

MINUTES

IOWA STATE BOARD OF HEALTH
MARCH 10, 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

Present:

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

Absent:

I. Minutes

A motion made by Justine Morton and seconded by Elizabeth Kressin to approve the January 13, 2010 Board of Health minutes carried unanimously.

II. Rules

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

1. Adopted and Filed Emergency After Notice

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

These amendments propose 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. No public comment was received. These amendments are identical to those published under Notice and Adopted and Filed Emergency. A motion was made by Rowe Winecoff and seconded by John Stamler to adopt and file the amendments to Chapter 7. Motion carried unanimously.

b) **Chapter 41, “Safety Requirements for the Use of Radiation Machines and Certain Uses of Radioactive Materials”**

These amendments propose changes to the rules governing the supervision of fluoroscopic procedures.

Lorinda Inman, Linda Goeldner, Sherif Tewflk, Mark Bowden, Mark Odden, Dale Kroll, Dave Pederson, Mary O'Brien, Lawrence Liescher, and Heidi Goodman requested to address the Board.

Lorinda Inman, Executive Director of the Board of Nursing (BON), addressed the board stating that the Board of Nursing, along with other medical and nursing groups, worked with the Department of Public Health and the Attorney General's office to clarify rules regarding the use of fluoroscopy by ARNPs. ARNPs have been using fluoroscopy to ensure safety of the patient during procedures for many years. The rules noticed by the Department of Public Health represent a clarification of current code and rules.

Linda Goeldner, representing the Iowa Nurses Association (INA), addressed the board stating that they support the rules.

Sherif Tewflk, representing the Iowa Society of Anesthesiologists, addressed the board stating that the Iowa Board of Nursing's unilateral expansion of the nursing scope of practice allowing all ARNPs to supervise fluoroscopy creates significant risks for Iowans and they are opposed to changing this rule.

Mark Bowden, Executive Director of the Board of Medicine (BOM), spoke stating that the Board of Medicine is concerned about this amendment. They would like the adoption of the rule delayed until communication could occur between the Board of Medicine and the Board of Nursing. The Board of Medicine has concerns about patient safety and level of education of the providers.

Mark Odden, representing the Iowa Association of Nurse Anesthetists (IANA) told the board that fluoroscopy was a clinical tool which affords him more information to provide his patients with the safest, most accurate and expedient care possible. If this tool was eliminated from his armamentarium, patient care would suffer, and Iowans would go without care.

Dale Kroll, representing the CRNA Iowa Association of Nurse Anesthetists, addressed the Board stating that as a practitioner they feel we need to focus on the education in utilizing fluoroscopy under safe conditions, and provide safety to the patient.

Dave Pederson, also representing the Iowa Association of Nurse Anesthetists, addressed the Board with three points 1) Why are we doing this for all advanced practice nurses? This is a tool (imaging) that would better prepare us for the future. 2) Medicare Reimbursement. This is critical but not all inclusive. This is an issue his employer would need to address in terms of the viability of those services. 3) The BOM was aware of this issue and knew the importance of continuing this.

Mary O'Brien, also representing the Iowa Association of Nurse Anesthetists stated that the proposed rule allows ARNPs to supervise the radiologic technologist, who is fully trained in radiologic procedures, to operate the fluoroscope in a clinically relevant manner.

Lawrence Liebscher, representing the Iowa Radiological Society and American College of Radiology feel this rule is a contradiction to the national standards and recommend that this amendment be rejected.

Heidi Goodman, representing the Iowa Medical Society, shared a comparison of the national standards vs. Iowa Board of Nursing requesting that the Board not adopt this rule.

After discussion by the Board a motion was made by Jay Hansen and seconded by Justine Morton to adopt and file the amendments to Chapter 41. A roll-call vote was taken. Motion carried; six in favor, three opposed, and one abstention.

As this rule moves forward the BOH has requested to receive information as the curriculum is developed, the number of CRNAs using this procedure, where they are doing so, and information on radiation and safety factors.

c) **Chapter 131, “Emergency Medical Services Provider Education/Training/Certification”**

These amendments allow a candidate to complete certification testing while being reviewed for certification, change the practical testing requirements, change the extension process for renewal, and incorporate the authority to levy civil penalties as granted in Iowa Code chapter 272C. No public comment was received. These amendments are identical to those published under Notice. A motion was made by Elizabeth Kressin and seconded by Rowe Winecoff to adopt and file the amendments to Chapter 131. Motion carried unanimously.

