

MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of June 13, 2012

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

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

Docket: Wednesday, June 13, 2012, 9:00 AM

1. ROUTINE ITEMS: No Floor Discussion

- a) Introduction **(No Vote)**
- b) Record of the Public Health Council Meeting of March 21, 2012 **(Approved)**

2. DETERMINATION OF NEED:

Project Application Number 4-3C09 of Brigham and Women's Hospital - For Addition of a Three-Unit ECMO (Extracorporeal Membrane Oxygenation) Service (Approved)

3. DETERMINATION OF NEED:

Significant Change to Project Number 4-3B98 of St. Elizabeth's Medical Center - For an Additional Floor of Shell Space to Connell Building (Approved)

4. REGULATION: No Floor Discussion/Information Only

Proposed Amendments to 105 CMR 700.000: Implementation of M.G.L. c. 94C (Controlled Substances Act) and **105 CMR 701.000:** Regulations Adopted Jointly by the Department of Public Health and the Board of Registration in Pharmacy for the Implementation of M.G.L. c.94C (pertaining to the Prescription Monitoring Program) **(No Vote)**

5. PRESENTATIONS: NO FLOOR DISCUSSION

- a) The Health of Our Youth
- b) Behavioral Risk Factor Surveillance System: An update on methodology changes

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: June 13, 2012

Start time: 9:05 AM

Ending time: 11:52 AM

Attendance and summary of votes

Board Member	Attended	Item 1b Record of the Public Health Council meeting of March 21, 2012	Item 2 DoN: Project Application Number 4-3C09 of Brigham and Women's Hospital	Item 3 DoN: Significant Change to Project Number 4-3B98 of St. Elizabeth's Medical Center
John Auerbach	Yes	Yes	Yes	
Helen Caulton - Harris	Yes	Yes	Yes	
Harold Cox	No			
John Cunningham	Yes	Yes	Yes	
Michele David	No			
Muriel Gillick	Yes	Yes	Recuse	
Paul Lanzikos	Yes (9:18AM)	*	Yes	
Denis Leary	Yes (9:54AM)	*	Yes	
Lucilia Prates Ramos	Yes	Yes	Yes	
Jose Rafael Rivera	Yes	Yes (2 nd)	Yes	
Meredith Rosenthal	No			
Albert Sherman	Yes	Yes (M)	Yes	
Michael Wong	Yes	Yes	Yes (M)	
Alan Woodward	Yes	Yes	Yes (2 nd)	
Barry Zuckerman	Yes (9:15AM)	*	Yes	
Summary	12 members present	Approved with 9 votes	Approved with 11 votes	

(M): Made motion

(2nd): Seconded motion

*Member attended the meeting but was not present at time of vote (i.e. he/she stepped out of room, had not yet arrived, etc.)

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, June 13 2012 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: Chair John Auerbach, Commissioner, Department of Public Health, Ms. Helen Caulton–Harris, Dr. John Cunningham, Dr. Muriel Gillick, Mr. Paul Lanzikos, Mr. Denis Leary, Ms. Lucilia Prates Ramos, Mr. Jose Rafael Rivera, Mr. Albert Sherman, Dr. Michael Wong, Dr. Alan Woodward and Dr. Barry Zuckerman.

Members absent were: Mr. Harold Cox, Dr. Michele David, Dr. Meredith Rosenthal. Also in attendance was Attorney Donna Levin, General Counsel, Massachusetts Department of Public Health.

Chair Auerbach called the meeting to order at 9:05 AM and reviewed the agenda.

Item 1b: Record of the Public Health Council meeting of March 21, 2012

Mr. Sherman made the motion to approve the minutes of March 21, 2011. Mr. Woodward gave an update on efforts involving reaching out to pharmacies in relation to the sale of tobacco at those establishments. He noted that 33 municipalities now have a ban on the sale of tobacco in pharmacies.

After consideration, upon motion made and duly seconded, it was voted unanimously to approve the minutes as presented.

Voting in the affirmative were Chair John Auerbach, Ms. Helen Caulton–Harris, Dr. John Cunningham, Dr. Muriel Gillick, Ms. Lucilia Prates Ramos, Mr. Jose Rafael Rivera, Mr. Albert Sherman, Dr. Michael Wong, Dr. Alan Woodward. There were no abstentions and no votes in opposition.

[Note: the following item was heard out of order.]

Item 5A: Presentation: "The Health of Our Youth"

[Note: For the record, Dr. Zuckerman, Mr. Lanzikos and Mr. Leary arrived during the presentation of Item 5A.]

Dr. Lauren Smith, Medical Director of the Massachusetts Department of Public Health provided an overview on statistics related to the health of youth. She presented the most recent data from the Youth Risk Behavior Survey and the Youth Health Survey, two surveys that examine health and behaviors of students in elementary and high school. For full discussion, see transcript.

Item 2: Determination of Need Project Application Number 4-3C09 of Brigham and Women's Hospital

Chair Auerbach announced that Dr. Gillick would refrain from discussing or voting on this DoN because of a possible conflict of interest.

Mr. Jere Page, Senior Program Analyst with the DoN Program presented the application noting that "Brigham and Women's Hospital is seeking approval of a substantial change in service to establish a three-unit adult ECMO service.... Brigham and Women's plans to provide ECMO to adult patients where primarily (pre and post) lung and heart transplants suffering from primary and/or lung failure following transplant or suffering from primary lung failure following a transplant." Staff recommended approval of the DoN with conditions set forth in the memorandum.

Discussion on the application followed, with questions centered on capacity and use of ECMO in the Boston area. Please see transcript for full discussion.

