



**Minutes of the State Board of Health**

**March 12, 2008**

Point Plaza East 315 Israel Rd SE, Tumwater, WA

**SBOH members present:**

The Honorable David Crump, PhD, Vice Chair  
The Honorable John Austin, PhD  
Keith Higman, MPH  
Frankie T. Manning, MN, RN  
Patricia Ortiz, MD

Mel Tonasket  
Bill White, Deputy Secretary of Health  
Karen VanDusen  
Diana T. Yu, MD, MSPH

**SBOH members absent:**

Treuman Katz, Chair

**State Board of Health Staff present:**

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

Hollie McGovern, Administrative Assistant  
Wendy Janis, Health Policy Analyst  
Ned Therien, Health Policy Analyst  
Tara Wolff, Health Policy Analyst  
Melissa Burke-Cain, Assistant Attorney General

**Guests and Other Participants:**

Jennifer Aspelund, Parent  
Janna Bardi, Department of Health  
L. Darrell Cochran, Thurston County Public Health  
Michelle Davis, Department of Health  
Jessie Deloach, Department of Health  
Mitch Denning, Alliance of Educational Associations  
Denise Frisino, Former Teacher  
James W. Green, Parent  
Maryanne Guichard, Department of Health  
Maxine Hayes, Department of Health  
Maria Mason, Coalition for Enforcing Safe Schools

Josh McDonald, Government Affairs  
Kathy O'Toole, Washington Education Association  
Brian Peyton, Department of Health  
Thelma Simon, Parent  
Tami Thompson, Department of Health  
Jill VanGlubt, Washington Education Association  
Lin Watson, Department of Health  
Charles Wu, Public Health Seattle & King County  
Grace Yuan, Puget Sound School Coalition

David Crump, SBOH Vice Chair, called the public meeting to order at 9:33 a.m. and read from a prepared statement (on file).

**1. APPROVAL OF AGENDA**

***Motion:*** *Approve March 12, 2008 agenda*

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

**2. ADOPTION OF January 9, 2008 MEETING MINUTES**

*Motion: Approve January 9, 2008 minutes*

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

**3. ADOPTION OF February 21, 2008 MEETING MINUTES**

*Motion: Approve February 21, 2008 minutes*

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

**4. ANNOUNCEMENTS AND OTHER BOARD BUSINESS**

Craig McLaughlin, SBOH Executive Director welcomed newest staff member Tamara Fulwyler. He noted that Board members' David Crump, John Austin, Karen VanDusen, and Diana Yu's terms expire in July and asked them to consult with Desiree Robinson if they wish to renew. He noted members may continue to serve until replaced. He said he would suggest to the Governor's office not to make replacement appointments until after the August hearing on the School Rule. Mr. McLaughlin noted there is feedback from the Newborn Screening Advisory Committee behind Tab 4 and the CR 102 rule packet is close to being completed. He said the homeless shelter rule is moving forward, but development of updates for the zoonotics rule has been slowed due to the school rule. He said the Board will be asked to look at the HIV counseling and testing rules soon because of questions about compliance with newer federal guidelines and because of legal issues as to whether HIV test results are secure enough if entered into electronic medical records. Mr. McLaughlin invited Board members to attend the mental health summit on May 13, which coincides with mental health awareness month. May 8 is National Children's Mental Health Awareness Day. He noted that King County will sponsor a town hall meeting on equity and social justice March 13 and Tacoma Pierce County Health Department will sponsor a health equity summit on March 28. April 7-13 is National Public Health week, which is focusing on climate change. Mr. McLaughlin stated that Board staff had a visit from a group of academics from Korea interested in health impact assessments and our health impact review process. He noted the letter from Protect Peninsula's Future behind tab 4 and stated that there is no legal response required by the Board at this time. He noted that Board rules require that standard ANSI/NSF 60 is met regarding fluoride additives for drinking water. He said the 2008 State Health Report will be sent to the Governor's office by the end of the week if there are no comments from Board members. Mr. McLaughlin mentioned the visit to the Lewis County Board of Health with Member Yu and the local board's concern about lack of funding for public health and drinking water and aquifer protection. Diana Yu, SBOH Member, mentioned the confusion the Lewis County Board of Health had about the State Board of Health's role versus Department of Health's role.

