

Minutes
STATE BOARD OF HEALTH
September 8, 2017
9:00 a.m.

Division of Public and Behavioral Health
4150 Technology Way, Room 303
Carson City, Nevada 89706

Southern Nevada Health District
Red Rock Trail Room A & B
280 S. Decatur Blvd.
Las Vegas, Nevada 89107

Division of Aging and Disability Services
Early Intervention Services
1020 Ruby Vista Drive, Suite 102
Elko, Nevada 89801

BOARD MEMBERS PRESENT:

Jeffrey Murawsky, M.D. (Las Vegas)
Dipti Shah, M.D. (Las Vegas)
Monica Ponce, DDS (Las Vegas)
Jon Pennell, DVM (Las Vegas)
Charles Smith (Las Vegas)

BOARD MEMBERS EXCUSED:

Judith Bittner

DIVISION OF PUBLIC & BEHAVIORAL HEALTH (DPBH) STAFF PRESENT:

Amy Roukie, Administrator, Lindsey Doolittle, Environmental Health Specialist, EHS, Barrett Evans, Program Manager, EHS, Chad Westom, Bureau Chief, Preparedness, Assurance, Inspections and Statistics, Vickie Ives, Health Program Manager, Jason Lewis, Program Officer, Office of Vital Records, Nathan Orme, Education and Information Officer, HCQC, Masako Berger, Health Program Specialist, Kirsten Coulombe, Deputy Administrator, Administrative Services, John DiMuro, Chief Medical Officer, Anne Meyer, HCQC, Paul Shubert, Bureau Chief, HCQC, Steve Gerleman, Health Facilities Inspection Manager, HCQC

OTHERS PRESENT:

Linda Anderson, AG, Julie Slabaugh, AG, Darcy Davis, Nicki Aaker, CCHHS, Robert Elliott, CCHHS, Quinn Cartwright, NvCHWA, Marissa Brown, NHA, Mary-Ann Brown, Renown/POLST, Peggy Ewald, NV POLST, KT Greene, HCGP, Blayne Osborn, NRHP, Paige Ritzman, NNA, Joanna Jacob, Ferrari Public Affairs, Sheri Eggleston, DHCFP, Scott Weiss, Weiss & Associates, Trey Delap, Group Six Partners, Connie Lynch, Bombshellz Salon, Cindy Clair, Bombshellz Salon, Audrey Vasquez, POPS Tattoo, Heidi Gustafson, Foundation for Recovery

Vice-Chair Pennell opened the meeting at 9:03 a.m. Vice-Chair Pennell indicated that the meeting agenda was posted in accordance with the Nevada Open Meeting Law.

Vice- Chair Pennell informed that due to new member and reappointment of members, in place of roll call, members would introduce themselves. Ms. Roukie, the new Administrator for the Division of Public and Behavioral Health was welcomed.

Approval of Minutes:

Vice-Chair Pennell asked if there were any additions or corrections to the minutes from June 9, 2017 meeting. A motion was made to approve the minutes by Dr. Murawsky, seconded by Dr. Ponce and carried to approve the minutes of June 9, 2017 as submitted.

Consent Agenda:

Renewal of the appointment of MCHAB members: Tyree G. Davis, DDS, Marsha Matsunaga-Kirgan, MD, Fred Schultz, Veronica Galas, RN, BSN.

Consideration and approval of Declaration of Parentage form and Declaration of Paternity form for Office of Vital Records.

Vice-Chair Pennell asked if there were any objections to the consent agenda. There were no objections.

Public Comment: There was no public comment.

VICE-CHAIR PENNELL ENTERTAINED A MOTION ON ITEM 3, CONSENT AGENDA. A MOTION BY DR. PONCE TO APPROVE THE CONSENT AGENDA WAS MADE AND SECONDED BY DR. MURAWSKY; THE MOTION PASSED UNANIMOUSLY.

Consideration and adoption of proposed amendments to NAC Chapter 444 LCB File No. R112-16, Invasive Body Decorations. Barrett Evans, EHS Program Manager, Lindsey Doolittle, Environmental Health Specialist

Mr. Evans provided an overview of the amendment. (Exhibit "A")

Public Comment: There was no public comment.

