

**QUARTERLY MEETING OF THE
ARKANSAS STATE BOARD OF HEALTH**

JANUARY 25, 2018

MEMBERS PRESENT

Terry Yamauchi, M.D., President
Catherine Tapp, MPH, President-Elect
Nathaniel Smith, M.D., MPH, Secretary
Perry Amerine, O.D.
Greg Bledsoe, M.D.
Marsha Boss, Pharm. D
Lawrence Braden, M.D.
Glen "Eddie" Bryant, M.D. (via phone)
Alan Fortenberry, P.E.
Beverly Foster, D.C.
Phillip Gilmore
Anthony Hui, M.D.(via phone)
Robbie Thomas-Knight, Ph.D.
Lee Johnson, M.D.
Thomas Jones, R.S.
David Kiessling, D.P.M.
Mike Riddell, M.D.
Susan Weinstein, DVM
James Zini, D.O.

NOT PRESENT:

Miranda Childs-Beebe, D.D.S.
Vanessa Falwell, RN
Susan Jones, M.D.

GUESTS PRESENT

Stephanie Williams, Deputy Dir. for Public
Health Programs
Namvar Zohoori, MD, Deputy Chief Science
Officer
Robert Brech, General Counsel
Reginald A. Rogers, Deputy General Counsel
Brooks White, Administrative Law Judge
Renee Mallory, Center Dir. for Health Protection
James Bledsoe, M.D., Chief Physician Specialist
Dr. William Mason, Branch Chief, CHP
Don Adams, Dir., Center for Local Public Health
Christy Sellers, Dir., Center for Health
Advancement
Austin Porter, Information Systems Coordinator,
Office of the Director
Greg Brown, Branch Chief, CHP Preparedness
James Myatt, Branch Chief, Pharmacy Service
and Drug Control
Terry Paul, Branch Chief, Environmental Health
Dr. Richard McMullen, Ph.D., Center for Local
Health Support
Jeff Stone, P.E., Dir. Engineering Section
Robin Michaels, Engineering Section
Martin Nutt, Environmental Health
Dr. Glen Baker, Dir., Public Health Lab
Steve Carter, Chief Financial Officer
Connie Melton, Branch Chief, Health Systems
Licensing & Regulation
Craig Corder, Engineering Supervisor, CLPH
Environmental Health
Lance Jones, Chief Engineer, CLPH
Environmental Health
Shirley Louie, Dir., Center for Public Health
Protection
Marisha DiCarlo, Ph.D., Dir. Health
Communications
Meg Mirivel, Public Information Specialist
Katie White, Public Information Specialist
Brandy Sutphin, Senior Epidemiologist, CHLP

Epidemiology
Taylor Never, UAMS
Quinyatta Mumford, CPHP Epidemiology
Brandi Mickesell, UAMS
Bianca Garrison, UAMS
Leanne Tucker, Grants Coordinator, Office of
Administration
Abby Holt, Cancer Research Administrator,
CPHP Health Statistics
Martin Nutt, Water Training and Certification
Officer, CLPH Environmental Health
Matthew Mosely, Ozark Mountain Regional
Public Water
Andy Anderson, Ozark Mountain Regional Public
Water
Mr. James Busby, Ozark Mountain Regional
Public Water
Andy Davis, Arkansas Democrat-Gazette
Karley Altazan, Board Liaison, Legal Services
Anna Hurst, Law Clerk, Legal Services

MEETING OF THE ARKANSAS STATE BOARD OF HEALTH

The quarterly meeting of the Arkansas State Board of Health was held Thursday, January 25, 2018, in the Charles Hughes Board Room of the Freeway Medical Building in Little Rock, Arkansas. The meeting was called to order at approximately 10:00 a.m. with Dr. Anthony Hui, M.D and Dr. Glen "Eddie" Bryant, M.D. participating by teleconference.

