



**Minutes of the State Board of Health
June 13, 2013**

Campbell's Resort, 104 West Woodin Avenue, Chelan, WA 98816

State Board of Health members present:

The Honorable John Austin, PhD, Chair
Keith Grellner, Vice-Chair
Stephen Kutz
Donald Oliver
Thomas Pendergrass, MD, MSPH

James Sledge, DDS
John Wiesman, DrPH, MPH
The Honorable Donna Wright
Diana T. Yu, MD, MSPH

State Board of Health members absent:

Fran Bessermin

State Board of Health staff present:

Michelle Davis, Executive Director
Timothy Grisham, Communications Consultant
Desiree Robinson, Executive Assistant

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

Guests and other participants:

Cynthia Austin, public
Brad Banks, Washington State Association of Local Public Health Officials
Denise Clifford, Department of Health
Kelly Cooper, Department of Health
André Fresco, Yakima Health District
Theresa Phillips, Department of Health

John Austin, Board Chair, called the public meeting to order at 9:04 a.m. and read from a prepared statement (on file).

1. APPROVAL OF AGENDA

Motion: Approve June 13, 2013 agenda

Motion/Second: Pendergrass/Sledge. Approved unanimously

2. ADOPTION OF MONTH DAY, YEAR MEETING MINUTES

Motion: Approve the March 13, 2013 minutes

Motion/Second: Kutz/Grellner. Approved unanimously

3. WELCOME BOARD MEMBER AND SECRETARY OF HEALTH JOHN WIESMAN

Chair Austin introduced John Wiesman, DrPH, the new Secretary of the Department of Health and Board Member. Secretary Wiesman explained how he became interested in public health from a magazine article about disease detectives. He has worked for four health agencies.

4. DEPARTMENT OF HEALTH UPDATE

Secretary Wiesman described his four priorities: health care reform; obesity prevention, especially regarding children; climate change; and the financial stability of local public health. He said the Department is currently recruiting a special assistant to the Secretary to lead its health care reform efforts. He said part of this effort is modernizing the Department's health informatics, which Frank Westrum will lead. He said tobacco use prevention, emergency preparedness, and immunizations are also priorities. He announced that Mary Selecky will be receiving the Moe Mullet Lifetime of Service Award at the National Association of County and City Health Officials (NACCHO) conference in July. This is the highest award local health officials give to one of its peers.

Secretary Wiesman reported the Department is watching the development of emerging infections around the world: bird flu H7N9 in China and the respiratory syndrome coronavirus found in the Middle East. He said the important thing is to keep surveillance efforts high. There currently are no travel restrictions recommended because of these diseases. Diana Yu, Board Member, expressed some concern about returning troops from the Middle East during the incubation period of up to 12 days for the coronavirus. Stephen Kutz, Board Member, recommended the Department have some conversations with the preventative medicine unit at Joint Base Lewis-McChord. Secretary Wiesman said he would follow up with staff to make sure these contacts are made. He also reported the Department and local health agencies are responding to a hepatitis A outbreak from a frozen berry mix sold through a warehouse chain, with one probable case in Thurston County.

Secretary Wiesman reported that federal sequestration would not result in equal reductions across the board. However, how that will play out for public health support has not been determined. He said the Department has a particular interest in protecting funding for local health agencies.

Secretary Wiesman said the failure of the Legislature coming to agreement on the budget into June is resulting in state agencies having to start preparing for a shut down. The assumption is, without authorization from the Legislature to spend money, much of state government must shut down on July 1. However, the Governor has asked agencies to identify critical services that might be added back. Agencies must report their lists of critical services to the Governor's office by June 17.

Secretary Wiesman handed out a vision, mission, and goals statement from the Governor, called the Plan for Progress. Education and jobs are major goals. He said members of the Cabinet are developing indicators for outcome measures. After these are compiled from all the agencies, the public will be given an opportunity to comment. Michelle Davis, Board Executive Director, asked what the timeline is. Secretary Wiesman responded he expected to provide input to the Governor within the next few weeks.

Thomas Pendergrass, Board Member, said there are a number of local emergency response requirements that should be considered critical when reporting to the Governor regarding a potential state government shut down. He also commented that it makes sense to call attention to the over-all health effects of smoking, given our state's legalization of marijuana. Secretary Wiesman said the Department expects to be getting funding for marijuana abuse education. He also said that federal funding for emergency preparedness has decreased 50 percent since 2011. He said because of this, the Spokane Regional Health District is looking at closing its bioterrorism laboratory. Member Yu commented that loss of tobacco prevention dollars is a concern. She suggested exploring linking marijuana abuse prevention and tobacco use prevention. Member Kutz expressed interest in the work around health care reform to better address social determinants of health.

