**State Board of Health**  
**State Board of Senior Services**  
**Meeting Minutes**  

**January 22, 2013**  
**Director’s Office Conference Room**

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**Board of Health Members Participating:** Joseph Forand, Nathalie Tungesvik, Anne Petersen, Michael Weaver

**Board of Senior Services Members Participating:** Edna Chavis, Ann Bannes, Carol Gosselink

**DHSS Staff Present:** Gail Vasterling, Jeanne Serra, Ellie Glenn, Bobbi Jo Garber, Celesta Hartgraves, Melinda Sanders, Sharon Ayers, Nikki Loethen, Harold Kirbey, Mary Glassburner, Mark Jenkerson, Russell Lilly, Mayme Young, Barb Wilbers

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<thead>
<tr>
<th>TOPIC</th>
<th>DISCUSSION</th>
<th>ACTION</th>
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<tr>
<td>Welcome</td>
<td>Gail welcomed all and asked everyone to introduce themselves.</td>
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<tr>
<td><em>Gail Vasterling</em></td>
<td><strong>Department/Budget Update</strong></td>
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| *Gail Vasterling*                  | **FY2013 Budget** – For the first six months of the fiscal year, net General Revenue Fund collections have increased by 7.9% which is well ahead of the pace required to attain the consensus revenue estimate (4.8%).  

The department requested FY13 supplemental funding for four items:  
* $20.2 million ($7.4 million GR/$12.8 million FF) for Medicaid HCBS  
* $5.4 million FF for core public health revenue maximization  
* $4.8 million FF for a variety of DCPH federal programs  
* $12,500 GR for court ordered attorney fees  

We expect that some of those numbers will be adjusted in the Governor’s budget recommendations which he will release concurrent with the State-of-the-State Address on January 28th.  

In particular, we expect the figure for core public health revenue maximization to be a good deal higher based on data collected after the budget was submitted. | |
**Introduction of Chief Counsel – Nikki Loethen**

_Gail Vasterling_

Gail introduced Nikki Loethen as the new Chief Counsel. Nikki comes to us from the Office of Administration (OA). Before working with OA she was with the Governor’s Office. We are glad to have her.

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**Legislative Update**

_Ellie Glenn_

Ellie reported on a few legislative proposals that we are working on:

- Critical Congenital Heart Disease Screening – Adds “pulse oximetry” to the newborn screenings list to test for CCHS. Hopefully Sen. Brown and Rep. Brattlin will file this bill this week. We hope this bill will move fairly quickly this year.
- Tuberculosis Safety – This bill would give LPHAs the authority to have Direct Observed Therapy of a non-compliant TB patient. Essentially, a patient would be restricted to their home and a nurse would visit them multiple times a day to ensure they are taking their medicine and complying with their medical regimen.

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**FY2014 Budget**

As has been the case for many years, the budget instructions issued by the state budget office limited FY-14 requests to mandatory items or items funded by non-General Revenue sources.

The department’s budget request includes the following new decision items: $20.2 million for Medicaid HCBS; $7.8 million federal funds for nutrition programs; $6.6 million for LPHAs; $4.1 million federal funds for a variety of Community and Public Health federal programs; and $2.5 million federal funds for the Aids Drug Assistance program.

As with our FY-13 supplemental budget requests, we expect that the FY-14 figures included in the Governor’s budget will differ from our original request.

House and Senate budget hearings are already scheduled. We will provide a departmental overview for the House Appropriations Committee later this week.
Sen. Sater and Rep. Frederick will hopefully file this bill next week.

- Nurse Loan Program – With rising tuition for nursing programs in the state, this legislation removes the current caps on nursing loans and gives DHSS the authority to determine how much financial assistance to give a student based on need and level of degree. Potential sponsors are Sen. Wallingford and Rep. Swan. Ellie will be meeting with them next week.

- Board of Nursing Home Administrator License Renewal Process (SB 90, HB 59) - Currently, the Missouri Board of Nursing Home Administrators must mail an application for license renewal to nursing home administrators, who require license renewal, that year. This act requires the Board to notify, rather than mail, an applicant when it is time for license renewal.

- Organ Donor Correction – The proposal clarifies a sentence in the Revised Uniform Anatomical Gift Act by changing “transportation” to “transplantation” in Section 194.255.7(4). It is believed that this wording was a typing error. Potential sponsors are Sen. Sifton, Sen. Dempsey, Rep. Molendorp.

- Breastfeeding Policy Change (SB 87) – This proposal would help support breastfeeding mothers in the hopes of extending the length of time they breastfeed their babies by allowing them to be exempted from jury duty, should they want to be, and exempt from public indecency laws for expressing milk in public (breastfeeding in public is already covered in statute).

**Approval of Minutes from October 16, 2012 Meeting**

*Gail Vasterling*

Gail requested a motion to approve the minutes from the October 16, 2012 meeting.

Ann Bannes made the motion to approve the minutes from the October 16, 2012 meeting.

