

**MINUTES OF MEETING  
MISSISSIPPI STATE BOARD OF HEALTH  
JANUARY 12, 2005**

The Mississippi State Board of Health met in regular session on Wednesday, January 12, 2005, in the Alton B. Cobb Auditorium of the Osborne Building, Jackson, Mississippi at 10:00 a.m. with the following members present:

District I	Ruth Greer, RN, Holly Springs
District I	Ellen Williams, RN, Senatobia
District II	Walter C. Gough, MD, Drew
District II	Cass Pennington, Ed.D., Indianola
District III	R. A. Foxworth, DC, Jackson
District III	Mary Kim Smith, RN, Vice Chairman, Brandon
District III	Randy H. Russell, MD, Jackson
District IV	Larry Calvert, R.Ph., Gulfport, Chairman
District IV	Norman Price, McComb
District V	Ted Cain, Diamondhead

**STATE-AT-LARGE**

H. Allen Gersh, MD, Hattiesburg  
Alfred E. McNair, Jr., MD, Ocean Springs

Members Absent:

District II	Debra L. Griffin, Belzoni
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**OTHERS PRESENT**

Brian W. Amy, MD, MHA, MPH, State Health Officer  
Danny Miller, CPA, Deputy Director and Chief of Staff  
Jim Craig, Director, Office of Health Protection  
Vickey Maddox, Director, Office of Licensure  
Sam Dawkins, Director, Office of Health Planning and Policy  
Mitchell Adcock, Director, Office of Administration  
Pat Klar, Director, Office of Human Resources  
Jason Easley, Director, Office of Organizational Quality

The meeting was called to order by the Chairman, Mr. Calvert.

The meeting was opened with prayer led by Dr. Russell and the Pledge of Allegiance led by Ms. Smith.

The Chairman provided a welcome and entertained a motion for approval of the minutes of the October 13, 2004 Board meeting. Dr. Russell proposed to add an amendment to page nine of the minutes to clarify that the "Board increase the salary of the State Health Officer by ten percent to be competitive with surrounding states and in recognition of the efficiencies and improvements that have been made in the agency's operations". Dr. McNair moved the Board accept the minutes as corrected. The motion was seconded by Dr. Gough and unanimously approved.

Mr. Mitchell Adcock, Director, Office of Administration, presented the Financial Report covering the period July - November, 2004.

Ms. Pat Klar, Director, Office of Human Services, presented the Personnel Report covering the period December, 2003 through November, 2004.

The Chairman recognized Mr. Mac McDivitt, R.Ph., Executive Director of the State Board of Pharmacy to report on the Drug Repository Program. It was suggested by the Chairman that the Board wait and see what the outcome of the legislative session will be before deciding what is the best solution. The Chairman requested that members of the Board let him know if they would be interested in working as a group to help move this program forward.

Dr. Amy then presented the State Health Officer's Update commenting on the following:

1. Flu vaccination. MDH public health workers, in a cooperative effort with doctors, hospitals, home health agencies, personal care homes and other health providers, protected tens of thousands of high-risk Mississippians from the flu. This season's flu prevention initiative put into action mass vaccination plans already prepared for other public health emergencies such as pandemic flu and bioterrorism.
2. Emergency preparedness. The second annual Trust for American's Health study of the nation's preparedness for public health emergencies has dramatically raised Mississippi's score in bioterrorism detection, diagnosis, and response. In one year, Mississippi jumped from a score of 2 out of 10 in 2003 to 7 out of 10 in 2004, putting it in the top one-third of the nation in emergency preparedness. The study cited the lack of an appropriate state laboratory facility to protect the health of the state.
3. Dr. Nick Mosca, State Dental Director, has been selected by the Department of Health and Human Services as the 2004 Primary Health Care Policy Fellow.
4. The Department has created a more consumer-friendly food service permit to keep Mississippians better informed about the safety status of a restaurant.
5. Announced that MDH and UMC will partner for a National First in Disease Surveillance. This summer MDH and UMC will begin operation of the TheraDoc disease surveillance system to protect the health of hundreds of thousands of Mississippians. The TheraDoc system delivers intelligent clinical alerts for critical conditions such as drug-resistant pathogens, emerging diseases, and biological or chemical threats. This collaboration for a medical informatics system, supported by a nearly one million dollar award from MDH, is the first in America between a medical academic center and a public health agency.
6. As part of the Capital City Clean Indoor Air Coalition and the Tobacco Prevention Program at MDH, we would like to congratulate Jackson area restaurants for taking a healthy initiative and voluntarily making their premises smoke-free.

