

Minutes
STATE BOARD OF HEALTH
December 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)
Judith Bittner (Carson City)

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

Amy Roukie, Administrator, Barrett Evans, Program Manager, EHS, Jason Lewis, Program Officer, Office of Vital Records, Joe Pollock, Deputy Administrator, Ross Armstrong, Deputy Administrator, Paul Shubert, Bureau Chief, HCQC, Leon Ravin, Acting Chief Medical Officer, Jo Malay, Hospital Administrator, Jay Barth, Michael Mason, Latisha Brown, Program Manager, Child Care Licensing, Amir Bringard, Health Facilities Inspection Manager, HCQC

OTHERS PRESENT:

Linda Anderson, AG, Julie Slabaugh, AG, Neal Jones, Joanne Sallia, Renown, Nicki Aaker, CCHHS, Karen Beckerbauer, Douglas County, Chris Bosse, Renown, Jennifer Harrington, The Learning House of Las Vegas, Chris Derossi, The Learning House of Las Vegas, Trey Delap, Group Six Partners, Joe Iser, SNHD, Kevin Dick, Washoe County Health District (phone)

Chair Pennell opened the meeting at 9:00 a.m. Chair Pennell indicated the meeting agenda was posted in accordance with the Nevada Open Meeting Law.

Roll call was taken and it was determined that a quorum of the State Board of Health was present.

Approval of Minutes:

Chair Pennell asked if there were any additions or corrections to the minutes from September 8, 2017 meeting. Ms. Roukie informed the Board there was material that needed to be added as an attachment to the minutes as public testimony.

Public Comment:

Mr. Delap indicated they were present at the September 8th meeting regarding the Peer Support Recovery Organization regulations. Mr. Delap is requesting the minutes to be appended and include their written testimony.

A motion was made to approve the minutes by Dr. Murawsky, seconded by Dr. Ponce and carried to approve the minutes of September 8, 2017.

Chair Pennell informed variance #689 and variance #690 were going to be removed from the consent agenda for further discussion.

Consent Agenda:

Consideration and approval of variance #688, NAC 449.3154.2- Stein Forensic Facility

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

Public Comment: There was no public comment.

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

Consideration and approval of variance #689, NAC 432A.250-The Learning House of Las Vegas. Paul Shubert, Bureau Chief, HCQC, Latisha Brown, Program Manager, Child Care Licensing

Ms. Brown reported variance #689 is a request from the Learning House of Las Vegas to obtain a variance for their prospective child care facility to not have an outdoor play space as required by NAC 432A.250. NAC 432A.250.1b states that except as otherwise provided in this subsection, subsection 3 and NRS 432A.078, in each facility there must be at least 37 ½ square feet of outdoor play space for each child, as determined by the maximum number of children stated on the license for the facility. The Learning House of Las Vegas's reasoning behind the requested variance is that their structured program is only two-three hours in length and is exclusively done while utilizing indoor space and would not require outdoor play space because the children would not be present long enough in the day to utilize an outdoor space. Staff's review identified other facilities have previously requested a variance to this requirement with similar unique circumstances. Staff recommends the Board to approve the variance with the following stipulations; no child can be in the facility more than three hours at a time per day, the

facility must ensure that children receive play time within the facility to ensure their development and minimize the risk associated with not having an outdoor play area. If it is determined the facility violates these stipulations, this variance is void and the facility's license would be revoked in accordance with NRS 432A.200.

Dr. Murawsky inquired if a potential regulation change has been looked at to add the three hour component to statute as it exists currently.

Mr. Shubert thanked Dr. Murawsky for the suggestion. Mr. Shubert replied since there are other facilities that have applied for similar variances it appears they should consider looking at the regulation and stipulations in this variance and generate a regulation that would accommodate that.

Public Comment:

Chris Derossi, The Learning House of Las Vegas- Mr. Derossi commented he believes their facility falls within a gray area amongst the statute. Mr. Derossi responded to Dr. Murawsky's question stating there is already in the statute, another category of child care facility called an accommodation facility which has a time limited factor of 3 ½ hours and does not require an outdoor play space. Their facility has two separate groups, morning and afternoon.

Dr. Pennell asked Mr. Derossi if the reason they signed the lease was due to thinking their facility was an accommodation facility. Mr. Derossi replied, before signing the lease they engaged with a local law firm who reviewed the statute and concluded they did not fit the definition of a child care facility.

CHAIR PENNELL ENTERTAINED A MOTION ON VARIANCE #689. A MOTION BY DR. MURAWSKY TO APPROVE VARIANCE #689 WITH THE STIPULATIONS INCLUDED IN THE STAFF RECOMMENDATION WAS MADE AND SECONDED BY DR. SHAH; THE MOTION PASSED UNANIMOUSLY.

