

MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of February 12, 2014

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: Wednesday, February 12, 2014, 9:00 AM

1. ROUTINE ITEMS:

- a. Introductions
- b. Records of the Public Health Council Meetings of December 11, 2013 and January 8, 2014 **(Approved)**

2. DETERMINATION OF NEED

- a. Significant change amendment to approved project application number 4-3B98 of St. Elizabeth's Medical Center of Boston to undertake additional renovations encompassing the operating rooms and post-anesthesia care unit. **(Approved)**.
- b. Project #4-3C31, Winchester Hospital transfer of ownership to Lahey Health System. **(Approved)**

3. FINAL REGULATION:

Proposed Amendments to 105 CMR 150.000: *Licensing of Long-Term Care Facilities Regarding (1) Minimum Standards for Dementia Special Care Units and (2) Serious Incident and Accident Reporting and Disaster Plans*, pursuant to Chapter 142 of the Acts of 2012 **(Approved)**

4. FINAL REGULATION:

Proposed Rescission of 105 CMR 800.000: *Requests and Consent for Anatomical Donations*, and amendment of 105 CMR 130.000, *Hospital Licensure*, pursuant to M.G.L. c. 113, §§ 7 through 13, and Chapter 39 of the Acts of 2012. **(Approved)**

5. INFORMATIONAL PRESENTATION: WNV and EEE Surveillance and Response

Public Health Council

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

Date of Meeting: Wednesday, February 12, 2014

Beginning Time: 9:12 AM

Ending Time: 11:08 AM

Attendance and Summary of votes

Board Member	Attended	Item 1a.	Item 1b.	Item 2a.	Item 2b.	Item 3	Item 4
		Records of the Public Health Council Meeting of December 11, 2013	Records of the Public Health Council Meeting of January 8, 2014	Significant change amendment to approved project application number 4-3B98 of St. Elizabeth's Medical Center of Boston to undertake additional renovations encompassing the operating rooms and post-anesthesia care unit.	Project #4-3C31, Winchester Hospital transfer of ownership to Lahey Health System.	Proposed Amendments to 105 CMR 150.000: <i>Licensing of Long-Term Care Facilities Regarding (1) Minimum Standards for Dementia Special Care Units and (2) Serious Incident and Accident Reporting and Disaster Plans</i> , pursuant to Chapter 142 of the Acts of 2012	Proposed Rescission of 105 CMR 800.000: <i>Requests and Consent for Anatomical Donations</i> , and amendment of 105 CMR 130.000, <i>Hospital Licensure</i> , pursuant to M.G.L. c. 113, §§ 7 through 13, and Chapter 39 of the Acts of 2012.
Cheryl Bartlett	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Edward Bernstein	Yes	Yes	Yes	Yes	Yes	(2 nd) / Yes	Yes
Derek Brindisi	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Harold Cox	No	---	---	---	---	---	---
John Cunningham	Yes	(2 nd) / Yes	(2 nd) / Yes	M / (Yes)	Yes	Yes	(2 nd) / Yes
Michele David	Yes	Yes	M / (Yes)	Yes	Yes	Yes	Yes
Meg Doherty	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Michael Kneeland	Yes	Yes	Yes	Recusal	Yes	Yes	Yes
Paul Lanzikos	Yes	---	---	Yes	Recusal	Yes	Yes
Denis Leary	No	---	---	---	---	---	---
Lucilia Prates-Ramos	Yes	---	---	Yes	Yes	Yes	Yes
Jose Rafael Rivera	Yes	M / (Yes)	Yes	Yes	(2 nd) / Yes	M / (Yes)	Yes
Meredith Rosenthal	Yes	Yes	Yes	Yes	M / (Yes)	Yes	M / (Yes)
Alan Woodward	Yes	Yes	Yes	(2 nd) / Yes	Yes	Yes	Yes
Michael Wong	No	---	---	---	---	---	---
Summary	12 members attended	10 Approved with votes	10 Approved with votes	11 Approved with votes	11 Approved with votes	12 Approved with votes	12 Approved with 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, February 12, 2014 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: Department of Public Health Commissioner Cheryl Bartlett (chair), Mr. Derek Brindisi, Dr. Michele David, Mr. Jose Rafael Rivera, Ms. Meg Doherty, Dr. Alan Woodward, Ms. Lucilia Prates-Ramos, Dr. Meredith Rosenthal, Mr. Paul Lanzikos, Dr. Edward Bernstein, Dr. Michael Kneeland and Dr. John Cunningham

Absent member(s) were: Dr. Michael Wong, Mr. Denis Leary, and Mr. Harold Cox

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

Commissioner Bartlett called the meeting to order at **9:12 AM** and reviewed the agenda.

