

**STATE BOARD OF HEALTH
MINUTES**

**June 20, 2008
9:00 a.m.**

**Legislative Building
401 South Carson Street
Room #2135
Carson City, Nevada**

**Grant Sawyer Building
555 E. Washington Avenue
Room #4401
Las Vegas, Nevada**

BOARD MEMBERS PRESENT:

Edwin Homansky, MD (Las Vegas)
Frances Barron (Las Vegas)
Jade Miller, DDS, Chairman, (Carson City)
Joan Anjum, RN (Las Vegas)
Roger Works, DVM, (Carson City)

BOARD MEMBER NOT PRESENT:

Lubna Ahmad, MD

HEALTH DIVISION STAFF PRESENT:

Adrian Howe, Radiation Physicist, Bureau of Health Protection Services
Cindy Pyzel, Chief Deputy Attorney General, Office of the Attorney General
Debbi Bryant, Administrative Assistant III, Bureau of Licensure and Certification
Diane Allen, Health Facilities Surveyor IV, Bureau of Licensure and Certification
Doug Banghart, Health Program Manager, Bureau of Community Health
Ed Sweeten, Radiation Physicist, Bureau of Health Protection Services
Fergus Laughridge, Program Manager, Bureau of Licensure and Certification
James Krueger, Health Facilities Surveyor II, Bureau of Licensure and Certification
Janet Osalvo, Executive Assistant, Nevada State Health Division
Karen Beckley, Supervisor Radiological Health Section, Bureau of Health Protection Services
Linda Anderson, Chief Deputy Attorney General, Office of the Attorney General
Luana Ritch, PhD, Chief, Bureau of Health Planning & Statistics
Lynn O'Mara, Health Resource Analyst III, Bureau of Health Planning & Statistics
Maria D. Canfield, Chief, Bureau of Community Health
Marla McDade Williams, Chief, Bureau of Licensure and Certification
Mary Guinan, MD, PhD, Acting State Health Officer
Rani Reed, Program Officer II, Bureau of Health Planning & Statistics
Rebecca Davis, Radiation Control Specialist II, Bureau of Health Protection Services
Richard Whitley, MS, Secretary, State Board of Health, Administrator, Nevada State Health Division
Stanley R. Marshall, Chief, Bureau of Health Protection Services
Steve Gerleman, Health Facilities Surveyor III, Bureau of Licensure and Certification
Tami Chartraw, Health Program Specialist, Bureau of Community Health
Tanya Vega, Bureau of Community Health

ADDITIONAL TESTIMONY PRESENTED BY:

Cari Rovig, MBA, Executive Director, Northern Nevada Immunization Coalition
Larry Matheis, Executive Director, Nevada Medical Association
Lawrence Sands, DO, MPH, Chief Health Officer, Southern Nevada Health District

OTHERS PRESENT:

Cathy Braman
Chris Jones
Jo Alexander
Padj Cohen
Parker Brooks
Patricia Green
Scott Long

Stacey Ingram
Jeanette Belz
Christine O'Farrell
Jonathan Zucker
Barbara Williams
Eric Mortensen
Scott Heinze

Selwyn Lee
Tracy Crokon
Veronica Morata-Nichols
Vincent Jimno

Lisa McKinney
Maurice Gregory
Amy Meeks
Mary English

Jade Miller, DDS, Chairman, opened the meeting at 9:08 am. Dr. Miller indicated that the meeting was properly posted at the locations listed on the agenda in accordance with the Nevada Open Meeting Law.

1. Roll Call and approval of the minutes from the April 18, 2008 meeting.

Janet Osalvo, Executive Assistant, Nevada State Health Division, stated that Dr. Ahmad was excused and a quorum was established.

There being no additions, deletions or changes to the April 18, 2008 minutes:

MOTION: Ms. Barron moved to approve the April 18, 2008 Board of Health meeting minutes, as presented.

SECOND: Ms. Anjum

PASSED: UNANIMOUSLY

2. Consent Agenda

Dr. Miller stated that consent agenda item #21 has been removed and will not be heard. Dr. Miller then asked Board members whether any of the remaining consent agenda item numbers, 2A, 2B, 2C, 2D, 2E, 2F, 2G or 2H, would need to be pulled for further discussion.

There being no comments regarding items on the consent agenda:

MOTION: Ms. Barron moved to approve consent agenda items 2A, 2B, 2C, 2D, 2E, 2F, 2G and 2H, as presented.

SECOND: Dr. Homansky

PASSED: UNANIMOUSLY

3. Consideration and adoption of proposed regulation amendments to NAC 439, Administration of Public Health," LCB File No. R041-08.

