

**MINUTES OF THE QUARTERLY MEETING  
ARKANSAS STATE BOARD OF HEALTH  
July 23, 2020**

**MEMBERS PRESENT**

Phillip Gilmore, PhD, MS, MHA, President  
Balan Nair, MD, President-Elect  
José Romero, MD, Secretary  
Greg Bledsoe, MD, Surgeon General  
Perry Amerine, OD  
Marsha Boss, PD  
James Zini, DO  
Eddie Bryant, MD  
Lane Crider, PE  
Dwayne Daniels, MD  
Brad Erney, DMD, PLC  
Melissa Faulkenberry, DC  
Darren Flamik, MD  
Anthony Hui, MD  
Thomas Jones, RS  
David Kiessling, DPM  
Stephanie Barnes Beerman  
Donald Ragland  
Mike Riddell, MD  
Catherine Tapp, MPH  
Clay Waliski  
Susan Weinstein, DVM  
Terry Yamauchi, MD

**GUESTS PRESENT**

James Bledsoe, M.D., Medical Dir., EMS/Trauma  
Namvar Zohoori, M.D., Chief Science Officer  
Stephanie Williams, ADH, Chief of Staff  
Laura Shue, General Counsel  
Reginald Rogers, Deputy General Counsel  
Jennifer Dillaha, State Epidemiologist  
Connie Melton, ADH, Center Director, Center for Health Protection  
Terry Paul, ADH, Environmental Health Branch Chief  
Ric Mayhan, ADH, Environmental Health Manager  
Shane David, ADH, Pharmacy Services Section Chief  
Jeff Stone, ADH, Director, Engineering Section  
Martin Nutt, ADH, CLPH Environmental Health  
Chuck Thompson, ADH, Managing Attorney  
Brian Nichols, ADH, Administrative Law Judge  
Brooks White, ADH, Administrative Law Judge  
Michael St. Clair, ADH, Law Clerk  
Tressa Williams, ADH, Legal Services Specialist  
Fred Black, Pickens Waterworks  
Sandra Young, MD  
Jennifer Hansen  
Cindy Bell

**MEMBERS ABSENT**

Vanessa Falwell, ARPN

**MINUTES OF THE ARKANSAS STATE BOARD OF HEALTH MEETING**

The quarterly meeting of the Arkansas State Board of Health was held on Thursday, July 23, 2020, in the Charles Hughes Board Room of the Freeway Medical Building in Little Rock, Arkansas. Due to the Department of Health's directive on social distancing due to COVID-19, a majority of the Board of Health members and attendees attended by teleconference.

**CALL TO ORDER**

Dr. Phillip Gilmore called the meeting to order at approximately 10:00 a.m. and called for a roll call. General Counsel Laura Shue conducted the roll call of Board of Health members.

## **APPROVAL OF MINUTES**

Dr. Balan Nair moved and Dr. Marsha Boss seconded that the minutes of the April 23, 2020, quarterly meeting be accepted. Motion carried by unanimous vote.

Dr. Susan Weinstein moved and Catherine Tapp seconded that the minutes of the May 15, 2020 emergency meeting be accepted. Motion carried by unanimous vote.

## **RESOLUTION RECOGNIZING DR. NATHANIEL SMITH**

Dr. Gilmore stated a resolution was prepared to present to Dr. Nathaniel Smith to recognize his outstanding work for the Health Department over the years and his leadership during the ongoing pandemic. Dr. Hui moved and Dr. Nair seconded that the resolution recognizing Dr. Nate Smith be approved. Motion carried by unanimous vote.

## **OLD BUSINESS**

### ***Rules Update***

Ms. Shue gave an update on the rules that were promulgated in August and October 2019. There are eleven final rules that have been filed with the Secretary of State and the State Library. There are six rules pending Legislative Committee review and approval, and eleven rules undergoing public comment periods.

Dr. Boss asked about the date for the public hearing on the abortion rule. Ms. Shue replied September 3, 2020.

