

WASHINGTON STATE BOARD OF HEALTH

Final Minutes of the State Board of Health

April 13, 2022

Electronic meeting via ZOOM Webinar

State Board of Health members present:

Keith Grellner, RS, Chair
Fran Bessermin
Bob Lutz, MD, MPH
Elisabeth Crawford
Temple Lentz, MOL
Stephen Kutz, BSN, MPH
Patty Hayes, RN MN
Umair A. Shah, MD, MPH
Tao Sheng Kwan-Gett, MD, MPH, Secretary's Designee

State Board of Health members absent:

Tom Pendergrass, MD, MSPH, Vice Chair

State Board of Health staff present:

Michelle Davis, Executive Director	Nathaniel Thai, Communications Coordinator
Melanie Hisaw, Executive Assistant	Cait Lang, Health Policy Analyst
Kelie Kahler, Communication Manager	Tracy Schreiber, Health Policy Analyst
Stuart Glasoe, Health Policy Advisor	LinhPhung Huynh, Department of Health
Samantha Pskowski, Health Policy Advisor	Lilia Lopez, Assistant Attorney General
Kaitlyn Donahoe, Health Policy Advisor	

Guests and other participants:

Michele Roberts, Department of Health

Keith Grellner, Board Chair, called the public meeting to order at 9:00 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 April 13, 2022 agenda

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

2. ADOPTION OF MARCH 9, 2022 MEETING MINUTES

Motion: Approve the March 9, 2022 minutes.

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

3. BOARD ANNOUNCEMENTS AND OTHER BUSINESS

Michelle Davis, Board Executive Director greeted the Board and directed Board members to materials in their packets under tab 3. She announced that Vice-Chair Pendergrass would not be joining the meeting and was out of state.

Ms. Davis updated the Board on the recent filings of two CR-103 orders of adoption, one related to updates needed as a result of the creation of a new title of state law, Title 70A RCW, Environmental health and safety. She said the second order of adoption related to the update of the Water Recreations rules, specifically focused on suction fitting standards, and were the result of changes in national standards issued by the Consumer Products Safety Commission. She said both rule processes were delegated to the department.

Ms. Davis directed the Board to the March 30 Health Promotion Committee Meeting Notes, she said the committee met to guide staff on the preparation of information for today's meeting.

Ms. Davis directed Board members to the CR-102 proposed rulemaking materials for the Keeping of Animals rule update. She said the official rules hearing was scheduled for the Board's June 8 meeting, and the deadline for the public to submit written comments was May 2. She said the rule and other materials were posted to the Board's rulemaking pages.

Ms. Davis said the remaining documents were the petition response letters reflecting the Board's action at its March meeting.

Ms. Davis reminded to Board members that Kaitlyn Donahoe has begun reviewing the current State Health report and the Strategic Plan. She said staff would share recommendations for Board review at the June meeting. She said Ms. Donahoe had reviewed the 2020 State Health Report, recent legislative actions, and reached the health impact review team. She asked Board members to review the draft State Health report outline and to provide feedback and comments to Kaitlyn. She thanked Members Pendergrass and Kutz for their feedback. Ms. Davis said potential recommendations for the 2022 report include:

- Identify and Reduce Health Disparities through Data Disaggregation
- Increase Access to Health Services for Vulnerable Populations
- Improve Health by Decreasing use of Tobacco, Nicotine, and Vapor Products
- Make School Environments Healthy and Safe for Washington Students
- Support Washington's Public Health Workforce by Confronting Misinformation
- Strengthening Washington's Public Health through Continued Investment

4. PUBLIC COMMENT

(Note: Public Testimony on Item 7, Rules Hearing for Local Board of Health Composition, Chapter 246-90 WAC, will begin at 1:30pm)

Bill Osmunson, a dentist in Bellevue, talked about a study stating that fluoride is a legend drug. He said hundreds of thousands have been harmed by excels fluoride ingestion and if the Board has approved ingestion of any level of fluoride, the Board must have a risk-benefit analysis of this decision. He said he would like to have a copy of this analysis.

E Clough commented against the COVID-19 vaccine requirement and talked about COVID vaccine effects of myocarditis and to girls menstrual cycles. She talked about multiple organ failure that occurred in 20% of patients who received Remdesivir. She further talked about needing more vaccine research on long-term effects.

Dana Nelson said children attend schools in Vancouver and commented against the COVID-19 vaccine requirement. She said her children have been teased and there is much discrimination. She said studies are needed before requiring. She said families will move away, they love it here, are involved in community and sports, and they've tested several times because they weren't vaccinated, then everyone had to test regardless of vaccination status.

Clifford Knopik said he has his doctorate in computer science and other advanced degrees and works with data for a living. He commented against the COVID-19 vaccine requirement, saying the data shows the vaccine has caused injuries and death, and injections do not work as advertised. He said by requiring COVID-19 vaccine for children, you will cause an epidemic among children. He said the Board does not have data or science to vote yes and that it would be wrong, harmful, and ultimately evil to require children to take these injections.

