

**Agenda for the 11:00 a.m., Tuesday, March 8, 2011
Regular Meeting of the Oklahoma State Board of Health**

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Oklahoma State Department of Health
1000 N.E. 10th Street – Room 1102
Oklahoma City, OK 73117-1299

A. CALL TO ORDER AND OPENING REMARKS

B. REVIEW OF MINUTES

1. **Approval of Minutes for January 11, 2011, Regular Meeting**

C. APPOINTMENTS

2. **Licensed Marital and Family Therapist Advisory Board** (Presented by Nena West/Hank Hartsell)

Appointments: Two Members

Authority: 59 O.S., § 1925.4

Members: The Advisory Board shall consist of seven (7) members who shall be appointed by the State Commissioner of Health with the advice and consent of the State Board of Health.

D. PROPOSED RULEMAKING ACTIONS

Discussion and possible action on the following:

PROTECTIVE HEALTH SERVICE

3. **CHAPTER 205. ALARM AND LOCKSMITH INDUSTRY [AMENDED]**

[PERMANENT] Presented by Vernon Bolz /Hank Hartsell

PROPOSED RULES: Subchapter 3. License Requirements: 310:205-3-2 [AMENDED];
Subchapter 5. Special Provision: 310:205-5-3 [NEW]

AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 59 O.S. Section 1800 et seq.

SUMMARY: The following sections are proposed for amendment: **310:205-3-2**. The current rule provides for license renewal. The proposed change creates a provision for an individual to receive a license with an inactive status while not currently employed by a licensed company. This change was requested by the industry to address the problem of licensed individuals performing work within the industry but in violation of the regulations by not being employed by a licensed company, or performing work as an independent contractor. The active status will be reinstated upon verification of employment with a licensed company. **310:205-5-3**. This new section of rule establishes a residential alarm system tagging requirements. The tag will allow ready identification of the contractor, applicable version of the National Fire Protection Association Code used in the installation, date of installation, and the installer's name and license number.

4. **CHAPTER 257. FOOD SERVICE ESTABLISHMENT REGULATIONS [AMENDED]**

[PERMANENT] Presented by Vernon Bolz / Hank Hartsell

PROPOSED RULES: Chapter 257. Food Service Establishments [AMENDED] **AUTHORITY:** Oklahoma State Board of Health; 63 O.S. Section 1-104 et seq., Section 1-1101 et seq., and Section 1-1118 et seq.

SUMMARY: The proposed changes to Chapter 257 add definitions and requirements to safeguard public health and provide to consumers food that is safe, unadulterated and honestly presented. As authorized in the Public Health Code at Title 63 of the Oklahoma Statutes, Sections 1-1108 and 1-1114, these changes seek to conform the definitions and standards within Chapter 257 with the 2009 Food Code adopted by the United States Public Health Service, United States Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act. Among a number of revisions the proposed changes to the rules will do the following: Designate each provision in Chapter 257 as a "Priority Item," a "Priority Foundation Item," or a "Core Item" to

assist licensed operators and the Department in prioritizing their food safety interventions and their inspections; Modify terminology from "Potentially Hazardous Food" to "Time/Temperature Control For Safety Food."; Allow for use of new technology in hand drying devices and in fruit and vegetable washing and sanitizing; List cut leafy greens as foods that require time and temperature control for safety; Improve food worker awareness of food allergen concerns in the food service and retail setting; Restructure the requirements relating to employer and employee reporting of illness to enhance the food service establishment's ability to avoid potential transmission of infectious disease and foodborne illness; Add a new provision to prohibit undercooked, comminuted meat (fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage; and a mixture of 2 or more types of meat that have been reduced in size and combined, such as sausages made from 2 or more meats) from being served or offered for service on a children's menu; Revise requirements on bare hand contact to promote reduced frequency of bare hand contact with ready to eat food to lessen the risk of foodborne illness caused from food workers not properly washing hands; Clarify mobile food establishment operations and requirements to provide consistent and safe food operations; Specify criteria for using a non-continuous cooking process for raw animal foods.

