

MINUTES OF THE MEETING OF THE  
INDIANA DEPARTMENT OF HEALTH  
EXECUTIVE BOARD  
November 8, 2023

The in-person and virtual (Microsoft Teams) meeting of the Executive Board of the Indiana Department of Health (IDOH) was called to order at 10:32 am in the Robert O. Yoho Executive Board Room of the IDOH building by Dr. Stephen Tharp, Chairperson. The following Board members were present for all or part of the meeting (in-person or via teams):

Amelia Clark, DrPH, MA  
Brenda Goff, HFA  
Robin Marks, DVM, JD  
Joanne Martin, DrPH, RN, FAAN  
Rex McKinney, FACHE (virtual)  
Shelley Rauch, HFA (virtual)  
Holly Robinson, MD  
Suellyn Sorensen, PharmD, BCPS (virtual)  
Armando Soto Rojas, DDS  
Matthew Sprunger, MD  
Stephen Tharp, MD (Chair)  
Troy Weirick, MD (virtual)  
Lindsay Weaver, MD, FACEP (Secretary)

Those not able to attend:

Patricia Spence, PE

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

Guy Crowder, MD, MPHTM, Chief Medical Officer  
Amy Kent, Deputy Health Commissioner & Chief Strategy Officer  
Pam Pontones, MA, Deputy Health Commissioner of Local Health Services (virtual)  
Megan Lytle, Assistant Commissioner, Public Health Protection  
Jordan Stover, JD, Assistant Commissioner, Consumer Services and Health Care Regulation  
Mike Mettler, Director, Environmental Public Health  
Paul Krievins, Director, Lead and Healthy Homes  
Brian Busching, Director, Trauma and Injury Prevention  
Laurie Mendez, Chief Financial Officer  
Kelly MacKinnon, JD, Chief Legal Counsel  
Donna Sembroski, Office of Legal Affairs  
Ann Knotek, Office of Legal Affairs (virtual)

Guests:

Richard Hostetter, MD, Local Health Officer, Elkhart County (virtual)  
Melanie Sizemore, DBA, MPH, Administrator, Elkhart County Health Department (virtual)

## Call to Order

Dr. Stephan Tharp, Chair, stated that a quorum was present and called the meeting to order at 10:32 am. He then asked if Board members had any known conflicts of interest to declare. Dr. Troy Weirick, MD, stated that he resides in Elkhart County so will be recusing himself from the discussion and vote on the Elkhart County Local Health Officer Approval agenda item. Hearing no other conflicts of interest to declare he proceeded with the meeting. Dr. Tharp then asked each Board member to introduce themselves since new members were added per SB 4.

## Minutes

Dr. Tharp asked for discussion and/or corrections to the minutes of the September 13, 2023, Executive Board meeting. Hearing none, he entertained a motion for approval. On a motion made by Shelley Rauch, seconded by Brenda Goff 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**

### **Secretary's Report**

Dr. Weaver introduced Guy Crowder, MD, MPHTM, the new IDOH Chief Medical Officer. Dr. Crowder is from Franciscan Alliance Health and his first day with the IDOH was November 6, 2023. She also introduced Adeline Heitz, a 4<sup>th</sup> year medical student in family medicine residency. Dr. Heitz is shadowing Dr. Weaver and is completing a rotation with the Clark County Health Department.

She reminded the Board that 86 of the 92 counties opted-in to receive the historic Health First Indiana (HFI) funding to improve the health of Hoosiers through local partnerships between public health, healthcare, nonprofits and other entities as a result of SEA 4. She is actively traveling the state to discuss the implementation of HFI and believes counties are embracing the opportunity to focus on preventing diseases and working with partners to improve the well-being of their communities. The IDOH, in collaboration with the Bowen Center, is hosting three regional Public Health Boot Camps for new and existing local health officers.

Dr. Weaver stated the Board members will be receiving an invitation for the Public Health Day at the State House event on February 22, 2024.