Andy Sabin, is a medical program officer at a local fire department, commented against the COVID-19 vaccine requirement. Mr. Sabin said he has kept unofficial data over the last few years, and the number of vaccinated and unvaccinated getting COVID is about equal. He said people should not be forced, it's personal choice. He said maybe in 10 years we can dial this in better and reconsider.

Lisa Templeton commented against the COVID-19 vaccine requirement. She said these conversations are misguided and there's no justification for subjecting children to the risk. She said if the mandate with these injections is approved for daycares and schools, children will die.

Elizabeth Meine, mother of 2, said she has several nieces and nephews and has taught early childhood education for 16 years. She said she lived in King County 25 years and commented against the COVID-19 vaccine requirement. She said what the board fails to understand is that families don't want the COVID vaccine forced on their kids, and we know the long-term effects. She said there are reports released on VAERS and Pfizer documents. She said the Board shouldn't be forcing this on young children when we don't know how this will affect them, there isn't enough research, and we don't know how this will affect their reproductive system and other systems.

Zana Carver said she has expertise in toxicology and pharmacokinetics. She commented against the COVID-19 vaccine requirement, saying Moderna is moving forward with an EUA for ages 6 months to 2 years. She said the vaccine includes SM102, which is highly toxic if inhaled or swallowed, and can cause cancer, anemia, and other impacts. Ms. Carver said this substance has never been tested for carcinogenicity and other factors. She asked why the Board would think about requiring the vaccine when you have a product that is unnecessary and extremely hazardous. She asked to allow freedom for parents to do the right decision for their children based on their circumstances.

Bob Runnnells, Vancouver, commented against the COVID-19 vaccine requirement and encouraged the Board to consider all the facts. He submitted written comments and said the shots don't prevent infection and transmission as much as people hope. He asked the board to pause and spoke about natural immunity.

Sandy Stone commented against the COVID-19 vaccine requirement, saying the current effects are harmful and the error to require is an error of grand scale.

Pamela Engler commented against the COVID-19 vaccine requirement since the full impacts are unknown.

Monica Spence commented against the COVID-19 vaccine requirement, saying she strongly opposes. Ms. Spence said children having severe effects from these vaccines and the VAERS numbers are way underreported.

Emily Ling commented against the COVID-19 vaccine requirement, saying she opposes the mandate for a number of reasons. She said the effectiveness fades in a number of months, and we don't know the impacts to children and other answers, like whether multiple shots or interaction with natural immunity have certain effects. She said it would be an unprecedented action to mandate a vaccine that is under EUA. She said we are not in a situation of high hospitalization or death with children. She said for multiple reasons, and for the reasons she submitted in the petition, she requests the Board not require the vaccine for children.

Karli Reed commented against the COVID-19 vaccine requirement, saying she strongly supports previous speakers, especially Dr. Carver regarding toxicity. She talked about studies that once mRNAs get into our bodies, it becomes permanent in our genomes through transcription. She said she has lost family members to the vaccine and she knows young people with heart conditions because of the vaccine. She talked about children with COVID that have had no symptoms, maybe a runny nose and slight fever, because they have natural immunity.

Naomi Aldort, author, commented against the COVID-19 vaccine requirement and said she knows parents don't want this. She said COVID is not a risk for children with serious morbidity. She gave an example of measles and practices that strengthen immunity. She said we shouldn't take risk where there is no risk. She said she doesn't want her grandchildren to take the risk for her sake. She said adults are adults; they can handle it and if they feel unsafe around their grandchildren, they can stay away especially if the children are showing symptoms.

Karen Kraft stated her agreement with previous callers. She said her daughter had COVID in college and she didn't get sick but her fully vaccinated friends got sick. Ms. Kraft said her friends who got the vaccine got COVID, her parents got the vaccine, which she said she is happy about since they're in a high-risk category. She said we don't know the long-term impacts of the vaccine, so don't require it.

Diane Nelson commented against the COVID-19 vaccine requirement. She thanked the Chair, as a retired teacher concerned with safety of children. She said she agrees with

everything that's been shared, saying even the TAG said so. She talked with her school superintendent who said that every single superintendent in the state has requested not to mandate the vaccine. She said her son said he will pull all her granddaughters out of school if this vaccine is required. She said there is data showing harmful effects of vaccine, such as the vaccine getting into the liver and changing DNA. She said we should not mandate harmful drugs to our children. She said The Nuremburg Code says EUA drugs cannot be required. She said children need to go to school and they need their education, and we should protect our children by saying no to this mandate.

