



**Final Minutes of the State Board of Health
November 9, 2020**

Electronic meeting via GoToWebinar

State Board of Health members participating by phone:

Keith Grellner, RS, Chair	Jill Wood
Thomas Pendergrass, MD, MSPH Vice-Chair	Stephen Kutz, BSN, MP
John Wiesman, DrPH, MPH	Bob Lutz, MD, MPH
Fran Bessermin	Vazaskia Crockrell

State Board of Health members absent:

State Board of Health staff present:

Michelle Davis, Executive Director	Samantha Pskowski, Health Policy Advisor
Melanie Hisaw, Executive Assistant	Kaitlyn Donahoe, Health Policy Advisor
Kelie Kahler, Communication Manager	Cait Lang-Perez, Health Policy Analyst
Stuart Glasoe, Health Policy Advisor	
Lindsay Herendeen, Health Policy Analyst	

Guests and other participants:

Lacy Fehrenbach, Department of Health
LinhPhung Huynh, Department of Health
Sierra Rotakhina, Department of Health
Scott Lindquist, Department of Health
Alexandra Montañó, Department of Health
Chris Baumgartner, Department of Health
Neetha Mony, Department of Health
Julieann Simon, Department of Health

Keith Grellner, Chair, called the public meeting to order at **9:31 a.m.** and read from a prepared statement (on file). He then detailed operating procedure and ground rules for conducting a virtual meeting, and asked board members to introduce themselves.

1. APPROVAL OF AGENDA

Motion: Approve November 9, 2020 agenda

Motion/Second: Member Pendergrass/Member Bessermin. Approved unanimously.

2. ADOPTION OF OCTOBER 13, 2020 MEETING MINUTES

Motion: Approve the October 13, 2020 minutes

Motion/Second: Member Pendergrass/Member Crockrell. Approved unanimously.

3. ANNOUNCEMENTS AND BOARD BUSINESS

Michelle Davis, Board Executive Director greeted the Board and directed Board members to materials in their packets under tab 3. She indicated that packet materials included meeting notes from recent environmental health and health promotion policy meetings, which were primarily focused on rule updates and preparation for the Board's November meeting.

(have Michelle past talking points here)

Ms. Pager petition

Last week Vit E Acetate, CR 103 last week, saff filed, permanent go into effect Nov 15

Draft state health report, estimate review complete end of Nov

EJTF recommendations submitted to Gov office for review

DOH submitted funds to leg for FPHS, retain Elise though 6/30, 2020 to support policy work that leg tasked with but didn't receive funding.

PRR's (KoA, SECTF, vaping/tobacco)

SRHD Complaints (item 14)

Closing-BOH offices closed 11/9 & thanked Veterans for service

4. DEPARTMENT OF HEALTH UPDATE AND NOVEL CORONAVIRUS (COVID-19)

John Wiesman, Secretary of Health, Board Member (or)

Kelly Cooper, Secretary's Designee, Director of Policy & Legislative Relations

Lacy Fehrenbach, Deputy Secretary for CV19 Response

-NBS, positive on COVID and baby received treatment.

Vital records, modernizing laws. Rulemaking happening for certificates. Rulemaking completed in June 2020, rules go into effect 1/1/21. Staff conducting training and executing comprehensive external communications plan.

Changes in terms of laws around data sharing.

Update on school immunization and data reporting, update on 20/21 cycle.

Talked about SARS, etc Working with treatment plants, National Waste Water Surveillance System.

Gave PPT presentation (see presentation file).

HE said with rising cases please wear face coverings, watch distance, minimize social gatherings, we've let our guards down.

Chair Grellner said they're absolutely seeing that in Kitsap County. Seeing most of spread w/in households or lots of outbreaks at employers.

Tom: compliments for breadth of work. Trends in treatment, appears we are better, understanding has increased. Worries about preliminary information by Pfizer, no reviews done yet. Leads to question, across the state seeing more and more fatigue about masks and soc dis.

John: He understands and shared how folks can do it safely. Bundle up, be outside when gathering to stay connected. Supplement wth facetime, etc.

Vazaskia: excited about Pfizer and where they are at (90%), but questions on how it's distributed and make sure providers are located in areas of highest needs for geographical equity. Also, Believable in data driven and intersectionality of Asian race, but what are we doing for outreach, education for being intentional. Finally, re: hospitalizations, crisis standards of care, do we have enough and how do we determine who has access. Concerns especially around racial ethnic disparities.

John: are looking at social vulnerability in terms of social determinants of health. Past atrocities, re: experimentation that's happened...reassuring to see health care providers go first. As looking at allocation of vaccines, looking at equity within groups being prioritized. Probably conversation deserves more ...

