

MINUTES OF MEETING
MISSISSIPPI STATE BOARD OF HEALTH
OCTOBER 13, 2004

The Mississippi State Board of Health met in regular session on Wednesday, October 9, 2004, in the Alton B. Cobb Auditorium of the Osborne Building, Jackson, Mississippi at 10:00 am with the following members present:

District I	Ruth Greer, RN, Holly Springs
District I	Ellen Williams, RN, Senatobia
District II	Walter C. Gough, MD, Drew
District II	Debra L. Griffin, Belzoni
District II	Cass Pennington, Ed.D., Indianola
District III	R. A. Foxworth, DC, Jackson
District III	Mary Kim Smith, RN, Vice Chairman, Brandon
District III	Randy H. Russell, MD, Jackson
District IV	Larry Calvert, R.Ph., Gulfport, Chairman
District IV	Norman Price, McComb

STATE-AT-LARGE

H. Allen Gersh, MD, Hattiesburg

Members Absent:

District V	Ted Cain, Diamondhead
State-At-Large	Alfred E. McNair, Jr., MD, Ocean Springs

OTHERS PRESENT

Brian W. Amy, MD, MHA, MPH, State Health Officer
Danny Miller, CPA, Deputy Director and Chief of Staff
Jim Craig, Director, Office of Health Protection
Vickey Maddox, Director, Office of Licensure
Sam Dawkins, Director, Office of Health Planning and Policy
Mitchell Adcock, Director, Office of Administration
Pat Klar, Director, Office of Human Resources
Jason Easley, Director, Office of Organizational Quality
Senator Tommy Moffett

The meeting was called to order by the Chairman, Mr. Calvert.

The meeting was opened with prayer led by Dr. Russell and the Pledge of Allegiance.

The Chairman then provided a welcome to all in attendance and entertained a motion for approval of the minutes of the July 14, 2004 Board meeting. Upon motion of Dr. Gough, seconded by Dr. Russell, the Board approved the minutes of the July 14, 2004 Board meeting.

Mr. Mitchell Adcock, Director, Office of Administration, presented the Financial Report covering Fiscal Years 2004 and 2005. Upon motion of Dr. Foxworth, seconded by Ms. Williams, the Board voted to accept the Financial Report.

Ms. Pat Klar, Director, Office of Human Resources, presented the Personnel Report covering the period September, 2003 - August, 2004.

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

1. Welcomed Senator Alan Nunnelee, Chairman, Senate Public Health Committee

and Senator Tommy Moffett, Member, Senate Public Health Committee.

2. Commented that the American flag in the meeting room was very special. It was sent to us from Major Art Sharpe who is serving in Iraq. This flag was flown in several different locations in Iraq.
3. Presented the FY 2006 Budget Request.
4. Mr. Jim Craig, Director, Office of Health Protection, presented an update on emergency preparedness.
5. Mills McNeill, MD, State Epidemiologist, presented an update from the last meeting regarding Methicillin Resistant Staph Aureus (MRSA). He also stated that the agency had purchased with terrorism preparedness monies, Theradoc, a state-of-the-art therapeutic decision-support system with strong public health surveillance capability for installation at the University of Mississippi Medical Center. Mississippi is the first state health department in the country to install this system as a frontline component of the terrorism preparedness and response program. He also demonstrated Visual DX, a system that provides visually diagnostic assistance to our clinicians.
6. Dr. Amy then provided an update on the flu vaccine. Twenty-four thousand pediatric doses of flu vaccine have been received and delivered statewide to our facilities. The agency continues to work with the Centers for Disease Control and Prevention to get the available vaccine to those at highest risk.
7. At the July Board meeting, the staff presented proposed regulations to amend Regulations Governing Hospitals and Ambulatory Surgical Centers to comply with House Bill 1525 that requires physicians to file a written report with the Department of Health for complications and deaths resulting from abortions. After meeting with representatives from both facilities, it was concluded that the requirement was directed to physicians rather than facilities, and the staff have developed an appropriate form that will report the information required under the statute.
8. Mr. Stanford Horton, Special Assistant Attorney General, introduced Mr. Ian Coleman, who will be working with their office.

Mr. Danny Miller, Deputy Director, presented for the Board's consideration the following 2005 legislative proposals:

MSDH Initiatives and Proposals

1. MSDH budget request for FY 2006 - \$262 million
2. Request funding (bond issue authority) to expand Public Health Laboratory
3. Request state funding to provide match for federal funding for Drinking Water State Revolving Fund. (Annual matching requirement in order to receive federal funds).
4. Increase funding to the Trauma Care Trust Fund and recommend potential funding sources.
5. Request increases in environmental fees (food service, on-site wastewater, etc.)
6. Amend schedule of controlled substances to conform with Federal law by adding two substances.

