

MINUTES

Tompkins County Board of Health

April 24, 2018

12:00 Noon

Rice Conference Room

Present: Shawna Black; David Evelyn, MD, MPH; Edward Koppel, MD; Michael McLaughlin, Jr.; Susan Merkel; Janet Morgan, PhD; and Christina Moylan, PhD

Staff: Karen Bishop, Director of Community Health; Liz Cameron, Director of Environmental Health; Brenda Grinnell Crosby, Public Health Administrator; Samantha Hillson, Director of Health Promotion Program; William Klepack, MD, Medical Director; Frank Kruppa, Public Health Director; Deb Thomas, Director of Children with Special Care Needs; Jonathan Wood, County Attorney; and Shelley Comisi, Administrative Assistant II

Excused: James Macmillan, MD, President, Board of Health Member

Guests: Cris Donovan, Community Mental Health Services Board; Michelle Hall, Director of Women, Infants and Children Program; and Skip Parr, Senior Public Health Sanitarian

Call to Order: Mr. McLaughlin called the regular meeting of the Board of Health (BOH) to order at 12:01 p.m.

Privilege of the Floor: No one was present for Privilege of the Floor.

Approval of March 27, 2018 Minutes: Dr. Morgan moved to approve the minutes of the March 27, 2018 meeting as written; seconded by Ms. Merkel. The vote to approve the minutes as written: Ayes – 6; Abstention – 1 (Dr. Evelyn).

Financial Summary: Ms. Grinnell Crosby referred to the two financial reports in the packet. The County's Finance Department continues to work at closing the books for 2017. As of yesterday, it appears the Public Health books are finished. After a rough calculation of rollover funds, Ms. Grinnell Crosby estimated approximately \$96,000 will be available for project requests at the discretion of the Public Health Director and Legislature. As noted in the March narrative, there will be budget adjustments for the recently approved white collar agreement and management salaries. The first quarter state aid claim is due in May.

Administration Report: Mr. Kruppa explained there was no written report since he had been away from the office for a period of time. He introduced Cris Donovan who was attending the meeting as the representative of the Community Mental Health Services Board (CSB).

Health Promotion Program Report: Ms. Hillson announced:

- The Streets Alive! Ithaca event is occurring Sunday, April 29th from 1:00 to 5:00 p.m. along Cayuga Street. Staff from the Tompkins County Health Department (TCHD) will be located at Tompkins/Cayuga Streets to provide information and answer questions about water and lead testing. The water program will also conduct its annual drinking water taste test. Participants can sample water from seven municipal water facilities and vote on the best tasting water.
- Ithaca's bike sharing program will be launched officially on Sunday, April 29th. The LimeBikes are easily recognizable by their yellow and green color combination.
- As part of the regulations from the U. S. Department of Housing and Urban Development (HUD), the properties managed by the Ithaca Housing Authority are going smoke free. There will be a celebration event at Titus Towers on Tuesday, May 1st.

Medical Director's Report: Dr. Klepack reported:

- An all day conference focusing on opioid issues will be held at Binghamton University on May 11th. Speakers will be discussing community responses to the opioid crisis. Dr. Klepack will provide contact information to anyone interested in attending.
- Influenza activity is ticking down. Sadly, there has been another pediatric death in New York. This year there have been six pediatric deaths which is more than the previous year.
- Toronto has opened its third supervised injection facility (SIF) with plans for a fourth. The New York State Police Department recently visited Toronto as part of New York City's efforts to study and evaluate SIFs. Mayor de Blasio will be making a report in the next week or two.

Immunization Discussion: Mr. McLaughlin referred to the section on immunizations in Dr. Klepack's written report and initiated a discussion on the topic. In response to questions, Dr. Klepack stated there is a constant need to proactively speak about immunizations. It has been a successful health intervention with minimal reactions or side effects. The standard that immunizations must meet in terms of frequency of adverse affects is stringent. The rates are low because there is such a high standard. People who are opposed to immunizations based on their fears or concerns have put forward information on the internet so there is opportunity for people to be misled. They pose arguments as scientifically founded when in fact they are not.

Although immunizations are required for school admission, Dr. Klepack mentioned the two exemptions are religious and medical. Lawyers who are opposed to immunizations use their skills to help people circumvent the immunization requirement. Mr. Kruppa added there are groups reaching out to state elected officials trying to influence state law to broaden the exemption by including a philosophical exemption. Public health advocates believe a medical exemption should be the only exemption. There needs to be a conversation around this issue.

Mr. Kruppa mentioned there are people who question immunization in our own community. People hear information from the media, the internet or from their friends and they have concerns. The people who are actively working against vaccinations are not likely to change their minds. Our role as public health officials is to make a strong message readily available and to reach out to reassure the people who are on the fence. Due to the success of the vaccination program and public health efforts, Ms. Bishop pointed out vaccine preventable diseases are not commonly seen which tends to work against our message.

