



**Minutes of the State Board of Health
November 12, 2008**

John A. Cherberg Building, Capitol Campus, Hearing Room 3, Olympia, WA 98501

SBOH members present:

The Honorable John Austin, PhD
Keith Higman, MPH
Mel Tonasket

Mary Selecky
Karen VanDusen
Diana T. Yu, MD, MSPH

SBOH members absent:

Treuman Katz, Chair
The Honorable Donna Wright

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

State Board of Health Staff present:

Craig McLaughlin, Executive Director
Desiree Robinson, Executive Assistant
Heather Boe, Communications Consultant
Wendy Janis Malkin, Health Policy Analyst

Ned Therien, Health Policy Analyst
Tara Wolff, Health Policy Analyst
Melissa Burke-Cain, Assistant Attorney General

Guests and Other Participants:

Amy Adams, Department of Health
David Albert, Department of Social & Health Services
David Christensen, Department of Health
Denise Clifford, Department of Health
Kelly Cooper, Department of Health
Mark Cooper, Citizen
Michelle Davis, Department of Health
Mitch Denning, Alliance of Education Associations
Maryanne Guichard, Department of Health
Clark Halvorson, Department of Health
Chris Johnson, Office of Attorney General

Trang Kuss, Department of Social & Health Services
Greg Lee, Citizen
Jaymie Mai, Department of Labor & Industries
Brian Peyton, Department of Health
Debbie Riley, Mason County Public Health
Jennifer Sabel, Department of Health
Annette Shillinger, Citizen
Don Sloma, Washington Health Foundation
Mark Soltman, Department of Health
Art Starry, Thurston County Public Health
Tami Thompson, Department of Health
Jill VanGlubt, Washington Education Association

Craig McLaughlin informed the Board that Chair Katz is not present and called the meeting to order at 9:04 a.m.

1. SELECTION OF A CHAIR PRO-TEM

Craig McLaughlin, SBOH Executive Director, reminded the Board that it had not replaced David Crump as vice chair. With the chair absent, the Board needs to choose a chair pro-tem.

***Motion:** Nominate John Austin as Chair Pro-tem for the meeting.*

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

2. APPROVAL OF AGENDA

***Motion:** Approve November 12, 2008 agenda.*

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

3. ADOPTION OF OCTOBER 8, 2008 MEETING MINUTES

Motion: Approve the October 8, 2008 minutes.

Motion/Second: Yu/Tonasket. Approved unanimously

4. SBOH ANNOUNCEMENTS AND OTHER BOARD BUSINESS

Mr. McLaughlin announced that the Governor had appointed Donna Wright, Marysville City Council Member to the Board. He said he had signed two CR-101s to initiate rule making— notifiable conditions and HIV testing and partner notification. He said Wendy Janis Malkin is leaving the staff to accept a position with the Senate Transportation Committee. Keith Higman, SBOH Member, expressed concern that Ms. Malkin's departure will hinder completion of health impact reviews. Mr. McLaughlin said it may. He directed members to an excerpt from the Puget Sound Partnership's draft 2020 Action Agenda regarding local on-site sewage management programs. Mary Selecky, Secretary of the Department of Health and SBOH Member, discussed efforts to identify funding for local health jurisdictions to promote these efforts. Member Higman spoke to the importance of the 12 Puget Sound counties continuing coordinated planning for on-site sewage management.

Mr. McLaughlin also pointed out the draft recommendations of the Comprehensive School Health Reform Task Force. The recommendations are relevant to the work of the Board, including school environmental health rules and mental health issues. Diana Yu, SBOH Member, asked about the next steps for the task force. Mr. McLaughlin said it plans to release a report in December. Mel Tonasket, SBOH Member, asked how the Board might be involved in its recommendations. Secretary Selecky said the Board has a limited role in responding because it is not an implementer. Karen VanDusen, SBOH Member, said health issues considered by the task force involve important public health principles. Mr. McLaughlin pointed out *FYI* and noted press coverage of the school environmental health rule. Member Tonasket asked that he receive appropriate press coverage from the west side of the state. Secretary Selecky suggested the Department's daily press summaries and Mr. McLaughlin said that he would be sure Board members receive them. Member Tonasket asked Mr. McLaughlin to inform Board members when he plans to participate in legislative hearings.