Michael Barsotti, President of the Washington Chapter of the American Academy of Pediatricians & Pediatrician and Chief Administrative Officer at Sacred Heart Children's Hospital in Spokane, said the COVID vaccination is the most effective measure to protect against disease, but the WCAAP does not endorse requiring a mandate at this time. He said it has created unintended consequences. He said there are increasing behavioral health issues and decreasing academic performance. He said vaccine mandates have a long history of success and they are most successful when there is a high baseline of confidence among parents and caregivers. He said a mandate with low vaccine rates would create barriers and the risk of disease for children is below adults, although it is not zero. He said school transmission rates are not known and a mandate could have impacts to minority populations, specifically Hispanic children, which would create increased disparities among children.

Natalie Chavez said she has vaccine injured children on her caseload from approximately 25 years ago in Colorado. She said injuries and deaths for fully approved vaccines are real and these vaccines only have EUA. She said transparency is important and we should be grateful to the medical professionals that filed court documents against Pfizer about these vaccines. She said these documents are not available until 75 years from now.

Sue Prosser commented against the COVID-19 vaccine requirement, saying she agrees with the previous commenters, these are experimental vaccinations, and we don't know the long-term effects. She talked about the very serious complications and/or death among our youth, saying no one is a guinea pig. She talked about her opposition to the mandate, leaving the school system if it becomes mandated and the number of other parents planning the same. She's not blindly following, and she's been studying and doing research the last two years.

Nicole Dale commented against the COVID-19 vaccine requirement, saying he agrees with the rest of the callers and he doesn't think the vaccine should be mandated but rather it should be a choice for each individual family.

Janet Baker said she recently retired after 30 years as acute RN specializing in pediatrics. She commented against the COVID-19 vaccine requirement, asking the Board to follow the TAG recommendation. She referenced a doctor who spoke at a conference—he stated that it takes at least 5 years to test a vaccine because some effects don't show up at first. She said another doctor stated that the vaccine can cause permanent damage to bodily systems. She said the health-to-risk ratio does not warrant requiring the vaccine.

Adrienne (Arias) commented against the COVID-19 vaccine requirement and said she strongly supports all the comments. She said she's been following the COVID protocol money, saying this is not about our health. She appreciates the intelligent and researched work and said it is unconscionable that these protocols have gone this far considering the Board has had access to all the research that they have.

Dawn Breen commented against the COVID-19 vaccine requirement and appreciates what others have said. She said she is totally against mandating vaccination for any human being, old or young, unless they choose to do that themselves and said do not try to impose more of these restrictions, especially on our youth.

Skylar Pond father of 2 boys in the Seattle School System, commented against the COVID-19 vaccine requirement. He said the future credibility of the Board hangs in the balance of today's vote. He said the Seattle District's combined total death toll has been 100 over the last 2 years with no deaths among school-aged children and asked how can the Seattle School District justify mandating the vaccine? He said this short-sighted and ill-informed measure would permanently damage the Board's credibility.

Johanna Carveth commented against the COVID-19 vaccine requirement and said their family is not vaccinated or masked. She said their COVID symptoms were mild. She said the people who've been vaccinated still get COVID, so the vaccine doesn't prevent the virus and therefore should not be required for school aged children. She asked to do the right thing for our children, they want to be in school with their friends.

Melissa Abelian commented against the COVID-19 vaccine requirement and said she is beyond happy to hear the comments. She said it should be your own choice and she wants to make decisions on what to put in her kids' bodies. She said we need to wait to see more, the disease has been happening at her work and happening everywhere.

Becky Wilkinson commented against the COVID-19 vaccine requirement and said in spite of attempts by mainstream media and larger agencies to show only one side of COVID and COVID shot info, there is other data. She said the written comments may not be read, but voices will always be heard. She said under an EUA, the option to accept or refuse must be available to parents and she read a quote from the book *Silent Spring* by Rachel Carlson: "The obligation to endure gives us the right to know."

Kristi Rice, Pediatrician representing the Washington Chapter of American Academy of Pediatrics, serves as the vaccine co-chair for the WA chapter AAP. She said she echoes the stance of the AAP. She said as pediatricians we feel strongly about vaccines in general and the COVID vaccine role in preventing disease. She said at this time we don't feel the vaccine is warranted due to needs for attending school and the rate of disease in our state is low right now. She said it is not the right time for a mandate and we should continue to review data for future recommendations.

Megan Wiseman commented against the COVID-19 vaccine requirement. She said she runs a parent coalition in a tiny district of WA and their members represent over 25 percent of their district. She said they've linked arms with other parents around the state and their coalitions have grown like crazy since last July. She said parents are leaving this state in an exodus to protect their children. She said parents have promised to pull

their kids from schools and leave if the vaccine is mandated. She commented on being forced to take the religious exemption, and making parents claim to not allow any medical interventions for their children. She said parents know the risks of the vaccine and their members come from all walks of life.

Margaret Nartea commented against the COVID-19 vaccine requirement. She said children are at minimum risk from COVID and more at risk from the shot. She said the shots have hurt tons of people, this is immoral and against God.

