



**Final Minutes of the State Board of Health
June 18, 2015**

Marcus Whitman Hotel & Conference Center, Walla Walla Washington 99362

State Board of Health members present:

Fran Bessermin
Keith Grellner, RS, Chair
The Honorable James Jeffords
Stephen Kutz, BSN, MPH
Thomas Pendergrass, MD, MSPH
Angel Reyna

James Sledge, DDS, FACD, FICD
Dennis Worsham, Secretary's Designee
The Honorable Donna Wright
Diana T. Yu, MD, MSPH

State Board of Health members absent:

State Board of Health staff present:

Michelle Davis, Executive Director
Melanie Hisaw, Executive Assistant
Kelie Kahler, Communications Consultant

David DeLong, Health Policy Analyst
Tara Wolff, Health Policy Analyst

Guests and other participants:

Clark Halvorson, Department of Health
Stephen Baker, Department of Health
Kelly Cooper, Department of Health
Tami Thompson, Department of Health
Maryanne Guichard, Department of Health
Drew Bouton, Department of Health
Dr. Howard Blessing, local Walla Walla dentist
Dr. Harvey Crowder, Director of Walla Walla Public Health Administrator
Dr. Kyle Sullivan, President, Walla Walla Valley Dental Society
Dorene Hersh, Public Health Nursing Director, PHSKC/WSALPHO

Emily Firman, WA State Dental Services Foundation
Annette Cary, Reporter, Tri-County Herald
Derek Wiitala, City of Pasco
Fred Vanecek, City of Pasco
Brad Banks, Managing Director of WSALPHO
Andre Fresco, Administrator, Yakima Health District

Keith Grellner, 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 18, 2015 agenda

Motion/Second: Jim Sledge/James Jeffords. Approved unanimously

2. ADOPTION OF MONTH DAY, YEAR MEETING MINUTES

Motion: Approve the April 8, 2015 minutes

Motion/Second: Donna Wright/Fran Bessermin. Approved unanimously

3. BOARD ANNOUNCEMENTS AND OTHER BUSINESS

Michelle Davis, Board Executive Director

Ms. Davis welcomed the Board to Walla Walla. She introduced Kelie Kahler, the Board's new Communications Manager and directed the Board to materials behind tab 3. Ms. Davis congratulated Tara Wolff on her successful submittals to the American Public Health Association

November conference. She will provide a poster presentation on Oral Health, and an oral presentation on vision screening. Ms. Davis announced that Sierra Rotakhina, board staff, was attending the National Health Impact Assessment Conference in Washington DC. Ms. Davis announced that Thomas Pendergrass, board member, and Ms. Bessermin had applied to the Governor's office for reappointment to the Board. Ms. Davis indicated that the Board had received several pieces of correspondence regarding fluoride and adrenoleukodystrophy in recent weeks. The Board also received a resolution from the Washington State Democrats, and noted that it was located under tab 6. Ms. Davis reported that she presented information along with DOH staff to the Joint Administrative Rules Review Committee (JARRC) on May 13, regarding the Board's school environmental health and safety rules. She directed board members to a draft report that outlines JARRC's findings and recommendations. Ms. Davis announced that the Board had received the "Oral Health Hero Award" from the Washington Dental Service Foundation.

Jim Sledge, Board Member, shared about the oral health symposiums held in Tukwila and Spokane. Stephen Kutz, Board Member, provided an update regarding Health Disparities Council activities. Ms. Davis thanked Angel Reyna, board member, for the tour of Walla Walla Community College on June 17, 2015. Diana Yu, Board Member, shared that the Health Promotions Committee will discuss adrenoleukodystrophy (ALD) during the lunch hour.

4. DEPARTMENT OF HEALTH UPDATE

Dennis Worsham, Secretary's Designee said that although Ebola has gone off the news, a federal grant funding opportunity was made available for health care facilities to prepare and respond to rare events such as Ebola and other highly infectious diseases. Providence Sacred Heart Medical Center and Children's Hospital in Spokane was the successful recipient for Region 10. It received 2.5 million for initial planning and set up, and additional funding for preparedness work over the next five years. Designee Worsham said he just returned from CDC, and expressed pride in our state's partnership with hospitals and the collaboration between health care and public health. Designee Worsham gave an update on Immunizations, and noted it had been a busy season for measles and pertussis. The Department is examining immunization rates and just did a report. He noted that 93 percent of schools responded (highest percentage ever), unfortunately based on the reporting of complete immunization records, the numbers of fully immunized children have dropped to 82-83 percent. The state goal for "herd immunity" to protect the community is about 95 percent. The Legislature may be reviewing this issue during the interim, and DOH is working on it through a new pilot project in its Center for Public Affairs. With regard to exemptions, about 4.5 percent of families are choosing not to immunize (this is not a change). Washington state has increased in immunizations from .06 to .11 percent in last few years.

