

**MINUTES OF MEETING
MISSISSIPPI STATE BOARD OF HEALTH
APRIL 9, 2003**

The Mississippi State Board of Health met in regular session on Wednesday, April 9, 2003, in the Auditorium of the Osborne Building, Jackson, Mississippi at 10:00 a.m. with the following members present:

District 1	Shelby C. Reid, M.D., Corinth
District 1	Ruth Greer, R.N., Holly Springs
District 2	Duane F. Hurt, D.D.S., Greenwood
District 2	Walter C. Gough, M.D., Drew
District 3	R. A. Foxworth, D.C., Chairman, Jackson
District 3	Mary Kim Smith, R.N., Brandon
District 4	Briggs Hopson, Jr., M.D., Vicksburg
District 5	Ted Cain, Diamondhead
District 5	Larry Calvert, R.Ph., Gulfport

STATE-AT-LARGE

Alfred E. McNair, Jr., M.D., Ocean Springs
Janice Conerly, Collins
H. Allen Gersh, M.D., Hattiesburg

ABSENT

District 4 Norman Price, McComb

OTHERS PRESENT

Brian W. Amy, MD, MHA, MPH, State Health Officer
Kaye Bender, Ph.D., Deputy State Health Officer
Buck Ross, Director, Office of Administrative Support
Vickey Maddox, Director, Office of Licensure
Jim Craig, Director, Office of Emergency Medical Services
Mary Currier, MD, State Epidemiologist
Jerry McClure, Director, Genetic Screening
Danny Miller, Director, Policy and Planning

The meeting was called to order by the Chairman, Dr. Foxworth. Upon motion of Mr. Cain, seconded by Dr. Hopson, the minutes of the January 15, 2003 Board meeting were approved.

Mr. Buck Ross, Director, Office of Administrative Services, presented the Personnel Report for the period covering March, 2002 through February, 2003.

There was discussion regarding vacancies in nursing positions. Ms. Smith asked if the flexibility existed for other disciplines to fill some of the positions that are normally performed by a nurse. The intent is not to displace nurses but to allow legal and qualified people to assist if there is a critical deficiency in providing services. Dr. Gersh requested that a task force be set up to look at this possibility. Dr. Foxworth stated he would appoint this task force and that Dr. Gersh would serve as Chair.

Mr. Ross then presented the Financial Report covering the period July, 2002 through February, 2003. He also reported on the FY 2004 appropriation. Upon motion of Dr. McNair, seconded by Ms. Smith, the Board accepted the Financial Report.

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

1. Discussed the status of the reorganization and named the following appointments:

Dr. Mills McNeill, Medical Director, Office of Health Protection
Danny Bender, Director, Office of Health Services
Louisa Denson, Director, Bureau of Women's Health
Kathy Burk, Director, Bureau, Women's, Infants and Children (WIC)
Liz Sharlot, Director, Office of Communications
Tim Darnell, Director, Bureau of Environmental Health Services
Peter Oppedisano, Director, Office of Field Support
2. Stated that a new program in the TB program has cut the number of non-current TB patients to 7% in March. The TB prevention plan has set a target of reducing the number of non-current patients to just 5% in 90 days which would bring Mississippi to a record low for the state and for the nation. He recognized Mike Holcomb, TB Program Director and Dr. Risa Webb, Medical Consultant for their hard work.
3. Stated the agency had initiated the smallpox vaccination program for public health responder teams and for hospital teams. 288 individuals (127 public health team members; 152 healthcare response team members; 9 other individuals) had been vaccinated.
4. In March, the Epidemiology staff along with Dr. Lovetta Brown in District I, responded to an outbreak of meningococcal meningitis in the Horn Lake Schools in Desoto County. A total of 6127 doses of meningococcal vaccine were given. Public health nurses vaccinated between 650-1512 individuals daily at each school day within 2-3 hours.
5. Attended the Minority Health Fair on the Gulf Coast with Governor Musgrove. The fair offered free health screenings, promoted healthy lifestyles, provided valuable information and highlighted the continuance of the disparate health conditions between Mississippi's minority and non-minority populations.
6. The agency has earned national recognition for attaining the fifth highest coverage in the childhood basic immunization series last month at the National Immunization Conference. It reflects that 79.6% of Mississippi's children aged 19-35 months are immunized appropriately in their age group. This exceeds the national average by almost 6.5%.
7. Stated that the wastewater inspection services in Rankin County resumed on February 14, 2003 with multiple review procedures in place to provide error-free results. As of this date, staff have completed all the reviews from the backlog that occurred while the agency was in the process of improving the program. New statewide monitoring procedures have been implemented. Environmental staff who do not maintain a 95% error-free rate will have their certification suspended in accordance with the Statewide Wastewater Quality Improvement Plan. The performance audit being conducted by the State Auditor's Office is ongoing.

