

MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of June 12, 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, June 12, 2013, 3:00 PM

1. ROUTINE ITEMS: No Floor Discussion

a. Introduction **(No Vote)**

b. Records of the Public Health Council Meetings of February 13, 2013; March 13, 2013; April 10, 2013; and May 8, 2013 **(APPROVED)**

2. DETERMINATION OF NEED:

Project Application Number 4-3C22 of McLean Hospital for Substantial Capital Expenditure **(APPROVED)**

3. FINAL REGULATION:

Final Regulation at 105 CMR 130.000: *Hospital Licensure* and 105 CMR 140.000: *Licensure of Clinics*, Implementing Changes Regarding Electronic Health Records and COPE for Hospitals and Community Health Centers, Pursuant to Chapter 305 of the Acts of 2008 **(APPROVED)**

4. DRAFT REGULATION:

Proposed Revised Regulation at 105 CMR 130.000: *Hospital Licensure* and 105 CMR 140.000: *Licensure of Clinics, Implementing Changes Requiring Reporting of Serious Adverse Drug Events Pursuant to Section 65 of Chapter 451 of the Acts of 2008 (Informational)*

5. DRAFT REGULATION:

Proposed Revised Regulation at 105 CMR 140.000: *Licensure of Clinics*, Implementing Changes Regarding Limited Services Clinics Pursuant to Chapter 224 of the Acts of 2012 **(Informational)**

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, June 12, 2013

Beginning Time: 3:27 PM

Ending Time: 4:57 PM

Attendance and Summary of votes

Board Member	Attended	Item 1 b.	Item 1 b.	Item 1 b.	Item 1 b.	Item 2	Item 3
		Record of the Public Health Council Meetings of February 13, 2013	Record of the Public Health Council Meeting of March 13, 2013	Record of the Public Health Council Meeting of April 10, 2013	Record of the Public Health Council Meeting of May 8, 2013	Determination of Need – Project Application Number 4-3C22 of McLean Hospital for Substantial Capital Expenditure	Final Regulation at 105 CMR 130.000: <i>Hospital Licensure</i> and 105 CMR 140.000: <i>Licensure of Clinics</i> , Implementing Changes Regarding Electronic Health Records and COPE for Hospitals and Community Health Centers, Pursuant to Chapter 305 of the Acts of 2008
Cheryl Bartlett	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Helen Caulton - Harris	Yes	(2 nd)/Yes	Yes	Yes	Yes	Yes	Yes
Harold Cox	Yes	Yes	Yes	Yes	Yes	Yes	Yes
John Cunningham	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Michele David	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Paul Lanzikos	Yes	Yes	Yes	Yes	Yes	(2 nd)/Yes	Yes
Denis Leary	No	-----	-----	-----	-----	-----	-----
Lucilia Prates-Ramos	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Jose Rafael Rivera	Yes (phone)	Yes	Yes	Yes	Yes	Yes	-----
Meredith Rosenthal	No	-----	-----	-----	-----	-----	-----
Albert Sherman	Yes	(M)/Yes	(M)/Yes	(M)/Yes	(M)/Yes	(M)/Yes	(M)/Yes
Alan Woodward	No	-----	-----	-----	-----	-----	-----
Michael Wong	Yes	Yes	(2 nd)/Yes	(2 nd)/Yes	(2 nd)/Yes	Recused	(2 nd)/Yes
Summary	10 members attended	Approved with 10 votes	Approved with 10 votes	Approved with 10 votes	Approved with 10 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, June 12, 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 Cheryl Bartlett, Acting Commissioner, Department of Public Health, Ms. Helen Caulton Harris, Mr. Harold Cox, Dr. John Cunningham, Dr. Michele David, Ms. Lucilia Prates Ramos, Mr. Paul Lanzikos, Mr. Jose Rafael Rivera (participated by phone through the first two items of business on the docket), Dr. Michael Wong, and Mr. Albert Sherman.

