**MINUTES OF THE PUBLIC HEALTH COUNCIL**

**Meeting of June 13, 2018**

**MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH**

**PUBLIC HEALTH COUNCIL**

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**Henry I. Bowditch Public Health Council Room, 2nd Floor**

**250 Washington Street, Boston MA**

**Docket: Wednesday, June 13, 2018 - 9:00 AM**

1. **ROUTINE ITEMS**
   1. Introductions
   2. Updates from Commissioner Monica Bharel, MD, MPH
   3. Record of the Public Health Council May 9, 2018 Meeting **(Vote)**
2. **DETERMINATIONS OF NEED**
   1. Partners Healthcare, Inc. application for substantial capital expenditure to expand ambulatory surgical services at Massachusetts General Waltham.  **(Vote)**

**3. PRELIMINARY REGULATIONS**

a. Informational briefing on proposed amendments to 105 CMR 120.000, *The Control of*

*Radiation.*

1. **FINAL REGULATIONS**

a. Request to promulgate amendments to 105 CMR 127.000, *Licensure of Mammography Facilities.* **(Vote)**

**5. PRESENTATIONS**

a. Overview of DPH and the Office of Preparedness and Emergency Management Preparedness for Planned Events.

*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, June 13, 2018

**Start Time:** 9:10am **Ending Time:** 10:18am

| **Board Member** | **Attended** | **Record of the Public Health Council May 9, 2018 Meeting (Vote)** | **DETERMINATIONS OF NEED**  **Partners Healthcare, Inc. application for substantial capital expenditure to expand ambulatory surgical services at Massachusetts General Waltham. (Vote)** | **FINAL REGULATIONS**  **a. Request to promulgate amendments to 105 CMR 127.000, Licensure of Mammography Facilities. (Vote)** |
| --- | --- | --- | --- | --- |
| Monica Bharel | Yes | Yes | Yes | Yes |
| Edward Bernstein | Yes | Yes | Yes | Yes |
| Lissette Blondet | Absent | Absent | Absent | Absent |
| Derek Brindisi | Yes | Yes | Yes | Yes |
| Harold Cox | Absent | Absent | Absent | Absent |
| John Cunningham | Yes | Yes | Yes | Yes |
| Michele David | Yes | Abstained | Yes | Yes |
| Meg Doherty | Yes | Not Present at Time of Vote | Not Present at Time of Vote | Yes |
| Michael Kneeland | Yes | Yes | Yes | Yes |
| Joanna Lambert | Yes | Yes | Yes | Yes |
| Paul Lanzikos | Yes | Yes | Yes | Yes |
| Lucilia Prates-Ramos | Yes | Yes | Yes | Yes |
| Secretary Francisco Ureña | Absent | Absent | Absent | Absent |
| Alan Woodward | Yes | Yes | Yes | Yes |
| **Summary** | **11 Members Present, 3 Members Absent** | **9 Members approved, 1 abstained, 3 members absent, 1 member not present at time of vote** | **10 members approved, 3 members absent, 1 member not present at time of vote** | **11 members approved, 3 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, June 13, 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; Edward Bernstein, MD; Derek Brindisi; John Cunningham, PhD; Meg Doherty; Michael Kneeland, MD; Joanna Lambert; Paul Lanzikos; Lucilia Prates-Ramos; and Alan Woodward, MD

Absent member(s) were:, Lissette Blondet, Harold Cox, and Secretary Francisco Ureña

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

Commissioner Bharel called the meeting to order at 9:10 AM and made opening remarks before reviewing the agenda.

**ROUTINE ITEMS**

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

Commissioner Bharel began updates by informing the Council that she recently took part in the Pappas Center’s commencement ceremony. The Pappas Rehabilitation Hospital for Children is a 93 bed facility providing medical, rehabilitative, educational, recreational, habilitative, transitional, and complementary alternative medical services to children and young adults (ages 7 – 22+) with multiple disabilities to assist them with achieving their optimal level of independence in all aspects of life. She noted the dedication of our staff at the Pappas Center who work to create unique bonds with students and their families so that each child can attain the highest level of independence.

