

MINUTES

Tompkins County Board of Health

August 28, 2018

12:00 Noon

Rice Conference Room

Present: Edward Koppel, MD; James Macmillan, MD, President; 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; and Shelley Comisi, Administrative Assistant II

Excused: Shawna Black, Board of Health Member; David Evelyn, MD, MPH, Board of Health Member; and Jonathan Wood, County Attorney

Guests: Skip Parr, Senior Public Health Sanitarian; and Khaki Wunderlich, Chair of the Community Mental Health Services Board

Call to Order: Dr. Macmillan called the regular meeting of the Board of Health (BOH) to order at 12:05 p.m.

Addition to the Agenda: Prior to the meeting, an Environmental Health (EH) memo about a holding tank permit application fee waiver request (Attachment 1) was distributed. Mr. Kruppa asked for the item to be added to the agenda.

Introduction: Mr. Kruppa introduced Khaki Wunderlich, Chair of the Community Mental Health Services Board (CSB).

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

Approval of June 26, 2018 Minutes: Dr. Morgan moved to approve the minutes of the June 26, 2018 meeting as written; seconded by Dr. Moylan. The vote to approve the minutes as written: Ayes – 4; Abstention – 2 (Mr. McLaughlin and Ms. Merkel).

Financial Summary: Ms. Grinnell Crosby referenced two items in the financial report: (1) the second quarter state aid claim has been submitted since printing her initial report and (2) the revised summary of the department's 2019 budget request is included.

After a discussion with the County Administrator, Mr. Kruppa explained two Over Target Requests (OTRs) were added to the budget. The first OTR will use rollover funds to start replacement of our fleet of vehicles. The County has a green fleet initiative so this year the funds will purchase five electric vehicles and another five vehicles in 2019. The remaining five or six cars in the fleet will be evaluated for 2020. This year, \$60,000 in rollover funds have been allocated to install 16 charging stations. The second OTR is a countywide OTR to assist departments who do not have funds to purchase equipment for employees who have needs identified through ergonomic assessments. It will be managed through our Health and Safety program.

Administration Report: Mr. Kruppa announced the terms of office for Board members Dr. Macmillan and Dr. Evelyn will expire at the end of the year. He will reach out to both members to ascertain their interest in continuing to serve.

Health Promotion Program Report: Ms. Hillson highlighted the Kresge Foundation's Emerging Leaders in Public Health initiative mentioned in the report. In June, she and Mr. Kruppa were selected to participate. The purpose of the program is to encourage local health departments to reimagine their role in the community. Mr. Kruppa explained the Kresge Foundation wants to shore up an eroding public health infrastructure caused by the privatization of direct services and the reduction of available resources. Looking to create a vision for the future, our proposed new role is to transform into a population health strategist to align community resources that will positively affect social determinants of health. The \$125,000 grant will be used for leadership development and activities. The Community Health Assessment (CHA) and the Community Health Improvement Plan (CHIP) will be integrated in the process.

With a focus on social determinants of health, Dr. Moylan asked whether the focus will be on traditional public health issues or broader issues like poverty and housing. Mr. Kruppa replied our hope is to position the department to be the place where conversations on broader issues such as housing are centered. As a result, resources can be targeted toward the community's priorities for increased impact. Dr. Moylan encouraged the department to keep the three colleges involved because of their impact on those issues. As part of that college connection, Ms. Hillson commented TCHD is cultivating an academic partnership with the Cornell MPH program. Two of the fall courses will work on initial data analysis of the CHA.

After researching programs to address the drug problem in the county, Mr. McLaughlin believes that educating young people is a positive solution. He wondered whether the Tompkins County Health Department (TCHD) or the Mental Health Department would be the source for those efforts. Mr. Kruppa noted there are numerous activities going on in the community around the opioid epidemic. Although there is a capacity issue with both departments, TCHD is open to reviewing suggestions.

Medical Director's Report: Dr. Klepack had nothing to add to his written report. He mentioned Deputy Attorney General Rod Rosenstein recently wrote an op-ed piece in *The New York Times* expressing the Department of Justice's opposition to supervised injection facilities.

Division for Community Health Report: Ms. Bishop reported there have been 62 rabies post exposure cases in the month of August. It is the highest number of people her nursing staff has treated in one month. The previous record was in the range of 45 to 48 people. All exposures have been related to bats. This is typically the month during the year when most bat encounters occur.

Mr. Parr shared information during the discussion about bats and treatment:

- Last year 150 bats were shipped to the laboratory. Statistically speaking 2-5% are positive. This year there have been 3 or 4 bats testing positive.
- More people are aware of the importance of capturing the bat due to the department's efforts to inform people through Facebook and Twitter.
- The City of Ithaca is a primary area for bat encounters. The department is planning to conduct more outreach. EH staff member Cynthia Mosher will be speaking to landlords about bat exclusion (identifying and sealing off points of entry) to reach those owners who are having a problem with bats in their housing units.
- In New York State, a bat in a sleeping person's room is considered an exposure. If the bat is captured, the decision about treatment can wait the 24-hour period for test results to return. If the bat is not captured, the recommendation is to begin treatment since a bite can go undetected.

