

**MINUTES OF MEETING  
MISSISSIPPI STATE BOARD OF HEALTH  
APRIL 13, 2005**

The Mississippi State Board of Health met in regular session on Wednesday, April 13, 2005, in the Alton B. Cobb Auditorium of the Osborne Building, Jackson, Mississippi at 10:00 am with the following members present:

District I	Ellen Williams, RN, Senatobia
District II	Walter C. Gough, MD, Drew
District II	Debra Griffin, Belzoni
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, Chairman, Gulfport
District V	Ted Cain, Diamondhead

**STATE-AT-LARGE**

H. Allen Gersh, MD, Hattiesburg  
Alfred E. McNair, Jr., MD, Ocean Springs

Members Absent:

District I	Ruth Greer, Holly Springs
District III	Cass Pennington, Ed.D., Indianola
District IV	Norman Price, McComb

**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  
Danny Bender, Director, Office of Health Services  
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  
Vickey Maddox, Director, Office of Licensure

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 led by Dr. Gough.

The first item of business was approval of the January 12, 2005 Board minutes. Upon motion of Dr. Gough, seconded by Dr. McNair, the Board approved the minutes of the January 12, 2005 Board meeting.

Mr. Mitchell Adcock, Director, Office of Administration, presented the Financial Report covering the period July 1, 2004 - March 11, 2005. Mr. Adcock also commented that the State Auditor had recently conducted the single audit for all federal dollars that come into the state where the agency provides programs. The results of the audit were no

written findings for the agency for the last fiscal year. Upon motion of Dr. Gough, seconded by Dr. McNair, the Board voted to accept the Financial Report.

Ms. Pat Klar, Director, Office of Human Resources, presented the Personnel Report. Upon motion of Dr. McNair, seconded by Dr. Foxworth, the Board voted to accept the Personnel Report.

Mr. Jason Easley, Director, Office of Performance Accountability, presented the following results of the second quarter of Fiscal Year 2005 audit reports. The submission of quarterly reports is required by the Internal Audit Act passed during the 2003 Legislative Session.

District IV	No material findings
District VII	No material findings
Health Protection	No material findings

Ms. Smith moved that the meeting be closed for a preliminary determination of the necessity for Executive Session. The motion was seconded by Dr. Foxworth and unanimously approved.

Ms. Smith then moved that the Board enter into Executive Session to discuss pending litigation. The motion was seconded by Dr. Russell and unanimously approved.

Upon motion of Ms. Smith, seconded by Dr. Foxworth, the Board voted to exit Executive Session. The Chairman stated that no action was taken in Executive Session.

The Chairman then presented a proclamation from the Office of the Governor for the Board proclaiming the month of April, 2005 as Autism Awareness Month in the State of Mississippi.

Liz Sharlot, Director, Office of Communications offered comments regarding the Healthy Secure Mississippi Campaign. Health and emergency officials statewide gathered in Jackson to launch MDH's new Healthy Secure Mississippi Campaign. The launch included a news conference, a tour of one of the state's decontamination units and a stakeholder meeting with partner agencies, volunteer organizations, and the medical community. MDH is reaching out with emergency preparation and response information via radio and print, a newly-designed website, and a three-language 24/7 information hotline.

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

1. MDH Logic Models - Logic models diagram the essential components of health program activities and how they are put to use to achieve measurable goals. Models for nearly 30 funded health programs are not available to the public through the MDH web site.
2. Healthy Secure Mississippi - This campaign was launched with news conferences. MDH created information and educational materials which are now available to the public on its website.
3. Autism Awareness Month - The agency launched the Autism Awareness Campaign for the month of April. Public service announcements, speaking engagements, new website material, and educational literature in each county health clinic are supporting the agency's effort to inform parents on recognizing and getting treatment for autism.
4. Living Will Resources - Recent awareness of the issue of living wills brought increased public attention to MDH's legal information, forms, and other resources for advance directives. The agency's radio and web-based response resulted in over 1500 downloads of living will information in April - more than all of 2004 combined.

5. Information Technology - Dr. Amy introduced Mr. Mike Scales, Director, Office of Information Technology who presented information on MDH's new Information Technology Data Center. This Center will centralize data processing operations and administration in a single state-of-the art facility that provides secure access and emergency protection to our ongoing information technology development.

