



## **COLORADO BOARD OF HEALTH MINUTES**

**Wednesday, April 16, 2014, 10:00 a.m.**

Colorado Department of Public Health and Environment  
Sabin-Cleere Conference Room, Bldg. A, 1<sup>st</sup> Floor  
4300 Cherry Creek Dr. South, Denver, CO 80246

Colorado Department  
of Public Health  
and Environment

### **Call to Order**

The Colorado Board of Health held a public meeting on Wednesday, April 16, 2014 at 4300 Cherry Creek Dr. South, Sabin-Cleere Conference Room, Bldg. A, Denver, CO 80246. The meeting was called to order at 10:05 a.m.

### **Members Present**

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

### **Members Absent**

Gary Teague, District 4.

### **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 March 19, 2014 board meeting.**

The board unanimously approved the meeting minutes as written.

### **Public Comments: Matters Not On the Agenda**

Arthur W. Powers addressed the board about his concerns with the request for application process and the amount of Colorado HIV and AIDS Prevention Grant Program funding available for rural communities.

### **Board Comments: Matters Not On the Agenda**

The board did not offer any comments related to matters not on the agenda.

### **School of Public Health Presentation**

David Goff, MD, PhD, Dean, Colorado School of Public Health discussed educational programs, enrollment and graduation, student demographics, research, national and international designations, key partnerships and the value the school brings to the community. The board discussed disparities in health status across counties, whether a state Occupational Safety and Health Act (OSHA) program would improve worker health and safety, and the potential for more campuses or distance learning.

Lee Newman, Director, Center for Worker Health and Environment, Colorado School of Public Health, discussed the Healthy Business certification and small businesses' overall safety and wellness practices, collaborations, and potential new focus areas and the future influence of the school. The board discussed safety and wellness standards for individual's working in the marijuana industry; the broader impact marijuana has on worker safety, and the nexus between public health and engineering.

The board congratulated the School of Public Health for all of its efforts, confirmed that the school's educational components are on target and that the collaborations identified by Dean Goff are essential. Ms. Davis recommended that the board receive a periodic report from the Colorado School of Public Health and recommended the next presentation be calendared for 2016. Ms. Sowinski requested that the board receive a recurring report from the Work Safe Committee and urged the School of Public Health to consider the value of a state OSHA program.

## **Funding Recommendations**

### Tobacco Review Committee Funding Recommendations

Karen Wilson, Chair, Tobacco Education, Prevention and Cessation Grant Program Review Committee and Jill Bednarek, MSW, Tobacco Education, Prevention and Cessation Grant Program presented funding recommendations for the board's consideration. The board discussed the TRC's alignment with other efforts, the request for application process, and how grantees promoting the Quitline track their progress. Over four motions, the board approved the Tobacco Education, Prevention and Cessation Grant Program FY 2014-15 funding recommendations, year three of a three-year grant cycle, in the amount not to exceed \$24,573,213 to support the goals of the Tobacco Control Strategic Plan.

Motion 1: The board approved the funding recommendations from the Tobacco Education, Prevention and Cessation committee, in the amount not to exceed \$24,573,213 to fund the activities identified in the funding recommendation memo dated April 16, 2014 for state fiscal year 2015 with the exception of the grants to Eagle County Public Health Agency, Pueblo City-County Health Department, the American Lung Association and Catholic Health Initiatives. Final award amounts to grantees may be adjusted as the scope of work for each grant is finalized. Motion: Commissioner Hunsaker-Ryan, Seconded: Ms. Warren. Unanimously approved.

Motion 2: The board approved the funding recommendations delineated in the April 16, 2014, funding memo regarding Eagle County Public Health Agency. Motion: Dr. Stanley, Second: Ms. Sowinski, Recused: Commissioner Hunsaker-Ryan. Unanimously approved.

Motion 3: The board approved the funding recommendations delineated in the April 16, 2014, funding memo regarding Pueblo City-County Health Department. Motion: Mr. Brown, Second: Dr. Stanley, Recused: Dr. Nevin-Woods. Unanimously approved.

Motion 4: The board approved the funding recommendations delineated in the April 16, 2014 funding memo regarding Catholic Health Initiatives and the American Lung Association. Motion: Dr. Nevin-Woods, Second: Ms. Sowinski, Recused: Dr. Stanley. Unanimously approved.

