

Agenda for the 11:00 a.m., Tuesday, January 11, 2011
Regular Meeting of the Oklahoma State Board of Health
Posted at www.health.ok.gov
Oklahoma State Department of Health
1000 N.E. 10th Street – Room 1102
Oklahoma City, OK 73117-1299

FINAL AGENDA POSTED 24 HOURS IN ADVANCE OF MEETING

A. CALL TO ORDER AND OPENING REMARKS

B. REVIEW OF MINUTES

1. Approval of Minutes for December 14, 2010, Regular Meeting

C. PROPOSED RULEMAKING ACTIONS

Discussion and possible action on the following:

COMMUNITY AND FAMILY HEALTH SERVICES

2. CHAPTER 510. CARE OF EYES FOR NEWBORN CHILDREN [REVOKED]

[PERMANENT] Presented by Suzanna Dooley/Stephen Ronck

PROPOSED RULES: Subchapter 1. General Provisions: 310:510-1-1 [REVOKED]; Subchapter 3. Approved Antiseptics: 310:510-3-1 [REVOKED]; Subchapter 5. Recommendations. 310:510-5-1; [REVOKED].

AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. Section 1-104; Title 63 O.S. Section 1-509

SUMMARY: The proposal revokes subchapters 1, 3, and 5. These rules implemented provisions in law at 63 O.S. Section 1-509 et seq., amended in 2010 by Senate Bill 1817, effective November 1, 2010. The Statute previously identified a one percent (1%) solution of nitrate of silver as medication for care of inflammation of the eyes of the newborn and authorized the State Board of Health to approve the use of antiseptics, other than nitrate of silver, for use, and to prescribe the manner of their use. The statute further mandated reporting of ophthalmia neonatorum and refusal of administration of a prophylactic ophthalmic agent. The Statute amendments remove reporting requirements for ophthalmia neonatorum and refusal of administration of a prophylactic ophthalmic agent and now require any physician, midwife, or other attendant upon the birth of a newborn infant to ensure treatment of the eyes of the infant with a prophylactic ophthalmic agent as recommended by the Centers for Disease Control and Prevention as prophylaxis against ophthalmia neonatorum. The statute amendments authorize rulemaking in support of the amendments but no rules are deemed necessary at this time. The statute does not prohibit a parent or legal guardian of a newborn infant from refusing prophylactic treatment on religious grounds or when such person deems that it is in the best interest of the child. If the parent or legal guardian of the newborn infant refuses the prophylactic treatment, the health care provider shall document the refusal in the medical file of the newborn infant.

PROTECTIVE HEALTH SERVICES

3. CHAPTER 662. HOME CARE AGENCIES [AMENDED]

[PERMANENT] Presented by Tom Welin/Henry Hartsell

PROPOSED RULES: Subchapter 1. General Provisions: 310:662-1-2 [AMENDED]; Subchapter 3. Administration: 310:662-3-4 [AMENDED]; Subchapter 5. Client Services. 310:662-5-3 [AMENDED]; Subchapter 6. Supportive Home Assistant Competency Testing: 310:662-6-1

[NEW].

AUTHORITY: Oklahoma State Board of Health, 63 O.S. Section 1-104 and 63 O.S. Section 1960 et seq.

SUMMARY: The proposed rules are intended to implement the provisions of HB 1736 enacted during the 2009 Regular Session of the Oklahoma Legislature by creating a process for home care agencies to train "supportive home assistants" to provide "standby assistance" and subsequently obtain an independent assessment of the competency of the individuals trained in this skill set. These amendments also create a requirement for licensed home care agencies to establish an influenza control program that includes provisions to vaccinate home care workers against influenza in order to help prevent the transmission of influenza to this vulnerable population through their home health care workers.

310:662-1-2 - This new language amends the current Definitions section of the rule to include the statutory definitions of "Standby assistance" and "Supportive home assistant" so that a reader of the rule does not have to research the Home Care Act in order to find the definition of these terms.

310:662-5-3 - This new language recognizes "supportive home assistant" as a class of caregiver that may be utilized by a licensed home care agency.

Subchapter 6. is a new subchapter of this rule that establishes the process by which an individual who receives training in "standby assistance" through a licensed home care agency must receive an independent evaluation of their competency in this skill set in order to work as a "supportive home assistant." The rules specify the requirements for administration of the competency assessment; the content of the competency examination; defines successful completion of the competency examination; speaks to failure to complete the competency examination, and addresses expiration of the competency assessment.

310:662-3-4 - The proposed rule at this section establishes a new requirement for each licensed home care agency to implement an influenza control program consistent with Centers for Disease Control and Prevention (CDC) guidelines. This program must include provisions that the agency offer the seasonal influenza vaccination to all employees/workers onsite at no charge to the worker, or obtain a signed declination statement for each worker who refuses the vaccination and other administrative processes necessary to evaluate the effectiveness of the program. This change is necessary because research indicates that vaccination rates for healthcare workers in all settings of care rarely exceed 40%, leaving many of the most vulnerable populations at risk of contracting influenza from their healthcare workers. The proposed rule anticipates the possibility of a shortage of seasonal influenza vaccine and includes a provision to suspend these requirements if a shortage has been recognized by the Commissioner of Health.

D. **STRATEGIC MAP UPDATE PRESENTATION:** Progress and Prospects on the Journey to Improve Targeted Health Outcomes. Lynn V. Mitchell, M.D., M.P.H., Deputy Commissioner for Prevention and Preparedness Services; Henry F. Hartsell, Ph.D., Deputy Commissioner for Protective Health Services.

F. **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. Anderson, Chair

Discussion and possible action on the following:

a) Update

G. PRESIDENT’S REPORT

Related discussion and possible action

a) Update

H. COMMISSIONER’S REPORT

Related discussion and possible action

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

J. 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.

K. ADJOURNMENT