ITEM 1a: Record of the Public Health Council Meetings of December 11, 2013

Commissioner Bartlett noted two corrections to the December 11, 2013 minutes of the Public Health Council. On page 5 of the minutes, the word "yes" in reference to LSCs need to comply with Culturally and Linguistically Appropriate Service (CLAS) standards is being stricken from the minutes. Attorney Balulescu said that LSCs need to meet the same requirements as other licensed clinics. Also on page 5, the word "Personal Care Physicians" should be changed to "Primary Care Providers".

Mr. Rivera made the motion to approve the minutes of December 11, 2013 as revised. The motion was seconded by Dr. Cunningham. The revised minutes were approved by 10 members voting in the affirmative. There were no abstentions or recusals.

ITEM 1b: Record of the Public Health Council Meetings of January 8, 2014

Commissioner Bartlett asked if there were any changes to the minutes of the Public Health Council meeting of January 8, 2014. Dr. Woodward noted a correction necessary on page 6, there should be a change in reference to Emergency Physicians.

Dr. David made the motion to approve the minutes of January 8, 2014 as revised. The motion was seconded by Dr. Cunningham. The revised minutes were approved by 10 members voting in the affirmative. There were no absentitions or recusals.

Motion David / 2nd Cunningham - Approved

The minutes of the December 11, 2013 and January 8, 2014 meetings were approved with changes by nine members voting in the affirmative. There were no abstentions or recusals. Mr. Lanzikos and Ms. Lucilia Prates Ramos were not present for the vote.

ITEM 2a: DON: DETERMINATION OF NEED: Significant change amendment to approved project application number 4-3B98 of St. Elizabeth's Medical Center of Boston to undertake additional renovations encompassing the operating rooms and post-anesthesia care unit.

Bernard Plovnick, Director, Determination of Need program, and Madeleine Biondolillo, MD, Associate Commissioner, presented project application number 4-3B98 of St. Elizabeth's Medical Center of Boston to undertake additional renovations encompassing the operating rooms and post-anesthesia care unit.

Following the presentation, Commissioner Bartlett opened the floor for discussion.

Dr. Rosenthal asked for St. Elizabeth's to comment on whether or not they were being considered a center of excellence hospital. St. Elizabeth's COO commented that its cardiac caseload had significantly increased and that they were operating under that assumption. Dr. Woodward asked if consideration had been given to increasing the length of day to accommodate the number of surgeries versus the increase of beds. Bernard Plovnick commented that DoN only considers capacity and that he could not comment on questions regarding the industry. Questions were also raised regarding the impact of closing two units. St. Elizabeth's commented that they are combining facilities and that the ER and OR will now be on the same level as well as the ICU/CCU beds for easier transfer and access.

Dr. Cunningham moved to approve project application number 4-3B98 of St. Elizabeth's Medical Center of Boston to undertake additional renovations encompassing the operating rooms and post-anesthesia care unit. The motion was seconded by Dr. Woodward. The DoN was approved with eleven members voting in the affirmative. Dr. Kneeland recused himself from the vote.

Cunningham moved to approve, Woodward seconded. Kneeland recused himself. DoN was approved

ITEM 2b: DON: DETERMINATION OF NEED: Project #4-3C31, Winchester Hospital transfer of ownership to Lahey Health System.

Bernard Plovnick, Director, Determination of Need program, Jere Page, Senior Program Analyst, DoN Program, and Madeleine Biondolillo, MD, Associate Commissioner, presented project number #4-3C31, Winchester Hospital transfer of ownership to Lahey Health System.

Following the presentation, Commissioner Bartlett opened the floor up for discussion.

Dr. Woodward questioned Bernard Plovnick from the DoN program about the steps subsequent to this merger. Mr. Plovnick responded that the Department will have to do a suitability review. The Health Policy Commission will come out with a report and then the applicant will have 30 days to respond and are restrained by law from moving ahead. The HPC may have recommendations.

Dr. Rosenthal moved to approve project application number project #4-3C31, Winchester Hospital transfer of ownership to Lahey Health System. The motion was seconded by Mr. Rivera. The DoN was approved with eleven members voting in the affirmative. Mr. Lanzikos recused himself from the vote.

Rosenthal moved to approve, Mr. Rivera seconded the motion, Mr. Lanzikos recused himself. The motion was approved.

ITEM 3: FINAL REGULATION: Proposed Amendments to 105 CMR 150.000: *Licensing of Long-Term Care Facilities Regarding (1) Minimum Standards for Dementia Special Care Units and (2) Serious Incident and Accident Reporting and Disaster Plans, pursuant to Chapter 142 of the Acts of 2012*

Madeleine Biondolillo, MD, Associate Commissioner, and Carol Balulescu, Deputy General Counsel presented Proposed Amendments to 105 CMR 150.000: *Licensing of Long-Term Care Facilities Regarding (1) Minimum Standards for Dementia Special Care Units and (2) Serious Incident and Accident Reporting and Disaster Plans, pursuant to Chapter 142 of the Acts of 2012.*

Following the presentation, Commissioner Bartlett opened up the floor for discussion.