Doug Banghart, Health Program Manager, Bureau of Community Health (BCH), stated that the proposed regulation amendments, including the Errata, were designed to implement Nevada Revised Statute (NRS) 439.265. The statute was passed during the 2007 Legislative Session and served as authorizing legislation for the State Immunization Information System (SIIS), also known as, a registry. In addition, the statute would mandate reporting of all vaccinations administered to children less than 18 years of age and further directs the State Board of Health to adopt regulations to implement the statute into NAC 439. Mr. Banghart indicated that some concerns had been expressed by providers on the ability to electronically report all of the required data elements, particularly vaccine manufacturer and lot number.

Based on the comments that were received from the providers, an Errata was drafted to include additional language to sections 10 and 11 of the proposed regulation amendments.

Tami Chartraw, Health Program Specialist, BCH, summarized the proposed regulation amendments as follows:

- Establishes authorization for voluntary inclusion of adult records into the registry. Adult records (both administration and historical) may be included in the registry with explicit consent (opt-in).
- Directs the Health Division to establish an opt-out procedure and record removal policy.
- Directs the Health Division to develop a manual data entry form for any providers that are unable to report the information electronically.
- Establishes additional data reporting requirements for children's records to align with required data elements established by the Centers for Disease Control and Prevention (CDC).
- Establishes the data reporting parameters for adult records to be included in the immunization registry.
- Outlines limitations on access to the registry.
- Establishes the WebIZ immunization record as the official certificate of immunization for the State of Nevada.

Ms. Chartraw then requested that the State Board of Health adopt the proposed regulation amendments to NAC 439, "Administration of Public Health," including the Errata, as presented.

Cari Rovig, Executive Director, Northern Nevada Immunization Coalition, stated that the registry is a key tool in immunizing the Nevada population and there are hundreds of providers utilizing the system. Ms. Rovig stated that the coalition and its partners strongly support the proposed regulation amendments.

There were no further comments or questions:

MOTION: Dr. Works moved that the Board approve the proposed regulation amendments to NAC 439, "Administration of Public Health," LCB File No. R041-08, including the Errata, as presented.

SECOND: Ms. Barron

PASSED: UNANIMOUSLY

4. Consideration and adoption of proposed regulation amendments to NAC 449, "Medical and Other Related Facilities," LCB File No. R096-08.

Diane Allen, Health Facilities Surveyor IV, Bureau of Licensure and Certification (BLC), stated that in January 2008, BLC surveyor's collaborated with investigators from the Centers for Disease Control and Prevention (CDC) and the Southern Nevada Health District (SNHD) to investigate an outbreak of Hepatitis C infections at an ambulatory surgical center. The outbreak investigation ultimately identified unsafe injection practices associated with the transmission of Hepatitis C infections which resulted in notification of approximately 50,000 potentially exposed patients. Focused infection control inspections were conducted at 51 of the state's licensed surgical centers to ensure that infection control practices in these centers were not putting patients at risk of infections. During these inspections, staff members at the surgical centers admitted to some confusion as to what infection control practices were considered best practice. To immediately address the issue, the bureau proposed emergency regulations which went into effect on March 6, 2008 and will expire on July 4, 2008.

Ms. Allen indicated that it was decided that more detailed infection control regulations for the surgical centers were needed. The NAC 449 regulations in effect had been adopted on September 27, 1999 and made only brief references to the requirements for an infection control program. Historically, it has been the bureau's expectation that each surgical center would develop an infection control program which appropriately addressed the needs of the surgical center based on the services provided.

Ms. Allen stated that the proposed regulation amendments would provide specific requirements for the surgical centers to establish more effective infection control programs, including the requirement that

each surgical center's program would be established in accordance with evidence-based standards of practice or guidelines and include policies and procedures to prevent exposure to blood-borne and other potentially infectious pathogens. The qualifications of the person designated to oversee the program and staff training requirements were also addressed.

Ms. Allen indicated that evidenced-based guidelines from the following organizations were referenced while developing the proposed regulation amendments:

- The Centers for Disease Control (CDC)
- The Association for Professionals in Infection Control and Epidemiology (APIC)
- The Occupational Safety & Health Administration (OSHA)
- The Association of Operating Room Nurses (AORN)
- The Society of Gastroenterology Nurses and Associates (SGNA)
- The regulations from other states

Ms. Allen defined the contents as proposed in the regulation amendments and recommended the Board to adopt the proposed regulation amendments to NAC 449, "Medical and Other Related Facilities," LCB File No. R096-08, for ambulatory surgery centers, as presented.

Mary Guinan, MD, PhD, Acting State Health Officer, thanked Ms. Allen and stated that Ms. Allen's presentation had provided clear and concise evidence of how BLC has worked intensely with the community to ensure that proper infection control practices were in place. It was determined that the regulations needed enhancements and underlining so that any individual could clearly understand the meaning and intent.

