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Conference Code: 515 281 5606

AGENDA
IOWA STATE BOARD OF HEALTH
JULY 10, 2013 – 10:00 A.M.
5TH FLOOR SOUTH CONFERENCE ROOMS #517-518
LUCAS STATE OFFICE BUILDING
321 EAST 12TH STREET, DES MOINES, IA

In accordance with its statutory duties, the Iowa State Board of Health is the policy-making body for the Iowa Department of Public Health. The board's mission is to protect and promote the health of all Iowans by reviewing the field of public health and making recommendations to the department, the Iowa General Assembly, and the Governor on a wide range of public health issues. The board also adopts rules consistent with the law for the protection of the public health and the prevention of substance abuse.

CALL TO ORDER

ROLL CALL

I. Minutes

A. Approval of May 8, 2013 Minutes

Jay Hansen made a motion to accept the May 8th minutes, and seconded by Kenneth Wayne. Motion carried.

1. Introduction of new BOH member

Norman Pawlewski is the only new member to the Board of Health, and is a former director of the Department of Public Health and Chair of the Iowa Public Health Association.

2. Acknowledgement of outgoing BOH member

Justine Morton did not apply for reappointment to the Board of Health. We will be sending Justine a letter of gratitude for her long service and dedication to the State Board of Health.

II. Rules

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

1. Adopted and Filed

a) Chapter 133, "White Flashing Light Authorization"

The rules in Chapter 133 describe the standards for white flashing lights that may be used by emergency medical care providers for identification of vehicles. These amendments update the definitions contained in the rules and add direction to the Department's Web site for the white light permit form. A motion was made by Maggie Tinsman and seconded by Diane Thomas to accept Chapter 133. Motion carried.

2. Notice of Intended Action

a) Chapter 27, "Plumbing and Mechanical Systems Board – Administrative and Regulatory Authority"

The proposed amendments to the rule incorporate new disciplines; mechanical, HVAC-refrigeration, and sheet metal; identified in SF427 into definitions for license and licensee. The new disciplines are also incorporated into the purpose of the board, and one of the sub rules addressing investigations of violations.

b) Chapter 28, “Plumbing and Mechanical Systems Board – Licensure Fees”
These amendments are necessary to implement Senate File 427, which became effective upon enactment on April 26, 2013 by operation of section 36 of the senate file. The proposed amendments identify the licensee fees associated with apprentice, journey, master, medical gas piping certificate, inactive license, contractor, and specialty licenses. The fees are applicable to initial licenses, reciprocal licenses, and renewal licenses. In addition, all licenses are issued for a period of three years and until June 29, 2017 those renewing for less than 3 years will be prorated using a one-sixth deduction for each six-month period. Late fees and requirements for lapsed licenses are also included. A fee for converting an HVAC-refrigeration or hydronics license to a mechanical license is also included.

c) Chapter 29, “Plumbing and Mechanical Systems Board – Application, Licensure, and Examination”
The Amendments to Chapter 29 are necessary to implement Senate File 427, which became effective upon enactment on April 26, 2013 by operation of section 36 of the senate file.

d) Chapter 30, “Continuing Education for Plumbing and Mechanical Systems Professionals”

e) The Amendments to Chapter 30 are necessary to implement Senate File 427, which became effective upon enactment on April 26, 2013 by operation of section 36 of the senate file.

f) Chapter 32, “Plumbing and Mechanical Systems Board – Licensee Discipline”

The Amendments to Chapter 32 are necessary to implement Senate File 427, which became effective upon enactment on April 26, 2013 by operation of section 36 of the senate file.

g) Chapter 35, “Plumbing and Mechanical Systems Board – Licensure of Nonresident Applicant – Reciprocity”

These amendments are necessary to implement Senate File 427, which became effective upon enactment on April 26, 2013 by operation of section 36 of the senate file. The proposed amendments identify three new disciplines; mechanical, HVAC-refrigeration, and sheet metal; which will be added to the disciplines recognized for the purpose of reciprocity.