5. CHAPTER 675. NURSING AND SPECIALIZED FACILITIES [AMENDED]

[PERMANENT] Presented by James Buck / Hank Hartsell

PROPOSED RULES: Subchapter 1. General Provisions: 310:675-1-6 [NEW]; Subchapter 5. Physical Plant 310:675-5-21 [AMENDED]; Subchapter 9. Resident Care Services 310:675-9-9.1 [AMENDED]

AUTHORITY: Oklahoma State Board of Health; Title 63 O.S. § 1-104; Title 63 O.S. § 1-1900.2, and Title 63 O.S. § 1-1901 et seq.

SUMMARY: The proposed rule changes address the following: modifies allowed notification systems for residents to directly contact nursing staff; amends the requirement for facilities to submit policies and procedures for safe and appropriate storage and application of powdered over-the-counter medication to the Department of Health for approval prior to implementation; establishes the procedures and terms for a nursing facility, that house no more than twelve (12) individuals, to request a waiver of a provision of the Nursing Home Care Act and this Chapter, to foster the development of resident autonomy, individualization, and culture change; amends the requirement for medication storage areas to be in a location that is convenient to the nursing station; amends the requirement for medication areas to have a work counter; amends the procedures and terms for the destruction of medication prescribed to residents who have died and medications which have been discontinued; and amends the requirement that a facility shall have a contract or letter of agreement with a licensed pharmacist or a hospital pharmacy to serve as the emergency pharmacist and that the licensed pharmacist shall practice in a licensed pharmacy within a ten (10) mile radius of the facility.

OFFICE OF STATE AND FEDERAL POLICY

6. CHAPTER 355. TOBACCO [AMENDED]

[PERMANENT] Presented by Mark Newman

PROPOSED RULES: Subchapter 1. General Provisions:310:355-1-1.[AMENDED]; Subchapter 23. Rebate Program for the Clean Air In Restaurants Act [NEW]; 310:355-23-1. Definitions [New]; 310:355-23-2. Eligibility [New]; 310:355-23-3. Application [New]; 310:355-23-4. Rebate [New]; 310:355-23-5. Waiver [New]

AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 63 O.S. Section 1-1515.

SUMMARY: The proposed rule modifications would implement the Clean Air In Restaurants Act, which became effective November 1, 2010. The proposed rule modifications, if adopted, would allow restaurants that meet eligibility requirements, who constructed smoking rooms pursuant to 63 O.S. § 1-1523, a rebate of a portion of the amount paid to construct said smoking room if said smoking room is removed from service and the restaurant is completely smoke free by January 1, 2013. The rebate would be paid from Tobacco Prevention and Cessation Revolving Fund.

E. STRATEGIC MAP UPDATE PRESENTATION: Mark Newman, Ph.D., Director, Office of State and Federal Policy

CONSIDERATION OF STANDING COMMITTEES' REPORTS AND ACTION

Executive Committee – Dr. Alexopoulos, Chair

Discussion and possible action on the following:

a) Update

Finance Committee – Dr. Krishna, Chair

Discussion and possible action on the following:

a) Update

Accountability, Ethics, & Audit Committee – Mr. Baldwin, Chair

Discussion and possible action on the following:

a) Update

Public Health Policy Committee – Dr. Woodson, Chair

Discussion and possible action on the following:

a) Update

F. PRESIDENT'S REPORT

Related discussion and possible action on the following:

a) Update

b) Assign members to Nominating Committee

G. COMMISSIONER'S REPORT

Related discussion and possible action

H. NEW BUSINESS – Not reasonably anticipated 24 hours in advance of meeting.

I. PROPOSED EXECUTIVE SESSION

Executive Session pursuant to 25 O.S. Section 307(B)(4) for confidential communications to discuss pending department litigation and investigations; and pursuant to 25 O.S. Section 307(B)(1) to discuss the annual performance evaluation for the Commissioner of Health.

Possible action taken as a result of Executive Session.

J. ADJOURNMENT