



**Minutes of the State Board of Health**

**January 9, 2008**

Comfort Inn of Tumwater, 1620 74<sup>th</sup> Avenue SW, Tumwater, WA 98501

**SBOH members present:**

Trauman Katz, Chair (by telephone in afternoon)  
The Honorable David Crump, PhD, Vice Chair  
The Honorable John Austin  
Keith Higman, MPH

Mary Selecky, Secretary of Health  
Mel Tonasket  
Diana T. Yu, MD, MSPH

**SBOH members absent:**

Frankie T. Manning, MN, RN  
Patricia Ortiz, MD

Karen VanDusen

**State Board of Health Staff present:**

Craig McLaughlin, Executive Director  
Desiree Robinson, Executive Assistant  
Heather Boe, Communications Consultant  
Christy Curwick Hoff, Health Policy Analyst

Hollie McGovern, Administrative Assistant  
Ned Therien, Health Policy Analyst  
Tara Wolff, Health Policy Analyst

**Guests and Other Participants:**

Robert Anderson, Washington Education  
Association  
Shirley Carstens, Citizen  
Michelle Davis, Department of Health  
Ed Fox, Squaxin Island Tribe Health Human  
Services  
Mike Glass, Department of Health  
Wendy Jones, School Nurse Corps  
Elizabeth Kaplan, School Nurses of Washington

Les Matthews, Department of Social and Health  
Services  
Kathe Reed-McKay, Spokane Schools  
Kit Song, Children's Hospital  
Gayle Thronson, Office of Superintendent of Public  
Instruction  
Jude VanBuren, Department of Health  
Jill VanGlubt, Washington Education Association

The Honorable David Crump, PhD, Vice Chair, called the public meeting to order at 9:02 a.m. and read from a prepared statement (on file).

**1. APPROVAL OF AGENDA**

*Motion: Approve January 9, 2008 agenda*

*Motion/Second: Austin/Higman. Approved unanimously*

**2. ADOPTION OF December 13, 2007 MEETING MINUTES**

*Motion: Approve the December 13, 2007 minutes*

*Motion/Second: Tonasket/Yu. Approved unanimously*

### 3. ANNOUNCEMENTS AND OTHER BOARD BUSINESS

Craig McLaughlin, SBOH Executive Director, recognized Keith Higman, SBOH Member, for earning his MPH degree. Mr. McLaughlin announced the completion of the mental health report and acknowledged the work of Board Policy Analyst Wendy Janis. Mr. McLaughlin mentioned the letter received by the Board on the school rule from the Yakima Health District. He then introduced Ned Therien, Board Staff, who spoke about a letter from the Department of Ecology thanking the Board for allowing staff to participate in one of its climate change workgroups. Mr. McLaughlin also mentioned the letter of thanks from the King County Board of Health's Chair, Julia Patterson, for the joint meeting in December.

### 4. BOARD MEMBER COMMENTS AND CONCERNS

Member Higman acknowledged the dedication of the Board members who made the joint meeting with the King County Board of Health a success. He also spoke about the work he participated in to implement the public health provisions of Senate Bill 5930. Diana T. Yu, Board Member, updated the Board on the status of the MRSA panel. The panel met twice and communicated by e-mail. It agreed upon a list of recommendations that were doable and scientifically based. The list will be forwarded to the Governor on Friday. There is talk about this panel continuing. Dr. Yu said her participation on the panel is at an end unless there are less time constraints. Mr. McLaughlin thanked the Board members for their work on additional projects outside regular Board meetings.

### 5. DEPARTMENT OF HEALTH UPDATE

Mary Selecky, Secretary of Health and Board Member, reviewed some Department of Health activities. She updated the Board on senior management recruitment efforts. She then discussed MRSA. The MRSA scientific panel's report will be transmitted to the Governor on Friday. They are preparing a variety of action items but they are associated with costs. The science panel did a fabulous job. She thanked Dr. Yu for her participation on the panel.

Secretary Selecky noted that the public health report required by SB 5930 has been transmitted to her and local health will be notified that she is accepting the recommendations (she will forward this to Mr. McLaughlin so Board Members can have a copy). The performance measures relate to childhood vaccines, use of CHILD Profile, and notifiable conditions. Local communities may also use the funds on physical activity and nutrition if they are already performing well on vaccines and notifiable conditions.