Mr. Danny Miller, Deputy Director, presented the 2005 Legislative Report.

### LEGISLATION PROPOSED BY THE BOARD OF HEALTH

- HB 1651 MDH FY 2006 Appropriation  
MDH budget request - \$262 million. Died in Conference
- HB 1720 Request (bond issue authority) to expand Public Health Laboratory  
Request for \$20 million construction. Died in Conference
- HB 1720 To increase from \$16.743 million to \$18.743 million the amount of State general obligation bonds that may be issued for the Local Governments and Rural Water Systems Improvements Revolving Loan Fund. Died in Conference
- SB 2471 Increase funding to the Mississippi Trauma Care Systems Fund by increasing assessments collected for traffic and implied consent violations by \$5.00 from current assessment of \$10.00 to \$15.00 to the Emergency Medical Services Operating Fund. Effective July 1, 2005. Passed House and Senate; awaiting Governor's signature.
- HB 814 Authorize the Board of Health to set environmental fees for food service, on-site wastewater, and boiler and vessel pressure programs and remove any statutory fee schedule for such environmental programs. Died in Committee
- SB 2417 Amend current statutes to conform with scheduling of controlled substances for federal law and regulation by inserting substance dichloralphenazone into Schedule IV and moving substance buprenorphine from Schedule V to Schedule III.  
Died on Senate Calendar
- HB 1264 After due notice and opportunity for a hearing, authorize Board of Health to impose  
SB 2006 a monetary penalty not to exceed One Thousand Dollars (\$1,000.00) for failure to  
SB 2414 obtain a food service establishment permit.  
All bills died in Committee

### LEGISLATION ENDORSED BY BOARD OF HEALTH

- SB 2511 Extends until July 1, 2006, the statutes creating the Infant Mortality Task Force. Passed House/Senate; awaiting Governor's signature.
- HB 246 Deletes automatic repealer on the statutes providing for licensure and regulation of Hearing Aid Specialists. Effective June 30, 2005. Signed by Governor
- HB 236 Deletes automatic repealer on statutes providing for the licensure and regulation of Speech Pathologists and Audiologists. Effective June 30, 2005. Signed by Governor
- HB 683 Extends until July 1, 2007, the statute providing for corrosion control treatment requirements for public water systems. Effective June 30, 2005. Signed by Governor
- HB 287 Extends until July 1, 2006, automatic repealer on the Individual On-site Wastewater Disposal System Law. Effective July 1, 2005. Passed House/Senate; awaiting Governor's signature.

### OTHER BILLS OF INTEREST.

- SB 2883 Create abortion facility licensure levels. Effective July 1, 2005. Signed by Governor
- HB 454 Extend State Board of Cosmetology and require Hair Braiders to register with MDH. Awaiting Governor's signature.
- SB 2931 Establish Mississippi Disability Resource Commission. Signed by Governor

- HB 988            Require Bureau of Vital Statistics to maintain a record with information regarding number of adoptions in the state where an adopting parent is a blood relative of an adoptee and is not a blood relative. Effective July 1, 2005. Signed by Governor
- SB 2053           Require sex offender registry check of individuals providing child care services. Effective July 1, 2005. Signed by Governor.
- HB 972            Provide that a community pharmacy, and the licensed pharmacists and other volunteers who work in the pharmacy, shall be immune from liability for any civil action arising out of providing charitable or gratuitous pharmaceutical products. Effective July 1, 2005. Signed by Governor
- HB 1104           Bring forward MS Medicaid Law. Effective from and after passage March 31, 2005. Signed by Governor.
- SB 3111            Additional appropriation to various agencies including Dept. of Health for FY 2005 (\$160,000) from Health Care Expendable Fund for purpose of providing funds to Qualified Health Centers. Died in Conference.
- SB 2420            Act to provide that an organ donation made by will, by a durable power of attorney, by a living will or pursuant to the Uniform Anatomical Gift Act supersedes any decision by the family of the organ donor. Effective July 1,2005. Signed by Governor

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

Amendments to Regulations for Control of Radiation in Mississippi - Final Adoption

The proposed changes are to Section A, General Provisions; Section D, Standards for Protection Against Radiation; and Section G, Use of Radionuclides in the Healing Arts.

