



**Minutes of the State Board of Health
April 13, 2011**

Department of Health, Point Plaza East, Room 152/153, 310 Israel Road SE, Tumwater, WA
98501

Board members present:

The Honorable John Austin, PhD, Chair
Keith Grellner, RS
Mary C. Selecky

Mel Tonasket
Karen VanDusen
Diana T. Yu, MD, MSPH

Board members participating by audio/web:

Maria Hernandez-Peck, PhD

Patricia Ortiz, MD

Board members absent:

James Sledge, DDS

The Honorable Donna Wright

State Board of Health Staff present:

Craig McLaughlin, Executive Director
Desiree Robinson, Executive Assistant

Heather Boe, Communications Consultant
Tara Wolff, Health Policy Analyst

Guests and Other Participants:

Audrey Adams, Washington Action for
Safe Water
Ann Clifton, National Coalition of
Organized Women
Megan Eussen, MD, Pediatrician
Terry Frazee, Department of Health

Maryanne Guichard, Department of Health
Diane Oakes, Washington Dental Foundation
Bill Osmunson, DDS, Washington Action for
Safe Water
Leo Wainhouse, Department of Health

John Austin, Board Chair, called the public meeting to order at 1:00 p.m. and read from a prepared statement (on file).

1. APPROVAL OF AGENDA

Motion: Approve April 13, 2011 agenda

Motion/Second: Yu/Selecky. Approved unanimously

2. ADOPTION OF JANUARY 12, 2011 MEETING MINUTES

Motion: Approve the January 12, 2011 minutes

Motion/Second: Hernandez-Peck/Ortiz. Approved unanimously

3. ANNOUNCEMENTS AND OTHER BOARD BUSINESS

Craig McLaughlin, Board Executive Director, began by discussing Board member appointments. He introduced new Board member Keith Grellner, Director of Environmental Health for Kitsap County. He congratulated Dr. John Austin in his appointment to Chair of the Board and extension of his term through June 2012. He also mentioned new Board member Dr. James Sledge, a professor at the UW dental school in Spokane, who was not able to attend this meeting due to teaching schedule. He said that he expected the Governor would announce a successor soon for Mel Tonasket, representing tribal health and sanitation. He mentioned that Karen VanDusen has served two full terms and Donna Wright one term by this July. He said Dr. Diana Yu will have served one-and-a-third term by July and is not sure whether the Governor would consider her for third term. The Board is without a Vice Chair and he would ask the Board to consider electing one at its June meeting. He also asked members to consider representing the Board on the Governor's Interagency Committee on Health Disparities. He also announced that staff member Heather Boe, communication consultant, was departing for a project position with the Redistricting Commission. He mentioned the Board is under-spending its budget by about 3%.

Mr. McLaughlin mentioned a series of petitions for rule making water fluoridation. He said the Board's Environmental Health Committee had recommended a response. Mr. McLaughlin shared that Board members received notification and have requested to indicate if they wanted the petitions discussed in a Board meeting. He asked if any members wished to discuss the latest petition. None responded. He then mentioned a proposal from the Department of Health and Human Services (HHS) to change the recommended optimal level of fluoride added to drinking water to help prevent cavities. HHS extended the comment deadline to April 15. In advance of that, to speed the process, he proposes to file a CR-101 notifying the public the Board will be considering a possible rule change.

Mr. McLaughlin said the Board received a request from the Ophthalmic Physicians of Washington to provide an interpretation of the vision rule, specifically whether schools may offer more than a Snellen eye chart for testing. He said staff is working with stakeholders to draft an interpretive statement for the Board to consider in June.

He mentioned a recent federal report on health disparities. There are links to it on the Board's web site. Stakeholders were asked to help develop a national strategy. HHS then developed a strategic plan. Christy Hoff, SBOH Staff, has been involved through the National Organization of Offices of Minority Health.

