

Original Transcript

NEW YORK STATE PUBLIC HEALTH COUNCIL

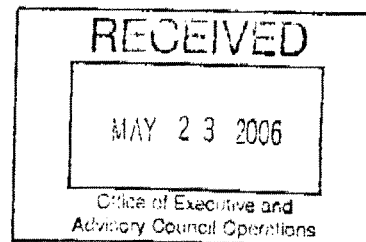
May 12, 2006

90 Church Street
New York, New York

May 12, 2006
10:15 o'clock a.m.

BEFORE:

DR. WILLIAM STRECK,
Chairman



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1 come they are getting sick.

2 The next topic is herpes simplex
3 in the newborn.

4 And today we are asking the
5 Public Health Council to approve the
6 emergency adoption of a regulation
7 adding neonatal herpes to the New York
8 State list of mandatory reportable
9 diseases.

10 Only seven other states in the
11 United States do so.

12 As many of you know, herpes
13 infections in infants age fifty days or
14 younger is a serious disease that can
15 cause permanent neurological
16 impairment, and in some situations,
17 even death.

18 Most cases of neonatal herpes
19 are acquired from perinatal
20 transmission from an infected mother in
21 utero, or at the time of delivery.

22 However, in some cases, the
23 infants can acquire the virus
24 postnatally, through exposure to people
25 with herpes in the community, whether

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1 it be by mouth, by eyes, or by hand
2 contact.

3 Current medicine enables the
4 detection of neonatal herpes, and the
5 infection can be treated with
6 anti-viral therapy, but without timely
7 anti-viral therapy, an estimated 80
8 percent of the neonates can die, and
9 one to two thirds of the survivors can
10 have a lasting mental impairment.

11 The new reporting requirement
12 will enable us at the Department to
13 obtain more complete information on
14 neonatal herpes cases, and monitor any
15 outbreak of neonatal herpes, in order
16 to prevent further transmission.

17 The data that we collect will
18 also be used to identify gaps in
19 knowledge by clinicians and the public
20 about herpes transmission to the
21 neonate, and target education, so that
22 we can promote a better detection and
23 treatment, if it so appears.

24 The issue at hand is that, as
25 some of you are aware, recently, in the

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1 last one or two years, there were
2 several cases of neonatal herpes that
3 occurred in infants in new York States
4 who had undergone a ritual practice of
5 metzizah b'peh after circumcision.

6 Because metzizah b'peh, which is
7 known labor, and the medical literature
8 suggests that although extremely, very
9 extremely rare, one out of every 3,400,
10 the practice of metzizah b'peh can be a
11 transmission for herpes by someone who
12 unknown could be shedding the HSV
13 virus.

14 Clearly, irrespective of
15 everything, the highest priority for us
16 in the State of New York is the health
17 of all infants, and at the same time,
18 we have to be very sensitive to the
19 religious freedom of all Americans, as
20 set forth in the Constitution.

21 Taking a too aggressive mode of
22 operation in protecting the children,
23 and the sensitivity of the public at
24 large, I think it could drive this
25 practice underground, which would be

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1 much more drastic for the benefit of
2 the children.

3 Therefore, over the last month,
4 my staff and I have had many meetings
5 with the members of the Rabbinical
6 Council of the State of New York, so
7 that we could reach a mutual agreement
8 that would allow the continuation of
9 the metzizah b'peh and religious
10 freedom, but adding the new health
11 measures that would reduce the risk of
12 harm to any infant, if that would be
13 the case.

14 Together we have developed what
15 I consider an outstanding protocol of
16 prevention for neonatal herpes, and
17 more than anything, it has been passed
18 by the brains and the hands of the
19 experts in the United States, and the
20 supervision of the National Institute
21 of Health.

22 And I can tell you, in addition
23 to requiring several new measures that
24 must be taken to prevent transmission
25 of herpes, the protocol requires

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1 increased education to parents, so that
2 they also are totally alerted to what
3 to look for.

4 Should an infant show signs of
5 any infection, the protocol also
6 provides for an investigational process
7 that will be conducted by the public
8 health authorities with the cooperation
9 of the Rabbinical Council, as long as
10 the protocol of the Department of
11 Health is followed.