Barnali Basu mother of an 11-year old and hoping to attend naturopathic medical school, commented against the COVID-19 vaccine requirement. She said she is tired of reading heartbreaking stories of COVID injuries. She talked about a Pfizer report and VAERS, saying there is a long list of side effects from the shot. She asked why are we trying to mandate a shot that harms organs of children? She said they are not moving out of Washington yet because they still have hope.

Laura Jordan said she echoes the previous commenters and wants to state on the record that she opposes the mandate.

Jennifer Ringenbach commented against the COVID-19 vaccine requirement and said she is shocked that this is topic is still on the agenda. She said the vaccine does not prevent transmission and carries significant risk. She said healthy children are at almost zero percent risk. She said thousands of children could be pulled from school and we need to do a risk-reward analysis in our decisions. She asked the board to follow the TAG's recommendation. She said before the pandemic, she fully trusted her doctors. She said the only good thing that has come of this is to wake us up and become aware of what is happening.

Polly McIntyre commented against the COVID-19 vaccine requirement and agrees with callers that the COVID vaccine should not be a mandate for kids. She said she appreciates comments and being able to share her voice.

Sandy Stone a registered nurse, commented against mandating a vaccination that has only trial experience. She said she did not get vaccinated, got COVID, and has immunity.

Elizabeth Hovde, Washington Policy Center, said she followed the TAG meetings. She agrees with their recommendation not to require COVID-19 immunization for school entry. She said vaccination is widely available to those who want it. She said masks are a far less intrusive measure, and those requirements are being lifted. She said the benefit of vaccination does not outweigh the cons. She said this latest vaccine is new and different from immunization for other diseases and the decision to receive a COVID vaccine should be between a doctor and their patient without pressure from the school.

Shelly Eisenbarth commented against the COVID-19 vaccine requirement and said she supports the other comments. She said the Board has not considered the implications since we are here talking about something that should be off the table. She is in favor of the TAG's recommendation.

Nancy Callihan commented against the COVID-19 vaccine requirement, saying she is the 50th person to comment and everyone has been opposed to mandating this. She said it has been said that the US will not be taken down from the outside, but from the inside. She asked if the Board and DOH be the minions of nefarious actors who benefit financially from this control and taking away of God-given rights to destroy our democracy? She said the fact that this is on this agenda is suspect and nefarious and this has never been about health and safety. She said the Board needs to wake up and stand up to the facts and data, and to consider not to damage our children any further.

Lyn Borcharding said he is opposed to this vaccine for children and said it is not a vaccine by definition. He said he hopes the board will take the TAG's recommendation to heart. He said every caller has said they are opposed to this vaccine being added to the school schedule and that the vaccine has done so much damage. He said children do not need this vaccine and they have more protections than adults. He said this is life or death and he is vehemently opposed to a vaccine mandate.

John Davis said he is opposed to the vaccine. He said the latest VAERS information from April 1 shows injury and illness among kids. He said he's personally been injured by the vaccine and is still feeling the effects after a year. He said he has been to the ER twice and has tremors from the vaccine. He echoed others, saying kids are at almost zero risk of COVID death. He said follow the money, please don't implement this, and he will be pulling his kids from school if you do.

Tammie Lagerwey said she sent in written comment in opposition to a vaccine mandate for children. She said there has not been enough education and research. She said all her grandchildren who have had COVID did not have symptoms. She has family members who are considering moving out of state if it's mandated.

The Board took a break at 11:00 a.m. and reconvened at 11:15 a.m.

5. BRIEFING – RECOMMENDATIONS FROM THE TECHNICAL ADVISORY GROUP (TAG) TO CONSIDER COVID-19 FOR INCLUSION IN WAC 246-105-030

Tao Sheng Kwan-Gett, Chief Science Officer, TAG Co-Chair, introduced the topic and provided a reminder to the Board of their previous action to establish the TAG. He briefly discussed the TAG's meetings and introduced Samantha Pskowski, Board Staff, and Hannah Febach, Department of Health Staff. He emphasized to the Board that the TAG's recommendation reflects what is known about the COVID-19 vaccine for children at this time, and that the evolving science and further data could lead the TAG to a different recommendation in the future.

Samantha Pskowski, Board Staff, and Hannah Febach, Department of Health, introduced themselves. Ms. Pskowski reviewed the Board's statutory authority to set requirements for school immunizations and applicable exemptions. She recapped the Board's previous work to establish criteria to guide decision making on new antigens and the Board's current process to consider which immunizations should be included in rule. Ms. Pskowski reviewed the Board's nine criteria which are encompassed in three categories: vaccine effectiveness, disease burden, and implementation. She discussed the timeline for the TAG's initial convening and subsequent meetings to review the

COVID-19 vaccine against the Board's nine criteria to develop a recommendation regarding inclusion in rule.

Ms. Febach and Ms. Pskowski reviewed in detail each criterion, presentations given by subject matter experts at TAG meetings, as well as the TAG's discussion and vote on each criterion. Ms. Febach noted that in addition to the TAG members' ability to vote yes, no, or unsure for each criterion, members were also able to provide anonymous written comment for each vote. Ms. Pskowski discussed the TAG's final recommendation and their key discussion points. She said that ultimately the TAG voted not to recommend to the Board that the COVID-19 vaccine be added to the state's immunization requirements for school entry.

