

**MEETING OF THE
ARKANSAS STATE BOARD OF HEALTH
April 24, 2014**

MEMBERS PRESENT

Miranda Childs Bebee, D.D.S., President
Lawrence Braden, M.D., President-Elect
Nathaniel Smith, M.D., MPH, Secretary
Glen "Eddie" Bryant, M.D.
Clark Fincher, M.D.
Beverly Foster, D.C.
Alan Fortenberry, P.E.
Larry Fritchman, D.V.M.
George A. Harper, J.D.
Anthony N. Hui, M.D. (via phone)
Susan Jones, M.D. (via phone)
Thomas Jones, R.S.
Jim Lambert (via phone)
Marvin Leibovich, M.D.
John Richard Page, P.D.
Mary Beth Ringgold
Catherine Tapp, MPH
Peggy Walker, RN-BC, MSN, CADC
Anika Whitfield, D.P.M.
Terry Yamauchi, M.D.
James Zini, D.O.

Members Absent (excused)

Joe Thompson, M.D., MPH
Robbie Thomas Knight, PhD
Patricia Westfall, O.D.

GUESTS PRESENT

Stephanie Williams, Deputy Director for Public Health Programs
Ann Purvis, Deputy Director for Administration
Robert Brech, Chief Financial Officer
Rick D. Hogan, General Counsel
Reginald Rogers, Deputy General Counsel
Elizabeth Pitman, Deputy General Counsel
Leslie Lovett, Arkansas Board of Health Liaison
Donnie Smith, Director, Center for Health Protection
Mike Wilson, EOC, Technical Manager
Katheryn Hargis, Governmental Affairs
Kerry Krell, Communications
Greg Brown, EMS, Section Chief
Renee Mallory, Health Facilities, Branch Chief
Jeff Stone, P.E., Director, Engineering
Bradley Planey, Associate Branch Chief, Family Health
J. Terry Paul, Chief, Environmental Health
Xavier Heard, Director of Human Resources
Jennifer Dillaha, M.D., Medical Director for Immunizations
Connie Melton, Section Chief, Health Facilities Services
Randy Lee, Director, Center for Public Health
James Joiner, Facility Engineer
William C. Temple, Branch Chief, Trauma/Injury and Violence Prevention
Bernard Beville, Section Chief, Radiation Control Section
Gary Wheeler, M.D., Medical Director, Tobacco Prevention and Cessation Program
Namvar Zohoori, Director, Center of Health Advancement
John Senner, Director, Center for Public Health Practice
Kelli Kersey, Section Chief, Cosmetology
Michelle R. Smith, M.D., Minority Health
David Grimes, M.D., Branch Chief, Family Health
Berend Kooops, Merck Pharmaceuticals
Billy Tarpley, ASDA
Todd Maxson, M.D., Medical Trauma Consultant

MEETING OF THE STATE BOARD OF HEALTH

The Meeting of the Arkansas State Board of Health was held Thursday, April 24, 2014, in the Charles Hughes Board Room at the Freeway Medical Building in Little Rock, Arkansas. President Childs Bebee asked those members participating by conference call to give their names. Dr. Anthony N. Hui, Dr. Susan Jones and Mr. Jim Lambert responded. President Childs Bebee reported there was a quorum and called the meeting to order at approximately 10:00 a.m.

INTRODUCTION OF NEW BOARD MEMBERS

Dr. Smith introduced Dr. Beverly Foster. He stated that Dr. Foster is currently in private practice at Chiropractic Health and Rehabilitation and has practiced for over 30 years. She completed her Undergraduate Degree in Sociology at the University of Missouri; her Doctorate of Chiropractic at Palmer College; and Post-Doctorate studies at Parker College. She served on the Arkansas State Board of Chiropractic Examiners and has a rich history of public service. She was also voted "Best Chiropractor" in Central Arkansas by the Arkansas Democrat Gazette.

