

**QUARTERLY MEETING
ARKANSAS STATE BOARD OF HEALTH
JULY 24, 2008**

MEMBERS PRESENT:

Jack Porter, DDS, President
Glen "Eddie" Bryant, MD, President-Elect
Paul Halverson, DrPH, Secretary/Director
Lawrence Braden, MD
Larry Fritchman, DVM
George Harper, JD
Richard Hughes, IV
Anthony Hui, MD
Susan Jones, MD
Thomas Jones
Karen Konarski-Hart, DC
William Lagaly, DO
Lynda Lehing
John Page, PD
Donald Phelan
Marvin Leibovich, MD
Russ Sword, FACHE
Peggy Walker, RN, MSN
Patricia Westfall, OD
Anika Whitfield, DPM
Terry Yamauchi, MD

MEMBERS ABSENT:

Glenn Davis, MD
Alan Fortenberry, P.E.

GUESTS PRESENT:

Joseph Bates, MD, ADH
Charles McGrew, ADH
Mary Leath, ADH
Jodiane Tritt, JD, ADH
Bob Higginbottom, ADH
Jerry Duncan, ADH
Terry Brumbelow, ADH
Renee Mallory, ADH
Jerry Jones, PD, ADH
James Phillips, MD, ADH
Bernard Bevill, ADH
Valerie Brown, ADH
Elizabeth Pittman, ADH
Robert Brech, JD, ADH
Reginald Rogers, JD, ADH
Rick Hogan, JD, ADH
Jennifer Dillaha, MD, ADH
Ed Barham, ADH
David Taylor, ADH
Brian Nation, ADH

ARKANSAS STATE BOARD OF HEALTH QUARTERLY MEETING

The Quarterly Meeting of the Arkansas State Board of Health was held on Thursday, July 24, 2008 in the Board Room of the Freeway Medical Building in Little Rock, Arkansas. President Jack Porter called the meeting to order at 10:00 am.

APPROVAL OF MINUTES

President Porter called for the approval of the minutes from the Quarterly Meeting of April 24, 2008. There were two corrections to the minutes – the correct spelling of Dr. Tremwel's name and the word "genetically" instead of generically. Mr. Don Phelan made the motion to approve the minutes with the two corrections. Mr. Russ Sword seconded the motion, and the motion passed.

NEW BUSINESS

Appointment to the State Committee of Plumbing Examiners

Jerry Duncan, Plumbing Director, stated that Section 17-38-201 of the state plumbing law authorizes the Board of Health to appoint members to the Committee of Plumbing Examiners. One of the voting members is a representative of the Department. Bob Higginbottom, Director of Protective Health Codes Section, has served on the committee for many years, but due to some necessary staff changes in the Department, Mr. Higginbottom needs to be replaced. The Plumbing Section is recommending that Becky Binz, an Environmental Health Specialist with the Department, be appointed.

Mr. Phelan made the motion to appoint Becky Binz as the Health Department's representative on the Plumbing Examiners Committee. Mr. Thomas Jones seconded the motion, and the motion passed.

New Evidentiary Breath Test Equipment Approval

Laura Bailey, Director of Alcohol Testing, stated she was seeking the approval of the Board for new evidentiary breath test equipment. She said that currently the state is using the BAC DataMaster which is no longer being manufactured. The Office of Alcohol Testing (OAT) has been evaluating new instrumentation in order to select a replacement. Per Arkansas law, OAT is responsible for evaluating and choosing the instrumentation to be used for evidentiary breath alcohol testing with the approval of the Board.

Ms. Bailey stated that the OAT evaluated two instruments as described in the Board packet. She stated that both instruments met all criteria as set forth in the testing protocol. Law enforcement officers were also asked to evaluate the instruments.

After consideration, the Intox EC/IR-11 was chosen to best meet the needs of the State of Arkansas for several reasons including dual technology, immunity to radio frequency interference and immunity to the interference caused by acetone – a commonly used

defense tactic where the subject claims that he/she has an elevated breath alcohol result because he/she is in diabetic ketosis or on a low carbohydrate diet.

