

MINUTES
Tompkins County Board of Health
June 12, 2012
12:00 Noon
Rice Conference Room

Present: Brooke Greenhouse; James Macmillan, MD, President; Michael McLaughlin, Jr.; Patricia Meinhardt, MD; and Janet Morgan, PhD

Staff: Sylvia Allinger, Director of CSCN; Liz Cameron, Director of Environmental Health; Sigrid Connors, Director of Patient Services; William Klepack, MD, Medical Director; Frank Kruppa, Public Health Director; Jonathan Wood, County Attorney; and Shelley Comisi, Keyboard Specialist

Excused: Will Burbank; Amy DiFabio, MD; Patrick McKee; and Brenda Grinnell Crosby, Public Health Administrator

Guests: Kirby Allen, Subway Sandwiches & Salads; and Steven Kern, Sr. Public Health Sanitarian

Privilege of the Floor: Kirby Allen, Subway Sandwiches & Salads

Dr. Macmillan called the regular meeting of the Board of Health to order at 12:01 p.m.

Privilege of the Floor: Kirby Allen, owner of Subway Sandwiches & Salads in Trumansburg, addressed the Board regarding his restaurant's violation for holding food below safe temperatures. Since the citation, the sandwich unit was repaired and the amount of food held in the bins reduced in half. He is looking at changing the sandwich unit from one with lids to one with a cover that drops down over the food. Mr. Allen noted he has been using temperature logs for 10 years and presented copies of recent logs. He stated temperatures are checked twice a day; generally in the morning around 10 or 11 a.m. and after the dinner rush between 6 and 8 p.m. There is also a correction log so employees will return food to the refrigerator when necessary.

Approval of May 8, 2012 Minutes: Mr. Greenhouse moved to accept the minutes of the May 8, 2012 meeting as written; seconded by Mr. McLaughlin. The vote: 3 Ayes; 2 Abstentions (Dr. Meinhardt and Dr. Morgan were excused from the May 8th meeting).

Financial Summary: Ms. Grinnell Crosby was absent from the meeting. Mr. Kruppa stated the monthly financial summary and the proposed budget for 2013 will be presented at the next meeting.

Administration Report: Mr. Kruppa reported:

- Ms. Cameron is currently meeting with the New York State Department of Environmental Conservation (NYSDEC) regarding hydrilla. These technical experts are working on the eradication plan and will be meeting with elected

- officials to discuss the financial piece; \$800,000 has been allocated for the hydrilla eradication process.
- The proposed budget for 2013 will be presented next month. The direction from the Legislature and County Administration is to create a base Maintenance of Effort (MOE) budget. Services, staffing, and expenses will be maintained at 2012 levels. Over Target Requests (OTRs) or items above the base budget may be submitted. The County will factor in the increase in fringe benefit costs and the negotiated salary increases resulting from the collective bargaining process.
 - With the closure of the Certified Home Health Agency (CHHA), Ms. Connors has transferred most of the nurses to their new positions with one remaining nurse to be assigned. Also from that group, Ms. Allinger added one nurse to her division and has welcomed back another nurse who had resigned during the CHHA process.
 - Our public outreach regarding the recent meningitis case went well. Over the Memorial Day weekend and in the following weeks, staff has conferred with community partners and provided information to the public through media sources.
 - New sliding glass windows were installed at the Reception Desk and at the Vital Records Desk. The original windows were designed for security reasons, but were not user-friendly. The new windows try to balance the need for proper security yet encourage customer interaction. Dr. Meinhardt emphasized the importance of reminding staff of HIPAA privacy rules when clients are in those public areas.

There was further discussion among Board Members regarding safety protocol. Mr. Kruppa stated security policies for the building are being reviewed.