## **NEW BUSINESS**

### ***Review/Approval of Dr. José Romero as Interim Secretary***

Ms. Shue asked the Board to concur in the appointment by the Governor of Dr. José Romero as Interim Secretary. Ms. Shue presented the Governor's appointment letter. Dr. Romero was appointed in May 2020 and assumed that role as Dr. Smith had taken leave and moved to his new position.

Dr. Romero spoke of his new role being a pinnacle in his career and of his commitment to public health.

Dr. Yamauchi spoke of the expertise of Dr. Romero and encouraged his approval as Interim Secretary.

Dr. Yamauchi moved and Drs. Hui and Amerine seconded to approve Dr. Romero as Interim Secretary. Motion carried by unanimous vote.

### ***Department of Health Directives***

Ms. Shue informed the Board of new directives and asked for a vote to ratify them. Directives were approved by unanimous vote.

### ***Governor's Executive Orders***

Ms. Shue stated the directives were issued in conjunction with the Governor's Executive Orders, which were presented for review.

### ***2018 Arkansas Fuel Gas Code***

Terry Paul, Environmental Health Branch Chief, introduced Ric Mayhan to present the update to the fuel gas and plumbing codes.

Ric Mayhan, Environmental Health Manager, requested approval for the fuel gas code as the current codes are outdated. Tom Jones moved that the items go through the administrative procedures act and public hearing. Seconded by Donald Ragland. Motion carried by unanimous vote.

### ***2018 Plumbing Code***

Mr. Mayhan requested approval for the plumbing code. They have the same deficiencies as the fuel gas code and the new draft brings them up-to-date. Sue Weinstein moved and Tom Jones seconded that the plumbing code be approved. Motion carried by unanimous vote.

### ***Plumbing Examiner's Master Plumber Nomination***

Mr. Mayhan requested approval of Brent Early as master plumber representative on the Committee of Plumbing Examiners. Tom Jones moved and Dr. Nair seconded that Mr. Early be approved to represent the Committee of Plumbing Examiner's Master Plumber. Motion carried by unanimous vote.

### ***Pickens Waterworks***

Reginald Rogers, Deputy General Counsel, presented proposed findings of fact, conclusions of law and order in the matter of *Arkansas Department of Health v. Pickens Waterworks*. He stated Fred Black, General Manager for R. A. Pickens & Son and Co. and representative for the township of Pickens, was attending the meeting via telephone on behalf of Pickens Waterworks. A subcommittee consisting of Lane Crider, Marsha Boss and Donald Ragland heard the matter on March 17, 2020, and issued their unanimous recommendations.

Mr. Black stated that the new water operator is William Robinson of Watson, Arkansas, operator license no. 1052301, effective June 2, 2020.

Mr. Jeff Stone, Director, Engineering Section, stated the hiring of Mr. Robinson is adequate to satisfy the licensing requirement and will be in compliance with the licensing law.

Mr. Crider asked if a new recommendation needed to be brought forth or does the proposal need to be withdrawn? Mr. Rogers stated the proposed order would stand, the penalty would be suspended if Pickens Waterworks maintains compliance.

Mr. Waliski asked what happens to the penalty fees. Mr. Stone stated it has been rare that a penalty fee has been paid. In those cases, that money has gone back into the funds that operate the drinking water program.

Mr. Waliski asked if water operators handle multiple cities. Mr. Stone stated it is common practice in the rural areas of the state but the Health Department does not organize that.

Mr. Crider moved and Dr. Boss seconded that the recommendations and proposed order be approved. Motion carried by unanimous vote.

### ***Wabbaseka Waterworks***

Mr. Rogers presented proposed findings of fact, conclusions of law and order in the matter of *Arkansas Department of Health v. Wabbaseka Waterworks*.

Mr. Stone stated that Wabbaseka Waterworks has not complied with the recommendations of the subcommittee. It has not obtained a water operator but it has increased disinfectant levels.

