



**Minutes of the State Board of Health
January 13, 2010
Department of Health Point Plaza East Building
310 Israel Road SE, Tumwater, WA 98501**

SBOH members present:

Keith Higman, MPH, Chair
The Honorable John Austin, PhD
Maria Hernandez-Peck, PhD
Frankie T. Manning, MN, RN
Patricia Ortiz, MD

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

State Board of Health Staff present:

Craig McLaughlin, Executive Director
Desiree Robinson, Executive Assistant
Heather Boe, Communications Consultant
Tamara Fulwyler, Health Policy Analyst

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

Guests and Other Participants:

Dan Asterino, GlaxoSmithKline
Julie Debons, Tacoma-Pierce County Health
Department
Paige Ellington, GlaxoSmithKline

John Kim, Sanofi Pasteur
Cindy Smith, Tacoma-Pierce County Health
Department

Keith Higman, Board Chair, called the public meeting to order at 9:32 a.m. and read from a prepared statement (on file). Chair Higman asked Craig McLaughlin, SBOH Executive Director, to introduce the Board's newest member, Maria Hernandez-Peck.

1. APPROVAL OF AGENDA

Motion: Approve January 13, 2010 agenda

Motion/Second: Ortiz/Austin. Approved unanimously

2. ADOPTION OF NOVEMBER 4, 2009 MEETING MINUTES

Motion: Approve the November 4, 2009 minutes

Motion/Second: VanDusen/Yu. Approved unanimously

3. SELECTION OF VICE CHAIR

Chair Higman called for nominations for the Board's vice chair. There was one nomination.

Motion: Approve John Austin as vice chair of the State Board of Health

Motion/Second: Tonasket/Manning. Approved unanimously

4. BOARD ANNOUNCEMENTS AND OTHER BUSINESS

Mr. McLaughlin reported that he has been working with staff to implement the Board's revised strategic plan and schedule agenda items for the coming year. One piece requiring a fair amount of internal staff work is developing a health equity tool to screen the Board's own policies and activities. Monitoring the legislative session is also keeping staff busy.

Mr. McLaughlin gave brief updates on rule making:

- A CR101 for opening the food service rules for revision is close to being completed and filed
- Draft revisions of the Board's zoonotic disease control and Group B drinking water rules have received attention from the local environmental health directors and are being reviewed by the Board's Environmental Health (EH) Committee.
- A CR105 is almost ready for filing regarding vision screening. This rule is being revised based on statutory changes made in 2009 (SB 5889), which allow eye care professionals to volunteer to do screening in schools. He noted that the CR105 process does not require a public hearing.
- Notifiable conditions rule revision work is proceeding, but has become more complex than expected. Dr. Diana T. Yu, SBOH Member is chairing an Ad Hoc committee for this effort.

Mr. McLaughlin reported he asked for clarification from Office of Financial Management (OFM) regarding restrictions on travel expenses for Board meetings. The answer is there are no specific restrictions. He then described the Public Health Improvement Plan (PHIP) Partnership. There is a new proposed charter, which would give the Board one seat on the governing body. In the past, the Board's executive director has served on the panel. He asked the Board whether a member would be interested in being the representative. He said the commitment is for four meetings a year. He said staff would serve on various work groups and report to the Board's official representative. The members supported John Austin, SBOH Vice Chair, serving as the representative, with backup from Mr. McLaughlin. Vice Chair Austin accepted the task.

Chair Higman asked Mr. McLaughlin to explain the CR105 process compared with the typical rule making process. He also asked whether the revised vision screening rule would establish something schools have not already been doing. Mr. McLaughlin replied to the second question first by saying he was not aware whether schools were already using volunteer eye care professionals for vision screening. He then briefly described the various rule making processes. He said although the CR105 process did not involve a hearing, he would want to make sure the Board gave its approval before he signed a rule order, unless it was an emergency. Vice Chair Austin requested the minutes provide more information on the various CR processes. Chair Higman said an abbreviated tutorial would be good. Bill White, Deputy Secretary for the Department of Health, said he would ask his staff for such material for the Board. Mr. McLaughlin said the Board, in the past, has received briefings on the rule making process from the Department of Health (DOH) rules coordinator and he could request this again. Dr. Patricia Ortiz, SBOH Member, recommended a one-page synopsis of the different rule making processes be placed in the Board's packet each month.