5. DEPARTMENT OF HEALTH UPDATE

Secretary Selecky noted that she had been having DOH Deputy Secretary Bill White represent her at Board meetings that have dealt with the school environmental health and safety rules for continuity. She described her visit to the Harborview Pioneer Square Medical Clinic to present the Warren Featherstone Reid Award. She said the U.S. Environmental Protection Agency honored Washington's Drinking Water State Revolving Fund program as one of the top programs of its kind in the nation. She mentioned new tobacco quit line advertisements in Spanish for Spanish-language media outlets. She reported that an evaluation of the Public Health Laboratory (PHL) by an independent contractor would be finalized in December and will indicate that the laboratory does not have a significant amount of hazardous material that would make it a target of terrorists. They found the lab has safety practices that are amongst the best in the country and are more comprehensive than 12 other state laboratories the contractor has evaluated. She said DOH would have a role in implementing two voter initiatives passed this month. Its role with Initiative 1000 will be small but implementing Initiative 1029 will require licensing long-term care workers. DOH will need to develop new rules by August 1, 2009, and add as many as 25 staff.

Secretary Selecky said the budget deficit's impacts on local health agencies and the state would be very serious. DOH gets funding from a large number of fees. Raising them above Initiative 960 limits would require going through the Legislature. DOH must reduce spending by \$3 million for

the current fiscal year and the Board is part of this. Dr. Yu said categorical funding is part of the problem for local health agencies and local health needs more discretion for setting spending priorities. Member Higman said local public health in his county is funded about one-third from local taxes, one-third from grants (mostly from DOH), and one-third from fees. His department is losing 24% of its staff because of budget shortfalls. He said that the community seems to forget about local public health when times are good, but, when times are hard, expects services. The capacity will not be there during hard times unless the capacity is built-up during good times.

6. BOARD MEMBER COMMENTS AND CONCERNS

Member Higman said he feels the need to create an opportunity to thank David Crump for his years of service on the Board. Mr. McLaughlin said that Dr. Crump declined recognition at previous Board meetings. Member VanDusen said she is encouraged by the Comprehensive School Health Reform Task Force recommendations. Member Tonasket agreed. He said that he hoped that the Board finds opportunities to convey the importance of school environmental health.

7. PUBLIC TESTIMONY

Jill VanGlubt, representing the Washington Education Association, thanked Board members for speaking in support of the school rule at its October meeting. She asked the Board to follow through with the Legislature and to remember the past testimony from parents and teachers

Greg Lee, private citizen, said he is retired but discussed his work on school issues during his career, which included many years with OSPI. He said he supports efficient and effective implementation of school health and safety rules. He stressed the importance of maintenance and said schools tend to divert money from maintenance. He recommended specifying categorical funding for maintenance. Comparative spending on maintenance continually declines, he says. Large repairs, such as replacing a roof after 30 years, come from district budgets. This requires passing a local bond or levee. He recommended that school districts instead build reserve accounts for anticipated major repairs. He said schools need state grants to make up for years of neglect. He asked the Board to take these issues to the Legislature. Member Tonasket asked if Mr. Lee had his testimony today in writing. Mr. Lee referred to written comments he submitted on September 8, 2008.

Annette Schillinger, former teacher, said that she supports Greg Lee's observations. During her teaching days, there was mold in her school and her students complained of health effects such as bloody noses. She said she has had long-term health problems related to the mold in her school. She showed a photograph from 2003 of mold in a restroom in her school and said the rule should not require 10 square feet of mold before the school remedies the problem. She encouraged response be required for any amount of mold. Mr. McLaughlin said that the provision about 10 square feet of mold was for mandatory notification and that all mold had to be remediated no matter the size.

