

State Board of Health
Minutes
December 13, 2018 – 9:00 a.m.
Perimeter Center, 9960 Mayland Drive
Richmond, Virginia 23233

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

Members absent: Tommy East

VDH staff present: Dr. Norm Oliver, State Health Commissioner; Dr. Laurie Forlano, Deputy Commissioner for Population Health; Bob Hicks, Deputy Commissioner for Community Health Services; Dr. Parham Jaber, Chief Deputy Commissioner for Public Health and Preparedness; Joe Hilbert, Deputy Commissioner for Governmental and Regulatory Affairs; Cathy Peppers, Administrative Assistant; Catherine West, Administrative Assistant; Maribeth Brewster, Director, Office of Communications; Dwayne Roadcap, Director, Office of Drinking Water; Bob Edelman, Director, Division of Technical Services, Office of Drinking Water; Dan Horne, Director, Office of Drinking Water Southeast Virginia Field Office; Jim Moore, Director, Office of Drinking Water Lexington Field Office; Allen Knapp, Director, Office of Environmental Health Services; Olivia McCormick, Manager, Tourist Establishment Regulation Program, Office of Environmental Health Services; Dr. Caroline Holsinger, Director, Division of Environmental Epidemiology, Office of Epidemiology; Margaret Smigo, Waterborne Hazards Program Coordinator, Division of Environmental Epidemiology, Office of Epidemiology; Seth Austin, Director, Division of General Services, Office of Purchasing and General Services; and Carol Hartsoe, Information Technology Specialist II, Piedmont Health District

Others Present: Robin Kurz and Grant Kronenberg, Office of the Attorney General; and Dr. Demetria Lindsay, Director, Norfolk Health District and Acting Director, Virginia Beach Health Department

Call to Order

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

Welcome and Introductions

Ms. Prichard welcomed those in attendance to the meeting. Mr. Hilbert then reviewed the agenda and the items contained in the Board's notebooks.

Approval of June 7, 2018 Minutes

Dr. Kinser made a motion to approve the minutes from the Board's June 7, 2018 meeting with Dr. Klein seconding the motion. The minutes were approved unanimously by a voice vote.

Commissioner's Report

Dr. Oliver provided the Commissioner's Report to the Board. He began with the introduction of the "agency stars" for the meeting: Seth Austin with the Office of Purchasing and General Services and Carol Hartsoe with the Piedmont Health District. Dr. Oliver also presented Ms. West with a certificate recognizing her 35 years of service to the Commonwealth of Virginia.

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

- Work being done with respect to population health;
- Comprehensive harm reduction;
- Recent emergency preparedness activities;
- The increase of acute flaccid myelitis cases;
- Opioid response update;
- Drinking water infrastructure concerns and workgroup;
- Status of public health accreditation for VDH;
- Governor's Technology Award for work done on the Emergency Department Care Coordination program;
- Commissioner's listening tour; and
- VDH agency legislative proposals for the 2019 General Assembly session.

Dr. Oliver ended his report by informing the Board about recent VDH key personnel changes:

- Dr. Laurie Forlano – Deputy Commissioner for Population Health;
- Dr. Parham Jaber – Chief Deputy Commissioner for Public Health and Preparedness; and
- Angela Thompson – Director, Office of Financial Management.

Later in the meeting, Dr. Oliver noted that Mr. Hilbert is now Deputy Commissioner for Governmental and Regulatory Affairs.

There was discussion about treatment for substance-exposed infants; the key messages from the Commissioner's listening tour; vector-borne diseases; and active supervision of the cooperative agreement.