Mr. Crider moved and Dr. Hui seconded that the recommendations and proposed order be approved. Motion carried by unanimous vote.

Mr. Waliski asked what would happen if Wabbaseka does not become compliant. Mr. Stone stated they respond in a technical way and utilize contracts with technical service providers that will show up on site and assist in making the water safe. There are a number of corrective actions that can be taken.

### **OTHER BUSINESS**

#### ***Administrative Update***

Stephanie Williams, Chief of Staff, introduced Connie Melton, Director of the Center for Health Protection, to give a center update. Ms. Williams stated that as part of the COVID response, Ms. Melton has taken on the additional role of organizing and facilitating the contact tracing team.

Ms. Melton stated since the start of the COVID emergency, staff has increased from three nurses to approximately 80 nurses and employees. In addition, sixteen national guardsmen were utilized for 30 days. Four organizations, Arkansas Foundation for Medical Care, Blue Cross Blue Shield, Central Arkansas Library System, and UALR School of Social Work, offered to partner and share their staff. Two hundred seventy-eight (278) individuals were trained and assisted in contact tracing.

Two vendor contracts, General Dynamics and Arkansas Foundation for Medical Care, have been added to assist in contact tracing. Collectively they have made 5,431 calls. The contractors are engaged to hire up to 350 contact tracers.

Ms. Melton talked about the SARA alert system, a tool that automates the process of public health monitoring and reporting of individuals exposed to or infected with COVID-19.

### ***Chief of Staff Update***

Ms. Williams reported she will be speaking with the legislative Public Health Committee to give an update on ADH's COVID response efforts.

The Department implemented its Emergency Response System when COVID hit. A large number of individuals from around the department reported to the EOC daily for long periods of time. Since then, we have settled into the "battle rhythm" of the COVID response.

Ms. Williams related that in general, we are doing well at the department. We are starting to build our capacity with some of the contracts and the additional support we have received through the CARES Act Steering Committee and from the Governor.

Dr. Gilmore, speaking on behalf of the Board of Health, replied that the entire team is doing an awesome job and that as Ms. Williams goes before the Committee, she has their total support. He realizes that the department is being inundated with requests and if there is anything needed from the Board to let them know.

## **PUBLIC HEALTH SCIENCE/PROGRAM UPDATES**

### ***Science Program Update***

Dr. Namvar Zohoori, Chief Science Officer, explained that because of COVID, the educational session for the Board was canceled. He asked that those who had not completed the email survey regarding how to proceed with the educational session to respond by the end of next week.

Dr. Zohoori stated an often asked question is what percentage of COVID-19 positive cases are we able to link to a known previous case, outbreak or cluster. He stated 34.6% of cases were not linked to a previous case in early May. As we get further into the stage of community spread, we expect more cases to arise where the source of exposure is unknown. A quality improvement team was developed in early May. Within five weeks of starting, we were able to bring that down to 19.4%. Unfortunately, over the next five weeks, that percentage has risen again to about the same 34.6%. A lot of that is because we have had a higher number of cases. Overall, about 79% of contact investigations are started within 48 hours. The latest weekly report has been up to about 83%. Since then we have had a number of contractors coming on board who are doing this work. They are able to reach or make a first attempt to reach 95% of the initial cases within 24 hours. They are able to attempt to call about 90% of all contacts generated from those cases within 24 hours.

## **PRESIDENT'S REPORT**

Dr. Gilmore gave a big thank you for an awesome job the Department of Health is doing for the state in protecting the health of our citizens and advocating for health. He knows that so many leaders in the Health Department and others providing data are being inundated with lots of questions and concerns. He asked that all members on the Board support the staff in every way possible. He added that everyone is to be commended in what is being done. He again thanked the leadership and Ms. Williams, Ms. Mallory, Ms. Melton, Ms. Shue and her team on the Legal side. He knows there are a lot of questions coming from Legislators, Senators and others and added to let the Board help as much as they can and will intervene in some way if needed.

