



COLORADO BOARD OF HEALTH

Minutes for Wednesday, March 19, 2014

Colorado Department of Public Health and Environment
Sabin-Cleere Conference Room, Bldg. A, 1st Floor
4300 Cherry Creek Dr. South, Denver, CO 80246

Colorado Department
of Public Health
and Environment

NOTE: These minutes are a summary of the proceedings and motions of the 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. Copies of the rulemaking documents, reports, briefings and presentations may be obtained by submitting a request to: cdphe.bohrequests@state.co.us

Y/ N	Board Member Attendance
Y	Christopher Stanley, M.D., District 1
Y	Laura Davis, District 2, President
Y	Jill Hunsaker-Ryan, County Commissioner, District 3
Y	Gary Teague, District 4
Y	Betty McLain, District 5
Y	Joan Sowinski, District 6
Y	Rick Brown, District 7
N	Christine Nevin-Woods, D.O., At-Large, Vice President
Y	Sue Warren, At-Large
Y	Larry Wolk, Executive Director, (ex-officio)

Y/N	Staff Attendance
Y	Joni Reynolds, Health Programs Director
Y	Deborah Nelson, Board Administrator
Y	Jamie L. Thornton, Program Assistant
Y	Jennifer L. Weaver, First Assistant Attorney General

Call to order/Roll call

Ms. Davis, Board President, called the meeting to order at approximately 10:05 a.m.

Approval of the minutes

BY UNANIMOUS CONSENT, the Board approved the February 19, 2014 meeting minutes as amended. The amendments clarified that Professor Daniel Rees' research focused on states that legalized medical marijuana and that teenage usage in those states either stayed the same and/or decreased.

Public comments regarding matters not on the agenda

There were no comments received from the public.

Board Comments not on Agenda

There were no comments received from the Board.

Public Rule-making Hearings

6 CCR 1011-1, Chapter IV, Hospital Infection Control Committees - Dr. Stanley, Chair

Laurie Schoder, Policy Analyst, Health Facilities and Emergency Medical Services Division (HFEMSD), presented the proposed amendments. Ms. Schoder requested that the Board adopt the proposed change regarding Infection Control Committee meeting frequency from monthly to quarterly. She remarked that hospitals and infection control committees have become extremely efficient at addressing infection control issues and as a result, the required monthly meetings have become unnecessary. She also mentioned that the Governor asks the Department to reduce regulatory burden wherever possible. She noted that she did not receive any public comments opposed to the change and that the proposed amendment appears to be non-controversial.

In response to Ms. Sowinski's question regarding committee duties and infection rate reduction, Ms. Schoder indicated that committees are responsible for writing policies and procedure. She pointed out that the proposed amendment only changes the minimum standard associated with committee meetings and that if necessary they can meet more frequently. She noted that the monthly requirement has become burdensome due to a lack of meeting content. Randy Kuykendall, Director, HFEMSD, commented that the current meeting requirement was due to the initial development of policies. He emphasized that the proposed change is a reflection of the maturity of the program and the increased compliance rates. Mr. Kuykendall stated that, across the board, infection rates have either stabilized or decreased. He mentioned that procedures are in place for facilities to identify and report infections. He added that the data collected from facilities is reported to a national database and the resulting report is available to the public. In response to Ms. Sowinski's question about having an additional, more stringent requirement, for non-compliant facilities, Judy Hughes, Program Manager, HFEMSD stated that while an infection control committee acts in an oversight capacity for hospitals the Department's infection prevention specialists monitor infection control issues at the facilities. She remarked that infection prevention specialists are responsible for day-to-day implementation of polices, that directly relate to identifying, reporting, and addressing infection control issues, developed by the committees. Further discussion, questions and comments ensued regarding distinctions between policies, procedures, practices and possible risks associated with reducing meeting requirements. **MOVED** by Ms. Davis, seconded by Ms. McLain, to adopt the proposed amendments to 6 CCR 1011-1, Standards for Hospitals and Health Facilities, Ch. IV, Hospital Infection Control Committees, along with the statement of basis and purpose, specific statutory authority and regulatory analysis. **MOTION CARRIED (8 -1)**

6 CCR 1014-10, Local Public Health Funding Formula – Mr. Brown, Chair

Kathleen Mathews, Director, Office of Planning and Partnerships, Community Relations, presented proposed regulations for the funding formula designed to support local public health agencies that provide the required core public and environmental health services. Ms. Mathews provided a brief history of the Public Health Act of 2008 (the Act) and previous Board actions associated with the Act. She discussed the formula development process, local public health fund utilization, considerations and guiding principles in developing and establishing the formula, funding distribution and stakeholder engagement.