Matrix of Pending Regulatory Actions

Mr. Hilbert reviewed the summary of all pending VDH regulatory actions. Since the June 2018 meeting, there have been 10 regulatory actions and one non-regulatory action that the Commissioner approved on behalf of the Board while the Board was not in session. Those actions are:

- Regulations Governing Newborn Screening Services (12VAC5-71) – Approval of final exempt amendments;

- Regulations for Disease Reporting and Control (12VAC5-90) – Approval of final exempt amendments;
- Regulations for Bedding and Upholstered Furniture Program (12VAC5-125) – Approval of a Notice of Intended Regulatory Action;
- Virginia's Rules and Regulations Governing Cooperative Agreements (12VAC5-221) – Approval of final exempt amendments;
- State Medical Facilities Plan (12VAC5-230) – Approval of a Notice of Intended Regulatory Action;
- Regulations for the Licensure of Hospices (12VAC5-391) – Approval of final exempt amendments;
- Regulations for Licensure of Abortion Facilities (12VAC5-412) – Approval of a Notice of Intended Regulatory Action;
- Regulations for Licensure of Abortion Facilities (12VAC5-412) – Approval of final exempt amendments;
- Food Regulations (12VAC5-421) – Approval of final exempt amendments;
- Food Regulations (12VAC5-421) – Approval of fast track amendments; and
- Approval of the Commonwealth of Virginia Trauma System Plan.

Mr. Hilbert advised the Board that there are eight periodic reviews in progress:

- Public Participation Guidelines (12VAC5-11);
- Regulations Governing Eligibility Standards and Charges for Medical Services to Individuals (12VAC5-200);
- Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations (12VAC5-220);
- Regulations for the Licensure of Nursing Facilities (12VAC5-371);
- Regulations for the Licensure of Hospice (12VAC5-391);
- Certificate of Quality Assurance of Managed Care Health Insurance Plan Licensees (12VAC5-408);
- Regulations Implementing the Virginia Organ and Tissue Donor Registry (12VAC5-475); and
- Regulations Governing the Virginia Physician Loan Repayment Program (12VAC5-508).

He also updated the Board concerning executive branch review activity on regulatory actions since the June 2018 meeting.

2019 Board Meeting Schedule

Ms. Prichard reviewed the proposed 2019 Board meeting schedule: March 7, June 6, September 5, and December 12. This schedule continues the Board's preference to meet on Thursdays. Dr. Kinser made a motion to approve the meeting schedule with Ms. Swartz seconding the motion. The schedule was approved unanimously by a voice vote.

Proposed Amendments to Board of Health Bylaws

After a brief break, Mr. Hilbert reviewed the proposed amendments to the Board of Health Bylaws. In drafting the amendments, VDH staff consulted with staff from the Office of the

Attorney General and also reviewed current bylaws from the state boards for Medical Assistance Services, Behavioral Health and Developmental Services, and Social Services. The proposed changes include adding a statement that the Board has the authority to adopt bylaws; technical changes concerning authority and limitations; adding a new section concerning Board membership; adding a new section concerning representation of the Board before the General Assembly as well as the means by which individual Board members may express their personal views to the media and public; adding a new section concerning the orientation of new Board members; adding a new section regarding a meeting in a closed session; adding a section about retention of official records of the Board; clarifying language concerning the terms and duties for executive committee members; technical changes concerning public notice of meetings; technical changes concerning quorum; technical changes concerning conduct of meetings; and adding a section for a periodic review of the bylaws. Dr. Shuler made a motion to approve the amendments to the bylaws with Ms. Swartz seconding the motion.

There was discussion that the Commissioner acts on behalf of the Board while the Board is not in session with regard to adjudicating regulatory and statutory violations; the Board's practice, as a matter of convenience and preference, to hold meetings in the Richmond area but not within Richmond City proper; and the misspelling of the word "article" for Article I of the bylaws. Mr. Hilbert reminded the Board that according to the standing bylaws, the amendments cannot be voted on until the March 2019 meeting but the minutes would reflect the Board's concurrence with the proposed amendments at this meeting. Dr. Shuler withdrew his motion.

Public Comment

There were no comments from any member of the public.

Board Action Item

Board of Health Annual Report – Virginia's Plan for Well-Being

Dr. Forlano presented the annual report which summarizes where metrics contained in the Plan for Well-Being are moving in a positive direction and metrics that require more focus. She told the Board that the local health departments are taking the lead in doing the work in communities to improve population health but that it takes engagement from the larger community as well as other state agencies, community leaders, and faith communities in order to effect changes. She also told the Board that updating the state health assessment will help prioritize population health focal areas.

