

**State of Board of Health
July 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; and Jim Edmondson

Members Absent: Fred Hannett; Barbara Favola; Dr. Bushan Pandya; David Summers; and Dr. Bennie Marshall

VDH Staff Present: Dr. Jim Burns, Deputy Commissioner for Public Health Services; Dr. Lisa Kaplowitz, Deputy Commissioner for Emergency Preparedness and Response; Jeff Lake, Deputy Commissioner for Community Health Services, 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; Joanne Wakeham, Director of Public Health Nursing; Dr. David Suttle, Director, Office of Family Health Services; Gary Hagy, Director, Division of Food and General Environmental Services, Gary Brown, Director, Office of Emergency Medical Services, Mike Berg, Office of Emergency Medical Services; Dr. Carl Armstrong, Director, Office of Epidemiology, Mike Welling, Division of Radiological Health; Chris Durrer, Director, Office of Licensure and Certification; Carrie Eddy, 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.

The Board congratulated Dr. Stroube for his receipt of the 2007 State Official of the Year award from the National Governors Association. The Board also congratulated Craig Reed and Julie Beales on their reappointment to the Board for a second four-year term.

Joe Hilbert briefly reviewed the meeting agenda and Board notebook contents, noting the matrix containing all VDH regulatory actions currently in progress, Board member contact information, and key central office contact information.

Approval of Minutes

The minutes from the April 2007 Board meeting were approved unanimously, subject to one change requested by Dr. Lanier, to specify that he is a member of the Education Board of the American Public Health Association.

Commissioner's Report

The report was provided by Dr. Burns. The report addressed the following topics: Personnel Update, Governor's Commission on Sexual Violence, Governor's Health Reform Commission Update, Workgroup to Define "Restaurant" for Purposes of Possible Non-Smoking Legislation, VDH Response to Water System Failure in Town of Goshen, Office of Minority Health and Public Health Policy, Commonwealth of Virginia Nursing Scholarship Program, CLAS Act Initiative, and State Rural Health Plan.

There was a discussion of issues related to the Commission on Sexual Violence. These issues included shelters for victims of domestic violence, the need for transitional services for victims, and the extent to which there are gaps in needed services. Jim Edmondson requested an update on Sexual Violence Prevention, Shelters and Transitional Services for Victims at a future Board meeting. Dr. Burns agreed to have staff provide that presentation.

Kandy Elliott requested information concerning the number of applicants for the Commonwealth of Virginia Nursing Scholarship Program. The application period closes on July 31. Staff will provide that information.

There was a brief discussion concerning the work of VDH to develop a proposed definition of "restaurant" for purposes of possible non-smoking legislation. The Board was informed that VDH will be providing the Governor with a proposed definition.

Dr. Reed inquired concerning the current status of HPV immunization requirements. Dr. Burns explained that, based on the new statutory language, the requirement for HPV vaccination as a condition of entry into sixth grade is a mandate in name only. Parents and guardians can opt their daughters out of the vaccination requirement without having to sign any form.

Jim Edmondson commented on the elevated terrorism alert at the national level, and asked if anything new is going on at the state level in response. Dr. Burns stated that VDH is using this as an opportunity to make sure that everyone is still paying attention to preparedness-related issues.

Dr. Burns introduced Dr. Michael Royster to the Board. Dr. Royster is the new VDH Director of Minority Health and Public Health Policy.

Chronic Disease Initiative Update

Joe Hilbert briefed the Board on several topics, including recommendations from the Quality, Transparency and Prevention Workgroup of the Governor's Health Reform Commission; the Commissioner's Chronic Disease Grants; the National Governors Association Healthy Kids Grant, the Joint Subcommittee Studying Childhood Obesity in Virginia's Public Schools; and the Governor's Healthy Students Summit.

Kandy Elliott asked if the local school division grants that VDH and DOE will be providing from the NGA Healthy Kids grant funds will be announced at the Governor's Healthy Students Summit. Joe Hilbert responded that that would be a good idea, provided grant decisions are made in time to allow for such an announcement.

Dr. Lanier asked if the Board members will be invited to the summit. Joe Hilbert said that the Board would be invited.

Overview of Local Health Districts

Jeff Lake provided the Board with this overview, which included the cooperative budget of each local health district by service area.

There was a brief discussion of the extent to which VDH provides services to the elderly, and the degree to which there are gaps in the provision of services to the elderly. Jeff explained that the Joint Legislative Audit and Review Commission recently completed a study for the General Assembly pertaining to the provision of services to the aging population in the Commonwealth. Several VDH services, including influenza and pneumococcal immunizations, and nursing home pre-admission screenings, are targeted at the elderly.

