

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** August 17, 2022

**SUBJECT:** Tobacco Policy for Henderson County Human Services Campus

**PRESENTER:** Steve Smith, Health Director

**ATTACHMENTS:**

1. NC Standard & Tailored Plan Tobacco-Free Policy Requirement, January 25, 2022
2. Tobacco Policy Presentation to Henderson County Board of Health, June 21, 2022

### **SUMMARY OF REQUEST:**

NC Medicaid has finalized a policy requirement for Medicaid providers to implement a tobacco-free policy for any portion of the property upon which it operates to include "...buildings, grounds and vehicles". The Henderson County Department of Public Health has confirmed that this expectation applies to the Human Services building and more broadly to the campus at large. NC Medicaid is requiring this new policy to be in effect as of December 1, 2022.

The issue has been discussed with the Henderson County Board of Health and the Henderson County Board of Social Services on June 21, 2022. Both boards endorsed and supported the requirements and asked that the matter be forwarded to the Henderson County Board of Commissioners for consideration and action. That action is required because current county policy (a combination of ordinance, order and policy) is not sufficient to meet the updated tobacco-free policy requirements from NC Medicaid.

### **BOARD ACTION REQUESTED:**

The Henderson County Board of Commissioners is requested to enact appropriate policy changes for the Henderson County Human Services campus consistent with the new tobacco-free policy requirements from NC Medicaid and to implement that policy no later than November 30, 2022.

### **Suggested Motion:**

*I move the Board approve the tobacco-free policy revisions necessary for the Henderson County Human Services campus to comply with NC Medicaid requirements.*



# North Carolina Standard & Tailored Plan Tobacco-Free Policy Requirement

*Tobacco-related policy requirements go into effect on Dec. 1, 2022.*

January 25, 2022

This replaces the bulletin published on Sept. 7, 2021, [North Carolina Standard & Tailored Plan Tobacco-Free Policy Requirement](#)

(<https://medicaid.ncdhhs.gov/blog/2021/09/07/north-carolina-standard-tailored-plan-tobacco-free-policy-requirement>)

Tobacco-related policy requirements for Standard Plans and Tailored Plans contracted medical, behavioral health, intellectual/developmental disabilities (I/DD), and traumatic brain injury (TBI) service providers will be effective Dec. 1, 2022. These requirements will apply to both Medicaid and state-funded service providers. The Department will work with the Standard Plans and Tailored Plans to include these requirements, as appropriate, in advance of Dec. 1, 2022.

Secondhand smoke is a well-documented danger to health. No one should be exposed to secondhand smoke when they access care or on the job. Research shows that most people who use tobacco want to quit. An environment free from triggers to use tobacco products is necessary to support service recipients whose goal is to become tobacco free. People with behavioral health disorders die disproportionately from tobacco-related illness. Among people who try to become tobacco free, only a small minority receive evidence-based care to assist them.

Therefore, starting Dec. 1, 2022, NC Medicaid Managed Care Standard plans and Tailored Plans will require contracted providers, not including retail pharmacies, and with the exception of the residential provider facilities noted below, to implement a tobacco-free policy covering any portion of the property on which the participating provider operates that is under its control as owner or lessee, to include buildings, grounds, and vehicles.

A tobacco-free policy includes a prohibition on smoking combustible tobacco products and the use of non-combustible tobacco products, including electronic, heated, and smokeless tobacco products, and/or nicotine products that are not approved by the FDA as tobacco treatment medications, as well as, prohibiting participating providers from purchasing, accepting as donations, and/or distributing tobacco products to the individuals they serve.

Intermediate care facilities for individuals with intellectual disabilities (ICF-IID) and I/DD residential services subject to the Home and Community Based Services (HCBS) Final Rule are exempt from this requirement. However, starting Dec. 1, 2022, the following policies shall be required in these settings:

1. Indoor use of tobacco products shall be prohibited in all provider owned/operated contracted settings.
2. For outdoor areas of campus, providers shall:
  - Ensure access to common outdoor space(s) that are free from exposure to tobacco use; and
  - Prohibit staff/employees from using tobacco products anywhere on campus.

As part of policy implementation, Standard Plan and Tailored Plan contracted service providers should integrate tobacco use treatment and support into all settings. Evidence-based tobacco use treatment is defined as a combination of FDA approved medications and counseling.

