

**State Board of Health – Nominating Committee
June 13, 2024 – 9:00 a.m.
Norfolk State University**

Members Present: Lee Jones, DMD; Melissa Green; and Elizabeth Ruffin Harrison

VDH Staff Present: Alexandra Jansson, Staff to the State Board of Health

Dr. Jones called the meeting to order at 9:00 a.m.

Ms. Harrison moved to nominate the following slate of officers: Gary Critzer, Chair; Dr. Melissa Nelson, Vice Chair; Michael Desjadon and Dr. Anna Jeng, Executive Committee members. The motion was seconded by Ms. Green. The motion was approved by unanimous voice vote.

The meeting adjourned at 9:02 a.m.

**State Board of Health
June 13, 2024 - 9:30am
Norfolk State University**

Members Present: Gary Critzer, Chair; Douglas Daniels, DVM; Michael Desjadon; Melissa Green; Elizabeth Ruffin Harrison; Anna Jeng, ScD; Lee Jones, DMD; Melissa Nelson, MD; Holly Puritz, MD; Maribel Ramos; Ann B.R. Vaughters, MD; Mary Margaret Whipple, and Yesli Vega

Ms. Whipple participated virtually for caregiver responsibilities from her home in Arlington. Dr. Vaughters participated virtually for personal reasons from her home in Goochland County.

Members Absent: Patricia Kinser, PhD, Vice Chair; Stacey Swartz, PharmD

Virginia Department of Health (VDH) Staff Present: Tami Beachum, Executive Assistant; Virginia Beach Health District; Kim Beazley, Director, Office of Licensure and Certification; Eric Bodin, Office of Licensure and Certification; Harry Bennett, VDH Agency Star; Paul Brumund, MHA, VCA, VDH Agency Star; Susan Fischer Davis, Chief Deputy Commissioner for Community Health Services; Melissa Dozier, Business Manager; Norfolk Health District Tiffany Ford, Deputy Commissioner for Administration; Susan Girois, Norfolk Health District Director; Joe Hilbert, Deputy Commissioner for Governmental and Regulatory Affairs; Alexandra Jansson, Senior Policy Analyst; Kisha King, Executive Assistant; Norfolk Health District; John Kotyk, Regulatory and Legislative Coordinator; Kathy Lamm, Communications Director; Norfolk Health District; Christopher Lindsay, Chief Operating Officer; Caitlin S. Pedati, Virginia Beach Health District Director; Maria Reppas, Director, Office of Communications; John Ringer, Director of Public Health Planning and Evaluation; Karen Shelton, State Health Commissioner; Rachael Stradling, Acting Deputy Commissioner for Population Health and Preparedness and Acting Director, Office of Emergency Medical Services

Other Staff Present: Adam Hade, Assistant Attorney General, Office of the Attorney General;
Jona Roka, Assistant Secretary, Office of the Secretary of Health and Human Resources

Call to Order

Mr. Critzer called the meeting to order at 9:37 am.

Introductions

Mr. Critzer welcomed those in attendance to the meeting. Mr. Critzer then introduced the Mayor of Norfolk, Dr. Kenneth Alexander for welcoming remarks. Additional opening remarks were received from Senior Advisor to the President for Governmental Affairs, Eric W. Claville, J.D. with Norfolk State University.

Review of Agenda

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

Approval of April 10, 2024 Minutes

The minutes from the April 10 meeting were reviewed. Dr. Nelson made a motion to approve the minutes, seconded by Dr. Jeng. The motion passed unanimously by voice vote.

Commissioner's Report

Dr. Shelton provided the Commissioner's Report to the Board. She updated the Board on key issues and projects VDH is engaged in including:

- Agency Stars
- Communicable Disease Update
- Health Director Meeting
- Hurricane and Extreme Heat Preparedness
- EMS Update
- Ballard Update
- Administrative Ecosystem Update
- Language Access

There was discussion regarding congenital syphilis cases, the screening process, physician engagement, and referral for appropriate treatment, VDH will continue to investigate each case. There was discussion about tickborne illness and increasing cases of Alpha-gal Syndrome. The importance of continued surveillance and obtaining reportable data with outcomes to enhance educational opportunities and the standards for physicians treating these illnesses was discussed. There was discussion concerning issues associated with the public health response to climate change and sea level rise, and the importance of cooperative efforts with partners. Finally, there was discussion pertaining to the VDH Cooperative Agreement with Ballard Health, and how cost of care is assessed when consumer options are limited. The importance of quality of care and access to care for consumers was discussed, as was enforcement options available to VDH as part of the Cooperative Agreement.

Regulatory Action Update

Mr. Kotyk reviewed the summary of all pending VDH regulatory actions.

