

STATE HEALTH COUNCIL

February 10, 2015

A meeting of the State Health Council was called to order by Vice Chairman Wade Peterson at 9:00 a.m. on Tuesday, February 10, 2015 in AV Room 212 of the Judicial Wing, State Capitol, Bismarck, ND.

Members present:

Gordon Myerchin, Grand Forks, Chairman (*phone*)
Wade Peterson, Mandan, Vice Chairman
Mike Jones, Bismarck, Secretary (*phone*)
Greg Allen, Jamestown (*phone*)
Genny Dienstmann, Bismarck
Jerry Jurena, Bismarck
Leona Koch, Raleigh
Duane Pool, Bismarck
Jennifer Schaeffer, Medora
Dennis Wolf, MD, Dickinson

Members absent:

Howard Anderson, Turtle Lake

Staff members present:

Terry Dwelle, MD, State Health Officer
Arvy Smith, Deputy State Health Officer
Darleen Bartz, Health Resources Section
Londa Rodahl, Recording Secretary
Tim Wiedrich, Emergency Preparedness & Response Section

Others present:

See ATTACHMENT A

Minutes

DENNIS WOLF MOVED APPROVAL OF THE OCTOBER 14 AND DECEMBER 10, 2014 MINUTES AS DISTRIBUTED. SECOND AND CARRIED.

Williston Vector Control District

Edward Erickson, assistant attorney general, reviewed the law concerning vector control districts and the Council's authority to approve the creation, expansion, or contraction of these districts. He explained the petition from Williston Vector Control District #1 to expand the boundaries of their district. A public hearing is scheduled for March 5, 2015 at the Williams County courthouse and will be conducted remotely by videoconference/teleconference from here at the Gold Seal Building.

Physician Loan Repayment Applications (SLRP)

Mary Amundson presented two physician loan repayment applications for the federal loan repayment program or SLRP. Applicants in the SLRP enter into a 2-year contract for the award and can apply for up to \$50,000 per year for two years, depending on the amounts of their educational loans. There is funding available for two applicants. The community or facility is required to provide the 1:1 match with those federal dollars and it has to be located in a federally-designated health professional shortage area (HPSA). The sites participating must follow the National Health Service Corps policies but the state does have some flexibility on how these policies are implemented in the state.

The first applicant is Dr. Clark Herniman, a psychiatrist who is completing his residency and will begin practicing in July at the ND State Hospital in Jamestown. The hospital is located in a mental health professional shortage area. Dr. Herniman requested \$50,000 from the facility and \$50,000 from the federal grant and has provided the memorandum of understanding (MOU) for the required 1:1 match. The human resource department at the State Hospital has worked very hard to recruit Dr. Herniman. For the State Hospital, the SLRP is the only program that they're eligible for when it comes to loan repayment so this makes a big difference when recruiting.

DUANE POOL MOVED THE APPROVAL OF THE FEDERAL STATE LOAN REPAYMENT APPLICATION OF DR. CLARK HERNIMAN IN THE AMOUNT OF \$50,000. SECOND BY JENNIFER SCHAEFFER AND CARRIED UNANIMOUSLY.

The second applicant is Dr. Lisa Peterson-Gustafson, who is health service psychologist employed with the ND Department of Corrections & Rehabilitation in Bismarck. This is a mental health professional shortage area. She is requesting \$38,066.52 from the federal grant and the Department of Corrections has also provided the MOU for the required 1:1 match.

DENNIS WOLF MOVED THE APPROVAL OF THE FEDERAL STATE LOAN REPAYMENT APPLICATION FOR DR. LISA PETERSON IN THE AMOUNT OF \$38,066.52. SECOND BY JERRY JURENA AND CARRIED UNANIMOUSLY.

Veterinarian Loan Repayment Recipient Practice Site Change

Dr. Beth Carlson reported that Lisa Marie Henderson, DVM, had originally received funds when practicing in New Salem. She left that practice and moved to the clinic in Elgin. She left that practice and is doing primarily small animal ambulatory work as a result of a leg injury she sustained. Dr. Henderson has contacted the Council questioning if she can receive her final payment (\$5000). The law states 'providing food animal service' and Dr. Henderson is doing very limited food animal service.

