



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



**December 10, 2009  
Director's Office Conference Room**

**Board of Health Members Present:** Annette Slack, Michael Weaver, Joseph Forand, Nathalie Tungesvik

**Board of Senior Services Members Present:** Mary Anne Brown, Ann Bannes, Jeffery Kerr

**DHSS Staff and Guests:** Margaret Donnelly, Patrick Lynn, Laurie Hines, Scott Clardy, Brenda Campbell, Teresa Generous, Jeanne Serra, Barb Wilbers

<b>TOPIC</b>	<b>DISCUSSION</b>	<b>ACTION</b>
<b>Welcome</b> <i>Margaret Donnelly</i>	Welcomed all and thanked everyone for being with us.	
<b>Department/Budget Update</b> <i>Margaret Donnelly</i>	<p>We have been through another round of expenditure restrictions since I talked to you last. The necessity of achieving further expenditure restrictions was even more important now, as year-to-date General Revenue Fund collections through October were down almost 11%. Unfortunately, it is impossible to achieve further expenditure restrictions without impacting staff. This round included elimination of 14 full-time positions and 55 hourly and intermittent positions. Of the 14 full-time positions, only two were layoffs. Of the 55 hourly and intermittent positions, five were vacant and 50 were filled at the time the positions were eliminated. A lot of those individuals came back to us in terms of retirees and were helping out. I am pleased that we were able to limit the number of layoffs. It's a loss to us in terms of the work we do. We were able to move some people from General Revenue to vacancies in federal programs. Since January, we are almost at 80 full-time positions that have been reduced. We have been working with Budget and Planning with our instruction that next year must be an absolutely flat</p>	

	<p>budget...we cannot have any growth. We will have growth in our Medicaid case load, but we are going to have to find other cost savings in Medicaid. We currently have not finalized any figures so I can't tell you what the plan is for next year.</p>	
<p><b>Legislative Update</b>  <i>Margaret Donnelly / Patrick Lynn</i></p>	<p>Patrick remarked that the upcoming session will be focused on balancing the budget. Legislation with a cost attached probably doesn't have a chance to pass. The emphasis will be on expenditure reductions. The Department has focused on cleanup bills and one revenue generator. Some bills have fees included and are on hold until administration decides what they want to do because of the economy.</p> <p><u>Missouri Head Injury Advisory Council (MHIAC)</u>  Recommends that the statutes be updated to address movement, by Executive Order 05-09, of the MHIAC from the Office of Administration to the Department of Health and Senior Services (DHSS). This includes decreasing the size of the Council, eliminating legislative members, and changing the responsibility for appointment of members to the Department Director. Proposal requests changes of wording from head injury to brain injury and updates wording relevant to the current function of the Adult Head Injury Program. Also addresses the appropriation of the Head Injury Fund to DHSS consistent with what the legislative body has done since the implementation of Executive Order 05-09.</p> <p>This bill was written by the Council so we hope to get through by Consent.</p> <p><u>Removing Limitations on Organ Donor Program Donations</u>  Removes limitations on Organ Donor Program Donations. An amendment to RSMo Chapters 301 and 302, sections 301.020.8. and 302.171.2., to increase the</p>	

