MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of June 9, 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, June 9, 2021 – 9AM**

***Note: The July 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.***

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

Join by Web: <https://statema.webex.com/statema/onstage/g.php?MTID=e570631599f0f8795e938b8f2fd90c42d>

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

Access code: 161 129 1568

1. **ROUTINE ITEMS** 
   1. Introductions
   2. Updates from Commissioner Monica Bharel, MD, MPH.
   3. Record of the Public Health Council Meeting held May 12, 2021. **(Vote)**
2. **NONROUTINE ITEMS** 
   1. Request for approval of the Public Health Council for the Commissioner to continue to address the public health issue of COVID-19 in the Commonwealth, pursuant to Governor Baker’s Declaration of a Public Health Emergency issued May 28, 2021. **(Vote)**
3. **EMERGENCY REGULATIONS**
   1. Request to rescind, on an emergency basis, 105 CMR 316.000, *Use of Face Masks and Coverings in Response to the COVID-19 Pandemic.* **(Vote)**
4. **DETERMINATIONS OF NEED**
   1. Request by Chelmsford Surgery Center, LLC for a Substantial Change in Service. **(Vote)**
5. **PRESENTATIONS**

a. New Results and Updates from the COVID-19 Community Impact Survey (CCIS).

*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.*

Attendance and Summary of Votes:

Presented below is a summary of the meeting, including timekeeping, attendance and votes cast.

Date of Meeting: June 9, 2021

Start Time: 9:04am Ending Time: 10:40 am

| Board Member | Attended | First Order: Approval of May 12, 2021 Meeting Minutes (Vote) | Second Order: 2. Non routine: Request for approval of the Public Health Council for the Commissioner to continue to address the public health issue of COVID-19 in the Commonwealth, pursuant to Governor Baker’s Declaration of a Public Health Emergency issued May 28, 2021. (Vote) | Third Order: Emergency Regulations  a. Request to rescind, on an emergency basis, 105 CMR 316.000, Use of Face Masks and Coverings in Response to the COVID-19 Pandemic. (Vote) | Fourth Order: DoN a. Request by Chelmsford Surgery Center, LLC for a Substantial Change in Service. (Vote) |
| --- | --- | --- | --- | --- | --- |
| Commissioner Monica Bharel | Yes | Yes | Yes | Yes | Yes |
| Edward Bernstein | Yes | Yes | Yes | Yes | Yes |
| Lissette Blondet | Yes | Abstained | Yes | Yes | Yes |
| Kathleen Carey | Yes | Yes | Yes | Yes | Yes |
| Sec. Elizabeth Chen | Yes | Yes | Yes | Yes | Yes |
| Harold Cox | Yes | Yes | Yes | Yes | Yes |
| Alba Cruz-Davis | Yes | Yes | Yes | Yes | Yes |
| John Cunningham | Yes | Yes | Yes | Yes | Yes |
| Michele David | Yes | Absent | Absent | Absent | Abstained |
| Claude Jacob | Yes | Yes | Yes | Yes | Yes |
| Michael Kneeland | Yes | Yes | Yes | Yes | Yes |
| Keith Hovan | Yes | Yes | Yes | Yes | Recused |
| Joanna Lambert | Yes | Yes | Yes | Yes | Yes |
| Acting Secretary Cheryl Poppe | Absent | Absent | Absent | Absent | Absent |
| Summary | 13 Members Present; 1 Absent | 10 Members Approved; 1 Abstained; 2 Absent | 12 Members Approved; 2 Absent | 12 Members Approved; 2 Absent | 11 Members Approved; 1 Recused; 1 Abstained; 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, June 9, 2021 by the Massachusetts Department of Public Health, 250 Washington Street, Boston, Massachusetts 02108.

Members present were: Monica Bharel, MD, MPH; Edward Bernstein, MD; Joanna Lambert; Kathleen Carey, PHD; Secretary Elizabeth Chen; Alba Cruz-Davis, PhD, MPH; John Cunningham, PhD; Claude Jacob; Michael Kneeland, MD; Dean Harold Cox; Michelle David, MD; Keith Hovan and Lissette Blondet.

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 9:04AM and made opening remarks before reviewing the agenda.