Ms. Bailey stated law enforcement agencies across the state can still use their currently approved instrument, BAC DataMaster, as long as it meets certifications and calibrations by the department. She stated, however, that many of the agencies are anxious to purchase the new equipment. All of the new Intox EX/IR-11 equipment has to be purchased through the OAT and training is required before the law enforcement agency will be allowed to use the new equipment.

After some discussion, Dr. Anthony Hui made the motion to approve the Intox EX/IR-11 breath test instrument. Dr. Karen Konarski-Hart seconded the motion, and the motion carried.

Proposed Revisions to the Arkansas Rules and Regulations Pertaining to Radiologic Technology Licensure

Bernard Bevill, Chief of the Radiation Control Section, stated he was seeking the Board's approval to begin the administrative process regarding the proposed revisions to the Rules and Regulations pertaining to Radiologic Technology Licensure. There is only one proposed revision which is the deletion of the definition of "Radiologist Assistant" in Section III. This definition needs to be deleted because Radiologist Assistants are now licensed under the Arkansas State Medical Board.

Mr. Russ Sword made the motion to approve the proposed revisions to delete radiologist assistant from the regulations. Dr. John Page seconded the motion, and the motion passed.

Proposed Rules and Regulations Pertaining to the Arkansas Biological Agent Registry

Jerry Jones, PD, Pharmacy Section Chief, requested the Board's approval to begin the administrative process to adopt the Rules and Regulations pertaining to the Arkansas Biological Agent Registry. Mr. Jones stated that Act 1080 requires the Arkansas Department of Health to create a Biological Agents Registry to identify the biological agents possessed and maintained by any person in this state. The proposed rules would regulate the possession, use and transfer of biological agents and toxins that pose a severe threat to public health and safety.

After a short discussion, Dr. Page made the motion to approve the request to begin the administrative process for the proposed rules and regulations. The motion was seconded and approved.

Local Grant Trust Fund

Mr. Terry Brumbelow, Field Support Services, stated that the Local Grant Trust Fund Subcommittee met on May 13, 2008 and reviewed the request from three counties for renovations. The subcommittee's recommendations are to approve the minor grant request for Pike County – Murfreesboro for \$3,050 and Howard County – Nashville for

\$5,470. Pike County needs to install a permanent wall with a fire-rated door with lock and to enclose a door way between two clinic rooms with a permanent wall to ensure the rooms are in HIPAA compliance. Howard County needs to renovate their clerical area to increase working area and storage capability and to enclose the existing privacy booths with glass windows and adequate walls to insure HIPAA compliance. They also need to replace the existing carpet in the clerical area which has become worn causing a hazardous working area. The carpet will be replaced with tile. The subcommittee requested additional information from Pulaski County – Jacksonville and will consider the request at a later date.

Mr. Brumbelow also stated that the subcommittee is recommending funding of \$25,000 for the purchase of a sign to be installed at 55 local health units. The signs would be made by the Arkansas Department of Corrections and would be the same design for each unit.

Mr. Phelan made the motion to approve the subcommittee's recommendations for the two minor grants and the \$25,000 for the health unit signs. Mr. Tom Jones seconded the motion, and the motion passed.

Report of Vaccine Subcommittee

President Jack Porter stated that the Board members should have received a revised agenda on July 22, 2008 and a copy has been placed at each member's place. The agenda was revised to move the vaccine subcommittee report before the Proposed Amendments to the Rules and Regulations for the Immunization Laws. However, as of this morning, this agenda item has been pulled.

Dr. Page made the motion to approve the Report of the Vaccine Subcommittee and the motion was seconded by Mr. Sword. President Porter said that a correction needed to be made on page 2 under the current mandated/recommended immunization schedule. He stated that the list should have included mumps which was just an oversight. Mr. Hughes said that another correction needs to be made on page 10 under the paragraph "Threats". In the last sentence of that paragraph the word "solely" needs to be replaced with the word "primarily".

After some discussion, Dr. Konarski-Hart made the motion to approve the report as amended. Mr. Jones seconded the motion, and the motion passed.

OLD BUSINESS

Final Approval of the Revisions to the 2006 State Plumbing Code

Mr. Jerry Duncan stated that all the steps in the administrative rule process have been completed for adoption of the 2006 International Plumbing Code with Arkansas amendments pursuant to the Administrative Procedures Act process.

