

**COLORADO BOARD OF HEALTH
MEETING MINUTES
July 20, 2011**

NOTE: These minutes are a summary of the proceedings and motions of the July 20, 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 July 20, 2011 Colorado Board of Health meeting was called to order at approximately 10:15 a.m. at the Colorado Department of Public Health and Environment, Sabin Conference Room, 4300 Cherry Creek Drive South, Denver, Colorado, by Dr. Christine Nevin-Woods, vice president.

Members Present

Philip Mehler, M.D., District 1; Crestina Martinez, District 3, County Commissioner; 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, Christopher Urbina, M.D., MPH, Executive Director and Chief Medical Officer, (ex-officio).

Members Absent:

Laura Davis, District 2 and 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 deferred the approval of the June minutes until August.

Public comments regarding matters not on the agenda

Walter "Snip" Young, Volunteer, Jefferson County Public Health Department, requested the Board's assistance with informing the public about the potential hazards of dissolvable and other smokeless tobacco products. He provided the Board with a copy of *Reducing Illegal Tobacco Sales to Minors: Policy Recommendations from the Youth Smoking Prevention Stakeholder Group* and *Dissolvable Tobacco Products: A New Public Health Threat* informational sheet.

Mr. Young discussed the concerns regarding the dissolvable tobacco products and he provided a brief history of the smokeless, spitless tobacco products. He pointed out that in March 2011 Denver became a test market for Camel Snus, and Camel Orbs, Strips and Sticks. He encouraged the Board to ask R.J. Reynolds Tobacco Company to remove the product from the Denver test markets.

The Board had various questions and comments regarding the products and their potential to affect public health in a negative manner for Colorado citizens.

Board comments regarding matters not on the agenda

None.

Request for Appointment to: Cancer, Cardiovascular Disease and Chronic Pulmonary Disease (CCPD) Grant Program Review Committee

Staff Comments: Sara Russell Rodriguez, Director, Chronic Disease Branch, Prevention Services Division, presented the CCPD Competitive Grants Program Review Committee's recommendations to fill several vacancies on the Review Committee.

- **Cardiovascular Disease Professional:** Ray Estacio, MD, Director of Medical Affairs Dept., Colorado Department, Prevention Center;
- **Cancer Professional:** R. Lee Jennings, MD, retired surgical oncologist;
- **Recognized Expert in Health Disparities:** Angela Sauaia, MD, PhD, Associate Professor of Public Health, Medicine and Surgery, University of Colorado Denver, Colorado School of Public Health;

- **Public Health Professional:** Avie Strand, RN, Community Health Services Director, Larimer County Department of Health and Environment.

Ms. Russell responded to a variety of questions and comments pertaining to: a) the Review Committee's selection process; b) the statutory requirements associated with committee membership; and c) the challenges of increasing the candidate pool.

MOVED by Ms. Sowinski, seconded by Ms. Mulch to accept the Review Committee's recommendations to fill the four vacancies as presented.

MOTION CARRIED UNANIMOUSLY

Discussion/Request for a Rulemaking Hearing: Proposed amendments to 6 CCR 1014-4, Colorado Health Care Professionals Credentials Application

George Dikeou, Chair, Health Care Credentials Application Review Committee, discussed the proposed amendments to the Colorado Health Care Professionals application and asked the Board to schedule a public rulemaking hearing in September to consider the proposed amendments.

Mr. Dikeou discussed the history of the Colorado Health Care Professionals Credentials Application. He commented that the Colorado Medical Society and COPIC Insurance Company, over the past 15 years, tried to persuade the various credentialing entities in Colorado to agree on a single uniform application. He stated that in 2004 the General Assembly created the Colorado Health Care Credentials Application Review Committee and instructed the Review Committee to develop a single uniform application.

Mr. Dikeou provided an overview of the stakeholder process and furnished the rationale for the proposed changes. He emphasized that the Review Committee's intention is to avoid changes to the application unless there is strong support for such changes and that the changes do not affect the usability or functionality of the document.

BY UNANIMOUS CONSENT, The Board scheduled a public rulemaking hearing on Sept 21, 2011 to consider proposed rules to the Colorado Health Care Professionals Credentials Application.

Discussion/Request for a Rulemaking Hearing: Proposed amendments to 6 CCR 1014-6 pertaining to Core Public Health Services

Staff Comments: Shannon Rossiter, JD, MPH, Public Health Planner, Office of Planning and Partnerships, presented the proposed amendments and asked the Board to schedule a public rulemaking hearing on October 19, 2011 pertaining to core public health services.

Ms. Rossiter provided background information regarding the Public Health Act of 2008 (the Act). She specifically discussed: a) the intention of the Act; b) the responsibilities of the Board; and c) progress made since the Act was passed.

She remarked that the Office of Planning and Partnerships, in collaboration with local and state public health leadership, developed the proposed rules to identify core public health services. She discussed the proposed rules and summarized the stakeholder process. She added that the proposed rules would ensure that core public health services comply with state law and improve the health of Colorado citizens.

Ms. Rossiter responded to various questions and comments regarding the proposed amendments.

Health Facility Report on Hospital-Acquired Infections (HAIs)

Staff Comments: Sara Reese, Patient Safety Program Coordinator, and Kim Johnson, Quality and Safety Manager, Health Facilities and Emergency Medical Services Division discussed: a) the mandatory reporting requirements; b) the HAIs rates in Colorado health facilities; and c) the Patient Safety Program.

