

Joe Lombardo
Governor



Richard Whitley, MS
Director

**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

**MEETING MINUTES
STATE BOARD OF HEALTH**

March 3rd, 2023

9:00 am

MEETING LOCATIONS:

This meeting was held virtually via Microsoft Teams, by phone, and at physical locations.

Online Meetings Link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MDI0M2VINDItNzU5NS00YjFhLTNmMDUtMWEzOTA1NWUxODRj%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22e2f9f008-841c-437d-b037-927c30ea003e%22%7d

Phone Number:

+1-775-321-6111

Phone Conference ID Number: 443 843 916#

Physical Meeting Locations:

Southern Nevada Health District (SNHD)

Red Rock Trail Rooms A and B

208 S. Decatur Boulevard; Las Vegas, Nevada 89107

Nevada Division of Public and Behavioral Health (DPBH)

Hearing Room No. 303, 3rd Floor.

4150 Technology Way; Carson City, Nevada 89706

1. CALL TO ORDER/ROLL CALL – *Dr. Jon Pennell, Chair*

BOARD MEMBERS PRESENT:

Dr. Jon Pennell, DVM

Dr. Jeffery Murawsky, MD

Dr. Monica Ponce, DDS

Dr. Trudy Larson, M.D.

Ms. Judith Bittner

Mr. Charles Smith

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

Autumn Blattman, Executive Assistant, Division of Public and Behavioral Health (DPBH); Sherry Stevens, Administrative Assistant III, DPBH; Kayla Villegas, Administration Assistant III, DPBH; Dr. Ihsan Azzam, Chief Medical Officer, State of Nevada, DPBH; Bobbie Sullivan, EMS Rep II, DPBH; Brooke Maylath, Health Facility Inspector, DPBH; Teresa Hayes, Health Program Manager III, DPBH; Leticia Metherell, Health Program Manager III, Health Care Quality and Compliance (HCQC); Kayla Samuels, MAI-UF, HCQC; John Gemar, Health Facilities Inspector III, HCQC; Paul Shubert, Bureau Chief, HCQC; Chris Hooper, Auditor II, Southern Nevada Adult Mental Health Services (SNAMHS); Kevin Haywood, Emergency Medical Services Representative II, Emergency Medical Services (EMS); Dawn Cribb, Public Information Officer, DPBH; Steve Gerleman, Health Facilities Inspector III, HCQC; Preston Tang, Health Program Specialist, DPBH; Kristy Zigenis, Health Program Manager II, DPBH; Vickie Ives, Health Program Manager III, DPBH; Julie Lindesmith, Agency Manager, DPBH

OTHERS PRESENT:

Jesse Wellman, Biostatistician II, Director's Office (DO); Pierron Tackes, Deputy Attorney General, DO; Roshanda Clemons, Medicaid Medical Director, Division of Healthcare Financing and Policy (DHFP); Andria Mulet, Executive Assistant, Southern Nevada Health District; Dr. Tedd McDonald, District Health Officer, Central Nevada Health District; Dr. Colleen Lyons, Health Officer, Carson City Health and Human Services; Kevin Dick, District Health Officer, Washoe County Health District (SNHD); Dr. Fermin Leguen, District Health Officer, Southern Nevada Health District (SNHD); Linda Anderson, Public Health Policy Analyst, Nevada Public Health Foundation; Scott Weisen, Healthcare Consulting Group, Southern Nevada; Chris Saxton, Director, Environmental Health, Southern Nevada Health District (SNHD); Larry Rogers, Food Management, Environmental Health, SNHD; Aaron Delgado, Environmental Health Manager, SNHD; John Mielo, Danyelle Keller, Heather Hanoff, SNHD; Cody Knight, Whitney Robinson, Nicki Aacker, James Johnson

Chair Pennell called the meeting to order and opened the meeting at 9:00 a.m.

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

2. ACTION ITEM: Review and Approval of meeting minutes from January 20th, 2022 – Jon Pennell, Chair

Meeting minutes asked to be tabled by Chair Pennell due to a typographical error regarding the date on the meeting minutes agenda item.