VICE-CHAIR PENNELL ENTERTAINED A MOTION ON ITEM 4, NAC CHAPTER 444, LCB FILE NO. R112-16. A MOTION BY DR. MURAWSKY TO APPROVE THE PROPOSED AMENDMENT WAS MADE AND SECONDED BY DR. SHAH; THE MOTION PASSED UNANIMOUSLY.

Consideration and adoption of proposed amendments and errata to NAC 449, LCB File No. R133-15, Community Health Worker Pool. Paul Shubert, Bureau Chief, HCQC, Steve Gerleman, Health Facilities Inspection Manager

Mr. Shubert informed the previously proposed regulation along with the Staff Memo and errata had been provided. Today, the revised proposed draft regulation was provided. The revised proposed draft is the one that is being requested for adoption as there is no errata with this version. Mr. Shubert informed that copies have been made available to the public at this hearing and the document is available on the internet website of the Nevada Register at LCB File Number R133-15RP1. The language in the document does not contain any substantive changes from the original draft and errata. The errata is incorporated in the revised post draft. In Section 11.5(a) training hours for community health workers were reduced from seventy-two hours to thirty hours. Section 11.5(a) and (b) removes the term, designee. Section 9.4(b) was also updated to ensure the amendments to NRS200.5093 made during the 2017 Legislative Session are acknowledged. Section 12.1(d) was updated to acknowledge the changes to NRS 449.123 made during the 2017 Legislative Session. A correction was made to the phrasing in Section 12.1(c) for tuberculosis testing of staff.

Mr. Gerleman provided an overview of the amendment. (Exhibit "B")

Vice-Chair Pennell asked the board members if there were any questions. There were no questions.

Public Comment:

Quinn Cartwright, Nevada Community Health Worker Association- Stated she appreciates the regulation; however, does not currently support it in the current form. Ms. Cartwright is asking for changes. Some of the changes include clarifying who the administrator is, taking out some of the required training requirements, and adding the ability to get patients to sign their client rights form electronically.

Mr. Gerleman informed the Administrator must be named on the license by statute. Part of the errata was to change training hours from seventy-two hours to thirty hours.

Mr. Shubert addressed the concept of an individual obtaining a license. All the licensees may be either individuals, a corporation, or an entity that is able to apply for any type of professional license. It does not necessarily need to be an individual.

Mr. Gerleman addressed the patient rights suggestion. Mr. Gerleman explained due to no preclusion to technology, as long as the facility can demonstrate they are providing evidence the recipient acknowledged and received a receipt for it. It is up to each entity to determine how that will be determined.

VICE-CHAIR PENNELL ENTERTAINED A MOTION ON ITEM 5, NAC 449, LCB FILE NO. R133-15. A MOTION BY DR. MURAWSKY TO APPROVE THE REVISED PROPOSED REGULATIONS WAS MADE AND SECONDED BY DR. PONCE; THE MOTION PASSED UNANIMOUSLY.

Consideration and adoption of proposed amendments and errata to NAC 449, LCB File No. R122-16, Construction Standards. Paul Shubert, Bureau Chief, Steve Gerleman, Health Facilities Inspection Manager

Mr. Gerleman provided an overview of the amendment. (Exhibit "C")

Public Comment: There was no public comment.

VICE-CHAIR PENNELL ENTERTAINED A MOTION ON ITEM 6, NAC 449, LCB FILE NO. R122-16. A MOTION BY MR. SMITH TO APPROVE THE PROPOSED AMENDMENT WAS MADE AND SECONDED BY DR. SHAH; THE MOTION PASSED UNANIMOUSLY.

Consideration and adoption of proposed amendments and errata to NAC 449, LCB File No. R120-16, Peer Support Recovery Organization. Paul Shubert, Bureau Chief, Steve Gerleman, Health Facilities Inspection Manager

Mr. Gerleman provided an overview of the amendment. (Exhibit "D")

Public Comment:

Trey Delap, Group Six Partners- Stated he is asking to reject the regulations. The regulations represent a departure from the legislative intent of SB 489. They have participated in the development of these regulations and nothing they have offered has been accepted. Nevada Peer Leadership Advisory Committee (NPLAC) crafted regulations, but were not reviewed by the State. They don't believe the regulations hit the legislative intent of promoting access for smaller organizations to providing peer services, instead it creates a burden that protects those who are already licensed, rather than encourage new licensees into this gap. There is also confusion about how many licenses are needed to do peer services.