Crisis standards of care. Workgroups continue to meet. Not at place yet, we do have additional ventilators purchased and hospitals in state have agreed to come together to work on capacity. Learning how to better manage and hope to not enter. Asking public to work with us to do everything around prevention.

Vaz: are we going to update Crisis Standards of Care. Sec. Wiesman said he'd look into it.

Member Kutz: needs to be more emphasized when people aren't following right protocols, they aren't only putting their lives at risk, but others too. Sec. Wiesman agreed.

5. PUBLIC COMMENT (Note: Public Comment on Item 6, Rules Hearing for Handling of Human Remains, Chapter 246-500 WAC will begin at 10:45 a.m.)
Speaker Name, Citizen or Organization Represented

13 people (2 minutes)
Shelly Burt

Maria Howard, Gonzaga, etc Volunteer ethicist at SRHD, and member of many organizations. Speaks for self. Speaking on behalf of Dr. Lutz and more than 200 have signed. AC has violated RCW 70.

Nov 5 board meeting caused grave concern. Talked about meeting. Clear some board members failed in public health duty. Willful disregard for truth, failed our community. Why SRHD allowed Administrator to advise medical decisions. RCW (law) explains he

has right to advise. Clark has censored. Please investigate Ms. Clark and hold SRHD responsible.

Shelly Burt: just a mom, has 5 year old adopted in foster care. in Benton Franklin County. Seen Children's psychiatry since 3. Severe learning disability. Can't wear a mask. Supposed to start school and now can't take. Required to get BCHD approval. Had dr. sign mask exemption, good for 30 days. Added to include work to acclimate to mask wearing. Went against all dr.'s orders and opinions. School didn't consent. They masked child for 5.5 hrs. Now severe anxiety, had to transfer to new school, new teacher. Lost trust of schools. Frustrated she went against all the dr.'s requests. How do we get him back to school?

Pamela Kohlmeier, physician, attorney and health lecturer. Speak as concerned citizen. Hope words do justice to grievance, violated due justice. Shares voice of Maria Howard. Echo her concern, her as ethicist, Dr. K as physician and attorney. Dr. L entitled to due justice, should have been given 7 days notice and opportunity to provide witnesses and respond. 70.05.50 Local Health officer should not be removed until after...

As you've heard, that did not occur and justice was not heard. Not properly vetted. Interim replacement process flawed. Firing at hand of AC and unauthorized action. Community paying price. Ask Board to investigate. Red flags embedded in these events. Justice requires an investigation.

Betsy Howe: represent Citizens Optimizing OSS Management WA over 1 million households served by septic systems. Concern is that new laws are not being fully acknowledged in the revision. Excited about new law, RCW 5503. But now looking at rules with topographical and soil clauses that would eliminate septic systems from many homes. Looking at equity and inequity, rural families served by septic systems and urban have sewers. Continue to work through revision process and continue to provide updates of their concerns.

Kim McMillin: 40 years back as nurse. 1-support comments about firing of Dr. Lutz. Dismayed, angered and shocked. Hoping we'll take seriously and clean up the mess. In pandemic and people dying.

2. Talk about enforcement and monitoring of public venues around covid. Shocked at what seeing going to restaurants and grocery stores. As older person. Seeing 10% of people not masked, is there a way to enforce and if anyone is actively watching. At chiro, face shields, but no masking. What's happening there? Is the board getting serious to shut things down so we can get through pandemic. Japan, S Korea, Europe, are taking measure to stop the pandemic. Can we be an example?

Jean Mendoza: want to thank BOH for writing clear in WAC 246-203-130. Laws governing livestock are not intended for human beings. If RCW 90.64 impairs human health, then need to revise that statute.

Susie Olson Corgan: Mask requirement in KC and WA Stae. Has child with autism and other disorders. Extreme discrimination against children with disabilities. She understands we believe masks are the anser. Her child cannot leave the houlse.

She commented on the vaccine on the rise. Phizer said efficacy looks promising, she asked for data. If a vaccine is considered the answer, . Another reason for hesitancy is the Gates Foundation, flawed COVID-19, . Urge to please encourage transparency through this process.

Bernadette Pajer:positive PCR test does not constitute a case. WE need to look at ahow many cycles of tests ar being run. Concerned about ventilators. Proved to be 90% fatal and other treatments 96% successful. She has repeatedly sent this information of treatments to DOH, BOH and Secretary. ICW has repeatedly begged state to address underlying suspetibility and treatments. Denied their petition to bring experts together. Vitamin D, study after study shows poc are to Vit D insufficient level. Seniors, poc. No longer unethical to sit back and allow these4 populations to be harmed. Make Vita D accessible. Please addres.

