

MINUTES OF THE MEETING OF THE
INDIANA DEPARTMENT OF HEALTH
EXECUTIVE BOARD
July 13, 2022

The in-person and virtual (Microsoft Teams) meeting of the Executive Board of the Indiana Department of Health (IDOH) was called to order at 10:30 am in the Robert O. Yoho Executive Board Room of the IDOH building by Brenda Goff, Chair. The following Board members were present for all or part of the meeting (in-person or via teams):

Naveed Chowhan, MD, FACP, MBA
Brenda Goff, HFA (Chair)
Martin Hanneman, DDS
Robin Marks, DVM
Joanne Martin, DrPH, RN, FAAN
Shelley Rauch, HFA (via phone through Teams)
Holly Robinson, MD
Suellen Sorensen, PharmD, BCPS
Stephen Tharp, MD (Vice Chair)
Kristina M. Box, MD, FACOG, Secretary

Those not able to attend:

Blake Dye
Patricia Spence, PE

The following staff members were present for all or part of the meeting (in-person or via teams):

Pam Pontones, Deputy State Health Commissioner/State Epidemiologist
Lindsay Weaver, MD, FACEP, Chief Medical Officer
Shane Hatchett, Chief of Staff
Lixia Liu, PhD, Assistant Commissioner, Laboratory Services Commission/Lab Director
Shirley Payne, PhD, Assistant Commissioner, Public Health Protection
Paul Krievins, Director, Lead and Healthy Homes
Sandy Bains, Epidemiology Resource Center
Kelly MacKinnon, JD, Chief Legal Counsel
Donna Sembroski, Office of Legal Affairs

Guests

Jason Kabir, MD, Medical Student

Call to Order

Brenda Goff, Chair, stated that a quorum was present and called the meeting to order at 10:30 am. She then asked if Board members had any known conflicts of interest to declare. Hearing none she proceeded with the meeting.

Minutes

Ms. Goff asked for discussion and/or corrections to the minutes of the May 11, 2022, Executive Board meeting. Hearing none, she entertained a motion for approval. On a motion made by Dr. Martin Hanneman, seconded by Dr. Holly Robinson and passed by majority roll call vote of in-person and virtual attendees, the Board approved the minutes as presented.

OFFICIAL BUSINESS OF THE INDIANA DEPARTMENT OF HEALTH

Dr. Box provided an update on the Governor's Public Health Commission (GPHC). The last meeting of the Commission was June 30, 2022. A report will be submitted to the Governor by the end of July. The report will include recommendations to improve public health infrastructure in Indiana. Dr. Box stated that one of the recommendations is to expand personnel eligible to serve as local health officer. Suellyn Sorensen asked if pharmacists would be considered as eligible personnel. Dr. Box stated that they cannot because of their limited scope of practice. Dr. Box will provide a more detailed update on the GPHC recommendations at the September meeting.

She also provided an update on the CDC Infrastructure Grant and Monkey Pox. Pam Pontones will provide a more in-depth update on both at the September meeting.

Joanne Martin asked for additional information on the terminated pregnancy report. Shane Hatchett will follow-up with Joanne via e-mail.

Epidemiology Resource Center

Final Adoption of Eyelash Extensions Rule 410 IAC 1-8, LSA #22-42

Pam Pontones, Deputy State Health Commissioner and State Epidemiologist presented the Eyelash Extensions Rule 410 IAC 1-8 for final adoption. This rule will add provisions governing the operation of facilities where eyelash extensions are applied and setting out education and training requirements for individuals applying eyelash extensions. SEA 361 (P.L. 55-2021) provides that individuals providing eyelash extension services are no longer required to obtain an esthetician license from the State Board of Cosmetology and Barber Examiners. The legislation requires the IDOH to adopt rules setting out training and sanitation requirements for those services. This final rule will replace the emergency rules that were temporarily in place.

This Rule applies to individuals who provide eyelash extension services who are not licensed cosmetologists or estheticians. Licensed cosmetologists and estheticians who apply eyelash extensions along with other cosmetology services will continue to be governed by the rules of that license and are subject to regulation by the Indiana State Board of Cosmetology and Barber Examiners.

