



Minutes of the State Board of Health

March 14, 2007

Comfort Inn, 1620-74th Avenue SW, Tumwater, Washington 98501

SBOH Members Present:

Treuman Katz, WSBOH Chair
David Crump, WSBOH Member
Frankie T. Manning, WSBOH Member
Mike Shelton, WSBOH Vice-Chair

Karen VanDusen, WSBOH Member
Bill White, Deputy Secretary of Health
Diana T. Yu, WSBOH Member

SBOH Members Absent:

Keith Higman, WSBOH Member
Patricia Ortiz, MD, WSBOH Member

Mel Tonasket, WSBOH Member

SBOH Staff Present:

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

Wendy Janis, Health Policy Analyst
Ned Therien, Health Policy Analyst
Tara Wolff, Health Policy Analyst
Pam Anderson, Assistant Attorney General

Guests and Other Participants:

Tony Barrett, Washington State
Environmental Health Directors
Nancy Bernard, Department of Health
Joyce Lammert, Virginia Mason Medical
Center
Michelle Davis, Department of Health
Darlene Delgade, Washington State Nurses
Association
Deb Lochner Doyle, Department of Health
Martin Durkan, Willscott
Leonard Eldridge, Department of Agriculture
Jerald Farley, Willscott
Andy Fernando, Department of Health
Denise Frisino, Citizen
Barbara Frye, Washington State Nurses
Association
John Furman, Labor and Industries
Maryann Guichard, Department of Health

James Green, Citizen
Judy Huntington, Washington State Nurses
Association
Patricia Jatzcak, Office of Superintendent of
Public Instruction
Joyce Lemmert, Virginia Mason Medical
Center
Tom Locke, Washington State Medical
Association
Chuck Matthews, Department of Ecology
Nancy Napolilli, Department of Health
Karin Neidt, Department of Health
Kim Neill, Williams Scusman
Sally O'Neill, Service Employees International
Union, Local 99
Kathy O'Toole, Washington Education
Association
Debbie Riley, Mason County Health

Guests and Other Participants, continued:

Mark Soltman, Department of Health

Dorothy Tibbetts, Department of Health

Robert Van Slyke, Bethel

Kathie Zirflu, Washington Education Association

Treuman Katz, WSBOH Chair, called the public meeting to order at 9:30 a.m. and read from a prepared statement (on file).

1. APPROVAL OF AGENDA

Chair Katz announced that Agenda Item 8 and 10 would be switched.

Motion: Approve the March 14, 2007 Agenda as amended

Motion/Second: Crump/Yu. Approved unanimously

2. ADOPTION OF JANUARY 10, 2007 MEETING MINUTES

Motion: Adoption of January 10, 2007 Minutes

Motion/Second: Crump/Shelton. Approved unanimously

3. SBOH ANNOUNCEMENTS AND OTHER BOARD BUSINESS

Craig McLaughlin, WSBOH Executive Director, covered the following topics:

- Biographies of new Board members Treuman Katz, Chair, and Diana T. Yu.
- The upcoming Every Child Successful summit regarding health disparities and the academic achievement gap, May 18, 2007, Cedarbrook, SeaTac, Washington.
- Possible funding from the Mental Health Transformation Grant to the Board to support developing a report on a prevention model for mental health.
- The Blue Ribbon Commission Report (on file.)
- The Governor's executive order on climate change (on file.)
- Updates on rules regarding: Dead Animal Disposal, WAC 246-203-120; School Environmental Health Rule, Chapter 246-366 WAC; Transient Accommodations as it relates to Homeless Shelters; School Immunizations Rule to add a second dose of varicella vaccine and to have a Technical Advisory Group evaluate PCV7; Newborn Hearing Screening, Chapter 70.83.050 RCW; Group B Water Systems
- Highlights in the FYI section, which track matters of interest and correspondence of the Board. Local boards of health, conferences, and media related items are included.
- Recent staff travel and participation in conferences and trainings.
- Prioritization of criteria/disorders that will take place at the next Health Disparities Council meeting, May 23, 2007.
- The call for abstracts for the Joint Conference on Health.

Board members discussed the connection between climate change and the work of public health. Karen VanDusen, WSBOH Member said changes in ventilation concepts, including the push to use natural ventilation could affect our school rule.

