

MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of July 10, 2013

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, July 10, 2013, 9:00 AM

1. ROUTINE ITEMS:

- a. Introductions **(No Vote)**
- b. Record of the Public Health Council Meeting of June 12, 2013 **(APPROVED)**

2. DETERMINATION OF NEED:

Project Application Number 2-3C23 of Milford Regional Medical Center for Construction of Addition to Main Building **(APPROVED)**

3. DRAFT REGULATION:

Proposed Amendments to 105 CMR 200.000: *Physical Examination of School Children* (with respect to BMI Reporting), Pursuant to M.G.L. c. 111, §§ 3 and 5; and M.G.L. c. 71, § 57. **(Informational Briefing)**

4. DRAFT REGULATION:

Proposed rescission of 105 CMR 375.000: *Required Serological Test for Syphilis and Optional Serological Test for Rubella Prior to Issuance of a Premarital Medical Certificate*, pursuant to repeal of M.G.L. c. 207, § 28A. **(Informational Briefing)**

Public Health Council

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

Date of Meeting: Wednesday, July 10, 2013

Beginning Time: 9:17 AM

Ending Time: 10:46 AM

Attendance and Summary of votes

Board Member	Attended	Item 1 b.	Item 2
		Record of the Public Health Council Meetings of June 12, 2013	DoN Project Application Number 2-3C23 of Milford Regional Medical Center for Construction of Addition to Main Building
Cheryl Bartlett	Yes	Yes	Yes
Helen Caulton - Harris	No	-----	-----
Harold Cox	Yes	Yes	Yes
John Cunningham	Yes	Yes	recused
Michele David	Yes	Yes	Yes
Paul Lanzikos	Yes	Yes	Yes
Denis Leary	No	-----	-----
Lucilia Prates-Ramos	Yes	absent	absent
Jose Rafael Rivera	Yes (phone)	Yes	Yes
Meredith Rosenthal	No	-----	-----
Albert Sherman	Yes	(M)/Yes	(M)/Yes
Alan Woodward	Yes	Yes	Yes
Michael Wong	Yes	(2 nd)/Yes	(2 nd)/Yes
Summary	10 members attended	Approved with 9 votes	Approved with 8 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, July 10, 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: Chair Cheryl Bartlett, Commissioner, Department of Public Health, Mr. Harold Cox, Dr. John Cunningham, Dr. Michele David, Ms. Lucilia Prates Ramos (participated in person after the first two items of business on the docket, Mr. Paul Lanzikos, Mr. Jose Rafael Rivera (participated by phone through the first two items of business on the docket), Dr. Michael Wong, and Mr. Albert Sherman.

Absent members were Ms. Helen Caulton-Harris, Mr. Denis Leary and Dr. Meredith Rosenthal. Also in attendance was Attorney Donna Levin, General Counsel, Massachusetts Department of Public Health.

Chair Bartlett called the meeting to order at **9:17 AM** and reviewed the agenda.

ITEM 1b: Record of the Public Health Council Meeting of June 12, 2013

Chair Bartlett asked if there were any changes to the minutes of the Public Health Council meeting of June 12, 2013. No changes were recommended. **Mr. Albert Sherman** made the motion to approve the minutes of June 12, 2013. After consideration, upon motion made and duly seconded by **Dr. Michael Wong**, it was voted unanimously to approve the minutes as presented.

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

ITEM 2: DON: Project Application Number 2-3C23 of Milford Regional Medical Center for Construction of Addition to Main Building

Mr. Bernard Plovnick, Director, Determination of Need program, and Jere Page, Senior Program Analyst, DoN program, presented DON Application Number 2-3C23 of Milford Regional Medical Center for Construction of Addition to Main Building. Mr. Page noted that the existing ICU is undersized, and that the proposed DoN involves new construction of a two-story, 113,220 GSF addition to the existing main building of MRMC. The new renovation will create a new state of the art project and will improve overall patient care.

Following the presentation, Chair Bartlett opened the floor up for discussion. **Mr. Albert Sherman** made the motion to approve **DON** Application # 2-3C23 of Milford Regional Medical Center for Construction of Addition to Main Building. After consideration, upon motion made and duly seconded by **Dr. Michael Wong**, it was voted to approve the DoN as presented. Voting in the affirmative were **eight** members, seven of whom were present (Mr. Rivera participated by phone.) There were no abstentions, and Mr. John Cunningham recused himself.

ITEM 4: DRAFT REGULATION: Proposed Amendments to 105 CMR 200.000: *Physical Examination of School Children (with respect to BMI Reporting)*, Pursuant to M.G.L. c. 111, §§ 3 and 5; and M.G.L. c. 71, § 57.

