**MINUTES OF THE PUBLIC HEALTH COUNCIL**

**Meeting of May 13, 2015**

**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, May 13, 2015 9:00 AM**

1. **ROUTINE ITEMS:**
	1. Introductions
	2. Updates from Commissioner Monica Bharel, M.D.
	3. Record of the Public Health Council Meeting April 8, 2015 **(Vote)**

1. **PRESENTATIONS**
	1. Review of Cardiac Catheterization
	2. Long Term Care Facility Update
	3. Breast Cancer Prevention
	4. Boston Marathon Update
	5. Executive Session

The Public Health Council will meet in Executive Session as authorized by M.G.L. c. 30A, s. 21(a)(3) for the purpose of discussing strategy with respect to litigation, specifically Zogenix, Inc. v. Patrick et al. and Medical Marijuana of Massachusetts v. Bartlett.

*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**

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

**Date of Meeting:** Wednesday, May 13, 2015

**Beginning Time:** 9:11 AM

| **Board Member** | **Attended** | **Item 1c****Minutes of the April 8, 2015** | **Item 2e****Executive Session –Opening- Roll Call** | **Item 2d-****Executive Session-Closing- Roll Call**  |
| --- | --- | --- | --- | --- |
| Monica Bharel | Yes | Yes | Yes | Yes |
| Edward Bernstein | Yes | Yes | Yes | Yes |
| Derek Brindisi | Absent | Not Voting | Not Voting | Not Voting |
| Harold Cox | Yes | Yes | Yes | Yes |
| John Cunningham | Yes | Yes | Yes | Yes |
| Michele David | Yes | Yes | Yes | Yes |
| Meg Doherty | Yes | Not Voting | Yes | Yes |
| Michael Kneeland | Yes | Yes | Yes | Yes |
| Paul Lanzikos | Yes | Yes | Yes | Yes |
| Denis Leary | Absent | Not Voting | Not Voting | Not Voting |
| Lucilia Prates-Ramos | Absent | Not Voting | Not Voting | Not Voting |
| Jose Rafael Rivera | Yes | Yes | Yes | Yes |
| Meredith Rosenthal | Yes | Yes | Not Voting | Not Voting |
| Elizabeth Scurria Morgan | Not Voting | Not Voting | Not Voting | Not Voting |
| Alan Woodward | Yes | Yes | Yes | Yes |
| Michael Wong | Yes | Yes | Not Voting | Not Voting |
| **Summary** | **12** **Members attended** | **11****Approved with votes** | **10** **Approved with votes** |  |

**Ending Time:** 11: 18 AM

**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 May 13, 2015 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: Department of Public Health Commissioner Monica Bharel (chair); Edward Bernstein, MD; Harold Cox; Meg Doherty; Michael Kneeland, MD; John Cunningham PhD; Alan Woodward, MD; Paul Lanzikos; Michele David, MD; Meredith Rosenthal, PhD;

Jose Rafael Rivera; and Michael Wong, MD

Absent member(s) were: Derek Brindisi; Lucilia Prates-Ramos and Denis Leary

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 9:11 AM and made opening remarks before reviewing the agenda. The Commissioner’s remarks included the following items:

**1b: Updates from Commissioner Monica Bharel, M.D., MPH**

1. The Commissioner noted that there would be a change in the order of presentations at the Council meeting and that the Boston Marathon presentation would be going first.
2. The Commissioner recognized and congratulated three members of the Council for their various achievements. Jose Rivera will be receiving the Lemuel Shattuck Award from the Massachusetts Public Health Association on June 2, Dr. Alan Woodward was honored on May 1 by the Massachusetts Medical Society as the 2015 recipient of its Lifetime Achievement Award and lastly, Dr. Meredith Rosenthal received the inaugural Mentoring Award from the Committee on the Advancement of Women Faculty at Harvard for her role in fostering a community of women in their personal and professional lives.

In addition, Commissioner Bharel spoke about the Department’s Employee Recognition event and reminisced about one of her favorite accolades of the day.

1. The final Public Task Force on Opioids was on May 1. The task force will be in executive discussion throughout the month of May to discuss recommendations to present to the Governor by June 11.
2. At the end of April, Massachusetts had its first confirmed case of measles. DPH has been consistent in its communication with clinicians and health care facilities over the past several months. Commissioner Bharel took a moment to thank the staff at the Bureau of Infectious Disease for their quick response on getting accurate information out to the public and for their vigilance in protecting the health of Massachusetts residents.
3. Commissioner Bharel updated the members on some of the work the Department had presented to the Council over the past few months.
	1. In March, Carlene Pavlos and Alan Holmlund from our Suicide Prevention Program presented about their work within the Department. Thanks to DPH’s participation in the National Violent Death Reporting System, we are able to look more closely at the circumstances of suicide in MA.
	2. During the April meeting, Georgia Simpson May presented on the Office of Health Equity and about the state’s Health Needs Assessment of People with Disabilities. A question was asked about the number of respondents that identified with more than one of the “Top 10 Big Problems.” Out of the 865 respondents, 65% identified with 5 or more of the top 10 issues. 9 of the top 10 listed in 10% and 6% identified with all 10.

