



**Minutes of the State Board of Health
November 10, 2010**

Shoreline Conference Center, 18560 1st Avenue NE, Shoreline, WA 98155-2148

SBOH members present:

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

Karen VanDusen
Mary Selecky
The Honorable Donna Wright
Diana T. Yu, MD, MSPH
Michelle Davis, Acting for Mary Selecky after 2:00

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
Melissa Burke-Cain, Assistant Attorney General

Guests and Other Participants:

Audrey Adams, Washington Action for Safe Water
Jennifer Aspelund, member of the public
Rebecca Em Campbell, member of the public
Anne Clifton, Mercury Awareness Team of WA
Benjamin Danielson, Seattle Children's Hospital
Michael Davisson, Department of Health
Chas DeBolt, Department of Health
Dennis Dennis, Department of Health
Denise Frisino, member of the public
Sharon Hopkins, Public Health—Seattle & King
County
Mary Kohler, member of the public

Yris Lance, Governor's Interagency Council on
Health Disparities
Pamela Lovinger, Department of Health
Judith May, Department of Health
Nancy Morris, member of the public
Anthony A Marfin, Department of Health
Doreen Piazza, member of the public
Tracy Sandifer, Department of Health
Azadeh Tasslimi, Department of Health
Gayle Thronson, Office of Superintendent
of Public Instruction

Guests and Other Participants via Teleconferencing:

Denise Clifford, Department of Health
David Christensen, Department of Health
Theresa Philips, Department of Health

Vicki Bouvier, Department of Health
Tami Thompson, Department of Health

Keith Higman, SBOH Chair, called the public meeting to order at 9:34 a.m. and read from a prepared statement (on file).

1. APPROVAL OF AGENDA

Motion: Approve November 10, 2010 agenda

Motion/Second: Yu/Ortiz. Approved unanimously

2. ADOPTION OF OCTOBER 13, 2010 MEETING MINUTES

Motion: Approve the October 13, 2010 minutes

Motion/Second: Austin/Manning. Approved unanimously with edits on page 2.

Patricia Ortiz, SBOH Member, suggested making a distinction between being present at the main meeting location in person or by electronic conferencing. Other members supported this.

3. SBOH ANNOUNCEMENTS AND OTHER BOARD BUSINESS

Craig McLaughlin, SBOH Executive Director, reported that Member Tonasket was not present due to the recent death of his brother. He also mentioned Member Tonasket's new duties acting as administrator at two tribal health clinics. He mentioned Emma Medicine Whitecrow's appointment by Governor Gregoire to chair the Governor's Interagency Council on Health Disparities. He introduced Yris Lance, who recently joined the staff as community relations liaison for the Council under a new federal grant. He mentioned two additional petitions for rule making regarding fluoride in drinking water the Board received since its last meeting. Both requests propose requiring notices in consumers' water bills if fluoride concentrations in public water systems were above 0.01 parts per million. The Board's Environmental Health Committee recommended responses to the chair and provided members the opportunity to ask for discussion. None asked for a full Board discussion.

Desiree Robinson, SBOH Staff, announced the videoconference link between the Shoreline Conference Center and a meeting room in Tumwater from where some Department of Health staff would be participating. Chair Higman asked if the Tumwater site was open to the public. Ms. Robinson responded it was not.

4. DEPARTMENT OF HEALTH UPDATE

Mary Selecky, Secretary of Health & SBOH Member, thanked the Board for recognizing Bill White at the Board's last meeting. She reported first on the "Winnable Battles" initiative of Dr. Frieden, director of the Centers for Disease Control and Prevention, and provided copies of fact sheets about Washington State activities related to the six issues highlighted by the initiative. She then reported on the projected budget shortfall of 4.8 billion dollars in the 2011-2013 biennium. She said she expects the shortfall to grow. This does not account for a possible increase in Medicaid caseload. She said new caseload projections were expected to be released that day. New revenue forecasts were expected to be released on November 18. The Department receives about half of its funding from federal money. She summarized how general funds go to various programs in the Department. She said she has reached the limit on savings without cutting programs. The Governor has directed agencies to evaluate all programs for where to make additional cuts and she said she favors making sure local health has funding and looking at what is most important for the future. The biggest cuts are likely to come from the Department of Social and Health Services and the Health Care Authority.

