**APPROVED** MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of June 10, 2020

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

**PUBLIC HEALTH COUNCIL**

**MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH**

**250 Washington Street, Boston MA**

**Docket: \*\*\*REMOTE MEETING\*\*\* Wednesday, June 10, 2020 – 9:00AM**

***Note: The June 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 May 18, 2020 Order extending the prohibition of gatherings of 10 or more individuals.***

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

Join by Web: <https://us02web.zoom.us/j/84449399697>

Dial in Telephone Number: 1-646-558-8656

Participant Passcode: 844 4939 9697

1. **ROUTINE ITEMS** 
   1. Introductions
   2. Updates from Commissioner Monica Bharel, MD, MPH.
      1. Review of Opioid-related Overdose Death Data, 1st Quarter 2020
   3. Record of the Public Health Council Meeting held May 20, 2020. **(Vote)**
2. **EMERGENCY REGULATIONS**
   1. Request to Approve Proposed Emergency Regulation 105 CMR 316.000, *Use of Face Masks or Coverings in Response to the COVID-19 Pandemic* **(Vote)**

*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: June 10, 2020

Start Time: 9:06AM Ending Time: 10:02AM

| Board Member | Attended | First Order: Approval of May 20, 2020 Meeting Minutes (Vote) | Second Order: **Request to approve for emergency promulgation 105 CMR 316.000, *Use of Face Masks or Coverings in Response to the COVID-19 Pandemic*.** **(Vote)** |
| --- | --- | --- | --- |
| Commissioner Monica Bharel | Yes | Yes | Yes |
| Edward Bernstein | Yes | Yes | Yes |
| Lissette Blondet | Yes | Yes | Yes |
| Derek Brindisi | Yes | Yes | Yes |
| Kathleen Carey | Yes | Yes | Yes |
| Sec. Elizabeth Chen | Yes | Yes | Yes |
| Harold Cox | Yes | Yes | Yes |
| John Cunningham | Yes | Yes | Yes |
| Michele David | Yes | Yes | Yes |
| Michael Kneeland | Yes | Yes | Yes |
| Keith Hovan | Yes | Yes | Yes |
| Joanna Lambert | No | Absent | Absent |
| Lucilia Prates-Ramos | Yes | Absent | Absent |
| Sec.Francisco Ureña | Yes | Yes | Yes |
| Summary | 12 Members Present; 2 Absent | 12 Members Approved; 2 Absent | 12 Members Approved; 2 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, June 10, 2020 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: Edward Bernstein, MD; Monica Bharel, MD, MPH; Lissette Blondet; Derek Brindisi; Kathleen Carey, PhD; Secretary Elizabeth Chen; Harold Cox; John Cunningham, PhD; Michele David, MD; Michael Kneeland, MD; Keith Hovan; and Secretary Francisco Ureña.

Absent members were: Joanna Lambert and Lucilia Prates-Ramos.

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

Commissioner Bharel called the meeting to order at 9:06AM and made opening remarks before reviewing the agenda.

1. ROUTINE ITEMS

b. Updates from Commissioner Monica Bharel, MD, MPH

Commissioner Bharel gave Council members an update on COVID-19’s impact on the Commonwealth and the status of the state’s reopening. She also addressed the current civil unrest and protests across the nation in response to the death of George Floyd and others, and emphasized the depth of racial injustice in our society. Her remarks acknowledged the importance of work to rectify these inequities in public health. Finally, Commissioner Bharel gave an overview of the opioid-related overdose death report for the first quarter of 2020.

Dr. Bernstein recognized the scope of how Commissioner Bharel has integrated equity across current protests, COVID-19 pandemic, and substance use disorder. He indicated the Council should consider conduct their own study on this, and pointed to several resources addressing anti-racism and critical as we look to address racism in our communities and society. He asked if the Department can report on access to treatment and medication by race and ethnicity, and also asked about the impact of COVID-19 testing in communities of color.

Commissioner Bharel thanked Dr. Bernstein for the reminder that we all have a role to play. She indicated she would look into what data is available for substance use disorder as stratified by race and ethnicity. She added that contact tracing in communities of color remains an ongoing initiative and she would have more to report back upon the equity group’s work.

Dean Cox asked what initiatives in those communities that experienced a decrease in opioid related overdose deaths between 2018 and 2019 contributed to the decrease.

Commissioner Bharel noted that these communities are some that used to be communities experiencing increases in overdose deaths, so this is a sign of the work being done there. She noted several initiatives in Worcester in Lowell, such as mobile health contracts, expanding naloxone access, and continued funding for medication for opioid use disorder (MOUD) in houses of correction, and expanded access to MOUD. She indicated that these types of maps and data presentation are important for communities to be able to share approaches and work together to address.

1. ROUTINE ITEMS

c. Record of the Public Health Council May 20, 2020 Meeting (Vote).