Karen VanDusen, SBOH Member, asked whether the budget proviso restrictions on new school rules for the 2009-2011 biennium would apply to the vision screening rule change. Ned Therien, SBOH Staff, said the budget proviso restriction is facilities related. Mr. McLaughlin said he would check with the Board's legal counsel. The vision screening rule revision was intended to merely make

the rule consistent with a statutory change made in the 2009 session, the same session the budget proviso was adopted.

Additional Announcements Provided Later in Meeting:

Mr. McLaughlin reported the Legislature asked the Board during the 2009 session to prepare two health impact reviews on bills dealing with education issues. One had to do with Core 24, which is a plan from the Board of Education to increase graduation requirements from 19 credits to 24. Representative Santos withdrew her request for this review. The second health impact review was about whether testing requirements for high school graduation resulted in lower graduation rates in an inequitable manner. The review indicated that research was suggestive of that, but not conclusive.

Ms. Hernandez-Peck asked what might be happening with substance-abuse prevention efforts merging with mental health activities. Chair Higman said that would be a good topic for a later Board briefing. Chair Higman said it would be a good briefing topic mid-year, after the budget situation is known.

5. DEPARTMENT OF HEALTH UPDATE

Deputy Secretary Bill White started DOH's update by reporting Scott Lindquist, Kitsap County Health Officer, and Tom Locke, Clallam and Jefferson County Health Officer, had recently completed a public health mutual aid accord with seven or eight north peninsula tribes. He said this was a landmark accord, which might serve as a model across the state. He recommended the Board receive a briefing on the accord.

He commented on two government reorganization projects. He noted the Governor's Subcabinet on Natural Resources proposals could not proceed without legislation. The DOH has only a consultative role in the efforts of the Subcabinet. Reorganization of the Department of Trade and Economic Development into a new Department of Commerce is proceeding. It looks like it will result in the HIV housing assistance program and the Developmental Disabilities Council being moved to DOH. He reported there was a recent New York Times article on drinking water and lack of enforcement. It resulted in DOH receiving inquiries from legislators and Environmental Protection Agency (EPA) focusing attention on the issue. He does not feel DOH is neglecting its responsibility. For example, in November, DOH fined an operator \$34,000 for failing to monitor. The DOH submitted a report to the Legislature recently.

He reported H1N1 influenza incidence is way down. The State Epidemiologist has calculated that too few people have either already been ill from H1N1 or received vaccine to prevent a third wave. The message now is that there is plenty of H1N1 vaccine available and people should get their vaccinations.

Deputy Secretary White reported the DOH received federal stimulus money for drinking water system improvements and other stimulus money for several epidemiologic studies and other programs. The Women, Infants and Children (WIC) program received money from the U.S. Department of Agriculture (USDA) to expand the kinds of foods available for clients. A big new opportunity is for Prevention and Wellness funds from the Centers for Disease Control (CDC), which will be awarded nationally on a competitive basis. The DOH will be finalizing an accounting report soon about the new federal funds, which might be of interest to the Board. These various federal grants are all very welcome; however, he noted the DOH is spending a significant amount of resources tracking the use of federal money because of accountability requirements. The federal

funding does not pay for the accounting efforts. He mentioned that the DOH has just selected a contractor to expand the public health laboratory complex. This construction will improve the loading dock and specimen receiving area. This funding is from the state capital budget, rather than federal stimulus funds.

The DOH smoking program has created a number of anti-smoking ads called “Dear Me.” Unfortunately, this biennium’s budget cuts do not allow spending money on airing the ads. The DOH is hoping to get some grant funding so it can air the ads. Board members expressed concerns about the legislative restrictions on us of tobacco lawsuit money, especially as restrictions hinder helping the public quit smoking.

Deputy Secretary White said the DOH is monitoring many proposals from legislators to stimulate the economy that might have unintended consequences. For example, one draft bill he saw that proposes reducing building code requirements for housing authorities. The recent earthquake in Haiti makes him wonder if reducing building code requirements is a good idea and is really what the bill author intended. He expects a lot more budget tightening this year will affect state employee salaries and even small recognition awards. He mentioned staff furloughs and expects new pressure to eliminate managers. These types of cuts might not revert when the economy improves. He has concern all this will affect staff moral, recruitment, and retention.

