

MINUTES OF THE MEETING OF THE
INDIANA DEPARTMENT OF HEALTH
EXECUTIVE BOARD
November 10, 2021

The in-person and virtual (Microsoft Teams) meeting of the Executive Board of the Indiana Department of Health (IDOH) was called to order at 10:30 am in the Robert O. Yoho Executive Board Room of the IDOH building by Brenda Goff, Chair. The following Board members were present for all or part of the meeting:

Naveed Chowhan, MD, FACP, MBA (via teams)
Blake Dye (via teams)
Brenda Goff, HFA (Chair) (in-person)
Martin Hanneman, DDS (via teams)
Robin Marks, DVM (via teams)
Joanne Martin, DrPH, RN, FAAN (via teams)
Shelley Rauch, HFA (via teams)
Holly Robinson, MD (via teams)
Suellyn Sorensen, PharmD, BCPS (via teams)
Stephen Tharp, MD (Vice Chair) (via teams)
Kristina M. Box, MD, FACOG, Secretary (in-person)

Members not attending:

Patricia Spence, PE

The following staff members were present for all or part of the meeting (in-person or via teams):

Pam Pontones, Deputy State Health Commissioner/State Epidemiologist
Shane Hatchett, Chief of Staff
Lixia Liu, Assistant Commissioner, Laboratory Services Commission & State Lab Director
Shirley Payne, PhD, Assistant Commissioner, Public Health Protection Commission
Paul Krievins, Director, Lead and Healthy Homes
Kelly MacKinnon, Director, Office of Legal Affairs
Alex Van Gorp, Office of Legal Affairs
Donna Sembroski, Office of Legal Affairs

Guests

Leah Wilson, Stand for Health Freedom
Don Stock, Cyril and Dorothea's Foundation for Medical Freedom

Call to Order

Brenda Goff, Chair, stated that a quorum was present and called the meeting to order at 10:30 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 October 27, 2021, Special Executive Board meeting. Hearing none, she entertained a motion for approval. On a motion made by Dr. Martin Hanneman, seconded by Dr. Stephen Tharp and passed by majority roll call vote of in-person and virtual attendees, the Board approved the minutes as presented.

OFFICIAL BUSINESS OF THE INDIANA DEPARTMENT OF HEALTH

Dr. Box provided an update on the Governor's Public Health Commission. On August 18, 2021, the Governor announced the establishment of the Governor's Public Health Commission via Executive Order 21-21. This Commission will spend the next year examining Indiana's public health system and then make recommendations to the legislature. This is the first thorough examination of Indiana's public health system in decades and is designed to better position Indiana to serve Hoosiers well into the future. In addition, the COVID-19 pandemic exposed the need to review how the Indiana public health system works, its strengths, and what resources are needed. This is an exciting opportunity to help ensure that every Hoosier has the opportunity to achieve their optimal health and access to public health services regardless of where they live. The kick-off meeting of the Commission was September 21, 2021. There will be presentations and discussion on emergency preparedness; governance, structure and services; funding and financing; data and information integration; healthcare and public health workforce; and childhood and adolescent health integration at the monthly meetings through July 2022. In addition to the monthly meetings, presentations are being given to partners and stakeholders throughout Indiana and listening tours are being scheduled for public input. The final report is to be submitted to the Governor in July 2022. Language will be drafted from these recommendations for the 2023 legislative session.

Dr. Box also mentioned that when the Governor's Public Health Emergency ends, we will revert back to in-person Board meetings. The current positivity rate for COVID is 8% with 2,842 new positive cases identified. The National Guard is helping ease the staffing shortages in eight hospitals currently. This aid can continue through April 1, 2022.

Epidemiology Resource Center

Emergency Adoption of Eyelash Extension Rule

Pam Pontones, Deputy State Health Commissioner/State Epidemiologist presented the Eyelash Extension Rule for emergency adoption. This rule adds provisions governing the operation of facilities where eyelash extensions are applied and sets out education and training requirements for individuals applying eyelash extensions. SEA 361 (P.L. 55-2021) provides that individuals providing eyelash extension services are no longer required to obtain an esthetician license from the State Board of Cosmetology and Barber Examiners. The legislation requires the IDOH to adopt rules by January 1, 2022, setting out training and sanitation requirements for those services. In order to comply with this mandate, it is necessary to adopt an emergency rule to take effect December 31, 2021, while the permanent rule promulgation process is underway. This emergency rule applies to individuals who provide eyelash extension services who are not licensed estheticians. Licensed estheticians who apply eyelash extensions along with other cosmetology services will continue to be governed by the rules of that license. On a question raised by Dr. Robin Marks mobile services would have to

follow this rule. Dr. Marks also asked about tweaking the language in Section 11 to spell out proper safety practices. The Epidemiology Resource Center and Office of Legal Affairs are working on the final permanent rule. Staff recommends the Board approve the Eyelash Extension Rule for emergency adoption.