CHAIR PENNELL REQUESTED A MOTION TO TABLE THE APPROVAL OF JANUARY 20TH, 2023 MEETING MINUTES UNTIL THE NEXT MEETING. DR. TRUDY LARSON MADE THE MOTION TO TABLE APPROVAL OF THE MINUTES UNTIL THE NEXT MEETING. MR. SMITH SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

3. INFORMATIONAL ITEM: Quarterly County and District Health Reports

Carson City Health and Human Services – Dr. Colleen Lyons, Health Officer and Nicki Acker, Director

Dr. Colleen Lyons, Health Officer, Carson City Health and Human Services, presented on the Carson City Health and Human Services report. Dr. Lyons started by going over the reports' main highlights. Dr. Lyons stated by not being funded, they lost about \$300,000 a year regarding the Title 10 Family Planning Grant. Dr. Lyons continued with stating having been funded for many years in the past, the state helped with funding. Dr.

Lyons mentioned that they are continuing to be able to provide services and asked everyone to continue to advocate for Title 10 funding for Northern Nevada at the federal level. Dr. Lyons noted that their program is appreciative of the reproductive grant from the state of Nevada workforce challenges and have been able to hire full and fill four positions. Dr. Lyons continued by listing the filled positions which were the Human Services Division, social worker, a part time, front desk office specialist list and part-time Women and Children, Infant and Child Specialist and a part-time community health worker to work with adolescent health and preventive health. Dr. Lyons noted that the program still has three very hard to fill positions, the biggest being the Public Health Preparedness Division Manager who is now their Deputy, then a manager position, public health nurse and epidemiologist as well. Dr. Lyons then stated that they have provided testimony and support of SB118 to provide unrestricted funds to public health departments based on a per capita.

Regarding homelessness, Dr. Lyons mentioned that they will be utilizing the Community Management Information System used throughout the state and that will help them keep track of our homeless population. Continuing the topic, Dr. Lyons stated that to be able to really keep track with the community, the Community Health Improvement Plan that their program is starting, has completed the Community Health Needs Assessment. Lastly, she stated the program has completed the After-Action Report on COVID-19 and within the Human Services Division, the Nevada Housing Division conducted a program in fiscal review of four housing programs and did not find any findings of concern.

Dr. Lyons asked if there were any questions or comments from regarding the Carson City Health and Human Services report.

Washoe County Health District – Kevin Dick, District Health Officer

Kevin Dick, District Health Officer presented for Washoe County Health District. Mr. Dick opened by providing a few updates. Mr. Dick stated that as of now rates of respiratory disease are low in Washoe County and tracked an early season surge for flu and RSV. He noted those numbers are now low including COVID-19 cases.

Mr. Dick continued by stating that the SB118 and the Public Health Improvement Fund had the honor of assisting with introducing that bill to the Senate Health and Human Services Committee on February 16th, and that bill passed out of committee the day it was heard. Mr. Dick noted that will put the bill in motion for a while as it will be going to the Senate Finance Committee which will be happening at the end of the session.

Mr. Dick then stated SB172 is another important bill to them and mentions the loss of funding for the Carson City Health and Human Services regarding the Title 10 funding for Family Planning. Mr. Dick mentioned they have also lost that funding along with the Department of Health and Human Services where they been getting funding for over 50 years. Mr. Dick emphasized that SB172 is an important bill for them as it would assure that they can continue to provide services regarding reproductive health services to minors without parental consent, which is where they will be continuing to support.

Mr. Dick mentioned that in the previous week, he presented their budget for FY24 to their District Board of Health. Mr. Dick noted that the budget included 1.5 million of above base funding. Mr. Dick explained that the revenue that they have out of their health fund that's available will be maintaining three community health worker positions that were initially funded with a passed HealthEquity grant from the state from CDC which was also a short-term grant that is ending. Mr. Dick stated they are pleased to be working to continue with community health workers and are adding 7 new positions for the health district. Mr. Dick said they have been working with the National Public Health Foundation and doing a foundational public health services assessment

of their staffing at the Health District for foundational areas and capabilities. From that, Mr. Dick said they had determined based on a model and a calculator tool developed by University of Minnesota for estimating the number of foundational staff that you should have based on the population that the health department serves, they should have about 24 additional positions, and will be able to add a few more. Mr. Dick noted that they do not have the resources to bring all of those on board but are hoping to see SB118 pass and become law so that they may have additional funds. Mr. Dick then stated that those foundational services are just that- a foundation that a health department needs to have to be able to support the other programs to deliver needed community services. Mr. Dick emphasized that not the full extent of staffing is a want, but that staffing is needed to have a strong foundation.