4. DEPARTMENT OF HEALTH UPDATE

Bill White, Deputy Secretary of Health and WSBOH Member, shared that in early February DOH launched its Pandemic Flu Campaign emphasizing the “*Germ Trail*,” covering your cough, and staying home when you are ill. A campaign called “Cold Turkey” was launched focusing on smoking cessation. CHILD Profile, Washington's health promotion and immunization registry

system, has been recognized with a national award for excellence. Data-sharing has been established with Arizona and Oregon, Idaho, and Louisiana are also involved in discussion. Health Officer Dr. Maxine Hayes asked Deputy Secretary White to mention the upcoming Public Health Grand Rounds at Children's Hospital. Member Yu asked what percentage of medical practices enter CHILDP Profile data. Deputy Secretary White said he will provide this information. Tara Wolff, WSBOH Staff shared that the rates are over 50 percent.

5. BOARD MEMBER COMMENTS AND CONCERNS

David Crump, WSBOH Member, talked about a grant WSU obtained to work with Spokane Public Schools to examine childhood obesity. It will be a three-year study focusing on middle schools implementing healthier snacks and eating choices. This led to a discussion by the Board members about what is being done to combat obesity, and specifically what the Board is doing and what it could be doing. Chair Katz stressed that the Board should give this issue more thought. He asked staff to develop recommendations of activities for the Board to consider.

Member Yu talked about the issue of narcotic abuse related to provider prescription writing. The Department of Labor and Industries has just issued guidelines to providers about limiting prescriptions for narcotics.

The Board took a break at 10:35 a.m. and reconvened at 10:50 a.m.

6. UNIVERSAL NEWBOARN HEARING SCREENING UPDATE, CHAPTER 246-650 WAC

Tara Wolff, WSBOH Staff explained that Dr. Ortiz was absent for the meeting but directed the members to an introductory memo from Dr. Ortiz (on file in Tab 6). She reminded board members that cystic fibrosis had been recently added to the rule. Ms. Wolff introduced presenters Deb Lochner Doyle, Manager of the Genetic Services Section, Department of Health, and Karin Neidt, EHDDI Coordinator, Department of Health. Ms. Lochner Doyle's presentation is on file (Tab 6).

Member Shelton requested clarification on the slide data related to hospital screening. Ms. Lochner Doyle explained that all hospitals are now screening in our state. Chair Katz asked if there is a higher risk factor for neo-natal infants. Ms. Lochner Doyle indicated that there is and explained how DOH works to insure that these children are accurately represented in the data system. Member Yu asked if Early Hearing Loss Detection, Diagnosis, and Intervention (EHDDI) could be linked to the CHILDP Profile in some way. Ms. Lochner Doyle said that is being analyzed. Member Yu wondered if there is an outreach program in place for midwife deliveries. Ms. Lochner Doyle said that they are tag-teaming with the other programs to make sure that screening is available for all newborns in every community. Member Shelton asked if parents must consent to the newborn hearing screening before it takes place. Ms. Lochner Doyle explained that parents may opt out. Member Shelton said that one percent not receiving hearing screening equals about 800 newborns not being screened and that this is significant. Chair Katz asked about Medicaid funding and whether it covers screening costs. Ms. Lochner Doyle explained that it does not currently cover hearing loss screening. Member VanDusen asked about early intervention practices. Ms. Lochner Doyle explained the various approaches (lip reading, sign language, etc). She also confirmed that we do not know the exact number of children in early-intervention. Member VanDusen asked what happens when these children are in schools. Ms. Lochner Doyle explained that Medicaid pays for a number of services for

children in schools and that there are also federal subsidies available to schools. Member Crump asked about inconclusive evaluations. Ms. Lochner Doyle explained that this means that the diagnostic evaluation could not be completed on the first try (maybe due to a fussy baby or something like that). She also explained that early intervention ideally occurs within six months of age; without this there may be educational loss. Member Yu explained that this issue relates to lack of bonding between the child and parent because of hearing loss not treated during the first six months. Member Manning asked if any of the military hospitals are reporting into the system. Ms. Lochner Doyle explained that there has been increased interest in the EHDDI system from the military hospitals but that this would need to be pursued more. Member Manning requested that this be followed up and that Mike Glass and Tara Wolff should also be involved.

