

**Board of Health Meeting
October 27, 2005**

PRESENT: David Osler, M.D., Chairman
Babette Mello, Board Member
Noreen Burke, Director
Frank Wright, City Solicitor

Dr. Osler called the meeting to order at 5:05 PM.

Accept Minutes:

Dr. Osler made a motion to accept the September 15, 2005 minutes. Ms. Mello seconded the motion. Minutes accepted 2-0. Ms. Patterson was absent from the meeting. Dr. Osler brought up the issue of the May 5, 2005. The minutes were not accepted because Ms. Cecilia Sosa-Patterson had made some amendments and corrections that the Board felt were extensive. In attendance at the May meeting were Dr. Osler, Cecilia Sosa-Patterson and Noreen Burke. Ms. Mello was absent from that meeting. Frank Wright explained that, as a board if you did not believe the corrections were accurate, then each amendment would need to be examined and then be accepted or not accepted. Dr. Osler suggested that Ms. Patterson and he meet, as Ms. Mello was not in attendance, and work out the details of the minutes. Mr. Wright explained that as long as it is posted and they meet in a public place then the meeting could take place. The minutes were left open as unfinished business.

Body Art:

At the September meeting the issue was raised that the Health Department Body Art Regulations do not include an apprenticeship process. Stephanie Almeida, owner of Mongo's Tattoo Madness, located in Somerville, brought this to the Board's attention. There were violations at Ms. Almeida's establishment, all of which have been resolved, but this raised the issue of an apprenticeship process. Ms. Burke contacted several other Health Department's concerning their Body Art regulations. She spoke with the Quincy Health Department, which has two tattoo parlors in their City and the Cambridge Health Department, which has five body art establishments. She also spoke with Harold Vaughan, Senior Sanitary Inspector for the City of Somerville and a lot of the issues surrounding apprenticeship are based upon capacity and resources that the Health Department does not possess.

Ms. Burke explained briefly how Quincy has two full time public health nurses and one spends most of her time with the inspector working on the licensing and inspections of the tattoo certification process. Ms. Burke also spoke with Sam Lipson, Director of the Environmental Unit at the Cambridge Public Health Department, who has a 24-hour a week enforcement officer who is in charge of massage, body art and tanning establishments. He performs two inspections a year, processes applications and stated it is very labor intensive. The Quincy protocols for body art and the Cambridge tattoo apprentice tasks sheets were passed out to the Board Members.

Frank Wright explained that there was litigation not involving the City of Somerville, but as a result body art is a first amendment issue and could not be banned in the Commonwealth. At that point the City worked together to establish the regulations. The

State Department of Public Health forwarded a model regulation to the City of Somerville, keeping in mind the capabilities of the Health Department to oversee the body art practitioners and establishments, the Board put together rules and regulations. The Health Department did not have sufficient capabilities to monitor apprenticeships so no provisions were made for apprenticeship. At that time, Dr. Osler, stated that apprenticeship was not an issue, there was no controversial push for apprenticeship. Dr. Osler opened the floor to discussion from people that were in attendance. Jason Zube, owner of the Painted Bird, located at 622 Somerville Avenue, in Somerville put together a proposal for Tattooing Apprenticeship and passed it out to the Board members. Mr. Zube was not sure the Board understood the apprenticeship process. It is understandable that public safety is the first priority but taking classes and receiving paperwork does not necessarily make a good tattooist. Mr. Zube also had suggestions for the present regulations, such as pictures on their license, to know exactly who is doing the tattooing. The Board reviewed Mr. Zube's proposal and asked if anyone had any more comments.

Stephanie Almeida, owner of Mongo's Tattoo Madness, located at 149 Washington Street, Somerville had multiple suggestions for the Body Art Regulations. She suggested making a sub-committee to review regulations on how to provide better public health safety. Ms. Almeida stated that the word "experience" needs to be defined. In Section 1300.00 (E) of the Body Art Regulations in part states " the Board may consider experience, training and/or certification acquired in other states that regulate body art". Several licenses that she submitted have been returned because of experience and she clearly wanted to understand what is considered experience. If there is an opportunity for apprentices to be regulated and to learn about sanitation and sterilization, it would decrease the number of incidents that are happening. With experience defined, as the owner, she would be able to judge if a tattoo artist is qualified to practice. Again, Ms. Almeida stressed that apprenticeships are unregulated and needs to be regulated in the City of Somerville.

Ms. Almeida then passed out several articles for the Board to review at a later time. There was an article concerning Tattooing, Body Piercing and Permanent Cosmetics, an article on How to Become a Tattoo Artist, and another article on the Battle of the "Scratchers". She also passed out a specified apprenticeship program from the City of Cambridge, that explains the tasks to be mastered by the apprentice and briefly went over each task. Ms. Almeida is willing to work with the Board to amend the regulations to make them safer and to allow apprenticeships in the community.

Dr. Osler asked Ms. Burke if Quincy or Cambridge implemented the apprenticeship in the original regulations or was it added at a later date. Ms. Burke thought the apprenticeship process was in the original regulations, but was not definite.

Dr. Osler asked if any one particular place added apprenticeship to their regulations. Ms. Almeida passed out minutes from a Provincetown Board of Health meeting where a person was issued a six-month apprenticeship license.

