



**Minutes of the State Board of Health
January 14, 2009 ~ Teleconference**
Point Plaza East, Tumwater, WA 98501

SBOH members present:

Treuman Katz, Chair
The Honorable John Austin, PhD
Keith Higman, MPH
Frankie T. Manning, MN, RN
Patricia Ortiz, MD

Karen VanDusen
Bill White
The Honorable Donna Wright
Diana T. Yu, MD, MSPH

SBOH members absent:

Mel Tonasket

State Board of Health Staff present:

Craig McLaughlin, Executive Director
Desiree Robinson, Executive Assistant
Heather Boe, Communications Consultant

Ned Therien, Health Policy Analyst
Tara Wolff, Health Policy Analyst

Guests and Other Participants:

Mark Aubin, Department of Health
Kathy O'Toole, Washington Education Association
Julie Simon, Department of Health

Thelma Simon, Citizen
Bat-Sheva Stein, Department of Health
Jill VanGlubt, Washington Education Association

Treuman Katz, SBOH Chair, called the public meeting to order at 9:11 a.m.

1. APPROVAL OF AGENDA

Motion: Approve January 14, 2009 agenda

Motion/Second: Ortiz/Manning. Approved unanimously

2. ADOPTION OF NOVEMBER 12, 2008 MEETING MINUTES

Chair Katz called for approval of the minutes for the last meeting. John Austin, SBOH Member, asked for an edit on page 8 (#14) regarding two words being reversed (*get questions*).

By general consent, approved the November 12, 2008 minutes with edit, except Donna Wright abstained.

3. SELECTION OF A VICE CHAIR

Chair Katz asked for nominations for Vice Chair. Diana Yu, SBOH Member, nominated Keith Higman. He was the only person nominated.

Motion: Elect Keith Higman vice chair.

Motion/Second: Yu/Manning. Approved unanimously

4. SBOH ANNOUNCEMENTS AND OTHER BUSINESS

Craig McLaughlin, Executive Director, reported that due to staff reductions not as much effort is going into the monthly FYI. He said the terms of two Board members, Treuman Katz and Patricia

Ortiz, will end June 30, 2009 and asked them to think about whether they wanted to re-apply. He mentioned a presentation about the Board to the House Health Care and Wellness Committee, reported signing the CR-103 to finalize an immunization rule update, and summarized future rule making activities. He said staff has planned the March Board meeting as a half-day afternoon meeting. This would save costs because Board members could travel the same day. He updated members on discussions with the Seattle-King County Board of Health about a possible joint meeting during the legislative session. Member Yu stated that the Thurston County Board of Health is no longer expecting to have a joint meeting with the State Board this year.

Chair Katz asked whether the Board was meeting budget adjustments requested by the Governor. Mr. McLaughlin said he was still seeking information regarding the 2009-2011 budget. Chair Katz asked him to re-evaluate the Board's strategic plan when the budget projections are more fully known. Mr. McLaughlin said he thinks that small adjustments already made should carry the work plan through to the next regular evaluation of the strategic plan by the Board. Member Austin asked whether Board meetings would continue to be held in different jurisdictions. Mr. McLaughlin said that staff is planning Board meetings for Olympia in June, Jefferson County in July, Yakima in October, and in the Seattle area in November.

5. UPDATE ON SCHOOL ENVIRONMENTAL HEALTH AND SAFETY RULE

Mr. McLaughlin reviewed his memo to the Board highlighting recent reports by joint legislative committees and task forces. Mr. McLaughlin also noted efforts to understand whether federal stimulus money might be available to help implement the proposed rule. He said he expects to be invited to testify to the House Capital Budget Committee the following week about the rule. Chair Katz asked Deputy Secretary White to provide any insight he had about possible stimulus money. Deputy Secretary White said money coming from the federal stimulus package is likely to have many conditions attached regarding how it is used. Member Austin asked about the timeframe for the stimulus package and how that might match up with implementing the rule. Mr. McLaughlin discussed possible scenarios.

6. BOARD MEMBER COMMENTS AND CONCERNS

Karen VanDusen, SBOH Member, commented about a recent executive order by President Bush setting up a review committee regarding the security and safety of high-risk laboratories around the country. She said she brought this up because of the possible impact to the State's Public Health Laboratory. She said there was some interest amongst state legislators at the end of the last session about this topic of biosecurity of laboratories.