7. BRIEFING ON “VIBRIO PARAHAEMOLITICUS” IN SHELLFISH, CHAPTER 246-282 WAC

Member Shelton introduced the topic. Ned Therien, WSBOH Staff, provided background information about vibriosis outbreaks from shellfish in the Northwest. Maryanne Guichard, Department of Health, gave a presentation (see material behind Tab 7). Member Yu commented that the outbreak was an international outbreak (23 states, 8 foreign countries), but related to shellfish from Washington State. Ms. Guichard closed by recommending development of a rule that is flexible enough to account for regional differences in shellfish harvesting practices.

Member Yu asked if the industry self-tests. Ms. Guichard said the industry sends samples to the state laboratory. Member Shelton asked if the shellfish could “get well.” Ms. Guichard explained that it is possible for the shellfish to purge themselves of high levels of vibrio. A potential treatment method is cold storage in artificial seawater to aid in reducing bacteria levels in living shellfish. Cool temperature is the most effective measure to prevent an outbreak. The product is not lost if harvesting is delayed until cooler weather conditions prevail. Mr. McLaughlin explained that picking shellfish off the beach, bagging them, and leaving the bags on the beach for many hours in warm weather is a problem. Getting the shellfish cooled quickly would help reduce this problem.

Member Crump asked if a national standard would likely be achievable given the difference in regional water temperatures, especially during the summer months. Ms. Guichard agreed that trying to develop a national standard has been a problem. Chair Katz mentioned that the financial risk to the industry is likely an important motivator to encourage good practices by the industry. Educational measures are important for the public.

Mr. McLaughlin asked Ms. Guichard to explain the Board’s role. She said that national standards are the minimum. She plans to come back to the Board in May to ask for adoption of more stringent state standards. She is working with the industry to come up with a proposal. Member Crump asked if there would be time to implement something before this summer. She said there would be with emergency rules. Then the measures would be evaluated after the summer to see if they worked.

Member VanDusen noted that illness is preventable if the product is cooked. She asked whether DOH was working with retailers to get information out to customers. Ms. Guichard said yes and that DOH was partnering with local health jurisdictions on this. Member VanDusen asked if water temperatures should be monitored. Ms. Guichard said that water temperature is being looked at as part of understanding the problem.

Member Yu asked if tribal or ethnic communities have a preference for raw oysters. Ms. Guichard said that all cultures eat raw oysters. DOH is expanding outreach to educate the non-English speaking communities.

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

8. BRIEFING ON DEAD ANIMALS DISPOSAL RULE, WAC 246-203-120

Note: This topic was taken out of order of the published agenda at the request of one of the presenters.

Member VanDusen introduced the topic of a proposed revision to the Board's dead animal disposal rule and pointed out materials behind Tab 10. Mr. Therien discussed development and content of the draft proposed revision to WAC 246-202-120. He explained that the rule revision process begun in 2005 and was put on hold during 2006 while the Washington State Department of Agriculture (WSDA) developed rules applying to diseased livestock disposal. The Board's rule covers most other dead animal disposal. Mr. Therien mentioned that one point of inconsistency between the current rule and a statute implemented by WSDA was the depth of burial. The proposed rule revision would establish a consistent burial depth of three feet. He discussed stakeholder comments considered in development of the draft.

Leonard Eldridge, State Veterinarian, WSDA, discussed the importance of proper disposal of dead animals, an issue which gained attention with the discovery of bovine spongiform encephalopathy (BSE) in the state in 2003. New federal rules require that livestock nutrient management plans include provisions for livestock mortality management. A state law passed in 2006 requires WSDA to update diseased livestock disposal requirements. Dr. Eldridge discussed the coordination between four state agencies (Board of Health, DOH, Ecology, and WSDA). He described the content of WSDA's proposed rules, which were being presented in public hearings around the state that week.

Chuck Matthews, Regional Solid Waste Specialist, Department of Ecology, discussed livestock composting guidelines and consideration of animal carcasses as solid waste. He stated that he considered both the proposed revision to the Board's rule and WSDA's rules to be consistent with solid waste statutes and rules.

Mr. Therien introduced Dorothy Tibbetts, DOH Zoonotics Program, and Tony Barrett, Lewis County Environment Health Director, indicating that they participated in development of the draft and were available to answer questions.

Deputy Secretary White asked whether repealing the existing rule provisions related to manure would present a problem. Mr. Therien said WAC 246-203-130 would remain for local health jurisdictions to use to deal with nuisances from the keeping of animals. He also clarified for Dr. Yu that the draft rule included offal in the definition of dead animal.

