

**MINUTES OF MEETING  
MISSISSIPPI STATE BOARD OF HEALTH  
JULY 9, 2003**

The Mississippi State Board of Health met in regular session on Wednesday, July 9, 2003, in the Auditorium of the Osborne Building, Jackson, Mississippi at 10:00 a.m. with the following members present:

District 1	Shelby C. Reid, M.D., Corinth
District 1	Ruth Greer, R.N., Holly Springs
District 2	Duane F. Hurt, D.D.S., Greenwood
District 2	Walter C. Gough, M.D., Drew
District 3	R. A. Foxworth, D.C., Chairman, Jackson
District 3	Mary Kim Smith, R.N., Brandon
District 4	Briggs Hopson, Jr., M.D., Vicksburg
District 4	Norman Price, McComb
District 5	Larry Calvert, R.Ph., Vice Chairman, Gulfport

**STATE-AT-LARGE**

Alfred E. McNair, Jr., M.D., Ocean Springs  
G. Allen Gersh, M.D., Hattiesburg

**ABSENT**

District 5	Ted Cain, Diamondhead
State-at-Large	Janice Conerly, Collins

**OTHERS PRESENT**

Brian W. Amy, MD, MHA, MPH, State Health Officer  
Danny Miller, CPA, Deputy and Chief of Staff  
Peter Fos, Ph.D., MPH, Chief Science Officer  
Harold Armstrong, Chief, Health Planning and Resource Development  
Vickey Maddox, Director, Office of Licensure  
Jason Easley, CPA, Director, Office of Organizational Quality  
Jim Craig, Director, Office of Emergency Planning and Response

The meeting was called to order by the Chairman, Dr. Foxworth.

Upon motion of Dr. Gough, seconded by Dr. Hopson, the minutes of the April 9, 2003 Board meeting were approved.

Danny Miller, CPA, Deputy Director and Chief of Staff, presented the Financial Report for the period July 1, 2002 - May 31, 2003. He commented that the agency is in the process of implementing the budget for Fiscal Year 2004 and as in the last several years, will be setting aside five percent of the general fund appropriations in anticipation that there might be cuts. The agency is also in the process of preparing its budget request for Fiscal Year 2005 which is due August 1, 2003.

Mr. Miller then presented the Personnel Report covering the period June, 2002 through May, 2003.

Upon motion of Dr. McNair, seconded by Ms. Smith, the Board voted to accept the Financial and Personnel Reports.

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

1. Stated that the organizational chart for the agency had been finalized. He introduced the following new positions:
  - Medical Director, Office of Health Promotion  
Mary Gayle Armstrong, MD
  - Medical Director, Office of Health Disparity  
Lovetta Brown, MD, MPH
  - Deputy Director and Chief of Staff  
Danny Miller, CPA
  - State Dental Director  
Nick Mosca, DDS
2. Stated that the agency's breast feeding program was recognized by the United States Department of Agriculture and has been selected to be piloted in nineteen other states.
3. Commented that a research partnership with the University Medical Center (UMC) was signed by he and Dr. Wallace Conerly for data sharing. The Office of Science will work with UMC to exchange the agency's health care data to have a shared analysis and shared generation of knowledge for the people of the State of Mississippi.
4. The agency and UMC will develop an accredited poison control system, which will be an upgrade of the one that is currently in place.
5. Stated that the agency has now completed the adjustments to some of the procedures for onsite wastewater. The State Auditor's Report is complete and available on their web site. The agency has developed a computerized onsite wastewater recommendation system.
6. The Office of Science has automated the Certificate of Need (CON) decision analysis.
7. The health capacity assessment project is finished.
8. Commented on the following upcoming projects which the agency will be developing over the next six months:

**Universal surveillance system.** Currently there is a fragmented system where each program has its own database. These will be combined into an ITS platform and should be in position by the first of the year.

**WIC Program Evaluation.** A management review is currently in progress. A staff analysis and evaluation will be presented to the Board at the January meeting.