**5. DEPARTMENT OF HEALTH UPDATE**

Bill White, Deputy Secretary of Health & SBOH Member noted the state received excellent marks for tobacco prevention and control work and that youth smoking rates have dropped by half since 2000. He stated that the public health response to the death of a college student from MRSA in February involved multiple local health agencies. He noted a recent salmonellosis outbreak involving seven Washington residents and people in 13 other states. Member Yu noted many of these salmonellosis cases were elderly persons along the I-5 corridor. Getting their food histories has been quite challenging due to short term memory loss. Deputy Secretary White noted the federal settlement on an autism case involving vaccines was about being more cost effective to settle than going to court and drawing things out. The settlement was not an admission of a relationship with autism and vaccine additive. The primary message is that vaccines protect children from disease. He mentioned that passage of HB2475 will allow health care assistants to give vaccinations. Mei

Tonasket, SBOH Member inquired about immunizations and autism. Member Yu responded that no link has been found between autism and the mercury preservative in some vaccines. Even in countries where mercury has been banned from vaccines, autism is still on the rise. More research is needed. Vice Chair Crump commented on the health professions discipline bill, HB 1103. He said it addressed a concern that not enough is being done and it takes too long to discipline health professionals. Member Yu noted chlamydia is the number one communicable disease in Thurston County, Washington State, and the U.S.

## 6. BOARD MEMBER COMMENTS AND CONCERNS

John Austin, SBOH Member, would like the board to come up with a response such as a fact sheet about the one in four STD rate.

*The Board took a break at 10:53 a.m. and reconvened at 11:01 a.m.*

## 7. DISCUSSION OF RESPONSE TO SHORTAGE OF VACCINES REQUIRED FOR CHILD CARE AND SCHOOL ENTRY, WAC 246-100-166

Member Yu introduced this item and invited Dr. Maxine Hayes, State Health Officer and Janna Bardi, Manager of the DOH Immunization Program and CHILD Profile, to join the discussion. Tara Wolff, SBOH Staff, explained that the Board held a special meeting on February 21, 2008 to respond to the Hib vaccine shortage. The Board reviewed and approved a DOH plan for the duration of the shortage. This was the Board's first use of the rule provision allowing adjustment of immunization requirements for a limited duration. Before the provision was added to the rule, the Board had to use emergency rule making to transfer its authority to the State Health Officer in a shortage situation.

Dr. Hayes explained why Washington has had shortages in the past and will continue to have them in the future. She encouraged Board members to think about the implications of shortages and its negative impact on vaccination rates. Frankie Manning, SBOH Member, commented that when there are shortages, we lose ground in people's perceptions about the utility of vaccines. Every shortage sets us back especially those shortages related to contamination problems. Member Yu suggested that the Board work with other state boards of health to make a powerful statement to congress. Mr. McLaughlin indicated that there are organizations in other states we may be able to work with to speak as one voice. He also asked the Board if they wanted to advocate for a more proactive federal involvement in vaccine manufacture and supply, and establishment of a federal vaccine stockpile. SBOH Member Karen VanDusen commented that the most fundamental protection is denied by shortages. She suggested that letters be sent to all national and state legislators, and presidential campaigns. Member VanDusen urged the Board to make sure its response to the shortage is not delayed while gathering a united national voice.

