

MINUTES

Revised 9/10/08

IOWA STATE BOARD OF HEALTH
July 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.

Tom Newton introduced and welcomed Maggie Tinsman to the Board. Maggie will be completing Diane Kolmer's term ending in June 2009.

ROLL CALL

Present:

Gregory Garvin
Jay Hansen Cheryll
Jones Edward
Maier Hattie
Middleton
Justine Morton
Rahul Parsa
Maggie Tinsman
John Stamler

Absent:

Rowe Winecoff

- I. **Minutes** A motion made by Justine Morton and seconded by Edward Maier to approve the May 14, 2008 Board of Health minutes carried unanimously.

A motion made by Justin Morton and seconded by Edward Maier to approve the June 27, 2008 Board of Health minutes carried unanimously.

II. Rules

A. **Department of Public Health [641] – Barb Nervig**

1. **Adopted and Filed**

a) **[Chapter 50, "Oral Health"](#)**

These rules describe the purpose and responsibilities of the State Dental Director and the Oral Health Bureau. One comment was received and a change was made as a result of that comment. The definition of "dental home" now includes "diagnostic services, treatment services, and emergency services" to more closely reflect the dental home definition adopted by the 2008 Iowa Legislature. The listed providers in the definition were not changed because the dental screening statute allows both dental and non-dental health care professionals. Reference to the EPSDT program was not included because EPSDT is a Medicaid program and the Oral Health Bureau, as a public health entity, promotes oral health for all Iowans regardless of payment source.

A motion made by Greg Garvin and seconded by Hattie Middleton to adopt and file this amendment to Chapter 50 carried unanimously.

b) **Chapter 51, “Dental Screening”**

These rules describe the dental screening requirement for children enrolling in elementary school or high school. Comments were sent from approximately 30 persons and organizations. As a result, the rules have been modified from those published under Notice. Comments not addressed through rule modifications will be addressed through communication on the department Web site and through public education.

A motion made by Rahul Parsa and seconded by Edward Maier to adopt and file this amendment to Chapter 51 carried unanimously.

c) **Chapter 67, “Blood Lead Testing”**

These rules describe the blood lead testing requirement for children enrolling or attempting to enroll in kindergarten. The department received comments from public health agencies, school nurses, educational organizations, health care providers, non-profit organizations, legislators, and the public. The comments were regarding definitions, the religious exemption, and the training and assistance to be provided to providers, schools, and public health agencies. As a result, the rules have been modified from those published under Notice.

A motion was made by John Stamler to amend the rules to study the frequency that a religious exemption is being granted by looking at the immunization, metabolic screening and the lead data and establish how this is impacting the health of Iowans. The motion died for lack of a second.

A motion made by Greg Garvin and seconded by Jay Hansen to adopt and file this amendment to Chapter 67 carried unanimously.

Noted: The board will request the Department to get data regarding the frequency of religious exemption regarding immunization, new born screening, and as it becomes available, data regarding religious exemption for lead and dental. This will be an issue that the Board will continue to monitor and address based on what we get may make recommendation to the legislature regarding the use of the religious exemptions.

d) **Chapter 109, “Prescription Drug Donation Repository Program”** These proposed amendments would make a few minor wording changes to enhance operations and program efficiencies for the Prescription Drug Donation Repository Program. One comment was received from the Iowa Prescription Drug Corporation. Based on that comment a change has been made to 109.7(4) deleting “copy of” and replacing with “summary of data taken from.” An additional change has been made based on recently passed legislation. A new ITEM 1 has been added, amending 109.4(4), paragraph “d” to include the language in Senate File 2177.

A motion was made by Rahul Parsa and seconded by Edward Maier to amend Chapter 109 to read intake vs. data. (109.7 (2) The local repository shall collect from each individual recipient a signed intake collection form provided by the department or its contractor.) The motion carried unanimously.

A motion made by Justine Morton and seconded by Hattie Middleton to adopt and file Chapter 109 as amended carried unanimously.

- e) **[Chapter 114, “Preparedness Advisory Committee”](#)**
These rules describe the membership, duties, and meeting procedures of the Preparedness Advisory Committee. One comment was received from the Iowa Pharmacy Association, encouraging the Department to add a representative from the Iowa Pharmacy Association to the voting membership of the Preparedness Advisory Committee. The Department has made that addition to the committee in these rules.