Next Dr. Smith mentioned the other new member, Dr. Robbie Thomas-Knight, who was unable to attend. He stated that Dr. Knight would be the consumer representative and since she was not present he would introduce her at a later date.

APPROVAL OF MINUTES

President Childs Bebee entertained a motion for approval of the minutes of the January 23, 2014 quarterly meeting. A motion was made, seconded and the minutes for January were approved as presented.

OLD BUSINESS

Proposed Amendments to Rules and Regulations Pertaining to Immunizations

Rick Hogan, General Counsel, stated that the Executive Committee of the Arkansas State Board of Health met on April 2, 2014, to vote on whether to suspend the Rules and Regulations Pertaining to Immunizations and begin the rulemaking process again in order to promulgate the attached Proposed Amendments. After a brief discussion on the need to precede with rulemaking immediately, Dr. Braden, committee chair called for a motion. Ms. Walker moved to proceed with rulemaking by making a motion. Dr. Fincher seconded the motion and it passed without objection. The Immunization Section requested the full Board of Health ratify the decision of the Executive Committee to proceed with rulemaking.

A motion was made, seconded by Mr. Harper. The motion to ratify was passed without objection.

**Final Approval of Rules Governing the Advisory
Board for Interpreters Between Hearing Individuals
and Individuals Who Are Deaf, Deafblind, Hard of Hearing, or Oral Deaf**

Elizabeth Pitman, Deputy General Counsel reported that an emergency meeting was held on December 18, 2013, for approval to move forward with emergency rulemaking and the regular rulemaking process. After a public hearing was held on January 31, 2014, several comments were received from the educational community expressing concern about the rules impact on special education. Those concerns were addressed with some modifications to the rulemaking. After changes were made, there were no further comments and it passed the Public Health and Rules Committee without any objections.

The Department asked for permission to file the final rule and for it be effective in thirty days. Mr. Harper made a motion. Dr. Zini seconded the motion, and it was passed without objection.

**Final Approval of Rules Pertaining to
Dental Hygienists Serving Underserved Areas**

Robert Brech, Chief Financial Officer, stated that on March 3, 2014, the public comments period for the Rules pertaining to Dental Hygienists ended with no comments. The Rule was reviewed by the Joint Committee on Public Health and the Administrative Rules Subcommittee. The Department asked for permission to file the final rule and for it to be effective thirty days later. Dr. Yamauchi asked if the different tiers were resolved. Mr. Brech confirmed that was correct and mentioned that there was a waiver provision agreed upon to move between the tiers.

Dr. Smith pointed out that a lot of good work had gone into this. He stated that it is a very challenging area in trying to sort out what is the best thing for these children. He also thanked Dr. Childs Bebee for her role.

Dr. Fincher made a motion to approve the final rule and Mr. Harper seconded. The motion carried without objection.

**Proposed Rules and Regulations for
Home Caregiver Training in Arkansas**

Connie Melton, Section Chief, Health Facilities Services, stated that all steps in the administrative rule making process have been completed for adoption pursuant to the Administrative Procedures Act, as amended, by authority of Act 434 of 1967, as amended.

The Rules are required by Act 1410 of 2013 which requires the Department of Health to adopt training rules for compensated home caregivers. The public comment period was completed and both legislative committees reviewed the rules. Ms. Melton asked for final approval of the proposed rules.

Mr. Harper asked for clarification on who the rule applied to. Ms. Melton responded that this only applied to business entities that are established in hiring people to serve multiple clients.

Dr. Whitfield asked regarding Section 2(a) if there were any other sections that talked about care for people that are under fifty (50) years old that have need for in-home care services. Ms. Melton replied that it did not.

A motion was made by Peggy Walker. Dr. Page seconded and the motion carried without objection.

**Final Adoption of Revisions to the Rules
and Regulations for Abortion Facilities in Arkansas**

Connie Melton, Section Chief, Health Facilities Services stated that this is the final adoption of the revisions to the Rules and Regulations for Abortion Facilities. All steps in the administrative rule making process have been completed for adoption of proposed revisions pursuant to the Administrative Procedures Act process, as amended, by authority of Act 434 of 1967, as amended.

