



**CITY OF WORCESTER, MASSACHUSETTS**  
Division of Public Health



Michael P. Hirsh, MD, FACS, FAAP  
Medical Director

**SUBJECT:** BOARD OF HEALTH MEETING MINUTES  
**DATE:** MAY 4, 2015  
**START TIME:** 6:30PM  
**LOCATION:** 25 MEADE STREET, ROOM 109  
WORCESTER, MA 01610

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**Present:** Dr. Michael Hirsh, David Fort, Joanne Calista, Dr. Jerry Gurwitz, Abigail Averbach, Karyn Clark, Edith Claros, Erin Cathcart, Zach Dyer, Waldo Zamor, Kathy Johnson

**1. Welcome and Introductions**

- a. Abbie Averbach served as the chair for this meeting

**2. Approval of the Minutes**

- a. Minutes of the 4-6-15 meeting are unanimously approved following a motion to the chair.

**3. Overview of City Regulatory Processes (David Moore, City Solicitor)**

- a. Mr. Moore outlined the regulatory authorities of the Board of Health. Under state statute "chapter 111" the Board has the authority to promulgate "any reasonable" regulation to protect public health.
- b. Dr. Gurwitz asked for clarification on what are the powers the Board holds and how they would go about exercising those powers. Mr. Moore explained that to implement regulations the Board does not technically need to hold a public hearing or provide public notice however it is strongly recommended to establish an open and transparent process for policy development. Mr. Moore stated that the legal department will conduct some additional research on the procedures other Boards of Health follow as examples.
- c. Ms. Averbach asked what other City boards do with respect to policy implementation and interfacing with City Council. Mr. Moore explained that other Boards do not have the same regulatory powers that the Board of Health has so there really isn't a precedent in Worcester with other Boards. He further explained



that City Council subcommittees can only take up issues assigned by the Council. Most commonly, this starts with a report filed by the City Manager to the City Council that is then discussed and assigned to a subcommittee. The subcommittee will further review and discuss and report back to the full Council with recommendations.

- d. Ms. Calista asked if the Board of Health or City Council is impacted by the regulatory pause put in place by Governor Baker. Mr. Moore replied that the pause only applies to state level agencies and not municipal authorities.
- e. Mr. Moore described the state conflict of interest laws and explained that in the case of potential conflicts, the City Manager does have the power to appoint temporary Board of Health members if one of the five members needs to recuse themselves due to a potential conflict. The legal department is available to provide guidance in navigating potential conflicts.
- f. Ms. Averbach if regulations or policies promulgated by the Board would necessarily be ordinances or something else. Mr. Moore explained that the City Council's policy decisions are classified as ordinances and the Board of Health passes regulations, although there is no practical difference in the terms. Mr. Moore also explained that the Board can put in place rules to require votes on other non-regulatory items such as whether or not to request a report from the health department.
- g. Dr. Gurwitz asked for clarification on the Board's role in emergency communications such as a health advisory for contaminated water. Mr. Moore stated that in emergency situations, the Division of Public Health's Medical Director has the authority to issue advisories or orders in compliance with existing regulations. In those situations, the Board does have the right to call a meeting and repeal those decisions if they disagree.
- h. Dr. Hirsh asked what the jurisdiction of the City Council Public Health and Human Services subcommittee is compared to the Board. Mr. Moore responded that neither jurisdiction is exclusive, with both the Council and the Board having the authority to promulgate regulations. However, the subcommittee has no inherent authority, they can only act through the full Council. The subcommittee's role is to review in detail items that are assigned to them by the Council and provide feedback to guide decision making.
- i. Ms. Calista asked if the Board can act on a majority vote or if they are required to have a larger majority. Mr. Moore explained that a simple majority works for the Board of Health votes.
- j. Ms. Claros asked if the Board is required to send recommendations to City Council for implementation. Mr. Moore explained that the Board has a right to act independent of the Council and does not need to seek approval for actions. However, there are some situations where additional Council action may be needed to implement the Boards policies. For example, if the Board were to vote to require emergency personnel to carry narcan in case of overdoses, the Council would have to vote to approve expenditures to purchase the materials, staff trainings, etc. as the budget is under their jurisdiction.
- k. Karyn Clark asked about existing regulations or policies that are under consideration, such as tobacco regulations, if they have been under City Council do future updates need to go through that channel. Mr. Moore explained that in those



circumstances it is best to encourage cooperation between the Board and the Council.

- l. Kathy Johnson suggested that the Board put in place routine procedures to keep the City Manager and Council informed of the Board's work and items under consideration to foster collaborations. Ms. Averbach suggested regular reports and Mr. Moore stated that reports are acceptable and have the added benefit of helping keep the public informed. Reports to City Council from the Board would need to be submitted through the City Manager.
- m. Ms. Averbach asked where public hearings come in for the Board and when they are required. Mr. Moore explained that there are two types of meetings for the Board. The first is a regular meeting where the public can speak on any item on the agenda with the approval of the chair. The Board may consider implementing rules to allow public comment at certain points in the meeting like City Council has done. There are also public hearing meetings that the Board can schedule where all are welcome to speak on a specific issue. The Board can choose when and on what items to schedule a public hearing as they are not required for the Board to act except in very specific situations.
- n. Dr. Gurwitz asked what the public's right to speak is at meetings. Mr. Moore stated that members of the public do not have the right to speak at meetings without the approval of the chair. Normally, a Board chair would never withhold approval unless an individual was being disruptive to the meeting.
- o. Karyn Clark Asked if an item had to be on the agenda in order for an individual to speak on it. Mr. Moore explained that the Board cannot deliberate on an item not on the agenda unless the chair cannot reasonably anticipate that the item will be brought up.
- p. Ms. Claros asked how the public can bring items forward. Mr. Moore stated that the Board is free to adopt standard rules on how agendas are crafted so that people can participate.

#### **4. Other Business (Karyn Clark)**

- a. Karyn described how the summer internship program for 2015 will look. The Division will have 13 Clark University interns on various projects. Clark is paying the students and providing faculty oversight and a workspace on their campus. Worcester State University is working on a number of projects related to the Community Health Improvement Plan with funding through the Health Foundation. UMass Medical School has offered to support the academic health department by providing guidance on an evaluation plan for the efforts.

#### **5. Academic Health Department Project Presentation (WPI students)**

- a. Students from WPI completed a quarter-long project in partnership with the Division of Public Health. The project centered around planning the logistics of a "CHIP walk" event to promote health and celebrate the progress of the Community Health Improvement Plan. Division proposed the idea and the students created an implementation plan for the event that staff can use in the future if they decide to hold the event.



## **6. Set Next Meeting's Agenda**

- a. The Board requested that the Division provide a list of policy topics based on the CHIP and or other City priorities for review
- b. The Board requested an update on overdose prevention activities. Karyn Clark will forward the overdose report that was submitted to City Council for the Board's review.
- c. The Board requested that a summer meeting schedule be discussed as many City boards do not meet during the summer
- d. Kathy Johnson informed the Board that the City Manager will be revealing his proposed FY16 budget on May 5<sup>th</sup>. The proposed budget will include a proposal to restore the Department of Health and Human Services structure which will move the Division of Public Health out from under the Executive Office of the City Manager to be under a Commissioner of Health and Human Services.

## **7. Next Meeting**

- a. Monday, June 1, 2015 from 6:30pm-8:30pm with Ms. Edith Claros as acting BOH chair.

## **8. Adjourn: 8:12 P.M.**

- a. All are in favor of adjournment.
- b. Meeting adjourned at 8:12pm.

