

WASHINGTON STATE BOARD OF HEALTH

Final Minutes of the State Board of Health

October 9, 2023

Hybrid Meeting

ASL and Spanish interpretation available

Physical meeting location:

Confluence Technology Center

Methow River Room

285 Technology Center Way #102,

Wenatchee, WA 98801

Virtual meeting: ZOOM Webinar

State Board of Health members present:

Keith Grellner, Chair

Kelly Oshiro, JD, Vice Chair

Patty Hayes, RN MN

Stephen Kutz, BSN, MPH

Melinda Flores

Kate Dean, MPA

Umair A. Shah, MD, MPH

Dimyana Abdelmalek, MD, MPH

Tao Sheng Kwan-Gett, MD, MPH, Secretary's Designee

Michael Ellsworth, JD, MPA, Secretary's Designee

State Board of Health members absent:

Socia Love-Thurman, MD

State Board of Health staff present:

Michelle Davis, Executive Director

Melanie Hisaw, Executive Assistant

Michelle Larson, Communications

Manager

Anna Burns, Communications Consultant

Stuart Glasoe, Health Policy Advisor

Molly Dinardo, Health Policy Advisor

Andrew Kamali, Health Policy Advisor

Jo-Ann Huynh, Administrative Assistant

Grace Cohen, Department of Health

Miranda Calmjoy, Health Policy Analyst

Lilia Lopez, Assistant Attorney General

Guests and other participants:

Dr. James Wallace, Chelan-Douglas Health District

Luke D. Davies, Administrator, Chelan-Douglas Health District

Kelly Cooper, Department of Health

John Thompson, Department of Health

Nirupama Shridhar, Department of Health

Makena Chandra, Department of Health Intern

Jeremy Simmons, Department of Health

Todd Phillips, Department of Health

Fernando Rios, Spanish Interpreter

Consuelo Villagomez, Spanish Interpreter
Donna Walker, American Sign Language (ASL) Interpreter
Angie Parsons, American Sign Language (ASL) Interpreter

Keith Grellner, Chair, called the public meeting to order at 8:00 a.m. and read from a prepared statement (on file).

Stephen Kutz, Board Member gave a land acknowledgement, recognizing that the Board was holding its meeting on the ancestral lands of the Wenatchee people. Kate Dean, Board Member, recognized Indigenous People's Day and encouraged partnership.

1. APPROVAL OF AGENDA

Motion: Approve October 9, 2023, agenda

Motion/Second: Member Hayes/Vice Chair Oshiro. Approved unanimously.

2. ADOPTION OF AUGUST 9, 2023 MEETING MINUTES

Motion: Approve the August 9, 2023, minutes as amended by Member Dean and Chair Grellner to change Member Dean's credentials to MPA vs MPH and to remove the RS from Chair Grellner's credentials.

Motion/Second: Member Kutz/Member Flores. Approved unanimously.

3. PUBLIC COMMENT

Chair Grellner opened the meeting for public comment and read from a prepared statement (on file).

Public comments can be heard in their entirety on the meeting recordings while posted.

Melissa Leady, talked about a report showing increased deaths resulting from COVID shots, including a 31% increase in deaths in young people. Melissa said the Department of Health (Department) report did not show this increase, and this should alarm the Board. Melissa hopes to see a supplemental report on the COVID vaccinations and increased deaths.

Gerald Brady, talked about the most recent number of 222 deaths following COVID shots. Gerald said the information and transmission data on the Department website is inaccurate and needs to be corrected to restore trust in public health.

Bill Osmunson, talked about being a dentist for 46 years with a master's in public health and had promoted fluoridation for years until learning about the toxicity. Bill referenced studies from a Harvard professor regarding fluoride neurotoxicity in urine and the combined evidence of harm to the developing brains of prenatal and infants. Bill said harm from fluoridation is different than alcohol, there is no warning on fluoride. Bill spoke about providing information to the Board for 18 years. He stated his opinion that if Board members are unwilling to give simple warnings then ethically, they must resign.

Natalie Chavez, talked about a legal case of a doctor who questioned the narrative, safety, and effectiveness of the COVID vaccine. Natalie talked about the court decision in May being a win for free speech and talked about overt COVID restrictions in Washington state.

