

MINUTES OF THE MEETING OF THE
INDIANA DEPARTMENT OF HEALTH
EXECUTIVE BOARD
September 13, 2023

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, Interim Chairperson. The following Board members were present for all or part of the meeting (in-person or via teams):

Brenda Goff, HFA (Acting Chair)
Robin Marks, DVM
Joanne Martin, DrPH, RN, FAAN
Rex McKinney, FACHE (virtual)
Shelley Rauch, HFA (virtual)
Holly Robinson, MD
Matthew Sprunger, MD (virtual)
Troy Weirick, MD
Lindsay Weaver, MD, FACEP (Secretary)

Those not able to attend:

Martin Hanneman, DDS
Suellyn Sorensen, PharmD, BCPS
Patricia Spence, PE
Stephen Tharp, MD (Chair)

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

D. Shane Hatchett, Deputy Health Commissioner & Chief of Staff
Amy Kent, Deputy Health Commissioner & Chief Strategy Officer
Pam Pontones, MA, Deputy Health Commissioner of Local Health Services
Jordan Stover, JD, Assistant Commissioner, Consumer Services and Health Care Regulation
Nicole Stone, MPH, Epidemiology Resource Center
Kelly MacKinnon, JD, Chief Legal Counsel
Donna Sembroski, Office of Legal Affairs

Call to Order

Brenda Goff, Acting 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 July 12, 2023, Executive Board meeting. Hearing none, she entertained a motion for approval. On a motion made by Joanne Martin, seconded by Dr. Robin Marks 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

Secretary's Report

Dr. Weaver introduced Jordan Stover, Assistant Commissioner for Consumer Services and Health Care Regulation to provide an update on the abortion litigation. Jordan reported that abortion restrictions were enacted in the Special Session of 2022 but were enjoined (prevented from being enforced) shortly after they went into effect. The major changes in the law are:

- Limited reasons to perform an abortion – serious health or safety of the mother excluding mental health reasons, rape/incest until 10 weeks, lethal fetal anomaly.
- Abortions can only be performed in hospitals or an ambulatory surgical center that is at least 50% owned by a hospital.
- Repealed the licensing scheme for abortion clinics.

On June 30, 2023 the Indiana Supreme Court ruled that the legislature has broad authority to regulate abortion, but that the Indiana constitution protects a woman's right to abortion if it is necessary to protect her life or to protect her from a serious health risk. It did not define serious health risk. The injunction was officially lifted on August 21, 2023 when the opinion was certified.

- IDOH notified the abortion clinics that their licenses were void and IDOH is no longer regulating them. The former clinics may still operate like any other doctor's office, they just cannot perform abortions

The Supreme Court opinion does not end the litigation in this case. The initial challenge asked for all of the new restrictions to be held unconstitutional on its face which the Supreme Court found to be too broad. The opinion left open the possibility that certain aspects of the law could be unconstitutional and that those issues are more appropriately litigated at a lower court. It is remanded to the lower court for further proceedings

Second case in litigation is a claim that the law violates the Religious Freedom Restoration Act – women claim that their religion dictates they have an abortion in certain circumstances. The lower court enjoined the law as applied to the women involved in the case.

- The Indiana Court of Appeals will hear the case in December.
- There has been some confusion about the applicability of the injunction which will be considered by the Court of Appeals.

Dr. Weaver reported she signed a statewide standing order for hormonal contraceptives effective September 1, 2023 as required by IC 16-19-4-12. This order allows eligible pharmacists to prescribe and dispense hormonal contraceptives until the Indian Board of Pharmacy enacts regulations concerning the practice.

The IDOH hosted an agency Strategic Leadership Summit on August 30 and 31, 2023. Agency directors will be meeting quarterly to keep up the momentum. The IDOH participated in a Trauma System Summit on August

18, 2023 and a Data Summit on September 5, 2023. She stated that we have a lot of data but need to be able to use and share it to drive health policy decisions.