Dr. Kneeland asked what training guidelines could be included under these regulations. Dr. Biondolillo stated that there are modules being prepared by the Alzheimer's association and that those could be a model to go by.

Dr. Bernstein questioned if these regulations apply to assisted living facilities to which Dr. Biondolillo responded that they do not, DPH only has oversight of long term care facilities. Mr. Rivera spoke about the last conversation surrounding these regulations and the need for culturally appropriate language. Dr. Biondolillo mentioned that there are other training modules that are in the place that could be utilized to identify the needs of cultures.

In regards to disclosure requirements, Dr. Biondolillo commented that there needs to be a balance and that individuals and organizations have the right to information, and that it should be ready when requested. Proactive mailing would be burdensome.

Relative to disaster planning, Dr. Bernstein asked what the steps were. Dr. Biondolillo stated that disaster planning is in the continuity of operation plan that facilities will have to do to be in compliance.

Mr. Rivera moved to approve the proposed amendments to 105 CMR 150.000: *Licensing of Long-Term Care Facilities Regarding (1) Minimum Standards for Dementia Special Care Units and (2) Serious Incident and Accident Reporting and Disaster Plans, pursuant to*

Chapter 142 of the Acts of 2012. The motion was seconded by Dr. Bernstein and approved by twelve voting members. There were no abstentions or recusals.

Mr. Rivera moved and Dr. Bernstein second. All approved.

ITEM 4: FINAL REGULATION: Proposed Rescission of 105 CMR 800.000: *Requests and Consent for Anatomical Donations*, and amendment of 105 CMR 130.000, *Hospital Licensure, pursuant to M.G.L. c. 113, §§ 7 through 13, and Chapter 39 of the Acts of 2012.*

Madeleine Biondolillo, MD, Associate Commissioner, and Carol Balulescu, Deputy General Counsel presented Proposed Rescission of 105 CMR 800.000: *Requests and Consent for Anatomical Donations*, and amendment of 105 CMR 130.000, *Hospital Licensure, pursuant to M.G.L. c. 113, §§ 7 through 13, and Chapter 39 of the Acts of 2012.*

Following the presentation, Commissioner Bartlett opened the floor up for discussion. There were no comments or questions.

Dr. Rosenthal moved to approve the Proposed Rescission of 105 CMR 800.000: *Requests and Consent for Anatomical Donations*, and amendment of 105 CMR 130.000, *Hospital Licensure, pursuant to M.G.L. c. 113, §§ 7 through 13, and Chapter 39 of the Acts of 2012.* The motion was seconded by Dr. Cunningham and approved by twelve voting members. There were no abstentions or recusals.

Dr. Rosenthal moved to accept, Mr. Cunningham seconded. All approved.

Cunningham leaves the meeting at 10:20.

ITEM 5: INFORMATIONAL PRESENTATION: WNV and EEE Surveillance and Response

Catherine Brown, DVM, State Veterinarian, Kevin Cranston, Director, Bureau of Infections Disease, and Michael Pentella, PhD, Director, Bureau of Laboratory Sciences gave an informational presentation on West Nile Virus and EEE Surveillance and Response.

Following the presentation, Commissioner Bartlett opened the floor up for discussion.

Mr. Brindisi asked how DPH communicates with local public health departments about mosquito traps/site locations. Dr. Brown replied that at the beginning of the season a memo is sent out from the notifying municipalities, and that the department recognizes that there are some challenges with this. However, regulations are set by the Department of Agricultural Resources and DPH can sometimes face barriers.

The meeting adjourned at 11:08 AM on a motion by and passed unanimously without discussion.

LIST OF DOCUMENTS PRESENTED TO THE PHC FOR THIS MEETING:

1. Docket of the meeting
2. DoN Pending List
3. Minutes of the Public Health Council meeting of December 11, 2013 and January 8, 2014.
4. Memo for DoN St. Elizabeth's Medical Center
5. Staff Summary for DoN Winchester Hospital, Inc.
6. Memo on proposed amendments to Licensing of Long-Term Care Facilities Regarding (1) Minimum Standards for Dementia Special Care Units and (2) Serious Incident and Accident Reporting and Disaster Plans, pursuant to Chapter 142 of the Acts of 2012.
7. Memo on Requests and Consent for Anatomical Donations, and amendment of Hospital Licensure.
8. Copies of all power point presentations (emailed upon conclusion of the meeting)

Commissioner Cheryl Bartlett, Chair