

MINUTES

IOWA STATE BOARD OF HEALTH
JANUARY 9, 2008 10:00 A.M.
5TH FLOOR SOUTH CONFERENCE ROOMS #517-518
LUCAS STATE OFFICE BUILDING
321 EAST 12TH STREET, DES MOINES, IA

CALL TO ORDER

Cheryll Jones called the meeting to order.

ROLL CALL

Present:

Gregory Garvin
Jay Hansen
Cheryll Jones
Edward Maier
Hattie Middleton
Justine Morton
Rahul Parsa
Kourtne-Shanahan Powell
John Stamler
Rowe Winecoff

Absent:

Diane Kolmer

I. Minutes

A motion by Rowe Winecoff and seconded by Hattie Middleton to approve the November 14, 2007 Board of Health minutes carried unanimously

II. Department Reports

A. Director's Information – Thomas Newton

1. IDPH's 2008 Priorities

Director Newton outlined the IDPH's priorities for 2008.

1) Wellness and Prevention

This is very broad in nature and it's intended to be. The Department will be taking a stance over the next 12 months that will begin to address wellness, prevention, diet, exercise, proper and timely screening when needed, immunization, smoking prevention, substance abuse prevention and treatment.

Lighten Up Iowa

In the past, the department has been a partner with Lighten Up Iowa but has taken a back seat. IDPH is becoming more active in the Lighten Up Iowa project and we are currently working with the Iowa Sports Foundation to support this initiative. We've also gotten support from the Governor and the Lieutenant Governor for the Lighten Up Iowa campaign and they've created a Culver Judge 100 Day Challenge.

2). Smoke Free Workplaces

There is some debate out there as to what is the best approach to smoke free workplaces. The department supports local control.

3) Co-occurring Disorders

Mental Health and Substance Abuse will also be a focus of the department over the next twelve months. Over 60 percent of the people that present themselves either to a substance abuse treatment facility or a mental health treatment facility actually have co-occurring disorders. The department is working with DHS and substance abuse providers across the state and community mental health providers to figure out how we begin to address this.

4) Public Health Redesign

Public Health Redesign is something that we have been working on since 2004. We continue to move down the path of accreditation for both the state health department and local health departments. Redesign outlines what every Iowan should expect from local public health and also from state public health. Director Newton requested that the BOH consider endorsing Public Health Redesign Standards in March.

B. Staff Reports

1. Affordable Health Care Commission – Sen. Hatch & Rep. Foege
Senator Hatch and Representative Foege presented the findings of the Affordable Health Care Commission to the board. The findings included but were not limited to the following: move toward health care coverage for all Iowans, focus on prevention and wellness, everyone should have a medical home, need for health workforce planning, and restructuring the CON process.

Senator Hatch and Representative Foege stated they would take the findings of the commission and be crafting legislation for this session. They encouraged the board to review the full commission report and follow any bills that result from this work.

2. Governor's Liaison – John Hedgecoth
John Hedgecoth reported that they were very pleased that the board is taking a more prominent advocacy role. He went on to update the board on the Governor's health legislative package for this session. Items outlined included: recommendations from the Lt. Governor's Wellness Commission, efforts to expand the use of electronic medical records, additional health care coverage for children under Medicaid or SCHIP, and wellness and prevention for state employees (Lighten Up Iowa).
3. Appeal filed regarding Certificate of Need (CON) – Barb Nervig
Barb distributed a one page overview of the Certificate of Need Program and provided some background information on the State Health Facilities Council. It is the Council's mandate to assure that growth and changes in the health care system occur in an orderly, cost-effective manner and that the system is adequate and efficient.

On October 25, Judge Robert Hanson issued a Ruling on Wellmark's petition in which he reversed the Department's determinations of non-reviewability for the proposed replacement of Iowa Lutheran Hospital and Jones Regional Medical Center; a ruling that calls into question the continued application of the exemption in the future. The Department has appealed the decision to the Iowa Supreme Court. However, a preferred resolution of this issue is to seek legislative change this session to clarify the replacement exclusion. Input from interested parties will be sought prior to moving forward.

4. Trust for America's Health (TFAH) Report – Tom Newton and Mary Jones
Tom Newton briefed the BOH on the TFAH Report that was recently released to the media. Every year they do an assessment of the ability of states to respond so it's really a measure of preparedness. Each year they have ten indicators that they identify as being important to determine whether or not a state is prepared or not. Traditionally Iowa has scored low.

Tom Newton explained that the department did not agree with the scores for some of indicators, nor the process used to measure preparedness. Several areas of disagreement were outlined for the board.

III. Old Business

- A. Meeting with Governor and Lieutenant Governor – Cheryll Jones
Cheryll reported that she had a meeting with the Governor and the Lieutenant Governor, which lasted over a half hour. The Governor, Lieutenant Governor, John Hedgecoth and Jim LaRew (Policy Director) were present. They talked through some of the issues. She reviewed with them the charge of the Board of Health and also shared when members' appointments ended. She reviewed priorities, which we had discussed earlier, and let them know that these were not official priorities yet. She was happy with the time granted and interest shown by the Governor and Lieutenant Governor.