	<p>donations individuals may provide, via check-box at the time of a motor vehicle registration or drivers license transaction, from \$1 to \$3.</p> <p><u>Expedited Partner Therapy for Sexually Transmitted Diseases</u> Allows physicians to use expedited partner therapy by dispensing and prescribing medications for partners of person with certain sexually transmitted diseases who are not their patients. (Rep. Wayne Cooper sponsoring the bill.)</p> <p><u>Crippled Children Program Clean-up</u> Changes name of the Crippled Children’s Service to the Children’s Special Health Care Needs Service and specifies the services are for children who have a physical disability or special health care need.</p> <p>Hope to get this bill through by Consent.</p> <p><u>Lead Renovation Authorization and Lead Abatement Statute Revisions</u> In March 2008, the United States EPA passed a final rule requiring renovators to take protective measures in residences and child occupied facilities likely to have components containing lead based paint. Since 1998, the Department has been an EPA authorized Lead Licensing program to train and license lead professionals. The current statutory definitions for our program do not include definitions needed to run a state authorized renovating program. With the proposed legislation, DHSS will be able to certify individuals and firms performing renovation activities and accredit training providers that provide the required training.</p> <p><u>Food Program-Processors and Retail Food Establishments</u> By requiring retail food establishments and food processing plants to obtain annual licenses, the department will be able to:</p>	
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	<p>determine and assess the number of retail food establishments operating statewide; determine and assess the number of food processing plants operating statewide; collect and track data related to each establishment's operations; and enhance food safety education throughout the state.</p> <p><u>Heritage Birth &amp; Marriage Certificates</u> Allows Missouri to issue certified Heritage Birth and Marriage certificates. These certificates would be certified, permanent keepsakes for anyone born or married in Missouri. A proposed fee of \$50 will be assessed for each certified Heritage Birth/Marriage Certificate. Four dollars of the fee will be deposited into the General Revenue Fund, \$10 into the Children's Trust Fund, \$1 into the Endowed Care Cemetery Audit Fund, \$15 into the Crippled Children's Services Fund, and \$20 into the Missouri Public Health Services Fund. Purchase of Heritage Birth/Marriage Certificates would not be required, but would provide a service for Missourians wishing to purchase keepsakes of these special events. You would still be able to purchase the standard birth/marriage certificate for \$15.</p> <p><u>Modify Hospice Requirements for Family Care Safety Registry and Good Cause Waiver Program</u> Require hospices licensed by DHSS to obtain background screenings from the Family Care Safety Registry. Adding licensed hospices is important since their staff members provide unsupervised care in clients' homes.</p> <p><u>Clarification of State Mammography Fund Law in 192.764(4), RSMo</u> Change the wording of 192.764(4) to expand the allowable usage of State Mammography Fund monies to support all radiation control activities carried out by DHSS.</p>	
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Hospital and Ambulatory Surgical Center (ASC) Inspection & Licensure Fees

HSR is proposing that the statutes be changed to allow for an increase in the licensing fees associated with hospitals and ASCs. HSR is also proposing to reduce hospital inspections from annually to every other year. HSR would also like to amend 197.230 RSMo to include language to require the department to inspect each ASC at least every three (3) years.

Long Term Care Change of Operator

Revise the wording of Section 198.015.4 to indicate that if during the period in which a license is in effect, a new operator assumes operation of a facility, the current operator shall notify the department of the intent to change operators and the succeeding operator shall submit an application for license ten or more working days prior to the effective date of the change.

EMS Licensure Revision

Based on a review of other states and preliminary information received from the American College of Surgeons review, the Bureau of EMS would like to reduce the length of a licensure, accreditation, and/or designation period from 5 years to 3 years. The Bureau of EMS would like to expand the list of mandatory criminal charges against a licensee to be reported to the Department.

Emergency Facility Use Liability Protection

This proposed legislation would provide additional liability protection to owners of facilities used during a state or federally-declared emergency or an exercise in preparation for an emergency event.

It's becoming clearer with the number of natural disasters in the past few years that charitable organizations, fraternal organizations, religious organizations, etc. are hesitant to open their facilities due to

	<p>liability if something happens.</p> <p>The department is working with the State Emergency Management Agency (SEMA) on the bill.</p> <p>Dr. Forand asked about the status of the pseudoephedrine tracking system. Patrick indicated that we are still working through getting the rules approved and to the Board for approval. There were enough other companies wanting to give it free so it has been put out for bid. That bid is almost complete so it should be out soon. The Governor’s Office has asked for it to be expedited at Office of Administration.</p>	
<p><b>H1N1 Update</b>  <i>Margaret Donnelly / Scott Clardy</i></p>	<p>The Department issued a press release on 12/8/09, encouraging local health departments to begin offering the H1N1 vaccine not only to the priority groups but also to general populations. The demand and response from the priority groups was not always what we hoped and some counties felt they had done what they could and were ready to open up to the general population. Some counties felt they still want to focus on their priority groups and may not be moving as quickly.</p> <p>Scott Clardy, Administrator of the Section for Disease Control and Environmental Epidemiology introduced himself and indicated that as of 12/08/09, 1,283,500 H1N1 vaccine doses have been shipped to Missouri and as of 12/09/09, 1,414,500 H1N1 vaccine doses have been ordered for Missouri with more coming in every day.</p> <p>Since the end of October we have been seeing the rates of new cases declining which is a good sign. That being said, we are seeing more cases of the seasonal flu this time of year. We will see what happens after the holiday as we usually see cases go up after holidays. There is also always concern of a third wave – first in spring, second in fall, so still concerned we could have a third wave which is why we</p>	