Division for Community Health Report: Ms. Bishop reported:

- The Immunization Coalition is sponsoring a screening of the film, *Hilleman: A Perilous Quest to Save the World's Children*, at Cinemapolis Theater on May 8th. The event is free and open to the public. There will be a panel discussion following the screening. Dr. Klepack is among the experts who will be participating on the panel. She distributed a flyer with information about the showing (Attachment 1).
- Staff members are preparing for a Medical Countermeasure Point of Dispensing (POD) exercise on April 26th to test our emergency preparedness response to a vaccine preventable disease.

Discussion regarding the Communicable Disease reports:

- Gonorrhea – Ms. Merkel noted there was an increase in the number of cases. Dr. Klepack recently spoke to Melissa Gatch, Supervising Community Health Nurse, who did not know of any special issues to account for the increase.
- Lyme Disease – Dr. Klepack commented the number of Lyme disease cases was higher than anticipated. It cannot be ascertained whether the acquisition was local or travel related since that information is no longer collected. A short time ago, Ms. Merkel read an article in a local paper about Lyme disease being resistant to antibiotics. Dr. Klepack explained the statement in the article was in regard to Lyme disease potentially being resistant to amoxicillin; however, doxycycline tends to be used more frequently for treatment. He appreciated the article mentioning the need for individuals to conduct a total body check every day. It is a preventative measure that is often overlooked but is quite essential.

Children with Special Care Needs Report: Ms. Thomas had nothing to add to the written report.

County Attorney's Report: Mr. Wood announced he will bring County Administrator Jason Molino to visit the BOH next month.

Environmental Health Report: Ms. Cameron had nothing to add to the written report.

Report on the Community Services Board (CSB) Meeting: Dr. Moylan attended the April 2nd meeting. She reported on the following topics that were discussed at the meeting:

- Wait times to see providers at the Mental Health clinics had increased partly due to staffing shortages. Other staff members increased their caseloads to fill the gap. It was a temporary blip that is leveling out since staff members have returned to work.
- The selection of TenEleven as the electronic health record (EHR) vendor was approved. Staff is excited the new system will free up a 0.5 FTE to work in another area.
- Direct care worker wages is a complex issue that deserves attention from the CSB. One of the concerns involves Medicaid's reimbursement rates. The funding model being utilized is losing money which is not sustainable moving forward. Other concerns from the perspective of direct care workers are low wages and stress from the requirements of the job. There is significant staff turnover and burnout. During the CSB meeting, Ms. Black pointed out it is not simply a matter of giving workers a pay raise. Some of the workers are dependent upon other forms of assistance which they can lose if they go over a certain wage level. The CSB decided to form an ad hoc committee headed by Ms. Donovan to discuss possible actions to address this issue.
- The CSB expressed interest in having access to more data on a regular basis similar to the division reports the BOH receives. CSB members felt an in-depth discussion related to statistics and information explaining projects and challenges would be beneficial.

Main points from a lengthy discussion about mental health services:

- As Public Health and Mental Health departments look to work together on some crossover issues, Mr. McLaughlin asked whether Public Health could provide resources to address the staffing shortage at Mental Health. Mr. Kruppa explained psychiatric services require a specific skill set and licensure that is different from the services provided by Public Health staff; however, there are some other opportunities to work together. Currently, there is a search for a billing coordinator to serve both departments. In addition, a few nurses and support staff from Mental Health will be participating in the POD exercise to learn how to work together in an emergent event. Those crossovers are occurring whenever it makes sense.
- Ms. Merkel inquired about the increasing demand for mental health services. Mr. Kruppa mentioned one of our main goals is to reduce stigma around mental health. Demand is definitely increasing. At the same time there is a shortage of healthcare providers which presents a community-wide challenge.
- At the CSB meeting, Dr. Moylan also heard about an issue with client no show rates. In addressing the issue, Mr. Kruppa indicated there is both the care for the client versus the organizational sustainability piece. If the client is discharged for not showing up to an appointment, there is concern the client may not have anywhere else to go. From a sustainability standpoint, the no show rate is a significant issue that consumes resources. Staff spends the appointment time trying to find out why the client missed the appointment. That effort is not reimbursed at the same level the appointment would have been.
- According to Dr. Evelyn, another piece of the equation is New York State's effort to move mental health patients out of institutions by defunding beds in state facilities. Suddenly people who might have been in residential settings are back in the community without programs to support them.