Numerous comments were received on the proposed rule from eyelash extension professionals and consumers. Some of the comments were based on the first emergency rule and referred to provisions that had been changed for the proposed rule. The final rule does include revisions from the proposed rule based on other comments. The rule has undergone several revisions from the first emergency rule through the final rule, based on comments from stakeholders and discussions with the Indiana Professional Licensing Agency.

Staff recommends the Board approve this proposed rule for final adoption. Ms. Goff asked for comments from the Board, staff and/or public. Hearing none, she entertained a motion for approval. On a motion made by Dr. Stephen Tharp, seconded by Suellyn Sorensen and passed by majority vote of in-person and virtual attendees, the Board approved the Eyelash Extensions Rule 410 IAC 1-8 for final adoption.

Public Health Protection Commission

Final Adoption of Elevated Blood Lead Level Standard Rule 410 IAC 29, LSA #22-119

Shirley Payne, PhD, Assistant Commissioner for Public Health Protection Commission, introduced Paul Krievins, Director of Lead and Healthy Homes to present the Elevated Blood Lead Level Standard Rule 410 IAC 29 for final adoption.

This amended rule updates definitions to lower the standard for an elevated blood lead level (EBLL) to match the Centers for Disease Control and Prevention (CDC) recommended levels. Lowering the standard underscores lead's danger as a neurotoxin and provides services to families of children with lead exposure.

The change in reference level for an EBLL will protect Hoosier children and align with the CDCs recommended threshold for case management. Changing the reference EBLL from ten micrograms per deciliter to 3.5 micrograms per deciliter will ensure families are able to take appropriate action to protect their children at low levels from 3.5 to 4.9. At levels of five and above, this change will allow the state to provide children in danger from lead exposure with case management services from local health departments.

The Notice of Intent to Adopt the permanent rule was published in the *Indiana Register* on April 6, 2022. It is anticipated that the permanent rule will take effect in September 2022. The Executive Board adopted an emergency rule to lower EBLLs at the May 11, 2022, meeting. That emergency rule was effective July 1, 2022. Staff recommends the Board approve these amendments to the Elevated Blood Lead Level Standard Rule 410 IAC 29 for final adoption.

Ms. Goff asked for comments from the Board, staff and/or public. Joanne Martin asked if foster care facilities are evaluated for lead. Paul replied they are not unless a child is tested and has an elevated blood lead level. Hearing no further discussion, Ms. Goff entertained a motion for approval. On a motion made by Suellyn Sorensen, seconded by Dr. Stephen Tharp and passed by majority vote of in-person and virtual attendees, the Board approved the Elevated Blood Lead Level Standard Rule 410 IAC 29 for final adoption.

Final Adoption of Abortion Complications Reporting Rule 410 IAC 41, LSA #22-74

Shane Hatchett, Chief of Staff, presented the Abortion Complications Reporting rule 410 IAC 41 for final adoption. The proposed Rule adds regulations to clarify the abortion complications reporting required in IC 16-34-2-4.7 for providers, hospitals, and abortion clinics.

The Notice of Intent to Adopt a rule was published in the *Indiana Register* on March 16, 2022, starting the one-year period to adopt this rule. The Executive Board reviewed the proposed draft of this rule at the Executive Board meetings on January 12 and March 9, 2022. The public hearing was held on June 21, 2022. No public comments were received.

The abortion complications reporting requirement was initially enacted by the Legislature in 2018, with amendments in 2019. However, the requirement was enjoined before going into effect while its constitutionality was litigated. Toward the end of 2021, the requirement was found to be constitutional, and the injunction lifted. The final rule also includes grammatical and style revisions.

Ms. Goff asked for comments from the Board, staff and/or public. Hearing none, she entertained a motion for approval. On a motion made by Suellyn Sorensen, seconded by Joanne Martin and passed by majority vote of in-person and virtual attendees, the Board approved the Abortion Complications Reporting Rule 410 IAC 41 for final adoption.

Distribution

Ms. Goff thanked staff for the professional new hire and separation reports and summary of final orders.

Adjournment

Hearing no additional comments from the Board, staff and/or public, Ms. Goff adjourned the meeting at 12:00 pm. The next meeting is scheduled for September 14, 2022.