

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

APPROVED Minutes
August 1, 2013

Members in Attendance

Patrick Connor, Cheryl Hall, Karen Stakem Hornig, Ed Landon, Melbourne Jenkins, Pat McLaine, Dr. Clifford Mitchell, Barbara Moore, and Linda Roberts (via conference phone).

Members not in Attendance

Delegate Nathaniel Oaks, and Mary Snyder-Vogel.

Guests in Attendance

Shaketta Denson – CECLP, Hosanna -Means – BCHD, Dana Schmidt – MMHA, Laura Fox – BCHD, Myra Knowlton – BCHD, Arthur Gray, DHCD (City), John O'Brien – MDE staff, Horacio Tablada – MDE, John Krupinsky – MDE staff, Paula Montgomery – MDE Staff, Jeff Fretwell – MDE Legislative Office, and Tracy Smith – MDE staff.

Introductions

Pat McLaine started the meeting at 9:41 a.m. with introductions.

Future Meeting Dates

The next Lead Commission meeting is scheduled for Thursday, September 5, 2013 at MDE in the MDEStat conference room. The Commission will meet from 9:30am - 11:30am.

Approval of Minutes

The minutes for May were reviewed and corrections made to pages 1 and 2. Mr. Ed Landon made a motion to approve the minutes; Ms. Cheryl Hall seconded the motion, the minutes were approved unanimously.

The minutes for May were reviewed and one correction made to page 4. Ms. Karen Stakem Hornig made a motion to approve the minutes, Ms. Barbara Moore seconded the motion, the minutes were approved unanimously.

The minutes for July were not available. Changes to the April minutes were discussed; the April minutes will be sent out by email for approval.

Discussion

Old Business - Copies of the letters to senators and representatives were discussed. Pat McLaine checked with Rebecca Morley with regards to status of funding at the Federal level. Thanks to Senator Mikulski, a bill is out of a committee but there is still no budget for CDC's lead program. In June, CDC's lead program staff went from 38 to 8. There is no mandate for data collection and arrangements have not been made for data to be sent in from states. A bill is

pending in the House that would provide funding at the Federal level but not for state or local governments.

Ms. Karen Stakem Hornig commented that the Commission's letters should be more specific about why funding is critical. What doesn't happen if money is not there? Does lack of state-backed funding have a negative impact on a particular congressional district? Case management efforts by local health department nurses have suffered because nurses are no longer able to provide home visits for follow-up.

MDE has stepped up financially and there has not been a critical meltdown of the program in Maryland. Horacio Tablada commented that MDE will continue funding for the program and would like to do more but cannot.

Pat McLaine agreed about the need to be specific in the letters about the number of children with BLLs of 10+ and 5-9 μ g/dL – a unique letter for each Congressman. Karen Stakem Hornig and Pat McLaine will work on new language to customize the letters and send out to the Commissioners by email for approval.

Baltimore City HUD Program - Arthur Gray made the presentation, representing Ken Strong. Everyone received a copy of the Quarterly Progress Report. Ed Landon asked about additional detail of the work being done. He asked if there was a table that would show matching funds used in addition to HUD monies and what was the result of case management. Ed also asked if the reports showed in which part of the city the work was being done in and what kinds of add-ons were part of the package. Regarding BLL, table C8 shows that most children have BLLs <10 μ g/dL. Eight units were completed in the first quarter; 14 units were completed in the second quarter. Tracy Smith will e-mail additional documents to Commissioners.

Comments included:

- a.) A list of addresses would be helpful.
- b.) Were matching funds used?
- c.) Roofing, other needs? What and how much? [i.e. The kinds of add-ons and more details on fourteen (14) units requested.]
- d.) Any direct results of case management?
- e.) Does the Health Department or Coalition interview families with children having BLLs between five (5) and nine (9) μ g/dL?
- f.) In what part of the city were properties located?
- g.) Amount of money exceeding the grant. How does this tie into grant?
- h.) Income eligible. Rehab/other work? Interior, exterior?
- i.) Is there a strategy to deal with soil that has elevated lead levels?
- j.) Are windows being replaced?

Pat McLaine noted that she would be interested in seeing the area of the city but not the specific addresses.

Barb Moore requested a breakdown of children's blood lead levels.

Section C8 of the report indicates that in the last quarter, 17 children had been tested and had BLLs less than 10µg/dL and one child had not been tested.

Questions following up last month's meeting with Baltimore City Officials were raised: a copy of the permit application for Baltimore City had been promised. Shaketta Denson reported that Jason Hessler had told her that he had misspoken at the July meeting and that there was no information on the permit about an RRP number. Patrick Connor stated that he had not been able to identify any contractor who provided any documentation about RRP training status along with the permit application. The Commission will follow up with Jason Hessler and ask him to get back to us with new permit form and plan to monitor at our next meeting.

Shaketta Denson noted that the Coalition no longer does window replacement. Ed Landon commented that he and Jim Keck (BCHD) had tried to tie lead into permitting in the late 1980s. A comment was made about permits back in the 1980's for demolitions - the Project Designer license. This was not tied in with RRP. The 2013 permits are needed for major renovations state-wide.

In addition to the permit issue, the Commission also wants additional information on Section 8 properties with lead poisoned children.

Agency updates

MDE – Staff are finalizing draft to annual report within the next week (or two) Pat McLaine commented that the Commission would like to review this report at the September meeting. MDE is in budget preparations for 2015. They are amending regulations for RRP and will be funding Baltimore City again for the next fiscal year. Pat McLaine expressed appreciation for MDE's continuing support of this program.

With regards to the HELPS System (CDC's new screening and case management system): CDC has offered no additional money or technical assistance to support this effort and there are many glitches.