The proposal incorporates statutory changes in the definition of abortion and requires a fetal age determination policy for licensed abortion facilities. Specifically, the changes: (1) incorporate the definition of abortion from Act 171 of 2013; and (2) require policies and procedures for probable post-fertilization age determination processes.

A motion was made by Dr. Page and seconded by Dr. Whitfield. The motion carried without objection.

**Final Approval of Rules
Governing Home Visitation Programs**

Bradley Planey, Associate Branch Chief, Family Health requested the final approval for the rules as authorized by Act 528 of 2013. The Department was asked to work with the State Child Abuse and Neglect Prevention Board and DHS in drafting these rules. All three agencies were required to adopt rules and to work together to ensure that each adopted the same set of rules. Since the January 23, 2014, meeting the Rules had been through a public comment period and had been reviewed by the Joint Committee for Public Health and the Administrative Rules and Regulations Subcommittee.

Mr. Planey stated that the Department requested the Board's approval of the final rules. Ms. Peggy Walker made a motion. The motion was followed by a second from Dr. Whitfield. The motion passed without objection.

**Proposed Report and Recommendation to the Full Board
from the NICU Subcommittee Pertaining to the NICU Classification Systems**

Dr. Clark Fincher, NICU Subcommittee Chairperson reported that this committee was charged with addressing the fact that Arkansas is one of only three states that does not have a classification system for levels of prenatal care. Also, Arkansas reported the lowest percentage

of very low birth weight infants born at Level III Hospitals in the Southwest Region of the U.S. In October 2013, Director Halverson's Advisory Committee submitted a report that contained both a majority and a minority position because the Committee was unable to come to an agreement. In January of 2014, Madame President appointed the NICU Advisory Subcommittee of the State Board of Health. The subcommittee consisted of Dr. Fincher, Mr. Lambert, Dr. Thompson, Dr. Yamauchi, Dr. Hui, and Ms. Tapp.

The Subcommittee met on February 21, 2014, and again on April 3, 2014, in an effort to reconcile the two reports. In the course of these two meetings and with much work in-between, by ADH staff, Dr. Whit Hall, Mr. Austin Gaines and others the majority and minority reports were reconciled in a compromised plan. At this time all the persons on the original Advisory Committee are in favor of this unified proposal with one abstention. Therefore, the NICU Advisory Subcommittee of the State Board of Health recommended adoption of the unified proposal and requested approval of the Department to seek legislative and regulatory changes consistent with classification of NICU's and the four primary categories. Level IV is the highest and most advanced level of care. Level III will be separated into two categories, Level IIIA and Level IIIB. This approach would send mothers delivering at 26 weeks or less to a Level IIIB or higher facility and mothers delivering at greater than 26 weeks and babies weighing 750 grams or more to be sent to a Level IIIA facility.

Dr. Whit Hall, a member of the original NICU Classification Committee, thanked everyone who worked on the committee, Baptist Health System, Mercy Health System, UAMS, ACH and the other neonatologists and others in the community that were in favor of the compromise.

A motion to approve the recommendation of the subcommittee was made by Dr. Whitfield. Dr. Zini made a second and the motion carried without objection.

Dr. Smith added that he would like to thank this Committee for all their work. He stated that defining these levels was an essential first step, but just a first step. From here these levels provide the frame work for interventions to improve utilization so that mothers are delivering at the right facilities. He also stated that a core of the Advisory Committee is moving on to a prenatal Advisory Committee to sort through some of the other issues and to give progress reports to the Board from time to time.

President Childs Bebee also thanked the Committee for their hard work.

**Proposed Finding of Facts, Conclusions of Law and Order to Public Water Systems:
Watson Chapel, Cotton Plant, Dermott and Beulah Grove**

Reginald A. Rogers, Deputy General Counsel, reported an enforcement hearing for the Public Water Systems was held on February 28, 2014, with the ADH Office of General Counsel and a subpanel of the Board.

