

APPROVED MINUTES OF THE PUBLIC HEALTH COUNCIL

Meeting of May 20, 2020

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

**PUBLIC HEALTH COUNCIL
MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH
250 Washington Street, Boston MA**

Docket: *REMOTE MEETING*** Wednesday, May 20, 2020 – 9:00AM**

Note: The May Public Health Council meeting will be held remotely due to the COVID-19 State of Emergency declared by Governor Charles D. Baker on March 10, 2020 and consistent with the Governor’s March 12, 2020 Order modifying the state’s Open Meeting Law and April 28, 2020 Order extending the prohibition of gatherings of 10 or more individuals until May 18, 2020.

Members of the public may observe the meeting proceedings by using the information below:

Join by Web: <https://us02web.zoom.us/j/82363776164>
Dial in Telephone Number: 1-646-558-8656
Participant Passcode: 823 6377 6164

1. ROUTINE ITEMS

- a. Introductions
- b. Updates from Commissioner Monica Bharel, MD, MPH.
- c. Record of the Public Health Council Meeting held April 23, 2020. **(Vote)**

2. FINAL REGULATIONS

- a. Request to approve for final promulgation amendments to 105 CMR 665.000, *Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems*. **(Vote)**

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

Attendance and Summary of Votes:

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

Date of Meeting: May 20, 2020

Start Time: 11:07 AM Ending Time: 12:40 PM

Board Member	Attended	First Order: Approval of March 11, 2020 Meeting Minutes (Vote)	Second Order: Request to approve for final promulgation amendments to 105 CMR 665.000, Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems. (Vote)
Commissioner Monica Bharel	Yes	Yes	Yes
Edward Bernstein	Yes	Yes	Yes
Lisette Blondet	Yes	Yes	Yes
Derek Brindisi	Yes	Yes	Yes
Kathleen Carey	Yes	Yes	Yes
Sec. Elizabeth Chen	Yes	Abstained	Yes
Harold Cox	Yes	Yes	Yes
John Cunningham	Yes	Yes	Yes
Michele David	Yes	Yes	Yes
Michael Kneeland	Yes	Yes	Yes
Keith Hovan	Yes	Yes	Yes
Joanna Lambert	No	Absent	Absent

Board Member	Attended	First Order: Approval of March 11, 2020 Meeting Minutes (Vote)	Second Order: Request to approve for final promulgation amendments to 105 CMR 665.000, Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems. (Vote)
Lucilia Prates-Ramos	Yes	Yes	Yes
Sec.Francisco Ureña	Yes	Yes	Yes
Summary	13 Members Present; 1 Absent	12 Members Approved; 1 Abstained; 1 Absent	13 Members Approved; 1 Absent

PROCEEDINGS

A regular meeting of the Massachusetts Department of Public Health's Public Health Council (M.G.L. c. 17, §§ 1, 3) was held on Thursday, April 23, 2020 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: Edward Bernstein, MD; Monica Bharel, MD, MPH; Lissette Blondet; Derek Brindisi; Kathleen Carey, PhD; Secretary Elizabeth Chen; Harold Cox; John Cunningham, PhD; Michele David, MD; Michael Kneeland, MD; Keith Hovan; Lucilia Prates-Ramos, and Secretary Francisco Ureña.

Absent members were: Joanna Lambert.

Also in attendance was Margret Cooke, General Counsel at the Massachusetts Department of Public Health.

Commissioner Bharel called the meeting to order at 9:06AM and made opening remarks before reviewing the agenda.

1. ROUTINE ITEMS

b. Updates from Commissioner Monica Bharel, MD, MPH

Commissioner Bharel stated before the Council reviews and votes on minutes from the April Public Health Council meeting, she wanted to share a few highlights regarding recent public health work taking place at the Department and across the state. The Commissioner then provided updates on the COVID-19 response in Massachusetts, including an overview of the recently announced reopening plan for Massachusetts. She also noted May's National Nurses Month, National Hospitals Month, and National EMS week.

Commissioner asked if members had any questions.

Dr. David asked about the healthcare reopening as it relates to ambulatory and primary care and if patients may be seen onsite.

Commissioner Bharel responded that during this phase urgent procedures and services may be provided and that this phase emphasizes caring for those with complex or chronic care needs as well as critical prevention measures, such as immunization.

