

MINUTES

IOWA STATE BOARD OF HEALTH
MAY 12, 2010 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

Members Present:

Cheryll Jones, Chair
Justine Morton, Vice-Chair
(arrived at 10:10 AM)
Elizabeth Kressin
Gregory Garvin
Hattie Middleton
Jay Hansen
John Stamler
Justine Morton
Maggie Tinsman
Rowe Winecoff

Member Absent:

Michael Wolnerman

Other Attendees:

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

I. Minutes

A motion made by Elizabeth Kressin and seconded by John Stamler to approve the May 4, 2010 Board of Health minutes. Motion approved by Cheryll Jones, Elizabeth Kressin, Gregory Garvin, Hattie Middleton, Jay Hansen, John Stamler, Justine Morton, Maggie Tinsman and Rowe Winecoff.

A motion made by Maggie Tinsman and seconded by Jay Hansen to approve the March 10, 2010 Board of Health minutes. Motion approved by Cheryll Jones, Elizabeth Kressin, Gregory Garvin, Hattie Middleton, Jay Hansen, John Stamler, Justine Morton, Maggie Tinsman and Rowe Winecoff.

II. Rules

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

1. Adopted and Filed Emergency after Notice

a. Chapter 155, “Licensure Standards for Substance Abuse Treatment Programs,” Chapter 162, “Licensure Standards for Problem Gambling Treatment Programs”

The amendments provide the Department the ability to license problem gambling and substance abuse treatment programs in Iowa with one set of standards, one licensure survey, comprehensive technical assistance, and appropriately credentialed counselors. A motion was made by Elizabeth Kressin and seconded by Rowe Winecoff to adopt and file the amendments to Chapter 155. Motion approved by Cheryll Jones, Elizabeth Kressin, Gregory Garvin, Hattie Middleton, Jay Hansen, John

Stamler, Justine Morton, Maggie Tinsman and Rowe Winecoff. These amendments will become effective July 1, 2010.

2. **Adopted and Filed**

a. **Chapter 88, “Volunteer Health Care Provider Program”**

The new chapter (replacing existing chapter 88) provides the Department the ability to provide defense and indemnification to individual volunteer health care providers within a specialty health care provider office through the Volunteer Health Care Provider Program (VHCPP). The new chapter also provides clarification in identifying the individual volunteer health care provider, protected clinic, and sponsor entity. Definitions have been added to provide further clarification regarding the Volunteer Health Care Provider Program. Speech pathologists and audiologists have been added to receive defense and indemnification through the VHCPP as individual volunteer health care providers. A motion was made by Maggie Tinsman and seconded by Elizabeth Kressin to adopt and file the amendments to Chapter 88. Motion approved by Cheryl Jones, , Elizabeth Kressin, Gregory Garvin, Hattie Middleton, Jay Hansen, John Stamler, Justine Morton, Maggie Tinsman and Rowe Winecoff.

Justine Morton joined the Board of Health meeting at 10:10 AM

b. **Chapter 157, “Standards for Substance Abuse Treatment and Assessment Programs and the Operating a Motor Vehicle While Intoxicated (OWI) Law”**

The amendment provides the Department the ability to ensure that, upon receipt of a properly executed written release of information signed by the client/patient, the program shall release client/patient records in a timely manner. A program may refuse to file the reporting form required by subrule 157.3(1), “Notice Iowa Code 321J—Confidential Medical Record,” reporting screening, evaluation, and treatment completion, if payment has not been received for such services. A motion was made by Greg Garvin and seconded by John Stamler to adopt and file the amendments to Chapter 157. Motion carried unanimously.

c. **Chapter 191, “Advisory Bodies of the Department”**

This chapter provides a general description of how advisory bodies established by the Department will function. These amendments provide clarification to existing language. A motion was made by Justine Morton and seconded by Hattie Middleton to adopt and file the amendments to Chapter 191. Motion carried unanimously.

d. **Chapter 192, “Child Support Noncompliance”**

This new chapter makes the following changes to the language in the rescinded chapter: adds definitions and replaces the phrase “department or board” with the term “licensing authority.” A motion was made by Maggie Tinsman and seconded by Elizabeth Kressin to adopt and file the amendments to Chapter 192. Motion carried unanimously.

