

Approved January 16, 2013

**COLORADO BOARD OF HEALTH
MEETING MINUTES**

December 19, 2012

NOTE: These minutes are a summary of the proceedings and motions of the December 19, 2012 meeting of the Colorado Board of Health. The complete and accurate record is the audio recording of the meeting. Documents referenced in the minutes are available for public inspection at the Board of Health Office, Colorado Department of Public Health and Environment, Bldg. A, 5th Floor, 4300 Cherry Creek Drive South, Denver, CO., or call 303-692-3464 to request copies.

Call to Order/Roll Call

The December 19, 2012 Colorado Board of Health meeting was called to order at approximately 10:05 a.m. at the Colorado Department of Public Health and Environment, Sabin Conference Room, 4300 Cherry Creek Drive South, Denver, Colorado, by Laura Davis, president. The meeting was held by teleconference.

Members Present

Philip Mehler, M.D., District 1; Laura Davis, District 2; Crestina Martinez, District 3, County Commissioner; Kindra Mulch, District 4; Glenn Schlabs, District 5; Joan Sowinski, District 6; Christine Nevin-Woods, D.O., At-Large; Sue Warren, At-Large; Christopher Urbina, M.D., MPH, Executive Director and Chief Medical Officer, (ex-officio).

Members Absent

Christopher Stanley, M.D., District 7

Staff Present

Karen Osthus, Board Administrator; Jamie L. Thornton, Program Assistant; Jennifer L. Weaver, First Assistant Attorney General, legal counsel.

Approval of Minutes

BY UNANIMOUS CONSENT, the Board approved the October 17, 2012 minutes as written.

Public comments regarding matters not on the agenda

Joni Reynolds, Director, Health Programs, remarked that The Nurse Home Visitation Program (NHVP) will be releasing a Request for Application (RFA) on January 4, 2013. She stated that the purpose of the RFA is to respond to a gap in services in the Northeast area of the State, as well as Montezuma and San Juan Counties. She reminded the Board that in accordance with the NHVP statute, the Department must release a funding application annually. She noted that the responses to the RFA solicitation will be processed through the Department, and recommendations for funding the expansion sites will be presented to the Board in April 2013, with anticipated funding for the new sites beginning FY13-14.

Board comments regarding matters not on the agenda

None.

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Review of Draft 2012 Tobacco Settlement Monitoring Report & Proposed Board of Health Recommendation

Andrew Dudley, Budget Analyst, Administration and Financial Services Division provided a brief history of the Tobacco Master Settlement Agreement (agreement). He remarked that the Department and the Board are responsible for monitoring the operation and effectiveness of the tobacco settlement programs, providing funding recommendations, and promulgating rules pertaining to reporting standards.

Mr. Dudley briefly discussed: a) key legislation affecting program funding levels; b) future programmatic plans; and c) the recent performance audit.

Mr. Dudley responded to several questions regarding the report and the proposed recommendation. The proposed recommendation is:

The Colorado Board of Health recommends funding be continued for core tobacco settlement programs subject to monitoring by the board under section 25-1-108.5 C.R.S. The board has no recommendation for any changes or additional programs for which the General Assembly should consider appropriating monies received pursuant to the Master Settlement Agreement.

MOVED by Ms. Sowinski, seconded by Dr. Nevin-Woods, to approve the Board of Health recommendation contained in the draft 2012 Settlement Monitoring report as presented.

Aspen Valley Hospital - Waiver Request for Building & Fire Safety Regulations: Follow up to 11/21 Request

Rob Sontag, Program Manager, Life Safety Code, Health Facilities and Emergency Medical Services Division, briefly discussed efforts made between the Department and Aspen Valley Hospital regarding the outstanding issues pertaining to the waiver request discussed at the November 21, 2012 meeting. He asked the Board to extend the conditional approval for an additional month to allow him to thoroughly review the latest plan to ensure that patient safety is not compromised. Mr. Sontag will report to the Board at the January 16, 2013 meeting. The Board granted the one-month extension.

Tobacco Education, Prevention and Cessation Grant Program Review Committee – specific to funding proposals for Health Communications and applications for Technical Assistance to Communities

Jennifer Ludwig, Chair, Tobacco Education, Prevention and Cessation Grant Program Review Committee, presented the funding recommendations as described, in detail, in the memorandum dated December 19, 2012.

Ms. Ludwig stated that the proposed funding recommendations are for the current fiscal year (Fiscal Year 2012-2013) grant program. She remarked that \$533,000 would be given to two Technical Assistance and Training vendors to support the tobacco education, prevention and cessation grant program and up to \$1,000,000 would be allocated to one vendor to implement a statewide media program to drive calls to the Colorado QuitLine. She provided a brief background of the recommended vendors and she briefly discussed the assessment process. She mentioned the Request for Proposals (RFPs) and Request for Applications (RFAs) were issued in October. She pointed out the recommendations comply with the statutory requirements outlined in Colorado Revised Statute 25-3.5-801 et seq. and the grant application requirements specified in the rules

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adopted by the State Board of Health. She responded to various questions and comments regarding target population and the application process.

Celeste Schoenthaler, Healthy Living Unit Manager, Tobacco Education, Prevention and Cessation Program, Prevention Services Division, mentioned that the Committee will be presenting another funding recommendation in January and she provided a brief update regarding the funding budget for the programs.

