MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of November 18, 2020

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, November 18, 2020 – 9:00AM**

***Note: The November 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://us02web.zoom.us/j/85944148728>

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

Meeting ID: 859 4414 8728

1. **ROUTINE ITEMS** 
   1. Introductions
   2. Updates from Commissioner Monica Bharel, MD, MPH.
      1. Review of Opioid-related Overdose Death Data, 1st Half of 2020
   3. Record of the Public Health Council Meeting held October 14, 2020. **(Vote)**
2. **EMERGENCY REGULATIONS** 
   1. Request to Approve on an Emergency Basis Proposed Amendments to 105 CMR 700.000, *Implementation of M.G.L. c. 94C.*

**3. PRESENTATIONS**

a. Overview of the Bureau of Substance Addiction Services’s COVID-19 response

b. Informational presentation on Serious Reportable Events in 2019.

*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: November 18, 2020

Start Time: 9:10AM Ending Time: 10:59AM

| Board Member | Attended | First Order: Approval of October 14, 2020 Meeting Minutes (Vote) | Second Order: Approval on an Emergency Basis Proposed Amendments to 105 CMR 700.000, *Implementation of M.G.L. c. 94C.* |
| --- | --- | --- | --- |
| Commissioner Monica Bharel | Yes | Yes | Yes |
| Edward Bernstein | Yes | Yes | Yes |
| Lissette Blondet | No | Absent | Absent |
| Kathleen Carey | Yes | Yes | Yes |
| Sec. Elizabeth Chen | Yes | Yes | Yes |
| Harold Cox | Yes | Yes | Yes |
| Alba Cruz-Davis | Yes | Abstain | Yes |
| John Cunningham | Yes | Yes | Yes |
| Michele David | No | Absent | Absent |
| Claude Jacob | Yes | Yes | Yes |
| Michael Kneeland | Yes | Yes | Yes |
| Keith Hovan | Yes | Yes | Yes |
| Joanna Lambert | Yes | Abstain | Yes |
| Acting Secretary Cheryl Poppe | Yes | Yes | Yes |
| Summary | 12 Members Present;2 Absent | 10 Members Approved; 2 Abstained; 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, November 18, 2020 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; Keith Hovan; Claude Jacob; Michael Kneeland, MD; and Acting Secretary Cheryl Poppe.

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 9:10AM and made opening remarks before reviewing the agenda.

**1. ROUTINE ITEMS**

b. Updates from Commissioner Monica Bharel, MD, MPH

The Commissioner’s updates included a staffing update, introduction to the Council’s newest member, Alba Cruz-Davis; as well as updates on the Department’s efforts to respond to COVID and address health equity. She concluded by providing an overview of the opioid related overdose report being released that day that included the first nine months of 2020.

Secretary Chen asked what could be done from a regulatory perspective to limit access to fentanyl.

Commissioner Bharel responded that most of the fentanyl we see is not prescribed but instead is black market with public safety initiatives to address that and, from a public health point of view, our job is to educate people on the risks.

Secretary Chen asked if there is any information on substance misuse among caregivers, indicating they are experiencing high levels of suicide ideation and substance use, and if there could be data on that in the future or whether it shows this is a non-opioid substance.

Commissioner Bharel indicated she could look into whether or not this information is reported to the Department.

Claude Jacob asked about the acceleration prior to COVID-19 and whether there are other opioid-related issues we should be paying attention to given the impacts of isolation from COVID-19.

Commissioner Bharel responded that the data shows us COVID and related issues of isolation have been taxing for all of us, especially for those with other vulnerabilities such as chronic disease exacerbation, substance use disorder exacerbation, and mental health exacerbation. She indicates our role is to identify these individuals and provide supports and that Bureau of Substance Addiction Services Director Deirdre Calvert would review some of these initiatives with the Council later in the meeting.

Mr. Jacob added that, given the ongoing pandemic, we need to think about how to amplify communication from trusted sources on the ground related to vaccine and other issues in order to engage with residents, and offered local health as another partner.

Commissioner Bharel responded that is one of the reasons the COVID-19 Community Impact Survey was launched, to better understand needs of residents and communities so we can ensure we are providing the resources they need and better enable us to engage with the community. She also thanked local public health for all of their work and support throughout the pandemic.

Dr. Edward Bernstein asked if the EMS data could be benchmarked against all other ambulance runs to understand how the overdose data compares to other EMS data and whether this could show early warning signs in a given community.

Commissioner Bharel indicated she would discuss this with staff to understand what is possible.