Jim Edmondson asked why the Loudoun Health District has no money budgeted for chronic disease. Jeff Lake responded that Loudoun has chosen to focus on provision of those public health services which are mandated, but is interested in adding chronic disease prevention capacity in the future. Chronic disease prevention is an optional service. Dr. Suttle explained to the Board that just because Loudoun's budget shows zero cooperative budget funds for chronic disease, that does not mean that they aren't doing any work on chronic disease prevention and control issues. All districts are involved in local partnerships.

Conflict of Interest Act Training

Matt Cobb provided the Board with a training presentation concerning the provisions of the Virginia Conflict of Interest Act and the Virginia Public Procurement Act. Scott Burnette asked about how certain potential actions that he might have to take with respect to either the Certificate of Public Need program, or the State Medical Facilities Plan would be interpreted pursuant to these statutory requirements. Matt Cobb responded that, depending on the unique facts of a particular situation, Scott should contact him directly for advice.

VDH Centennial Observance Planning

Diane Powers made this presentation to the Board. Scott Burnette suggested, and Dr. Lanier concurred, that VDH develop a powerpoint "roadshow" presentation for use by local health district directors. Diane Powers told the Board that she will have the powerpoint roadshow presentation ready by October.

Public Comment

Dr. Lanier recused himself and Kandy Elliott assumed the role of Board chair. The following individuals provided comments to the Board concerning the Proposed (Fast Track) Amendments to the Hospice Licensure Regulations:

Becky Bowers-Lanier, Virginia Association for Hospices
Judy Mathews, AMC Hospice of the Shenandoah
Cherie Madison, Virginia Association for Home Care and Hospice.

Ms. Bowers-Lanier and Ms. Mathews both expressed opposition to the staffing provisions of the proposed amendments. Ms. Madison suggested a revision to the proposed amendments, such that only one nurse would be required to be on duty in a hospice facility that had six or fewer beds.

Dr. Lanier re-assumed the role of Board chair.

12 VAC 5-21 Food Regulations – Final Amendments (Based on Latest Revisions to Model Food Code)

Gary Hagy presented the final amendments to the Board. There was a brief discussion concerning the FDA Model Food Code. Gary explained that the FDA Model Food Code is not a federal regulation. These final amendments would bring the VDH Food Regulations into conformance with the 2003 FDA Model Food Code. The FDA Model Food Code has since been updated in 2005, and is about to be updated for 2007.

The Board unanimously approved the final amendments.

12 VAC 5-490 Radiation Protection Regulations – Proposed Amendments (Fee Schedule)

Dr. Carl Armstrong presented the proposed amendments to the Board. There was a brief discussion concerning penalty provisions. Dr. Armstrong explained that penalty provisions are already contained in the *Code of Virginia*. There was additional discussion concerning necessary safeguards to ensure that VDH only issues licenses to bona fide, legitimate companies, and the frequency with which VDH would make security-oriented site visits. Dr. Armstrong said that the best time to make such an inspection is prior to the issuance of a license. Dr. Armstrong also told the Board that the proposed fees would generate revenue sufficient to provide the VDH Division of Radiological Health with a larger, more competent staff.

The Board unanimously approved the proposed amendments.

12 VAC 5-31 Emergency Medical Services Regulations – Final Amendments (Regional EMS Council Designation, Rescue Squad Assistance Fund)

Gary Brown presented the final amendments to the Board. The Board unanimously approved the final amendments.

12 VAC 5-31 Emergency Medical Services Regulations – Notice of Intended Regulatory Action (Comprehensive Update to Regulations)

Gary Brown presented the Notice of Intended Regulatory Action (NOIRA) to the Board. The Board unanimously approved the NOIRA.

Dr. Lanier recused himself and Kandy Elliott assumed the role of Board chair.

12 VAC 5-391 Hospice Licensure Regulations – Proposed Amendments [Fast Track] (Hospice Facilities)

Chris Durrer presented the proposed amendments to the Board. There was a discussion of the appropriateness of the staffing standards included in the proposed amendments. There was also discussion of average length of stay for hospice patients, and the number of complaints received by VDH each year against hospice programs.

Ed Spearbeck inquired concerning the status of the Assisted Living Facility licenses previously issued by the Department of Social Services for three specific hospice facilities, and the possibility that those licenses might be revoked by DSS prior to final hospice facility licensure regulations being approved. Dr. Burns told the Board that it is his understanding, upon advice of counsel, that should the licenses be revoked prior to the VDH regulations becoming effective, the State Health Commissioner would use his broad statutory authority to develop a workable solution.

At 1:55 p.m., pursuant to § 2.2-3712 of the *Code of Virginia*, the Board of Health went into Executive Session for purposes of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

At 2:10 p.m. the Board of Health reconvened in an open meeting and certified that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting.

There was further discussion concerning staffing standards, including staffing requirements currently contained in the VDH licensure regulations for (home-based) hospice programs.

The Board, by a vote of 7-0-1 (Dr. Lanier abstained), directed the VDH staff to remove the proposed amendments from the fast track, convert the proposed amendments into a Notice of Intended Regulatory Action, and submit the NOIRA to Dr. Stroube for his review and approval on behalf of the Board.