**1. ROUTINE ITEMS**

b. Updates from Commissioner Monica Bharel, MD, MPH

**PHC Member Update**

Commissioner Bharel announced to the council members that Claude Jacob is moving on from his role as Chief Public Health Officer for Cambridge Health Alliance to become the Public Health Director for the San Antonio Metropolitan Health District and will no longer be serving on the PHC. She recognized his deep commitment to promoting both health equity and local health and presented him with a Commissioner’s Citation for his service to the Council.

**COVID-19 AND COVID-19 VACCINE**

Commissioner Bharel highlighted the reduction of COVID cases and hospitalizations and increasing vaccination among Commonwealth residents.

As of June 3rd, 2021, there were zero municipalities in the red “high risk” category for COVID on the DPH map that has been posted each week since August 2020. The number of people hospitalized with COVID dropped below 200 for the first time since last summer.

The Administration announced the planned closing dates for the state’s mass vaccination sites over the next several weeks. Nearly 3.7 million residents are fully vaccinated and over 4.3 million people have received at least a first dose. Many staff at DPH contributed to this nation-leading success story with their efforts over the last 16 months. DPH is focusing efforts on targeted community-based initiatives.

The DPH mobile vaccination vendors are expanding their geographic reach across most regions of the state and as of June 3, have stood up more than 250 mobile vaccination sites, and conducted over 25,000 vaccinations including through clinics at employer and school sites.

Vaccine Access and Administration providers are being deployed to smaller venues in community settings, where we are able to provide more intensive, one-on-one support to get people vaccinated.

As of May 24th, in-home vaccination is now available to anyone who has difficulty accessing a vaccine clinic. These services may be accessed by contacting the Homebound Vaccination Central Intake Line at 833-983-0485, Monday through Friday, 9 to 5. Representatives are available in both English and Spanish, as well as translators for over 100 languages.

**PRIDE MONTH**

Commissioner Bharel stated that Pride Month commemorates the anniversary of the Stonewall riots in New York City in 1969 that were a "tipping point" and paved the way for the modern movement for LGBTQ+ rights.

**COMMISSIONER FAREWELL**

Commissioner Bharel announced that this meeting will be her last PHC meeting and shared a few highlights:

Massachusetts has consistently ranked among the top 5 healthiest states in the nation, according to the American Health Rankings report.

* MA was the first in the nation to control access to vaping products and tobacco flavors, including menthol, in 2019 in state law. This came after the important steps we took as a Council to declare that EVALI due to vaping was a public health emergency in order to reduce the incidence of this devastating lung disease among our residents.
* Massachusetts has maintained the highest childhood vaccination rate in the country since 2019.
* In 2017, the Department was awarded national accreditation status by the Public Health Accreditation Board, a significant achievement recognizing the work and dedication across all of our bureaus as well as the important work of the Council in informing Department policy.
* Improved Massachusetts’ prevention, intervention, treatment, and recovery to respond to the opioid crisis and increased access to treatment for individuals suffering from opioid use disorder.
* Created the first in the nation Opioid Core Competencies for educating physical, dental, and behavioral health professionals; and
* Launched the Prescription Drug Monitoring Program in 2016 to track scheduled prescriptions. Since its implementation, there has been a 45% decrease in opioid prescriptions.
* Revamped the medical marijuana program, resulting in the safe opening of medical dispensaries prior to its successful transfer to the newly established Cannabis Control Commission in 2018.
* Through Governor Baker’s regulatory review, the Department reviewed over 150 DPH regulations. As a Council, we reviewed and made critical updates to or rescinded almost 70 regulations as part of the Commonwealth’s regulatory review initiative. Key changes among the over 40 regulations amended include:
* Implementing landmark revisions to the Determination of Need (DoN) regulation that prioritize social determinants of health and ensure our communities are recognized with critical funding to address social determinants of health.
* Since the 2017 updates, Community Health Initiative funding totals over $65 million, with close to $18 million going to the Community Health Fund and close to $1.5 million to the Healthy Aging Fund.
* Strengthened DPH’s Childhood Lead Poisoning Prevention regulations to lower the blood lead level of children considered to have lead poisoning, establishing a blood lead level of concern, streamlining de-leading practices, and expanding required blood lead screening.
* Successfully implemented nearly universal use of electronic prescribing in the Commonwealth, further reducing opportunities for prescribing errors and enhancing prescription security.
* Launched the Gun Violence Prevention Program, a first for the DPH, highlighting gun violence as the public health issue it is.
* Marked the 150th anniversary of the Department of Public Health.
* Created the Office of Population Health which provides a precision public health approach to highlighting the impact of social determinants of health and unearth data disparities, furthering our central mission as a Department to identify and irradicate health inequities.
* Worked together over the last 16 months to address the public health pandemic of our lifetimes-working to create policy and programming and offer scientific facts and data in the presence of a rapidly involving novel virus.