Frankie Manning, SBOH Member, asked Secretary Selecky if many federal match programs would be threatened. Secretary Selecky responded that not much is likely to be cut in federal match programs. Karen VanDusen, SBOH Member, asked whether the Department is limited on increasing fees. Secretary Selecky responded the Department has the greatest number of fees in State government. She said fees could be increased by a majority vote of the Legislature. She has pushed to increase fees but is sensitive to the burden to the public. She said the Department puts fees in budget proposals that must be approved by the Legislature. Secretary Selecky said this is the time to look at restructuring the Department and other parts of government. The Governor is collecting

many ideas for transforming government. One of the things that likely will be reduced in the short term is rule making. She said this is a time to “slow cook” ideas.

5. BOARD MEMBER COMMENTS AND CONCERNS

Member VanDusen and the Honorable John Austin, SBOH Vice Chair, thanked staff members who arranged the meeting. Diana Yu, SBOH Member, said cuts to local public health have reached a level where the public’s health might be at risk. She said she wanted to iterate what she said last month, that the public needs to step forward and advocate for public health. Member Manning said cuts to core public health would reduce prevention efforts and she predicted this would require huge expenditures from government later. Maria Hernandez-Peck, SBOH Member, urged consideration of mental health issues when restructuring public health. Mr. McLaughlin acknowledged Member Austin’s re-election as Jefferson County Commissioner, which maintains his eligibility to serve on the Board. Chair Higman thanked Secretary Selecky for her efforts to build relationships with local public health and mentioned her visit to the Island County Public Health Department this past July.

6. PUBLIC TESTIMONY ON ITEMS OTHER THAN PROPOSED RULES

Audrey Adams, Washington Action for Safe Water, said her organization submitted seven petitions for rule making regarding water fluoridation. She said she has a son with autism who is sensitive to fluoride and knows parents of many other children who are also sensitive. She rhetorically asked the Board members whether they are reading the petitions. She expressed disagreement with the Board citing reliance on EPA to set drinking water standards as one of the reasons for denying the first three petitions. She said she met with Environmental Protection Agency (EPA) Region 10 officials on October 28 and they told her EPA had no authority for evaluating the safety of adding fluoride to water, only for contaminant fluoride levels. She said adding fluoride as a drug is under the jurisdiction of the Food and Drug Administration. She expressed concern there did not appear to have been any research studies investigating whether there is a correlation between autism and fluoride.

Anne Clifton, RN, recommended people read Christopher Bryson’s *The Fluoride Deception*. She said eleven EPA unions have opposed EPA’s maximum contaminant levels for fluoride in drinking water. She expressed concern about National Research Council findings that it was hard to control the dose when fluoridating water, and the young would be most susceptible to adverse effects.

Benjamin Danielson, MD, pediatrician and Medical Director of Odessa Brown Children’s Center, thanked the Board for its support for community water fluoridation. He said science shows that water fluoridation reduces oral disease and overwhelmingly supports community water fluoridation.

Jennifer Aspelund said members of the public could help public health and health care through volunteering. She described her own volunteering experience. She asked the Board to help keep the public informed about legislative actions that might affect the Board’s new school environmental health rules. She asked the Board to make sure to keep those rules alive.

Denise Frisino asked the Board to be sure to provide a site where the public can speak when the Board meets electronically. She spoke in support of the Board’s new school environmental health rules. She commented on the importance of prevention, and used the example of polio prevention.

Rebecca Em Campbell said holding the meeting during the day and at an obscure location made it hard for many people to know about and attend the Board meeting. She expressed concern that the Washington Vaccine Association is a private corporation that is not accountable to the government

or public. She expressed concern about Secretary Selecky's allowance of the use of "toxic" vaccines, in particular those vaccines containing thimerosal such as H1N1 vaccine. See the written testimony she provided for more information.

The Board took a break at 10:55 a.m. and reconvened at 11:06 a.m.

7. BRIEFING ON SCHOOL-BASED HEALTH CENTERS

Member Ortiz introduced this agenda item and said the information presented today relates back to our strategic plan. Tara Wolff, SBOH Staff, explained that today's presentation would include information on the key defining characteristics of the school-based health center (SBHC) model, who the centers serve, and the benefits they offer to students, parents, and staff. She introduced TJ Cosgrove, Public Health—Seattle & King County, who gave a presentation on school based health centers. Refer to Tab 7 for a copy of the presentation. Member Selecky asked what year of the levy cycle the program was in currently. Mr. Cosgrove said it were in their sixth year of the third seven-year levy cycle and preparing for a fourth iteration. Member Yu asked what it means to sponsorship an SBHC. Mr. Cosgrove said sponsors provide the primary care; are part of the formal partnerships between school, school district, and their organization; and take on some of the operating costs for the centers. Member Yu asked whether the centers sponsored by Group Health Cooperative see children not covered by those plans. Mr. Cosgrove said they do. Member VanDusen asked whether school nurse positions were decreasing and if so, what problems ensued at SBHCs as a result. She also wondered if SBHCs provided school nurses. Mr. Cosgrove said in some states school districts have contracted with health systems to provide both school nurses and staff for SBHCs. He said the numbers of school nurses are dwindling. They are an important resource for the centers, and in Seattle the levy helps subsidize school nursing. Member Selecky thanked Mr. Cosgrove for good work and for providing assistance to others across the state who are interested in establishing SBHCs. Member Manning suggested comparing funding for serving students in clinics against the decreased costs to the criminal justice system that would result from SBHC prevention efforts. Member Hernandez-Peck commended Mr. Cosgrove for his work. Vice Chair Austin suggested looking at the 0.1% sales tax funding for mental health services.

