

COLORADO BOARD OF HEALTH
MEETING MINUTES
April 17, 2013

NOTE: These minutes are a summary of the proceedings and motions of the April 17, 2013 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 April 17, 2013 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.

Members Present

Philip Mehler, M.D., District 1, (via phone); Laura Davis, District 2; Kindra Mulch (via phone), District 4; Glenn Schlabs, District 5; Joan Sowinski, District 6; Christopher Stanley, M.D., District 7, (via phone at 11:00 a.m.); Sue Warren, At-Large; Christopher Urbina, M.D., MPH, Executive Director and Chief Medical Officer, (ex-officio).

Members Absent:

Christine Nevin-Woods, D.O., At-Large

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:

- 1) The revised September 19, 2012, meeting minutes; ,
- 2) The February 20, 2013 meeting minutes with the following amendment:
P. 3, first paragraph, Strike "recording" and insert "record"
- 3) The March meeting minutes as written.

Public comments regarding matters not on the agenda

None.

Board comments regarding matters not on the agenda

Ms. Davis took a few minutes to express her appreciation to departing Board members and Karen Osthus who is retiring at the end of the month.

Ms. Davis thanked Karen for her hard work, dedication, and commitment to the Board. She remarked that Karen's contributions resulted in the Board's ability to focus on the issues at hand and that she values Karen's service. Ms. Davis went on to say that Karen has done so much for the Board and the citizens of Colorado and that she will be greatly missed.

Ms. Davis recognized Glenn Schlabs and Kindra Mulch for their tenure on the Board. She stated that they made significant contributions and provided meaningful dialogue at every meeting. She thanked them for their hard work and commitment to the Board and the citizens of Colorado.

Mr. Schlabs remarked that being part of the Board was the best public service he has performed. He thanked the people of Colorado, present and past executive directors, department staff and fellow

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Board members for allowing him to serve on the Board, as well as, providing him mentorship throughout his tenure with the Board.

Ms. Osthus thanked everyone on the Board for their dedication, hard work and friendship. She stated that she was fortunate to serve many executive directors, Board members, and department staff and it has been a wonderful experience.

Informational Briefing: Youth Smoking Prevention

Stephanie Walton, Youth Policy Coordinator, Prevention Services Division, presented a PowerPoint presentation titled "Preventing Youth Tobacco Use in Colorado". Ms. Walton discussed: a) the data associated with youth tobacco use in Colorado; b) the Colorado Tobacco Program; c) the intent of Amendment 35 funding; d) the Tobacco Review Committee; e) the program's accomplishments; and f) the program's strategic plan.

Ms. Walton noted that the information in her presentation, most current data, is from 2008. She explained that when Amendment 35 funding was significantly reduced in 2009, the Program was not able to collect data concerning the program's progress. She stated that with the reinstatement of the funding, the data collection and analysis will resume in the Fall of 2013.

Ms. Walton responded to comments and questions regarding; a) reinstatement of Amendment 35 funding; and b) use of smokeless tobacco.

Informational Briefing: Community Paramedicine LEAN Event

Kierston Howard, MS, Performance Improvement Manager, Department of Public Health and Environment, presented a PowerPoint presentation titled "Lean in Action". Ms. Howard discussed: a) the two pillars of Lean; b) the five principles of Lean; c) the activities associated with a Lean project; d) the Lean process and e) the details of the Community Paramedicine LEAN event. Ms. Howard responded to comments and questions regarding how Lean projects are identified and deployed within the Department.

Informational Briefing: Colorado's Personal Belief Exemption Policy

Diana Herrero, MS, Interim Immunization Section Director, Colorado Immunization Information Systems, provided an overview of the stakeholder engagement process that is being planned to gauge stakeholder interest in possible revisions to Colorado's Personal Belief exemption policy for immunizations.

Ms. Herrero remarked that the Department is working with the Colorado Children's Immunization Coalition to convene stakeholder groups to discuss the current policy. She stated that the focus of the discussion is to determine the knowledge, attitudes and beliefs regarding the current policy; as well as, potential recommendations for improvements to the policy. She pointed out that the initial stakeholder group would be sector specific and that the information obtained from this group would be used to inform a larger, broader based focus group. She commented that the outcome of the two focus groups is to have a set of recommendations, including information about the process, which could be provided to policy makers.

Ms. Herrero stated that Colorado's personal exemption rate is 5.7%, one of the highest in the nation. She noted that the intent of the stakeholder processes is two-fold: 1) gain an understanding of why the personal exemption rate is so high; and 2) determine what the state needs to be doing to address personal beliefs exemptions in Colorado.

Ms. Warren asked that the program provide information on how other states address personal belief exemptions. Dr. Stanley asked that the program try to also look at how the personal exemption is being used by parents, i.e., because the parent lacks time or resources to get the child vaccinated or because the parent holds a personal belief that opposes vaccination. Ms. Mulch cautioned the program to use common sense when having the stakeholder discussions because scientific data may not always be the information that most influences parents when making vaccination determinations.

