

**MINUTES OF THE PUBLIC HEALTH COUNCIL**

**Meeting of May 8, 2013**

**MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH**

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

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**Docket: Wednesday, May 8, 2013, 9:00 AM**

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**1. ROUTINE ITEMS: No Floor Discussion**

- a. Introduction **(No Vote)**
- b. Record of the Public Health Council Meeting of January 9, 2013  
**(APPROVED)**

**2. DETERMINATION OF NEED: Category 2 Applications**

Project Number 4-3C21 Cooley Dickinson Hospital for transfer of ownership by which Massachusetts General Hospital will become its sole corporate member  
**(APPROVED)**

**3. REGULATION:**

Proposed Revised Regulation at 105 CMR 725.000: *An Act for the Humanitarian Medical Use of Marijuana* **(APPROVED)**

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 8, 2013

**Beginning Time:** 9:09 AM

**Ending Time:** 11:33 AM

### Attendance and Summary of votes

Board Member	Attended	Item 1 b.	Item 2	Item 3
		Record of Public Health Council Meeting of January 9, 2013	Determination of Need – Project Number 4-3C21 Cooley Dickinson Hospital for transfer of ownership by which Massachusetts General Hospital will become its sole corporate member	Regulation: Proposed Revised Regulation at 105 CMR 725.000: <i>An Act for the Humanitarian Medical Use of Marijuana</i>
Lauren Smith	Yes	Yes	Yes	Yes
Helen Caulton - Harris	Yes	Yes	Recuse	Yes
Harold Cox	Yes	Yes	Yes	Yes
John Cunningham	Yes	Yes	Recuse	Yes
Michele David	Yes	Yes	Yes	Yes
Muriel Gillick	Yes	Yes	Yes	Yes
Paul Lanzikos	Yes	Yes	Yes	Yes
Denis Leary	No	-----	-----	-----
Lucilia Prates-Ramos	No	-----	-----	-----
Jose Rafael Rivera	Yes	Yes (2 <sup>nd</sup> )	Yes (2 <sup>nd</sup> )	Yes
Meredith Rosenthal	Yes	Yes	Recuse	Yes
Albert Sherman	Yes	Yes (M)	Yes (M)	Yes (M)
Alan Woodward	Yes	Yes	Yes	Yes
Michael Wong	Yes	Yes	Yes	Yes (2 <sup>nd</sup> )
<b>Summary</b>	<b>12 members attended</b>	<b>Approved with 12 votes</b>	<b>Approved with 9 votes</b>	<b>Approved with 12 votes</b>

(M): Made motion

(2<sup>nd</sup>): 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, May 8, 2013 at the Massachusetts Department of Public Health, 250 Washington Street, Henry I. Bowditch Public Health Council Room, 2<sup>nd</sup> Floor, Boston, Massachusetts 02108.

Members present were: Chair Dr. Lauren Smith, Interim Commissioner, Department of Public Health, Dr. Michele David, Dean Harold Cox, Dr. John Cunningham, Dr. Muriel Gillick, Mr. Paul J. Lanzikos, Mr. Jose Rafael Rivera, Dr. Michael Wong, Ms. Helen Caulton Harris, Dr. Meredith Rosenthal, Dr. Alan Woodward and Mr. Albert Sherman. Absent members were Mr. Denis Leary, and Ms. Lucilia Prates-Ramos. Also in attendance was Attorney Donna Levin, General Counsel, Massachusetts Department of Public Health.

Chair Smith called the meeting to order at **9:09 AM** and reviewed the agenda.

### **ITEM 1B: Record of the Public Health Council Meeting of January 9, 2013**

Chair Smith asked if there were any changes to the minutes of the Public Health Council meeting of January 9, 2013. No changes were recommended.

**Mr. Albert Sherman** made the motion to approve the minutes of January 9, 2012. After consideration, upon motion duly seconded by **Mr. Jose Rivera**, it was voted unanimously to approve the minutes as presented.

Voting in the affirmative were all **12** present members. There were no abstentions and no votes in opposition.

