

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

Thursday, August 12, 2021

The Philadelphia Board of Health held a public meeting on Thursday August 12, 2021. The meeting was held virtually using the GoToWebinar platform in light of restrictions related to the ongoing COVID-19 pandemic, allowing access to the public via computer or other device and via a toll-free phone number.

Board Members Present

Dr. Ismail Amid, Dr. Cheryl Bettigole, Dr. Tyra Bryant-Stephens, Dr. Ana Diez-Roux, Dr. Marla Gold, Dr. Jennifer Ibrahim, Dr. Scott McNeal, Dr. John Rich

WELCOME AND INTRODUCTIONS

Acting Health Commissioner and Acting Board President Cheryl Bettigole, MD, MPH called the meeting to order at 5:36 PM.

Mr. Joshua Roper reviewed the public comment process.

MINUTES

The Board unanimously approved the minutes from July 15, 2021.

AMENDMENT TO THE SECOND CONSOLIDATED AND RESTATED SUPPLEMENTAL EMERGENCY REGULATION GOVERNING THE CONTROL AND PREVENTION OF COVID-19 (CONSOLIDATED SAFETY MEASURES FOR FULL REOPENING AND DELEGATION OF AUTHORITY)

Ms. Jo Rosenberger-Altman of the Law Department described the Regulation. This amendment would require that any business operating indoors requires that individuals be masked unless an exception exists, such as if the business requires that everyone in the business be vaccinated. Ms. Rosenberger-Altman noted that the Board will be asked to make a change to the Order, but she is going to review the Regulation first. In addition to the indoor mask mandate, individuals will also need to be masked outdoors for events with more than 1,000 attendees, except in certain cases. The amendment also changes the exceptions when masks need to be worn in any of the settings that now or had previously required them.

Ms. Rosenberger-Altman clarified that this regulation would approve the Mayor and Health Commissioner's Order, with some minor changes. Those changes include only allowing certain classes of non-essential businesses be allowed to require vaccines. These businesses include grocery stores, pharmacies, doctor's offices or other medical facilities. Another change would be specifying that the exception for businesses that require all patrons and staff to be vaccinated

should specify that it should read, “fully vaccinated.” Another change would allow for people to be unmasked while eating or drinking while seated OR standing at a table. The amendment listed additional previous regulations that would now be superseded by this or other regulations and named those regulations that were still in force.

One comment was received thus far, but it was submitted prior to the regulation discussion. The Board members reviewed this comment and another that was submitted during the comment review period.

Dr. McNeal moved; Dr. Amid seconded.

Motion for approval of regulation approved unanimously.

EMERGENCY REGULATION GOVERNING THE CONTROL AND PREVENTION OF COVID-19 MANDATING VACCINES FOR HEALTHCARE WORKERS AND IN HIGHER EDUCATION, HEALTHCARE, AND RELATED SETTINGS

Ms. Rosenberger-Altman described the Regulation, beginning with the definition of covered healthcare personnel: any employee, contractor, student, or volunteer associated with a healthcare institution that does not work remotely, whether or not they have direct contact with patients; and the definition of covered higher education personnel: a person works, volunteers, or attends one or more classes in connection with an institution of higher education, and is on campus.

The Regulation states that, effective October 15, no healthcare institution shall employ a covered healthcare personnel that is not fully vaccinated or has received an exemption and is utilizing an accommodation. The Regulation also states that, effective October 15, no institution of higher education shall employ or utilize any covered higher education personnel that is not fully vaccinated or has received an exemption and is utilizing an accommodation. Furthermore, effective October 15, no healthcare worker shall provide care within Philadelphia unless they are fully vaccinated or has documented an exemption and documents ongoing compliance with an accommodation.

The Regulation allows for the following exemptions from the mandate, so long as they are documented and filed with the appropriate institution: if the administration of COVID-19 vaccine is contraindicated because the administration would be detrimental to the health of the individual; has a sincerely held religious belief that precludes the individual from receiving the COVID-19 vaccine.

For persons who have received an exemption from this Regulation’s mandate, the following accommodations must be offered by the appropriate healthcare or higher education institutions: for higher education institutions, they must require individuals to submit PCR test results weekly or antigen test results twice weekly; for healthcare institutions, they must require individuals to submit either PCR or antigen test results twice weekly.

An additional exemption for higher education institutions that have achieved 90% of covered individuals being fully vaccinated. In that situation, exempt individuals would be required to double mask indoors and remain at least six feet from others at all times.

The final accommodation allows covered individuals to interact with either healthcare or higher education institutions through wholly remote interactions.

Each institution and covered individual must retain documentation of their vaccination status, any exemption, including certifications, and what accommodations were granted.

This Regulation would be effective immediately, but the deadline for the mandate is October 15.

Higher education institutions, healthcare institutions, and healthcare workers are required to allow inspection of records associated with this Regulation upon request by the Health Department.

Failure to comply with this order can result in orders to cease operations, penalties, fines, and suspensions as provided for by law.

The Board of Health discussed how this Regulation should deal with contractors and others who may be on higher education or healthcare institution campuses intermittently. The Board was concerned that it would be difficult to ensure which contracted staff were vaccinated and which have received an exemption. The Board recommended not to change the language in the Regulation but place the onus on ensuring that contract employees' vaccination and exemption status be placed with the contracted firm.

The Board discussed the operationalization of exemptions. It was decided that institutes of higher education would not be charged with confirming or challenging medical exemptions. It was furthermore decided that covered institutions would not be charged with confirming or challenging religious exemptions. For complaints about financial hardship due to testing accommodations, Dr. Bettigole stated that testing is not the sole accommodation, and that free testing is widely available throughout the city. Regarding the virtual accommodation, it was determined that institutions have the option to institute any or all of the accommodations, and are not required to institute all of them, including the virtual option.

The Board agreed to make a few changes to the Regulation, specifically:

- Allowing the Health Commissioner to make typographical admin tech changes as needed,
- Allowing the Health Department to issue guidance on implementation, including the responsibility for maintaining documentation for contractors and other similar Covered Individuals, with the assumption that this guidance is sent to the Board,
- Adding the words, "if feasible," into the virtual accommodations section, and
- Adding athletic trainers to the list of covered individuals.

A number of comments were received regarding this Regulation and were reviewed by the Board.

Dr. Amid moved; Dr. Ibrahim seconded.

Motion for approval of regulation approved unanimously.

ADJOURNMENT

Dr. Bettigole adjourned the meeting at 7:13 PM.