DPH has shifted from looking at the work through one disease or health condition at a time to looking at the people, the populations who continue to carry a disproportionate burden of illness and disease, regardless of the cause- whether it is COVID-19, Opioid use disorder, obesity, diabetes mellitus (DM), heart disease etc.

Commissioner Bharel stated DPH has created an infrastructure in which health equity is not only central to the work - but also ensures that those efforts are staffed and resourced across the Department in ways that are impactful, targeted, and lasting.

Commissioner Bharel stated that the PHC members played a part in shaping and improving the health of our residents, pushing DPH to dig deeper to address health disparities. And none of these accomplishments would have happened without our amazing DPH staff.

Commissioner Bharel then acknowledged the wonderful work of the DPH staff over the past 6.5 years and stated her appreciation to serve as the Commissioner of the DPH.

Commissioner Bharel then asked if the Council members had any remarks or questions before proceeding.

Dean Cox commended Commissioner Bharel’s leadership for DPH and the great staff for all the good work being done.

Dr. Kneeland also commended Commissioner Bharel for all her service with DPH.

Mr. Jacob commended Commissioner Bharel and the Office of Local and Regional Health on their strong leadership for the Commonwealth.

Secretary Chen stated she is privilege to serve the Commonwealth with Commissioner Bharel emphasizing all the great work she has done for the state.

Ms. Cruz Davis stated that she appreciates Commissioner Bharel’s strong leadership and thanked her for her service.

Dr. Carey thanked Commissioner Bharel for her steadfast leadership and contributions in the past year.

Dr. Bernstein thanked Commissioner Bharel for all the important information and data driven approach to public health to drive equitable change.

Commissioner Bharel thanked the council members for their comments.

**1. ROUTINE ITEMS**

c. May 12, 2021 Minutes (Vote)

The Commissioner asked if there was a motion to approve the May PHC minutes.

Dr. Bernstein requested a correction be made for one of his comments. The Council then proceeded to vote with the agreed upon revision.

Dr. Bernstein made the motion, which was seconded by Mr. Jacobs. All members present approved. Ms. Blondet abstained.

**2. NONROUTINE ITEMS**

1. **Request for approval of the Public Health Council for the Commissioner to continue to address the public health issue of COVID-19 in the Commonwealth, pursuant to Governor Baker’s Declaration of a Public Health Emergency issued May 28, 2021. (Vote)**

Commissioner Bharel invited Elizabeth Scurria-Morgan, Acting General Counsel, to explain the Declaration of Public Health Emergency issued by Governor Baker on May 28, 2021, for ongoing response to the COVID-19 pandemic.

Upon conclusion of Ms. Scurria-Morgan’s explanation, Commissioner Bharel then asked if the Council members had any questions before proceeding.

Dr. Bernstein asked how large gatherings will be addressed to prevent the spread of COVID-19.

Commissioner Bharel stated that the restrictions have been lifted for vaccinated individuals. High risk settings will still be restricted to prevent the spread.

Secretary Chen asked when this would take effect.

Ms. Scurria-Morgan stated this approval will extend beyond June 5th regarding the Governors public health emergency due to COVID-19.

Commissioner Bharel requested a motion to approve this request authorizing the Commissioner of the Massachusetts Department of Public Health to take actions as necessary during the period of emergency.

Mr. Hovan made the motion which was seconded by Dr. Carey, all other present members approved.

Commissioner Bharel stated the request to authorize the Massachusetts Commissioner of Public Health to take additional actions as necessary during the period of emergency is approved.