At the end of last month, the Commissioner was very pleased to join Mayor Marty Walsh and others to celebrate the groundbreaking of Community Servings’ expanded facility. Community Servings is an organization that provides healthy, medically appropriate, and culturally tailored meals – first for persons with HIV/AIDS from the very early days of that epidemic, and then later expanding those services to include people with a range of other chronic conditions. Not only does Community Servings address the critical social determinant of health; nutrition and addressing food insecurity it also saves health care dollars. In a health affairs article published in April 2018 an analysis that was done found that participants in the program had fewer inpatient admissions, ED visits and lower overall medical spending. The mission of Community Servings dovetails exactly with the Department’s commitment to addressing health disparities through the close examination of data – and looking upstream to the social determinants of health, which play such an important role in determining health outcomes.

Recently, Commissioner Bharel had the opportunity to speak at the Massachusetts League of Community Health Centers’ Annual Community Health Institute, the annual gathering of the community health center clinical and operational leadership.

She was able to share the updated opioid data with them and discuss the vital role community health centers play in this epidemic and highlight several of our successful collaborations with community health centers across the state including school-based health centers family planning initiatives and chronic disease management.

Next, the Commissioner informed the Council of recent personnel updates. The Association of Public Health Laboratories announced the winners of its annual awards for outstanding achievements in laboratory science, creative approaches to solving today’s public health challenges, and exemplary support of laboratories serving the public’s health. Shoolah Escott, our State Public Health lab biosafety manager, was honored with the Thomas E. Maxson Education, Training and Workforce Development Award, which recognizes an Association member who is a public health or clinical laboratory practitioner, trainer or educator who has made significant contributions to public health laboratory practices.

Last month, the Council honored Dr. Al DeMaria as he prepares to retire at the end of June. The Commissioner thanked the PHC members for making it such a nice tribute to his legacy here at DPH. One of the many hats Dr. DeMaria has worn over his time here is that of State Epidemiologist, where he played a central role in outbreak investigations and responses and, when needed, invited specialized support from the CDC. Commissioner Bharel announced that Dr. Katie Brown will be assuming the title and duties of State Epidemiologist effective July 1, 2018. This will be in addition to her role as State Public Health Veterinarian. These added responsibilities capitalize on her expertise in zoonotic and vector-borne infections and her deep understanding of the ecological relationship between the natural world and human health. That expertise will be showcased next month at the PHC, when Dr. Brown provides an overview of mosquito and tick borne illnesses in Massachusetts.

Commissioner Bharel then concluded her updates by presenting a briefing for the quarterly opioid report and NAS Dashboard.

With no further updates, the Commissioner asked the Council if they had any questions or comments.

Dr. Bernstein asked if the death rate in all communities has gone down or if there are some communities that have increased in overdose death rates, specifically in Boston.

Commissioner Bharel replied that even in Boston the numbers are decreasing slightly. Non-fatal overdoses have increased, however she can send a link to the Boston data.

Dr. Bernstein then asked if there was a program in place to look into qualitative data rather than quantitative for overdose deaths. He also discussed his concern of the cocaine supply being laced with fentanyl.

Commissioner Bharel informed him that they have heard from communities in general that cocaine and marijuana have been laced with fentanyl. The department is working on getting the word out to regarding the increased risk of fentanyl lacing. There was a qualitative study done with the CDC about two years ago. She informed them that it can be sent out them, if they’d like to review.

Mr. Lanzikos discussed the CDC’s report on suicide and requested an update on the trends in Massachusetts as well as what’s happening relative to prevention.

The Commissioner informed him that they can absolutely give an update in the future. She said this is an issue that the department is extremely focused on and mentioned the suicide prevention program and their collaboration with other departments.

Dr. Woodward noted the diminishing percentage of opioids deaths related to prescribed drugs. He said he would be interested to know if those individuals were actually prescribed drugs at some point or if there is an influx of prescription medication from other states.

Commissioner Bharel informed him that at the time of death most of those drugs are illicit. When they’ve mapped the history of drug use for individuals the vast majority did have a prescription at some point, however, this data has not been updated recently.

With no further questions or comments the Commissioner proceeded with the docket.

