



COLORADO

Board of Health

Department of Public Health & Environment

Meeting Minutes

Wednesday, August 20, 2014, 10:00 a.m.

Approved October 15, 2014

Call to Order

The Colorado Board of Health held a public meeting on Wednesday, August 20, 2014 at 4300 Cherry Creek Dr. South, Sabin-Cleere Conference Room, Bldg. A, Denver, CO 80246. The meeting was called to order at 10:10 a.m.

Members Present

Christopher Stanley, M.D., District 1; Laura Davis, District 2, Board President; Jill Hunsaker-Ryan, County Commissioner, District 3; Tony Cappello, PhD, District 4; Betty McLain, District 5; Joan Sowinski, District 6; Rick Brown, District 7; Christine Nevin-Woods, D.O., At-Large, Vice President; Sue Warren, At-Large and Larry Wolk, M.D., Executive Director.

Members Absent

None.

Staff Present

Joni Reynolds, Public Health Programs Director; Deborah Nelson, Board Administrator; Jennifer L. Weaver, First Assistant Attorney General, and; Jamie L. Thornton, Program Assistant.

Review of the minutes from the July 16, 2014 board meeting.

The board unanimously approved the meeting minutes as written.

Public Comments: Matters Not On the Agenda

Bob Doyle, Colorado Smart Approaches to Marijuana Coalition (SAM), discussed the August 6, 2014, letter he sent to the Denver Post wherein he expressed concern with the Denver Post's The Cannabist website claiming 90 strains of marijuana will treat mental health issues such as bipolar disorder and depression. Mr. Doyle encouraged the board to use its influence and/or regulatory authority to stop the reckless practice exhibited by The Denver Post regarding marijuana recommendations. Ms. Davis remarked that the department is preparing a response to The Denver Post and thanked Mr. Doyle for his comments.

Board Comments: Matters Not On the Agenda

The board did not offer any comments.

Public Rule-making Hearings

Epidemic and Communicable Disease Control

The board convened a hearing in order to receive public testimony and consider revisions to 6 CCR 1009-1. Lisa Miller, Disease Control and Environmental Epidemiology Division, presented the proposed amendments. The proposed changes clarify which events, illnesses, and specific diseases are reportable. Amendments update the required reportable lists, delete aseptic meningitis and Kawasaki Syndrome, broaden laboratory requirements regarding arboviral diseases, delete the reference to St. Louis Encephalitis and Western Equine Encephalitis, and include medical records and reports viewed by the state as confidential information. Additional changes include technical corrections, and allow other health care providers to report. Dr. Miller discussed changes to Regulation 1, List B, Regulation 8 and Regulation 9, which were incorporated following the request for hearing. She mentioned that the Tri-County Health Department suggested that the division re-assess the timelines associated with reporting requirements in order to more readily identify potential outbreaks. She remarked that the reporting timeline was not included in the scope of the current hearing; however, the division is committed to discussing this topic with stakeholders and possibly including it in a future hearing. Dr. Miller responded to questions regarding the reporting timeline and the rationale for deleting aseptic meningitis from the reportable diseases list. No written or oral testimony was received during the public hearing. No written testimony from the public was received and reviewed by the board prior

to the hearing. The board unanimously approved the proposed amendments. Motion: Ms. Davis, Second: Ms. Sowinski.

Certification of Health Care Professionals Practicing in Rural Health Professional Shortage Areas to Qualify for the State Income Tax Credit

The board convened a hearing in order to receive public testimony and consider revisions to 6 CCR 1015-6. Stephen Holloway, Prevention Services Division, presented the repeal of the rule as this program, which was created to provide a financial incentive to encourage health care professionals to serve in the medically underserved areas of Colorado, was repealed in statute in 2008. Mr. Holloway remarked that the Department through the Colorado Health Service Corps now incentivizes service to rural or underserved communities through an educational loan debt forgiveness program. Service terms are typically three years and, unlike the tax credit, the clinician is required to provide some care to publicly insured and uninsured individuals. Applicants to the program are selected based on characteristics that are believed to support long-term provider retention. The Corps is significantly more effective than the tax credit in supporting the clinical workforce in rural communities. No written or oral testimony was received during the public hearing. No written testimony from the public was received and reviewed by the board prior to the hearing. The board unanimously approved the repeal. Motion: Mr. Brown, Second: Commissioner Hunsaker-Ryan.

Colorado Grade "A" Pasteurized Milk and Fluid Milk Products

The board convened a hearing in order to receive public testimony and consider revisions to 6 CCR 1010-4. Cary Ruble and Paul Klug, Environmental Health and Sustainability Division, presented the proposed amendments. The proposed changes incorporate changes in the Grade "A" Pasteurized Milk Ordinance 2013 Revision (PMO); Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments 2013 Revision (Procedures), and; Methods of Making Sanitation Ratings of Milk Shippers, 2013 Revision (Methods). The PMO, Procedures, and Methods are developed by the Federal Food and Drug Administration (FDA) with the assistance of state and local milk regulatory agencies, the dairy industry and educational and research institutions for the purpose of assuring uniformity and effectiveness in the state milk sanitation programs. The PMO, Procedures, and Methods also serve as the official documents setting forth the sanitation requirements that govern the interstate shipment of Grade "A" milk and milk products. The board discussed the definition of Grade "A" milk. No written or oral testimony was received during the public hearing. No written testimony from the public was received and reviewed by the board prior to the hearing. The board unanimously approved the proposed amendments. Motion: Commissioner Hunsaker-Ryan, Second: Ms. Davis.