Dr. Yu noted that 35 local health jurisdictions are receiving money but there are not 35 public health nurses available. Recruitment efforts are not generating responses and positions remain vacant.

Secretary Selecky discussed on-site sewage systems and their relationship to Puget Sound and Hood Canal. She noted that infected pet birds became an issue around Christmas. Washington received birds that may have been infected with the bacteria that causes psittacosis. She said many people were involved in tracking down the birds. To date, there have not been any human illnesses related to infected birds. Mr. McLaughlin mentioned that the zoonotics rule is open.

Secretary Selecky discussed recent media coverage on lead in children's toys and ongoing policy discussions about whether to test all children for lead. The Governor has requested that a letter be sent to all parents educating them about lead. Mailings will begin this month as part of the CHILD profile mailings. Member Yu asked if physicians and clinicians would also be receiving the letter. Secretary Selecky confirmed that they would. DOH received funding to do testing in certain areas of the state. The U.S. Environmental Protection Agency also received funding to do testing and DOH

will work not to duplicate that effort. The Legislature also wants to know about testing toys and jewelry. She commented that such testing requirements would work better if they were a national responsibility. This will be a topic of discussion for the Legislature this year.

Secretary Selecky discussed the incredible response to the flood. The Governor came to her cabinet meeting on Monday discussing the aftermath of the flood and how hard it will be on communities affected, particularly in Lewis County. She encouraged people who have the ability to give their time to help victims of the flood. Dr. Yu mentioned that one serious impact of the flood is on mental health. Secretary Selecky said the Governor called her into her office the Tuesday morning after the flood, along with the heads of the Department of Transportation and State Patrol. She said there was quick response because of all of the preparedness planning. DOH pulled together the EOC very quickly and heard back from all affected counties except Pacific County, which was cut off from all communication. She said the feedback was that the counties did not feel all alone and isolated. She commended the local public health departments and the Department of Transportation for their responses.

Vice Chair Crump asked about septic systems and wells in flood areas. Dr. Yu responded that not having potable water was the major issue in Lewis and south Thurston Counties. Firewood, water, and shovels were the biggest initial need and then mental health. She said sanitarians went out in the field to help collect water samples and water sample fees were waived for flood victims. Vice Chair Crump applauded efforts to help with mental health and wellness instead of simply mental illness. Member Austin commented on the fact that disaster areas are declared by county, but disasters do not always stay within county boundaries. Member Tonasket asked about how we project who will be the most affected by such disasters mentally. Is there some history that helps determine who to focus efforts on—adults or children? Dr. Yu said all cases are different. She said they go in and offer mental first aid for everyone. Vice Chair Crump said that children typically need to feel safe and secure and that is offered by the adults.

*The Board took a break at 10:22 a.m. and reconvened at 10:30 a.m.*

## **6. NEWBORN SCREENING ADVISORY COMMITTEE UPDATE**

Dr. Yu introduced the agenda item. Tara Wolff, SBOH Staff, explained that current Board rules require screening newborns for 10 conditions, while the American College of Medical Genetics (ACMG) recommends screening for 29 disorders. She explained the Board's five criteria and the advisory committee process. She said the advisory committee has met twice to apply the criteria against 17 disorders but has not completed its work. She introduced Jude VanBuren, DOH Assistant Secretary, who provided an overview of the Public Health Laboratory's newborn screening process. Mike Glass, Director of the State Newborn Screening Program, further explained the newborn screening program. He described the type of conditions screened for, the follow up process, and the type of consequences prevented through early detection and treatment. Mr. Glass reviewed the process the Board uses to add new conditions to the screening panel. He explained that new equipment at the Public Health Laboratory provides a means for testing for many of the additional disorders recommended by the ACMG. Dr. Yu, who is co-chairing the advisory panel, explained the importance of a strong newborn screening program. She indicated that the advisory committee has applied four of the five criteria to the 17 additional conditions, and that 16 of the conditions meet the first four criteria, but there is a fifth criterion to apply still. DOH staff is preparing background materials to support filing a CR-102. She explained the urgency of moving the process forward and offered to update the Board in March. She then asked the Board to support her review of the advisory committee recommendations in order to file a CR-102 in April for a hearing in May.