### Colorado HIV AIDS Prevention Grant Program (CHAPP): Non-A35 Grants

Melanie Mattson, Disease Control and Environmental Epidemiology Division, presented funding recommendations for the board's consideration. The board discussed the request for application process, the alternative recommendations provided by the CHAPP advisory committee and the department, the plans for the program to support rural communities' HIV AIDS prevention needs, and the applicability of the procurement code. Shannon Southhall, Executive Director, Rocky Mountain CARES and member of the CHAPP Advisory Committee was asked by the Board President to speak on behalf of the Advisory Committee. Ms. Southhall indicated that she was unaware that the Advisory Committee and department were not in agreement concerning a portion of the funding recommendations. The board tabled a decision on the recommendations concerning applications 9, 11, 16 and 17 and unanimously approved the remaining thirteen funding recommendations identified in the funding recommendation memo of April 1, 2014 for FY 2014-15, year one of a three-year grant cycle, in the amount not to exceed \$1,101,078. Motion: Dr. Stanley, Second: Dr. Nevin-Woods.

The board administrator indicated that a board meeting via conference call would be arranged for the following week to address the tabled funding recommendations. This provided the department additional time to consult with the CHAPP Advisory Committee and further explore options for the tabled funding recommendations.

## **Committee Member Appointments**

### Cancer, Cardiovascular Disease and Pulmonary Disease Grants Program Review Committee Appointments

Ken Gershman, Cancer, Cardiovascular and Pulmonary Disease Grant Program presented the committees' appointment recommendations for the board's consideration. The board unanimously approved the recommendation to appoint Dr. Richard Ratigan as the primary care physician representative to the

Cancer, Cardiovascular Disease and Pulmonary Disease Grants Program Review Committee Review Committee. Motion: Dr. Nevin-Woods, Second: Dr. Stanley.

## **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; promoting technology; advancing the Simply Health initiative, and; expanding evidence based information. Dr. Wolk provided a summary of the March 28 town hall meeting regarding the medical marijuana program and updates concerning nitrates, the school based health program and the department's marijuana website.

### Attorney General Report

There were no updates to report this month.

### Board Member Reports of Committee Activities

- Governor's Expert Emergency Epidemic Response Committee – No updates provided.
- Cancer, Cardiovascular and Chronic Pulmonary Disease Committee – Mr. Brown mentioned that the committee would seek board approval of committee member recommendations in June. He also provided a brief overview of the March 14 committee meeting and the efforts to focus on evidence-based strategies.
- Tobacco Review Committee – Dr. Stanley will be attending the committee orientation on April 18.
- Public Health Act Steering Committee - Commissioner Hunsaker-Ryan remarked that the committee will begin to focus its efforts on the statewide public health improvement plan and highlighted the 2013 Health and Environmental Assessment.

### Legislative Report

Ms. Reynolds updated the board regarding the department's legislative initiatives and other bills of interest to the department including retail marijuana funding supporting education and the Healthy Kids survey, the Medical Marijuana Registry research bill, the immunization bill, oil and gas, electronic health records, and the drug take-back program. The board discussed whether informing parents of school and child care center immunization and exemption rates would improve outcomes.

### Administrative Updates

Ms. Nelson advised the board that Dr. Wolk would be conducting a rule-making hearing at 9 a.m. on May 21, just prior to the board meeting, and invited members to attend.

## **Prevention Services Division Director Report**

Liz Whitley provided an overview of the division, which included funding streams, grants and contracts and, Colorado's Winnable Battles. Emily Kinsella discussed the Women's Wellness Connection (WWC) Program; her comments focused on available services, the WWC network, eligibility criteria, and recruitment and referrals. Greta Klinger provided an overview of the Family Planning Program; her comments focused on funding distribution, contraception use, birth rate, and other outcomes of the Colorado Family Planning Initiative. Audra Bishop provided an overview of the Colorado 9 to 25 Youth Health Program, which included programmatic goals and partnerships. Patricia Daniluk provided an overview of Nutrition Services including the Colorado WIC program, the Colorado Child and Adult Care Food Program and the Early Childhood Obesity Prevention. Coleen Kapsimalis provided an overview of the Child Fatality Prevention System, which included regional training and supporting the development of local review teams. Gabriel Kaplan provide an overview of the Colorado Chronic Disease State Plan which include data and evaluation, policy and environmental approaches, health systems, community-clinical linkages and health education and communication. Crystal Moorhead provided specific examples of chronic disease coordination. The board discussed the impact of Affordable Care Act (ACA) coverage on

the Women's Wellness Connection, lawful presence and the ACA, the extent to which the division works with local farms, how the child fatality team interacts with smaller jurisdictions, the factor that will most improve clinic quality (baseline screenings), and sustaining the work. The board applauded the division's effort and leadership.