Designee Worsham noted that Initiative 502 resulted in significant revenue. The Department was to receive funding from excise tax to focus on an education campaign for teens and pregnant women. These funds have not been appropriated. The estimate is about \$19m each biennium for education for marijuana. The most recent House and Senate agreement proposal was \$8m per year (\$16m per biennium), to be used in this area. It's not clear whether some of these funds may be used for tobacco.

Designee Worsham mentioned Dr. Tom Frieden's winnable battles, which include 6 areas of focus; tobacco use, motor vehicle injuries, HIV, nutrition and physical activity, health care associated infections, and teen pregnancy. Washington has assembled a team to look at these areas and view our "scorecard". Our state scored high in every area. We are focusing efforts on tobacco and marijuana, and how to align policy and laws (e.g. age of purchase, licensing, etc.). With regard to

nutrition and physical activity, we are working with the Governor's Healthiest Next Generation initiative. The Department released a white paper on AIDS. Last year, the Governor launched End AIDS Washington, with the goal to reduce new HIV infections by 50 percent by 2020. We are seeing good success. About 14,000 people in Washington live with HIV, 70 percent of those are receiving medical care and are on antivirals (which is 96 percent effective in not transmitting the virus). In this group, 70 percent of the people on care case management, and 60 percent have viral load suppressions, which is really good.

Member Kutz asked about learning from those health care workers who have been deployed to countries with Ebola. Designee Worsham said these workers are monitored, but he is not aware of any specific learning, but he's interested in knowing more. Donna Wright, Board Member, asked about e-cigarettes/vaping devices. Designee Worsham said that is part of the tobacco package being looked at. Thomas Pendergrass, Board Member, shared that it is a cultural issue that involves so much more than tobacco. It's a technology that is being explored in a very unstructured way by our youth and it really is an opportunity for us to look at what are we doing around these issues.

5. WALLA WALLA COMMUNITY HEALTH DEPARTMENT

Harvey Crowder, Walla Walla Community Health Administrator

Dr. Crowder welcomed the Board to the land of wine, wheat and windmills. He shared a power point presentation (tab 5). Dr. Crowder noted that Walla Walla's Public Health and Human Services combined with the Walla Walla Department of Community Health last July. Member Yu, commented on the impressive collaborative work in Walla Walla, mentioning that this is the true essence of public health. Member Pendergrass, commented that our young students and professionals do not necessarily need to go across the country, but if they can connect to this rural demographic, they may want to stay. Keith Grellner, Board Chair, asked how Walla Walla has moved forward to promote the school rule and if the schools have shown resistance. Dr. Crowder described their close work with schools and that the schools have seen the value. In one instance, higher levels of radon was found in a school and as a result, now the schools are very "keyed into" potential problems to avoid. In the radon case, the problem was due to air ventilation flowing through crawl space, the issue has since been resolved. Dr. Crowder suggested that relationship with the schools is important and that funding comes from his budget. David DeLong, Board Staff, asked about school rules support. Member Kutz, inquired about technical assistance provided to tribes.

(5b. added at 10:15 since meeting was ahead of schedule)

5b. UPDATE BY BRAD BANKS, MANAGING DIRECTOR FOR WASHINGTON STATE ASSOCIATION OF LOCAL PUBLIC HEALTH OFFICIALS

Chair Grellner invited Mr. Brad Banks to address the Board. Mr. Banks represents WSALPHO, which consists of the state's 35 local health jurisdictions. He noted that WSALPHO gathers in person twice each year. This week's meeting started off with child resiliency. They viewed James Redford's, "Paper Tigers", a documentary filmed at Lincoln High School. Over 200 people participated in the viewing, including students, teachers and other community members. He said that WSALPHO has been working collaboratively with DOH to push work forward, and looks forward to the support of SBOH and engaging other stakeholders. Mr. Banks discussed the uncertainty of special session and issues such as vaping, tobacco use, policy, fiscal support. Member Yu, clarified the focus and efforts to insure sustainable workforce development. Mr. Banks emphasized the fresh

and innovative efforts to press forward with public health efforts. Member Pendergrass, asked how we can bring highlight our work, with friendly data that educates and excites.