During this phase of the program review, the need for changes in the individual onsite wastewater regulation were identified. It is requested that the Board's Environmental Health Committee work with the staff to develop those changes in anticipation of presenting them to the full Board for adoption at the July meeting.
8. Introduced Dr. Peter Fos, Chief Science Officer in the newly created Office of Science, who demonstrated the newest approaches to disseminating information and communicating with the public.
9. Reported on the Severe Acute Respiratory Syndrome (SARS). Two health alerts were sent to all physicians and ERs in the state with information regarding case

definition and appropriate precautions for patients suspected of SARS. The agency has investigated three Mississippi patients with travel to the affected areas, but have no clear evidence that their symptoms are related to SARS. No cases have been confirmed in Mississippi.

At this time the Board recognized Dr. Wallace Conerly, Vice Chancellor for Health Affairs and Dean of the School of Medicine at the University of Mississippi Medical Center, in honor of his upcoming retirement. Upon motion of Dr. Gough, seconded by Dr. Hopson, the Board approved the following resolution:

**RESOLUTION
COMMENDING**

A. WALLACE CONERLY, M.D.

Whereas, A. Wallace Conerly, M.D., served as Vice Chancellor for Health Affairs and Dean of the School of Medicine at the University of Mississippi Medical Center since 1994; and,

Whereas, Dr. Conerly was a Professor of Medicine and Medical Director of the UMC Department of Respiratory Therapy for 21 years; and,

Whereas, Dr. Conerly served as Director of the UMC Division of Continuing Health Professional Education from 1979 to 1993; and,

Whereas, Dr. Conerly contributed to improving the health of the public as a physician, a medical educator and administrator, and as an active member of numerous professional and community organizations; and,

Whereas, Dr. Conerly's exemplary spirit of cooperation and his warm friendship have contributed to the conduct of business; and,

Whereas, Dr. Conerly will retire from the UMC effective June 30, 2003;

Be It Therefore Resolved that the Mississippi State Board of Health in Regular Session on April 9, 2003, records its high esteem and grateful appreciation to A. Wallace Conerly, M.D., for his faithful and dedicated work and its congratulations on his retirement.

**Ray Foxworth, D.C.
Chairman**

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

At this time, Representative Bobby Howell, presented information regarding Certificate of Need (CON) requirements regarding end stage renal disease. He requested that the Board Committee on CON look at this. Upon motion of Ted Cain, seconded by Mary Kim Smith, the Board voted to refer this to the CON Committee.

Mr. Danny Miller, Director, Policy and Planning presented the final 2003 Legislative Report. Dr. Foxworth requested that in the future information regarding legislation for the Board's endorsement should be submitted early. Dr. Gersh suggested that Dr. Fos be put on the Legislative Committee.

Ms. Vickey Maddox, Director, Office of Licensure, presented for “Final Adoption” the **Regulations Governing Licensure of Child Care Facilities**. Ms. Conerly offered comments that would allow employees to begin work before the fingerprinting background checks are complete. Comments were offered by members of the public and the Board.

Dr. Hurt moved that the Board approve the **Regulations Governing Licensure of Child Care Facilities** for “Final Adoption”. The motion was seconded by Dr. Hopson. The motion passed with Dr. Gersh voting in opposition.

Ms. Maddox then presented for “Final Adoption” the **Regulations Governing Licensure of Child Care Facilities for 12 or Fewer Children in the Operator’s Home**. Upon motion by Dr. Hurt, seconded by Ms. Smith, the Board unanimously approved the above motion for “Final Adoption”.

Ms. Maddox presented the following individuals to the **Council of Advisors for Dietetics**:

Nicole Barrett - Public Member
Nominated by Mississippi Dietetic Association
January 1, 2003 - December 31, 2005

Linda Peddicord, RD - Representative of Clinical Dietetics (Reappointment)
Nominated by Mississippi Dietetic Association
January 1, 2003 - December 31, 2005

Upon motion of Ms. Smith, seconded by Dr. McNair, the Board approved the above appointments to the **Council of Advisors for Dietetics**.