There was discussion about the sources for data contained in the annual report; the national definition of "post high school education"; that there is a time lag for when data is collected for some of the metrics; the importance of collaboration between state agencies in working to improve population health; and the importance of the involvement in and commitment from local government officials and state legislators for ensuring that resources are available to do the work needed. There being no further discussion, Dr. Puritz made a motion that the annual report be approved with Ms. Hines seconding the motion. The annual report was approved unanimously by a voice vote.

Regulatory Action Item

Waterworks Regulation (12VAC5-590) – Proposed Amendments

Mr. Roadcap presented the proposed amendments. The proposed amendments are the first comprehensive update of the regulations since 1993 and incorporate technologies and procedures that have come into use over the last 25 years. The proposed amendments address out-of-date regulations; incorporate new treatment, monitoring, and control technologies; bring requirements in current policies into the regulations; ensure design and operation requirements reflect current water consumption patterns; reorganize the regulations to improve readability and clarity; correct syntax and inconsistent use of terms; and ensure consistency with state law. The proposed amendments do not change any current water quality standards or any requirements related to compliance determination and treatment techniques. Ms. Whipple made a motion that the proposed amendments be approved with Mr. Critzer seconding the motion.

There was discussion about lead in drinking water; what cross connections are and how to avoid contamination of drinking water by cross connections; possible changes in the frequency of testing and inspection of transient systems; surface water withdrawal; and desalination facilities in Virginia. There was also discussion about the length of time that comprehensive changes to regulations can take, including the length of time for the standard regulatory process to occur.

There being no further discussion, Ms. Prichard called for vote on the motion to approve the proposed amendments. The proposed amendments were approved unanimously by a voice vote.

Lunch Presentation

After a brief break for the Board members to pick up their lunches, Mr. Hicks introduced Dr. Lindsay as the lunch speaker. Dr. Lindsay is the Director for the Norfolk Health Department and is currently the acting Director for the Virginia Beach Health Department. Dr. Lindsay talked about the impact of housing on social determinants of health. She shared the differences in housing and challenges between the two locations. She also shared how housing challenges can influence health. Dr. Lindsay told the Board that a healthy society is made up of a healthy environment, healthy community, and healthy people—public health cannot do it alone, partnership has to be the answer.

Regulatory Action Item

Regulations for Disease Reporting and Control (12VAC5-90) – Fast Track Amendments

Dr. Forlano presented the fast track amendments which will bring the regulations into compliance with recent changes in the field of communicable disease detection and control. The fast track amendments will allow greater flexibility with respect to reporting requirements in light of rapidly changing laboratory technologies and emergence of new pathogens that are of public health concern. Dr. Kinser made a motion that the fast track amendments be approved with Dr. Jeng seconding the motion.

There was a discussion about data collection for influenza; blood lead levels in children; and the mechanisms by which reportable diseases are reported to VDH. There being no further discussion, Ms. Prichard called for vote on the motion to approve the fast track amendments. The fast track amendments were approved unanimously by a voice vote.

Recreational Water Advisories (12VAC5-135) – Fast Track Regulations

Dr. Holsinger presented the fast track regulations to establish VDH's role in issuing and lifting recreational water advisories based on beach action value. The beach action value is a concentration of bacteria above which a swimming advisory is issued. Currently, the authority for beach advisories lies with the Virginia Department of Environmental Quality (DEQ). However DEQ is in the process of removing beach advisory and closure language from its regulations provided VDH promulgates regulations to manage beach advisories in recreational water. Mr. Edmondson made a motion that the fast track regulations be approved with Mr. Critzer seconding the motion.