Dr. Kwan-Gett thanked Ms. Pskowski and Ms. Febach and highlighted a few key points, including the TAG's strong endorsement of the safety of the COVID-19 vaccine. He reiterated that while the TAG did not recommend adding the vaccine today, the science is evolving and does not mean the group wouldn't recommend it in the future.

Umair A. Shah, Secretary of Health and Board Member, thanked Vice Chair Pendergrass, Dr. Kwan-Gett, staff, and everyone involved in the TAG process. He noted the process was methodical and thorough, and said the Department supports the safety and effectiveness of COVID-19 vaccinations in all populations. Secretary Shah affirmed the overall recommendation of the TAG, but noted that the recommendation does not take away from the Department's work to encourage the public to get vaccinated against COVID-19.

Stephen Kutz, Board Member thanked the TAG for its rapid and thorough consideration and recommendation. He stated that, in his experience on the Board, the process happened faster than any other TAG. Member Kutz said as the Board is evaluating the status of vaccinations for school entry, he hopes the Office of the Superintendent of Public Instruction (OSPI) is surveying schools to understand staffing needs for managing COVID-19 on an ongoing basis. He noted that many schools don't have full time nurses, and that this should be an opportunity for the school system discuss infrastructure needs in the future. He asked what circumstances would need to change in the future for the TAG to consider a different recommendation.

Dr. Kwan-Gett agreed with Member Kutz's comments regarding school staffing and infrastructure. He noted that the TAG had representation from school nurses and that there was group discussion on the administrative burden of the administering the vaccine. Dr. Kwan-Gett stated the TAG felt confident that the vaccine was safe and effective, but new data or a change in circumstances could affect criteria such as cost effectiveness or burden on schools and families. He said the cost-benefit analysis could change based on a new variant that, for example, could cause more severe disease in children. Ms. Pskowski added that the TAG surveyed school staff and administrators regarding administrative burden related to implementing COVID-19 vaccine. She said respondents overwhelmingly supported vaccination of their students, but noted that the administrative burden would be high to implement.

Member Kutz commented that he hopes the schools would be able to quantify the financial burden of implementation. He recommended considering whether the state

should ask schools to take action to better understand disease burden in schools in lieu of contact tracing.

Bob Lutz, Board Member echoed Dr. Kwan-Gett's and Secretary Shah's comments. He discussed the transmissibility of COVID-19 variants and the evolving data currently available to public health. Member Lutz noted that transmission does occur among children at schools and within families, and that recent data shows higher infection among unvaccinated children. He said vaccination is a humanitarian approach to slow down the pandemic's spread, but that we need to be conscious of the unintended consequences of requiring the COVID-19 vaccine at this time. Member Lutz discussed educators' concerns with parents pulling children from school, routine vaccines being missed, and vaccination disparities among ethnic groups.

Elisabeth Crawford, Board Member thanked staff and TAG co-chairs. She asked if there is any current data that indicates hospitalizations or deaths have been correlated to transmission by children. Dr. Kwan-Gett responded that the Department has data connecting vaccinations to hospitalization or death, but unsure if we have that level of detail. Ms. Febach said that transmission information would typically come from large scale surveillance studies that are not available at this time.

Patty Hayes, Board Member expressed her gratitude to the TAG and staff. She emphasized that the Board's process is transparent and intentional, and that she agrees with the TAG's recommendation at this time. Member Hayes said we have many lessons learned from this pandemic and nurse staffing in schools has long been a problem. She said she hopes the discussion of this need doesn't fade away. Member Hayes recommended the Board review how ACIP recommendations are included in the Board's criteria for evaluating school immunizations.

Secretary Shah thanked Board members and noted that this is something that we want to ensure we get right. He addressed the trust in the process and said there are two ways to end the pandemic – transactional and transformational.

Temple Lentz, Board Member, thanked the TAG and staff for extensive and detailed work. She echoed Member Hayes' comments and said she appreciates the detail and rigor applied to answering these important questions. Member Lentz stated that given the unknowns at this time, this is the appropriate action, and that she supports finding ways to secure additional school nurse staffing to address implementation needs in the future.

Member Crawford shared that this is a hard decision to make given the information we have at this time, and that she appreciates the TAG's process. She agrees with the TAG's recommendation. Member Crawford noted that the public's trust in public health is lacking, and that she hopes the public keeps an open mind based on evolving data and that the Board may need to consider this in the future.

Member Kutz reiterated that this is a thorough process and supports the TAG's recommendation. He reminded the public that it is unacceptable to threaten Board members, staff members, and TAG members.

Motion: The Board accepts the technical advisory group's recommendation to not include COVID-19 in WAC 246-105-030 and will not initiate rulemaking at this time.

