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Minutes
State Board of Health Meeting
April 4, 2005
The Hotel Roanoke and Conference Center
Roanoke, Virginia

Members Present: Jack Lanier, Chairman; Jean Donovan, Julie Beales, Jim Edmondson, Kandy Elliott, Scott Burnette, Craig Reed, Cora Gray, Ed Spearbeck, Bushan Pandya, Fred Hannett

Members Absent: Dick Grinnan, Barry Griffin

I. Call to Order

The meeting convened at 8:30 a.m. Dr. Lanier commented that the Board meeting marked the beginning of National Public Health Week. The meeting was held in conjunction with a conference on chronic disease presented by the Board of Health and the VDH Division of Chronic Disease Prevention and Control. Dr. Lanier commended Kelly Lobanov for the publicity about the conference and the planned press conference for later in the afternoon at the Kuumba Health Center.

The minutes of the meeting of January 21, 2005, were approved.

II. Chairman's and Members' Reports

Board members' reports addressed the concerns of the Virginia Veterinary Medical Association about rabies and Avian flu; a planning exercise to test readiness between Doctors of Veterinary Medicine and public health officials in the event of an emergency; a community meeting about land application of biosolids in Culpeper that was not well attended; the high occupancy rate of Community Memorial Healthcenter during the winter; the Washington D. C. Board of Trade's agenda for healthcare issues; faith-based initiatives addressing prevention of chronic disease; the Medicare Part D benefit ; an initiative undertaken by the Centers for Medicare and Medicaid Services to improve care for acute myocardial infarction, community acquired pneumonia and congestive heart failure; medical malpractice reform passed by the 2005 General Assembly; Medicaid reimbursement; transportation for medical care in rural areas; the increasing financial hardship on doctors providing charity care; concerns about increases in premiums for malpractice insurance; the impact of Medicare Part D on long-term care facilities; the commendable response of VDH to an outbreak of Group A streptococcus in Roanoke; and palliative care.

III. Nominating Committee Report

Dr. Reed reporting on behalf of the Nominating Committee that the committee had voted to maintain the same slate of officers for the Board of Health: Dr. Lanier, Chairman; Dr. Grinnan, Vice Chairman; Dr. Beales and Dr. Reed, members of the Executive Committee of the Board.

IV. Commissioner's Report

Commissioner Stroube said that the Secretary of the Commonwealth has requested recommendations for a new Board of Health member to represent the Virginia Nurses' Association. Cora Gray, who has served two four-year terms on the Board, will end her current term on June 30, 2005.

Dr. Stroube reported that Jeff Caldwell had been selected as Director of Public Affairs for VDH; that Dr. Jody Wakeham will be the new Director of Public Health Nursing, and that Dr. Carl Armstrong will return to VDH as Director of the Office of Epidemiology.

Dr. Stroube said that states are lobbying Congress to retain the prevention block grant, which has been cut back in the last several years. Funding for bioterrorism preparedness and response has also been cut. The General Assembly failed to appropriate additional funding for medical examiners, and Dr. Stroube said that the Governor will be requested to include additional funding in his biennium budget.

Asked about recent screenings that detected anthrax in a Pentagon mail facility, Dr. Stroube said that ultimately, all environmental and filter samples were negative and that VDH response was excellent.

IV. Proposed Regulation: State Plan for the Children with Special Health Care Needs Program (12 VAC 5-191)

Nancy Bullock, Director, Children with Special Health Care Needs Program, presented the proposed regulations for the repeal of current regulation (12 VAC 5-190) and the new regulation, the State Plan for the Children with Special Health Care Needs Program, which identifies program components, scope of services and eligibility.

The Board approved the proposed regulation unanimously.

V. Field Storage Amendments to the Biosolids Use Regulations (12 VAC 5-585)

Mr. Robert Hicks, Director of the VDH Office of Environmental Health Services, presented the amendments to the Biosolids Use Regulations. These amendments addressing field storage were revised on the recommendation of the Board at their meeting in October 2003. The revised amendments were submitted to the Department of Planning and Budget (DPB) for an Economic Impact Analysis and DPB staff recommended clarifying language be added. The analysis was published in the Virginia Register on December 27, 2004, as part of a Notice of Public Comment. The 60-day public comment period ended on February 28, 2005, and three public hearings were held in February in the counties of Amelia, Essex and Culpeper. Changes were made to the proposed amendments in response to public comment.

The Board voted unanimously to approve the final amendments.

VI. Final Adoption of the Rules and Regulations for Licensure of Hospice

Nancy Hofheimer, Director of the VDH Center for Quality Healthcare Services and Consumer Protection, presented the proposed regulations governing Hospice programs.

The Board approved the final regulation unanimously.

VII. Fast Track Proposed Regulations for the Licensure of Hospitals in Response to a Petition for Rulemaking

Nancy Hofheimer presented the proposed amendment to the hospital regulations that would require that a registered nurse be present as a circulating nurse in operating rooms in inpatient hospitals and outpatient surgical centers. The Petition for Rulemaking was received from the Virginia Council for PeriOperative Nurses.

Several Board members expressed concern about adopting a different standard of care for hospitals and outpatient surgical centers than the standard for surgical procedures undertaken in physician offices, which are regulated by the Board of Medicine. Concern was also expressed about the economic impact on hospitals in rural areas where there are few ambulatory surgery centers and a shortage of RN's.

The vote to approve the proposed regulation was seven in favor and four opposed. A motion was made and carried to contact the Board of Medicine and the Department of Health Professions and encourage the adoption of the same regulation for procedures done in physician offices.

VIII. Regulations for Bedding and Upholstered Furniture Inspection Programs (12 VAC 5-125)

Gary Hagy, Director of the Division of Food and General Environmental Services, presented the proposed regulations expanding the definitions of bedding and upholstered furniture and addressing exemptions, causes for inspections and penalties for violations. The Board had reviewed the proposed regulations in October but subsequent to that, counsel for the agency recommended some changes in regard to hearings, process and licensure.

The Board unanimously approved the proposed regulations.

IX. Board of Health Chronic Disease Prevention Initiative

Joe Hilbert, Executive Advisor to the Commissioner, showed the Board a Powerpoint presentation developed for Board members and others to use in promoting the Board's Chronic Disease Prevention initiative. The presentation was enthusiastically received by the Board.

X. Other Business

Nelson Daniel from the Office of the Attorney General discussed the process for Fast Track regulations. The Board discussed meeting sites for the July 2005 meeting and tentatively decided on the Eastern Shore.

X. Public Comment

Three citizens spoke in opposition to the land application of biosolids. A representative of the Virginia Lung Association commended the Board for their chronic disease initiative.

XI. Adjournment

The meeting adjourned at 12:35 p.m. Following the meeting, the Board visited the Kuumba Community Health Center and held a press conference about the chronic disease initiative.