

**State of Board of Health  
October 20, 2007 – 9:00 a.m.  
Holiday Inn Select Koger South Conference Center  
Richmond, Virginia  
Meeting Minutes**

Members Present: Jack O. Lanier, Dr. P.H., Chairman; Dr. Julie Beales; Dr. Craig Reed; Kandy Elliott; Ed Spearbeck; Dr. Charles Johnson; Scott Burnette; Fred Hannett; Dr. Bushan Pandya; David Summers; Dr. Bennie Marshall; Jim Edmondson

Members Absent: Barbara Favola

VDH Staff Present: Dr. Robert Stroube, State Health Commissioner; Dr. Lisa Kaplowitz, Deputy Commissioner for Emergency Preparedness and Response; Jeff Lake, Deputy Commissioner for Community Health Services; Joan Martin, Deputy Commissioner for Administration; Joe Hilbert, Executive Advisor; Martha Pulley, Policy Advisor; Catherine West, Administrative Assistant; Dr. Michael Royster, Director of Minority Health and Public Health Policy; Diane Powers, Director of Communications; Dr. David Suttle, Director, Office of Family Health Services; Rebecca Odor, Office of Family Health Services; Gary Brown, Director, Office of Emergency Medical Services; Dr. Carl Armstrong, Director, Office of Epidemiology; Chris Durrer, Director, Office of Licensure and Certification

Others Present: Matt Cobb and Robin Kurz (Attorney General's Office)

Call to Order

Dr. Lanier convened the meeting at 9:00 a.m. Dr. Lanier and the other members of the Board recognized Dr. Stroube's pending retirement, and commended him for his service to the Commonwealth.

Approval of Minutes

Dr. Lanier requested deletion of a duplicate word on page 5. The minutes were approved unanimously, subject to that correction.

Commissioner's Report

Dr. Stroube introduced Joan Martin as the new Deputy Commissioner for Administration.

Dr. Stroube briefed the Board on VDH's budget reduction plan for FY08, in response to the Governor's directive. Dr. Stroube also briefed the Board on VDH's planning for further budget reductions in the upcoming 2008-2010 biennium.

Dr. Stroube also provided the Board with information concerning the methicillin-resistant *Staphylococcus aureus* (MRSA) situation in Bedford, involving the death of a teenager.

He explained that MRSA has been around for a long time and is a national issue. An article recently published in the Journal of the American Medical Association has generated additional media interest concerning MRSA. Dr. Stroube explained that VDH was working closely with the Department of Education in order to provide information to local school divisions. VDH has also provided information to all local health districts. Dr. Stroube told the Board that MRSA is not a reportable disease in Virginia. VDH is examining cost effective methods of conducting MRSA surveillance, similar to the methods used to monitor influenza. Dr. Stroube explained that the issue of antibiotic resistance, and the appropriate use of antibiotics, is also important in determining how best to address public concerns about MRSA.

The Board inquired about the impact on Virginians of the President's veto of legislation concerning the State Children's Health Insurance Program (S-CHIP). Dr. Stroube advised the Board that, at the national level, the program is governed by a continuing resolution at current funding levels through November 2007. If the program funding is not increased, Virginia's program will have a deficit because new enrollment in the program is continuing. Virginia's program currently covers 137,000 children. The bill that the President vetoed would have resulted in 18,400 additional children covered through Virginia's program. It is estimated that Virginia currently has 29,000 eligible but unenrolled children. There was a brief discussion of the inherent difficulties in enrolling all eligible children.

#### Chronic Disease Initiative – Update

Joe Hilbert briefed the Board on the status of activity related to chronic disease. He provided updates concerning the Commissioner's chronic disease prevention grants, the National Governors Association Healthy Kids grant, the Governor's Healthy Students Summit, and recommendations from the Governor's Health Reform Commission pertaining to prevention.

#### Sexual Violence Prevention

Becky Odor, Director of the VDH Sexual and Domestic Violence Prevention program, briefed the Board on programs and services provided by VDH and on recommendations from the Governor's Sexual Violence Commission. Ms. Odor told the Board that sexual violence is an important public health issue. The subsequent discussion noted the prevalence of sexual violence in Virginia compared to other states, and how well Virginia's sexual violence prevention programs compare with those of other states. Ms. Odor said Virginia has better sexual violence surveillance data than many other states. She also said that VDH's prevention programs are a model for other states in terms of partnerships, as is our focus on the responsibility of adults for keeping children safe. There was further discussion concerning methods for communicating with physicians about sexual violence prevention and the availability and funding of emergency shelters for victims of sexual violence.

## One Health

Dr. Reed briefed the Board on this program, which is dedicated to improving the lives of all species – human and animal – through the integration of medicine and veterinary medicine. In response to questions from the Board, there was a discussion of issues, including the use of antibiotics in animals, pertaining to confidence in the nation’s food supply.