Initiatives and Proposals from Others

7. Add a representative from the Mississippi Association of EMS Educators to the Governor's EMS Advisory Council. Proposed by MS Association of EMS Educators.
8. Assess a minimum penalty for operating a food service business without MSDH permit. Proposed by MS Restaurant Association.
9. Promote adoption of all-terrain vehicle safety initiatives including: requiring helmets, and drivers licenses or safety courses. Proposed by American Academy of Pediatrics.
10. Promote adoption of a DUI child endangerment law. Proposed by American Academy of Pediatrics.
11. Promote adoption of a primary seatbelt law initiative. Proposed by American Academy of Pediatrics.

Public Health Laws set to expire June 30, 2005 due to "Sunset" Provisions

12. Renew Infant Mortality Task Force
13. Renew Licensure of Hearing Aid Dealers
14. Renew Licensure of Speech Pathologists and Audiologists
15. Renew requirement of public water systems to provide corrosion control treatment.

Upon motion of Dr. Gough, seconded by Ms. Smith, the Board voted to accept the proposed 2005 legislative proposals.

The Chairman then welcomed Cass Pennington, Ed.D., who was recently appointed to the Board representing the Second Congressional District.

Mr. Sam Dawkins, Director, Office of Health Policy and Planning presented the following for the Board's consideration:

A. **Proposed Regulations Governing Review of Applications and Issuance of Certificates of Public Advantage to Rural Hospitals that enter into Cooperative Agreements for Certain Purposes. (Intent to Adopt)**

These regulations are being presented to comply with passage of Senate Bill 2850 (the Rural Health Availability Act) during the 2004 Legislative Session. These agreements may include contract or financial arrangements for the sharing, allocation or referral of patients, the sharing or allocation of personnel, instructional programs, support services and facilities, medical diagnostic or laboratory facilities, procedures, equipment or other health care services, or the acquisition or merger of assets among or by two or more rural hospitals, and includes agreements to negotiate jointly with respect to price or other competitive terms with suppliers.

Dr. Gough moved the Board approve an "intent to adopt" to the **Proposed Regulations Governing Review of Applications and Issuance of Certificates of Public Advantage to Rural Hospitals that enter into Cooperative Agreements for Certain Purposes.** Ms. Greer seconded the motion and it was unanimously approved.

B. Physician Accessibility and Services Committee Recommendations

The following are being recommended for J-1 Visa:

<u>Sponsoring Facility</u>	<u>HPSA Designation</u>	<u>Proposed Provider</u>
Aaron E. Henry Community Health Center	Coahoma County	Dr. Bolanie Akakabota, Internal Medicine Nigeria
Landmark Internal Medicine	DeSoto County	Dr. Aaliya Islam Internal Medicine India
Greenwood Leflore Hospital	Leflore County	Dr. Rohit Panchal Pulmonologist

Upon motion of Dr. Gersh, seconded by Dr. Gough, the Board approved the above applications for J-1 Visa.

Ms. Vickey Maddox, Director, Office of Licensure, presented the following nominees to various advisory councils for the Board's consideration:

Council of Advisors for Child Care Facilities Licensure

B. L. "Buddy" Fish, Ed.D. Represents - child care professional organization
First Supreme Court District
Ridgeland, MS
Term: July 1, 2004 - June 30, 2006

Pamela T. Felder-Wright, Ph.D. Represents - child care professional organization
Second Supreme Court District
Natchez, MS
Term: July 1, 2004 - June 30, 2006

Council of Advisors for Speech-Language Pathology/Audiology

Rebecca D. Laskin, CCC Submitted by MS Speech-Language Assn.
First Supreme Court District
Term: January 1, 2005 - December 31, 2007

Christine R. Bryant Submitted by Council of Advisors for Speech
Second Supreme Court District Language Pathology/Audiologist
Term: January 1, 2005 - December 31, 2007

John M. Schweinfurth, MD Submitted by MS Eye, Ear, Nose and Throat
First Supreme Court District Assn.
Term: January 1, 2005 - December 31, 2007

Council of Advisors for Occupational Therapy

Diane Stringer, OTA Submitted by MS Occupational Therapy Assn.
Second Supreme Court District
Term: January 1, 2005 - December 31, 2007

Richard Courtney, PLLC Submitted by Council of Advisors for Occupational
First Supreme Court District Therapy
Term: January 1, 2005 - December 31, 2007

Upon motion of Dr. Gough, seconded by Dr Gersh, the Board approved the appointments to the above advisory councils.

