



**MINUTES FOR THE MEETING OF THE BOARD OF THE
BOSTON PUBLIC HEALTH COMMISSION
Thursday, June 12, 2014**

A meeting of the Board of the Boston Public Health Commission (“Commission”) was held on Thursday, June 12th, 2014 in the Carter Auditorium, 4th Floor, 35 Northampton Street, Boston, MA 02118.

Board Members Present:

Paula Johnson, MD, MPH, Chair
Myechia Minter-Jordan, MD, MBA
Manny Lopes

Also Present Were:

John Townsend, Fatema Fazendeiro, Maia Brodyfield, Chuck Gagnon, Kathy Hussey, Tim Harrington, PJ McCann, Mimi Brown, Lisa Conley, Gerry Thomas, Rita Nieves, Nikysha Harding, Chief James Hooley, Pam Jones, Jeanne Lin, David Susich, Jenny Brichler, Patrick Filipi, Erin Parker.

Proceedings:

Chairwoman’s Comments

Paula Johnson, MD, MPH

- Dr. Johnson opened the meeting at 4:10pm and stated we would not be approving the May board minutes. She then made a few announcements: Dr. Ferrer sends her apologies for not being there this evening. Also, sad news, but a wonderful opportunity, is that Fatema Fazendeiro will be leaving us. Dr. Johnson commented that Ms. Fazendeiro's 11 years of service have been phenomenal and that she has personally seen Ms. Fazendeiro grow. It's been wonderful to see her as our chief legal counsel.
- Dr. Johnson explained that Ms. Fazendeiro would be going to teach at Boston University. Not only would it be phenomenal experience for her and but extraordinary for her students who will benefit from her experience in public health and for all that she's brought to us. Dr. Johnson is certain that Ms. Fazendeiro will bring that to them and will help produce the next generation of legal counsel in public health. Dr. Johnson thanked Ms. Fazendeiro and wished her well.
- Ms. Fazendeiro thanked Dr. Johnson and said, although she won't do it justice in this brief moment, it has been a pleasure to serve the Board. We've always been lucky to garner such esteemed colleagues on our board; members of the community who have done so much in their line of work. It's been a pleasure and an honor also to serve the Commission in various capacities. Ms. Fazendeiro has enjoyed the work she's done here; her colleagues have been wonderful. She has wonderful stories of not only public health regulations, but also the day-to-day triumphs that we've had in helping the citizens of Boston achieve better health status. These stories she takes very proudly to her students. Ms. Fazendeiro explained that she will be teaching Intro to Law and that within the different subjects she teaches, she will let them know about the important work the Commission has done and continues to do and is very proud about that.
- Dr. Johnson congratulated Ms. Fazendeiro, wished her the best of luck and asked Ms. Conley to give an update on issues around the State budget and pending legislation.

Report from the Executive Office

Lisa Conley, Esq.