Heidi Gustafson, Foundation for Recovery- Stated she is asking to go back to the drawing board with these regulations. These regulations will prohibit any growth in this area for the authentic model and will create more barriers. The rural areas will be directly impacted. Ms. Gustafson is asking to reconsider these regulations the way they are. The time constraint between everything that happens is way too long and it will affect people's lives.

Mr. Gerleman informed responses to Mr. Delap's concerns in the public workshops, the memo, and mock up were provided. Mr. Gerleman stated he was not aware of NPLAC's existence prior to receiving a letter from NPLAC and the Division.

Mr. Shubert responded LCB has reviewed these regulations and found them in accordance with the intent of the statutory language. These are minimal regulations. None of the proposed changes during the 2017 Legislative Session were passed.

Ms. Anderson noted for the record, this Board of Health does have a variance process. If the regulations are providing a barrier to going forward, the Board of Health is still able to hear a variance from the regulations.

VICE-CHAIR PENNELL ENTERTAINED A MOTION ON ITEM 7, NAC 449, LCB FILE NO. R120-16. A MOTION BY DR. MURAWSKY TO APPROVE THE PROPOSED AMENDMENT WAS MADE AND SECONDED BY VICE-CHAIR PENNELL; THE MOTION PASSED UNANIMOUSLY.

Consideration and adoption of proposed amendments and errata to NAC 449, LCB File No. R121-16, Recovery Centers. Paul Shubert, Bureau Chief, Steve Gerleman, Health Facilities Inspection Manager

Mr. Shubert informed the previously original proposed draft regulation along with the Staff Memo and proposed errata were provided. Today, the revised proposed draft regulation was provided. The revised proposed draft is the one being presented for adoption today, as there will be no errata associated with this version. Copies have been made available at this hearing. The language in the document does not contain any substantive changes from the language in the original draft. The errata was incorporated into the revised proposed draft in its substantive form. Section 12.1(a) the phrase "at any one time" was added to the total bed count language such that facilities are not over census at any given time. Section 13 added suggested language for quality improvement and risk management programs. Section 23 added suggested language for infection control. LCB also updated Section 21.2 to ensure the amendments to NRS 629.061 made during the 2017 Legislative Session are acknowledged. LCB inserted Section 33, to ensure the changes established in the construction standards regulations would be effective if the Legislative Commission hears these regulations at different meetings. This addition conforms to the changes made in LCB File No. R122-16.

Mr. Gerleman provided an overview of the amendment. (Exhibit "E")

Dr. Murawsky is concerned with the transfer agreement section being removed.

Mr. Shubert requested to take a break, establish language, and bring it back before the Board.

This item was tabled to allow time to generate an errata regarding transfer agreements.

Consideration and approval of changes made to the POLST (Physician Order for Sustaining Life Treatment) Form. Kirsten Coulombe, Deputy Administrator, Administrative Services

Ms. Coulombe provided an overview of some of the changes made to the POLST form. In the past Legislative Session, there were changes to AB 199, including the POLST form. The POLST form was expanded to allow APRN's and PA's, in addition to physicians to sign the

form. Due to the expansion, the name has been changed to Provider Order. It specifically adds who can fill out the form. The changes that were made were to allow greater flexibility in getting the document completed.

Public Comment:

There was no public comment.

VICE-CHAIR PENNELL ENTERTAINED A MOTION ON ITEM 9, CONSIDERATION AND APPROVAL OF CHANGES MADE TO THE POLST FORM. A MOTION BY DR. PONCE TO APPROVE CHANGES MADE TO THE POLST FORM WAS MADE AND SECONDED BY DR. SHAH; THE MOTION PASSED UNANIMOUSLY.

Reports (Informational):

Nicki Aaker, MSH, MPH, RN, Director Carson City Health and Human Services- Stated CCHHS has received the SAPTA 003 grant funds. Healthcare provider education has been provided, on the CDC prescribing guidelines for opioids and new regulations that have gone into effect. CCHHS is also working with Health System Changes and partnering with Law Enforcement. Ms. Aker reported that there are ten multi-unit housing complexes or property management agencies with smoke free policies. The Community Health Needs Assessment is complete and are now beginning the work on the Community Health Improvement Plan. Carson City is revising the Compliance and Enforcement Section of the Food Code and will be requesting approval from this State Board of Health once the regulations are approved by the Carson City Board of Supervisors. There have been two cases of West Nile Virus in Carson City, eight cases in Lyon County and two cases in Douglas County. The Quad-County Healthcare Coalition held its first meeting on August 1st. The Mobile Medical Facility was setup on August 23rd.