MOVED by Mr. Schlabs, seconded by Ms. Sowinski, to approve the funding recommendations from the Tobacco Education, Prevention and Cessation Grant Program Review Committee specific to funding proposals for health communications, applications for technical assistance to communities and a statewide media project as presented in the memo dated December 19, 2012.

MOTION CARRIED UNANIMOUSLY

Executive Director and Chief Medical Officer Report – Joni Reynolds, Director, Health Programs

Ms. Reynolds discussed a variety of topics including a) the Governor's mental health initiative, b) electronic death certificate registry; c) Pertussis outbreak; and d) internal reorganization efforts.

Discussion/Request for Rulemaking Hearing: Proposed amendments to 6 CCR 1009-2 Infant Immunization Program, Vaccines for Children Program and Immunization of Students Attending School

Jamie D'Amico, RN, MSN, CNS, Public Health Nurse Consultant, Colorado Immunization Program, Disease Control and Environmental Epidemiology Division, discussed the proposed amendments to 6 CCR 1009-2, Infant Immunization Program, the Vaccines for Children Program, and Immunization of Students Attending School rules, and asked the Board to schedule a public rulemaking hearing for February 20, 2013. She specifically talked about amendments to: a) the immunization schedule; b) the footnotes; and c) the tables contained in the regulation.

Rachel Herlihy, MD, MPH, Immunization Section Chief, stated that the proposed amendments are minor and are meant to align the Colorado "required" immunization schedule with the Advisory Committee on Immunization Practices (ACIP). Dr. Herlihy discussed the rule review process that was conducted prior to bringing the proposed changed forward.

BY UNANIMOUS CONSENT, the Board scheduled a public rulemaking hearing on February 20, 2013 to consider proposed amendments to 6 CCR 1009-2, Infant Immunization Program, Vaccines for Children Program and Immunization of Students Attending School.

Discussion/Request for Rulemaking Hearing: Proposed amendments to 6 CCR 1011-1 Chapter XX Ambulatory Surgical Centers, Section 11, Emergency Services (Making emergency rules permanent)

Tom Hill, Regulatory Policy Director, Colorado Hospital Association, presented the proposed amendments and asked the Board to schedule a public rulemaking hearing on January 16, 2013 to make the emergency rules adopted on November 21, 2012 permanent.

Karen Osthus, Board Administrator, provided a brief explanation of the timeline associated with an emergency rulemaking.

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Ms. Reynolds mentioned that there is a slight difference in the emergency rule and the CMS regulation that would create an inconsistency for facilities and the Division. She remarked that the Board would be provided with a history of all the language associated with the emergency rulemaking, the CMS regulations, and the proposed language pertaining to making the emergency rules permanent.

BY UNANIMOUS CONSENT, the Board scheduled a public rulemaking hearing on January 16, 2013, to consider proposed amendments to 6 CCR 1011-1, Chapter XX, Ambulatory Surgical Centers.

Proposed amendments to 6 CCR 1007-1 Radiation Control, Part 4, Standards for Protection against Radiation

James Jarvis, M.S., Sr. Health Physicist, Radiation Program, Hazardous Materials and Waste Management Division, presented the proposed amendments and asked the Board to schedule a public rulemaking hearing on February 20, 2013.

Mr. Jarvis mentioned that Part 4 is a broad regulatory part which is applicable to the use of all types of radiation sources, including radioactive materials and radiation machines (x-ray machines). He pointed out that Part 4 is not specific to any one industry, and is applied with other broad and specific regulatory parts depending upon the type of radiation producing devices and/or use.

He stated that the primary purpose of the proposed changes is to update several provisions so that they are compatible with 10 CFR Part 20 changes which have occurred since Part 4 was last updated in 2005. He discussed topical areas within the rule that will be affected by the proposed changes including: a) the use of the Deep Dose Equivalent method; b) adding and eliminating reference/requirements for lifetime dose; c) adding references to recording keeping requirements; d) adding requirement for licensees undergoing decommissioning; e) adding options for disposal of radioactive wastes; and f) correcting cross-reference, typographical errors.

Mr. Jarvis remarked that in October, a 30-day stakeholder and public review process was initiated where the proposed changes and associated documents were posted for public comment. He added that over 800 entities were notified of the proposed changes and that several comments were received and considered or incorporated in the proposed amendments. He mentioned that the U.S. Nuclear Regulatory Commission (NRC) has received a copy of the proposed regulations for their review, but have not provided any feedback as of the date of this meeting.

BY UNANIMOUS CONSENT, the Board scheduled a public rulemaking hearing on February 20, 2013, to consider proposed amendments to 6 CCR 1007-1, Radiation Control Part 4, Standards for Protection against Radiation.

Attorney General's Report, Jennifer Weaver, First Assistant Attorney General, Health Care Unit

Jennifer Weaver, First Assistant Attorney General, reported that there were no changes to report on existing litigation

Administrative Business, Karen Osthus, Board Administrator

Ms. Osthus discussed the upcoming Board election of officers and the formatting changes to the agenda.

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Public Health Act Update, Kathleen Matthews, Director, Office of Planning and Partnerships

Ms. Matthews requested that the Board approve the substitution of experience for education for Martha D. Hubbard to serve as the Teller County Director of Public Health.

MOVED by Ms. Sowinski, seconded by Mr. Schlabs, to approve the substitution of minimum requirements for Ms. Hubbard to serve as the Teller County Director of Public Health.

This meeting adjourned at approximately 11:30 a.m.