

**State Board of Health  
Minutes  
December 5, 2013 – 11:00 a.m.  
Perimeter Center, 9960 Mayland Drive  
Richmond, Virginia 23233**

Members present: Bruce Edwards, Chair; Brad Beall; Paul Clements; Eric Deaton; Dr. Steven Escobar; Dr. Anna Jeng; Dr. Charles Johnson; Dr. John Seeds; Dr. Cathy Slusher; and Amy Vest

Members absent: Kay Curling; Dr. John deTriquet; Dr. Mary McCluskey; and Gail Taylor

VDH staff present: Cynthia Romero, MD, State Health Commissioner; Joe Hilbert, Director of Governmental and Regulatory Affairs; Richard Corrigan, Acting Deputy Commissioner for Administration; Bob Hicks, Deputy Commissioner for Community Health Services; Marissa Levine, MD, Chief Deputy Commissioner; Catherine West, Administrative Assistant; Erik Bodin, Director, Office of Licensure and Certification; Theresa Taylor, Division Director, Primary Care and Rural Health; Joanne Wakeham, RN, PhD, Director of Public Health Nursing; Darlene Wimer, Information Technology Specialist, Central Shenandoah Health District; Janet Rainey, Director, Division of Vital Records and State Registrar

Others Present: Allyson Tysinger and Robin Kurz, Attorney General's Office; Chip Decker and Rob Lawrence, Richmond Ambulance Authority

Call to Order

Mr. Edwards called the meeting to order at 11:00 a.m. Mr. Clements led those in attendance in the pledge of allegiance.

Welcome and Introductions

Following introductions, Mr. Edwards welcomed Brad Beall to the Board of Health. Mr. Beall has been appointed to fill one of the two consumer seats on the Board. Mr. Hilbert then reviewed the agenda and the items contained in the Board's notebooks. The agenda was approved by unanimous consent

Approval of Minutes

The draft minutes of the September 12, 2013 Board meeting were approved by unanimous consent.

Commissioner's Report

Dr. Romero began the Commissioner's report to the Board with the introduction of the "agency stars" for the meeting: Janet Rainey with the Division of Vital Records and Darlene Wimer with the Central Shenandoah Health District.

Ms. Taylor provided the review of the 2013 update of the Virginia State Rural Health Plan (VSRHP) portion of the Commissioner's report. The updated plan is a three to five-year action plan with the objective of enhancing rural health plan systems and services through the collaboration of private and state partners statewide. The main objectives of the plan are to: improve health outcomes, promote healthy communities, improve access to health care, empower individuals and communities, and improve the health workforce. The next step is to implement the VSRHP. There was a discussion regarding key stakeholders and future updates to the plan and to the Board.

Mr. Corrigan continued the Commissioner's report by giving an update on lessons learned from the recent federal government shutdown. He stated that 50% of VDH's budget relies on federal funds. Had the federal shutdown continued, it would have caused VDH to furlough approximately 1,300 employees. This challenge gave VDH an opportunity to address issues pertaining to continuity of operations. The agency reviewed its continuity operations plan, and located sufficient funds to cover the payroll costs of affected employees for 30 days. The Office of the Commissioner engaged in frequent communication with staff. VDH set up a website to address concerns of employees regarding the impending shutdown. Had the furlough been necessary, it would have been essential to communicate with Virginians regarding the reduction or shutdown of services, the largest of which would have been WIC. VDH was prepared but did not need to initiate the continuity operations plan and other contingency plans. Mr. Edwards asked if VDH is prepared to go through the process again if need be. Mr. Corrigan answered that VDH is prepared and learned many lessons from this experience.

Dr. Wakeham gave the health care reform update portion of the Commissioner's report by discussing the future of public health in light of the Affordable Care Act (ACA). A VDH workgroup was formed, consisting of office directors, mid level supervisors, and front line staff, to determine what actions and direction public health should take in response to the changes that are resulting from the ACA. The workgroup discussed how VDH should adjust business operations to best achieve VDH's mission. VDH is attempting to align current efforts with national goals, and leverage community assessments with hospitals. The workgroup has determined that data should drive the outcome of the process. A data driven process allows the agency to reduce process variations and improve standardization throughout the agency.

Mr. Hilbert gave an update on the Excellence in State Public Health Law program. Virginia is one of eight states selected to participate in this program. The goal of the program is to enable policymakers and agencies to address policy issues and strengthen collaboration between public health stakeholders. The Virginia program started on July 1, and includes legislators and their staff as well as staff from the Office of the Attorney General, the Secretary of Health and Human Resources, and VDH. The Virginia program is attempting to establish a model process for evaluating and developing public health law and policy in the Commonwealth. Stakeholder engagement is an important part of the process as well as strengthening relationships between public and private stakeholders. Virginia's project is focusing on chronic disease prevention. VDH has chosen two specific disease reduction strategies to develop as case studies using the model process. The workgroup is developing an online tool to help implement the model process.

