

**MINUTES OF THE PUBLIC HEALTH COUNCIL**

**Meeting of March 12, 2014**

**MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH**

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

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**Docket: Wednesday, March 12, 2014, 9:00 AM**

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**1. ROUTINE ITEMS:**

- a. Introductions
- b. Records of the Public Health Council Meetings of February 12, 2014  
**(Vote)**

**2. FINAL REGULATION:**

Proposed amendments to 105 CMR 170.000: *Emergency Medical Services System*, for EMT certification based on National Registry of EMT examination and certification **(Vote)**

**3. DRAFT REGULATION:**

Proposed regulations promulgated under 105 CMR 432.000: *Minimum Requirements for Personal Flotation Devices for Minor Children at Municipal and Recreational Programs or Camps* **(Informational Briefing)**

**4. DRAFT REGULATION**

Proposed amendments to 105 CMR 100.000, *Determination of Need*.  
**(Informational Briefing)**

**5. INFORMATIONAL PRESENTATIONS:**

- A. DPH Commissioner's Report

## Public Health Council

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

**Date of Meeting:** Wednesday, February 12, 2014

**Beginning Time:** 9:13 am

**Ending Time:**

### Attendance and Summary of votes

Board Member	Attended	Item 1	Item 2
		Records of the Public Health Council Meeting of February 12, 2014	Final Regulation for proposed amendments to 105 CMR 170:000: Emergency Medical Services System for EMT certification based on National Registry of EMT examination and certification
Cheryl Bartlett	Yes	Yes	Yes
Edward Bernstein	No		
Derek Brindisi	Yes	Yes	Yes
Harold Cox	No		
John Cunningham	Yes	Yes	Yes
Michele David	No		
Meg Doherty	Yes	Yes	Yes
Michael Kneeland	Yes	Yes	Yes
Paul Lanzikos	Yes	Yes	Yes
Denis Leary	Yes	Yes	Yes
Lucilia Prates-Ramos	Yes	Yes	Yes
Jose Rafael Rivera	Yes	Yes	Yes
Meredith Rosenthal	Yes	Yes	Yes
Alan Woodward	Yes	Yes	Yes
Michael Wong	No	No	
<b>Summary</b>	<b>11 members attended</b>	<b>11 Approved with votes</b>	<b>11 Approved with votes</b>

(M): Made motion

(2<sup>nd</sup>): 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 12, 2014 at the Massachusetts Department of Public Health, 250 Washington Street, Henry I. Bowditch Public Health Council Room, 2<sup>nd</sup> Floor, Boston, Massachusetts 02108.

Members present were: Department of Public Health Commissioner Cheryl Bartlett (chair), Mr. Derek Brindisi, , Mr. Jose Rafael Rivera, Ms. Meg Doherty, Dr. Alan Woodward, Ms. Lucilia Prates-Ramos, Dr. Meredith Rosenthal, Mr. Paul Lanzikos, Mr. Denis Leary Dr. Michael Kneeland and Dr. John Cunningham

Absent member(s) were: Dr. Michael Wong, Dr. Michele David, and Mr. Harold Cox

Also in attendance was Attorney Donna Levin, General Counsel, Massachusetts Department of Public Health.

Commissioner Bartlett called the meeting to order at **9:13 AM** and reviewed the agenda.

### **ITEM 1: Record of the Public Health Council Meetings of February 12, 2014**

Mr. Rivera made the motion to approve the minutes of February 12, 2014 as revised. The motion was seconded by Dr. Cunningham. The revised minutes were approved by 11 members voting in the affirmative. There were no absences or recusals.

After the vote taken for the minutes, Commissioner Bartlett offered Dr. Woodward the opportunity to discuss his intent to ask the Public Health Council to write a letter in support of CVS Pharmacy banning cigarettes from being sold in its stores.

Dr. Troyen Brennan, Executive Vice President and Chief Medical Officer for CVS has offered to do a briefing for the legislature regarding House Bill 1966: An act relative to the sale of tobacco products at health care institutions. The bill is cosponsored by Representative Garballey and Senator Barrett, and has been filed for several legislative sessions.