Mr. Dick moved on by providing an update that they now have the Abbey Group on board and are working with them on a rebranding campaign. Mr. Dick mentioned that they are planning on changing their program name to Northern Nevada Public Health serving Reno, Sparks and Washoe County, and are underway to be rebranding in August.

On the topic of community health, Mr. Dick stated they are working community partners on the completion of their Community Health Improvement plan, where they hope to have done within the next month or so and then will be implementing that with their partners over the next few years. Mr. Dick continued to say that they will provide the Board with more information as they get the project completed. Mr. Dick mentioned that during the month of February, they had been conducting HealthEquity training for their staff in which is now set up as a voluntary program for all staff to sign up and receive the training for. Mr. Dick concluded his reporting.

Chair Pennell asked if there were any questions from the Board regarding the Washoe County Health District report.

No further questions or comments were asked by the Board and Southern Nevada Health District opened with their report.

Southern Nevada Health District – Dr. Fermin Leguen, MD, MPH, District Health Officer

Throughout Southern Nevada Health District’s reporting, microphone feedback was heard throughout the duration of the report.

Dr. Fermin Leguen, District Health Officer presented for Southern Nevada Health District. Dr. Leguen began by regarding the Covid pandemic, the number of pending cases continue to decrease. Dr. Leguen continued by stating that in the past, COVID cases reported were at 2,000 while today reported cases are between 50, 60, and 80. Dr. Leguen noted that there are still a lot of home testing going on. Dr. Leguen added that they have completed their Community Health Improvement plan which included identifying communities and areas to support them with resources for chronic disease, access to care, funding for other health services, and transportation. Dr. Leguen then regarded a partnership with a science Episcopal Church where health services including health education can be facilitated from.

Dr. Leguen went on to share with the Board that they have received a \$22 million grant from the CDC in December as a five-year public health infrastructure grant. With this grant, Dr. Leguen said infrastructure changes such as walking areas critical to their organizations will take place as well as employee retention, and filling positions. Dr. Leguen concluded their report.

Chair Pennell asked if there were any questions from the Board regarding the Southern Nevada Health District report.

No further questions or comments were asked by the Board and Central Nevada Health District started their report.

Central Nevada Health District – Dr. Tedd McDonald, MD, District Health Officer

Dr. Tedd McDonald presented for Central Nevada Health District. Dr. McDonald began by stating that a meeting would be held the following week where it is planned for them to hire their new Administrative Director and would be approving their list of critical positions.

Regarding health concerns, Dr. McDonald stated there are none for Churchill County as of now along with no hospitalizations. Dr. McDonald concluded their report.

Chair Pennell asked if there were any questions from the Board regarding the Central Nevada Health District report.

No further questions or comments were asked by the Board and the State of Nevada started their report.

State of Nevada – Dr. Ihsan Azzam, Chief Medical Officer

Dr. Ihsan Azzam, State Chief Medical Officer, presented for the State of Nevada. Dr. Azzam opened their report regarding the current COVID status. Dr. Azzam stated both the national emergency and the public health emergency declarations related to the COVID pandemic are planning to expire on May 11. Adding on, Dr. Azzam mentioned these two declarations have been in place since early 2020 and gave the federal government flexibility to waive or modify certain requirements in several areas, including Medicare, Medicaid, and private health insurance. Regarding status, Dr. Azzam said COVID continues to result in around 300 deaths each day in the US, which is equivalent to an annual mortality burden that is higher than that associated with a severe influenza season. Dr. Azzam noted that additionally, many people continue to face severe, short, and long COVID illnesses, especially among the unvaccinated individuals with limited access to effective treatments and patients with underlying conditions or immunologically challenged. Dr. Azzam noted that we are in a much better place than we have ever been during this pandemic all while Nevada hospitals are experiencing decreasing hospitalization of occupancy rates. With this, Dr. Azzam stated COVID would remain part of our lives for a very long time, threatening the health and well-being of millions of people. Regarding averages of new cases and hospitalizations, Dr. Azzam said the 14-day moving daily average of new cases was 126, while the 14th day moving average of daily hospitalization was 166. Dr. Azzam then mentioned about 84% of Nevada adults completed their COVID primary vaccine series, while 21% of Nevada adults received their bivalent booster. Dr. Azzam concluded stating Epidemiological studies demonstrated that the bivalent booster reduced symptomatic COVID infections and death by more than 50%, and additionally, the CDC Advisory Committee on Immunization Practices just added the COVID vaccine to the adult immunization schedule.