There was a discussion about fresh water monitoring and monitoring after rain events. There being no further discussion, Ms. Prichard called for vote on the motion to approve the fast track regulations. The fast track regulations were approved unanimously by a voice vote

Regulations Governing Tourist Establishment Swimming Pools and Other Public Pools (12VAC5-460) – Fast Track Amendments

Mr. Knapp presented the fast track amendments. In July 2014, the 2012 International Swimming Pool and Spa Code was adopted by reference into the Virginia Uniform Statewide Building Code. This action voids criteria contained in the regulations with respect to pool design and construction. Currently, design and construction of swimming pools falls under the authority of the Department of Housing and Community Development. The fast track amendments will update the regulations so that they accurately reflect the health requirements in place as well as the authority of VDH. Ms. Hines made a motion that the fast track amendments be approved with Dr. Miller seconding the motion.

There was a discussion about fences; where regulations are located on the internet; and appropriate times for VDH to issue guidance documents rather than make amendments to regulations. There being no further discussion, Ms. Prichard called for vote on the motion to approve the fast track amendment. The fast track amendments were approved unanimously by a voice vote

Member Reports

Dr. Patricia Kinser – Virginia Nurses Association (VNA). She told the Board that the VNA held its annual legislative summit in early November, focused on Medicaid expansion and nursing's 2018/2019 public policy platform. She also told the Board that the Virginia Nurses Foundation (VNF) in partnership with the Virginia Hospital & Healthcare Association (VHHA), the Medical Society of Virginia (MSV), and VDH has completed the fourth cohort of SYNC, a team-based

inter-professional leadership program. Finally, she told the Board that the third meeting of VNF's mental health roundtable will be held in February 2019.

Lisa Harrison – Consumer Representative. No report.

Katherine Waddell – Consumer Representative. No report.

Jim Edmondson – Corporate Purchaser of Health Care. He told the Board that he is a member of the Virginia HAI Advisory Group and that he continues to be pleased with the way the work of the group is expanding and that the provider community is embracing the group's work. Eighty-five hospitals have been asked to participate with approximately 76 doing so. He also told the Board that inappropriate prescribing for antibiotics has dropped by half.

Gary Critzer – Emergency Medical Services (EMS) Representative. He told the Board about the annual EMS symposium, one of the largest EMS conferences nationally, which was held in November. He also told the Board that the EMS Advisory Board elected new officers at the meeting and he has rotated off as Chair of that board. Finally, he told the Board that the Chesapeake Regional Medical Center funded \$150,000 to put innovative technology on fire rescue vehicles that will help improve diagnosis and treatment.

Dr. Wendy Klein – Medical Society of Virginia. She told the Board that MSV is working on a number of issues for the upcoming General Assembly session including changes to the prior authorization process; a balance billing solution that protects both patients and physicians; and Medicaid reimbursement rates so that patients have access to health care, not just health insurance.

Linda Hines – Managed Care Health Insurance Plans. She told the Board that Medicaid expansion will go live on January 1. The roll-out will occur in two phases; the first phase will ensure that eligible individuals are enrolled and the second will focus on workforce and cost sharing requirements (to roll out in January 2020).

Dr. Benita Miller – Virginia Dental Association (VDA). She told the Board that VDA's executive director will be retiring at the end of the year. She also told the Board about work being done to expand curriculum so that existing health care workers can add oral health skills to the skill set they already have.

Dr. Anna Jeng – Public Environmental Health Representative. No report.

Mary Margaret Whipple – Hospital Industry. She told the Board that VHHA has been working with many groups to promote enrollment in Medicaid. VHHA is also working with providers to encourage them to take more Medicaid patients.

Dr. Holly Puritz – Medical Society of Virginia. No report.

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

Stacey Swartz – Virginia Pharmacists Association (VPA). No report. .

Faye Prichard – Local Government. She told the Board about the death of a local firefighter and injury to another emergency medical service provider during Tropical Storm Michael. She reminded the Board about Virginia’s Slow Down/Move Over law for drivers to yield the right-of-way or reduce speed when approaching stationary emergency vehicles on the highway.

Adjourn

The meeting adjourned at approximately 2:10 p.m.