**MINUTES OF THE PUBLIC HEALTH COUNCIL**

**Meeting of August 8, 2018**

**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, August 8, 2018 - 9:00 AM**

1. **ROUTINE ITEMS**
   1. Introductions
   2. Updates from Commissioner Monica Bharel, MD, MPH.
   3. Record of the Public Health Council July 11, 2018 Meeting. **(Vote)**
2. **DETERMINATIONS OF NEED**
   1. Partners HealthCare System, Inc. request for significant change to a Notice of Determination of Need issued to North Shore Medical Center, as amended in August 2017.  **(Vote)**
3. **FINAL REGULATIONS** 
   1. Request to promulgate amendments to 105 CMR 120.000, *The Control of Radiation* **(Vote)**
   2. Request to promulgate amendments to 105 CMR 153.000, *Licensure Procedure and Suitability Requirements for Long Term Care Facilities.* **(Vote)**
   3. Request to promulgate 105 CMR 173.000, *Mobile Integrated Health Care and Community EMS Programs*. **(Vote)**
4. **PRESENTATIONS**
5. Informational presentation on Healthcare Personnel Influenza Vaccination in 2017.

*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**

Attendance and Summary of Votes:

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

**Date of Meeting:** Wednesday, August 8, 2018

**Start Time:** 10:15am **Ending Time:** 11:09am

| **Board Member** | **Attended** | **Record of the Public Health Council July 11, 2018 Meeting (Vote)** | **FINAL REGULATIONS**  **a. Request to promulgate amendments to 105 CMR 120.000, The Control of Radiation (Vote)** | **FINAL REGULATIONS**  **b. Request to promulgate amendments to 105 CMR 153.000, Licensure Procedure and Suitability Requirements for Long Term Care Facilities. (Vote)** | **FINAL REGULATIONS**  **c. Request to promulgate 105 CMR 173.000, Mobile Integrated Health Care and Community EMS Programs. (Vote)** |
| --- | --- | --- | --- | --- | --- |
| Monica Bharel | Yes | Yes | Yes | Yes | Yes |
| Edward Bernstein | Absent | Absent | Absent | Absent | Absent |
| Lissette Blondet | Yes | Yes | Yes | Yes | Yes |
| Derek Brindisi | Absent | Absent | Absent | Absent | Absent |
| Harold Cox | Absent | Absent | Absent | Absent | Absent |
| John Cunningham | Yes | Yes | Yes | Yes | Yes |
| Michele David | Absent | Absent | Absent | Absent | Absent |
| Meg Doherty | Yes | Yes | Yes | Yes | Yes |
| Michael Kneeland | Yes | Yes | Yes | Yes | Yes |
| Joanna Lambert | Absent | Absent | Absent | Absent | Absent |
| Paul Lanzikos | Yes | Yes | Yes | Yes | Yes |
| Lucilia Prates-Ramos | Yes | Yes | Yes | Yes | Yes |
| Secretary Francisco Ureña | Yes | Abstained | Yes | Yes | Yes |
| Alan Woodward | Absent | Absent | Absent | Absent | Absent |
| **Summary** | **8 Members Present, 6 Members Absent** | **7 Members approved, 6 members absent, 1 member abstained** | **8 members approved, 6 members absent** | **8 members approved, 6 members absent** | **8 Members approved, 6 members absent** |

**PROCEEDINGS**

A regular meeting of the Massachusetts Department of Public Health’s Public Health Council (M.G.L. c. 17, §§ 1, 3) was held on Wednesday, August 8, 2018 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: Monica Bharel, MD, MPH; Lissette Blondet; John Cunningham, PhD; Meg Doherty; Michael Kneeland, MD; Paul Lanzikos; Lucilia Prates-Ramos; and Secretary Francisco Ureña

Absent member(s) were: Edward Bernstein, MD; Harold Cox; Derek Brindisi; Michele David, MD; Joanna Lambert; and Alan Woodward, MD.

Also in attendance was Margret Cooke, General Counsel at the Massachusetts Department of Public Health.

Commissioner Bharel called the meeting to order at 10:15 AM and made opening remarks before reviewing the agenda.