Ms. Barron stated that the proposed regulation amendments to NAC 449 would be limited to ambulatory surgical centers and there are other ways to contract Hepatitis C through office procedure practices. Ms. Barron suggested that Health Division staff continue monitoring other locations where procedures could be performed to prevent spreading of infectious diseases caused by improper infection control practices.

Larry Matheis, Director, Nevada Medical Association (NMA), stated that a correction needs to be made to the NAC 449 workshop minutes to remove Dr. from his name. Mr. Matheis stated that the NMA is working with HONORreform, the national advocacy group for patients with Hepatitis C contracted in health care settings, and the Center for Disease Control and Prevention (CDC) foundation in developing materials for safe infection control practices. The materials would be distributed to the public, all facilities' staff, office physicians and staff. Mr. Matheis then indicated that the NMA is in support of the regulations.

There were no further comments or questions:

MOTION: Ms. Barron moved that the Board approve the proposed regulation amendments to NAC 449, "Medical and Other Related Facilities," Ambulatory Surgical Centers, LCB File No. R096-08, as presented.

SECOND: Dr. Works

PASSED: UNANIMOUSLY

Marla McDade Williams, Chief, Bureau of Licensure and Certification (BLC), stated that BLC staff was in process of analyzing the data that was received subsequent to the surveys that were conducted in the ambulatory surgical centers. The BLC staff has taken several following actions:

- Prepare a report that reflects the findings of the Hepatitis C investigation.

- Revise the duties of a surveyor position so that it relates specifically to infection control issues.
- Coordinate with disease investigation activities performed by local health authorities and local health officers and move forward to develop and formalize the activities.
- Update procedures so that surveyors are allowed to notify licensing boards upon identifying quality care issues related to practices of licensed personnel in facilities subsequent to a survey.
- Develop policies to identify methods to inform other agencies, such as business licensing facilities, when BLC intends to take action against a Nevada facility.

5. Election of State Board of Health Vice Chairman.

Mr. Whitley indicated that the role of the vice chairman would be to act for and on behalf of the chairman in cases of absence. The State Board of Health By-Laws state that the vice chairman shall be elected at the first meeting of even-numbered state fiscal years by a majority vote of all board members. Bill Quinn served in this role prior to his resignation.

Mr. Whitley opened the floor requesting nominations from the Board for consideration of vice chairman.

Ms. Anjum nominated Frances Barron to serve as vice chairman.

Dr. Works seconded the nomination for Frances Barron.

Ms. Barron indicated that she was pleased to accept the nomination to serve as vice chairman for the State Board of Health.

There were no additional nominations:

Ms. Osalvo called roll and recorded the Board's vote.

**Vote: Ms. Anjum voted for Ms. Barron
Ms. Barron voted for Ms. Barron
Dr. Homansky voted for Ms. Barron
Dr. Miller voted for Ms. Barron
Dr. Works voted for Ms. Barron**

By majority vote, Ms. Frances Barron was elected vice chairman of the State Board of Health.

Mr. Whitley congratulated Ms. Barron for her election as vice chairman of the State Board of Health.

Mr. Barron thanked the Board members for their vote of confidence.

6. Reports

A. Chairman - Jade Miller, DDS

Dr. Miller stated that the next State Board of Health meeting is scheduled for Friday, August 15, 2008. Dr. Miller then stated that the State Aids Task Force currently has a vacancy for a member of the State Board of Health to serve as an Ex-Officio member. If any Board member would be interested in serving in that capacity or if there are any questions, please contact Mr. Whitley at rwhitley@health.nv.gov or call (775) 684-4200.

B. Secretary – Richard Whitley, MS, Administrator, Nevada State Health Division

Mr. Whitley stated that the Health Division is struggling as all state agencies are with lower than anticipated State General Fund revenues. The Health Division is working to continue to prioritize direct services and is currently preparing recommendations for next week's Legislative Session. Although the Health Division operates mostly with funding dollars from categorical grants, the Division is considering how those funds are utilized and maximizing its resources. Mr. Whitley indicated that a fundamental review would be provided at the next Board meeting on Health Division resources and funding.

C. Lawrence Sands, DO, MPH, Chief Health Officer, Southern Nevada Health District

Dr. Sands indicated that as of June 5, 2008, the Southern Nevada Health District (SNHD) had concluded its investigation into the acute case of Hepatitis C that was associated with the Desert Shadow Endoscopy Center in Las Vegas. It has been determined this case is linked to the center however there is insufficient information at this time to determine the likely source of disease transmission. The available data is incomplete and SNHD was unable to make a specific recommendation based on documented unsafe injection practices. The information available indicates that a clinical staff person was observed reusing single use vials of propofol at the facility during an inspection by the State Health Division's BLC in January 2008, and propofol logs further provided documented evidence that the bottles of anesthesia were reused on multiple patients. However, staff has not been able to verify the reuse of syringes due to the closure of the clinic prior to the identification of the associated acute case.

