

MINUTES

IOWA STATE BOARD OF HEALTH
July 14, 2010 10:06 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

Members Present:

Cheryll Jones, Chair
Justine Morton, Vice-Chair
Elizabeth Kressin
(unable to join until 10:39 AM)
Hattie Middleton
Jay Hansen
Maggie Tinsman
Michael Wolnerman
Rowe Winecoff

Member Absent:

Gregory Garvin

Other Attendees:

Heather Adams, Assistant Attorney General
Tom Newton, Secretary
Ramona Cooper, Recording Secretary

Due to a problem with the conference phone Elizabeth Kressin wasn't able to join our meeting until 10:39 AM.

I. Minutes

A motion made by Maggie Tinsman and seconded by Justine Morton to approve the May 12, 2010 Board of Health minutes. Motion approved by Cheryll Jones, Justine Morton, Hattie Middleton, Jay Hansen, Maggie Tinsman, Michael Wolnerman, and Rowe Winecoff.

II. Rules

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

1. Adopted and Filed Emergency after Notice

a) Chapter 51, “Dental Screening”

These amendments incorporate changes made in 2010 Iowa Acts, House File 2144. In order to have the changes effective before the school year begins, it is necessary to file emergency after notice. A motion was made by Justine Morton and seconded by Hattie Middleton to adopt and file the amendments to Chapter 51 emergency after notice. Motion approved by Cheryll Jones, Justine Morton, Hattie Middleton, Jay Hansen, Maggie Tinsman, Michael Wolnerman, and Rowe Winecoff.

2. Adopted and Filed

a) Chapter 26, “Backflow Prevention Assembly Tester Registration”

These amendments update references; add a periodic review of training courses and third-party certification programs; add additional grounds for denial of registration and discipline of a registered tester, including criminal history and discipline in another jurisdiction; add additional grounds for denial or revocation of approval for a training course; and

raise registration fees and fees for trainers. No comments were received. The amendments to be adopted are identical to those published under Notice. A motion was made by Justine Morton and seconded by Maggie Tinsman to adopt and file the amendments to Chapter 26. Motion approved by Cheryll Jones, Justine Morton, Hattie Middleton, Jay Hansen, Maggie Tinsman, Michael Wolnerman, and Rowe Winecoff.

b) **Chapter 38, “General Provisions for Radiation Machines and Radioactive Materials”, Chapter 39, “Registration of Radiation Machine Facilities, Licensure of Radioactive Materials and Transportation of Radioactive Materials”, Chapter 40, “Standards for Protection against Radiation”, Chapter 41, “Safety Requirements for the Use of Radiation Machines and Certain Uses of Radioactive Materials”, and Chapter 45, “Radiation Safety Requirements for Industrial Radiographic Operations”**

Items 1, 9, 21, 32, and 62 amend rules to reflect current federal regulations. Items 5 and 6 add electronic brachytherapy devices to subrule 38.8(1). Item 7 adds the radioactive material fee schedule to rule 641—38.8(136C) and includes a general license registration fee. Item 8 clarifies payment requirements to obtain permits for radioactive material shipments. Item 10 resolves comment #1 in Nuclear Regulatory Commission (NRC) letter to the Department dated 9/16/2009. Item 31 corrects the location of values for Sulfer-35. Item 33 clarifies the requirement for assay of doses. Item 63 ensures proper training is completed prior to the examination. The remaining items amend the rules to meet NRC compatibility requirements. Comments were received from one individual. Most of the changes suggested cannot be made because the changes would not be compatible with federal requirements. However, one change in Item 36, paragraph “b”, subparagraph (2) has been made as a result of the comments. A motion was made by Jay Hansen and seconded by Maggie Tinsman to adopt and file the amendments to Chapter 38. Motion approved by Cheryll Jones, Justine Morton, Hattie Middleton, Jay Hansen, Maggie Tinsman, Michael Wolnerman, and Rowe Winecoff.

c) **Chapter 109, “Prescription Drug Donation Repository Program”**

The amendment allows the Department of Public Health to be a local repository for the Prescription Drug Donation Repository Program in disaster and emergency situations. No comments were received. The adopted amendments are identical to those published under Notice. A motion was made by Maggie Tinsman and seconded by Rowe Winecoff to adopt and file the amendments to Chapter 109. Motion approved by Cheryll Jones, Justine Morton, Hattie Middleton, Jay Hansen, Maggie Tinsman, Michael Wolnerman, and Rowe Winecoff.

