MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of October 12, 2022

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, October 12, 2022 – 9:00AM**

***Note: The October Public Health Council meeting will be held remotely as a video conference consistent with St. 2021, c. 20, s. 20, which provides for certain modifications to the Massachusetts Open Meeting Law due to COVID-19.***

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

Join by Web:

<https://eohhs.webex.com/eohhs/onstage/g.php?MTID=edb9448116b92ae170f675137596201ab>

Dial in Telephone Number: 844-621-3956 Access code: 2535 380 8560

1. **ROUTINE ITEMS**
   1. Introductions.
   2. Updates from Commissioner Margret Cooke.
      * Update on implementation of 105 CMR 130, *Hospital Licensure*
   3. Record of the Public Health Council Meeting held September 14, 2022 **(Vote)**.
2. **PRELIMINARY REGULATIONS**
   1. Overview of proposed amendments to 105 CMR 170, *Emergency Medical Services System.*
   2. Overview of proposed amendments to 105 CMR 171, *Massachusetts First Responder Training.*
3. **REGULATIONS**
   1. Request to promulgate amendments to 105 CMR 410, *Minimum standards of fitness for human habitation (State Sanitary Code, chapter II)* **(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.*

Attendance and Summary of Votes:

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

Date of Meeting: October 12, 2022

Start Time: 9:06 am Ending Time: 9:59 am

| **Board Member** | **Attended** | **First Order: Approval of September 14, 2022 Meeting Minutes (Vote)** | **Second Order: Request to Promulgate Amendments to 105 CMR 410 (Vote)** |
| --- | --- | --- | --- |
| **Commissioner Margret Cooke** | Yes | Yes | Yes |
| **Edward Bernstein** | Yes | Yes | Yes |
| **Lissette Blondet** | Yes | Yes | Yes |
| **Kathleen Carey** | Yes | Yes | Yes |
| **Secretary Elizabeth Chen** | Yes | Absent | Yes |
| **Harold Cox** | Yes | Yes | Yes |
| **Alba Cruz-Davis** | Absent | Absent | Absent |
| **Michele David** | Absent | Absent | Absent |
| **Elizabeth Evans** | Yes | Yes | Yes |
| **Eduardo Haddad** | Yes | Abstain | Yes |
| **Joanna Lambert** | Absent | Absent | Absent |
| **Stewart Landers** | Yes | Yes | Yes |
| **Mary Moscato** | Yes | Yes | Yes |
| **Secretary Cheryl Poppe** | Yes | Yes | Yes |
| **Summary** | 11 Members Present;  3 Absent | 9 Members Approved; 1 Abstained; 4 Absent | 11 Members Approved; 3 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, October 12, 2022, by the Massachusetts Department of Public Health, 250 Washington Street, Boston, Massachusetts 02108.

Members present were: Margret Cooke; Edward Bernstein, MD; Lissette Blondet; Kathleen Carey PhD; Secretary Elizabeth Chen, PhD; Dean Harold Cox; Elizabeth Evans, PhD; Eduardo Haddad, MD; Stewart Landers, Mary Moscato, and Secretary Cheryl Poppe.

Also in attendance was Rebecca Rodman, General Council at the Massachusetts Department of Public Health.

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

**1. ROUTINE ITEMS**

*b. Updates from Commissioner Margret Cooke*

Commissioner Cooke proceeded to update the council on the following:

**New Member – Dr. Eduardo Haddad**

Commissioner Cooke welcomed the newest member to the Council—Dr. Eduardo Haddad.

Dr. Haddad is Chief of Medical Affairs at Lawrence General Hospital and is a practicing medical kidney specialist with leadership roles on the medical staff, board of trustees, and administration of Lawrence General for more than 25 years. He has a particular focus on patient-centric medical care and population health management in underserved communities.