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Request for Approval of Funding Recommendations: Colorado Nurse Home Visitor Program FY2013-14

Lucia Waterman, Home Visitation Programs Unit Manager, Prevention Services Division, asked the Board to approve the proposed funding recommendations for fiscal year 2013-14 (July 2013 – June 2014) for a total of \$12,461,716.

Ms. Waterman stated that the proposed funding recommendations would be divided between twenty-one grantees - eighteen current program grantees and three new applicants. She discussed: a) the intention of the Joint Budget Committee; b) the proposed funding amounts and grantees; c) the divergence in funding between grantees; and d) the pending legislation that considers moving the program to the Department of Human Services (DHS).

The Board discussed the rationale and direct impact to the Department if the legislation to move the program to DHS is passed.

MOVED by Mr. Schlabs, seconded by Ms. Sowinski, to adopt the grant award recommendations contained in the April 1, 2013 memorandum with the exception of grant awards to Kit Carson County Health and Human Services in the amount of \$315,424 and Denver Health and Hospital Authority in the amount of \$581,227.

MOTION CARRIED UNANIMOUSLY

MOVED by Mr. Schlabs, seconded by Ms. Warren, to adopt the grant award recommendations contained in the April 1, 2013 memorandum to Kit Carson County Health and Human Services in the amount of \$315,424.

MOTION CARRIED UNANIMOUSLY (Ms. Mulch recused)

MOVED by Mr. Schlabs, seconded by Ms. Sowinski, to adopt the grant award recommendation contained in the April 1, 2013 memorandum to Denver Health and Hospital Authority for \$581,227.

MOTION CARRIED UNANIMOUSLY (Dr. Mehler recused)

Lisa Merlino, Executive Director, Invest In Kids, thanked the Board members for their leadership, guidance, commitment, and expertise pertaining to the Colorado Nurse Home Visitor Program.

Request for Approval of Funding Recommendations: Cancer, Cardiovascular Disease, and Chronic Pulmonary Disease Program

Mary Jo Strobel, MBA, Vice Chair, Cancer, Cardiovascular Disease, and Chronic Pulmonary Disease program Review Committee (the Committee), requested the approval of \$12,887,397 for year two continuation funding for the program's current twenty-five grantees and evaluation contractor. The new grant period would start July 2013 and conclude June 2014. She remarked that the approval of the funding recommendations would advance the goal of developing a comprehensive approach to impact cancer, cardiovascular disease and chronic pulmonary disease in the state.

MOVED by Mr. Schlabs, seconded by Ms. Warren, to approve the request for funding recommendations of the Cancer, Cardiovascular Disease and Chronic Pulmonary Disease Program Review Committee with the exception of three grants to Denver Health and Hospital Authority totaling \$1,082,525 for a total award of up to \$11,804,872.

MOTION CARRIED UNANIMOUSLY

MOVED by Mr. Schlabs, seconded by Ms. Sowinski, to approve the funding recommendations of the Cancer, Cardiovascular Disease and Chronic Pulmonary Disease Program Review Committee to Denver Health and Hospital Authority for a total award of up to \$1,082,525.

MOTION CARRIED UNANIMOUSLY (Dr. Mehler recused)

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Request for Approval of Funding Recommendations: Tobacco Education, Prevention and Cessation Grant Program

Jennifer Ludwig, Chair, Tobacco Education, Prevention and Cessation Grant Program Review Committee (Committee) respectfully requested the approval of up to \$22,180,760.94 for: a) community tobacco initiatives; b) innovative community tobacco initiatives; c) cessation programming; d) health communications and marketing; e) technical assistance and training; and f) evaluation and surveillance.

Ms. Ludwig pointed out that fifty-six counties out of sixty-four counties in Colorado will be receiving funding. She mentioned that during the FY 2013 – 2014 there is opportunity to conduct a combined youth survey. She remarked that a youth survey will provide critical data that was previously unavailable due to loss of funds. She commended the staff for their hard work and dedication and she pointed out that as a result of their commitment the infrastructure for the tobacco programs is being reestablished.

MOVED by Mr. Schlabs, seconded by Ms. Sowinski, to approve the funding recommendations of the Tobacco Education, Prevention and Cessation Grant Program Review Committee except for two grants to Denver Health and Hospital Authority totaling up to \$2,220,091.61 for a total award of up to \$19,960,699.33.

MOTION CARRIED UNANIMOUSLY

MOVED by Mr. Schlabs, seconded by Ms. Sowinski, to approve the funding recommendations of the Tobacco Education, Prevention and Cessation Grant Program Review Committee for two grant awards to Denver Health and Hospital Authority totaling up to \$2,220,091.61.

MOTION CARRIED UNANIMOUSLY (Dr. Mehler recused)

Public Health Act Update: Local Public Health Funding Formula Review and Approval

Kathleen Matthews, Director, Office of Planning and Partnerships, Community Relations, presented a PowerPoint presentation titled "LPHA Funding for 2013-2014".

Ms. Matthews' discussion included: a) the request submitted to the Joint Budget Committee to combine current line items in the Long Bill used to fund local public health; b) the request to increase funding for local public health agencies; and c) the funding formula and the methodology used to distribute funds.

MOVED by Mr. Schlabs, seconded by Ms. Warren, to approve the proposed funding formula.