Member Tonasket asked for a brief explanation of the types of disorders being considered for testing. Mr. Glass explained the basic categories of metabolic disorders. Vice Chair Crump asked that Board members receive fact sheets about the disorders. Member Austin asked whether the committee was considering genetic diseases such as Huntington's or Marfan disease. Mr. Glass said that these conditions are not being considered because at this time there is no benefit to early detection. Member Yu explained that the disorders recommended for newborn screening are conditions that require very early detection to prevent damage to the babies. Ms. VanBuren responded to a question from Member Tonasket by explaining that the evaluation of the panel was very valuable to justify the expense of adding the disorders for testing. Mr. Glass responded to a question from Member Higman by explaining that the cost of testing is paid through a fee to hospitals.

## 7. BRIEFING ON EFFORTS TO ELIMINATE MANDATORY SCOLIOSIS SCREENING IN SCHOOLS

Dr. Yu introduced the agenda item. Ms. Wolff explained the current Board requirements for scoliosis screening in rule. She said there are concerns about whether school-based screening results in sufficient early detection to warrant its continuation. She said that after a careful review of this topic, the School Nurses of Washington (SNOW) are recommending repeal of this requirement. She noted that some groups do not agree with rescinding scoliosis screening and believe that more study is needed. Ms. Wolff then introduced the panel members—Dr. Kit Song, Children's Hospital; Wendy Jones, School Nurse Corps; Kathe Reed-McKay, Spokane Schools; Elizabeth Kaplan, School Nurses of Washington; and Gayle Thronson, OSPI. Ms. Reed-McKay reviewed the current Washington law requiring scoliosis screening, the criteria used to review scoliosis screening, recent repeals of such requirements in other states, changes proposed for the 2007 Legislature, and recommendations for change. (See PowerPoint presentation in Tab 7.) Dr. Song explained the effectiveness of various types of early interventions. Member Higman asked for clarification about the differing opinions of national organizations on this issue. Dr. Song explained the recommendations of the different groups. He also explained that data comparing states with screening requirements and those without have not shown differences in outcomes. Dr. Yu raised concerns that some young people who do not need sports physicals or do not have access to health care may lose one of their rare points of contact with a health professional. Even so, she explained, scoliosis screening of all students in schools does not seem the best use of resources and other health issues may be a higher priority. Secretary Selecky commented that it would be a good idea to work with the Governor's office in regards to this legislative action since she has been such a strong advocate for children's health. Member Austin commented that removing this requirement would provide an opportunity to free up many hours of school nurse time for other activities. Mr. McLaughlin recommended modifying the suggested motion to give the Board a little more latitude in its support of rescinding scoliosis screening.

***Motion:** The Board accepts the School Nurses Organization of Washington's recommendation that it support the concept of rescinding mandatory school-based scoliosis screening in Washington State.*

***Motion/Second:** Yu/Austin. Approved unanimously*

## 8. 2008 STATE HEALTH REPORT REVIEW, AND POSSIBLE APPROVAL

Craig McLaughlin, SBOH Executive Director, explained the draft proposed 2008 State Health Report under Tab 8. He said that some review by other agencies still needed to be done before submitting the report to OFM. The Board supported completion of the report by staff, with approval of the Chair. Secretary Selecky recommended adding some information about patient safety initiatives to the report. Vice Chair Crump summarized the discussion and noted that Mr. McLaughlin asked Board members for comment and would be notifying them by e-mail about any additional changes. He will then indicate a period for receiving comments.

***Motion:** The Board approves the proposed 2008 State Health Report and authorizes the Chair or his designee to approve changes before transmitting it to the Governor for her consideration, provided Board members are consulted about significant changes.*

***Motion/Second:** Higman/Tonasket. Approved unanimously*

*The Board recessed for lunch at 12:06 p.m. and reconvened at 1:02 p.m.*

## 9. PUBLIC TESTIMONY

Jill VanGlubt, Chair of WEA Indoor Environmental Quality Work Team, testified in response to the Yakima Health District letter to the Board concerning the school rules [behind Tab 3]. She said schools are very familiar with the concept of unfunded mandates from many directions. She said it is important the Board focus on the public health benefits of a school rule, without being overly concerned about lack of local health agency resources. She encouraged the Board to work with partners to help solve funding issues regarding implementing school rules.