**Performance Indicators.** Performance indicators on how the agency and the services we do are measuring up will be collected monthly and analyzed quarterly.

At this time, Dr. Fos demonstrated the county capacity assessment project.

The Chairman then moved to item VII on the agenda - Report of Board Committee on Certificate of Need (CON). Dr. Hurt commented that the CON committee is looking at ways to make the CON process more amenable to solving specific problems in specific areas. To look at the whole constellation of disease processes, starting with end stage renal disease, in counties that have a disproportionate number of patients in one county or another. Dr. Hurt moved that it be the specific intent of the State Board of Health to modify the Certificate of Need regulations and application process based on the consideration of the disproportionate incidence of diseases in any particular county, with specific attention to end stage renal disease in the Mississippi Delta region. The motion was seconded by Dr. Gough. All members voted for the motion with Dr. Gersh recusing.

At this time, Dr. Fos demonstrated the automated review process of the applications for Certificate of Need.

Mr. Harold Armstrong, Chief, Division of Health Planning and Resource Development, presented for "final adoption" the **Proposed FY 2004 State Health Plan**. Upon motion of Dr. Gough, seconded by Dr. McNair, the Board approved the **Proposed FY 2004 State Health Plan**.

Ms. Vickey Maddox, Director, Office of Licensure presented the following for the Board's consideration:

#### **Appointments to the Council of Advisors for Hearing Aid Specialists**

Betty Doty - Representing the 1<sup>st</sup> Supreme Court District  
Term - July 1, 2003 - June 30, 2006

Cindy McDonald - Representing the 2<sup>nd</sup> Supreme Court District  
Term - July 1, 2003 - June 30, 2006

#### **Appointment to the Council of Advisors for Occupational Therapy**

Marcia B. King, OT - licensed occupational therapist  
Term - January 1, 2004 - December 31, 2006

Upon motion of Dr. Hopson, seconded by Dr. McNair, the Board approved the above appointments to the **Council of Advisors for Hearing Aid Specialists and Council of Advisors for Occupational Therapy**.

#### **Amendments to Regulations Governing Registration of Individuals Performing Tattooing and Individuals Performing Body Piercing for "final adoption".**

A public hearing was held on May 22, 2003, and was very favorable.

Upon motion of Dr. McNair, seconded by Ms. Greer, the Board approved the **Amendments to Regulations Governing Registration of Individuals Performing Tattooing and Individuals Performing Body Piercing for "final adoption"**.

Ms. Smith then presented recommendations for the Board Committee on Healthcare Facilities/Licensure for "final adoption".

#### **Revisions to Minimum Standards for Operation of Institutions for Aged and Infirm (Nursing Homes)**

The revisions include minimal changes to TB, insertion of language allowing the use of Schedule II narcotics in Personal Care Homes, and addition of Criminal History Record Checks. Upon motion of Dr. Hopson and seconded by Ms. Greer the Board approved the **Revisions to Minimum Standards for Operation of Institutions for Aged and Infirm (Nursing Homes)** for "final adoption".

### **Revisions to Minimum Standards for Operation of Personal Care Homes - Assisted Living**

The revisions include minimal changes to TB, changes to IDR process and addition of the Criminal History Record Checks. Upon motion of Dr. Hopson, seconded by Ms. Greer the Board approved the **Revisions to Minimum Standards for Operation of Personal Care Homes - Assisted Living** for “final adoption”.

### **Revisions to Minimum Standards for Operation of Personal Care Homes - Residential Living**

The revisions include minimal changes to TB, insertion of language allowing the use of Schedule II narcotics in Personal Care Homes, and addition of the Criminal History Record Checks. Upon motion of Dr. Hopson, seconded by Dr. McNair, the Board approved the **Revisions to Minimum Standards for Operation of Personal Care Homes - Residential Living** for “final adoption”.

Ms. Smith then presented revisions to the following sets of regulations for “final adoption”.

### **Revisions to Minimum Standards for Operation of Hospitals Revisions to Minimum Standards for Operation of Home Health Agencies Revisions to Minimum Standards for Operation of Hospices**

These revisions include Criminal History Record Checks.