**3. EMERGENCY REGULATIONS**

**a. Request to rescind, on an emergency basis, 105 CMR 316.000, Use of Face Masks and Coverings in Response to the COVID-19 Pandemic. (Vote)**

Commissioner Bharel invited Lynn Squillace, Deputy General Counsel, to present on a request to rescind on an emergency basis, the Department’s regulation addressing the use of face masks and coverings in Massachusetts**.**

Upon conclusion of Ms. Squillance’s explanation, Commissioner Bharel asked if the council members had any questions.

Dr. Bernstein asked if in the event that a variant virus emerges, can this regulation be restored.

Ms. Scurria-Morgan stated yes.

At the conclusion of questions from Council members, Commissioner Bharel asked if there is a motion to approve the proposed emergency rescission of 105 CMR 316.000.

Secretary Chen made the motion, which was seconded by Ms. Blondet. All present approved.

Commissioner Bharel stated the emergency rescission is approved.

**4. DETERMINATIONS OF NEED**

**a. Request by Chelmsford Surgery Center, LLC for a Substantial Change in Service. (Vote)**

Commissioner Bharel invited to invite Determination of Need Program Director, Lara Szent-Gyorgyi, to review the staff recommendation for Chelmsford Surgery Center, LLC’s request for a Substantial Change in Service. She is joined by Rebecca Rodman, Senior Deputy General Counsel.

Mr. Hovan recused himself at 9:46am.

Dr. David joined the meeting at 10:04am.

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

Dr. Carey noted that ambulatory surgery centers (ASCs) are reimbursed at less than half the rate of the Hospital Outpatient Department (HOPD) and asked how this revenue loss will be offset.

Mr. Jody White stated that they are trying to lower the cost of high quality care and are focused on the total cost of care and that he expects to align with surgeons to improve patient care and decrease the cost of care per case.

Dr. Bernstein requested data reporting for English proficiency challenges.

Mr. White stated that the patients will have access to translation services.

Dr. Bernstein asked about online services with limited languages.

Mr. White stated that they are focused on this as well and are committed to ensuring patients are cared for.

Dr. Bernstein asked about their investment in preventative strategies for the area.

Mr. White stated that they have established the Greater Lowell Health Alliance that includes a center for weight management to reduce obesity through preventative methods.

Dr. Bernstein asked about access to health resources and social determinants of health.

Mr. White stated the alliance includes many resources to combat social determinants of health including access to fresh produce and other resources needed for the community.

With no further questions, Commissioner Bharel asked if there was a motion to approve Chelmsford Surgery Center, LLC’s request for substantial change in service.

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

Commissioner Bharel stated the Chelmsford Surgery Center, LLC’s request for substantial change in service is approved.

Mr. Hovan returned a 10:12am.

**4. PRESENTATIONS**

**a. New Results and Updates from the COVID-19 Community Impact Survey (CCIS)**

Commissioner Bharel invited Dr. Sabrina Selk, Director of our Office of Health Equity, to present data and survey findings related to sexual orientation, gender identity, and transgender experience.

Upon conclusion, Commissioner Bharel asked if the Council members had any questions.

Dr. Cruz Davis thanked Dr. Selk for the presentation and work on these issues.

Dr. David asked if the housing is being accessed by this community and people of color.

Dr. Selk stated that DPH has prioritized housing by creating working groups, models and methods to collect data to inform successful approaches, though is there is more work to do that will be ongoing.

Ms. Blondet asked how the communities of color will be monitored for social determinants of health (SDOH).

Dr. Selk stated that DPH is committed to extend the CCIS survey to gather more data for additional public health issues.

Mr. Jacob asked if there is anything the PHC can do to help translate the data into action to support efforts.

Dr. Selk stated that internally DPH has data to action staff to incorporate knowledge, implement, and sustain efforts.

Dr. Bernstein asked how will these issues be tracked as the pandemic lifts.

Commissioner Bharel stated that DPH is focused on embedding these issues in the work for the future.

Ms. McNamara stated on behalf of Secretary Poppe, would like to thank the Commissioner for all her work on behalf of veterans and public health service.

Commissioner Bharel thanked all the council members and acknowledge their strong leadership and expertise in public health.

Dr. David thanked the Commissioner for her work and leadership.

With no further questions, Commissioner Bharel reminded Council members the next meeting would be held on Wednesday, July 14, 2021.

Commissioner Bharel 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 10:40am.