

MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of September 11, 2013

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

**PUBLIC HEALTH COUNCIL OF THE
MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH
Henry I. Bowditch Public Health Council Room, 2nd Floor
250 Washington Street, Boston MA**

Docket: Wednesday, September 11, 2013, 9:00 AM

1. ROUTINE ITEMS:

- a. Introductions
- b. Record of the Public Health Council Meeting of August 14, 2013 **(Approved)**

2. DRAFT REGULATION:

Proposed Rescission of 105 CMR 651.000: *Program for Air Testing and Remedial Measures for Residential Dwellings Insulated with Urea Formaldehyde Foam Insulation* **(Approved)**

3. DETERMINATION OF NEED:

Project Number 4-3C24 of Brigham and Women's Hospital for a substantial capital expenditure associated with the relocation, consolidation, and expansion of certain ambulatory care services. There is one Ten Taxpayer Group whose concern is limited to the process for allocation of the funds linked to this application for the support of community health initiatives in Boston. **(Approved)**

4. DRAFT REGULATION:

Proposed Amendments to 105 CMR 300.000: *Reportable Diseases, Surveillance, and Isolation and Quarantine Regulations*, pursuant to M.G. L. Chapter 111 **(Informational Briefing)**

5. DRAFT REGULATION:

Proposed Amendments to 105 CMR 154.000: *Licensure of Adult Day Health Programs*, pursuant to Chapter 87 of the Acts of 2011 **(Informational Briefing)**

Public Health Council

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

Date of Meeting: Wednesday, September 11, 2013

Beginning Time: 9:08 AM

Ending Time: 10:56 AM

Attendance and Summary of votes

Board Member	Attended	Item 1 b.	Item 2	Item 3
		Record of the Public Health Council Meetings of August 14, 2013	Proposed Rescission of 105 CMR 651.000: Program for Air Testing and Remedial Measures for Residential Dwellings Insulated with Urea Formaldehyde Foam Insulation.	Project Number 4-3C24 of Brigham and Women's Hospital for a substantial capital expenditure associated with the relocation, consolidation, and expansion of certain ambulatory care services. There is one Ten Taxpayer Group whose concern is limited to the process for allocation of the funds linked to this application for the support of community health initiatives in Boston.
Cheryl Bartlett	Yes	YES	YES	YES
Helen Caulton - Harris	Yes	absent	absent	YES
Harold Cox	Yes	YES	YES	YES
John Cunningham	Yes	YES	YES	YES
Michele David	No	----	----	----
Paul Lanzikos	Yes	YES	YES	YES
Denis Leary	Yes	YES	YES	YES
Lucilia Prates-Ramos	Yes	absent	YES	YES
Jose Rafael Rivera	Yes	YES	YES	YES
Meredith Rosenthal	No	----	----	----
Albert Sherman	Yes	(M)/Yes	(2 nd)/Yes	(2 nd)/Yes
Alan Woodward	Yes	(2 nd)/Yes	(M)/Yes	(M)/Yes
Michael Wong	No	----	----	----
Summary	10 members attended	Approved with 8 votes	Approved with 9 votes	Approved with 10 votes

(M): Made motion (2nd): Seconded motion

PROCEEDINGS

A regular meeting of the Massachusetts Department of Public Health's Public Health Council (M.G.L. C17, §§ 1, 3) was held on Wednesday, September 11, 2013 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: Commissioner Cheryl Bartlett (chair), Department of Public Health, Mr. Harold Cox, Dr. John Cunningham, Mr. Paul Lanzikos, Mr. Jose Rafael Rivera, Ms. Helen Caulton-Harris, Dr. Alan Woodward, Mr. Denis Leary, Ms. Lucilia Prates-Ramos, and Mr. Albert Sherman

Absent members were: Dr. Michele David, Dr. Meredith Rosenthal, and Dr. Michael Wong

Also in attendance was Attorney Donna Levin, General Counsel, Massachusetts Department of Public Health.

Commissioner Bartlett called the meeting to order at **9:08 AM** and reviewed the agenda.