Regarding Influenza, Dr. Azzam stated the influenza season has begun earlier than usual and seems to have been associated with higher hospitalization rates, especially among young children. Dr. Azzam noted Influenza virus AH3 has been the dominant circulating virus in Nevada and nationally. However, as of the second week of this influenza season, the percentage of patients with influenza like illnesses in Nevada decreased to below the state baseline. Continuing, Dr. Azzam said the influenza vaccine seems to have been a good match to the circulating virus. It was able to reduce the risk of severe flu illnesses by about 60%.

Moving on to the topic of the Monkey Pox outbreak, Dr. Azzam noted that while the global outbreak of monkeypox is still ongoing, the Monkey Pox National emergency ended on January 31st. Dr. Azzam stated since the beginning of the outbreak, there have been 323 Monkey case, monkey pox cases and 28 hospitalizations in Nevada and sustained efforts to vaccinate individuals at highest risk for contracting Monkey Pox resulted in having this outbreak well under control in Nevada and nationally. Dr. Azzam continued by stating the 14-day moving average of daily monkey pox cases in Nevada is currently 0 and concluded with the Ebola. Dr. Azzam noted there have been no new Ebola cases for almost two months and the World Health Organization officially declared the end of the Ebola outbreak in Uganda. Additionally, the US already ended the screening and monitoring requirements for travelers arriving from that country, said Dr. Azzam.

Chair Pennell asked if there were any questions from the Board regarding the State of Nevada report. No further questions or comments were asked by the Board.

Chair Pennell asked for any more verbal reports regarding Informational Items F through O would like to speak. None heard.

4. ACTION ITEM: Approval of Consent Agenda Items

Chair Pennell asked the Board if there are any items, they wish to be pulled from the consent agenda. None heard.

Chair Pennell asked for public comment on the consent agenda. None heard.

CHAIR PENNELL REQUESTED A MOTION TO APPROVE THE CONSENT AGENDA. A MOTION TO APPROVE THE CONSENT AGENDA WAS MADE BY MONICA PONCE AND SECONDED BY TRUDY LARSON. THE MOTION PASSED UNANIMOUSLY.

5. ACTION ITEM: Discussion and Possible Approval of Variance #743 regarding requirements of NAC 450B.384, practicing beyond the scope of the certificate and NAC 450B.461, restrictions on authority to administer, submitted by Carlin Volunteer Fire Department – *Bobbie Sullivan, Manager, Emergency Medical Services Program, DPBH*

Bobbie Sullivan, Manager, Emergency Medical Services Program, DPBH presented for the approval of Variance #743. Ms. Sullivan noted that Carlin Volunteer Fire Department has submitted the request for variance to the two regulations, mentioning one is for the allowance to administer Ativan for seizure patients and the other one for pain management using morphine. Ms. Sullivan continued and said Carlin has submitted documentation supporting the location of their agency and their response area, which is quite expansive for a volunteer organization and the inability to sometimes rendezvous with advanced life support, either through ground response or through air response given weather conditions and other factors within the local area. Ms. Sullivan noted through the administration, control and tracking of those medications have support through the physicians at Northern Nevada while they are at Northern Nevada Regional Hospital, which is the main office at this time that is in support of this request. Ms. Sullivan closed her remarks and stated with the controls and the factors that are listed in their response and they believe it will provide better pain control management and seizure control for patients in the prehospital setting at this location.

Chair Pennell asked for questions from the Board Members or public comment on the variance. None heard.

CHAIR PENNELL REQUESTED A MOTION FOR APPROVAL OF VARIANCE #743 FROM NAC 450B.384 AND NAC 450B.461. A MOTION TO APPROVE VARIANCE #743 FROM NAC 450B.384 AND NAC 450B.461 WAS MADE BY JEFFERY MURAWSKY AND SECONDED BY MONICA PONCE. THE MOTION PASSED UNANIMOUSLY.

6. **ACTION ITEM: Discussion and Possible Approval of Variance #746 regarding NAC 450B.320, licensing of attendants: qualifications, submitted by Victoria Perea – *Bobbie Sullivan, Manager, Emergency Medical Services Program, DPBH***

Chair Pennell stated Agenda Item 6 has been pulled.