Upon motion of Dr. McNair, seconded by Dr. Gough the Board approved the **Revisions to Minimum Standards for Operation of Hospitals, Home Health Agencies, and Hospices** for “final adoption”.

Ms. Smith further commented that the Revisions to Minimum Standards for Operation of Hospitals, Home Health Agencies and Hospices were not filed with the Secretary of State’s office on June 9, 2003, which would have enabled the Board to vote for final adoption on July 9, 2003. They were filed on June 10, 2003. It is recommended that the Board authorize Dr. Amy to adopt, in the interim of meetings, the regulations on July 10, 2003.

Dr. Reid moved that the Board authorize Dr. Amy to official adopt the **Revisions to Minimum Standards for Operation of Hospitals, Home Health Agencies, and Hospices** on July 10, 2003. The motion was seconded by Dr. Gough and approved.

Ms. Smith also stated that an Attorney General’s opinion was being requested related to two definitions. One is the definition of employee and one is the definition of licensed entity. This would clarify if a student falls within the strict definition of employee and if licensed entity means just a licensed entity through the Department of Health. In order to give schools time to put this in their policies and procedures, it is recommended that the implementation date for teaching institutions be January 1, 2004. Upon motion of Ms. Greer, seconded by Dr. McNair, the Board voted to approve the implementation date for teaching institutions to implement background history checks to January 1, 2004.

Ms. Smith then gave a report of the Board Committee on Environmental Health. After two committee meetings on June 5, 2003 and July 9, 2003, she presented the **Proposed Changes to the Regulations Governing Individual Onsite Wastewater** for “final adoption”. She also requested that in the proposed changes on Page 12, Chapter 2.5, part 8, item b, number ii, where it states “is within a decentralized water management district as defined in regulation” be deleted since there is only one in the state.

Upon motion of Dr. McNair, seconded by Dr. Gersh, the Board approved the **Proposed Changes to the Regulations Governing Individual Onsite Wastewater with the following deletion: Page, 12, Chapter 2.5, part 8 item b. number ii,** for “final adoption”.

Ms. Smith also requested the Board ratify the actions taken by the committee on June 5<sup>th</sup> which were included in the above regulations. Upon motion of Dr. McNair, seconded by Dr Gersh, the Board approved the recommendations from the Board Committee on Environmental Health meeting on June 5, 2003.

At this time, Dr. Amy had staff demonstrate the wastewater assessment tool which is also available on the agency website for the public where engineers and developers can actually use the same methodology that the agency uses to create and see what would be recommended for specific properties or sites.

Dr. McNair moved the Board approved the demonstration for the wastewater assessment tool. The motion was seconded by Dr. Gersh and approved.

Ms. Smith also commented that there has been discussion related to a formal appeals process for wastewater similar to what already exists in other areas of the Department. It was recommended that the staff gather information from other states and that the wastewater advisory committee be utilized to help in the development of this process.

Mr. Calvert gave a report of the Board Committee on Rehabilitation Services. The committee has received a request from Singing River Hospital Systems for a Level II Rehabilitation Center. A more detailed report will be provided at the October meeting.

Dr. Gersh gave a report on the Health Resources/Manpower Committee. He stated the committee is looking at how to better expand the healthcare providers within the state, and to look at disease prevalence specifically glaucoma since it tends to have a higher prevalence among blacks and diabetics. This is being proposed as the direction in which the committee will proceed. He also has requested that staff prepare a more scientific analysis for use of manpower and how to handle this specific disease entity.

Ms. Smith moved the Board approve the direction of the Health Resources/Manpower Committee. The motion was seconded by Dr. Hopson and approved.