Mark Cooper, a former parent representative on the SRDC, complemented the Board for its moving support of the school rule at its October meeting. He suggested the Board's school rules set no threshold for mandatory notification of parents and staff when mold is detected in a school. He expressed concern that public health has responded poorly to the health threat from mold in schools and said he has been discussing this with legislators and recommending that state positions be established to respond to such threats. Dr. Cooper provided a handout from the DOH Web site about ESB 5049, legislation passed in 2005 that requires landlords to inform tenants about potential health impacts from mold. He also provided a copy of a review article about possible human health impacts from one type of mold [Toxicological Sciences 104(1). 4-26, 2008].

Mr. McLaughlin said he had received an e-mail from a parent of a student in a private school who has concerns about the school rule proposal. He said he would forward it to the members.

The Board took a break at 11:00 a.m. and reconvened at 11:10 a.m.

8. UPDATE ON SCHOOL HEALTH AND SAFETY RULE

Mr. McLaughlin said the Board received letters from Senators Oemig and Jacobsen supporting passage of the school rule while it was meeting in Yakima in October. He forwarded them to Board members. He noted that Member Tonasket had asked him to point out this support when speaking with other legislators. He said he has also heard from Representative Chase's office that she is considering sending a letter to the Board about the school rule, but she is still investigating related issues. He said the letter to legislators requested by the Board at the October meeting went out under Chair Katz's signature. The letter also went to the school rule interested party list. Mr. McLaughlin appeared before the Joint Legislative Task Force on School Construction Funding in October. He said he provided the same information as in the letter. He said that task force members seem to be more receptive to the Board's proposed rule. He has had contact with legislative staff about budget issues. Legislators might be open to creative funding solutions to finance the rule, but the budget shortfall is still growing. He continues to identify opportunities to share school rule information with legislators. He said DOH is updating the significant analysis to reflect changes made by the Board. Member Tonasket asked whether the rule proposal could be easily changed to reduce the threshold for mandatory notification about mold in schools to something less than 10 square feet, maybe one square foot. He asked if that would be too significant of a change to make easily. Member Selecky cautioned against making changes quickly. Mr. McLaughlin said that the Board could take up this issue again when it takes up the motion to adopt in 2009. Melissa Burke-Cain, SBOH Counsel, advised that this might be a significant change and would need review to determine appropriate process.

Chair Pro-tem Austin moved item 9, the review of the draft annual report, to the afternoon.

10. EDUCATIONAL BRIEFING ON OPIOID MISUSE AND ABUSE

Dr. Yu introduced this agenda item, explaining that non-medicinal use or accidental death from narcotic painkillers is a growing problem. She said the prescription of opiate painkillers has also been increasing. She indicated that these issues do not need to be addressed in the Board's strategic plan since there is already a state workgroup working on prevention of opioid morbidity and mortality. Tara Wolff, SBOH Staff, introduced a panel of presenters. The following presenters used slides for their presentations (copies of these are contained in packet materials under Tab 10): Jennifer Sabel, Department of Health; David Albert, Division of Alcohol and Substance Abuse of Department of Social and Health Services; Trang Kuss, Health and Recovery Services of Department of Social and Health Services; and Jaymie Mai, Department of Labor & Industries.

Chris Johnson, Policy Director of Office of the Attorney General, provided verbal comments. He explained that synthetic drug abuse is the top criminal justice initiative of the Attorney General. He said that recent lawsuits against Medicaid fraud and producers of the medication oxycontin are being used to help fund substance abuse prevention programs. Some funds have also been used to promote prescription drug monitoring and take-back programs.