12 We are hopeful that this new
13 protocol, which has been with the total
14 agreement of the Rabbinical Council of
15 the State of New York, would prevent
16 any case of neonatal herpes in the
17 State of New York.

18 Additionally, I am requesting
19 that this council consider an
20 endorsement of a new state standard of
21 care that would require that all
22 newborns that undergo a medical or a
23 surgical procedure after birth to be
24 seen by a trained professional within
25 three to ten days after the procedure,

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1 or immediately, if any complications
2 are to follow.

3 I have the feeling that this
4 requirement would increase early
5 detection of any infection that might
6 come after a surgical or a medical
7 procedure conducted to an infant, so
8 that we can give them timely treatment,
9 in the event that that might happen.

10 As you can see, in the last
11 three to four months, we have been
12 dealing with some very sensitive, but
13 very important public health issues.

14 I'm confident that this mutual
15 agreement with the Rabbinical Council,
16 in conjunction with the State of New
17 York, Department of Health, will be
18 outstanding as we start reporting
19 neonatal herpes in this state by August
20 7th, and with the new precautionary
21 measures, I am confident that we will
22 have better protections for infants in
23 the future.

24 I have to say for the record
25 that I have never met a group of rabbis

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1 in the Rabbinical Council that have
2 been as much more easy to be able to
3 deal with the issue at hand, and to be
4 able to be trusting of the system of
5 health care delivery.

6 Only in the ability that we had
7 to communicate the way we did, with the
8 trust in the system, and the respect
9 that it deserves from the religious
10 freedom that is offered to every
11 American, I urge you to pass this
12 particular herpes reporting, because I
13 do believe that it would just benefit
14 the health of the neonatal in the State
15 of New York, and protect the religious
16 freedom, and it would meet what I call
17 a flagship document, to show that we
18 care for the health of all the infants.

19 At this moment, I also wanted to
20 talk to you about the budget.

21 In spite of what you say, things
22 are being passed.

23 I know that you have all
24 followed the budget discussions very
25 closely, and there are a number of new

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1 Performance Improvement.

2 (Applause.)

3 COMM. NOVELLO: We have
4 finalized the awards, and at the end of
5 the Public Health Council, they will
6 each make a presentation regarding
7 their own research.

8 But I think they deserve a very
9 great round of applause.

10 (Applause.)

11 THE CHAIRMAN: Okay.

12 Congratulations to all.

13 And now we will resume our
14 agenda.

15 We will go a little bit out of
16 order and move to the Regulation and
17 Codes Committee, Mr. Jennings.

18 MR. JENNINGS: The first item
19 for emergency adoption is the
20 regulation on neonatal herpes.

21 We heard Commissioner Novello
22 speak about it this morning very
23 comprehensively. I don't think there
24 is anything to add to her remarks.

25 I'm comfortable with moving

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1 forward with a vote, if the Committee
2 members are.

3 DR. GORIS: Yes.

4 THE CHAIRMAN: So the motion for
5 the change in regulation on neonatal
6 herpes has been moved and seconded.

7 Further discussion, comment?

8 MR. SERBAROLI: I just have a
9 comment, Mr. Chairman.

10 I would like to echo the
11 Commissioner's sentiments before that
12 this is, obviously, a very sensitive
13 issue between the religious community
14 and the concern over public health, and
15 I'm very, very pleased that both sides
16 were able to come to the table and
17 negotiate in good faith here for the
18 benefit of the children, which is what
19 we are primarily concerned about.

20 So I certainly would like to add
21 my vote of thanks to all of the parties
22 who were involved in these very
23 difficult negotiations, and we came to
24 a resolution.

25 Thank you.

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THE CHAIRMAN: Other comments or questions?

Dr. New?

DR. NEW: I just want to say that I think this is very much in the spirit of the care of neonates, and the improvement and prevention of care.

And I want to congratulate the Rabbinical Council and Dr. Novello for developing a protocol which I think will protect the children.

THE CHAIRMAN: Other comments or questions?

I, as Chairman, did participate in some of these discussions, and I'll second the remarks.

And with that, we will conclude the remarks and ask for a vote.

Those in favor, aye.

(Chorus of "aye.")

THE CHAIRMAN: Opposed?

(No response.)

THE CHAIRMAN: Okay, it passes.

Next, Mr. Jennings.

MR. JENNINGS: The next one is

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