Tobacco Free Mass, which Dr. Woodward chairs, will be sending a letter of support and an article from JAMA to leadership regarding the ban, and will likely include the entire legislature after the briefing.

Commissioner Bartlett requested a motion, on behalf of Dr. Woodward, that PHC send a letter of support on behalf of the filed legislation. Mr. Rivera moved and Ms. Prates-Ramos seconded. All approved.

Mr. Lanzikos expressed an interest in the Council sending a letter of recognition to Mr. Brennan and CVS for their leadership in this area.

Commissioner Bartlett indicated that approval of the letter will be on the April docket.

All approved

**ITEM 2: FINAL REGULATION: *Proposed amendments to 105 CMR 170.000: Emergency Medical Services System, for EMT certification based on National Registry of EMT examination and certification***

Jamie Pianka, from the Office of Emergency Medical Services at the Bureau of Health Care Quality and Safety and Sondra Korman, Deputy General Counsel presented the regulations.

Following the presentation, Commissioner Bartlett opened the floor for discussion.

Mr. Brindisi asked for clarification of the patient care report and which EMT's are required to fill out and sign off on the report. Mr. Pianka clarified that EMT's that are transporting patients are to fill out the report and that the driver, who is not with the patient, would not sign off. The report will reflect the entire transportation from the moment of pickup to events that happen at the hospital. The record will reflect the extraction from the home as well. For example, if a patient complaining of chest pains walks down flights of stairs rather than be carried out by stretcher, the report will reflect this and why this was the case. All EMT's will be held responsible for this point of contact.

Mr. Lanzikos questioned interstate activity and transporting. Mr. Pianka explained that the home state regulations of the transporting EMT company will prevail and that the hope is that all EMT's will become part of the National Registry and will follow the same rules and regulations.

Dr. Woodward questioned the involvement of the taskforce. Mr. Pianka explained that the taskforce has been inactive since 2012. Prior to that time the taskforce remained consistent in using the strategic plan to move these regulations forward and the initial intent has remained. In 2013, the subcommittees reenergized and have been in support of and participated in with these regulations. The American College of Surgeons has agreed with the leadership and governance structure, but stated that it had failed to be used properly. EMCAB has reviewed the regulations twice and held a public meeting in September for comment.

Mr. Lanzikos moved to accept proposed amendments to 105 CMR 170.000: Emergency Medical Services System, for EMT certification based on National Registry of EMT examination and certification. The motion was seconded by Dr. Rosenthal. The amendments to the regulations were approved with eleven members voting in the affirmative.

**ITEM 3: Draft Regulation: *Proposed regulations promulgated under 105 CMR 432.000: Minimum Requirements for Personal Flotation Devices for Minor Children at Municipal and Recreational Programs or Camps***

Suzanne Condon, Associate Commissioner and Director for the Bureau of Environmental Health, Steve Hughes, Director of the Community Sanitation Program and James Ballin, Deputy General Counsel presented Proposed Amendments to 105 CMR 432.000: *Minimum Requirement for Personal Flotation Device for Minor Children at Municipal and Recreation Programs or Camps*

Following the presentation, Commissioner Bartlett opened up the floor for discussion.

Mr. Lanzikos asked whether these regulations be promulgated on the fast track due to the upcoming summer season. Ms. Condon explained that BEH will try and move them as quickly as possible, but without knowing the quantity of public comment, it will be difficult to determine what the effective date will be. In regards to programs such as the YMCA and camps, Mr. Lanzikos questioned as to why these regulations would not apply to swimming pools. Ms. Condon explained swimming pool regulations require emergency phones, life buoys, as well as minimum guidelines with respect to the number of lifeguards. Mr. Lanzikos also asked whether all beaches would be required to have PFDs. Ms. Condon explained that camp type programs would have the responsibility of providing PFDs not beach operators themselves. She gave the example that DCR has facilities across the state. DCR sites would grant a permit to allow a camp to come in and use the beach/water, and that the burden is on the camp, not DCR.

Mr. Rivera brought up a concern regarding employees who are colored blind who are overseeing the wrist band program that determines the swimming level of a child. He suggested an alternative. Ms. Condon stated that wasn't discussed through the review process, she thanked Mr. Rivera and said that they will look into it.