4. BOARD ANNOUNCEMENTS AND OTHER BUSINESS

Michelle Davis, Board Executive Director, announced that Socia Love-Thurman, Board Member, would be unable to join the day's meeting, as Member Love-Thurman would be celebrating Indigenous People's Day with her family.

Executive Director Davis updated the Board on staff updates, including the posting for the Equity and Engagement Manager position, the goal is to fill the position by mid-November. Executive Director Davis announced that Stuart Glasoe, Board staff, had recently submitted a formal notice of intention to retire from state service on February 1, 2024. Executive Director Davis acknowledged Stuart's service to the Board, the people of Washington, and announced that Stuart's last meeting would be November 8. Executive Director Davis also mentioned that the Board would soon be hiring for the Policy Advisor position and another Communications Consultant.

Executive Director Davis then directed Board Members to review their materials packets for a notice about changes to annual school and childcare reporting deadlines for immunizations from the Department of Health (Department). Executive Director Davis mentioned the Board's policy committees, and said that Dimyana Abdelmalek, Board Member, was selected to be the Chair of the Health Promotion Committee, and that the Environmental Health Committee would be selecting its Chair in December.

Executive Director Davis directed Board Members to correspondence regarding the rulemaking petitions that the Board reviewed and accepted at the August 2023 meeting and updated the Board on the status of those rules. Executive Director Davis said Molly Dinardo, Board staff, has begun to initiate rulemaking, including developing plans with consideration to equity and community engagement and engaging Tribes early in the rulemaking process. Staff intends to file the CR-101 by October 18, 2023, and will notify interested parties shortly after. For the water recreation petition, Executive Director Davis shared that Andrew Kamali, Board staff, has been working with the Water Recreation Technical Advisory Committee as well as the petitioner to create recommendations for rule changes, which will be presented to the Board at its January 2024 meeting.

Executive Director Davis then directed Board Members to view their materials packets for a letter on State Opioid Awareness Day and a fact sheet regarding the Public Health Infrastructure Saves Lives Act. Executive Director Davis worked with Keith Grellner, Board Chair, to sign a letter in support of this legislation.

Executive Director Davis then shared updates from the Health Impact Review (HIR) team. Since July 2023, the HIR team has received four interim requests, including SB 5435, (completed and posted online); ESHB 1589, SSB 5171, and SHB 1010. Executive Director Davis said that the team has recently met with Vicki Lowe, Executive Director, American Indian Health Commission, to discuss approaches to Tribal work, Indigeneity, and treaty rights in the HIR process. The HIR team encourages Board Members to share the HIR one-pager with their networks.

Executive Director Davis updated the Board on a recent inquiry from Environmental Justice Council (EJC) staff about the suspended school environmental health and safety rules. In response to the EJC request, Executive Director Davis worked with the Washington State Association of Local Public Health Officials (WSALPHO), the Department, and the Office of Superintendent of Public Instruction (OSPI) to identify possible funding needs to proceed with these rules. Executive Director Davis reported that the EJC included this information in their 2024 supplemental budget recommendations. EJC staff will continue gathering information to refine the final budget proposal to be submitted to the Governor and Legislature. Executive Director Davis noted that funding for this budget proposal is associated with the Climate Commitment Act, and anticipated there would be many conversations on this topic in advance of the legislative session. Executive Director Davis welcomed Board Member guidance on how best to proceed.

Executive Director Davis briefly mentioned the Board's Legislative Statement, which will be discussed at the November meeting and noted that OSPI has several budget requests focused on funding schools to improve indoor air quality and the state's investment in school infrastructure. Executive Director Davis will send this information to Board Members for review as they consider the Board's Legislative Statement over the next month.

Executive Director Davis announced the Board will be meeting in Tumwater next month. In addition to the Legislative Statement, the Board will also discuss its 2024 meeting schedule; memorandum of understanding with the Department; and the work around climate change being led by Patty Hayes, Board Member, and Andrew.

Kate Dean, Board Member, discussed the EJC's work on school environmental health and safety rules, and willingness to support Board staff as this work progresses. Member Dean asked if the Board might be able to issue a letter reflecting on the impact of the rules' current suspension and supporting the EJC's budget recommendations. Executive Director Davis said that it would be valuable to include a letter from the Board as the Governor is currently developing his budget. Member Dean then made a motion to approve this letter.

