

MINUTES OF THE MEETING OF THE
INDIANA DEPARTMENT OF HEALTH
EXECUTIVE BOARD
September 9, 2020

The virtual meeting of the Executive Board of the Indiana Department of Health (IDOH) held via Adobe Connect was called to order at 10:05 am in the Robert O. Yoho Executive Board Room of the ISDH building by Brenda Goff, Chair. The following Board members were present for all or part of the virtual meeting:

Naveed Chowhan, MD, FACP, MBA
Brenda Goff, HFA (Chair)
Martin Hanneman, DDS
Robin Marks, DVM
Joanne Martin, DrPH, RN, FAAN
Holly Robinson, MD
Suellen Sorensen, PharmD, BCPS
Patricia Spence, PE
Stephen Tharp, MD (Vice Chair)
Kristina M. Box, MD, FACOG, Secretary

Members not attending:

Blake Dye

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

Shane Hatchett, Chief of Staff
Eldon Whetstone, Assistant Commissioner, Health and Human Services
Matt Foster, Assistant Commissioner, Consumer Services & Health Care Regulation Commission
Judy Lovchik, PhD, Assistant Commissioner, Laboratory Services Commission
Amy Kent, Director, Legislative and External Affairs
Kristin Schwartz, Deputy Director, Legislative and External Affairs
Megan Lytle, Director, Emergency Preparedness
Daniel Hovious, Emergency Preparedness
Paul Krievins, Director, Lead and Healthy Homes
Brent Shepherd, Lead and Healthy Homes
Ann Alley, Director, Chronic Disease, Primary Care and Rural Health
Allison Forkner, Maternal and Child Health
Hilari Sautbine, State Registrar, Vital Records
Manda Clevenger, Director, Food Protection
Mike Mettler, Director, Environmental Public Health
Kelly MacKinnon, Director, Office of Legal Affairs
Deana Smith, Office of Legal Affairs

Guests:

Andy VanZee, Indiana Hospital Association

Call to Order

Brenda Goff, Chair, stated that a quorum was present and called the meeting to order at 10:05 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 8, 2020 Executive Board meeting. Hearing none, she entertained a motion for approval. On a motion made by Patricia Spence, seconded by Dr. Holly Robinson and passed by majority roll call vote via Adobe Connect chat box, the Board approved the minutes as presented.

OFFICIAL BUSINESS OF THE STATE DEPARTMENT OF HEALTH

SECRETARY'S REPORT

Shane Hatchett, Chief of Staff provided an update on behalf of Dr. Box. 394 additional Hoosiers have been diagnosed with COVID-19 through testing at the state laboratory, the Centers for Disease Control and Prevention (CDC) and private laboratories. That brings the total number of Indiana residents known to have COVID-19 to 100,780. Currently, a total of 3,156 Hoosiers have died from COVID-19. Another 224 probable deaths have been reported based on clinical diagnoses in patients for whom no positive test is on record. To find testing sites around the state, visit www.coronavirus.in.gov and click on the COVID-19 testing information link.

Shane reported the Public Health Preparedness and Laboratory Services Commission has been separated into two Commissions - Laboratory Services Commission and Public Health Protection Commission. Dr. Lixia Liu will take over as Assistant Commissioner for the Laboratory Services Commission as Dr. Judy Lovchik is retiring. Dr. Lovchik will continue as the Assistant Commissioner for Public Health Protection Commission until her last day at the agency and then interviews will begin to hire a new Assistant Commissioner. A new Chief Data Officer position has been established and interviews will begin for that position as well. Leah Raider has been hired as the new Contract Tracing Manager. Lorrie Ramsey has been hired as the Chief Nurse Consultant helping schools with their reopening plans during the pandemic.

Public Health Protection Commission

Emergency Adoption and Discussion of Amendments to the Radon Rule 410 IAC 5.1

Paul Krievins, Director, Lead and Healthy Homes presented amendments to the Radon Rule 410 IAC 5.1 for an additional 90-day emergency adoption. The focus of the emergency rule is to enact changes in the Radon regulations called for in HEA 1334 from the 2020 Legislative Session. Amendments focus on revising definitions, revising the certification and standards requirements applicable to radon testing (achieve and maintain national and state credentials at the same time), radon mitigation, and laboratory analysis, and revising the documents incorporated by reference as part of this rule. The proposed changes shall be effective 30 days after filing with the *Indiana Register*. This rule has not yet been submitted for moratorium review. Staff recommends the Board adopt the amendments to the Radon Rule for an additional 90-days.

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. Robin Marks, seconded by Dr. Stephen Tharp and passed unanimously by majority roll call vote via Adobe Connect chat box, the Board approved amendments to the Radon Rule 410 IAC 5.1 for emergency adoption.

Discussion of Amendments to the Inspection and Cleanup of Property Contaminated with Chemicals Used in the Illegal Manufacture of a Controlled Substance Rule 410 IAC 38

Mike Mettler, Director, Environmental Public Health presented amendments to the Inspection and Cleanup of Property Contaminated with Chemicals Used in the Illegal Manufacture of a Controlled Substance Rule 410 IAC 38 for discussion. The amendments will repeal 410 IAC 38-1 through 6 and add 410 IAC 38-1.1, which consolidates and updates the rules regarding the cleanup and designation of property as contaminated by illegal drug manufacturing as well as the qualified inspector requirements. The proposed changes also update definitions to change from the Indiana Department of Environmental Management to the Indiana Department of Health. The proposed changes shall be effective 30 days after filing with the . This rule has not yet been submitted for moratorium review.