There are 51 pending actions under development:

- 11 NOIRAs
- 10 proposed actions
- 8 final actions
- 23 fast track actions

Since the April 10, 2024, meeting the Commissioner has taken one regulatory action on behalf of the Board – approval of a Notice of Intended Regulatory Action (NOIRA) for the Sewage Handling and Disposal Regulations (12 VAC5-610). This action was initiated a result of a recent periodic review. Amendments will address changes to the industry and related best practices since the last comprehensive update to the Regulations more than 20 years ago, clarify existing requirements, and consider public comment and regulatory reduction where possible.

Mr. Kotyk advised the Board that there are 16 periodic reviews in progress:

- 12 VAC 5-67 Advance Health Care Directive Registry
- 12 VAC 5-125 Regulations for Bedding and Upholstered Furniture Inspection Program
- 12 VAC 5-215 Rules and Regulations Governing Health Data Reporting
- 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 5-220 Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations
- 12 VAC 5-371 Regulations for the Licensure for Nursing Facilities
- 12 VAC 5-381 Home Care Organization Regulations
- 12 VAC 5-391 Regulations for the Licensure of Hospices
- 12 VAC 5-405 Rules Governing Private Review Agents
- 12 VAC 5-407 Regulations for the Submission of Health Maintenance Organization Quality of Care Performance Information
- 12 VAC 5-507 Guidelines for General Assembly Nursing Scholarships and Loan Repayment Program Requiring Service in Long-Term-Care Facility
- 12 VAC 5-520 Regulations Governing the State Dental Scholarship
- 12 VAC 5-545 Guidelines for the Nurse Educator Scholarship
- 12 VAC 5-590 Waterworks Regulations
- 12 VAC 5-620 Regulations Governing Application Fees for Construction Permits for Onsite Sewage Disposal Systems and Private Wells

Public Comment Period

There were no people signed up for the public comment period.

Lunch Presentation

Dr. Felicia Mebane, Director of the Center for Public Health Initiatives and Associate Dean at the Joint School of Public Health, Dr. Susan Girois, and Dr. Caitlin Pedati presented to the Board regarding the Norfolk and Virginia Beach Health Districts Community Health Needs Assessments.

The speakers addressed the following questions:

- What is the most important aspect of your role?
- What are two or three characteristics of your districts that impact health status?
- How are Community Health Assessments conducted, and what are the steps in the process?
- What types of decisions are driven by the results of the Community Health Assessment?
- What were the findings or results of your most recent Community Health Assessment?
- What are the next steps for your district with respect to the Community Health Assessment?

While Norfolk is an entirely urban district, Virginia Beach has urban, suburban and rural areas. Norfolk also has a far greater percentage of its population that is African-American. Both districts have a substantial percentage of their population that is related in some way to the military.

During their most recent Community Health Assessments, neither district was able to collect data from a random sample of their population. Each district did make substantial outreach efforts to draw representative samples, with particular focus on vulnerable populations. Norfolk's sample size was about 3,000 individuals while Virginia Beach's was about 750.

In terms of key public health issues identified during their community health assessments, in Virginia Beach, mental health, substance abuse and chronic disease concerns were most prevalent. In Norfolk, however, affordable housing, food insecurity and violence were the most prevalent issues identified, followed by mental health and substance abuse.

In terms of next steps, Dr. Pedati told the Board that a key purpose of the Community Health Assessment is to enable the district to prepare a Community Health Improvement Plan. The possibility of working directly with regional health systems on a combined community health needs assessment was discussed. Dr. Girois said that Norfolk intends to share the data from the Community Health Assessment with its stakeholders and partners, to get their further feedback. Dr. Girois described the concept of "Chief Health Strategist" to the Board. She also challenged the Board to hold health districts accountable to change health outcomes, while at the same time encouraging flexibility to respond to unique community needs.

Norfolk State University Highlights

William Bynum, Associate Director of Student Activities & Leadership, from Norfolk State University provided the Board with a brief overview of the University. The Norfolk State University athletics department is diverse. Men's teams are baseball, basketball, cross country, football, tennis, and track & field. Women's teams are basketball, bowling, cross country, softball, tennis, track & field, and volleyball. There is an 18:1 female to male ratio and the campus offers on-site dorms.

Programs with healthcare concentrations include healthcare administration, a joint program in medicine, nursing, master's in public health, and social work. Other popular programs are all

STEM majors, music, and new in 2024 is a drama-theater concentration.

The Norfolk State University Public Health initiative collaborative with Old Dominion University and Eastern Virginia Medical School was created to reduce health disparities and promote health equity. The initiative seeks to engage the community by promoting continued education from within and developing strong community partnerships.

**Fast Track Amendments to Regulations Governing Durable Do Not Resuscitate Orders
12VAC5-66**

Ms. Stradling, Acting Director of the Office of Emergency Medical Services presented the Fast Track Amendments to the Regulations Governing Durable Do Not Resuscitate Orders. The purpose of the amendments is to provide necessary updates to these regulations to better reflect current standards and practices, legal authority, and form and style requirements.