Next, Ms. Maddox presented **Proposed Amendments to the Regulations Governing the Registration of Individuals Performing Tattooing and Individuals Performing Body Piercing** for an “Intent to Adopt”. Upon motion of Dr. Gough, seconded by Ms. Smith, the Board approved the above regulations.

She then presented for “Final Adoption” the **Revised Drug and Alcohol Testing Regulations**. These revisions are proposed pursuant to changes from the 2002 Legislative Session. Upon motion of Dr. Hurt, seconded by Dr. Gough, the Board approved the above for “Final Adoption”.

Mary Kim Smith, Chair of the Board Committee on Long Term Care presented for the an “Intent to Adopt” the **Proposed Revisions to the Nursing Home Regulations**. No comments have been received from the public. Ms. Smith commented in regard to the Informal Dispute Resolution (IDR). The current process requires there be a panel of three people and specifies who those three people are. She proposed adding to Line 3799 the following: “In the event of a position vacancy, an alternate member may serve on the IDR panel as directed by the State Health Officer.” This allows the State Health Officer to make sure it doesn’t delay providers from getting a fair hearing. Dr. McNair moved that the **Proposed Revisions to Nursing Home Regulations** be approved for an “Intent to Adopt”. The motion was seconded by Dr. Hurt and unanimously approved.

Ms. Smith then presented **Proposed Revisions to the Personal Care Homes (Residential Living and Assisted Living)** for an “Intent to Adopt”. These revisions are the same as in the Nursing Home Regulations. Upon motion of Dr. Hurt, seconded by Dr. McNair, the Board approved the **Proposed Revisions to the Personal Care Homes (Residential and Assisted Living)**.

Ms. Smith then commented on the background checks for anyone working in a hospital, nursing home, home health agency or hospice. The Board Committee will meet toward the end of May and finalize the regulations to submit to the Board for final adoption at the July meeting. The regulations would then be in effect sometime in August.

She also recommended to the Board that it change the name of the Long Term Care and Alzheimer's Committee to the Healthcare Facilities Licensure Committee. This reflects the fact that due to the addition of background checks, it now affects all healthcare licensed facilities. Upon motion of Dr. Gough, seconded by Dr. McNair, the Board approved the above proposed name change of Long Term Care and Alzheimer's Committee to the Healthcare Facilities Licensure Committee.

Mr. Jerry McClure, Director, Genetic Services presented for "Final Adoption", the **Revised Rules and Regulations Governing Newborn Screening** to establish the charge per baby screened. The proposal is to charge each hospital \$70.00 per newborn. This amount is necessary to provide testing and follow-up to expand newborn screening from 5 to 40 conditions. The additional newborn screening laboratory tests and follow-up are scheduled to begin on June 2, 2003.

Mr. Horton commented that due to the fact the regulations did not get filed 30 days prior to this meeting, it is requested that the Board give the State Health Officer permission to adopt this in the interim of meetings which is allowed under the statute.

Upon motion of Dr. Hurt, seconded by Dr. Gough, the Board approved the **Revised Rules and Regulations Governing Newborn Screening for "Final Adoption"**.

Ms. Smith then moved the Board approve authorizing the State Health Officer permission to adopt these regulations in the interim of meetings. The motion was seconded by Dr. Gough and approved.

Mary Currier, MD, State Epidemiologist, then presented for "Final Adoption" the **Proposed Changes to the Rules and Regulations Governing Reportable Diseases**. Dr. Currier presented the addition of varicella in persons > to 15 years of age to the list of reportable diseases. Upon motion of Dr. Hopson, seconded by Dr. Hurt, the Board approved the above change to the **Rules and Regulations Governing Reportable Diseases**.

Mr. Jim Craig, Director, Emergency Planning and Response, presented the following proposals:

1. **Proposed Amendments to EMS Rules and Regulations** for an "Intent to Adopt".

Legislation passed in the previous session made responders part of the EMS community. Public hearings were held in all public health districts and comments were included in the proposed amendments. Upon motion of Dr. Hurt, seconded by Dr. Gough, the Board approved for an "Intent to Adopt" the **Amendments to the EMS Rules and Regulations**.