Danny Miller, Deputy Director and Chief of Staff, presented the Legislative update. He commented that he, Dr. Amy and Mary Kim Smith, Chair of the Legislative and Governmental Affairs Committee had met with Chairs of the Public Health Committees on the House and Senate side and provided them with the Board's proposals. Deadline for introduction of bills is January 17th.

Ms. Smith commented the Legislature charged the Wastewater Advisory Council with revising some regulations and policies for onsite wastewater. The Chairman of the Senate Environmental Committee requested the staffs from the Department of Health and the Department of Environmental Quality meet and develop some general concepts that both agencies agree on. Listed below are the general concepts for endorsement or consideration by the Board:

General Concepts Recommended for Inclusion in Mississippi's Individual On-site  
Wastewater System Law

- Statement of a general preference for central collection systems.
- Remove the duties and responsibilities of the Mississippi Department of Environmental Quality from Individual On-site Wastewater Disposal System

Law, thus clearly delineating the responsibility of the Mississippi Department of Health for individual on-site wastewater disposal systems and Mississippi Department of Environmental Quality for all other wastewater areas.

- Require suitability review of individual on-site wastewater disposal systems where a developer proposes its use in a subdivision.
- Balance regulatory oversight and inspections with timely customer service and protection of the public health and environment.
- Give meaningful authority to regulate, enforce and penalize violations of the Individual On-site Wastewater Disposal System Law through stricter licensing requirements, inspections, requirement for maintenance and greater penal authority to the Department.

Upon motion of Dr. Gough, seconded by Dr. McNair, the Board voted to accept the above concepts to be submitted to the Legislature.

Mr. Jim Craig, Director, Office of Health Protection, presented for the Board's consideration the following:

#### Minimum Standards of Operation for Mississippi Hospitals - Final Adoption

Ms. Vickey Maddox, Director, Office of Licensure, stated these regulations have not been updated since 1974 and was in need of revision to get them up to current standards. To date, comments have been received from one hospital's medical executive committee and their medical staff, MS Hospital Association and the MS State Medical Association regarding the following section:

Section 405.4 No applicant shall be denied medical staff privileges in any publicly owned hospital on the basis of any criteria lacking professional justification

Upon motion of Ms. Smith, seconded by Dr. McNair, the Board voted to send Section 405.4 back to the Health and Child Care Facilities Committee for review. The Board unanimously approved the motion.

Dr. Foxworth then moved that the Board accept for "final adoption" the additional proposed changes with the exception of Section 405.4 to the Minimum Standards of Operation for Mississippi Hospitals. The motion was seconded by Dr. McNair and unanimously approved.

Ms. Maddox then presented for "final adoption" proposed changes to the Minimum Standards of Operation for Home Health Agencies. The proposed revision changes physical therapy assistant supervision time requirements and removes the requirement that an Occupational Therapist countersign an Occupational Therapy Assistant's documentation.

Upon motion of Dr. Foxworth, seconded by Dr. McNair, the Board unanimously approved the proposed changes to the Minimum Standards of Operation for Home Health Agencies for "final adoption".

The next two sets of proposed regulations deal with child care. Regulations Governing Licensure of Child Care Facilities and Regulations Governing Licensure of Child Care Facilities of 12 or Fewer Children in the Operator's Home. Both regulations contain the same wording in regard to the recommended change. The Department has received multiple comments and letters of concern regarding the changes in the regulation: Children shall not be left unattended at anyone time. Ms. Maddox requested the Board return these regulations to the Child Care Advisory Committee for further review.