**ROUTINE ITEMS**

**Updates from Commissioner Monica Bharel, M.D., MPH**

Commissioner Bharel began by apologizing for the late start; she informed the Council and the public that due to the late start they would be changing the order of the docket. Following brief updates, the Commissioner will then move onto Final Regulations and hold the Determination of Need and Informational Presentation until the next meeting.

Commissioner Bharel informed the Council that the Department will be releasing a report on opioid overdose deaths by occupation from 2011 to 2015. The report shows that the rate of fatal opioid overdoses varies significantly by industry, but fatal overdoses were six times more likely for construction workers as compared to all other Massachusetts workers during the study period. These workers accounted for more than 24% of all opioid-related deaths among the working population. Those employed in the farming, fishing, and forestry occupations were five times more likely to experience a fatal overdose than other Massachusetts workers. Similar to findings for all opioid-related overdose deaths in Massachusetts, the majority of deaths -77.3 percent - in this study were among males. But there were several occupation groups where females had significantly elevated rates of opioid-related overdose deaths. Specifically, female workers in healthcare-support occupations and food preparation and serving-related occupations had rates higher than the rate for Massachusetts workers. To address these findings, the Department is engaged in additional research with support from the CDC that would assess the extent to which work-related injuries initiate opioid pain medication use for these workers, leading to opioid misuse. The Department is also conducting outreach to involve stakeholders in developing intervention strategies to prevent opioid misuse among high-risk working populations, and will develop educational materials to target this group. The Commissioner concluded by thanking the Occupational Health Surveillance Program, Bureau of Substance Addiction Services, Injury Surveillance Program, and Office of Special Analytic Projects for their work on this report. These important findings will help us pinpoint those industries and occupations we should work with to ensure intervention strategies are in place before injuries occur.

With no further updates, the Commissioner asked the Council if they had any questions. Seeing none, she proceeded with the docket.

**1. ROUTINE ITEMS**

**c. Record of the Public Health Council July 11, 2018 Meeting (Vote)**

Commissioner Bharel asked if any members had any changes to be included in the July 11, 2018 meeting minutes.

Dr. Kneeland noted that Ms. Lambert was not at the June 2018 meeting.

With no further changes, the Commissioner asked for a motion to accept the minutes. Mr. Lanzikos made the motion and Dr. Cunningham seconded it. Secretary Ureña abstained as he was not present at the July meeting, all other present members approved.

**2. DETERMINATIONS OF NEED**

**a. Partners HealthCare System, Inc. request for significant change to a Notice of Determination of Need issued to North Shore Medical Center, as amended in August 2017. (Vote)**

This docket item was postponed due to lack of quorum.

**3. FINAL REGULATIONS**

**a. Request to promulgate amendments to 105 CMR 120.000, The Control of Radiation (Vote)**

Commissioner Bharel invited Jack Priest, Director of Radiation Control Program within the Bureau of Environmental Health to request approval of amendments to the Department’s regulation addressing radiation control.

Upon the conclusion of the presentation, the Council was asked if they had any questions or comments.

Seeing none, Commissioner Bharel asked if there is a motion to approve the proposed amendments to the regulation.

Ms. Blondet made the motion, Ms. Prates Ramos seconded it. All present members approved.

**b. Request to promulgate amendments to 105 CMR 153.000, Licensure Procedure and Suitability Requirements for Long Term Care Facilities. (Vote)**

The Commissioner then invited Sherman Lohnes, Director of the Division of Health Care Facility Licensure and Certification within the Bureau of Health Care Safety and Quality; Rebecca Rodman, Deputy General Counsel; and Heidi Hoefler, Deputy General Counsel, to the table to present and request approval of amendments to one of the Department’s long-term care facility regulations.

Upon the conclusion of the presentation, the Council was invited to ask questions.

Mr. Lanzikos noted on page 3 there was an elimination of requirement that an application be notarized or signed under penalty of perjury. He asked for the rationale behind that.

Ms. Rodman informed him that it was removed for lack of value and does not weaken the regulation.

Mr. Lanzikos then discussed the references to the periods of days throughout the regulation. He noted that one section references business days but another section (page 19) doesn’t specify business or calendar days.