Ms. Carlene Pavlos, Interim Director, Bureau of Community Health and Prevention, and Ms. Lea Susan Ojamaa, Director, Division of Prevention and Wellness, presented the proposed amendments to 105 CMR 200.000: Physical Examination of School Children (with respect to BMI reporting), Pursuant to M.G.L.c. 111 §§ 3 and 5; and M.G.L. c. 71, § 57. Ms. Pavlos provided background on regulation 105 CMR 200.00 for Physical Examination of Children, which established a Body Mass Index (BMI) screening initiative for children in 2009. All public schools in Massachusetts are required to report data to the Department of Public Health. The information is critical to understanding childhood obesity in Massachusetts, and allows the Department of Public Health to help identify policy, systems, and environmental strategies that successfully prevent and reduce childhood obesity and increase opportunities for physical activity and access to healthy foods. Ms. Pavlos reported experience in Massachusetts and other states, supported by recently published research, that finds no significant correlation between requiring parental notice about children's BMI and reducing childhood obesity. She also noted that the requirement reportedly provides financial burdens for some schools; that different school districts implement the policy differently; and that there is evidence to suggest adverse unintended consequences of the requirement, including stigmatization and bullying. Ms. Pavlos proposed changes to the regulations, including amendments to eliminate the requirement for schools to mail the parent or guardian a report of each student's BMI information along with education materials; to permit more flexibility to local school committees and board of health to fashion their own policies; and to increase protection of confidential personal health information during BMI screening.

Following the presentation, Chair Bartlett opened the floor up for discussion. Members raised concerns about the proposed regulatory changes and questioned whether it would be possible to preserve the ability to provide parents with information about their children's BMI information, whether or not parental notice was required. Members also supported the proposed changes, noting that community-level policy and system changes have been demonstrated as the most effective ways to reduce childhood obesity. Discussion covered additional issues, including different methods that are used for notifying parents about children's BMI scores, notification of parents about low BMI, and the unreliability of BMI data as an indicator of overweight or obesity for athletes. Members raised concerns about holding a public hearing on the proposed regulatory changes in August, when many people take vacation. Chair Bartlett agreed and said she would request staff to schedule the hearing in September. PHC consideration of the final regulatory language was tentatively scheduled for October.

ITEM 5: DRAFT REGULATION: Proposed rescission of 105 CMR 375.000: *Required Serological Test for Syphilis and Optional Serological Test for Rubella Prior to Issuance of a Premarital Medical Certificate*, pursuant to repeal of M.G.L. c. 207, § 28A.

Mr. Kevin Cranston, Director, Bureau of Infectious Disease, and Dr. Alfred DeMaria, Jr., M.D., Medical Director, Bureau of Infectious Disease, State Epidemiologist, presented the draft regulation, proposed rescission of 105 CMR 375.000: *Required Serological Test for Syphilis and Optional Serological Test for Rubella Prior to Issuance of a Premarital Medical Certificate*, pursuant to repeal of M.G.L. c. 207, § 28A. Mr. Cranston gave a background on the law, which went into effect in 1941. Dr. DeMaria provided history about syphilis screening in Massachusetts and the nation, and stated that the required medical certificate and syphilis screening was the subject of numerous consumer complaints. Dr. DeMaria also reported that recent patterns of syphilis incidence do not support premarital screening as an effective prevention and control strategy. Recently, Massachusetts has been working on strategies linked to national syphilis elimination goals, including targeted testing of high-risk populations and rapid follow-up on symptomatic and other index cases and their partners. Mr. Cranston concluded the presentation recommending rescinding 105 CMR 375.000 as M.G.L. c. 207, § 28A is repealed.

Following the presentation, Chair Bartlett opened the floor up for discussion. Dr. Wong commented that this recommendation made sense. Mr. Cox inquired about the current efforts to prevent and treat syphilis in Massachusetts. Dr. DeMaria responded stating that current syphilis efforts focus on targeted screening. Dr. Woodward asked about the number of outdated regulations at the Department of Public Health, and how to rescind them. General Counsel Levin responded that the process would require the Department of Public Health to go through the Secretary of State. Mr. Cranston commented that the Department of Public Health will return to the Public Health Council following the public hearing and will present public comments received.

LIST OF DOCUMENTS PRESENTED TO THE PHC FOR THIS MEETING:

1. Docket of the meeting
2. Public Health Council Meeting Minutes from June 12, 2013
3. Determination of Need Pending Projects List
4. Staff Summary for Determination of Need by the Public Health Council – Milford Regional Medical Center, Inc. New construction of a two story addition to the existing main building at MRMC.
5. Memo for Information Briefing on Proposed Amendments to 105 CMR 200.000: Physical Examination of School Children
6. Memo proposing rescission of 105 CMR 375.000: Required Serological Test for Syphilis and Optional Serological Test for Rubella Prior to Issuance of a Premarital Medical Certificate, pursuant to repeal of M.G.L. c. 207, § 28A.
7. Copies of all power point presentations (emailed upon conclusion of the meeting)

Chair Cheryl Bartlett