## 10. REVIEW OF 2008 LEGISLATIVE SESSION

Treuman Katz, SBOH Chair, joined the meeting via conference call. Mr. McLaughlin explained that Board staff work very closely with the chair during legislative session and wanted Chair Katz to be present to hear any Board member comments and concerns.

Mr. McLaughlin said the Governor's budget is out and he would invite Member Selecky to talk about its impact on DOH. The Board's budget is unchanged, for the most part, in the current budget. He noted that the session starts on Monday.

Member Selecky provided an overview of the Governor's budget on health, highlighting agency-request legislation. She said that the Governor's goal was to put more money in the rainy day fund and not to initiate many new programs. She said that the Governor's health budget focuses on safety and children's health insurance coverage. She said that the Governor was clear that her budget would not backfill all the federal reductions that agencies experience following the passage of a congressional budget. However, DOH was asked to produce a listing of its federal budget reductions, which included reductions for West Nile Virus, a laboratory grant, and maternal and child health programs. She said that there were allocations in the Governor's budget to help the DOH address the recommendations from the health professions performance audit. She said the budget did not include continuation funding to assist counties with work on septic tanks. The budget does include funding for falls prevention program aimed at seniors. She said the budget covered some additional programs that received cuts in federal funding, such as the First Steps program, their family planning program, and the immunization program. Chair Katz asked about reductions in the Governor's budget. Member Selecky said that overall budget was bigger than the budget last year. She said that the federal reductions to the Department's budget were due to congressional budget cuts and lost grants from the CDC. An example, she said, was a federal

reduction of 12% to their preparedness program budget. Michelle Davis, DOH Assistant Director for Policy, Legislative and Constituent Relations, said the Governor's budget includes funding for community safety, in addition to patient safety.

Mr. McLaughlin said that the Washington Health Foundation is looking at legislation to fund coordinated school health. There are a couple companion bills related that would require the reporting of invasive MRSA. There is a bill about disclosure of confidential information on birth certificates that would allow individuals access to their own information. This would not require action from the Board, but it overlaps with Board authority. He mentioned two similar scoliosis bills. He said a bill would mandate benefits of a vaccine to prevent shingles. There is a bill related to pesticides in schools that will likely be active as a two-year bill. There will likely be a bill related to technologies for drain field remediation. A pre-filed bill addresses civil penalties for non-compliance with onsite sewage regulations. Ms. Davis added that last year the Department requested legislation that transferred the regulation of large onsite systems from Ecology to the Department. That bill updated the penalty authority for local health jurisdictions. There was some concern that the title of the bill was not broad enough. The current bill is meant to address this concern. Member Higman said local health officers already have authority to issue civil penalties in any program area; many have this in local code and use it on a regular basis. He suggested the Washington State Association of Counties may want to address this issue and the Board could play a supportive role.

Chair Katz asked whether the Legislature would be supportive of the Governor's budget or if there were controversial items. Member Selecky responded that the Legislature would likely be supportive overall of the three Governor-request bills. She said that there would likely be controversy over qualifications and education requirements for registered counselors. She said that there might also be controversy over the uniform disciplinary act changes and adverse event reporting in hospitals. Chair Katz added that the right-to-die initiative would draw a lot of debate. Chair Katz asked how the Governor's budget connects to the school environmental health rule. He wanted to know whether the Board would be doing anything or talking about ways to get funding for the school rule implementation. Mr. McLaughlin's opinion is that the supplemental budget is not the appropriate time to initiate discussions about funding the school rule recommendations.

