

MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of April 10, 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, April 10, 2013, 9:00 AM

1. ROUTINE ITEMS: No Floor Discussion

a. Introduction **(No Vote)**

b. Record of the Public Health Council Meeting of December 12, 2012
(APPROVED)

2. PROPOSED REGULATION:

Draft Regulations at 105 CMR 725.000: *Implementation of An Act for the Humanitarian Medical Use of Marijuana* **(Information only)**

3. DETERMINATION OF NEED:

Project Number 4-3C19 of South Shore Hospital for transfer of ownership by which Partners Healthcare System will become its sole corporate member **(APPROVED)**

4. REGULATION:

Proposed Revised Regulation at 105 CMR 216.000: *Massachusetts Wellness Tax Credit Incentive* **(APPROVED)**

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, April 10, 2013

Beginning Time: 9:16 AM

Ending Time: 12:20 PM

Attendance and Summary of votes

Board Member	Attended	1b	3	4
		Record of the Public Health Council Meeting of December 12, 2012	Determination of Need: Category 1 Project: Project Number 4-3C19 of South Shore Hospital for transfer of ownership by which Partners Healthcare System will become its sole corporate member	Regulation: Proposed Revised Regulation at 105 CMR 216.000: Massachusetts Wellness Tax Credit Incentive
Dr. Michele David	Yes	(absent)	Yes	Yes
Harold Cox	Yes	Yes	Yes	Yes
Denis Leary	No	----	----	----
Dr. John Cunningham	Yes	Yes	Yes (M)	Yes (M)
Dr. Muriel Gillick	Yes	Yes	(abstained)	(absent)
Lucilia Prates-Ramos	Yes	Yes	Yes	Yes
Paul J. Lanzikos	Yes	Yes	Yes (2 nd)	Yes
Jose Rafael Rivera	Yes	Yes (2 nd)	Yes	Yes (2 nd)
Dr. Michael Wong	Yes	Yes (M)	Yes	Yes
Helen Caulton-Harris	Yes	Yes	Yes	Yes
Dr. Meredith Rosenthal	No	----	----	----
Dr. Alan Woodward	No	----	----	----
Lauren Smith	Yes	Yes	Yes	Yes
Albert Sherman	No	----	----	----
Summary	10 members attended	Approved with 9 votes	Approved with 9 votes 1 abstention	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, April 10, 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, Dean Harold Cox, Dr. John Cunningham, Dr. Muriel Gillick, Ms. Lucilia Prates-Ramos, Mr. Paul J. Lanzikos, Mr. Jose Rafael Rivera, Dr. Michael Wong. Members absent were, Mr. Denis Leary, Dr. Meredith Rosenthal, Dr. Alan Woodward, and Mr. Albert Sherman. 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 December 12, 2012

Chair Smith asked if there were any changes to the minutes of the Public Health Council meeting of December 12, 2012. No changes were recommended. **Dr. Michael Wong** made the motion to approve the minutes of December 12, 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 **9** present members. There were no abstentions and no votes in opposition.

Following the motion of the minutes, **Dr. Michael Wong** and **Dean Cox** commended Dr. Smith on her work as the interim Commissioner at the Department of Public Health.

ITEM 2: PROPOSED REGULATIONS. Draft Regulations for the Implementation of An Act for the Humanitarian Medical Use of Marijuana

Cheryl Bartlett, Interim Deputy Commissioner, Iyah Romm, Special Advisor to the Commissioner, Alison Mehlman, Deputy General Counsel, and Priscilla Fox, Deputy General Council. Cheryl Bartlett began the presentation and gave an overview of the regulations. She covered many of the comments received by the public on the regulations such as bone fide patient physician relationship, debilitating medical conditions, and hardship cultivation.

Discussion followed by members of the Council. **Dr. Muriel Gillick, Dr. John Cunningham** and **Dr. Michael Wong** inquired about debilitating medical conditions. **Mr. Jose Rivera** noted that medical marijuana and marijuana for medical use should not be used interchangeably.

ITEM 3: DETERMINATION OF NEED: Category 1 Project Number 4-3C19 of South Shore Hospital for transfer of ownership by which Partners Healthcare System will become its sole corporate member.

Mr. Bernard Plovnik, Director of the DoN Program, and Mr. Jere Page, Senior Program Analyst for the DoN program presented Project Number 4-3C19 of South Shore Hospital for transfer of ownership by which Partners Healthcare System will become its sole corporate member. Mr. Page provided background saying that the transaction does not include any capital expenditure, and South Shore Hospital will remain a separately licensed hospital after the transfer is implemented.

Dr. John Cunningham made the motion to approve the Project Number 4-3C19 of South Shore Hospital for transfer of ownership by which Partners Healthcare System will become its sole corporate member. The motion was duly seconded by **Mr. Paul Lanzikos**. It was voted to approve the DoN.

Voting in the affirmative were **9** present members. There were no votes in opposition. **Dr. Muriel Gillick** abstained from voting.

ITEM 4: REGULATION. Proposed Revised Regulation at 105 CMR 216.000: *Massachusetts Wellness Tax Credit Incentive*.

Ms. Cheryl Bartlett, Director, Bureau of Community Health and Prevention Interim Deputy Commissioner presented the proposed revised regulation at 105 CMR 216.000: *Massachusetts Wellness Tax Credit Incentive*. Ms. Bartlett provided background on Chapter 224 and outlined the next steps and request for action.

Dr. John Cunningham made the motion to approve the Proposed Revised Regulation at 105 CMR 216.000: *Massachusetts Wellness Tax Credit Incentive*. The motion was duly seconded by **Mr. Jose Rivera**. It was voted to approve the Determination of Need.

Voting in the affirmative were **9** present members. There were no abstentions and no votes in opposition. **Dr. Muriel Gillick** was absent for the vote.

LIST OF DOCUMENTS PRESENTED TO THE PHC FOR THIS MEETING:

1. Docket of the meeting
2. Public Health Council Meeting Minutes from December 12, 2012
3. Determination of Need Program Pending Projects
4. Memorandum – Informational Briefing on Proposed Regulations at 105 CMR 725.000: Implementation of An Act for Humanitarian Medical Use of Marijuana (Chapter 369 of the Acts of 2012).
5. Staff Summary for the Determination of Need by the Public Health Council – South Shore Hospital, Inc.
6. Memorandum – Vote on Proposed Revised Regulation at 105 CMR 216.000: Massachusetts Wellness Tax Credit Incentive

Chair Dr. Lauren Smith