

# **Tobacco Use Prevention and Cessation Advisory Committee**

January 17, 2002

## **Minutes**

### **Members Present:**

Richard Barnes, Dr. Terry Cline, James May (designee for Gary Davidson), Sue Ellis, Nancy Kabriel (designee for Sandy Garrett), Lacy Masterson, Sallie McLaughlin, Dr. Mike Morgan, Jacqueline Myles, Dr. Sheila Simpson, Dr. Gary Watson, and Dr. Francene Weatherby.

**Members Absent:** Dr. Leslie Beitsch, Dr. Matthew Britt, Sherry Bynum, Becky Childers, Dr. Frank Collins, Dr. Heather Huszti, Lynne Kennedy, and Mike Thornbrugh.

**Visitors:** Julie Cox-Kain.

**Others Present:** Tracey Strader, Doug Matheny, Pam Charboneau, Janet Love, Dave Wattenbarger, Debbie Shandy and Dr. Joyce Morris.

Dr. Mike Morgan called the meeting to order at 3:15 p.m. and welcomed the Committee members. Dr. Leslie Beitsch was not in attendance due to other obligations. At this time, there were only eight Advisory Committee members present, so there was not a quorum. In the hopes that other members would eventually arrive, Dr. Morgan asked those members present to look at the meeting minutes from December 4, 2001 for any corrections that needed to be made. No changes were suggested.

Dr. Morgan asked Doug Matheny to provide an update on policy initiatives. Doug discussed several press articles that were provided as handouts to the Committee members. The main issues addressed in the articles were the proposed one-dollar increase in the excise taxes on cigarettes and Oklahoma's low ranking in the use of the Tobacco Settlement funds. Mike Thornbrugh of the Advisory Committee was a speaker featured in one of the articles. Doug mentioned that Dr. McCaffree, Chair of the Oklahoma Tobacco Settlement Endowment Trust Fund was quoted in one of the articles as saying that there would not be enough money to fund a statewide comprehensive tobacco control program for approximately 10 years and that a solution in the short term would be to raise the excise tax on tobacco. Doug reminded the Advisory Committee that the deadline for filing of House bills was January 11, 2002 and the deadline for filing Senate bills is January 29, 2002.

Nancy Kabriel and Francine Weatherby arrived for the meeting at approximately 3:30 p.m. This brought the total number of Advisory Committee members in attendance to 10.

Dr. Morgan introduced Julie Cox-Kain of the Procurement Division of the Oklahoma State Department of Health's Finance Department to discuss the Invitation To Bid (ITB) process. During this introduction, Dr. Sheila Simpson arrived, bringing the total number of Advisory Committee members in attendance to 11, which provided a quorum.

Julie Cox-Kain distributed a handout and discussed the ITB process and the steps a requisition or contract goes through after its initiation. She explained that because it was her understanding that most of the contracts the Committee would review and recommend would be in excess of \$25,000, she discussed this type of contract in more detail. Julie noted that it could take up to six months for any contracts initiated to complete the state procurement process.

Dr. Morgan asked the Committee to review the meeting minutes from December 4, 2001 and vote on its acceptance, since there was now a quorum. Sallie McLaughlin offered a motion to accept the December 4, 2001 meeting minutes as presented. Dr. Sheila Simpson seconded the motion. All 11 members present voted unanimously for their acceptance.

Dr. Morgan then asked Tracey Strader to discuss item number four on the agenda, which was a discussion of the public hearing process and plans. She suggested conducting five regional public hearings to discuss the State Plan, one each in Oklahoma City, Tulsa, Enid, Lawton, and McAlester. She said the hearings could be well publicized, coordinated, and structured. Tracey also indicated that if the Committee wanted to hold regional public hearings, it would be necessary to have commitments from at least three to five Advisory Committee members to attend each of the public hearings.

Lacey Masterson arrived for the meeting at approximately 4:05 p.m.

Committee members asked how the State Plan might be distributed to the public prior to the public hearings so that they could become familiar with it and provide comments and feedback. Tracey explained that the Tobacco Use Prevention Service has 250 copies on hand and that more were being printed. She indicated that each of the community contractors could distribute copies of the State Plan within their coalitions and their communities. The State Plan is also available on the web at <http://www.health.state.ok.us/program/tobac>. Sue Ellis made a motion to hold public hearings in Oklahoma City, Tulsa, Enid, Lawton, and McAlester on the Tobacco Use Prevention & Cessation State Plan. Dr. Gary Watson seconded the motion. Eleven of the Committee members voted in favor, Lacey Masterson abstained from the vote since she arrived late and did not hear all the discussion.

Ms. Strader asked the Committee about possible dates for the Oklahoma City public hearing within the last week of March and first week of April 2002. She stated that Dr. Beitsch would not be available for the March 26, 2002 date originally discussed. Dr. Morgan suggested that Tracey work with the community contractors to confirm dates and locations. She could then notify the Advisory Committee members of the dates and locations and ask which hearings they would be able to attend. There was general consensus for this approach.