ITEM 1b: Record of the Public Health Council Meeting of August 14, 2013

Commissioner Bartlett asked if there were any changes to the minutes of the Public Health Council meeting of August 14, 2013. No changes were recommended. **Mr. Sherman** made the motion to approve the minutes of August 14, 2013. The motion was seconded by **Dr. Woodward** and approved unanimously.

Voting in the affirmative were **eight** members. There were no abstentions and no recusals.

ITEM 2: DRAFT REGULATION: Proposed Rescission of 105 CMR 651.000: *Program for Air Testing and Remedial Measures for Residential Dwellings Insulated with Urea Formaldehyde Foam Insulation*

Suzanne Condon, Associate Commissioner and Director, Bureau of Environmental Health and Jim Ballin, Deputy General Counsel, presented the proposed rescission of 105 CMR 651.000: Program for Air Testing and Remedial Measures for Residential Dwellings Insulated with Urea Formaldehyde Foam Insulation (UFFI). The regulatory change was recommended due to prior rescission of statutory authority and discontinued applications for relief from a previously created trust fund.

Following the presentation, Commissioner Bartlett opened the floor up for discussion. Ms. Condon, replying to a question from Mr. Lanzikos, reported that the balance of funds left in the UFFI trust was negligible. **Dr. Woodward** moved to approve the proposed rescission of 105 CMR 651.000: Program for Air Testing and Remedial Measures for Residential Dwellings Insulated with Urea Formaldehyde Foam Insulation. **Mr. Sherman** seconded the motion, and it was approved

unanimously without further discussion. Voting in the affirmative were **nine** members. There were no abstentions and no recusals.

Ms. Prates-Ramos joined the meeting in progress following the vote on Rescission of 105 CMR 651.000.

ITEM 3: DON: DETERMINATION OF NEED: Project Number 4-3C24 of Brigham and Women's Hospital for a substantial capital expenditure associated with the relocation, consolidation, and expansion of certain ambulatory care services.

Bernard Plovnick, Director, Determination of Need program, and Jere Page, Senior Program Analyst, DoN program, presented Project Number 4-3C24 of Brigham and Women's Hospital for a substantial capital expenditure associated with the relocation, consolidation, and expansion of certain ambulatory care services.

Following the presentation, Commissioner Bartlett opened the floor up for discussion. Dr. Woodward asked about an apparent discrepancy between projected increases in operating costs associated with the project and the applicant's report that consolidation of services would result in a reduction of unnecessary costs. Ms. Mairead Hickey, Executive Vice President and Chief Operating Officer for Brigham and Women's Hospital, clarified that cost savings would be achieved over time in relationship to projections based on current cost trends. She also provided additional detail about costs associated with projected increased demands for the proposed services. In reply to a question from Mr. Lanzikos, Ms. Hickey emphasized that access to services would increase significantly. Mr. Elmer Freeman, representing a Ten Taxpayers Group (TTG), reported that the TTG was satisfied with the Community Health Initiative associated with the project. **Mr. Sherman** moved to approve DON Project Number 4-3C24 of Brigham and Women's Hospital for a substantial capital expenditure associated with the relocation, consolidation, and expansion of certain ambulatory care services. The motion was seconded by **Mr. Lanzikos** and approved unanimously.

Voting in the affirmative were **ten** members. There were no abstentions and no recusals.

Ms. Caulton-Harris arrived during the discussion about the Determination of Need application and participated in the Council's vote.

ITEM 4: DRAFT REGULATION: Proposed Amendments to 105 CMR 300.000: *Reportable Diseases, Surveillance, and Isolation and Quarantine Regulations*, pursuant to M.G. L. Chapter 111

Kevin Cranston, Director, Bureau of Infectious Disease (BID), with Dr. Alfred DeMaria, State Epidemiologist and Medical Director, BID, and Gillian Haney, Director of the BID Office of Integrated Surveillance and Informatics Services, presented the proposed amendments to 105 CMR 300.000: *Reportable Diseases, Surveillance, and Isolation and Quarantine Regulations*, pursuant to M.G. L. Chapter 111. The proposed regulatory changes update disease reporting

requirements and align state standards with updated federal standards. A public hearing on the draft regulations was scheduled for October 18, 2013.

