

**State Board of Health  
September 2, 2021 - 9:00am  
Hybrid Meeting**

**Perimeter Center, Boardroom 2, 9960 Mayland Drive, Henrico VA 23233 and via WebEx**

Members Present: Faye Prichard, Chair; Gary Critzer; Jim Edmondson; Elizabeth Harrison; Linda Hines, RN; Anna Jeng, ScD; Patricia Kinser, PhD; Wendy Klein, MD, Vice Chair; Benita Miller, DDS; Holly Puritz, MD; Jim Shuler, DVM; Stacey Swartz, PharmD; Katherine Waddell; and Mary Margaret Whipple.

\*The following members attended virtually due to public health concerns for physical distancing and transmission levels for COVID-19: Gary Critzer; Elizabeth Harrison; Linda Hines, RN; Anna Jeng, ScD; Patricia Kinser, PhD; Wendy Klein, MD, Vice Chair; Stacey Swartz, PharmD; Katherine Waddell; and Mary Margaret Whipple.

Members Absent: Tommy East.

VDH Staff Present: Rebekah E. Allen, JD, Senior Policy Analyst, Office of Licensure and Certification; Dr. Danny Avula, Vaccine Coordinator and Director, Richmond and Henrico Health Districts; Dr. Laurie Forlano, Deputy Director, Office of Epidemiology; Stephanie Gilliam, Deputy Director for Budget, Office of Financial Management; William Gormley, MD, PhD, Chief Medical Examiner, Office of the Chief Medical Examiner; Bob Hicks, Deputy Commissioner for Public Health and Preparedness; Joe Hilbert, Deputy Commissioner for Governmental and Regulatory Affairs; Dr. Parham Jaber, Chief Deputy Commissioner for Community Health Services; Alexandra Jansson, Senior Policy Analyst; Bob Mauskopf, Director of Office of Emergency Preparedness; Dr. M. Norman Oliver, State Health Commissioner; Tim Powell, Director, Center for Public Health Informatics; John Ringer, Director for Public Health Planning and Evaluation; Michael Sarkissian, Director, Data and Quality, Office of Information Management; Tammie Smith, Public Relations Coordinator.

Other Staff Present: Robin Kurz, JD, Senior Assistant Attorney General; Allyson Tysinger, Senior Assistant Attorney General/Section Chief; Pamela Kestner, Chief Deputy, Department of Housing and Community Development

**Call to Order**

Ms. Prichard called the meeting to order at 9:04am.

**Introductions**

Ms. Prichard welcomed those in attendance to the meeting. Ms. Prichard then started the introductions of the Board members and VDH staff present.

**Review of Agenda**

Ms. Jansson reviewed the agenda and the items contained in the Board's virtual binder.

### **Approval of June 10, 2021 Minutes**

Dr. Shuler made the motion to approve the minutes from the June 10, 2021 meeting with Mr. Edmondson seconding the motion. The minutes were approved unanimously by roll call vote.

### **Commissioner's Report**

Dr. Oliver provided the Commissioner's Report to the Board. They discussed the novel coronavirus (COVID-19) situation and response with respect to:

- Disease Burden and Transmission
- Testing
- Containment
- Community Mitigation
- Communications
- Vaccination

There was discussion around school participation in the Virginia School Screening Testing for Assurance program, racial and ethnic ratios for vaccinations and cases, utilization of primary care physicians in vaccinations and boosters, and the need for additional communication campaigns to respond to and address myths about COVID-19, especially for pregnant women and school boards. There was also discussion around burnout among healthcare workers and public health workforce, updates on the booster vaccine rollout and vaccine wastage, and incentives for vaccines.

There was also a presentation by Deloitte, who are consulting with VDH. They provided an overview of the VDH 2025 Transformation initiative, including a discussion of the Steering Committee and Leadership Labs, as well as the path forward.

There was discussion around having the Board of Health be more involved in the process, and data interoperability.

### **Center for Public Health Informatics**

Mr. Powell provided an overview of the newly created Center for Public Health Informatics (Center). This presentation background on informatics, the mission of the Center, and several ongoing data initiatives surrounding data systems and modernization.

There was discussion about data initiatives and how to move forward with adding staff and resources such as American Rescue Plan Act funds.

