

## MINUTES

IOWA STATE BOARD OF HEALTH  
NOVEMBER 18, 2009 10:00 A.M.  
5<sup>TH</sup> FLOOR SOUTH CONFERENCE ROOMS #517-518  
LUCAS STATE OFFICE BUILDING  
321 EAST 12<sup>TH</sup> STREET, DES MOINES, IA

### CALL TO ORDER

Cheryll Jones called the meeting to order.

### ROLL CALL

**Present:**

Cheryll Jones  
Elizabeth Kressin  
Gregory Garvin  
Hattie Middleton  
Heather Adams  
John Stamler  
Justine Morton  
Maggie Tinsman  
Michael Wolnerman  
Rowe Winecuff

**Absent:**

Jay Hansen

### I. Minutes

A motion made by Justine Morton and seconded by Gregory Garvin to approve the September 9, 2009 Board of Health minutes with the noted corrections; carried unanimously.

The Board of Health agreed to move the *Department Reports* prior to *Substance Abuse Licensure*. Motion carried unanimously.

### II. Rules

#### A. Department of Public Health [641]—Barb Nervig

##### 1. Adopted and Filed Emergency

- a. Chapter 7, “Immunization and Immunization Education: Persons Attending Elementary or Secondary Schools, Licensed Child Care Centers, or Institutions of Higher Education”

The rules in Chapter 7 describe immunization requirements for attendance at elementary or secondary schools or licensed child care centers and requirements for immunization education of students entering institutions of higher education. These amendments make a change to the childhood vaccination schedule, specifically affecting the polio vaccine, based upon a new recommendation from the Centers for Disease Control (CDC). The amendments also add a new use of the immunization registry, which allows the Department to track inventory or utilization of pharmaceutical agents to prepare for or

respond to an emergency event. A motion was made by Gregory Garvin and seconded by Maggie Tinsman to adopt and file the amendments to Chapter 7. Motion carried unanimously.

2. **Adopted and Filed**

a. **Chapter 127, “County Medical Examiners”**

This amendment proposes changes to the rules governing the qualifications and supervision of the county medical examiner investigators. A motion was made by Justine Morton and seconded by Maggie Tinsman to adopt and file the amendments to Chapter 127. Motion carried unanimously.

3. **Notice of Intended Action**

a. **Chapter 7, “Immunization and Immunization Education: Persons Attending Elementary or Secondary Schools, Licensed Child Care Centers, or Institutions of Higher Education”**

These are the same amendments to Chapter 7 that were adopted emergency (see above). Filing these as Notice of Intended Action will allow for a public comment period on these changes.

b. **Chapter 69, “Renovation, Remodeling, and Repainting—Lead Hazard Notification Process”**

This chapter implements a program to require individuals who perform renovation, remodeling, and repainting of target housing for compensation to provide an approved lead hazard information pamphlet to the owner and occupant of the housing prior to commencing the work. House File 314, as passed by the 83<sup>rd</sup> General Assembly, directs the Department of Public Health to expand the requirements of this chapter to cover child-occupied facilities since this change is required by EPA.

c. **Chapter 70, “Lead-Based Paint Activities”**

Iowa Code section 135.105A directs the Department to establish a program for the training and certification of lead inspectors and lead abaters and states that a person shall not perform lead abatement or lead inspections unless the person has completed a training program approved by the Department and has obtained certification. Property owners are required to be certified only if the property in which they will perform lead inspections or lead abatement is occupied by a person other than the owner or a member of the owner’s immediate family while the measures are being performed. A person may be certified as both a lead inspector and a lead abater. However, a person who is certified as both shall not provide both lead inspection and lead abatement services at the same site unless a written consent or waiver, following full disclosure by the person, is obtained from the owner or manager of the site.

### III. Department Reports

#### A. Director's Information – Tom Newton

Director Newton welcomed everyone in attendance to the meeting noting it has been very busy at IDPH due to the global 2009 H1N1 pandemic and state budget challenges.

