

MINUTES OF THE PUBLIC HEALTH COUNCIL

Emergency Meeting March 27, 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, March 27, 2014, 10:15 AM

1. ROUTINE ITEMS:

a. Introductions

2. PUBLIC HEALTH EMERGENCY ORDER: Request for Approval of the Public Health Council for the Commissioner to Take Action to Address the Public Health Emergency of Opiate Overdose and Abuse:

a. Additional emergency powers **(Vote)**

b. Ban hydrocodone-only extended-release products **(Vote)**

c. First Responder Regulations

1) Proposed Emergency Amendments to 105 CMR 700.000

(Implementation of M.G.L. c. 94C) *For Optional First Responder Use of Naloxone or Any Other Opioid Antagonist Approved by the Department* **(Vote)**

2) Proposed Emergency Regulations to 105 CMR 171.000 (Massachusetts First Responder Training) *Related to the Use of Naloxone and Other Opioid Antagonists by First Responders* **(Vote)**

d. Expansion of Naloxone to Bystanders **(Vote)**

3. Pilot Program Overview

Public Health Council

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

Date of Meeting: Thursday, March 27, 2014

Beginning Time: 10:20 am

Ending Time: 11:30am

Attendance and Summary of votes

Board Member	Attended	Item 1	Item 2a	Item 2b and 2c
		Additional emergency powers	Ban hydrocodone-only extended-release products	First Responder Regulations & Expansion of Naloxone to Bystanders
Cheryl Bartlett	Yes	Yes	Yes	Yes
Edward Bernstein	Yes	Yes	Yes	Yes
Derek Brindisi	Yes (By phone)	Yes	Yes	Yes
Harold Cox	Yes	Yes	Yes	Yes
John Cunningham	Yes	Yes	Yes	Yes
Michele David	Yes	Yes	Yes	Yes
Meg Doherty	No	-	-	-
Michael Kneeland	Yes	Yes	Yes	Yes
Paul Lanzikos	Yes	Yes	Yes	No
Denis Leary	No	-	-	-
Lucilia Prates-Ramos	Yes	Yes	Yes	Yes
Jose Rafael Rivera	Yes (ByPhone)	Yes	Yes	Yes
Meredith Rosenthal	Yes	Yes	Yes	Yes
Alan Woodward	No	-	-	-
Michael Wong	Yes	Yes	Yes	Yes

Summary	12 members attended	12 Approved with votes	12 Approved with votes	11 Approved with Votes
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(M): Made motion (2nd): Seconded motion

PROCEEDINGS

An emergency meeting of the Massachusetts Department of Public Health’s Public Health Council (M.G.L. C17, §§ 1, 3) was held on Thursday, March 27, 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), Ms. Lucilia Prates-Ramos, Dr. Meredith Rosenthal, Mr. Paul Lanzikos, Dr. Michael Kneeland, Dr. John Cunningham, Dr. Michael Wong, Dr. Michele David, Mr. Harold Cox and Mr. Edward Bernstein.

Mr. Derek Brindisi and Mr. Jose Rivera participated by phone.

By Phone: Ms. Meg Doherty, Mr. Denis Leary and Mr. Alan Woodward were not present.

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

Commissioner Bartlett called the meeting to order at 10:20am and reviewed the agenda.

The Commissioner announced that the Governor sent his apologies that he was not attending, and conducting the announcement of an emergency declaration that morning, as originally planned as he was visiting Engine 33.

Commissioner Bartlett asked for a moment of silence for Firefighter Michael Kennedy and Lt.

ITEM 1: Additional Emergency Powers

The Commissioner asked the Public Health Council vote to approve that the Commissioner may, during the period of emergency, take such other actions, incur such liabilities, and establish such procedure which are consistent with, and are of necessity as required by the provisions of the Governor’s declaration.

Dr. Wong moved to vote, and Mr. Lanzikos seconded the motion.

Dr. David asked when will the declaration end, and the Commissioner explained when the Governor felt that the threat to the public had ended.

The motion was approved.

ITEM 2a: Ban hydrocodone-only extended-release products

Dr. Cunningham asked for clarification on the difference between Item 1 (emergency powers and Item 2 (banning of hydrocodone-only extended-release products)

Attorney Levin answered on behalf of the Commissioner, explaining the legal difference. Attorney Levin explained that Commissioner can come back and say that DPH has established process for the banning of the drug, or remove if another version of the medication has become available. The

Dr. Wong also commented that the current formulation has significant abuse potential for patients, and that there are concerns for other drug interactions.

Attorney Levin stated that this was the first time for MA to have declared in this capacity.