MOTION CARRIED UNANIMOUSLY (Dr. Stanley absent)

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

Ms. Weaver reported that the Attorney General's Office has filed a motion to dismiss the Boyer and Todd v. Hickenlooper and Colorado Board of Health lawsuit.

Update on Severe Combined Immunodeficiency (SCID) Testing rules adopted 3/16/2011

Laura Gillim-Ross, Deputy Director, Laboratory Services Division, updated the Board on the results of adding SCID to the newborn screening tests. She remarked that SCID is a genetic mutation that causes severe immunodeficiency and typically results in death within one to two years after birth. She stated that SCIDs was added to the newborn screening panel because it is curable via a bone marrow transplant.

She remarked that the laboratory began screening for SCID in February 2012 and that within two weeks an infant was diagnosed with SCID using the updated newborn screen. The results were confirmed and as a result of early testing, steps were taken to prevent the newborn from acquiring any additional infections.

Ms. Gillim-Ross commented that adding SCID to the newborn testing allowed other conditions to be identified which resulted in early intervention. She mentioned that the lab has since conducted over 75,000 newborn screenings: a) 40 screens identified markers for SCID; b) 2 screens identified other congenital conditions related to SCID; c) 20 screens identified premature babies; and d) 10 screens

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identified babies with correctable conditions that caused positive results for SCID. She thanked the Board for adding SCID to the newborn screen and allowing the lab to initiate testing.

Administrative Business Karen Osthus, Board Administrator

Ms. Osthus discussed: a) plans for the interim Board Administrator; b) iPad distribution; c) status of new Board members as it relates to Governor appointments; and d) new member orientation.

Executive Director and Chief Medical Officer Report - Chris Urbina, MD, MPH

Dr. Urbina updated the Board regarding: a) current legislation; b) oil and gas issues; c) impact of federal sequestration; d) possible budget cuts to EPA funded programs; e) state employee increase; f) department LEAN activities; and g) Amendment 64 activities.

Discussion/Request for a Rulemaking Hearing: 6 CCR 1011-1, Standards for Hospitals and Health Facilities, Chapters II – XI, XV, XVIII - XXII Proposed amendments to comply with HB 12-1268

Randy Kuykendall, Deputy Director, Health Facilities and Emergency Medical Services Division, remarked that HB 12-1268 removes the Department's authority to establish or enforce standards relating to building construction plan review or fire codes. He said the bill specifies that all functions related to the administration, inspection and enforcement of any building construction or fire code standards be transferred to the Department of Public Safety, Division of Fire Prevention and Control effective July 1, 2013.

Mr. Kuykendall discussed the logistics of transferring the program to the Department of Public Safety and the direct impact of the transfer to CDPHE. He mentioned that the staff at the Department of Public Safety is in the process of developing rules associated with this program and that they will most likely need to conduct an emergency rule-making hearing in order to comply with the July 1, 2013 effective date. He responded to Board questions regarding short- and long-term obstacles associated with the transfer.

BY UNANIMOUS CONSENT, the Board scheduled a public rulemaking hearing on June 19, 2013 to consider proposed amendments to 6 CCR 1011-1, Standards for Hospitals and Health Facilities Chapters II – XI, XV, XVIII – XXII.

6 CCR 1011-1, Standards for Hospitals and Health Facilities, Chapter IV, General Hospitals – Proposed amendments to comply with HB 10-1229 regarding Verbal Orders

Laurie Schoder, Policy Analyst, Health Facilities and Emergency Medical Services Division, stated that the proposed amendment to Chapter IV is necessary to align the rule language with the statutory changes made by HB 10-1229 concerning authentication requirements for verbal orders in a hospital.

BY UNANIMOUS CONSENT, the Board scheduled a public rulemaking hearing on June 19, 2013 to consider proposed amendments to 6 CCR 1011-1, Standards for Hospitals and Health Facilities, Chapter IV, General Hospitals.

Legislative Report: Karin McGowan, Deputy Executive Director

Ms. McGowan updated the Board on various bills of interest on the department's legislative agenda. She remarked that the House and Senate are working very hard to get through their respective bills as the session is winding down.

Ms. McGowan discussed HB13-1275, concerning the collection of human health data regarding front range oil and gas operations; SB13-261, concerning the oral health community programs; SB13-219, concerning the remediation performed on property contaminated by an illegal drug laboratory; SB 13-255, concerning child fatality review teams, and, increasing the capacity and resources and clarifying the responsibilities and processes of state and local child fatality review teams in the Departments of Public Health and Environment and Human Services; SB 13-185, concerning expansion of the types of activities that are eligible for grants under the tobacco education, prevention, and cessation grant program; SB 13-222, concerning improving access to childhood immunizations; and the Long Bill.

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Dr. Mehler stated that he had enjoyed his service on the Board and had learned a lot about the department and public health. He noted that his new position as Medical Director at Denver Health and Hospital would not afford him adequate time to continue to serve on the Board.

Meeting adjourned at approximately 1:35 p.m.

You may obtain copies of the rulemaking documents, reports, briefings, and presentations by submitting a request to: cdphe.bohrequests@state.co.us