Dr. Yu, commented about budget cuts having come at the worst time and hindering local immunization programs in the middle of the H1N1 outbreak. Chair Higman commented his agency cannot react fast enough when CDC throws grant money at a problem after he has had to cut staff. He said when the economy recovers, it will take a long time to build up staff resources for public health programs.

Mel Tonasket, SBOH Member, commented the time and effort to apply for federal grants and track use of the funds is frequently not worth the effort. He gave an example of the health agency of his tribe declining a grant of \$60,000 from the Department of Defense because of the effort to track use of the funds. He asked Deputy Secretary White if DOH planned to evaluate the value of getting federal funds compared with the cost of accounting. Deputy Secretary White said he expected there will be several years of audits after the temporary stimulus money ends.

Dr. Yu, mentioned the recent Trust for America’s Health report, which she thought under-rated Washington State in many illness prevention categories. She said Washington is a leader in public health. Chair Higman said he thought the report counted inappropriate “widgets.”

The Board took a break at 10:44 a.m. and reconvened at 11:00 a.m.

6. BOARD MEMBER COMMENTS AND CONCERNS

Vice Chair Austin expressed appreciation for all the information provided by Deputy Secretary White. He said what particularly got his attention this morning was the comment about the disaster in Haiti, and the enormous political and economic pressure at the local level to relax building codes and health codes. He would like to address better educating the public why we have regulations and require permits. Frankie Manning, SBOH Member, commented about the huge burden on government to account for its actions, which seems to outweigh the beneficial return for the effort. Dr. Yu challenged Board members to exercise to stay healthy. She commented about representing the Board on numerous workgroups including a universal vaccine purchase workgroup, the

Washington State Association of Local Public Health Officials (WSALPHO) board, zoonotic disease rule workgroup, tuberculosis workgroup, and notifiable conditions reporting rule workgroup.

Vice Chair Austin asked whether the Board could influence the restriction on anti-tobacco ads. Deputy Secretary White said a major part of the problem is the state will have totally depleted the tobacco fund in about a year. Mr. McLaughlin said it is not so much educating the legislators about the public health importance of anti-tobacco ads, but educating the public that spending on social marketing is important public health work. Donna Wright, SBOH Member, said during times of decreased budgets, partnering with community organizations on public health messages is necessary. Member Tonasket agreed there needs to be more partnering by various organizations to try to tackle public health issues. Member Hernandez-Peck said one of her priorities is aging preparedness and she is working with faith-based communities to help address that issue. Chair Higman said faith-based organizations are trusted by the public. Dr. Yu said reaching out to faith-based organizations is an excellent way to reach non-English speaking people. She encouraged more public health efforts on chronic diseases. Dr. Ortiz commented on the importance of emphasizing prevention, rather than trying to keep up with the cost of care. Chair Higman commented that the 2009 had been very hard on employee moral at local public health. He said it is helpful to him, personally, to think optimistically about this year.

7. PUBLIC TESTIMONY

None received.

8. DISCUSSION OF 2010 REPORT TO THE GOVERNOR AND STATE HEALTH REPORT

Mr. McLaughlin proposed combining the Board's report to the Governor, which until legislation passed last year was required annually, and the State Health Report into one report every even-numbered year. He explained that the State Health Report typically has included recommendations from large state agencies, besides what the Board thinks are priorities. Because other agencies prepare their own reports for the Legislature, he proposed last year to OFM changing the law to require a single report every other year to the Governor and not preparing the other State Health Report. Only half of this concept made it into the legislation that passed last year. He will propose fixing this in legislation next year, along with some other cleanup of antiquated parts of the Board's statute. He asked the Board whether his plan to prepare one report in 2010, by July, was acceptable to it. Chair Higman said he supported this approach, in the interest of efficiency. Dr. Yu recommended the Board make an official statement about what it was doing, to explain why it was doing something different from statute. Member Tonasket recommended merging the reports as Mr. McLaughlin suggested. Vice Chair Austin made a motion and accepted a friendly amendment from Member VanDusen indicating the Board's concurrence with this plan for a single health report from the Board in 2010 because it would have no adverse impact on public health.