3. **Notice of Intended Action**

a) **Chapter 90, “Iowa Child Death Review Team”**

These amendments propose changes to the rules governing the purpose and function of the child death review team in identifying preventable deaths of children under 18 years of age and methods for prevention of such deaths.

b) **Chapter 91, “Iowa Domestic Abuse Death Review Team”**

The rules in this chapter outline the duties and responsibilities for the Iowa Domestic Abuse Death Review Team. These amendments are intended to bring the rules in compliance with Code changes including the composition of the team and the frequency with which reports are issued.

III. Substance Abuse

A. Licensure Recommendations – Jeff Gronstal, and Cynthia Kelly

1. Three 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 Addiction Recovery Center, Knoxville, Iowa, license effective July 10, 2010 to July 10, 2013; to Lucas County Health Center, Counseling Services, Chariton, Iowa, license effective June 10, 2010 to June 10, 2013; to Recovery Center, Berryhill Center for Mental Health, Fort Dodge, Iowa, license effective August 8, 2010 to August 8, 2013; and, to approve a license for a period of one year to A1 Addictions Recovery Center, Adel, Iowa, license effective August 4, 2010 to August 4, 2011. Motion approved by Cheryll Jones, Justine Morton, Hattie Middleton, Jay Hansen, Maggie Tinsman, Michael Wolnerman, and Rowe Winecoff.

2. Three-Year Assessment and Evaluation Program

A motion made by Justine Morton and seconded by Jay Hansen to approve a license for a period of three years to Robyn Rodenburgh, Inc., Waterloo, Iowa, license effective August 15, 2010 to August 15, 2013. Motion approved by Cheryll Jones, Justine Morton, Hattie Middleton, Jay Hansen, Maggie Tinsman, Michael Wolnerman, and Rowe Winecoff.

3. One -Year Correctional Facility

A motion made by Justine Morton and seconded by Maggie Tinsman to approve a license for a period of one year to the Fort Dodge Correctional Facility, New Frontiers Substance Abuse Program, Fort Dodge, Iowa, license effective July 25, 2010 to July 25, 2011. Motion approved by Cheryll Jones, Justine Morton, Hattie Middleton, Jay Hansen, Maggie Tinsman, Michael Wolnerman, and Rowe Winecoff.

4. 270 Day

A motion was made by Rowe Winecoff and seconded by Maggie Tinsman to approve a license for a period of 270 days to Dr. Tracy’s Counseling Services, Grimes, Iowa, license effective July 14, 2010 to April 10, 2011. Motion approved by Cheryll Jones, Justine Morton, Hattie Middleton, Jay Hansen, Maggie Tinsman, Michael Wolnerman, and Rowe Winecoff.

5. Denial

A motion made by Maggie Tinsman and seconded by Justine Morton that the Iowa Board of Health propose to refuse to renew the license of Manning Family Recovery Center, Manning, Iowa in accordance with Iowa Administrative Code 641-155.11(1). Motion approved by Cheryll Jones, Justine Morton, Hattie Middleton, Jay Hansen, Maggie Tinsman, Michael Wolnerman, and Rowe Winecoff.

Angela Johnson, CEO, from Manning Family Recovery Center addressed the Board. She thanked Jeff Gronstal and Cynthia Kelly for their technical expertise during this matter and she shared that she will strive to correct the procedural documentation to make these necessary improvements.

IV. Department Reports

A. Director's Information – Tom Newton

Director Newton welcomed board members to the meeting, sharing that both Maggie Tinsman and Justine Morton have been reappointed. Michael Wolnerman's reappointment is still being considered by the Governor's Office.

Director Newton distributed the latest edition of the *Healthy Communities* magazine, which was published by our staff within the Healthy Communities area. It reflects many of the wellness projects currently underway across the state and highlights IDPH's efforts over the past 3-4 years.

Director Newton shared the written responses to the letters received from the Kossuth County Board of Supervisors members and the Kossuth County Board of Health.

Director Newton asked whether members of the State Board of Health (BOH) wanted to attend the National Association of Local Boards of Health (NALBOH) meeting in Omaha on August 5. Cheryll Jones has tentatively agreed to attend this meeting and represent Iowa.