Motion/Second: Secretary Shah/Member Hayes. Approved unanimously

The Board recessed for lunch at 12:15 p.m. and reconvened at 1:10 p.m.

6. EMERGENCY RULE – NOTIFIABLE CONDITIONS, COVID-19 REPORTING, WAC 246-101-017

Member Kwan-Gett, Chief Science Officer and Secretary's Designee introduced the topic and explained that the Board's current emergency rule for COVID-19 reporting expires April 20, 2022.

Kaitlyn Donahoe, Board Staff shared that COVID-19 laboratory reporting guidance from the Department of Health and Human Services (HHS) under the CARES Act has been updated. She said the updates include changes in reporting requirement by testing entity and test type, noting that certain entities no longer need to report negative COVID-19 test results. Ms. Donahoe discussed details of the proposed seventh emergency rule including language aligned with updated HHS guidance with modification (see materials on file).

Chair Grellner opened the floor for questions. Member Hayes thanked Ms. Donahoe for the side-by-side comparison of the prior and updated HHS guidance.

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt the following motion:

Motion: The Board adopts a seventh emergency rule to extend the designation of COVID-19 as a notifiable condition and the required reporting of essential testing and demographic data to maintain the necessary public health response to COVID-19. The Board directs staff to file a CR-103E to extend WAC 246-101-017 without lapse, effective April 20, 2022.

Motion/Second: Member Hayes/Member Crawford. Approved unanimously.

7. RULES HEARING – LOCAL BOARD OF HEALTH COMPOSITION, CHAPTER 246-90 WAC

Temple Lentz, Board Member, introduced the background and process of the rulemaking (see materials on file).

Kaitlyn Donahoe, Board Staff reviewed the Board's rulemaking authority regarding the appointment process for local board of health members who are not elected officials. She went over the rulemaking scope and timeline (see materials on file). Ms. Donahoe said the Board's rules must go into effect by July 25, 2022 per statutory requirement.

Sam Pskowski, Board Staff discussed the Board's community engagement strategy for this project and feedback received throughout the rulemaking process. She explained the proposed rules in detail and discussed some of the rationale for including certain

provisions. Ms. Pskowski noted staff received many questions and comments from interested parties that fell outside the scope of the Board's rulemaking.

Ms. Donahoe reviewed comments on the proposed rules received during the formal public comment period, as well as staff recommendations for addressing the comments. She said comments included support for incorporating community representation and a diversity of views and experiences on local boards of health, a question regarding reimbursement of costs to local boards of health if nonelected members are reimbursed, as well as concern regarding nonelected members being chosen by a majority vote of county commissioners. Ms. Donahoe said that staff had no recommendations to revise the proposed rules based on these comments. She noted the Board received comments from the American Indian Health Commission regarding tribal representation in the proposed rules. Ms. Donahoe said staff recommended omitting language regarding requirements for tribal representatives on local boards of health and instead citing applicable statutes for clarity. She also discussed recommended technical corrections to the proposed rules (see materials on file).

Chair Grellner opened the floor for questions.

Member Kwan-Gett asked about the definition of "public health, healthcare facilities, and health care providers" which includes employees of a hospital within the county. He asked for clarification of intent on including employees of a hospital in a county who may not have subject matter expertise. Member Kwan-Gett pointed out that a hospital has a variety of staff from a CEO to gift shop staff. He asked whether further definition might help fulfill the intent of the law. Ms. Donahoe said she could not speak to the intent of the legislation, and that several terms are defined in statute. She said the proposed rules mirror state law where applicable.

Member Kwan-Gett expressed concern. He said that the definition could mean someone who simply has an affiliation with a health care facility, which would fulfill the requirement of the category but not meet the intent of the law.

Lilia Lopez, legal counsel, asked about the inclusion of the word "district" within one of the definitions staff recommended to revise, and pointed out that inclusion of the word was not necessary. Ms. Pskowski said staff would strike the proposed revision.

Member Kutz asked about the phrase "usual and accustomed area" with regard to tribal representation requirements in the proposed rules. Ms. Donahoe said the terminology in the proposed rule mirrors the language in statute. She said staff recognized the statute could be interpreted differently by different people, and that the language was considered problematic by the American Indian Health Commission. Ms. Donahoe said staff recommend omitting this language and instead refer directly to statute. She also mentioned that the selection and appointment of tribal representatives is outside of the Board's statutory authority.

Member Kutz said for the record that a reservation is not necessarily where a tribe came from. He said that for example, part of the Yakama tribe [Confederated Tribes of the Yakama Nation] included the Palouse tribe who fought the battle of the cavalry in Colfax county. He said treaty rights extended down to the mouth of the Columbia River.

He said that he wanted to make the point that the Tribe could be included in a number of counties.

Chair Grellner read a prepared statement and said testimony should address the Rules hearing topic. Chair Grellner opened the rules hearing at 2:01 pm.

Adrienne Arias, supported the rules and gave time over.