Suzie Saunders:asked BOH to call a hearing to see if AC is guilty of violating state law.Union Rep for local 17, rep over 170 employees at SRHD. AC did w/out required board meeting, violation of state law. Staff witnessed and were blindsided when AC fired Dr. Lutz. Spok Community and SRHD with out a HO for over a week during a pandemic. Staff and the community expect more. SBOH has the ability to remove an officer for Admin that violates. Ask ot remove AC.

Kim Thorburn: Also to testivy on Item 14. Retired pub health physician. Also fired. Very active in many public heathl groups. In the p County Comm Todd Mielke said time to take in new direction. Her firing w/out cause. Poor relationshie with BOH. Nearly 10 yr tenure. Complaints such things as why mandatory vaccination to EA refugees, and things like that. Here we are again, dejavu during global pandemic. Requires state intervention. In 4 hr meeting, AC presented supposed cause for firing. Firing led to lack of public health officer for a week. Several influenza vaccine clinics had to be eliminated. Person appointed as interim health officer does not possess qualifications of heathl officer. Reasons presented for firing very similar to her conflicts she had with the board. Amelia needs to be dismissed. BOH needs restructured with membrs that have bes in mind for Spokane.

Amanda Vitale:

Jenna Bunch

Sharliyn Keters

Jim bode?:

Closed at 11:08. Encouraged folks to write letter to board and included in board packet materials.

11:08

6. RULES HEARING—HANDLING OF HUMAN REMAINS, CHAPTER 246-500 WAC
Stephen Kutz, Board Member, gave background on the proposed new rule,

Steve was on mute, so Chair Grellner gave the background (see memo).

Cait Lang-Perez and Samantha Pskowski, Board Staff, provided a summary of the proposed changes during the formal comment period, share comments that were received on the proposed rule, and provided staff recommendations (see Tab 6 on file).

Steve, Thanked staff. Some rules not under perview (ask sam)

Tom: implants. Hips, etc. Are some available for transport.

Sam: implants, not all implants . Two new types of reduction follow as current.

Tom concern, internat'l travel remains something we do can sometimes be complicated.

Following the presentation, we will hold a public hearing on the rule and discuss proposed changes if any.

Chair Grellner opened the meeting for public comment and read from a prepared statement (on file). The hearing began at 10:45 a.m.

Name, representing,

Name, representing,

Katrina Spade, founder and CEO of Recompose. Etholical death care option, proud WA State first to offer. Thanked BOH for collaborative spirit to develop rules. One note. Recompose believes that testing for heavy metals , below EPA's limit....

Finally, comment re: staff recommend that testing be by 3rd party. In hyouse be allowed as long as approved by a 3rd party. Lesen financial burden for small busineeses, but most importantly,

Reiterate gratefulness to BOH for hard work in this process.

Member Kutz: asked question around contaminans, cumulative contaminents? In literature, have heavy metals, etc been in the literatre? Want to understand necessity of ongoing testing vs not.

Sam: b/c new process, not any lit for natural organic. Able to get some for large animals. Heavy metals not coming from animals but more from feed stocks and other sources. B/c this is a soil product, we anticipate it could be used in gardens and we want to make sure as much cautiousness as possible.

Kutz: just want SBOH to know we don't have guidelines to keep in track wehre the remains go.

Vazaskia: commended staff on thoroughness of work and engagement with community. Motion her support.

Tom: suppos current language rather than the reporter?

Motion: The Board adopts the proposed amendments to Chapter 246-500 WAC as published in WSR-20-19-144, with the revisions agreed upon at today's meeting, if any, and directs staff to file a CR-103 and establish an effective date.

Motion/Second: Member Kutz/Member Pendergrass. Approved unanimously.

(Note: The Board did not take a break at 11:15am.)

Chair Grellner proposed breaking for lunch until 1pm. Then pick up with Agenda Item #12, possible action and move to Agenda Item #7. Vice Chair Pendergrass and Member Wiesman discussed the schedule and agenda after a lunch break.

Motion: The Board adopts an amended schedule to take lunch from 11:56am to 12:30pm, and resume with Agenda Item #8.

Motion/Second: Member Kutz/ember Bessermin. Approved unanimously.

The Board took a lunch break at **11:56 a.m.** and reconvened at 12:30 p.m. After lunch they took up Agenda Item #8.

7. COVID-19 REPORTING EMERGENCY RULE (moved to after Item #9, at 1:09pm)
(was Sam on notes, but Mel took over)

John Wiesman, Secretary of Health, Board Member (use memo to fill in)

Kaitlyn Donahoe, Policy Advisor for the Board, will brief the Board on the emergency rule.