Dr. Sands stated that SNHD announced the implementation of a Hepatitis C Exposure Registry in order to gather additional information related to patients of both the Endoscopy Center of Southern Nevada and the Desert Shadow Endoscopy Center. The registry was developed to assist in the identification of patients who had procedures at the clinics, including those who were infected with the Hepatitis C virus, and will allow patients that tested positive an opportunity to learn case classification. The registry will also include sections to allow patients to report on possible Hepatitis B or HIV infections. The SNHD has mailed enrollment forms to patients of both clinics encouraging each to enroll in the registry. Registry information and enrollment forms are available on the SNHD website, www.SouthernNevadaHealthDistrict.org. In addition, enrollment forms will be available at the SNHD public health centers or patients can contact the Hepatitis C helpline at (702) 759-4636 to request a form. More than 1,000 completed enrollment forms have been received by SNHD.

Dr. Sands stated that SNHD is continuing to encourage health care providers to use the testing algorithm recommended by the Centers for Disease Control and Prevention (CDC) and the health district for purposes of the investigation, to minimize the number of false positive test results and to allow laboratories to rapidly screen a large number of samples using an initial three test panel. The testing algorithm is available on the SNHD website at www.southernnevadahealthdistrict.org/physician/download/tb/hepc-022708.pdf.

Dr. Sands indicated that the SNHD website continues to be updated as resources and information become available. For additional information, patients could contact the helpline, (702) 759-4636 (INFO).

Dr. Sands stated that the annual West Nile virus surveillance program was underway for 2008. Property owners were urged to eliminate mosquito breeding sources during the winter and early spring to decrease the mosquito population. In 2007, Nevada had a total of 12 reported human

cases of West Nile virus. Three cases were residents of Clark County. For more information or to report mosquito activity, "green" swimming pools or stagnant water sources, please visit the SNHD website at www.southernnevadahealthdistrict.org or call the mosquito control hotline at (702) 759-1220.

Dr. Sands stated that the SNHD Office of Chronic Disease Prevention and Health Promotion (OCDHP), encourages a healthier lifestyles among Hispanic communities. For information, visit www.GetHealthyClarkCounty.org or call (702) 759-1270.

Dr. Sands stated that the SNHD is promoting good health in Clark County by offering Muevete Bailando Latin dance instructions and physical health education to a diabetes support group. In addition, SHND educators are offering presentation on the importance of physical activity as a tool in preventing or managing diabetes. Culturally appropriate material and resources regarding physical activity, nutrition, and tobacco would be provided in support of group attendees. There is no cost to participate. SNHD has also re-established its Hispanic Diocese Chronic Disease Prevention Health Project with the Roman Catholic Diocese of Las Vegas. Originally launched in 2005, the project was created to help eliminate health disparities and increase access to preventive services for Hispanic parishioners. Health educators from SNHD as well as other partner organizations provide information and resources in Spanish on a variety of topics including physical activity, nutrition, cancer, tobacco, diabetes, health access, and cardiovascular disease.

Dr. Sands then stated that SNHD had received a \$2 million grant from the United Health Group as part of its agreement in acquiring Sierra Health Services. The grant would provide more than three years of funding that will be utilized to provide more than 23,000 free immunizations to employees of small businesses per year for three years. In addition, the grant would allow SNHD to launch the Nurse-Family Partnership program and provide 100 high-risk families facing first-time births with free enrollment in the new program, which would help finance 3,000 home visits.

D. Environmental Commission – Frances Barron, Board of Health Designee

Ms. Barron indicated that the State Environmental Commission (SEC) met on June 17, 2008 in Las Vegas. Ms. Barron was unable to attend the SEC meeting and will forward the minutes to Board members upon receipt.

7. Public Comment and Discussion

Dr. Works stated that Carson City and the State Health Division participated in an event titled, "Nevada's Vigilant Guard '08," in Carson City on June 12, 2008. Carson City in conjunction with the State Health Division actively participated in an exercise simulating a destructive earthquake. The enactment included volunteers responding to an emergency call-down that trained on and assembled triage centers that were fully mobilized in about an hour. Dr. Works then stated that the demonstration was impressive and informational. Dr. Works commended Carson City and the State for their collaborative efforts.

Dr. Guinan stated that the plan to ensure the Hepatitis C cluster is never repeated could be completed by the August 15, 2008 State Board of Health meeting and that upon completion, a presentation will be prepared for the Board.

Cindy Pyzel noted that Steve Minagil is leaving the SNHD as their general counsel. Mr. Minagil is well respected among counsel members as a valued and esteemed colleague that has worked with the Attorney General's office. Mr. Minagil will be missed.

Dr. Miller extended appreciation to Mr. Minagil on behalf of the Board members.

There being no further comments, Dr. Miller adjourned the meeting at 11:00 am.