CALL TO ORDER

President Terry Yamauchi expressed his gratitude and enjoyment of working on the Board for several years. He then passed the gavel and provided an introduction for the new President of the Board, Ms. Catherine Tapp. At that time the current and reappointed members were provided the opportunity to introduce themselves to the newly appointed members. The new members of the Board include, Mr. Phillip Gilmore, Hospital Administrator, Dr. Mike Riddell, OB-Gyn., Dr. Marsha Boss, Pharm. D, Ms. Vanessa Falwell, R.N., and Dr. David Kiessling, Podiatric Medicine.

APPROVAL OF MINUTES

President Tapp entertained a motion for approval of the October 27, 2017, Quarterly Minutes. Dr. James Zini made a motion to accept the minutes; motion was seconded. The motion passed and the minutes were approved as presented.

OLD BUSINESS

Final Approval to Rules and Regulations for EMS

Mr. Greg Brown requested final approval for rule change. The revisions include a new license level for Emergency Vehicle Operators. These would only be considered for inter-facility transfers or non-emergent transfers. The operators would be required to complete forty (40) hours of training, as well as CPR certification and ten (10) hours of continuing education every two (2) years. Additionally, there must be a licensed professional present in the vehicle.

The revisions also include the adoption of a tiered response system, which will require nationally certified dispatchers. MEMS participated in the pilot study for nearly a year with a favorable response. Under this approach emergency operators use a card system to recognize the severity of the situation and dispatch the appropriate responders. Additionally, if the patient requires an emergent intercept during transport, one will be dispatched at that time. Dr. Susan Weinstein made a motion to approve the final request, seconded by Dr. Lee Johnson. The motion was approved.

Revision to Rules and Regulations Pertaining to the List of Controlled Substances

Dr. James Myatt presented to finalize the administrative procedure process for approval. This final approval will update the list of controlled substances for the state. Motion to approve was made by Dr. Weinstein and seconded by Dr. Zini. Motion carried.

Final Rules and Regulations for Licensed Lay Midwives

Dr. Namvar Zohoori provided the final revisions for approval, which required no changes since the prior board meeting. Some of the revisions approved at the prior meetings included new examinations, disclosure forms, informed consent or refusal forms, and education tools for the website. There was a public hearing through the Public Health Rules Committee and the Legislative Subcommittee; which received no opposition. Dr. Zohoori requested an effective date of June 2018. Dr. Zini made the motion to approve, which was seconded by Mr. Alan Fortenberry. Motion passed.

Rules and Regulations for Abortion Facilities in Arkansas

Mr. Robert Brech stated an emergency rule requiring disposal of fetal tissue as human remains was finalized in order to be in compliance with Act 603 of 2017. This will only pertain to fetal tissue collected in a medical facility and not at home by means of chemically induced abortion. The emergency rule will only last 120 days. It has not gone before the Rules Committee, but was approved by the Public Health Committee. Mr. Brech requested conditional approval to proceed past the emergency rule which will end before the next quarterly meeting. The motion to approve was made by Dr. Perry Amerine and seconded by Dr. Robbie Thomas-Knight. Motion carried.

Rules and Regulations for Administration of Vital Records

Ms. Lynda Lehing presented to the Board a request for final approval to record spontaneous fetal death at twelve weeks gestation or more on a death certificate in compliance with Act 168 of 2017. Prior it was mandated to report if the fetus was 20 weeks. Dr. Mike Riddell made a motion to approve, seconded by Dr. Zini. Motion passed.

NEW BUSINESS

NAACCR Cancer Data Submission and ACS Cancer Prevention Study

Ms. Abby Holt requested approval to release two (2) data sets, which are sent annually to the North American Association of Central Cancer Registries. One data set includes a set on Medullary Thyroid Cancer and a CiNA Synthetic Data Set. The second data request includes facts and figures from the American Cancer Society for their large culprit study to identify

incident cancers and obtain diagnostic and prognostic information. Ms. Holt verified this request passed the ADH Science Advisory Committee. Dr. Amerine questioned if there was a cost factor to ADH or if they were funded from another source such as grants. Dr. Nate Smith explained the cost is paid by the requester of the data. Dr. Johnson made the motion to approve the request to release the data. The motion was seconded by Dr. Weinstein; motion carried.

