

Approved August 15, 2012

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

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

Call to Order/Roll Call

The July 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, DOC Main Room, Bldg. A, 1st Floor, 4300 Cherry Creek Drive South, Denver, Colorado, by Laura Davis, President.

Members Present

Philip Mehler, M.D., District 1; Laura Davis, District 2; Crestina Martinez, County Commissioner, District 3; Kindra Mulch, District 4; Joan Sowinski, District 6; Christine Nevin-Woods, D.O., At-Large; Christopher Stanley, M.D., District 7; Sue Warren, At-Large;

Members Absent

Glenn Schlabs, District 5

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 June 20 meeting minutes as written.

Public comments regarding matters not on the agenda

None.

Board comments regarding matters not on the agenda

Dr. Nevin-Woods reported that the School of Public Health is sponsoring an evidenced based training. The training will be introduced at the Public Health of the Rockies Conference in September.

Informational Briefing: Food Safety

Staff Comments: Therese Pilonetti, Program Manager, Environmental Health and Sustainability Division, provided a PowerPoint presentation, *Winnable Battle – Safe Food*. Ms. Pilonetti's presentation included the various causes of foodborne illness as well as the public health impact of foodborne illness. She provided an overview of the program that included: 1) the

department's authority to conduct and enforce retail food regulations; 2) the program's metrics to quality outcomes and measures of success; and 3) the anticipated outcomes and long-term goals of the program.

There were various questions and comments regarding risk factors, best practices, civil penalties, and community engagement.

Discussion/Request for Rulemaking Hearing: Proposed amendments to 5 CCR 1005-2, Testing for Alcohol and Other Drugs

Staff Comments: Jeffrey Groff, Evidential Breath Alcohol Testing (EBAT) Program Manager, Laboratory Services Division, asked the Board to schedule a public rulemaking hearing on September 19, 2012 on the proposed rules.

Mr. Groff remarked that the proposed amendments establish language relevant to the statewide certification, collection, and testing of individuals suspected of DUI/DWAI, update existing requirements with currently recognized and accepted industry best practices, remove outdated, non-applicable requirements, and clarify existing language. The proposed rules also set forth the standards that will be used for the new evidential breath alcohol testing instruments that will be installed at sites across the state.

There were various questions and comments pertaining to quality control measures, stakeholder processes and the cost and implementation of the new DUI/DWAI testing instruments.

BY UNANIMOUS CONSENT, the Board scheduled a public rulemaking hearing on September 19, to consider proposed amendments to 5 CCR 1005-2, Rules, and Regulations pertaining to Testing for Alcohol and Other Drugs.

Discussion/Request for Rulemaking Hearing: Proposed repeal of 6 CCR 1011-1, Chapter XIV, Maternity Hospitals

Laurie Schoder, Policy Analyst, Health Facilities and Emergency Medical Services Division, asked the Board to schedule a public rulemaking hearing on September 19, 2012.

Ms. Schoder stated that House Bill 1294, signed into law by the Governor on June 4, 2012, removed the department's authority to license and set standards for maternity hospitals.

Therefore, the department is proposing to repeal the Chapter XIV, Maternity Hospitals rules.

BY UNANIMOUS CONSENT, the Board scheduled a public rulemaking hearing on September 19, 2012, to consider the repeal of 6 CCR 1011-1, Chapter XIV, Maternity Hospitals.

Discussion/Request for Rulemaking Hearing: Proposed amendments to 6 CCR1011-1, Chapter XX, Ambulatory Surgical Centers

Laurie Schoder, Policy Analyst, Health Facilities and Emergency Medical Services Division, asked the Board to schedule a public rulemaking hearing on October 17, 2012. Ms. Schoder stated that the proposed changes are necessary to align the department's regulations with recent federal changes and to make numerous typographical and grammatical corrections. She mentioned that the amendments also remove outdated references and standards of practice and

replaces them with update references and current standards of practice.

BY UNANIMOUS CONSENT, the Board scheduled a public rulemaking hearing on October 17, 2012, to consider proposed amendments to 6 CCR 1011-1, Chapter XX, Rules, and Regulations pertaining to Ambulatory Surgical Centers.