Following the presentation, Commissioner Bartlett opened the floor for discussion. Ms. Haney confirmed that people completing reports will be continue to be able to check all categories that apply with respect to race and ethnicity, in reply to a question from Mr. Rivera. Dr. DeMaria answered questions from Mr. Lanzikos and Dr. Woodward concerning definitions of unusual flu cases, drug resistance, antibiograms, reporting of tic borne diseases, and reporting of negative test results. Dr. DeMaria explained there was significant stakeholder engagement in the process leading to decisions to remove certain diseases from the reporting requirements, in reply to a question from Mr. Cox. Mr. Cox and Ms. Caulton Harris asked, respectively, about current compliance with MAVEN requirements by local health authorities and whether the new regulations will impose new responsibilities on local health officials. Ms. Haney replied that compliance now stands at 90 percent statewide. Mr. Cranston reported that the new regulations present no significant change in local public health reporting burdens. Mr. Leary asked whether it would be possible to solicit information about veteran status, since 10 percent of the state's population has completed military service. Mr. Cranston replied that the Bureau would take the suggestion under advisement. Commissioner Bartlett noted that the Department is creating a new Office of Local and Regional Health to provide increased support to local health partners.

ITEM 5: DRAFT REGULATION: Proposed Amendments to 105 CMR 154.000: *Licensure of Adult Day Health Programs*, pursuant to Chapter 87 of the Acts of 2011

Madeleine Biondolillo, MD, Director, Bureau of Health Care Safety and Quality, with Paul DiNatale, Assistant Director, Division of Health Care Quality, Heather Engman, Deputy General Counsel and Board Counsel to the Board of Registration in Pharmacy, and Alexandra Rubin, Deputy General Counsel, presented the proposed amendments to 105 CMR 154.000: *Licensure of Adult Day Health Programs*, pursuant to Chapter 87 of the Acts of 2011. The regulations establish definitions and specify requirements for staff training, program services, indoor and outdoor facility requirements, and other standards for the operation of adult day health programs in the Commonwealth. A public hearing on the draft regulations was scheduled for October 28, 2013.

Following the presentation, Commissioner Bartlett opened the floor for discussion. Mr. Lanzikos asked questions and made recommendations in areas including standards for therapeutic recreation, diets, utilization of social workers, interpretive services, lingual capacities of direct care staff, licensing protocols for new programs, and funding for a sustainable regulatory mechanism for the adult day health industry. Mr. Rivera recommended requirements for boards and advisory councils to reflect the diversity of their host communities and for assuring appropriate means of delivering information to diverse and vulnerable populations. Ms. Prates-Ramos recommended standards to assure staff would be hired to reflect and serve the needs of diverse clients. She also recommended strong requirements concerning diversity training for staff. Mr. Lanzikos concurred and recommended training on LGBT issues as well. Ms. Prates-Ramos inquired about liability for payment in cases of serious medical errors for which MassHealth will not pay. Mr. Sherman inquired about the roles of pharmacists in adult day health programs and their involvement in

developing the draft regulations. Dr. Biondolillo and Mr. DiNatale addressed Council member questions in all cases and took recommendations under advisement for future possible revisions.

The meeting adjourned at 10:56 a.m. on a motion by Mr. Sherman, seconded by Dr. Woodward, and passed unanimously without discussion.

LIST OF DOCUMENTS PRESENTED TO THE PHC FOR THIS MEETING:

1. Docket of the meeting
2. Public Health Council Meeting Minutes from August 14, 2013
3. Determination of Need Pending Projects List
4. Memo for Request for Approval to Rescind 105 CMR 651.000: Program for Air Testing and Remedial Measures for Residential Dwellings Insulated with Urea Formaldehyde Foam Insulation (UFFI)
5. Staff Summary for Determination of Need by the Public Health Council – Project Number 4-3C24 of Brigham and Women’s Hospital
6. Memo of Informational Briefing on Proposed Amendments to 105 CMR 300.000: Reportable Diseases, Surveillance, and Isolation and Quarantine Regulations
7. Memo of Informational Briefing on Proposed Regulations at 105 CMR 154.000 – Licensure of Adult Day Health Programs
8. Copies of all power point presentations (emailed upon conclusion of the meeting)

Commissioner Cheryl Bartlett, Chair