4. DEPARTMENT OF HEALTH UPDATE

Mary C. Selecky, Secretary of Health & SBOH Member, said the Department's two pieces of request legislation both passed. One was about shellfish enforcement and the other was about drinking water system operator permits. She said the Senate budget reduce funding for local public health more than the House or Governor's budget. It reduces family planning in a way that the House budget did not. It also has some "back of the budget" measures that would be harmful to the Department. One would require additional administrative reductions and she hopes they are in error. Secretary Selecky mentioned she sits on the Governor's health cabinet. She explained Steve Hill is the Governor's point person on national health reform, especially for external partners in his role as chair of the Puget Sound Health Alliance. The Center for Medical Services has established a Center for Innovation that is looking for new ways to manage clients who have dual Medicaid and

Medicare eligibility. The Governor wants a proposal to go to the Center for Innovation by the end of the month. She discussed some proposal ideas.

Secretary Selecky explained the Department was a beta test site for the national public health accreditation system and got the highest score. She said this is partly due to Washington's ten-year history developing standards. Karen VanDusen, SBOH Member, congratulated the Department. Secretary Selecky said a think tank will address how national accreditation might work for small rural public health departments. Many local health departments in Washington want to be part of the accreditation efforts but have capacity issues to balance against the value of accreditation. A study is currently looking at offering basic or full accreditation and results are expected in May 2011. The Governor would like to see more performance based contracts so the Department has shifted the way grants are awarded to encourage local health jurisdictions to participate in standards reviews.

Secretary Selecky reported the Board of Pharmacy will be considering emergency rule making for a new product some people use as a dangerous drug called "bath salts" in a similar fashion as it did for Spice K-2. Diana Yu, SBOH Member, commented that she would like the Department to help get warnings out to the public about "bath salts." Secretary Selecky thanked her for the suggestion and said the Department would use adoption of an emergency rule for a media moment.

Secretary Selecky spoke about efforts to improve the health of Puget Sound. The Department is looking at a downgrade for a 4,000-acre shellfish growing area in Samish Bay. The Governor has asked many partner-state agencies to work on solving this problem. She also said the Department's partnership with the 12 counties around Puget Sound on septic tanks is paying off with positive results. She said there is good news about opening 1,000 acres in Skagit County.

She reported on the Department's efforts to help enforce an insecticide ban through its investigation and follow-up letters cautioning internet buyers of the product. The EPA has been supportive of the Department's work on this. She also reported on the Death with Dignity Act, for which the Department collects data. She said that in the 2010 report (covering a year's worth of data), 87 people requested and got a prescription from their doctors and 72 of those people died. Secretary Selecky next referred to a University of Wisconsin document with county health rankings. She said that a number of local health departments are using this data to springboard community action. She said she would supply the web link to the Board.

5. PUBLIC HEALTH IMPACT OF DISASTERS IN JAPAN

Secretary Selecky introduced this agenda item, acknowledging great work by the Department of Health's Radiation Protection Program and Communications Office teams. She explained the Department's role in coordinating with the Environmental Protection Agency and keeping the public informed. She said Department staff routinely monitors radiation. After the March 11 event in Japan, the Department activated its Incident Command Center. Every day the Department's health physicists respond to calls from concerned members of the public. People with questions can phone 206-NUCLEAR.

Secretary Selecky introduced Maryanne Guichard, Assistant Secretary for Environmental Health, and Leo Wainhouse, Headquarters Regional Director for the Office of Radiation Protection. She also acknowledged Terry Frazee, Director of the Office of Radiation Protection, in the audience. Ms. Guichard briefly reviewed recent events in Japan. She stressed that Washington State is 5,000 miles from the damaged nuclear reactor sites and there have been no adverse health impacts in here

aside from psychosocial impacts from fear. She described the RadNet system, whereby state and federal partners routinely monitored radiation levels. She said it is a challenge to communicate to the public about the degree of risk presented by detectable radiation. The Department has very sensitive equipment to do this monitoring.

Mr. Wainhouse said the questions from the public were about potassium iodide (KI). Some people were upset no supplies of KI were available, even though health authorities advise against its use. It can have adverse health impacts. Even for people heavily exposed to radioactive iodine, KI would provide little benefit for any person over 40 years old. The presentation is included in materials behind Tab 5. Ms. Guichard said major lessons learned were that state and local officials become the first responders to concerns from the public, need to share information, and need to develop consistent messages. These lessons will be used to update emergency response plans.

