

MINUTES OF THE MEETING OF THE  
INDIANA STATE DEPARTMENT OF HEALTH  
EXECUTIVE BOARD  
July 11, 2018

The meeting of the Executive Board of the Indiana State Department of Health (ISDH) was called to order at 10:00 am in the Robert O. Yoho Board Room of the ISDH building by Brenda Goff, Chairperson. The following Board members were present for all or part of the meeting:

Blake Dye  
Naveed Chowhan, MD, FACP, MBA (via phone)  
Brenda Goff, HFA (Chair)  
Joanne Martin, DrPH, RN, FAAN  
Richard Martin, DDS  
Suellyn Sorensen, PharmD, BCPS  
Patricia Spence, PE  
Tony Stewart, MBA, FACHE, HFA  
Stephen Tharp, MD (Vice Chair)

Members not attending:

John Gustaitis, MD (via phone)  
Robin Marks, DVM  
Kristina Box, MD, FACOG (Secretary)

The following staff members were present for all or part of the meeting:

Trent Fox, Chief of Staff  
Eldon Whetstone, Interim Assistant Commissioner, Health and Human Services  
Amy Kent, Director, Office of Legislative Affairs  
Randy Snyder, Director, Acute Care  
Eric Hawkins, Director, Epidemiology Resource Center  
Matt Foster, Director, Long-Term Care Division  
Kristin Schwartz, Long-Term Care Division  
Martha Allen, Director, Maternal and Child Health  
Megan Griffie, Maternal and Child Health  
Eden Bezy, Director, Office of Public Health Performance Management  
Kelly MacKinnon, Office of Legal Affairs  
Hilari Sautbine, Office of Legal Affairs/Acting Director of Vital Records/State Registrar  
Manda Clevenger, Office of Legal Affairs  
Angela Rinehart, Office of Legal Affairs  
Julie Tront, Office of Legal Affairs  
Deana Smith, Office of Legal Affairs

Guest:

Andy VanZee, Indiana Hospital Association

## **Call to Order**

Brenda Goff, Chairperson stated that a quorum was present and called the meeting to order at 10:00 am. She then asked if Board members had any known conflicts of interest to declare. Hearing none she proceeded with the meeting.

## **Minutes**

Ms. Goff asked for discussion and/or corrections to the minutes of the May 9, 2018 Executive Board meeting. Hearing none she entertained a motion for approval. On a motion made by Dr. Tharp, seconded by Tony Stewart and passed unanimously by roll call vote, the Board approved the minutes as presented.

## **Official Business of the State Department of Health**

### **Secretary's Report**

Trent Fox, Chief of Staff announced that Chris Mickens, Chief Information Officer will be retiring at the end of July. The search for a successor will begin soon. He also announced that Melissa Collier, MD, MPH, new Chief Medical Officer started on July 2. She worked with the ISDH several years ago while at CDC. He welcomed her back to Indiana.

Mr. Fox reported on the recent challenge to Indiana's new abortion laws regarding reporting of abortion complications. At this time the agency will not be requiring providers to report abortion complications. This injunction affects Senate Enrolled Act 340.

Ms. Goff addressed the Board regarding her personal thoughts on another departure from the agency - Terry Whitson, Assistant Commissioner for the Health Care Quality and Regulatory Commission, is retiring as of September 29, 2018 after 19 years of service and with 14 of those years serving as the Assistant Commissioner. He began as a staff attorney in the Office of Legal Affairs in February of 1999 and moved to the Assistant Commissioner's position in 2004.

Ms. Goff praised him for his vast knowledge of the health care system in general but for also being a valuable resource to anyone seeking his guidance. The programs and initiatives implemented by Mr. Whitson have made huge impacts on hundreds of nursing home and hospital residents and patients statewide. She wished him well in his retirement and stated that he will be missed.

