

Approved July 18, 2012

**COLORADO BOARD OF HEALTH
MEETING MINUTES
June 20, 2012**

NOTE: These minutes are a summary of the proceedings and motions of the June 20, 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/Role Call

The June 20, 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

Philip Mehler, M.D., District 1; Laura Davis, District 2; Crestina Martinez, County Commissioner, District 3; Kindra Mulch, District 4; Glenn Schlabs, via phone, 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 May 16 meeting 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 1009-1, Epidemic and Communicable Disease Control, Regulations 1 and 3

Wendy Bamberg, M.D., Medical Epidemiologist for Healthcare-Associated Infections, Communicable Disease Epidemiology Program, discussed the proposed amendments to 6 CCR 1009-1, Epidemic and Communicable Disease Control, Regulations and

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asked the Board to schedule a public rulemaking hearing for October 17, 2012. She provided an overview of the proposed changes, including the expansion of reportable conditions pertaining to healthcare-associated infections (HAIs) from the Denver metropolitan area to the entire state in Regulation 1 and the addition of two new laboratory reportable conditions in Regulation 3.

Ms. Bamberg responded to questions regarding the scope of the notice, the goal of the proposed changes and the management of the data collected.

Informational Briefing: Medical Marijuana Program Annual Update and Electronic Death Records System Update

Ron Hyman, State Registrar and Director, Office of Vital Statistics and Medical Marijuana Registry updated the Board on the Medical Marijuana Registry Program. He discussed the history of the program, the program budget, and various program statics. He specifically talked about the status of applications received in 2011 and he recommended that the existing \$35 application fee remain at the current level. He stated that the registry is currently receiving approximately 8,000 applications per month, which includes new and renewal applications. Mr. Hyman stated that approximately 10% of the applicants qualify and receive a waiver of the \$35 registry application fee. Mr. Hyman responded to various questions and comments from the Board.

Mr. Hyman also gave an overview of HB 12-1041, Electronic Death Registration System (EDRS). He stated that the new system would replace the existing paper-based reporting mechanism for registering deaths that occur in Colorado. He remarked that implementing EDRS will improve the timeliness, the quality, and the availability of death certificates and protect the integrity of the system.

Mr. Hyman discussed the three key components of the project, which include; adopting the 2003 national standard death and fetal death certificate format; designing and implementing a web based reporting system; and training partner entities such as funeral homes, physicians and coroners.

Mr. Hyman commented that funding the EDRS project will come from the existing Vital Statistics cash reserve and an increase of the fee for certified copies of death and fetal death certificates. He pointed out that the fee increase will be \$3 per certificate, with a target implantation date of August 1, 2012. He stated that he anticipates that the project will take approximately two years for full implementation and that the fee will be re-evaluated and adjusted at that time.

Mr. Hyman responded to various questions and comments about the EDRS project.

Informational Briefing: Health Care Reform and Public Health

Jillian Jacobellis, PhD., Deputy Policy Advisor, Department of Public Health and Environment, provided a brief update on the Affordable Care Act (ACA) with a focus on ACA efforts within the public health system of Colorado. Dr.. Jacobellis discussed the potential outcomes of the legal challenge to ACA, the opportunities for public health, the Prevention and Public Health Fund, and Colorado Public Health Initiatives. She responded to comments and questions regarding ACA. Dr. Jacobellis noted that regardless of the outcome of the U.S. Supreme Court decision regarding the ACA, the department will continue to focus efforts on community level prevention and the

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winnable battles.

Informational Briefing: Pharmaceutical Waste

Lillian Gonzalez, Health Care Sector Lead, Hazardous Waste Compliance Assurance Unit, Hazardous Materials and Waste Management Division, gave a PowerPoint presentation, *Pharmaceutical Waste in Colorado: Where Are We? Where Do We Want to Be?* The presentation included discussing the levels of pharmaceuticals found in ground water and surface water in the nation and Colorado, pharmaceuticals generated by Colorado's licensed health care facilities, and Hazardous Materials and Waste Management Division's (HQWMD) plans for the management of pharmaceutical waste.

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

Dr. Urbina updated the Board on efforts regarding the department's seven priorities, legislative follow-up, and the department's outreach efforts to local departments of public health.

Joni Reynolds, Public Health Programs Director, updated the Board on the implementation of the rules pertaining to the flu vaccination.

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

Ms. Matthews updated the Board on the activities pertaining to the upcoming Public Health Standards rulemaking hearing. She mentioned that the draft documents have been developed and that the steering committee is scheduled to meet and discuss the proposed changes. She reminded the Board that the request for a rulemaking hearing is scheduled for August 18. Ms. Mulch congratulated her on the excellent job she and her staff have done in their outreach efforts to local public health agencies and others.

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

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 July 18 meeting would be held in the DOC conference room as a pilot for incorporating the use of laptops during Board meetings. She mentioned that the August 18 meeting will be held via teleconference and asked members to reserve at least two hours for that meeting. She remarked that the Board has been invited to conduct the September 19 meeting at the Pueblo Department of Public Health and she mentioned that the Public Health of the Rockies Conference is being held at the same time and encouraged members to attend.

Board's oversight of Master Settlement Agreement Programs and Recommendations

Following up on last month's discussion, Dr. Urbina stated that in his opinion it did not make sense to change funding recommendations for programs that receive

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money from the Master Settlement Agreement. He remarked that the award process is very complex and to consider other options would require significant amounts of time and human resources and could have unintended consequences to current grantees. Dr. Urbina stated that he believed that there would be other opportunities, such as with the Winnable Battles, for the Board to leverage its policy role.

Further discussion ensued regarding the importance of funding the QuitLine, other various funding opportunities, and the Board's role regarding policymaking. Ms. Mulch noted that she understand Dr. Urbina's position, however believes that the Board has been weak in its role as a policy- making entity. Dr. Stanley stated he understands the many challenges such an endeavor would generate and that he agreed that it was not the best use of the Department's or Board's resources. Ms. Davis thanked Dr. Urbina for his candor and counsel on this issue.

This meeting adjourned at approximately 1:30 p.m.

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