

Minutes
State Board of Health Meeting
October 20, 2006
Virginia Department of Health
109 Governor Street, Richmond Virginia 23219

Board Members Present: Dr. Jack Lanier, Chairman, Kandy Elliott, Jim Edmondson, Dr. Craig Reed, Ed Spearbeck, Fred Hannett, Dr. Bhushan Pandya, Dr. Charles Johnson, Barbara Favola, David Summers, Dr. Bennie Marshall

Board Members Absent: Dr. Julie Beales, Scott Burnette

Staff Present: Dr. Robert Stroube, State Health Commissioner; Dr. Jim Burns, Deputy Commissioner for Public Health; Dr. Lisa Kaplowitz, Deputy Commissioner for Emergency Preparedness and Response Programs; Jeff Lake, Deputy Commissioner for Community Health Services; Helen Tarantino, Deputy Commissioner for Administration; Joe Hilbert, Executive Advisor to the Commissioner; Martha Pulley, Policy Advisor to the Commissioner; Rene Cabral-Daniels, Director, Office of Health Policy and Planning; Diane Powers, Director, Office of Communications; Chris Durrer, Director, Office of Licensure and Certification; Diane Woolard, Director, Division of Surveillance and Investigation; Ramona Schaeffer, Director, Division of Chronic Disease Prevention and Control; Robert Hicks, Director, Office of Environmental Health Services; Gary Brown, Director, Office of Emergency Medical Services; Susan Tlusty, Policy Analyst, Division of Child and Adolescent Health; Catherine West, Administrative Assistant; Robin Kurz, Attorney General's Office

Others Present: Karen Wagner, Chair, EMS State Advisory Board

Call to Order

Dr. Lanier convened the meeting at 9:00 a.m.

Approval of Minutes

The minutes from the July 2006 Board meeting were approved unanimously, after agreeing to one change requested by Dr. Pandya on page 6, pertaining to his member report concerning Danville Regional Medical Center.

Commissioner's Report

Dr. Stroube briefed the Board concerning recent VDH personnel changes, including the hiring of Dr. Ted Tweel as Director of the Richmond Health District, and the appointment of Aryana Khalid as Deputy Commissioner for Health Policy. Aryana will be on loan to the Secretary of Health and Human Resources.

Dr. Stroube informed the Board that he has visited one local health district each month since July. Districts visited so far include Chickahominy, Crater, Three Rivers and Central Shenandoah.

Dr. Stroube described VDH's annual Emergency Preparedness and Response Exercise. This year's exercise will focus on pandemic flu.

Dr. Stroube briefed the Board concerning VDH's response to a FOIA request pertaining to the Eastern Virginia Health Systems Agency.

Dr. Stroube also reported to the Board about a legislative task force examining the Certificate of Public Need Program, and the Governor's Commission on Health Reform. Dr. Stroube advised the Board that he would keep them apprised of the Commission's activities, and that the Board would be given an opportunity to review the Commission's draft report.

Fred Hannett asked if the findings of the Governor's Commission on Health Reform would be linked back to the state's Medicaid Revitalization Commission, which was formed in response to legislation enacted by the 2006 General Assembly. Dr. Stroube responded that yes, they would be. Several Board members expressed the desire to be advised by VDH at future meetings concerning the status of Medicaid Revitalization Commission's activities. There was also a discussion concerning the need to integrate the work of this Commission with that of the long term care workgroup of the Governor's Commission on Health Reform.

Chronic Disease Initiative Update

Joe Hilbert reported to the Board concerning the Commissioner's Chronic Disease Prevention grant program. Grants have been awarded, on a competitive basis, to 12 local health districts for FY07. A total of \$735,000 in grants was awarded. Vital Records fee revenue, designated by the 2006 Appropriations Act for health care purposes, and Preventive Health and Health Services block grant funds, served as the funding sources for the grants. A total of 16 local health districts applied for the grants.

There was a discussion among the Board members concerning the sustainability of these grant funded activities in future years, the need for VDH staff to verify information provided by the districts in their progress reports, and how the grant funded activities relate to disease management and other prevention activities currently being administered by the Department of Medical Assistance Services and Medicaid managed care organizations.