7. **INFORMATIONAL ITEM: Report to the State Board of Health on the Environmental Commission – *Charles Smith, State Board of Health Member***

Charles Smith presented the updates for the report on the Environmental Commission. Mr. Smith began by noting the State Environmental Commission met on December 14th last year and the latest update being for the Nevada Sustainable Materials Management Plan which was presented by the solid Waste Management Commission. The intention and the purpose moving forward is to try to defer as much material out of the landfills as possible and adopt programs with the various States and counties within Nevada. Mr. Smith noted the latest update was from an ongoing program starting back from the 2017 Management Plan. In addition, there were several regulatory petition updates concerning water quality and water quality processing that were presented in the last meeting. Mr. Smith closed the report mentioning the last update from the previous meeting was concerning water quality and the Nevada Wash, where there was a three-year study done.

Chair Pennell asked for questions from the Board Members or public comment on the informational item. None heard.

8. **ACTION ITEM: Discussion and Possible Approval of 2022 Editions to the Facility Guideline Institutes for Suitability, Pursuant to NAC 449.0105- *Steve Gerleman Facility Health Inspector, DPBH***

Steve Gerleman presented to the Board on the discussion and possible approval of the 2022 Editions to the Facility Guidelines. Mr. Gerleman stated they are presenting information concerning the suitability to adopt the 2022 Edition of the Facility Guideline Institutes three code volumes with code text deletions for the Board's evaluation and determination. The three proposed standards of the Facility Guideline Institute include guidelines for the design and construction of hospitals, guidelines and design and construction of a residential health care and support services, and guidelines for the design and construction of outpatient facilities. Mr. Gerleman noted each board member had received within their memorandum packet corresponding attachments of the three Facility Guideline Institute volumes errata with the proposed code text identified to be removed. Mr. Gerleman stated a public workshop was held and there were no comments presented at that time. During the public workshop, feedback was requested through e-mail where one email was received regarding support for the changes and concerns of errata. This respondent also suggested the agency update their plan review application to direct persons to the division website to have ready access to the Facility Guideline Institute. Errata suggestions are being planned once determined by the Board. Mr. Gerleman continued with stating the

respondents concern was with the timing of the Board's approval, effective date and the ability of the architects that have been working on their current projects designed to the 2018 edition of the Facility Guideline Institute getting their plan submitted by the effective date. Mr. Gerleman noted the respondent suggested a grace period after the effective date of the Board's approval to complete the plans and get to the submitted materials to the agency allowing the architecture to continue to use the 2018 edition on current plan projects until the end of the grace period. Mr. Gerleman mentioned the grace period request had been discussed internally to possibly accommodate the architects and providers with the 60-calendar day grace period, upon the Board's approval. Lastly, Mr. Gerleman stated staff recommend adopting the OR approving the 2022 edition of the Facility Guideline Institute three code volumes with the code text deletions. The staff also recommends a grace period of 60 days from the Board to allow the architects and providers reasonable time to get their 2018 design projects submitted to the state agency after the 2022 Facility Guideline Institute goes into effect.

Chair Pennell called on Deputy Attorney General, Pierron Tackes for their comment.

Ms. Tackes stated they wanted to highlight the procedural aspects for the Board as Action Item 8 was unique item. Ms. Tackes noted in current regulation, NAC 449.0105, there is a process that adopts by reference, certain guidelines, Additionally, Ms. Tackes said when there are updates to those guidelines, there is a process for the Board to review the suitability.

Ms. Tackes mentioned there were two requests before the Board. The first being to decide that the portions highlighted by Mr. Gerleman and the DPBH staff are not suitable for this state and second being to adopt the recommendations as proposed and presented by DPPH as to the point of the timeline. Mr. Tackes questioned what will happen if the Board does determine that those portions are unsuitable and if they adopt the recommendations as presented. Ms. Tackes noted that the decision would be posted within 30 days of today's meeting on the DPBH website as well as the posting locations for today's meeting. The notice will include the effective date. Lastly, Ms. Tackes noted per Mr. Gerleman's comments, there is going to be a 60-day grace period from the effective date of the decision.

Chair Pennell asked for questions from the Board Members.

Chair Pennell opened the floor for public comment.

Scott Weisen of Healthcare Consulting Group in Southern Nevada provided a public comment. Mr. Weisen began by thanking Paul Schubert and their team for their support, knowledge of the area and getting these things approved. Mr. Weisen emphasized their comment on the effectiveness and appreciation of the Board's consideration of postponing materials for the 60-day grace period. Mr. Weisen noted there are several projects they represent valued at millions of dollars for the community in which they are being planned by using the 2018 code and was appreciative of the Board's approval regarding the code process for the next 60 days to allow them to submit related projects as required.

