

**COLORADO BOARD OF HEALTH
MEETING MINUTES
October 19, 2011**

NOTE: These minutes are a summary of the proceedings and motions of the October 19, 2011 meeting of the Colorado Board of Health. The complete and accurate record is the audio recording of the meeting.

Call to Order/Roll Call

The October 19, 2011 Colorado Board of Health meeting was called to order at approximately 10:05 a.m. at the Burlington Community and Education Center, 340 South 14th St., Burlington, Colorado, by Laura Davis, president.

Members Present

Philip Mehler, M.D., District 1; 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; 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 August 17 meeting minutes as written.

Public comments regarding matters not on the agenda

None.

Board comments regarding matters not on the agenda

None.

Request for Appointment to: Cancer, Cardiovascular Disease and Chronic Pulmonary Disease (CCPD) Grant Program Review – filling vacancy for cancer professional representative

Staff Comments: Jennifer Snyder, Director of Outgoing Grants, Prevention Services Division, presented the Cancer, Cardiovascular Disease and Chronic Pulmonary Disease (CCPD) Grant Program Review Committee's (Review Committee) recommendations to fill the vacancy for a "cancer professional".

She remarked that the vacancy was publicized in the spring and summer of 2011, and that applicants were given seven weeks to submit a completed application to the department. She added that on Friday, September 9, the Review Committee evaluated four applications and unanimously voted to recommend Mary Jo Strobel, BSN, MBA, Director, Clinical Prevention Services, Kaiser Permanente, to fill the vacancy.

MOVED by Dr. Nevin-Woods, seconded by Mr. Schlabs to approve the appointment of Mary Jo Strobel to the Cancer, Cardiovascular Disease and Chronic Pulmonary Disease Grant Program Review Committee as the cancer professional representative.

MOTION CARRIED UNANIMOUSLY

Request for Approval of Funding Recommendation: Tobacco Education, Prevention and Cessation Grant Program Review Committee () regarding media services

Staff Comments: Jennifer Snyder, Director of Outgoing Grants, Prevention Services Division, reminded the Board that they approved initial funding for a Public Relations and Media Promotion for the Colorado QuitLine in April 2011. She commented that in June, the department issued a Request for Proposal (RFP) and in August, they awarded the contract to SE2.

Ms. Snyder reminded the Board that this funding request was on September's agenda; however, the department decided to postpone the request due to activity on the national front. She added the department anticipated the possibility to negotiate the contract with SE2 based on actions taken on the national level. She stated that discussions with SE2 resulted in changing the initial recommendation of \$339,200 to the current recommendation of \$190,000. She pointed out that the cost savings would be redirected to provide QuitLine services for uninsured, Medicaid eligible and pregnant women.

The Board discussed the legality of redirecting the funds, and requested that the department provide an assessment of the program at a future date.

MOVED by Ms. Sowinski, seconded by Dr. Stanley, to approve the funding recommendations for Tobacco Program – Public Relations and Media Promotion for the Colorado QuitLine in the amount not to exceed \$190,000 for the period of September 15, 2011 – June 30, 2012.

MOTION CARRIED UNANIMOUSLY

Request for Waiver of Building and Fire Safety Regulations: Skilled and Intermediate Health Facilities pursuant to 6 CCR 1011-1, Chapter II, Section 4.106 for Colorado Mental Health Hospital at Fort Logan, Cottage F Renovation

Staff Comments: Rob Sontag, Program Manager, Life Safety Code, Health Facilities and Emergency Medical Services Division, provided an overview of the waiver request as described, in detail, in the memorandum/packet dated September 21, 2011.

Mr. Sontag commented that Colorado Mental Health Institute at Fort Logan submitted construction plans for a plan review pertaining to the renovation of Cottage F1 on December 10, 2010. He remarked that the actual plan review was delayed until March 3, 2011 due to various discussions regarding the requirements and revisions the facility intended to make.

He stated that during the course of the review the facility was informed that the revised design resulted in the project being reclassified as a new construction project because the building contained combustible catwalk materials in the attic and a combustible roof deck. He pointed out that this would not normally be accepted under the department's current Life Safety codes. He added that the construction elements that led to the reclassification were not compatible with the stated construction type (Type II (000)) of the building and downgraded the construction type to a Type V (000) which is not allowed in new construction for this occupancy type.