2. Amendments to **Existing Trauma Regulations** for "Intent to Adopt"

The two recommendations are for more of an objective process for the designation of trauma centers and a change to lesser requirements for surgeons participating in the system. Dr. Hopson moved the Board approved the **Amendments to Existing Trauma Regulations**. The motion was seconded by Dr. McNair and approved for an "Intent to Adopt".

3. Amendments to **Existing Trauma Regulations** for "Final Adoption".

This change is for the definition of an eligible physician. Anesthesiologists have been included as part of the eligible physicians for the reimbursement scheme. There is also clarification of what are reportable parts of the trauma system, reported to the trauma registry.

Upon motion of Dr. McNair, seconded by Ms. Greer, the Board approved the **Amendments to Existing Trauma Regulations** for “Final Adoption”.

4. Emergency Rule allowing EMT Paramedics to administer Pralidoxime (2PAM) for Organophosphate Poisoning and Nerve Agent Exposure.

This was in response to the heightened homeland security terrorism advisory to “Orange-High Rise” and in support of the Governor’s Proclamation declaring a State of Emergency. It is requested the Board ratify the action of the State Health Officer for execution of this emergency rule.

Upon motion of Dr. Hurt, seconded by Dr. McNair, the Board approved the Emergency Rule allowing EMT Paramedics to administer Pralidoxime (2PAM) for Organophosphate Poisoning and Nerve Agent Exposure.

Mr. Horton, legal counsel, recommended that the Board discontinue its present practice of requiring all proposed adoptions, amendments and repeals of regulations (1) come before the Board prior to filing with the Secretary of State (i.e. intent to adopt) and (2) come before the Board a second time prior to adoption. There was concern raised by some Board members regarding this recommendation. The Board took no action.

The next item was Old Business and there was none.

Under new business, Dr. Hurt commented on the Oral Health Task Force. One of the things he would like for the task force to do is look at fluoridation of water and the lack of this in the state especially in rural areas.

Upon motion of Dr. Gersh, seconded by Dr. McNair, the Board voted to direct the Oral Health Task Force to look at fluoridation of water in the state.

At this time, Dr. Amy announced that Dr. Kaye Bender would be leaving the Department of Health to accept the position of Dean, School of Nursing at the University of Mississippi Medical Center. He requested the Board adopt the following resolution in honor of Dr. Bender:

**MISSISSIPPI STATE BOARD OF HEALTH
RESOLUTION
COMMENDING**

KAYE BENDER, RN, PhD, FAAN

Whereas, Kaye Bender, RN, PhD, FAAN, served as Deputy State Health Officer at the Mississippi State Department of Health since 1998; and,

Whereas, Dr. Bender served as Chief of Staff for the State Health Officer from 1988 to 1999, and various other positions within the Mississippi State Department of Health from 1977 to 1988 including staff nurse, consultant and supervising nurse; and,

Whereas, Dr. Bender has served in various professional organizations with distinction and received numerous honors and awards for outstanding service; and,

Whereas, Dr. Bender served as Chairman, Management Committee, of the Association of State and Territorial Health Officials; and,

Whereas, Dr. Bender served on the Institute of Medicine, Committee on Assuring the Health of the Public in the 21st Century, which has published its landmark report THE FUTURE OF THE PUBLIC’S HEALTH IN THE 21ST CENTURY; and,

Whereas, Dr. Bender has contributed outstanding leadership, guidance, direction, and consultation in administering the programs of a complex agency; and,

Whereas, Dr. Bender’s unique spirit of cooperation and friendship enabled her to work with the Mississippi Congressional delegation, the Mississippi Legislature, all levels of state government, and both local and national organizations; and,

Whereas, Dr. Bender has accepted the appointment of Dean, School of Nursing, University of Mississippi Medical Center, beginning May 1, 2003;

Be it Therefore Resolved that the Mississippi State Board of Health in regular session on April 9, 2003, records its high esteem and gratitude to Kaye Bender, RN, PhD, FAAN, for her faithful work and dedication to the Mississippi State Department of Health and offers its congratulations on her appointment as Dean, School of Nursing.

Ray Foxworth, D.C.
Chairman

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

Upon motion of Mary Kim Smith, seconded by Ruth Greer, the Board approved the above resolution recognizing Dr. Kaye Bender.

There being no further business, and upon motion of Dr. McNair, seconded by Dr. Hopson, the Board adjourned at 12:50 p.m.

R. A. Foxworth, DC
Chairman

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