8. HEARING ON ZONOTIC RULES (WAC 246-100-191, -192, -197, -201)

Member VanDusen introduced this agenda item. She reminded Board members that they had been briefed on this rule in June. She explained that the proposed rule revision was the culmination of a seven-year process started by a Board report. Ned Therien, SBOH Staff, explained that the rule proposal would split one existing rule section into two sections, update another existing section, and create a new section to help protect the public from contracting zoonotic diseases. He said it would adopt recommendations from the 2004 Board report into rule, including making the rules more consistent with guidelines from a national association of state public health veterinarians. He pointed out materials behind Tab 8 in member packets, including written testimony received. He introduced Nancy Napolilli, Department of Health, who further explained the proposal. She introduced Dr. Sharon Hopkins, veterinarian with Public Health—Seattle & King County, who was with her to help answer any technical questions because Ron Wohrle, veterinarian in Ms. Napolilli's program, was not available. Ms. Napolilli discussed the rule development process. She also reviewed stakeholder comments, calling special attention to the Department's recommendations in response to Paul Miller's concerns. Member VanDusen called the Board's attention to the proposed motion in the memo from the Board's Environmental Health Committee including the recommendation for a delay in the implementation date.

Paul Miller testified, summarizing written testimony previously provided to the Board in which he explained why he considers the Department's analysis flawed. He asked the Board to delay adoption of the rule to correct the portions he recommended. He would like more types of persons to be able to possess certain wild animals species now prohibited.

Sharon Hopkins, DVM, Interim Environmental Health Director of Public Health—Seattle & King County, testified in support of the rule revisions. She said it was important to have common statewide rules. She asked the Board to maintain the importation ban for the listed wild animal species. She also said she supported the new rabies vaccination requirements.

Motion: *The Board adopts the revised rule sections WAC 246-100-191 and WAC 246-201 and new rule sections WAC 246-100-192 and WAC 246-100-197, as published in WSR 10-20-146. The Board directs the revised and new rules become effective January 1, 2012.*

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

The Board recessed for lunch at 12:11 p.m. and reconvened at 1:16 p.m.

9. HEARING ON NOTIFIABLE CONDITIONS RULE (CHAPTER 246-101 WAC)

Member Yu, Board sponsor of this rule revision, introduced this agenda item. She explained that tracking certain infectious diseases and other health conditions helps public health officials control outbreaks and develop interventions to protect the public's health. In August 2009, the Board opened most of the notifiable conditions rule, chapter 246-101 WAC for revisions focus on a limited list of conditions tracked by the Department's Communicable Diseases Epidemiology Section. On October 6, 2010, the Board filed a CR-102 Proposed Rule Making notice with suggested revisions. The Board received a briefing on these changes on October 13. She introduced Dr. Tony Marfin, State Epidemiologist for Communicable Disease at the Department of Health. He reminded the Board that the proposed rule changes are limited to acute communicable diseases and do not include HIV/AIDS or tuberculosis. He gave a brief presentation summarizing proposed revisions to the rules, which may be found under Tab 9 in the Board's packet.

Member Yu thanked Tara Wolff, Pam Lovinger, and Tracy Sandifer for working on this rule proposal. Member Selecky said this is an important revision. There have been many technological advances and discoveries since these rules were last updated. She extended her thanks to staff throughout the Department who worked on the revision. Member VanDusen asked if there was a reference to the full list of bioterrorism agents. Dr. Marfin said a full list is on the Department's web site.