### **Local Health Services Commission**

#### Elkhart County Local Health Officer Approval

Kelly MacKinnon, Chief Legal Counsel, reminded the Board that they approved the policy (Resolution 2023-03) for approval of local health officer process at the September 13, 2023 Board meeting. Pam Pontones, Deputy Health Commissioner for Local Health Services presented the documentation submitted by the Elkhart County Health Department requesting Board approval for Melanie Sizemore, DBA, MPH, current Administrator at the Elkhart County Health Department, to be approved as the Local Health Officer. The current Local Health Officer, Richard Hostetter, MD, will become the Medical Officer to continue oversight of all clinically based services. Both Dr. Hostetter and Melanie Sizemore attended virtually to answer any questions from the Board.

Dr. Tharp asked for discussion and/or comments from the Board, staff or public. Hearing none, he entertained a motion for approval. On a motion made by Dr. Matthew Sprunger, seconded by Brenda Goff and passed by majority roll-call vote of in-person and virtual attendees, the Board approved Melanie Sizemore as the local health officer in Elkhart County effective immediately.

## **Public Health Protection Commission**

### Final Adoption of Residential On-site Sewage Rule 410 IAC 6-8.3

Kelly MacKinnon, JD, Chief Legal Counsel, presented the Residential On-site Sewage System Rule 410 IAC 6-8.3 to the Board for Final Adoption. This rule was presented to the Board for discussion at the July 12, 2023 meeting.

This rule clarifies that local ordinances may be stricter than the IDOH rule if approved by the technical review panel as set forth in the Indiana Code (IC); makes changes to statutory references to any updated IC, including updating the plan review time to 30 days and sinkhole setbacks of at least 25 feet; and updates matters incorporated by reference to the most current version as appropriate.

This rule also includes grammatical and clarifying changes from the proposed rule. It updates and corrects references to some documents incorporated by reference. The AASHTO M 252 standard for polyethylene pipe in 410 IAC 6-8.3-67 has been updated from the 2020 standard to the 2023 standard. That is the standard for pipe currently produced. Pursuant to IC 16-19-3-27.7(c), this standard will become effective six months after the final rule is published. Several standards were erroneously updated in Section 91 of the proposed rule, although the sections of the rule that included these standards were not updated in this rulemaking. Those have been reverted back to the previous standards in the final rule. They will be updated in the future.

A public hearing was held on September 19, 2023. Several comments were received. Many of the comments concerned matters that are not within the scope of these rules. A summary of the comments and the IDOH response is attached.

Dr. Tharp asked for discussion and/or comments from the Board, staff or public. Hearing none, he entertained a motion for approval. On a motion made by Dr. Amelia Clark, seconded by Brenda Goff and passed by majority roll-call vote of in-person and virtual attendees, the Board approved the Residential On-site Sewage System Rule 410 IAC 6-8.3 for final adoption.

### Rule Readoptions

Megan Lytle, Assistant Commissioner for Public Health Protection, stated that there are three rules that require readoption. Following readoption by the Board, a Notice of Readoption will be filed with the *Indiana Register* and the rules will not expire on January 1, 2024. These rules will continue in effect for another five years or until amended. Dr. Tharp stated that once staff have presented the three rules, all can be approved for readoption at the same time.

LSA# 23-638 – Lead-Based Paint Program- requires the IDOH to have a training and licensure program to ensure that any person who engages in lead-based paint activities is trained and licensed to ensure that work is

properly done to protect against the exposure to lead. This rule continues to be needed to set standards for licensing, training, and completion of abatement and non-abatement activities.

LSA# 23-647 – Indoor Air Quality – requires the IDOH to adopt rules under IC 4-22-2 pertaining to indoor air quality inspection, evaluation, and employee notification programs to assist state agencies in improving indoor air quality. The rule ensures that indoor air quality in schools is safe for students and staff in the least restrictive manner possible.

LSA# 23-648 – Offering of Human Immunodeficiency Information and Counseling and Human Immunodeficiency Virus (HIV) Testing – sets standards for providing HIV information to pregnant women, and testing for pregnant women and newborns. A pregnant woman has the option of refusing the test after receiving the information.