**1c: MINUTES (Vote)**

Record of the Public Health Council Meeting April 8, 2015 (Vote)

Commissioner Bharel asked for a motion to approve the minutes from April 8, 2015. After no discussion, Dr. Alan Woodward made a motion to approve the minutes and Dr. Michael Wong seconded. All voted in favor.

* 9:37 AM Meg Doherty arrives (after the vote of minutes)

**PRESENTATIONS:**

1. **Boston Marathon Update**

Mary Clark, Director, Bureau of Emergency Preparedness presented on updates from the Boston Marathon.

At the conclusion of the presentation, Commissioner Bharel asked the members if they had any questions**.**

Dr. Bernstein – Asked if there were any value in tracking the amount of people who start, but do not finish the race?

Ms. Clark – Agreed this would be helpful and could be tracked by…

Mr. Rivera – Asked about medical tents and staff with limited English proficiency.

Ms. Clark – The American Red Cross does provide…

1. **Review of Cardiac Catheterization**

Deborah Allwes, Director of Health Care Safety and Qualitypresented on a review of cardiac catheterization alongside Suzanne Cray, Director of Health Care Integration andCarol Balulescu, Deputy General Counsel

At the conclusion of the presentation, Commissioner Bharel opened up the floor for questions.

Dr. Woodward – Referenced a Circular Letter of July 2014 – is this still the feeling of the ICSAC (Invasive Cardiac Services Advisory Committee)?

Ms. Allwes – We are going to be reengaging with the ICSAC to see if this is still their feeling.

Dr. Woodard – What is the time frame for the updated regulations?

Ms. Allwes – I don’t have a specific date for you.

Dr. Woodward – What is the timing of the DoN that we have reviewed on this issue? Will it come before the updated regulations?

Ms. Allwes – This Is under review. The licensing component would not come back to the Public Health Council as it would go through the Bureau of Health Care Safety and Quality.

Dr. Woodward –The concern of the Council is establishing another Cath Lab next to one that already exists. They are expensive to staff. I like your table, but I would love to color the dots as related to their capabilities. It’ll help us understand regional access issues.

Ms. Allwes- We will provide updated maps.

Dr. Rosenthal – One issue to put on the table is appropriateness through the same data you use to judge quality. Can Mass-DAC data judge this? I believe that it uses mortality as the key standard but you should try to figure out how to factor in appropriateness of the procedures. I worry about the volume minimums. Your data would do well to get into that. She noted her concern that an entity is not an ACO for all patients at all times. The ACO loophole that was announced last year concerns me as it allows the entity to circumvent the process. You need to look at the purpose of expansion for quality purposes.

Ms. Doherty – Is there a known risk assessment tool for interventions? We can look at evaluating this. You mentioned using correcting action. What did you mean?

Ms. Allwes – We will look at the possibility of a risk-assessment tool during the regulation review. People have to meet volume minimums. We know people don’t meet these volume minimums so what do we do? In terms of corrective action plan, I meant that we identified the need to update our regulations and our corrective action is to engage stakeholders to do so.

Dr. Woodward – It’s a complex equation. The concept of having a site in close proximity that is marginal in terms of volume, but has less service, really begs the access and quality. Let’s figure out how to address this.

Dr. Bernstein – At some point we’ll need information on ACO and health planning. This may be positive information but need to learn more.

1. **Long Term Care Facility Update**

Deborah Allwes, Director, Bureau of Health Care Quality and Safety presented an update on long term care facilities alongside Sherman Lohnes, JD, Director of the Division of Health Facilities Licensure and Certification.

At the conclusion of the presentation, Commissioner Bharel opened up the floor for questions.

Mr. Lanzikos – This effort is not sufficient. A review of regulations and best practices is long overdue in Long Term Care Facilities. We need state of the art. Many of these facilities do need to be updated in standards of care and ambiance. However, since 2009 over $600 million for upgrades affecting 10,000 beds was approved under the radar. There has been a capacity shift from urban to suburban settings. Long term support care is transitioning to short term rehabilitation capacity. We will end up with excess capacity that is not easily converted to long term care space. I think nursing facilities have an exquisitely important role to play going into the future. Facilities must interface with the community and its needs.

