

MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of March 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, March 13, 2013, 9:00 AM

1. ROUTINE ITEMS: No Floor Discussion

- a. Introduction **(No Vote)**
- b. Record of the Public Health Council Meeting of November 21, 2012 **(Approved)**

2. PRESENTATION

Medical Marijuana Regulation – Update on Process **(Information Only)**

3. DETERMINATION OF NEED: Category 1 Project

Project Application Number 5-3C20 of Steward St. Anne's Hospital Corporation, LLC for transfer of ownership of Hawthorn Endoscopy Service, LLC d/b/a Hawthorn Ambulatory Services **(Approved)**

4. REGULATION

Request final approval of emergency amendments to 105 CMR 721.000 related to *tamper-resistant prescription forms* **(Approved)**

5. PROPOSED REGULATIONS

Proposed amendments to 105 CMR 130.000 Hospital Licensure and 105 CMR 140.000 Clinic Licensure, regarding *Computerized Physician Order Entry (CPOE)*. **(Information Only)**

The Commissioner and the Public Health Council are defined by law as constituting the Department of Public Health. The Council has one regular meeting per month. These meetings are open to public attendance except when the Council meets in Executive Session. The Council's meetings are not hearings, nor do members of the public have a right to speak or address the Council. The docket will indicate whether or not floor discussions are anticipated. For purposes of fairness since the regular meeting is not a hearing and is not advertised as such, presentations from the floor may require delaying a decision until a subsequent meeting.

Public Health Council

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

Date of Meeting: Wednesday, March 13, 2013

Beginning Time: 9:19 AM

Ending Time: 10:34 AM

Attendance and Summary of votes

Board Member	Attended	1b	3	4
		Record of the Public Health Council Meeting of November 21, 2012	Determination of Need: Category 1 Project Project Application Number 5-3C20 of Steward St. Anne's Hospital Corporation, LLC for transfer of ownership of Hawthorn Endoscopy Service, LLC d/b/a Hawthorn Ambulatory Services	Regulation Request final approval of emergency amendments to 105 CMR 721.000 related to tamper-resistant prescription forms
Dr. Michele David	Yes	Yes	Yes	Yes
Harold Cox	No	----	----	----
Denis Leary	Yes	Yes	Yes	Yes
Dr. John Cunningham	Yes	Yes	Yes	Yes
Dr Muriel Gillick	Yes	Yes	Yes	Yes
Lucilia Prates-Ramos	No	----	----	----
Paul J. Lanzikos	Yes	Yes	Yes (2 nd)	Yes (2 nd)
Jose Rafael Rivera	Yes	Yes (2 nd)	Yes	Yes
Dr. Michael Wong	No	----	----	----
Helen Caulton-Harris	Yes	Yes	Yes	Yes
Dr. Meredith Rosenthal	Yes	Yes	Yes	Yes
Dr. Alan Woodward	Yes	Yes	Yes	Yes (M)
Lauren Smith	Yes	Yes	Yes	Yes
Albert Sherman	Yes	Yes (M)	Yes (M)	Yes
Summary	11 members attended	Approved with 11 votes	Approved with 11 votes	Approved with 11 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, March 13, 2013 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, Dr. Michele David, Mr. Dennis Leary, Mr. Paul J. Lanzikos, Mr. Jose Rafael Rivera, Mr. Albert Sherman, Ms. Helen Caulton-Harris, Dr. Meredith Rosenthal, Dr. Alan Woodward, Dr. John Cunningham, and Dr. Muriel Gillick. Members absent were, Mr. Harold Cox, Ms. Lucilia Prates Ramos, and Dr. Michael Wong. Also in attendance was Attorney Donna Levin, General Counsel, Massachusetts Department of Public Health.

Chair Smith called the meeting to order at **9:19 AM** and reviewed the agenda.

ITEM 1B. Record of the Public Health Council Meeting of November 21, 2012

Chair Smith asked if there were any changes to the minutes of the Public Health Council meeting of November 21, 2012. No changes were recommended. **Mr. Albert Sherman** made the motion to approve the minutes of November 21, 2012. The motion was duly seconded by **Jose Rivera**. It was voted unanimously to approve the minutes as presented.

Voting in the affirmative were all **11** present members. There were no abstentions and no votes in opposition.