**1. ROUTINE ITEMS**

c. Record of the Public Health Council October 14, 2020 Meeting (Vote).

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

Secretary Chen made the motion, which was seconded Keith Hovan. All members present approved, except for Ms. Cruz-Davis and Ms. Lambert who abstained.

1. **EMERGENCY REGULATIONS** 
   1. Request to Approve on an Emergency Basis Proposed Amendments to 105 CMR 700.000, *Implementation of M.G.L. c. 94C.*

Commissioner Bharel then invited Lauren Nelson, Director of Policy and Regulatory Affairs for the Bureau of Health Professions Licensure, to present a proposed emergency amendment to the Department’s Drug Control Program regulation, 105 CMR 700.000. She was joined by Rebecca Rodman, Senior Deputy General Council

Upon conclusion of Ms. Nelson’s presentation, the Commissioner opened the meeting to questions from the Council.

Dr. Kneeland asked if physician assistant (PA) students could be included in this regulation.

Ms. Nelson responded that, as amended, the regulation does not specify PA students. Ms. Rodman added that the regulation may allow Commissioner to designate PA students to administer vaccine, and believes these students may already be authorized to do so under proper supervision. .

Dr. Kneeland encouraged the Department to continue think about including them in the regulation as we may need their help.

Secretary Chen asked if the same would be true for pharmacy students.

Ms. Nelson noted pharmacy interns are already able to administer vaccine. Ms. Rodman indicated we would review to see if possible to include students other than interns as well.

Dr. Bernstein asked if there has been an analysis of the state’s vaccinator capacity related to COVID vaccine.

Dr. Larry Madoff, Medical Director for the Bureau of Infectious Disease and Laboratory Sciences, responded that this is something we are looking at on many fronts as anticipate what the need will be. He indicated initially vaccine supply will be the main constraint and that we do have a high number of vaccinators in the state.

Pejman Talebian, Director of the Immunization Program within the Bureau of Infectious Disease and Laboratory Sciences, added that he has been reviewing data on available vaccine and part of that includes available vaccinators. He indicated the vaccination process would hopefully begin in December and likely extend into the summer. He added that at this time the information available does not indicate a need for additional vaccinators beyond what is included in the regulation.

Dr. Bernstein asked if PPE supply shortages would be an issue with regard to the vaccine, similar to shortages seen during the spring.

Mr. Talebian responded that the federal government is sourcing most of the supplies with the vaccine and that the state has procured all non-federally provided supplies above and beyond what the state will need to vaccinate.

Ms. Lambert noted local flu clinics sponsored by towns have not included children and asked if that is something that could be done going forward.

Mr. Talebian indicated it is a local decision to include children in a vaccination clinic and that the Department encourages children be included.

Ms. Cruz-Davis highlighted the need to target communities of color and others regarding COVID vaccine, and wondered if information from the COVID-19 Community Impact Survey would inform outreach strategies for this purpose.

Commissioner Bharel indicated this information would inform our efforts, in addition to our current communication planning efforts related to COVID-19 vaccine

Dr. Madoff responded that there is a robust communication effort that is part of our COVID-19 vaccination strategy in addition to the COVID Vaccine Advisory Group.

Mr. Talebian added that the communications team is putting together a comprehensive communications campaign that will include community engagement to inform that work.

Mr. Jacob asked for clarity on the specific groups included in this regulation and related order.

Dr. Bernstein asked what lessons learned we can apply to vaccinating those outside of healthcare.

Mr. Talebian indicated that flu vaccination uptake is expected to be higher this year, but noted that vaccine hesitancy is a real issue and, particularly as related to COVID-19, something the Department is looking at how to best address. He indicated that we continue to work to address flu vaccine hesitancy as well.

Seeing no further questions, Commissioner Bharel asked if there was a motion from the Council to approve the emergency amendments to the regulation. Dr. Bernstein made the motion which was seconded by Mr. Jacob; all present approved the emergency regulation.

**3. PRESENTATIONS**

a. Overview of the Bureau of Substance Addiction Services’s COVID-19 response

Commissioner Bharel then invited Bureau of Substance Addiction Services Director Deirdre Calvert for a presentation on the Bureau’s substance use disorder treatment and opioid epidemic response during the pandemic.

Upon the conclusion of Ms. Calvert’s presentation, the Commissioner opened the meeting to questions from Council members.

Mr. Jacob asked if there is anything helpful to think about regarding ongoing COVID-19 fatigue as it also relates to overdoses.

