

TRUST Commission Minutes

Date: March 7, 2007
Time: 10:00 a.m. -3:00 p.m.
Location: 8800 East Chaparral Road, Scottsdale, Arizona

Purpose: The purpose of the TRUST Commission is to review overall strategic goals, objectives and activities for tobacco control in the state of Arizona and to serve as an advisor to the Director of the Arizona Department of Health Services as it pertains to tobacco control in the state of Arizona.

TRUST Commissioners Present: Linda Bailey, Shelly Hall, Nancy Hook, Kelly Hsu, Violet Mitchell-Enos, Babak Nayeri, Bill Pfeifer, Dana Russell, Dr. Ronald Spark

Arizona Department of Health Services (ADHS) Staff: Sarah Allen, Deputy Director Public Health; Sue Briody, ADHS TEPP; Beau Cordova, ADHS TEPP; Mary Ehlert, ADHS TEPP; Jean Robert Jeffry, ADHS TEPP; Teresa Koehler, ADHS Public Health; Anne Payne, ADHS TEPP; and Wayne Tormala, Bureau Chief ADHS TEPP

Public Attendees: Mary Gilles, Michelle Walsh, Sharhanda Woods, Pam Ferguson, Colby Brown, Alvaro Conez, Susan Williams

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| 10:10a.m. | <p>Call to Order</p> <p>Introduction of New ADHS TEPP Bureau Chief Wayne Tormala</p> <p>Introduction of New ADHS Public Health Deputy Director Sarah Allen</p> <p>Approval of Minutes</p> <p>Chairman's Report</p> <ul style="list-style-type: none"> ○ Review Agenda ○ Public Comment <p>Review of Agenda</p> <p>Other</p> | Bill Pfeifer | <ul style="list-style-type: none"> ▪ Quorum present ▪ Wayne Tormala gave a brief overview of his background. He currently works for the City of Phoenix and will join ADHS TEPP full time in July. ▪ Sarah Allen gave a brief overview of her background. She joined ADHS Public Health as Deputy Director on March 5. ▪ Motion: Bill Pfeifer made a motion to approve the minutes of the January 10, 2007 TRUST meeting. ▪ Approved: The minutes were approved with no corrections of changes. ▪ The agenda was reviewed. ▪ Public Comments will be heard at the end of the meeting; comments should be limited to two minutes per person. ▪ Dr. Spark requested a short executive session. ▪ Bill Pfeifer will call an executive session at the end of the meeting today. ▪ Dr. Spark requested and Bill Pfeifer provided information about how to get an item on an upcoming TRUST agenda. Per the bylaws, any TRUST member can submit items to the Chair for his/her consideration to add to the agenda twenty (20) days prior to the TRUST meetings. |

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| 10:15 a.m. | Proposition 201 Rules Comments | Bill Pfeifer | <ul style="list-style-type: none"> ▪ Linda Bailey has drafted a document the TRUST will edit and provide to Kathleen Phillips at ADHS Rules regarding implementation of Proposition 201. <p>Discussion:</p> <ul style="list-style-type: none"> ▪ Bill Pfeifer was very happy with ADHS draft of the rules thus far. ▪ The draft presented by Linda Bailey commends ADHS for its work on the implementation of Proposition 201 so far and endorses the proposed rules. ▪ Shelly Hall stated that she agreed with comments in the draft TRUST letter, but would also like the TRUST to comment on the distance from entry ways; she believes the distance should be further than fifteen (15) feet. ▪ Bill Pfeifer, stated the language in the bill did not indicate the footage due to the problems that other states have gone through. ADHS will determine the footage, and is accepting recommendations regarding the footage as part of the public hearing process. ▪ Pfeifer stated that ADHS will review research and consider the intent of the law when writing the rules. ▪ Dr. Spark stated there may be research not yet published that could have a bearing on the determined footage. ▪ Dr. Spark said a major concern of his he would like to address in the TRUST letter is the enforcement of the law. He is concerned that staff is trained and the program be adequately funded to enforce the law. ▪ Shelly Hall and Bill Pfeifer explained that funding is coming from the tax (.02/pack) and that ADHS is providing training to Counties that will do compliance checks. ▪ Bill Pfeifer stated that initially ADHS believes 80% of |

