

**State of Board of Health
December 12, 2019 – 9:00 a.m.
Perimeter Center – Boardroom 2**

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

VDH Staff Present: Dr. Norm Oliver, State Health Commissioner; Dr. Laurie Forlano, Deputy Commissioner for Population Health; Joe Hilbert, Deputy Commissioner for Governmental and Regulatory Affairs; Mona Bector, Deputy Commissioner for Administration Mylam Ly, Policy Analyst; Dr. Parham Jaber, Chief Deputy Commissioner for Public Health and Preparedness; Alex Jansson, Policy Analyst; Michael Capps, Policy Analyst; Rebekah Allen, Senior Policy Analyst; Aaron Kesecker, the Exercise Coordinator with the Office of Emergency Preparedness; Delilah McFadden, Public Health Emergency Coordinator for the Lenowisco Health District; Kristin Marie Clay, Policy Analyst; Maria Reppas; Director of the Office of Communications

Other Staff: Grant Kronenberg, Assistant Attorney General; Robin Kurz, Senior Assistant Attorney General; Vanessa MacLeod, Assistant Attorney General; Allyson Tysinger, Senior Assistant Attorney General/Chief.

Call to Order and Pledge of Allegiance

Ms. Prichard called the meeting to order at 9:00am. Mr. East led those in attendance in the pledge of allegiance.

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

Mr. Hilbert reviewed the agenda and the items contained in the Board’s notebook.

Approval of September 5, 2019 Minutes

Dr. Klein made the motion to approve the minutes from the September 5, 2019 meeting with Dr. Kinser seconding the motion. The minutes were approved unanimously by voice vote.

Commissioner’s Report

Dr. Oliver provided the Commissioner’s Report to the Board. He began with the introduction of the “agency stars” for the meeting. Delilah McFadden, Public Health Emergency Coordinator for the Lenowisco Health District, and Aaron Kesecker, the Exercise Coordinator with the Office of Emergency Preparedness.

Dr. Oliver then updated the Board on key issues and projects that VDH is currently involved with, including:

- Population Health Update
- Cardinal Revolve Statewide Emergency Preparedness Exercise
- Centers for Disease Control and Prevention (CDC) Opioid Crisis Response Funding
- Accreditation Update
- Performance Measurement System
- E-cigarette, or Vaping, Product Use-Associated Lung Injuries (EVALI)
- Cooperative Agreement with Ballad Health
- Gun Violence as a Public Health Issue
- VDH Policy Research and Analysis Plan
- Rural Health Plan Update

Dr. Oliver ended his report by informing the Board about recent VDH personnel changes:

- New Staff: Maria Reppas as Director of the Office of Communications; Leslie Hoglund, PhD as State Health Assessment/State Health Improvement Plan Manager; Mona Bector, Deputy Commissioner for Administration;
- Retiring: Dave Crabtree retiring as Business Process Director for Community Health Services (CHS); Steve Sullivan as the incoming CHS Business Process Director; and
- Resignation: Lauren Powell, PhD, MPA resigning as Director of the Office of Health Equity.

Regulatory Action Update

Mr. Hilbert reviewed the summary of all pending VDH regulatory actions. Since the June 2019 meeting the Commissioner has approved no regulatory actions on behalf of the Board while the Board was not in session.

No actions were taken by the Commissioner on behalf of the Board, since September 5, 2019 Board meeting.

Mr. Hilbert advised the Board that there are 18 periodic review in progress:

- Public Participation Guidelines (12VAC5-11)
- Virginia Emergency Medical Services Regulations (12VAC5-66)
- Regulations for the Repacking of Crabmeat (12VAC5-165)
- Regulations Governing Eligibility Standards and Charges for Medical Services to Individuals (12VAC5-200)
- Rules and Regulations Governing Health Data Reporting (12VAC5-215)
- Methodology to Measure Efficiency and Productivity of Health Care Institutions (12VAC5-216)
- Regulations of the Patient Level Data System (12VAC5-217)
- Rules and Regulations Governing Outpatient Data Reporting (12VAC5-218)
- Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations (12VAC5-220)
- Regulations for the Licensure of Nursing Facilities (12VAC5-371)

- Home Care Organizations Regulations (12VAC5-381)
- Regulations for the Submission of Health Maintenance Organization Quality of Care Performance Information (12VAC5-407)
- Certificate of Quality Assurance of Managed Care Health Insurance Plan Licensees (12VAC5-408)
- Regulations for Licensure of Abortion Facilities (12VAC5-412)
- Regulations Governing the Virginia Physician Loan Repayment Program (12VAC5-508)
- Guidelines for Virginia General Assembly Nursing Scholarships (12VAC5-510)
- Regulations for Identification of Medically Underserved Areas in Virginia (12VAC5-540)
- Regulations for Alternative Onsite Sewage Systems (12VAC5-613)

There was a discussion about fast-track comments and the standard process of regulatory changes.

Public Comment Period

Following a short break, Ms. Prichard announced there were no speakers signed up for the Public Comment Period.

Regulations of Licensure of Nursing Facilities (12VAC5-371) - Final Amendments

Ms. Allen presented the final amendments. She told the Board this regulatory action would bring 12VAC5-371 into conformity with the provisions of Va. Code § 32.1-127.001.

Ms. Allen stated the final amendments do the following:

- Specify that nursing facilities shall be designed and constructed consistent with the *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*
- Removes language which states the Virginia Uniform Statewide Building Code takes precedence over the Guidelines.

Dr. Kinser moved the amendments be approved with Mr. East seconding.

The motion was approved unanimously by voice vote.