Anne Petersen
<table>
<thead>
<tr>
<th><strong>Board of Health Vote on Proposed Rescissions/Proposed Rules</strong></th>
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<tr>
<td><strong>Gail Vasterling</strong></td>
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<tr>
<td>19 CSR 20-1.025 Sanitation of Food Establishments <em>Proposed Rescission</em></td>
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<td>19 CSR 20-1.025 Missouri Food Code <em>Proposed Rule</em></td>
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<td>19 CSR 20-1.040 Inspection of the Manufacture and Sale of Foods <em>Proposed Rescission</em></td>
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<td>19 CSR 20-1.040 Good Manufacturing Practices <em>Proposed Rule</em></td>
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<td>19 CSR 20-1.042 Acidified Foods <em>Proposed Rule</em></td>
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<td>19 CSR 20-1.045 Food Labeling <em>Proposed Rule</em></td>
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<td>19 CSR 20-1.100 Seafood HACCP <em>Proposed Rule</em></td>
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<td>19 CSR 20-1.200 Juice HACCP <em>Proposed Rule</em></td>
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Mark Jenkersen, Chief of the Bureau of Environmental Health Services/Section for Environmental Public Health/Division of Community and Public Health provided an overview of the proposed rescissions/proposed rules.

Nathalie Tungesvik asked about the two million two hundred seventy-five thousand ($2,275,000) and who will be responsible for paying that.

Staff will take a look at Fiscal Note before we file with Secretary of State’s Office.

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<th><strong>Division Updates</strong></th>
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<td><strong>Division of Community and Public Health (Harold Kirbey)</strong></td>
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<td>The Division has a new Deputy Director. Mayme Young has joined us from the Department of Insurance, Financial Institutions and Professional Registration. Mayme will be working with Healthy Families and Youth and the Section for Community Health and Chronic Disease</td>
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Joseph Forand seconded the motion.

All in favor.

None opposed.

One abstention – Anne Petersen.
Part of the Division, Center for Emergency Response/Terrorism (CERT) will be transitioned from DHSS to the Department of Public Safety. We are working together with them to pull out the pieces that will move over. It’s the training and exercise components that will be moved. Will have more information as it rolls out.

The Division continues to monitor the flu. We are putting out notices each week and they will be published on our website. It is transitioning more from and influenza B to more (70% to 80%) influenza A. There is still vaccine available so we are encouraging folks to get their vaccine if they haven’t already.

We are moving forward with the new food code.

**Division of Senior and Disability Services (Celesta Hartgraves)**

The new State Long Term Care Ombudsman, Kay Dinolfo started with us January 15th. Kay has most recently worked for the Missouri Office of the Secretary of State since 2005 and prior to that she worked for the Department of Revenue from 1993-2005. In these positions she has vast experience in communication, project management and making programs more understandable, accessible and usable for consumers and the public. She has jumped right in and we are excited to have her.

Our hours of operation at the Elder Abuse Hotline have changed starting January 14th. They are now 7:00 a.m. to midnight every day based on the resources we have. We have sent out announcements and updated brochures and cards.

Edna requested copies of the cards. Celesta will send to Edna.
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vision of Regulation and Licensure
(Jeanne Serra)

Flu Preparation - Section for Health Standards and Licensure continues to work with the Division of Community and Public Health to monitor/prepare for concerns related to the impending flu season. Monitoring includes tracking of the spread of flu through the 50 states and follow-up with hospitals reporting with a “forced open” or “partial diversion” status through the EMSystem. Preparation includes alerting CMS to the potential need for 1135 waivers. 1135 waivers were helpful during the H1N1 situation in 2009 as hospitals were allowed to erect triage tents to offset the overcrowding seen in the ERs.

Time Critical Diagnosis (TCD) Rules Update – Comment period ended on 1/16/2013. Received 85 comments. Comments have been received from individuals, several hospitals, and the various associations.

Hospital Rules Revision – The process began in the fall of 2009 with a group of stakeholders including the Board of Nursing, Board of Pharmacy, and Missouri Hospital Association. In all there are 42 existing regulations related to general acute hospitals. An additional set of four separate regulations currently exist governing psychiatric hospitals as well as an additional set of three regulations for rehabilitation hospitals. One objective of this process was to merge the psychiatric-specific and rehabilitation-specific hospital rules into the general acute hospital rules. This concept will hopefully make it easier for hospitals to locate and comprehend the regulations. The first set of revised regulations is under review. This initial group of approximately 12 amended regulations will be sent to the Board hopefully at the next meeting.

Hand in Hand Dementia and Abuse-Prevention Training – Section 6121 of the
Affordable Care Act required CMS to ensure that nurse aides received regular training on caring for residents with dementia and on preventing abuse. CMS, supported by a team of training developers and subject matter experts, created a robust and innovative training program to address the need for nurse aide’s annual in-service training on these important topics. The Hand in Hand training materials consist of an orientation guide and six one-hour DVD-based training modules for nursing home employees, each of which has a corresponding instructor guide. A free copy of these materials has been mailed to every Medicare-certified nursing home in the state of Missouri (approximately 600 homes).

Section for Child Care Regulation – Inspections of licensed child care facilities is available on-line as of October 2012. Approximately 1900 inspections are now available to the public to view through Show Me Child Care.

Edna indicated that she would like to sit in meetings regarding rehab and people who have alzheimers and those illnesses.

Jeanne will connect Edna with Matt Younger of the Section for Long Term Care Regulation. Matt can connect Edna with her area of interests.

Joseph Forand inquired as to whether or not the TCD comments are available? He would like to see them before they are published. Michael Weaver expressed interest in seeing them as well.

Matt Younger worked with Primaris to notify Edna of their Antipsychotic Reduction conference calls.

Barb forwarded TCD comments to Joseph Forand and Michael Weaver.

Questions/Open Discussion/Adjourn

Gail asked if there were any other questions/items of discussion. There being none, Gail requested a motion to adjourn.

Edna made the motion to adjourn.

Carol Gosselink seconded the motion.

All in favor.

None opposed.
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