

MINUTES OF THE MEETING OF THE
INDIANA DEPARTMENT OF HEALTH
EXECUTIVE BOARD
September 8, 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)
Brenda Goff, HFA (Chair) (in-person)
Robin Marks, DVM (via teams)
Joanne Martin, DrPH, RN, FAAN (via teams)
Shelley Rauch, HFA (via teams)
Holly Robinson, MD (via teams)
Suellen Sorensen, PharmD, BCPS (via teams)
Patricia Spence, PE (in-person)
Stephen Tharp, MD (Vice Chair) (in-person)
Kristina M. Box, MD, FACOG, Secretary (in-person)

Members not attending:

Blake Dye
Martin Hanneman, DDS

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
Lindsay Weaver, MD, Chief Medical Officer
Shane Hatchett, Chief of Staff
Eldon Whetstone, Assistant Commissioner, Health and Human Services Commission
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
Caroline Loughman, Division of Emergency Preparedness
Sergey Smulevitch, Director, Virology and Serology
Kelly MacKinnon, Director, Office of Legal Affairs
Alex Van Gorp, Office of Legal Affairs
Donna Sembroski, Office of Legal Affairs
Micha Burkert, Director, Legislative & External Affairs
Madison Mrotek, Epidemiology Resource Center
Charlotte Lemieux, HIV/STD/Viral Hepatitis Division

Guests

Leah Wilson, Stand for Health Freedom
Charlie Hopper, Indiana Builders Association
Andy VanZee, Indiana Hospital Association

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 June 11, 2021 Special Executive Board meeting. Hearing none, she entertained a motion for approval. On a motion made by Dr. Stephen Tharp, seconded by Patricia Spence and passed by majority roll call vote of in-person and virtual attendees, the Board approved the minutes as presented.

OFFICIAL BUSINESS OF THE STATE DEPARTMENT OF HEALTH

Dr. Box gave a brief update on COVID-19 in Indiana. Currently the state has an 11.6% positivity rate. 93% of the cases are in unvaccinated individuals. Deaths have gone up every day for the last several days. Currently there are 2,400 individuals in the hospital. Indiana stands at 53% for fully vaccinated individuals. Quarantine guidelines for schools have been updated for those who are fully vaccinated. Suellyn Sorensen inquired about the boosters. Dr. Box stated that Pfizer, Moderna and J&J will all have their own boosters. At this time the recommendation is to receive the same booster as your original vaccine. Schools are required to report cases of COVID-19 since it is a communicable disease to the local and state health department but less than half the schools are doing this currently.

Dr. Box also 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.

Health and Human Services Commission

2nd Emergency Adoption of Amendments to Newborn Screening Rule 410 IAC 3-3

Eldon Whetstone, Assistant Commissioner for Health and Human Services presented the amendments to the Newborn Screening Rule 410 IAC 3-3 for a second emergency adoption. Upon approval this emergency adoption shall be effective until September 29, 2021. The amendments add one additional disorder to the newborn and infant screening panel and increases the newborn screening fee to cover the cost of the additional disorder. During the 2020 Legislative Session, the Indiana General Assembly passed House Enrolled Act (HEA) 1129, affecting newborn screening. HEA 1129 added the disorder Adrenoleukodystrophy (ALD) to the newborn screening panel. The agency is seeking to amend its rule to reflect this legislative change. In addition, the agency is seeking to increase the newborn screening fee to cover the cost associated with screening for ALD. This condition can be fatal and is a contributor to Indiana's infant mortality rate. With early detection and rapid intervention, newborns with this condition have a chance for a longer, and higher quality life.

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. Stephen Tharp, seconded by Patricia Spence and passed by majority roll call vote of in-person and virtual attendees, the Board approved the amendments to the Newborn Screening Rule 410 IAC 3-3 for emergency adoption.

Final Adoption of Newborn Screening Rule 410 IAC 303, LSA #20-607

Eldon Whetstone, Assistant Commissioner for Health and Human Services Commission presented the amendments to the Newborn Screening Rule 410 IAC 3-3, LSA #20-607 for a second emergency adoption. Upon approval this emergency adoption shall be effective until September 29, 2021. The amendments add one additional disorder to the newborn and infant screening panel and increases the newborn screening fee to cover the cost of the additional disorder. During the 2020 Legislative Session, the Indiana General Assembly passed House Enrolled Act (HEA) 1129, affecting newborn screening. HEA 1129 added the disorder Adrenoleukodystrophy (ALD) to the newborn screening panel. The agency is seeking to amend its rule to reflect this legislative change. In addition, the agency is seeking to increase the newborn screening fee to cover the cost associated with screening for ALD. This condition can be fatal and is a contributor to Indiana's infant mortality rate. With early detection and rapid intervention, newborns with this condition have a chance for a longer, and higher quality life.

The Notice of Intent to Adopt a Rule was published in the *Indiana Register* on December 16, 2020 starting the one-year period to adopt this rule. The agency received no public comments.

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. Stephen Tharp, seconded by Patricia Spence and passed by majority roll call vote of in-person and virtual attendees, the Board approved the amendments to the Newborn Screening Rule 410 IAC 3-3, LSA #20-607 for final adoption.

Public Health Protection Commission

Final Adoption of Radon Rule 410 IAC 5.1, LSA #21-23

Shirley Payne, Assistant Commissioner for Public Health Protection Commission introduced Paul Krievins, Director of Lead and Healthy Homes. Mr. Krievins presented the amendments to the Radon Rule 410 IAC 5.1, LSA #21-23 for final adoption. The proposed amendments to 410 IAC 5.1-1-10, 5.1-1-16, and 5.1-1-18 would revise definitions; proposed amendments to 410 IAC 5.1-1-22 through 5.1-1-29 would revise the certification and standards requirements applicable to radon testing, radon mitigation, and laboratory analysis; proposed amendments to 410 IAC 5.1-1-31 would revise the documents incorporated by reference as part of the rule; and repeal 410 IAC 5.1-1-3 and 5.1-1-9. The Notice of Intent to Adopt a Rule was published in the *Indiana Register* on January 20, 2021 starting the one-year period to adopt this rule. The Executive Board reviewed the proposed draft of this rule at the September 9, 2020. The public hearing was held on August 26, 2021 and the agency received no public comments. The final rule contains revisions to the proposed rule to clarify that primary radon tester licensees are not required to be licensed as a laboratory if they are only analyzing the results from their personal instant readout device or electret ion chamber detection devices, and that training and certification courses need not be from an EPA recognized proficiency program if one is not available for the applicable certification type. The final rule also includes grammar and style revisions.

Ms. Goff asked for comments from the Board, staff and/or public. Robin Marks inquired if the definition of living area is new and Paul indicated it is the same. On a motion made by Dr. Stephen Tharp, seconded by Patricia Spence and passed by majority roll call vote of in-person and virtual attendees, the Board approved amendments to the Radon Rule IAC 410 5.1, LSA #21-23 for final adoption.

Other

Ms. Goff for any other business to come before the Board. Leah Wilson, Stand for Health Freedom, asked to provide public comment to the Board members. To summarize, Ms. Wilson is representing 12,000 Hoosiers actively asking for our schools to return to normal after almost two years of destructive policies surrounding COVID-19. Ms. Wilson's public comment in its entirety is on file.

Distribution

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

Adjournment

Hearing no additional comments from the Board, staff and/or public, Ms. Goff adjourned the meeting at 11:25 am. The next meeting is scheduled for October 27, 2021 (Special meeting to address Gasohol Rule).