## VDH Centennial Observance

Diane Powers, VDH Director of Communications, briefed the Board on the status of planning for VDH’s observance of its 100<sup>th</sup> anniversary in 2008. Ms. Powers displayed a PowerPoint presentation concerning the centennial. There was a discussion concerning how the PowerPoint presentation will be distributed to the public. Ms. Powers explained that VDH staff from the state office and local health districts, as well as the Board members, would be expected to use the PowerPoint presentation in their meetings with various public health stakeholders. Ms. Powers also told the Board that VDH staff will encourage mention of the centennial observance in the Governor’s next State of the Commonwealth address. The PowerPoint can also showcase VDH during Public Health Week in 2008.

Board members were given a copy of the PowerPoint presentation and the complete VDH centennial timeline on CD-ROM. Ms. Powers agreed to have the PowerPoint presentation made available for download on the VDH website.

## Appointment of a New Chief Medical Examiner

Dr. Stroube told the Board that Leah Bush, M.D., had been appointed as Virginia’s new Chief Medical Examiner, effective December 31, 2007. The appointment is conditional upon approval by the Board. The Board unanimously approved the appointment of Dr. Bush.

## State Emergency Medical Services (EMS) Plan

Gary Brown, Director of the VDH Office of Emergency Medical Services, briefed the Board on updates and revisions to the State EMS Plan. The Board unanimously approved the State EMS Plan.

## Future Board Priorities

Dr. Reed presented the Board with a draft statement of Board priorities. There was considerable discussion concerning the draft. Several Board members said that the draft statement required further revision, in order to make the statement more succinct, clarify the Board’s actual priorities, and distinguish the priorities from the vehicles used to achieve those priorities.

Further discussion revealed an apparent consensus that the Board's priorities should be chronic disease prevention and reduction of health disparities. Vehicles to reach those priorities could include expanding access to care, public/private partnerships, electronic health records, and emergency preparedness and response.

Dr. Reed said that he would work with Joe Hilbert to revise the Statement of Board Priorities, and send it via email to the Board members for their review and comment. In order to ensure that the Board not violate the electronic meetings provisions of the Virginia Freedom of Information Act, Mr. Hilbert will direct each Board member to reply to him individually with their comments, and not to use "Reply All." Mr. Hilbert will review and compile all of the comments received, and use the information contained in those comments to revise the draft prior to the January 25, 2008 Board meeting.

### Public Comment

No members of the public were present to provide any comments to the Board.

#### 12 VAC 5-66, Regulations Governing Durable Do Not Resuscitate Orders Notice of Intended Regulatory Action (NOIRA)

Gary Brown, Director of the VDH Office of Emergency Medical Services, presented this to the Board. The Board unanimously approved the NOIRA.

#### 12 VAC 5 -90, Disease Reporting and Control Regulations – Final Amendments (Reporting of Health Care Associated Infections)

Dr. Carl Armstrong, Director of the VDH Office of Epidemiology, presented this to the Board. The Board unanimously approved the final amendments.

#### 12 VAC 5-220, Certificate of Public Need (COPN) Regulations – Final Amendments (Capital Expenditure Thresholds) Exempt, Non-Discretionary Action

Chris Durrer, Director of the VDH Office of Licensure and Certification, presented this to the Board. There was a brief discussion concerning whether this regulatory change would have any subtle impact on the COPN process, and if it would reduce the likelihood that particular services would be subject to COPN. Mr. Durrer explained that the amendments were required in response to legislation enacted by the 2007 General Assembly, which was confirmed by legal counsel. The Board unanimously approved the final amendments.

#### 12 VAC 5-410, Hospital Licensure Regulations - Final Amendments (Visitation Policies) Exempt, Non-Discretionary Action

Chris Durrer presented this to the Board. He explained that the amendments were required in response to legislation enacted by the 2007 General Assembly. There was a

discussion by the Board concerning the merits of the underlying legislation. The Board approved the final amendments 11-1, with Mr. Burnette voting no.

12 VAC 5-381, Licensure of Home Care Organizations Regulations – Final Amendments  
(Technical Name Change)  
Exempt, Non-Discretionary Action

Chris Durrer presented this to the Board. The Board unanimously approved the final amendments.

12 VAC 5-391, Licensure of Hospice Regulations - Final Amendments  
(Technical Name Change)  
Exempt, Non-Discretionary Action

Chris Durrer presented this to the Board. The Board unanimously approved the final amendments.

Member Reports

Dr. Craig Reed (*Virginia Veterinary Medical Association*). The Virginia Veterinary Medical Association is monitoring avian flu outbreaks in neighboring states. All have been minor so far but there could be increases as the fall migratory season continues. Raccoon rabies has spread throughout Virginia and up the East Coast.

Fred Hannett (*Corporate Purchaser of Health Care*). Employer based health insurance continues to be in decline, according to a recent report by the Kaiser Family Foundation. More and more employers are looking for a way out of the employer based system. Legislation has been introduced in Congress to end the employer based system. Without an employer based system, there would still be a need for private sector health insurance companies, but the customer base would change. Rather than the customer being human resources directors of employers, the customer would be the individual consumer.

Scott Burnette (*Hospital industry*). The Virginia Hospital and Healthcare Association (VHHA) has developed its Healthy Virginia initiative, which will be presented to the full VHHA membership in the near future. The American Hospital Association has a similar initiative, but it does not have quantifiable metrics such as the VHHA initiative has.