	<p>feel it's necessary to continue to educate people.</p> <p>Michael Weaver would like to reaffirm that there is a communication plan and agrees that we need to continue to make sure the message gets out.</p> <p>Margaret responded that we will be reviewing that plan and tweaking as necessary to meet needs and changes. CDC and the Federal Government have also offered free public service announcements to let people know this is the time of year to get vaccinated.</p>	
<p><b>Missouri Health Information Exchange Update</b>  <i>Margaret Donnelly / Laurie Hines</i></p>	<p>Missouri has received notice of \$13.8 million in federal funding to help health care professionals adopt electronic health records and share health information electronically among providers. Since Governor Nixon created the Missouri Office of Health Information Technology (MO-HITECH) by executive order in November, it has convened more than 150 medical professionals, health care providers, consumers and other interested stakeholders to develop a Strategic and Operational Plan for secure health information exchange in the state. Additional financial incentives will be available to hospitals, clinics, doctors and other medical professionals that use electronic health records and meet predetermined standards in the future.</p> <p>The Governor has appointed an Advisory Board consisting of about 20 people and made up of health care executives, doctors, hospital administrators, insurers, privacy experts and consumer advocates to lead this effort. Board members will meet monthly through next spring, when a final plan must be approved by the federal government.</p> <p>Six workgroups have also been formed to discuss key aspects of health information exchange including who will pay for it,</p>	

	<p>how it will be regulated and how consumer privacy will be protected. The six workgroups are: Governance; Finance; Technical Infrastructure; Legal and Policy; Business and Operations; and Consumer Engagement. The six workgroups will be meeting every two weeks.</p> <p>Laurie Hines, Transform Missouri Initiative Team Member indicated that you are welcome and encouraged to join one of the workgroups. We would love to have more physicians/healthcare workers engaged. If you wish to join, send Laurie an email at <a href="mailto:laurie.hines@dhss.mo.gov">laurie.hines@dhss.mo.gov</a>.</p> <p>Laurie would also like to call attention to the MO-HITECH website for more information. The website may be accessed at <a href="http://www.dss.mo.gov/hie">www.dss.mo.gov/hie</a>.</p> <p>Laurie also suggested visiting the United States Department of Health and Human Services (HHS) website. You may access the HHS website at <a href="http://www.hhs.gov/recovery">www.hhs.gov/recovery</a>.</p> <p>Margaret reiterated that the Advisory Board set by the Governor is a set group, but the workgroups are open and you are welcome to come join and come as often as you like. You don't have to attend every meeting.</p>	
<p><b>Approval of Minutes from August 27, 2009 Meeting</b></p>	<p>Margaret requested a motion to approve the minutes from the August 27, 2009 meeting.</p> <p>Dr. Forand questioned top of page 2 (under Department/Budget Update)...6 ½% decrease in our general revenue.</p> <p>Margaret suggested a period be inserted after the dollar amount \$3,875,243 and deleting the remainder of the sentence. Sentence will now read: Total amount we have found at this point that we could save it \$3,875,243.</p>	<p>Ann Bannes made the motion to approve the minutes following the suggested change by Margaret.</p> <p>Michael Weaver seconded the motion.</p> <p>All in favor.</p> <p>None opposed.</p>
<p><b>2010 Proposed Board of</b></p>	<p>The following dates were proposed for</p>	<p>Joseph Forand made the</p>