DHMH – No representative was present.

DHCD–Ed Landon

The Agency is starting to review legislative issues for 2014. There have been 13 or 14 House bills for lead every year and very few have passed. Ed Landon suggested that it would be good for the Commission to know about prospective bills in advance so that help could be provided.

There is a need to consolidate efforts – it is difficult to secure support two (2) months after the legislative session has started.

Baltimore City Health Department – Hosanna Asfaw-Means

Issue of Medicaid Billing - Hosanna -Means reported that between 2011 and December 2012, BCHD has submitted 300 claims for Medicaid reimbursement; only 4 claims have been accepted and BCHD has received a total of \$333. The contract for Medicaid reimbursement was written a long time ago but recently expired. The City is trying to set up electronic billing. There is a real interest in making billing work. The City will hold a meeting with contract personnel concerning this process. Some of the problems were related to start and end dates for Medicaid beneficiaries. Also, BCHD needed to submit bills to the MCOs where the child was covered rather than submitting directly to Medicaid.

Barbara Moore commented that by not billing on a monthly basis, more claims will be rejected due to billing errors. Laura Fox indicated that she had met with the CFO and would be meeting soon with State Medicaid about this matter. Paula Montgomery asked that MDE be part of this meeting. MDE will send DHMH a copy of the file on costs developed prior to approval of reimbursement process. Barb Moore suggested that the meeting should include all MCOs. Pat McLaine suggested that BCHD should do a new cost analysis for environmental investigation (EI) now – for August 2013 – so that they would be prepared for the meetings with Medicaid. \$333 is probably less than the cost for services in 2013. Hosanna Asfaw-Means indicated that BCHD has to call and confirm an Electronic Verification Status (EVS) on every child for whom EI services have been provided. Status must be verified on the first of the month. Pat McLaine suggested that perhaps funding for EI should be considered as a “carve out”. BCHD indicated that they will be setting up a new contract, which will take a little bit of time. Medicaid reimbursement for these services was required by CDC for all funded state and local programs.

Pat McLaine commented that MDE was involved in securing funding for environmental investigations but that MDE cannot bill for services because the Agency is not a health care provider.

A comment was made that this is a big issue that pertains to the whole state and money is being left on the table.

A question was raised: at what point (if any) does the City call it quits. The problem has been going on for four years. Perhaps they should restart the process.

The suggestion was made to bill property owners for the environmental investigation; this work isn't free. The issue of follow up for children with BLLs 5-9µg/dL was raised; the Commission has recommended that children with a BLL in this range not receive full case management services.

Issue of Regulation 5 - Commissioners asked about how the City's Regulation 5 would apply for children aged 6 and older with high BLLs. There is the perception that children over six (6) and over with high BLLs are falling between the cracks and City Regulation 5 is not being used for children whom are six (6) or older.

BCHD lawyer, Myra Knowlton, clarified that BCHD's policy and practice is to equally enforce against rental and owner-occupied properties. She was not aware of any cases in 2013 where a Baltimore child with a BLL of 10+ $\mu\text{g}/\text{dL}$ was identified and Baltimore City did not enforce. According to Ms. Knowlton, **investigation** is based on a child being age 6 and under. Barb Moore stated that she has had patients living in Baltimore City for whom follow-up services were denied because they had turned 6 years of age. Ms. Knowlton indicated that she would get this clarified.

Paula Montgomery asked if the level for enforcement of owner occupied properties is the same as for rentals. Myra Knowlton indicated yes. She noted that the City can't issue orders to do work if the family receives SSI but she can require them to apply for grants. However, the owners often have existing liens on the property.

Cheryl Hall was asked about a case where an individual provided childcare in a house with hazards; Ms. Hall agreed to check on the status for that child care facility.

A question was raised about why cases were not reported to the Coalition. Pat McLaine explained that this follow up is part of the public health follow-up system.

Hosanna Asfaw-Means indicated that if a BLL was equal to or greater than 5 $\mu\text{g}/\text{dL}$ and the child lived in a rental property, BCHD was issuing a Notice of Defect and submitting it to MDE.

Paula Montgomery indicated that MDE takes action on children with BLLs of 10 $\mu\text{g}/\text{dL}$ and higher living in rental property in Baltimore City. She indicated that MDE is responding to the 5-9 referrals received from BCHD. Wicomico County was issuing a Notice of Defect for children with BLLs of 5-9 $\mu\text{g}/\text{dL}$ but the program will no longer be funded. MDE is looking at the Stellar data base for security needs.

Shaketta Denson said the Coalition is getting referrals from many counties because resources are not available from MDE; she is going to Hagerstown tomorrow. Paula Montgomery indicated that 300 cases are active and currently at the AG's office.

Maryland Office of Childcare – Cheryl Hall - nothing to report

Maryland Insurance Agency – Karen Stakem Hornig - nothing to report

Lead Commission Meeting
August 1, 2013
Page Six

Ed Landon announced that the State of Maryland Housing Conference is scheduled for September 27; they are looking for more participants and the cost is \$75. Ed was asked if RRP was on the agenda; Paula will follow-up with an email requesting to be on the conference agenda to speak about RRP.

Barb Moore noted that the Point of Care testing had been discussed at earlier meetings. She asked when the Point of Care testing meetings would be taking place. Last month, individuals had been identified to serve but have not yet been appointed by the Governor. No representative of DHMH was present to address this issue.

Ed Landon made a motion to adjourn the meeting at 11:20 a.m.; the motion was seconded by Patrick Connor, all Commissioners in favor of adjourning the meeting. The meeting was adjourned.