e. **Chapter 193, “Impaired Practitioner Review Committee”**
This new chapter makes the following changes to the language in the rescinded chapter: amends the definitions of “committee” and “practitioner” and adds clarifying language. The new chapter also places the language into more than one rule. A motion was made by Justine Morton and seconded by Jay Hansen to adopt and file the amendments to Chapter 193. Motion carried unanimously.

f. **Chapter 195, “Student Loan Default/Noncompliance with Agreement for Payment of Obligation”**
This new chapter makes the following changes to the language in the rescinded chapter: adds definitions for “applicant” and “license,” amends the definition for “licensing authority” and replaces the phrase “department or board” or the word “board” with the term “licensing authority.” A motion was made by Justine Morton and seconded by Hattie Middleton to adopt and file the amendments to Chapter 195. Motion carried unanimously.

3. **Adopted and Filed without Notice**

a. **Chapter 6, “Venereal Disease Prophylactics”**
This amendment rescinds the rules that pertained to the establishment of standards for, permits for and control over the distribution of venereal disease prophylactics. These rules were outdated and not enforceable. The Iowa General Assembly repealed section 135.11, subsection 13 of the 2009 Iowa Code Supplement effective July 1, 2010. This removes the statutory authority for Chapter 6 in the rules of the Department. A motion was made by Maggie Tinsman and seconded by Elizabeth Kressin to adopt and file the amendments to Chapter 6. Motion carried unanimously.

b. **Chapter 83, “Early Childhood Iowa Council”**
This amendment rescinds the rules that pertained to the Early Childhood Council. The Iowa General Assembly repealed sections 135.173 and 135.174 of the 2009 Iowa Code effective July 1, 2010. This removes the statutory authority for Chapter 83 in the rules of the Department. A motion was made by Jay Hansen and seconded by Justine Morton to adopt and file the amendments to Chapter 83. Motion carried unanimously.

c. **Chapter 84, “State Substitute Medical Decision-Making Board”**
This amendment rescinds the rules that pertained to the duties and composition of the state substitute medical decision-making board. The Iowa General Assembly repealed section 135.28 of the 2009 Iowa Code effective July 1, 2010. This removes the statutory authority for Chapter 84 in the rules of the Department. A motion was made by Rowe Winecoff and seconded by Maggie Tinsman to adopt and file the amendments to Chapter 84. Motion carried unanimously.

4. **Notice of Intended Action**

a. **Chapter 26, “Backflow Prevention Assembly Tester Registration”**

The proposed amendments update references, add a periodic review of training courses and third-party certification programs; add more grounds for denial of registration or discipline of a registered tester, including criminal history and discipline in another jurisdiction; add more grounds for denying or revoking approval for a training course; and raise registration fees and fees for trainers.

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, 7, 19, 29, and 59 amend rules to reflect current federal regulations. Items 3 and 4 add electronic brachytherapy devices to rule. Item 5 removes the general license registration fee from rule and adds to the agency fee schedule. Item 6 clarifies payment requirements to obtain permits for radioactive material shipments. Item 8 resolves comment #1 in Nuclear Regulatory Commission (NRC) letter to the department dated 09/16/2009. Item 28 corrects the location of values for Sulfur-35. Item 30 clarifies the requirement for assay of doses. Item 60 ensures proper training is completed prior to the exam. The remaining items amend rules to meet NRC compatibility requirements.

c. **Chapter 51, “Dental Screening”**

The rules in Chapter 51 describe the school dental screening requirement, including dental screening applicants, providers, and documentation. These amendments incorporate changes made in House File 2144 of the 83rd Iowa General Assembly.

d. **Chapter 109, “Prescription Drug Donation Repository Program”**

The rules in chapter 109 describe the requirements for medical facilities and pharmacies to accept and dispense donated prescription drugs and supplies and the eligibility criteria for individuals to receive donated prescription drugs and supplies. The proposed amendment makes additions to allow the Iowa Department of Public Health to be a local repository for the Prescription Drug Donation Repository Program in disaster and emergency situations.