Keith Grellner, Board Member, expressed interest in drinking water protection as part of the climate change issue. Member Pendergrass commented about the need to develop healthy and safe infrastructure that includes non-motorized transportation.

5. BOARD ANNOUNCEMENTS AND OTHER BUSINESS

Michelle Davis, Executive Director, expressed appreciation for the invitation from the Washington State Association of Local Public Health Officials (WSALPHO) to attend its meetings this week. Member Yu said it was a great opportunity for her and several Board members to meet with local health officials and hear about their concerns. Ms. Davis briefly reported on the 2013 Legislative sessions. She said staff monitored over 60 bills and she would be following up with the Board when the Legislature finally adjourns for the year. She mentioned one bill about eosinophilia disorders considering whether to provide a benefit for the lifetime burden of needing special nutritional formula. She said staff pointed out that other conditions screened for under our rules need similar support. Tara Wolff, Board Staff, will represent the Board on a panel to review such needs. She said all the budget bills being considered reinstate carry-forward funding for a Board staff person to prepare health impact reviews. She explained those reviews are intended to assess impacts of legislative proposals on health disparities. Chair Austin and Member Yu commented it would be nice if the health effects of all bills would be analyzed. Ms. Davis said that was beyond the scope of our health impact reviews, which are prepared only when requested by a legislator or the Governor and must be completed within ten days. She said the health impact reviews are not a vehicle to take an advocacy position on a bill. She said the Board could otherwise testify on a bill.

Ms. Davis said both current Senate and House budget bills [HB 1057 and SB 5034] include a provision that the Joint Administrative Rule Review Committee (JARRC) review the Board's authority and process in adopting the school environmental health and safety rules. She said this would require staff to prepare documents this summer for the JARRC. Member Yu asked about progress in trying to get the rules implemented and reporting progress to stakeholders. Member Grellner responded that under the existing rule, local health agencies vary greatly in their school programs. Member Yu asked for a future update to the Board. Member Pendergrass commented that it was important to consider the situation of total school funding in such an update.

Ms. Davis described documents under Tab 05 in member packets. She reported meeting with Dorothy Teeter, Director of the Health Care Authority, last week about the Board's and Health Disparities Council's work. She is trying to set up a meeting with Randy Dorn, Superintendent of Public Instruction, to discuss partnership opportunities. She also will be looking for an opportunity to meet with the new director of Ecology.

James Sledge, Board Member, reported setting up an expert panel to look at NW strategies in promoting oral health. After that input is compiled, the next step will be to ask for input from national experts before the Board is briefed this fall. Member Kutz reported on the Health Disparities Council having an action plan update due to the Governor by the end of the month. He said staff has applied for a federal grant to help integrate national standards for culturally appropriate and linguistic services in health care. He said the Council will soon be selecting new priorities. Member Sledge also reported he and Tara Wolff have been working with the Department on getting nominations for the Featherstone Reid Award. Member Grellner reported on a meeting of the Board's Environmental Health Committee April 17 at which the following issues were considered: the Department continuing with a drinking water laboratory certification rule revision; a briefing from the Department to the Board this fall about the status of the on-site rules; a possible request

for rule making regarding rabies and keeping a fox; and a variance request by a water system from the drinking water arsenic standard. Member Pendergrass asked how the Department followed up with the water system. Denise Clifford, Director of the Office of Drinking Water, came up from the audience and explained that the Department was working with the water system to inform them of funding options and try to get them to come into compliance. She said the system has notified its consumers about exceeding the arsenic standard. Member Yu reported the Health Promotions Committee met the evening before and discussed the oral health project mentioned by Member Sledge, as well as Member Kutz taking the lead on tobacco issues, Member Pendergrass taking the lead on an emergency vaccine preventable disease plan, and the status of the Department's newborn screening grant application.