Medical Director's Report: Dr. Klepack reported:

- There are 85 cases of pertussis.
- With pertussis, the usual situation is to treat the index case and family members. Some physicians have concerns about treating individuals without face-to-face contact.
- For the most part, private practitioners will prescribe over the telephone when it seems reasonable.
- In a conversation with Dr. David Evelyn at Cayuga Medical Center, the physicians serving the Convenient Care Centers are from different specialties treating people of all age groups. Those physicians have difficulties feeling free to prescribe for contacts. Karen Bishop is working with Convenient Care Center regarding increased involvement with treatment of contacts.
- As Medical Director of the Health Department, Dr. Klepack often prescribes medication for contacts when no other physician is available. He relies on the nursing staff to conduct an investigation and ask pertinent questions about drug allergies or other mitigating circumstances.

Questions and discussion among Board Members regarding pertussis:

- Dr. Klepack stated people are being treated. With every case of pertussis, there is a contact investigation that ideally occurs at the point of care. If that does not happen, the Health Department looks into the potential contacts when the report is

- received. The reason for treating at the point of care is to limit propagation of pertussis to other people.
- Dr. Macmillan observed it would be difficult to convince most private practitioners to conduct contact investigation for any infectious disease because it is labor and time intensive. He wondered if there was a standard list of questions. Dr. Klepack replied staff had a list for internal use at the Department.
 - Dr. Meinhardt asked about malpractice implications for physicians prescribing to contacts. Dr. Klepack responded his work is covered by Health Department insurance. For the providers at Convenient Care, he acknowledged it is a matter of comfort and perception of liability.
 - Dr. Klepack explained Public Health Law states that the moment a physician starts treating someone a relationship is established and the physician is potentially liable. A detailed telephone conversation or writing a prescription establishes that relationship. A licensed practitioner must also perform a proper historical review and any pertinent physical examination. In the case of a contact investigation, a physical exam is usually not necessary. It is possible to conduct the historical review by telephone and not be negligent. Whether a physician wants to do that is another question.
 - Ms. Connors reported practitioners are prescribing for the contacts in most cases, but not everyone participates.
 - Mr. McLaughlin heard a Public Service Announcement encouraging people to speak to their daycare providers about the importance of those adult providers receiving a vaccination against pertussis.
 - Ms. Connors added that anybody who works or lives with vulnerable populations (infants, elderly, immunocompromised individuals) should get the Tdap vaccination.

Dr. Klepack handed out an article of general interest that discusses experiences regarding the funding of gas drilling complaints and the Pennsylvania Department of Health: Begos, Kevin. "Concern over Health and Drilling." Philadelphia Inquirer, 2 May 2012.

Division for Community Health Report: Ms. Connors stated she had nothing to add to her report.

Children with Special Care Needs Report: Ms. Allinger reported she had nothing to add to her written report.

County Attorney's Report: Mr. Wood stated he had nothing to report.

Environmental Health Report: Ms. Cameron arrived after her meeting with NYSDEC representatives concluded; there was no report.

Approval of revised Bylaws of the Tompkins County Board of Health: Mr. Kruppa explained the Bylaws need to be amended due to the change from a Certified Home Health Agency (CHHA) to a Licensed Home Care Services Agency (LHCSA). This requires the County Charter to be changed by the Legislature before the Bylaws can be amended. The Charter specifically gives the Board of Health oversight of the CHHA which has been replaced by the LHCSA. Mr. Kruppa will present the changes to the

Health and Human Services Committee, the Government Operations Committee, and then the Legislature. A Charter change requires a local law; the local law requires a public hearing; and the Legislature sets that public hearing. At the second meeting in July, there should be the public hearing. At that point, The Legislature could approve the Charter change, and in a second resolution could approve the Bylaws change.

Ms. Connors discussed the language changes in the Bylaws draft. On page 5, Section 10.02, the Bylaws provide details of the expectations of the Quality Advisory Committee. When she considered the language, she looked at the regulations for the LHCSA and the regulations for the Diagnostic & Treatment Center certification to ensure both sets of regulations were met.