III. Substance Abuse

A. Substance Abuse Licensure – Jeff Gronstal and Robert Kerksieck

1. Licensure Recommendations

Jeff Gronstal told the Board of a correction for the agenda. We will be reviewing and voting to approve the license for *Bridges of Iowa, Inc., Des Moines* as a three year Comprehensive Program, not as a Correctional Facility.

a. Three, Two and One Year Comprehensive Programs

A motion was made by Jay Hansen and seconded by Rowe Winecuff to approve a license for a period of three years to Everest Institute, LLC, Urbandale, Iowa, license effective May 14, 2010 to May 14, 2013; to Bridges of Iowa, Inc., Des Moines, Iowa, license effective May 17, 2010 to May 17, 2013; to approve a license for a period of two years to Woodward Youth Corporation, Woodward Academy, Woodward, Iowa, license effective May 31, 2010 to May 31, 2012; to approve a license for a period of one year to Alcohol/Drug/DUI/OWI Services, Davenport, Iowa, license effective April 5, 2010 to April 5, 2011; and to Ponca Tribe of Nebraska, Behavioral Health Program, Sioux City, Iowa, license effective June 5, 2010 to June 5, 2011. Motion carried unanimously.

b. Three Year Assessment and Evaluation Programs

A motion was made by Justine Morton and seconded by Rowe Winecuff to approve a license for a period of three years to Allen Recovery Center, Waterloo, Iowa, license effective May 13, 2010 to May 13, 2013; to Helm Counseling and Associates, Waterloo, Iowa, license effective May 15, 2010 to May 15, 2013; and to J. W. Baker, III, PC, Cedar Rapids, Iowa, license effective June 10, 2010 to June 10, 2013. Motion carried unanimously.

c. 270 Day

A motion was made by Elizabeth Kressin and seconded by John Stamler to approve a license for a period of 270 days to Phillips and Associates, LLC, Hope Counseling, Glenwood, Iowa, license effective May 12, 2010 to February 5, 2011; to Crossroads of Pella, EDGE of Recovery, Pella, Iowa, license effective May 12, 2010 to February 5, 2011; and to ALLP Institute, Des Moines, Iowa, license effective May 12, 2010 to February 5, 2011. Motion carried unanimously.

d. Deemed Status

A motion was made by Elizabeth Kressin and seconded by Justine Morton to approve a license through deemed status to Orchard Place/Child Guidance/Pace Juvenile Justice Center, Des Moines, Iowa, based on the accreditation survey conducted and accreditation awarded by the Joint Commission effective November 21, 2009 to November 21, 2012; and to St. Gregory Retreat Centers, Inc., Des Moines, Iowa, based on the accreditation survey conducted and accreditation awarded by the Council on Accreditation of Rehabilitation Facilities effective May 3, 2010 to February 28, 2013. Motion carried unanimously.

IV. Department Reports

A. Director's Information – Tom Newton

Director Newton welcomed Board members to the meeting. He shared a document from the Kaiser Family Foundation, which summarized the Patient Protection and Affordable Care Act. Director Newton promised to share additional information electronically with board members as it becomes available. He mentioned that the department would be positioning itself to compete for funding made available to public health through the Act.

Director Newton shared details of the department's state appropriations for FY2011. Additionally, he mentioned cost saving expectations from both Executive Order 20 and Government Reorganization legislation. A large amount of expected cost savings have yet to be assigned to agencies, which will have an impact on the department's final budget for FY2011.

Jay Hansen asked a question about employee participation in the state's early retirement program. Director Newton told the Board that 32 employees of the 151 eligible for the program chose to participate. He stated that the department would propose to fill about 50 percent of the positions and reclassify some in order to establish cost savings. Finally, he shared that a process has been created for seeking approval of refilling positions via the departments of administrative services and management.

Director Newton reminded the Board that updates to Iowa Code Chapter 136 "State Board of Health" had passed during the legislative session. The changes were consistent with the direction that the Board has been moving over the last couple years and brought it more in line with Public Health Modernization efforts.

Director Newton concluded his remarks by alerting members to a letter in their packets received by the Board from the Kossuth County Board of Supervisors referencing the department's Grants to Counties program. The letter expressed concern about the perceived inequitable distribution of those funds. Director Newton informed the Board that the distribution formula for the Grants to Counties program was set in Iowa Code and that department staff would respond to the letter stating such.