Upon motion of Dr. Gough, seconded by Dr. Gersh, the Board unanimously approved the Amendments to Regulations for Control of Radiation in Mississippi for Final Adoption.

Ms. Smith then provided the report for the Board Subcommittee Health and Child Care Facilities. She stated the committee is recommending it be required that hospitals, hospice, abortion facilities, ambulatory surgery facilities, long-term care facilities and personal care facilities develop written plans regarding disaster, explosions, train derailments, serious weather conditions and other possible disasters as part of the disaster preparedness plan.

She also commented that staff and the after-school task force is working with providers to develop some regulations related to child care facilities for after-school-aged children.

She provided information regarding fingerprint background checks. Since August 12,2003, the agency has processed 71,497 fingerprint records. Of that number, 6,823 have come back with rap sheets. Seven have been denied due to being listed in the child abuse registry, and there have been 70 outstanding warrants discovered. She commended the staff for their hard work.

Ms. Vicky Maddox, Director, Office of Licensure, presented proposed changes to the following health facilities:

- Minimum Standards of Operation of Mississippi Hospital
- Minimum Standards of Operation for Hospice
- Minimum Standards of Operation for Abortion Facilities
- Minimum Standards of Operation for Ambulatory Surgical Facilities

This requires that the facility shall maintain a written disaster preparedness plan that includes procedures to follow in the event of fire, train derailment, explosions, severe weather and other possible disasters as appropriate for the specific geographic location.

Upon motion of Dr. Gough, seconded by Dr. McNair, the Board unanimously approved the above for "Final Adoption".

Mr. Craig, then presented for "Intent to Adopt" the proposed Amendments to Existing Mississippi EMS: The Laws, Rules and Regulations. The following sections have proposed regulation changes:

Section 1	Ambulance Service Licensure
Section 3	Aero Medical
Section 5	Medical First Responder
Section 6	EMS Driver
Section 7	EMT-Basic Life Support
Section 8	EMT -Advanced Life Support
Section 10	Appendix
Section 11	Glossary

Dr. Gough moved the Board approve the Amendments to Existing Mississippi EMS: The Laws, Rules and Regulations for Intent to Adopt. The motion was seconded by Dr. Foxworth and unanimously approved.

Dr. Gough then gave a presentation on the Mississippi Trauma System. He presented information since the passage of the trauma law in 1998 and highlighted some of the successes of the Trauma System.

Mr. Sam Dawkins, Director, Office of Health Policy and Planning, presented the following:

Report and recommendations of the Physician Accessibility and Services Subcommittee.

Coastal Family Health Center (Transfer Request) - Sponsoring Facility  
Harrison County (Saucier) - HPSA Designation  
Sarath Battula, MD; Internist - J-1 Provider  
Committee Recommendation - Approval

Upon motion of Ms. Smith, seconded by Dr. McNair, the Board approved the J-1 Visa application for Sarath Battula, MD

Southwest MS Regional Medical Center - Sponsoring Facility  
Lawrence County (Monticello) - HPSA Designation  
Erich Arias, MD; Family Practitioner  
Committee Recommendation - Approval

Upon motion of Dr. McNair, seconded by Dr. Russell, the Board approved the J-1 Visa application for Erich Arias, MD

Greenwood Leflore Hospital- Sponsoring Facility  
Leflore County (Greenwood) - HPSA Designation  
Abhash Thakur, MD; Cardiologist  
Committee Recommendation – Approval

Upon motion of Ms. Smith, seconded by Dr. McNair, the Board approved the J-1 Visa application for Abhash Thakur, MD

Community Health Clinic - Sponsoring Facility  
Humphreys County (Isola) - HPSA Designation  
Sohail Ahmed, MD; Internist  
Committee Recommendation – Approval

Ms. Griffin and Dr. Gough recused themselves at this time and left the room  
Upon motion of Dr. McNair, seconded by Ms. Williams, the Board approved the J-1 Visa application at the salary of \$125K for Sohail Ahmed, MD  
Ms. Griffin and Dr. Gough then joined the meeting

Memorial Hospital at Gulfport - Sponsoring Facility  
Harrison County (Gulfport) - HPSA Designation  
Jyoti Panicker, MD; Pediatric Hematologist Oncologist