Dr. Woodward stated that he was concerned that DPH is not looking into regulations regarding swimming pools, as drowning's happen there as well. Ms. Condon mentioned that changes need to be done both statutorily and regulatory and that BEH will be back regarding swimming pools at some point in the near future. Dr. Woodward asked about the number of drowning's at municipal facilities and Ms. Pavlos, director of Community Health and Prevention was able to provide the information. There are less than five drowning's a year.

Dr. Cunningham suggested a solution for the wristbands. The use of symbols on the wristbands could help those that are color blind assessing the swim level of children.

**ITEM 4: DRAFT REGULATION: Proposed Amendments of 105 CMR 100.000: *Determination of Need***

Cathy O'Connor, Director, Community Health Planning and Carol Balulescu, Deputy General Counsel presented Proposed Amendment of 105 CMR 100.000: *Determination of Need*

Following the presentation, Commissioner Bartlett opened the floor up for discussion. Mr. Lanzikos asked for clarification about the independent cost analysis and whether the Department would maintain a list of approved entities that could provide the independent analysis. Ms. Balulescu explained that at this time, no guidelines have been developed, but that it would be up to the applicant to acquire the services of an independent entity to do the review; it could not be someone on staff of the applicant. She also agreed, that at this time, a certified public accounting firm may be sufficient to provide analysis but until public comments, this is not definitive, and that the Department would provide more in-depth review if it requests such an analysis.

Woodward leaves the meeting at 10:13.

#### **ITEM 5: INFORMATIONAL PRESENTATION: DPH Commissioner Update**

Following the presentation, Commissioner Bartlett opened the floor up for discussion.

Mr. Lanzikos asked for the difference between the Bureau of Health Information, Statistics, Research and Evaluation and the Office of Health Information Policy and Informatics. The Commissioner explained that the Bureau is reporting to the Office and that the Office will be accessing how to use information from a policy and systems process standpoint.

Mr. Rivera asked for the amount of funding for opioids and the Commissioner stated that the Governor's budget allocated \$1.3B which will be used to increase to access and increase prevention and treatment services. This includes strengthening Section 35 services which has seen an increase in usage, and to add another 140 beds into the system, strengthening triage and court service systems for appropriate levels of care. Mr. Lanzikos requested additional updates on tobacco education and suicide prevention. The Commissioner stated that tobacco was once part of BSAS, is and now considered a chronic disease and that DPH continues to address policy and systems changes including banning smoking in communities such as multi-dwelling facilities.

Commissioner Bartlett discussed suicide prevention and that good investments are being done with contracts to move resources into communities and that DPH is strengthening its partnership with National Guard due to their high number of suicides.

Mr. Brindisi questioned how DPH is connecting to communities to ensure there is no duplication of efforts. The Commissioner reassured Mr. Brindisi that DPH is working to get information to higher levels of administrators and that we will work with community based coalitions to bring all sectors together.

Before adjourning, Commissioner Bartlett expressed her sincere appreciation and thanks to Donna Levin, General Counsel for the Department of Public Health, who is leaving DPH after 35 years of service.

Dr. Rosenthal moved on the Motion to adjourn the meeting, and Mr. Rivera seconded. The meeting adjourned.

**The meeting adjourned at 11:06 AM on a motion by and passed unanimously without discussion.**

LIST OF DOCUMENTS PRESENTED TO THE PHC FOR THIS MEETING:

1. Docket of the meeting
2. DoN Pending List
3. Minutes of the Public Health Council meeting of March 12, 2014
4. Proposed amendments to Emergency Medical Services System, for EMT certification based on National Registry of EMT examination and certification
5. Proposed amendments to Minimum Requirements for Personal Flotation Devices for Minor Children at Municipal and Recreational Programs or Camps
6. Proposed amendments to 105 CMR 100.000, *Determination of Need*.
7. Memo to PHC and draft regulation
8. Copies of all power point presentations (emailed upon conclusion of the meeting)

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Commissioner Cheryl Bartlett, Chair