Dr. Lanier re-assumed the role of Board chair.

Member Reports

Dr. Charles Johnson [Dental] – Discussed issues concerning Medicaid coverage for adults. Virginia is one of only eight states that does not provide dental coverage for adults through Medicaid.

Dr. Craig Reed [Veterinary Medicine] – Discussed the “One Medicine One Health” program which is a collaboration between medical doctors and veterinarians. Dr. Reed said that he would like to make a presentation to the Board concerning this program at a future meeting. Dr. Lanier agreed that such a presentation would be useful for the Board.

Ed Spearbeck [Pharmacy] – Briefed the Board concerning issues surrounding transmission of data between pharmacists, insurers and physicians; and concerning the shortage of pharmacists.

Jim Edmondson [Consumer] – Nothing to report.

Kandy Elliott [Nursing Home Industry] – She volunteered with the Roanoke Health Department at the Mission of Mercy dental clinic in May. She told the Board that many of the individuals who received dental services at the clinic could not speak English and needed assistance with translation/interpretation.

Dr. Julie Beales [Medical Society of Virginia] – She explained to the Board that national security concerns could result in a reduction of foreign physicians coming to work in Virginia as part of the J-1 visa waiver program.

Scott Burnette [Hospital Industry] – The Virginia Hospital and Healthcare Association (VHHA) and the American Hospital Association (AHA) are both reestablishing sets of principles for health care. At the national level, AHA’s initiative is to revamp the entire health care system. AHA is preparing to lay out its framework. One of the pillars of the framework will be to address chronic disease issues. VHHA’s state initiative will reflect the national effort.

Community Memorial Health center will be hosting a regional meeting, with a variety of partners including the local health district, to identify gaps in the regional health care system, and discuss possible solutions.

Dr. Jack Lanier [Consumer] – He told the Board that he served on the final interview panel to select the VDH Deputy Commissioner for Administration. Dr. Lanier also served as the keynote speaker for the West Richmond Rotary Club, speaking on the “Intersection of Medicine and Politics.” Dr. Lanier received a commendation letter from the VDH Division of Chronic Disease Prevention, thanking him and the Board for participating in the recent VDH Chronic Disease conference. He also recently attended the Virginia Health Care Foundation’s Heroes in Health Care luncheon, and the National Catholic Health Assembly in Chicago. In addition, the American Public Health Association has accepted three submissions of scientific continuing education abstracts from Dr. Lanier for presentation at the 2007 APHA meeting in Washington, D.C.

Fred Hannett [Corporate Purchaser of Health Care]. Mr. Hannett’s report had been previously submitted to Dr. Lanier via e-mail. Mr. Hannett suggested that the Board consider ways to help focus public attention on the need for major health care reform. As an example, the Board might work to facilitate a dialogue on specific health reform proposals from the Presidential candidates. Mr. Hannett said that the Board might be able to get employers and others to sponsor health care symposia – with representatives of the several campaigns participating – to foster debate. The Board could serve as moderator and provide authenticity to the event. Mr. Hannett sees such an approach as an opportunity for Board to establish its role as a thought leader and influencer in all matters related to the health of our citizens.

Discussion of Future Board Public Health Initiatives – Beyond Chronic Disease

The Board discussed what public health initiatives it wants to focus on.

Scott Burnette said that he did not think that the Board should change its focus on chronic disease. He considers chronic disease to be a cross-cutting issue across much of public health.

Jim Edmondson suggested that the Board use the work that it has already done on chronic disease as a base to build upon, and to establish linkages to other issues. Mr. Edmondson is also interested in following up on the work of VDH’s State Planning Grant in order to increase the number of insured individuals in the Commonwealth. He also likes issues concerning health information technology and electronic medical records which will have a huge impact on the delivery of services.

Craig Reed noted that the Board’s written priorities are chronic disease prevention and control, health promotion, assurance of access to primary care services including dental care, and facilitation of public/private partnerships. Dr. Reed also suggested that the Board receive a presentation from a university at a future meeting concerning bioinformatics.

Dr. Lanier said that the Board should retain its focus on its stated priorities, but keeping in mind the Governor’s priorities as expressed through the Health Reform Commission.

The Board agreed unanimously that it should revisit its previously stated list of priorities, and develop a set of proposed revisions. VDH staff will work with members of the Board, led by Dr. Reed, to establish a set of proposed revisions.

Other Business

The Board unanimously approved the following meeting schedule for the remainder of 2007 and for 2008:

October 19, 2007 – Richmond

January 25, 2008 – Richmond

April 18-19, 2008– Outside Richmond (assuming sufficient funding is available)

July 18, 2008 – Richmond

October 17, 2008 – Richmond

The Board meeting adjourned at 3:10 p.m.