, 250 Washington Street, Henry I. Bowditch Public Health Council Room, 2nd Floor, Boston, Massachusetts 02108.

Members present were: Chair Lauren Smith, Interim Commissioner, Department of Public Health, Mr. Dennis Leary, Dr. John Cunningham, Ms. Lucilia Prates Ramos, Mr. Paul J. Lanzikos, Mr. Jose Rafael Rivera, Dr. Meredith Rosenthal, Dr. Alan Woodward and Mr. Albert Sherman. Absent members were, Dean Harold Cox, Dr. Michele David, Dr. Muriel Gillick, Dr. Michael Wong, and Ms. Helen Caulton-Harris. Also in attendance was Attorney Donna Levin, General Counsel, Massachusetts Department of Public Health.

Chair Smith called the meeting to order at **9:16 AM** and reviewed the agenda.

ITEM 1B: Record of the Public Health Council Meeting of October 10, 2012

Chair Smith asked if there were any changes to the minutes of the Public Health Council meeting of October 10, 2012. No changes were recommended. **Mr. Albert Sherman** made the motion to approve the minutes of October 10th 2012. After consideration, upon motion made and duly seconded by **Mr. Jose Rivera**, it was voted unanimously to approve the minutes as presented.

Voting in the affirmative were all **9** present members. There were no abstentions and no votes in opposition.

ITEM 2A: DETERMINATION OF NEED: Category 1 Application. Determination of Need Project Application Number 4-3C15 of Dana Farber Cancer Institute for establishment of radiation therapy service in Weymouth

Mr. Jere Page, Senior Program Analyst for the DoN Program, and Mr. Bernard Plovnick, Director of the DoN Program, presented DON Application Number 4-3C15 of Dana Farber Cancer Institute for establishment of radiation therapy service in Weymouth. Mr. Page noted that the applicant's existing unit or units has or have been operating at 90 percent capacity for the past year, evidenced by the number of treatments performed annually and the hours of operations.

Mr. Paul Lanzikos made the motion to approve Determination of Need Project Application Number 4-3C15 of Dana Farber Cancer Institute for establishment of radiation therapy service in Weymouth. After consideration, upon motion was duly seconded by **Dr. Meredith Rosenthal**, it was voted unanimously to approve the application as presented.

Voting in the affirmative were all **9** present members. There were no abstentions and no votes in opposition.

ITEM 2B: DETERMINATION OF NEED: Category 1 Application. Project Application Number 4-3C16 of Steward Norwood Hospital, Inc. for new construction and major renovations

Mr. Jere Page, Senior Program Analyst for the DoN Program, presented DON Application Number 4 Project Application Number 4-3C16 of Steward Norwood Hospital, Inc. for new construction and major renovations. Mr. Page spoke about the new construction and major renovations needed at Steward Norwood Hospital, Inc. to replace 35 existing beds.

Dr. Alan Woodward made the motion to approve Determination of Need Project Application Number 4-3C16 of Steward Norwood Hospital, Inc. for new construction and major renovations. After consideration, upon motion duly seconded by **Mr. Albert Sherman**, it was voted unanimously to approve the application as presented.

Voting in the affirmative were all **9** present members. There were no abstentions and no votes in opposition.

ITEM 2C: DETERMINATION OF NEED: Category 1 Application. Significant change to approved DoN Project Number 1-4886 of Baystate MRI & Imaging Services. LLC to add portable PET/CT service site at Berkshire Medical Center, Pittsfield Application Number 4-1549 of Park Marion and Vernon Streets Operating Company, LLC d/b/a Brookline Health Care Center for renovations to 120-bed skilled nursing facility

Mr. Jere Page, Senior Program Analyst for the DoN Program, presented DON Project Number 1-4886 of Baystate MRI & Imaging Services. LLC to add portable PET/CT service site at Berkshire Medical Center, Pittsfield Application Number 4-1549 of Park Marion and Vernon Streets Operating Company, LLC d/b/a Brookline Health Care Center for renovations to 120-bed skilled nursing facility.

Dr. John Cunningham made the motion to approve DON Project Number 1-4886 of Baystate MRI & Imaging Services. LLC to add portable PET/CT service site at Berkshire Medical Center, Pittsfield Application Number 4-1549 of Park Marion and Vernon Streets Operating Company, LLC d/b/a Brookline Health Care Center for renovations to 120-bed skilled nursing facility. After consideration, upon motion duly seconded by **Mr. Jose Rivera**, it was voted unanimously to approve the application as presented.