Ms. Strader indicated that the copy of the State Plan that each Advisory Committee member had a printing error (page 12 reprinted on the back of the last page). She stated that the newest printing of the State Plan does not have this error. She also pointed out that each Committee member received a copy of the letter that went to Governor Keating, the Attorney General, the Speaker of the House, and the President Pro Tempore of the Senate. Tracey also said that it is also customary to distribute the State Plan to each member of the Legislature, and to issue a press release. Tracey asked the Committee if there were any objections to using the same letter when the State Plan is sent to the legislature. There were no objections.

Tracey Strader returned to the discussion of item number six on the agenda, "review of proposed process for ITB and proposal review." She provided a handout containing the suggested process for Advisory Committee review of ITBs and Proposals. Tracey explained that when money becomes available in the Tobacco Use Reduction Fund, no contract can be awarded without the recommendation of the whole committee, but would be difficult to get 20 people to review every ITB and every response to an ITB. She suggested dividing the Advisory Committee into review teams, as allowed by the Oklahoma Tobacco Use Prevention and Cessation Act. She suggested

basing the team division on the “four cornerstones” approach of community, classroom, cessation, and counter-marketing, in addition to general contracts for evaluation and training.

Within the “Community” cornerstone, there might be contracts for community mobilization, SWAT, Ethnic Tobacco Education Network, or enforcement, so it might be necessary to have teams that are focused on each of those areas. Teams would be needed to review an ITB once it is drafted and make recommendations to the full Committee, as well as reviewing and recommending the responses that come in from potential vendors. For the contracts with other governmental agencies there would only be a need for a team to review the contract and recommend it, as there is not an ITB process.

Tracy also suggested that the Advisory Committee might want review a template for the “Memorandum of Understanding” (MOU) between the OSDH and the County Health Departments for tobacco control efforts at the local level. These MOUs would include language that directs the County Health Department to facilitate community-based tobacco control efforts through the Turning Point Partnerships. Although the review of a template for MOUs is not required under the Oklahoma Tobacco Use Prevention and Cessation Act, Tracey indicated that OSDH would like to have the Advisory Committee’s investment in this process.

Ms. Strader went on to explain that if legislature was to put money in the Tobacco Use Reduction Fund at the end of the legislative session in May, they would expect services to begin July 1, 2002. Since it takes approximately six months to process a contract, it would be difficult to process the contract and implement it in the short time between the end of the legislative session and July 1, 2002. Tracey suggested that the Committee might want to engage in a process to review and approve the current contracts the OSDH Tobacco Use Prevention Service has with the Oklahoma State Department of Education and the Tulsa City-County Health Department as a starting point, since these contracts were already funded with money in the Tobacco Prevention and Cessation Revolving Fund. The Committee agreed to participate in this contract review as a training exercise and hold a meeting on Monday, February 25, 2002 from 2:00 p.m. to 5:00 p.m. for this purpose. Doug Matheny suggested a list of all the contracts be provided to the Advisory Committee members so they would have an idea of what types of contracts there are.

Doug Matheny pointed out that the Tobacco Prevention and Cessation Revolving Fund and the Tobacco Use Reduction Fund were each set up for tobacco control, but the Tobacco Prevention and Cessation Revolving Fund was established with the initial appropriation two years ago through the Oklahoma 2001 Health Care Initiative while the Tobacco Use Reduction Fund was established through the same legislation that established the Tobacco Use Prevention and Cessation Advisory Committee. The Tobacco Use Reduction Fund has not yet received any appropriation, so it has a zero balance. Doug explained that there are some significant restrictions on how the money in the Tobacco Use Reduction Fund could be used, if money is ever appropriated into that Fund, but that the Tobacco Prevention and Cessation Revolving Fund does not have those same restrictions. He indicated that the Tobacco Use Prevention Service welcomed the Advisory Committee review of contracts and ITBs regardless of the source of state funding.

Sallie McLaughlin asked if there was any way to make the contractor requirements any easier on the contractors, and Julie Cox-Kain explained that the procurement process is regulated by the State of Oklahoma, but that the OSDH would do everything possible to minimize the burden to the contractors.

There was a request for more information on the types of ITBs and contracts that the Advisory Committee will need to review so that they could make a more informed decision about which review team they might join. There was also a question of how to deal with any potential conflicts of interest during the review process. Tracey explained that the Tobacco Use Prevention and Cessation Act contains a provision stating that, “The Invitation To Bid response evaluation teams shall be subcommittees appointed by the Advisory Committee. No subcommittee member shall be an applicant or recipient of funds for the program component proposed.”

There were no announcements, new business items, or public comments.

Dr. Morgan thanked the Committee members for their participation, and then adjourned the meeting.