Director Newton informed the BOH that the public health accreditation board (PHAB) will be conducting a three day site visit in Iowa (July 19, 20, and 21). As a beta test site for the national public health performance standards, they will be evaluating the department as well as the BOH versus the standards. They have requested to interview the BOH on Monday, July 19, at 12:00 PM. Ramona will be sharing information on this conference call.

Director Newton updated the BOH on grant opportunities that are being made available as a result of federal health reform. He stated that many of the opportunities align nicely with efforts currently underway within the state. He also shared that responding to all of the grant opportunities has been challenging given the sheer quantity of grants being released and reduced capacity within the department.

Note: Elizabeth Kressin joined the Board of Health meeting during Director Newton's presentation at 10:39 AM.

B. Staff Reports

1. Iowa Health Update – Dr. Garvey

Dr. Garvey shared that in light of the recent rains across Iowa, IDPH has received questions and is hearing concerns about growing mosquito populations and the diseases they carry, including West Nile virus. Dr. Garvey shared that while there has been quite a bit of mosquito activity, we are primarily seeing nuisance mosquitoes rather than disease carrying mosquitoes at this time. The level of mosquito activity is comparable to what was seen after the flooding of 2008. Dr. Garvey shared that we haven't had any positive surveillance indicators or reports of human illness. They are anticipating funding cuts for West Nile virus surveillance next year.

Dr. Garvey shared that the 2009 Annual Report of *Iowa Surveillance of Notifiable and Other Diseases* has been posted on the department's website. This report compiles information across the department. Last year there were 53,000 infectious diseases (i.e. H1N1, Lyme Disease, Chlamydial infectious diseases, and HIV) reported in Iowa. Dr. Garvey will provide a link for Ramona to share with board members.

2. Iowa e-Health Report – Leslie Grefe

Leslie Grefe shared that Iowa e-Health is truly a public/private collaborative to promote health information technology. Please refer to the handout she provided on *Iowa e-Health*.

The vision of Iowa e-Health is a healthier Iowa through the use and exchange of electronic health information. This would be achieved through the use of the electronic health records and the development of a state-wide information exchange. Their ultimate goal would be to improve efficiencies, reduce costs, and ensure patient safety.

The e-Health Executive Committee and Advisory Council were established by the Iowa Legislature in 2008. They have been actively meeting since 2009. The Department of Public Health (IDPH) provides the primary leadership.

A preliminary plan was developed in 2009 in response to a legislative requirement and presented to the State Board of Health in July 2009 for approval. As a result of the American Recovery and Reinvestment Act (ARRA) from last February there has been more activity in all the states. We submitted a grant application last fall to the Office of the National Coordinator (ONC) for Health IT which is under the Department of Health and Human Service (DHHS) and were successful in receiving \$8.375M for Health IT.

One of the requirements prior to receiving this funding is to develop a strategic and operational plan. This has been our primary activity for the past several months. We've taken the preliminary plan and added more detail to it to get it prepared to submit to the ONC for approval to receive funding.

In addition to the e-Health Executive Committee and Advisory Council, IDPH has been working closely with the Iowa Medicaid Enterprise (IME), Iowa's Regional Extension Center at IFMC, and e-Health workgroups and

subcommittees. These committees have been working to develop a roadmap of what they see for Health IT.

This plan is broken down into five domains/areas that the ONC would like to address:

- Governance – Addresses how we convene the stakeholders, how we are setting the direction, goals, and how are we establishing oversight for the committees. Today’s governance structure is the e-Health Executive Committee, which was established through legislation.
- Finance – The grant funding from ONC will only cover one third of what is estimated to be needed to fund e-Health activities over the next four years. Iowa e-Health is aware of that challenge and preparing to develop a business and financial sustainability plan to identify appropriate financing strategies.
- Technical Infrastructure – This section discusses the core infrastructure necessary to enable the exchange of health information outside the boundaries of a single provider setting through a statewide health information exchange (HIE). We are looking at using a decentralized data storage approach, which means the HIE will be used primarily to facilitate the transfer of records (summary record of an electronic health record, immunization history, medication history and lab results) that are already stored by various provider IT systems.
- Legal and Policy – There is a need to establish policy and trust agreements among all providers and HIE participants to safeguard privacy and security of information available through the network.
- Business & Technical Operations – Operations include but are not limited to: communication and outreach to providers, support for providers, and assessment and measurement of success.