Commissioner Bharel asked if any members have any changes to be included in the May 2020 meeting minutes.

Seeing none, Commissioner Bharel then asked for a motion to accept the minutes. Dr. Bernstein made the motion, which was seconded by Secretary Ureña. All other present members approved.

**2. EMERGENCY REGULATIONS**

a. Request to Approve Proposed Emergency Regulation 105 CMR 316.000, *Use of Face Masks or Coverings in Response to the COVID-19 Pandemic* **(Vote)**

Commissioner Bharel then invited Lynn Squillace, Deputy General Counsel, to present a request to approve an emergency regulation regarding the use of face masks and coverings to the Council. At the conclusion of Ms. Squillace’s presentation, the Commissioner opened the meeting to questions from the Council members. She noted Dr. Catherine Brown, State Epidemiologist, was also available to respond to questions.

Dr. Carey asked about exception five regarding a socially distanced athlete and what the expectation is for athletes in urban areas.

Dr. Brown indicated there is a lot of variability across Massachusetts regarding crowding. She indicated masks are appropriate in crowded areas where you are unable to socially distance, such as running in a place where you will pass many other runners. She noted in some places, a mask may not be required should the area be less crowded.

Commissioner Bharel reiterated that keeping six feet of distance is the standard protection measure.

Dr. Carey noted this does not appear to be an exception and indicated this was confusing.

Margret Cooke, General Counsel, agreed this was more of a clarification than exception, but was necessary at that portion of the regulation for clarity.

Dr. Cunningham highlighted the discretionary nature of use of face masks and coverings for young children.

Commissioner Bharel thanked him for noting that.

Dr. Bernstein asked about the potential of aerosolization during exercise.

Dr. Brown noted it is a potential concern and something we continue to learn more about. She discussed in gym situations where two individuals may be exercising by one another, potentially on a stationary bike, and indicated that may present an aerosolization issue. Dr. Brown contrasted that with a runner passing an individual by outside, where other factors are at play such as air flow, UV light, and other factors that limit the potential of aerosolization. She emphasized the continued and paramount need for social distancing.

Commissioner Bharel noted the importance of several efforts together, including social distancing, wearing face masks and coverings, good hand hygiene, and other precautions.

Dean Cox asked why the regulation is necessary given the Governor’s order requiring face masks and coverings.

Ms. Cooke responded that this measure is necessary as face masks will remain in place for some time, and that as we begin to reopen it is appropriate to put this forward as a regulation for the public comment process . She added that would allow the regulation to be finalized should the state of emergency be terminated.

Derek Brindisi noted recent comment by the World Health Organization regarding asymptomatic transmission of COVID-19 and asked for a better understanding of asymptomatic shedders of the virus, in particular as to how that relates to the use and effectiveness of face coverings.

Dr. Brown responded that information and discussions she has had have led her to believe respiratory droplets are the primary source of infection for this disease, and to spread respiratory droplets a cough or sneeze is required meaning the individual is symptomatic. She added that asymptomatic individuals may also spread through respiratory droplets through yelling, projecting but the highest potential of spread still comes from respiratory droplets from symptomatic individuals.

Commissioner Bharel clarified that the World Health Organization retracted the comments regarding asymptomatic spread. She also noted the New England Journal of Medicine visualization of aerosolization and also an article reviewing the Annals of Internal Medicine review of studies examining asymptomatic individuals. She highlighted the Department’s efforts to stay on top of ever-evolving information on COVID-19.

Dr. Brown encouraged everyone to watch the video regarding respiratory spread. Commissioner Bharel noted that video would be sent to the members.

Dr. Carey raised the issue of public transportation and what recourse is available for someone not wearing a mask.

Dr. Brown indicated this is something that remains a concern, and also that there will be people taking public transportation who are unable to wear a mask. She added that reopening is happening slowly so we can continue to monitor what is happening with gradual buildup to increased activities.

Dr. Bernstein asked about the distinction of N95 masks versus other masks and coverings, and wanted to understand how masks would be provided to those who cannot access them?

Dr. Brown emphasized the critical need to preserve N95 and surgical masks for healthcare workers and other settings where the risk of transmission is much higher than for the general public in their day to day activities. She reminded the Council that the use of cloth face coverings is not to protect the wearer from others, but to ensure the wearer is not transmitting droplets to others.

Commissioner Bharel reminded everyone that this is an evolving disease and each day we learn more and continue to update our information and emphasized the importance of consulting the state’s COVID-19 webpage.

With no further agenda items, the Commissioner reminded the Council that the next meeting would take place remotely on Wednesday, July 8, 2020 at 9AM.

She then asked for a motion to adjourn. Secretary Ureña made the motion, which Mr. Hovan seconded. All present members approved.

The meeting adjourned at 10:02AM.