Member Kutz: asked about tribal affiliation? Making disparities disappear in populations, not sure whether that is the case now?

Vice Chair Pendergrass: Whether it's HL7 or Census, these are places where a large group of people are put into categories.

(note: unclear on this exact motion, was it altered? Need to listen to recording...)

Motion: The Board adopts a second emergency rule to extend the designation COVID-19 as a notifiable condition and require health care providers, health care facilities, laboratories, and local health jurisdictions to report demographic and other essential data for COVID-19 cases in accordance with the CARES Act and subsequent HHS guidance. The Board directs staff to file a second CR-103E to extend WAC 246-101-017 without lapse, effective on November 29, 2020.

Motion/Second: Vice Chair Pendergrass/Member Crockrell. Approved unanimously.

8. UPDATE—KEEPING OF ANIMALS, WAC 246-203-130 (started at 12:30, after lunch break) (—Sam took notes)

Keith Grellner, Board Chair

Stuart Glasoe, Policy Advisor to the Board, introduced the topic and, in the update, provided brief background on the rulemaking since 2009; summarized feedback on the public review draft circulated earlier this year and key changes that produced the

current version; and closed with a few general comments before opening it for Board discussion and questions.

Text here.

Motion: The Board directs staff to finalize draft revisions to WAC 246-203-130, Keeping of Animals, based on today's discussion and begin developing a CR-102, Proposed Rulemaking and any required analyses for filing with the Code Reviser.

Motion/Second: name/name. Approved unanimously.

- 9. BRIEFING—PRENATAL TESTS—CONGENITAL AND HERITABLE DISORDERS, CHAPTER 246-680 WAC** (followed item #8 at 12:56pm) (Sam on notes)
Thomas Pendergrass, Board Vice Chair, gave background on screening and diagnostic testing, and invited Samantha Pskowski, Policy Advisor to the Board, to provide an update on the rule timeline, details on the proposed changes, and share next steps (see presentation on file).

Vice Chair Pendergrass said we are trying to bring our Prenatal testing into the 21st century. He commended Ms. Pskowski on her fantastic policy work.

- 10. UPDATE—NOTIFIABLE CONDITIONS, CHAPTER 246-101 WAC** (followed item #7, at 1:45pm) (Sam was on notes—but Mel actually took...)

Stephen Kutz, Board Member, shared background and summary on the rule (see materials on file), and invited staff to provide their recommendation on the next steps for the Notifiable Conditions rulemaking project.

Kaitlyn Donahoe, Board Staff,
LinhPhung Huynh, Department of Health,
Sierra Rotakhina, Department of Health,

Also invited DOH subject matter experts to help answer potential questions.

Stephen: question to John re: difficulty changing some systems to get it in place. Did I hear you say it could take up to a couple years?

John: Not necessarily a timeline, not tryin' to imply a couple years. Technology will drive this. Hoping for end of 2021, but staff might know more.

Kutz: so if not ready by March BOH meeting, possible to put deadline in rule?

Sierra: Chris is on line and can get into technical details. Would take 2 years for electronic records. At same time DOH could be updating our records for gender identify and sexual orientation status. There could be a delay for some of the data components.

Chris Baumgartner: We could think we could do accommodate that by late 2021. Need to consider National framework and national standards wehre they build their systems.

Vazaskia: when would be next time this rule could be opened up to be really intentional about collection of this important data, sex orient, gender,

Michelle: technically, a rule has toa be in affet for us to amend it. Goal is to have race and ethnicity and language included in March. We ;need rule in effedt to start that work. If it goes into effect late 2021, it needs to be sometime after that. Hopeful we'll have first 3, get some more clarity around other categories. Also see about other states. We're also hearing from laboratories and trying to figure out where the best place to collect this info is

John: he'd like to se it be a priority, although he won't be the sec at that point.

Stephen: as we finalize the rule, can we put in the intent.

Michelle: mentioned the funds to move this forward. About balancing priorities and how we might define disability, gender identification and sexual orientation. We need leg support before rule goes into effect. A bit different than NBS.

John: can staff please summarize once again, the bottom line

Sierra: Delay the hearing 5-7months, needs to be community informed.

Chris: for technical, esti pot another 12 months, a lot depends on COVID occupying resources and attention. Technical way isn't built into many current HL7 (?) systems. These are the challenges.

Sierra: estimate if colledcted from case investigaio, it wouldn't add time, but still time needed in rule language.

Tom: question is Who are we expecting to collect? Huge nat'l and int'l testing organizations are players. Concerened that re-writing involves many things we need to do sooner than later.