Vice Chair Crump asked Board staff to develop a statement letter for review by Board members through email. Staff needs to include a feedback due date with the understanding that no response means acceptance. The final letter will go to the chair for approval. Mr. McLaughlin explained that the Board can not send a blanket letter to all state legislators. Instead, the letter will go to chairs of the health committees. He also explained that state agencies must coordinate with the Governor's office when communicating with members of congress. On-line meetings are not allowed and so feedback will need to go directly to staff. Vice Chair Crump indicated that he would accept a motion that Dr. Yu coordinate communication on the statement with the health officers, staff develop the statement letter, and Board staff report back on communicating with other State Boards of Health.

***Motion:** Dr. Yu will coordinate communication on the statement letter with the health officers, Board staff will develop the statement letter as discussed, and Board staff will report back to the Board on communicating with other State Boards of Health.*

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

Mr. McLaughlin confirmed that there were no concerns expressed about the emergency meeting held in February and that future shortages would be handled the same way.

## 8. BRIEFING ON *VIBRIO* CONTROL RULE, WAC 246-282-006

Keith Higman, SBOH Member, gave a brief recent history of the Board's interest in trying to prevent vibriosis in consumers of raw oysters. Last May the Board adopted an emergency rule on *Vibrio parahaemolyticus* (Vp) in anticipation of the summer of 2007. The control plan was in response to a high number of illnesses from Vp in shellfish harvested during the summer of 2006. He introduced Ned Therien, SBOH Staff, and Maryanne Guichard, Manager of the DOH Office of Shellfish and Water Protection. Ms. Guichard gave a prepared presentation. See materials behind Tab 08 in the Board's packet.

Member VanDusen, asked whether the proposed requirement for maintaining records in June-September applied to coastal areas as well as Puget Sound. She also asked whether the benefit of reducing times from harvest to temperature control could be depicted by bacterial growth curves and dose-response information. Ms. Guichard responded that the record keeping requirement applied to the coast, but only for July and August. She said that she would provide a depiction of bacterial growth curves. However, dose-response information is lacking.

Member VanDusen commented that a training requirement is a great idea. She asked whether it would be a condition of the license. Ms. Guichard responded that it would. It would be implemented this June, in a partnership with industry.

Patricia Ortiz, SBOH Member, asked whether water temperatures Hood Canal have increased, whether we are monitoring the temperatures to determine if they continue to increase, have a plans to notify growers of those trends, and might need to modify the rule because of those findings. Jesse DeLoach, DOH Staff, responded that NOAA has data that shows the temperatures have increased. Ms. Guichard said that the trends will be monitored, reported to the public, and the rule modified if necessary. She also said that with media attention a few years ago, there was a decrease from recreational harvesters' illness. It works to get the word out. DOH will continue to do this.

Member Yu commented that it seems like there will come a time when we will recommend that people not eat raw oysters during certain months. She has a concern about allowing continued harvesting of oysters for shucking if the control is only labeling that the oysters need to be cooked. She said that oysters labeled for cooked consumption only are often eaten raw anyway.

Deputy Secretary White commended Ms. Guichard on the good work of her office in a short time. He said initially he was nervous about the training requirements, but staff has developed very good relationships with industry, which makes the training requirements workable. He said FDA has been watching DOH on this work because we are setting a model nationally.

Ms. Guichard said that FDA has complimented Washington state's cooperative efforts with the industry. Last year, there was a national change in the program requiring risk assessment in areas

with certain conditions. Some states are challenging this requirement. Climate change will make these problems worse not better.

Member Tonasket asked whether employees would have to prove they had received training. Ms. Guichard responded that harvest supervisors would have to carry a card documenting training. Member Higman noted that the rule sets illnesses as the indicator. A large proportion of foodborne illnesses goes unreported by the public. He asked whether DOH thinks the public is aware of the risk of illness from raw oysters and that they should report illnesses. Ms. Guichard responded that the public has gained increased awareness, but continuing education is needed.

Member Higman commented that, except for Vp, most shellfish quality issues involve testing for an indicator in the growing water. Ms. Guichard said she realizes that an environmental indicator would be better than reacting to illnesses. However, we don't have a good environmental indicator. DOH is working with NOAA on developing such a test.