IV. New Business

- A. Develop BOH 2008 priorities – Cheryll Jones
Cheryll Jones led the board in discussion on what the 2008 priorities for the BOH.

The board identified the following as their priorities for 2008:

- 1) Wellness and Prevention – Endorsement of Lt. Governor Patty Judges' 5 Steps
 - Smoking - Working towards a smoke free environment for all Iowans
 - Healthy eating / food in schools
 - Physical activity
- 2) Adequate Funding for Public Health Infrastructure / Public Health Redesign
 - Bio-readiness preparedness
- 3) To improve coordination and partnership of substance abuse and mental health services with an emphasis on co-occurring disorders

The board will write a letter to the Governor and legislature to make them aware of the board's priorities. A motion was made by Ed Maier, seconded by John Stamler, to support the 2008 priorities of the Iowa Board of Health carried unanimously.

Cheryll also suggested that we also share this information with our federal delegates.

If there is a piece of legislation that board members feel strong about, they may draft a letter, circulate it to the other board members to put this letter of support to the legislature.

V. Rules

- A. Department of Public Health [641]--Barb Nervig
 1. Adopted and Filed
 - a) [Chapter 15](#), "Swimming Pools and Spas"
These amendments add the authority for the department to withhold or revoke the registration of a swimming pool. A motion made by Rahul Parsa

and seconded by Hattie Middleton to adopt and file Chapter 15 carried unanimously.

- b) [Chapter 73](#), “Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)”
These amendments describe how the WIC program will be able to share WIC participant contact information with other Department of Public Health programs. A motion made by Edward Maier and seconded by Hattie Middleton to adopt and file Chapter 73 carried unanimously.
- c) [Chapter 87](#), “Healthy Families Iowa (HFI)”
The rules in new Chapter 87 describe the requirements for contractors providing Healthy Families Iowa services. Healthy Families America (HFA) standards are incorporated into the rules. All contractors, according to the rules in new Chapter 87, will be required to be HFA–accredited and to maintain accreditation status. A motion made by Hattie Middleton and seconded by Ed Maier to adopt and file Chapter 87 carried unanimously.
- d) [Chapter 124](#), “Interagency Coordinating Council for the State Medical Examiner”
The rules in Chapter 124 describe the purpose, membership, duties, and meeting procedures for the Interagency Coordinating Council for the State Medical Examiner. A motion made by Hattie Middleton and seconded by Jay Hansen to adopt and file Chapter 124 carried unanimously.
- e) [Chapter 125](#), “Advisory Council for the State Medical Examiner”
The rules in Chapter 125 describe the purpose, membership, duties, and meeting procedures for the Advisory Council for the State Medical Examiner. A motion made by Rahul Parsa and seconded by Rowe Winecoff to adopt and file Chapter 125 carried unanimously.
- f) [Chapter 176](#), “Criteria for Awards or Grants”
These amendments modify language to conform to standards of 11—Chapter 105 and clarify the appeal process. A motion made by Rowe Winecoff and seconded by Jay Hansen to adopt and file Chapter 176 carried unanimously.

2. Adopted and Filed without Notice

- a) [Chapter 13](#), “Milk and Milk Products”
This amendment rescinds the rule that pertained to milk and milk products. The rule is no longer necessary because the language in the rule is outdated and not applicable to today’s process for overseeing and regulating milk and milk products. A motion made by Rahul Parsa and seconded by Hattie Middleton to adopt and file Chapter 13 carried unanimously.
- b) [Chapter 16](#), “Garbage and Refuse”
This amendment rescinds the rules that pertained to the collection and disposal of garbage and refuse. The rules are no longer necessary because there are adequate requirements within local jurisdictions regarding the control of garbage and refuse that have eliminated the need for the involvement of the department. Furthermore, the Department has no permit

program as referenced in the rules for the collection of garbage and refuse and the department of natural resources has a comprehensive solid waste program. A motion made by Jay Hansen and seconded by Ed Maier to adopt and file Chapter 16 carried unanimously.