Mr. Rogers stated that Watson Chapel appeared at the hearing and did express their objections to compliance. They specifically objected to signing an agreement with Delta Dental. Delta

Dental awarded a grant in approximately the amount of \$105,463.00 for Watson Chapel to put in fluoridation equipment.

The subcommittee made a recommendation, which was provided to the Board. Mr. Fortenberry made a motion to accept the recommendation. Mr. Jones seconded the motion, and the motion carried.

Next, Mr. Rogers reported on Cotton Plant. Mr. Roger recommended that the Board impose the Committees recommendation of a penalty of \$1,000.00 but suspend the penalty based on continued compliance, as well as their previous penalty of \$29,380.00.

Mr. Fortenberry made a motion. Dr. Fritchman seconded and the motion passed.

Mr. Rogers reported that the Committee decided the hearing on Dermott would be suspended until July 1, 2014, in order to give Dermott time to find an adequate licensed operator. Therefore, there was no action taken.

Finally, Mr. Rogers reported on Beulah Grove stating that the Committee recommended upholding a penalty of \$200.00 that is suspended, based on continuing compliance with all applicable laws and water rules and regulations. Also, that they must obtain a licensed water operator with 90 days and that they continue their interest to merge with Parker Chapel Water Systems. Mr. Rogers asked for the approval of the Board.

A motion was made by Dr. Whitfield and seconded by Dr. Fritchman. The motion passed.

NEW BUSINESS

Appeal of CTAC Decision in ADH v. Wilma Jean Young

Elizabeth Pitman, Deputy General Counsel stated on November 18, 2013, the Cosmetology Technical Advisory Committee held a hearing for Wilma Jean Young owner of Cosmetic and Pampering Salon Spa. Ms. Young was present at the hearing and was present at the Board of Health meeting.

At the hearing the CTAC imposed fines of \$300.00 on Ms. Young for her failure to obtain a current license and to post that license in her salon. Also, on that day the CTAC heard testimony regarding a previous violation by Ms. Young from 2011. That violation was also for failure to have a license and have the license posted. That violation was a \$475.00 fine. Ms. Young was allowed to renew her current license in July without paying that fine.

Ms. Pitman asked that Ms. Young be required to pay a penalty of \$300.00 to bring her license current and that the \$475.00 be abated because she was allowed to renew without paying that fine.

Ms. Pitman stated that Ms. Young did come into the Department on January 31, 2013, to attempt to pay the license fee. However, the computer system was set up was, to trigger a later fee after thirty (30) days. There is some discrepancy between the Rules that the Department received from the original Cosmetology Board and the way the statute is written. The Rules allow until January 31; the statute allows 30 days after the expiration. Therefore, there is a discrepancy of about a day; because of that the Department was going to allow her to renew without the late fee but she would have had to come back so that the Cosmetology Section Chief could handle that issue for her. Ms. Young did not come back after that January 31 date. Ms. Young's testimony stated that she attempted to call; the Department has no record of those calls.

On July 3, 2013, an investigator with the Cosmetology Division went to do an inspection and Ms. Young still had not updated her license permit. She was found to be in violation at that time. Ms. Young then came in on July 5 and the late fee was waived.

Dr. Leibovich asked for clarification. He questioned that she had a license but it was not current. Ms. Pitman confirmed. Dr. Leibovich aired his concern with the amount of the fine. Ms. Pitman stated that the penalty of \$300.00 comes directly from the Rule. (\$50.00 for not posting and \$250.00 for not having a current license.) Mr. Harper mentioned that was less than it was in the past.

Ms. Young stated that she had evidence to share that she did not get to share at her Appeal. She stated that she had phone records to prove the number of times that she attempted to call. She also stated that she attended college full time, worked full time and was not at the salon at the time of the inspection. She stated that she attempted on January 30, 2013, to pay for her license. However, at that time the system generated her as late adding a \$50.00 late fee, which she was not going to pay and could not be fixed without the assistance of Ms. Kersey.

