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Minutes
State Board of Health Meeting
July 22-23, 2004
The Place at Innsbrook
Glen Allen, Virginia

Thursday, April 29

Members Present: Jean Donovan, Julie Beales, Barry Griffin, Jack Lanier, Chairman; Kandy Elliott, Dick Grinnan, Craig Reed, Cora Gray, Ed Spearbeck, Bushan Pandya, James Edmondson, Jr., Scott Burnette

Members Absent: Fred Hannett

I. Call to Order

The meeting convened at 10:00 a.m. Dr. Jack Lanier, Chairman of the Board, introduced the new members of the Board of Health: Mr. W. Scott Burnette, representing the hospital industry; Mr. Ed Spearbeck, representing the Virginia Pharmacists Association; Dr. Bushan Pandya, representing the Medical Society of Virginia; and Mr. James Edmondson, Jr., representing consumers.

The Minutes of the meeting of April 29 and 30, 2004, were approved.

II. Chairman's and Members' Reports

Dr. Lanier commended Dr. Grinnan for receiving the Distinguished Leadership in Patient Safety award from Virginians for Improving Patient Care & Safety. The award was announced at the fourth annual conference on patient care and safety on May 26. The reports of the members addressed the new Medicare prescription drug benefit; problems imposed by the Health Insurance Portability and Accountability Act (HIPAA); medical economics; the safety of dental amalgams and mercury; the Second Annual Governor's Conference on Covering the Uninsured; the recent VCU conference on racial disparities; parish nurse and lay health advisor programs; Project Access in the New River Valley; the new Medicaid drug formulary; rabies prevention; pathogens that may be brought into the country with military troops returning home from the Middle East; access to obstetrical services in rural areas; chronic disease in rural areas; recent editorials about the U.S. healthcare system and different political approaches to reform.

III. New Member Orientation

Dr. Lanier told the new Board members that a day-long orientation would be planned for them at VDH as soon as they determined a suitable date. All members of the Board members are welcome to attend.

IV. Commissioner's Report – Dr. Jim Burns

In Dr. Stroube's absence, Dr. Jim Burns, Deputy Commissioner, gave the Commissioner's Report, which addressed the VDH "Report of the Virginia Department of Health on the U.S. Environmental Protection Agency's Response to the National Research Council's Report Pertaining to the Land Application of Biosolids (Pursuant to SB 1088 of the 2003 General Assembly Session)"; lead testing of drinking water; uranium in wells in Dinwiddie County; and the tuberculosis cases in Chesapeake.

V. Retreat Planning – Joe Hilbert

Joe Hilbert, Executive Advisor to the Commissioner, gave an overview of the plans for the Board retreat August 22 and 23 at The Place at Innsbrook.

VI. Initiation of Rulemaking Proceedings in Regard to the VDH Report on Federal Regulations and Research Concerning Land Application of Biosolids

Robert Hicks, Director of the VDH Office of Environmental Health Services, presented the report entitled VDH "Report of the Virginia Department of Health on the U.S. Environmental Protection Agency's Response to the National Research Council's Report Pertaining to the Land Application of Biosolids" and the Board approved the dissemination of the report for public comment.

VII. Obesity Prevention Activities

Dr. David Suttle, Director of the Office of Family Health Services, gave an update on the preparations for a conference in the fall tentatively named "Virginia's Waistline". Joe Hilbert gave an update on the Joint Committee of the Board of Health and the Board of Education.

VIII. Regulations for the Center for Quality Health Care Services and Consumer Protection

Nancy Hofheimer, Director for the Center for Quality Health Care Services and Consumer Protection, presented three sets of regulations: Non-discretionary Regulatory Action for the Regulations for the Licensure of Nursing Facilities (12 VAC 5-371-110); Non-discretionary Regulatory Action for the Certificate of Public Need Rules (12 VAC 5-220) and Regulation; and the Fast Track Regulatory Action for the Regulations for the Licensure of Hospitals (12 VAC 5-410). The "Fast Track" process provides a method by which state agencies can hasten the promulgation of necessary amendments to existing regulations. Non-discretionary amendments to regulations are necessary to conform to changes in Virginia law and no agency discretion is involved.

The Board approved the three regulatory actions.

IX. Final Regulations Governing Migrant Labor Camps (12 VAC 5-501)

Gary Hagy, Director of the Division of Food and General Environmental Services, presented the regulations, which have been amended since they were presented to the Board in 2002. The Board approved the amendments.

X. Adjournment

The meeting adjourned at 3:30 p.m. A Board reception was held at 5:00 p.m. followed by dinner. Dr. Janice Carson, Director of the Richmond City Health Department, was the dinner speaker. The Board honored former Board member Sheila Elliott with a resolution commending her service to the Commonwealth signed by the Governor.

Friday, July 23

I. Convene

The meeting convened at 9:00 a.m.

II. Request for Board Approval to Withdraw Notice of Intended Regulatory Action to Repeal 12 VAC 5-190, State Plan for Provision of Children's Specialty Services

Nancy Bullock, Program Director for Children with Special Health Care Needs, requested that the Board approve the withdrawal of the Notice of Intended Regulatory Action (NOIRA) to repeal regulations governing the State Plan for Provision of Children's Specialty Services. The Board approved the withdrawal of the 1999 NOIRA to repeal the State Plan for Children's Specialty Services (12 VAC 5-190) and approved the initiation of a new NOIRA for repeal and replacement with a new State Plan for the Children with Special Health Care Needs Program (12 VAC 5-191).

III. Nosocomial Infections Study

Mary Beth White-Russell and Diane Woodard, Director of the Division of Surveillance and Investigation, presented the VDH study of nosocomial infections. A motion was made and approved to convene a group of experts to develop a proactive plan for infection control and surveillance.

IV. Freedom of Information Act Model Policy

Robin Kurz, Assistant Attorney General, presented a model policy for VDH for Freedom of Information Act (FOIA) requests. No formal action of the Board was required.

V. Strategic Plan for the Office of Minority Health

Mary Goodall-Johnson, Manager of the Office of Minority Health, requested endorsement of the Strategic Plan, which had been presented to the Board at the April 2004 meeting. The Board endorsed the plan.

VI. Increase in Fees for Local Medical Examiners (Code of Virginia, Sec. 32.1-283.D)

Dr. Marcella Fierro, Chief Medical Examiner, requested that the Board approve an increase in fees for local Medical Examiners. The fee is currently \$50 per case. The Board approved increasing the fee to \$150.

VII. Proposed Dates for Board of Health Meetings in 2005

The Board approved the following meeting dates for the year 2005: January 21; April 21 and 22; July 21 and 22; and October 20 and 21.

VIII. Public Comment

Eight citizens expressed opposition to the land application of biosolids. Dr. Burns told the Board and the public that the agency had had a number of meetings about proposed actions that VDH could take to address the concerns about biosolids. The action steps are included in the presentation done by Mr. Robert Hicks on Thursday, July 22, which is available to the public.

IX. Adjourn

The meeting adjourned at 12:05 p.m.