Mr. Lohnes replied that it is calendar days unless otherwise specified.

Mr. Lanzikos then discussed the government allowing more permissive language related as to who has access to make decisions on behalf of a resident. He discussed the need for subregulatory guidance so that there is no confusion.

Ms. Rodman replied that we cannot tell a long term care facility to allow a person to take part in the legal matters for residents unless it is already in place. This information will be disseminated to facilities. Residents and caregivers will also have access to this information.

Mr. Lanzikos requested that when guidance is issued to facilities that the Council also receive it.

With no further questions, Commissioner Bharel asked if there is a motion to approve the proposed amendments to the regulation.

Ms. Blondet made the motion, Secretary Ureña seconded it. All present members approved.

**c. Request to promulgate 105 CMR 173.000, Mobile Integrated Health Care and Community EMS Programs. (Vote)**

Commissioner Bharel then invited Elizabeth Chen, Assistant Commissioner and Interim Director of the Bureau of Health Care Safety and Quality, and Mark Miller, Director of the Office of Emergency Medical Services within the Bureau of Health Care Safety and Quality; and Sondra Korman, Deputy General Counsel, to the table to present and request approval of the Department’s Mobile Integrated Health and Community EMS regulation.

Ms. Doherty stated that she has a history with this proposal from a home health perspective. She asked who is paying for this service.

Mr. Miller replied that different partners will be involved in terms of finances. Hopefully, clinical partners in the community will be involved. He stated that it will also be determined on the local level.

Ms. Doherty stated that she agreed that it would be an excellent opportunity for community partnership. She asked how they intend to engage with local boards of health.

Mr. Miller replied that the medical directors will play an important role in that engagement.

Ms. Doherty inquired about safe transitioning of patients from one area to another and suggested that some language be included about partnership development, specifically in terms of HIPPA.

Ms. Korman informed her that there are minimum requirement for programs to have compliance with state and federal confidentiality laws.

Ms. Blondet discussed community health workers and how their role needs to be noted and understood.

Mr. Miller informed her that there is a community health needs assessment where that is partially addressed since they have to discuss what the unmet needs are in the community.

Mr. Lanzikos asked if they can confirm if people residing in nursing facilities can use these services.

Mr. Miller replied that they can with no exceptions.

Mr. Lanzikos asked what a new approval is as opposed to a renewal and why wouldn’t they have to have a full application.

Mr. Miller informed him if there’s a new approval within the program itself they wouldn’t have to reapply to add a new component of it.

Mr. Lanzikos asked if they could reinforce reporting of suspected incidences amongst the disabled in the subregulatory guidance.

Ms. Doherty asked where the community gap analysis comes from.

Mr. Miller informed her that the Department is developing guidance and that the hospitals could use a gap analysis that has already been done.

Ms. Doherty then discussed readmissions, specifically discussing chemo side effects and exacerbation of COPD.

Mr. Miller stated that they could use ED data, to determine readmissions.

Dr. Cunningham stated that he would strike the words “or others” from the health care personnel definition.

Ms. Prates Ramos asked who gathers the gap assessment information and who is it reported to.

Mr. Miller replied that the partnership agencies gather the information and report it to the EMS office for review. If the EMS office needs to verify something they can reach out other DPH Bureaus.

Commissioner Bharel also added that this is a new program and as they put this program in place, they plan to bring updates to the Council.

With no further questions, the Commissioner asked if there was a motion to accept the amended language of removing “or others” from the health care personnel definition.

Dr. Cunningham made the motion, Ms. Doherty seconded it. All present members approved.

The Commissioner then asked if there is a motion to approve the proposed regulation.

Ms. Doherty made the motion, Mr. Lanzikos seconded it. All present members approved.

**4. PRESENTATIONS**

**a. Informational presentation on Healthcare Personnel Influenza Vaccination in 2017**

This docket item was postponed due to lack of quorum.

With no further questions or comments, the Commissioner reminded the Council that the next meeting is Wednesday, September 12, 2018 at 9AM.

She then asked for a motion to adjourn. Ms. Doherty made the motion Mr. Lanzikos seconded it. All present members approved.

The meeting adjourned at 11:09AM.