

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

Tuesday, December 14, 2021

The Philadelphia Board of Health held a public meeting on Tuesday, December 14, 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. Cheryl Bettigole, Dr. Tyra Bryant-Stephens, Dr. Marla Gold, Dr. Jennifer Ibrahim, Dr. Amid Ismail, Dr. Scott McNeal

**WELCOME AND INTRODUCTIONS**

Health Commissioner and Board President Cheryl Bettigole, MD, MPH called the meeting to order at 6:34 PM.

Mr. Benjamin Hartung, of the Philadelphia Department of Public Health, reviewed the public comment process.

Dr. Bettigole announced that there was a request for a public hearing on one of the Regulations on the agenda and asked if there was a motion to amend the agenda to allow for an Executive Session to discuss this request.

Dr. Bryant-Stephens moved; Dr. McNeal seconded.

**Motion for approval of a change to the agenda was approved unanimously.**

Jo Rosenberger-Altman reviewed the process of a public hearing on a City Regulation.

After the review, Dr. Bettigole asked if the Board still required an Executive Session on the public hearing request and if there was a motion to amend the agenda to remove the Executive Session agenda item.

Dr. Ismail moved; Dr. Ibrahim seconded.

**Motion for approval of a change to the agenda was approved unanimously.**

Dr. Bettigole asked if there was a motion to update the agenda to allow the Board to delegate the authority to hold a public hearing on the Emergency Regulation on Mandating Vaccines for Individuals Working and Dining at Indoor Dining Locations to the Health Commissioner and whichever Board members are able to attend.

Dr. Gold moved; Dr. McNeal seconded.

**Motion for approval of a change to the agenda was approved unanimously.**

## **MINUTES**

Dr. McNeal moved; Dr. Ismail seconded.

**The Board unanimously approved the minutes from October 22, 2021.**

### **REGULATION RELATING TO PERINATAL COVID-19 SURVEILLANCE BY THE DIVISION OF MATERNAL, CHILD, AND FAMILY HEALTH OF THE PHILADELPHIA DEPARTMENT OF PUBLIC HEALTH**

Ayomide Sokale and Maria Nguyen from the Maternal, Child, and Family Health division (MCFH) of the Philadelphia Department of Public Health, provided the Board with a presentation on a perinatal COVID-19 surveillance project. The goal of the presentation was to convey importance of the Regulation, which is about data reporting and integrity in order to protect the health of pregnant people and infants from COVID-19.

Pregnant people are high-risk for poor outcomes from COVID-19. MCFH has received funding for perinatal COVID-19 surveillance. This surveillance project seeks to understand the health impacts of COVID-19 on the target populations, to quantify the number of Philadelphians directly affected by SARS-CoV-2 due to exposure during pregnancy, to inform the development of educational materials and trainings for stakeholders to prevent the spread of SARS-CoV-2 and inform the public on the effects of COVID-19 on pregnant people and infants.

As part of the project, cases will be identified through existing Health Department data sources, then imported into a database for deidentified import into CDC's SET-NET database. These data will be reviewed in an aggregate fashion to identify trends and patterns, in order to promote policy and programmatic changes.

The proposed Regulation would allow for mandatory reporting of specific prenatal, postpartum, and infant medical record data and would allow for abstraction of those data.

These data will likely not lead to new policy changes, as the recommended actions for COVID-19 prevention are well known. Instead, this program will facilitate active identification of people to connect them with services and could identify timing of infection and success of treatment options as part of this process.

Mr. Hartung then reviewed the proposed Regulation.

The Regulation details the process of data collection. The MCFH division will issue written requests to the appropriate facilities and providers for those data. Facilities and providers will submit these data as abstracted medical data. Those facilities and providers who cannot perform this data submission can work with the MCFH division to abstract and submit those data. The MCFH division will then submit that data to the CDC database.

The surveillance data will be kept confidential pursuant to applicable laws.

The Law Department determined that this Regulation was needed to ensure that data privacy and confidentiality was explicitly stated.

No comments or questions were received from the public at this time.

Dr. Bettigole suggested that the Board consider amending the Regulation to allow it to end when the Health Commissioner certifies to the Board that the funding associated with this project has ended and also to allow the Health Commissioner to make administrative changes as needed.

Regarding amending the Regulation to allow for an end, Dr. Ismail moved; Dr. Ibrahim seconded.