Ms. Young stated she was before the Board to appeal her hearing. She felt that "it was just as much their responsibility as hers" to communicate with her in order for her to get her license. She asked the Board to consider the fact she is a busy professional and she doesn't feel like she was treated fairly.

Mr. Harper explained that the way the system is setup is the Cosmetology Technical Advisory Committee (CTAC) that hears all the testimony. The CTAC then makes a recommendation to the Board.

Dr. Fincher clarified that the original fines, including 2011, totaled over \$800.00 and that the fine was already reduced by over half.

Mr. Harper made a motion to approve the findings of the CTAC. Dr. Fincher seconded. Ms. Whitfield responded with a negative. The motion carried with one objection.

**Proposed Appointment to the Drinking Water
Advisory Board and Operator Licensing Committee**

Jeff Stone, Director, Engineering Section/Center for Local Public Health stated that the Engineering Section was seeking its annual appointment. The open position was for a Water Operator and required the highest grade of water operator license. The Engineering Section received two nominations. Arkansas Rural Water Association nominated Bradley Scheffler, Water/Wastewater, Director, City of Piggott, AR. Arkansas Water Works and Water Environment Association nominated Lance McAvoy, Environmental Manager, Fort Smith Utility, Fort Smith, AR.

Mr. Fortenberry made a motion to approve the appointment of Bradley Scheffler. Dr. Leibovich seconded and the motion passed without objection.

**Proposed Appointment of County Health Officer
Horace L. Green, M.D.**

Randy Lee, Director, Center for Public Health asked the Board to approve the appointment of Dr. Horace L. Green as the County Health Officer in Jefferson County. Dr. Green is a board certified pediatrician and graduate of the University of Arkansas. He is very active in his community and was awarded the Children's Hospital for Clinical Excellence Award in 2010. He has served as Chief of Staff at Jefferson Regional, President of Arkansas Chapter of Pediatricians and served on the Board of Arkansas Children's Hospital and SE Arkansas Behavioral Health.

A motion to approve was made by Dr. Fincher and seconded by Dr. Leibovich. The motion carried without objection.

Local Grant Trust Fund Funding

James Joiner, PE, C.E.M, Facility Engineer asked the Board to approve the award to Cleburne County Local Health Unit for roof repairs in the amount of \$10,000.00.

Dr. Zini made a motion. Dr. Whitfield seconded and the motion passed without objection.

**Proposed Rules Pertaining to
Arkansas Trauma Systems**

William C. Temple, Branch Chief, Trauma/Injury and Violence Prevention stated that the first Trauma System Rules were promulgated in 2002; the last revision was in 2009. He stated that since that time they had been working to update the Rules to bring Arkansas more in line with the national standard.

Mr. Temple stated that the Arkansas Hospital Board had objections to the Rules in two areas. First, the proposed rules stated that certain full time equivalent (FTE) for Trauma Registrars and Trauma Program Managers (TPMs). Second, they also included a requirement for full time

Orthopedic Surgical Coverage for Level III Trauma Centers. After meeting with the Hospital Association Board the Trauma Advisory Council (TAC) approved a compromise.

Mr. Temple requested permission from the Board to begin the rulemaking process.

Dr. Fincher asked that Mr. Temple briefly state the changes that were made to allow the compromise. Mr. Temple began with the Trauma Registrars. He stated that there was a requirement in the proposed rules that there would be a 1.0 FTE dedicated to the registrar's position. It was mentioned that the Hospital Association may not have wanted the FTE requirements to be defined to these positions, the registrar and the program manager. After negotiations the requirement was eliminated for the registrar position. However, for the Trauma Program Manager (TPM) it was felt necessary to have the 1.0 FTE for hospitals that have 500 or more trauma patient records and the Hospital Association agreed to that.