Motion: The Board will write a letter in support of the EJC's budget recommendations.
Motion/Second: Member Dean/Member Kutz. Approved unanimously.

Member Dean asked about the timeframe for the Board to weigh in on legislative or budgetary items. Executive Director Davis said that the Governor tends to receive a lot of letters on budgetary items in the fall, and that sending a letter of support would be timely. Executive Director Davis mentioned the Board may need guidance from Lilia Lopez, Assistant Attorney General (AAG) once the Governor has submitted his budget and the Legislative session starts. Executive Director Davis said in the past, the Board has needed to maintain a neutral position on budget items outside of the Governor's budget once it has been submitted; and will seek guidance from the Governor's Office on this topic. Member Dean then asked whether Board Members and staff were required to have a neutral position. Executive Director Davis replied that as a Commissioner, Member Dean has different requirements than other Members for

reporting her activities. Executive Director Davis will connect with AAG Lopez further on this topic to prepare the Board Members for the Legislative Session.

Executive Director Davis mentioned that Member Dean had offered to connect the Board with colleagues at the Washington Association of Counties regarding the school environmental health and safety rules. Executive Director Davis said local health officers have expressed interest in this topic and that Board staff would be happy to connect with these folks at a future Board meeting and to learn more about their needs.

Stephen Kutz, Board Member, thanked Board staff for their work.

5. CHELAN-DOUGLAS HEALTH DISTRICT UPDATE

James Wallace, MD, MPH, Interim Health Officer, and Luke D. Davies, MPH, Agency Administrator, Chelan-Douglas Health District (District), delivered a presentation about their agency's work. The presentation included the population served by the District, its programs and services, challenges, and future directions (see presentation on file).

Patty Hayes, Board Member, thanked Dr. Wallace and Luke for their presentation and leadership. Member Hayes complimented the District for maintaining its commitment to child, family, and community health while public health work in these areas has deteriorated nationally. Member Hayes spoke about the Help Me Grow Washington system, which the Department of Children, Youth, and Families has been involved in expanding and its goal to have universal newborn home visits, which could be a next step for the District. Luke thanked Member Hayes for creating awareness of this system and discussed the District's potential issues with funding and staffing for these services. Dr. Wallace discussed caseload difficulties created by the rural geography of the district and funding limitations.

Member Dean asked whether Federal Public Health Services (FPHS) funds were being used to fund the nursing consultation program at the District's childcare centers. Luke said that the District is using a consolidated contract with the Department of Health (Department). Luke said that the program is quite small, as they only have funding available to offer it through two of the District's 60 to 70 childcare centers. The District may consider ways to expand the program through FPHS funds. Member Dean then asked whether the two childcare centers were publicly run. Luke said that these centers signed up to be a part of the program through the Department and that the District supports them through the criterion that they have a significant amount of children enrolled in Medicaid.

Tao Sheng Kwan-Gett, Chief Science Officer, Secretary's Designee, thanked the District representatives for their presentation and leadership. Member Kwan-Gett asked about the future direction of the District's regional shared services in the next few years. Luke spoke about expanding the regional emergency response coordination and epidemiology programs using learnings from the COVID-19 pandemic. For emergency response coordination, the District is looking to grow capacity for a multi-agency response across the five counties by strengthening their relationships, developing shared dashboards, and sharing trained workforces. For epidemiology, strengthening their ability to have robust data, to educate their communities, and to advocate for resources to work on different projects. Luke said that the counties are starting to

collaborate on environmental health issues and are partnering with their local Department of Natural Resources to ensure resilience against climate change. Dr. Wallace spoke about the balance between a strong regional approach and a strong local health jurisdiction; and talked about how the different districts learn from each other because they know their respective communities so well.

Stephen Kutz, Board Member asked about the District's mental health care access. Luke talked about their community health assessments. Mental health and substance abuse have been identified as a top issue in past community health assessments, and their current assessment focuses heavily on mental health workforce and resource mapping. Luke spoke about their efforts to collect data from providers and to strengthen their opioid abuse treatment and prevention response. Dr. Wallace echoed that access to substance abuse treatment, mental health care, and general health care are top issues for their District. Dr. Wallace spoke about the workforce challenges they are currently facing locally and in the region. The District is trying to coordinate services to fill in gaps and to advocate for more resources. Luke spoke about the District's efforts to build relationships with local agencies and improve access to data for their local partners as well as for state entities like the Board.