Leslie encouraged the BOH members to refer to the website for more information at http://www.idph.state.ia.us/hcr_committees/default.asp.

V. Old Business

There were no “Old Business” items discussed.

Cheryll Jones shared that a letter has been sent to John Stamler thanking him for his time served on the board.

VI. New Business

A. Election of Officers

A motion made by Jay Hansen and seconded by Rowe Winecoff nominating Cheryll Jones to serve as the President/Chair of the State Board of Health. Motion carried unanimously.

A motion made by Maggie Tinsman and seconded by Hattie Middleton nominating Justine Morton to serve as Vice President/Vice-Chair of the State Board of health. Motion carried unanimously.

B. Regulatory Agency Consents for Sales/Leases – Heather Adams

Heather Adams discussed with the Board of Health the need for Board members to be individually protected as we look at Iowa Code section 68B.4, which is our conflict of

interest statute. One of the sections under 68B talks about employees or members of regulatory agencies/boards being restricted in certain circumstances in selling or leasing goods/services to members who agencies we regulate.

This document allows you in your individual capacity to 1) sell your goods and services to people not regulated specifically by this board, 2) would allow you to sell your goods or services to people who are regulated by the board if you would - routinely offer them to the public as part of your regular professional practice, 3) it also states that you do not have to come before the board individually and ask for permission to do that unless there are some unique facts surrounding that particular sale or lease, 4) and by voting to approve the signature of this document, *Consent to Sales and Leases of Goods and Services*. Once approved and signed by the Chairperson of the State Board of Health, Heather will file the Ethics and Campaigns Disclosure Board and if a question ever comes up to the Ethics and Campaign Disclosure Board, then we would have this consent on file. A motion made by Jay Hansen and seconded by Maggie Tinsman to approve the *Consent to Sales and Leases of Goods and Services* document. Motion carried unanimously.

C. Substance Abuse Subcommittee – Kathy Stone & Heather Adams

Kathy Stone addressed the board to initiate the establishment of the Substance Abuse/Problem Gambling Treatment Program Licensure Subcommittee. Revisions made to Chapter 136 by 2010's House File 2183 included language allowing the State Board of Health (Board) to "appoint a substance abuse and problem gambling treatment program committee to approve or deny applications for licensure received from substance abuse programs pursuant to chapter 125 and gambling treatment programs pursuant to chapter 135 and to perform any other function authorized by chapter 125 or 135 and delegated to the committee."

Kathy provided the Board with an overview of the department's proposal, outlining the structure, roles and responsibilities, and meeting schedule of the proposed subcommittee. Please refer to the handout, *State Board of Health Substance Abuse/Problem Gambling Treatment Program Committee DRAFT Recommendations for Board Consideration – July 14, 2010*.

After discussion, the board decided that they would consider this proposal and bring it back for voting in September. Any comments should be provided to Kathy Stone for revision to the draft recommendations.

**D. Review of Schedule and Check List for Public Health Standards –
Joy Harris & Heather Adams**

Joy Harris shared a proposed plan for the department to present to the Board, on an annual basis, how the department meets the Public Health Standards. Joy proposed that the board review the standards in five meetings:

- 1) Administration
Prevent Injuries
- 2) Community Assessment and Planning
Evaluation
Healthy Behaviors
- 3) Workforce
Prevent Epidemics and Spread of Disease
Protect Against Environmental Hazards

- 4) Communication and Information Technology
Emergency Response
- 5) Governance

Program staff have been identified who would be responsible for presenting each of these standards.

After discussion the board decided to implement this schedule at the September meeting.

VII. Next Meeting

A. Items for September 8, 2010 Agenda

1. Annual Review of Regulatory Plan – Barb Nervig
2. Introduction to the FY11 Budget – Mary Jones
3. Annual Orientation Refresher for Board Members – Julie McMahon
4. Lead Based Paint Activities – Ken Sharp and Rita Gergely
5. Substance Abuse Subcommittee – Kathy Stone & Heather Adams
6. Public Health Standards – Joy Harris
7. Update on Law Suits – Heather Adams

VIII. Adjournment

At 12:20 PM a motion was made by Rowe Winecoff, seconded by Hattie Middleton, to adjourn the meeting. Motion carried unanimously.

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

Ramona Cooper
Recording Secretary
Iowa Department of Public Health