

MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of October 8, 2014

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

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

Docket: Wednesday, October 8, 2014 9:00 AM

1. ROUTINE ITEMS:

- a. Introductions
- b. Record of the Public Health Council Meeting September 17, 2014 **(Vote)**

2. FINAL REGULATION

Proposed Amendments to Regulation Consolidation Project 105 CMR 500.000: *Good Manufacturing Practices for Food* **(Vote)**

3. FINAL REGULATION

Request for Final Promulgation on Proposed Amendments to 105 CMR 130.000 (*Hospital Licensure*) and 105 CMR 142.000 (*Operation and Maintenance of Birth Centers*) **(Vote)**

4. INFORMATIONAL PRESENTATIONS:

- a. Opioid Update
- b. Safe Sleeping

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, October 8, 2014

Beginning Time: 09:10 AM

Ending Time: 11:11 AM

Attendance and Summary of Votes:

Board Member	Attended	Item 1b	Item 2a	Item 2b	Item 23
		Record of the Public Health Council Meeting September 17, 2014	Amendment to Regulation Consolidation Project 105 CMR 500: Good Manufacturing	Request for final promulgation on proposed amendments to Regulation Consolidation Project 105 CMR 500: Good Manufacturing Practices for Food	Request for final promulgation on proposed amendments to Operation and Maintenance of Birth Center 105 CMR 130.00 and 105 CMR 142.000
Cheryl Bartlett	Yes	Yes	Yes	Yes	Yes
Edward Bernstein	Yes	Yes	Yes	Yes	Yes
Derek Brindisi	Yes	Yes	Yes	Yes	Yes
Harold Cox	Yes	Yes	Yes	Yes	Yes
John Cunningham	Yes	Yes	Yes	Yes	Yes
Michele David	Yes	Yes	Yes	Yes	Yes
Meg Doherty	No	Absent	Absent	Absent	Absent
Michael Kneeland	Yes	Yes	Yes	Yes	Yes
Paul Lanzikos	Yes	Yes	Yes	Yes	Yes
Denis Leary	No	Absent	Absent	Absent	Absent
Lucilia Prates-Ramos	Yes	Yes	Yes	Yes	Yes
Jose Rafael Rivera	Yes	Yes	Yes	Yes	Yes
Meredith Rosenthal	Yes	Yes	Yes	Yes	Yes
Alan Woodward	Yes	Yes	Yes	Yes	Yes
Michael Wong	No	Absent	Absent	Absent	Absent
Summary	12 Members attended	12 Approved with votes	12 Approved with Votes	12 Approved with votes	12 Approved with votes

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, October 8, 2014 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: Department of Public Health Commissioner Cheryl Bartlett (chair), Dr. Edward Bernstein, Mr. Derek Brindisi, Dr. Michele David, Dr. Michael Kneeland, Mr. Jose Rafael Rivera, Mr. Lanzikos, Ms. Lucilia Prates-Ramos, Dr. Meredith Rosenthal, Dr. John Cunningham, and Dr. Alan Woodward.

Absent member(s) were: Ms. Meg Doherty, Dr. Michael Wong, Dr. Harold Cox and Mr. Dennis Leary.

Also in attendance was Attorney Tom O'Brien, General Counsel at the Massachusetts Department of Public Health.

Commissioner Bartlett called the meeting to order at 9:10 AM and reviewed the agenda.

ITEM 1: MINUTES

b. Record of the Public Health Council Meetings of September 17, 2014

No comments or edits were made to the minutes. Commissioner Bartlett asked for a motion to approve the minutes from September 17, 2014. Dr. Bernstein moved for approval and Mr. Rivera seconded. All approved.

ITEM 2: FINAL REGULATION

Proposed Amendments to Regulation Consolidation Project 105 CMR 500.000: *Good Manufacturing Practices for Food* (Vote)

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

Mr. Lanzikos asked how these regulations effect food for sale done by individuals from their own home?