h) Chapter 95, “Vital Records: General Administration”

The rules in Chapter 95 describe the general administration of vital records including definitions, fees, the handling of records, access to records, issuance of certified copies and confidentially. These proposed amendments increase certain fees related to vital records beginning January 1, 2014. These fees will revert back to current levels beginning July 1, 2019. The additional monies generated by this time-limited fee increase will support the development and implementation of the Iowa Vital Events System. This includes the electronic registration and issuance of new events and the conversion of historical events into one system to manage the Civil Registry and health data collected and managed by the Department.

i) Chapter 96, “Birth Registration,” and Chapter 99, “Vital Records Modifications”

The rules in Chapter 96 describe the responsibilities and process for the registration of births. The proposed amendments in Chapter 96 institute a process for establishing parentage on the birth certificate for married lesbian couples when one of the parties to the marriage delivers a child.

The rules in Chapter 99 describe the processes in place for amending vital records. The proposed amendments in Chapter 99 clarify who an entitled person is for requesting corrections of a minor error or amending a birth certificate; clarify how intended parents are established on a record following a birth by gestational surrogate arrangement; and clarify terminology changing “father” to “parent” and “husband” to “spouse”. These changes are necessary to comply with the *Gartner v. Iowa Department of Public Health*, Supreme Court Decision No. 12-0243.

B. Department of Inspections and Appeals [481] – Dave Werning

1. Adopted and Filed

a) Chapter 50, “Health Care Facilities Administration,” Chapter 57, “Residential Care Facilities,” Chapter 58, “Nursing Facilities,” Chapter 62, “Residential Care Facilities for Persons with Mental Illness (RCF/PMI),” Chapter 63, “Residential Care Facilities for the Intellectually Disabled,” Chapter 64, “Intermediate Care Facilities for the Intellectually Disabled,” and Chapter 65, “Intermediate Care Facilities for persons with mental Illness (ICF/PMI)”

The adopted amendments implement legislative changes, including those in 2013 Iowa Acts, Senate File 347, to Iowa Code section 135C.33, which

requires criminal record checks and child and dependent adult abuse record checks of prospective employees of health care facilities and of students of certified nurse aide training programs.

A motion was made by Jay Hansen and seconded by Dr. George to accept the amendments. Motion carried.

- b) Chapter 64, “Intermediate Care Facilities for the Intellectually Disabled” Iowa Code section 135C.2(3)d requires the Department to cause the Interpretive Guidelines to be published in the Iowa Administrative Bulletin and the Iowa Administrative Code. The section further state that the publication of the guidelines is not subject to the rulemaking provisions of Iowa Code sections 17A.4 and 17A.5. The current guidelines were first published in 1989 and have not been updated since.

A motion was made by Maggie Tinsman and seconded by Diane Thomas to accept the amendments. Motion carried.

2. Notice of Intended Action

- a) Chapter 56, “Fining and Citations”

The amendments describe the process for the informal conference on a contested citation, provided for in Iowa Code section 135C.42, and incorporate legislative changes made by the 2013 General Assembly in Senate File 394.

- b) Chapter 57, “Residential Care Facilities,” Chapter 58, “Nursing Facilities,” Chapter 62, “Residential Care Facilities for Persons with Mental Illness (RCF/PMI),” Chapter 63, “Residential Care Facilities for the Intellectually Disabled,” and Chapter 65, “Intermediate Care Facilities for Persons with Mental Illness (ICF/PMI)”

Currently, Iowa Code chapter 155A, Iowa Administrative Code rule 637-8.32, and Senate File 353, enacted in 2013, give pharmacists some authority to administer certain immunizations. The department’s rules limit the administration of injectable medications to qualified nurses or physicians. The amendments allow pharmacists to administer injectable medications as permitted by Iowa law.

- c) Chapter 58, “Nursing Facilities”

Effective with services furnished on or after January 1, 2011, Section 1814(a)(2) of the federal Social Security Act, which was amended by section 3108 of the federal Affordable Care Act, authorizes physician assistants who are not employed by the facility to perform Skilled Nursing Facility level of care certifications and re-certifications. The amendments adopt the federal

law in order to maintain consistency between federal regulations and state rules.