Voting in the affirmative were all **9** present members. There were no abstentions and no votes in opposition.

ITEM 3: DETERMINATION OF NEED: Determination of Need Project Application Number 4-3C14 of Quincy Medical Center, A Steward Family Hospital for substantial renovations, new construction, and establishment of a 13-bed obstetrical service

Mr. Jere Page, Senior Program Analyst for the DoN Program, and Mr. Bernard Plovnick, Director of the DoN Program presented DON Project Number Project Application Number 4-3C14 of Quincy Medical Center, A Steward Family Hospital for substantial renovations, new construction, and establishment of a 13-bed obstetrical service. Mr. Page described the renovations and minor new construction to existing facility including addition of 13-bed obstetrical unit and labor and delivery suite. The renovation also includes two medical/surgical units, surgical suite, cardiac catheterization lab, lobby, patient registration, waiting areas, and associated relocation of departments during renovation of existing spaces.

Mr. Albert Sherman made the motion to approve DON Project Number Project Application Number 4-3C14 of Quincy Medical Center, A Steward Family Hospital for substantial renovations, new construction, and establishment of a 13-bed obstetrical service. After consideration, upon motion duly seconded by **Dr. Meredith Rosenthal**, it was voted unanimously to approve the application as presented.

Voting in the affirmative were all **9** present members. There were no abstentions and no votes in opposition

ITEM 4A: REGULATIONS: Request final approval of emergency amendments to 105 CMR 722.000 related to authorizing a waiver of requirements for hospital pharmacies

Dr. Madeline Biondolillo, Director, Bureau of Health Care Safety and Quality, and Mr. Iyah Romm, Director of Policy, Health Planning, and Strategic Development, Bureau of Health Care Safety and Quality presented the request for final approval of emergency amendments to 105 CMR 722.000 related to authorizing a waiver of requirements for hospital pharmacies. Dr. Biondolillo noted that the addition of the waiver authority provides the Commissioner, or the Commissioner's designee, a means for granting time-limited waivers to hospitals and hospital pharmacies to enable these entities to cope with temporary emergency drug shortages. Temporary waivers granted under this new section may be accompanied by conditions with which the registrant must comply. Failure to comply with the conditions of a waiver may result in immediate termination of the waiver.

Mr. Albert Sherman made the motion to approve the request for final approval of emergency amendments to 105 CMR 722.000 related to authorizing a waiver of requirements for hospital pharmacies. After consideration, upon motion duly seconded

by **Mr. Paul Lanzikos**, it was voted unanimously to approve the regulation as presented.

Voting in the affirmative were all **9** present members. There were no abstentions and no votes in opposition

ITEM 4B: REGULATIONS: Request final approval of emergency amendments to 105 CMR 722.000 related to authorizing a waiver of requirements for hospital pharmacies. Proposed amendments to 105 CMR 700.000 related to prescriber use of the Online Prescription Monitoring Program.

Dr. Madeline Biondolillo, Director, Bureau of Health Care Safety and Quality, presented the request final approval of emergency amendments to 105 CMR 700.000 related to prescriber use of the Online Prescription Monitoring Program.

LIST OF DOCUMENTS PRESENTED TO THE PHC FOR THIS MEETING:

1. Docket of the meeting
2. Public Health Council Meeting Minutes from October 10, 2012
3. Determination of Need Program Pending Projects
4. Staff Summary for the Determination of Need by the Public Health Council – Dana Farber Cancer Institute
5. Staff Summary for Determination of Need by the Public Health Council – Steward Norwood Hospital, Inc.
6. Memorandum – Approved Determination of Need Project 4-4888, Baystate MRI and Imaging Center, LLC. Request for Significant Change to Operate a Mobile PET Service at an Additional Site a Berkshire Medical Center in Pittsfield.
7. Staff Summary for Determination of Need by the Public Health Council – Quincy Medical Center, a Steward Family Hospital
8. Memo – Final Vote on Proposed Emergency Amendments to Regulations 105 CMR 722.000 (Dispensing Procedures for Pharmacists)

Chair: Lauren Smith, MD