The compromise regarding Orthopedic Surgical Coverage for Level III hospitals proposed a designation or re-designation year to Level III trauma centers that do not have 24-7 orthopedic coverage to obtain classification in two ways. The first being the Level III Trauma System must transfer fewer than 50% of all trauma patients the first year, going up to 55% the second year, 60% the third year. Or those hospitals must transfer 5% the first year, 10% more the next, 15% the next and subsequent years 5% until they reached the 60% limit.

Dr. Smith stated that this compromise was designed to move those Level III facilities, that do not meet that goal, as opposed to having them drop down to a Level IV. In which case would be very little incentives for them to maintain capacity in other areas as well.

Dr. Fincher made a motion to approve the changes and begin the rulemaking process. Dr. Zini seconded the motion.

Dr. Leibovich thanked Dr. Todd Maxson for all his help and for all the work accomplished on the Trauma Rules. He also thanked Mr. Temple and Renee Joiner for all their hard work. However, he stated that he still had some concerns. He asked to go over a couple items before it was approved. First, he mentioned they had previously spoken about burn patients and their requirement to have to go to a burn center. He stated that the actual practice of this state is that a burn center will almost never accept a burn patient unless they have gone to another hospital first. He mentioned this brings up his question of is there requirement of a burn center in the Rules. Dr. Maxson stated there are no requirements for the Burn Center as a separate entity. Dr. Leibovich asked, so not to delay the process of getting the patient to a burn center that there be some discussion with the TAC to decide where a burn center should be located, such as in an adult hospital or in a children's. He mentioned that due to the fact that a quarter of a million dollars are funded to the burn center that there should be standard in the Rules. Along with some discussion about where the burn center is located and that there should be some way that tax payers are not charged inordinate amounts of money due to the current process. Dr. Maxson agreed that could be done.

Dr. Bryant stated that all the Rules needed to be clear in order for the patient and/or doctor to be able to treat the patient. He stated that the patient is the one that will suffer if not.

Dr. Leibovich also mentioned his concern with the EMS Rules and Regulations. Mr. Hogan stated that Mr. Brown would be updating the Board later in the meeting as that is another agenda item under Other Business.

Next Dr. Leibovich mentioned the survey teams for trauma center designations. For a Level I facility it takes two physicians, one of whom has to be a general surgeon, Level II, the same and Level III says one physician. Dr. Leibovich stated that he felt an emergency medical doctor was needed and should be included in the survey team. Dr. Maxson agreed.

The President stated that there is a motion and second on the floor and asked because the changes are not substantive that the Board move on. Dr. Maxson agreed and stated that he felt that all of Dr. Leibovich's concerns could be addressed administratively.

The Board voted to approve the motion without objection.

Approval of the Trauma System Fiscal Year 2015 Proposed Budget

William C. Temple, Branch Chief, Trauma/Injury and Violence Prevention that under the Trauma System Act they are required to come to the Board each year to have the budget approved. He stated that the Trauma Advisory Council has approved the budget as proposed.

Dr. Leibovich stated that by looking at the numbers you cannot tell what some of the money is being spent on; there is only a dollar amount. For instance, when looking at the Burn Center Budget there was a \$60,000 slot for a MPH. He stated that he assumed that number was the same as last year, but was previously told that no substantive research came out of that position.

His other concern was that we are paying a non-fulltime Nurse Program Manager, with fringe benefits approximately \$91,000. He asked if this was out of line to others. Mr. Temple stated that his staff had asked for clarification on this issue. Dr. Leibovich asked if the Board should approve the Budget not knowing what was in it. It was stated that it was dependent on the personal trust of the staff.

Dr. Smith stated that it was beyond the scope of the Board to go through every detail; every dollar of the Health Department and that would be way too much to ask of the members. He stated that programs will continue to be responsive to requests and will take up any issues that need to be addressed, but would not want Board members to think that it is their job to account for every penny that flows through the Department.

Mr. Temple explained that the procedure they use is the Finance Subcommittee of the TAC. The TAC Subcommittee has required each of the contractors to come in and justify each slot.