### **ITEM 2: DETERMINATION OF NEED: Category 2 Applications. Project Number 4-3C21 Cooley Dickinson Hospital for transfer of ownership by which Massachusetts General Hospital will become its sole corporate member.**

Mr. Bernard Plovnick, Director of the DoN Program, Mr. Jere Page, Senior Program Analyst for the DoN Program, Ms. Carol Balulescu Deputy General Counsel Massachusetts Department of Public Health, presented Project Number 4-3C21 Cooley Dickinson Hospital for transfer of ownership by which Massachusetts General Hospital will become its sole corporate member. Mr. Plovnick said that based on review of the application, staff has determined that the Applicant satisfies the following the Department's standards set forth under the DoN Regulations regarding the change of ownership. Mr. Plovnick also summarized feedback from the public hearing was held on April 2, 2013 in Florence, MA. The hearing was attended by more than 100 people, 46 of whom testified. In addition, 10 letters in support and two letters in opposition to the proposed transfer were received from people who did not speak at the hearing.

The majority of comments presented at the public hearing or in subsequent written testimony expressed strong support for the proposed transfer of ownership. Following the presentation, Chair Dr. Smith asked David J. Narkewicz, Mayor of the City of Northampton, and Craig Melin, President and CEO of Cooley Dickinson Hospital to testify.

**Mr. Albert Sherman** made the motion to approve Project Number 4-3C21 Cooley Dickinson Hospital for transfer of ownership by which Massachusetts General Hospital will become its sole corporate member. After consideration, upon motion duly seconded by **Mr. Paul Lanzikos**, it was voted unanimously to approve DoN.

Voting in the affirmative were **9** present members. Ms. Helen Caulton Harris, Dr. John Cunningham, and Dr. Meredith Rosenthal recused themselves.

**ITEM 3: Regulation: Proposed Revised Regulation at 105 CMR 725.000: *An Act for the Humanitarian Medical Use of Marijuana***

Cheryl Bartlett, Interim Deputy Commissioner, Mr. Iyah Romm, Special Advisor to the Commissioner, and Priscilla Fox, Deputy General Counsel, presented the Proposed Revised Regulation at 105 CMR 725.000: *An Act for the Humanitarian Medical Use of Marijuana*. The presentation included sections on public engagement and outreach, as well as key comments received and revisions made to the regulations following the presentation to the Public Health Council in April.

Discussion followed by members of the Council. Topics discussed included developing standardized educational materials for patients, caregivers, and youth; Continuing Medical Education credits for physicians; patient privacy; and a proposal by Dr. Cunningham to rename Medical Marijuana Treatment Centers to Registered Medical Marijuana Dispensaries.

**Dr. John Cunningham** made the motion to adopt the regulation with amendment to change "Medical Marijuana Treatment Center" to "Registered Medical Marijuana Dispensary." The motion was duly seconded by **Dr. Alan Woodward** and approved unanimously. **Mr. Albert Sherman** made the motion to approve Proposed Revised Regulation at 105 CMR 725.000: *An Act for the Humanitarian Medical Use of Marijuana*. After consideration, upon motion duly seconded by **Dr. Michael Wong**, it was voted unanimously to approve the regulation as amended.

Voting in the affirmative were **12** present members. There were no abstentions and no votes in opposition.

## **LIST OF DOCUMENTS PRESENTED TO THE PHC FOR THIS MEETING:**

1. Docket of the meeting
2. Public Health Council Meeting Minutes from January 9, 2013
3. Determination of Need Pending Projects List
4. Staff Summary for Determination of Need by the Public Health Council – Cooley Dickinson Hospital, Inc.
5. Staff Summary for Determination of Need by the Public Health Council - 178 Lowell Street Operating, Company, LLC d/b/a Lexington Health Care Center
6. Draft Regulations, 105 CMR 725.000: Implementation of An Act for The Humanitarian Medical Use of Marijuana
7. Memo request for Approval for Promulgation of Regulations at 105 CMR 725.000: at 105 of Implementation of An Act for The Humanitarian Medical Use of Marijuana (Chapter 369 of the Acts of 2012)

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Chair: Dr. Lauren A. Smith