6. STATE BOARD OF HEALTH WEB MIGRATION UPDATE

Timothy Grisham, Board Staff, gave a presentation on the need for, and progress on, migrating to a new content management Web system. The Board's website was built 15 years ago. Web systems have advanced since then. Microsoft no longer supports the Board's old Web system and the Department has already completed its migration to a newer Web system. Advantages of the new system are easier updating of content and easier public use. It will no longer be hierarchical. It also will use less server space. He described the new logo. Mr. Grisham said he has included a new Facebook and Twitter presence for the Board's website. He may recommend other social networking tools be added in the future. Chair Austin asked for a future briefing on how to avoid having a serial meeting on a social media site that violates the open public meetings act. Ms. Davis said she would arrange something for this fall. Member Yu asked for some training of Board members on the use of social media. Member Pendergrass said he would find explanation of the "why" more important than the "how" of using social media. He asked for an explanation of the search function on the Board's website, which Mr. Grisham did. Mr. Grisham said he would plan to give an update on the website at the Board's October meeting.

7. PUBLIC TESTIMONY

Andre Fresco, Administrator for the Yakima Health District, expressed appreciation for the appointment of John Wiesman as the Secretary of Health. He said it bodes well for the partnership between the Department and local health agencies.

Brad Banks, Managing Director of WSALPHO, expressed appreciation to Chair Austin and other members of the Board who spent time at WSALPHO meetings this week. He added that the Board's executive director is excellent to work with.

The Board took a break at 10:56 a.m. and reconvened at 11:11 a.m.

8. DOH REQUEST FOR RULES DELEGATION – ASSISTED LIVING FACILITIES

Chair Austin introduced this agenda item. Ms. Davis explained the Department's request for delegated authority to revise five Board rules to change the term "boarding homes" to "assisted living facilities." She described additional information available under Tab 08 in member packets. This would update the rules to be consistent with the new term in law, from SHB 2056 of the 2012 session. Ms. Davis recommended the Board approve the request and ask the Department to change the term in another rule recently revised by the Board (WAC 246-291-010) not mentioned in the Department's request, which becomes effective January 1, 2014. Member Yu cautioned that opening the rules was only to consider the term change. She said there were members of the public who

might advocate other changes in the rules if the rulemaking was not clearly limited. Kelly Cooper, the Department's Acting Director of Policy, Legislative and Constituent Relations, explained that the scope of rulemaking would clearly be limited. Ms. Cooper stated the Department would refrain from using an expedited process for rulemaking, which does not require a public hearing for the rule to be changed.

Motion: *The Board delegates authority to the Department of Health to adopt revisions to chapters 246-100, 246-101, 246-217, 246-260, and 246-291 WAC, changing the words "boarding homes" to "assisted living facilities" to assure consistency with Chapter 10 Laws of 2012 (SHB 2056).*

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

9. DOH REQUEST FOR RULE DELEGATION – CHAPTER 246-290 WAC, GROUP A PUBLIC WATER SUPPLIES

Keith Grellner, Board Member, introduced this item. He explained EPA recently revised its requirements for coliform bacteria monitoring in public water systems. He noted the Department of Health has requested delegation of rulemaking, to update the Group A drinking water rules to reflect these new requirements. He said the Board's Environmental Health Committee recommends approving this delegation. Ned Therien, Board Staff, introduced Denise Clifford, Director of the Drinking Water Program, and Theresa Phillips, Department of Health. Ms. Clifford gave a presentation explaining EPA's revised total coliform rule; the rationale and benefits of amending the Board's rule; who will be affected; and how such a rule revision would fit with the Board's rule delegation policy. She said the revision would change the indicator for bacterial contamination from the total coliform group to the fecal coliform species *E. coli* and require the problem causing the contamination of the water be fixed. She emphasized the find and fix requirements of the rule revision. She said for Washington to keep its primacy status for enforcing federal drinking water rules, the state needs to adopt rules no less stringent than EPA's. For more detail, please see materials under Tab 09.

Member Pendergrass asked if the Board would be notified about the Department's choices on discretionary options in the federal rules. Ms. Clifford said she expected the Department would not want to adopt requirements more stringent than EPA's. However, she would consult with the Board about discretionary changes. Member Yu asked if the Board would still have a hearing to adopt the rule if is delegated. Ms. Davis explained that when the Board delegates a rule, it does not hold the hearing to adopt it. Mr. Therien proposed the Department update the Environment Health Committee about discretionary options in the federal requirements and, only if the Committee has concerns, report back to the full Board. Ms. Clifford said she would be happy to meet with the committee. She emphasized that state discretion is very small. Ms. Clifford said that EPA expects state rules be adopted by 2015 and implemented by 2016. Member Kutz asked about percentage of water system that might have difficulty with the rules. Ms. Clifford said she expected the changes will reduce the number of alerts caused by detection of coliform indicators that are later shown to not be fecal bacteria. She said changing to testing for *E. coli* would better demonstrate actual fecal contamination.