Chair Grellner summarized system constraints.

Motion: The Board directs staff to continue working with subject matter and community experts, local health jurisdictions, and the regulated community in order to help staff develop language to include disaggregated race, ethnicity, and language as reportable data components in the Notifiable Conditions rule. The Board directs staff to withdraw the Supplemental CR-102 filed as WSR 20-13-062 in anticipation of filing a new CR-102 to incorporate the additional reportable data components following Board review of the proposed revisions.

Motion/Second: Member Bessermin/Vice Chair Pendergrass. Approved unanimously.

Chair Grellner added as Admin of local public health systems data not set up to collect data borders on impossible and affects future actions down the road. Having been an agency that at one time made that mistake, required info with no way to report it, stacks of paper waiting to be input later. Based on info we have in front of us, recommendation from staff is a good one and he intends to support.

11. 2021 LEGISLATIVE STATEMENT (Mel took notes, Michelle welcome to add talking points)

Michelle Davis, Board Executive Director, said that in January she would be asking the Board to approve an updated legislative statement (materials on file). She said before then she'd send a draft update to board members for their review and comment. She described possible updates to the statement based on 2020 legislative action and staff recommendations.

Session starts on January 11, 2021. Being an odd year, it will be a 105 day session. Please refer to statement that refers to these issues: FPHS, vaping, Office of Equity, and remove budget proviso for school rules relating to air quality. She welcomes feedback to bring a statement and hopeful adoption at our January meeting.

Member Kutz; he didn't see a priority that should drop off. Ms. Davis said there needs some updates to make current. (hiv, vaping?)

12. 2021 PROPOSED MEETING SCHEDULE

Ms. Davis presented the proposed 2021 meeting schedule (materials on file, Tab 13a) for the Board's approval.

Motion: The Board approves the proposed 2021 meeting schedule.

Motion/Second: Member Pendergrass/Member Crockrell. Approved unanimously.

Chair Grellner asked staff to send out all calendar invites to board members.

13. BOARD MEMBER RECOGNITION (Kaitlyn on notes)

Keith Grellner, Board Chair

(note-Tom: recommends passing this Resolution., Fran seconded.)

14. SPOKANE REGIONAL HEALTH DISTRICT COMPLAINT (Kaitlyn)

Keith Grellner, Board Chair

Samantha Pskowski, Board Staff

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt one of the following motions:

Motion: The Board determines that an investigation is warranted and directs staff to conduct a preliminary investigation under RCW 70.05.120 and report their findings to the Board.

OR

Motion: The Board determines that the complaints lack sufficient information to support a preliminary investigation and direct staff to notify the complainants of their decision.

Motion/Second: name/name. Approved unanimously.

15. BOARD MEMBER COMMENTS (3:28pm)

Chair Grellner,

Tom:

- 1) Blessed to work with Sec. Wiesman
- 2) compliment Rotakinha, Alex, Sam on Notifiable Conditions Rule report. Truly outstanding work.

John: Thanked Keith for leadership on board along with Michelle Davis on wide variety of issues. Shout out to SBOH staff for the high quality of work, impressive. Challenging times. Shout out to DOH staff who assist with work as well. Imp[lor]ing everyone out there, we are in a pandemic. Cases in WA quickly rising. Asking personally to please take personal responsibility and as a reminder we can feel well and healthy and still be infected and transmit to others. We want to save lives and make sure our essential workers are able to do so safely. Appreciate all being done. He knows Patience is wearing thin, hitting at all angles, needs all of us to pull together.

Keith: commented there's provisions for those that wearing a mask is a challenge. Bottom line is we are in a pandemic, this is a very contagious disease, we're learning more everyday, we don't know everything about it. One of his peers was recently deployed to El Paso Texas. Please google and see what can happen when there are weaknesses to our overall response.

1) To prevent disease, this is our legal charge by the state. 2) when we don't have the communities help to control the spread of the disease, people lose their lives. What we're seeing is this disease can randomly select some people and wreak havoc on their lives. We need to make sure we have medical capacity so that those that need the help can receive it. We are desperately trying to avoid seeing what we are in some of these communities, where people have died that didn't need to die due to limited medical capacity.

Again, thank ed Johyn, wished him best and look forward to possibly hearing from in the future.

Motion to Adjourn: Vaz/Stephen.

ADJOURNMENT

Keith Grellner, Board Chair, adjourned the meeting at 3:37 p.m.

WASHINGTON STATE BOARD OF HEALTH

Keith Grellner, Chair

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at kelie.kahler@sboh.wa.gov TTY users can dial 711.

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