Director of Intergovernmental Relations

- Ms. Conley stated the State FY15 budget is in conference committee now. The House and Senate both passed the budget and now they are reconciling their differences.
- Ms. Conley said we pushed really hard on a couple of areas, one being homeless services to try to increase the line item for individual homeless adults. This is where we get the bulk of our State funding for homeless shelters. We were able to get a \$1 million increase in the House and will be asking for that in conference report.
- We also worked on addictions and substance abuse and that there were extra funds in both the House and Senate budgets. There was \$10 million in the Senate budget for new recovery services and sober homes accreditations. There have been a number of issues with sober homes at the city level. There's been a lot of exploitation of really vulnerable people and badly run sober homes. We are excited the State is willing to take it on the leadership and create a regime for licensing sober homes.
- Extra funds are available for NARCAN training which we've been a leader in; DPH now has some resources to take that work state wide and a few other pieces dealing with the opioid overdose epidemic.
- Per Ms. Conley, both budgets require insurers to pay for breast pumps which, is an ACA requirement, but is now written into our state law.
- There is a new community based prevention evaluation program with DPH that is actually a community grant (\$250,000). It's not DPH doing evaluations of community work, but rather prevention evaluations done at the community level.
- On State legislation, Ms. Conley indicated there are two bills still alive and well. The first is a BPHC Data Sharing home rule petition requiring the State to share their data more freely with us. The bill has gone through the House and is in the Senate. We have been working with the State Ways and Means Committee to get it out and are confident it will move this session.
- The second is a Lead Update bill. Lead poisoning level has been set unusually high in the State for a long time. Currently, the CDC level is 5 micrograms per decimeter; the State is 25 micrograms per decimeter. This doesn't allow the same kind of action for local health authorities. Scientists have deemed 5 micrograms to be an appropriate level to do something in the home. We are looking for local options to allow certain communities that are ready and able to take on the additional enforcement or at least to let the State allow us to do so.
- As for Federal legislation, Ms. Conley stated we have been working with other big cities through a NACCHO coalition on deeming rights for electronic cigarettes. Chief Hooley will be testifying next week before the House Committee on Homeland Security regarding lessons learned from the Boston Marathon bombings.
- Dr. Johnson commented it will be interesting to hear about Chief Hooley's testimony. She also had a question regarding a breast pump issue. A number of organizations have been providing the lowest possible standard of breast pump which in effect is no pump at all. Dr. Johnson wondered if there is any language that centers on standards. Ms. Conley did not remember seeing it; it's possible we'd see it in the regulations. Dr. Johnson feels it might be worthwhile to look into it. Ms. Conley agreed.
- Dr. Johnson stated there would only be two presentations this evening. One would be an update from Ms. Nieves on the Methadone clinic closing; the other from Ms. Harding and Mr. McCann on Tobacco Control trends.

Update: Status of BPHC Methadone Clinic Closing

Rita Nieves, Director of the Addictions, Prevention, Treatment, Recovery and Support Services Bureau

- Ms. Nieves gave a recap of the process from presenting the FY15 budget to the Board on April 17, 2014 which included plans to transfer the OTP clinic. The Board approved the budget and BPHC plans to work with a qualified vendor to assume management of BPHC's OTP Program.

- Ms. Nieves explained the primary goal is to transfer BPHC OTP to an existing and experienced vendor to absorb current client, ensure the maintenance of treatment capacity and expand this level of care in Boston. BPHC has coordinated all aspects of this transition process with our partners at the MA Department of Public Health and the BMC medical team.
- Ms. Nieves described the implementation timeline: creation of a Steering Committee comprised of DPH, CSAC and BPHC; execution of Memorandum of Agreement with the vendor, facilitation of multiple forums with clients, staff, and key stakeholders; hiring a consumer advocate; facilitated getting state contract for uninsured; facilitated hiring of 7 BPHC nurses and 5 clinicians by new vendor; began transfer of clients and hired staff (6/18/14 - 7/31/14); and Steering Committee updates to BPHC Board on transition.
- Ms. Nieves stated there are weekly conference calls about the work plan. CSAC will continue to service clients with no insurance as well as our current clients. They have been a good neighbor listening to feedback from area residents.
- Of the 21 remaining staff members, 14 interviewed with CSAC; 12 have accepted; leaving 9 staff. All will receive full severance packages.
- We currently have 392 clients. The fact that the OTP Medical Director, 7 nurses and 5 clinicians are also transitioning to CSAC will make the transition easier for our clients. Clients are being transitioned in groups of 20. According to Ms. Nieves, CSAC also uses the same billing/recording company as BPHC and will do a record migration to CSAC. This will help to make sure there is no double dosing.
- Dr. Johnson asked Ms. Nieves what is her biggest concern. Ms. Nieves replied it is the clients getting to the new location and the community response. Dr. Minter-Jordan asked what the capacity is at the new clinic. Ms. Nieves stated there is a 600 maximum. Dr. Minter-Jordan commended Ms. Nieves and her staff for their efforts on such a large task.
- Dr. Johnson thanked Ms. Nieves for her report. Before introducing Ms. Harding and Mr. McCann, Dr. Johnson noted that BPHC has been a leader when it comes to tobacco control and regulations and how we strive to stay one step ahead.

