

**MINUTES OF MEETING
MISSISSIPPI STATE BOARD OF HEALTH
OCTOBER 8, 2003**

The Mississippi State Board of Health met in regular session on Wednesday, October 8, 2003, in the Alton B. Cobb Auditorium of the Osborne Building, Jackson, Mississippi at 10:00 a.m. with the following members present:

District 1	Shelby C. Reid, MD, Corinth
District 2	Walter C. Gough, MD, Drew
District 3	R. A. Foxworth, DC, Chairman, Jackson
District 3	Mary Kim Smith, RN, Brandon
District 5	Larry Calvert, R.Ph., Vice Chairman, Gulfport

STATE-AT-LARGE

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

ABSENT

District 1	Ruth Greer, RN, Holly Springs
District 2	Duane F. Hurt, DDS, Greenwood
District 4	Briggs Hopson, Jr., MD, Vicksburg
District 4	Norman Price, McComb
District 5	Ted Cain, Diamondhead

OTHERS PRESENT

Brian W. Amy, MD, MHA, MPH, State Health Officer
Danny Miller, CPA, Deputy and Chief of Staff
Peter Fos, PhD, MPH, Chief Science Officer
Harold Armstrong, Chief, Health Planning and Resource Development
Vickey Maddox, Director, Office of Licensure
Mills McNeill, MD, Director, Office of Health Protection

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

Dr. Gough moved that the minutes of the October 8, 2003 Board of Health meeting be approved. The motion was seconded by Ms. Smith and unanimously approved.

Mr. Danny Miller, Deputy Director and Chief of Staff, presented the Financial Reports covering the period for Fiscal Year 2003 - July 1, 2002 through August 31, 2003; and for July 1, 2003 - August 31, 2003 for Fiscal Year 2004.

He then presented the Personnel Report covering the period September, 2002 through August, 2003.

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

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

1. Introduced the following staff:

Mills McNeill, MD, Medical Director, Office of Health Protection
Jae Lee, PhD, Office of Decision Science
Vafa Kamali, PhD, Office of Evaluation
Dr. Jun Lee, Statistical Evaluation
Mike Scales, Director, Health Informatics
Greg Burgess, Environmental Health

2. Commented on the performance and improvement measures. The agency is currently tracking percent WIC participation, percent latent TB infection therapy, percent required bacterial samples taken from water systems, percent pap smear collected in a satisfactory manner for analysis, percent of wastewater inspections, which are made within five working days of filing a Notice of Intent, percent error free performance of our wastewater inspections, percent of child care facilities that are renewed and inspected in a timely fashion, percent of food facility permit inspections also made in a timely fashion, and monitoring percent food facilities that have received minimum number of routine inspections and percent required affidavits submitted by wastewater system installers.

At this time, Dr. Peter Fos demonstrated the process for the performance and improvement measures.

3. Commented that the site verification study and site planning for the schematic design phase had been finished for the new public health laboratory. Dale and Associates architectural firm is working with the agency.
4. Commented that the agency would be coordinating with the Board subcommittee chairmen on a quarterly basis to provide better support for meetings. Dr. Foxworth also commented he would be reviewing the board committee structure to get the meetings on a regular schedule.

The next item on the agenda was proposed 2004 legislation. Mr. Danny Miller presented the following for the Board's consideration:

1. Amend Uniform Controlled Substance Law to prohibit manufacturing, sale, possession or use of an analogue (substance intended for human consumption that is substantially similar to the chemical structure of a controlled substance); Add dichloralphenazone as a Schedule IV drug to conform to federal law.
2. Technical correction to Mississippi's drug Alcohol Testing statutes.
3. MSDH budget request for FY 2005 - - \$274.7 million
4. Request funding (bond issue) to expand Public Health Laboratory
5. Increase fees for on-site wastewater site evaluations (from \$50 to \$75), annual certification of installers, etc. (from \$50 to \$100), and annual registration of manufacturers (from \$100 to \$200).
6. Establish separate fee schedule for food processing establishments as compared to food service establishments. Food processing establishments would pay annual permit fees of \$50 for Category 1 and 2, \$150 for Category 3, and \$250 for Category 4 and 5 establishments.
7. Amend Boiler and Pressure Vessel statutes to increase the fee charged for issuance of certificates by MSDH. Annual certificates would increase from \$10 to \$20 and biennial certificates would increase from \$20 to \$30.

8. Delete requirement that MSDH report names of persons on birth certificates of illegitimate children to each District Attorney on a monthly basis.
9. Amend EMS statutes to increase liability insurance requirements for EMS providers.
10. State funding to provide match for federal funding for Drinking Water State Revolving Fund.
11. Amend statutes to allow use of Trauma funds as a Medicaid match.
12. Support concept of reduced exposure to second hand smoke in public places. However, no specific legislation endorsed.