### **Regulatory Action Update**

Ms. Jansson reviewed the summary of all pending VDH regulatory actions. Since the June 2021 meeting the Commissioner has approved the two following non-regulatory actions on behalf of the Board while the Board was not in session:

- Public Health Order of Emergency - Masks in K-12 Schools
- Electronic Participating in Meetings Policy

Ms. Jansson advised the Board that there are 19 periodic reviews in progress:

- 12 VAC 5-66 Regulations Governing Durable Do Not Resuscitate Orders

- 12 VAC 5-80 Virginia Hearing Impairment Identification and Monitoring System
- 12 VAC 5-195 Virginia Women Infants and Children Program Regulations
- 12 VAC 5-200 Regulations Governing Eligibility Standards and Charges for Health Care Services to Individuals
- 12 VAC 5-216 Methodology to Measure Efficiency and Productivity of Health Care Institutions
- 12 VAC 5-217 Regulations of the Patient Level Data System
- 12 VAC 5-218 Rules and Regulations Governing Outpatient Data Reporting
- 12 VAC 5-220 Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations
- 12 VAC 5-407 Regulations for the Submission of Health Maintenance Organization Quality of Care Performance Information
- 12 VAC 5-408 Regulation for the Certificate of Quality Assurance of Managed Care Health Insurance Plan (MCHIP) Licensees
- 12 VAC 5-410 Regulations for the Licensure of Hospitals in Virginia
- 12 VAC 5-421 Food Regulations
- 12 VAC 5-440 Regulations for Summer Camps
- 12 VAC 5-450 Rules and Regulations Governing Campgrounds
- 12 VAC 5-460 Regulations Governing Tourist Establishment Swimming Pools and Other Public Pools
- 12 VAC 5-462 Swimming Pool Regulations Governing the Posting of Water Quality Results
- 12 VAC 5-508 Regulations Governing the Virginia Physician Loan Repayment Program
- 12 VAC 5-510 Guidelines for General Assembly Nursing Scholarships
- 12 VAC 5-540 Rules and Regulations for the Identification of Medically Underserved Areas in Virginia

There was discussion regarding the number of regulatory chapters VDH is responsible for and also a brief update on the progress of the doula regulations from the June 10 meeting.

### **Lunch Presentation: Health and Housing**

Ms. Kestner presented an overview of activities ongoing in Virginia related to the connection between housing and health. Topics included:

- Workgroups
- State agency activities
- Overview of the Department of Housing and Community Development and programs

The Board expressed thanks to Ms. Kestner for the informative presentation and the ongoing work. There was discussion around how citizens are connected to programs, how funding is distributed, and what happens to undistributed funds.

### **Public Comment Period**

Three persons were signed up for the public comment period. Brent Rawlings from the Virginia Hospital and Healthcare Association spoke in favor of the Emergency Amendments/NOIRA to the Patient Level Data Reporting Regulations. Kristin Parde with the Pharmaceutical Manufacturers of America spoke in favor of the Emergency Regulations/NOIRA for Drug Price Transparency, although she did request some revisions. She also told the Board that she would

be submitting written comments. Heidi Dix with the Department of Behavioral Health and Developmental Services spoke in favor of the Emergency Regulations/NOIRA to the Patient Level Data Reporting Regulations.

### **Emergency Regulations/NOIRA for Prescription Drug Price Transparency**

Ms. Allen presented Emergency Regulations/Notice of Intended Regulatory Action (NOIRA) for the Prescription Drug Price Transparency. These regulations are intended to address the enactment of Chapter 304 of the 2021 Acts of Assembly, Special Session I. The General Assembly required VDH to adopt regulations standards for prescription drug price transparency and reporting. In order to ensure that such regulations protect the health, safety, and welfare of citizens, it is necessary to assess relevant available information about prescription drug prices to determine what should be included or incorporated into the regulatory text. VDH may also address other issues that arise as a result of this NOIRA.

These regulations must include specifically the specification of prescription drugs for the purpose of data collection and procedures for auditing information provided by health carriers, pharmacy benefits managers, wholesale distributors, and manufacturers, as well as a schedule of civil penalties for failure to report the information required, based on the severity of the violation. As the requirement to report prescription drug price information is new, there is no already existing regulatory chapter that would best fit this mandate, so VDH intends to promulgate a new regulatory chapter for these standards.

Dr. Shuler moved to adopt the Emergency Regulations/NOIRA and Dr. Miller seconded the motion. There was a brief discussion about the public comment from Kristin Parde and how to submit those comments when the regulations moved forward. The motion was passed unanimously.