She reported that Dr. Guy Crowder from Franciscan Alliance will be the new IDOH Chief Medical Officer. His first day is November 6, 2023.

She reported that 86 of the 92 counties have opted-in to receive the historic Health First Indiana (HFI) funding to improve the health of Hoosiers through local partnerships between public health, healthcare, nonprofits and other entities as a result of SEA 4. She is actively traveling the state to discuss the implementation of HFI and believes counties are embracing the opportunity to focus on preventing diseases and working with partners to improve the well-being of their communities. She then introduced Pam Pontones and Amy Kent to give other HFI updates.

Health First Indiana (HFI) Updates

Regional Health Administrator Teams Update

Pam Pontones, MA, Deputy Health Commissioner of Local Health Services provided an update on the HFI Regional Teams. The Regional Health Administrators – Mike Sutton, Central; Sheila Paul, Northern; and Michelle Matern, Southern – have been hired and are busy meeting with local health departments in their regions to foster local partnerships and working on building their respective regional teams. The Regional Health Services Directors (Public Health Nurses) – Gina Bindley, Central; Anne Lowe, Northern; and Jennifer Brinegar, Southern – have been hired and are making contacts with the public health nurses in their regions. Interviews for the statewide Regional Staff Attorney and statewide Regional Communications Specialist are in process. Dr. Matthew Sprunger suggested that smaller counties might want to work with larger counties in the regions. Pam stated that is definitely an option and they are welcome to partner with any other entity to make sure the core public health services are met.

Branding/Communication Plan

Amy Kent, Deputy Health Commissioner & Chief Strategy Officer provided an update on the HFI branding and communication plan. The Healthy Hoosiers Foundation Board of Directors approved funding for the Mojo Up Company to work on an HFI logo, messaging, media toolkits and success stories. Focus groups will be used to narrow down the logo options. The logo should be approved and ready for use by mid to late October.

Infectious Disease Epidemiology & Prevention Division

Nicole Stone, MPH, Senior Enteric Epidemiologist, Infectious Disease Epidemiology & Prevention Division, presented an introduction to enteric disease surveillance. Nicole presented the list of reportable diseases. She also presented an information flow chart for enteric disease and foodborne disease surveillance. Enteric disease is pertaining to the small intestines and typically associated with foodborne illness. The Centers for Disease Control and Prevention estimates that each year roughly 48 million Americans get sick, 128,000 are hospitalized, and 3,000 die of foodborne diseases. Outbreak investigations are the main route to identify exposures of public concern. The primary goal of outbreak investigations is to stop the current outbreak as soon as possible by implementing effective control measures and prevent similar outbreaks in the future.

Administration

Health Officer Review/Approval Policy

D. Shane Hatchett, Deputy Health Commissioner & Chief of Staff and Kelly MacKinnon, JD, Chief Legal Counsel, presented Resolution 2023-03 - Approval of Local Health Officer Process to the Board for approval. IC 16-20-1-9.5 sets the requirements for a non-physician to serve as local health officer and requires the IDOH Executive Board to approve all non-physician local health officers considering the needs of the requesting jurisdiction and the qualifications of the individual. Local Health Boards must submit the requested information 45-days prior to a scheduled Board meeting and be prepared to have a representative at the meeting to discuss the specifics of the request and answer Board questions.

Ms. Goff asked for discussion and/or comments from the Board. Hearing none, she entertained a motion for approval. On a motion made by Dr. Holly Robinson, seconded by Joanne Martin and passed by majority roll-call vote of in-person and virtual attendees, the Board approved Resolution 2023-03 – Approval of Local Health Officer Process.

Distribution

Ms. Goff thanked staff for the professional new hire and separation reports and summary of final orders.

Adjournment

Hearing no additional comments from the Board, staff and/or public, Ms. Goff adjourned the meeting at 12:00 pm. The next meeting is scheduled for November 8, 2023.