**Motion for amendment of the Regulation approved unanimously.**

Regarding amending the Regulation to allow the Health Commissioner to make administrative changes, Dr. Ibrahim moved; Dr. Gold seconded.

**Motion for amendment of the Regulation approved unanimously.**

Regarding approval of the newly amended Resolution, Dr. Ismail moved; Dr. Ibrahim seconded.

**Motion for approval of the Regulation approved unanimously.**

## **EMERGENCY REGULATION GOVERNING THE CONTROL AND PREVENTION OF COVID-19 MANDATING VACCINES FOR INDIVIDUALS WORKING AND DINING AT INDOOR DINING LOCATIONS**

Dr. Bettigole provided background on the rationale for this Regulation to be considered in an emergency fashion. After months of relatively steady COVID-19 case counts, after Thanksgiving, case counts doubled in six days and hospitalizations have increased rapidly. These rises were similar to other jurisdictions that had experienced cold weather. Philadelphia hospitals have reported that they are experiencing strained capacity due to non-COVID conditions and are worried that a spike in COVID hospitalizations could overwhelm them. By waiting for the full process, it was believed that the benefit from mandating vaccines would not be felt until too late.

Ms. Jo Rosenberger-Altman, from the City's Law Department, reviewed the Regulation.

The earliest this Regulation would be operational is January 3<sup>rd</sup>, even as it will be effective as soon as it is posted on the City's website.

This Regulation applies to indoor dining areas, with a number of specific places where eating or drinking can take place being exempted. Effective January 3<sup>rd</sup>, no business serving or providing food at an indoor dining establishment shall allow any individual onsite unless the individual meets the vaccination requirements in this Regulation. For workers, that means they have received at least one dose of an approved vaccine by January 3<sup>rd</sup> and complete the series by February 3<sup>rd</sup>. Diners aged 12 and older must have completed their vaccine series by January 3<sup>rd</sup>.

Diners between the age of 5 years, 3 months and 12 years must have received at least one dose of an approved vaccine by January 3<sup>rd</sup> and complete the series by February 3<sup>rd</sup>. Diners younger than 5 years, 3 months are exempt from this Regulation. Athletes, performers, and supporting staff are subject to the approved plans for their facility.

This Regulation does not apply to individuals present at an indoor dining establishment for a short period of time, such as to pick up take-out or use the bathroom, provided the individual is masked at all times. Facilities are allowed to set more strict vaccine standards if they so choose.

For sites that have a combination of take-out and eat-in, the Regulation does not apply in areas where no onsite consumption of food or drink is taking place. Staff and patrons in those areas where onsite consumption of food or drink is taking place are required to abide by the Regulation. Special rules apply to airport facilities.

For establishments that seat more than 1,000 customers, any unvaccinated individual person over the age of 5 years, 3 months must present a negative test result taken within 24 hours.

No individual may host or permit a gathering of 25 people or more in a private place, such as a residence, private club, or church without ensuring that all staff and patrons have completed their vaccine series or qualify for an exemption.

Prior to January 17<sup>th</sup>, a business may choose to accept a negative COVID-19 test, taken within 24 hours, in lieu of documentation of a completed vaccine series or exemption. This authorization will expire on January 17<sup>th</sup>.

Individuals who submit medical or religious exemptions must adhere to the accommodations required. Staff with exemptions are required to submit to weekly testing and be double-masked or wear an N-95 or equivalent indoors at all times while working or work virtually.

The businesses are required to maintain records for staff vaccinations, exemptions, and testing records.

Businesses are required to make a good faith effort to observe credible records of vaccination.

Dr. Bettigole clarified that the section on private places is intended to allow for the inspection of events or situations where a number of people are brought into a site that is not a traditional food establishment for the purposes of onsite eating or drinking, including a catered event in a private hall or church. Those sites are not required by the Regulation to maintain vaccine records for staff.

The Board reviewed 1 comment and 2 questions submitted by the public.

Dr. Gold moved; Dr. Bryant-Stephens seconded.

**Motion for approval of the Regulation approved unanimously.**

Dr. Bettigole asked if there was a motion to delegate the authority to hold a public hearing on the second Regulation to the Health Commissioner and whichever members are able to be present.

Dr. Ismail moved; Dr. McNeal seconded.

**Motion for delegation of authority approved unanimously.**

## **ADJOURNMENT**

Dr. Bettigole adjourned the meeting at 8:09 PM.