Dr. Tharp asked for discussion and/or comments from the Board, staff or public. Hearing none, he entertained a motion for approval. On a motion made by Joanne Martin, seconded by Brenda Goff and passed by majority roll-call vote of in-person and virtual attendees, the Board approved LSA#s 638, 647 and 648 for readoption.

## **Epidemiology Resource Center**

### **Rule Readoptions**

Donna Sembroski, Office of Legal Affairs, stated that there are two rules that require readoption. Following readoption by the Board, a Notice of Readoption will be filed with the *Indiana Register* and the rules will not expire on January 1, 2024. These rules will continue in effect for another five years or until amended. Dr. Tharp stated that once staff have presented the two rules, all can be approved for readoption at the same time.

LSA# 23-656 – Electronic Reporting of Emergency Department (ED) Visit Abstract Data by Hospitals – requires the IDOH to collect data relating to symptoms and health syndromes from outbreaks or suspected outbreaks of diseases that may be a danger to public health. This rule defines who must submit data, what data they must submit and how they must submit data to satisfy syndromic surveillance reporting in Indiana. Individually identifying information is confidential under IC 16-19-10-8. All reporting shall be by electronic transfer that ensures the confidentiality and security of ED visit data throughout the data transfer process. The data reported is confidential whether held by the department, the department's agents, or the local health department. IDOH received federal funding to maintain electronic systems. IDOH provides a view of the data back to submitting hospitals for their use to monitor influenza activity and other chief complaints pertinent to infection control. The rule does not include any fees, fines, or penalties. The rule protects public health in the least restrictive manner possible. There have been no complaints or comments received from the public regarding this rule.

LSA# 23-654 – Reporting of Healthcare Associated Infections (HAI) – requires health care facilities licensed by the IDOH to report information required to be reported by the Centers for Medicare and Medicaid Services for various quality reporting programs. Reporting is done through a web-based system created and managed by the Centers for Disease Control and Prevention known as the National Healthcare Safety Network. HAIs are an increasing problem threatening the health and safety of patients not only in Indiana, but nationwide. The rule does not include any fees, fines, or penalties. The rule accomplishes the goal of protecting health in the least restrictive manner possible. There have been no complaints or comments received from the public regarding this rule.

Dr. Tharp asked for discussion and/or comments from the Board, staff or public. Hearing none, he entertained a motion for approval. On a motion made by Dr. Matthew Sprunger, seconded by Brenda Goff and passed by majority roll-call vote of in-person and virtual attendees, the Board approved LSA#s 656 and 654 for readoption.

## **Consumer Services and Health Care Regulation Commission**

### Rule Readoptions

Jordan Stover, JD, Assistant Commissioner for Consumer Services and Health Care Regulation Commission, stated that there are three rules that require readoption. Following readoption by the Board, a Notice of Readoption will be filed with the *Indiana Register* and the rules will not expire on January 1, 2024. These rules will continue in effect for another five years or until amended. Dr. Tharp stated that once staff have presented the three rules, all can be approved for readoption at the same time.

LSA# 23-639 – Hospital Licensure and Ambulatory Rules – provides licensure requirements of hospital and outpatient ambulatory surgical centers. These are the minimum standards for the protection of the health and safety of patients using healthcare facilities to ensure licensed providers are following accepted health care standards and providing safe physical environments. The rule allows the state to inspect and report to the public on the performance of facilities. The rule also provides a mechanism for the correction of deficient practices which may have caused harm or has the potential for patient harm. The rule provides the public with a means of addressing complaints which would not exist without the rule. The rule does duplicate in some part federal regulations. The duplication will be significantly reduced in the total revision of the rules by 2025.

LSA# 23-655 – Hospital Financial Disclosure – IC 16-21-6-9 requires the IDOH to adopt rules governing hospital reporting of fiscal and patient data. The provisions of existing rules have been superseded by changes to IC 16-21-6 and the rules no longer reflect the current requirements or report process.