- c) [Chapter 17](#), “Sanitation of Habitable Buildings”
This amendment rescinds the rule that pertained to minimum sanitation requirements of housing in Iowa in addition to the requirements of the “housing law” defined in Iowa Code 364.17. The rule is no longer necessary because the housing law applies only to those cities with a population of 15,000 or larger. Cities of this size have largely adopted housing standards that are much more stringent than the requirements outlined in this rule. A motion made by Hattie Middleton and seconded by Rahul Parsa to adopt and file Chapter 17 carried unanimously.
 - d) [Chapter 18](#), “Tourist Camps, Trailer Camps, Cabin Camps, Construction Camps and Similar Establishments and Areas”
This amendment rescinds the rule that pertained to minimum construction requirement for the listed camps intended as a place of residence. The rule is no longer necessary because the Department is not aware of any place of residence as defined in this rule. A motion made by Rowe Winecoff and seconded by Rahul Parsa to adopt and file Chapter 18 carried unanimously.
 - e) [Chapter 19](#), “Mass Gatherings”
This amendment rescinds the rules that pertained to gatherings of 1,000 or more people for a duration of at least 12 hours at locations not developed for the purposes of holding mass gathering events. The rules establish minimum sanitation requirements for such events requiring Department review and approval of the event. The rules are no longer necessary because only one event held in Iowa has met this requirement each year for the last 14 years. The primary activities that occur during a mass gathering event are regulated by other existing rules; for example food service, which is regulated by the Iowa Department of Inspections and Appeals. Furthermore, the lone event has purchased private property and has made improvements to the property for the purpose of holding this event; which will eventually exclude it from the rule. A motion made by Rahl Parsa and seconded by Jay Hansen to adopt and file Chapter 19 carried unanimously.
3. Adopted and Filed Emergency
- a) [Chapter 11](#), “Acquired Immune Deficiency Syndrome (AIDS)”
This amendment expands eligibility for the AIDS Drug Assistance Program (ADAP) by adding a work-related deduction to the income criteria. As HIV/AIDS progresses and drug regimens improve, persons living with this disease are often staying in their jobs, working part-time, or are returning to the work place. We would like to bring the Iowa AIDS Drug Assistance Program (ADAP) in line with most other Midwestern states and expand eligibility to include a “work-related deduction,” described below. There is sufficient federal funding to implement this change. It was noted that the date on this document should be changed to read Jan. 9 rather than Jan. 14. A motion made by Jay Hansen and seconded by Rahul Parsa to adopt and file Chapter 11 carried unanimously.

4. Notice of Intended Action
 - a) [Chapter 11](#), “Acquired Immune Deficiency Syndrome (AIDS)”
This filing is made to allow a public comment period on the above amendment adopted emergency.

B. Department of Inspection and Appeals [481] – David Werning

1. Notices of Intended Action
 - a) [Chapter 51](#), “Hospitals”
The proposed amendment corrects an omission from a previous administrative rule filing by striking language inconsistent with 2007 Iowa Acts, House File 528, section 1, which requires hospitals to establish procedures for the authentication of standing orders by a practitioner. Specifically, the proposed amendment strikes the sunset date contained in the Department’s administrative rules.
 - b) [Chapter 57](#), “Residential Care Facilities, Chapter 58, “nursing Facilities,” and Chapter 63, “Residential Care Facilities for the Mentally Retarded.”
The proposed amendments clarify that a resident may be seen and treated by health care practitioners, other than the resident’s personal physician, if the practitioners are working in collaboration with the resident’s physician and provided the practitioners are not employed by the facility. The current rules stipulate that a resident shall be seen by or visit a physician only.

VI. Substance Abuse

A. Licensure Abuse Licensure – Dean Austin and Cynthia Kelly

1. One Year License and Deemed Status Programs
A motion was made by Rowe Winecoff and seconded by Rahul Parsa to approve a license for a period of one (1) year to J.W. Baker, III, PC, Cedar Rapids, Iowa, license effective June 10, 2007 to June 10, 2008. And to issue a license through deemed status to VA Central Iowa Health Care System, Des Moines, Iowa, based on the accreditation survey conducted and accreditation awarded by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), effective March 23, 2007 to March 23, 2010, and, to Center for Behavioral Health Iowa, Des Moines, Iowa, based on the accreditation survey conducted and accreditation awarded by the Commission on the Accreditation of Rehabilitation Facilities (CARF), effective January, 20, 2008 to November 30, 2010. Motion carried unanimously.

C. Complaint Investigation

1. I-Care Services, Coralville
A motion was made at 12:35 PM by Jay Hansen and seconded by Rahul Parsa 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 carried unanimously.

A motion was made by Rahul Parsa and seconded by Rowe Winecoff to return to open session at 12:48 PM.

A motion was made by Rahul Parsa and seconded by Edward Maier to accept the I-Care Services, Inc., Coralville complaint investigation report and be closed with no further action necessary. Motion carried unanimously.

VII. Next Meeting

A. Items for March 12, 2008 Agenda

1. Voted Item: Approval of the Public Health Redesign Standards
2. Discussion of letter recommending HIV testing (Cheryll Jones)
3. Process for applying for volunteer provider's liability (Field Dental Clinics) Cheryll Jones/Larry Carl
4. Legislative Update (Lynh Patterson)
5. Liability in Iowa Dept. of Public Health Affordable Healthcare Report Review – Lynh Patterson (Legislative Update)
6. Dr. Quinlisk: Infection Disease Report (MRSA Follow-Up)
7. Discussion: Frequency, length and time for the BOH meetings
8. Co-occurring Academy: What they are doing

IX. Adjournment

A motion made by Jay Hansen and seconded by Gregory Garvin to adjourn the meeting at 1:15 PM carried unanimously.

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

Ramona Cooper
Recording Secretary
Iowa Department of Public Health