Dr. Wong made the motion to approve the Determination of Need application. After consideration, upon motion made and duly seconded, it was voted unanimously to approve.

Voting in the affirmative were Chair John Auerbach, Ms. Helen Caulton-Harris, Dr. John Cunningham, Mr. Paul Lanzikos, Mr. Denis Leary, Ms. Lucilia Prates Ramos, Mr. Jose Rafael Rivera, Mr. Albert Sherman, Dr. Michael Wong, Dr. Alan Woodward and Dr. Barry Zuckerman. Dr. Muriel Gillick abstained from voting and there were no votes in opposition.

Item 3: Determination of Need Significant Change to Project Number 4-3B98 of St. Elizabeth's Medical Center

Mr. Bernard Plovnick from the DoN Program presented the application noting that this application is for "an amendment requested by St. Elizabeth's Medical Center for a significant change to approved Determination of Need (4-3B98). The requested amendment would add a floor (or) shelf space to the approved project scope to accommodate the future replacement of 30 adult medical surgical beds. The impact of the requested change would be an increase from approximately 47,000 to approximately 75,000 approved square feet and an increase in maximum capital expenditure from \$18,093,255 April 2011 to \$25,008,921 March 2012. The original DON project as approved by council on July 14, 2011, involved the construction of a new floor above the existing four-story Connell building on the St. Elizabeth's main campus in Brighton. (It permits) the consolidation and replacement of 27 existing intensive care and step-down unit beds. The amendment before you this morning would construct an

additional floor shelf space on the level above the new critical care unit planned for the fifth floor of the building.

Discussion on the application followed, with questions centered on plans for construction at Steward St. Elizabeth's, including minimizing disruption to patients. Please see transcript for full discussion.

Staff recommended approval of the DoN with conditions set forth in the memorandum. Ms. Caulton-Harris made the motion to approve. After consideration, upon motion made and duly seconded, it was voted unanimously to approve.

Voting in the affirmative were Chair John Auerbach, Ms. Helen Caulton-Harris, Dr. John Cunningham, Dr. Muriel Gillick, Mr. Paul Lanzikos, Mr. Denis Leary, Ms. Lucilia Prates Ramos, Mr. Jose Rafael Rivera, Mr. Albert Sherman, Dr. Michael Wong, Dr. Alan Woodward and Dr. Barry Zuckerman. There were no abstentions and no votes in opposition.

After the vote, Mr. Lanzikos asked that prior to another Steward application, the Council be given an update on the monitoring program put in place for the Steward hospitals.

Item 4: Proposed Amendments to 105 CMR 700.000 and 105 CMR 701.000

Chair Auerbach introduced Dr. Madeleine Biondolillo, Director of the Bureau of Health Care Safety and Quality to present proposed regulations pertaining to the Prescription Monitoring Program.

Dr. Biondolillo began with background on the issue, including an overview of related health data, details of the Prescription Monitoring Program (PMP), such as what is considered to be 'questionable activity' and how many reports come in to the PMP, an overview of enrollment into the program, how information is kept secure and confidential and a summary of evaluation efforts of the system.

Dr. Biondolillo introduced Dr. Grant Carrow, Director of the Drug Control Program to provide the details of the proposed changes. To summarize Dr. Carrow's discussion, the proposed regulations are a result of changes made in state law in Chapter 283 of the Act of 2010. Proposed changes would alter the rules of disclosure for the PMP system so that information can be released to health care providers "for the purpose of providing medical or pharmaceutical care" and also that it can be released to a broader array of law enforcement, such as local law enforcement.

Other changes include definitional changes, the inclusion of Schedule 6 drugs if authorized by the Commissioner and technical changes for the PMP advisory council and Medical Review Group.

Item 5B: Behavioral Risk Factor Surveillance System: An update on methodology changes

Chair Auerbach introduced Jerry O'Keefe, Director of the Bureau of Health Information, Statistics, Research and Evaluation to provide an overview of recent method changes to the national survey on health risks and behaviors, the Behavioral Risk Factor Surveillance System or BRFSS.

Mr. O'Keefe presented an overview of the BRFSS, including how the survey is conducted and what it is used for. He further described changes in methodology that will result in some statistical differences for a subset of the measures.

Please see transcript for full presentation.

Update on EEE

[Note this item was not on the docket.]

Mr. Kevin Cranston and Dr. Catherine Brown, both from the Bureau of Infectious Disease provided an overview on EEE , including the state's virus response and results of an expert panel that was convened to look at the science "and make sure we're up to date and are exhausting every opportunity to reduce human risk of EEE." Dr. Brown presented a revised policy based on this work related to mosquito reduction efforts. Please see transcript for full presentation.

Chair Auerbach adjourned the meeting at 11:52 AM.

LIST OF DOCUMENTS PRESENTED TO THE PHC FOR THIS MEETING:

1. Docket of the meeting
2. Copy of the meeting notices to the Executive Office of Administration and Finance and the Secretary of the Commonwealth
3. Public health Council Meeting Minutes from March 21, 2012
4. Determination of Need Pending Projects List
5. Memorandum: Staff Summary for Determination of Need Applicant Brigham and Women's Hospital
6. Memorandum: Staff Summary for Determination of Need Applicant Steward St. Elizabeth's
7. Memorandum: Informational Briefing on Amendments to Regulations Implementing the Controlled Substances Act, 105 CMR 700.000 and 105 CMR 701.000, including Attachment A, a redlined version of the proposed regulatory language changes to the two sets of regulations

Chair John Auerbach