Member Tonasket said that people east of the mountains never hear about this issue, but they come west to get oysters and eat them raw. He appreciated that there was tribal representation on the work group. He asked whether tribes had given data on Vp illnesses to the state public health system, because they tend not to report epidemiologic data to state and local public health. Ms. Guichard responded that it appears DOH needs to work with local health in areas east of the mountains to get the word out and do outreach to tribes.

Vice Chair Crump asked for clarification about several things in the presentation and requested Ms. Guichard talk with him during lunch. He noted that the SBOH Environmental Health Committee is requesting to put this on the agenda for a public hearing at the Board's May meeting and asked the Board members if they concurred. He got nods of agreement.

*The Board recessed for lunch at 12:10 p.m. and reconvened at 1:01 p.m.*

## **9. BRIEFING ON HEALTH RESOURCE BANKS**

Richard Onizuka, Health Care Policy Director, Health Care Authority, described the Health Record Bank Pilot Project. Smaller medical offices tend to lack electronic medical record systems. Google provides a system for individuals to track their own medical records, but it is not something providers use. A few providers, such as Group Health, have their own excellent electronic medical records. However, the records are not shared with other providers. The goal of the pilot project is to develop a consumer-centric system for sharing medical records. This would be a depository for medical records for multiple providers to share information with each other and consumers. Consumers should be able to access this information, such as to print out a list of medications they are taking before visiting a provider. His agency is currently meeting with consumers and providers to discuss how such a system would be most workable. Another issue is how the data bank can be sustained financially. He is seeking communities to participate as pilot sites. See presentation materials behind Tab 9 of the Board's packet.

Member Yu commented that such a system might be very difficult for consumers to navigate. She asked who would be expected to find any errors. A true consumer-centric system is beyond the capability of most people to manage. Member Austin asked what level of funding the state will be able to provide for pilot sites. Mr. Onizuka said that the state could provide about half a million dollars for the pilot sites. He estimated this to be only about half of what would be needed for two or three pilot sites. Member Tonasket suggested inviting tribal health agencies and the Indian Health

Service to participate in such a pilot. He offered to facilitate making contacts. Member VanDusen commented that she thought the estimated cost to set up such systems was low. She suggested talking with providers that already work together.

## 10. UPDATE ON SCHOOL ENVIRONMENTAL HEALTH AND SAFETY RULE DEVELOPMENT PROCESS CHAPTER 246-366 WAC

Member Higman stated that the Board's Environmental Health Committee supports a new timeline for completing the school rule revision process. He introduced Craig McLaughlin, who explained that this new timeline was a result of legislative interest in the rule revision. Mr. McLaughlin said legislator facilitation has resulted in formation of a group to bring stakeholders together to resolve technical clarity in the rule. Legislators indicated that if this step was not taken, a proviso may have been placed in the State budget to prohibit adoption of a rule until after the 2009 legislative session. Mr. McLaughlin described the proposed timeline and a communication plan for keeping stakeholders informed while completing this rule revision process. The timeline still needs to be adjusted to fit the availability of stakeholder representatives who have agreed to serve on the workgroup team. He said that a letter he sent to Representative Fromhold on February 18, 2008 describes the goal of the workgroup process. See materials behind Tab 10 in the Board's Packet.

Member Higman commented that the Board's Environmental Health Committee supports the new timeline to allow for this workgroup to improve technical clarity of the rule. He said that he would not support a process that allowed this workgroup to make policy decisions. Member Tonasket commented that he agreed that the workgroup process should not involve policy changes. He said that it cannot be expected that all parties will agree on policy. He said that there needs to be an end-point to this discussion. Regarding representation on the workgroup, he would like an actual parent and teacher included. Deputy Secretary White observed that members of the Legislature seem happy that we have embarked on this workgroup process, because no proviso was added to the Legislature's budget for this year. He sees the potential for mostly positives from the workgroup process. Member VanDusen commented that this workgroup would not be a new School Rule Development Committee. She said that testimony before the Capital Budget Committee indicates that some people could interpret the rule in unintended ways. That testimony makes it apparent that a workgroup to achieve technical clarity is needed.