Ramona Schaeffer provided the Board with an update concerning activities and programs of the VDH Division of Chronic Disease Prevention and Control.

Final Amendments to Newborn Screening Regulations

Susan Tlusty presented this regulatory action to the Board. The Board was advised that the public comment period for these regulations would not expire until Monday, October 23. There was considerable discussion among the Board members concerning provisions in the final amendments, on pages 16 - 18, pertaining to authorized activities on the part of licensed midwives. One public comment had been received pertaining to this part of the regulation.

After extended discussion, the Board voted 5-4 to defer approval of the regulatory action, and to authorize Dr. Stroube to approve the regulation subject to amending language that would authorize a licensed midwife to submit the results of a retest directly when submission of the retest results by the infant's primary care physician would result in a delay of more than two business days in receiving the results. Mr. Hannett, Dr. Marshall, Dr. Reed, and Ms. Elliott cast the "no" votes. The Board's approval was conditioned that there be no additional public comments received concerning this action between the end of the Board meeting and the expiration of the public comment period on October 23.

Public Comment

The following individuals provided public comment to the Board pertaining to the land application of biosolids: C.W. Williams, Glen Musick, Helen Eggleston, and Mike Eggleston. They gave the Board a variety of written materials and photographs to supplement their comments.

There was a discussion among the Board about which state and/or local agency is responsible for stormwater runoff issues. Robert Hicks told the Board that runoff issues are the responsibility of local government. The Board also discussed the extent to which VDH has studied the health effects of biosolids.

Barbara Favola moved that VDH monitor local land application of biosolids. That motion was withdrawn after further discussion.

There was discussion concerning the health status of one individual living in the Central Virginia Health District, and concerning the status of a land application permit in the Western Tidewater health district. Dr. Stroube advised the Board that VDH staff would review the facts in both of these cases and advise the Board of its findings.

Proposed Amendments - Biosolids Use Regulations

Robert Hicks presented this regulatory action. There was discussion among the Board concerning the amount of revenue that would be derived from this action, which would authorize VDH to assess land application permit fees. Mr. Hicks advised the Board that the revenue estimate was approximately \$30,000. There was further discussion concerning how VDH determines whether a particular situation constitutes an application for a new permit, or simply a permit modification. Mr. Hicks advised the Board that

most of the activities administered by VDH staff now involve permit modifications rather than new permits. For that reason, most of the permits would be assessed a \$1,000 permit modification fee as opposed to a \$5,000 new permit fee. There was further discussion by the Board concerning how VDH defines an "existing site".

After further discussion, the Board voted 9-2 to defer action on the proposed amendments, and directed VDH staff to bring back proposed regulatory language that would result in increased revenue being generated through the permit fees. The Board expressed its desire to use some of the additional revenue to address various issues pertaining to the land application of biosolids.

Final Amendments - Physician Loan Repayment Regulations

Rene Cabral-Daniels presented this regulatory action. It was approved unanimously.

Request for Applications - Nursing Facilities

Chris Durrer presented this regulatory action. It was approved unanimously.

Amendments to Hospital Licensure Regulations (Non-Discretionary, Building Design Standards)

Chris Durrer presented this regulatory action. It was approved unanimously.

Amendments to Nursing Facility Licensure Regulations (Non-Discretionary, Building Design Standards)

Chris Durrer presented this regulatory action. It was approved unanimously.

Proposed Amendments – Disease Reporting and Control

Diane Woolard presented this regulatory action. It was approved unanimously.

State Emergency Medical Services Advisory Board - Update

Gary Brown briefed the Board on the general purpose, organization, and activity of the EMS Advisory Board. There was a brief discussion concerning the amount of federal Homeland Security funding received by Virginia. Mr. Brown told the Board that all issues that the EMS Advisory Board presents to the Board have been thoroughly vetted by all EMS stakeholder organizations.

