MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of January 20, 2021

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: \*\*\*REMOTE MEETING\*\*\* Wednesday, January 20, 2021 – 8:30AM**

***Note: The January Public Health Council meeting will be held remotely as a video conference due to the COVID-19 State of Emergency declared by Governor Charles D. Baker on March 10, 2020 and consistent with the Governor’s March 12, 2020 Order modifying the state’s Open Meeting Law and July 2, 2020 Order regarding gatherings.***

Members of the public may listen to the meeting proceedings by using the dial in information below:

Join by Web: <https://statema.webex.com/statema/onstage/g.php?MTID=e475a37f041615e1dabbccc3285a90670>

Dial in Telephone Number: 1-866-692-3580

Access code: 178 938 8925

1. **ROUTINE ITEMS** 
   1. Introductions
   2. Updates from Commissioner Monica Bharel, MD, MPH.
   3. Record of the Public Health Council Meeting held December 10, 2020. **(Vote)**
2. **DETERMINATIONS OF NEED**
   1. Request by New England Surgery Center, LLC for Substantial Change in Service

**(Vote)**

1. **REGULATIONS**
   1. Request to Approve for Final Promulgation Proposed Amendments to 105 CMR 700.000, *Implementation of M.G.L. c. 94C.* **(Vote)**

**4. PRESENTATIONS**

a. Health Equity Update

*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: January 20, 2021

Start Time: 8:39am Ending Time: 9:53am

| Board Member | Attended | First Order: Approval of December 10, 2020 Meeting Minutes (Vote) | Second Order: DoN Request by New England Surgery Center, LLC for Substantial Change in Service  (Vote) | Third Order: Regulations Request to Approve for Final Promulgation Proposed Amendments to 105 CMR 700.000, Implementation of M.G.L. c. 94C. (Vote) |
| --- | --- | --- | --- | --- |
| Commissioner Monica Bharel | Yes | Yes | Yes | Yes |
| Edward Bernstein | Yes | Yes | Yes | Yes |
| Lissette Blondet | Yes | Abstained | Yes | Yes |
| Kathleen Carey | Yes | Yes | Yes | Yes |
| Sec. Elizabeth Chen | Yes | Yes | Yes | Yes |
| Harold Cox | Yes | Yes | Yes | Yes |
| Alba Cruz-Davis | Yes | Yes | Yes | Yes |
| John Cunningham | Yes | Yes | Yes | Yes |
| Michele David | Yes | Abstained | Yes | Yes |
| Claude Jacob | Yes | Yes | Yes | Yes |
| Michael Kneeland | Yes | Yes | Yes | Yes |
| Keith Hovan | Yes | Abstained | Yes | Yes |
| Joanna Lambert | No | Absent | Absent | Absent |
| Acting Secretary Cheryl Poppe | Yes | Abstained | Yes | Yes |
| Summary | 13 Members Present; 1 Absent | 8 Members Approved; 4 members Abstained; 1 Absent | 13 Members Approved; 1 Absent | 13 Members Approved; 1 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, January 20, 2021 by the Massachusetts Department of Public Health, 250 Washington Street, Boston, Massachusetts 02108.

Members present were: Monica Bharel, MD, MPH; Edward Bernstein, MD; Kathleen Carey, PHD; Secretary Elizabeth Chen; Alba Cruz-Davis, PhD, MPH; John Cunningham, PhD; Claude Jacob; Michael Kneeland, MD; Lisette Blondet; Cheryl Lussier Poppe; Harold Cox; and Michele David, MD.

Also in attendance was Elizabeth Scurria Morgan, Acting General Counsel at the Massachusetts Department of Public Health.

Commissioner Bharel called the meeting to order at 8:39AM and made opening remarks before reviewing the agenda.

**1. ROUTINE ITEMS**

b. Updates from Commissioner Monica Bharel, MD, MPH

**COVID RESPONSE**

Commissioner Bharel stated on 1/19/21 the Department of Public Health was informed of a second case for the variant B.1.1.7. This is the same variant initially discovered in the United Kingdom. The confirmatory lab test was performed by the State Public Health Laboratory. Surveillance laboratory testing for the B.1.1.7 variant has been ongoing at the Massachusetts State Public Health Laboratory as well as in collaboration with clinical diagnostic laboratories and academic partners, including the CDC. Surveillance consists of genomic sequencing on portions of COVID-19 positive specimens.

The public health risk reduction measures remain the same. Individuals must continue to wear masks or face coverings while out in public, maintain 6-foot social distancing, stay home when you are sick, and get tested if you have symptoms or are identified as a close contact.

Commissioner Bharel stated that the distribution of COVID-19 vaccine will be a light at the end of this pandemic tunnel. Many of Massachusetts’ front line health care workers, long term care staff and residents, and first responders have already received or are preparing to receive their vaccination. This week, we are seeing vaccination roll out in congregate care settings and low-income affordable senior housing where people are so vulnerable to this very contagious disease.

DPH has launched mass vaccination sites open to all who are currently eligible for vaccine, with the first one at Gillette Stadium and others soon to come online. It is complicated by not knowing fully how much vaccine MA will receive and when. It is further complicated by the requirements of the vaccine itself such as the cold storage needed and importance of using vaccine vials once opened.