**Providers’ Council Expo**

Commissioner Cooke joined her fellow EOHHS commissioners last week on a panel at the Providers' Council 47th Annual Convention and Expo, believed to be the largest one-day gathering of the community-based human services sector in the Northeast. Both Governor Baker and Secretary Sudders addressed the group of nearly 1,000 nonprofit executives and human services workers at the event in Boston. The Department was glad to have the opportunity to share some of our work and successes over the past months, including progress on COVID-19 vaccination, opioid overdose prevention, and our department-wide equity work.

**Monkeypox Virus**

Commissioner Cooke said while numbers have started to decline, the Department is continuing to work on surveillance, prevention, and treatment of the monkeypox virus. More than 28,000 doses of the JYNNEOS vaccine have been administered to over 18,000 at-risk individuals. The Department continues local outreach and prevention messaging, and we update our data dashboard each week on Thursdays, with information on cases and people vaccinated.

**COVID-19 Vax Clinics**

Commissioner Cooke reported that the Department’s Vaccine Equity Initiative (VEI) team have nearly 300 family-friendly mobile COVID-19 vaccine clinics across 62 municipalities planned for October 1st through Thanksgiving. Clinic locations include local schools, grocery stores, and community centers. Examples of upcoming clinics include an event at South Middle School in Brockton, a partnership to reach the students at Boston University, as well as a clinic at a Benefit Fashion Show in Cambridge.

The VEI also helped host back-to-school vaccination clinics that provided over 9,000 COVID-19 vaccines throughout the summer to children and families in priority populations. Of these, nearly 25% of doses administered were first doses and over half were administered to people of color.

**Flu Reminder**

Commissioner Cooke said with flu season underway, DPH is urging residents to get both the flu shot and COVID-19 vaccine and boosters now to protect themselves, their families, and those around them. The month of October is an ideal time to get an annual flu vaccine before the season reaches its peak. Every person over the age of 6 months is recommended to get a flu shot every year. Additionally, the CDC has recommended that people 65 years and older get a high-dose flu vaccine this season. Flu and COVID-19 vaccination may be given at the same time.

Every flu season is different, and while it is difficult to predict severity, vaccination remains the best way for people to protect themselves and others. Commissioner Cooke urged everyone to get vaccinated to help prevent the circulation of flu on top of COVID-19, which could cause a strain on our health care system. She emphasized that those who are sick should stay home, get tested for flu and COVID-19, cover your cough and sneeze, and wash your hands frequently to prevent the spread of illness.

**Genomics Grant**

Commissioner Cooke announced that the Department has been selected by the CDC to receive $25 million over five years to establish the Northeast Pathogen Genomics Centers of Excellence. Massachusetts is one of five health departments nationally chosen to develop state public health laboratory genomics capability and foster innovation and technical capacity to better prevent and respond to infectious disease outbreaks.

DPH’s partners include the Broad Institute of MIT and Harvard as lead academic partners, along with Harvard, Boston University, Yale University, Fathom Information Design, Massachusetts General Hospital, and Theiagen Genomics.

**Update on implementation of 105 CMR 130 Hospital Licensure**

Commissioner Cooke introduced Elizabeth Kelley, Director of the Department’s Bureau of Health Care Safety and Quality to provide an update on 105 CMR 130, *Hospital licensure.*

After the presentation, Commissioner Cooke asked if there were any questions regarding any of the updates presented.

Dr. Haddad asked what the four other states chosen for the Genomics Grant were.

Commissioner Cooke replied that the Georgia Department of Public Health, the Minnesota Department of Public Health, the Virginia Division of Consolidated Laboratory Services, and the Washington State Department of Public Health were the other awardees.

Mr. Landers asked if there was an alternative solution to the motion detector problem or would they be eliminated because they are too problematic.

Ms. Kelley stated the information she shared was gathered from discussion with the workgroup and the guidance is being drafted in advance of the implementation in 2024, thought it will not be required, the hospitals can examine them.

Dr. Bernstein asked about EMS involvement to locate patients on campus versus hospital responsibility to locate these patients.