Ms. Doherty – I am in agreement with Paul Lanzikos. Lack of regulatory updates is leading to inappropriate admission to assisted living facilities. We are not a certificate of needs state for homecare. I think this is something that has to be addressed as well.

Dr. Wong – I agree with all the statements that have been made so far. It’s long overdue. Are you able to get access to quality access data that are measurable? Has that been able to be linked to some of the outcomes that you’re seeing?

Mr. Lohnes – Yes, there is information available.

Ms. Doherty – Offered Ms. Allwes the link…

Dr. Bernstein – How can Emergency closure, such as a natural disaster be linked into the system?

Ms. Allwes – Your comment is well noted about emergency closures. We work very closely with Mary Clark in Emergency Preparedness.

Dr. Woodward – This is another timely topic and the right time for review. What is the timeframe for these regulations? Will the Governor’s proclamations impact this information coming to us in a timely manner?

Ms. Allwes – It should not impact this specific process.

Ms. Scurria Morgan – There is going to be a tool issued from Administration and Finance to help with this process.

Mr. Lanzikos – I’d like to reiterate that we do not want to wait on a tragedy to respond to this. Too many elders are not properly taking or being administered medications, and we cannot rely solely on RNs to do this. Long term care facilities cannot take the stance they do not provide mental health – that has to change. $600 million was spent over six years could be better spent on things other than just capital expenditures.

Commissioner Bharel – The Department is a piece of this long term care pie, and we have to see how we fit into this pie with other agencies who have a role to play in long term care.

1. **Breast Cancer Prevention**

Anita Christie, Director of the Office of Clinical Preventive Services from the Bureau of Community Health and Prevention presented on breast cancer prevention alongside Lauren Nelson, Director of Policy and Quality Improvement at the Bureau of Health Care Safety and Quality.

At the conclusion of the presentation, Commissioner Bharel asked opened the floor up for questions.

* At approximately 10:30 AM – Both Dr. Meredith Rosenthal and Dr. Michael Wong left the meeting and did not return.

Dr. David – This particular data is really rare for us. What is being done to help physicians help guide patients with dense breast tissue?

Ms. Christie – Typically we see a 6 month follow up for dense breasts for a certain period of time, but there are no recommendations right now.

Commissioner Bharel – To your point, Dr. David, we are in this grey areas where the law precedes the clinical guidance on this. Clinicians should advocate federally and with their trade groups for more guidance on this.

Mr. Lanzikos – Why does the care coordination only go to women at 64?

Ms. Christie – We often make exceptions to that, but we are bound by the Federal dollars, although we do have State dollars.

Mr. Lanzikos – Noted that issues like this are very overwhelming for women who have intellectual challenges.

Commissioner Bharel – Noted that this speaks to the broader issue of health literacy overall.

Ms. Christie – We have created a team of people that has been instrumental in helping with this.

Dr. Bernstein – We should be raising this at each level.

Ms. Christie – The credentialing piece that is currently happening has been long standing. We are going to be revising the curriculum.

Dr. Bernstein – Do you collect data by age as well?

Ms. Christie – Yes, we can definitely get that.

1. **Executive Session**

At the conclusion of the presentations, Commissioner Bharel took a roll call vote to enter into executive session. This began at 11:07 AM. Dr. Edward Bernstein moved and Meg Doherty seconded.

Rebecca Rodman, Deputy General Counsel presented the litigation strategy with regard to Zogenix, Inc. v. Patrick et al.

At the conclusion of the presentation, Commissioner Bharel asked opened the floor up for questions. There were no questions or comments.

Kay Doyle, Deputy General Counsel presented all pending litigation relating to the Medical Use of Marijuana Program.

At the conclusion of the presentation, Commissioner Bharel asked opened the floor up for questions.

Dr. Woodward – Wanted to clarify the Council’s role was only in approving the regulations.

Ms. Doyle – Answers Dr. Woodward’s question.

Mr. Lanzikos – *Missed the specifics of his question.*

Dr. Woodward – I have a separate discussion.

Ms. Doyle – I’m happy to discuss this after Executive Session.

Dr. David – *Missed the specifics of her question.*

Ms. Doyle – Yes, that’s a great question.

Commissioner Bharel asked for a motion to adjourn. Mr. Rivera made a motion to adjourn and Dr. Edward Bernstein seconded. All approved.

The meeting adjourned at 11:18 AM on a motion by and passed unanimously without discussion.

LIST OF DOCUMENTS PRESENTED TO THE PHC FOR THIS MEETING:

1. Docket of the meeting
2. Minutes of the Public Health Council meeting of April 8, 2015.
3. Copies of all power point presentations (emailed upon conclusion of the meeting)

Commissioner Monica Bharel, Chair