Secretary Selecky noted that the minuscule levels of radiation the Department has detected have dropped further. Washington was one of the first states in the nation to report finding some contamination. She explained that radioactive iodine was found in the air, then rainwater, and lastly in milk (through cows ingesting water and grass) in Washington. She said Washington has a lot of natural background radiation and other sources of exposure include X-ray machines and medical treatment devices. Secretary Selecky said the Department continues to keep the public informed.

Member Yu said local health jurisdictions have also been busy working in partnership with the Department answering questions posed by physicians, urgent care staff, and the public. This situation demonstrates how well the public health system works in Washington. Member VanDusen thanked the Department for its excellent presentation. She commented on the terrible tragedy this has been for the people of Japan. Chair Austin asked if seaborne debris were a concern. Ms. Guichard said none has arrived in Washington; she explained that monitoring will continue. She did not anticipate problems. Mr. Wainhouse suggested people refer to the Department's website (doh.wa.gov). Chair Austin asked how concerned the public should be about the Hanford nuclear reservation, which prompted a discussion of the history of Hanford and possible associated cancer risks.

6. BOARD MEMBER COMMENTS AND CONCERNS

Member Tonasket said this was probably his last Board meeting. He wished new Board members well and thanked old members. He shared his disappointment that the Board could not get the school environmental health and safety rule funded, and implemented during his tenure. He said the Board's inability to travel and meet in person was short-changing the public. He said he was torn by the fluoride discussions. He would like to see more research on fluoride, as he is concerned that the federal and public research findings are not matching up. He said he hoped the Board would be able to react quickly in case there is new federal guidance. Member VanDusen said they would miss Member Tonasket and agreed with his sentiments about the school rule. She said even with such disappointments, progress happens and gave an example of a guide she recently found from 1982: "*Dining out in the Puget Sound area - A non-smoker's guide.*" Member Hernandez-Peck, SBOH Member, commented that face-to-face Board meetings work better.

7. PUBLIC TESTIMONY

Ann Clifton, Washington State representative for National Coalition of Organized Women, posed questions on the intent of ESB 5005 and the Board's understanding of the bill. If parents or

guardians do not follow the new protocols as dictated by ESB 5005, will they be denied a vaccine exemption? Unless parents get a signature from a health care professional certifying that they have been informed of the risks and benefits of the vaccines, they will not be able to obtain a religious, personal, or philosophical vaccine accommodation for their children. If parents do not have a signature and are unwilling by personal, philosophical, or religious conviction to submit their children to vaccination will the state deny them a public education? Chair Austin explained to Ms. Clifton that the Board does not respond to questions during public testimony.

Audrey Adams, Washington Action for Safe Water, testified in favor of requiring studies of the effects of water fluoridation on the public. She said she and Dr. Osmunson asked a legislative committee in 2008 for monitoring the health of the public related to water fluoridation. She said some people do not want the science about water fluoridation revealed. She provided copies of a report from a task force in Fairbanks Alaska, which recommended the community discontinue fluoridation. She also provided documentation of 27 fluoride spills. She said many fluoride spills are not disclosed to the public. She expressed concern about fluoride spills in the event of an earthquake.

Dr. Megan Eussen, a pediatrician with Evergreen Pediatric Clinic of Vancouver, Washington, testified in support of community water fluoridation. She said more than 50 epidemiologic studies have failed to show an association between cancer rates in humans and optimal levels of water fluoridation. She said the American Cancer Society states there is no link between normal fluoridation rates and cancer. She said dental disease is the most common disease of childhood. It affects 35% of children by age 3. Dental disease causes pain, missed school, and poor nutrition. Living in a community without water fluoridation is a major risk factor for dental disease in children.