Mr. Albert mentioned that in about 1990, the Board expressed concern about the under treatment of pain. Dr. Yu said under treatment of pain still seems to be a problem and may have even gotten worse

as concerns about misuse of opioids increase. Member VanDusen asked whether the spike of opioid deaths during middle age, especially for males, was related to chronic pain and something other than accidental overdose. Ms. Sabel said Washington data is not available to answer this question, but that in other states, 20% of these deaths involved a history of chronic pain. Member Higman asked whether social marketing principles could be used to help solve this problem. Ms. Sabel said Utah is doing a social marketing program right now. Secretary Selecky said a prevention program must be comprehensive to work. Member VanDusen noted that a large number of TV commercials encourage the use of medication and promote self-diagnosing and self-dosing. She feels this increases the acceptability of a wide range of drugs. Dr. Yu commented that this needs to be recognized as a public health problem. She said the Washington State Medical Association recognizes this as an important issue. She wondered whether law enforcement would take back controlled substances since it is illegal for pharmacies to do so.

The Board recessed for lunch at 12:34 p.m. and reconvened at 1:34 p.m.

11. WASHINGTON HEALTH FOUNDATION POLICY AGENDA

Craig McLaughlin, introduced Don Sloma, Policy Director for the Washington Health Foundation (WHF), who briefed the Board on the foundation's policy priorities for the coming two years. He said they were looking for opportunities to collaborate with the Board. He first talked about the Healthiest State in the Nation campaign and described the 2008 Healthiest State Report Card. Washington ranks #10 compared with other states. A summary of the Healthiest State Long Term Policy Goals and a copy of the 2008 Healthiest State Report Card are contained in Tab 11. As an introduction to WHF's policy goals, Mr. Sloma explained that the foundation is not asking that new money be applied to health issues, but instead that health care dollars be redirected to population health improvement. The foundation recommends that health care costs not increase faster than growth in personal income. Mr. Sloma touched on many of the policies summarized in the Healthiest State Long Term Policy Goals paper. If medical inflation is managed correctly, the Foundation believes there are sufficient funds to increase childhood immunizations rates. WHF advocates increasing universal purchase; conducting an ongoing social marketing campaign on the effectiveness and safety of childhood immunizations; providing ongoing training for providers and school personnel about immunizations; paying for performance; and publishing state and local immunization rates. WHF recommends that parents receive complete information about vaccines before they make a decision to take a vaccine exemption for their child.

Mr. Sloma described some ideas for increasing use of proven preventive services. These include asking state medical directors to identify a list of critical proven preventive services; recognizing and labeling plans that offer these services; establishing a state grant program to provide these services locally for those not enrolled in approved health plans; and asking local health jurisdictions to track and report use of these services. Another priority is providing funds to low-performing schools for coordinated school health programs. Mr. Sloma said any help from the Board on any of these priorities would be appreciated. The Board might wish to help with issues regarding exemption policy and immunization rates, identifying policies that support that the use of proven preventive services; and making the case for the relationship between education and health status.

Member Tonasket asked how Washington's ranking has changed since the Healthiest State campaign began. Mr. Sloma said Washington has moved up from 14th to 10th in the last two years. He said that we remain in the second tier of states. The top states are the small New England states and Utah. Member Selecky commented that many social determinants are involved in the rankings.

9. REVIEW OF DRAFT 2008 ANNUAL REPORT

This item was postponed until the afternoon. Mr. McLaughlin explained that the Board must submit an annual report to the Governor in January. It does not need to be reviewed or approved by the Governor before it is finalized. Heather Boe, SBOH Staff, said that the draft text and report format were in the Board's packet under Tab 9. She asked members to provide her comments. Member Selecky provided some editing suggestions. Board members agreed to review and provide any other comments about the draft by before Thanksgiving. Member Tonasket said he likes the report's simple language and format.