### **Health Care Quality and Regulatory Commission**

#### **Final Adoption of Rules 410 IAC 17-10-1 and 17-12-1 Home Health Agency Criminal History Background Check, LSA #17-483**

Randy Snyder, Director, Acute Care Division presented amendments to Rules 410 IAC 17-10-1 and 17-12-1 Home Health Agency Criminal History Background Check for final adoption. The amendments are in accordance with P.L. 51-2016. The Notice of Intent to Adopt a Rule was published in the *Indiana Register* on November 1, 2017 starting the one-year period to adopt this rule. A draft version of the amendments to the rule were presented to the Executive Board on November 1, 2017 for review and discussion. No changes have been made to the rule amendments since it was posted in the *Indiana Register* on May 16, 2018. Staff recommends the Board approve the amendments to this rule for final adoption.

Ms. Goff asked for comments from the Board, staff and/or public. Hearing none, she entertained a motion for final adoption. On a motion made by Dr. Tharp, seconded by Tony Stewart and passed unanimously by roll call vote, the Board approved the amendments to Rules 410 IAC 17-10-1 and 17-12-1 for final adoption.

## **Health and Human Services Commission**

### **Final Adoption of Rule 410 IAC 37 Hyperbaric Oxygen Treatment (HBOT) Pilot Program, LSA #17-564**

Eldon Whetstone, Interim Assistant Commissioner, Health and Human Services Commission presented Rule 410 IAC 37 Hyperbaric Oxygen Treatment (HBOT) Pilot Program for final adoption. Approval of this rule will implement the grants for veterans' hyperbaric oxygen treatment services. The Notice of Intent to Adopt a Rule was published in the *Indiana Register* on November 29, 2017 starting the one-year period to adopt this rule. A draft version of the rule was presented to the Executive Board for review and discussion on November 8, 2017. No changes have been made to the rule since it was posted in the *Indiana Register* on May 16, 2018. Staff recommends the Board approve the rule for final adoption.

Ms. Goff asked for comments from the Board, staff and/or public. Hearing none, she entertained a motion for final adoption. On a motion made by Dr. Tharp, seconded by Tony Stewart and passed unanimously by roll call vote, the Board approved Rule 410 IAC 37 for final adoption.

### **Final Adoption of Rule 410 IAC 36 Developmental Disability Bracelet and Identification Card, LSA #17-445**

Eldon Whetstone, Interim Assistant Commissioner, Health and Human Services Commission presented Rule 410 IAC 36 Developmental Disability Bracelet and Identification Card for final adoption. This rule establishes application requirements for persons obtaining an Indiana developmental disability bracelet and identification card. The Notice of Intent to Adopt a Rule was published in the *Indiana Register* on October 4, 2017 starting the one-year period to adopt this rule. A draft version of the rule was presented to the Executive Board for review and discussion on November 8, 2017. No changes have been made to the rule since it was posted in the *Indiana Register* on June 6, 2018. Staff recommends the Board approve the rule for final adoption.

Ms. Goff asked for comments from the Board, staff and/or public. Hearing none, she entertained a motion for final adoption. On a motion made by Dr. Tharp, seconded by Tony Stewart and passed unanimously by roll call vote, the Board approved Rule 410 IAC 36 for final adoption.

### **Final Adoption of Rule 410 IAC 3-3 Newborn Screening, LSA #18-158**

Eldon Whetstone, Interim Assistant Commissioner, Health and Human Services Commission presented amendments to Rule 410 IAC 303 Newborn Screening for final adoption. The amendments to this rule will update the list of conditions screened for, change the time period for specimen collection, add requirements for newborn pulse oximetry measurement and update the newborn screening fee. The Notice of Intent to Adopt a Rule was published in the *Indiana Register* on March 28, 2018 starting the one-year period to adopt this rule. A draft version of the amendments to this rule were presented to the Executive Board for review and discussion on November 8, 2017. Martha Allen, Director, Maternal and Child Health stated that some language was changed based on feedback from the lab, however, this was only clarifying technical terms so it did not alter the intent of the rule. There was one concern raised by a pediatrician on how this change would affect his ability to require a new mother to remain in the hospital for 48 hours following birth and the ISDH clarified that the change in no way dictates the newborn length of stay but rather the timing of the test. Support for adding SCID and SMA to the newborn screening panel was submitted during the public hearing. No other changes were made to the proposed rule since it was posted in the *Indiana Register* on May 9, 2018.