Infant Immunization, Vaccines for Children, and Immunization of Students Attending School

The board convened a hearing in order to receive public testimony and consider revisions to 6 CCR 1009-2. Lynn Trefren and Jamie D'Amico, Disease Control and Environment Epidemiology Division, presented the proposed amendments. The proposed changes add and update definitions and references, incorporate the CDC Advisory Committee on Immunization Practices (ACIP) Birth-18 years and Catch -up immunizations schedules, and update language regarding fees. Ms. Trefren discussed the results of the stakeholder process, the various letters of support and future hearings as they relate to HB 14-1288 and additional updates to the rule. Ms. D'Amico discussed incorporating recommendations from the national Advisory Committee on Immunization Practices, deleting "American Academy of Pediatrics or the vaccine manufacturer's package insert statement" on page 14, lines 43-45, and deleting the fee amount on page 19, line 322. Matthew Daley, Chairman, Vaccine Advisory Committee for Colorado, testified in support of the proposed changes. No written testimony was received during the public hearing. The board unanimously approved the proposed amendments. Motion: Dr. Nevin-Woods, Second: Ms. Sowinski.

Presentation

Back to School: CDPHE Supporting Public and Environmental Health in Colorado Schools

Cathy White, Office of Planning and Partnerships, Esperanza Ybarra, Health Services and Connections Branch, Beth Wyatt, Prevention Services Division, Therese Pilonetti, Environmental Health & Sustainability, Nicole Comstock and Jamie D'Amico, Disease Control & Environmental Epidemiology, provided an overview of various departmental programs that support, provide resources and interact with schools and the school age population. Discussion points included partnerships with local public health and school health staff, funding for school based health centers, evidence based interventions regarding oral health, school health and sanitation regulations, infectious diseases in schools, child care guidelines, school required immunizations and

school nurse training. The board asked questions regarding training, school based health centers, grant processes, and partnership with Delta Dental. The board expressed appreciation for the staff and their efforts.

Review of Minimum Qualifications of Public Health Directors

Shannon Rossiter, Office of Planning and Partnerships, Community Relations, reviewed the substitution of minimum qualifications for a public health director for Montezuma County Public Health Agency, Rio Grande County Public Health and Rio Blanco County.

Standing Reports

Executive Director Report

Dr. Wolk discussed the department's priority areas: operating at high levels of efficiency, elegance and effectiveness; leading innovative population based efforts that align with healthcare reform; effective and efficient use of health data and technology, and expanding evidence based information. Dr. Wolk talked about the department's public health accreditation application, the newborn screening program, and the increase in product recall notifications. He discussed the impact healthcare reform has had on the AIDS prevention program and the Women's wellness program. He talked about the advancements regarding electronic health records, the newly formed medical marijuana scientific advisory council, a recent Ebola article, the plague investigation and the results of the state laboratories inspection by the Centers for Disease Control.

Attorney General Report

Jennifer Weaver, First Assistant Attorney General, Health Care Unit, Legal Counsel remarked that there were no updates to report this month.

Board Members Reports of Committee Activities

- Cancer, Cardiovascular and Chronic Pulmonary Disease Committee: Mr. Brown remarked that the RFA was released and he discussed the purpose of the letter of intent.
- Public Health Act Steering Committee: Commissioner Hunsaker-Ryan remarked that the committee is seeking input from local public health departments and other stakeholders regarding the statewide public health improvement plan and potential priorities.
- Tobacco Review Committee: No updates.
- Governor's Expert Emergency Epidemic Response Committee: Ms. McLain remarked that the committee discussed various topics including the Ebola outbreak, West Nile, and the plague investigation report.

Administrative Updates

Ms. Nelson discussed the Health Equity and Environmental Justice Collaborative Pilot Project, the joint Board of Health and Air Quality Control Commission meeting, the local public health directors' orientation, the MMR grant review committee and logistics for the September 16, 2014, board meeting.

Requests for a Rule-making Hearing

Standards for Hospitals and Health Facilities: Assisted Living Residences Serving Individuals with Brain Injuries through the Supported Living Program