***Motion:** The Board approves in principal the draft text and layout of the 2008 Annual Report as submitted. The Board directs staff to incorporate suggestions from today's discussion as well as minor edits, as necessary, into the final version that will be approved by the chair and transmitted to the Governor.*

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

12. POSSIBLE UPDATES TO STRATEGIC PLAN

Craig McLaughlin explained that because of the staff vacancies and the Board's desire to reduce the number of meetings to save costs, he proposes to scale back the Board's strategic plan. Some activities have already been completed or are in progress, while others have not been started because the plan is a five-year plan. He pointed out that some activities that have been dropped or have been put on hold. Member Selecky recommended that the Board decide on the high-priority goals that need to be continued, despite the worsening revenue projections. She suggested that since rules are implemented at local level, local health funding issues need to be taken into consideration as the Board determines its priority activities. Mr. McLaughlin provided an updated on the status of some activities in the plan. (see annotated Five-Year Strategic Plan in Tab 12)

Dr. Yu asked what would happen if the Board did not prepare health impact reviews. Mr. McLaughlin said that staffing constraints could be explained to the Legislature. Member VanDusen noted the small number of requests for health impact reviews. She also mentioned using impact on the public's health as a guiding principle for making any decisions. Mr. McLaughlin suggested that the Board should consult with the Governor's Interagency Council on Health Disparities. Member Tonasket encouraged Mr. McLaughlin to coordinate priorities and activities with Office of Fiscal Management, Department of Health, and the Washington Health Foundation. He said that there are at least three concerns these organizations have in common—health disparities, obesity, and immunizations.

Mr. McLaughlin said that the Board is supposed to prepare a State Health Report by January 2010 and this would require a lot of staff resources. He said Governor Locke once waived this requirement and the Board might want to request a waiver again. Member VanDusen expressed reservations about eliminating it and wondered if it could be abbreviated. Member Austin asked how the plan was used. Mr. McLaughlin said it is meant to help guide budget decisions and bill requests.

Mr. McLaughlin said it was part of his job to implement the plan and adjust to changing circumstances in consultation with the chair. He said the Board, however, could choose to amend the plan through a motion. Board members agreed a motion was not necessary.

13. REVIEW OF PROPOSED 2009 MEETING SCHEDULE

Mr. McLaughlin reviewed a proposed 2009 meeting schedule under Tab 13. He explained that the adjusted schedule responded to suggestions about controlling costs. Dr. Yu noted that considering

the Board's cost-cutting goals, she saw no need to plan a joint meeting with the Thurston County Board of Health. Mr. McLaughlin said the King County Board of Health had explored a possible joint meeting during the legislative session. Board members seemed to prefer a meeting that included broader representation and was not a formal meeting of the Board.

***Motion:** The proposed 2009 State Board of Health meeting schedule is approved with two amendments: not to have joint meeting with King County Board of Health in March and not to have joint meeting with Thurston County Board of Health in June.*

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

The Board took a break at 3:02 p.m. and reconvened at 3:14 p.m. Item 13 was postponed until the end of the meeting.

14. BRIEFING ON WATER RECREATION FACILITIES RULES, CHAPTERS 246-260 WAC AND 246-262 WAC

Member VanDusen introduced Mark Soltman, Supervisor, Local Health Support Section, Office of Environmental Health & Safety, Department of Health. She explained that Mr. Soltman would review possible conflicts the federal Virginia Graeme Baker Pool and Spa Safety Act and the Board's rules for pool and spa drain safety. She said that Mr. Soltman would explain DOH's current approach to addressing those conflicts through an education campaign in conjunction with local health agencies. Mr. Soltman then gave his presentation (for more information, refer to Tab 15). Chair Pro-tem Austin suggested that members with questions get to Mr. Soltman later.

