

Approved January 18, 2012

COLORADO BOARD OF HEALTH

MEETING MINUTES

December 21, 2011

(Teleconference Meeting)

NOTE: These minutes are a summary of the proceedings and motions of the December 21, 2011 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 21, 2011 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 (All by teleconference)

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; Christopher Stanley, M.D., District 7; Sue Warren, At-Large; Christopher Urbina, M.D., MPH, Executive Director and Chief Medical Officer, (ex-officio).

Members Absent:

None.

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 19, 2011 and the November 16, 2011 minutes as written.

Public comments regarding matters not on the agenda

None.

Board comments regarding matters not on the agenda

None.

Discussion/Request for Rulemaking Hearing: Proposed amendments to 6 CCR 1009-7, Detection, Monitoring and Investigation of Environmental and Chronic Diseases, Regulation 1, List C

Staff Comments: Meredith Towle, MPH, Occupational Health and Safety Surveillance Program, Colorado Department of Public Health and Environment, presented the proposed amendments and asked the Board to schedule a public rulemaking hearing on February 15, 2012. The proposed amendments will require the reporting of blood lead levels of 10 µg/dL or

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greater for persons 18 years of age or older. The current level is 25 µg/dL for this age group. The additional case investigation allowed with this broader reporting requirement is expected to improve understanding of the epidemiology of adult occupational lead poisoning in the state.

Ms. Towle commented that a PowerPoint presentation, provided in the Board packets, would be reviewed during the rulemaking hearing. She briefly discussed: 1) Colorado's surveillance data, 2) national surveillance data, and 3) the health effects of lead dust.

Ms. Towle responded to various questions pertaining to: 1) the economic impact on entities responsible for reporting conditions, 2) the rationale for changing the reporting level, and 3) the ability to provide results to the local health departments.

BY UNANIMOUS CONSENT, the Board scheduled a public rulemaking hearing on February 15, 2012 to consider proposed amendments to 6 CCR 1009-7, Detection, Monitoring and Investigation of Environmental and Chronic Disease, Regulation 1, List C.

Discussion/Request for Rulemaking Hearing: Proposed amendments to 6 CCR 1007-1, Radiation Control, Part 7-pertaining to Use of Radionuclides in the Healing Arts

Staff Comments: 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 15, 2012.

Mr. Jarvis remarked that the proposed changes incorporate language and requirements from Title 10 of the Code of Federal Regulations (10 CFR Part 35) and are necessary to maintain compatibility and consistency with federal requirements. He commented that Part 7 was last revised in 2006 and that several changes have occurred since then. He stated that the proposed changes are intended to provide clarity pertaining to the regulations and improve radiation safety.

Mr. Jarvis stated that some significant changes include: 1) elimination of the requirement for an authorized user (physician) to be named on the radioactive materials license prior to being allowed to perform final interpretation of tests, studies, and treatments; 2) elimination of the requirement for an authorized user (physician) to be physically present within one hour when summoned to the licensed facility; 3) addition of a recordkeeping requirement for quality control pertaining to activities on equipment used for diagnostic imaging; and 4) addition of the requirement for a facility to form a radiation safety committee.

Mr. Jarvis provided a brief overview of the division's initial stakeholder process and responded to several questions from the Board.

BY UNANIMOUS CONSENT, the Board scheduled a public rulemaking hearing on February 15, 2012 to consider proposed amendments to 6 CCR 1007-1 Radiation Control, Part 7, Use of Radionuclides in the Healing Arts.

Presentation: Review of Draft 2010 Tobacco Settlement Monitoring Report and proposed Board of Health Recommendation

Staff Comments: Kim Fear, Budget Manager and Tobacco Oversight Program Manager, Administration and Financial Services Division, provided a brief history of the Tobacco Master Settlement Agreement (agreement). She stated 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.

Ms. Fear remarked that the state receives approximately \$89 million annually from the agreement and she pointed out that when the original agreement was reached the expectation

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was roughly \$100 million annually. She discussed key legislation that affects the tobacco programs pertaining to audit requirements and programmatic funding levels.

Ms. Fear responded to several questions regarding: 1) the Board's oversight role pertaining to the effectiveness and accomplishments of individual programs; 2) the content and format of financial information in the report; and 3) the Board's strategy for future funding recommendations.

MOVED by Ms. Mulch, seconded by Dr. Stanley, to approve the Board of Health recommendation contained in the draft 2010 Settlement Monitoring report as presented.

Note: Ms. Mulch and Dr. Stanley requested that staff prepare a letter, for the Board's consideration, advising the General Assembly that the Board has concerns regarding the lack of funding for certain prevention programs.

Reports of the Executive Director and Chief Medical Officer, Chris Urbina, MD, MPH

None.

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

None.

Attorney General's Report – Updates on litigation involving the State Board of Health

Jennifer Weaver, First Assistant Attorney General, stated that the attorneys' fees issue in LaGoy v. CDPHE has been resolved.

Administrative Business, Karen Osthus, Board Administrator

Ms. Osthus asked the Board to clarify the discussion points for the informational briefing pertaining to vaccinations for healthcare workers and she mentioned that an hour-long work session regarding the Board values identified at the October 2011 retreat would be scheduled in January.

Meeting adjourned at 11:45 a.m.