B. Staff Reports

1. Iowa Health Update – Dr. Quinlisk

Dr. Quinlisk shared that the flu seems to be going away. Last year the big peak for flu was in May. However, this year the numbers continue to go down. We anticipate that they will continue to go down to an undetectable level until it comes back next fall. We also anticipate that H1N1 will come back as seasonal flu next year and they are planning on adding that to the seasonal flu vaccine.

We have seen a small outbreak of mumps in northwestern Iowa. Primarily it has been confined to college students. This scenario is being seen all across the United States and all of the westernized countries and is not isolated to the state of Iowa. When students are 10 years out from their last MMR vaccine, in a relatively small area, and in an environment where sharing body fluids is common.

Another disease that has been in the news lately is legionnella. Dr. Quinlisk shared that we have been following the national guidelines on Legionnaire's Disease.

We are currently working on hospital acquired infections. We are working very closely on a collaborative to coordinate the two programs and we are hoping to have an impact on hospital acquired infections.

The tick and mosquito season is coming up. People are already reporting seeing quite a few ticks. However, what we are seeing is typical. We do not anticipate seeing many mosquito borne diseases until late summer or early fall.

After the floods a couple of years ago there were a number of studies that were done by the Iowa Department of Public Health, in collaboration with the CDC and other groups.. These studies are due to be published next month and will be shared with the board when they are made available.

2. **Legislative Wrap Up** – Lynh Patterson

Lynh Patterson shared an overview of the legislative session, a summary of our department bills, along with a summary of the government reorganization bill. Please refer to the handouts provided.

Lynh Patterson shared that there were 194 bills sent to the governor. Of those six were signed after being line item vetoed and one vetoed in its entirety.

Lynh Patterson shared highlights of SF 2088 (Government Reorganization), bills enacted, bills impacting IDPH, bills that died, overall state FY11 general budget, IDPH budget, and the number of retiring legislators. It is critical that we educate the in-coming legislators about public health. It becomes more critical when we consider the amount of time we have to do this.

Her legislative wrap up should be completed and posted by the end of the week. This document is a detailed summary of all the bills that passed this previous year and how the department plans to follow up on them. She will share this with the Board upon completion.

3. **IDPH Annual Report - Jonn Durbin**

Jonn Durbin addressed the Board informing them that the annual report has been placed entirely on the department website. The current version is really a snap shot of the departments' performance for the past state fiscal year. Our goal is to create an interactive on-line review of what public health is, what public health does, how to evaluate what public health does, and actually tie all those things together. Please refer to the "What we do" section of our website at http://www.idph.state.ia.us.us/what_we_do.asp. It also contains links to our entire frame work of public health.

4. Annual Review to assure that IDPH is in Compliance with Code, Administrative Code, and the Standards - Heather Adams

Heather Adams spoke to the board specifically about the Governance Standard (GV2) within the Iowa Public Health Standards. She was charged to assess whether or not the Board of Health (BOH) complies with Chapter 136, which is the Board's enabling statute. During the past legislative session we inserted clean-up language to bring in-line the duties that the BOH are performing and the duties that the standards establish.

One of the new duties is that the BOH will adopt and implement the Iowa Public Health Standards and assure that the Department complies with Iowa Code, and Iowa Administrative Code. The BOH also needs to establish a subcommittee for Substance Abuse and Gambling Treatment to look at applications for licensure and other functions. Further discussion will occur in July to discuss what this subcommittee will look like, who should be appointed to it, what their duties are, and how they are going to report back to the Board relative to those functions.

Heather Adams advised the Board to focus on the "new duties section" of Chapter 136.3. The BOH is in compliance with the duties section and she is happy to see that this chapter reflects more of what the Board does.

This Board has the duty to ensure that legal council is available to the BOH and to the Department as a whole. The Department does that through representation from Heather Adams as well as her serving as legal counsel during the BOH meetings. Heather Adams represents the Department exclusively. The Department also has access to six other Assistant Attorney Generals who do legal work for the Department. The BOH has a duty to support the provision of education of public health law to county attorneys, boards of supervisors, and boards of health by the state public health department's legal counsel in coordination with professional associations.