7. PUBLIC TESTIMONY

Chair Katz read from a prepared statement about public testimony to the Board (on file).

Jill VanGlubt, Washington State Education Association (WEA), said her organization continues to monitor the progress of the school rule and considers school health and safety a top priority. She thanked the Board for mentioning WEA in a letter to the Legislature about school funding.

Thelma Simon, citizen, commented on schools in Thurston and Kitsap Counties that had roof damage during recent storms. The Cle Elum school lost power. She commented on problems caused by the loss of records and reports for the Cle Elum school. Local school personnel were unaware of reasons to maintain the ventilation in the school. She also reported that the Kittitas County Health Department cut two positions and when she reported the recent situation at the Cle Elum school, there was not a school program person anymore.

8. BRIEFING ON RULE FOR PROPHYLACTIC TREATMENT TO PREVENT OPHTHALMIA NEONATORUM, WAC 246-100-202

Patricia Ortiz, SBOH Member, briefly explained the need to update the Board's rule to help prevent eye infections in newborns and introduced DOH program staff. Bat-Sheva Stein, Department of Health staff, briefly summarized the fact sheet behind Tab 8. She said that the 1% silver nitrate solution is no longer recommended to prevent newborn eye infections. The Board needs to update the rule for it to be consistent with current recommendations from the Centers for Disease Control (CDC) and to include opt-out provisions.

Member Yu asked why parents want to opt-out of treatment and whether the rule would include treatment for *Chlamydia* infections. Ms. Stein said parents sometimes opt-out because they believe they have low to no risk. Member Yu asked when mothers were normally tested for gonorrhea and *Chlamydia*. Member Ortiz explained there is some variation but that it often occurs early during prenatal care and it can be repeated when the health care provider believes the parent is at increased risk. Ms. Stein indicated that the CDC would issue new written recommendations for treatment for *Chlamydia* infections shortly. Member Yu explained that *Chlamydia* is the most common sexually transmitted disease. Member Ortiz explained that parents could already generally opt-out of various treatments for their newborns in the hospital. Member Yu said that she had reservations about including specific opt-out provisions in this rule if there are already general measures in place in hospitals. She also wondered if this would increase the number of people opting-out of this type of treatment. Chair Katz said he would like consistency regarding opt-out provisions in Board rules.

Member Austin asked for estimates of the number of newborns who would become ill without prophylactic treatment (due to opt-out). Mr. McLaughlin asked if the treatment for gonorrhea and *Chlamydia* is the same. Ms. Stein said they could be, depending on what we learn from CDC experts. She explained that Oregon's rule references both gonorrhea and *Chlamydia*. Subsection 246-100-202(1)(e) of the current rule does not reference either gonorrhea or *Chlamydia*, it only refers to a Department of Health (DOH) policy statement (describing the types of treatment) rather than the cause of the eye infection. Mr. McLaughlin also asked for clarification on the format DOH intended to use for a rule proposal. Ms. Stein explained that the rule section (e) would list specific treatments.

Member VanDusen asked why silver nitrate was no longer a recommended treatment method. She also expressed concern about including opt-out provisions in the rule. Ms. Stein said silver nitrate causes some burning sensations in the newborns' eyes. She explained that when a pregnant woman signs in for treatment to deliver, she signs an informed consent form that includes newborn care (including vitamin K injection, prophylactic eye treatment, newborn screening, etc.). Chair Katz asked for recommendations on next steps. He indicated there appears to be a need to address some of the opt-out issues that surfaced during today's discussion. Member Ortiz recommended waiting for the new CDC guidelines on *Chlamydia* treatment options. Member Yu suggested reviewing more recommendations from a number of medical professional associations. Mr. McLaughlin commented that clarification of opt-out provisions is also being requested by providers to help minimize their liability exposure.

The Board took a break at 10:28 a.m. and reconvened at 10:38 a.m.

