



**MINUTES OF THE BOARD OF HEALTH
January 12, 2022**

A meeting of the Boston Board of Health (Board) was held on Wednesday, January 22, 2022 by remote participation pursuant to An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency.

Board Members Present

Manny Lopes, Chair, Rebecca Gutman, Phillomin Laptiste, Guale Valdez, Dr. Jennifer Childs-Roshak, Kate Walsh

Others Present

Bisola Ojikutu, PJ McCann, Britt Frederick, Julia Frederick, Abeer Khatana, Anissa Ray, Anne McHugh, Cynthia Hamwey, Dan Dooley, Debra Paul, Duncan Silayo, Eugene Barros, Gerald James, Chief James Hooley, Johanna Kaiser, Tim Harrington, Kathryn Hall, Laura Segal, Michele Clark, Mary Bovenzi, Roy Wada, Dr. Sari Sanchez, Shannon O'Malley, Stacey Kokaram, Steve Simmons, Tierney Flaherty, Tori Cowger.

Proceedings

Chairperson's Opening Remarks

Chairperson Lopes: Hello and welcome, everyone, to the first Boston Board of Health meeting for 2022.

I'm excited to hear more during tonight's meeting about the Commission's work to protect our city from COVID-19 and the related issues of unsheltered homelessness and substance use disorder. I am happy to see the Commission taking a leadership role on so many public health fronts and look forward to hearing more about what's ahead.

This meeting is being conducted by remote participation as authorized by state law and any so all votes will be taken by a roll call of the members.

In keeping with our usual practice, members of the public and BPHC staff will be allowed to observe the proceedings and we will use the moderating features on the Zoom application to keep all on mute other than Board members and BPHC presenters and others as needed.

Acceptance and Approval of the November 17, 2021 Meeting Minutes

Lopes: Before we move on with the rest of the agenda, I'll entertain a motion to accept and approve the November 17 meeting minutes.

A motion was made by Mr. Valdez, seconded by Ms. Gutman, and approved unanimously by roll call vote.

Executive Office Report

Dr. Ojikutu: Good evening everyone. Thank you Commissioner Lopes. Thank you to everyone for joining. I would like to start by updating you in regards to a few policies that have been enacted recently related to COVID-19.

First, as of Tuesday, January 4, all city workers who are able to do so including the Boston Public Health Commission have been working remotely. The purpose of which was to de-densify and limit the number of people in the city buildings and decrease the risk of transmission amongst our workforce. The plan was for workers to work remotely for two weeks which expires on January 18th. We are currently in discussions about continuing that policy for another two weeks.

Secondly, we are quickly approaching the January 15th implementation date for our revised employee vaccination policy that eliminates the option to comply through weekly testing.

Approximately 10% of our workforce is currently complying with the existing policy by testing.

There is the ability for medical and religious accommodation. We are working with the individuals who are not in compliance and with our labor partners to ensure that they are prepared for the 15th. If they remain unvaccinated and have not submitted documentation for medical or religious accommodation – the policy states that we place people on administrative leave while they request a hearing.

Thirdly, As the Board knows, the Public Health Emergency Declaration made by my predecessor, Rita Nieves, and ratified by the Board of Health in March 2020 is still in effect.

Under this declaration there are a number of key policy initiatives - As you know, the indoor mask order including the order for face coverings in indoor public spaces, the eviction moratorium and the declaration of a public health crisis related to unsheltered homelessness and substance use disorder both of which PJ will discuss further, and the more recent ***B together initiative*** – which requires proof of vaccination for entry to indoor dining, entertainment, and fitness establishments all fall under the emergency order.

While all important for different reasons, two of these orders have drawn legal challenge and I'd ask PJ McCann to give a brief update on the ACLU case and the eviction moratorium - status of litigation, and any other updates about the active orders.

Unsheltered Homelessness and Substance Use Disorder - Geddes (ACLU)

The plaintiffs initially filed for relief before a single justice of the Supreme Judicial Court, which referred the proceedings to Superior Court for findings of fact. The case made several allegations against BPHC, City of Boston, BPD and the executives leading each of these entities. The crux of their argument was that our removals of individuals from the Mass and Cass area did not take into account these individuals' particularized needs, including accommodating active substance use and disability needs.

They allege that offering them housing options that don't take into account individual needs, coupled with the threat of removal authority of law enforcement to enforce civil and criminal law, is a violation of the 8th Amendment right against cruel and unusual punishment. Our position remains that the work you will hear more about this evening well exceeds and is responsive to, constitutional protections the ACLU is seeking to protect.