Dr. Marfin explained ten proposed language changes that differ from the published proposal and reviewed comments received about the proposal (refer to Tab 9 for the summary of written comments and proposed changes). Member Yu acknowledged the differences of opinion between small and big local health jurisdictions concerning changes to animal bite reporting requirements. In jurisdictions where health officers work more closely with environmental health staff, the proposed rule changes were better received. Animal bites language currently in the rule has resulted in the need to use a lot of local environmental health and nursing resources, yet most of reported bites have not been suspected of being related to rabies. She said the revised rule would address some stakeholder concerns but noted that the notifiable conditions rules deal mainly with human exposure to disease. Chair Higman asked about local health officer support for the proposed rule revisions. Member Yu said health officers that attended rule consultation sessions support the changes but

there will always be differences of opinion. She said local health officers could adopt more stringent reporting requirements. However, there needs to be a common or minimum set of reportable notifiable conditions for a state public health system to function.

No one provided public oral testimony at the hearing.

***Motion:** The Board adopts the revisions to Chapter 246-101 WAC as published in WSR 10-20-155 with the amendments proposed in the document titled “Proposed Language Amendments to OTS 3653.2.*

***Motion/Second:** Manning/ VanDusen. Approved unanimously*

10. HEARING ON REQUIREMENTS BASED ON NATIONAL IMMUNIZATION GUIDELINES (WAC 246-105-040)

Member Ortiz, Board member, introduced the hearing. She reminded members they had received a briefing and explained that this would be a minor adjustment to the rule. Ms. Wolff introduced Gale Thronson of the Office of Superintendent of Public Instruction (in the audience) and pointed out the materials for this hearing under Tab 10. She told Board members it would be necessary to spell out what MMWR stands for. Janna Bardi, manager of the Immunization and Child Profile Program at the Department of Health, gave a presentation that summarized the rule proposal (refer to tab 10 for more detail). She reviewed public comments received and Department recommendations in response (summary under Tab 10).

John Rogers left written testimony.

Ann Clifton, Co-chair of Mercury Awareness Team of Washington, summarized written comments she submitted. She expressed concern about the rise of autism and use of mercury in vaccines, the young age at which vaccines are given, and side effects of vaccines.

Doreen Piazza, has been collecting research for many years. She expressed concern about mercury in fillings and in vaccines. She read written testimony on behalf of World Mercury Alliance and Safe Minds, and submitted a letter on behalf of Lynn Redwood from Safe Minds. She expressed concern about mercury in vaccines, the number of vaccines given to children, vaccine side effects, and the lack of information and resources available to people who experience vaccine side effects.

Mary Kohler, mentioned her bachelor’s degree in chemical engineering. She expressed concern about the cumulative effect of mercury from childhood immunizations and the environment causing symptoms resembling various diseases. She is troubled that children get vaccines regardless of their sensitivity to vaccines. She offered her dowsing service to people who would find it helpful.

Nancy Morris, expressed concern about thimerosal in vaccines and a synergistic reaction with other toxic chemicals in the environment. She said people differ in sensitivity to chemicals, such as those contained in many consumer products. Children are more sensitive to these chemicals than adults are. She does not think every child should get every childhood vaccine. She has concerns about the effects of the number of doses administered.

Audrey Adams, mother of an autistic son, said she kept a baby journal. She said her son came down with measles 10 days after getting an MMR vaccination and her doctor told her it was from the vaccine. Two months later her son started showing autistic symptoms. She said his medical tests showed his body had an extremely high titer of measles antibody many years after this. She

wondered whether her amalgam fillings, the vaccinations she had received, mercury in the environment, or vaccinations her son had received could have contributed to his autism.

***Motion:** The Board adopts the revisions to WAC 246-105-040 as published in WSR 10-20-144 and amended to spell out MMWR (Morbidity and Mortality Weekly Report) as reflected in OTS 3485.2.*

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

Chair Higman commented that he heard a great deal of passion in the public testimony today, but the rule being considered would make only minor vaccination schedule changes.

The Board took a break at 2:42 p.m. and reconvened at 2:56 p.m.