Ms. Calvert responded that the Bureau is always trying to determine the best way to get this messaging out, and the impact of isolation on substance misuse as well as on women due to childcare concerns impacting their decision or ability to seek treatment. She indicated the Bureau has a 23-page document with community supports and resources. Ms. Calvert added that there will be an RFR posted today called Housing First to offer single-occupancy to those who have HIV and continue to use substances.

Dr. Bernstein indicated his emergency department is seeing mid-December timing for a second surge and is concerned about system capacity in emergency departments and substance use disorder treatment.

Ms. Calvert indicated there is currently one unit available to accept COVID positive patients seeking treatment, and that other facilities have the ability to cohort COVID positive patients already in treatment in the facility. She added that the Bureau is examining additional COVID positive treatment capacity to help assist with boarding issues and ensure access to treatment.

Secretary Poppe asked if the pre-release recovery program includes medication assisted treatment.

Ms. Calvert indicated that BSAS strongly encourages all providers to offer all forms of medication assisted treatment, but regarding that program it would depend on the specific house of correction as to what medications are offered.

Dr. Bernstein indicated data shows increased overdoses during the COVID-19 pandemic, but in looking at our state opioid report today and the EMS data particular it appears we are remaining flat. He added he’s concerned we could be missing something and suggests looking at the ambulance data for other types of ambulance runs in addition to overdose responses.

Ms. Calvert agreed it may be helpful to examine the data in different ways and across different settings.

Dr. Bernstein then asked what specifically will be done to respond to some of the hesitancy to seek treatment in women and increasing capacity.

Ms. Calvert responded that if someone becomes positive while at the program they are able to remain in treatment. She added that BSAS has a strong women support team and also continues to work with the Department of Children and Families to work to address this issue and support women to maintain their caregiver duties.

Dr. Bernstein this emphasizes the importance of the social determinants of health in protecting people from COVID-19.

Ms. Calvert emphasized the magnitude of expanding take-home medication expansion during COVID-19 and the importance of that to patient access.

Dr. Bernstein highlighted the need for access to care for people of color.

Ms. Calvert agreed and indicated BSAS continues to work to better engage people of color and support their access to treatment.

**3. PRESENTATIONS**

b. Informational presentation on Serious Reportable Events in 2019.

Seeing no further questions, Commissioner Bharel then invited Dr. Katherine Fillo, Director of Clinical Quality Improvement for the Bureau of Health Care Safety and Quality; and Kate Saunders, Manger of Data Analysis and Integrity for the Bureau, to present on serious reportable events in healthcare facilities during 2019.

Upon the conclusion of Dr. Fillo’s and Ms. Saunders’ presentation, Commissioner Bharel opened the meeting to questions from Council members.

Dr. Carey wanted to understand the individuals involved in reporting and responding to serious reportable events.

Dr. Fillo responded that this information is disseminated to health care facility leadership, risk managers, and patient safety staff in order to engage on trends around serious reportable events. She added that the Department meets with risk management stakeholder organizations to engage on trends and responses. Dr. Fillo included it is very important for leadership to be involved to in order to respond to these events.

Dr. Bernstein asked if there is any focus on injuries among patients who are restrained and whether this has been evaluated by race and ethnicity.

Dr. Fillo indicated this is a measure that is tracked, and that there has been a multi-year effort to train staff on a clinically informed model on when restraints may be necessary, with training also extending to security staff. She noted implementation of this training is observed during site visits. She added there are both state and federal regulations that address use of restraints.

Mr. Hovan indicated the numbers of assaults on staff appear to be under reported, and asked if there has been thought to doing additional analysis on this issue.

Dr. Fillo responded that this has been examined and she could share that information.

Dean Cox asked for an update on the status of the state’s homeless population generally and as relates to substance use disorder and COVID-19.

Commissioner Bharel indicated the Department would look to see what data is available on this, but noted the challenge in collecting data for this population and appropriate documentation of an individual’s status.

Dean Cox asked if the Department provides resources to communities to manage homelessness beyond what has been provided through BSAS.

Commissioner Bharel indicated she would look into this and get back to the Council.

Dr. Bernstein left the meeting at 10:55 and did not return.

At the conclusion of questions, Commissioner Bharel reminded the Council the next meeting would be December 9, 2020 at 9AM, and asked members if there was a motion to adjourn.

Secretary Chen made the motion, which was seconded by Dr. Cunningham; all in attendance approved.

The meeting adjourned at 10:59AM.