DPH has established workgroups on logistics, allocation, communications, and clinical decision-making meeting seven days a week for the rollout. DPH continues to work with the COVID Command Center and an External COVID-19 Vaccine Advisory Group on all of these activities. As of 1/25/21, 746,250 doses allocated to Massachusetts and 337,333 doses administered and were reported into our system.

Massachusetts is a leader and one of only a small handful of states that publishes a detailed state vaccination dashboard: the new dashboard is posted each Thursday to track DPH metrics so anyone is able to see how we are doing. You can find the vaccine metrics and all of our COVID information at www.mass.gov/covidvaccine.

*Vaccine and Equity*

Commissioner Bharel stated that DPH has focused on how to distribute limited vaccines in a fair, equitable, and transparent way. The decision was made early to first vaccinate all health care workers, including environmental services, food service, facilities, sanitation, and other non-clinical workers working in these areas. DPH is also setting aside 20% of the vaccine allocation to communities most affected by COVID-19, based on US Census data and coronavirus cases per capita on the city and town level. This is being done in order to focus energy and resources on ensuring that communities that have been hard hit by COVID-19, including communities of color, get access to the vaccine.

Congregate settings have also been prioritized in the Commonwealth. Homeless shelters, victims of domestic violence in shelter settings, jails and prisons, and other such settings are now receiving vaccine in Phase 1. Massachusetts is one of few states to prioritize these group settings. Massachusetts is also one of only a few states that prioritizes prison inmates, sexual assault and domestic violence shelter survivor residents and staff in the nation.

DPH public communications are focused on the safety of the vaccine and building trust in the vaccine. We are partnering with health care providers, health centers, community leaders, and other trusted sources to help us deliver these important messages. In February DPH will launch a comprehensive statewide public awareness campaign in multiple languages to support this effort.

Commissioner Bharel welcomed the PHCs assistance with sharing the message that the vaccine is our way out of this pandemic – but until enough people are vaccinated, we continue to stress that people must mask up, wash hands, stay distant, and avoid groups.

COVID related cases and testing data and metrics can be found in the DPH COVID daily dashboard. DPH also launched a new interactive dashboard in late December, it can be found at mass.gov-SLASH- CovidDATA.

*State without Stigma*

Commissioner Bharel stated that DPH is aware of the impact the pandemic has had on the recovery community and residents struggling with addiction. Last month, DPH launched a new phase of our successful State Without Stigma public information campaign aimed at reducing the stigma of substance addiction that prevents people with from seeking treatment and pursuing recovery. The campaign launches at a time when we are experiencing a slight rise in overdose deaths. The campaign advertisements feature people from all walks of life, including health care providers, talking about how and why they support a #StateWithoutStigMA.

Commissioner Bharel stated that DPH will continue to battle the COVID epidemic and continue with all of our essential public health work and continue to fight against addiction and the stigma that prevents people from accessing the treatment they need. Last week federal Health and Human Services announced expanded access to treatment for opioid use disorder by exempting physicians from certain certification requirements – DEA X waivers – needed to prescribe buprenorphine. The physician would be eligible to use the exemption to prescribe buprenorphine for up to 30 patients.

*BFHN Bureau Director*

Commissioner Bharel then welcomed Elaine Fitzgerald Lewis as DPH’s new Director of the Bureau of Family Health and Nutrition (BFHN). Elaine most recently served as Senior Project Director at EDC supporting national maternal and child health while teaching at Boston University School of Public Health. Elaine began her career in the Coast Guard and since then has focused her work on maternal and child health, quality improvement and racial equity.

Commissioner Bharel then asked if the council member had any questions before proceeding.

8:46 Dr. David joined the meeting.

8:51am Sec. Chen joined the meeting.

Dr. David asked if there are plans to include mass vaccinations in communities of color.

Commissioner Bharel stated that Mass vaccine sites are evolving and based on larger areas with this community being an area of focus.

Dr. David asked when the vaccines for Phase 2 will arrive.

Commissioner Bharel stated that information for Phase 2 has not been provided and usually gets updated weekly.

Dr. David emphasized the need to focus on communities of color.

Dean Cox asked how the vaccine information will be implemented.

Commissioner Bharel stated that DPH has spent a great deal of energy to ensure delivering the message of vaccine safety and information.

Mr. Jacob asked if there is any commentary from the local boards of health.

Commissioner Bharel acknowledged the great work of the local boards of health that are working side by side with DPH – regular meetings are held with the local boards of health in order to work in coordination through the vaccine phasing efforts.

Ms. Blondet asked to clarify where the community health workers fall in the vaccination phases – there is no specific language to include this group. She asked the Commissioner to consider this group.

Commissioner Bharel stated she would do this.

Dr. Carey asked what the DPH plan is for scheduling second doses of the vaccine.

Commissioner Bharel stated that no vaccine doses are held back in MA as second doses are received they are delivered to where the first doses were administered. Information on this is coming in on a weekly basis.