***Motion:** Seeing no impact to public health and in the interest of economy and efficiency, the Board directs staff to combine the Board's Annual Report and the State Health Report into a single report in 2010.*

***Motion/Second:** Austin/Manning Approve with nine in favor and one abstention (Deputy Secretary White).*

The Board directed staff to pursue developing a proposal to OFM for legislation to clarify the report requirements and to clean-up antiquated parts of the Board's enabling statutes.

The Board took a break for lunch at 12:02 p.m. and reconvened at 1:00 p.m.

9. IMMUNIZATION PURCHASING POLICY FOLLOWING THE ELIMINATION OF STATE-FUNDED UNIVERSAL PURCHASING

Dr. Yu introduced the briefing about changes in state vaccine purchasing policy. She explained that a universal program had used state funds to ensure that vaccines were purchased for all children. It was in operation from 1994, but was cut last session due to budget constraints. However, 55% of children will still receive vaccines through the Federal Vaccine for Children program. She explained that due to concerns about access to vaccines, Dr. Beth Harvey, President, Washington Chapter of the American Academy of Pediatrics, applied for a grant to develop new purchasing approaches. Today, Board members will have a chance to get an update on the work of the group. She introduced Dr. Anthony Chen, Director, Tacoma-Pierce County Public Health, Janna Bardi, DOH Immunization Program Manager (in the audience) and Tara Wolff, SBOH Staff. Dr. Chen explained the importance of childhood vaccinations with some examples. He described the past universal vaccine purchase system. This system was simple for physicians and made it easy for them to provide patients with full access to vaccines. He gave a presentation on a proposal to set up a new vaccine purchase approach (see tab 9). Dr. Harvey further explained ideas developed by the regional vaccine congress. She described models from New Hampshire and New Mexico. She said physicians and others support a universal vaccine purchase system, but that concerns have been raised by an insurance provider. She is trying to build consensus. This legislative session, bills supporting a comprehensive purchasing policy have been introduced in both houses.

Dr. Yu commented that while the universal purchase distribution system worked well, the new challenge is to develop other funding sources besides the state. Dr. Chen said it is important to insurance providers to keep their contributions to the fund in a private organization, rather than in the state general fund. Deputy Secretary White said another factor affecting immunization rates was the ease of exemption in Washington. He called the Board's attention to some bills the Governor has requested to address this issue. Member VanDusen asked whether there would be a problem continuing to get vaccines from the CDC if there was a private consortium in Washington. Dr. Harvey did not see this as a problem since provisions for managing and protecting this fund were made last session. Dr. Harvey also described some social marketing materials being made available to physicians to better reassure parents about childhood vaccinations.

Vice Chair Austin asked which bills the Legislature was considering to enable this approach. Dr. Harvey said companion bills SB 6263 and HB 2551 were introduced this session. Mr. McLaughlin said he signed-in to support the concept of SB 6263 at a hearing this week.

Dr. Yu reminded the Board that conditions that must be met for a vaccine to be included in its rule are that the vaccine is available and cost is not a barrier. She commented that she expects to see a large drop in human papillomavirus (HPV) vaccination rates, since HPV was the first childhood vaccine dropped from state universal purchase.

Member VanDusen asked how parents could get their children vaccinated if physicians stopped offering vaccination services. Dr. Harvey said it depends on where the child lives and the child's age. Pharmacies do not vaccinate very young children. Dr. Yu and Chair Higman said many of the local health departments no longer offer this service to families.

Chair Higman asked if Dr. Harvey knows how the Legislature will proceed. She said that major decisions would probably be made tomorrow at a key meeting. The legislative route is also a

possibility. Dr. Chen mentioned that a fall back position might be a buying consortia. Chair Higman commended both speakers on their efforts.