ITEM 2A: PRESENTATION. Medical Marijuana Regulation – Update on Process

Ms. Cheryl Bartlett, Interim Deputy Commissioner, and Dr. Madeleine Biondolillo, Director, Bureau of Health Care Safety and Quality presented an update on the Medical Marijuana Regulation. Mr. Paul Lanzikos requested a timeline as well as a summary from the listening sessions.

ITEM 3: DETERMINATION OF NEED: Category 1 Project. Project Application Number 5-3C20 of Steward St. Anne's Hospital Corporation, LLC for transfer of ownership of Hawthorn Endoscopy Service, LLC d/b/a Hawthorn Ambulatory Services.

Mr. Bernard Plovnick, Director of the DoN Program, presented project application number 5-3C20 of Steward St. Anne's Hospital Corporation, LLC for transfer of ownership of Hawthorn Endoscopy Service, LLC d/b/a Hawthorn Ambulatory Services.

Mr. Plovnick summarized the application saying that upon approval of this application the applicant would purchase all of the ASC's access and properties necessary to operate the surgery center. **Dr. Woodward** asked if it would be required for the Attorney General to provide their opinion. Mr. Plovnick responded that they provided the Attorney General with a copy of the public notice of any application. The Attorney General would then decide whether or not they want to provide an opinion.

Mr. Albert Sherman made the motion to approve the project application number 5-3C20 of Steward St. Anne's Hospital Corporation, LLC for transfer of ownership of Hawthorn Endoscopy Service, LLC d/b/a Hawthorn Ambulatory Services. After consideration, upon motion made and duly seconded by **Mr. Paul Lanzikos**, it was voted unanimously to approve the application as presented.

Voting in the affirmative were all **11** members. There were no abstentions and no votes in opposition.

ITEM 4: REGULATION Request final approval of emergency amendments to 105 CMR 721.000 related to *tamper-resistant prescription forms*.

Dr. Madeleine Biondolillo, Director of the Bureau of Health Care Safety and Quality, presented the request for final approval of emergency amendments to 105 CMR 721.000 related to *tamper-resistant prescription forms*. Dr. Biondolillo provided background stating that the requirement under the section of the law is for the prescription pads to be tamper resistant, similar to the requirements under the federal CMS guidance for prescription pads having characteristics that present inappropriate utilization including features such as industry-established mechanisms to prevent copying, to prevent erasing or modifying the form, and to prevent other means of inappropriate use such as counterfeit utilization.

Dr. Allan Woodward made the motion to approve the emergency amendments to 105 CMR 721.000 related to tamper-resistant prescription forms. After consideration, upon motion made and duly seconded by **Mr. Paul Lanzikos**, it was voted unanimously to approve the regulation as presented.

Voting in the affirmative were all **11** members. There were no abstentions and no votes in opposition.

ITEM 5: PROPOSED REGULATIONS. Proposed amendments to 105 CMR 130.000 Hospital Licensure and 105 CMR 140.000 Clinic Licensure, regarding Computerized Physician Order Entry (CPOE).

Dr. Madeleine Biondolillo, Director, Bureau of Health Care Safety and Quality and Mr. Iyah Romm, Senior Advisor, Commissioner's Office, presented the proposed amendments to 105 CMR 130.000 Hospital Licensure and 105 CMR 140.000 Clinic Licensure, regarding Computerized Physician Order Entry (CPOE).

Mr. Romm provided background of 105 CMR 140.000 Clinic Licensure, regarding Computerized Physician Order Entry (CPOE), including a framework for how Massachusetts providers were expected to implement the requirements, a description of the proposed regulations, and the timeline for next steps of promulgation.

LIST OF DOCUMENTS PRESENTED TO THE PHC FOR THIS MEETING:

1. Docket of the meeting
2. Public Health Council Meeting Minutes from November 21, 2012
3. Determination of Need Program Pending Projects
4. Staff Summary for the Determination of Need by the Public Health Council – Steward St. Anne's Hospital Corporation, LLC
5. Memorandum – Final Vote on Emergency Amendments to Regulations at 105 CMR 721.000: Standards for Prescription Format and Security in Massachusetts
6. Memorandum – Informational Briefing on Proposed Amendments to 105 CMR 130.000 and 105 CMR 140.000 for Electronic Health Records and Computerized Provider Order Entry Implementation and Utilization for Hospitals and Community Health Centers

Chair: Dr. Lauren Smith