Ms. Reese gave a PowerPoint presentation and discussed: a) the concerns regarding healthcare-acquired infections; b) the current reporting requirements for Colorado; c) the semiannual and annual reports pertaining to data received from health care-facilities; d) the national initiatives to reduce hospital acquired infections; and e) the Patient Safety Program. She added that hospital acquired infections are a nationwide problem and a leading cause of death in the United States.

Ms. Johnson's remarks focused on the department's Patient Safety Program integration. She commented that the goal of the program is to collect data within the department related to adverse events that

occur in facilities across the state. She stated that the data would assist the department with identifying preventable HAI conditions and developing HAI reduction strategies and community standards. She also stated that the department wants to; a) standardize program information; b) enact evidence based patient safety interventions; and c) analyze data to determine which facilities may require the department's support in improving their standard of care.

Ms. Reese and Ms. Johnson responded to various questions from the Board.

Introductions

Dr. Urbina introduced the new Leadership Team. He remarked that they are tremendous group of leaders and that he is looking forward to working with the team. Members of the Leadership Team are: Joni Reynolds, R.N., M.S.N., Public Health Program Director; Chris Lindley, M.P.H., Prevention Services Division Director; Roz Bedell, Chief Operating Officer; Lisa Miller, M.D., Disease Control and Environmental Epidemiology Division Director; Martha Rudolph, J.D., Environmental Programs Director; Karin McGowan, Community Relations Director; Ann Hause, J.D., Director of Legal and Regulatory Affairs; Steve Gunderson, Water Quality Control Division Director; Nancy McDonald, Health Facilities and Emergency Medical Services Division Director; and Will Allison, J.D., Air Pollution Control Division Director.

Reports of the Executive Director and Chief Medical Officer, Chris Urbina, M.D., M.P.H.

Dr. Urbina discussed: a) the department's strategic planning efforts; b) the Public Health Improvement Process; and c) the LEAN Process. He added that the department has also begun working on the legislative agenda for the upcoming FY12 session.

A discussion ensued regarding the challenges associated with implementing the LEAN concept and process to the department. Dr. Urbina provided an overview of what the LEAN process is and he emphasized the importance of making changes from the bottom up. He pointed out that the department would hire a LEAN consultant to train a core group of department staff and an internal LEAN trainer to expand and continue LEAN process improvement within the department.

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

Ms. Matthews reported that site visits have been conducted at 46 out of 54 local public health agencies over the past two months. She remarked that Colorado's public health system is very complicated and that the site visits allow the department and the various local public health agencies to discuss topics associated with core public health services. She added that the information collected from the visits would help develop initiatives pertaining to the Public Health Act over the next few years.

There were various questions and comments regarding the Public Health Act. Additionally, there was some discussion about how local public health agencies can prepare for the Core Public Health Services rulemaking hearing in October.

Attorney General's Report-status update on litigation involving the State Board of Health

Jennifer Weaver, First Assistant Attorney General, updated the Board on the status of the following cases:

- Colorado Consumer Health Initiative (CCHI) vs. Colorado Board of Health has been fully briefed before the district court and the Attorney General's Office (AGO) is awaiting a ruling.
- LaGoy vs. Colorado Department of Public Health and Environment is set for oral argument before the Colorado Court of Appeals on August 23, 2011.

Administrative Business, Karen Osthus, Board Administrator

Ms. Osthus discussed plans for the regular October meeting; as well as, the Board of Health retreat scheduled to be held in Burlington. She added that more information would be provided as plans are finalized.

Dr. Urbina announced that special VIP parking would be available, in the near future, for boards and commissions.

Informational Briefing: Needle Exchange Programs

Ralph Wilmoth, STI/HIV Section Chief, Disease Control and Environmental Epidemiology Division, presented an overview of Senate Bill 10-189 (SB 10-189), Concerning Authorization for Government Agencies to Approve Clean Syringe Exchange Programs to Reduce the Spread of Blood-Borne Disease. Mr. Wilmoth's remarks focused on the status of syringe exchange efforts in Colorado and the reporting requirements for the program. He mentioned that a recent change to SB 10-189, since the bill's enactment in 2010, exempts volunteers, and employees of needle exchange programs from prosecution pertaining to the paraphernalia laws. He stated that local Boards of Health are the approving body for creating and managing needle exchange programs. He added that each authorized clean syringe exchange program must submit an annual report to the department detailing the results of the program and that the department is required to provide an annual report to the Colorado General Assembly.

Mr. Wilmoth remarked that Boulder County Department of Public Health created a needle exchange program, with local agreements with law enforcement, in March 1989. He added that in May 2011 the Boulder County Board of Health approved the needle exchange program under the new law and that a copy of the 2010 program report is available.

He commented that Denver Public Health had a provision in place to create a needle exchange program; however, there were some legal requirements that prevented them from moving forward with the program. He stated that the regulations have been revised and that the Denver Board of Environmental Health approved the program.

Mr. Wilmoth responded to Board questions regarding; a) the potential risks for communities offering a needle exchange program; b) the funding constraints at the local level; and c) potential roadblocks to offering a needle exchange program.

Work Session: Ex parte communications

Ms. Weaver facilitated a dialogue among Board members regarding best practices for interacting with constituency groups and the general public pertaining to rule making hearings. She recommended the following protocol:

- Define the context of the question(s);
- Explain the rulemaking process;
- Encourage the individual to participate in the rule making hearing in person or by submitting written comments; and
- Inform the Board of Health administrator of any potential concerns.

The meeting was adjourned at approximately 2:00 p.m.

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