

**State Board of Health  
Minutes  
March 15, 2018 – 9:00 a.m.  
Perimeter Center, 9960 Mayland Drive  
Richmond, Virginia 23233**

Members present: Faye Prichard, Chair; Gary Critzer; Tommy East; Jim Edmondson; Lisa Harrison; Linda Hines; Patricia Kinser, PhD; Wendy Klein, MD; Holly Puritz, MD; Jim Shuler, DVM; Stacey Swartz, PharmD; Katherine Waddell; and Mary Margaret Whipple

Members absent: Anna Jeng, ScD and Benita Miller, DDS

VDH staff present: Dr. Marissa Levine, State Health Commissioner; Richard Corrigan, Deputy Commissioner for Administration; Bob Hicks, Deputy Commissioner for Community Health Services; Dr. Hughes Melton, Chief Deputy Commissioner; Dr. Norm Oliver, Deputy Commissioner for Population Health; Joe Hilbert, Director of Governmental and Regulatory Affairs; Cathy Peppers, Administrative Assistant; Catherine West, Administrative Assistant; Maribeth Brewster, Communications Manager; Debbie Condrey, Chief Information Officer and Director, Office of Information Management; Janet Rainey, State Registrar and Director, Division of Vital Records; Stephanie Gilliam, Budget Director, Office of Financial Management; Christy Gray, Director, Division of Immunization, Office of Epidemiology; Marshall Vogt, Division Epidemiologist, Division of Immunization, Office of Epidemiology; Steve Pellei, Director, Financial and Construction Assistance Programs, Office of Drinking Water; Vanessa Walker Harris, Director, Office of Family Health Services; Nancy Glasheen, Executive Assistant to the Commissioner, Commissioner's Office; and Kendra Weindling, STD/HIV Supervisor, Richmond City Health District

Others Present: Robin Kurz and Amanda Lavin, Office of the Attorney General; and Dr. Kerry Gateley, Director, Central Virginia Health District and Acting Director, West Piedmont Health District

Call to Order

Ms. Prichard called the meeting to order at 9:00 a.m. Dr. Klein led those in attendance in the pledge of allegiance.

Welcome and Introductions

Following introductions, Ms. Prichard welcomed the Board members and the public to the meeting. Mr. Hilbert then reviewed the agenda and the items contained in the Board members' notebooks.

Approval of Minutes

Dr. Klein made a motion to approve the minutes from the Board's November 2017 meeting with Ms. Harrison seconding the motion. The minutes were approved unanimously by a voice vote.

## Commissioner's Report

Dr. Levine provided the Commissioner's Report to the Board. She began with the introduction of the "agency stars" for the meeting: Kendra Weindling with the Richmond City Health District and Nancy Glasheen with the Commissioner's Office.

Dr. Levine then updated the Board on key issues and projects that VDH is involved with, including:

- Status of public health accreditation for VDH;
- Active supervision of the cooperative agreement;
- Update on the opioid addiction crisis;
- Flu season in Virginia;
- Hospitals meeting prevention of healthcare-associated infections goals;
- Update on the progress of the Emergency Department Care Coordination Program (on target to meet June 2018 launch);
- Status of the phased transfer of onsite sewage system evaluation and design services to the private sector; and
- Information on drinking water infrastructure concerns.

Dr. Levine ended her report by informing the Board about recent VDH key personnel changes:

- Dr. Kerry Gateley – Acting Director, West Piedmont Health District; and
- Dr. Chris Wilson – Acting Director, Eastern Shore Health District.

## Matrix of Pending Regulatory Actions

Mr. Hilbert reviewed the summary of all pending VDH regulatory actions. Since the November 2017 meeting, there have been four regulatory actions that the Commissioner approved on behalf of the Board while the Board was not in session. Those actions are:

- Regulations for Disease Reporting and Control (12VAC5-90) – Approval of a Notice of Intended Regulatory Action;
- Regulations for the Licensure of Nursing Facilities (12VAC5-371) – Approval of final exempt amendments;
- Regulations for the Licensure of Hospitals (12VAC5-410) – Approval of final exempt amendments; and
- Virginia Radiation Protection Regulations (12VAC5-481) – Approval of final exempt amendments.

Mr. Hilbert advised the Board that there are 17 periodic reviews in progress. He also told the Board about executive branch review activity on regulatory actions since the November 2017 meeting.

## Public Comment

There were no comments from any member of the public.

## Budget Update

Ms. Gilliam provided an update on the budget. She reviewed the budget approval process and the VDH budget introduced by former Governor McAuliffe in December 2017. She also reviewed various budget amendments proposed by both chambers of the General Assembly. Finally, she told the Board that the General Assembly did not approve the budget bill prior to its recess on March 10, 2018. The Governor has called a special session to convene on April 11, 2018 to complete work on the state budget.