Mr. Jason Easley, Director, Office of Organizational Quality, presented the Internal Audit Charter and Audit Plan. During the 2003 Legislative Session, House Bill 650 was passed known as the Mississippi Internal Audit Act. This law took effect July 1, 2003 and requires agencies identified to comply no later than July 1, 2005, if specific funds were appropriated to implement the Act. As part of the agency's Organizational Quality focus, the Internal Audit Act is being implemented immediately although funding was not provided. The Department of Health is the first agency to implement this Act which reflects on its pledge to be performance accountable to the citizens of Mississippi. An Audit Committee will be established that is external for organization management and collectively has the expertise to provide adequate guidance regarding the acquisition and provision of internal audit services and to provide guidance in the provision of those services. He submitted for the Board's consideration an Audit Plan with the following addition: "The State Health Officer and Audit Committee will be notified immediately of any potential illegal acts or fraud."

Dr. Gough moved the Board approve the **Proposed Audit Charter and Audit Plan for Fiscal Year 2004** with the above addition. The motion was seconded by Dr. McNair and approved.

Mr. Jim Craig, Director, Office of Emergency Planning and Response, presented the **Proposed Amendments to Existing Emergency Medical Services (EMS) Rules and Regulations** for "final adoption". These amendments are recommended by the MS Emergency Medical Services Advisory Council.

Mr. Wade Spruill offered comments on two items regarding the proposed amendments.

1. Stated he was concerned that the age of 16 is too young to serve as a medical first responder. The precedent for certification in EMS has always been 18.

2. Requested the medical control component of the regulations be tabled and referred back to the Advisory Council.

Dr. Gough moved that the items regarding (1) age of medical first responder and (2) medical direction be tabled and the remainder of the **Proposed Amendments to Existing Emergency Medical Services (EMS) Rules and Regulations** be approved for “final adoption”. The motion was seconded by Dr. McNair and approved.

Mr. Craig then presented **Proposed Amendments to Existing Trauma Regulations** for “final adoption”. The proposed amendments are recommended by the Mississippi Trauma Advisory Committee and include Chapters XI through XIV on ACLS requirements for physician participants and Chapter XV on state designation of trauma centers.

Upon motion of Dr. Hopson, seconded by Dr. Gough, the Board approved the **Proposed Amendments to Existing Trauma Regulations** for “final adoption”.

Under Old Business there was general discussion regarding the progress made with information technology and computerization within the agency. Recognition was given to Dr. Amy and staff for all the work that has been done.

Under New Business, Dr. Amy presented a request from the MS Department of Education for the Board’s appointment to an oversight committee to provide assessment of early childhood education programs in the state. Dr. Amy requested the Board appoint himself to serve on the committee with Dr. Mills McNeill, Medical Director for Health Protection, as his alternate. Upon motion of Dr. Hopson, seconded by Dr. McNair, the Board approved the appointment of Dr. Amy to the oversight committee to provide assessment of early childhood education.

Dr. Hopson at this time offered comments to place the portraits of the past State Health Officers in the Auditorium of the Osborne Building and around on the first floor so the public can see the individuals who have made an impact on public health in the State of Mississippi. Ms. Smith also added that the other pictures of past medical directors, and public health nurses be included. He also recommended, that in honor of Dr. Alton B. Cobb who previously served the state as State Health Officer for almost twenty years, to rename the Osborne Auditorium the Dr. Alton B. Cobb Auditorium.

Upon motion of Dr. Gough seconded by Ms. Smith, the Board approved placing the portraits of the past State Health Officers, medical directors and public health nurses in the Auditorium and around on the first floor of the Osborne Building.

Upon motion of Dr. Hopson, seconded by Dr. Gough, the Board approved to rename the Osborne Auditorium the Alton B. Cobb Auditorium.

At this time, Dr. Amy introduced Ms. Geneva Cannon, the new Director of Child Health.

The next item was election of officers and the Chairman opened the floor for nominations. Ms. Smith moved that Dr. Ray Foxworth, Chairman and Larry Calvert, Vice Chairman continue in their respective roles. The motion was seconded by Dr. Hopson.

Dr. Gough moved that the nominations be closed. The Board then approved Dr. Foxworth as Chairman and Larry Calvert as Vice Chairman.

Upon motion of Dr. McNair, seconded by Dr. Gough, the Board voted to adjourn at 11:35.am.