A motion made by Maggie Tinsman and seconded by Rahul Parsa to adopt and file the revised amendment to Chapter 114 carried unanimously.

- f) **[Chapter 127, “County Medical Examiners”](#)**
These amendments propose changes to the rules governing the qualifications and supervision of county medical examiner investigators. No comments were received and no changes were made from the Noticed version of these rules.

A motion made by Justine Morton and seconded by Edward Maier to adopt and file the revised amendment to Chapter 127 carried unanimously.

- g) **[Chapter 175, “Fair Information Practices and Public Records”](#)** The proposed rules in new Chapter 175 describe the Department’s information policies as required under the Iowa Fair Information Practices Act.

A motion made by Justin Morton and seconded by Maggie Tinsman to adopt and file the revised amendment to Chapter 175 carried unanimously.

2. **Adopted and Filed Without Notice**

- a) **[Chapter 128, “Dogs for Scientific Research”](#)**
This amendment rescinds the rules that pertained to making unclaimed, unwanted and unlicensed dogs available for scientific, educational and research purposes. The Legislature repealed chapter 145B of the Iowa Code effective July 1, 2008. This removes the statutory authority for Chapter 128 in the rules of the Department.

A motion made by Maggie Tinsman and seconded by Hattie Middleton to adopt and file the amendment rescinding Chapter 128 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 amendments update the immunization requirements to more accurately reflect the recommendations of the Advisory Committee on Immunization Practices (ACIP) as well as the inclusion of required immunization for invasive pneumococcal disease for children enrolling in licensed child care centers. The amendments also further explain the use of medical and religious exemptions, remove the requirement of a school or child care to offer a meeting to parents prior to a child’s provisional enrollment expiration and replace it with the

requirement for written explanation of provisional enrollment rules and provide clarification in various area of the chapter.

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

1. Adopted and Filed

a) [Physician Extenders](#)

The adopted amendments provide that a resident may be seen and treated by a health care practitioner, other than the resident’s personal physician, if the practitioner is working in collaboration with the resident’s physician. The current rules require that a resident shall be seen by or visit a physician.

A motion made by Maggie Tinsman and seconded by Rahul Parsa to adopt and file the revised amendment to Chapter 57, 58, and 63 carried unanimously.

III. Substance Abuse – Cynthia Kelly

A. Licensure Recommendations

1. Three, Two and One Year

Justin Morton made a motion to approve a license for a period of three (3) years to Lawson Treatment Services, LLC, Ruthven, Iowa, license effective February 3, 2008 to February 3, 2011; to Resolutions Substance Abuse Services, Iowa City, Iowa, license effective February 4, 2008 to February 4, 2011; to Warren County Substance Abuse Agency, Indianola, Iowa, license effective June 17, 2008 to June 17, 2011; to Ingram Counseling Practice, Sioux City, Iowa, license effective October 7, 2007 to October 7, 2010; to Substance Abuse Services Center, Dubuque, Iowa, license effective March 15, 2008 to March 15, 2011; and approve a license for a period of two (2) years to Forest Ridge Substance Abuse Treatment Program, Gruver, Iowa, license effective September 11, 2007 to September 11, 2009; to J.W. Baker, III, PC, Cedar Rapids, Iowa, license effective June 10, 2008 to June 10, 2010; to North Central Correctional Facility, Journey Program, Rockwell City, Iowa, license effective March 14, 2008 to March 14, 2010; and approve a license for a period of one (1) year to Youth Shelter Care of North Central Iowa, Fort Dodge, Iowa, license effective March 14, 2008 to March 14, 2009. The motion was seconded by Jay Hansen and carried unanimously.

B. Deemed Status Programs

A motion was made by Maggie Tinsman to issue a license through deemed status to Great River Medical Center, Riverview Center for Addiction, West Burlington, Iowa, based on accreditation survey conducted and accreditation awarded by The Joint Commission, effective November 10, 2007 to November 10, 2010 and to Alegent Health, Mercy Hospital Behavioral Services, Council Bluffs, Iowa, based on accreditation survey conducted and accreditation awarded by The Joint Commission, effective, October 16, 2007 to October 16, 2010. The motion was seconded by Jay Hanson and carried unanimously.

