

**COLORADO BOARD OF HEALTH  
MINUTES  
January 18, 2012**

**NOTE:** These minutes are a summary of the proceedings and motions of the January 18, 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, 5<sup>th</sup> Floor, 4300 Cherry Creek Drive South, Denver, CO., or call 303-692-3464 to request copies.

**Call to Order/Roll Call**

The January 18, 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.

**Members Present**

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; Christopher Urbina, M.D., MPH, Executive Director and Chief Medical Officer, (ex-officio).

**Members Absent**

Philip Mehler, M.D., District 1 and Sue Warren, At-Large.

**Staff Present**

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

**Approval of Minutes**

**BY UNANIMOUS CONSENT**, the Board approved the December 21, 2011 minutes as written.

**Public comments regarding matters not on the agenda**

Marci Sontag, PhD, Department of Epidemiology, Colorado School of Public Health, and Children's Hospital Colorado, presented information regarding a Health Resources Services Administration (HRSA) grant she is applying to initiate newborn screening for Critical Congenital Heart Disease (CCHD) in Colorado.

Dr. Sontag remarked that the Secretary's Advisory Committee for Heritable Disorders of Newborns and Children (SACHDNC) recently recommended CCHD be included in newborn screening panels. She discussed: a) the elements of the CCHD newborn screen; b) the systems required to implement and manage the results of screening; and c) the challenges presented by using a pulse oximetry cutoff in Colorado's high altitude.

Dr. Sontag responded to questions regarding the goal for conducting a CCHD screen and the actions taken regarding abnormal readings.

**Board comments regarding matters not on the agenda**

None.

**Election of Officers**

The Board held its annual election of officers using secret nominating ballots for the positions of president and vice-president. After Laura Davis was nominated, Ms. Mulch

moved and Dr. Nevin Woods seconded, that nominations for president cease, and Laura Davis was unanimously elected president.

After Dr. Nevin-Woods was nominated, Ms. Mulch moved and Glenn Schlabs seconded that nominations for vice-president cease, and Dr. Nevin-Woods was elected vice-president of the Board.

**PUBLIC RULEMAKING HEARING: Proposed amendments to 6 CCR 1011-1, Chapter XXVI, Home Care Agencies**

**Staff Comments:** Laurie Schoder, Policy Analyst, Health Facilities and Emergency Medical Services Division, requested that the Board adopt the proposed amendments to Standards for Hospitals and Health Facilities, Chapter XXVI, Home Care Agencies.

Ms. Schoder reminded the Board that in 2008 the General Assembly required that the department establish minimum standards and rules for home care agencies (HCAs) to ensure the health, safety, and welfare of those consumers. Additionally, the department was also required to appoint a Home Care Advisory Committee (the Committee) to advise the Board and the division on licensing rules.

Ms. Schoder discussed the *Independent Report On Costs of State Licensure of Home Care Agencies* and she remarked that Colorado's program is entirely cash funded by license fees. She stated that the fees were established in 2009. She commented that the report concluded that the expenses of the HCA licensure program had exceeded revenues for 2011 and would continue to rise based upon existing data.

Ms. Schoder remarked that in August of 2011, the department presented the Committee with six different proposals designed to increase licensure revenues, decrease department expenditures, and meet the needs of various stakeholders. She stated that based on feedback from Committee members, several of the proposals were refined and again presented to the Committee in September of 2011. She pointed out that some options were rejected because they did not meet certain statutory criteria and they were awkward to calculate or difficult to verify. She emphasized that the department and the Committee spent significant time developing the proposed amendments.

Ms. Schoder commented that the proposed amendments include performance incentives of a 10% rebate on the annual renewal fee for agencies that have no deficiencies that would negatively affect consumers. She pointed out that counties providing home care services through their local public health agencies would not be affected by the proposed amendments. Ms. Schoder commented that the annual renewal fee is structured so that it also reflects the differences in type, (skilled home health services or non-medical personal care services), and volume of services provided by home care agencies, including Medicaid and Medicare services.

Ms. Schoder pointed out that the division recently reviewed its licensing procedures and has developed a streamlined survey process. She commented that the new survey process would save the department money without sacrificing consumer safety. She remarked that the division projected that the HCA operating budget would be \$850,000 per year rather than \$1.2 million per year estimated by the independent study.

**Board Comments/Discussion**

There were various questions and comments regarding the composition of the advisory committee, the changes implemented by the streamlined survey process, the barriers faced by rural agencies, and the results of the stakeholder process.