To support this policy change, the North Carolina Division of Public Health Tobacco Prevention and Control Branch partners with the Division of Mental Health/Developmental Disabilities/ Substance Abuse Services and the Division of Health Benefits to coordinate Breathe Easy NC: Becoming Tobacco Free (<https://breatheeasyinc.org/>).

Breathe Easy NC: Becoming Tobacco Free is a statewide initiative to support people with behavioral health conditions and I/DD/TBI in becoming tobacco free, by working with service providers to integrate tobacco use treatment and make campuses tobacco free.

- Standard Plan and Tailored plan contracted service providers should make use of this resource to ensure they have a transparent, well-organized, and evidence-based tobacco-free policy and tobacco use treatment implementation process.
- Making an organization's campus tobacco-free is a process that should involve all organization stakeholders: service recipients or clients, leadership, and staff. Implementing a tobacco-free policy can take 3-6 months, occasionally longer.
- Providers should integrate tobacco use treatment or referrals to tobacco use treatment resources, such as QuitlineNC, prior to policy implementation.

Providers can visit [BreatheEasyNC.org \(https://breathe easync.org/\)](https://breathe easync.org/) for technical assistance and training on tobacco-free policy implementation and evidence-based tobacco use treatment or contact their county's [regional or local tobacco control staff directly \(https://breathe easync.org/north-carolina-regions/\)](https://breathe easync.org/north-carolina-regions/). They can assist with every step of this process.

If you have any questions, check out these Frequently Asked Questions (FAQ) webpages from [Breathe Easy NC \(https://breathe easync.org/\)](https://breathe easync.org/):

- [NC Standard and Tailored Plan Tobacco-Free Requirement FAQ for Behavioral Health & Medical Provider Agencies \(https://breathe easync.org/faq-for-behavioral-health-medical-provider-agencies/\)](https://breathe easync.org/faq-for-behavioral-health-medical-provider-agencies/)
- [NC Standard and Tailored Plan Tobacco Related Policies FAQ for Organizations that Serve People with I/DD or TBI \(https://breathe easync.org/faq-for-organizations-idd-tbi/\)](https://breathe easync.org/faq-for-organizations-idd-tbi/)
- [NC Standard and Tailored Plan Tobacco-Free Requirement FAQ for Clients, Families and Staff \(https://breathe easync.org/faq-clients-families-staff/\)](https://breathe easync.org/faq-clients-families-staff/)

For additional questions, please contact Stephanie Gans at [stephanie.gans@dhhs.nc.gov](mailto:stephanie.gans@dhhs.nc.gov) (<mailto:mailto:stephanie.gans@dhhs.nc.gov>).

## This blog is related to:

[Bulletins](#)

[\(/blog?field\\_blog\\_category\\_target\\_id=290\)](/blog?field_blog_category_target_id=290)

[All Providers](#)

[\(/blog?field\\_blog\\_terms\\_target\\_id=289\)](/blog?field_blog_terms_target_id=289)

[Medicaid Managed Care](#)

[\(/blog?field\\_blog\\_terms\\_target\\_id=365\)](/blog?field_blog_terms_target_id=365)

[Behavioral Health Providers](#)

[\(/blog?field\\_blog\\_terms\\_target\\_id=325\)](/blog?field_blog_terms_target_id=325)

## Related Articles

[NC Medicaid Managed Care Provider Update - July 5, 2022 \(/blog/2022/06/07/nc-medicaid-managed-care-provider-update-july-5-2022\)](/blog/2022/06/07/nc-medicaid-managed-care-provider-update-july-5-2022)

[Skilled Nursing Facility Reimbursement Methodology Revisions \(/blog/2022/07/01/skilled-nursing-facility-reimbursement-methodology-revisions\)](/blog/2022/07/01/skilled-nursing-facility-reimbursement-methodology-revisions)

Henderson County Board of Health

June 21, 2022

# Tobacco Policy

## Human Services Campus

Steve Smith, Health Director



# Policy Timeline

---



**September 7, 1993**

County Smoking Ordinance

Applies to Buildings Only  
Smoking allowed only in designated areas.

County Manager can designate or remove smoking areas inside buildings

**September 20, 1993**

Health Department designated as non-smoking facility by County Manager David Thompson – in response to request for same from Health Director Tom Johnson.

**July 1, 1996**

1993 Smoking Ordinance instructs that all designated smoking areas must be outside or serviced by separate HVAC system if indoors as of 7/1/96.

**September 20, 2006**

Commissioners voted to make “nonsmoking” the entire Human Services Building, and the area within 50 linear feet of the exterior of the building, in response to request for same from DSS Board and BOH.