Dr. Bill Osmunson, Washington Action for Safe Water, said scientists do not always agree. He said he appreciates the Board looking at more than the science the government supports. He referred to a graph showing children (about 12 years old) in 1930 having an average of 11 cavities and by the 1960s the average dropping to five cavities. He stated water fluoridation introduced in the mid-1960s would have taken several years after that to take effect. He said the rate of decay went down regardless of whether the water was fluoridated. Around the world, a similar drop in the rate of cavities occurred whether or not the drinking water was fluoridated. He referred to another graph that he said showed states having higher mental retardation rates corresponding with increased water fluoridation rates. He then referred to a graph showing rates of invasive cancer in black males corresponding with the rates of fluoridation by state.

8. POSSIBLE AMENDMENT OF CR-103 (WSR-10-01-174) FOR CHAPTER 246-366A WAC, ENVIRONMENTAL HEALTH AND SAFETY STANDARDS FOR PRIMARY AND SECONDARY SCHOOLS, REGARDING EFFECTIVE DATE

Member VanDusen a revision was needed to address a problem caused by the prolonged economic downturn and continuing lack of money for schools to implement the new school environmental health and safety rules the Board adopted in 2009. The Board's Environmental Health Committee anticipates the Legislature will continue restrictions on implementing these rules as it did in a budget proviso in 2009. Therefore, the Committee reluctantly recommends delaying the effective date of the new rules until after the 2011-2013 biennium. Please see the memo from the Environmental Health Committee behind Tab 8 in member packets for additional details.

***Motion:** The Board directs its Executive Director to amend the CR-103 published as WSR 10-12-018 before July 2011 to change the effective date to July 1, 2013.*

***Motion/Second:** VanDusen/Selecky. Approved by all members present. Member Hernandez-Peck abstained.*

9. LEGISLATIVE AND BUDGETARY UPDATE

Mr. McLaughlin stated the Board took a position on 15 bills. He summarized and explained the status of five bills of interest that are still alive (see materials behind Tab 9). He said House Bill (HB) 1488 had no opposition and the Governor has signed it. As part of a discussion of HB 1454 concerning blood borne pathogens, Member Yu wondered who would pay for hepatitis B and C testing, which happens through private laboratories. Local health jurisdictions do not have the money to pay for testing. Secretary Selecky called attention to the medical marijuana bill. She explained that since it is an illegal product, a number of legality issues must be considered such as licensing dispensaries. Member Tonasket described patients who are over prescribed pain medications and wondered if the same thing might occur with medical marijuana. Secretary Selecky described some of the challenges and dilemmas of the initiative that passed in 1998.

Mr. McLaughlin explained the Governor built her budget around no new taxes. He said last night, the Senate released its budget. The House budget is already out. All three proposals have huge cuts. He highlighted some of the differences between the proposed Senate and House budgets (refer to Tab materials). He expressed particular concern that the Senate budget cut money for local public health more deeply. He described some agency administrative cuts proposed by the House and Senate budgets. Secretary Selecky explained how budget reductions have piled up and affected programs. She said the tobacco prevention account is completely depleted. She described some differences between the House, Senate, and Governor's budgets that affect public health. The federal budget picture is evolving with \$750 million for prevention and public health funding at stake. She said the Board must be crisp with its rules and be very focused in this environment. In the last three years, 700 local public health field positions have been lost in the state. The challenge is to prioritize work using the Agenda for Change. Member VanDusen thanked Secretary Selecky for her leadership in this difficult period. She asked Board staff for cost information on different meeting formats, and expressed some concerns about the new formats. Secretary Selecky said the Nursing Commission does not meet in person and uses video conferencing, and as a result, they are able to save money.

10.2011 STRATEGIC PLANNING, PRELIMINARY DISCUSSION

Mr. McLaughlin suggested, given the lack of time, this agenda item be postponed until the June meeting. He asked Board members to review the material under Tab 10 and be prepared for a discussion in June. Member VanDusen asked if a copy of the Reshaping Public Health document Secretary Selecky referenced could be sent to Board members to help with strategic planning.

ADJOURNMENT

Chair Austin adjourned the meeting at 4:00 p.m.

WASHINGTON STATE BOARD OF HEALTH

John Austin, Chair