### **Public Comments**

Sonya Neumann, Home Care Advisory Committee member, voiced full support for the proposed changes. She remarked that the stakeholder process was a collaborative effort and she looks forward to continuing to work with the department.

Anne Slack, Mountaintop Physical Therapy, testified that she opposes the \$3,000 fee increase because it would ruin her ability to provide services to certain individuals. Gordon Slack, Mountaintop Physical Therapy, stated that the purpose and intent of the law is good because it ensures a degree of protection for individuals seeking therapy. He remarked that the existing regulatory requirements are already onerous and that the proposed fee increase would negatively affect their business.

Brandilynn Creig, speech therapist, commented that she is opposed to the proposed amendments because they would triple the license rate for her. She stated that she had to hire an administrative assistant to manage the paperwork associated with being compliant with the current regulations.

**MOVED** by Ms. Mulch, seconded by Mr. Schlabs, to adopt the proposed amendments to 6 CCR 1011-1, Standards for Hospitals and Health Facilities, Chapter XXVI, Home Care Agencies, along with the statement of basis and purpose, specific statutory authority and regulatory analysis.

### **MOTION CARRIED UNANIMOUSLY**

The Board asked that the division continue to monitor the impact of the new fee and to address certain issues raised at the hearing, if possible.

### **Informational Briefing: Evidence-Based Home Visiting Models**

Mary Martin, MSW, LCSW, Director, Home Visitation Programs, Prevention Services Division, provided an overview of primary purpose of the Affordable Care Act – Maternal, Infant, and Early Childhood Home Visiting Program (MIECHV). Ms. Martin's remarks focused on the legislative purpose, the legislative background, and the legislative-mandated benchmarks.

Michelle Neal, MS, RN, Program Director, Nurse-Family Partnership, Invest In Kids, provided an overview of the Nurse-Family Partnership program. Ms. Neal comments focused on: 1) the program description; 2) the dosage and services provided; and 3) the outcomes of the program.

Melissa L. Kelley, Executive Director, Colorado Parent & Child Foundation, provided an overview of the Parents as Teachers (PAT) program and the Home Instruction for Parents of Preschool Youngsters (HIPPI) program. Ms. Kelley discussed: 1) the program description; 2) the dosage and services; and 3) the program outcomes.

The Board asked questions pertaining to improving outcomes and streamlining cost, and promoting other evidenced based home based programs. Ms. Mulch requested that the groups provide a map showing where services are provided for future presentations.

### **Work Session: 2011 Retreat Follow up**

Roz Bedell, Chief Operating Officer, and Board retreat facilitator, lead a work session to develop Board of Health procedural rules and to discuss the Board values identified at the October 2011 retreat. The Board agreed to move forward with the process and Ms. Osthus will make changes to the initial draft rules. The Board will review the proposal again in March.

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

Dr. Urbina discussed the department's strategic plan and the Winnable Battles campaign.

**Legislative Update, Karin McGowan, Director, Community Relations**

Ms. McGowan told the Board that Eliza Park had joined the department as the new legislative liaison. Ms. McGowan discussed the five bills on the department's legislative agenda. Those bills are:

- S.B. 12-034 - Concerning repeal of the rapid screen program to identify high-emitting motor vehicles.
- S.B. 12-064 - Concerning the Colorado Children's Trust Fund.
- H.B. 12-104 - Concerning the creation of an electronic death registration system in the department of public health and environment.
- H.B. 12-1058 - Concerning the requirement that the department of public health and environment provide infant eye prophylaxis.
- H.B. 12-1083 - Concerning maintenance of the current fee structure on certain feeding operations under the "Colorado Water Quality Control Act".

**Attorney General's Report**

Jennifer Weaver, First Assistant Attorney General, stated that there were no updates to report.

**Administrative Business, Karen Osthus, Board Administrator**

Ms. Osthus updated the Board on Executive Order 5. Ms. Osthus also discussed the draft letters to select members of the House, Senate, the Attorney General and the Governor concerning the Board's oversight of Master Settlement Agreement programs and potential changes regarding recommendations in the future.

**Informational Briefing: Influenza Update**

**Staff Comments:** Rachel Herlihy, M.D., Disease Control and Environmental Epidemiology Division, provided a PowerPoint presentation on influenza. Ms. Herlihy's comments focused on, influenza illness, influenza vaccines, and influenza policy.

3:15 p.m.            **Adjournment**

Copies of the rulemaking documents, reports, briefings, and presentations may be obtained by submitting a request to: [cdphe.bohrequests@state.co.us](mailto:cdphe.bohrequests@state.co.us)