Last month Governor Culver imposed a 10% across-the-board budget cut and asked agencies to offer plans for reductions in our budgets. Our Executive Team drafted a proposal which would have the least amount of impact on vulnerable Iowans and critical public health services. The plan submitted to the Governor was our best attempt to minimize the impact on both our internal operations as well as the services that our contractors provide.

Our plan had approximately \$6M of reductions to the department's general fund and healthcare trust fund. It included 7.3 FTE reductions-in-force and was accepted with amendments by the Governor. The Governor proposed \$4.3 million in restorations to some areas deemed critical public health services. It is anticipated the restorations could be finalized following the AFSCME vote.

When the 2010 budget has been finalized, the Governor's office will begin to focus on FY2011 budget. Prior to fiscal year 2010, IDPH received \$3M of stimulus funding that will not be available in 2011. It is likely additional reductions will be necessary to balance the FY2011 budget.

Director Newton gave an update on federal and state level health reform initiatives. He included that the various advisory councils assigned to IDPH through Iowa's health reform efforts have been monitoring the federal legislation.

Director Newton informed the board of opportunities to serve on either the Prevention and Chronic Care Management Advisory Council or SafetyNet Provider Network Council.

Director Newton shared the *IDPH Financial Fact Sheet 11.01.09* with the Board.

#### B. Staff Reports

##### 1. Iowa Health Update – Dr. Patricia Quinlisk and Don Callaghan

Dr. Quinlisk shared that as a department we have been working with county health departments and they have been working with their partners and communities. We would not have been able to accomplish what we have with 2009 H1N1 without each of these agencies working together.

Dr. Quinlisk shared a handout titled *Iowa Influenza Surveillance Network (IISN) for the week ending November 7, 2009* with the board. There are a lot of different pieces to 2009 H1N1; the biggest pieces being surveillance, vaccine, anti-viral medications and education. Currently, CDC is looking at chronic conditions (cancer, respiratory diseases, neuro-muscular and developmental

disorders) and will be releasing information on how they are affected by the 2009 H1N1 virus. Many of the individuals hospitalized with the 2009 H1N1 virus had multiple underlying medical conditions.

The population that is represented nationally is also representative of the population in Iowa, with a representative percentage of white, Hispanic, black, and Asian population being affected. The highest percentages of persons being hospitalized are in the 5 – 18 years of age and the second highest group being the 25 – 49 year olds. The traditional group (over 65) that we are normally concerned about with seasonal flu has not had the number of illnesses we would normally see with the 2009 H1N1.

We have about 450,000 doses of vaccine allocated for Iowa and these will be going out to the county level. Every week we see more and more vaccine being allocated to the state. As this occurs we will see counties expand the groups they are providing the vaccine to; such as opening up the vaccine to the >64 age group.

Dr. Quinlisk shared that there are 115 million doses of seasonal vaccine available nationally, which is slightly more than what was made in previous years. About 80% has already been distributed and 20% will be distributed over the next couple weeks. We don't expect the seasonal flu to arrive in Iowa for several weeks and the seasonal flu will not peak until after the Jan. 1 2010.

We are in the process of addressing anti-viral issues in the communities. Currently there is commercially available Tamiflu in the communities. There was a shortage of the Tamiflu suspension (liquid) for pediatric use. Because of this shortage, the stockpiles at both the federal and state levels have been activated; making the suspension available to the local level. The suspension should only be given to infants 2 years or under. For toddlers and older, a capsule can be mixed with another food like syrup or applesauce and administered more easily.

## 2. **2010 Legislative Package – Lynh Patterson**

Lynh shared an overview of *IDPH 2010 Legislative Package Proposal* highlighting the seven bills that we will be presented to the legislature this next session. Lynh also shared that the legislative session will be an accelerated session from 100 days to 80 days. This session will be dominated with budget issues and will provide a challenge for moving policy bills forward. The session officially starts January 11 and ends March 31. February 12 is the first funnel date.

The seven bills we will be pursuing this year with the legislature are 1) Revisions to Chapter 137 Local Boards of Health, 2) Revisions to Chapter 136 State Board of Health, 3) Revisions to Chapter 147A EMS, 4) Lead Certification and Training Program Fee language Clarification, 5) IDPH Omnibus, 6) IDPH Technical Bill, and 7) Iowa Board of Pharmacy Updates to

Controlled Substances Act. Please reference the handout for more information.