Dr. Bryant asked; under Injury Prevention what does SIPP stand for. Mr. Temple clarified that SIPP stands for Statewide Injury Prevention Program. It is a contract with a group of individuals from Children's Hospital, who have an extensive experience with injury, to assist in evidence

based interventions. Dr. Bryant asked if there was any evidence proving that it works. Mr. Temple stated that is why each intervention is evaluated.

Dr. Leibovich asked should we, the Board, be looking at each item individually asking how much is being spent and for what. After looking into some of the details that might not seem important, he stated that he found there are measurable things that were not in place last year. Dr. Leibovich stated he felt like the Governor would want him to be able to report on which issues he feels the money is not being well spent. He explained that he felt there was \$60,000 for research that did nothing last year. However, we are going to fund it again because there is a new person; but now we are going to say we must have something to show for it next year. He stated that it is the responsibility of the Board and the people with knowledge of those issues to look into.

Dr. Bryant stated that he agreed and didn't want money spent to get people employed in certain areas, that the money needed to be spend to help patients in need. Mr. Temple agreed and stated the evaluation that has been done and that is ongoing has illustrated some of the areas have had great success, and in some areas where it has not been as successfully was changed. He also stated that he cannot express enough how much the Department is careful about the money that it is gifted with and the responsibility they carry for the people of Arkansas. The Rules are our best attempt to modify where the money is placed. The TAC and the Department are demanding the same level of accountability.

Dr. Zini stated that there was agreement that the Board had responsibility. However, the Board must trust that the process that was brought forth had already gone through quite a bit of scrutiny and that the Board should trust the process. The Board looks to people like Dr. Leibovich to ask questions and we hear them saying we will answer any and all questions and concerns. He stated he thought it was time to move on and adopt the budget and asked all too please keep helping and asking questions.

Dr. Leibovich agreed and said that in this budget he is seeing the requirements for measurable outcomes that will show that the money is being well spent to improve trauma care.

Dr. Fincher added he would like to agree with Dr. Smith and Dr. Leibovich. The Department of Health budget is \$450 million a year. The Board cannot possibly go line by line through that budget. On the other hand, maybe the underlying issue is that the Board of Health is asked to approve budgets where we may not have the amount of scrutiny that might be appropriate especially for those who have an expertise in those areas. He suggested that the Board pass the budget but possibly put an agenda item on a future meeting about discussing how the Board could have more detailed access and input into future budgets.

Peggy Walker stated that North Metro Medical Center has benefited from the programs from this money. They had done the burn training program, the car seat program and the safety program for baby care.

A motion was made to approve the budget by Dr. Fincher and seconded by Dr. Whitfield. The motion passed without objection.

President Childs Bebee stated that it is the duty of the Board to raise any questions they may have. Sometime it may be that our questions and answers are not a substantive change and that they be asked at another time because of time constrictions during meetings. Dr. Smith strongly agreed with President Childs Bebee.

**Proposed Rules and Regulations
Pertaining to Onsite Wastewater Systems**

J. Terry Paul, Chief, Environmental Health Branch reported this was a review that is done every two years to try and update the Onsite Wastewater Systems Rules and Regulations. There were some changes to the wording in 4.1 due to a new Act in 2013. There were also additions, corrections and improvements.

Mr. Fortenberry made a motion to begin the rulemaking process. Dr. Zini seconded and the motion passed without objection.

**Proposed Rules and Regulations
Pertaining to Bedding**

J. Terry Paul, Chief, Environmental Health Branch reported that in the 2013 Session legislation was updated on bedding in Arkansas, which was added to these Rules. Section 3, Bedding Labels and Section 5, Bedding Materials were also updated.

Dr. Fritchman made a motion to begin the rulemaking and it was seconded. The motion carried without objection.