Absent members were Mr. Denis Leary, Dr. Meredith Rosenthal, and Dr. Alan Woodward. Also in attendance was Attorney Donna Levin, General Counsel, Massachusetts Department of Public Health.

Chair Bartlett called the meeting to order at **3:27 PM** and reviewed the agenda.

ITEM 1b: Records of the Public Health Council Meetings of February 13, 2013; March 13, 2013; April 10, 2013; and May 8, 2013

Chair Bartlett asked if there were any changes to the minutes of the Public Health Council meeting of February 13, 2013. No changes were recommended.

Mr. Albert Sherman made the motion to approve the record of the Public Health Council meeting of February 13, 2013. After consideration, upon motion duly seconded by **Ms. Caulton Harris**, it was voted unanimously to approve the minutes.

Voting in the affirmative were **10** members. There were no abstentions and no recusals.

Chair Bartlett asked if there were any changes to the minutes of the Public Health Council meeting of March 13, 2013. No changes were recommended.

Mr. Albert Sherman made the motion to approve the record of the Public Health Council meeting of March 13, 2013. After consideration, upon motion duly seconded by **Dr. Wong**, it was voted unanimously to approve the minutes.

Voting in the affirmative were **10** members. There were no abstentions and no recusals.

Chair Bartlett asked if there were any changes to the minutes of the Public Health Council meeting of April 10, 2013. No changes were recommended.

Mr. Albert Sherman made the motion to approve record of the Public Health Council meeting of April 10, 2013. After consideration, upon motion duly seconded by **Dr. Wong**, it was voted unanimously to approve the minutes.

Voting in the affirmative were **10** members. There were no abstentions and no recusals.

Chair Bartlett asked if there were any changes to the minutes of the Public Health Council meeting of May 8, 2013. No changes were recommended.

Mr. Albert Sherman made the motion to approve the record of the Public Health Council meeting of May 8, 2013. After consideration, upon motion duly seconded by **Dr. Wong**, it was voted unanimously to approve the minutes.

Voting in the affirmative were **10** members. There were no abstentions and no recusals.

ITEM 2: DON: Project Application Number 4-3C22 of McLean Hospital for Substantial Capital Expenditure

Mr. Bernard Plovnick, Director of the DoNo Program and Mr. Jere Page, Senior Program Analyst for the DoN program presented DON Application # 4-3C22 of McLean Hospital for Substantial Capital Expenditure. The project includes an addition to the existing Admissions Building for the replacement of 50 beds, including 31 beds out of service and the relocation of 19 beds currently in operation.

Following the presentation, Chair Bartlett opened the floor up for discussion. Mr. Albert Sherman raised the question of what happens when there are no beds for emergency psychiatric patients. Dr. Madeleine Biondolillo acknowledged the importance of the issue and suggested that the topic was under review by the Department and deserved a broader discussion.

Mr. Albert Sherman made the motion to approve DON Application # 4-3C22 of McLean Hospital for Substantial Capital Expenditure. After consideration, upon motion duly seconded by **Mr. Paul Lanzikos**, it was voted unanimously to approve the application as presented.

Voting in the affirmative were **10** members, nine of whom were present (Mr. Rivera participated by phone and excused himself from the meeting after the vote.) There were no abstentions, and Dr. Michael Wong recused himself.

ITEM 3: Final Regulation at 105 CMR 130.000: *Hospital Licensure* and 105 CMR 140.000: *Licensure of Clinics*, Implementing Changes Regarding Electronic Health Records and COPE for Hospitals and Community Health Centers, Pursuant to Chapter 305 of the Acts of 2008

Dr. Madeleine Biondolillo, Director of the Bureau of Health Care Safety and Quality, and Ms. Kara Murray, Bureau of Health Care Safety and Quality presented the final regulation, 105 CMR 130.000: Hospital Licensure and 105 CMR 140.000: Licensure of Clinics, Implementing Changes Regarding Electronic Health Records and COPE for Hospitals and Community Health Centers, Pursuant to Chapter 305 of the Acts of 2008. Ms. Murray provided background on Chapter 305 of the Acts of 2008, summarized the public commentary that was received on the regulations, and outlined what was changed in the regulations and what remained the same.