Discussion/Request for Rulemaking Hearing: Proposed amendments to 6 CCR 1011-1, Chapter XII, Chiropractic Centers and Hospitals

Laurie Schoder, Policy Analyst, Health Facilities and Emergency Medical Services Division, asked the Board to schedule a public rulemaking hearing on September 19, 2012.

Ms. Schoder stated that House Bill 1294, signed into law by the Governor on June 4, 2012, removed the department's authority to license and set standards for chiropractic centers and hospitals therefore the department is proposing to repeal Chapter XII, Chiropractic Centers and Hospitals.

BY UNANIMOUS CONSENT, the Board scheduled a public rulemaking hearing on September 19, 2012, to consider proposed amendments to 6 CCR 1011-1, Chapter XII, Chiropractic Centers and Hospitals.

PUBLIC RULEMAKING HEARING: Proposed amendments to 6 CCR 1011-1, Chapter XXI, Hospice

Laurie Schoder, Policy Analyst, Health Facilities and Emergency Medical Services Division, presented the Board with the proposed changes to Standards for Hospitals and Health Facilities pertaining to Hospice care. Ms. Schoder remarked it has been twenty-five years since Chapter XXI regulations have been revised and that the proposed amendments are a direct result of working with the Colorado Center for Hospice & Palliative Care and other stakeholders for the past two years to rewrite the entire regulations. She stated that the proposed amendments were drafted to bring the hospice regulations into compliance with current standards of care in the industry along with correcting various outdated references to other rules and regulations. She pointed out that the rules are now more closely aligned with federal standards since most licensed hospices in Colorado are federally certified.

Ms. Schoder responded various questions and comments from the Board. Judy Hughes, Section Chief, Health Facilities and Emergency Medical Services Division, clarified that this rule only applies to hospices and that palliative care is available in many other types of facilities.

Public Comments:

Martha Barton, President and CEO, Pikes Peak Hospice & Palliative Care, representing the Colorado Centers for Hospice and Palliative Care, testified in support of the proposed rules. She thanked the department for its hard work and dedication to ensure that the regulations reflect language that provides ample directions to new hospice providers and safeguards patients while allowing experienced providers to maintain the good practices they have established. Ms. Barton introduced a number of her colleagues from other hospice organizations.

MOVED by Ms. Mulch, seconded by Dr. Nevin-Woods, to adopt the proposed amendments to 6 CCR 1011-1, Chapter XXI, Hospices, along with the statement of basis and purpose, specific statutory authority and regulatory analysis.

MOTION CARRIED UNANIMOUSLY

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

Ms. Matthews provided a summary of the progress made on a variety of issues, including: 1) the hiring of an environmental health specialist in Lincoln County; 2) talking with the San Luis Valley County Commissioners regarding environmental health; and 3) updating the status of the required community health assessments across the state.

Reports from the Executive Director and Chief Medical Officer, Ann Hause, Director, Office of Legal and Regulatory Affairs

Ann Hause, Director, Office of Legal and Regulatory Affairs, stated that Dr. Urbina asked her to express his regret for not attending today's meeting and that he looks forward to providing an update during the August 15th meeting.

Attorney General's Report,

Jennifer Weaver, First Assistant Attorney General, stated that there is nothing to report on the litigation front.

Administrative Business, Karen Osthus, Board Administrator

Ms. Osthus reminded the Board that the August 15 meeting will be held via teleconference, and encouraged members to schedule two hours for this meeting. She also remarked that the September meeting will be held at the Pueblo City-County Health Department and she encouraged members to attend the Public Health in the Rockies Conference being held in Pueblo. Ms. Osthus announced that Jason Vahling, Director, Prevention Services Division is leaving the department to pursue other opportunities.

Informational Briefing: Google Docs

Brandon Williams, Public Information Officer, Prevention Services Division and Rio Chowdhury, Marketing/Social Media Lead, Office of Communications, Community Relations, briefed the Board on the statewide initiative to move to a Google based environment for email and document production. Additionally, they provided a tutorial for navigating a PDF document.

Discussion/Request for Rulemaking Hearing: Proposed amendments to 6 CCR 1015-8, Rules for Service Grants for the Dental Assistance Program

Staff Comments: Katya Mauritsen DMD, MPH (c), Director, Oral Health Unit, Prevention Services Division, requested a rulemaking hearing to consider proposed amendments to Rules and Regulations pertaining to Services Grants for the Dental Assistance Program.