Upon motion of Dr. Foxworth, seconded by Ms. Smith, the Board unanimously approved returning the Regulations Governing Licensure of Child Care Facilities and Regulations

Governing Licensure of Child Care Facilities of 12 or Fewer Children in the Operator's Home to the Child Care Advisory Committee for further review.

Mr. Craig then presented the following proposed amendments to the Regulations for Control of Radiation in Mississippi:

1. Section C - Licensing of Radioactive Material- "Final Adoption"

Local, county and state government have purchased general licensed devices containing small amounts of radioactive material for Homeland Security. Although, federal funding was provided to purchase these devices, funds are not available to pay the annual registration fees. In the interest of Homeland Security, it is recommended that the annual registration fees for these types of general licensed devices be waived for local, county and state government.

Upon motion of Mr. Price, seconded by Dr. Gersh, the Board unanimously approved the proposed amendment to the Regulations for Control of Radiation in Mississippi: Section C - Licensing of Radioactive Material for "Final Adoption".

2. Section A - General Provisions - "Intent to Adopt"  
Section D - Standards for Protection Against Radiation - "Intent to Adopt"  
Section G - Use of Radionuclides in the Healing Arts - "Intent to Adopt"

The United States Nuclear Regulatory Commission considers the adoption of these regulations a matter of compatibility for all Agreement States.

Upon motion of Dr. Gough, seconded by Dr. McNair, the Board approved the proposed changes to the Regulations for Control of Radiation in Mississippi: Sections A, D, and G for an "Intent to Adopt".

Mr. Sam Dawkins, Director, Office of Health Policy and Planning presented for "Final Adoption" the Proposed Regulations Governing Review of Applications and Issuance of Certificates of Public Advantage to Rural Hospitals that Enter into Cooperative Agreements for Certain Purposes.

These regulations are submitted for compliance with the passage of Senate Bill 2850 (the "Rural Health Availability Act") during the 2004 Regular Legislative Session. The Board approved an "Intent to Adopt" at its October 13, 2004 Board meeting.

Mr. Dawkins offered one minor change under Section B: Definitions. Number 8: the word "of" after a municipality should be changed to "or".

Dr. McNair moved the Board approve the above recommendations for the Proposed Regulations Governing Review of Applications and Issuance of Certificates of Public Advantage to Rural Hospitals that Enter into Cooperative Agreements for Certain Purposes for "Final Adoption". The motion was seconded by Mr. Price and unanimously approved.

Mr. Jason Easley, Director, Office of Performance Accountability, presented the following results of the first quarter of Fiscal Year 2005 audit reports. The submission of quarterly reports is required by the Internal Audit Act passed during the 2003 Legislative session.

District II	No material findings
District V	No material findings
District VIII	No material findings

Upon motion of Dr. Foxworth, seconded by Dr. McNair the Board unanimously approved the audit reports.

The Board then heard the following Board Committee Reports:

Legislative and Governmental Affairs Committee - Mary Kim Smith, Chair

Ms. Smith reported there had been meetings with the Chairmen of the House and Senate Public Health Committees. Both meetings were very positive regarding the Department and in discussions about the need for a new public health laboratory.

Health Education and Disease Prevention Committee - Alfred McNair, Jr, M.D. Chair

Dr. McNair stated this committee is working on Autistic Spectrum Disease in Mississippi. He gave a presentation on the fundamentals of autism and what the Centers for Disease Control and Prevention were doing to evaluate this disease. The Autism Committee is in the process of developing a one, three and five-year plan that includes setting up three Centers of Excellence throughout the state. These Centers of Excellence will be responsible for making accurate diagnoses and conducting the training of Mississippians about autistic spectrum disorders and related low incidence disabilities. He presented for the Board's consideration the following resolution:

RESOLUTION

MISSISSIPPI STATE BOARD OF HEALTH

Whereas, the mission of the Mississippi State Board of Health is to protect and promote the health of Mississippians, and

Whereas, Autism Spectrum and Pervasive Development Disorders affect the lives of thousands of Mississippians, and

Whereas, efforts are underway to build a coalition of private and public partners to promote the study and treatment of Autism Spectrum and Pervasive Development Disorders;

Therefore, be it resolved, that the Board of Health in Regular Session on January 12, 2005, endorses efforts to establish Centers for the Study of Autism Spectrum and Pervasive Development Disorders, and commits to work with all partners in these efforts.