Following the presentation, Chair Bartlett opened the floor up for discussion. Topics discussed included the compliance dates for Community Health Centers, as well as the accuracy and protection of information of electronic health records and computerized provider order entry.

Mr. Albert Sherman made the motion to approve the final regulation of 105 CMR 130.000: Hospital Licensure and 105 CMR 140.000: Licensure of Clinics, Implementing Changes Regarding Electronic Health Records and COPE for Hospitals and Community Health Centers, Pursuant to Chapter 305 of the Acts of 2008. After consideration, upon motion duly seconded by **Dr. Michael Wong**, it was voted unanimously to approve the regulation.

Voting in the affirmative were **9** present members.

ITEM 4: DRAFT REGULATION: Proposed Revised Regulation at 105 CMR 130.000: *Hospital Licensure* and 105 CMR 140.000: *Licensure of Clinics, Implementing Changes Requiring Reporting of Serious Adverse Drug Events Pursuant to Section 65 of Chapter 451 of the Acts of 2008*

Dr. Madeleine Biondolillo, Director of the Bureau of Health Care Safety and Quality, and Ms. Kara Murray, Bureau of Health Care Safety and Quality presented the proposed revised regulation at 105 CMR 130.000: Hospital Licensure and 105 CMR 140.000: Licensure of Clinics, Implementing Changes Requiring Reporting of Serious Adverse Drug Events Pursuant to Section 65 of Chapter 451 of the Acts of 2008. Ms. Murray gave a background on the statute and the existing requirements as well as a summary of the proposed regulations, which would require hospitals and ASCs to report SADEs within seven days of discovery, presume that all SADES are preventable, and require hospitals and ASCs to complete short survey to provide details of medication error.

ITEM 5: DRAFT REGULATION: Proposed Revised Regulation at 105 CMR 140.000: *Licensure of Clinics*, Implementing Changes Regarding Limited Services Clinics Pursuant to Chapter 224 of the Acts of 2012

Dr. Madeleine Biondolillo, Director of the Bureau of Health Care Safety and Quality, and Ms. Carol Balulescu, Deputy General Counsel, presented the proposed revised regulation at 105 CMR 140.000: *Licensure of Clinics*, Implementing Changes Regarding Limited Services Clinics Pursuant to Chapter 224 of the Acts of 2012. Dr. Biondolillo provided background, and explained the new definition of "limited services."

Following the presentation, Chair Bartlett opened the floor up for discussion. Topics discussed included ensuring that nurse practitioners were not going beyond their scope of work, and the need for limited service clinics to be more available during regular business hours.

LIST OF DOCUMENTS PRESENTED TO THE PHC FOR THIS MEETING:

1. Docket of the meeting
2. Public Health Council Meeting Minutes from February 13, 2013; March 13, 2013; April 10, 2013; and May 8, 2013
3. Determination of Need Pending Projects List
4. Staff Summary for Determination of Need by the Public Health Council –Project Application Number 4-3C22 of McLean Hospital for Substantial Capital Expenditure
5. Memo for Information Briefing on Proposed Amendments to 105 CMR 130: Hospital Licensure and 105 CMR 140.000 Licensure of Clinics for the Implementation of Serious Adverse Drug Event Reporting
6. Memo of Request for Promulgation of 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
7. Memo of Informational Briefing on Proposed Amendments to 105 CMR 140.000: Licensure of Clinics for Expanding the Scope of Practice for Limited Service Clinics
8. Copies of all power point presentations (emailed upon conclusion of the meeting)

Chair Cheryl Bartlett