Deborah Allwes stated that Massachusetts is the first state in the country to declare an emergency and pass regulations in this manner. Other states have pending legislation.

Dr. Cox asked what are the penalties to providers who prescribe, even though we are banning their ability to do so, and how will we (DPH) educate them.

Deborah Allwes stated that the penalties that are in place through the Drug Control Program will apply and will be through the DCP's medical review group, from there it will be determined whether to refer to BORIM and BORIM will make a recommendation for suspension or not of MCSR.

Dr. Cox asked about whether the federal law supersedes this declaration? Attorney Levin stated that the state has own formulary and statute, and that if the federal law trumped our law, this would be preempted, but we did not think it was preempted in this case.

Dr. Cox also asked how we would notify prescribers and distributors. Deborah Allwes stated that would happen as it would with other notification when DPH releases their circulars.

Mr. Lanzikos expressed concern about out of state mail-order pharmacies sending medication into the state. Dr. Wong responded and stated that controlled substances cannot be delivered by mail whether shipped in or within the state.

Dr. Bernstein stated that the FDA should not be considered law in the nation and we should take in stride, and recognize that this is an issue that needs to be addressed on the state level.

Commissioner Bartlett made a motion to accept the banning of hydrocodone-only extended release medications.

Dr. Wong approved, Dr. David seconded the motion.

All approved. No opposition.

ITEM 2b; 2c: First Responder Regulations

Mr. Lanzikos asked that once this is established, and the municipality is responsible do they expose themselves to liabilities.

Commissioner Bartlett stated that we are allowing for the opportunity to provide universal access for naloxone, but we are not mandating that municipalities have this. DPH will determine the burden and the need to source the communities. Quincy, for example, indicated that they are able and willing to purchase when passed.

Mr. Lanzikos asked what the cost of narcan is. The cost is 40.28 for a kit, with 2 doses of the nasal narcan.

Mr. Rivera asked if DPH was looking to provide nasal narcan only, or other forms.

Commissioner Bartlett stated at this point, only looking to provide the nasal form of narcan.

Commissioner Bartlett moved to allow these amendments to permit first responders to carry and administer naloxone or other opioid antagonists approved by the Department.

Dr. David move, and Dr. Rosenthal seconded the motion.

All approved, and these regulations are effective immediately. Attorney Levin clarified that the regulations are effective as soon as they are filed with the Secretary of State's office, which would be done later that day.

Bystanders

Commissioner Bartlett made it clear that a significant part of the announcement will be about supporting treatment and that the Interagency Task Force will be looking to other alternatives as well.

Dr. Cox asked how first responders/DPH were going to be able to identify frequent flyers.

The Commissioner stated that the number of repeat patients is not as high as anticipated. Hilary Jacobs stated that the intervention, prevention, treatment recovery and support are significantly

important in this process, and right now DPH is trying to get the narcan in the hands of those who are most likely to witness an overdose.

Dr. Lanzikos stated that this is a worthy approach, but he is hesitant to do this as an emergency order, that DPH should be looking at best practices, how to pay for supplies and for training. Concerned that if we rush into well intended approach, and creates confusion, then obstructs the ultimate purpose.

Dr. Bernstein stated that the White House strategy is similar in increasing access to naloxone as a top priority. This similar approach to addiction as much like how public health faces other major diseases.

Dr. Cox asked the Commissioner to come back to PHC to discuss implementation process and she stated that she would provide an update in April.

Dr. Bernstein made a motion for vote, and Dr. Rosenthal seconded the motion.

Mr. Lanzikos spoke to the motion prior to the vote.

Mr. Lanzikos opposed. All other members approved.

District Attorney Morrissey took a moment to speak with the approval of the Commissioner. He stated that he appreciated the quick action of the Governor. Quincy's first responders used nasal narcan 247 times. In the first 100 no duplicates, second 100 less than 5 or 6. Part of the problem are the unattended deaths as people are taken out of house, and die at hospital. There were 61 deaths last year. Quincy if they didn't have this program, then more would have been in the list.

Commissioner Bartlett stated that there will be an update to the Prescription Monitoring Program (PMP). This has been in phase in process that was anticipated to be completed by 2015. The Commissioner has declared that all doctors shall be registered with the PMP by the end of 2014.

Dr. Bernstein moved to adjourn the meeting and Dr. Rosenthal seconded the motion.

All approved.

Adjourned at 11:30 AM.

The meeting adjourned at 11:30 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. Proposed amendments to First Responder Regulations
3. Copies of all power point presentations (emailed upon conclusion of the meeting)

Commissioner Cheryl Bartlett, Chair