

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDE AQUA Conference Room
May 7, 2015

APPROVED Minutes

Members in Attendance

Nancy Egan, Melbourne Jenkins, Susan Kleinhammer, Edward Landon, Patricia McLaine, Cliff Mitchell, Paula Montgomery, Del. Nathaniel Oaks, Christina Peusch, Linda Lee Roberts, John Scott, Ken Strong, Tameka Witherspoon

Members not in Attendance

Barbara Moore

Guests in Attendance

Camille E. Burke, Patrick Connor, Laura Fox, Michelle Fransen, Rachel Hess-Mutinda, Liz Kelly, Myra Knowlton, Ann Liu, Nia Mill, Hilary Miller, Christine Schifkovitz, Nancy Servatius, David Skinner, Tommy Tomsett, Jr., Ron Wineholt.

Introductions

Pat McLaine called the meeting to order at 9:35 AM with welcome and introductions.

Future Meeting Dates

The next Lead Commission meeting is scheduled for Thursday, June 4, 2015 at MDE in the AERIS Conference Room, Front Lobby, from 9:30 AM to 11:30 AM.

A Moment to Reflect

In light of the recent tragic events in Baltimore and noting an article in the Washington Post that Freddie Gray was lead poisoned, with a BLL of 37µg/dL when he was 22 months old, Pat McLaine noted the importance of our work as a Commission and asked individuals in attendance to share their thoughts with the group. Ken Strong said that connections with the faith community would be helpful. Paula Montgomery noted that MDE has a Primary Prevention Unit in 3 areas of Baltimore City, one being Sandtown, and that several delegates have approached MDE to discuss the issue. Laura Fox said that the City Health Department was looking back at data, at maps and addresses, to focus on areas where we have problems. Camille Burke noted that churches are holding services outside now and are open to resources to assist. Ed Landon noted that FEMA has a program and that the City needs to open up to working with new groups. The Small Business Administration will provide support to 150 affected businesses. Faith-based groups may be able to figure out how they can help out in identifying funding resources.

Thank You to Tracy Smith

Today is Tracy Smith's last day providing administrative support to the Commission. She has accepted a position as the Executive Associate in the Office of the Secretary. Pet Grant,

Assistant to Paula Montgomery in the Lead Poisoning Prevention Program, will take over for Tracy. Commissioners thanked Tracy for her long service and excellent support to the Lead Program and the Lead Commission and wished her well in her new position.

Approval of Minutes

Ed Landon made a motion to approve the February minutes as written, seconded by Christina Peusch. The motion was approved unanimously.

Cliff Mitchell made a motion to approve the April minutes with one change, seconded by Nancy Egan. The motion was approved unanimously.

Old Business

Funding for Child Care Facilities – Ed Landon provided written information from DHCD but indicated there will be changes since focus is now being placed on long term efforts in Baltimore. Maryland Unites will provide opportunity for 0% loans for small businesses. Ed indicated he is willing to follow up if there is a case of a child care facility denied loan money. He urged that child care centers in West Baltimore contact Maryland Unites.

Ken Strong indicated that his program in Baltimore City is only dealing with residential properties and could consider licensed child care homes. Myra Knowlton indicated that unlicensed child care homes are a bigger problem. Ed Landon stressed the need for a comprehensive healthy housing approach. Ken Strong indicated that the City has made a lot of progress in terms of having funding for roofs and heating systems, since energy and weatherization funds are now in the mix. If several licensed child care facilities need help, the City can work on helping to identify solutions. Liz Kelly indicated that the Regional Manager for Baltimore City will be involved, suggesting a work group to identify barriers associated with lead, to include Baltimore City Health Department, Baltimore City Housing, MSDE Child Care Administration, Christina Peusch, Len Hull and Ed Landon. The work group will report back to the Commission in July.

Paula Montgomery noted many problems with Federal Funding; Ed Landon noted that the same problems existed with state dollars. John Scott stated that if state/local programs have money and individuals can't qualify for that money, we need to address the requirements. Nancy Egan noted that the group will identify barriers associated with lead and this will be a great opportunity to find solutions.

Letter to Federal Legislators – following discussion, the Commission approved unanimously to send letters to our Federal delegation, including EPA in the letter requesting Federal level support for lead poisoning prevention efforts. Paula Montgomery will provide text to add to the letter and Pat McLaine will send it out for one more review by Commissioners.

Priorities for 2015 – Commissioners submitted their top 3 priorities in writing. The votes will be tallies and sent back to the Commission by email.

New Business

DHMH Lead Targeting Rollout – review and comment

Cliff Mitchell provided the review, using powerpoint slides which were not distributed to the Commission. He reviewed the goals: to increase testing rates, to identify a larger proportion of children who are exposed, to understand current distribution of children at risk in Maryland, to prevent lead poisoning. He reviewed current Maryland laws on testing: children in at-risk zip codes to be tested at 12 and 24 months; children living in low-risk zip code to be assessed for risk using risk questionnaire at 12 and 24 months and tested if positive; children on Medicaid to be tested at 12 and 24 months of age, regardless of where they live; on entry to school or childcare, children must provide document of a lead test or document that they have never lived in an at-risk area. Although the law includes a requirement that school systems report to the local health department if a child living in an at-risk area has not been tested, the Attorney General has stated that schools can't release this information to the health department, so there is no enforcement mechanism for any action if there is no test provided at school entry.