11. BRIEFING ON DRINKING WATER LABORATORY CERTIFICATION AND DATA REPORTING RULES (CHAPTER 246-390 WAC)

Member VanDusen introduced this item. She explained that this rule had not been revised since 1992. In the meantime, the Department of Ecology has adopted rules to accredit environmental laboratories. Ecology's rules indicate that laboratories must comply with Environmental Protection Agency (EPA) standards. Laboratories that conduct drinking water analyses must comply with Ecology and Board rules. The Department of Health has a memo of understanding in place with Ecology to accept accreditation by Ecology as evidence that a laboratory meets the Department's conditions for certification, with the exception of the data reporting requirements. Several years ago (2006), the Board filed a CR-101 to begin revising chapter 246-390 WAC with the intent to remove duplication, enhance data reporting, and make the rules more consistent with direction from EPA. Member VanDusen introduced Denise Clifford, Department of Health, who participated from Tumwater via teleconferencing. Ned Therien pointed out materials under Tab 11 in member packets and the other Department staff participating from Tumwater. Ms. Clifford's presentation included the history and need for rule changes, her office's proposed changes to lab reporting requirements, public workshop feedback, and the expected rule development timeline. She explained the draft proposal included a requirement for electronic reporting by January 2015. She said this was a change from an earlier draft to give an extra year to transition. She said other changes were made in the latest draft based on stakeholder feedback and to improve clarity. Her staff will be continuing to work with stakeholders and refine the draft to minimize concerns. They will be analyzing the costs and benefits over the next few months. They also will be looking at templates and other materials to help labs transition to electronic reporting. Member VanDusen thanked Ms. Clifford and her staff for working with and being responsive to the Board's Environmental Health Committee. Ms. Clifford said the collaboration was helpful.

12. LEGISLATIVE PREVIEW AND REVIEW OF BOARD POLICY STATEMENT ON LEGISLATIVE ISSUES

Mr. McLaughlin commented that whatever he could say today about the budget and possible cuts to public health programs would be speculative, especially after the recent election. He said a primary focus of the Legislature would be to figure out how to balance the budget with huge shortfalls in revenue. Some of the players that have changed, or are likely to change, had been active in Board issues like immunizations and the school rule. An issue of interest to the Board is the groundwork to prepare for the 2014 health care reform law. He said in the interest in pursuing efficiencies, the Governor's office is looking at reshaping the organizational structure of the health agencies. He suspects the legislative proposal he sent to OFM regarding cleaning up the Board's authorizing may go forward, but has not heard anything definite. He is also not sure if a proposal to amend shellfish safety statutes will go forward. He expects a budget proposal will be released by the Governor's office in mid-December or earlier. He asked members to review the Board's Statement on Policy for

Possible 2010 Legislative Issues under Tab 12 and to provide comments to him before the Board's January meeting for suggested changes to update it for the sense of the Board for the 2011 session. He also mentioned an expectation the Governor would restrain rule-making activities because of concerns about new costs to local governments and businesses. Vice Chair Austin asked if staff regularly provided briefings to new legislators. Mr. McLaughlin said no, but he would be happy to talk to any new legislator interested in finding out about the Board. Member Yu expressed concern about likely budget cuts hurting individuals already suffering health disparities.

13. 2011 BOARD MEETING SCHEDULE

Mr. McLaughlin pointed out a proposed meeting schedule for 2011 in member packets under Tab 13. Locations and types of meetings for the second half of the year, whether electronic or in person, are left open because of the uncertainty of travel restrictions. Chair Higman said he presumed if topics came up between meetings staff would take up the issue with Board committees. Member Yu expressed concern about Board member turnover during this time when members are mostly not meeting in person. To help with transition she offered to spend time with new Board members to make them feel welcome. Member VanDusen expressed concern about videoconferencing and said it is important to get as many members together in person as possible. Member Hernandez-Peck said there is a lot of competition for her videoconferencing facility, making it difficult for her to get it. Member Ortiz said she needs to reserve her videoconference room well in advance and appreciated an annual schedule. The Honorable Donna Wright, SBOH Member, said her health district staff appreciated her using their videoconferencing facility in October because they could feel part of the meeting. Members discussed inviting local health agency personnel to join them at videoconferencing locations.

***Motion:** The Board adopts the proposed meeting schedule for 2011.*

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

Member Manning reminded everyone about Veterans' Day. She thanked veterans for their service encouraged everyone to take some time to touch the lives of military personnel and their families.

14. BOARD MEMBER RECOGNITION

Mr. McLaughlin said he would like to make sure the Board had a chance to honor and say goodbye to two Board members who are likely to be replaced before the next meeting in January. Chair Higman read a proposed resolution of the Board to honor Frankie Manning for her service to the Board. Vice Chair Austin read a proposed resolution to honor Keith Higman. The Board members approved both by general consent. Michelle Davis, Department of Health Assistant Policy Director and Acting Board Member, applauded Frankie Manning's compassion and the good relationship with the Department fostered by Keith Higman.

Member Manning emphasized the importance of the Board seeking input from members of the public. Chair Higman challenged the Board to continue to do all it could to protect children.

***Resolutions:** Included in Board packets.*

Affirmed unanimously

ADJOURNMENT

Keith Higman, SBOH Chair, adjourned the meeting at 4:02 p.m.

WASHINGTON STATE BOARD OF HEALTH

Keith Higman, Chair