<p><b>Health/Board of Senior Services Meeting Dates</b> <i>Margaret Donnelly</i></p>	<p>joint meetings of the Board of Health and Board of Senior Services in 2010:</p> <p>March 23, 2010 June 22, 2010 September 21, 2010 December 7, 2010</p> <p>Margaret indicated that we may again continue to conduct some of the meetings via conference phone instead of face-to-face, although we will try to get everyone together. Meetings held via conference call will be held at 2:00 p.m. and face-to-face meetings will begin at 10:00 a.m. to allow travel time and will conclude by 1:00 p.m.</p>	<p>motion to approve the 2010 meeting dates.</p> <p>Anne Bannes seconded the motion.</p> <p>All in favor.</p> <p>None opposed.</p>
<p><b>Division of Senior and Disability Services Update</b> <i>Brenda Campbell, Director</i></p>	<p><u>Show-Me Summit on Aging and Health</u> The 6<sup>th</sup> Annual Missouri Show-Me Summit on Aging and Health was held October 28-30, 2009 at the Holiday Inn Executive Center in Columbia, MO. The conference is sponsored by Missouri Association of Area Agencies on Aging (MA4) and works in collaboration with the Department of Health and Senior Services. This year's theme was <i>Aging...Everybody's Doing It!</i> There were approximately 62 exhibitors and 400 attendees. General session speakers were Sandy Markwood, CEO for National Association of Area Agencies on Aging (n4a), and Margaret Donnelly. Workshop discussions included topics on Senior Center Programs; Disability, Aging and Independent Living; Financial Exploitation of the Elderly and Falls Prevention, to name a few.</p> <p><u>Missouri Silver Haired Legislature (SHL)</u> The Missouri SHL is an organization consisting of individuals over the age of 60 and represents the ten Area Agencies on Aging (AAA). Each AAA region elects three SHL senators and 12 SHL representatives. The SHL Board, consisting of 17 members, meets quarterly in Jefferson City or by conference call to</p>	

	<p>discuss priority bills they will track throughout the legislative session, provide updates from their Standing Committees, prepare/update their brochure that will be shared with the General Assembly and several organizations around the state and ensure their by-laws are current and up-to-date. The entire SHL delegation, consisting of 150 members, hold a mock legislative session each Fall at the State Capitol to determine their top five priority bills. Priorities they chose were: 1) Restore cuts and increase funding of Area Agency on Aging meal program; 2) Single entry point for Missouri Long-Term Care services and \$1.5 million in funding for enhanced information and assistance and care coordination services for MO AAA; 3) Raise level for those individuals on MO HealthNet - \$2,000 for single, \$3,000 for married couple; 4) Regulate Pay Day Loans; 5) Funding for Senior Centers to Purchase Kitchen Equipment.</p> <p><u>Governor’s Advisory Council on Aging (GACA)</u>  The GACA is a 12-member Board that is appointed by the Governor. Each member serves a 4-year term and sits on a subcommittee. Subcommittees are: Wellness and Independence, New Initiative, Cultural Change and Senior Related Legislation. The Board meets quarterly in Jefferson City to discuss the work that each subcommittee is working on. Each Subcommittee also meets throughout the year in order to prepare the information that is included in the Annual Report that is submitted each June to the Governor, Lieutenant Governor and Margaret Donnelly, outlining their recommendations for each Subcommittee.</p> <p>Brenda also indicated that they continue looking at all programs and training is held every year for staff who field hotline calls.</p>	<p>Brenda will forward a copy of the Annual Report to Barb who will forward to Board members.</p>
<p><b>Division of Regulation and Licensure Update</b></p>	<p>The Division of Regulation and Licensure provides oversight for three areas: any</p>	