Ms. Davis shared her appreciation for the work performed by the program to develop the formula and engage all local public health agencies. Commissioner Hunsaker-Ryan stated that as a representative of the rural community the formula seems very fair and that she appreciates the difficulty in striking a balance when supporting such diverse communities. In response to Mr. Brown's, question regarding the Department's role concerning funding distribution, Ms. Mathews stated that approximately \$8.5 Million comes from state funds. She pointed out that the current funding streams can significantly fluctuate and that the Department is currently conducting research associated with creating long-term sustainability. **MOVED** by Dr. Stanley, seconded by Ms. Davis, to adopt the proposed new rule 6 CCR 1014-10, the funding formula for local planning and support to local public health agencies, along with the statement of basis and purpose, specific statutory authority and regulatory analysis. **MOTION CARRIED UNANIMOUSLY**

Request for Review of Minimum Qualifications of Public Health Directors for Custer County Public Health Agency and Prowers County Public Health and Environment

Kathleen Matthews, Director, Office of Planning and Partnerships, Community Relations, reviewed the substitution of minimum qualifications for a public health director for Custer County Public Health Agency and Prowers County Public Health and Environment. Ms. Matthew responded to Board questions.

Presentation: Cancer, Cardiovascular and Chronic Pulmonary Disease Grant Program Review Committee Chronic Disease Surveillance Data

Renee Calanan, LCDR, U.S. Public Health Service, Chronic Disease and Oral Health Epidemiologist, Colorado Department of Public Health and Environment, discussed the leading causes of death, risk factors and outcomes related to chronic diseases, health disparities among adults, risk factors among youth and general conclusions generated by this information. Ms. Calanan responded to Board questions regarding the data source, the type of survey used, the impact on Medicaid cost, the importance of raising public awareness around chronic diseases, and the importance of having a statewide plan to address chronic disease supported with coordinated funding. Dr. Wolk emphasized the importance of the social determinants of health.

Request to Approve Funding Recommendations for Cancer, Cardiovascular Disease and Pulmonary Disease Grant Program – Fiscal Year (FY) FY2014-2015

Averil Strand, R.N., Director of Community Health Services, Larimer County Health Department/Chair, Cancer, Cardiovascular and Pulmonary Disease Review Committee, asked the Board to approve funding recommendations for the Cancer, Cardiovascular Disease and Pulmonary Disease Grant Program, (CCPD), FY 2014-2015 for \$12,887,397. Ms. Strand remarked that the request is for year three of a three-year funding cycle beginning July 2014 and concluding June 2015. She stated that the funding recommendations direct 35% to cancer related projects, 46% to cardiovascular disease related projects, 5% to pulmonary disease related projects and 14% to crosscutting projects. She commented that \$1.25 million of the total funding recommendation is for the evaluation grant. She pointed out that 32% of the total funding recommended, excluding evaluation, directs funds to projects affecting rural areas. She mentioned that anticipated funds for FY 2015 are \$15 Million, which represents an additional \$2 Million. She remarked that the additional funds result from the expected passage of Senate Bill 14-109. She pointed out that they do not plan to spend the additional money during FY 2015; instead, the funds would be distributed in FY 2016 once the Request for Application (RFA) process is completed.

Dr. Stanley asked if the program anticipates seeing an increase in volume for the Colorado Colorectal Screening Program at the University of Colorado Denver due to possible impacts of the Affordable Care Act. Ken Gershman, M.D., Manager, Cancer, Cardiovascular and Pulmonary Disease Grant Program, Prevention Services Division, responded by saying that the Department does not have hard data regarding the number of uninsured; however, current trends suggest that enrollment for coverage has been slower than anticipated. He added that the new RFA will include strategies that acknowledge and recognize the changes associated with health care reform so that the Department should not be directly funding clinical services provided by the clinical sector. **MOVED** by Ms. Sowinski, seconded by Ms. McLain, to approve the CCPD Review Committee's funding recommendation for FY 2014-15, in the amount not to exceed \$12,887,397 million to fund activities identified in the March 19, 2014 memorandum excluding awards to Health Team Works and Eagle County. **MOTION CARRIED UNANIMOUSLY. MOVED** by Ms. Sowinski, seconded by Ms. McLain, to approve the CCPD Review Committee's funding recommendation for Eagle County as indicated in the March 19, 2014 memorandum. **MOTION CARRIED UNANIMOUSLY. (Commissioner Hunsaker-Ryan recused) MOVED** by Ms. Sowinski, seconded by Ms. McLain, to approve the CCPD Review Committee's funding recommendation for HealthTeam Works as indicated in the March 19, 2014 memorandum. **MOTION CARRIED UNANIMOUSLY (Dr. Stanley recused)**

Request to Approve Funding Recommendations for the Office of Health Equity – FY2014-2015