Member Shelton asked for and received an explanation of composting of a large animal. Member VanDusen asked if this would be a preferred method in cases of high ground water. Mr. Matthews agreed. He mentioned that burial of animals does not result in rapid degradation. Member VanDusen asked if composting would eliminate disease organisms in the animal carcasses. Mr. Matthews said the heat of composting would eliminate pathogens such as avian influenza but not BSE. Member Yu asked if there are concerns about using composting since

most livestock are not tested for cause of death. Dr. Eldridge said that BSE is extremely unlikely in the United States, but another disposal process would be used if BSE were suspected. Mr. Matthews said landfilling would be appropriate for prion related disposal.

Member VanDusen questioned the 100-foot setbacks related to water protection in the Board's rule proposal for burial. Mr. Therien said that the setback has been in the rule since 1960 and there is no evidence that it has caused a problem. The WSDA rule deals with diseased livestock, so WSDA thinks it should require a greater distance.

Member Crump questioned the quarter mile distances mentioned in the WSDA rule regarding natural decomposition. Dr. Eldridge said that the distance relates to rangeland and parcels of a minimum of 160 acres. Member Crump asked how the rules relate to a natural disaster. Dr. Eldridge answered that the draft rules only relate to routine disposal. Mr. Matthews mentioned guidelines by FEMA that could be used in the event of an emergency. Member VanDusen pointed out that the draft proposed Board rule provides flexibility related to natural disasters.

9. STRATEGIES FOR INCREASING IMMUNIZATION RATES FOR HEALTH CARE WORKERS

Dr. Yu introduced the topic and stressed the importance of flu shots for all of us. She explained that this agenda item was not an action item. Ms. Wolff further explained who would be on the panel and the format of the discussion.

Dr. Joyce Lammert, Virginia Mason Medical Center (VMMC) delivered a presentation (on file under Tab 9) related to VMMC policy on immunizing health care workers. Member Yu asked if all staff were included in the VMMC program. Dr. Lammert indicated that they were and that more than 5,000 employees were immunized last time around. Member Yu asked if external doctors were also included and learned they were. Member Crump asked if there was any difference in rates of flu among hospital patients. Dr. Lammert said one would need ten-years' worth of data to accurately track this kind of change. Member Shelton wondered why a health care worker would not want to get a shot. Dr. Lammert explained why some staff might object (e.g. resistance to mandates, misconceptions about the flu vaccine, etc.). Member VanDusen asked about vaccine shortages. Dr. Yu commented on some of the ultraistic misconceptions that exist and how supply shortages can affect vaccination rates. Dr. Yu discussed ways to overcome health care worker objections.

Dr. Tom Locke, presented the 2006 Washington State Medical Association resolution (Mandatory Health Care Worker Vaccination) submitted by the Public Health Officers Society, which was endorsed by the Washington State Medical Association House of Delegates. His presentation focused on the problem, the solution, and who should take the leadership to address the problem. Dr. Locke explained that recurring seasonal influenza is a highly contagious, deadly disease, and that infection is very difficult to control. Infection controls tools include antiviral medication, but its effectiveness has been disappointing in clinical applications. He said respiratory hygiene and traditional infection control is not enough. We need much higher immunization immunity amongst health care workers. The costs are high. He also indicated that high-risk populations are least protected by current immunizations. Part of the solution, he said, must be to immunize health care workers. Thirty-six percent is the national average of health care worker immunization rates, but we need to see rates of 90 percent or greater. Mandated flu immunization of health care workers is a patient health-safety issue, he

said. Who should do this? Dr. Locke advised against addressing this issue on an organization-to-organization basis. He stated his belief that this is a public health regulatory issue—public health must be balanced with individual liberties. He explained that local boards of health may not be optimal for providing this leadership, but the State Board could provide leadership.

Judy Huntington, Washington State Nurses Association introduced herself and her organization. She commended Board members on their consideration of the issue. American Nurses Association (ANA) and Washington State Nurses Association (WSNA) support voluntary immunization. They have worked hard to improve nurses' immunization rates in a number of ways including robust partnerships, she said; however, both organizations would like nurses to have the option to sign a declination form. These organizations want comprehensive education programs for all employees, free and easy access to immunizations on all shifts for a sustained period of time, incentive/recognition programs, and a confidential opt out form (declination form). Ms. Huntington explained that federal regulations concerning medical privacy prevent employees from being required to provide a reason for opting out. She called the Board members attention to a number of resources and campaigns to help organizations implement voluntary programs. She explained that WSNA has taken many steps in partnership with others to highlight this issue, and provide information and resources to nurses. WSNA has also actively been involved in campaigns to improve immunization rates and to encourage important prevention practices for other groups in our state. WSNA is very interested in partnering with the Board to further voluntary approaches.