The VHHA is working with VDH and others to develop standards for medical care during emergency situations when the health care system is totally overwhelmed. Dr. Kaplowitz is working with a legislative study committee to develop recommendations as part of this effort.

Kandy Elliott (*Nursing home industry*). The long term care industry in Virginia is very interested in Governor Kaine's "Own Your Own Future" campaign, designed to help Virginians afford long term care without exhausting assets. For every dollar that a long

term care partnership policy pays out in benefits, an equal amount is protected if the individual ultimately applies for Medicaid.

Ms. Elliott also described to the Board a provision, included in a larger congressional appropriations bill, that would have require physicians who treat Medicaid patients to use tamper resistant prescription pads. She explained that long term care facilities receive most prescriptions by phone, rather than on paper. The federal legislation was eventually amended, exempting long term care and delaying the effective date until April 2008. Dr. Stroube noted that VDH is already in compliance with this requirement.

In mid-September, Ms. Elliott attended the opening of the new Craig County health care facility.

Dr. Julie Beales (*Medical Society of Virginia*). She explained to the Board that VHHA's Healthy Virginia Initiative is similar to the Veteran's Administration health system has been talking about for the past five years (e.g., the right care in the right setting at the right time).

Jim Edmondson (*Consumer*). Mr. Edmondson recently received a complaint regarding a hotel in Appomattox County which he forwarded on to VDH for follow-up. He recently talked with the five largest local school divisions in Northern Virginia to determine what activities they had in place to address childhood obesity prevention through improved nutrition and increased physical activity.

Mr. Edmondson requested that the Board receive a briefing at a future Board meeting concerning Electronic Health Records, with a focus on how they might benefit consumers. VDH staff will arrange for such a briefing.

Dr. Bhushan Pandya (*Medical Society of Virginia*). The Medical Society of Virginia (MSV) has selected a new Executive Vice President, Rufus Phillips. MSV's annual meeting next week will include an educational symposium focusing on quality improvement across the Commonwealth. The MSV Foundation has launched an initiative to improve the treatment and management of chronic disease. The MSV also stays involved in a facilitating process with key stakeholders in order to develop recommendations that would move the State's Birth Injury Fund toward fiscal soundness.

Dr. Bennie Marshall (*Virginia Nurses Association*). She reminded the Board that October is Breast Cancer Awareness Month. The issues of primary concern to the Virginia Nurses Association (VNA) are:

- Increase and retain the nursing workforce to ensure access to quality patient care;
- Quality and safety of health care;
- Access to health care; and
- Promotion of the public's health and safety.

The VNA continues to support the Board's chronic disease initiative and supports the recommendations of the Governor's Health Care Reform Commission.

VNA has provided continuing education across the state encouraging health care organizations and all nurses to support and adopt a "Minimal Lift Policy."

VNA supports the provision of culturally and linguistically competent health care. Dr. Marshall has worked with the VDH Office of Minority Health and Public Health Policy and professors at eight schools of nursing to provide workshops on culturally and linguistically competent health care.

Dr. Rebecca Lanier was named "Outstanding Nurse of the Year" by VNA for her contributions to the advancement of nursing in the Commonwealth.

Dr. Charles Johnson (*Virginia Dental Association*). The Virginia Dental Association is sponsoring a Mission of Mercy project in Petersburg on October 27.

Ed Spearbeck (*Virginia Pharmacists Association*). He briefed the Board concerning new flu shot programs which feature collaboration between various pharmacy chains. Mr. Spearbeck also described what he sees as significant ongoing challenges to efforts designed to efficiently and effectively distribute pharmaceuticals during a public health emergency. Finally, he was very complimentary of the Governor's Healthy Students Summit.

David Summers (*Managed Care Health Insurance Plans*). He explained that the managed care industry in Virginia is anxiously awaiting final decisions from the Department of Medical Assistance Services on the integration of acute and long term care services. Mr. Summers also briefed the Board on Medicaid HMO contract changes, which now require the tracking of obese children and adults. However, the lack of an ICD-9 code for obesity makes tracking difficult. As a result, the health plans have to improvise through other means such as the use of HEDIS data. He told the Board that the managed care industry is looking for ways to become more involved collaboratively with others in disease prevention efforts.

Dr. Jack Lanier (*Consumer*). Dr. Lanier briefed the Board on his participation at the Governor's Healthy Student's Summit and his involvement as a board member of the Virginia Center for Healthy Communities (VCHC). Dr. Lanier described two initiatives of the VCHC: the Virginia Atlas for Community Health, and the Virginia Healthy Community Entrepreneurs Program. Dr. Lanier explained that the latter is essentially a "WebMD" for public health across the state, and may substitute for text books for public health training. VDH will be one of the initial partnerships, purchasing a membership for all of the local health districts.

Dr. Lanier requested that the Board received a presentation concerning the Virginia Atlas for Community Health at a future meeting.

Other Business

Joe Hilbert told the Board that an effort was being made to hold the April 2008 Board meeting at the State Emergency Operations Center in Richmond.

Adjourn

The Board meeting adjourned at 2:30 p.m.