Mr. Sword made the motion to approve the Revisions to the 2006 Plumbing Code. Dr. Page seconded the motion and the motion passed.

Proposed Revisions to the Rules and Regulations for Trauma Systems

Mr. David Taylor stated that he was requesting approval from the Board to move forward with a second public hearing for the Proposed Revisions to the Rules and Regulations for Trauma Systems. He stated that this is the second time the regulations have been presented to the Board since there were substantial revisions from the public hearing held on June 13, 2008. The Section will move forward with the administrative procedures process once the public hearing is conducted.

A motion was made and seconded to begin the administrative process. Dr. William Lagaly requested that in any place in the document that referred to the training of the physician, such as ACGME approved residency, etc., also include the equivalent osteopathic training, such as an AOA approved residency. He also requested that any place "MD" or "Medical Doctor" is used, that "DO" or "Doctor of Osteopathy" should also be used. He stated it was imperative that osteopathic physicians are not excluded from any physician documents. Mr. Taylor said that these changes would be made. Motion was approved to begin the administrative process.

Appointment of County Health Officers

Dr. Joe Bates, Deputy State Health Officer, stated that there were three requests for county health officers:

Pike County – Dr. Mark Floyd	reinstatement
Saline County – Dr. Cara Burris	replaces Dr. Samuel Taggart
Mississippi County – Dr. John Williams	replaces Dr. Merrill Osborne

Mr. Sword made the motion to approve the three county health officers. Mr. Jones seconded the motion, and the motion passed.

Dr. Bates said that Judge Steve McGuire, Mississippi County Judge, had requested that both Dr. John Williams and Dr. Merrill Osborne be designated as their County Health Officer since Dr. Osborne was not able to handle the responsibilities by himself. Mr. Rick Hogan had explained that each county could only have one health officer and due to the changing role of the position and the need for the county to have day to day representation of the county health officer it would probably be better for Dr. Williams to be named as the county health officer for Mississippi County. Judge McGuire had some concerns because of Dr. Osborne's respected position and longstanding public service and also because Dr. Osborne wanted to remain in the position. After some discussion between Mr. Hogan and Judge McGuire, it was agreed that a resolution would be presented to the Board for their approval acknowledging and commending the many years of public service provided by Dr. Osborne. Dr. Bates then read the resolution which states:

Whereas, on this 24th day of July 2008, before the regular meeting of the Arkansas State Board of Health, **Dr. Merrill Osborne** is formally recognized for his devotion and professional service to the State of Arkansas, Mississippi County and the surrounding community.

Whereas, upon the recommendations of Judge Steve McGuire, County Judge Mississippi County, and the staff of the Mississippi County Health Unit, the Arkansas State Board of Health acknowledges the many years of devoted service by Dr. Osborne to public health.

Whereas, Dr. Osborne has served the community for many years as both the tuberculosis physician and County Health Officer for Mississippi County.

Whereas, in honor of his many years of community service Dr. Osborne is hereby appointed ***Mississippi County Health Officer, Emeritus.***

Be it resolved, on this 24th day of July 2008

Mr. Sword made the motion to approve the resolution. Dr. Page seconded the motion, and the motion passed.

PRESIDENT'S REPORT

President Porter reminded the Board members that the next quarterly board meeting would be the annual meeting and workshop which will be held October 16-17, one week earlier than the regularly scheduled date. The meeting will be held at Winthrop Rockefeller Institute on Petit Jean Mountain.

DIRECTOR'S REPORT

Dr. Paul Halverson presented to the Board a power point presentation "We Can Do Better - Striving toward Better Health for Our Home Towns." Included in the presentation was the health status of Arkansas and the Arkansas Department of Health's Strategic Plan for 2009-2011. The focus of the plan is to improve health outcomes and reduce disparities. The Agency will work toward four key priorities: strengthen injury prevention and control; reduce infant mortality; increase physical activity and improve oral health. Examples were given as to the effectiveness of interventions such as seat belts, child safety seats, prenatal care, smoking bans and fluoridation in water systems.

A copy of the entire presentation will be attached to file copy of the minutes.

With no further business, the meeting was adjourned at approximately 12 noon.

Respectfully submitted,

Paul Halverson, DrPH
Secretary, Board of Health