Dr. Gilmore wished Dr. Nate Smith well in his new endeavors and looks forward to Dr. Romero coming on board, leading and advising on things we need to move forward on.

## **SECRETARY'S REPORT**

Dr. Romero reported that the Department has broadened its ability to perform testing. One of the problems is that commercial and private laboratories have fallen back on their ability to test, in part because the reagents to perform those tests using the platforms are not available. The Health Department has stepped forward. He added that we are among the best-equipped public health laboratories in the country and certainly among the top three public health laboratories for a state of our size and population density.

Dr. Romero stated we are making progress on contact tracing.

Dr. Romero added that a challenging area will be the issue of back to school education and how to do that. We are in sync with the National American Academy of Pediatrics which recommends return to class and we will continue to pursue that. Our goal is to make sure all children receive the benefits, if possible, of onsite school education. We are constantly adjusting our approach to COVID. We have to accept the degree of uncertainty that exists at this time.

Dr. Romero reported that we also have an obligation to maintain programs that are already in place. Those include water, chronic diseases, treatment prevention of sexually transmitted diseases, and HIV elimination.

He talked about the importance of vaccination policy and implementation. We are literally behind in the number of vaccines that we delivered this time last year. He added there is a backlog of vaccines to administer.

Dr. Romero stated COVID has challenged the public health infrastructure of our country. One of the issues that has come forward is the lack of rapid transmission of test results to the Health Department. We are going to be opening a secure email system. We are going to open a portal for the coroners to report their deaths. We will be addressing these issues as rapidly as possible.

He thanked the board members for allowing him to serve on the board. He will try to be as responsive as possible to any questions and he has a lot to learn

Dr. Riddell asked Dr. Romero what he knows about a standardized office visit for OB/GYN to initiate conversations about family planning and to catchup on immunizations starting at age 16.

Dr. Romero stated he is currently the chair of the ACIP, the Advisory Committee for Immunization Practices by the CDC. That committee makes recommendations for the use of all vaccines licensed by the FDA. The ACIP has not made a formal recommendation that age 16 be a platform for immunizations. What we need is a statement from the AAP, AAFP and ACOG, to endorse this platform. It would be one of the required visits for childhood examination, education and vaccination

Dr. Yamauchi stated to Dr. Romero that we are rapidly approaching influenza season and the flu vaccine should be encouraged and recommended. Dr. Romero encouraged everyone to take the vaccine. He stated the vaccine needs to be promoted to patients and the public from age 6 months upward. Everyone should receive the vaccine.

Dr. Riddell asked about how to increase HPV vaccination awareness. Dr. Romero stated we need to change the message about HPV. It is an anti-cancer vaccine that prevents genital and anal rectal cancer in both males and females. There is now evidence to show that it prevents oropharyngeal and cervical neck cancer. We have to stop being afraid to discuss this with our patients.

Dr. Riddell asked how do we get our message across and be sure that our racial minorities realize we have their best interest and they can trust us with their healthcare needs. Dr. Romero stated this issue has struck very close to home for him, as a member of an underrepresented minority group. The response to COVID has shown a light on a discrepancy that has existed for decades. It is a problem that has not been addressed effectively. One of the things that we need to do is provide them access to our care. One of the things that has been done here is our governor opened the doors for using telemedicine and telephone medicine for patients. That is how we reach our underserved patients. Local health units serve as extenders for the Health Department, for our vaccination policy, HIV and STD control and we can use them to do that and do it effectively.

Dr. Gilmore stated the next Board of Health meeting will be October 22, 2020, unless there is a need for a called meeting. A decision will be made whether to do it virtually or in person later.

Ms. Shue reminded members of the Cancer Registry Committee of their meeting immediately to follow.

Dr. Riddell moved and Dr. Hui seconded that the meeting be adjourned. Motion carried unanimously. Meeting adjourned at approximately 11:35 a.m.



José R. Romero, M.D.  
Secretary of Health