C. Kelly Weyant, Genesis Substance Abuse Agency, Independence, Appeal of ALJ Decision

Kelly Weyant addressed the BOH and stated that she feels that even though the files reviewed were not perfect they did show improvement and they contain all of the pertinent information. She has continued to improve in the areas noted and attended several trainings offered by Magellan in order to continue to improve in those areas. She has continued to provide quality and ethical services to the rural area in Iowa that is in great need of substance abuse services.

Heather Adams addressed the BOH updating the Board on the progression of the case. Ms. Adams explained that the department had clearly explained the deficiency and what was needed to correct that deficiency. The files examined did not contain personalized information such as progress notes or personalized treatment plans. Therefore Heather asked that the board uphold the Administrative Law Judge's decision and deny the appeal.

At 11:46 AM a motion was made by Justine Morton to go into closed session pursuant to Iowa Code Section 21.5(f) to discuss the decision to be rendered in a contested case. The motion was seconded by Maggie Tinsman and carried unanimously.

Rahul Parsa made a motion to return to open session at 12:02 PM, which was seconded by Maggie Tinsman and carried unanimously.

D. Complaint Investigation

1. [Alcohol & Drug Dependency Services of SE Iowa, Burlington](#)

Jay Hansen made a motion that the Iowa Board of Health accept the Division's report regarding Alcohol and Drug Dependency Services of S.E. Iowa, Burlington, and that no further action is required and the case be closed. The motion was seconded by Gregory Garvin and approved unanimously.

IV. Department Reports

A. Director's Information – Tom Newton

Director Newton shared with the BOH that the Commonwealth Fund ranked Iowa #2 in the nation last year in overall health care system. This year they did a full review of child health system and ranked Iowa #1 in the nation. This is a testament to our public health system, our primary care providers, and our policy makers that have created a system that provides coverage for kids who may not otherwise have coverage. This is good news for Iowa but it doesn't mean that we cannot improve upon what we have already done.

Director Newton reported that he continues to conduct community visits across the state. The most recent visit was in Mason City. However, the meeting scheduled for Waterloo was cancelled due to the flooding. These meetings are turning out well. The audience consists of legislators, local Boards of Health members, and members of their Board of Supervisors. He has been discussing department priorities, how local and state public health work together and getting feedback from them about the department's performance. He intends to continue holding these meetings through January.

Director Newton reported that he was recently in Atlanta meeting with CDC officials as an alternate for the Board of Directors for the Association of State and Territorial Health Officers. The meeting was held with all division heads within CDC. The issue of flooding came up on numerous occasions, and Director Newton had the opportunity to talk to our federal partners and give them feed back on how the programs they are administering are affecting us at the state level.

Another item brought up during this meeting was the work of the Public Health Accreditation Board, funded by the CDC and Robert Wood Johnson Foundation. This has reaffirmed our decision to take responsibility for getting ahead of the curve and not having something handed to us. Based on the information shared at this meeting, as well as from staff people, Iowa is going to be well positioned to meet any criteria standards that will be developed at the national level.

B. Staff Reports

1. Emerging Health Issues – Patty Quinlisk

Patty Quinlisk told the board that we are involved in the Salmonella in tomato/other raw vegetables investigation. We also had a lot of questions about tetanus and Hepatitis A vaccinations.

Dr. Quinlisk reported that CDC came into Iowa, with one group still here. CDC offered its assistance in evaluating how we do public health messaging – specifically, prevention messaging. Over this past weekend 11 people from CDC and 15 students from the U of I, UNI and DMU did door-to-door canvassing to understand the most effective way we can communicate with them. This week they continue to do canvassing with sub-population groups, particularly students, because we assume they get their information differently than the general public. We will not have access to that data for some time. However, we felt it was important for us to understand the most effective way of getting messages out to people.

2. Smokefree Air Act – Bonnie Mapes

Bonnie Mapes shared with the Board a sampling from their Web site, a list of the public comment meetings that have been scheduled to occur, and an example of the mailing they have distributing throughout the state.

The Rules were approved on June 27; the law went into effect at midnight on July 1; and the complaint system was activated at 3 AM on July 1. Since July 1 they have received 716 calls on the Help Line. Thirty-one of these calls have been actual complaints and 153 have been questions or general comments. All questions and complaints are followed up. About 30% of the questions are on signage. The “Contact Us” link on the Web site has received 15,000 inquires since June 3. Almost all of these require a response from the Department. Again about 30% of these have been about signage. Another 30% are very specific to their situation. There is another group that has more general questions. There are very few nasty comments.