Ms. Mauritson explained that House Bill 12-1326, passed during the 2012 legislative session, restored funding to the Old Age Pension Dental Program. She remarked that the proposed amendments to the rules include reinstating the FY2008/2009 allowable dental procedures and provider reimbursement fees, expanding the eligibility requirements, and removing the requirement for documentation pertaining to establishing a relationship with Area Agencies on Aging.

BY UNANIMOUS CONSENT, the Board scheduled a public rulemaking hearing on September 19, 2012, to consider proposed amendments to 6 CCR 1015-8, Service Grants for the Dental Assistance Program.

Note: Ms. Sowinski was not present for the following agenda items.

Request for Appointments to: Tobacco Education, Prevention and Cessation Grant Program Review Committee

Jennifer Ludwig, Chair, Tobacco Education, Prevention and Cessation Grant Program Review Committee presented the Review Committee's recommendation to fill three vacancies.

Ms. Ludwig stated that the Review Committee followed established standard practices associated with filling committee vacancies. There was brief discussion regarding how the positions became vacant, how the recommendations were determined, and how to improve outreach and participation from rural Colorado.

Ms. Ludwig offered the following names for the Board's consideration.

- 1) **Representative of a socio-demographic disadvantaged population in Colorado**, Daniel Kortsch, MD, Physician, Denver Health Medical Center;
- 2) **Representative of an association representing family physicians**, Pamela Talley, MD, Lead Physician, Wardenburg Health Center, University of Colorado Boulder;
- 3) **Representative of a statewide nonprofit organization with a demonstrated expertise in and commitment to tobacco control**, Karen Wilson, MD, MPH, FAAP, Section Head, Pediatric Hospital, Children's Hospital Colorado

Celeste Schoenthaler, Director, Tobacco Education, Prevention and Cessation Program, Prevention Services Division, responded to various comments and questions regarding the appointment process and programmatic initiatives.

Note: Dr. Stanley recused himself from voting on this agenda item, due to a conflict of interest.

MOVED by Dr. Nevin-Woods, seconded by Ms. Warren to appoint Dr. Daniel Kortsch, Dr. Pamela Talley, and Dr. Karen Wilson to the Tobacco Education, Prevention and Cessation Grant Program Review Committee

MOTION CARRIED UNANIMOUSLY

Request for Appointments to: Cancer, Cardiovascular Disease and Cardiopulmonary Disease (CCPD) Grant Program Review Committee

Averil Strand, RN, MSN, Director of Community Health Services, Larimer County Health Department, presented the Cancer, Cardiovascular Disease and Cardiopulmonary Disease (CCPD) Grant Program Review Committee's (Review Committee) recommendation to fill the vacancy of a "public health professional". She stated that the Review Committee unanimously approved recommending Chris Wiant, MPH, PhD, President and CEO, Caring for Colorado Foundation, based on his background and unique qualifications.

Jason Vahling, Director, Prevention Services Division, presented the recommendation to fill the vacancy for a representative of a recognized expert in health disparities, Kim Riley, MPH, Director of Health Education, Center for Research Strategies.

Ms. Strand and Mr. Vahling responded to various questions and comments regarding the appointment process and the efforts made to gain wider state representation.

MOVED by Ms. Mulch, seconded by Dr. Stanley to appoint Dr. Chris Wiant and Kim Riley to the Cancer, Cardiovascular Disease and Cardiopulmonary Disease (CCPD) Grant Program Review Committee.

MOTION CARRIED UNANIMOUSLY

Discussion/Request for Rulemaking Hearing: Proposed Procedural Rules for State Board of Health to 6 CCR 1014-8

Staff Comments: Karen Osthus, Administrator, asked the Board to schedule a public rulemaking hearing on October 17, 2012 to consider the proposed amendments to Rules and Regulations pertaining to Procedural Rules for the State Board of Health.

Ms. Osthus stated that the proposed amendments would provide further definition and clarification regarding how the Board of Health conducts its rulemaking hearings and general business. She provided a brief overview of the proposed amendments and she discussed the outcome of the stakeholder meeting held on June 15, 2012.

BY UNANIMOUS CONSENT, the Board scheduled a public rulemaking hearing on October 17, 2012, to consider proposed amendments to 6 CCR 1014-8, Procedural Rules for State Board of Health.

This meeting was adjourned at 2:30 p.m.

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