Chris Armijo, Commission Chair, respectfully requested the Board approve the FY 2014-2015 continuation grant awards for the Health Disparities Grant Program. Mauricio Palacio, M.S., Office of Health Equity Director, remarked that the recommendations are to continue funding fourteen grantees in the amount of \$2,518,514 for the period beginning July 1, 2014 and concluding June 30, 2015. Mr. Palacio mentioned that the recommendations follow the legislative requirements as outlined in the memo dated March 1, 2014. He stated that the program priorities are patient navigation, increasing access to healthcare and treatment services, and collective action for collective impact. These priorities address the determinants of health and contributing factors of health disparities. The priorities reduce risk factors,

decrease obesity in children and adults, and align with Colorado's Winnable Battles. **MOVED** by Mr. Brown, seconded by Dr. Stanley, to approve the funding recommendations from the Health Equity Commission and the Office of Health Equity, in the amount not to exceed \$2.52 million to fund activities identified in the March 1, 2014 memorandum excluding award to Eagle County. **MOTION CARRIED UNANIMOUSLY. MOVED** by Mr. Brown, seconded by Dr. Stanley, to approve the funding recommendation for Eagle County from the Health Equity Commission and the Office of Health Equity as indicated in the March 1, 2014 memorandum. **MOTION CARRIED UNANIMOUSLY (Commissioner Hunsaker-Ryan recused).**

Standing Reports

Executive Director Report

Larry Wolk, M.D., Chief Medical Officer discussed several department-wide customer service achievements that included completion of the employee engagement survey, the Water Quality Control Division, and the Office of Emergency Preparedness achievements. He talked about progress made regarding the Affordable Care Act as it relates to the Women's Wellness Connection, the distribution of immunizations, and the ability for family planning Title X contractors to seek reimbursements through Medicaid. He remarked that the Colorado Immunization Information Systems continues to work with CORHIO to create an interface between primary care providers and hospitals throughout the state. Dr. Wolk remarked that the Joint Budget Committee approved several million dollars to fund infrastructure development that will enable local public health departments to use electronic records. He announced the Department's new website is scheduled for completion in July and that the new medical marijuana website would be available by the end of the week. He mentioned that the oil and gas rules were approved last month and that the approval is viewed as a victory by both industry and environmentalists. He announced that a stakeholder meeting to discuss potential legislation to address audit findings related to the Medical Marijuana Registry is scheduled for March 28, 2014.

Attorney General's Report

Jennifer Weaver, First Assistant Attorney General, Health Care Unit, Legal Counsel stated that there were no updates.

Board Member Reports of Committee Activities

- Ms. Davis stated that there were no updates regarding the Governor's Expert Emergency Epidemic Response Committee.
- Mr. Brown discussed the Cancer, Cardiovascular and Chronic Pulmonary Disease Committee's rationale regarding components of the upcoming RFA.
- Dr. Stanley stated that he would provide an updated on the Tobacco Review Committee at the next Board of Health meeting.
- Commissioner Hunsaker-Ryan remarked that the Steering Committee is defining its role and decided to meet monthly beginning in April.

Legislative Report

Karin McGowan, Deputy Executive Director and Director of Community Relations updated the Board regarding the Department's legislative initiatives and other bills of interest to the Department. Ms. McGowan stated that the Long Bill will be introduced on Monday and that the General Assembly is now focused on balancing the budget. She commented that the Joint Budget Committee (JBC) is currently discussing potential options should taxes collected for retail marijuana exceed the previous projections. She pointed out that TABOR laws only allow the State to keep the forecasted amount. She said that the Governor introduced a supplemental package that would allow the State to spend the revenue on marijuana related things such as education, enforcement, and treatment for addiction. She added that the Department requested using retail marijuana revenue to increase public education and awareness, support the Healthy Kids Colorado survey, monitor for any increase in Driving Under the Influence of

Drugs, increase the capabilities of the pregnancy tracking survey, and develop a syndromic surveillance system. Ms. McGowan commented that the Department's JBC analyst only recommended to partially fund the education and awareness campaign. She pointed out that the JBC did not vote on any of the Governor's supplemental request and are waiting to review the revenue forecast. She mentioned that the JBC approved \$10 million from the Medical Marijuana Registry cash fund to conduct studies regarding the medical efficacy of using marijuana. She stated that the personal belief exception bill and an oil and gas bills have been introduced. She remarked that the JBC proposed \$17 Million for the Department's flood assistance bill. Ms. McGowan also mentioned that the Department's budget request included restoring funds to the waste tire cleanup fund, the hazardous substance response fund and the recycling grant program fund.

Administrative Updates, Deborah Nelson, Board of Health Administrator

Ms. Nelson remarked that the April 16 meeting is scheduled to end at 4:45 p.m. due to a very full agenda. She mentioned that an alternative document routing method is being utilized while the Office of State Planning and Budgeting enhances the database used to reach out to local governments. This could impact future agendas. Ms. Nelson also indicated that there are a few Executive Director rulemakings scheduled and that to serve stakeholders these hearings are being scheduled immediately prior to Board of Health meetings.

