

**MINUTES OF MEETING  
MISSISSIPPI STATE BOARD OF HEALTH  
APRIL 14, 2004**

The Mississippi State Board of Health met in regular session on Wednesday, April 14, 2004, 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	Duane F. Hurt, DDS, Greenwood
District 3	R. A. Foxworth, DC, Chairman, Jackson
District 3	Mary Kim Smith, RN, Brandon
District 4	Briggs Hopson, Jr., MD, Vicksburg
District 5	Larry Calvert, R.PH., Vice Chairman, Gulfport

**STATE-AT-LARGE**

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

Members Absent:

Ruth Greer, RN, Holly Springs  
Walter C. Gough, MD, Drew  
Norman Price, McComb  
Ted Cain, Diamondhead  
Janice Conerly, Collins

**OTHERS PRESENT:**

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

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

The first item of business was approval of the minutes of the January 14, 2004 Board meeting. Upon motion of Dr. McNair, seconded by Ms. Smith, the Board approved the minutes.

Mr. Mitchell Adcock, Director of Finance, presented the Financial Report for the period covering July 1, 2003 - February 29, 2004. Upon motion of Dr. Hopson, seconded by Dr. McNair, the Board approved the Financial Report.

Ms. Pat Klar, Director, Office of Human Resources, presented the Personnel Report covering the period March, 2003 - February, 2004. Upon motion of Dr. McNair, seconded by Ms. Smith, the Board approved the Personnel Report.

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

1. Honored Alton B. Cobb, MD, MPH, State Health Officer, 1973-1992. He stated that Dr. Cobb had built a strong foundation for the health of all Mississippians through his many years of state service. Dr. Amy and Dr. Hopson then unveiled Dr. Cobb's portrait. Dr. Amy thanked Dr. Cobb for a lifetime of dedication, great vision and hard work.
2. Mike Scales, Director, Health Informatics, presented an update on the agency improvements being conducted with information technology.
3. Danny Miller, Deputy Director, commented on several things the agency is doing to address quality initiatives: Performance Accountability, Quality Improvement; and Customer Service.

Mr. Miller then presented the Legislative update commenting on the following:

- Appropriations Bill    Currently the MSDH appropriation bill for fiscal year 2005 that was passed by the House would cut the agency's state general funds by ten percent, and reduce the agency's share of the tobacco expendable funds by five percent. The Senate has yet to address the appropriations bill.
- SB 2437 and HB 912    Deletes reporting of parents of illegitimate children shown on birth certificates to every District Attorney in the State. Passed both House and Senate.
- SB 2441 and HB 916    Correction to drug and alcohol testing. Passed both Senate and

House.

SB 2742 and  
HB 1011

State match for Rural Water Systems Improvements Revolving Loan Funds. Has received very favorable reception and it is anticipated it will be acted on before the end of the session.

Criminal  
Background Checks

A number of bills have been introduced to address issues relating to students that are in health care professions. It appears the legislature is going to take care of it in such a way that it protects the patient and facilitates the students and the staffing agencies being able to get background checks for their people.

Upon motion of Dr. McNair, seconded by Dr. Hopson, the Board voted to accept the Legislative Report.

Dr. Gersh, Chairman of the Board Committee on J-1 Visa presented the following recommendations for Board approval:

Dr. Nagy Yousseff (Egypt)  
Psychiatrist

Pinebelt Mental Health Resources - Approval

Dr. Yaser Alsaek (Syria)  
Pediatrician

Newton Regional Hospital - Approval

Dr. Kaul Arvinder (India)  
Psychiatrist

Weems Community Mental Health - Approval

Dr. Devanshi Gupta (India)  
Neurologist

Northwest MS Regional Medical Ctr. - Approval

Dr. Sri Yedlapalli (India)  
Internal Medicine

Neshoba County General Hospita - Approval

Dr. Privilage Masoni (Zimbabwe)  
Pulmonary Disease

Dr. Julian Rose - Disapproval, Pending submission of additional information

Dr. Sarath B. Battula (India)  
Internal Medicine

Landmark Internal Medicine - Approval

Dr. Hurt moved the Board accept the above recommendations for J-1 Visa. The motion was seconded by Dr. McNair and approved.

Dr. Gersh then reported on the Board Subcommittee on Health Resources/Manpower. He discussed ISO 9000.

Upon motion of Dr. Hopson, seconded by Dr. McNair, the Board voted to accept the report.

Dr. Foxworth requested that legal counsel, Sanford Horton, provide the Board at its next meeting, clarification on the work of subcommittees and advisory committees.

Ms. Vickey Maddox, Director, Office of Licensure and Certification, introduced three individuals from the Centers for Medicaid and Medicare that were here at the department reviewing the work performed in the past year.