Ms. Burke commented on Quincy and Cambridge regulations, how there is a lot of reliance on the person who is signing off on these tasks, what the practitioner is signing off and verifying what the apprentices are practicing. The inspectors cannot be there every day.

Dr. Osler asked Ms. Almeida that what she is asking for is to set up a process to potentially amend the regulations. Ms. Almeida stated for two reasons, to make them safer and to allow apprenticeships. Dr. Osler stated it was reasonable to have the dialog looked at, to look at potential amendments, then it would go to public hearing. He stated that Ms. Almeida raised some interesting points.

Mr. Wright stated because the rules and regulations did not specifically address apprentices and apprenticeships, that they are unregulated, and he would disagree with that. Because the regulations doesn't say you can, as a result, lawfully you cannot. The regulations as Mr. Wright reads them requires anyone who practices body art to have a license. Therefore, if your apprenticing you don't have a license, you can't get a license, you should not be in there apprenticing. The regulations require any practitioner to have a license.

Also, branding and scarification and body piercing are discussed in Section 1300.00 (E) #3 discusses body piercing and #4 discusses branding and scarification, along with tattooing. From a legal perspective, the City is concerned in regulating practitioners and public health.

Mr. Wright stated the original reason for not including apprenticeship was based on staffing in the Health Department and not being able to monitor the process. Mr. Wright brought up the minutes from Provincetown, they state "there is no specific length of training, the regulations state that the apprentice must meet all requirements of a regular tattoo license" so it appears that there is something in Provincetown's rules and regulations with regard to apprenticeships, but they failed to address how long the training has to go on before they have to be licensed. Mr. Wright is relying on the Provincetown minutes, and it appears that they partially addressed the apprenticeship.

Once again, Dr. Osler explained the process to set up meetings to go through the regulations with Ms. Almeida or other members of the community and go before a public hearing. Ms. Burke was concerned because of the capacity issues that need to be looked at and addressed.

Mr. Wright stated if there is going to be dialog with people in this room an open meeting law question needs to be addressed. It needs to be posted and be public.

Ms. Almeida's last comment was concerning the liability issue. The liability of what is being proposed does not fall on the Health Department; it falls on the owner's of the tattoo establishments. There is insurance in the State of Massachusetts for tattoo parlors that cover both licensed apprentices and licensed artists.

Ms. Almeida thanked the Board for their time and looked forward to hearing from them.

Director's Updates:

The first flu clinic was held on October 27th at the Ralph and Jenny Center on New Washington Street. There was a low turn out so the Health Department will be bumping up publicity. The Health Department will be offering flu clinics throughout the month of November at locations all over the City. They are also getting calls concerning the Avian flu so a fact sheet was posted on the Web site.

Liz Quaratiello, the Public Health Nurse, has reported two new cases of pertussis in 20 year olds. Dr. Osler explained there is a new vaccine out to try an immunize older children for pertussis.

Kathy Henkle has accepted the Administrative Assistant position in the Health Department and will start Monday, October 31st. Kathy was the Supervisor of Payroll for the City of Somerville and is highly qualified.

Bonny Carroll's position has not been posted. Her salary has been moved and will support the new 311 Department in the City. This is an appropriate place as Ms. Carroll's role was an informational and referral for health and human services issues.

The School Nurses are currently down two full time positions. The Health Department is in the process of hiring into one of the positions a long time substitute nurse, Meredith Canavan, who will be a great asset to the nurses.

Dr. Osler asked about the discussion with the School Nurse Leader and the Teen Connection nurses that was in the Director's report. Ms. Burke stated that things have improved at the Teen Connection. There are two missions at the Health Room at the High School; school nurses treat every kid in the school for a wide variety of problems and the Cambridge Health Alliance is a clinic that attends to their patients. It is improving because of the leadership. Christine, the School Nurse leader is meeting regularly with Barbara Beasley, and has worked through the space issues.

Somerville Cares About Prevention is working on its by-laws, and youth integration plan. They are about to start compliance checks and alcohol purchase surveys. The mission is to reduce underage drinking and related drug use among teenagers.

The Tobacco Control Program will be awarded their tobacco dollars.

The Trauma Response Network had another post traumatic stress management training held in Brookline. Ten Somerville residents were trained and will be added to the team.

The Board of Health updates: The Mayor has indicated that he will soon replace Cecilia Sosa-Patterson with Maria Louisa Para who is a resident of Somerville and Dr. Osler will be handing over the Chairman position to Dr. Brian Green who is at the meeting observing. The Board of Alderman will make the appointments within the next two weeks and interviews will take place.

Ms. Burke stated she met with Dennis Keefe, the C.E.O. of Cambridge Health Alliance, and it was a positive meeting. He wants to improve the health of the community and provide financial support for innovative public health issues.

Dr. Osler suggested that the Board think about the next steps concerning the Body Art process. Would there be a student who is interested in doing work on the body art issues?

Ms. Burke agreed that a process be started, a working group be put together, including a Board member, a staff member and Stephanie Almeida, similar to the Cimex working group and go forward with the process.

Meeting adjourned at 6:25 PM.

The next meeting will take place on November 17, 2005 @ 5:00 PM at the Somerville Health Department, Conference Room located at 50 Evergreen Avenue.

Respectfully submitted,

Donna Pickett
Administrative Assistant