The Board took a break at 10:30 a.m. and reconvened at 11:05 a.m.

6. UPDATE: ANENCEPHALY INVESTIGATION

Member Yu, introduced the anencephaly investigation in south central Washington; Yakima, Benton and Franklin counties. Anencephaly is the rare but serious birth defect that affects the development of a baby's brain and skull. Babies with anencephaly die during pregnancy or shortly after birth. This serious birth defect occurs nationally at a rate of about 2.1 per 10,000 births, but in the three counties in central Washington, the rate may be about five times higher. On April 18, 2015, the Washington State Democratic Central Committee (WSDCC) passed a resolution calling on the legislature, the governor and the State Board of Health to require a more thorough investigation into the cause and resolution of this issue. Kathy Lofy, State Health Officer, presented by telephone a power point presentation on the Department's continuing investigation, surveillance and prevention activities (see tab 6 under materials).

Member Pendergrass suggested comparing the three county area to a similar three county area, perhaps Chelan, Douglas, Okanogan or Kittitas Counties. He suggested looking at the age of mothers- younger mothers may be less likely to supplement with folic acid. Questions to consider such as; when does women start taking folic acid? Member Kutz asked about numbers and measurements? Who is being interviewed, all mothers our just in the three county area? Dr. Lofy answered that they only interview women in the three county area and referenced the PRAM survey which is given randomly to women after giving birth, and it showed women in the 3 county area are less likely to take folic acid than other areas. Dr. Lofy mentioned that they have sought out similar populations in other states. Member Kutz asked if there is proactive work to gather more data.

Mr. Andre Fresco, Administrator for Yakima Health District, is grateful to the SBOH for taking a closer look and action at this issue. This is a serious issue for the Yakima community. He thanked Secretary Wiesman, Dr. Lofy and others for their work. This work could not happen if the Yakima Health District was asked to do it alone and points out the importance of collaborative work. Mr. Fresco appreciates the public forum and the opportunity for everyone to speak because this isn't just about health and numbers, it's also about social determinants of health and the choices that people make. This is a long-term process and commitment to make sure that every child has the opportunity to grow up healthy and well. Member Yu asked Dr. Lofy about next steps. Surveillance and investigations will continue to move forward. Prevention efforts have been challenging, education efforts have to be done in an on-going way. Member Pendergrass and Member Yu suggested turning the cultural practices to include prevention and to focus on giving girls the multivitamin/folic acid. Dr. Lofy mentioned that about 1/2 the pregnancies in WA are not planned, so women often do not have adequate folic acid in their system. Chair Grellner asked if the CDC has been involved, and Dr. Lofy said yes, there are many experts around the country involved. Member Yu mentioned this has been a great partnership with the March of Dimes as they are doing great work. Member Kutz mentioned there is now hypersensitivity within these 3 counties. He expressed concern that there might be other hidden areas in the state that aren't being noticed. Dr. Lofy mentioned that active surveillance throughout the whole state would be extremely expensive and would likely require increased money from the CDC. Member Yu asked what the next steps might be for the Board? What are we supposed to do now? Are future updates to the Board enough? Chair Grellner mentioned future steps regarding response and follow-up to this issue: have Member Yu work with the committee and if they want letters from the board we can help with that.

Chair Grellner also suggested that the executive director draft a response to the WSDCC. Ms. Davis indicated that the Board doesn't appear to have authority to direct the Department's investigation, rather the Board could support efforts for greater funding and provide a public forum; make recommendations to the legislature for funding or other resources. If we can assist the department in getting additional support from legislature or CDC that is an appropriate role for the board.

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

7. BRIEFING: HEALTH & HUMAN SERVICES RECOMMENDATION: DRINKING WATER FLUORIDATION

David DeLong, Board Staff, gave the background and summary for drinking water fluoridation. Mr. DeLong introduced Clark Halvorson and Stephen Baker from Department of Health. The new recommendation by the US Health & Human Services (HHS) is for a single level of 0.7 milligrams of fluoride per liter of water. It updates and replaces the previous recommended range (0.7 to 1.2 milligrams per liter) issued in 1962. Refer to power point presentation (tab 7).