Ms. Maddox then presented for the Board's consideration the following appointment to the **Council of Advisors for Medical Radiation Technology:**

Paula Young, RT(R) - radiation technologist  
Term: June 1, 2004 - May 31, 2007

Upon motion of Dr. Hurt, seconded by Dr. Hopson, the Board approved the above appointment to the **Council of Advisors for Medical Radiation Technology.**

Mr. Harold Armstrong, Director, Division of Health Planning and Resource Development, presented for an "Intent to Adopt" the FY 2005 State Health Plan, so that the planning process can be initiated with a 30-day comment period. The only change proposed at this time is a complete statistical update of all chapters of the current State Health Plan.

Dr. McNair moved that Board approve the proposed changes to the FY 2005 State Health Plan for an "Intent to Adopt".

The Chairman then recognized Mr. Walter Brown, Attorney, who represents Natchez Regional Medical Center. He addressed the Board to change the restrictions on level two rehabilitation centers, specifically the inclusion of neurological disorders and trauma. He requested that the Board hold a hearing to discuss this issue prior to the next Board meeting.

Mr. Jim Craig, Director, Office of Health Protection, introduced Mr. Keith Parker, new Director of Emergency Medical Services and Trauma. Mr. Craig then presented the following for the Board's consideration.

#### **Proposed Amendments to Existing EMS Regulations - Final Adoption**

Section 2 - regarding transfers of patients, the modification allows that EMT's may attend

and transport patients who have pre-existing procedures or devices beyond their scope if there is no need or reasonable perceived need for the device or procedure during transport.

Section 7 - Includes the exact modification as above under basic life support.

Section 8 - Includes the exact modification as above for advanced life support paramedics.

In addition there are some new skills that are optional skills for the paramedic that are part of the DOT national standard curriculum.

Upon motion of Dr. Hurt, seconded by Dr. McNair, the Board approved the **Proposed Amendments to Existing EMS Regulations** for "Final Adoption".

### **Proposed Amendments to Existing Trauma Regulations - "Final Adoption"**

Chapter II - a definition is added to the trauma team

Chapter VI - provides for administrative funding to level four hospitals and further define the trauma registry inclusion criteria

Chapter XIV - Modifications to reduce the paperwork burden of our level four trauma centers based on comments that were received during a public hearing of level four administrators

Chapter XV - modifies our inspection process for level four trauma centers as requested again through public comment of level four administrators and physicians.

Ms. Smith moved that the Board approve the above. Dr. McNair seconded the motion and the Board approved the **Proposed Amendments to Existing Trauma Regulations** for "Final Adoption".

### **Proposed Amendments to Onsite Wastewater Regulation - "Final Adoption"**

1. General housekeeping changes to reflect current terminology:
  - a. Change the term gravel to aggregate
  - b. Change Division of Sanitation to Division of Onsite Wastewater

2. Section 2.5 Responsibilities part 10. The professional engineer shall be responsible for the following:
  - a. Amend item (c) to require all engineered system proposals be submitted to the Department for review and comment.
  - b. Insert a new item (d) requiring the engineer to provide an approvable design modification for any submitted design where deficiencies with law or regulation were identified by the Department.
  - c. Amend item (f) to clarify documentation to be provided by the engineer upon completion of the system.

#### **Design Standard I I-A Septic Tanks**

1. General housekeeping changes to reflect current terminology:
  - a. Change Division of Sanitation to Division of Onsite Wastewater
2. II. Definitions  
  
Insert item (9) to define Synthetic Fiber Reinforcement
3. VI. Minimum Standards for Septic Tank Construction part 2. Prefabricated Concrete Septic Tank  
  
Move requirements for steel reinforcement to new Section VII. Minimum Standards for Septic Tank Reinforcement
4. Insert new Section VII. Minimum Standards for Septic Tank Reinforcement  
  
Part 1. Tanks Reinforced with Welded Steel Concrete Wire  
Part 2. Tanks Reinforced with Synthetic Fiber Reinforcement

Upon motion of Dr. McNair, seconded by Dr. Hopson, the Board approved the above **Proposed Amendments to Regulation Governing Individual Onsite Wastewater Disposal** for “Final Adoption”.

Mr. Craig then presented for the Board’s consideration a request from the Wastewater Advisory Committee to add an additional member to that committee representing the Professional Soil

Classifier Association of Mississippi. It was recommended that Mr. Christopher Hatcher be appointed and that Mr. William Kingbury as an alternate to represent the soil classifiers.

Upon motion of Ms. Smith, seconded by Dr. Hurt, the Board approved the appointment of Mr. Christopher Hatcher as a member of the Wastewater Advisory Committee and Mr. William Kingbury as an alternate.