Brian Harris, said there are a lot of technicalities, rules and numbers. He said there are people who are working that have been fired due to mandates. Chair Grellner said this reminded Mr. Harris that the rules hearing was not about mandates.

Chair Grellner closed the Public Testimony for the Rules Hearing at 2:09pm.

Chair Grellner opened the floor for discussion.

Member Hayes asked Member Lentz whether her motion included staff recommendations and legal counsel recommendations. Member Lentz said the motion included the recommendations of staff and legal council's recommendation.

Member Kutz asked whether there was a risk of local health jurisdictions not following the requirements to have tribal representation on their boards if the language is removed from the proposed rules. He reiterated that all tribal representatives are vetted and appointed through the American Indian Health Commission. Member Kutz expressed concerns with districts who interpret the statute to mean that only one tribal seat is required regardless of the number of tribes in the area. He said from his perspective, boards should include all tribes in the area, and if no one applies for those positions there should be a seat reserved for the tribe.

Chair Grellner said the approval of the American Indian Health Commission is in statute that staff tied the administrative code to statute. Chair Grellner said the general idea of the legislation was a good, but that the execution from the legislature was not ideal. He said that local health jurisdictions were not engaged in the process, and he was not sure if tribes were engaged – they could have been and should have been. Chair Grellner said he thought the legislation deserved time and deliberation, but unfortunately it was a rushed process that resulted in a tight rulemaking timeline and missed opportunities to clarify tribal representatives and include representatives from behavioral health providers. He said he supported the proposed rules given the limitations of the statute.

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and **adopt** the following motion:

Motion: The Board adopts the proposed rules establishing chapter 246-90 WAC as published in WSR 22-06-063, with revisions agreed upon at today's meeting, if any. The Board directs staff to file a CR-103 and establish a July 1, 2022 effective date.

Motion/Second: Member Lentz/Member Hayes. Approved unanimously.

8. DEPARTMENT OF HEALTH NOVEL CORONAVIRUS (COVID-19) UPDATE AND OTHER UPDATES

Umair A. Shah, Secretary of Health and Board Member, shared the department's update (see materials on file). He discussed the Department's equity, innovation and engagement principles. Secretary Shah discussed the current state of COVID-19 within Washington State and commented that the outlook is better in the U.S. and state pandemic continues, but that the ups and downs continue.

Tao Sheng Kwan-Gett, Chief Science Officer, discussed hot spots for COVID-19 transmission in the United States, sharing a map, noting that Washington rates are low and lower than at the onset of the omicron variant. Dr. Kwan-Gett shared information on the different variants of COVID-19 circulating in Washington and discussed the severity of illness with the BA2 variant being lower. He provided an overview of the epidemiological curve of Washington cases, noting a mild uptick in case counts in larger Western Washington counties. He commented that hospitalization rates are not similarly increasing, but that staffing challenges and delayed care continue to stress the system. Dr. Kwan-Gett presented on the vaccination rates by age, race and ethnicity, rural and urban, as well as second booster dose rates for eligible populations.

Secretary Shah provided an overview of the Washington Forward plan, including the Say Yes to COVID test initiative and other priority areas (see materials on file).

Secretary Shah shared that the Department seeks to think about how to impact and invest in public health systems. He asked Board members if there are particular areas of Department work that are of interest for future updates to please let him know.

Member Hayes commented on the role that public health can play in indoor health, not just in the school space. She highlighted the new Climate Pledge Arena as a leader in new technology for indoor ventilation and asked the Secretary how he sees the Department entering into this space. Secretary Shah commented that ventilation is critical to improving health and preventing risk and that there has been a lot of talk about this topic, but that funding is a challenge. He shared that the Department supports those businesses who wish to work to upgrade or retrofit their facilities. Dr. Kwan-Gett echoed the Secretary's comments. He commented on the capital investments needed for upgrading HVAC systems and that the Department can advocate for more investment in this space. Member Hayes noted that she would like to see this added to the Board's strategic plan. Secretary Shah followed up that ventilation is called out in the WA Forward plan.

Member Kutz shared that Executive Director Davis had shared a report out earlier that looked at school ventilation systems and that this information is probably outdated. He also shared concerns around pediatric immunization rates and the school environmental health and safety rules that have been put on hold.

Secretary Shah commented on the Department's priority of transformational health and there is an opportunity to look at these systems but that it requires will to make those policy decisions.

Member Kutz asked what is being done to increase surveillance in schools, noting that it will require monitoring to understand the situation moving forward and challenges.

Secretary Shah responded that this is an area the Department continues to work with local partners on and best practices from around the country. Dr. Kwan-Gett agreed that more data from schools would be helpful and that there is a sweet spot of practical data that is not burdensome for reporting.

The Board took a break at 3:00 p.m. and reconvened at 3:15 p.m.

9. RULEMAKING PETITIONS – THE BOARD HAS RECEIVED REQUESTS TO ADOPT A NEW RULE IN CHAPTER 246-105 WAC, IMMUNIZATION CRITERIA, CHILD CARE AND SCHOOL ENTRY

Keith Grellner, Board Chair, introduced board staff presenting.