## Legislative Update

After a short break, Mr. Hilbert provided the legislative update. He summarized several of the bills that were enacted by the General Assembly which directly or indirectly pertained to public health. Bills that were passed include:

- HB1157/SB389 – substance exposed infants;
- HB313/SB728 – prescription monitoring system;
- HB842 – dispensing or distributing hypodermic syringes;
- HB663 – reimbursement costs for active supervision of the cooperative agreement;
- HB888 – transition of design and evaluation services to the private sector;
- HB887 – definition of maintenance;
- HJR94 – VDH study of drinking water infrastructure;
- HB1054 – expedited partner therapy for STDs for VDH practitioners;
- HB1174/SB449 – newborn screening regulations include Pompe disease and MPS-1;
- HB1362 – DCLS provide screenings for time-critical disorders for newborns;
- HB1197/SB867 – VDH lead agency for stroke care quality improvement initiatives;
- HB1415/SB171 – establishes advisory commission to create a cancer research and data center;
- HB305 – VDH to include information in its outreach programs to promote detection and diagnosis of cognitive impairment as public health issue;
- HB778/SB663 – protocol to provide notice to a patient for choice of air medical transportation, and that patient may be responsible for charges incurred for such transportation;
- SB703 – authorizes a provider with a valid EMS license in a state that borders Virginia to provide emergency services in Virginia;
- SB309/HB1158 – mandates licensed funeral directors to use the electronic death registration system to file the death certificate;
- SB399 – authorizes establishment of local and regional overdose fatality review teams;
- SB959 – disposition of unclaimed bodies;
- HB552 – exempts bed and breakfast operations from the definition of restaurant;
- HB1534 – dealing with radon complaints, certification requirements, determine benefits of additional oversight, and report by December 1, 2018;
- SB725 – posting of human trafficking posters;
- SB580 – creates position of chief data officer of the Commonwealth;
- HB297 – guidance documents are subject to a 30-day public comment period; and
- SB20/HB883 – regulatory reduction pilot program involving DPOR and DCJS.

HB885, conventional sewage systems, was carried over to the 2019 session.

The following bills did not pass:

- HB634 – authorizes tele-testimony of OCME staff;
- HB644 – requires meningococcal vaccine for entry to 6<sup>th</sup> grade;
- HB825/HB962 – herd sharing;
- HB771 – Potomac Aquifer/Sustainable Water Infrastructure for Tomorrow project;
- Twenty-six bills dealing with the certificate of public need process, either for specific projects or for reforms within the program; and
- Expansion of Medicaid eligibility.

There was a discussion concerning how the Board could show its support to the budget conferees about the budget and Medicaid expansion. Dr. Shuler made a motion that a letter be sent to the conferees from the Board of Health with Ms. Whipple seconding the motion. The motion was approved unanimously by a voice vote.

### Immunization Overview

Mr. Vogt and Ms. Gray gave the overview. They told the Board that VDH's goal is to decrease morbidity and mortality due to vaccine-preventable diseases. The various methods used to meet this goal include access to vaccines; prevention and containment of vaccine-preventable diseases; information, technology, and data; education, advocacy, and awareness; and policy, legislation, and regulations. Mr. Vogt showed the Board information about vaccination coverage for children, adolescents, and adults. Mr. Vogt also reviewed the various methods VDH uses to educate and advocate concerning immunizations.

There was a discussion about the new shingles vaccine that has been approved for use; issues about HPV vaccinations and how to improve the number of boys and girls receiving the vaccine; and data agreements with pharmacies, particularly smaller pharmacies, for the use of the Virginia Immunization Information System.

### Lunch Presentation

After a brief break for the Board members to pick up their lunches, Dr. Levine introduced Dr. Gateley as the lunch speaker. Dr. Gateley told the Board that the Central Virginia Health District has a highly diverse population among the cities and counties that make up the district. He indicated that needs can vary significantly from county to county. He told the Board about some of the projects that have been successful to positively influence good health. One such project involves community gardens to make fresh produce available for people to share as well as an opportunity to educate school age children on what good food is. Dr. Gateley also shared that an important partner in the work being done in the district is Centra Healthcare Systems, which owns three hospitals throughout the district. District staff are working with Centra on setting up a new community health assessment and community health improvement plan which will help improve efficiencies and can be used to compare improvement over time. There was a brief discussion concerning efforts with local government staff, addiction issues, and SNAP participants shopping at the local farmers market.

## Regulatory Action Items

### *Regulations for Disease Reporting and Control (12VAC5-90) and Virginia Cancer Registry Regulations (12VAC5-101) – Proposed Amendments*

Dr. Walker Harris presented the proposed amendments. The proposed amendments will remove provisions related to the Virginia Cancer Registry from the Regulations for Disease Reporting and Control and establish a new, separate chapter for these provisions in the Virginia Cancer Registry Regulations. The proposed amendments reflect the organizational structure and operating procedures within VDH as well as update and clarify the regulations. Mr. Critzer made a motion that the final amendments be approved with Dr. Shuler seconding the motion. The proposed amendments as presented by VDH were approved unanimously by a voice vote.