Ms. Goff asked for comments from the Board, staff and/or public. There was some discussion about locations for sampling.

Rule Re-adoptions

Rule 410 IAC 6-7.1 Campgrounds (Mike Mettler)

Rule 410 IAC 6-7.2 Youth Camps (Mike Mettler)

Rule 410 IAC 6-14 Railroad Mobile Camps (Mike Mettler)

Rule 410 IAC 7-21 Wholesale Food Establishment Sanitation Requirements (Manda Clevenger)

Following re-adoption, a Notice of Re-adoption will be filed with the *Indiana Register* and the rules will not expire on January 1, 2020. These rules will continue in effect for another seven 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. Stephen Tharp, seconded by Dr. Holly Robinson and passed unanimously by majority roll call vote via Adobe Connect chat box, the Board approved the above rules for final re-adoption.

Health and Human Services Commission

Emergency and Final Adoption of Amendments to Newborn Screening Rule 410 IAC 3, LSA #20-311

Eldon Whetstone, Assistant Commissioner, Health and Human Services Commission presented amendments to the Newborn Screening Rule 410 IAC 3 for emergency and final adoption. The amendments add three additional disorders to the newborn and infant screening panel and increases the newborn screening fee to cover the cost of the additional disorders. In 2019, the Indiana General Assembly passed SEA 41, affecting newborn screening. SEA 41 added three new disorders – Krabbe disease, Pompe disease, and Hurler syndrome to the newborn screening panel effective July 1, 2020. These amendments are a direct result of legislation. In addition, the agency is seeking to increase the newborn screening fee to cover the cost associated with the additional disorders. All three conditions can be fatal and are contributors to Indiana’s infant mortality rate. With early detection and rapid intervention, newborns with these conditions have a chance for a longer and

higher quality of life. Staff recommends the Board adopt the amendments to the Newborn Screening Rule 410 IAC 3 for emergency and 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. Stephen Tharp, seconded by Suellyn Sorensen and passed unanimously by majority roll call vote via Adobe Connect chat box, the Board approved amendments to the Newborn Screening Rule 410 IAC 3 for emergency and final adoption.

Rule Re-adoptions

Rule 410 IAC 21-3 Birth Problems Registry (Allison Forkner)

Rule 410 IAC 23-2 Health Care Professional Recruitment and Retention (Ann Alley)

Following re-adoption, a Notice of Re-adoption will be filed with the *Indiana Register* and the rules will not expire on January 1, 2020. These rules will continue in effect for another seven 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. Stephen Tharp, seconded by Dr. Holly Robinson and passed unanimously by majority roll call vote via Adobe Connect chat box, the Board approved the above rules for final re-adoption.

Consumer Services and Health Care Regulation Commission

Discussion of Amendments to the Disposition of Aborted Remains Rule 410 IAC 35

Matt Foster, Assistant Commissioner, Consumer Services and Health Care Regulation Commission presented the Disposition of Aborted Remains Rule 410 IAC 35 for discussion. The agency proposes to amend this rule to remove references to expired Indiana code citations, update the definition of "cremation" and to remove the option of incineration, as well as repeal 410 IAC 35-1-6 and 35-1-7. These proposed changes are a direct result of legislation. The proposed changes shall be effective 30 days after filing with the *Indiana Register*. This rule was submitted for moratorium review on August 25, 2020 and approval is pending.

Ms. Goff asked for comments from the Board, staff and/or public. There was discussion about restrictions on how late a pregnancy can be terminated and penalties if the rules are not followed.

Discussion of Amendments to the Long-Term Care (LTC) Medication Disposal Rule 410 IAC 16.2

Matt Foster, Assistant Commissioner, Consumer Services and Health Care Regulation Commission presented the amendments to the Long-Term Care Medication Disposal Rule 410 IAC 16.2 for discussion. The agency proposes to amend the rule to strike language allowing for unused portions of medications to be destroyed within seven days and replace with language to render non-retrievable immediately, define rendering non-retrievable and add authorized storage containers as a method of disposing of unused portions of medications, and amend 410 IAC 16.2-5-6(g)-(j) to align with 410 IAC 16.203.1-25(r)-(t). These proposed changes shall be effective 30 days after filing with the *Indiana Register*. This rule was submitted for moratorium review on August 25, 2020 and approval is pending. There were no comments from the Board, staff and/or public.

Rule Re-adoptions

Rule 410 IAC 15.1 Mobile Health Care Entity (Randy Snyder)

Rule 410 IAC 17 Home Health Agencies (Randy Snyder)

Rule 410 IAC 18 Vital Records (Hilari Sautbine)

Following re-adoption, a Notice of Re-adoption will be filed with the *Indiana Register* and the rules will not expire on January 1, 2020. These rules will continue in effect for another seven 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. Stephen Tharp, seconded by Dr. Holly Robinson and passed unanimously by majority roll call vote via Adobe Connect chat box, the Board approved the above rules for final re-adoption.

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

There was some general discussion about COVID-19 testing result delays, effectiveness of gaiter masks, and testing of asymptomatic individuals.

Hearing no additional comments from the Board, staff and/or public, Ms. Goff adjourned the meeting at 11:00 am. The next meeting is scheduled for November 18, 2020.