### **Rule-making Hearings**

#### Breast and Cervical Cancer Screening Program

The board convened a hearing in order to receive public testimony and consider the repeal of 6 CCR 1015-11. Emily Kinsella, Prevention Services Division, presented the proposed repeal along with the statement of basis and purpose, specific statutory authority and regulatory analysis for the boards' consideration. 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. Following a brief discussion, the board unanimously approved the repeal. Motion: Mr. Brown, Second: Dr. Stanley.

#### Statewide Emergency Medical and Trauma Care System, Designation of Trauma Facilities –Level 1 Trauma Volume Criteria

The board convened a hearing in order to receive public testimony and consider proposed amendments to 6 CCR 1015-4, Chapter 3. Randy Kuykendall, Health Facilities and Emergency Medical Services Division, presented the proposed amendments along with the statement of basis and purpose, specific statutory authority and regulatory analysis for the board's consideration.

Oral testimony was received during the public hearing by Daniel Noonan, Chair, State Emergency Medical and Trauma Services Advisory Council, spoke in full support of the proposed amendments and delineated the extensive stakeholder process used to develop the proposed rule. Gregory Jurkovich, MD, Chief of Surgery, Denver Health, provided testimony against the proposed amendments. No written testimony from the public was received and reviewed by the board prior to the hearing. The board asked Mr. Jurkovich and the department about whether reducing the number of Trauma 1 facilities would negatively impact citizens, whether there is data to support maintaining the current standard, the value and limitations of the studies looking at trauma volume, the monitoring of patient-flow patterns, and the overall presence of trauma and surgery needs and facility capacity. The board discussed how this is a material change but reducing the number is appropriate in light of the current factors and the extensive analysis completed through SEMTAC. The board unanimously approved the proposed amendments. Motion: Dr. Stanley, Second: Ms. Davis.

#### Radiation Control, Licensing of Radioactive Material (non-uranium rules)

The board convened a hearing in order to receive public testimony and consider proposed amendments to 6 CCR 1007-1, Part 3. James Jarvis, Hazardous Materials and Waste Management Division, presented the proposed amendments along with the statement of basis and purpose, specific statutory authority and regulatory analysis for the board's consideration. 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 discussed the waiver process, license transfers, exportation, the stakeholder process and the Nuclear Regulatory Commission review, and new legislation, which if passed, would impact the Radiation Control Act. The board unanimously approved the proposed amendments. Motion: Ms. Sowinski, Second: Ms. Davis.

### **Preventive Health and Health Services (PHHS) Block Grant Proposed State Plan**

Lena Peschanskaia, presented the PHHS state plan. Ms. Davis reminded the board that the Board President typically participates in block grant discussions in advance of the finalized recommendation coming to the board; she indicated that she participated in those discussions earlier in the year. No written or oral testimony was received during the public comment period. No written testimony from the public was received and reviewed by the board prior to the presentation. The board asked about fluoridation, local level decision-making and overcoming mistrust of the water supply. The board recognized all the work John Chase has done in this area and that he has ensured a smooth transition of the block grant. The board, as the advisory board for the Preventative

Health and Health Services Block Grant, unanimously approved the funding recommendations from the department in the amount not to exceed \$2.1 million to fund the activities identified in the funding recommendation memo dated April 16, 2014. Final award amounts to grantees may be adjusted based upon the actual allocation Colorado receives and as each grantee's scope of work is finalized. Motion: Dr. Nevin-Woods, Second: Ms. McLain.