### **Emergency Amendments/NOIRA to the Regulations of the Patient Level Data System**

Mr. Sarkissian presented the Emergency Amendments/NOIRA to the Regulations of the Patient Level Data System. The Board is required by Va. Code § 32.1-276.2 to establish effective health care data analysis and reporting initiatives to improve the quality and efficiency of health care, foster competition among health care providers, and increase consumer choice with regard to health care services in the Commonwealth, and that accurate and valuable health care data can best be identified by representatives of state government and the consumer, provider, insurance, and business communities.

The goal of the regulatory change is to conform the provisions of 12VAC5-217-20 to the requirements in Chapter 552 Item 307(D1) of the 2021 Acts of Assembly Special Session I. This chapter requires inpatient hospitals to report the admission source of any individuals meeting the criteria for voluntary or involuntary psychiatric commitment as outlined in § 16.1-338, 16.1-339, 16.1-340.1, 16.1-345, 37.2-805, 37.2-809, or 37.2-904, Code of Virginia, to the Board of Health (“the Board”). The Board shall collect and share any and all data regarding the admission source of individuals admitted to inpatient hospitals as a psychiatric patient, pursuant to Virginia Code § 32.1-276.6, with the Department of Behavioral Health and Developmental Services (DBHDS) through the addition of a new legal status field. The new field will be included in the patient-level data that DBHDS receives from Virginia Health Information (VHI). The existing list of

information from that Code section does not include criteria for voluntary or involuntary psychiatric commitment, accordingly the creation of a new legal status field is required.

Dr. Shuler moved to adopt the emergency amendments/NOIRA, and the motion was seconded by Dr. Puritz. The motion passed unanimously.

### **Proposed Amendments to the Disease Reporting and Control Regulations...**

Dr. Forlano presented the proposed amendments to the Disease Reporting and Control Regulations. The Regulations for Disease Reporting and Control provide information about the process and procedures for reporting diseases to VDH, including what diseases must be reported, who must report them and other details related to reporting and disease control. VDH is proposing amendments to the regulations to ensure all health providers report necessary public health information. This regulatory action requires COVID-19 case and laboratory report forms be submitted electronically; clarifies that the category “laboratory directors” includes any entity that holds CLIA Certificates of Waiver; adds ethnicity to the fields required to be reported by all parties related to COVID-19; and adds “coronavirus, severe” to the list of infectious disease that shall be reported to persons practicing funeral services.

The proposed changes are essential to protect the health and safety of citizens because they will improve the ability of VDH to conduct surveillance and investigations, collect necessary public health information, and continue to implement disease control measures for COVID-19. The changes will position the agency to better detect and respond to these illnesses to protect the health of the public.

Ms. Hines moved to adopt the amendments and Dr. Puritz seconded the motion. There was some discussion to clarify what had changed since the emergency amendments had been adopted. The motion passed unanimously.

\*Dr. Shuler left the meeting following the vote and there was no quorum of the Board members physically assembled in a single location, resulting in no further votes being able to be taken.

### **Cremation Fee Increase**

Dr. Gormley presented to the Board a request that the cremation fee currently set at \$50 be increased to \$100. The fee had not been increased since 1974, and this increase adjusts to an appropriate level for the cost and number of cremation examinations that have increased each year.

### **Budget Update: Special Session II**

Ms. Gilliam presented an update on the budget outcomes for VDH from the Special Session II in August 2021. She described the allocations to VDH from the American Rescue Plan Act across multiple service areas and projects. There was discussion about how the projects would be monitored and reported. There was also discussion around the cost of consultant firms in assisting with monitoring and executing the projects.

### **Legislative Update - Development of 2022 Proposals**

Mr. Hilbert presented an update to the Board regarding the development of agency proposals for the 2022 regular General Assembly session. Mr. Hilbert reviewed the legislative development process and reviewed the nine legislative proposals that were submitted to the Administration for consideration.

There was discussion around allocation of further resources and how Board members may act in support of VDH during the regular General Assembly session.

### **Meeting Dates for 2022**

The meeting dates for the 2022 calendar year were reviewed briefly.

### **Other Business**

Members who had reports were asked to submit them to Ms. Prichard by September 3, 2021. Mr. Edmondson briefly discussed women's health issues and requested information from the Office of the Attorney General on the Supreme Court. Ms. Hines asked that there be an update on the mental health crisis from recent closure of facilities. There was no other business discussed.

### **Adjourn**

Meeting adjourned at 2:50pm.