**October 15, 2006**

Henderson County Smoking ORDER  
(separate from Smoking Ordinance of 1993)

Prohibits tobacco smoking within any county building.

Current Ordinance (accessed online June 2022)

Still only addresses Smoking

Added language to include no smoking on “Grounds” unless in designated areas

County Manager still has authority to create or remove smoking areas

Changed smoking definition to include e-cigarettes

Updated statutory authority sources

# Current Status

Current policy, limitations and implications



# Henderson County Smoking Ordinance

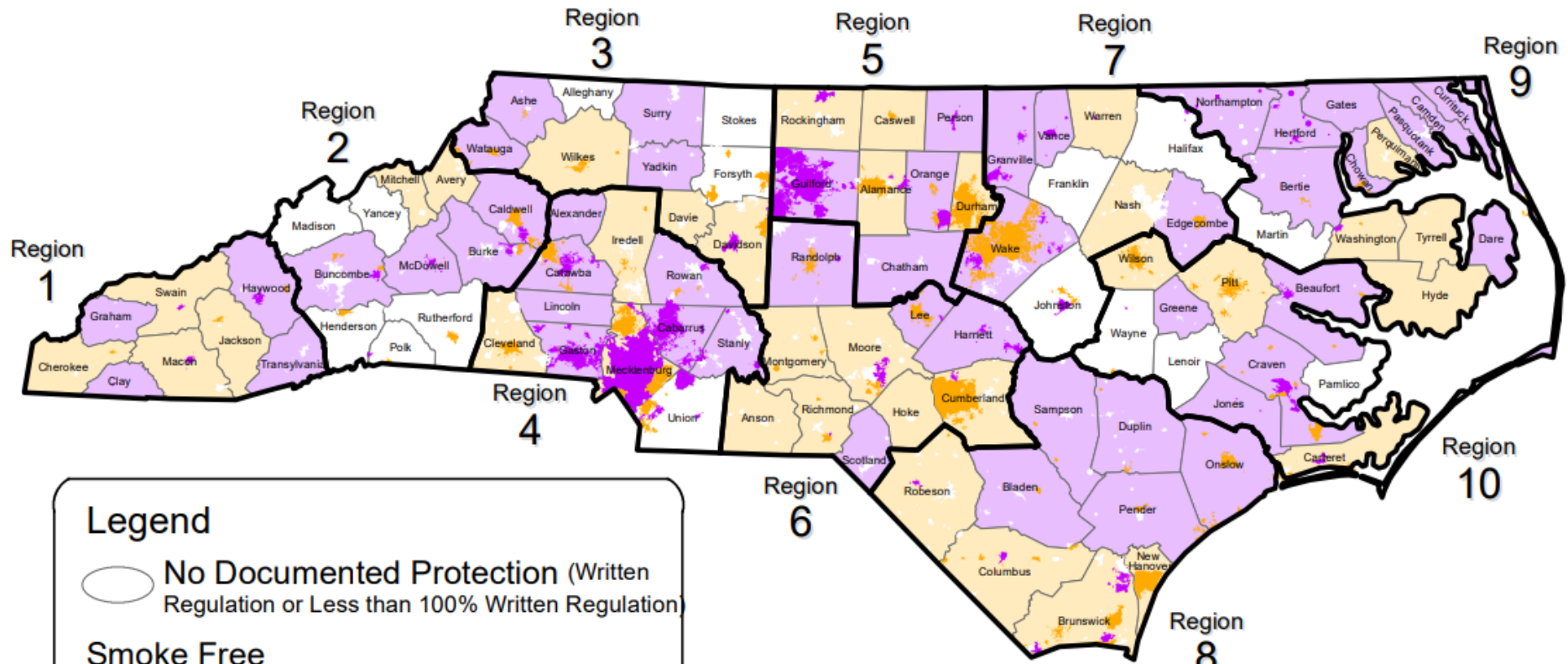
Accessed from County Website  
June 2022

- Policy applies to traditional tobacco products that generate smoke (lighted tobacco product).
- E-cigs were added in definitions.
- Smoking is still allowed in designated areas\*.
- County Manager can designate or remove smoking areas\*.








## Implications and Limitations

A county ordinance that allows designated smoking areas does not qualify as a smokefree policy. State-level maps and charts show Henderson County as not having a qualifying policy.

