



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY TWO

HOME RULE PETITION
Public Health Reform in the City of Boston

WHEREAS, The Boston Public Health Act of 1995 (Chapter 147) established a new, comprehensive health care system to meet the challenges of a rapidly changing healthcare environment.; *and*

WHEREAS, Chapter 147 abolished the Department of Health & Hospitals and established the Boston Public Health Commission (BPHC) in its place. With City Council approval, the legislation allowed the City to merge or consolidate the operations and assets of the hospitals with the Boston University Medical Center Hospital; *and*

WHEREAS, There is hereby established a body politic and corporate and political subdivision of the commonwealth to be known as the Boston public health commission. The commission is hereby constituted a public instrumentality and the exercise by the commission of the powers conferred by this act shall be deemed and held to be the performance of an essential public function. The commission shall not be subject to the supervision of any other department, commission, board, bureau, agency or officer of the city except to the extent and in the manner provided in this act; *and*

WHEREAS, Subject to sections five and six of this act, the powers of the commission shall be exercised by or under the supervision of a board of seven members, hereinafter called The Board. Six members of the commission shall be appointed by the mayor, subject to the approval of the city council, two of whom shall be trustees, officers or medical directors of neighborhood health centers which are affiliated with Boston City Hospital or the hospital; *and*

WHEREAS, The Boston Public Health Commission declared a public health emergency on March 15, 2020 and extended this declaration on April 24, 2020; *and*

WHEREAS, The board normally meets once every two months, and has only met fourteen times in the last two years during the global Covid-19 pandemic; *and*

WHEREAS, The board did not have any public hearings or votes of the BPHC Board when mandates were instituted, like other neighboring cities or towns did during the pandemic; and

WHEREAS, When the board last met on January 12th, there was only 15 minutes set aside on the agenda to discuss Covid-19; and

WHEREAS, This reform legislation proposes to increase the accountability and transparency of the Boston Public Health Commission Board by mandating that they meet at least monthly in public in ordinary times and at least weekly in public during a declared state of emergency. **NOW, THEREFORE BE IT**

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this Order be, and hereby is, approved under Clause One (1) of Section Eight (8) of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

PETITION FOR A SPECIAL LAW RE: AN ACT RELATIVE TO Public Health Reform in the City of Boston

SECTION 1.

Ch.147 of the Acts of 1995 in hereby amended as follows:

- a) In Section 3 by: Substituting in subsection (b) the word “nine” for the word “seven”.
- b) Substituting in section (b) the word “seven” for the word “six”.
- c) Substituting in section (b) after the word “nominees” - “one of whom shall be employed as an emergency medical technician or paramedic appointed by the mayor from a list of not less than three nominees recommended by the president of the bargaining unit representing emergency medical technicians and paramedics in the city of Boston.
- d) Adding to subsection (c) after the word “Laws.”- Any public emergency declaration issued by the Executive Director acting as an agent on behalf of the Board, must be approved by a 2/3 vote of the board no later than 14 days of said declaration following a public meeting of the Board with input from the public to discuss the objective public health data informing the Board that a state of emergency declaration in necessary to the advance the public health of the people Boston.
- e) Provided further that a 2/3 vote of the Board is required after a public meeting of the Board to discuss the objective public health data informing the Commission to continue said state of emergency beyond 30 days.
- f) Provided further that a state of emergency may only continue passed 90 days upon 2/3 vote of the Boston City Council following a public hearing to be held by its Committee

on Public Health to discuss the objective public health data informing the Commission to continue the state of emergency.

- g)** Provided further that any orders issued during the said state of emergency declaration require approval of a 2/3 vote of the Board to be in effect.
- h)** Provided further that the Board shall be required to hold monthly public meetings where a quorum is required; provided further that the board shall hold weekly public meetings during a declared state of emergency.
- i)** Provided further that all matters concerning the state of emergency and accompanying orders be approved by a public vote of the Board not to take place in executive session.
- j)** Provided further that the Board shall hold public meetings at least once monthly to discuss the state of the public's health in Boston and recommendations to further improve conditions with respect to public health in the City of Boston.
- k)** Provided further that the Board submit a report monthly as to the state of public health and recommended actions in the City of Boston to the Boston City Council's Committee of Public Health.
- l)** provided further that during a declared state of emergency, the Board shall hold a public meeting weekly and submit a report weekly as to the state of public health in the City of Boston and recommended actions to the Boston City Council Committee on Public Health weekly.

SECTION 2.

The provisions of this act are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in full force and effect.

SECTION 3.

This act shall take effect immediately upon its passage.

Filed in the City Council on: March 2, 2022