10. STATE BUDGET DISCUSSION (taken out of order)

Mr. McLaughlin explained the Governor intended her “book one” balanced budget proposal from December 2009 to be preliminary. When “book one” was released, the Governor explained that it was a no new revenue budget, but was concerned it was too devastating. She promised to come back in January with a revised proposal with a mix of some federal support and proposals for additional revenue to “buy back” some the proposed cuts. She is currently considering proposals for revenue increases that will have the least impact on in-state jobs. Mr. McLaughlin reviewed a list of proposed cuts in the “Book 1” budget, with huge cuts to programs that are likely to affect the health and welfare of the public. Materials behind Tab 10 of the Board’s packet outline proposed cuts to DOH. As of this day, not much has been released by the Governor on specifics of her “book two” budget that might “buy back” some of these proposed cuts. Funding from the federal government, especially for health care programs remains unsettled in Congress. Mr. McLaughlin said that legislative proposals for raising revenue so far include new “sin taxes.” They include rethinking how the State does business. One proposal would privatize liquor stores, but heavily tax sales. Another would raise the tax on cigarettes and use it for anti-tobacco programs. Another would legalize marijuana, tax it, and use the revenue to fund drug abuse programs.

Chair Higman asked whether Mr. McLaughlin had any sense of the likelihood that the decision makers will support bills for new revenue. Mr. McLaughlin said that there is some indication that legislators in the Democratic Party would support some revenue measures to “buy back” some of the cuts. Deputy Secretary White commented it is impossible to predict what the Legislature is going to do. He is watching other types of legislative proposals, less visible to the public, intended to reduce regulatory barriers to economic development.

11. PREVIEW OF THE 2010 LEGISLATIVE SESSION

Mr. McLaughlin explained that the legislative session would be short this year. It is scheduled to end March 11. He expects the Legislature will try to work through policy bills quickly so that members can concentrate on budget bills. He handed out a list of 19 bills being considered in the Legislature during the first week of the session that are of likely interest to the Board. Vice Chair Austin asked whether it helps to get local input on bills. Mr. McLaughlin said yes, and that various local government associations, such as the Washington State Association of Counties (WSAC), have great influence. Chair Higman noted there is no state association of local boards of health. Mr. McLaughlin briefly described the bills on the list he handed out.

Chair Higman asked about the final cutoff dates to introduce a bill. Mr. McLaughlin said the cutoffs are February 2 in the House and February 5 in the Senate. Chair Higman said, because the Board meets so infrequently and staff usually had to take quick action on a bill, staff usually only had time to contact him or a few members of the Board for a decision on a position. He asked the Board members if any of them feels strongly about any bills or issues. Member Tonasket said major problems could be buried in a bill. Mr. McLaughlin said he tries to become aware of those types of things through contacts with other larger agencies. He reminded members that when the Board takes a position on a bill, it is placed on the Bill Watch page of the Board’s Web site.

12. ADOPTION OF STATEMENT OF POLICY ON POSSIBLE 2010 LEGISLATIVE ISSUES

Mr. McLaughlin reviewed the documents behind Tab 12 of the Board's packet, including a draft proposal for the Board's Statement of Policy on Possible 2010 Legislative Issues. He used the Board's 2009 Statement to help develop the draft statement for 2010. Member Tonasket commented that Board staff should have a procedure to use in a situation when the Board asks them to take a firm position on an issue that might be politically difficult. Mr. McLaughlin explained that staff would seek the chair's guidance in such a situation. Member Manning commented that she likes the way Mr. McLaughlin has couched language in the policy. She asked how the Board members could provide input during short time frames. Mr. McLaughlin said when the Board makes a decision; it must be done in a properly noticed public meeting context. However, the chair can make decisions without meeting that requirement. Member VanDusen said staff could also consult with one of the Board's committees before the chair makes a decision.

Vice Chair Austin suggested a wording change for the Immunization Requirements section, for clarification purposes. He suggested that the third sentence in that section be worded as follows: "It encourages policies that increase the capacity of schools, child care centers, and local health jurisdictions to pursue full immunization of all children."

Chair Higman said, regarding the budget crisis, the Board needs to be cautious of its position and realize there might be no good choices that can be made.

***Motion:** The Board adopts the Statement of Policy on Possible 2010 Legislative Issues as submitted on January 13, 2010, with the amendment proposed by Vice Chair Austin.*

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

Mr. McLaughlin suggested, as a follow-up to a previous comment from Vice Chair Austin, that he could draft a letter about the Board's support for using tobacco taxes for anti-smoking social marketing campaigns. Chair Higman said he agreed.

ADJOURNMENT

Keith Higman, Chair, adjourned the meeting at 3:04 p.m.

WASHINGTON STATE BOARD OF HEALTH

Keith Higman, Chair