**1. ROUTINE ITEMS**

**c. Record of the Public Health Council May 9, 2018 Meeting (Vote)**

Commissioner Bharel asked if any members had any changes to be included in the May 9, 2018 meeting minutes.

Seeing none, the Commissioner asked for a motion to accept the minutes. Mr. Lanzikos made the motion and Dr. Bernstein seconded it. Dr. David abstained as she was not present at the May 9th meeting. All other present members approved.

**2. DETERMINATIONS OF NEED**

**a. Partners Healthcare, Inc. application for substantial capital expenditure to expand ambulatory surgical services at Massachusetts General Waltham. (Vote)**

The Commissioner invited Nora Mann, Determination of Need Program Director, and Rebecca Rodman, Deputy General Counsel, to the table to review the DoN staff recommendation for Partners Healthcare, Inc.’s application for a substantial capital expenditure to expand ambulatory surgical services at Massachusetts General Waltham.

Following, Ms. Mann’s presentation the Council was asked if they had any questions or comments.

Dr. Woodward asked if the support places will be on two different floors. He asked if there was a way to consolidate them.

Dr. Peter Slavin President of Massachusetts General Hospital; Dr. Peter Dunn, VP of Perioperative Services; Dr. Greg Pauly, chief operating officer of the Massachusetts General Physicians Organization and SVP of MGH came to the table to answer questions on behalf of the applicant.

Dr. Pauly stated that their preference would have been to put all of their operating rooms together; however, the floor plates did not allow that due to not having ample size. The 4th floor happens to be the top floor of the building for mechanical space it’s easier to have the high tech area closer to the roof.

Dr. Woodward asked if the additional shell space was on the 4th floor.

Dr. Pauly informed him that the shell space is on the 4th floor. There is about 9600 additional square feet, however, that is not enough space to accommodate the 4 additional ORs on floor 2.

Dr. Woodward asked if the ORs are for different services.

Dr. Pauly replied that the ORs they currently have are predominantly orthopedic with some plastics. The additional ORs would allow them to do other services.

Dr. Bernstein asked if the survey is completed.

Ms. Mann informed him that she believes the 2018 CHNA is in process.

Lauren Lele, Director of Community Benefits at Newton-Wellesley Hospital informed the Council that the CHNA will be completed by the end of June and will be reported out their community benefit committee on July 12th. The preliminary findings, in terms of themes, are transportation, housing, mental health, and substance use.

Mr. Brindisi asked for an explanation on the distribution of the 3%.

Kate Harrell, Associate Attorney for Barrett and Singal, informed Mr. Brindisi that the initial 3% is for administrative cost associated with carrying out the RFP process which is a requirement under the new CHI regulations. The other piece is for evaluation so that impact reports can be provided to the Department.

Ben Wood, Director, Office of Community Health Planning and Engagement for DPH added that the CHI guidelines allow for administrative costs to be taken with the CHI dollars up to a certain percentage if there is a need. In this case, they provided a rationale for it and the Department allowed it.

Mr. Brindisi asked what the total community benefit is in terms of funds.

Mr. Wood replied that it is $1.1 million minus the $45,000 and will be dispersed through a competitive RFP process after the CHNA is complete. They also have a community benefits advisory committee that will help set their strategies and priorities. Those strategies will then be reported back to the Department for final review.

Ms. Prates Ramos asked how the transportation need is being addressed.

Dr. Slavin replied that all of the services being provided at Mass General will continue to be provided at the main campus.

With no further questions, the Commissioner asked if there is a motion to accept the staff recommendation for approval of Partners Healthcare, Inc.’s application for substantial capital expenditure.

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

**3. PRELIMINARY REGULATIONS**

**a. Informational briefing on proposed amendments to 105 CMR 120.000, The Control of**

**Radiation.**

The Commissioner then invited Jack Priest, Director of the Radiation Control Program within the Bureau of Environmental Health; and Jim Ballin, Deputy General Counsel, to the table for an informational overview of proposed changes to our regulation addressing radiation control.

Following the presentation the Council was invited to ask questions.

Mr. Lanzikos asked how are the activities managed in the 13 non-agreement states and if any of those in New England.