Ms. Kelly answered that the advisory group recognized there were times when the EMS is the best way to locate a patient, but ultimately it is the responsibility of the hospital.

With no further questions, Commissioner Cooke then turned to the docket.

**1. ROUTINE ITEMS**

*c. September 14, 2022 Minutes* ***(Vote)***

Commissioner Cooke asked if there were any changes to the September 14, 2022 minutes. There were none.

Commissioner Cooke asked if there was a motion to approve the September 14, 2022 minutes.

Mr. Landers made the motion, which was seconded by Ms. Moscato, Dr. Haddad abstained, and all other present members approved.

Secretary Elizabeth Chen arrived at 9:30 am

**2. PRELIMINARY REGULATIONS**

1. *Overview of proposed amendments to 105 CMR 170, Emergency Medical Services System*

Commissioner Cooke invited Marita Callahan, Director of Policy and Health Communications for the Bureau of Health Care Safety and Quality to present an overview of proposed amendments to the Department’s regulations regarding emergency medical services.

Upon conclusion of the presentation, Commissioner Cooke asked the council members if there are any questions or comments.

Dr. Bernstein asked if the language in the proposed amendment of “criminal history” could be more clearly defined. He felt we could be losing many people with minor criminal backgrounds.

Ms. Callahan assured him that the team will consider this suggestion during the comment period.

**2. PRELIMINARY REGULATIONS**

1. *Overview of proposed amendments to 105 CMR 171, Massachusetts First Responder Training*

Commissioner Cooke invited Marita Callahan, Director of Policy and Health Communications for the Bureau of Health Care Safety and Quality to present an overview of proposed amendments to the Department’s regulations regarding first responder training.

Upon conclusion of the presentation, Commissioner Cooke asked the council members if there are any questions or comments.

Dr. Haddad asked if any drugs other than naloxone and epinephrine will be immediately allowed under the protocol for first responders.

Ms. Callahan said not at this time, but the language in the regulation should reflect the allowance of future drugs to be added if appropriate. The Drug Control Program would oversee and regulate the drugs and controlled substances that may be used.

Ms. Evans stated her support of the amendment for all first responders to carry naloxone with fewer restrictions.

Dr. Bernstein asked for clarification if this means that first responders will be required to carry naloxone.

Ms. Callahan stated it is not required in this current regulation but will check if there is another regulation that states this requirement.

**3. REGULATIONS**

*Request to Promulgate amendments to 105 CMR 410, Minimum Standards for Fitness for Human Habitation (State Sanitary Code, chapter II)* ***(Vote).***

Commissioner Cooke invited Jennifer Robertson, Director of Strategic Initiatives to present a request to promulgate amendments to the Department’s regulations regarding the housing code. She was joined by Jim Ballin, Deputy General Counsel, and Nalina Narain, Director of the Bureau of Environmental Health.

Upon conclusion of the presentation, Commissioner Cooke asked the council members if there were any questions or comments.

Ms. Moscato confirmed that the expectation is for local boards of health to carry out the requirements of the regulation, per guidance that the Department will issue alongside the promulgation of this regulation.

Ms. Robertson concurred and said this may address inconsistencies.

Ms. Evans thanked DPH for contributing to this important work.

Ms. Robertson stated the focus was always to protect the most vulnerable populations in the state.

Dr. Bernstein asked if there was any thought given to furnished rentals. He said he noticed that in the list of pests, and that mites were excluded.

Ms. Robertson answered that this wording applies to all types of rentals. She said the definition of pests had been expanded and would include mites.

With no questions, Commissioner Cooke asked if there is a motion to promulgate amendments to 105 CMR 410.

Dr. Bernstein made the motion which was seconded by Ms. Evans and all members present approved.

Commissioner Cooke asked if there was a motion to adjourn.

A motion was made by Dr. Bernstein and seconded by Ms. Blondet, and all members present approved.

The meeting was adjourned at 9:59 am.