Resolution #EH-ENF-17-0049 – Pete’s Grocery & Deli, C-Ithaca, Violation of BOH Orders #EH-ENF-16-0005 and Violation of Adolescent Tobacco Use Prevention ACT (ATUPA):

Ms. Cameron explained Pete’s Grocery & Deli was in violation of selling tobacco to a minor in 2016 and again in December 2017. The New York State system works by assigning points for each violation. In this case, there were two tobacco sales to minors during the aforementioned period of time which generated more than three points on the retailer’s record. A total of three or more points results in the suspension of the retailer’s tobacco and lottery licenses for six months. This has created considerable concern for the owner. As described in the resolution, he has taken some corrective measures to prevent future sales. Upon adoption of this resolution, TCHD staff will be entering data into the state’s system and the New York State Department of Health (NYSDOH) will be recommending the retailer’s licenses be suspended for six months.

Dr. Morgan moved to accept the resolution as written; seconded by Dr. Koppel.

Questions from Board Members:

- Since the age to purchase tobacco in Tompkins County changed from eighteen in 2016 to twenty-one in 2017, Ms. Black inquired about the age of the person in the 2017 inspection. Ms. Cameron replied the individual was under the age of eighteen. TCHD staff currently handles enforcement under NYS laws and handles Tompkins County regulations on an education and complaint basis.
- To Ms. Merkel’s question about the possibility of the retailer receiving probation, Ms. Cameron stated there is language in the resolution concerning a probation period. TCHD is generally supportive; however, the State decides the matter. If the State allows a probation period, the Stipulation Agreement sets forth the consequences for a violation of the ATUPA law while under probation. The retailer’s license would be permanently revoked by the State. In addition, TCHD would assess a fine of \$2,500.
- Dr. Koppel wondered whether the owner understands he may lose his license. According to Ms. Cameron, the owner is aware and concerned about the financial consequences of losing his licenses. He is taking steps to try to prevent that outcome. After the violation in 2017, the owner purchased a scanner and started certifying his employees.
- Dr. Evelyn asked if there are any follow-up visits to monitor a retailer after a violation occurs. As a result of a violation, Ms. Cameron said TCHD is required to complete three inspections a year rather than one a year.
- Mr. Parr responded to questions about the penalty. There is a minimum and a maximum amount for fines. A first time violation carries a fine of \$300 – \$1000; a second violation ranges from \$500 – \$1500. The maximum is \$2,500 following the first two violations. Upon adoption of the resolution by the BOH, Pete’s Grocery & Deli will pay a fine of \$500 plus \$50 for this second violation. It rests with the State to decide on probation or suspension of the retailer’s licenses. Regardless of the State’s decision, TCHD staff will conduct compliance checks to make sure the retailer is not selling tobacco products.

The vote in favor of the resolution, as written, was unanimous.

Resolution #EH-ENF-18-0009 – Casper’s, V-Groton, Violations of BOH Orders #EH-ENF-17-0001 and Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron

reported the owner of Casper's was found to be operating without a permit in 2017 and again this year. The case summary shows TCHD staff went to considerable effort trying to obtain payment for required fees. The owner recently paid the permit fee and penalty in full so he is up-to-date in terms of payment. These were all administrative issues rather than public health violations. Since he paid the outstanding fees, he will not have to cease operations. The result of this resolution: TCHD will issue a short-term permit valid through June 15, 2018 and the owner will need to pay the current penalty of \$500 by June 15, 2018 or he will lose his permit again. If the owner does not pay on time, then the restaurant will be placarded.

Mr. Parr added the \$500 penalty was assessed due to the significant amount of time TCHD staff invested in this matter and also to practically pay for the hearing officer.

Dr. Morgan moved to accept the resolution as written; seconded by Ms. Merkel; and carried unanimously.

Wawak Request for refund of Onsite Wastewater Treatment System (OWTS) Application Fees, Proposed Pineridge Cottages, T-Dryden: Ms. Cameron stated Richard Wawak had submitted applications for sewage permits and plan review fees in 2017. Eventually it was determined the project could not move forward due to insufficient water yield. Mr. Wawak is requesting a refund of the fees for four sewage system permits that were never issued. He is not asking for a refund of the plan review fees. Staff supports granting his request because they feel the work they completed was covered by the plan review fees.

Mr. McLaughlin asked how this refund request differs from the refund request brought forward during last month's Board meeting. As Ms. Cameron explained, the previous request was from an owner who was asking for a full refund of a project requiring a significant amount of work from staff. In this case, the owner is asking for a partial refund for a project that was straightforward so it did not require the same level of work.

Dr. Koppel moved to approve Richard Wawak's request for refund of the onsite wastewater treatment system permit fees for the proposed Pineridge Cottages project in the Town of Dryden; seconded by Dr. Moylan; and carried unanimously.

Adjournment: At 12:55 p.m. Mr. McLaughlin adjourned the meeting.