Board Recommendation - Approval

Dr. McNair recused himself at this time and left the room

Upon motion of Ms. Smith, seconded by Dr. Foxworth, the Board approved the J-1 Visa application for Jyoti Panicker, MD

Dr. McNair then joined the meeting

Greenwood Leflore Hospital- Sponsoring Facility  
Leflore County (Greenwood) - HPSA Designation

Remi Nader, MD; Neurosurgeon

Board Recommendation - Approval

Dr. Gough recused himself at this time and left the room

Upon motion of Ms. Williams, seconded by Dr. Russell, the Board approved the J-1 Visa application for Remi Nader, MD

At this time Dr. Gough joined the meeting

Indianola Medical Clinic - Sponsoring Facility

Sunflower County (Indianola) - HPSA Designation

Hani Erian, MD; Nephrologist

Board Recommendation #1. Reconsider and rescind Board approval of 1/14/05

Upon motion of Dr. Gough, seconded by Dr. Gersh, the Board approved recommendation # 1 for Hani Erian, MD.

Board Recommendation #2. Table the application for further information.

Upon motion of Dr. Gersh, seconded by Dr. Russell the Board approved recommendation #2 for Hani Erian, MD.

Mr. Dawkins then presented for an Intent to Adopt Proposed Revisions to Need Methodology for Non-Hospital Based Magnetic Resonance Imaging (MRI) Facilities. At this time, Drs. Gersh, Foxworth and McNair recused themselves and left the room. Upon motion of Dr. Gough, seconded by Dr. Russell, the Board approved the Intent to Adopt. Drs. Gersh, Foxworth and McNair then joined the meeting.

Mr. Dawkins next presented for an Intent to Adopt the Proposed FY 2006 State Health Plan, in order to initiate the thirty day comment period. Upon motion of Ms. Smith, seconded by Dr. Gough, the Board approved the Intent to Adopt.

Ms. Smith then presented a report of the Rehabilitation and Restorative Services Subcommittee. She updated the Board on 2004 statistical data.

Mr. Danny Bender, Director, Office of Health Services, presented for Intent to Adopt Revisions to Rules and Regulations Governing Newborn Screening and Birth Defects Registry. The proposed revisions will reflect current policies. One change of consequence is on page 5, Section I.D.4. The minimum number of specimens that a lab must test each year has been reduced from 50,000 to 40,000. This revision is necessary so the MDH will not be excluded from being able to perform newborn screening tests in the future.

Dr. Gough moved the Board approve the Revisions to Rules and Regulations Governing Newborn Screening and Birth Defects Registry for Intent to Adopt. The motion was seconded by Dr. Russell and unanimously approved.

The next item was Old Business and there was none.

The next item was New Business and the Chairman recognized Danny Miller. He presented to the Board four legislative bills that will go into effect on July 1, 2005. He is requesting the Board through its committees help draft, review, take public comment and file proposed regulations with the Secretary of State's office. He also recommended that in the absence of the Board, the State Health Officer enact the regulations effective July 1, 2005 and then bring them back to the Board on July 13, 2005 for ratification.

The four items of legislation are:

Senate Bill 2471	Increases the fees on certain fines to be earmarked for Mississippi's trauma system
Senate Bill 2883	Amends statutes relating to licensure of abortion facilities to create two levels, Level I and Level II
House Bill 454	Amends statutes to exempt the practice of hair braiding from the Board of Cosmetology oversight and places it under the Board of Health oversight
Senate Bill 2053	Requires sex offender background checks in addition to regular background checks of the registry for child care workers and volunteers

Under New Business the Chairman recognized Mr. Scott Newman who addressed the Board regarding tattoo regulations. He was requesting support of the Board for proposing changes to legislation regarding tattooists.

The next item was election of officers. The Chairman opened the floor for nominations. Dr. Foxworth moved that the current slate of officers be elected for the next year. Chairman - Larry Calvert, R.Ph.; Vice Chairman - Mary Kim Smith, RN. Motion was seconded by Dr. Russell and unanimously approved.

Dr. McNair announced that the Health Education and Disease Prevention Subcommittee would meet at 1 :45.

Upon motion of Ms. Griffin, seconded by Ms. Smith, the Board adjourned at 1:15.

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*Larry W. Calvert, R.Ph.*  
Chairman

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