They have only received 11 confirmed complaints that require a “Notice of Violation” to be sent. This is a letter that goes to the business informing them of a potential violation. If a second complaint is received within a 12-month period a “Notice of Violation” will go to both the business and local law enforcement. They will be expected to do a compliance check of that business within 7 days. If they see a violation they will report that back to ABD, which will come to us. This will be sent by us to the local city or county attorney.

Training for the community partnerships occurred on July 7.

3. Flooding Response & Recovery – Ken Sharp

Ken Sharp thanked the staff of IDPH for their response to flood issues. IDPH had a solid two-week period where 16 hour days were the norm. Ken stated that staff and health officials throughout the state cannot be commended enough for their efforts during the flood response and recovery period.

IDPH had a tremendous number of issues that were being worked on during the flood recovery efforts that started on June 10.

- Established IDPH ECC to support the State Emergency Operations Center.
- Disaster Medical Assistance Team deployed to assist with sheltering needs in Black Hawk and Linn Counties.

- Environmental Response Teams were out in 4 – 5 counties helping to assess the impact on private water wells, homes, general sanitation concerns, consultation and technical assistance to local county health departments. This deployment lasted for 3-5 days depending on the county.
- Requested the assistance of public health response teams from FL and NC through an Emergency Management Assistance Compact (EMAC) to conduct a rapid public health assessment, and to support local environmental health needs in Linn, Butler, and Cedar Counties.
- Common issues identified by both teams: safety of residential buildings for re-occupancy, carbon monoxide exposures, private well contamination, concerns about content of flood water, proper clean up guidance and protective measures, access to medications, mosquito control/exposure, mold growth, etc.
- IDPH worked with HSEM, FEMA, and CDC to establish a protocol for the determination of a mosquito problem and for approval to implement mosquito control measures that are eligible for reimbursement under FEMA.
- IDPH established, based on actions taken in six other states, an acceptable level of formaldehyde in temporary housing. This is a requirement for FEMA to implement temporary housing programs in flood impacted areas.
- IDPH has staff placed in Linn County Dept of Public Health to assist with management of recovery efforts. Staff have made excellent progress in helping Linn County PH establish a recovery plan and were able to assist on a number of local issues such as shelter closure, moisture readings in homes, mold clean up, etc.
- IDPH has been working with Louisa County PH to address environmental health concerns including an area of the county with approximately 200 sand point wells that are still being used for drinking water – some are covered with flood water. IDPH worked closely with DNR, UHL, and Louisa County to develop a well sampling plan, which will begin 7/14/08.

There have not been any major shortfalls in terms of response efforts by IDPH. As always we've identified areas where we can improve, but overall IDPH staff have done an outstanding job adjusting to the demands placed on them as a result of this disaster.

C. Healthcare Reform – Tom Newton

Because of the flood disaster, the department has been asked to slow down on implementing new programs. As a result, the department is holding off on spending much of the money associated with the Healthcare Reform Act as well as delaying filling positions that would support this work. Director Newton has also been holding off on doing appointments to the various committees/commissions identified in the legislation due to the fact members are entitled to per diem and mileage for their time served. Without the funding, the department cannot afford to pay for these meetings to occur.

- V. Old Business** Cheryll Jones reported that she met with Kate Walton, Senior Policy Advisor, and has requested that she attend our Board meeting in November to address the Governor's and the Lt. Governor's health priorities and to hear the priorities of the Board of Health.

VI. New Business

A. CPR Training for High School Seniors – Dr. Garvin

Dr. Garvin brought to the Board's attention the possibility of requiring high school seniors to be trained in CPR. He was questioning who would be responsible for the training and what training would be required.

Director Newton will follow up and report back to the Board in September.

VII. Next Meeting

A. Items for September 10, 2008 Agenda

Board members should plan to stay an additional hour after the meeting in September for Joy Harris to address the Board to discuss whether or not we're currently meeting the charge of the Standards.

We will keep the staff reports lean to allow more time for Redesign.

VIII. Adjournment At 1:21 a motion made by Gregory Garvin seconded by Hattie Middleton to adjourn the meeting carried unanimously.

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

Ramona Cooper
Recording Secretary
Iowa Department of Public Health