### **REQUEST FOR RULE-MAKING HEARINGS**

#### Registration of Radiation Producing Machines Facilities, and Services

James Jarvis, Hazardous Materials and Waste Management Division, asked the board to convene a rule-making hearing to consider proposed amendments to 6 CCR 1007-1, Radiation Control, Part 2, Registration of Radiation Producing Machines, Facilities and Services. The proposed changes provide further detail and align language with the processes used by the Radiation Program and make general improvements and correct errors and omissions. The board discussed the operator certification program and staff identified areas where they expect to revise the rule before returning for the rulemaking hearing. By unanimous consent, the board scheduled a public rule-making hearing on June 18, 2014 to receive public testimony and consider the proposed amendments to 6 CCR 1007-1, Radiation Control, Part 2. Mr. Brown will chair.

#### Transportation of Radioactive Material

James Jarvis, Hazardous Materials and Waste Management Division asked the board to convene a rule-making hearing to consider proposed amendments to 6 CCR 1007-1, Radiation Control, Part 17, Transportation of Radioactive Materials. The modifications incorporate changes in federal regulation in 10 CFR Part 71. The proposed changes pertain to: notification requirements for shipments of irradiated reactor fuel, nuclear waste, and certain other high activity materials; added definitions and language pertaining to notifications of recognized Native American tribes for certain radioactive materials shipments through tribal lands; and the addition of an exception for licensed physicians transporting radioactive materials. Other proposed changes are intended to make general improvements and correct errors and omissions in the regulatory part. By unanimous consent, the board scheduled a public rule-making hearing on June 18, 2014 to receive public testimony and consider the proposed amendments to 6 CCR 1007-1, Radiation Control, Part 17. Dr. Nevin-Woods will chair.

#### Colorado HIV and AIDS Prevention Grant Program

Melanie Mattson, Disease Control and Environmental Epidemiology Division asked the board to convene a rule-making hearing to consider proposed amendments to 6 CCR 1009-10, Rules for the Colorado HIV and AIDS Prevention Grant Program. The proposed amendments align the rules with the parameters delineated in C.R.S. 24-4-1414(1)(c). The rules have been clarified to address the findings of the Office of the State Auditor in the July 2013 Performance Audit of the Colorado HIV and AIDS Prevention Grant Program. The rule revision clarifies the grant process, the role of the department and the scope of the HIV and AIDS Prevention Grant Program Advisory Committee's (the Advisory Committee) authority and responsibility with respect to the Colorado HIV and AIDS Prevention Grant Program. By unanimous consent, the board scheduled a public rule-making hearing on June 18, 2014 to receive public testimony and consider the proposed amendments to 6 CCR 1009-10, Rules for the Colorado HIV and AIDS Prevention Grant Program. Dr. Stanley will chair.

#### License Fee Modifications, Renewal Fee Modification

The Health Facilities and Emergency Medical Services Division asked the board to convene a rule-making hearing to consider proposed amendments to 6 CCR 1011-1, Standards for Hospitals and Health Facilities, Chapter 4, General Hospitals, Chapter 9, Community Clinics and Community Clinics and Emergency Centers, Chapter 10, Rehabilitation Center, Chapter 15, Dialysis Treatment Clinics, Chapter 18, Psychiatric Hospitals, Chapter 20, Ambulatory Surgical Centers, Chapter 21, Hospices, and Chapter 26, Home Care Agencies. The proposed amendments comply with House Bills 12-1294 and 12-1268.

House Bill 12-1294 enacted statutory changes that require the Department of Public Health and Environment to deem health facilities that are currently accredited by an accrediting organization recognized by the Federal Centers for Medicare and Medicaid Services (CMS) as satisfying the requirements for renewal of a state health facility license. The legislation directed the department to provide an appropriate credit or reduced fee to a health facility that achieves state license renewal through deemed status. The legislation also changed the name of a particular facility type from "Rehabilitation Center" to "Rehabilitation Hospital."

House Bill 12-1268 removed the department's authority to enact or enforce standards relating to building or fire codes and transferred those to the Department of Public Safety, Division of Fire Prevention and Control effective July 1, 2013. The department examined its health facility license fees and found that it needed to reduce the license fees in Chapters 9 and 15 because a small component of those fees was based upon life safety code work that the department is no longer performing.

By unanimous consent, the board scheduled a public rule-making hearing on June 18, 2014 to receive public testimony and consider the proposed amendments to 6 CCR 1011-1, Standards for Hospitals and Health Facilities, Chapters 4, 9, 10, 15, 18, 20, 21, and 26. Ms. Warren will chair.

This meeting was adjourned at approximately 4:35 p.m.