IDOH is readopting 410 IAC 15-3-2, which requires that hospitals file reports under a previous statute. This section is being readopted so that it can be amended to reflect the current statute. The other sections of 410 IAC 15-3 are no longer needed and are not consistent with the current statute. They will be allowed to expire. IC 16-21-6 sets out detailed requirements for filing reports and it is not necessary to duplicate these requirements in a rule. IDOH has provided guidance to hospitals to assist them in complying with the statutory reporting requirements until the rule can be amended. The section that is being readopted does not impose any requirements beyond those required by statute. The rule does not duplicate or conflict with standards in state, federal, or local laws.

LSA# 23-653 – Hospital Fees – sets licensing fees as required by statute for hospitals, ambulatory surgical centers and birthing centers. The fees offset the IDOH's survey costs for facilities. Facilities can calculate their fees based on their financial information. The fee is a sliding scale based on total operating expenses for hospitals, and the number of procedures performed for other facilities. The fee is used to offset survey inspection costs, so it reduces costs to taxpayers. The fees have not changed since the rule was initially adopted in 2012. The rule uses the most practical and least restrictive method of imposing fees.

Dr. Tharp asked for discussion and/or comments from the Board, staff or public. Hearing none, he entertained a motion for approval. On a motion made by Brenda Goff, seconded by Dr. Robin Marks and passed by

majority roll-call vote of in-person and virtual attendees, the Board approved LSA#s 639, 655, and 653 for readoption.

## **Administration**

### Updated Electronic Communications Meeting Policy

Kelly MacKinnon, JD, Chief Legal Counsel, presented the updated Electronic Communications Meeting Policy for approval. Since there are now 13 members of the Board, the policy had to be updated to reflect that there must be a total of seven in attendance with five of the seven in-person to constitute a quorum.

Dr. Tharp asked for discussion and/or comments from the Board, staff or public. Hearing none, he entertained a motion for approval. On a motion made by Dr. Amelia Clark, seconded by Brenda Goff and passed by majority roll-call vote of in-person and virtual attendees, the Board approved the updated Electronic Communications Meeting Policy.

## **Health and Human Services Commission**

### Trauma and Injury Prevention Division – Trauma Care Commission Update

Brian Busching, Director of Trauma and Injury Prevention, presented an update on the Trauma Care Commission (TCC). Per SB 4 and HB 1001, respectively, based on the Governor's Public Health Commission recommendations, the TCC membership and Trauma System Quality Improvement Funding of \$9 million over the next two years was established.

TCC duties include:

- 1) develop and promote, in cooperation with state, regional, and local public and private organizations, a statewide program for the provision of trauma care and a comprehensive state trauma plan;
- 2) use trauma data to promote and support state and regional quality improvement initiatives and evaluations;
- 3) develop and implement a trauma system performance improvement plan;
- 4) support state level multi-disciplined disaster planning; and
- 5) identify opportunities for, and promote the training of, trauma personnel and programs for the education of the general public in injury prevention and trauma care;
- 6) develop, in coordination with the IDOH, criteria for the awarding of trauma grant funds in the areas of:
  - a. trauma system development
  - b. quality improvement
  - c. trauma and non-trauma center engagement
  - d. injury prevention programming
- 7) advise the IDOH on state trauma center designation
- 8) no later than November 30 of each year, develop and make written recommendations to the Governor and, in an electronic format under IC 5-14-6, to the legislative council concerning the results of the TCCs work under this section. These recommendations will also be made available to the public. The Division of Trauma and Injury Prevention is working with a consultant, Crowe, LLP, to coordinate efforts for the development of the 1<sup>st</sup> trauma system plan.

The ultimate goal is to have a coordinated statewide trauma system that functions in the most efficient manner possible. Board members suggested other partners who may be instrumental in this process.

### **Distribution**

Dr. Tharp thanked staff for the list of 2024 meeting dates, professional new hire and separation reports, and summary of final orders.

### **Adjournment**

Hearing no additional comments from the Board, staff and/or public, Dr. Tharp adjourned the meeting at 11:45 am. The next meeting is scheduled for January 10, 2024.