Suzanne Condon and Michael Moore from the Bureau of Environmental Health explained that wholesale manufacturers and distributors of food regulations are separate from regulations associated with retail food establishments. Oversight would come under the local board of health for retail food establishments.

A follow up question from Mr. Lanzikos asked about how DPH oversees food/beverage companies that operate out of state, and how manufacturers who label out of state are affected. Mr. Moore explained that only facilities licensed within Massachusetts are inspected, however, they will be required to follow the labeling requirements in Massachusetts.

Mr. Rivera asked what happens to those who are creative in the foods that they raise and sell such as pigeons. Mr. Moore indicated that if pigeon processing was in a facility and are inspected under USDA regulations, then DPH would have some oversight.

Dr. Woodward wondered how DPH was going to let stakeholders know about the compilation and consolidation of these regulations. Ms. Condon stated that a broad array of industry representatives have been at the advisory boards meetings and discussions. DPH is in constant contact with industry especially when processing licenses. DPH also works closely with MA Retailers Association and MA Food Association on regulatory issues.

Ms. Condon answered questions from Dr. Woodward, around whether we are adequately preparing local boards of health with these new regulations. Ms. Condon explained that these regulations apply to industries inspected and licensed by state health officials. While regulatory oversight is at the state level, local officials have long expressed interest in learning more about the business of such entities and inspection status. She went on to explain that DPH has for the first time posted details on its website for local boards of health to have access to

industry information. Commissioner Bartlett also created an Office of Local Health and the staff there work closely with boards of health.

In regards to food trucks, Ms. Condon explained that if there are one or two trucks, oversight is at the local level. Mr. Moore will have oversight if there is a processing location and then multiple trucks.

Dr. Bernstein asked for an amendment to the regulation (105 CMR 500.009(H)) to the list of diseases transmitted through food or food products to include *Bacillus Cereus*.

Commissioner Bartlett asked for a motion to add the criteria of *Bacillus Cereus* to the regulation. Dr. Bernstein made the motion, and Mr. Rivera seconded. All approved the amendment.

After no additional comments or questions, Commissioner Bartlett moved to approve the regulation as amended. Mr. Lanzikos made the motion and Dr. David seconded. All approved.

ITEM 3: FINAL REGULATION

Request for Final Promulgation on Proposed Amendments to 105 CMR 130.000 (*Hospital Licensure*) and 105 CMR 142.000 (*Operation and Maintenance of Birth Centers*) **(Vote)**

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

Dr. Kneeland asked that in regards to hearing screening, this happens automatically unless the parent or guardian objects. Is there a difference? Deborah Allwes, Director for the Bureau of Health, stated that the newborn screening requires a clause for consent.

Dr. Woodward asked why DPH specifically includes a provision for religious objection in this regulation.

General Counsel Tom O'Brien explained that after concerns raised by the council during the preliminary review, legal staff reviewed to see whether this provision was necessary. Attorney O'Brien stated that other regulations include this language based on the language of the legislation that created the need for these regulations. Any changes of this provision would need to go through the legislature.

Mr. Lanzikos asked questions regarding mothers who reside in another state, but who gave birth in Massachusetts. Ms. Allwes explained that anyone who gives birth in a Massachusetts hospital, that baby would receive this test. Homebirths also have the ability to receive this test, as the equipment is portable. Council members suggested that DPH promote this type of testing for homebirths. In regards to newborn screenings, pediatrician would ask at the first visit if this test was done.

After no further comments or questions, Commissioner Bartlett asked for a motion to approve the final regulations. Mr. Rivera made the motion, Dr. Bernstein seconded, all approved.

ITEM 4. INFORMATIONAL PRESENTATIONS:

a. Opioid/Prescription Monitoring Program (PMP) Update

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

Dr. David stated that as a physician she found the program to be time consuming when the patient is in front of her. Ms. Allwes mentioned that there is a pilot program being operated currently, and that staff are looking to determine if this is the most user friendly version of the program. Additionally, bringing back final regulations will allow delegates to use the program under the authority of the prescriber with their own log in information.