Proposed Findings of Fact and Order for Matthew Mosley

Mr. Matthew Mosley, a licensed water operator for Ozark Mountain Regional Public Water (OMRPW) was represented by counsel, Mr. Bruce Tidwell of the Friday Law Firm, for his hearing before the Arkansas Drinking Water Operators' Licensing Committee on October 12, 2017. The required administrative procedures for a hearing were followed. Mr. Mosley was found guilty of providing false turbidity data collected from 2015-2017, as well as failure to notify ADH of the turbidity results within the required 24 hour period. The falsified data was discovered during an audit by ADH. Mr. Reginald Rogers presented the Proposed Findings of Fact and Order, along with the Committee's recommendation of a three (3) year revocation of Mr. Mosely's water operator license. At the end of the revocation period he may apply for a license, but would be required to complete all mandatory training and examinations. In his response, Mr. Mosley alleged there were computer errors that caused the false data. Mr. Rogers provided the Board with an email received after the hearing sent from Ms. Ann Crouch and Mr. Phil Schupe explaining the issue of the incorrect data was the result of a computer issue and not operator falsification. While the Committee was aware of the computer issues, it had not received the email prior. Dr. Amerine inquired about the Committee that oversees these particular water issues. Mr. Fortenberry explained these are appointed members who are typically employed by water systems in their district. These hearings are not heard by Board of Health members. Mr. Jeff Stone and Mr. Stacy Cheevers both expressed the revocation period was determined by the committee members and the evidence presented. Dr. Smith expressed his concern regarding the significant impact that false turbidity data could have on the public health of those counties. The area that could be affected by OMRPW's data reports includes 18,000-20,000 residents. Mr. Fortenberry explained the issue of the false data related to the turbidity results. Turbidity is an indicator of clean water and its purpose is to catch any bacteria remaining. If the water is not tested appropriately, many bacteria such as Giardia may be present in the water. Mr. Andy Anderson, Chairman of Ozark Mountain Regional Public Water appeared before the Board on behalf of Mr. Mosley. He testified to Mr. Mosely's work ethic and again explained the issue fell on the computer system. He explained that Siemens implemented a SCADA system, which runs the plant's reporting system and was lacking in performance. Siemens was aware of the issue and left before the program could be completed. At that point all reporting was done manually. Additionally, Mr. Anderson stated when the SCADA and turbidity reports were collected there was no way of indicating if the plant was running at that time. Mr. Anderson requested the Board remove the three (3) year revocation as it will have a negative impact to Mr. Mosely's family and OMRPW. He requested a possible probation for Mr. Mosely. Dr. Riddell questioned if OMRPW had a replacement operator. Mr. Jeff Stone was unaware at that time. Due to the evidence and information presented, Dr. Amerine made a motion for immediate consideration to approve the recommendation by the Committee. There was no second on the floor for that consideration; however, a limit of time consideration for witnesses

was approved by President Tapp. Mr. James Busby, Vice-Chair of OMRPW spoke on behalf of Mr. Mosley. He expressed that he had worked with Mr. Lance Jones for many years without incident, however now there is an issue. He stated that ADH didn't know a (expletive) thing about water monitoring. He was excused as a witness due to his outburst. Mr. Mosely also appeared on his own behalf to explain the issue of false data. He again stated it was an issue with the SACDA and turbidity reporting system, requiring manual reporting. He has never been disciplined for his work and has been an operator for 20 years. He also stated that at this time, Primex has fixed the issues with the reporting system. He requested the Board provide a less harsh penalty than the three (3) year revocation. Mr. Stone reiterated that the issue of the monitoring system did not have an impact regarding the falsified data reported by Mr. Mosely. Motion to approve the Findings of Fact and Order made by Dr. Amerine; seconded by Dr. Riddell. Motion for revocation passed.