Mr. Priest informed him that Vermont is becoming an agreement state this year. Connecticut is not an agreement state, the rest of New England – including New York – are agreement states. Those entities that are not agreement states are managed by the Nuclear Regulatory Commission.

Dr. Woodward asked if this included Pilgrim.

Mr. Priest informed him that it does not include Pilgrim as their regulatory authority is overseen by the Nuclear Regulatory Commission.

Dr. Woodward asked if the Department has any role in the decommissioning and transferring of materials.

Mr. Priest informed him that they do and that he is a voting member of the Nuclear Decommissioning Citizens’ Advisory Panel. That panel is their opportunity to voice concerns to the governor and the legislature.

Dr. Woodward asked as its decommissioned do they expect that material will be moved out of state.

Mr. Priest informed him that the lower levels of radioactive material will be moved out of state for disposal. Currently, the plan for moving the high level nuclear fuel is to place it in dry fuel storage casks that will remain on site until the federal government completes a disposal site and plan for that material.

Ms. Lambert asked if disposal is covered under a separate regulation.

Mr. Priest informed her that it is not. Disposal is included in their regulations; there are no amendments to that section.

With no further questions, they proceeded with the docket.

**4. FINAL REGULATIONS**

**a. Request to promulgate amendments to 105 CMR 127.000, Licensure of Mammography Facilities. (Vote)**

The Commissioner then invited Karen Farris, Radiation Control Program Supervisor, to join them for a presentation on final proposed changes to the Department’s regulation overseeing licensure of mammography facilities, and request the Council’s approval.

Ms. Doherty arrives at 10:07am.

Following their presentation, the Council was invited to ask questions.

Dr. Bernstein asked if there are any reporting requirements for language.

Ms. Farris replied that many facilities have patient rights statements in various languages. Patients can request a mailed letter with their results or can be told in person. If a patient needs additional imaging, the radiologist would typically come out to speak to the patient.

Mr. Priest discussed Dr. Bernstein’s question from a previous council meeting and informed him that the reporting requirements for dense breast tissue is included in the regulation. There are multiple methods to communicate that including multi-lingual as well as a set of language that hospitals use to convey that information to patients.

Ms. Farris also informed him that in any facility where a radiologist would see an issue while reviewing the imaging, they would bring the patient into a private room and discuss next steps or if they need to do an additional procedure at that moment.

Dr. Bernstein asked how this is monitored.

Ms. Farris replied that the FDA requires facilities to do a medical audit. They are asked how many cancers were found, how many patients were recommended to biopsies, what were the results etc.

Mr. Priest added that is also a part of the Department’s inspection.

Ms. Lambert asked about outdated screenings and 3D screenings and if insurance will cover it the same way.

Ms. Farris replied that outdated screenings are considered film screenings. 3D screenings are current state of the art technology. Many insurance companies do not cover the cost of 3D screenings and hospitals are taking on the cost so that the patients receive the best care.

Mr. Priest added that that is outside of the scope of what the Department does for this regulation. They are ensuring, along with BORIM, that the equipment is operating correctly and certified and maintained. They are also ensuring that those doing the reading, interpreting, and running of equipment are licensed and certified.

With no further questions or comments, the Commissioner asked if there is a motion to accept the amendments to this regulation.

Mr. Lanzikos made the motion, Dr. David seconded it. All present members approved.

**5. PRESENTATIONS**

**a. Overview of DPH and the Office of Preparedness and Emergency Management Preparedness for Planned Events.**

The Commissioner then invited Kerin Milesky, Director of the Office of Preparedness and Emergency Management, to the table for an overview of OPEM’s and DPH’s role in ensuring preparedness for planned events in the Commonwealth.

Following Ms. Milesky’s presentation, the Council was asked if they had any questions or comments.

Dr. David congratulated Ms. Milesky and her team and thanked them for their work on providing such care to the public.

With no further questions or comments, the Commissioner reminded the Council that the next meeting is Wednesday, July 11, 2018 at 9AM.

She then asked for a motion to adjourn. Dr. Bernstein made the motion Mr. Prates Ramos seconded it. All present members approved.

The meeting adjourned at 10:18AM.