Mr. Sontag stated that the facility proposed increasing some other safety measures as an equivalency, which is allowed by the National Fire Protection Association (NFPA) 5000 Building and Safety Code for minimum construction requirements. He remarked that the facility's design team performed a complete analysis of the adequacy of the equivalency to ensure there would be no decrease in the safety provided by the facility. He pointed out that the analysis identified that the added features proposed by the facility met the equivalency requirements and that the department recommends approving the Life Safety Code Waiver request.

Mr. Sontag responded to questions and comments from the Board.

MOVED by Mr. Schlabs, seconded by Dr. Mehler, to approve the waiver request for the Building and Fire Safety Regulations for Skilled and Intermediate Health

Facilities pursuant to 6 CCR 1011-1 Chapter II, Section 4.106 for Colorado Mental Health Hospital at Fort Logan.

MOTION CARRIED UNANIMOUSLY

PUBLIC RULEMAKING HEARING: Proposed amendments to 6 CCR 1014-7, Core Public Health Services

Rick Ritter, BS, Executive Director, Otero County Health Department, made remarks that focused on the history of the rules, the stakeholder process, and the organization of the proposed amendments. He also discussed the development of the rules, the funding component, and the possible impact on local public health departments. He pointed out that the proposed rules demonstrate the balance between being prescriptive and allowing flexibility for the local departments to address their communities' specific needs.

Jackie Brown, MSN, Director, Prowers County Public Health and Environment, provided comments that focused on the extensive stakeholder process that was done while the rules were being developed. She stated that the department made significant efforts to be inclusive and she identified some of the individuals contacted. She noted that local public health directors, county commissioners, and the Department of Health and Human Services were specifically sought out for feedback pertaining to the proposed rules. She added that all comments were received prior to September 28 and are available on the web.

Jeff Zayach, Director, Boulder County Public Health, stated that the Public Health Act was landmark legislation, which started as a local movement in 2006. He recognized the hard work that was involved in the development of the rules. He stated that he has every confidence in the relationships between the local public health departments and the Department of Public Health and Environment and each one's commitment to being fair and equitable when issues arise

Public Comment

Jacqueline Berardini, attorney, City and County of Denver, Office of the City Attorney, stated that her office supports the basis of the Core Public Health Services rule as presented in the proposal. However, she identified several sections in the proposed rule that she believed required clarification or raised legal concerns.

Adrieinne Le Bailly, MD, MPH, Larimer County Public Health Department, remarked that the lack of emphasis on maternal and child health in the core public health services provisions is very concerning to her. She stated that not including maternal and child health in the core services would result in direct negative impact on individuals who depend on public services. She suggested specific language that she would like to see in the rule.

Gini Pingnot, Policy & Research Supervisor, Colorado Counties Inc., stated that she supported the rules as presented. She identified an inconsistency regarding the word "implement" and suggested replacing it with the word "assure". She complimented the department for the hard work and dedication involved with bringing the rules forward.

John Tighe, Park County Commissioner, discussed: 1) the need for base funding to support basic infrastructure of the core public health services; 2) the unique characteristics of rural communities; and 3) the consequences of not providing any of the core services.

Board Comments/Discussion

The Board proceeded with deliberations regarding the proposed rules and issues raised during the public comment period. In the course of the deliberations, Dr. Urbina and Ms. Matthews responded to various Board questions and comments.

Board discussion focused on:

- The level of participation from local public health departments to formulate baseline information
- The processes and procedures to support local public health departments to provide the core services
- The research used to identify the required core services
- The possibility of including language pertaining to maternal and child health

MOVED by Mr. Schlabs, seconded by Dr. Nevin-Woods, to adopt the Core Public Health Services rule, as amended at the hearing, along with the statement of basis and purpose, specific statutory authority and regulatory analysis.

MOTION CARRIED (7–2 Ms. Mulch and Ms. Martinez opposed)

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

Dr. Urbina provided an update on the Listeria in cantaloupes outbreak.

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

Jennifer Weaver, First Assistant Attorney General, reported that there were no significant changes to report.

Administrative Business - Karen Osthus, Board Administrator

Ms. Osthus reminded the Board that the November 16 meeting would be held at the department and would start at 10 a.m.

The meeting was 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