The BOH also has a responsibility that the Department is complying with the public health standards. Heather Adams shared that after she has done the review for the Department she feels sure that the Department is in compliance. However, it is her recommendation that the BOH direct Department staff to share a brief report for each of the divisions (i.e., name the standards applying to their division and justify/illustrate how they are in compliance with them).

V. Old Business – Joy Harris

A. Bi-Annual Endorsement of the Iowa PH Standards

A motion was made by Justine Morton and seconded by Elizabeth Kressin that we endorse the Iowa Public Health Standards. Motion carried unanimous.

B. Bi-Annual Endorsement from the Governor

Joy Harris shared that they had received approval from the Governor for us to be a beta-test site for the Public Health Accreditation Board. Joy Harris feels that is evidence of his endorsement. Heather Adams agreed.

VII. New Business – Joy Harris

A. Annual Review to Assure the Board is in compliance with the Iowa Public Health Standards

Standard GV1 – Secure Commitment from Governmental Oversight Bodies to comply with the Iowa Public Health Standards states that written commitment needs to be received every two years from BOH and the governor in support of the Iowa Public Health Standards. The Board is in compliance.

Standard GV3 – Assure Administration of Public Health Services and Compliance with the Iowa Public Health Standards focuses on BOH advice to the Public Health Department on public health issues, BOH advice to the director, the BOH participation in meetings regarding public health issues, and BOH consultation to the Governor upon request about public health issues.

This can be demonstrated through the minutes of state Board of Health meetings and the advisory councils that board members serve on.

Standard GV4 – Develop Public Policy to Address Public Health Issues identifies health priorities and develops policy using the state-level community health assessment. This is necessary for accreditation and is currently being developed. This standard also states that the BOH serve as policy making body for the Public Health Department, adopt administrative rules, and advise or make recommendations to the governor and general assembly relative to public health matters. The Board is in compliance.

Standard GV5 – Assure State Health Laws and Public Health Regulations and Local Ordinances are Enforced shows that the state Board of Health needs to review rules and regulations every five years to ensure that they are timely and ensure that the departmental regulatory plan is reviewed every five years. And also investigate the conduct of the work of the state Public Health Department as deemed necessary.

The board requested that the Iowa Public Health Standards be shared with them electronically.

The Iowa Public Health Standards are written in eleven different areas. Approximately a year ago we asked a team of national site visitors to come into the department and determine if we met the Iowa Public Health Standards. We provided the site visitors with evidence from every different division, bureau, and office. They found that we met 74.6 percent of the Iowa Public Health Standards. We are currently in the process of assessing the Department, based on the National Public Health Standards, and have a site visit scheduled July 19-21. This effort is being driven by the Public Health Accreditation Board (PHAB). We are one of eight state health departments piloting this process. One item we are aware of that we need to improve upon is the process of “Quality Improvement”. The Iowa Public Health Standards doesn’t have any requirement for performance management and the national standards have a whole section. We need to develop standards around that specific area and realign the Iowa Public Health Standards with the national health standards.

Discussion was held and it was decided that Heather Adams and Joy Harris will develop a schedule and a check list for the divisions and Joy will coordinate a verbal report from

the divisions to ensure compliance with the Iowa Public Health Standards. This will be provided to the board in July.

A motion was made by Justine Morton seconded by Jay Hansen “to direct Heather Adams and Joy Harris to put together a schedule with a check list of the standards that we cover all of them within a year; integrating the financial information as well into this presentation.” Motion carried unanimous.

With the revision of Chapter 136 and 137 (local boards of health) the state Board of Health will play a role in approving District Public Health applications. They are currently drafting preliminary administrative rules to determine how they will be structured and will be asking for the Board’s input.

VIII. Next Meeting

A. Items for July 14, 2010 Agenda

- 1. Election of Officers**
- 2. Annual Orientation Refresher for Board Members - Julie McMahan**
- 3. Establishment of Substance Abuse Subcommittee –
Kathy Stone & Heather Adams**

IX. Adjournment

At 12:37 PM a motion was made by Elizabeth Kressin, seconded by Justine Morton, 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