This regulatory action is necessary to ensure compliance with the Code of Virginia and to conform the regulations to the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*. By enacting these amendments, additional clarity and consistency of the regulations will help ensure that health care personnel, emergency medical services providers, and residents of the commonwealth can effectively access and understand the regulations governing DNR.

Dr. Nelson made a motion to approve the fast track amendments, seconded by Dr. Anna Jeng. The motion passed unanimously by voice vote.

**Proposed Fast Track Amendments to Regulations Governing Cooperative Agreements
12VAC5-221**

Ms. Beazley, Director, Office of Licensure and Certification (OLC) presented the Fast Track Amendments to the Regulations Governing Cooperative Agreements. The purpose of the amendments is to amend the chapter to address the public comment received during the 2024 periodic review of the regulation and to conform the regulations to the Virginia Registrar of Regulation's *Form, Style, and Procedure Manual for Publication of Virginia Regulations*. Amendments to the chapter will allow the regulation to be more easily understood by regulated entities and clarify and reduce regulatory requirements for both the department and the regulants.

The regulation is necessary for the protection of public health, safety, and welfare governing various types of arrangements among hospitals and health systems, including mergers and acquisitions, that otherwise might be anti-competitive within the meaning and intent of state and federal anti-trust laws.

The regulatory change is intended to address the need for updates to the language and style identified during the periodic review to make the regulation more understandable, and to address the public comments received regarding ongoing supervision of already approved cooperative agreements.

Dr. Puritz moved, and Ms. Ramos seconded, that the Fast Track Amendments be approved.

There was discussion pertaining to the fact that, under Virginia statute, a cooperative agreement is authorized only in far Southwest Virginia, and not anywhere else in the state. There was additional discussion concerning the role of the U.S. Federal Trade Commission with respect to cooperative agreements. There was further discussion concerning the provisions of the Virginia Order Authorizing a Cooperative Agreement, and the attached Conditions. There was discussion concerning that it is unknown what would happen to the Cooperative Agreement should Ballad Health be acquired by another entity. In response to the Board's questions, staff from the VDH OLC provided additional information how cost of care and quality of care are monitored under the Cooperative Agreement. There was discussion concerning the potential of cost reduction that in turn adversely affects the quality of care.

There was additional discussion concerning the proposed provisions of 12VAC5-221-95, and the extent to which those provisions address total cost of care and quality of care. After further discussion, Mr. Desjadon moved, and Dr. Puritz seconded, that the proposed text of 12VAC5-221-95 be amended by adding:

“A commitment to reduce the total cost of care, and improve the quality of care, in the region served by the new entity.”

That motion was approved unanimously.

The original motion to approve the Fast Track Amendments was also approved unanimously.

Office of Emergency Medical Services, Interim Strategic Plan

Ms. Stradling, Acting Director, Office of Emergency Medical Services presented to the Board the Interim Strategic Plan for the Office of Emergency Medical Services (EMS). The Interim Plan focuses on essential functions such as EMS training, Certification and Regulation, and Trauma System administration. Mandated programs are to be operated in an efficient, timely and accountable manner. VDH will work with members of the EMS Advisory Board, EMS Agencies, EMS Council leaders, EMS Stakeholders, and community partners to create a Strategic and Operational plan for FY2025 and beyond that is built on the core public health mission of the Office of EMS. The intent is to expand and build competent, engaged, valued workforce increasing retention and engagement of all OEMS staff. The plan includes a provision to realign leadership structure and provide transparency in decision making as appropriate to OEMS staff, stakeholders, and EMS community.

Dr. Jones moved that the Interim Strategic Plan be approved, and Dr. Puritz seconded the motion. The motion passed by unanimous voice vote.

Electronic Meeting Policy

Ms. Jansson presented the updated Electronic Meeting Policy to the Board. All but one update was a non-discretionary change due to legislation passed in the 2024 General Assembly Session. One discretionary change in the process for requesting remote participation was made for ease of documenting in the minutes.

There was discussion by the Board regarding travel locations, the requirements, and limitations

related to utilizing state equipment if a Board member is traveling overseas. The preference is the member just report as absent rather than trying to participate remotely from a foreign country. A reminder was made that if more than 3 members will be participating in a virtual meeting from the same location, that meeting location will need to be noticed and open to the public.

A motion to approve the updated Electronic Meeting Policy was made by Dr. Puritz with Ms. Ramos seconding. The motion was approved unanimously.

Report of Nominating Committee

Dr. Jones provided the report of the Nominating Committee. The committee recommended Gary Critzer to continue to serve as Chairman of the Board; Dr. Melissa Nelson as Vice Chair, and Dr. Anna Jeng and Michael Desjadon as Executive Committee members. The committee report was approved unanimously by the Board.

Other Business

The following Board members have terms ending on June 30, 2024: Holly Puritz, MD, Stacey Schwartz, PharmD, and Mary Margaret Whipple. The Board thanked them for their service.

Adjourn

The meeting adjourned at 1:17 pm.