**Proposed Revisions to the Rules and Regulations
for Control of Sources of Ionizing Radiation**

Bernard Bevell, Section Chief, Radiation Control Section, stated that there have been more minor changes made to the Rules dealing with Radioactive Material Licensing; such as the definition of construction. These regulations pertain to the NRC compatibly along with general clean-up. A new section was also established dealing with therapeutic x-ray equipment in order to make the Rules easier to use. There were also some revisions to the initial registrations requirements.

A motion was made by Dr. Page to begin rulemaking and seconded by Dr. Leibovich. The motion was approved with no objection.

Approval of 2014-2019 TPCP Strategic Plan

Dr. Gary Wheeler, Medical Director, Tobacco Prevention and Cessation Program, asked the Board to approve the Five-Year Strategic Plan for 2014-2019 pursuant to Ark. Code Ann § 19-12-113(d).

Mr. Harper made a motion to accept the strategic plan. Dr. Zini seconded and the motion passed without objection.

**Proposed Appointment to the Lay Midwife
Advisory Board Applications**

Dr. David Grimes, Medical Director, Family Health Branch, and Dr. Carl Riddell, Women's Health Physician Specialist, requested the Board consideration for the approval of the members to be appointed to the Lay Midwife Advisory Board. The Board is composed of 4 Lay Midwives, 1 Certified Nurse Midwife, 1 Physician currently practicing obstetrics, and 3 consumers of midwifery service. The three applicants are Mary Alexander, licensed lay midwife, Jill Arnold, consumer and Amanda Allen, also a consumer.

A motion to accept was made by Dr. Page and seconded. The motion carried without objection.

OTHER BUSINESS

**Update on the Final Adoption of Proposed Rules
for Emergency Medical Services**

Greg Brown, Section Chief, EMS, updated the Board on the Final Rules for EMS that the Board passed in January. There were several issues that Dr. Leibovich raised. In February, EMS presented to the Governor's Advisory Committee for EMS. After the questions and concerns were raised the Governor's Advisory Council then formed a work group. That workgroup was composed of five stakeholder groups and met in March. From that workgroup they will return to the Governor's Advisory Council in May and present the information and to vote to see if there needs to be Amendments to the Rules.

**Presentation Regarding "Ongoing Efforts to
Encourage Breast Feeding in Arkansas"**

Stephanie Williams', Deputy Director for Public Health Programs presentation on the Ongoing Efforts to Encourage Breast Feeding in Arkansas was tabled until the next meeting due to time constraints.

President's Report

President Childs Bebee thanked the members for their attendance and preparation. She also reminded the Board that the Arkansas Mission of Mercy was coming up on May 16-17, in Springdale and all volunteers are welcome.

Director's Report

Dr. Smith gave a brief report stating that two weeks prior to the meeting was the Stakeholders meeting for Hepatitis C Surveillance Program. He hoped to continue to give the Board updates on the Department's efforts. He mentioned that on April 25, 2014, at the Public Health

Committee he would be giving a presentation on "Arkansas' Big Health Problems" and what we can do about them. Also, Arkansas was to host the State Health Officers from Regions 4 and 6 to discuss cross-cutting issues for our regions. He reported the Arkansas Public Health Association meeting would be taking place in Hot Springs.

Lastly, he stated that there was an advisory sent out to physicians in the state concerning E-Cigarettes and particularly highlighting some of the dangers of the "e juices" to children. The Department will be looking at following that up with a more general health advisory to alert the public of some of the dangers.

Stephanie Williams, Deputy Director for Public Health Programs, also added that each member was given a copy of the March/April Little Rock Health Care Journal. On page 30, there was an article about breastfeeding, featuring one of the Departments Breastfeeding Care Counselors, Terry Bell. She felt the article would be a nice intro for the members to read prior to her presentation next time.

Dr. Smith also stated that in the two issues given the Board was well represented. Dr. Thompson and Jim Lambert both had articles along with a Director's Corner in each issue.

There was no other business and the meeting was adjourned at approximately 12:35 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "N. Smith", is written over a horizontal line.

Nathaniel Smith, M.D., MPH
Director and State Health Officer