Dr. Wolk remarked that a recent Denver Post article identified the Department of Public Health and Environment as one of the top surplus holders, primarily, because of the surplus funds in the Medical Marijuana Registry. He stated that he will appear before the Legislative Audit Committee in late August to present the Department's plan, some of which have been implemented, to reduce or eliminate the surpluses by next fiscal year.

Presentation: Health Facilities and Emergency Medical Services Division Director Report

Randy Kuykendall, Director, Health Facilities and Emergency Medical Services Division Director, provided the Board with an overview of the Division's roles and responsibilities, recent activities related to the new organization structure, and Lean activities. Michelle Reese, Deputy Division Director, Health Facilities and Emergency Medical Services Division, updated the Board on the Emergency Medical and Trauma Services Branch including: EMS provider education and certification, data collection, equipment standards for ground ambulances, licensing of air ambulances, funding, designation criteria for trauma centers and Governor-appointed councils and stakeholder groups. Deann Conroy, Deputy Division Director, talked about components of health facilities including licensure requirements, technical assistance to potential and existing providers, inspections, complaint and occurrence investigations, enforcement mechanisms, oversight responsibilities and inspection and investigation activities for FY2013. Kim Fear, Fiscal and Administrative Services Branch Chief, stated that the Division's budget is made up of various funding streams, which include General Funds, Cash Funds, Medicaid Funds and Federal Funds for a total of \$25,371,000 and briefly discussed how the funds are distributed among the numerous Division programs.

Requests for Rule-making Hearings

6 CCR 1015-3, Chapter 1, EMS Education and Certification-House Bill 13-1063

Michelle Reese, Senior Deputy Division Director, Health Facilities and Emergency Medical Services Division, presented a request for a rule-making hearing to comply with House Bill 13-1063 which directs the Department to implement a critical care endorsement for emergency medical service providers (EMS) by August 1, 2014. Ms. Reese stated that the proposed changes create standards in education for the issuance of a critical care endorsement and that it is not a new level of certification. She remarked that after obtaining appropriate education and passing an exam paramedics may apply to the Department to receive an endorsement to provide critical care services as authorized by their EMS medical directors. Ms. Reese noted that the proposed amendments recognize the Board of Critical Care Transport Paramedic Certifications Critical Care or Flight Paramedic certification as the necessary education for the Department

issued endorsement. She stated that stakeholder meetings were held bi-monthly and that the State Emergency Medical and Trauma Service Advisory Council and the Emergency Medical Practice Advisory Council support the changes. She pointed out that the proposed amendments delineated how to obtain an endorsement; while, Chapter Two, the parallel regulations which fall under the Executive Director's purview, address the critical care services. **BY UNANIMOUS CONSENT**, the Board scheduled this matter for a public rulemaking hearing. It is anticipated that the hearing will occur on May 21, 2014; Ms. Warren will chair.

6 CCR 1011-1, Standards for Hospitals and Health Facilities, Ch. VII, Assisted Living Residences – Definition Changes

Laurie Schoder, Policy Analyst, Health Facilities and Emergency Medical Services presented a request for a rule-making hearing in order to clarify the definitions of "abuse" and "bedridden" and to correct several outdated statutory references. Ms. Schoder remarked that the current definition of "bedridden" does not address the types of daily living skills individuals must demonstrate to ensure proper placement. She stated that the proposed definition would clarify that bedridden means: you cannot walk independently or that you cannot reposition yourself in bed. She commented that abuse is used in two sections of the regulations; the proposed changes adds "verbal" in one section to parallel the language in the other section. Ms. Schoder responded to Board questions. **BY UNANIMOUS CONSENT**, the Board scheduled this matter for a public rulemaking hearing. It is anticipated that the hearing will occur on May 21, 2014; Ms. Davis will chair.

6 CCR 1011-1, Standards for Hospitals and Health Facilities, Ch. XV, Dialysis Treatment Clinics

Laurie Schoder, Policy Analyst, Health Facilities and Emergency Medical Services Division presented a request for a public rule-making hearing in order to comply with Senate Bill 13-046. Ms. Schoder remarked that the proposed amendments would allow dialysis treatment clinics to provide outpatient treatment to individuals with acute renal disease. She stated that the changes will also create standards of treatment for patients with acute needs and chronic needs. Ms. Schoder responded to Board questions. **BY UNANIMOUS CONSENT**, the Board scheduled this matter for a public rulemaking hearing. It is anticipated that the hearing will occur on May 21, 2014; Dr. Stanley will chair.

The meeting was adjourned at approximately 2:04 p.m.