Motion: *The Board delegates to the Department of Health rule making authority for chapter 246-290 WAC for the purpose of adopting state standards equivalent to the U.S. Environmental Protection Agency's Revised Total Coliform Rule as published in the Federal Register on February 13, 2013, with reporting to the Board's Environmental Health Committee about discretionary changes and options chosen.*

Motion/Second: *Pendergrass/Sledge. Approved unanimously*

The Board recessed for lunch at 11:50 a.m. and reconvened at 12:34 p.m.

10. CHELAN-DOUGLAS BOARD OF HEALTH WELCOME

Russell Clark, Mayor of Rock Island and Chelan-Douglas Health District Board of Health Chair, welcomed the Board to Chelan County. He commented on development of a sewer system in Rock Island that is hooking up all of the buildings that had been on septic. The sewer system was made possible by an economic stimulus grant.

11. CHELAN-DOUGLAS HEALTH DISTRICT: BASICS AND BEYOND

Barry Kling, Chelan-Douglas Health District Administrator, commented on what his health department has gone through during the recession. His presentation may be viewed behind Tab 11 in member packets. He said local funding for public health has stayed fairly steady since 2005, but not kept pace with inflation and population growth. This has resulted in large cuts in staff. He said when you have fewer people, you cannot expect the same amount of work to get done. For example, he had to cut home visiting and even direct immunization services. He raised the question of what differentiates public health from other health services. He said it involves population-based interventions. He said a major problem for public health is that it lacks sustainable funding reflecting inflation and population growth. He said this surprises him because the public has a general acceptance of public health as a basic government function. Sustainable funding discussions require agreement on what is basic public health. He called it “foundational public health.” He said it should be possible to get sustainable funding in Washington because other states have done it. He said there is an expectation of a basic level of public health across the whole state. In order to justify funding, he said the components of foundational public health need to be concrete enough to allow costing out activities.

Member Yu commented that foundational public health needs to be based on a ratio of services to population. She would not expect a county with a very small population base could support the same level as one with a large population. Mr. Kling agreed and said determining what foundational public health includes would not answer the hard question of whether cooperation between jurisdictions would be needed. Member Pendergrass commented this was excellent work. He said it is evident public health is important because the state constitution establishes the Board of Health. He made an analogy to medical interns training in Africa in rural areas dealing with basic public health issues. He said public health has done a great job and needs to tell the Legislature about it frequently. Don Oliver, Board Member, said he remembers when a certain millage was required to support public health. He does not remember why the Legislature changed that. He was in the Chelan-Douglas Health District building last week and was struck by areas being closed because of staff reductions. He remembered 20 years ago it being filled with busy staff. He said he thought most of the public in these two counties would be concerned seeing this because public health is held in high esteem. Member Kutz commented that in some of the counties he works in, you cannot now reach anyone at local public health when there is an emergency. Mr. Kling responded that public health is learning to use partnerships for such situations.

12. DOH REQUEST FOR RULE DELEGATION – WAC 246-282-005, UPDATE TO LATEST VERSION OF NATIONAL SHELLFISH SANITATION PROGRAM GUIDE

Ned Therien explained the Board’s rule that references the FDA standards known as the National Shellfish Sanitation Program Guide (or the NSSP guide). These standards are used nationally and internationally, and are updated every two years. The FDA recently published the 2011 version of the NSSP Guide, so it is time to update the rule to reflect the newest

version. The Department recently submitted a request to the Board to delegate rulemaking to update the reference. Mr. Therien indicated that the Environmental Health Committee had not reviewed this request, but the committee chair (Member Grellner) had reviewed it and concurs that rule delegation made sense. Member Kutz asked if a state could weaken Federal standards, and was informed by Mr. Therien it could not. Member Grellner asked if the rule could refer to the most current version of the guide, thereby providing automatic updates. Kelly Cooper, Department of Health, explained that was not possible, since it was an improper delegation of rulemaking authority.