***Motion:** Extend timeline for rule bearing until August 2008.*

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

## 11. PUBLIC TESTIMONY

Grace Yuan, Puget Sound School Coalition, testified that the PSSC supports the new school rule workgroup process and timeline. PSSC considers it important to get rule language clarification to be able to accurately estimate costs. In order to implement new rules, schools will need to seek support of the Legislature for funding. Schools face many funding challenges.

Jennifer Aspelund, parent, testified that she is very disappointed in DOH and SBOH undertaking this new workgroup process. She said that the workgroup is primarily made up of the same people who opposed rules during the SRDC process. She wants the rule to be proactive, rather than reactive. She left a packet of work orders from her children's schools that she said indicates giving low priority for things that sound serious. There needs to be enforcement, complaint, and appeals processes in the rules. She said that there seems to be a lack of communication to stakeholders because only 50 people provided comments on the second draft of the rule.

Denise Frisino, teacher, said this rule process has involved shenanigans, trickery, and deceit. She complained that the December 2007 Board meeting agenda did not include a mention about the school rule process, but understands that Board staff provided an extensive update in a segment on other Board business. She complained that teachers have not been well represented in the rule process. She commented that schools appear to cover up problems and get rid of teachers who complain.

Maria Mason, parent, testified that she was most pleased throughout the rule revision process when she heard Representative Fromhold comment at a legislative committee meeting on January 31, that he did not want cost put in front of children's health. She would like to see more outreach communication to the general public. She would like to see a parent representative from the East side of the state and another parent from the West side of the state on the new workgroup. She said that she first started coming to Board meetings in 1994 to testify about school health concerns. She recommended checking with other states about how they fund school environmental health programs and inviting Clair Barnett, Healthy Schools Network, to talk to the Board and legislators.

James Green, parent, testified that the process has taken too long. He wants to see completion. He said that any newly expressed concerns about the draft rule requirements should be addressed in a future revision in another three years. He said he has confidence in the intent of the Board.

Jill VanGlubt, teacher and Chair of WEA Indoor Environmental Quality Work Team, testified that the WEA considers the communications process has been good during the rule revision process. She said it would be difficult to add a teacher to the workgroup who is not a member of WEA.

Thelma Simon, parent, testified that the existing rule is 37 years old and it is time to update the rule. She said that the legislature provides little funding for repair of schools. For example, problems with mold in the Cle Elum high school were never resolved. She expressed concern that the Cle Elum school district has not saved records regarding complaints with mold in the high school many years ago. She commented that parents being represented by the PTA on the new workgroup was a concern because only about 40% of the schools in the state have PTA groups.

*The Board took a break at 2:36 p.m. and reconvened at 2:45 p.m.*

## 12. LEGISLATIVE UPDATE

Vice Chair Crump introduced the agenda item. Mr. McLaughlin referred members to materials handed out during the meeting (on file). He said tomorrow is the last day of session. He said that the conference committee report has been published. The short session was busy, but in the end very few bills that the Board was tracking were passed. He referred members to materials behind Tab 12 (on file). He said that the Board received three requests for health impact reviews this session. He said that E4SHB 1806, EHB 2516, and 2SHB 3227 did not pass. E2SHB 2549, which provides funding for a DOH collaborative to promote medical homes, passed and money is available in the conference budget. The Board weighed in in support of 2SHB 2722, which would create an advisory committee to address the academic achievement gap for African American students. This bill also passed. ESHB 3160, which would have preempted King County menu labeling requirements, was turned into a study bill. The bill eventually died because the Washington Restaurant Association and Public Health Seattle & King County reached an agreement. 2SSB 6483, which was related to local food production, also passed and money was included in the conference budget. He also briefly discussed the Health Insurance Partnership, the Children's Safe Products bill, a bill that would

require smoking cessation benefits for Medicaid recipients, and a bill that would change some of the air quality standards that would trigger burn bans.