Dr. David added that her site, which is a university health center, has engaged in contact tracing and surveillance testing and wanted to understand how that connects to broader surveillance work.

Commissioner Bharel noted that the curve here in Massachusetts plateaued and is starting to bend, and now contact tracing is a key function in collaboration with the Community Tracing Collaborative, local boards of health, and DPH. She noted there are discussions with higher

education and others about supporting that work, and concluded by noting this tracing work is done at the local level.

Dr. Bernstein asked if there were any preliminary findings from the contact tracing work thus far, noting its role in identifying workplace and long-term care facility clusters.

Commissioner Bharel responded that clusters of cases such as congregate care settings have led to increased testing. She added that social distancing has been effective, and that the number of individuals who have been in contact with a case is down from 10-20 to 2.

Dr. Bernstein then raised concerns about some services slated for Phase 2, such as hair salons and nail salons, given the close proximity of people in those settings.

Commissioner Bharel noted currently the Commonwealth is in Phase 1, and data will drive when we are able to move forward and will be at least three weeks. She added that the industry-specific guidelines do contain protections and requirements such as wearing face masks.

Dean Cox asked what the data is showing about how COVID-19 is spread across different racial and ethnic groups.

Commissioner Bharel noted the Equity Advisory Board is looking at the data and trends to inform our efforts and response. She added that since the order requiring this data be reported, there has been a 20% increase which is important for us trying to fill in gaps in the data. She noted the data would be brought to the Council as we know more.

Lisette Blondet noted community health workers have not been represented on teams related to the state's COVID-19 response. She indicated the Massachusetts Community Health Workers Association is connected with Partners in Help, but wanted to understand if there was a larger role for community health workers to play and if there were plans to engage this group.

Commissioner Bharel thanked Ms. Blondet for raising this critical workforce and indicated they remain a priority group that we will use to combat COVID-19. She noted they will play a key role with community engagement and continued work with community health center, and in

Lucilia Prates-Ramos raised concerns about varying rules and protocols being put in place in long-term care facilities, and indicated this can lead to confusion. She asked the best place to find information on these standards.

Commissioner Bharel directed people to the [mass.gov/covid19](https://www.mass.gov/covid19) website as well as calling 211 for specific information. She noted that the guidance and situation is continually evolving which also generates confusion.

Dr. David echoed Ms. Prates-Ramos comments. She also highlighted the role media plays in certain communities, in particular utilizing Haitian media for Haitian-Creole residents as the website may not be as accessible.

Lastly, she noted the departure of Bureau of Family Health and Nutrition Director Craig Andrade, who will begin a role at Boston University School of Public Health. She added that Alison Mehlman will serve as Acting Bureau Director.

1. ROUTINE ITEMS

c. Record of the Public Health Council April 23, 2020 Meeting (Vote).

Commissioner Bharel asked if any members have any changes to be included in the April 2020 meeting minutes.

Ms. Blondet noted the minutes reflect she was not present for the vote on the Belmont Manor Nursing Home, Inc. determination of need approval, while she was present and did approve. She requested the record reflect this approval.

Commissioner Bharel then asked for a motion to accept the minutes as amended by Ms. Blondet. Secretary Ureña made the motion, which was seconded by Dr. Kathleen Carey. All other present members approved except Secretary Chen who abstained.

2. FINAL REGULATIONS

a. Request to approve for final promulgation amendments to 105 CMR 665.000, *Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems*. **(Vote)**

Commissioner Bharel then asked Lea Susan Ojaama, Deputy Director for the Bureau of Community Health and Prevention, Ben Kingston, Director of Policy for the Bureau, and Sophia Apostola, Deputy General Counsel, to request approval to promulgate amendments to 105 CMR 665.000.

After the presentation, the Commissioner asked if members had any questions. Seeing none, the Commissioner asked if there was a motion to approve the proposed amendments for promulgation. Secretary Chen made the motion, which was seconded by Mr. Hovan. All present members approved.

With no further agenda items, the Commissioner reminded the Council that the next meeting would take place remotely on Wednesday, June 10, 2020 at 9AM.

She then asked for a motion to adjourn. Ms. Blondet made the motion, which Dr. David seconded. All present members approved.

The meeting adjourned at 9:50AM.