9. DEPARTMENT OF HEALTH UPDATE AND BUDGET REPORT

Deputy Secretary White played a video message from Secretary of Health Mary Selecky about the state budget problems. Mr. McLaughlin commented that the Board budget savings estimate for this fiscal year will be about 20% of the total amount originally authorized for the Board. Member Yu asked if the Board would be able to fill the vacant position that prepares health impact reviews. He said that he is looking at the possibility of hiring someone on an hourly basis, as needed, during the legislative session. Deputy Secretary White explained that FTE caps would extend into the next biennium. Member VanDusen asked how many people work for DOH. Deputy Secretary White replied that DOH is allocated about 1,500 FTEs and current count is under 1,400. He acknowledged that budget problems for local health hit first. He expects that federal cuts will start in October of this year. DOH has a total budget of about half a billion dollars per year. Approximately half of its funding comes from the federal government. About half of the remaining half comes from fees. The rest is from state funds. Sales tax revenue is the primary source for the state general fund. At the end of November 2008, the Office of Financial Management instructed DOH to reduce spending by about \$7 million through June 2009. DOH evaluated ways to save overall, but decided it needed also to eliminate some programs for sustained savings. For the next biennium, DOH will be required to save about \$75 million. It made decisions based on the Priorities of Government (POG) list. Eliminating the universal vaccine purchase program would cut almost \$50 million. Eliminating funding for Group B drinking water activities would cut another \$1 million. Those are cuts in the Governor's proposed budget for 2009-2011. Many other programmatic cuts will be needed. The Governor's budget includes more money for the Public Health Lab.

Member VanDusen asked how DOH is coordinating with the Legislature on cuts. Deputy Secretary White said that DOH is coordinating through OFM. Member Yu asked what are the legal liabilities to local health for not enforcing Board rules due to the budget crises. Mr. McLaughlin said the Board could remove the local health administrator or health officer if a complaint is received and determined to be valid, but other options could be explored. Member Yu asked if there was a way for the Board to prioritize the rules state and local health might not implement. Deputy Secretary White commented that public health should be looked at as a system-wide process. He said that DOH's approach has been to avoid cuts in pass-through money to local health and to maintain basic infrastructure for public health. Member VanDusen said the Public Health Improvement Plan and the Core Public Health Functions were developed to prioritize public health activities. She suggested these should be used to prioritize cuts. Member Austin asked how savings from cutting the universal purchase program for vaccines compares to the costs of potential morbidity and mortality. Deputy Secretary White clarified that economically disadvantaged children would still be provided free vaccines.

10. 2009 LEGISLATIVE SESSION PREVIEW

Craig McLaughlin reviewed his memo under Tab 10. He explained that it is important to look across the entire budget. He noted some proposed cuts in the Health Care Authority (i.e. Basic Health Plan) and Department of Social and Health Services (i.e. General Assistance Unemployed) budgets. He explained that looking at the Governor's budget as a whole, support to maintain the current level of funding to local public health is significant. He said that he would be looking at the impact of the education budget on the school rule. Mr. McLaughlin also briefly called attention to proposals to decrease immunization exemptions, incorporate physical exercise standards in No Child Left Behind, rescind scoliosis screening, and mandate catastrophic insurance coverage.

11. STATEMENT OF THE BOARD ON LIKELY LEGISLATIVE ISSUES, REVIEW AND ADOPTION

Craig McLaughlin reviewed the draft statement of the Board on likely legislative issues. He recognized e-mail comments from Member VanDusen, particularly a proposed change regarding Group B drinking water systems. Mr. McLaughlin called the Board's attention to the wording about discouraging overuse of vaccine exemptions. He indicated that in the past the Board has not supported creating barriers (i.e., notarization) to decrease overuse of exemptions but has supported means that increase parental understanding of the importance of vaccination. Member Higman asked how the statement would be used. Mr. McLaughlin explained that it would be posted on the Board's Web site and sent to the Governor's office, but not otherwise distributed widely. He said Board staff use the statement as an internal reference point. Chair Katz commented that this document is useful and that it helps keep the Board on track about important issues.

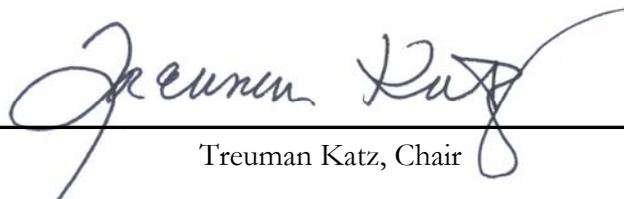
***Motion:** The Board adopts the Statement of Policy on Possible 2009 Legislative Issues as submitted on January 14, 2009 with edits to the Group B language suggested by Member VanDusen.*

***Motion/Second:** Austin/Yu. Approved unanimously*

ADJOURNMENT

Treuman Katz, SBOH Chair, adjourned the meeting at 12:08 p.m.

WASHINGTON STATE BOARD OF HEALTH



Treuman Katz, Chair