Ms. Goff asked for comments from the Board, staff and/or public. Hearing none, she entertained a motion for final adoption. On a motion made by Dr. Tharp, seconded by Tony Stewart and passed unanimously by roll call vote, the Board approved Rule 410 IAC 36 for final adoption.

## Other

### Hepatitis A Update

Eric Hawkins, Director, Epidemiology Resource Center provided an update on the Hepatitis A outbreak both nationwide and in Indiana. Currently Indiana has 202 cases since the first case was identified in November 2017. Other state case numbers are: Michigan – 356; Kentucky – 954; Ohio – 119 and West Virginia – 451. Transmission is presumed to occur person-to-person and through injection drug use; no commercial food product has been identified as being contaminated. Based on current information, populations who are homeless, transient or incarcerated or use illicit drugs are considered at increased risk of exposure to hepatitis A. If you or someone you know is believed to have been exposed to hepatitis A or are homeless, use injection or non-injection drugs, were recently incarcerated, or had contact with someone who has hepatitis A, please contact your health care provider about hepatitis A vaccine. To reduce the risk of hepatitis A transmission, people who have not received two doses of hepatitis A vaccine may ask their healthcare provider for protection. Additionally, always wash your hands with soap and warm water after going to the bathroom, after changing diapers, and before preparing meals for yourself and others. The ISDH website at <https://www.in.gov/isdh/27791.htm> contains the most current info for Indiana. At this time Indiana has dispensed 49,000 doses of vaccine.

### Accreditation Update

Eden Bezy, Director, Office of Public Health Performance Management reported the domain team has officially declared its intent to submit accreditation documentation to the Public Health Accreditation Board (PHAB). There are currently 31 accredited state health departments and 10 in the process (which includes Indiana). Local health departments in Indiana are in various stages of readiness for accreditation. Eden also reported the ISDH has a new strategic plan and State Health Assessment and Improvement Plan which will be posted to the website soon. The Executive Board's role is to continue to be a forum and a sounding board for the agency's work. The next steps are to implement a performance system to track agency's progress in executing the strategic plan; do a self-assessment of the ISDH staff's cultural competency; and deploy a customer service satisfaction survey.

### New Adoption Law Update

Hilari Sautbine, Acting Registrar, Vital Records Division provided an update on the new adoption law. The SEA passed in 2016. Effective July 1, 2018 the following applies to the adoption laws:

The changes essentially open adoption records for adoptions filed prior to 1994. Since 1994, birth parents have been given the option of keeping their information undisclosed; if no form stating as much is on file with the ISDH, it will release identifying information regarding the adoption. Prior to 1994, records were not releasable unless a birth parent explicitly consented to the release. What this law does is bring pre-1994 records in line with the release mechanisms of 1994-present.

Birth parents can file a contact preference form (previously called a non-release form) stating how they wish to be contacted, if at all. As with non-release forms, these contact preference forms generally expire on the death of the birth parent, unless a specific date is given or there is a directive on the form that the records remain sealed even upon death. The non-release forms already on file are still valid under the new law.

This does not change anything about identifying information on adoptees. If birth parents or siblings want to contact an adoptee, the adoptee must first register with our adoption history registry and consent to said release.

This affects over 42,000 records. We do not have a number on how many contact preference forms we have received or how many requests for records because we have to count them manually and simply do not have the time or resources to do that right now. We are getting multiple mail bins full of requests and forms daily, so there is a significant uptick in volume, and we are focused on making sure that the backlog does not get too overwhelming. To that end, we have redistributed some work duties and assignments to ensure we have as many hands on deck as possible while still making sure the rest of our functions in Vital Records are not neglected.

### **Distribution**

Ms. Goff thanked staff for the Professional new Hire and Separation Reports, Summary of Final Orders and Consent Decrees, the Updated Agency Organizational Chart, and Variance Waiver Approvals.

### **Adjourn**

Hearing no additional comments from the Board, staff and public, Ms. Goff adjourned the meeting at 10:55 am. The next meeting is scheduled for September 12, 2018.