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| | | | <p>merchants will readily comply, 18% will not comply because they don't know but will comply when they do, and 2% just won't care and that population will need continual education.</p> <ul style="list-style-type: none"> ▪ Pfeifer said ADHS is approaching implementation in the right way; the money is being provided directly to the Counties for implementation. ▪ Nancy Hook stated the footage/distance is a big concern. ▪ Dr. Spark would like to see language in the rules about creating a 'clear path' into a business or a smoke free path into a business regardless of footage. He believes the overriding principle should be there should be a smoke free pathway to enter a place of business. ▪ Pfeifer agreed that regardless of the footage, people should not have to walk through a cloud of smoke to enter a building. ▪ Dr. Hsu stated there are many businesses she frequents that she knows will have a hard time complying with Proposition 201. ▪ Dana Russell inquired if the people that are doing the enforcement will be uniformly trained. ▪ Sarah Allen suggested ADHS Environmental can provide a presentation at the TRUST's next meeting. Mary Ehlert will arrange for someone from ADHS Environmental to attend the next TRUST meeting. ▪ Linda Bailey stated that the enforcement is well under development, but the rules must be completed and approved before the enforcement can be completed. <ul style="list-style-type: none"> ▪ Motion: Dr. Spark made a motion to include a comment in the draft letter about the footage/distance. It should be greater than fifteen (15) feet. ▪ Seconded: Linda Bailey seconded the motion. |

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| | | | <p>Discussion:</p> <ul style="list-style-type: none"> ▪ Bill Pfeifer said the overriding principle is that people should not have to pass through smoke to enter or exit a building. ▪ Sarah Allen suggested the language include suggestions of ventilation or mechanical devices for business to use to comply with the law. ▪ Linda Bailey adamantly disagrees and stated no mechanical device is a substitute for the absence of smoke. ▪ Dr. Nayeri asked the motion of Dr. Spark be restated. ▪ Dr. Spark restated: <ul style="list-style-type: none"> ▪ Motion: Dr. Spark made a motion to include a comment in the draft letter about the footage/distance. It should be greater than fifteen (15) feet. It should provide for a smoke free pathway into the establishment. ▪ Seconded: Linda Bailey seconded the motion. <p>Discussion:</p> <ul style="list-style-type: none"> ▪ Nancy Hook stated that until research can show otherwise, the TRUST should comment that fifteen (15) feet should be reconsidered and the distance should be greater. ▪ Dr. Hsu is concerned that a non-measurable smoke free pathway will lead to difficulties in enforcement. <ul style="list-style-type: none"> ▪ Approved: The revised motion was approved. Linda Bailey will incorporate comments approved by the TRUST for inclusion in the letter before the end of the meeting for the group to review. |

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| 11:30 a.m. - Noon | Salt River Pima-Maricopa Indian Community (SRPMIC) <i>Requested by TRUST</i> | Diane Enos, President (SRPMIC) | <ul style="list-style-type: none"> ▪ Diane Enos could not attend. Welcome remarks were made by Violet Mitchell-Enos. ▪ Violet Mitchell-Enos said there are twenty-one (21) Tribes in Arizona. ▪ She introduced Alvaro Conez from the SRPMIC to provide a brief overview of program. ▪ Dana Russell explained that there is a coalition of Indian contractors throughout the state funded by ADHS TEPP, via its contract with ITCA. ▪ Linda Bailey stated that one issue nationally, with Native populations, is that these populations don't use quit lines; is there an opportunity to collaborate? ▪ Alvaro Conez said SRPMIC does offer quit line information. ▪ Beau Cordova stated that ADHS TEPP has made an effort through Nikola Toledo and Joe Jose through the IHS and Phoenix Indian Medical Center, to offer the quit line information, and provide brochures with the quit line number. ▪ Linda Bailey would like more information on these existing programs. ▪ Violet Mitchell-Enos said not all homes in Native communities have telephones and can not call the quit line. There is limited access. |
| Noon – 12:15 p.m. | Nominating Committee Report | Dr. Nayeri | <ul style="list-style-type: none"> ▪ Dr. Nayeri stated that the Nominating Committee is planning to have a recommended slate of new commissioners at the next TRUST meeting to fill upcoming vacancies. ▪ Dr. Nayeri requested that TRUST members keep providing the Nominating Committee with ideas of nominees. ▪ The Nominating Committee would like additional time on the next TRUST agenda to discuss nominations. ▪ Dr. Nayeri reported that the Nominating Committee worked with Jeanette Shea-Ramirez, Mary Ehlert, Teresa Koehler and |