Mr. Rivera wanted to know more information about the drug control program, and unintentionally versus intentional deaths. Ms. Allwes explained that the once it has been determined that a substance has been used, the drug control program is notified, and has the ability to determine if there is a pattern of usage occurring.

Mr. Brindisi stated that he has received many comments regarding the NARCAN shortage and that people are being referred to local pharmacies. Mr. Brindisi stated that pharmacists aren't aware of what NARCAN is and if they have it. MA Health requires a pre-authorization to be picked up at a pharmacy and is there a way to eliminate this as it is a barrier. HMO's in central MA they are not paying for NARCAN. What can be done to recognize the value of NARCAN. Medical Examiner's office takes 6 months for toxicology results which is not good.

Dr. Woodward asked questions about how the process works across state lines and whether it is possible for the surrounding states to provide some sort of provision where you can only fill a schedule 2 prescription in the state in which is prescribed. With regards to the provisions for medical acute treatment 14 days without prior authorization, it would be good to send to ER's throughout the state, clarifying with the placement issues.

Dr. Bernstein asked that there be guidance for physicians on how to use the program and the reliability of criteria. Ms. Allwes stated that there is a medical review group who review cases with feedback, to better inform physicians.

Ms. Rosenthal asked for clarification about the \$10m increase to the BSAS line item, and what that means for prevention and treatment. Ms. Ultimo stated that the BSAS budget was approximately \$140m, so this increase is significant. Likewise, we do have anecdotal evidence, that DPH efforts and the disbursement of NARCAN is working, as we've seen significant increases in use of NARCAN for overdose reversals.

Mr. Lanzikos mentioned that you do not often hear of overdoses in the paper but often about driving under the influence (DUI). Commissioner Bartlett stated at the dozen round tables that she has hosted, this is a question that comes up and that it is up to the families whether to state an overdose in the obituary about overdoses.

b. Safe Sleeping

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

Mr. Brindisi asked about other locations to post information about safe sleeping other than the MBTA. Ms. Carlene Pavlos, Director, Bureau of Community Health and Prevention stated that the bureau is looking for other communities to post in, i.e. Springfield and Worcester, but that it comes down to the cost. Other suggestions by council members included utilizing coalitions, grandparent organizations (Council on Aging), early educational centers, and community health workers.

Mr. Brindisi left the meeting at 10:59

Before the conclusion of the meeting, Commissioner Bartlett gave an update regarding Ebola crisis as the first patient in the US was identified in Texas (9/20). The Commissioner mentioned that this is an epidemic in Liberia, Sierra Leon and Guiana with a high mortality rate. The CDC has sent over teams who are working with WHO with patients with Ebola. CDC has also instituted screenings for planes coming in from these countries.

DPH infection control division is currently reviewing our health/hospital policies, and is working to train people to understand the transmission of the virus. DPH has been issuing advisories to hospitals, holding daily internal staff meetings which include the Bureaus of Health Care Quality, Infectious Disease and the Lab. The Lab is in the prep phase for preliminary testing of Ebola with results going to the CDC. We will be providing guidance to schools and universities. After the PHC meeting, staff will be on a national call with the White House, Public Safety and Health Departments. Dr. DeMaria will be attending the next PHC meeting to provide an update; we are updating the legislature weekly, and will be testifying to the Public Health Committee. There were no questions at the conclusion of the Commissioner's update.

After no further comment or questions, Commissioner Bartlett asked for a motion to adjourn the meeting. Dr, Bernstein made the motion to adjourn, Dr. Woodward seconded. All were in favor.

The meeting adjourned at 11:11 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. Minutes of the Public Health Council meeting of September 17, 2014
3. Proposed Amendments to Regulation Consolidation Project 105 CMR 500.000: Good Manufacturing Practices for Food
4. Request for Final Promulgation on Proposed Amendments to 105 CMR 130.000 (Hospital Licensure) and 105 CMR 142.000 (Operation and Maintenance of Birth Centers)
5. Copies of all power point presentations (emailed upon conclusion of the meeting)

Commissioner Cheryl Bartlett, Chair