Chair Grellner praised Dr. Wallace and Luke Davies for their work.

The Board took a break at 9:50 a.m. and reconvened at 10:05 a.m.

6. BRIEFING – NEWBORN SCREENING TECHNICAL ADVISORY COMMITTEE RECOMMENDATIONS

Kelly Oshiro, Board Vice Chair introduced this agenda item and discussed the Board's authority and technical advisory committee (TAC) formation regarding newborn screening. Vice Chair Oshiro stated that there is a decision before the Board regarding whether to add two candidate conditions to the newborn screening panel. Vice Chair Oshiro introduced Molly Dinardo to provide a staff briefing.

Molly Dinardo, Board staff, shared recommendations, background information, membership, guiding principles, and newborn screening criteria from the newborn screening TAC. Molly also introduced John Thompson, Department of Health, and Makena Chandra, University of Washington to provide an overview of Guanidinoacetate methyltransferase (GAMT) deficiency and Arginase 1 deficiency (see materials on file).

Kate Dean, Board Member asked for clarification on cost-benefit analysis regarding the net benefit, and if the analysis was temporal or per incidence. Makena stated that this was an annual cohort, so the analysis is for one year. Member Dean followed up asking if the annual assumption is that one positive test would be found. John stated that they looked at the costs and benefits across the board, not just focused on the budget analysis. They looked at healthcare costs for families. Over a period of 100 years, this would be the average benefit per year.

Motion: The Board directs staff to file a CR-101 to initiate rulemaking for chapter 246-650 WAC to consider adding Guanidinoacetate methyltransferase (GAMT) Deficiency to the Washington State newborn screening panel.

Motion/Second: Member Abdelmalek/Member Dean. Approved unanimously.

Molly transitioned into discussing the newborn screening TAC recommendation for Arginase 1 Deficiency (ARG1-D), with John and Makena providing additional background and information (see materials on file).

Motion: The Board directs staff to file a CR-101 to initiate rulemaking for chapter 246-650 WAC to consider adding Arginase 1 Deficiency (ARG1-D) to the Washington State newborn screening panel.

Motion/Second: Member Dean/Member Abdelmalek. Approved unanimously.

Stephen Kutz, Board Member, noted that it was challenging to discuss two different conditions in one day.

Vice Chair Oshiro acknowledged Molly, John, and Makena and thanked them for their efforts, and the public health lab for allowing the TAC to come into the lab for a tour.

7. RULES BRIEFING – ON-SITE SEWAGE SYSTEMS, CHAPTER 246-272A WAC

Stuart Glasoe, Board staff introduced the final informational briefing on this rulemaking, explaining Board authority for on-site sewage systems (OSS), joint administration of the rules by the Department of Health (Department) and Local Health Jurisdictions, and plans to file the CR-102, Proposed Rules, for public review and comment. Jeremy Simmons, Department of Health presented background on OSS, the history and scope of the rules, rulemaking process, highlights of key issues and revisions in the draft rules and anticipated next steps to complete the rulemaking (see materials on file).

Michael Ellsworth, Secretary's Designee asked if there is anything Board Members should be aware of with the increase in lot sizes and if comments should be anticipated. Jeremy said the increase in lot sizes is relatively small. There may be people who do not want any changes. Stuart added that's an area of the rules that historically has drawn attention and considers the proposed changes to be thoughtful. Stephen Kutz, Board Member stated that there could be issues with lot size. Stuart said the rules try to accommodate different types of lots and risks.

Jeremy said Washington's rules are some of the best in trying to match OSS treatment to lot sizes/conditions in different scenarios. The nitrogen-based approaches we are proposing give people tools and a solid path forward in difficult scenarios.

Kate Dean, Board Member said the issue and rules are relevant and important to counties, and asked if the analyses could be synthesized to be more understandable, particularly as it relates to cost issues and impacts on homeowners. Member Dean said

it will be important to come into compliance without burdening people and wants to be sure we consider equity impacts for people with lower incomes.

Stuart said staff can take information in the presentation and the analyses to create an additional educational fact sheet, with emphasis on cost impacts/controls of the rules. Stuart added that it is challenging to make all systems affordable to all people. The proposed rules should not worsen but will also not ease affordability issues with OSS.