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| | | | <p>ADHS TEPP to develop a certificate for each TRUST Commissioner. It is modeled after the types of certificates the Governor provides when she appoints a position. The certificates will be signed by ADHS Director Susan Gerard and then distributed to TRUST Commissioners.</p> <ul style="list-style-type: none"> ▪ Dr. Spark suggested that attendance at meetings be reviewed for anyone nominated to the TRUST. ▪ Dr. Nayeri stated the committee is working on a process to have nominees' clearly state conflicts of interests prior to the Nominating Committee putting them forth as a nominee. |
| 11:55 a.m. – 12:30 p.m. | Lunch | Hosted by SRPMIC | |
| 12:20p.m. – 1: p.m. | TEPP Update | Mary Ehlert Byron Homer Dianna May | <ul style="list-style-type: none"> ▪ Mary Ehlert updated the TRUST that Cheryl Czappa is no longer the staff person from ADHS TEPP facilitating TRUST meetings. Ehlert expects a new staff person to be on board soon. ▪ Mary Ehlert reported that a new epidemiologist and evaluation contract manager, Gowri Shetty, will begin working in ADHS TEPP on April 2. ▪ Mary Ehlert stated that, a topic that bears further discussion during the TRUST orientation meeting is the State Rates for Commissioner's Travel. TRUST members must comply by these rates to be reimbursed for travel. ▪ Mary Ehlert stated that Conflict of Interest Training will be presented at the May 9, 2007 TRUST meeting. Kevin Ray of the Attorney General's Office will attend and discuss conflicts of interest. ▪ Mary Ehlert reported that the list of approved motions from the TRUST's last meeting were approved by Director Gerard with the exception of the Nominating Committee's motion to have Matt Madonna serve as an ex-officio member of the Commission. No such membership status exists in the |

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| | | | <p>documents that establish the TRUST Commission or in its bylaws, and therefore this will not be approved.</p> <ul style="list-style-type: none"> ▪ Mary Ehlert provided the update that the ADHS TEPP Statewide Tobacco Control Plan/Strategic Plan will be implemented by TTAC. ▪ Wayne Tormala reported he will have a meeting with TTAC soon to discuss scope of work and who, specifically, from TTAC will work with ADHS TEPP. Tormala suggested the TTAC consultant working on the Arizona plan attend the next TRUST meeting May 9, 2007. ▪ Bill Pfeifer stated that strategic planning is very important to the Commission; He is looking forward to working with TTAC. ▪ Linda Bailey enthusiastically offered that the staff of TTAC is great and well qualified to do this work. ▪ Shelly Hall suggested TTAC and ADHS TEPP and TRUST Commissioners review the strategic plan document dated December 2005 in the TRUST binders. ▪ Wayne Tormala stated he had read the plan Hall referenced, and rather than a strategic plan, he believes it moreover is a planning document for managing the ADHS TEPP office. ▪ Bill Pfeifer stated that a strategic plan will help the TRUST to advise ADHS TEPP on how to spend approximately twenty-five (25) million dollars annually. ▪ Mary Ehlert provided the marketing update. The currently running cessation campaign is on time, under budget and effective. ADHS TEPP has earned more than \$132,000 in free/earned media launching the campaign and calls to ASHLine are up sixty (60)% over last year. <ul style="list-style-type: none"> ▪ Byron Homer provided a review of the ADHS TEPP budget. ▪ He reported that ADHS TEPP has 18.6 million dollars in |