Dr. Bernstein stated that he was pleased that MA did not adopt exemption for 65-year-old individuals for receiving the vaccine.

Commissioner Bharel stated that it is important to protect vulnerable populations.

Dr. Bernstein asked about race and ethnicity data that was issued back in June.

Commissioner Bharel stated DPH will send a link with that information to all the PHC members

No further questions or comments from the council members.

**1. ROUTINE ITEMS**

c. Record of the Public Health Council December 10, 2020 Meeting (Vote).

The Commissioner asked if members had any changes to the draft minutes.

Mr. Jacob stated he was in attendance and asked it be corrected.

Dr. Kneeland stated he was recused for one of the votes and requested this be reflected in the minutes.

Commissioner Bharel then asked the members if there was a motion to approve the minutes as updated.

Dr. Bernstein made the motion, which was seconded Mr. Jacob. Mr. Hovan, Ms. Blondet, Ms. Poppe and Dr. David abstained. All members present approved.

**2. DETERMINATIONS OF NEED**

**a. Request by New England Surgery Center, LLC for Substantial Change in Service**

**(Vote)**

Commissioner Bharel then invited the Determination of Need Program Director, Lara Szent-Gyorgi to review the staff recommendation for New England Surgery Center’s request for substantial change in service. She is joined by Rebecca Rodman, Senior Deputy General Counsel. Upon conclusion of Ms. Szent-Gyorgi’s presentation, the Commissioner opened the meeting to questions from the Council.

No question or comments from the council members.

Commissioner Bharel asked if there was a motion to approve New England Surgery Center’s request for substantial change in services.

Dr. Kneeland made the motion, which was seconded by Dr. David. All present approved.

Commissioner Bharel stated New England Surgery Center’s request for substantial change in services is approved.

**3. REGULATIONS**

**a. Request to Approve for Final Promulgation Proposed Amendments to 105 CMR 700.000, Implementation of M.G.L. c. 94C. (Vote)**

Commissioner Bharel then invited Lauren Nelson, Director of Policy and Regulatory Affairs for the Bureau of Health Professions Licensure, and Rebecca Rodman, Senior Deputy General Counsel, to request approval to promulgate updates to the Department’s Drug Control Program regulation relative to vaccination.

Upon conclusion, Commissioner Bharel asked if the council member had questions.

Dr. Kneeland commended the efforts and fully supports the request.

Mr. Hovan asked if Health care providers who are licensed in another state but recently came to MA can be included in these efforts.

Ms. Nelson stated DPH is currently working on reciprocal vaccinators and hoping to complete it soon.

Mr. Hovan asked how long the process will take.

Ms. Nelson stated if would likely depend on the BORIM.

Mr. Jacob asked what the added capacity would be over time and what the logistics are on the ground for these additional vaccinators.

Ms. Rodman stated they confirmed within 24 hours? Of receipt.

Dr. Bernstein asked if there will be training to manage anaphylaxis reactions.

Ms. Nelson stated yes there are several protocols in place to manage allergic reactions and depending on the level of skill there are trainings required.

With no further questions, I would now like to ask if there is a motion to approve the proposed amendments to 105 CMR 700.000 for final promulgation.

Ms. Cruz Davis made the motion, which was seconded by Dr. Cunningham. All present approved.

**4. PRESENTATIONS**

**a. Health Equity Update**

Commissioner Bharel then invited Sabrina Selk, Director of the Office of Health Equity, to review our soon-to-be launched health equity dashboard addressing race and ethnicity.

Upon conclusion, Commissioner Bharel asked if the council member had any questions.

Ms. Blondet asked how the dashboard will be implemented and readily available to health care facilities.

Ms. Selk stated that they would like to make this available and user friendly and open to ideas and suggestions.

Commissioner Bharel stated that DPH is focusing ono using data for colleagues and stakeholders to use data in an effective way to improve people’s lives.

Ms. Blondet stated she is concerned that hospitals will not utilize and integrate this resource in order to benefit from all the great work done on this front.

Ms. Cruz-Davis stated this is a great resource and appreciates all the hard work of DPH.

Mr. Jacob asked to clarify the geographic distribution of the data on the ground.

Ms. Selk stated that it is currently at the state level and hoping to have more granular data in the future to address the local level.

Commissioner Bharel stated the PHIT tool does have more granular data.

Mr. Jacob stated that collaboration on data at the state and local level it will be helpful.

Dr. Cunningham asked in there could be a way to group by location, zip code and voting precincts in order to pull data.

Dr. Bernstein asked if this could be linked to policy and when will it be available. He also asked what is the commonalities in these disparities and how policy can be impacted.

Ms. Selk stated this has been approved and will be available online very soon and a more interactive version will be available in February/March.

CMB indicated that we can notify the Council when the dashboard is posted.

Dr. Bernstein also indicated hot spotting maps may be a helpful tool.

With no further questions, Commissioner Bharel reminded Council members the next meeting would be held on Wednesday, February 17, 2021. She then asked if there was a motion to adjourn.

Dr. David made the motion, which was seconded by Mr. Jacob. All members present approved. The meeting adjourned at 9:53am.