d) **Chapter 132, “Emergency Medical Service—Service Program Authorization”**

These amendments remove regulations for air medical services, allow satellite services in other cities, ensure the public of an ambulance response when calling 911, reference the Iowa EMS Patient Registry Data Dictionary as the one currently adopted in the trauma rules, and incorporate the authority to levy civil penalties as granted in Iowa Code chapter 272C. No public comment was received. These amendments are identical to those published under Notice. A motion was made by Justine Morton and seconded by Elizabeth Kressin to adopt and file the amendments to Chapter 132. Motion carried unanimously.

e) **Chapter 144, “Emergency Medical Service—Air Medical Service Program Authorization”**

The rules in new Chapter 144 describe the requirements for authorization of emergency medical services’ air medical services. No public comment was received. These amendments are identical to those

published under Notice. A motion was made by Rowe Winecoff and seconded by Elizabeth Kressin to adopt and file the amendments to Chapter 144. Motion carried unanimously.

f) **Chapter 170, “Description of Organization”**

This chapter provides a description of the organization of the Department, which states the general course and method of its operations; the administrative subdivisions of the Department and the programs implemented by each of them; a statement of the mission of the Department; and the methods by which and location where the public may obtain information or make submissions or requests. No public comment was received. These amendments are identical to those published under Notice. A motion was made by Maggie Tinsman and seconded by Justine Morton to adopt and file the amendments to Chapter 170. Motion carried unanimously.

g) **Chapter 171, “Petitions for Rule Making”**

The proposed amendment strikes the reference to 1998 Iowa Acts. No public comment was received. This amendment is identical to the one published under Notice. A motion was made by Maggie Tinsman and seconded by Jay Hansen to adopt and file the amendments to Chapter 171. Motion carried unanimously.

h) **Chapter 172, “Declaratory Orders”**

The amendments strike the references to 1998 Iowa Acts. No public comment was received. These amendments are identical to those published under Notice. A motion was made by Justine Morton and seconded by Elizabeth Kressin to adopt and file the amendments to Chapter 172. Motion carried unanimously.

2. **Notice of Intended Action**

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

The changes to this chapter provide 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. The changes also provide clarification in identifying the individual volunteer health care provider, protected clinic, and sponsor entity. Definitions have been added to provide further clarification to the volunteer health care provider program.

b) **Chapter 155, “Licensure Standards for Substance Abuse Treatment Programs,” Chapter 162, “Licensure Standards for Problem Gambling Treatment Programs”**

The proposed rules 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.

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

The proposed 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.

- d) **Chapter 191, “Advisory Bodies of the Department”**
This chapter provides a general description of how advisory bodies established by the Department will function. The proposed amendments simply provide clarification to existing language.
- e) **Chapter 192, “Child Support Noncompliance”**
This proposed new chapter makes the following changes to the language in the rescinded chapter: adds a list of definitions and replaces the phrase “department or board” with the term “licensing authority.”
- f) **Chapter 193, “Impaired Practitioner Review Committee”**
This proposed 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 proposed chapter also places the language into more than one rule.
- g) **Chapter 195, “Student Loan Default/Noncompliance with Agreement for Payment of Obligation”**
This proposed 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.”

Maggie Tinsman asked for Barb Nervig to provide the number of licenses rescinded due to non-payment during the May meeting.

A motion was made by Jay Hansen and seconded by John Stamler to amend the agenda and move the Complaint Investigation after the Staff Reports. Motion carried unanimously.

III. Substance Abuse

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

1. Three-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 Community and Family Resources, Inc., Fort Dodge, Iowa, license effective February 11, 2010 to February 11, 2013; to Freedom House, Ellsworth Municipal Hospital, Iowa Falls, Iowa, license effective March 22, 2010 to March 22, 2013; to Creative Counseling Services, Inc., Ames, Iowa, license effective December 6, 2009 to December 6, 2012. Motion carried unanimously.

2. Three-Year Assessment and Evaluation Program

A motion made by Justine Morton and seconded by Gregory Garvin to approve a license for a period of three years to Kelderman Consulting, Oskaloosa, Iowa, license effective February 6, 2010 to February 6, 2013. Motion carried unanimously.

3. Three-Year and One-Year Correctional Facility

A motion made by Justine Morton and seconded by Rowe Winecoff to approve a license for a period of three years to North Central Correctional Facility, Journey Program, Rockwell City, Iowa, license effective March 14, 2010 to March 14, 2013; and approve a license for a period of one year to Iowa State Penitentiary –

Substance Abuse Treatment Program, Fort Madison, Iowa, license effective March 15, 2010 to March 15, 2011. Motion carried unanimously.