Jeremy said the cost analysis of the rules is standardized, the cost/benefit analysis is huge and expressed interest in creating a shorter document to better share the information. Jeremy briefly mentioned examples of policy changes—definition of repair, nitrogen methods, connection to sewer—which should help consumers and save money. Member Dean said the staff did a good job with the presentation and the update to the rules and suggested including case studies and examples in summarizing the cost issues.

Michelle Davis, Executive Director reminded Board Members that this topic will be up for public hearing in January. Stuart added that the Board may also have to act on the outstanding OSS emergency rule in January depending on the timing and outcome of possible Board action in January.

8. BOARD MEMBER COMMENTS AND UPDATES

Stephen Kutz, Board Member thanked Molly for the presentation on Kratom.

Kate Dean, Board Member talked about the challenges for the Local Board of Health (LBOH) to implement the new rules regarding House Bill 1152 from the 2021-22 session, which supports measures to create comprehensive public health districts. Member Dean talked about Jefferson County being very willing to be early adopters to the rule, but they've run into several problems such as having Tribal representation and the balance of elected vs non-elected officials. Member Dean talked about considerations on revising the bill but said the Association of Counties declined to take on any revisions this session.

Michelle Davis, Executive Director mentioned a recent conversation with Member Abdelmalek, regarding the procedures of the Open Public Meetings Act (OPMA) and other challenges. Executive Director Davis said the Board may be able to provide guidance, but much depends on timing and the appointment process. Executive Director Davis suggested staff could connect with other LBOH partners to see how the implementation is going, but that it might garner 35 different responses.

Member Kutz and Executive Director Davis talked about the capacity and importance of working with partners and having Tribal representation, including the value of in-person meetings.

Patty Hayes, Board Member talked about the intent of the requirements and how to technically get the representation. Member Hayes said the State Board of Health needs

to have more conversations with Local Boards of Health and other partners such as the Public Health Advisory Board.

Keith Grellner, Chair talked about Tribal representation in Kitsap County, saying it is a good example of how it can and should work, saying it has added a richness to their board meetings. Chair Grellner said this requirement is another example of how rules are pushed through legislatively, without input from partners and those engaged and involved in the work. Chair Grellner thinks the Tribes would have said there would be difficulty getting representation for 35 different boards of health.

Member Kutz said some representation has been phenomenal. Chair Grellner can see how it can be challenging in smaller areas with less population.

Executive Director Davis recalled a conversation on the huge challenges of the level of support to prepare individuals for a governor-appointed board, such as navigating systems, processes, procedures, and perhaps an angry public.

Member Kutz said the LBOH orientation is helpful, but it is only offered once a year and talked about the value of face-to-face conversations. Chair Grellner concurred and wondered if the LBOH attendee list can be expanded, and maybe ask the Board or WSALPHO.

Mindy Flores, Board Member concurred with Member Kutz on the training, saying it needs to be expanded. Member Flores said the training has great information and energy, but then it leaves one wondering what to do next. Kelly Oshiro, Vice Chair, suggested talking to schools and giving students the opportunity to participate in the process rather than just hearing and reading about it.

Member Kutz, commented on the work within the system with fellow Board Members, local partners, Government, and the involvement and complexity of the process. Chair Grellner concurred.

Member Dean said many counties would like to roll back the rule and frame the conversation appropriately. Member Dean said Jefferson County is doing a risk analysis, saying they have great relationships, but capacity is the challenge. Member Dean said they are trying to meet the intent. Member Dean talked about giving jurisdictions the time for grace, while not letting folks off the hook, and finding ways to fulfill the intent of the law.

Executive Director Davis said there is so much good stuff in this conversation that we need to think about. She said the Board has no authority to enforce these rules. Executive Director Davis said our former staff member Kaitlyn Campbell worked with Hannah Haag on the development of these rules and we are close to having a high-level overview that we will send out for feedback.

Member Kutz, talked about the difference of the Tribes and counties, saying some Tribes were moved from counties where they formerly resided.

Chair Grellner thanked everyone for their participation and especially acknowledged Chelan-Douglas Public Health for their accomplishments in the last two years.

ADJOURNMENT

Keith Grellner, Board Chair, adjourned the meeting at 11:46 a.m.

WASHINGTON STATE BOARD OF HEALTH

Keith Grellner, Chair

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