Dr. Jeffery Murawsky of the Board had a question for Deputy Attorney General, Pierron Tackes.

Dr. Murawsky stated if the 60-day grace period was insufficient, given the scope of the project, assuming the project is something very large and very difficult, would it fall under the variance process as well. Dr. Murawsky noted if there is another alternative to seek a variance to use the prior guidelines because of scope.

Ms. Takes stated it could either be done through a variance where it is waving the requirements that have been adopted, or through a compliance agreement. Ms. Tacked noted if there was a schedule of time where they could come into compliance, there are options for waiving those under the regulatory. For clarity, Ms. Tackes

said there is a way to address this if the projects are put into place or if they are unable to get down the 60 days it would be available to find a waiting for the compliance agreement.

Chair Pennell asked for additional public comments on the informational item. None heard.

Chair Pennell stated Action Item 9 will be motioned in two parts. The first being a motion to accept the recommendations of the revisions that are unsuitable and the second being a motion to accept all remaining recommendations as presented.

CHAIR PENNELL REQUESTED A MOTION TO ACCEPT THE RECOMMENDATIONS OF THE REVISIONS THAT ARE MARKED UNSUITABLE IN THE GUIDELINES FOR DESIGN. A MOTION TO ACCEPT THE RECOMMENDATIONS OF THE REVISIONS THAT ARE MARKED UNSUITABLE IN THE GUIDELINES FOR DESIGN WAS MADE BY DR. JEFFERY MURAWSKY AND SECONDED BY DR. TRUDY LARSON. THE MOTION PASSED UNANIMOUSLY.

CHAIR PENNELL REQUESTED A MOTION TO ACCEPT ALL REMAINING RECOMMENDATIONS AS PRESENTED. A MOTION TO ACCEPT ALL REMAINING RECOMMENDATIONS AS PRESENTED WAS MADE BY DR. JEFFERY MURAWSKY AND SECONDED BY MR. CHARLES SMITH. THE MOTION PASSED UNANIMOUSLY.

9. ACTION ITEM: Discussion and Possible Approval of Southern Nevada Health District 2023 Food Regulations – *Heather Hanoff, Southern Nevada Health District*

Chris Saxton, Director of Environmental Health at Southern Nevada Health District (SNHD); Larry Rogers, Food Manager at SNHD, and Aaron Delgado, Environmental Health Manager at SNHD, all presented on food regulations for SNHD. Mr. Rogers began by providing an update on current regulations. Mr. Rogers noted their last update our food regulations was in 2010. This was based on the 2005 FDA Model Food Code. An update was placed the most recent revision to the 2017 Model Food Code. Mr. Rogers stated they do have some additional chapters that are tailored more for the Southern Nevada Health District area and are working well. Mr. Rogers noted that those regulations were met with praise from both their Board of Health and their regulated industry. Mr. Rogers noted they work closely with both their Board of Health and regulated industry to create a version that is going to work for both parties to protect the public and to see what makes sense for all. Mr. Rogers noted because of this, the Board of Southern Nevada Health District approved the regulations in late 2022. Lastly, Mr. Rogers clarified that they have a chapter for mobile vendors and a chapter for open air vendors such as food stands and food carts.

Chair Pennell opened the floor for further questions from the Board then for any public comments. None heard.

CHAIR PENNELL REQUESTED A MOTION FOR THE POSSIBLE APPROVAL OF SOUTHERN NEVADA HEALTH DISTRICT 2023 FOOD REGULATIONS. A MOTION THE POSSIBLE APPROVAL OF SOUTHERN NEVADA HEALTH DISTRICT 2023 FOOD REGULATIONS WAS MADE BY DR. JEFFERY MURAWSKY AND SECONDED BY MR. CHARLES SMITH. THE MOTION PASSED UNANIMOUSLY.