Mr. McLaughlin said that there would likely be a number of health care financing bills introduced. As an example, there may be a bill related to the health insurance connector to make it easier to implement. Another example is a bill that would create incentive programs for medical homes. He concluded by saying there would be many introductions in the next week. Ms. Davis said there would likely be bills about toxics in children's products and personal care products. She said that there might be mold/indoor air quality bills either this session or possibly in the next biennium. She said the use of reclaimed/gray water might be a topic of interest. Member Higman asked if the Board passed a CR-101 to open up rule-making regarding drainfield remediation based on a petition. Mr. McLaughlin said that the Board decided to initiate rule making, but the Department will need to free up resources to support that activity. Ms. Davis added that there might be legislation introduced following concerns over the actions taken by King County regarding menu labeling. Member Crump asked about tobacco legislation. Member Selecky said some groups might ask for exemptions to the smoke-free legislation, or alternatively, expansions to ban smoking in cars when children are present. Member Austin asked for clarification about the content of transportation safety items in the Governor's budget. Ms. Davis said that the funding would replace ferries. Member Austin asked about Hood Canal and Puget Sound parks and replacement of large onsite septic systems and whether this was funded. Member Selecky said the 07-09 biennial budget did allow for funding of

many systems, and she is not aware of any further funding in the supplemental budget. She said there has been progress upgrading park systems.

#### **11. STATEMENT OF THE BOARD ON POSSIBLE LEGISLATIVE ISSUES, REVIEW AND POSSIBLE ACTION**

Mr. McLaughlin referred members to documents behind Tab 11. He reminded them that the Board discussed this document at its last meeting. He said some specific suggestions for changes have been incorporated into the current version. He highlighted specific changes related to adult immunizations for health care workers, mental health prevention, nutrition and physical activity, onsite sewage and drain-field remediation technologies, public health funding, implementation of the school environmental health and safety rules, and school health and mental health services. Member Tonasket raised concerns that many dentists do not accept Medicaid patients, so he wanted to see language added that the Board supports improving access to dental care for Medicaid patients. Members discussed ways to incorporate this language. Member Yu and Mr. McLaughlin suggested to change the language to read "...maintaining or improving Medicaid and SCHIP dental coverage and access to providers who accept that coverage." Member Yu wanted to add language that the Board supports additional resources for local health and partners to implement the Board's rules related to immunizations. Mr. McLaughlin said he would make those changes to the document and asked if there were other general concerns or issues that members wanted staff to be aware. Member Austin said many requirements of counties related to water protection and shellfish protection are unfunded or under-funded. Member Higman offered technical assistance from Board committees as issues arise. Member Yu also offered her help. Vice Chair Crump asked for clarification on the process for how Board members testify before the Legislature. Members discussed policy about who has authority to speak on the Board's behalf. Mr. McLaughlin said that the Chair has authority to speak on behalf of the Board. Mr. McLaughlin explained that the Board writes a fair number of letters and testifies on occasion. Member Crump would also like to see the document support anything related to support for mental health, not just mental illness. Mr. McLaughlin mentioned the possibility of legislation about some mental health topics, such as mental health first aid.

***Motion:** The Board adopts the Statement of Policy on Possible 2008 Legislative Issues as submitted on January 9, 2008 and as amended during our discussion.*

***Motion/Second:** Higman/Yu. Approved unanimously*

#### **12. UPDATE ON THE GOVERNOR'S INTERAGENCY COUNCIL ON HEALTH DISPARITIES**

Christy Curwick Hoff, SBOH Staff, referred members to documents under Tab 12. Ms. Hoff noted the draft progress report approved by the Council is being reviewed by OFM. The report is due to the Legislature and Governor on January 15. Secretary Selecky asked how the Council is finding out about special programs that improve the health of communities of color. Ms. Hoff said she starts by identifying known programs and activities and asks contacts about other programs. Member Yu suggested Ms. Hoff get in touch with the community health directors of every local health jurisdiction. Member Yu added that a Kitsap County clinic helps Hispanics navigate through the health care system. Mr. McLaughlin said Ms. Hoff's work is laying the groundwork for the Council to narrow the current 12 priorities down to five for the first version of the state action plan. Member Tonasket noted that the Washington Health Foundation gives grants for projects that reach out to communities of color. Vice Chair Crump asked if the Council was only supposed to address disparities by race, ethnicity and gender, and not other factors such as income. Mr. McLaughlin responded that it was the explicit decision of the legislature, when authorizing the funding of the

Council. He said the Council may be able to expand its scope if the Council can demonstrate success within the initial framework.

Vice Chair Crump and Member Yu thanked the Board staff for their hard work.

## **ADJOURNMENT**

Vice Chair Crump adjourned the meeting at 2:42 p.m.

## **WASHINGTON STATE BOARD OF HEALTH**

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Treuman Katz, Chair