Member Kutz asked how the ranges can be kept at the optimal level. Mr. Halvorson said that there will be some optimized zone and work with utilities to optimize their systems. Member Pendergrass asked a clarifying question of Group A and Group B water systems. Mr. Halvorson said the total number of Group A water systems is 2400; 50% of the population is receiving fluoridated water from the 51 systems adding fluoride. The map does not include naturally fluoridated systems which is estimated at about 200 systems. Member Sledge asked if the department had given consideration of public notice if a system is going to discontinue fluoridation? Mr. Halvorson said that they are considering it and gave information about the annual consumer confidence report. Mr. Halvorson said that further notification is a new way for the department to work with their water systems. Member Sledge mentioned the importance of keeping the public informed. Chair Grellner asked if the board should make any decisions for better informing the public, he likes the recommendation for informing users about fluoridation. Member Pendergrass commented & Member Wright, asked a question pertaining to the mixing of water systems - some water systems may purchase water from fluoridated systems and mix it with their un-fluoridated water – how would notification apply to them? Member Kutz said that physicians need to know the level of fluoridation to know proper doses to give. Mr. Baker said you can find all this information online at DOH to make it easier for medical providers to provide their services. Chair Grellner asked Ms. Davis when a decision needed to be made. Ms. Davis said we will look at the best mechanisms for exploring public notification. If this happens, we will need to file a new CR101. Member Sledge asked Mr. Halvorson if the public is notified about utility changes. Fran Bessermin, Board Member, asked if the notification can be as simple as a notification on a bill. Mr. Halvorson said different utilities have different processes in place for notifications. Member Kutz asked if fluoridation is a routine task that is performed and reported on. Mr. Halvorson said no, it is not. Mr. Halvorson and Mr. Baker said there are many variables, but it is all tracked on a sliding scale.

8. PUBLIC TESTIMONY

Dr. Kyle Sullivan, President of Walla Walla Valley Dental Society, testified that if you can reach a healthy range of water fluoridation, it improves oral health. Some health problems can result, but it is rare, and overall it does improve the health of communities. Dr. Sullivan submitted a letter of support for fluoridation.

Emily Firman, WA Dental Service Foundation, testified in support of the efforts to conform with HHS recommendations. Ms. Firman thanked DOH for the presentation with very good information. She appreciates all the oral health collaboration, and supports the WSBOH to accept the recommendations by HHS. Ms. Firman said we know that for every dollar we invest in fluoridation, we save \$43 in treatment costs down the road. Ms. Firman deeply appreciates the conversation on prior notice. She mentioned a small community that considered removal of fluoridation because of operational challenges. However, the community contacted the Department of Drinking Water and learned how to adjustments their system and they now fluoridate today. She mentioned that Kalama, almost without public engagement, planned to remove fluoride from their water. Luckily, they determined to wait and have that public comment period. In the end, the citizens provided feedback; 67 percent they wanted to remain fluoridated. This simple awareness prior to decisions helps allow for education and transparency.

Dr. Blessing, dentist, received Masters in Public Health. Dr. Blessing emphasized the importance of fluoridating to prevent the decay process, he shared his experience working in communities without fluoridation and the negative impacts of tooth decay. He noted that dental disease in children is 5 times more common than childhood asthma, and that dental disease affects everybody. When children get dental disease, it follows them for their lifetime. Public health is about community and people in our community deserve health. Chair Grellner thanked him for his comments.

Member Kutz commented that public notification is required if one plans to start fluoridation, not stop fluoridation.

9. PETITION FOR RULE-MAKING REGARDING BED & BREAKFAST OPERATIONS

The Board received a petition for rule making on June 18, 2015. In accordance with RCW 34.05.330, the board has 30 days to consider and respond to rule making petitions. In this case, Ms. Dusabek, a bed and breakfast operator from Bainbridge Island, does not think that the food code (Chapter 246-215 WAC) nor the Transient Accommodations code (Chapter 246-360 WAC) should apply to bed and breakfast operations. She believes that the license issued to her by WSDA as a food processing plant licensed to produce: bread, rolls, jam, jelly, preserves and vinegar should be adequate for all of her food production and that customer reviews on the internet should be adequate to protect the public from Transient Accommodations concerns. She has requested that specific sections of the food code be repealed and that the food code and TA codes be amended so that bed and breakfast operations are exempt from the requirements of these codes.

Mr. DeLong introduced Maryanne Guichard, Assistant Secretary of Environmental Health Programs at DOH.

Chair Grellner mentioned that Ms. Dusabek operates in Kitsap County and that she can choose how she operates to minimize regulatory impacts on her business such as: operating within the confines of her WSDA license. Chair Grellner also stated the AAG did review his position on the board with regard to conflict of interest in this case and found that a conflict does not exist. Chair Grellner said that this request is an instance of a business owner asking to change the rules to suit her business rather than serve the public good.