10. ACTION ITEM: Discussion, Review, and Possible Revision Approvals of Board of Health Bylaws Regarding Elections – *State Board of Health Members*

Deputy Attorney General, Pierron Tackes provided clarification for Action Item 10. Ms. Tackes stated the item was brought before the Board due to running afoul of the bylaws. Ms. Tackes clarified they have not run afoul of any statute, though the Board of Health bylaws do outline a process for the election of a Chair and Vice Chair, which they have not kept up with. The item that was presented before the Board at the time is first to consider whether the Board would like any revisions to the bylaws relating to the election of a Chair and Vice Chair. Ms. Tackes stated what is currently set forth in the previous time those bylaws were revised, are believed to be from 2019. Ms. Tackes noted the Chair and Vice Chair are elected for terms of two years in which the elections occur every other year. The Chair is elected on odd numbered fiscal years, the Vice Chair being elected on even numbered fiscal years. Ms. Tackes stated this has not been kept up with noting a discussion will be needed from the Board regarding whether the Board would like to revise the bylaws to either change that process or if the Board would like to keep the process as is. Ms. Tackes noted a place for an election on the agenda for the next meeting can be added.

The floor was opened for questions from the Board by Chair Pennell.

Dr. Trudy Larson questioned from what month to month does the fiscal year occur regarding the election, and when the election would need to take place.

Deputy Attorney General, Pierron Tackes responded to Dr. Larson and stated the fiscal year runs from July 1st to June 30th.

Dr. Jeffery Murawsky questioned if electing on an odd then even year will be in the Board's best interest, they do not have a succession ability. Dr. Murawsky noted they are not speaking as a Vice Chair who as intention to wish to be Chair but is only looking for clarity on the process. Dr. Murawsky stated they are not sure that a need for a term limit on the Chair regarding limitations of service is functional for board membership and would not want to impose through the governor and the appointment process. Dr. Murawsky noted that if the Board does not have an election and the Board still must run.

Chair Pennell agreed with Dr. Murawsky regarding the election on different years for the Chair and the Vice Chair did not make much sense.

CHAIR PENNELL REQUESTED A MOTION TO AMEND BYLAW 6.2.1 AND BYLAW 6.2.2. THAT BOTH THE CHAIRMAN AND VICE CHAIRMAN MAY SERVE ANY NUMBER OF CONSECUTIVE TERMS. THE MOTION TO AMEND THE BYLAWS MADE BY DR. JEFFERY MURAWSKY AND SECONDED BY DR. TRUDY LARSON. BYLAW 6.2.1 CHANGED TO THE SAME AS BYLAW 6.2.2. CHAIR PENNELL ABSTAINED. THE MOTION PASSED WITH 5 AYES, 0 NAYS 1 ABSTAIN.

Dr. Murawsky questioned if the motion would be to sync the terms of the Chair and Vice Chair and if there were any language, we that can be suggested regarding reappointment timelines.

Deputy Attorney General, Pierron Tackes responded to Dr. Murawsky's question stating in terms of tracking, it would be up to the Board to decide how frequently elections would be held. Ms. Tackes noted for language, the first meeting of every odd numbered fiscal year can be kept. This way an election would still be held every other year.

CHAIR PENNELL ASKED FOR A MOTION TO ADOPT BYLAW 6.1.2 CHAIRMAN LANGUAGE INTO BYLAW 6.1.2 THAT THE CHAIRMAN AND VICE CHAIRMAN SHALL BOTH BE ELECTED AT THE FIRST MEETING OF AN ODD-NUMBERED STATE FISCAL YEAR BEGINNING 7/1/2023. DR. MURAWSKY MADE THE MOTION TO AMEND THE BYLAWS HAVING BOTH THE CHAIR

AND VICE CHAIR BOTH BE ELECTED ON AN ODD-NUMBERED FISCAL YEAR. THE MOTION WAS SECONDED BY MR. CHARLES SMITH. THE MOTION PASSED UNANIMOUSLY.

11. Chair Pennell opened the floor for public comment. None heard.

12. ACTION ITEM: Recommendations for future agenda items. – *State Board of Health Members*

Dr. Trudy Larson proposed getting a report on public health regulations that passed through legislation.

Chair Pennell stated that it would be a big ask to ask for all the public health regulations. Chair Pennell recommended focusing it on those laws that the Board may see.

Dr. Trudy Larson suggested a report on what has happened to date and not all of them.

Chair Pennell agreed it would be nice to have an update on what has passed that will likely need Nevada Administrative Code (NAC) processed.

The Board agreed they would like this as an agenda item in June.

13. GENERAL PUBLIC COMMENT:

No additional public comment was provided.

14. Adjournment – Jon Pennell, Chair

Chair Pennell thanked everyone for their hard work and adjourned the meeting at 9:51 am.