Larry Calvert, R.Ph.  
Chairman

Brian W. Amy, MD, MHA, MPH  
Secretary and Executive Officer

Upon motion of Dr. Foxworth, seconded by Ms. Greer, the Board unanimously adopted the above resolution.

Health and Child Care Facilities Committee - Ray Foxworth, D.C., Chair

Dr. Foxworth expressed his appreciation to those members who serve on this committee. He asked that those individuals who are affected by rules and regulations that go before committees to please be present at those meetings so recommendations can be brought forward to the Board that will pass. He also asked fellow Board members that if you serve on a committee, please make it a point to be there because their input is valuable.

TraumaCare/Emergency Response Committee - Walter C. Gough, MD., Chair

Dr. Gough recognized two individuals from Greenville who were successful in recruiting a neurosurgeon in that area.

Jim Craig provided a report on the current status of the MS Trauma Care System. The MS Trauma Care Systems started in 1998 with six hospitals, today it includes 87 hospitals, 4,000 physicians, but the funding is the same as it was in 1998.

Rehabilitation and Restorative Services Committee - Mary Kim Smith, Chair

Ms. Smith reported the Committee went over the latest data available provided by staff. There will be an additional year's data available in February and March. The Committee will meet again to review the diagnosis and admission rates and hopefully have more information with current data for the April meeting.

Physician Accessibility and Services Committee - Allen Gersh, M.D., Chair

Mr. Dawkins presented the following recommendations for approval:

<u>Sponsoring Facility</u>	<u>HPSA Designation</u>	<u>Proposed J-1 Provider</u>	<u>Country of Origin</u>
Family Health Ctr (Transfer Request)	Jones County	Dr. Ked Eccles-James Internist	Sierra Leone
Coastal Family Health Ctr	Hancock County	Dr. Archana Bansal Internist	India
Coastal Family Health Ctr	Harrison County	Kamran Karat Internist	Pakistan
Delta Health Center	Bolivar County	Dr. Abbas Khawari Internist	Pakistan
Indianola Medical Clinic	Sunflower County	Dr. Hani Erian Nephrologist	Egypt
Northwest MS Reg Med Ctr	Coahoma County	Dr. Aman Munir Pulmonologist	Pakistan
Northwest MS Reg Med Ctr	Coahoma County	Dr. Jaiyeola Adeleye General Surgeon	Nigeria
Northwest MS Reg Med Ctr (3rd application for FY'05)	Coahoma County	Dr. Hatish Kaul General Vascular Surgeon	India
Neshoba County Gen Hosp	Neshoba County	Dr. Gihan Naguib Pediatrician	Egypt

Upon motion of Dr. Gough, seconded by Dr. Foxworth, the Board unanimously voted to approve the above recommendations of the J-1 Visa Physician Accessibility and Services Committee.

Mr. Dawkins then presented the following recommendations by the committee for disapproval:

<u>Sponsoring Facility</u>	<u>HPSA Designation</u>	<u>Proposed J-1 Provider</u>	<u>Country of Origin</u>
Baptist Memorial Hospital Golden Triangle	Lowndes County	Dr. Agha Ahmed	Pakistan
University of MS Medical Center	Hinds, Holmes and Rankin Counties	Dr. Syed Ahmed Family Medicine	Pakistan

Dr. Gough moved the Board accept the recommendations of the Committee. The motion was seconded by Dr. Gersh. Members voting in support of the motion: Foxworth, Smith, Williams, Pennington, Gersh, Russell, Greer, McNair, Cain, Gough. Members voting in opposition: Price. The motion passed.

The Chairman thanked the members for their hard work and commitment.

Upon motion of Dr. Foxworth, seconded by Dr. McNair, the Board voted to adjourn at 12:50 pm.

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*Larry W. Calvert, R.Ph.*  
Chairman

*Brian W. Amy, MD, MHA, MPH*  
Secretary and Executive Officer