2004 Initiatives and Proposals from Others

13. From MS Association of EMS Educators to add a representative from the Mississippi Association of EMS Educators to the Governor's EMS Advisory Council
14. From MS Restaurant Association to assess a minimum penalty of \$100 for operating a catering business without MSDH permit.
15. Proposal from American Academy of Pediatrics. All-terrain vehicle safety initiatives including: requiring helmets, and drivers licenses or safety courses.
16. Proposal from American Academy of Pediatrics. A DUI child endangerment law.
17. Proposal from American Academy of Pediatrics. A primary seatbelt law initiative.

Upon motion of Ms. Smith, seconded by Dr. McNair, the Board approved the above recommendations for 2004 proposed legislation with the exception of number 9.

Ms. Smith offered comments that she and Dr. McNair had attended the MSDH budget hearing at the Legislative Budget Office and the Department's presentation was very concise and timely.

Ms. Vickey Maddox, Director, Office of Licensure, presented the following appointments to various advisory councils:

Council of Advisors for Dietetics

Carol Rankin, R.D. - Reappointment
Term - January 1, 2004 - December 31, 2006

Teresa Spencer, R.N. - Reappointment
Term - January 1, 2004 - December 31, 2006

Council of Advisors for Speech-Language Pathology/Audiology

Joy Bailey, SLP - Speech/Language Pathologist Representative
Term - January 1, 2004 - December 31, 2006

Council of Advisors for Art Therapy

Jann T. Ferris, ATR-BC - Art Therapist Representative
Term - July 1, 2003 - June 30, 2007

Child Care Advisory Council

Billy McCain - Representative of professional organization, child advocacy group
from 1st Supreme Court District
Term - July 1, 2003 - June 30, 2006

Carol M. Bishop - Representative of professional organization, child advocacy group
from 3rd Supreme Court District
Term - July 1, 2003 - June 30, 2006

Monnie Vail - Representative of a licensed child care provider from 3rd Supreme Court
District
Term - July 1, 2003 - June 30, 2006

Upon motion of Dr. McNair, seconded by Dr. Gough, the Board approved the above appointments to the various advisory councils.

Ms. Smith presented the proposed changes in the following:

Minimum Standards of Operation for the Institution for the Aged and Infirm, Personal Care Homes - Assisted Living, and Personal Care Homes - Residential Living for “final adoption”.

Changes that would affect all three are changes to the Informal Dispute Resolution Process (ICR). This change would allow the State Health Officer to appoint someone in the event one of the members on the panel needed to be absent.

The other change affects only the Personal Care Homes - Assisted Living and Residential. It deletes reference to surveyors who successfully passed the Surveyor Minimum Qualifications Test and the reference to Surveyor Minimum Qualifications Test.

Upon motion of Dr. Reid, seconded by Dr. McNair, the Board voted to approve the **Proposed Changes to the Minimum Standards of Operation for the Institution for the Aged and Infirm, Personal Care Homes - Assisted Living, and Personal Care Homes - Residential Living** for “final adoption”.

Ms. Smith gave an update on the criminal history record checks.

Mr. Larry Calvert, Vice Chairman, presented the report of the Board Subcommittee on Rehabilitation Services. He stated the committee had met and recommends the following changes to Chapter XII of the FY 2004 State Health Plan for an “intent to adopt”.

Allow Level II trauma centers as of July 1, 2003, to apply for CON for Level II Rehabilitation Unit

Change population formula to allow two 20-bed units

Changes will allow Singing River Hospital, Pascagoula, and Baptist Memorial-Golden Triangle, Columbus, to be approved for Level II Rehab units.

Upon motion of Ms. Conerly, seconded by Dr. McNair, the Board approved the above proposed changes to Chapter XII (Comprehensive Medical Rehabilitation CON Criteria and Standards) of the FY 2004 State Health Plan.

Mr. Jim Craig, Director, Office of Emergency Planning and Response, presented for an “Intent to Adopt” the **Amendments to the EMS Rules and Regulations**. These changes include regulations for EMS driver certification, testing and training for EMT basic, EMT intermediate and EMT paramedic.

Upon motion of Ms. Smith, seconded by Ms. Conerly, the Board approved the proposed **Amendments to the EMS Rules and Regulations** for an “Intent to Adopt”.

Mr. Bob Goff, Director, Division of Radiological Health, then presented for the Board’s consideration the following nominees to the Radiation Advisory Council:

Dr. Chad Brown (Reappointment)
Representing Mississippi Chiropractic Association
Four Year Term: July, 2003 - April, 2007

Paula Stewart Strange, DMD
Representing Mississippi Dental Association
Three Year Term: August, 2003 - August, 2006

Dr. Steven E. Zachow (Reappointment)
Representing Mississippi Medical Association
Three Year Term: August, 2003 - August, 2006

Dr. McNair, moved the above nominees be approved to serve on the Radiation Advisory Council. The motion was seconded by Dr. Gersh and approved.