Karen Wagner briefed the Board concerning a planned study of the Regional EMS Councils. The study will examine whether these private, non-profit organizations should be reconstituted as state offices. There was a brief discussion of Virginia's Statewide EMS Plan. Ms. Wagner also told the Board that she would convene a task force of EMS

stakeholders in order to discuss whether the VDH Office of EMS should be transferred into the Virginia Public Safety Secretariat.

Proposed Board of Health Meeting Schedule for 2007

Joe Hilbert presented the proposed schedule to the Board. It was approved unanimously. Board meetings for 2007 are scheduled for Friday, February 2, 2007; Friday and Saturday, April 20 and 21, 2007; Friday and Saturday, July 20 and 21, 2007; and Friday and Saturday, October 19 and 20, 2007

There was a discussion concerning the possibility of the Board holding its July 2007 meeting in Northern Virginia, perhaps in Arlington. VDH staff told the Board that staff would coordinate with local health directors in the region to arrange a series of site visits in connection with the meeting. Several Board members expressed interest in site visits focused on emergency preparedness and response, the region's immigrant population, and the need to strengthen public health services in exurban areas. The Board expressed general consensus to hold its July 2007 meeting in Northern Virginia.

Member Reports

Kandy Elliott - She briefed the Board on a recent consultant's report that focused on transitioning nursing facility residents into Home and Community Based Services. She requested that this report be reviewed by VDH staff. She also reported on Project Access and the regional pandemic flu summit to be held at Virginia Tech. Ms. Elliott told the Board that she has met with the new Director of the Roanoke Health District, Dr. Stephanie Harper.

Craig Reed - He discussed ongoing efforts within the veterinary medicine profession to monitor and prepare for avian flu outbreaks. He also told the Board that it is essential that public interest in flu preparedness issues be maintained. Dr. Reed also briefed the Board concerning a new report from the Centers for Disease Control on diseases related to bioterrorism.

Bennie Marshall - She discussed her attendance at the recent pandemic flu summit held in Norfolk. She also discussed school nursing issues, a priority for the Virginia Nurses Association. She also discussed the importance of identifying funding necessary to establish a Workforce Center for Nursing.

Jim Edmondson - He briefed the Board concerning his continued involvement with the State Medical Facilities Plan Advisory Committee. He also discussed the General Assembly's Health Welfare and Institutions COPN Task Force.

Fred Hannett - He briefed the Board concerning a federal Executive Order, issued in August 2006, concerning health care price transparency, quality measurement, and interoperability of the health care information technology system. Fred requested that

this executive order be brought to the attention of the Governor's Commission on Health Reform.

Ed Spearbeck - He discussed issues concerning flu vaccine distribution and Medicare Part D. Ed also told the Board that he recently served as a hearing officer at a hearing conducted by VDH pertaining to amendments to the biosolids use regulations.

Bhushan Pandya - He thanked Dr. Stroube for his recent attendance at the Medical Society of Virginia board meeting. Dr. Pandya also discussed issues concerning distribution of flu vaccine, electronic health records, and pandemic flu.

David Summers - He discussed the National Provider Index.

Charles Johnson - He briefed the Board concerning the Virginia Dental Association's Mission of Mercy project, and its Smiles for Children program.

Barbara Favola - She told the Board that local governments want to have a true partnership with the state, and that localities are opposed to unfunded mandates. She told the Board that she would advocate for the Virginia Association of Counties' support of legislation to strengthen the Virginia Clean Indoor Air Act.

Scott Burnette - Dr. Lanier delivered Scott's report on his behalf. It briefed the Board concerning a new public website developed by the Virginia Hospital and Healthcare Association, called VAPricepoint.org. This represents an initial effort to improve the transparency of hospital price and quality data in Virginia.

Jack Lanier - He briefed the Board concerning his involvement with efforts to implement annual school physical examinations and a school health center concept in the Richmond Public Schools. He has been working with Dr. Ted Tweel on this project. Dr. Lanier also briefed the Board concerning efforts to reduce Richmond's homeless population, and his work on children's health issues in the Richmond region.

Adjourn

The Board meeting adjourned at approximately 3:30 p.m.