Consideration and approval of variance #690, NAC 440.022- Renown Health/Chris Bosse.
Joe Pollock, Deputy Administrator, Jason Lewis, Program Officer, Office of Vital Records

Mr. Lewis reported Renown Health is requesting a variance from NAC 440.022. The intent of the regulation is to allow the State Registrar to provide birth and/or death record data to federal, state, and county agencies for legitimate governmental purposes. The government agencies are required to maintain confidentiality which is done through a confidentiality agreement and pay all applicable fees. Renown Health is requesting to receive death information monthly in order to provide better service to their living ACO members and for the purpose of not adding additional distress on the decedent's surviving family by their outreach. If approved, Renown Health would be responsible to pay a one-time fee in the amount of \$500.00. The Office of Vital Records has not provided similar data to a similar party and is unaware if Renown Health has

received authorization from their ACO members for the requested data. The Office of Vital Records did not receive public comment and is in approval of the variance.

Dr. Murawsky inquired what would make this request unique.

Mr. Pollock informed the variance is to provide information to Renown because they are not a governmental agency. The variance is asking to provide the information that DPBH normally provides to a government agency. Renown is asking for a list of recently deceased patients in order to not send additional correspondence to deceased patients and their families. A regulation change is something that will be considered.

Dr. Murawsky indicated this appears to be a request for a regulation change. Dr. Murawsky stated he is not sure what makes this unique to provide a variance until a regulation change takes place.

Mr. Pollock replied, regulation changes often come from variance requests and the application is unique to the individual. As far as a regulation change, it takes quite some time.

Dr. Murawsky is concerned approving the variance sets a precedent for one organization. He commented he does not see it as appropriate for a variance other than moving it forward as a regulation change.

Mr. Pollock suggested modifying the variance request to include similar applications knowing that regulation changes are forthcoming.

Ms. Anderson responded it is a creative way to try address the issue however, the concern being expressed is if DPBH goes through the regulation process or had a more public variance process that involved everyone, then folks would be unnoticed that their information would be shared in this way and that is what is missing. The Board is suggesting there may not be a hardship now, requiring a variance however, they do recognize a process should go into place that would allow the sharing of this information in a confidential nature.

Mr. Pollock commented he would hate to see the information held up because of the bureaucratic process and would rather provide it than wait for the regulation promulgation process to go through, as it is time consuming.

Public Comment:

Dr. Iser recommended the Board to direct to develop a regulation timeline to come back to the Board with the regulation approval. Dr. Iser commented the arguments are cogent and perfectly appropriate.

Chris Bosse, Renown Health- Ms. Bosse addressed a comment as it relates to consent for this information. There is not additional required consent because of the relationship they have with

patients. They are required to treat it in a HIPAA compliant manner. They are requesting the variance to better approach patient's families. Ms. Bosse replied to Dr. Murawsky's inquiry regarding the hardship Renown is undergoing by not having the information. Ms. Bosse stated there is no unique hardship. The hardship is on the patient's families.

CHAIR PENNELL ENTERTAINED A MOTION ON VARIANCE #690. DR. SHAH, MR. SMITH, AND MS. BITTNER VOTED TO APPROVE. DR. PONCE, DR. MURAWSKY, AND CHAIR PENNELL OPPOSED. THE MOTION DOES NOT MOVE FORWARD.

Dr. Murawsky recommended to have an update with a plan and a timeline of when regulations could be adopted that would allow this data sharing with all appropriate organizations of similar need, at the next meeting.

Ms. Roukie announced Mr. Pollock's retirement. Ms. Roukie thanked him for his hard work and dedication, and wished him well.

Reports (Informational):

Nicki Aaker, MSH, MPH, RN, Director Carson City Health and Human Services- Ms. Aaker provided updates on adolescent health education program, tobacco control and prevention, clinical services, environmental health, epidemiology, public health preparedness, and human services. A written report is attached to these minutes, Exhibit "A".

Kevin Dick, District Health Officer for Washoe County Health District- Mr. Dick reported the Health District announced yesterday the first two flu related deaths this flu season. There have been 670 cases of flu reported this season. Regarding the Aseptic Meningitis outbreak, there are 55 cases. The Health District has advised the public regarding preventive measures such as hand washing and deep cleaning.

Dr. Joseph Iser, Chief Health Officer for Southern Nevada Health District- Dr. Iser reported the October 1st tragedy was a trial and issue for everyone to deal with. The vector season this year is far worse in the North due to flooding. Dr. Iser suggested he would like to work in collaboration with the State and health authorities to find a permanent funding source for vector control. Dr. Iser expressed appreciation for the work Mr. Pollock has done for public health over the years.

Karen Beckerbauer, Manager for Douglas County Social Services- Ms. Beckerbauer reported they received their first flu fighter award on Tuesday. Their statistics show they have provided 150 more immunizations this year than last year. Douglas County has received notification of approval as a provider for Medicare. They will be hosting a human trafficking presentation. Social Services is very active in the Healthcare Coalition and Behavioral Health Task Force. They are working with other partners in the community to do a community wide health needs assessment this year.

Recommendations for future agenda items:

No recommendations were made.

Public Comment:

Neal Jones, Belmont, NV- Mr. Jones provided a letter to be attached to these minutes, Exhibit "B".

Chair Pennell stated the Board of Health would consult with staff and take their direction.

The meeting adjourned at 10:04 a.m.

DRAFT