Appointment/Reappointment of County Health Officers

Dr. Zohoori expressed that Act 696 of 2009 requires a County Health Officer for each Arkansas county. Appointees are nominated by the county judges and must be approved by the Board of Health. Each appointee has a term of four (4) years. Members of the Board were presented with all appointments or reappointments including resumes for each nominated health officer. There are three (3) remaining vacancies that were not included. Motion to approve appointments or reappointments made by Dr. Riddell and seconded by Dr. Smith. Motion carried.

Revision to the Rules and Regulations Pertaining to Controlled Substances

Dr. Myatt requested approval to proceed with the administrative process to change guidelines in accordance to the Arkansas DEA regulation regarding the disposal of controlled substances. The change will discontinue ADH's ability to accept the surrender of unwanted controlled substances. Dr. Zini inquired about how the consumer should dispose of the substances. Dr. Myatt explained long-term care facilities have been notified, and the DEA Diversion website includes fact sheets of where the registrants may dispose of the medications. Ms. Connie Melton has been in contact with Mr. Irvin Reeves of the DEA regarding creating a timeframe to complete this request. He is aware that the Rules and Regulations process may take several months, but we will provide updates as soon as they are received. Mr. Fortenberry made a motion to proceed with the administrative process and was seconded by Dr. Johnson. Motion passed.

Other Business

Mr. Brech expressed the immediate need for new appointments for Committees, specifically the Local Grant Trust Fund, as many of our members' terms have expired. The Local Grant Trust Fund will meet on February 15, 2018 to discuss the plans presented by local county health units for improvement. The Building Engineer of ADH visits the units to determine if such renovations are necessary or feasible. They receive \$600,000 a year in grants to repair local

health units. There is also a need for volunteers for the Administrative Hearings Committee, which is responsible for all hearings that are directed to the Board rather than a subcommittee. Additionally, the Nomination Committee will need to meet to determine a new President-Elect. Traditionally the Board alternates terms between non-medical doctors and medical doctors. This year the appointment shall be a medical doctor. Both Dr. Zini and Dr. Weinstein expressed interest in volunteering for the committees.

Mr. Brech also presented to the Board the request of approval for stipends and travel reimbursement for board members. This approval is required at the first meeting of the year as provided by state statute. Mr. Fortenberry motioned for approval of stipend and travel reimbursements. The motion was seconded by Dr. Zini. Motion passed.

Also, each member was provided with a Financial Interest Statement that must be completed and submitted to the Secretary of State by the end of the month, along with any member appointment or reappointments Oath of Office.

Dr. Greg Bledsoe reminded the Board of the Expedition Medical National Conference to be held March 9-10. This will showcase Arkansas' medical work to other medical professional from all over the nation.

Center Updates

Ms. Stephanie Williams announced there would be a new member orientation following the meeting in Room 801 at the Freeway Building. Additionally, ADH has determined to create a new educational session process. It is the intention to meet at the next quarterly meeting in April at the Public Health Lab. While the yearly educational session is typically a two day seminar held in October, it will be broken into multiple sessions for July and January.

President's Report

President Tapp expressed her gratitude to be appointed to the position of President. She appreciates the importance of the Board's responsibility for the public safety of Arkansans.

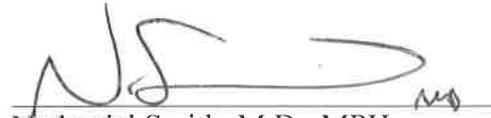
Director's Report

Dr. Smith addressed the severe and early outbreak of the flu. There have already been 70 reported deaths, which is unusually early for the season. He recommended everyone receive flu vaccinations, if they have not already.

He also reported there has been one case of measles imported into Arkansas. The infected individual was travelling from India. Once ADH received the report, the staff was diligent in receiving the manifest from the flight and worked quickly to provide a vaccination clinic the following day. Dr. Gary Wheeler was in contact with the U.S. Quarantine Service to provide

MMR vaccinations to those that may have been infected. They are continuing to monitor those that were immunized.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'NS', written over a horizontal line.

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

April 26, 2018