15. BRIEFING ON EFFECTIVENESS OF VIBRIO CONTROL PLAN RULE, WAC 246-282-006

Member Higman briefly described "*Vibrio parahaemolyticus* adaptive management," then turned over the presentation to Maryanne Guichard, Director, Office of Shellfish & Water Protection, Department of Health. Ms. Guichard introduced Austin Doctor, a Taylor Shellfish employee who is a member of DOH's Vibrio Control Advisory Committee. Ms. Guichard's presentation described the experience of the 2008 vibrio season; a review of the *Vibrio parahaemolyticus* (Vp) rule (WAC 246-282-006); and next steps she recommends to refine the rule. For more details on the presentation, refer to Tab 16. Mr. Doctor said he appreciates the spirit of cooperation between DOH, federal authorities, and the industry to try to identify things that could be done better. He said he is particularly interested in improving education about safe handling after shellfish leave the dealer. Member VanDusen asked how this rule is tied to the retail food code. Ms. Guichard said the food code has complementary language and provisions, but the problem is getting people to believe in it. Chair Pro-tem Austin asked about the slide indicating half the cases can be traced to Hood Canal and wondered how much of the harvest comes from the canal. Mr. Doctor estimated a third to a half of the oysters are harvested from the canal. Ms. Guichard said the industry has made great improvements there. Dr. Yu asked how many Vp cases were due to ingestion of raw oysters not intended to be served raw. Ms. Guichard said there were none. Ms. Guichard called Board members' attention to the data sheets included under Tab 16. Member Higman asked if the March 2009 goal for a public hearing was realistic given the budget issues. Ms. Guichard indicated it is.

16. BRIEFING ON GROUP B WATER SYSTEM RULES, CHAPTER 246-291 WAC

Member Higman introduced Denise Clifford and Dave Christensen from the Department of Health. Ms. Clifford gave a presentation on how people get drinking water; the different regulatory frameworks for large and small public water systems; public health concerns about Group B systems; the results of a program review requested by the Legislature in 2001; a DOH review of regulatory options; a proposed revised regulatory framework shared with stakeholders; and a rough timeline for development of a rule proposal. For more details on the presentation, see Tab 17.

Member Selecky said local health jurisdictions may drop Group B programs because of resource limitations. Ms. Clifford said DOH may not have the resources to pick up this work. Dr. Yu asked if not regulating all Group B systems was one of the options considered. Ms. Clifford said that was not an option DOH recommends. Dr. Yu asked if the focus was to make the rules more stringent regarding converting private wells to Group B systems or regarding the design of Group B systems. Ms. Clifford said it was both. Dr. Yu said that would probably make it easier for local health to do the regulatory program. She asked if the differences between interpretations by DOH and Department of Early Learning about Group B systems serving child care centers had been resolved. Ms. Clifford said discussions are ongoing and the issue is linked to food establishment licensing. Member Higman explained that the Environmental Health Committee discussed the concept of not regulating Group B systems, but he preferred having the potential for a local waiver. He said just changing the Group B workbook might benefit the programs. Dr. Yu said she had a concern that drinking water protection varied between counties, but also liked educational approaches. Secretary Selecky asked whether other states regulate such systems. Ms. Clifford said few states have as rigorous requirements. Member VanDusen asked if small systems were increasing in number due to development patterns. Ms. Clifford said that was the case, primarily due to water rights issues.

14. STATEMENT OF THE BOARD ON LIKELY LEGISLATIVE ISSUES

Mr. McLaughlin explained the “Statement of the Board on Possible 2009 Legislative Issues” is a draft and is very speculative at this stage. He said the statement was re-organized from last year’s version to mirror the Board’s strategic plan outline. Board members will be asked to formally adopt a statement in January 2009. Member Higman indicated that since the Board was only meeting twice during session, he was concerned about staying updated. Member Yu agreed and wondered if Mr. McLaughlin’s and Secretary Selecky’s updates could be continued through session and emailed to the Board members. Mr. McLaughlin said he would keep this suggestion in mind and also encouraged members to use the bill watch page on the Board’s Web site. Member Yu said that periodic reminders to look at that site would be helpful. Member VanDusen asked about the policy for Board members communication with the Legislature for members who serve on other committees. Member Selecky reminded Board members that they need to be careful to identify the entity they are representing when they testify. Mr. McLaughlin reminded members that if it has to do with Board business, information must be filed with the public disclosure commission. Member Selecky also noted that it is important for Board members to remember they are appointed by the Governor. Member Tonasket said he felt it was important that the Board be supportive of dental care and mental health issues during session.

ADJOURNMENT

Chair Pro-tem Austin adjourned the meeting at 4:25 p.m.

WASHINGTON STATE BOARD OF HEALTH

Treuman Katz, Chair