Presentation: Review of Tobacco Data and Policy Trends

Nikysha Harding, Director of the Tobacco Control Program

PJ McCann, Assistant General Counsel

- Ms. Harding stated that despite our efforts, we have not seen a decrease in overall tobacco use among Boston youth between 2010 and 2013.
- Cigarette use among youth has remained steady with 6.2% of Boston youth reporting smoking cigarettes in the past 30 days in 2013. The percentage of students who reported ever smoking cigars increased from 16.1% to 20.9% between 2010 and 2013. The percentage of students who reported ever smoking cigars flavored like candy, fruit, chocolate, or other sweets remained unchanged at 15.3% in 2013. Cigar use among youth is underreported.
- Ms. Harding indicated cigar smoke can increase the risk of lung, mouth and throat cancers and harm lung development. Flavored cigars entice youth to start smoking; flavors mask the harsh taste of tobacco products, making it easier for youth to initiate smoking. Flavored cigars in particular are marketed to youth and targeting communities of color. There are different products and flavors; they are not taxed like cigarettes and are sold at reduced prices.
- Mr. McCann believes as a policy approach, we should amend our regulations to ban the sale of flavored tobacco and nicotine delivery products including cigars, cigarettes, smokeless tobacco products, and e-cigarettes, except in adult-only establishments and excluding menthol. New York City and Providence, RI have taken this approach and have survived legal challenges, setting a favorable precedent.
- Another policy approach would be to raise the legal age for purchasing tobacco and nicotine delivery products to 21. Mr. McCann noted that New York City, Suffolk County, New York, Hawaii County and approximately a dozen Massachusetts towns have done this. Needham was the first jurisdiction to pass an age 21 regulation in 2005. By 2010, Needham's youth smoking rate fell to 6.7% compared with 12.4% in neighboring towns; that percentage of decline is triple that of neighboring towns.

- Mr. McCann stated measures to strengthen existing regulations and address gaps in our current regulation language include: clarify the requirement that all tobacco sales need to be face-to-face and at the permitted location to prohibit tobacco deliveries; strengthen the requirements for qualifying as an adult- only retail tobacco store to make sure that the exemption is only applied to stores that primarily sell tobacco.
- Additional measures to consider: require that all nicotine delivery products be sold in their original packaging and prohibit sampling to prevent poisoning and misuse; ban the sale of e-cigarettes and nicotine delivery products in pharmacies and educational institutions by including them in that regulation. Dr. Johnson asked Ms. Harding for more data on e-cigarettes, youth institutions (?) and liquid substances that are not controlled.
- Ongoing issues: strengthening the Workplace Guidelines to address issues regarding patios, transfers of permits, and standards for exempt retail tobacco stores; smoking near hospitals and other places where smoking is prohibited either by law or institutional policy; sales and advertising of tobacco near schools (Chicago implemented within 500 feet).
- Dr. Minter-Jordan asked about the process for amending/adding to our regulations. Mr. McCann explained that we start with small, bold steps and keep the Mayor in the loop.
- Dr. Minter-Jordan asked for data on increasing the age for purchase and what they are experiencing in NY. She inquired about any updated comprehensive data on e-cigarettes, i.e. where sold, pharmacies, by neighborhood, race, ethnicity and sex. She would like to see a chart with concrete evidence of locations of pharmacies that sell e-cigarettes.
- Mr. McCann indicated there are smoking migrating issues around hospitals and we're working on ways of how to deal with it.
- Dr. Minter-Jordan wanted to know how we are communicating/educating people about e-cigarettes. Mr. McCann commented we can create specific signage and change our public health messaging.
- Dr. Jordan appreciated the update from Ms. Harding and Mr. McCann. She noted there was a lot of data requested and asked that they come back to the Board in the fall.

Adjournment

Dr. Johnson thanked everyone for attending. With no further business before the board, Dr. Johnson adjourned the meeting at 5:30 pm.

Submitted by:

Kathy Hussey, Board Secretary