

# WASHINGTON STATE BOARD OF HEALTH

## HEALTH PROMOTION COMMITTEE SPECIAL MEETING SUMMARY NOTES

**What:** Health Promotion Committee

**When:** February 11, 2021

**Participating by GoToMeeting:** Board members Dr. Tom Pendergrass, Vazaskia Crockrell, and Dr. Bob Lutz; Board staff Kelie Kahler, Kaitlyn Donahoe, and Sam Pskowski; Department of Health staff John Thompson, Alexandra Montaña, LinhPhung Huynh, Michael Ellsworth, Tami Thompson, Anna Hidle, Nirupama Shridhar, and Sarah Keefe, Karin Neidt; four members of the public.

### Summary Notes:

#### Rulemaking Updates

- **Prenatal Testing, Chapter 246-680 WAC.** Ms. Pskowski reminded Committee members of the rules hearing that was held on this topic at the January meeting, in which the Board elected to continue its decision to adopt the rules until June 2021 to allow for additional revisions. She discussed the comments received during the public comment period as well as verbal testimony taken at the rules hearing. Ms. Pskowski said that Board and Department staff are continuing to revise the rule language, including provisions related to cell-free DNA testing, which the Board heard conflicting testimony on at the rules hearing. She said that she anticipates sharing a draft of the rule language with interested parties in the next month and may brief the Board in March. Committee Chair Pendergrass discussed the intent of the rule and provided guidance on rule language related to genetic counseling.
- **Notifiable Conditions, Chapter 246-101 WAC.** Ms. Donahoe and Ms. Huynh provided an update on the status of the proposed permanent rule as well as the COVID-19 emergency rule. Ms. Donahoe discussed the recent CR-102 filing for the proposed permanent rule and comments received to date. She said that Board staff will provide a summary of all comments received on the proposed rules, and any recommended revisions at the rules hearing in March. Ms. Donahoe, Ms. Huynh, and Committee Chair Pendergrass discussed the scope of demographic data reporting requirements in the proposed rule. Ms. Donahoe reminded Committee members that the current COVID-19 emergency rule will expire at the end of March, and that the Board may elect to adopt a third emergency rule to extend COVID-19 reporting requirements for another 120 days at their March meeting. She said that Board and Department staff are discussing possible revisions to the emergency rule and will provide proposed language ahead of the March meeting.

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- **Communicable and Certain Other Diseases, Chapter 246-100 WAC.** Ms. Huynh, Ms. Pskowski, and Ms. Donahoe provided an update on this rulemaking. Ms. Huynh provided the legislative background for the rulemaking project and noted that ESHB 1551, Department of Health request legislation that passed in the 2020 legislative session, is the catalyst for this rulemaking project. She said the goals of the bill were to eliminate exceptionalism of HIV, modernizing the control of certain communicable diseases in law and rule. Ms. Pskowski outlined the scope of the rulemaking project detailed in the CR-101. She discussed the work done on revisions to chapter 246-100 WAC, Communicable and Other Certain Diseases, to date. Ms. Donahoe discussed proposed revisions included in the Notifiable Conditions rulemaking project (chapter 246-101 WAC) that apply to the communicable disease rulemaking work. She also shared the rulemaking timeline for this work and anticipated next steps.

### **Rulemaking Petition**

- Ms. Pskowski described a rulemaking petition received by the Board to require congenital cytomegalovirus (CMV) testing in the newborn screening rule (chapter 246-650 WAC). She shared initial CMV research and said that six states currently have testing for this condition. Ms. Pskowski said the rulemaking petition will be brought to the Board's March meeting for consideration and decision. Committee Chair Pendergrass and Mr. Thompson, Director of the Newborn Screening Program, discussed CMV infection rates and newborn screening tests for CMV. Mr. Thompson noted that the Department receives requests weekly to send blood spots for CMV testing, and that we need to learn more about the programs from early adopter states. Committee Chair Pendergrass said the briefing for this topic in March would benefit from an understanding of suggested treatments related to CMV for the Board's consideration of the petition.

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