4. 270 Day

A motion made by Rowe Winecoff and seconded by Jay Hansen to approve a license for a period of 270 days to Fort Madison Physicians & Surgeons-Psychiatry, Fort Madison, Iowa, license effective March 10, 2010 to December 5, 2010. Motion carried unanimously.

5. Deemed Status

A motion made by Justine Morton and seconded by Gregory Garvin to issue a license through deemed status to Youth and Shelter Services, Inc., Ames, Iowa, based on the accreditation survey conducted and accreditation awarded by the Council on Accreditation of Rehabilitation Facilities effective April 16, 2010 to April 16, 2012; to New Horizons Chemical Dependency Program, Unity Health Care, Muscatine, Iowa, based on accreditation survey conducted and accreditation awarded by the Joint Commission effective October 21, 2009 to October 21, 2012; to Cedar Valley Recovery Services, Cedar Falls, Iowa, based on the accreditation survey conducted and accreditation awarded by the Council on Accreditation of Rehabilitation Facilities effective December 5, 2009 to December 5, 2012; and to St. Luke's Hospital Chemical Dependency Services, Cedar Rapids, Iowa, based on accreditation survey conducted and accreditation awarded by the Joint Commission effective August 8, 2009 to August 8, 2012.

Motion carried unanimously.

6. Re-consideration

A motion made by Maggie Tinsman and seconded by Gregory Garvin to re-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 October 31, 2009 to October 31, 2012. Motion carried unanimously.

IV. Department Reports

A. Director's Information – Tom Newton

Director Newton shared that the governor proposed restoring \$4.3M of the \$6 M across the board reduction for state fiscal year 2010. The restoration will occur in the form of a supplemental appropriation currently going through the legislature.

The governor proposed rolling forward the \$4.3M restoration into the department's status quo budget for FY2011. However, the Health and Human Services Appropriation Subcommittee did not include all of the restoration funding in its proposed budget for state FY2011. As it stands, the department would absorb a reduction in General Fund appropriations of \$3.5 M for FY11. This reduction is coupled with the loss of \$3 M of stimulus funding used to fill gaps in the FY2010 budget for a total proposed reduction of \$6.5 M for FY2011.

Director Newton reported that once the department's final budget is set, the Executive Team will review the impacts and determine how best to implement any reductions. As best as possible, attempts will be made to minimize the impact on local providers/contractors and internal staff.

Director Newton shared with the Board that the legislation for the State Board of Health as well as the local boards of health language passed both the Senate and the House and

has moved onto the governor's office to be signed. These two bills were part of the department's ongoing efforts to modernize Iowa's public health system.

A question was asked about efforts to reorganize state government and potential impacts on the department. Director Newton explained the two efforts to reorganize state government: Governor Culver's Executive Order 20, and the legislation that was passed. The impacts to the department from the legislation should be fairly minimal. The Early Childhood Iowa Council within the department was moved under Empowerment (Department of Management). In addition, a few councils (Substitute Decision Maker, Anatomical Gifts, Swimming Pool and Spa, and Radiological Health) previously assigned to the department in statute were eliminated.

The exact impacts of Executive Order 20 are unknown at this time as the implementation details are still being developed. However, Director Newton did share that the department returned eight fleet cars to the Department of Administrative Services as part of a cost saving measure.

B. Staff Reports

1. Iowa Health Update – Dr. Quinlisk

Dr. Quinlisk told the Board that the weather service was predicting mild to moderate flooding in many areas of the state. An internal work group has been established and we are reviewing the 2008 "best practices" in preparation. They have been pre-planning with other state agencies (IDALS) and holding conference calls with the National Weather Service and the Army Corp of Engineers. Our Web page about flooding issues is up. It contains fact sheets about mold, cleanup, flooded wells, keeping your pets safe, etc. They have issued a press release on Tuesday to educate the public about tetanus shots. Webinars with our local partners have been held every two weeks.

Dr. Quinlisk gave a brief update on H1N1. Vaccination clinics are still operating around the state and are still encouraging vaccination. As we get further into spring the chances of having a third wave diminish. (We had a small blip of Influenza B in central Iowa recently.) However the H1N1 virus has not been acting normally, it started in May and again in September, so not predictable how it will act at this point. We have delivered 1,268,500 doses of vaccine around the state. We actually don't know how many dosages have been given due to some delay in reporting. We have enough to vaccinate a little over 40 percent of our population. We also sent out 75,000 courses of antiviral to the local public health departments.