III. Substance Abuse

- A. Report from Substance Abuse/Problem Gambling Treatment Program Committee –
Jay Hansen

We approved two 3-years, one 270-day, and one deemed status license. We denied one license and found one complaint unsupported.

IV. Department Reports

- A. Director's Information - Director Miller-Meeks

Julie McMahon, Division Director of health promotion and chronic disease prevention, will be retiring in September.

IDPH will be attending the State Fair with the Healthiest State Initiative.

Our tobacco prevalence rate is down to 18.1% from 20.4% according to the CDC.

This is based on the new trend line set up with the new BRFSS methodology.

The Colorectal Cancer coaster campaign by staff at IDPH has received many awards and will be presenting at the American Public Health Conference in the fall. The campaign was an extremely inexpensive campaign that was very creative.

The environmental health tracking will be going up soon that will retain data that can be shared with the public and stakeholders.

State Innovation Model Grant is from April to September. We are in the design phase right now, and public health is represented on the workgroups to help public health be involved in the healthcare delivery system.

The EMS Taskforce was vetoed by the Governor, but we feel that through the EMS Advisory Council we will be able to do as much of that as possible. Reimbursement through Medicaid was the goal of the group.

\$2 million was appropriated this session to go towards medical residencies in Iowa.

The goal is to get more physicians to practice in rural Iowa.

- B. Staff Reports

1. Iowa Health Update – Dr. Quinlisk

Middle East Respiratory Syndrome (MERS), we have had two incidents in Iowa from those that have traveled abroad. Both tests by the Hygienic Lab came back negative.

We have had one case of West Nile in Iowa so far, but this is not unexpected.

We would expect the biggest part of the season will be in late summer and early fall. Last year there were 31 cases.

During RAGBRAI, we will be doing a heat study to help keep the people safe in the summer.

Dr. Quinlisk handed out a fact sheet about Cyclospora, a rare parasitic disease that causes 57 days of horrible diarrhea. To identify Cyclospora, you have to do a very specific acid stain on stool. As of this morning, we are up to 38 cases in 11 counties in Iowa. Nebraska and a couple other states also have had a significant

amount of Cyclospora cases. Usually cyclospora is traced back to fruits and vegetables. Treatment is usually 7-10 days.

V. Old Business

A. Fluoroscopy Ruling – Heather Adams

Heather handed out the ruling. In 2009 the Nursing Board adopted a rule that ARNPs are able to supervise fluoroscopy, and the Iowa State Board of Health followed suit in 2010. The Iowa Medical Society had followed suit and the Iowa Supreme Court upheld the Nursing and Board of Health rules. The Court found it within the scope of the Nursing Board to determine that ARNPs can supervise fluoroscopy.

VI. New Business

A. Election of New Officers – Chair and Vice-Chair

Jay Hansen nominates Michael Wolnerman for Chair of the Iowa Board of Health. Dr. Wayne seconded, and the motion carried.

Norm Pawlewski nominates Dr. George for Vice-Chair. Maggie Tinsman seconded and the motion carried.

B. Iowa e-Health SFY 2014 Budget – Kim Norby

Kim had sent out a copy of the Budget to all Board of Health members prior to the meeting. Jay Hansen made a motion to approve the e-Health SFY 2014 Budget, and the motion was seconded by Maggie Tinsman. Motion carried.

C. Iowa e-Health Amendments to the Privacy and Security Policies – Kim Norby

Kim had sent out a copy of the Amendments to all Board of Health members prior to the meeting. Dr. Wayne made a motion to approve of the e-Health Amendments to the Privacy and Security Policies, and Dr. George seconded. Motion carried.

VII. Next Meeting

Items for September 11, 2013

VIII. Adjournment

Diane Thomas made a motion to adjourn, and Maggie Tinsman seconded. Motion carried.

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