Member Yu asked for a quick summary of the request. Maryanne Guichard clarified and summarized Ms. Dusabek's request.

Member Yu asked about lesser requirements for smaller operations vs. bigger operations. Ms. Guichard said that there are reduced requirements in the food code for bed and breakfast operations

in the sections of food code that she has asked to repeal. Also, she could reduce her menu to non-potentially hazardous prepackaged foods so that she would not need a food service permit at all. The Transient Accommodations code, however, applies to all TA's regardless of size.

Motion 1:

The Board denies the petition for rule-making to repeal WAC 246-215-09300, -09305, -09310 and directs the executive director to draft a response to the petitioner advising of the Board's decision.

Motion/Second: *Member Bessermin/Member Wright. Approved unanimously*

Motion 2:

The Board denies the petition for rule-making to amend Chapter 246-215 WAC and Chapter 246-360 WAC to exclude bed and breakfast operations from permit and regulatory oversight and directs the executive director to draft a response to the petitioner advising of the Board's decision.

Motion/Second: *Member Bessermin/Member Wright. Approved unanimously*

10. UPDATE: STRATEGIC PLANNING

Michelle Davis, Board Executive Director

Ms. Davis referred to the cover memo and materials under tab 10. She said that in April she asked for volunteers to serve on a strategic planning steering committee, those who volunteered were members Grellner, Pendergrass, Sledge, Wiesman and Kutz. She described the steering committee's first meeting and its goals to regularly engage the Board over the course of strategic planning, and hoped to be able to wrap up the planning process in approximately 6 months. She directed the Board to the handout titled Board's powers and duties.

Member Wright asked about hoarding. She recently saw a notification to report problems to the local public health authority. Chair Grellner said inside hoarding is not a concern, but outside hoarding can be a concern for local public health. He asked Member Wright to provide the information she saw to SBOH to be distributed to board members. Member Yu mentioned the zoonotic disease component that could pose a problem.

Designee Worsham responded to Ms. Davis on the "Receive reports from Secretary of Health and take action as determined necessary." This has not been an issue in recent years. Member Yu commented that she found it surprising on the board's authority in consultation with Director of Licensing on training requirements for cosmetologists, barbers and manicurists. Ms. Davis confirmed that these authorities are broad, and we will work with other agencies as appropriate. Ms. Davis said she wants to be mindful when considering future activities and that the Board remains grounded in its powers and duties. Member Reyna asked if there was a cheat sheet that shows who enforces these rules. Ms. Davis said she has a matrix that she will share with the board. Member Yu shared the confusion about authorities as agencies have evolved (example; crossed rules with DEL, DSHS, DOH). At some point there should be a review on these ancient rules. Member Pendergrass said there are challenges to consider such as funding from the legislature. Creating a policy that is not funded is like creating no policy at all. Member Yu commented about looking at the legislative intent for proper understanding.

Designee Worsham said DOH is really trying to define their role in light of the current public health concerns. Member Kutz suggested an idea to look at the age of rules and perhaps revisit some rules become they become ancient. Member Pendergrass summarized the goal, asking if we can think progressively about what SBOH is doing and where SBOH is going. The Board's overall duty

should be improving public health in the state of Washington. Member Yu said healthy living is not legislated and we are very limited in what we can do to make people be healthy. Mr. DeLong commented on the confusion and difference between statutes and board rules. Member Pendergrass supported this comment with an example of HIPPA rule as a one and a half page document, but the rules supporting it are over one thousand pages.

Chair Grellner asked for any more questions and suggested if there are further ideas or suggestions, to let a Strategic Planning Committee member know. Member Kutz commented to Designee Worsham that a worthwhile discussion for the Board will be our changes to how we deal with healthcare in our population.

11. BOARD MEMBER COMMENTS

Diana T. Yu, MD, MSPH, Board Member, wished all of the dads in the room a “Happy Father’s Day.”

ADJOURNMENT

Keith Grellner, Board Chair, adjourned the meeting at 3:15 p.m.

WASHINGTON STATE BOARD OF HEALTH

Keith Grellner, Chair

Disclaimer: This summary is intended for use with meeting materials provided in advance of the meeting. The Washington State Board of Health retains a recording of the meeting as the formal record of meeting. The recording is available through a Public Disclosure Request to the WSBOH records officer.