**3. Tobacco Division – Bonnie Mapes**

Bonnie provided a handout titled, *Iowa Smokefree Air Act – First Year Report*. This report can be accessed through the Smokefree Air Act website at <http://www.iowasmokefreeair.gov/>.

Bonnie reported that during the first year the division received complaints for approximately 1% of the business in Iowa. Included in the handout are an overview of the education the department provided, timeline for implementation of the law, and a summary of the enforcement process.

In the first year, 3,318 complaints were received. Since then, complaints have dropped off dramatically with only 339 having been received since July 2009. Of the complaints received only 2/3 were valid. As we move forward we should continue to see the numbers drop. Please review the handout for more information.

Bonnie provided a fact sheet from the *Tobacco Control Legal Consortium* about the new Food and Drug Administration regulations concerning tobacco products and marketing. She advised the Board to review this on their website at [www.tclconline.org](http://www.tclconline.org). Bonnie reviewed some of the new regulations that will affect tobacco control activities at the state level. Please reference the handout for more information.

**IV. Substance Abuse**

**A. Licensure Recommendations – Jeff Gronstal, Cynthia Kelly and Robert Kerksieck**

**1. Three, Two, and One-Year Comprehensive Programs**

A motion made by Rowe Winecoff and seconded by Justine Morton to approve a license for a period of three years to Alcohol and Drug Dependency Services of Southeast Iowa, Burlington, Iowa, license effective September 8, 2009 to September 8, 2012; and approve a license for a period of two years to Iowa Health Systems-Powell Chemical Dependency Center and Adolescent Dual Diagnosis Unit, Des Moines, Iowa, license effective September 15, 2009 to September 15, 2011; to House of Mercy, Des Moines, Iowa, license effective December, 19, 2009 to December 19, 2011; and approve a license for a period of one year to Lifeworks Counseling and Education Services, Des Moines, Iowa, license effective December 6, 2009 to December 6, 2010. Motion carried unanimously.

**2. Two Year Assessment and Evaluation Program**

A motion made by Rowe Winecoff and seconded by Justine Morton to approve a license for a period of two years to Iowa Western Community College, Driving Unimpaired Program, Council Bluffs, Iowa; license effective November 16, 2009 to November 16, 2011. Motion carried unanimously.

**3. One Year Correctional Facility**

A motion made by Justine Morton and seconded by Gregory Garvin to approve a license for a period of one year to Iowa Correctional Institution for Women, STAR and Violator Program, Mitchellville, Iowa; license effective December 18, 2009 to December 18, 2010. Motion carried unanimously.

**4. 270 Day**

A motion was made by Gregory Garvin and seconded by Rowe Winecoff to approve a license for a period of 270 days to ANCHOR Center Outpatient Services, Sixth Judicial District, Department of Correctional Services, Cedar Rapids, Iowa, license effective November 18, 2009 to August 14, 2010. Motion carried unanimously.

A motion was made by Rowe Winecoff and seconded by Justine Morton to approve a license for a period of 270 days to Robyn Rodenburgh, Inc., Waterloo, Iowa, license effective November 18, 2009 to August 14, 2010. Motion carried unanimously.

**5. Denial**

A motion made by Rowe Winecoff and seconded by Maggie Tinsman to refuse to renew the license of Backbone Area Counseling Center, Regional Medical Center, Manchester, Iowa, in accordance with Iowa Administrative Code 641-155.11(1). Motion carried unanimously.

A motion made by Elizabeth Kressin and seconded by Maggie Tinsman to refuse to renew the license of Creative Counseling Services, Inc., Ames, Iowa, in accordance with Iowa Administrative Code 641-155.11(1). Motion carried unanimously.

**6. Deemed Status**

A motion made by Rowe Winecoff and seconded by Maggie Tinsman to issue a license through deemed status to Center for Alcohol and Drug Services, Inc., Davenport, Iowa, based on an accreditation survey conducted and accreditation awarded by Commission on Accreditation of Rehabilitation Facilities (CARF) effective September 22, 2009 to October 31, 2012. Motion carried unanimously.