The Superior Court denied the plaintiff's request for a temporary restraining order in November. The Court also denied the plaintiffs' request for expedited discovery and depositions more recently. Together, these decisions allowed the outreach efforts to continue without court supervision. We also served a Motion to Dismiss on Wednesday the 5th.

Eviction Moratorium Cases

BPHC's Eviction Moratorium was issued on August 31st of last year to ensure that Boston residents facing eviction had adequate opportunities to get connected with rental relief and tenancy preservation resources. In late November, the Housing Court ruled that the Court would not uphold our Eviction Moratorium as the Judge determined passing it was not authorized under state law and in conflict with state laws regarding eviction proceedings.

We have filed a Motion to Stay with a Single Justice in the Appeals Court to order the Housing Court to stay evictions in the City while we litigate the Moratorium's legality in the Appeals Court. On December 29th the Appeals Court granted us an administrative stay while the Single Justice reviewed the papers and made a decision on our request for a stay. We have not yet heard from the Appeals Court on its decision on the substantive stay. Our brief on the underlying issue of the Moratorium will be due sometime end of this month or early February.

We will keep the Board informed about both of these matters.

Since our last meeting, we've made two key hires to our Senior Leadership Team.

We've hired Johanna Kaiser as our Director of Communications. Johanna joins us from the Planned Parenthood League of Massachusetts where she most recently served as Associate Director of Public Relations and Interim Vice President for External Affairs. Before that, Johanna worked on communications for the ACLU of Rhode Island. She began her career as a journalist, covering local news in Boston and the State House for various outlets, including The Boston Globe and the Associated Press.

I am also pleased to announce that Michele Clark DrPH, MPH has accepted the position of Deputy Director for Programs and Services. Dr. Clark has over 20 years of public health leadership, technical assistance and evaluation experience across a range of areas including HIV,

substance use, reproductive health and women's health. She was previously a Senior Consultant at John Snow, Inc. (JSI) where she has been tasked with organizational leadership, new business development, and strategic planning.

Lopes: Thank you, Bisola. I will ask PJ McCann to present a signatory authority vote for Deputy Director Clark.

McCann:

WHEREAS, The Boston Public Health Commission's Executive Director has appointed Michele Clark to serve as Deputy Director for Programs and Services for the Commission.

THEREFORE, It is hereby resolved as follows:

That Michele Clark shall have signatory authority for the Commission and shall exercise all powers and authorities of the Commission pursuant to M.G.L. c. 111 App. Sec 2-3(a);

That Ms. Clark shall be a public employee for the purposes of liability pursuant to Massachusetts General Laws Ch. 258 and will be covered by the Commission for any and all acts taken on behalf of the Commission or the Board of Health occurring during the scope of her employment; and

That Ms. Clark shall serve in this capacity until a successor may be appointed.

And now we will need a motion and roll call vote to approve.

A motion was made by Ms. Walsh, seconded by Mr. Valdez and approved unanimously.

COVID-19 Updates

Thank you; now I will turn it over to Tim Harrington to give an update on the FY23 budget development process.

Dr. Ojikutu:

Expanded and new test sites: Anna Cole (expanded hours and additional day, now open 6 days/week), West End House (opened last week, open 6 days/week), Bolling Building (to come, will be open 5 days/week and 8 hours/day), and more

Ordering more test kits: You may have heard that Gov Baker just ordered 26M test kits – we understand they will be prioritizing schools and childcare settings, but have not been told if they will come directly to the city; We are working with the city to order more to ensure city employees have access and that we can continue to make kits available for communities where there is a lack of access to testing.

More vaccine clinics across the city: We know not every vaccine clinic across the city is being fully utilized -> BPHC communications and community engagement team working hard to ensure the information is getting to the communities that need it most. Also thinking creatively and working with community partners to expand options – will be planning more evening clinics in the coming weeks.

Updated PPE guidance: Put out updated PPE guidance given the current surge.

Sanchez: Recognize that keeping children safely in school is a public health priority and we are working to make evidence-based decisions about interventions.

Put forth a series of recommendations, including increased frequency of testing for BPS students and staff, enhanced quality of masks and updated PPE guidance, isolation and return to school guidance, as well as coordination of school-based COVID-19 vaccination clinics.

Lopes: Any questions?

Valdez: We are in a surge, and it will come back down. How is the Commission taking these peaks and valleys, and looking at the decisions regarding the surge, and what are we doing to prepare for the possibility of the next.