Mr. Goff then presented the **Proposed Amendments to the Regulations for Control of Radiation in Mississippi** for an “Intent to Adopt”. These proposed regulations are amendments to Section W, “Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies. The United States Nuclear Regulatory Commission considers the adoptions of these regulations as a matter of compatibility for all agreement states.

Upon motion of Ms. Conerly, seconded by Dr. Reid, the Board approved the **Proposed Amendments to the Regulations for Control of Radiation in Mississippi** for an “Intent to Adopt”.

Mr. David Mitchell, Director, Public Water Supply, presented for “final adoption” the **Amendments to Mississippi Primary Drinking Water Regulation** to Comply with New Rules Promulgated under the Federal Safe Drinking Water Act. These amendments are required to adopt new federal drinking water regulations that must be enforced by the Department of Health in order to maintain primary enforcement responsibility for the Federal Safe Drinking Water Act in Mississippi. These amendments adopt the new federal regulations “by reference”.

Dr. McNair moved the Board approve the above **Amendments to Mississippi Primary Drinking Water Regulation** for “final adoption”. The motion was seconded by Dr. Gough and approved.

Dr. Foxworth then requested for the Board to name a member of the Board of Health to serve on the Wastewater Advisory Committee. Upon motion of Dr. Gersh, seconded by Dr. Gough, the Board voted for the Chairman to designate the member of the Wastewater Advisory Committee from the Board.

Dr. Foxworth then presented the following individuals recommended to date to serve on the Wastewater Advisory Committee.

<u>Member</u>	<u>Represents</u>
Karl Long, P.E.	American Council of Engineering Companies
Dr. Mills McNeill	MS Department of Health
Stephen Alexander	Builder Rep. - Home Builders Assoc of MS
J. Frank Pucylowski	Developer Rep. - Home Builders Assoc. of MS
Dr. Charles H. Brown	MS ATU Manufacturer
Joe W. Lacey	MS ATU Manufacturer
Grady Tucker	MS Manufactured Housing Association

Milton Lee	MOWA - Septic Tank Mfg. Representative
David Morgan	MOWA - Aerobic Treatment Unit Mfg.
Gary Harrison	MOWA - Installer Representative
Randy Hales	MOWA - Alternate
James G. Thomas	MS State Univ. Agr & Biological Engineering
Larry Bratton	MS Rural Water Association
Michael E. Lilly	Natural Resources Conservation Service
Rick L. Erickson	MS Board of Reg. Professional Geologists
Dr. James May	MS Bd of Reg. Professional Geologists - Alternate

Upon motion of Ms. Smith, seconded by Dr. McNair, the Board approved the above nominees to the Wastewater Advisory Committee.

Upon motion of Dr. McNair, seconded by Dr. Gough, the Board voted to authorize the State Health Officer to approve the other nominees as they are submitted.

Under Old Business, Mr. Jim Craig reported that in regard to the Emergency Medical Services Regulations regarding medical control that were set aside, Dr. Amy named a committee to specifically address those issues and to look into some type of resolution for medical control for responders as well as other EMS providers. This committee will be meeting in the coming months.

Under New Business, Dr. Foxworth presented to the Board recommendations from the Wastewater Advisory Committee to design standard three of the Regulation Governing Individual Onsite Wastewater Disposal for an “intent to adopt”. The revisions reflect recommended size and changes in Section 3-A, Large Diameter Aggregate Replacement systems.

Upon motion of Ms. Smith, seconded by Dr. Gough the Board approved the above recommendations for the Wastewater Advisory Committee for “intent to adopt”.

Dr. Gersh then moved that the Board approve the recommendations of the Board Subcommittee on J-1 Visa. The motion was seconded by Dr. McNair to accept the recommendations of the Board Subcommittee on J-1 Visa.

Mr. Calvert moved that the Board meeting be closed for a preliminary determination and discussion for the necessity of Executive Session. The motion was seconded by Ms. Smith and approved.

Upon motion of Mr. Calvert, seconded by Dr. McNair, the Board voted to enter Executive Session to discuss a personnel matter relating to job performance and to look at a comparison of State Health Officer’s salaries.

Upon motion of Mr. Calvert, seconded by Ms. Smith, the Board voted to exit Executive Session.

Upon motion of Dr. Gersh, the Board voted to raise the salary of the State Health Officer to \$170,961.10. The motion was seconded by Dr. McNair and approved.

Upon motion of Dr. Gersh, seconded by Dr. McNair, the Board voted to adjourn.

R. A. Foxworth, DC
Chairman

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