Laurie Schoder and Randy Kuykendall Health Facilities and Emergency Medical Services Division, asked the board to convene a rule-making hearing to consider amendments to 6 CCR 1011-1, Chapter 7. The proposed amendments align health facility rules with new rules being proposed by the Department of Health Care Policy and Financing (HCPF) regarding its Supportive Living Program. The new rules proposed by HCPF will allow individuals who qualify for the Medicaid Home and Community Based Services Brain Injury Waiver to have access to the Supportive Living Program as a service. Currently four facilities provide services to individuals through the Supportive Living Program (SLP), but those facilities do not fit into any of the division's existing license categories. Existing and potential new providers have not had any specific standards to guide them in the provision of those services. The proposed HCPF rules will require that SLP providers obtain an assisted living residence license from the division in order to obtain Medicaid reimbursement for the provision of these services to eligible brain injured individuals. The division's proposed amendments are minimal, but necessary to ensure that the regulations from the two agencies will mesh seamlessly and allow the provision of these essential community services. The proposed amendments have been drafted in collaboration the Home and Community Based Services Adult Waiver Lead at HCPF and the current four providers of SLP services. The

proposed amendments were also presented and discussed at the assisted living residence advisory meeting in July. The division does not anticipate any controversy regarding the proposed amendments. By unanimous consent, the board scheduled a public rule-making hearing on October 15, 2014 to receive public testimony and consider the proposed amendments to 6 CCR 1011-1, Chapter 7. Ms. Warren will chair.

Standards for Hospitals and Health Facilities: Patient Record Copy Cost

Laurie Schoder and Randy Kuykendall, Health Facilities and Emergency Medical Services Division, asked the board to convene a rule-making hearing to consider amendments to 6 CCR 1011-1, Chapter 2. The proposed amendments comply with House Bill 14-1186 and a directive from the Office of Legislative Legal Affairs. In January 2014, the Board adopted changes to this section. Following this change, the legislature enacted House Bill 14-1186 which added specific patient record copy cost fees to the statute. The rule revision is necessary to align with HB 14-1186 and the statutory requirement that health care facilities can charge the reasonable costs of responding to certain types of medical record requests such as for X-rays, mammograms, CT scans, MRIs or other film when "a copy is not sufficient for diagnostic or other treatment purposes." By unanimous consent, the board scheduled a public rule-making hearing on October 15, 2014 to receive public testimony and consider the proposed amendments to 6 CCR 1011-1, Chapter 2. Ms. Sowinski will chair.

Emergency Medical Services: Air Ambulance Licensing Fees

Alexandra Haas and Randy Kuykendall, Health Facilities and Emergency Medical Services Division, asked the board to convene a rule-making hearing to consider amendments to 6 CCR 1015-3, Chapter 5. The proposed amendment waives application fees for all initial and renewal air ambulance licenses from January 1, 2015 through July 1, 2017. The temporary waiver of fees is necessary to bring the fixed-wing and rotary-wing ambulances cash fund, authorized by Section 25-3.5-307, C.R.S., into compliance with Section 24-75-402, C.R.S., by lowering the excess reserved moneys in that fund to an amount at or below 16.5% of yearly expenditures. This rule revision will address the audit finding included in the February 2014, Office of the State Auditor, *Cash Funds Uncommitted Reserve Report Fiscal Year Ended June 20, 2013* which found that the fixed-wing and rotary-wing ambulances fund had an excess reserve of \$49,684. The amendment to Chapter Five, Section 6 will bring the fixed-wing and rotary-wing ambulances fund into compliance with Section 24-75-402, C.R.S and the department will still be able to maintain services. By unanimous consent, the board scheduled a public rule-making hearing on October 15, 2014 to receive public testimony and consider the proposed amendments to 6 CCR 1015-3, Chapter 5. Commissioner Hunsaker-Ryan will chair.

Environmental Laboratory Certification

Laura Gillim-Ross, Laboratory Services Division, asked the board to convene a rule-making hearing to consider amendments to 5 CCR 1005-1. The proposed amendments update the statutory references, provide clarification to the laboratory certification process and ensure laboratory standards referenced are consistent with those being used to determine compliance. The recommended changes do not pose any source of controversy, nor will they have financial impact upon the environmental laboratories. By unanimous consent, the board scheduled a public rule-making hearing on October 15, 2014 to receive public testimony and consider the proposed amendments to 5 CCR 1005-1. Mr. Brown will chair.

Cleanup of Methamphetamine Laboratories

Colleen Brisnehan, Joe Schieffelin, Hazardous Materials and Waste Management Division and Dan Miller, Office of Attorney General, asked the board to convene a rule-making hearing to consider amendments to 6 CCR 1014-3. The proposed amendments are necessary to comply with Senate Bill 13-219. The comprehensive rewrite of the rules addresses testing and evaluation, cleanup standards, training and certification standards, certification and monitoring fees, trainer fees and administrative penalties for violations of the statute and rule. By unanimous consent, the board scheduled a public rule-making hearing on October 15, 2014 to receive public testimony and consider the proposed amendments to 6 CCR 1014-3. Dr. Nevin-Woods will chair.

Request for Approval of Committee Member Appointments

Tobacco Education, Prevention and Cessation Grant Program Review Committee

Gabriel Kaplan, Prevention Services Division, presented the Committees' appointment recommendations for the board's consideration. The board unanimously approved the recommendation to appoint Kelly Campbell, Weld County Department of Public Health and Environment, as a representative of local public health and Patricia Alvarez Valverde, PhD, MPH, to represent a socio-demographic disadvantaged population in Colorado, to the Tobacco Education, Prevention and Cessation Grant Program Review Committee. Motion: Dr. Nevin-Woods, Second: Ms. Warren.

This meeting was adjourned at approximately 1:55 p.m.