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| | | | <p>revenue and has expended 18.5 million this year but that total includes carry forward money.</p> <ul style="list-style-type: none"> ▪ Byron Homer stated that approximately six (6) to seven (7) million dollars were carried forward in 2007. ▪ Byron Homer explained that the JLBC report does not show all money that has been encumbered, therefore, the carry forward number from ADHS TEPP varies from the JLBC number. ▪ Dr. Spark would like to see the budget presented in easier to understand or “lay” terms at future meetings. ▪ Byron Homer reported that this quarter’s revenues are down significantly. He said upon the passage of the last large tobacco tax, revenue did not stabilize for two (2) years. ▪ Byron Homer reported that ADHS TEPP’s current budget fits into the CDC best practices model. ▪ Dr. Spark suggested ADHS TEPP use uniform language and uniform tracking for all budget processes. ▪ Bill Pfeifer reported that Arizona received an “A” in national report cards recently due to its following of the CDC’s best practices. ▪ Linda Bailey stated that new CDC Best Practices will be updated and is showing an estimated 20% increase; new best practices should be distributed by the end of 2007. ▪ Linda Bailey said she believes the new CDC’s best practices will include dollars for quit lines. <ul style="list-style-type: none"> ▪ Dianna May reported on the progress of the Free NRT Workgroup. She reported the group is renamed NRT+ as it is also considering new prescription medications. ▪ Linda Bailey stated that New Mexico required insurance companies to pay for NRT via a law passed administratively and it “breezed through”. She said Minnesota also has done |

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| | | | <p>this.</p> <ul style="list-style-type: none"> ▪ Dianna May reported the NRT+ group is currently reviewing these practices, using existing criteria. She said currently counties determine, based on criteria provided, who receives NRT vouchers and free NRT. ▪ Bill Pfeifer asked if the workgroup is addressing whether NRT will be covered by AHCCCS. ▪ Dianna May stated that discussions are taking place between ADHS TEPP and AHCCCS regarding this issue. <ul style="list-style-type: none"> ▪ Motion: Dr. Nayeri made a motion that Arizona should consider pursuing an administrative law such as the one passed in New Mexico and Minnesota that insurance plans be required to cover NRT and other therapies. ▪ Seconded: Linda Bailey seconded the motion. <p>Discussion:</p> <ul style="list-style-type: none"> ▪ There was no further discussion on the motion. <ul style="list-style-type: none"> ▪ Approved: The TRUST will consider pursuing an administrative law such as the one passed in New Mexico and Minnesota that insurance plans be required to cover NRT and other therapies. |

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| 1:45 p.m. – 1:50 | Public Commentary | Bill Pfeifer | <ul style="list-style-type: none"> ▪ Pam Ferguson from the American Heart Association commented that AHA has been missing from TRUST meetings. She has some people she would like to nominate for Commissioners’ positions. She will email Teresa Koehler with her suggested nominees. ▪ Susan Williams of Mohave County suggested the TRUST consider using the local projects for the education portion of the Proposition 201 implementation. |
| 1:50 p.m. – 2:00 p.m. | Wrap Up | Bill Pfeifer | <ul style="list-style-type: none"> ▪ The Commissioners reviewed the revised draft of the letter to ADHS Rules from the TRUST Commission. The final letter was approved. Bill Pfeifer stated that Linda Bailey would email the final letter to Teresa Koehler for distribution to ADHS Rules. Mary Ehlert will email the TRUST Commission to let them know the final letter has been sent to ADHS Rules. ▪ Future agenda items were discussed and included an update on the strategic planning process, and the nominating committee will be providing recommendations. ▪ Dr. Nayeri suggested that TRUST Commissioners add to their next agenda a discussion about meeting frequency. He would like the TRUST to consider a quarterly meeting schedule. ▪ Bill Pfeifer suggested that once new TRUST Commissioners are appointed the group should do a retreat with ADHS TEPP’s new staff to help with team building. ▪ Dr. Spark suggested the TRUST discuss developing a packet of information for potential nominees, to provide more information to nominees prior to their joining the Commission. ▪ The Commissioners discussed where the next meeting would be held and determined the meeting will be in Tucson. |

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| 2:03 p.m. | Adjourn | | <ul style="list-style-type: none"> ▪ Motion: Dr. Nayeri made a motion to adjourn the meeting. ▪ Seconded: Dr. Spark seconded the motion. ▪ Approved: The meeting was adjourned. |

- Notice to Public: The Commission may call a vote to hold an Executive Session, pursuant to A.R.S. Section 38-431.03 (A) (3).