Rabies post exposure treatments are expensive. TCHD staff noted:

- The cost to vaccinate an individual varies on the person's weight – approximately \$5,000 and up.
- Another cost to consider is staff time. EH has one full-time employee working solely on the rabies program for two months out of the year and the nursing staff in Community Health Services (CHS) administers the rabies vaccinations.
- The rabies line in the budget has increased significantly.

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

County Attorney's Report: Mr. Wood was not present for the meeting.

Environmental Health Report: With two employees currently out of the office, Ms. Cameron said the remaining EH staff members are attempting to manage the backlog of work.

Report on the Community Services Board (CSB) Meeting: Dr. Macmillan attended the July 2nd meeting of the Community Services Board. It was a busy meeting with several presentations. CSB members authorized jail funds and discussed suicide prevention.

Resolution #EH-ENF-18-0021 – Jimmy John's Gourmet Sandwiches, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron noted the facility was operating without a valid permit.

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

Resolution #EH-ENF-18-0022 – Ko Ko Restaurant, C-Ithaca, Violations of BOH Orders #EH-ENF-18-0012 and Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron reported Ko Ko Restaurant has been in operation a short period of time. During those months, there have been several violations as the owner/operator and staff are having difficulties complying with the basic requirements. EH staff believes food safety training would be beneficial so the requirement for two food service workers to attend and complete the appropriate courses was included.

Since this resolution was originally on the July BOH agenda, Ms. Cameron requested changing the due dates to *October 15, 2018* to allow the owner additional time to pay the penalty and submit the food safety training certificates.

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

Resolution #EH-ENF-18-0023 – Nicharee Traditional Thai, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron briefly summarized there have been repeat food temperature violations at the facility. EH staff does not expect the permit to be renewed on September 30th since the owner/operator is opening a restaurant in another county.

Dr. Macmillan moved to accept the resolution as written; seconded by Mr. McLaughlin; and carried unanimously.

Resolution #EH-ENF-18-0024 – 7-Eleven Store #35255H, C-Ithaca, Violation of BOH Orders #EH-ENF-17-0002 and Violation of Adolescent Tobacco Use Prevention Act (ATUPA): Ms. Cameron explained the 7-Eleven Store had a previous violation that went to a hearing. On August 9, 2018, a violation of BOH Orders occurred when cigarettes were sold to a minor. Since the clerk who sold the cigarettes was able to provide a certificate of training, two points were assigned to the store. Another violation would result in the suspension of the store's lottery and tobacco license for six months.

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

Resolution #EH-ENF-15-0007, Revision #6 – Village of Dryden Public Water System, V-Dryden, Time Table of Compliance Extension Request (Water): Ms. Cameron reported the Village of Dryden has been addressing the issue of arsenic in its water supply. The Village and project manager are requesting an additional month to complete the new Ferguson Road water storage tank. EH staff supports their request to revise the date to September 30, 2018.

Mr. McLaughlin moved to approve the request to revise the Village of Dryden's Time Table of Compliance with the proposed date of September 30, 2018; seconded by Dr. Macmillan; and carried unanimously.

Request for Holding Tank Permit Application Fee Waiver 2790 Danby Road, Danby: Ms. Cameron stated EH staff has been working with Don Kelly to identify his options for installing a sewage system on his property. Due to site constraints and an existing sewage system in an unknown location, EH staff referred him to an engineer. After Mr. Kelly indicated there were financial concerns, EH staff suggested an alternative plan that would enable him to use a holding tank for one year if he meets the conditions outlined in the memo (Attachment 1).

Dr. Morgan moved to approve the request to waive the holding tank permit application fee for 2790 Danby Road; seconded by Dr. Macmillan; and carried unanimously.

Background on the six policies before the Board: Ms. Bishop briefed the Board on the New York State Department of Health (NYSDOH) site survey of our Diagnostic and Treatment Center (D&TC). It was conducted on July 25, 2018. Overall the site survey was favorable; however, four deficiencies were cited:

- elapsed credentialing and reappointment of Dr. Klepack as the Medical Director,
- lack of four required written policies and procedures,
- lapse in documentation of required annual training for the Medical Director and Tuberculosis Consultant,
- sharps containers in use without 30-day expiration date labels on them and partially filled sharps containers stored in a clean utility room.

Ms. Bishop wrote a written plan of correction that the NYSDOH reviewers found acceptable.

Approval of *Human Trafficking Policy & Procedure*: Ms. Bishop proposed revising the policy title to *Identifying and Treating Human Trafficking Victims Policy & Procedure*. Her staff has completed training and will utilize those skills in the clinic setting.

