

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

Thursday, March 9, 2023

The Philadelphia Board of Health held a public meeting on Thursday, March 9, 2023. The meeting was held virtually using the Zoom platform in order to facilitate access by the public via computer or other device and toll-free phone number.

Board Members Present

Dr. Cheryl Bettigole, Dr. Usama Bilal, Dr. Tyra Bryant-Stephens, Dr. Ana Diez-Roux, Dr. Marla Gold, Dr. Jennifer Ibrahim, Dr. Scott McNeal

WELCOME AND INTRODUCTIONS

Health Commissioner and Board Chair Cheryl Bettigole, MD, MPH called the meeting to order at 6:33 PM and performed a rollcall.

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

MINUTES

Dr. Gold moved; Dr. Ibrahim seconded.

The Board unanimously approved the minutes from January 12, 2023.

Dr. Bettigole began by walking the Board through a presentation on this evening's Amendments.

Dr. Bettigole described the current status of the mask mandate in Philadelphia with masks required to be worn in healthcare institutions and congregate facilities, like prisons and shelters. She then reviewed the proposed Amendment, which would end the mandate in congregate facilities other than healthcare institutions, and in those institutions would continue to require masking only by healthcare workers while providing direct patient care. Masks would no longer be required in other settings in healthcare institutions. The rationale for these changes are that decreased hospitalization and death rates make the current scope broader than necessary.

Dr. Bettigole then reviewed the current status of the COVID-19 vaccine mandate, which required vaccinations in healthcare institutions and institutions of higher education. The proposed Amendment would end the vaccine mandate for institutions of higher education, as when the mandate was passed, the Board was worried that college and university students could be a major source of transmission.

**AMENDMENT TO THE FOURTH CONSOLIDATED AND RESTATED
SUPPLEMENTAL REGULATION GOVERNING THE CONTROL AND PREVENTION**

OF COVID-19 (REVISED SAFETY MEASURES AND DELEGATION OF AUTHORITY)

Mr. Hartung walked the Board through the Amendment. The changes noted include that only healthcare workers in healthcare institutions who are providing direct patient care would be required to mask. Healthcare workers returning to work after a high-risk exposure or testing positive for COVID-19 must mask according to CDC guidance. All references to congregate care facilities have been removed from the Amendment.

Dr. Gold asked for confirmation that institutions would be able to enforce more strict masking rules in areas of the institution that may present a high risk, like waiting rooms. Dr. Bettigole confirmed that institutions can be more strict than the Regulation. She also noted that this Amendment only applies to the healthcare provider and not the patients.

Dr. Gold asked about long-term care facilities and how this would apply to their operations. She gave an example of a staff member at a long-term care facility bathing and cleaning an elderly and infirm patient in bed and asked if the mask mandate would apply to them. Dr. Bettigole replied that would be considered providing direct patient care and that worker should be masked while performing those duties, but not otherwise.

Dr. Bettigole directed the Board to review comments in the Zoom chat. Mr. Hartung also noted that the Board received comments prior to the presentation of this Amendment via email and those comments had already been forwarded to the Board members.

Dr. Gold noted that the results of the Cochrane study that many of the comments refer to are not specific to the settings and populations that the Board is discussing this evening. Dr. Bettigole concurred with Dr. Gold about the shortcomings of the Cochrane study, noting that most of the studies that were included in the study looked at other diseases and may not be relevant to COVID-19.

Dr. Bettigole asked if there was a desire to move on the Amendment.
Dr. Gold moved; Dr. McNeal seconded.

Motion for approval of the Regulation approved unanimously.

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

Mr. Hartung walked the Board through the Amendment. He first noted that the name of the Regulation was being changed to remove the words, “higher education,” to reflect the smaller focus of the Regulation. The terms Covered Higher Education Institution and Covered Higher Education Individual have been removed from throughout the Regulation as they are no longer applicable. The effective date section has been removed.

Dr. Gold asked for clarification on the effective date of the Regulation: when are institutions of higher education no longer required to ensure that Covered Individuals are vaccinated, should this Amendment pass? Mr. Hartung noted that the Amendment will likely be posted on Monday, at which time will begin a 30-day public comment period. Assuming no comments requesting a public hearing are received, the Amendment will be effective at that point. Dr. Gold confirmed that this meant that this mandate would still be in place for another thirty days because of that. Dr. Bettigole noted that the Health Department could decide not to enforce the Regulation for the duration of the public comment period.

Dr. Bettigole directed the Board to review comments in the Zoom chat. Dr. Bilal noted, in response to the comments, that there is very good safety data on the COVID-19 vaccines.

Dr. Ibrahim asked to confirm that the Amendment would not need to be altered to allow for the Health Department to stop enforcement of the Regulation at Higher Education Institutions for the duration of the public comment period. Mr. Hartung confirmed this.

Mr. Hartung also noted that the Board received comments prior to the presentation of this Amendment via email and those comments had already been forwarded to the Board members.

Dr. Bettigole asked if there was a desire to move on the Amendment.
Dr. Bryant-Stephens moved; Dr. Ibrahim seconded.

Motion for approval of the Regulation approved unanimously.

ADJOURNMENT

Dr. Bettigole adjourned the meeting at 6:56 PM.