David Kaptain, Manager Powell CDC, addressed the BOH and thanked them on behalf of Powell and the Chemical Dependency Center for their two year license.

**C. Complaint Investigation**

At 11:56 AM roll call was taken. With nine members present a motion was made by Justine Morton and seconded by Maggie Tinsman that the Iowa Board of Health go into closed session pursuant to Iowa Code Section 21.5 (1) subsection "a" and "d" for the purpose of reviewing records required to be kept confidential by federal or state

law and to review ongoing investigation to determine whether to initiate disciplinary proceedings. The BOH discussed both ZION Recovery Services, Inc., and Resolutions Substance Abuse Services during closed session. Motion carried unanimously.

At 12:15 PM a motion was made by Maggie Tinsman and seconded by Elizabeth Kressin for the BOH to return to open session. Motion carried unanimously.

A motion was made by Rowe Winecoff and seconded by John Stamler to accept the Division's report regarding ZION Recovery Services, Inc., Atlantic. However, it is recommended that the Board of Health direct the Division of Behavioral Health require the program to develop a corrective action plan and to submit to IDPH, within 30 days, to ensure that the needs of the client addressed in the treatment plan are addressed and clearly document within the client's record. Motion carried unanimously.

A motion was made by Maggie Tinsman and seconded by Justine Morton to accept the Division's report regarding Resolutions Substance Abuse Services, Iowa City with the following recommendations:

Based on this investigation and in accordance with Iowa Administrative Code it appears the program has violated the following administrative rules:

[641-155.21(13)] *Progress Notes* A client/patient's progress and current status in meeting the goals set in the treatment plan shall be recorded in the client/patient case record. Information will be noted following each individual counseling session and a summary of group counseling services shall be documented at least weekly.

[641-155.21(12)c] Treatment plans shall be developed in partnership with the client/patient and shall be reviewed by the primary counselor and the client/patient as often as necessary and in accordance with the time frames specified within the management of care review process.

Due to the violations it is recommended that the Iowa Board of Health require Resolutions Substance Abuse Services submit to the Department within 30 days following receipt of this report, a corrective action plan in accordance with Iowa Administrative Code rule [641-155.16(4)c] to address the following recommendation:

The program develops a corrective action plan to ensure implementation of their written policies and procedures on progress notes which are currently in compliance with the licensure standards.

The program develop a corrective action plan to ensure implementation of their written policies and procedures for counselor and client reviews of the treatment plans which are currently in compliance with the licensure standards.

Motion carried unanimously.

**V. Old Business**

**A. Licensure Standards for Substance Abuse Treatment Programs (Chapters 155 & 157) – Heather Adams, Kathy Stone, and Dean Austin**

Kathy Stone addressed the Board referencing the letter sent to her from the Iowa Behavioral Health Association. Previously the Board had looked at language to require programs to release records regardless of non-payment. Discussion was held by the board and it was decided that that Heather would draft language requiring the release of records in a transfer situation. However, on an *Operating While Intoxicated* evaluation, the report to the Iowa Department of Transportation could be held if payment had not been received. Heather will draft language and bring back to the Board for approval in January.

Cheryll Jones reminded the Board that they had been invited by the Iowa Department of Inspections and Appeals and the Iowa Foundation for Medical Care to attend the meetings being held throughout the state to talk about issues related to nursing homes.

**VI. New Business**

Cheryll Jones reminded the Board of the special conference call meeting being held December 8 from 12:00 PM – 1:00 PM. Ramona will send an e-mail to confirm a quorum.

No new business items were brought before the Board.

**VII. Next Meeting**

**A. Items for January 13, 2010 Agenda**

No items were presented by the Board to be address at the next meeting being held on January 13. Board members were asked to provide agenda items to Ramona.

**VIII. Adjournment**

At 12:35 PM a motion was made by Justine Morton, seconded by Rowe Winecoff, to adjourn the meeting. Motion carried unanimously.

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Thomas Newton, Director  
Secretary of the Board  
Iowa Department of Public Health

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Ramona Cooper  
Recording Secretary  
Iowa Department of Public Health