Dr. Morgan moved to approve the policy with the revised title; seconded by Dr. Macmillan; and carried unanimously.

Approval of *Informed Consent Policy & Procedure*: Ms. Bishop pointed out a separate policy and procedure document for informed consent did not previously exist because it was embedded in our delivery of services. This policy outlines the process for providing the necessary information so the client can agree or disagree with the treatment plan.

Ms. Merkel moved to approve the policy, as written; seconded by Dr. Koppel; and carried unanimously.

Approval of *Surprise Bill Policy & Procedure*: Ms. Bishop stated this policy was written to ensure consumers are protected against unknowingly receiving a bill for clinic services not covered by health insurance plans.

Dr. Morgan moved to approve the policy, as written; seconded by Ms. Merkel; and carried unanimously.

Approval of *Referral for Services Not Available Policy & Procedure*: Ms. Bishop said this policy describes the process for referring clients to services not provided at the clinic and provides some examples of those services.

Dr. Moylan moved to approve the policy, as written; seconded by Ms. Merkel; and carried unanimously.

Approval of *Clinic Infection Control Policy & Procedure*: Ms. Bishop noted there are changes to this existing policy. She inserted language about (1) labeling sharps containers upon initial use with a 30-day

expiration label and (2) moving expired or partially filled sharps containers to our locked soiled closet for storage.

Dr. Morgan recommended an edit to the policy. On page 2, section B, sentence 7, she suggested replacing the word “should” with “must” so the sentence reads, “Clinic staff with open wounds or exudative lesions on their hands **must** wear appropriate wound dressings and or gloves when having direct patient contact.”

Dr. Morgan moved to approve the policy, as edited; seconded by Dr. Macmillan; and carried unanimously.

Approval of Credentialing for Licensed Health Care Providers Policy & Procedure: Ms. Bishop pointed out the changes to this existing policy are highlighted in yellow throughout the document. The policy addresses the reappointment of the Medical Director and the credentialing of the Medical Director and the Tuberculosis Consultant through the Cayuga Medical Center (CMC). Ms. Bishop attested that she received a written letter from CMC credentialing both physicians immediately after the site survey. As Director of Community Health, Ms. Bishop also must attest that both physicians have met the annual training requirements for the D&TC as specified in the policy.

Dr. Koppel moved to approve the policy, as written; seconded by Dr. Macmillan; and carried unanimously.

Approval to reappoint William Klepack, MD, to a two-year position (2018-2020) as Tompkins County Health Department Medical Director: As part of the regulation for

operating a D&TC, Mr. Kruppa requested approval to reappoint Dr. Klepack as its Medical Director. Dr. Klepack is willing to serve another two years.

Dr. Morgan moved to approve the reappointment of Dr. Klepack as TCHD Medical Director for the D&TC; seconded by Ms. Merkel; and carried unanimously.

Tompkins County Legislature’s Proposed Resolution in Support of Marijuana Legalization in New York State: Mr. Kruppa provided background information on the proposed resolution supporting marijuana legalization in New York State. Three weeks ago, Ms. Black requested his opinion on the resolution in advance of the Health and Human Services (HHS) Committee meeting on September 10th. As advisory boards to the Legislature, the BOH and the CSB should have the opportunity to consider this issue before it goes to the Legislature. At its meeting last night, the CSB did not take a position because it is a complex issue requiring more time to analyze. Ms. Wunderlich added the CSB would like the HHS Committee to table this resolution to allow more time for study and discussion. If not, a joint letter, written on behalf of the two boards, could be directed to the Legislature reminding them of our advisory roles.

Mr. Kruppa informed members the proposed Marijuana Regulation and Taxation Act (MRTA) would legalize and tax marijuana in the state. The New York State Department of Health issued a report, originally commissioned by the Governor, that supports legalization. This resolution was drafted by the Tompkins County Legislature in support of the MRTA. It is up to the BOH to decide whether to make a statement or recommendation.

There was a lengthy discussion to allow Board members to express their thoughts on the subject. It was agreed the issue is complicated involving physical health considerations and a variety of social issues that would impact the community. Concern was expressed about the short amount of time

available to research and deliberate on the resolution and the language in the MRTA bill. Board members recommended organizing a subcommittee comprised of members from the two advisory boards to engage in a discussion before taking a position on the issue.

In summary, Mr. Kruppa stated he will reach out to the Legislators on the HHS Committee and the County Administrator to share the concerns of the two boards. If the resolution remains on the September 10th HHS agenda, then Ms. Wunderlich and Dr. Macmillan can draft a letter to the Legislators about the process and the time needed to advise on extremely complex issues. In addition, Mr. Kruppa will send an email to Board members containing links for additional information about the MRTA bill.

Adjournment: At 1:40 p.m. Dr. Macmillan adjourned the meeting.