Ms. Smith stated there was discussion at the last Wastewater Advisory Committee meeting regarding the ability to conduct meetings when members do not attend. It was recommended that the membership on the Wastewater Advisory Committee be limited to twenty. Upon motion of Dr. McNair, seconded by Dr. Hurt, the Board voted to limit the membership of the Wastewater Advisory Committee to twenty.

Ms. Smith also stated that the Wastewater Advisory Committee wants to recommend to the Board that a notice of "Intent to Adopt" be filed to change the Regulation Governing Individual Onsite Wastewater Disposal: Design Standard III - Expanded Polystyrene Aggregate Systems III-C. It was requested that the Board give Dr. Amy permission to file the notice for "Intent to Adopt" to be presented at the July meeting for "Final Adoption". Ms. Smith moved that the Board approve Dr. Amy filing the above recommendation as an "Intent to Adopt" to be presented at the July Board meeting. The motion was seconded by Dr. McNair and approved.

Mills McNeill, MD, State Epidemiologist, then presented for the Board's consideration an addition to the **List of Reportable Diseases and Conditions** for an "Intent to Adopt".

To be compliant with Public Law 107-260, the Benign Brain Tumor Cancer Registries Amendment, it is requested to add benign brain tumors as a Class IV reportable condition to the **Rules and Regulations Governing Reportable Diseases and Conditions**. This law requires reporting of brain-related tumors and specific language. The addition will become part of Section XVII, Specific Disease Control, Measures.

Upon motion of Dr. Hurt, seconded by Dr. Hopson, the Board approved the addition of benign brain tumors as a Class IV reportable condition to the **Rules and Regulations Governing Reportable Diseases and Conditions** for an "Intent to Adopt".

Mr. Jason Easley, Director, Organizational Quality, presented the following internal audit reports for the second quarter of Fiscal Year '04:

District IV	No material findings
District VII	No material findings
Home Health	No material findings
Health Services	No material findings

Upon motion of Dr. Reid, seconded by Dr. McNair, the Board approved the Internal Audit Reports.

The next item was Old Business. Dr. Hurt presented information to establish an End Stage Renal Disease (ESRD) Facility for Montgomery County. Dr. Hurt moved that the following language be added to the existing State Health Plan and be included in the 2005 State Health Plan:

**Establishment of an End Stage Renal Disease (ESRD) Facility**

1. Need Criterion: An applicant proposing the establishment of a limited care renal dialysis facility or the relocation of a portion of an existing ESR facility's dialysis stations to another location shall demonstrate, subject to verification by the Mississippi State Department of Health, that each individual existing ESR facility in the proposed ESR Facility Service Area has (a) maintained a minimum annual utilization rate of eighty (80) percent, or (b) that the location of the proposed ESR facility is in a county which does not currently have an existing ESR facility but whose ESR relative risk score using current ESR Network 8 data is 1.5 or higher. Eligible counties based on this (b) criterion presently include: Humphreys, Jefferson, Montgomery, and Tallahatchie. Note: ESR Policy Statements 2, 4, 5, and 6 do not apply to criterion 1(b).

The motion was seconded by Ms. Smith. Dr. Gersh moved to amend the original motion to add that a minimum of 25 patients be required to start the facility. The motion was seconded by Dr. Reid. Board members voting in favor of the amended motion: Gersh, Reid, McNair. Board members voting in opposition to the motion. Calvert, Smith, Hurt, Hopson, Foxworth. The motion failed.

The Board then voted on the original motion. The motion passed with all members voting in favor with the exception of Dr. Hopson who abstained.

Dr. Hopson moved that within 24 months of the establishment of this facility, the agency look at the number of patients treated and look at the outcome, both mortality and morbidity wise. The motion was seconded by Ms. Smith and approved.

Dr. Foxworth recognized Dr. McNair who discussed autism in Mississippi. He stated that he would like to look at different ways in trying to centralize this in the state by providing information, being able to teach parents, teachers and provide transportation for treatment. Dr. Foxworth appointed Dr. McNair as Chairman of the Board SubCommittee on Autism.

The next item was election of officers. The Chairman opened the floor for nominations for Chairman. Dr. Hurt moved that Larry Calvert be elected as Chairman. The motion was seconded by Dr. Gersh. Dr. McNair moved the nominations be closed. The Board voted unanimously to elect Larry Calvert as Chairman.

Dr. Hurt then nominated Mary Kim Smith for Vice Chairman. The motion was seconded by Dr. Hopson. Dr. McNair moved the nominations be closed. The Board voted unanimously to elect Mary Kim Smith as Vice Chairman.

There being no further business, and upon motion of Dr. Hopson, seconded by Dr. McNair the Board voted to adjourn at 12:35 p.m.

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R. A. Foxworth, DC  
Chairman

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