### *Board of Health Regulations Governing Vital Records (12VAC5-550) – Fast Track Amendments (administrative and technical changes)*

Ms. Condrey presented the fast track amendments which are the result of a periodic review. The purpose of the amendments is to identify correct statutory authority, improve clarity and accuracy of the regulations, and add several necessary sections. There was a discussion about data collected for type of termination procedures as well as the fact that vital record information is not subject to the Freedom of Information Act. There being no further discussion, Ms. Hines made a motion that the fast track amendments be approved with Ms. Whipple seconding the motion. The fast track amendments as presented by VDH were approved unanimously by a voice vote.

### *Board of Health Regulations Governing Vital Records (12VAC5-550) – Proposed Amendments (gender changes)*

Ms. Condrey presented the proposed amendments. The purpose of the proposed amendments is to revise a section of the regulation with regard to requirements needed to amend the birth certificate of a person who has had a medical procedure to change their gender. This change is necessary to conform the regulations to the provisions of § 32.1-269 of the Code of Virginia. There was a discussion on whether the wording should be “medical surgical procedure” rather than “medical procedure”. Ms. Lavin advised that there is no definition for “medical procedure” and that including the word “surgical” goes beyond the authority of the Code of Virginia. There being no further discussion, Dr. Shuler made a motion that the proposed amendments be approved with Dr. Klein seconding the motion. The proposed amendments as presented by VDH were approved unanimously by a voice vote.

## Nominating Committee

Ms. Prichard recommended three individuals to serve on the nominating committee, which will recommend a slate of officers for election at the June 7, 2018 Board meeting. Those individuals are Mr. East, Dr. Puritz, and Ms. Whipple; Dr. Puritz will serve as chair. The nominating committee was approved by unanimous consent.

## Member Reports

*Dr. Jim Shuler – Virginia Veterinary Medical Association (VVMA).* No report.

*Katherine Waddell – Consumer Representative.* No report.

*Dr. Holly Puritz – Medical Society of Virginia (MSV).* She told the Board that March 16 is residency match day and there will be many Virginia students who will not match. She also told the Board about her attendance at the recent American College of Obstetricians and Gynecologists (ACOG) Congressional Leadership Conference and ACOG's work involving long-acting reversible contraceptives and the use of temporary assistance for needy families' funds.

*Jim Edmondson – Corporate Purchaser of Health Care.* He told the Board that INOVA Health System has appointed a new CEO who looks to be an impressive addition. He also discussed, along with other members of the Board and Dr. Levine, concerns about gun violence and whether gun violence is a public health issue.

*Mary Margaret Whipple – Hospital Industry.* She told the Board that the Virginia Hospital and Healthcare Association is engrossed in trying to get Medicaid expansion. She also told the Board about a provision in the state budget whereby a provider assessment would be paid by the hospitals that would cover the state's share of Medicaid expansion.

*Tommy East – Nursing Home Industry Representative.* No report.

*Linda Hines – Managed Care Health Insurance Plans.* She told the Board that managed care organizations are ready to implement Medicaid expansion if it is approved. She also told the Board that MCOs are actively working on the Emergency Department Care Coordination Program. She also informed the Board that the roll-out from August/September 2017 to enroll members in MCOs is now complete and all members are actively in managed care.

*Patrica Kinser – Virginia Nurses Association (VNA).* She told the Board that the VNA is holding an opioid conference for nurses in the spring of 2018. She also told the Board that the VNA supports HB793 (concerning nurse practitioners; practice agreements), which will have an impact on public health.

*Stacey Swartz – Virginia Pharmacists Association (VPA).* She told the Board that the VPA will hold its mid-year meeting on March 24 and 25; topics will include opioids and social determinants of health. She also told the Board that her pharmacy acquired a drug disposal box in November 2017; to-date, they have filled the box up nine times.

*Lisa Harrison – Consumer Representative.* No report.

*Dr. Wendy Klein – Medical Society of Virginia (MSV).* No report.

*Gary Critzer – Emergency Medical Services (EMS) Representative.* – He told the Board that recently, he was able to accompany a site review team for their peer review of the University of

Virginia (UVA). He said how impressed he was not only of the depth of the analysis but also of the work being done at UVA. He also told the Board about recent EMS Advisory Board and committee meetings which discussed the EMS scholarship program; new appointees to the board; and pending legislation (HB777 and SB715). He updated the Board on the work that has been done by the Trauma System Task Force in completing a report and recommendations concerning Virginia's trauma system. That report has been submitted to the EMS Advisory Board for approval. Finally, he told the Board that the next meeting of the EMS Advisory Board will be May 4 and invited Board of Health members to attend.

*Faye Prichard – Local Government.* She told the Board about the significant and disproportionate issues involving homeless women.

Adjourn

The meeting adjourned at approximately 2:02 p.m.