GORDON MYERCHIN MOVED TO ADVISE LESLIE MARIE HENDERSON, DVM, THAT SHE WILL NOT RECEIVE THE LAST \$5000 OF THE LOAN REPAYMENT DUE TO THE FACT THAT SHE IS NOW DOING VERY LITTLE FOOD ANIMAL WORK AND HAS MOVED HER PRACTICE LOCATION A NUMBER OF TIMES. SECOND BY DUANE POOL.

The Chair requested a roll call vote and the MOTION CARRIED. Allen, Dienstmann, Jones, Jurena, Koch, Myerchin, Peterson, Pool, Schaeffer, and Wolf voted 'aye'. There were no 'nay' votes. Anderson—absent.

Veterinarian Loan Repayment Applications

Dr. Carlson presented the eleven veterinarian loan repayment applications and noted there is enough funding to give four awards. The Board of Animal Health subcommittee reviewed the applications and, through their scoring system, recommended Drs. Clayton Thorson, Casey Cloutier, Adrien Cloutier and Tyler Bennett.

DUANE POOL MOVED THE APPROVAL OF THE VETERINARIAN LOAN REPAYMENT APPLICATIONS OF \$80,000 EACH FOR: CLAYTON THORSON (TOWNER), CASEY CLOUTIER (GLEN ULLIN); ADRIEN CLOUTIER (BEULAH), AND TYLER BENNETT (WESTERN BURLEIGH COUNTY/EASTERN MORTON COUNTY). SECOND BY DENNIS WOLF.

The Chair requested a roll call vote and the MOTION CARRIED. Allen, Dienstmann, Jones, Jurena, Koch, Myerchin, Peterson, Pool, Schaeffer, and Wolf voted 'aye'. There were no 'nay' votes. Anderson—absent.

Physician Loan Repayment Recipient Site Update

Mary Amundson reported receiving an email about a month ago from Jerry Lepp, administrator at the Ashley Medical Center in Ashley, ND, informing her that they were considering not offering Dr. David Geier a contract for Year Two. Dr. Geier was given the SLRP money last year and is practicing at the medical center. She had just received an email from Mr. Lepp stating they have given Dr. Geier his 60-day notice and hopefully they can find him a location to practice so he can fulfill his obligation for the SLRP contract.

She hadn't spoken with Dr. Geier but felt there certainly would be opportunities in other Catholic Health Initiative sites. There is required match from his employer so the next site would have to agree to provide the match. She offered to present more information at the Council's May meeting after she hears from Mr. Lepp and Dr. Geier. The Council felt waiting until May was too long and asked that she request explanation letters from both Mr. Lepp and Dr. Geier and the Council will have a conference call as soon as the information is available.

Audit Committee

Wade Peterson reported the Audit Committee had met and reviewed both the Audit Committee Charter and the Internal Audit Charter and recommended the State Health Council renew both charters with no changes.

GENNY DIENTSMANN MOVED THE RENEWAL OF THE AUDIT COMMITTEE CHARTER AND THE INTERNAL AUDIT CHARTER FOR ANOTHER YEAR. SECOND BY JERRY JURENA AND CARRIED.

Mr. Peterson noted that the audit of the Waste Management Financial Assurance report was presented to the Council at the July 15, 2014 meeting. A motion was made at that meeting to table approval until the Department received more information. That information was provided at the October 14, 2014 meeting; however, an approval motion was overlooked.

DUANE POOL MOVED THE APPROVAL OF THE AUDIT OF WASTE MANAGEMENT FINANCIAL ASSURANCE REPORT. SECOND BY LEONA KOCH AND CARRIED.

Section Update

Tim Wiedrich gave an update for the Emergency Preparedness & Response Section.

NDAC Amendments regarding Basic Care Facilities, Hospitals and Nursing Facilities

Darleen Bartz and Monte Engel presented the proposed amendments regarding new chapter 33-03-24.2 General Standards for Construction and Equipment for Basic Care Facilities; new section 33-03-24.1-21 Optional End of Life Care Service; amendments to sections 33-07-02.1-03 Codes and Standards [nursing facilities], 33-07-04.2-09 Codes and Standards [hospitals], 33-03-24.1-01 Definitions [basic care facilities], 33-03-24.1-03 Issuance of License [basic care facilities], 33-03-24.1-05 Plans of Correction [basic care facilities], 33-03-24.1-09 Governing Body [basic care facilities], 33-03-24.1-10 Fire Safety [basic care facilities]; and repeal of section 33-03-24.1-22 General Building Requirements [basic care facilities]. They requested the Council's adoption of these changes, contingent upon approval of the Attorney General.

