

WASHINGTON STATE BOARD OF HEALTH

Final Minutes of the State Board of Health Special Meeting May 27, 2022

Electronic meeting via ZOOM Webinar

State Board of Health members present:

Keith Grellner, RS, Chair
Bob Lutz, MD, MPH
Elisabeth Crawford
Temple Lentz, MOL
Stephen Kutz, BSN, MPH
Patty Hayes, RN MN
Tao Sheng Kwan-Gett, MD, MPH, Secretary's Designee
Kelly Oshiro, JD
Socia Love-Thurman, MD

State Board of Health members absent:

Melinda Flores

State Board of Health staff present:

Michelle Davis, Executive Director
Kaitlyn Donahoe, Health Policy Advisor
Nathaniel Thai, Communication Consultant
Lilia Lopez, Assistant Attorney General

Guests and other participants:

Keith Grellner, Board Chair, called the public meeting to order at 2:32 p.m. and asked Board members to introduce themselves.

1. APPROVAL OF AGENDA

Motion: Approve May 27, 2022 agenda

Motion/Second: Hayes/Kutz. Approved unanimously

2. DISCUSSION—DETERMINATION OF MEETING FORMAT FOR THE REMAINDER OF THE DECLARED STATE OF EMERGENCY

Michelle Davis, Board Executive Director, greeted the Board and directed Board members to materials in their packets under tab 2. Ms. Davis explained that the purpose of the special meeting is to determine the Board's meeting format for the remainder of the declared state of emergency, which expires June 30, 2022. She provided background on Governor Inslee's prior emergency proclamations during the pandemic, one of which prohibited in-person meetings and suspended portions of the Open Public Meetings Act (OPMA) related to the physical location of meetings. Ms. Davis said that Governor Inslee recently rescinded this proclamation, effective June 1, 2022, and that the Board must determine how to hold future public meetings during the declared state

of emergency. She explained the Board's typical meeting format and procedures prior to the state of emergency and reminded Board members that Board staff offices are co-located with the Department of Health and subject to their facility policies. Ms. Davis then outlined options for the Board to consider and said the Board can revisit their determination anytime during the declared state of emergency.

Lilia Lopez, Assistant Attorney General to the Board, said that this a question of the Board considering whether it is safe to meet in person during the declared state of emergency. She clarified that the reason this is being considered during a special meeting is the timing of the proclamation rescission during the declared state of emergency and recent amendments to the Open Public Meetings Act.

Keith Grellner, Board Chair, said that local boards of health are also considering whether to meet virtually or in-person moving forward. He asked Dr. Tao Sheng Kwan-Gett and Dr. Bob Lutz what the Board should consider when talking about meeting in person again regarding COVID-19.

Tao Sheng Kwan-Gett, Chief Science Officer and Secretary's Designee, said Washington state is experiencing a rise in COVID-19 case counts and hospitalizations. He said this is occurring after a very large peak in cases, hospitalizations, and deaths during the Omicron wave in January 2022. Member Kwan-Gett said the levels of current activity are not approaching the January peak, but cases have been rising and there have been new Omicron sub-variants growing in both the nation and in Washington state. He said the future of the pandemic is very much uncertain, and that it's uncertain if new variants will occur or be more transmissible or result in severe disease.

Chair Grellner said that public health may not have accurate information regarding case rates due to the availability of over-the-counter testing and that public health doesn't know the true burden of disease in the communities.

Member Kwan-Gett agreed and said the state Department of Health's statistics are based on reported data. He said it is estimated to be as low as 18 percent of total actual cases.

Bob Lutz, Board Member, said that although we are not close to the peak we are approximating the peak we saw with the Delta surge. He said that while vaccination rates and other factors have decreased hospitalizations and mortality we need to continue to operate cautiously as there is still a pandemic.

Steve Kutz, Board Member, said the Governor's Interagency Council on Health Disparities had to consider these same questions for their meetings. He shared that the Suquamish tribe is conducting aggressive ongoing testing and employees are required to be vaccinated, but several employees are still out sick with COVID. Member Kutz shared that it is incumbent upon the Board to set a good example with whatever decision is made.

Member Kwan-Gett said the Board might also want to consider the safety of public health employees in its decision citing recent intimidation tactics used by protestors and demonstrators.

Elisabeth Crawford, Board Member, asked if the Board's decision would only be in effect until the end of the emergency declaration and if in-person meetings would resume automatically after the state of emergency expires.

Ms. Davis responded that when the state of emergency ends, the Board would resume in-person meetings that are open to the public for their participation. She added that because of Engrossed Substitute House Bill 1329, passed during the 2022 legislative session, the Board will be able to incorporate the opportunity for the public and Board members to participate virtually in future meetings. Ms. Davis said her hope is that most Board members would participate with staff in person at future meetings.

Member Crawford asked for clarification whether the Board's decision would only be in effect until June 30. Ms. Davis confirmed. Ms. Davis said if the state of emergency is extended the decision would be maintained until the end of the declared state of emergency.

Member Kutz asked if the Board's decision is based on the state or federal state of emergency.

Chair Grellner responded that currently both the federal and state emergency declarations end June 30, 2022. He said based on the law, the Board can make this decision based on a federal, state, or local emergency.

Patty Hayes, Board Member, said she supports meeting virtually through the end of the state of emergency. She said that we're still in questionable territory in the pandemic.

Chair Grellner agreed with the option to continue virtual meetings. He said that he misses in-person meetings, but now is not the time to resume. Chair Grellner also agreed with Member Kutz in that it is the Board's duty to lead by example.

Motion: Due to the COVID-19 state of emergency as well as the reasons articulated by the Board today, the Board determines it is not reasonably safe to hold in-person meetings at this time. The Board directs Board staff to organize fully remote meetings for the duration of the Washington State of Emergency or the National Emergency, whichever terminates later.

Motion/Second: Crawford/Kutz. Approved unanimously

ADJOURNMENT

Keith Grellner, Board Chair, adjourned the meeting at 3:02 p.m.

WASHINGTON STATE BOARD OF HEALTH

Keith Grellner, Chair

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