Dr. Romero then provided an update on recent personnel changes:

- Dr. William Gormley, new Chief Medical Examiner;
- Dr. Adrienne McFadden, new Director for the Office of Minority Health and Health Equity;
- Dev Nair, PhD, new Acting Director for the Office of Family Health Services;
- Dr. Susan Fischer-Davis, new Director for the Henrico Health District; and
- Bill Edmunds, new Director of Process and Evaluation Oversight for Community Health Services.

#### Abortion Facility Licensure Status Report

Mr. Bodin provided the Board with this update. Since the last meeting, no new facilities have applied, closed, or requested variances. No new complaints have been received since the last Board meeting. Immediately prior to the Board's September meeting, one complaint had been received but not investigated prior to that meeting. That complaint was referred to the Board of Medicine.

#### Matrix of Pending Regulatory Actions

Mr. Hilbert reviewed the summary of all pending VDH regulatory actions. Since the September 2013 meeting, there have been two regulatory actions that the Commissioner has taken on behalf of the Board while the Board was not in session. These actions are:

- Regulations for Disease Reporting and Control (12VAC5-90) - Approval of a notice of intended regulatory action to amend several disease-specific sections of the regulations; and
- Emergency Medical Services Regulations (12 VAC5-31) – Approval of a fast track action to amend the regulations to conform to 2013 statutory changes regarding the elimination of the requirement for a medical care practitioner to sign a patient care report about delivery of a drug or performance of an invasive procedure by certified EMS personnel.

Mr. Hilbert also advised the Board that the Commissioner approved updates to the Virginia State Rural Health Plan.

#### Lunch Presentation

The Board had a working lunch, with Chip Decker and Rob Lawrence of the Richmond Ambulance Authority (RAA) as guest speakers. They provided an overview of the RAA and recent innovations in the delivery of emergency medical services.

#### Public Comment

Mr. Edwards discussed the rules and procedures by which the public comment period would be conducted. Pursuant to the Board's public participation policy, each individual has a maximum of two minutes in which to address the Board.

Two individuals Sommer Hansen and Mary Kuhar addressed the Board. Both individuals spoke about the services provided by crisis pregnancy centers.

### Regulatory Action Items

#### *Rules and Regulations Governing Health Data Reporting (12VAC5-215) – Fast Track amendments*

Mr. Hilbert told the Board that it was brought to staff's attention immediately prior to the meeting that there are additional issues that VDH needs to address before the Board could consider this fast track action. These issues involve the certificate of public need process with regard to health data reporting. Mr. Hilbert recommended that the Board defer action on this item until its March meeting. The item was deferred by unanimous consent.

### Member Reports

*Dr. Catherine Slusher – Medical Society of Virginia (MSV).* MSV has a new president and plans to address issues pertaining to the ACA. She provided an overview of MSV's 2014 legislative initiatives including Medicaid reform, sport-related concussion, prohibiting e-cigarette sales to those under 18, and fluoride treatments. She noted the white coat lobby dates for the General Assembly are set. She also discussed EVOLVE, a new initiative encouraging health care providers to work together in a collaborative way.

*Dr. John Seeds – Medical Society of Virginia.* Dr. Seeds told that Board that he had nothing to add to Dr. Slusher's report.

*Dr. Charles Johnson – Virginia Dental Association.* He reported on the upcoming Mission of Mercy program in Suffolk in March 2014. He also indicated that there will be a meeting on December 16 about the dental clinic inside a new elementary school that VCU is working on. Dr. Johnson will provide more about this program at upcoming Board meetings.

*Dr. Steven Escobar – Virginia Veterinary Medical Association.* No report.

*Paul Clements – Nursing Home Industry Representative.* He reported that the industry is continuing to work on a process of dual eligibility program in Virginia, which will allow individuals to transition to long term care from acute care. The industry is also getting ready for the upcoming General Assembly session.

*Dr. Anna Jeng – Public Environmental Health Representative.* No report.

*Amy Vest – Virginia Pharmacists Association (VPhA).* She encouraged all Board members who have not already done so to get a flu shot, and stated pharmacists are actively immunizing. She also reported that VPhA is in opposition to a FDA initiative to move hydrocodone combination products to schedule 2 status, as this initiative will affect recordkeeping, storage, impact access, and increase cost. She noted there while VPhA acknowledges there is a problem, it does not

think that this is the best solution. Dr. Slusher noted that physicians have not been made aware of this initiative, and that pharmacists should get the word out to providers. Ms. Vest stated she will be in touch with MSV to raise awareness.

*Brad Beall – Consumer.* No report.

*Eric Deaton – Hospital Industry.* He reported that members of the industry are monitoring the ACA rollout. He briefly discussed issues concerning potential Medicaid expansion in Virginia as well as population health management.

*Bruce Edwards – Emergency Medical Services (EMS) Representative.* He told the Board that Dr. Romero's photography is on the cover of the current issue of the Virginia Association of Rescue Squads Magazine. He also discussed the continuing education requirement for all levels of EMTs.

#### Other Business

Dr. Jeng asked about the schedule for the Board meetings for 2014. Those meetings will be held on March 20, June 5, September 11, and December 4.

The Board requested that it be provided with a presentation on shellfish sanitation at the March 2014 meeting.

#### Adjourn

The meeting adjourned at approximately 1:18 p.m.