Mr. Jim Craig, Director, Office of Health Protection, presented the following for the Board's

consideration.

A. **Proposed Amendment to the Regulations for Control of Radiation in Mississippi - Intent to Adopt**

The proposed revision is to allow an exemption for registration fees for general licensed devices associated with Homeland Security. The actual change is reflected on page C-10 in the regulation.

Upon motion of Ms. Smith, seconded by Ms. Greer, the Board approved an "intent to adopt" to the Proposed Amendment to the Regulation for Control of Radiation in Mississippi.

B. **Appointments to Mississippi Radiation Advisory Council**

Todd Goldman
Kerr-McGee Chemical, PLLC
40034 Kerr-McGee Road
Hamilton, MS
Term: September, 2004 - August, 2008

Submitted by MS Manufacturers Assn.

Terry Coggins, PE, CHP, CSP
Radiological Safety Officer
MS State University
Post Office Box 6223
Mississippi State, MS 39762
Term: September, 2004 - August, 2008

Submitted by Institutions of Higher Learning

Upon motion of Dr. Russell, seconded by Dr. Gough, the Board approved the nominees to the Mississippi Radiation Advisory Council.

C. **Appointment to Wastewater Advisory Committee**

Hunter T. Arnold, P.E.
Waggoner Engineering
P. O. Box 12227
Jackson, MS 39236

Submitted by MS Engineering Society

Upon motion of Dr. Gough, seconded by Ms. Williams, the Board approved the appointment to the Wastewater Advisory Committee.

Mr. Jason Easley, Director, Office of Organizational Quality, presented for the Board's information the results of the fourth quarter audits. The submission of quarterly reports to the Board is required by the Internal Audit Act passed during the 2003 legislative session.

District III	No material findings
District IX	No material findings
Epidemiology	No material findings
Information Technology	No material findings

Dr. Pennington moved the Board accept the fourth quarter internal audit reports. The motion was seconded by Dr. Russell and approved.

The next item was Old Business. The Chairman recognized Dr. Gersh and Sam Dawkins who provided a report on the CON Committee.

The Committee met to review and discuss the current methodology and formula for determining the need for acute care hospital beds. Several factors were identified such as population density, growth and trade area patterns as being worthy of further investigation and study. Mr. Dawkins commented the staff would be working with the CON Committee.

The Chairman then presented a proposed schedule for Board committee meeting dates.

The next item was New Business. The Chairman recognized Mr. Jim Craig who introduced Mr. Jerry Howell, Administrator, Marion General Hospital and Chairman of the Mississippi Hospital Association's Task Force on Trauma. Mr. Howell addressed the Board regarding funding for the Mississippi Trauma Care System. He requested the Board of Health join the MS Hospital Association, along with the State Medical Association and the Mississippi Nurses Association to draft and present for passage legislation that would increase funding for the trauma system.

Ms. Smith then moved the meeting be closed for a preliminary determination of the necessity of Executive Session. The motion was seconded by Dr. Russell and approved. Dr. Foxworth then moved the Board enter into Executive Session regarding a personnel matter to discuss the salary of the State Health Officer. The motion was seconded by Dr. Gough and unanimously approved.

Upon motion of Ms. Smith, seconded by Ms. Williams, the Board voted to exit Executive Session.

The Chairman reported that no action was taken during Executive Session.

Ms. Griffin moved to increase the salary of the State Health Officer salary to \$195,000. The motion was seconded by Dr. Gough. Those voting in favor of the motion: Griffin, Gough, Price. Those voting in opposition to the motion: Smith, Foxworth, Pennington, Gersh, Williams, Greer, Russell. The motion failed.

Dr. Russell moved that the Board increase the salary of the State Health Officer by ten percent to be competitive with surrounding states and in recognition of the efficiencies and improvements that have been made in the Agency's operations. The motion was seconded by Dr. Foxworth. Those voting in favor of the motion: Russell, Greer, Williams, Price, Pennington, Foxworth, Smith. Those voting in opposition to the motion: Griffin, Gough, Gersh. The motion passed.

Upon motion of Dr. Foxworth, seconded by Ms. Greer the Board adjourned at 1:15 pm.

Larry W. Calvert, R.Ph.
Chairman

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