Andy Glass, Southern Nevada Health District- Stated tuberculosis continues to be a concern within the Southern Nevada area. The Health District is finalizing the documentation collection for the accreditation process. In late spring/early summer, they intend to have final submission of documents. The Health District has active programs within vector control and monitoring for arboviruses within the community.

Item 8, Consideration and adoption of proposed amendments and errata to NAC 449, LCB File No. R121-16, Recovery Centers. This item was brought back for further discussion. Mr. Shubert asked if the Board would adopt the following errata along with the revised proposed regulations; "A recovery center shall have in effect an agreement with at least one licensed hospital that provides for the transfer of patients from the facility to the hospital. The agreement must provide that; a patient transferred from the facility will be admitted to the hospital in a timely manner if the transfer is medically appropriate as determined by the patient's attending physician. A recovery center that does not have such an agreement in effect but has attempted in good faith to enter into such an agreement with a hospital sufficiently close to the facility to make transfers feasible shall be deemed to have such an agreement."

Dr. Murawsky asked if they would consider “all hospitals” instead of “a hospital” in the last sentence of the errata, relating to a recovery center. “A hospital” will be replaced with “all hospitals”.

Public Comment:

Scott Weiss- Stated he would like to recognize staff for their work and helpfulness. The addition to the transfer agreement is reasonable as to what is in the current ICF regulations.

Marissa Brown, Nevada Hospital Association- Stated the Hospital Association appreciates the inclusion of several of their recommendations in the proposed regulations. The proposed regulations still fall short of what should be required to ensure the new licensed care facility adequately protects the patients they serve. The proposed regulations for Recovery Centers lack specificity that should be incorporated into the regulations. They highly recommend the following be incorporated into the regulations: the regulations require the designation of at least one person to oversee development and carry on infection control policies as well as to participate in four hours of training applicable to infection control; should require creation of a committee to oversee the quality improvement program which would evaluate the appropriateness of diagnosis and treatment along with services performed; require the establishment of a patient safety committee to oversee a quality improvement program to evaluate and document deficiencies; submit patient safety checklist and safety policies as well as provide for the implementation and maintenance of program for risk management. It should also require for reporting of healthcare associated infections and the transfer agreement. The regulations should address the mandates required in prescribing opioids for pain management as they relate to other entities and providers. More specific, regulatory oversight is necessary to ensure the patients of the recovery centers receive safe, high quality care.

Mr. Shubert recognized Ms. Brown’s request of more specificity. Mr. Shubert informed, at this time the regulations have sufficient specificity to protect the public.

VICE-CHAIR PENNELL ENTERTAINED A MOTION ON ITEM 8, NAC 449, LCB FILE NO. R121-16. A MOTION BY DR. SHAH TO APPROVE THE REVISED PROPOSED REGULATIONS ALONG WITH THE ERRATA WAS MADE AND SECONDED BY DR. PONCE; THE MOTION PASSED UNANIMOUSLY.

Presentation of the Centers of Disease Control and Prevention, National Program of Cancer Registries Recognition Certificate to Nevada’s Central Cancer Registry. Amy Roukie, Administrator

Ms. Roukie informed the achievement indicates the state Cancer Registry meets the CDC’s NPCR standard for inclusion in this year’s United States Cancer Statistics Report.

Carmen Ponce was present in Carson City to accept the recognition certificate.

Nominations and election of Board of Health Chairperson and possible Vice-Chairperson:

Dr. Murawsky nominated Vice-Chair Pennell for Chairperson. Vice-Chair Pennell accepted the nomination. Dr. Ponce seconded and carried to approve the nomination of Vice-Chair Pennell as Chairperson.

Dr. Pennell nominated Dr. Murawsky for Vice-Chair. Dr. Murawsky accepted the nomination. Dr. Ponce seconded and carried to approve the nomination of Dr. Murawsky as Vice-Chair.

Recommendations for future agenda items:

No recommendations were made.

Public Comment:

Leah Cartwright, Nevada Psychiatric Association- Ms. Cartwright informed Suicide Prevention CME's are available. There are two hours available online now and two hours in 2018.

The meeting adjourned at 10:53 a.m.