

**CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
MEETING OF THE BOARD OF HEALTH**

Thursday, May 13, 2010

A meeting of the Philadelphia Board of Health was held on Thursday, May 13, 2010, in the Municipal Services Building, 1401 J.F.K. Boulevard, Room 1450.

Board Members Present: Jose A. Benitez, MSW; Marla J. Gold, MD; Shannon P. Marquez, MEng.PhD; Scott McNeal, DO; Susan Schewel, CRNP, PhD; Donald F. Schwarz, MD, MPH; Robert G. Sharrar, MD, MSc

Attendees: Susan Boland; Charles G. Brown; Peter J. Carroll; Sean P. Connolly; Sylvia Dove; Dwight Florena; Nan Feyler; Kay Graham; Freya Koss; Raymond Leung; Giridhar Mallya, MD, MSHP; Jeff Moran; Huiwen Ouyang; Palak Raval-Nelson, Ph.D; Alan Roberson; Judy Roberson; Don Sapatkin; Elaine M. Strunk; Rebecca Winkler

Welcome and Introductions

Board President Donald F. Schwarz, Health Commissioner, called the meeting to order at 5:40 PM. He welcomed the members of the Board, department staff, and members of the public.

The Commissioner asked for corrections or additions to the minutes of the meeting of February 18, 2010. He entertained a motion to approve the minutes as written. It was moved and seconded. A guest at the meeting stated that a significant point raised at the previous meeting had not been included in the minutes. He was invited to submit a proposed amendment to the minutes in written form for future consideration by the Board. The minutes were approved as written subject to possible amendment.

Menu Labeling

Dr. Schwarz introduced Palak Raval-Nelson, Department of Public Health Director of Environmental Health who provided the Board with a report on the implementation of menu labeling requirements in chain restaurants. (**Attachment A**) Dr. Raval-Nelson said that the department is working with the City Law Department to petition for an exemption from portions of new, and less informative, national menu labeling requirements that preempt local regulations.

HPV Vaccination

Dr. Schwarz discussed the implications of cost benefit analysis of HPV immunization for boys and girls. Current analysis establishes a direct cost benefit for girls but not for boys. Consequently, reimbursement is available for the immunization of girls, but not boys. If the Board were to require HPV immunization for admission to school for girls alone, it would present girls with a potential disadvantage in access to education. If immunization were to be required for boys as well, they would not have access to the same financial resources as girls and could also be subject to a disadvantage. Dr. Schwarz said that the health department is currently examining the ways in which other jurisdictions are grappling with these issues and will present this information at a future meeting.

Dr. Marla Gold suggested that provisions to opt out of immunization might be crafted to eliminate the potential disadvantage for girls in access to education. She noted that a relatively small number of parents choose to opt out when faced with potentially lifesaving interventions for their children.

Following questions from the Board, Dr. Schwarz indicated that in addition to information about other jurisdictions, the health department would provide the Board with more information about national recommendations and the role of the Vaccines for Children program.

Dental Amalgam Fact Sheet

Dr. Schwarz reported that the Board has received a petition from Consumers for Dental Choice (**Attachment B**) that states that the Board of Health should seek advice from the City Solicitor before proceeding with revisions to the Dental Amalgam fact sheet. The petition was reviewed by the City Solicitor, who has advised that the Board of Health should determine the revision process.

At the last meeting of the Board of Health, both the Philadelphia Dental Society and the New Era Dental Society raised concern the fact sheet required by the ordinance provides a barrier to care, because of the perception that if children or their parents don't sign a consent form then care cannot be delivered. Dentists who use amalgam are required by the ordinance to provide the patient with a copy of the fact sheet, sign a form indicating that the information has been provided, and obtain the patient or parents signature on the form indicating that the patient received the information. The form records the fact that the information has been provided. It is not consent for treatment, which may be obtained in another manner either by phone or in writing. Dr. Schwarz proposed that the Board draft and circulate a letter to dentists in Philadelphia that clarifies the ordinance.

Dr. Schwarz reported that he has been in communication with Dr. Sharfstein, Deputy Director of the Food and Drug Administration (FDA). The FDA has asked the Board to table any discussion of revisions to the Dental Amalgam Fact Sheet until the FDA provides the Board with a letter of response to its inquiry. Dr. Schwarz entertained a motion to table the discussion. It was moved and seconded. Motion passed.

The City Solicitor, in reviewing the petition presented by Consumers for Dental Health, noted that the ordinance required that the Board of Health, with input from specified organizations, create a fact sheet about dental amalgam. The Board's obligation under the ordinance has been met.

When the fact sheet was created the Board decided to consider revisions after one year's time, Dr. Schwarz said. He proposed a process through which the Board might proceed with any revisions:

On receipt of a response from the FDA, the Board may choose to announce a public hearing on amendments to the fact sheet.

The Board would establish written rules and guidelines for the hearing, provide advance notice, and collect written public testimony.

The Board may preside at the hearings or designate representatives to conduct the hearings.

The Board, based on the public testimony, would then determine, at a regularly scheduled meeting, whether or not the sheet should be amended.

The Board approved the proposed process.

Dr. Gold expressed concern that the measures being taken to prevent the Dental Amalgam Fact Sheet receipt form from being a barrier to care may not be sufficient to insure that the information is reaching parents of children receiving dental care.

Dr. Schwarz said that the department would ensure that the information is reaching parents by working with the Dental Society and other professional organizations.

CDC-funded Nutrition and Physical Activity Initiative

Dr. Schwarz introduced Dr. Giridhar Mallya, Program Director for two new grants from the Centers for Disease Control (CDC). Dr. Mallya reported that on March 19 the CDC awarded the grants, which are funded through the Stimulus and Recovery Act.

The grants focus on prevention, in particular, on tobacco policy and control, and the promotion of physical activity and healthy nutrition. These are the underlying factors among the leading cause of deaths in the United States. Tobacco use accounts for nearly 20% of all deaths in nation and in Philadelphia. Poor diet and physical inactivity account for approximately 50% of deaths in the city and the nation. Dr. Mallya said that the question the CDC asked the department and other health departments across the nation is: What is the appropriate role of government in addressing these problems? A key role of government, Mallya said, is to catalyze citywide policies and systems and programs. He

noted that many Board members are already involved in the project and hoped for the Board's continued involvement and input.

Dr. Mallya said that over the past month the department has brought on many new staff members with the talent and expertise to implement the two new grant programs. He introduced Sara Solomon, a registered dietician and experienced public health professional who is responsible for the day-to-day operation of the Nutrition and Physical Activity program. Ms. Solomon has worked extensively with the School District of Philadelphia to promote healthy food and physical activity, as well as other organizations in the public and private sectors to promote nutrition and fitness.

Dr. Mallya provided the Board with an overview of the Nutrition and Physical Activity program. (**Attachment C**).

The meeting was adjourned at 7 PM.