<p><i>Teresa Generous, Director</i> <i>Jeanne Serra, Deputy Director</i></p>	<p>Long Term Care (LTC) programs, non-LTC programs, and child care. We remain busy and challenged in light of the current fiscal situation.</p> <p><u>Health Services Regulation</u> Workgroup is meeting to work on total hospital rule revision. Will probably be a couple year process. Rules will be submitted to Board for approval when finalized.</p> <p><u>Emergency Medical Services</u> Moving toward electronic reporting mandate for all services. By mid-spring we will license EMT – intermediates and licensees will submit background checks of their expense.</p> <p><u>Bureau of Narcotics and Dangerous Drugs (BNDD)</u> Rules for the pseudoephedrine tracking database are at the Governor’s Office. The tracking database is currently being bid out and the RFP is being drafted jointly by DHSS Administration, BNDD and OA Purchasing.</p> <p>Offered a proposed settlement to the University of Missouri Hospital, to place the hospital’s controlled drug privileges on probation. The hospital is reviewing the offer. The issue at hand is in regards to where they were storing controlled substances.</p> <p>Will be meeting with the Department of Social Services, MO HealthNet Division on 12/11/09 to discuss prescription drug abuse and prescription fraud in the Medicaid system.</p> <p>Continue to track legislation passed last session impacting controlled drug issues. The list of controlled drugs is being updated.</p> <p><u>Section for Long Term Care Regulation</u></p>	
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	<p>2009 Annual Surveyor Training was held November 18-20 in Columbia, Missouri. Surveyors and industry representatives attended the conference and heard information on a variety of topics such as Consistency of Investigation and Severity Determinations, Employee Disqualification List, Infection Control, and much more.</p> <p>Currently developing webinar trainings for surveyors regarding Mentally Ill Residents residing in Long Term Care facilities. These will be ongoing trainings.</p> <p>A new training program designed for nurses working in long term care settings has been developed. The training program, Furthering Education for Nurses Who Care for the Elderly (FENCE), will provide nurses enhanced training in assessment, evaluation, and intervention as well as teaching the skills in the supervision and leadership of other caregivers. The online test bank is complete and the instructor training has taken place.</p> <p>In the process of updating the fire safety rules and resident care rules (86.022 and 85.022 and 86.042, 85.042). The resident care rules are being updated for purposes of "Culture Change". The Culture Change revisions are not just bundled as Culture Change rules but they happen within the individual rule sets, such as resident care, dietary, etc. The changes to the Fire Safety rules are what was required by HB 395, except we are adding language clarifying the location of pull stations and a requirement that emergency plans be reviewed by local Emergency Management Directors. Rules will be presented to the Board for approval upon completion.</p> <p><u>Certificate of Need</u> Proposed rule revisions are being reviewed by administration. The revisions are primarily administrative issues.</p>	
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	<p><u>Family Care Safety Registry</u> The Background Screening Workgroup has completed work and provided recommendations to the Children's Services Commission.</p> <p>Steps have been taken in the event that there is a system failure with MOHSAIC (Missouri Health Strategic Architectures and Information Cooperative). We have been told by our Information Technology Services Division (ITSD) the program is not compatible with many systems and there is a possibility that this system will fail at some point. We do have a plan in place to do some manual patches of database system files. There is also a plan for implementation over time of replacing MOHSAIC.</p> <p><u>Board of Nursing Home Administrators</u> Working on development of licensure of assisted living administrators.</p> <p><u>Section for Child Care Regulation</u> There are currently 3,723 licensed child care programs in the State. In November, the Section for Child Care Regulation (SCCR) conducted 563 inspections and investigated 103 complaints.</p> <p>SCCR is currently in the process of revising licensing rules for Group Child Care Homes and Child Care Centers. These rules have not been revised since 1991.</p> <p>Also currently working on making inspections and complaints available online to parents; drafting rules making CPR training mandatory for staff; and drafting rules requiring babies be placed on their backs to sleep.</p> <p>Missouri received a ranking of 44 in the 2009 National Association of Child Care Resource and Referral Agencies</p>	
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	<p>(NACCRA). “We can do Better.” Recommendations for improving Missouri’s ranking include the actions listed above. SCCR is proposing to promulgate rules related to these recommendations which will apply to all types of licensed child care facilities.</p> <p>SCCR was awarded American Recovery and Reinvestment Act (ARRA) grant money for three projects:</p> <ul style="list-style-type: none"> <li>• Develop software to permit posting inspections and complaint results on line and allow for provider response to deficiencies.</li> <li>• Develop software to provide for childcare staff to received online training; and</li> <li>• Develop curriculum and training for Providers relating to social and emotional behaviors in children.</li> </ul> <p>Dr. Kerr inquired as to whether there is any move to license first responders in MO. He states that in rural areas, you have groups of people buying used ambulances and responding to accidents and they have little more experience than first aid.</p> <p>Teresa indicated that she would talk to Dean Linneman, Administrator for the Section for Health Standards and Licensure about this concern, but doesn’t think there is a movement at the moment.</p> <p>Mike Weaver expressed interest in the licensure of First Responders as well.</p> <p>Michael Weaver commented on the need to have a statewide sexual assault policy and requested to be included in any discussion on sexual assault.</p>	
<p><b>Questions/Open Discussion</b></p>	<p>Mike Weaver commented that we’ve dodged a severe pandemic with H1N1. What is the status of our altered standards?</p> <p>Margaret indicated that we’ve had a series</p>	

	<p>of meetings and recommendations have come out of the group. With respect to the most severe issues that come up with triage, that is the area that is pretty much on hold, since we've been meeting the demands of this wave of H1N1. We are dealing with altered standards as appropriate for this wave.</p> <p>Margaret wished everyone very happy holidays with family and friends and thanked them for working with us.</p>	
<b>Adjourn</b>	Meeting adjourned at 10:38 a.m.	
<b>Next Meeting</b>	March 23, 2010	

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Chair, Board of Health

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Chair, Board of Senior Services