DHMH is proposing a new targeting strategy as of 1/1/2016: all Maryland children born after 1/1/15 will be tested at age 1, all Maryland children born after 1/1/14 will be tested at age 2. DHMH is planning outreach to providers, schools, childcare and the public in Fall 2015.

Point of Care testing (POC II) is now on the excepted list, with a requirement for proficiency testing and for reporting to the Childhood Lead Registry.

The regulations were adopted for COMAR 10.10.03.02 (CLIFF - PLEASE CLARIFY). Proposed regulations will change the definition of EBL to 5µg/dL or greater. The rules to require testing will only apply to pre-K programs (e.g. child care). Older children and immigrants would still be tested in not previously tested.

DHMH is developing provider guidelines for children with BLLs of 5-9µg/dL, anticipated to be around 4,000 children. The initial draw would be confirmed by a venous draw. Children would receive some evaluation for potential environmental risks, and providers would perform repeat testing on a recommended schedule. The roll-out for providers will include a one page chart for providers, school nurses, child care providers, MSDE Office of Child Care. The Coalition is helping to develop materials.

Cliff Mitchell asked if there was a role for local health departments? Were regional resources needed? Medicaid reimbursement for home investigation for lead is not now available. Increased numbers of Notice of Defects may significantly increase MDE's workload.

Cliff Mitchell requested comments on the regulations and the roll-out.

Ron Wineholt asked if the General Assembly has considered but not approved going from 10 to 5µg/dL. Cliff Mitchell said that the official regulation is based on 10 or any other level set by CDC. CDC lowered the recommended level in 2012 based on 97.5%ile. What will be the Lead Commission Meeting

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ramifications on MDE? Cliff Mitchell noted that this does not affect MDE's statute or regulations, it only affects clinicians. Paula Montgomery stated that MDE will continue to provide intervention at 10µg/dL. Ed Landon asked if the Federal guidelines will change for Public Housing. Cliff Mitchell noted that most children living in public housing are already being tested, most are covered by Medicaid. Paula Montgomery stated that both Section 8 and the Housing Authority follow Federal and State rules. Susan Kleinhammer noted that there is a practical dilemma: should owners of rental property do more? This may increase the number of notices of defects. Perhaps Notice of Defect should be issued for owner occupants?

Paula Montgomery noted that packets should be designed for owner occupied and rental properties. Cliff Mitchell noted that there would be regional resource centers (not local health departments) to help.

Ed Landon asked if a child has a BLL of 5-9, will anything happen automatically? Cliff Mitchell indicated that if a BLL was 7, the provider would talk with the parents about potential sources of lead, confirm the BLL, talk about diet, check siblings. If the parent reports that the house has peeling, flaking, chipping paint, provider will complete a NOD or contact the regional office if the property is rental and if the property is owner-occupied, ask when the house was built and recommend that the house be checked for lead. Cliff Mitchell thinks that testing will identify more areas with older housing that had not been previously identified because testing was low, but that more cases will also be identified in Baltimore City.

Paula Montgomery expressed concern about the increased number of children with 10µg/dL and higher that will trigger environmental investigation and increase visits and enforcement actions. Cliff Mitchell stated that the number may go from 300 to 450 or 500 cases per year. Pat McLaine suggested that Medicaid reimbursement for case management (CM) and environmental investigation (EI) for Maryland children with BLL of 10+µg/dL is needed. Criteria for reimbursement for EI would include the inspecting agency using a MDE certified lead inspector and having enforcement authority. Baltimore City is now trying to figure out how they will bill or if they can bill. No provider in MDE's lead program can bill. Local Health Departments can't bill for any clinical services under the ACA. It is unlikely that a private agency can provide EI services because they would not have enforcement authority. With regards to reimbursement for CM, Cliff Mitchell there is a code for billing that could be used. But billing for CM visits is the policy of Medicaid insurers and varies across insurers.

Cliff Mitchell indicated that there is an issue of schools – should there be a requirement for testing prior to entry to school, in K or 1st grade? Discussion was cut off due to lack of time remaining. The Chair asked Cliff Mitchell to please provide the Commission with written information concerning other questions/topics for which he would like comment and feedback.

Agency updates

Maryland Department of the Environment

Nothing more to report.

Maryland Department of Health and Mental Hygiene

Nothing more to report.

Maryland Department of Housing and Community Development

Ed Landon reported that resources for businesses would be available at www.mdhousing.org. Additional resources for businesses are available: <http://governor.maryland.gov/mdunites/>.

Maryland Insurance Administration

Nancy Egan reported that MIA is talking with businesses about claims. Some require police reports and MIA is asking for that to be waived. Nancy Egan will help if people have problems.

Baltimore City Department of Housing and Community Development

Ken Strong indicated that 25 people are going through Healthy Housing rating system training. The Department does not yet have the NOFA for the next round of HUD funding but would like support from the Commission for the application.

Baltimore City Health Department

BCHD asked Commissioners to welcome Camille Burke, new director for the Baltimore City Lead Program. The Commission looks forward to future opportunities to work together.

Office of Child Care

Nothing more to report.

Public Comment

Tameka Witherspoon reported that she had spoken at her local elementary school on Tuesday, met with local gardener and is looking to develop a flower garden in Dundalk to be focused on lead awareness. She has also contacted the Fourth of July parade organizers in Dundalk, to request a participation of a contingent for lead awareness. Ed Landon suggested that Tameka Witherspoon also contact legislators in Dundalk to request their support for participation in the parade.

A motion was made by Ed Landon to adjourn the meeting, seconded by Christina Peusch. The motion was approved unanimously and the meeting was adjourned at 11:37 AM.