JERRY JURENA MOVED APPROVAL OF THE NORTH DAKOTA ADMINISTRATIVE CODE AMENDMENTS REGARDING BASIC CARE FACILITIES, HOSPITALS, AND NURSING FACILITIES, CONTINGENT UPON APPROVAL OF THE ATTORNEY GENERAL. SECOND BY DUANE POOL.

The Chair requested a roll call vote and the MOTION CARRIED. Allen, Dienstmann, Jones, Jurena, Koch, Myerchin, Peterson, Pool, Schaeffer, and Wolf voted 'aye'. There were no 'nay' votes. Anderson—absent.

District Health Units

Kelly Nagel noted that the State Health Council has authority, under North Dakota Century Code 23-35, to issue rules defining the core functions a public health unit shall undertake. In North Dakota Administrative Code chapter 33-03-28, it requires a health district to be in compliance with minimum standards for core services and programs.

The Department would like to have a list of comprehensive services that would assure a certain specific level of public health protection throughout the state and also to prevent absence of services. So for example, it would prevent a city/county/tribal health board from establishing a health unit that would provide only environmental health services or only nursing services.

The Department proposes that the State Health Council use the six public health core activities, established by Public Health in America, as a guide in setting minimum standards. Those activities are:

- Prevents epidemics and the spread of disease
- Protects against environmental hazards
- Prevents injuries
- Promotes and encourages healthy behaviors
- Responds to disasters and assists communities in recovery
- Assures the quality and accessibility of health services

If the Council decides to add these core activities, the administrative rules will be amended and go through the regular rulemaking procedures.

JERRY JURENA MOVED THAT THE STATE HEALTH COUNCIL ADOPT THE SIX *PUBLIC HEALTH IN AMERICA* PUBLIC HEALTH STANDARDS AS THE BASIC STANDARDS FOR LOCAL PUBLIC HEALTH UNITS. SECOND BY GENNY DIENSTMANN AND CARRIED.

The Chair requested a roll call vote and the MOTION CARRIED. Allen, Dienstmann, Jones, Jurena, Koch, Myerchin, Peterson, Pool, Schaeffer, and Wolf voted 'aye'. There were no 'nay' votes. Anderson—absent.

Legislative Update

Arvy Smith presented ATTACHMENT B.

Other Business

The meeting adjourned at 12:25 p.m.

Submitted,

Mike Jones, Secretary

State Health Council Legislative Briefing February 10, 2015

Budget (HB 1004)

- Hearing January 12
- Committee Work January 19 – 27
- Receive amendments February 13
- Deficiency Bill SB 2023 Immunizations and EH legal
- Jumpstart Bill SB 2126 – FAILED

Policy

- Testifying on 23 bills
- Tracking 150 bills
- Monitoring 100 bills
- Fiscal Notes on 19 bills
- Bills having appropriations for DoH - 7
- Department bills (HBs 1113, 1114, 1115, and 1116) no action yet

Loan Repayments

- HB 1036 Study PASSED
- HB 1049 Behavioral Health Grant, Loan and Training \$1.38 Million
- HB 1115 Behavioral Health (DoH bill)
- HB 1396 Health Professional Loan Repayment (also changes physician from 2 to 5 year service requirement)
- SB 2162 Licensed Social Workers and Addiction Counselors \$360,000 to DoH FAILED
- SB 2205 Eliminates New Practice Grants; Merges Non-profit PASSED

Performance Audit

- HB 1259

Medical Marijuana

- HB 1430

Health Information Hub

- SB 2160 - \$1.9 million appropriation to ITD referred to Appropriations

Health Care Delivery Trust Fund

- HB 1214 – Tobacco settlement funds to this fund rather than Common Schools Trust Fund; not appropriated until 67th Session; study in interim.