Sally O'Neill, Service Employees International Union (SEIU), Local 1199NW, introduced herself and her presentation. She stressed that her doctoral work was in occupational health. She then delivered a presentation (on file in Tab 9.) SEIU supports voluntary immunization and education programs.

Dr. Yu asked how long we should wait and what factors would lead to a recommendation for mandatory vaccination. Ms. O'Neill responded it has only been five years since the first flu education campaigns have been in place. She gave examples of how research is changing and said we are learning new things all the time. For instance, she suggested that we do not yet have data on mandatory versus voluntary program outcomes. She suggested that a very systematic review needs to take place to inform policy makers. Dr. Yu said that at some point in time a mandate might be necessary if rates do not improve and that this is a question for the Board to ponder. Member White asked why not have both—i.e., a mandate for a vaccine alongside an education component. He suggested states taking the lead seems to make a lot of sense. He wondered if there is a disconnect between offering health care workers the first chance at an anti-viral for pandemic flu side while maintaining a voluntary approach to vaccinating them. Ms. O'Neill said there is no clear evidence of a mandatory program that has succeeded.

Ms. Wolff delivered a presentation (on file under Tab 9) on work to date on the Board's plan to recognize facilities with high rates of adult vaccinations among health care workers and their patients. Member Crump asked if awards would be granted based on results (i.e. lower rates of flu).

Member VanDusen asked about the Board's process and timeline for further exploring these issues. Mr. McLaughlin explained that the WSBOH will be begin discussions about revising its

strategic plan in May, and this issue could be evaluated as part of the next round of strategic planning.

The Board took a break at 3:15 p.m. and reconvened at 3:30 p.m.

10. LEGISLATIVE UPDATE *(Tab 8 in published agenda)*

Mr. McLaughlin discussed issues of interest to the Board during the current legislative session. First, he focused on bills still active. Cut off for the house of origin is today, he said, which will render bills not passed out technically dead. Mr. McLaughlin discussed a list of 13 bills that the Board was just monitoring. He described the Bill Watch pages posted on the Board's Web site. He explained details of some bills of interest. (See materials behind Tab 8.)

Chair Katz thanked SBOH staff members for their work during the legislative session.

11. SCHOOL ENVIRONMENTAL HEALTH AND SAFETY RULE, REVISED TIMELINE, CHAPTER 246-366 WAC

Member Shelton introduced the topic of an updated timeline for a revision to the Board's school environmental health and safety rule. Mr. Therien provided an overview of the activities and amount of time the Board has spent on this issue and the focus for the future. Nancy Napolilli, Director of the DOH Office of Environmental Health and Safety, explained DOH's proposed timeline for developing the rule, suggested dates (August and November 2007) for briefing the Board on progress, and a tentative date (March 2008) for a public hearing by the Board on the proposed rule. (See presentation on file.) Member Shelton commented that the school environmental health and safety rule development process continues to be a huge project and agreed with the timeline.

12. PUBLIC TESTIMONY

Denise Frisino, Citizen, provided a handout of pictures and other information about Nathan Hale High School and Hamilton Middle School in Seattle. The pictures are from the "schoolmold.com" website and show mold problems in 2000. She asked that school districts not be allowed to be in charge of school environmental monitoring. She detailed her decline in health while working in the schools. She asked for Board rules to prevent such problems.

Kathy Zirflu, University Place School District Teach and member of WEA Taskforce, asked that the Washington Education Association be given adequate opportunity to provide input on next drafts of the school rule before the rule goes into final process.

James Green, Citizen, welcomed the new Board members to the issue of the school rule. He expressed concerns over the timeline and asked for a briefer process. He suggested that the Board send a stern letter to school districts asking them to disclose potential contamination. He said that it seems to him that something could be done immediately to better protect children.

ADJOURNMENT

Chair Katz adjourned the meeting at 4:30 p.m.

WASHINGTON STATE BOARD OF HEALTH

Treuman Katz, Chair