### 13. DISCUSSION OF BOARD AUTHORITY TO PROPOSE LEGISLATION AND REVIEW OF POLICY 01-001

Vice Chair Crump introduced the topic. Mr. McLaughlin said during last December's Board meeting, members wanted to discuss the Board's authority to propose legislation. He referred members to materials behind Tab 13 (on file). He said that there is no specific authority for any agency to request legislation and there is nothing in the Board's authority that would not allow the Board to do so. He said that he consulted with Marty Brown, the Governor's Legislative Director, who indicated other boards and commissions have requested legislation in the past. Mr. McLaughlin suggested some changes to the Board's Policy 01-001, which reflect that the Board could propose legislation and should comply with Office of Financial Management procedure and practices. He said the changes were reviewed by Chair Katz, who approved that the proposed revisions be shared at this meeting.

Member VanDusen asked whether Board proposals would need to go through DOH request legislation channels. Mr. McLaughlin said that Board would collaborate and coordinate with DOH, but proposals would not need to go through DOH channels. Member White suggested the Board would not want to request legislation that DOH or local health jurisdictions would have to oppose. He also suggested the Board consider the resources that are required to track proposed legislation in addition to responding to other bills. Member Austin asked what the Board does when it supports a bill that does not pass. Mr. McLaughlin said that during the following year, those issues are usually reflected in the "Sense of the Board" document. Member Higman added that support during one year does not necessarily mean that the Board would support in a subsequent year. Member Higman also expressed concern about taking a motion on this issue in the absence of Member Tonasket, who had some interest in this discussion. Vice Chair Crump asked for clarification on how agencies find sponsors for legislation. Mr. McLaughlin provided an explanation.

***Motion:** Continue this discussion at the next Board meeting. VanDusen seconded.*

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

### 14. POLICY COMMITTEES – STRUCTURE AND MEMBERSHIP

Ms. Wolff explained that Board policy and procedures allows for the creation of policy committees. She said the Board may want to consider establishing a new committee, making changes to an existing committee, or abolishing an existing committee. She referred members to materials under Tab 14. Currently the Board's Environmental Health and Health Disparities policy committees are meeting regularly or as needed, while the Access and Children's Health policy committees are inactive. Ms. Wolff suggested the Board look at the current committee structure and the strategic plan and discuss possible changes. Members VanDusen, Yu, and Manning each provided proposals. Board members discussed the individual proposals as well as the different ways in which the committees could serve as a resource for staff. The Board took a break for lunch and agreed to continue this discussion at its original time on the agenda. During the follow-up discussion, Ms. Wolff summarized the proposals put forward during the morning discussion. Board members continued to discuss the proposals and came to a consensus on the following committees and corresponding membership. General areas of focus in the strategic plan were identified in the summary, although committees may elect to adjust their area of strategic focus.

- (1) Environmental Health (will focus on goal 5 of the strategic plan): Members VanDusen, Higman, Austin and Yu (ad hoc member)

- (2) Health Promotion (will focus on goal 4 of the strategic plan): Members Ortiz, Yu, and Higman
- (3) Services and Systems Assurance (will focus on goals 1 and 2 of the strategic plan): Member Crump

In addition, Board members agreed to revisit this discussion with the Health Disparities Committee members at the next meeting when Member Manning could be present to determine whether it should be part of another committee, remain separate, or be disbanded and all remaining committees be required to address health disparities.

## **ADJOURNMENT**

Vice Chair Crump adjourned the meeting at 3:48 p.m.

## **WASHINGTON STATE BOARD OF HEALTH**

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David Crump, Vice-Chair