Regulations of Licensure of Hospitals (12 VAC5-410) – Fast Track Amendments

Ms. Allen presented on Fast Track Amendments to the Licensure of Hospitals. These amendments will add perinatal anxiety to the list of information hospitals are required to make available to maternity patients, the father of the infant, and other relevant family members or caretakers prior to such patients' release. The existing list of information from that statutory section is not currently included in the hospital regulations and this action is being used to conform to the requirements of Va. Code § 32.1-134.01. This action is also being used to correct a spelling error in 12VAC5-410-441.

Ms. Hines made the motion to approve the fast track amendments to the Regulations of Licensures of Hospitals with Ms. Whipple seconding the motion.

There was a discussion on notification of the father if he was not present.

The motion was approved unanimously by voice vote.

Regulations of Licensure of Hospice (12VAC5-391) - Fast Track Amendments

Ms. Allen presented on Fast Track Amendments for the Licensure of Hospice. These amendments were initiated following a periodic review as required by Va. Code § 2.2-4007.1(D) and Executive Order 14. In response to public comment received on the notice of periodic review, these amendments were initiated.

These amendments will do the following:

- Repeal subsection B of 12VAC5-391-330, which requires hospice medical directors to have admitting privileges at local hospitals and nursing homes.
- Update out-of-date references to Board of Nursing regulations, Department of Health Professions' sections of the Code of Virginia, and the current edition of the Guidelines for Design and Construction of Residential Health, Care, and Support Facilities.
- Update training options for volunteer home attendants in section 380.

Dr. Puritz made the motion to approve the Fast Track Amendments with Mr. Critzer seconding the motion.

The fast track amendments were approved unanimously by voice vote.

Food Regulations (12VAC5-421) – Fast Track Amendments

Ms. Clay presented Fast Track Amendments for the Food Regulations. The Board of Health adopted the current food regulations in 2016; that regulatory action incorporated the provisions of the 2013 Food and Drug Administration (FDA) Food Code. These amendments were initiated to incorporate provisions of the 2017 FDA Food Code.

These amendments will do the following:

- Remove, add, and revise definitions;
- Require the person in charge to be a certified food protection manager;
- Include standards for the use of bandages, finger cots, or finger stalls;
- Require written procedures for the clean-up of vomiting and diarrheal events;
- Require the separation of raw animal foods from fruits and vegetables in certain instances;
- New cooking time for raw animal foods;
- Removal of the Food Service Advisory Committee to reflect changes within the Food and Drug Administration; and
- Clarify enforcement procedures when impounding food.

Dr. Swartz motioned to approve the fast track amendments with Ms. Whipple seconding the motion.

There was a discussion about if farm made products sold on a farm were considered a food establishment and regulations around farmers markets.

The fast track amendments were approved unanimously by voice vote.

The Plan for Well-Being

Dr. Forlano presented an update on the Plan for Well-Being (The Plan). The Plan outlines a path for improving the health and well-being of Virginians through four aims, 13 goals, and 29 measures.

Of the 29 measures, 16 show improvement, when compared to baseline measures, although at different degrees. Of these, four measures (Percent of Adults Who Report Positive Well-Being, Disability-Free Life Expectancy, Percent of High School Graduates Enrolled in an Institution of Higher Learning, and Teen Pregnancy Rates) have exceeded the goal that was originally set forth in The Plan. The remaining 13 measures have evidenced little to no change, or have decreased further away from the intended goal.

Over the next year, a Plan for Well-Being 2.0 will be developed after a State Health Assessment project that began in November.

Member Reports

Dr. Stacy Swartz – *Virginia Pharmacists Association* – No Report.

Ms. Mary Margaret Whipple – *Hospital Industry* – Ms. Whipple reported that the Virginia Hospital and Healthcare Association (VHHA) is pleased to partner with VDH in the Partnership for Healthy Virginia.

Mr. Tommy East – *Nursing Home Industry* – No Report.

Mr. James Edmondson – *Corporate Purchaser of Health Care* – Mr. Edmondson shared that it may be a good idea to have VDH partner around affordable housing to increase access to healthcare.

Ms. Linda Hines – *Managed Care Health Insurance Plan* – Ms. Hines shared that the Medicaid expansion will hopefully help with access to healthcare and that the Governor had asked for a pause on developing the work requirements until after the 2020 General Assembly session.

Dr. James Shuler – *Virginia Veterinary Medical Association* – No report.

Dr. Anna Jeng – *Public Environmental Health* – Dr. Jeng reported that she is pleased with the proactive approach VDH is taking in engaging stakeholders and developing priorities.

Ms. Katherine Waddell – *Consumer* – No Report.

Mr. Gary Critzer – *EMS* – Mr. Critzer reported to the board EMS had its 40th annual symposium in November. He also shared that EMS is actively engaged with VHHA in guide activity around trauma systems.

Ms. Elizabeth Harrison – *Consumer* – No Report.

Dr. Patricia Kinser – *Virginia Nurses Association* – Dr. Kinser shared that she is happy that maternal mortality is a priority and the activity around the Maternal Mortality Review Team.

Dr. Wendy Klein – *Medical Society of Virginia* – Dr. Klein shared that she would like to see a speaker about the impact of Medicaid expansion in the next year.

Dr. Benita Miller – *Virginia Dental Association* – Dr. Miller shared that the Dental Association is watching the tele-dentistry bills for the General Assembly and is supportive of the vaccination portion, particularly around HPV, in the Plan for Well-Being.

Dr. Holly Puritz – *Medical Society of Virginia* – Dr. Puritz reported that the American College of Obstetrics and Gynecologists is supportive of an expansion of Expedited Partner Therapy. She also suggested that maternal health should start before pregnancy and that the Medicaid expansion is helpful once a woman is pregnant.

Other Business

There was no other business discussed.

Adjourn

Meeting adjourned at 12:43pm.