The information that we received from the CDC's National Survey conducted in January stated that Iowa had almost 44 percent of their population vaccinated with the seasonal flu compared to 39 percent regionally and 35 percent nationally. As far as the H1N1 vaccine rates, we need to remember that not all of our population had access to the vaccine during the whole season. We had a little over 28 percent of our adults vaccinated vs. 17 percent in our region and only 15 percent nationally. We have initiated a survey here in Iowa on hospital workers (based on 56,000) and found 55 percent of all paid employees working in hospitals were vaccinated. 60 percent of those in hospitals doing direct patient care received the H1N1 vaccination compared to 35 percent of employees

nationally, who did direct patient care. We have surveyed counties to learn about “best practices” from mass vaccine clinics, especially those in schools. They plan to share this information once it has been compiled and will be sharing it with the counties this fall.

2. IDPH Annual Report – Jonn Durbin

Board members were encouraged to review the Annual Report on the Web. Jonn Durbin will give this presentation at the May meeting

V. Substance Abuse

A. Complaint Investigation – Jeff Gronstal and Cynthia Kelly

At 12:50 PM roll call was taken. With ten members present a motion was made by Elizabeth Kressin and seconded by Jay Hansen 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 the information presented on behalf of Young House Family Services, Woodlands Treatment Center, Burlington, BH-1109-051409; United Community Services, Inc., Des Moines, BH-1107-061109; United Community Services, Inc., Des Moines, BH-1112-092409. Michael J. Polich, CEO United Community Services, indicated he would be available to answer the Board’s questions upon returning to open session.

At 1:36 PM a motion was made by Elizabeth Kressin and seconded by Maggie Tinsman for the BOH to return to open session. Motion carried unanimously.

Michael J. Polich, CEO United Community Services, was available to answer questions from the Board.

A motion was made by Elizabeth Kressin and seconded by Rowe Winecoff that the Iowa Board of Health accepts the Division’s report regarding complaint #BH-1109-051409, and require that the program submit a corrective action plan to the department within 30 days to address the following recommendations: The program shall develop a corrective action plan to design and implement policies and procedures to identify staff behavior and staff/patient interactions that would initiate further investigation into client safety. The program shall document training for supervisors on recognizing staff behaviors that require increased supervision. The program shall document training for all Woodland’s staff on defining and maintaining appropriate boundaries with clients, work place conduct, and professionalism. The program shall submit the proposed curriculum for staff and supervisor training to the Department for approval prior to provision of such training. The program shall develop a corrective action plan to ensure implementation of the current policy and immediately report to DHS any suspected child abuse/neglect by staff and to immediately report any such abuse/neglect to any-appropriate licensing or certifying authority. Motion carried unanimously.

A motion was made by Justine Morton and seconded by Jay Hansen that the Iowa Board of Health accepts the Division’s report regarding complaint #BH-1107-061109 and require that the program submit a written corrective action plan to the department within 30 days to address the following recommendations: The program shall review and revise

its Diversion Control Plan as necessary, which should at a minimum include the probationary practice for clients with positive urinalysis and specific criteria for when take home doses “call backs” are warranted. In addition, the program shall review procedures/mechanisms for monitoring the program premises and revise/update these procedures and mechanisms as necessary; and review and revise as necessary the policies and procedures for collection of samples for urinalysis. The program shall create a protocol to address loitering. Motion carried unanimously.

A motion was made by Rowe Winecoff and seconded by Elizabeth Kressin that the Iowa Board of Health accept the Division’s report regarding complaint #BH-1112-092409 and require that the program submit a corrective action plan to the department within 30 days to address the following recommendations: The program shall review, update and or make modifications to program policies and practices in the labeling and dispensing of client medication, develop reporting and documenting procedures to address medication errors, and develop procedures to notify clients of medication errors and mitigation of harmful consequences of any medication errors. Motion carried unanimously. The Board requested to review the corrective action plan when developed.

VI. Old Business

No old business items were brought before the Board.

VII. New Business – May meeting

A. Bi-Annual Endorsement of the Iowa PH Standards - Joy Harris

It was decided to move this to the May meeting.

B. Bi-Annual Endorsement Request from the Governor – Board

It was decided to move this to the May meeting.

VIII. Next Meeting

A. Items for May 12, 2010 Agenda

1. Annual Review to Assure the IDPH is in Compliance with Code, Administrative Code, and the Standards - Heather Adams
2. Annual Review to Assure the Board is in Compliance with the Iowa Public Health Standards - Joy Harris

IX. Adjournment

At 1:45 PM a motion was made by Justine Morton, seconded by Maggie Tinsman, 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