# NC Counties and Municipalities Government Buildings with 100% Smoke-free or Tobacco-free Regulations



**Legend**

-  No Documented Protection (Written Regulation or Less than 100% Written Regulation)
- Smoke Free**
-  Counties  Municipalities
- Tobacco Free**
-  Counties  Municipalities
-  NCALHD\* Regions  County Boundaries

# What has changed?

New accreditation standard, new Medicaid guidance for healthcare operations

# New Requirements

## NC Medicaid

### Tobacco-Free Policy Requirement

Starting December 1, 2022, Standard and Tailored Prepaid Health Plans will require contracted medical organizations (and others) to provide a

**100% Tobacco-Free campus.**

## NC Local Health Department Accreditation

Standard 30.9 has been updated to require a **100% Tobacco-Free Facilities** policy

Standard 30.10 has been updated to require that the Tobacco-Free policy required in 30.10 also prohibit use of all tobacco (NOT JUST SMOKING) within 50 ft of all health department facilities.

# What does 100% Tobacco-Free Mean?

- A tobacco-free policy applies to all of the property under the program's control (that you rent or own)
- All of that property (buildings, grounds, and vehicles) is tobacco-free
- Tobacco includes the use of combustible, electronic, heated, and smokeless tobacco products
- No designated areas for tobacco use indoors or outdoors
- Programs do not purchase, accept as donations, or distribute any tobacco products

# Not just policy: Treatment

NC Medicaid Standard & Tailored plans  
are *also* required to:

- Increase the use of tobacco use treatment medications & counseling in all settings
- Train care managers on brief interventions & standard of care tobacco use treatment
- Provide Quitline services
- Promote tobacco use treatment benefit utilization to beneficiaries

What would we like to see  
for Human Services  
campus?

Changes for Henderson County Smoking Ordinance & Policy for Department of  
Public Health/ Human Services Campus



# Proposal for Human Services Campus

## Smoking Ordinance

- Incorporate or endorse within ordinance
- Reconcile 3 variations of guidance: ordinance, order & policy
- Allow for department level policy that reflects same
- Utilize comprehensive definition for tobacco products, if not allow in public health policy
- Tobacco-free building and grounds, eliminate designated tobacco use area

## Department of Public Health Policy

- Policy consistent with ordinance revisions
- Policy to include any necessary elements that the Commissioners choose not to incorporate within ordinance
- Effective as soon as possible
- Evaluate need for mirror or joint policy
- Must be in place prior to December 1, 2022, earlier would be preferable for accreditation

# Big Picture

Advocacy for future Board of Health rule for tobacco-free policy

# NC Countywide 100% Tobacco Free or Smoke Free Written Regulations



		Local Health Dept. Region	Government Buildings	Government Vehicles	Government Grounds	Gov't-Owned Parks Only	Recreation Areas	Public Places
AVERY	2	☑	☑	⊗	⊗	⊗	⊗	⊗
BUNCOMBE	2	☑	☑	☑	☑	☑	☑	⊗
BURKE	2	☑	☑	☑	☑	☑	☑	⊗
CALDWELL	2	☑	☑	☑	☑	☑	☑	⊗
HAYWOOD	1	☑	☑	☑	☑	☑	☑	⊗
HENDERSON	2	⊗	⊗	⊗	⊗	⊗	⊗	⊗
MADISON	2	⊗	⊗	⊗	⊗	⊗	⊗	⊗
MCDOWELL	2	☑	⊗	⊗	☑	☑	⊗	⊗
MITCHELL	2	☑	☑	⊗	⊗	⊗	⊗	⊗
POLK	2	⊗	☑	⊗	⊗	⊗	⊗	⊗
RUTHERFORD	2	⊗	⊗	⊗	⊗	⊗	⊗	⊗
TRANSYLVANIA	1	☑	⊗	☑	☑	⊗	⊗	⊗
YANCEY	2	⊗	⊗	⊗	⊗	⊗	⊗	⊗
<b>TOTAL # OF PLACES STATEWIDE</b>		84	64	25	33	36	4	

## LEGEND:

	100% Tobacco Free Policy
	100% Smoke Free Policy
	No Written Regulation or Less than 100% Written Regulation

# Long Term Tobacco Policy Objectives

- Henderson County Board of Health rule for tobacco-free policy for all government buildings and grounds in the county
- Advantage of rule applying to municipalities/uniform approach
- Would utilize comprehensive definition of tobacco products
- Specifically envisioned and defined as necessary due to emergence of e-cigarettes and other vaping type products which have been targeted to youth
- Requires Commissioners' endorsement

# Questions