***Motion:** The Board delegates to the Department of Health authority to adopt a revision to WAC 246-282-005 for the purpose of referencing the most current version of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, the 2011 edition.*

***Motion/Second:** Kutz/Grellner. Approved unanimously*

13. PUBLIC HEARING – CONTAGIOUS DISEASE – SCHOOL DISTRICTS AND CHILDCARE CENTERS, CHAPTER 246-110 WAC

Member Yu introduced this item, she explained this rule lists conditions reportable to local health officers. She said this is an old rule needing updating – as it is out of synch with current best practice and is still in use by childcare centers and schools. Member Yu thanked Ms. Wolff for all the work she had done with stakeholders who brought many perspectives to the table. Tara Wolff, Board Staff, described documents behind Tab 13 in member packets. She explained this is a proposal to update the contagious diseases that school districts and day care centers must report to local health officers. The rule lists the steps health officers may take to eliminate, control, or minimize the transmission of contagious diseases; however, there are other steps health officers may take in addition, which are not listed in these rules. The current rules do not reflect the most current best public health practice. She clarified the rule does not list conditions that require automatic exclusion of someone from a school or childcare center. The rule also needs to be aligned with the notifiable conditions rule. Ms. Wolff described a workgroup process that resulted in the development of seven criteria for including a disease in the list of those reportable to local health officers. Member Yu explained that one of the criteria was developed to address a concern for keeping children in school or childcare as much as possible while minimizing disease transmission, and that the criteria reflected both health and educational interests. The rule proposal removes head lice and pink eye from the list of reportable conditions, while adding infections with *Cryptosporidia* and Shiga toxin-producing *E. coli*. The proposal reorganizes the infectious diseases into four categories and adds two definitions. Member Kutz asked about the categories and wondered if all diarrheal diseases needed to be reported to local health officers. Member Yu said only those diarrheal diseases that are listed would need to be reported and that the headings were supposed to make it easier for school and childcare center staff to understand the lists of contagious diseases in the rule. Ms. Wolff said the headings would be easier to read and understand once the Code Reviser's Office creates a final format for the rule. Members Yu and Pendergrass clarified that the changes would not limit school districts or childcare centers from establishing policies beyond local health officer involvement. Ms. Wolff said 15 people commented on the proposal. She said staff recommends changes to the rule proposal filed as the CR-102 based on two comments about the terms “medically appropriate” and “infectious, exposed, or susceptible.” She described other comments, for which staff do not recommend changes to the proposal, including the decision to remove head lice and pink eye from the rules. Member Yu said she agreed with these recommendations. No members of the public were at the meeting to present public testimony.

Secretary Wiesman asked for clarification about the language in 246-110-020(2) and 246-110-020(3)(c) requiring consulting with the Secretary of Health and about placement of the words “if appropriate.” Member Yu said this was discussed during development of the proposal, but the rule revision team decided to leave in the existing wording. Ms. Wolff said she consulted with the Department’s rules manager, who advised keeping the existing language because of RCW 43.70.130(5). After much discussion on whether the local health officer needed to consult with the Secretary of Health or designee, the Board approved two separate motions to change wording in WAC 246-110-020(2) and WAC 246-110-020(3)(c) before considering the motion to approve the rule revision proposal generally.

Motion: *Change proposed WAC 246-110-020(2) to read “When there is an outbreak of a contagious disease, as defined in WAC 246-110-010, and there is the potential for a case or cases within a school or childcare center, the local health officer, after consultation with the secretary of health or designee **if appropriate**, shall...”*

Motion/Second: *Kutz/Oliver. Approved unanimously*

Motion: *Change proposed 110-020(3)(c) to read “Pursue, in consultation with the secretary of health or designee **if appropriate**, and school or childcare officials, the investigation...”*

Motion/Second: *Wiesman/Pendergrass. Approved unanimously*

Motion: *The Board approves the amendments to revise Chapter 246-110 WAC as published in WSR 13-10-055 and modified by revisions in previous motions today and detailed in today’s presentation, and asks that a CR-103 be filed to adopt the amendments.*

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

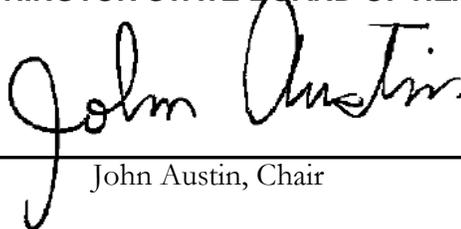
14. BOARD MEMBER COMMENTS

Member Kutz commented that the paper under his hotel doormat this day had an article about the difficulty of controlling youth access to marijuana. He said since we have not been able to control youth access to tobacco, it is doubtful youth access to marijuana can be controlled. Donna Wright, Board Member, commented on the ability of cities to get lower insurance rates if they are a wellness city.

ADJOURNMENT

John Austin, Board Chair, adjourned the meeting at 2:28 p.m.

WASHINGTON STATE BOARD OF HEALTH



John Austin, Chair