Samantha Pskowski, Board Staff, gave background on the policy for petitions, background on petitions received and content of the current Board rule. (see materials on file).

Member Kutz said we've considered issues similar to these before and commented on the Board's rigorous process for considering changes and made a motion.

Member Kwan-Gett said that an incorrect assumption the petitioners cite is that COVID-19 isn't dangerous for children. However, he noted, that COVID-19 is the fourth leading cause of death for children last year and shared Washington State child mortality rates. He continued that we can't handcuff the rule with criteria such as suggested, need to leave the process of gathering and considering the data up to the TAG to consider the complexities and whole picture.

Chair Grellner agreed with Member Kwan-Gett and Member Kutz's comments and said that the earlier outcome from the TAG shows the process does work.

Recommended Board Actions

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

Motion: The Board declines the petition to initiate rulemaking to amend chapter 246-105 WAC for the reasons articulated by Board members and directs staff to notify the requestors of the Board's decision.

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

10. RECOGNIZING BOARD MEMBER CONTRIBUTIONS

Chair Grellner recognized Members Bessermin and Pendergrass for their service and contributions to the Board. He read Resolution 2022-02 for Member Bessermin. He read Resolution 2022-01 for Member Pendergrass for the Board's consideration.

Member Crawford wished Member Bessermin the best of luck, thanking her for her role and said she has patience and wisdom and brings things together like nobody's business. She would have loved to meet her in person, but feels she got to know Member Bessermin, saying she's brought institutional knowledge. Member Lentz echoed Member Crawford's statements, saying her wisdom, patience and humor has made it incredible to serve alongside Member Bessermin, and she offered her best

wishes, saying she'll be missed. Member Lutz said he's the driver when commuting for Board meetings, said he will miss Member Bessermin and watching the Gonzaga Bulldogs. They recently saw each other in the Bryce Canyon and he'll enjoy seeing her in her new role as retired from the Board.

Member Kwan-Gett, thanked Member Bessermin for her wisdom and humor, saying he wished they could have met in person, but perhaps in the future. He wished her the best of luck.

Chair Grellner said he will miss Fran a lot. He said they spent their entire Board careers together. He said two words come to mind for her, patience and wisdom. Chair Grellner said he is grateful to serve with her, at opposite ends of the state and he will cherish the fond memories and wishes he could give her a hug.

Member Bessermin said she is not sure about the patience part of this. She said when Hal and her married six years ago, she vowed to have more patience and 250 people laughed. She thanked her colleagues for acknowledging some patience. She said she has a heavy heart leaving, and all the board members are incredible. She enjoyed her driver Dr. Lutz and all the incredible staff. She said it was a pleasure to serve with dedicated and experienced members and she will miss them. She said the Board is in great hands with new members being appointed. Member Kutz said if she is impatient, she disguises it well.

Motion: [Move to adopt Resolution 2022-02 Recognizing Fran Bessermin](#)

Motion/Second: [Member Kutz/Member Crawford. Approved unanimously.](#)

Member Kutz said we should roast him in person. Member Lutz asked if we could make the 10-second rule a defacto and default going forward.

Member Kwan-Gett said he met Dr. Pendergrass over 30 years ago when he came to Seattle to start his internship at Seattle Children's Hospital. Dr. Pendergrass was one of his faculty members. Member Kwan-Gett never thought he would serve as a co-chair on a committee with him. Member Kwan-Gett appreciates his knowledge, wisdom and sense of humor the same now as when he met him years ago and is happy for his next stage of career.

Member Bessermin said she expressed her feelings to him earlier. She said he is a delightful, bright man and she enjoyed his hugs.

Member Crawford said she appreciated his institutional knowledge, and he set the bar high for board members. She has already adopted the 10-second rule and wishes he was here so she could personally express her appreciation.

Chair Grellner said he's been an incredible mentor through these many years on the board and in public health.

Motion: [Move to adopt Resolution 2022-01 Recognizing Dr. Tom Pendergrass](#)

Motion/Second: Member Kwan-Gett/Member Kutz. Approved unanimously.

11. BOARD MEMBER COMMENTS

Keith Grellner, Board Chair called for any comments.

Member Lutz said he just returned from his first National Conference since the pandemic, with 4,700 of his closest friends talking about behavioral and mental health. He talked about the increase in mental health issues during the pandemic, but in reality these issues actually preceded the pandemic. He said more than 2,000 people died in WA from overdoses in 2021 and up to 105,000 people died from overdoses across the country. He said we should look at moving forward.

Motion: Move to adjourn

Motion/Second: Member Bessermin. Approved unanimously.

ADJOURNMENT

Keith Grellner, Board Chair, adjourned the meeting at 3:45 p.m.

WASHINGTON STATE BOARD OF HEALTH

Keith Grellner, Chair

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