Ms. Goff asked for comments from the Board, staff and/or public. Hearing none she entertained a motion for emergency adoption. On a motion made by Dr. Tharp, seconded by Dr. Naveed Chowhan and passed by majority roll call vote of in-person and virtual attendees, the Board approved the Eyelash Extension Rule for emergency adoption.

Rule Readoptions

Readoption of Disease Reporting and Control Rule 410 IAC 1-2.5, LSA #21-385

Alex Van Gorp, Office of Legal Affairs presented the Disease Reporting and Control Rule 410 IAC 1-2.5 for readoption. Following readoption, a notice of readoption will be filed with the *Indiana Register* and the rule will not expire on January 1, 2022. This rule will continue in effect for another 7 years or until amended.

Ms. Goff asked for comments from the Board, staff and/or public. Hearing none she entertained a motion for approval. On a motion made by Dr. Tharp, seconded by Shelley Rauch and passed by majority roll call vote of in-person and virtual attendees, the Board approved the Disease Reporting and Control Rule 410 IAC 1-2.5 for readoption.

Readoption of Immunization of School Children Rule 410 IAC 1-1, LSA #21-385

Alex Van Gorp, Office of Legal Affairs presented the Immunization of School Children Rule 410 IAC 1-1 for readoption. Following readoption, a notice of readoption will be filed with the *Indiana Register* and the rule will not expire on January 1, 2022. This rule will continue in effect for another 7 years or until amended.

Ms. Goff asked for comments from the Board, staff and/or public. Hearing none she entertained a motion for approval. On a motion made by Dr. Tharp, seconded by Shelley Rauch and passed by majority roll call vote of in-person and virtual attendees, the Board approved the Immunization of School Children Rule 410 IAC 1-1 for readoption.

Readoption of Pool Rule 410 IAC 6-2.1, LSA #21-386

Alex Van Gorp, Office of Legal Affairs presented the Pool Rule 410 IAC 6-2.1 for readoption. Following readoption, a notice of readoption will be filed with the *Indiana Register* and the rule will not expire on January 1, 2022. This rule will continue in effect for another 7 years or until amended.

Ms. Goff asked for comments from the Board, staff and/or public. Hearing none she entertained a motion for approval. On a motion made by Blake Dye, seconded by Dr. Tharp and passed by majority roll call vote of in-person and virtual attendees, the Board approved the Pool Rule 410 IAC 6-2.1 for readoption.

Readoption of Definitions Rule 410 IAC 35-1, LSA #21-384

Alex Van Gorp, Office of Legal Affairs presented the Aborted Remains Definitions Rule 410 IAC 35-1 for readoption. Following readoption, a notice of readoption will be filed with the *Indiana Register* and the rule will not expire on January 1, 2022. This rule will continue in effect for another 7 years or until amended.

Ms. Goff asked for comments from the Board, staff and/or public. Hearing none she entertained a motion for approval. On a motion made by Dr. Martin Hanneman, seconded by Dr. Tharp and passed by majority roll call vote of in-person and virtual attendees, the Board approved the Aborted Remains Definitions Rule 410 IAC 35-1 for readoption.

Public Health Protection Commission

Final Adoption of Dust Lead Rule 410 IAC 32, LSA #21-390

Shirley Payne, Assistant Commissioner, Public Health Protection Commission and Paul Krievins, Director, Lead and Healthy Homes presented the Dust Lead Rule 410 IAC 32 for final adoption. The proposed amendments will amend 32-1-12 to add general provisions; amend 32-1-28, 48, 49 and 72 and 32-4-5 to reference the dust-lead threshold to be in conformance with US EPA guidelines. It also amends 32-4-9 to revise general provisions and reference the dust lead threshold levels established by US EPA. The Notice of Intent to Adopt a Rule was published in the *Indiana Register* on August 26, 2021, starting the one-year period to adopt this rule. The Board reviewed the proposed draft at the November 18, 2020, meeting. The public hearing was held on November 4, 2021. No public comments were received. This rule only includes grammatical and style revisions. Staff recommends the Board approve the amendments to the Dust Lead Rule 410 IAC 32 for final adoption.

Ms. Goff asked for comments from the Board, staff and/or public. Hearing none she entertained a motion for approval. On a motion made by Dr. Tharp, seconded by Mr. Dye and passed by majority roll call vote of in-person and virtual attendees, the Board approved the amendments to the Dust Lead Rule 410 IAC 32 for final adoption.

Other

Ms. Goff asked for any other business to come before the Board. Leah Wilson, Stand for Health Freedom, inquired about consent for COVID vaccines for 5- to 11-year-olds. It was reiterated that children are never given vaccines without parental permission.

Distribution

Ms. Goff thanked staff for the professional new hire and separation reports, summary of final orders and consent decrees, variance waiver approvals, and 2022 Executive Board meeting dates.

Adjournment

Hearing no additional comments from the Board, staff and/or public, Ms. Goff adjourned the meeting at 11:07 am. The next meeting is scheduled for January 12, 2022.