BO: This is something that I have discussed with Mayor Wu and is a great question. We will need to have new thresholds. We need to think through what we can tolerate with respect to our hospital infrastructure and what our response will be. What do we need to do to be proactive, and what do we need to order to be prepared in terms of PPE and other resources. Need surgical masks, enough KN95s for staff that are providing direct care. Need to think about what we keep standing up. In reality a lot of infrastructure needs to stay put. We need to invest in CHCs. We need to be working with you on staffing and what can be offloaded. We're working on a protocol about infrastructure for Mayor Wu and I hope it's responsive to this question.

Gutman: For BPS, what is the Commission's recommendation for return to work for teachers and return go schools. Are more protective masks being distributed, for staff and students? Has the commission also met with teachers and staff and families.

Sanchez: Our recommendations are based on the best science that's available. For teachers recommended return at seven days with a strongly recommended test before return.

For PPE, we have put together recommendations for high-quality masks. Have provided recommendations regarding staff who are in close contact, including N95 in certain high-risk circumstances. We are awaiting better recommendations for respirator masks for kids.

We've been working with leadership and participated in School Committee meetings and hearing from them and the public as we frame these recommendations.

Lopes: It's time to think about investments in our public health systems, flexibility with staff, how do we have staff that can become available for situations like this. With school nurses, what role can they play. I'd love to hear more about this as related to federal funding especially. We should take advantage of the lessons learned from this crisis.

Walsh: We might get further faster if we think about this in terms of the current state. What will it take, and what will we wish we did now.

Dr. Childs-Roshak: We should have a robust infrastructure, and the ability to be prepared. Would love to think about leveraging the moment and doing advocacy at city and state level around preparedness and public health infrastructure.

Dr. Ojikutu: Thinking about how we prepare is about shoring up our foundation on a daily basis. Thinking about stability, how we adequately fund our office of public health preparedness. It's about being prepared for any public health issue.

Lopes: As a follow up, please let us know how we can help, would be happy to draft a letter on behalf of the Board.

FY2023 Budget Development

Harrington: I think the budget new initiatives is a good place for the Board to weigh in in support of infrastructure investments.

Kokaram: Thank you to the Board and Dr. Ojikutu. This discussion about investments, here through a new initiative increasing Boston's Public Health and Medical Response to Emergencies. We've traditionally been reliant on grant funding and have seen loss in FTEs as we've seen increased responsibility. The funding will help our ability to respond to emergencies with rapid deployments, particularly to our underserved residents. It also contemplates enhancements to our disaster behavioral health services.

As we've been thinking about this investment, we've been thinking about our response, but also our COVID recovery phase and how we can adequately meet these.

Lopes: any questions? One comment: it would be great to see the plan that goes along with this proposal. It would be helpful to see how it fits in.

Guale: How do the two FTE slides reconcile?

Tim: First slide is maintenance proposal, then these are new investments proposals, so they are proposals and not approved yet and will be reviewed by the Office of Budget Management. Any advocacy should happen before March 1st.

Walsh: Chief Behavioral Health Officer. Please talk a bit about the thinking.

Ojikutu: Currently, we're intersecting situations. One hand we have encampment, COVID mental health impacts. Goal is to develop a mental health initiative in conjunction with City Hall. Need someone who truly understands these issues and has the expertise level. Experience with addiction managements, mental health disorder and issues related to equity, stigma, availability of diverse providers, as well as wanting someone who could coordinate across our bureaus, as well as exterior partners. To build a program. Would like to engage an advisory committee of people who understand these issues broadly to help develop this initiative.

Walsh: I'm thinking of the idea of a public health initiative rather than a filling gaps in care.

Hooley: Need to expand the service to meet need and response time goals. Four would be to augment mental health programs. 20 would be to augment.

Lopes: I'd love to see a plan that goes along with this, especially including the benchmarks and the scope of services. For follow up lets tee that up for a future meeting.

Lopes: Have an opportunity to dialogue more in the future.

Unsheltered Homelessness and Substance Use Disorder Interventions

Dr. Ojikutu presented the posted slides.

Dr. Ojikutu: I can report that all of the tents are now removed. All have been housed in low-threshold transitional housing.

I want to thank commissioner Walsh and BMC. They've built an intensive support model that we are excited about.

Our survey of the population confirmed that 64% of this population are people of color and 14% identified as speaking Spanish.

I want to also acknowledge enormous work by Gerry Thomas's team to make these creative lower-threshold spaces in our shelter buildings are spaces that people will want to come in.

Lopes: I want to extend my gratitude to Kate Walsh, other providers, City agency partners, and especially Commission staff. This has been difficult on many levels and critical to provide. Hopefully we'll be able to hear more from the team that has been leading on.

Hearing no further questions from the Board, this meeting stands adjourned.

Attest:

/s/ PJ McCann

Board Secretary