Dr. Macmillan recommended an edit on Page 1, Section 2.00(e): “Select and appoint a qualified *Licensed Home Care Services* Agency Administrator...” to specify the agency. Discussion ensued regarding the proposed edit and issues of clarity. Ms. Connors explained she was trying to keep the wording more general for the Agency Administrator because the Administrator governs more than the LHCSA. She made initial edits based on her review of the regulations, and then Ms. Grinnell Crosby and Mr. Wood collaborated to make the language consistent with the County Charter. Changing the Charter is an involved process so there was an effort to keep the changes minimal; however, the language should be consistent throughout the document. Mr. Kruppa added he was hesitant to change the Bylaws too dramatically because of the potential impact to the Charter.

Dr. Morgan moved to accept the revised Bylaws as written; seconded by Dr. Meinhardt.

Dr. Morgan noted in terms of substance, the Bylaws read fine; however, she would like to see consistency in the capitalization of “Agency” throughout the Bylaws.

Dr. Macmillan asked about the appointment of one or more physicians to the Quality Advisory Committee. Ms. Connors replied Dr. Klepack is the physician. Dr. Macmillan stated he has co-read the minutes in the past and would be happy to continue in that role.

The vote for approval of the revised *Bylaws of the Tompkins County Board of Health*, as modified, carried unanimously.

Approval of revised Health Commerce System Policy & Procedure: Dr. Morgan moved to accept the policy as written, seconded by Mr. Greenhouse.

Dr. Morgan suggested the following two edits:

- Page 1, Policy section, sentence #4 should read: “The Director of Patient Services *or in her absence* the Community Health Nurse Supervisor will be responsible...”
- Page 1, Procedure – Review & Notifications section, sentence #3(c) should read: “Public Health Director *or in his absence the* Public Health Administrator”

The vote on the approval of the revised *Health Commerce System Policy & Procedure*, as edited, carried unanimously.

Resolution #12.10.11 – Subway Sandwiches & Salads, T-Ulysses, Violation of Subpart 14-1 of the New York State Sanitary Code (Food Service): Mr. McLaughlin moved to accept the resolution as written; seconded by Dr. Morgan.

Board members discussed the violation and considered the earlier remarks by Mr. Allen, the owner of Subway. The Board concluded that although Subway was keeping

temperature logs, food was still repeatedly out of temperature. The owner was acknowledged for taking proactive action to resolve the problem.

The vote on the resolution, as written, was unanimous.

Proposed 2013 Environmental Health Fees: Ms. Cameron reported these fees are presented each year in advance of the budget for the Board's review and discussion. This year, the process to develop a fee policy was initiated but that process has been extended. In the absence of a policy, the fees remain the same as last year. There was a minor change in Realty Subdivision fees to comply with New York State requirements.

Ms. Cameron answered questions from the Board:

- There needs to be more than 5,000 people staying overnight to be categorized as a Mass Gathering. The fees for the Mass Gathering Operating Permit and Mass Gathering Plan Review are based on the amount of work required because it is labor intensive.
- The phrase, "may be waived at TCHD discretion," applies to fees in different situations. It affects fees for engineering plans, engineering reviews or water system modifications. Occasionally plans are submitted requiring one-half hour or less to review. Since the fee is based on a 2 hour review, the general policy is to waive the fee. Waiving the Late Application Fee may occur when there is an emergency or an appropriate reason to waive the fee. Some permit applications are not submitted all at once, e.g. children's camps. The information may technically be late, but that is a part of the process which cannot be changed.
- The expedited processing fee is for temporary food service establishments that affects both profit and non-profit applicants. According to policy, applications must be submitted two weeks in advance of an event. The expedited fee is charged when the permit is needed in less time.
- An establishment must have a permit to operate once the old permit expires. If operating without a permit, then it is an enforcement action.

Dr. Macmillan stated no action was required at this time. When the budget is approved, the fees will be approved.

Adjournment: At 1:14 p.m. Mr. Greenhouse moved to adjourn the meeting, seconded by Dr. Meinhardt, and carried unanimously.