

Tompkins County Board of Health
September 23, 2014
12:00 Noon
Rice Conference Room

Present: Brooke Greenhouse; Edward Koppel, MD; James Macmillan, MD, President; Michael McLaughlin, Jr.; and Susan Merkel

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

Excused: Will Burbank; Janet Morgan, PhD; and Sylvia Allinger, Director of CSCN

Guests: Skip Parr, Sr. Public Health Sanitarian

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

Dr. Macmillan called the regular meeting of the Board of Health to order at 12:00 p.m.

Approval of August 26, 2014 Minutes: Mr. Greenhouse moved to approve the minutes of the August 26, 2014 meeting as written; seconded by Dr. Macmillan. The minutes carried with Ms. Merkel abstaining.

Introductions were made around the room to welcome Ms. Merkel as a member of the Tompkins County Board of Health.

Financial Summary: Ms. Grinnell Crosby referred to the August financial summary in the meeting packet.

- Preschool Special Education – In August, bills totaling \$886,000 were processed for the Ithaca City School District 2013-2014 school year causing expenditures to be in the red. The processing delay occurred because New York State Education Department did not post rates for the district. The State will reimburse the program between 50 to 60 percent of the amount billed.
- Women, Infants and Children – Decreased revenues are related to the change in the fringe rate.

- Division for Community Health – Staff continues to work with Visiting Nurse Service of Ithaca and Tompkins County on billing Medicaid Managed Care visits for the Medicaid Obstetrical and Maternal Services (MOMS) program.
- Physically Handicapped Children’s Program – This is a small program with some active clients. Claims are filed quarterly.
- Early Intervention – Revenues reflect “red” as a result of the change in the fiscal agent and who is responsible for billing. Currently, the County pays the State from an escrow account.

Administration Report: Mr. Kruppa reported:

- At its September 2, 2014 meeting, the Legislature passed an amendment to the local County Code to add Electronic Nicotine Delivery Systems (ENDS) to the list of prohibited smoking materials. The amended law was filed with the State and is now effective. Staff members are in the process of developing an information campaign to publicize the addition of ENDS to County law.
- The process for filling the physician member vacancy on the Board is beginning. Two individuals have indicated verbal interest in the position. Applicants will complete formal applications and be invited to observe the next Board meeting.
- Dr. Morgan’s term as one of the at-large members on the Board expires at the end of the year. She is considering whether or not she will reapply for the position.

Medical Director’s Report: Dr. Klepack updated the news on the following viruses:

- Enterovirus D68 is a respiratory virus first identified in the 1960s. It is in a family of viruses that tend to be more active in the summer and fall. Seven cases have been identified in the central New York region. Although two individuals were suspected of being infected by the virus in Tompkins County, only one of the individuals is being treated as a case. TCHD has sent informational updates to area practitioners on the criteria for diagnosis and testing procedures. The advice for prevention is to use the same precautions that are used to prevent the spread of most respiratory viruses.
- There is nothing new to report about the Ebola virus for the Tompkins County area.

Dr. Klepack answered several questions regarding enterovirus D68:

- The two individuals suspected of being infected were college age, but only one turned out to be positive and was hospitalized.
- Younger ages and those individuals having asthma or other respiratory diseases or who have compromised immune systems are at greater risk for the illness.
- Standard advice for individuals includes staying at home when ill, controlling coughs and sneezes, washing hands and disinfecting surfaces with diluted bleach.
- The Tompkins County Health Department (TCHD) response includes increasing Public Service Announcements (PSAs) and increasing the level of awareness for emergency departments and private practitioners when there is an uptick in a disease that is greater than expected. The next threshold occurs when resources are outstripped and additional resources are brought in to deal with the situation.

- Media coverage has been extensive. With more hospitalizations than would normally be expected, it is important to be alert and aware.

Further Discussion: Ms. Connors identified other staff efforts to share information about enterovirus D68 with the community. Information was posted on the TCHD website that includes the link to a press release from the New York State Department of Health (NYSDOH) and links to the Centers for Disease Control and Prevention (CDC). Last week, she was interviewed by a reporter from the local radio station WHCU. Staff also has been sending NYSDOH updates via a blast fax to local healthcare providers, schools and colleges to keep them informed. Staff will continue to monitor the situation.

Mr. McLaughlin inquired whether the TCHD response to enterovirus D68 is a result of a case in the community or directed from the state level. Mr. Kruppa responded the handling of public information depends on the disease and the epidemiology associated with it. In this case, there is awareness that eventually the entire state could be affected. For a novel disease that is identified in the community, then the messaging would be targeted and more prevalent.

Dr. Macmillan asked about the Medical Director's role in the response to the syphilis outbreak. Dr. Klepack said he follows the activities of the Peace of Mind Community Partnership. He noted Planned Parenthood has a contract with TCHD to provide testing for sexually transmitted diseases (STDs); the media pieces have received good placement in *The Ithaca Journal*; and there has been discussion about utilizing social media for outreach. He believes the actions have been appropriate.

Division for Community Health Report: Ms. Connors reported:

- TCHD's first flu clinic was held at the Brooktondale Fire Department. Staff members are currently scheduling appointments for Tuesday and Friday public flu clinics at the Health Department.
- At present, there are eight cases of syphilis. Mr. Kruppa appeared on WENY television station to discuss the issue.

Questions/comments from Board members:

- Ms. Merkel asked whether these syphilis cases are a community outbreak or driven by college students. Mr. Kruppa responded it is a community issue that is affecting all ages. The Peace of Mind task force has multiple strategies. With the three local educational institutions in the partnership, efforts are being focused toward the students as well as the general population.
- Dr. Koppel referred to the *2014 Communicable Disease Report* and directed attention to the August statistics for "Rabies Exposure Administered at Gannett" that reports 30 cases. When he asked Gannett staff about that number, they reported there were 8 cases. Ms. Connors explained the numbers are obtained from an electronic report from the State and staff contacts. She will verify the information.

Children with Special Care Needs Report: Ms. Allinger was not present for the meeting.

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

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

Resolution #14.11.20 – Southside Community Center, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron reported Southside Community Center did not have an adequate amount of refrigeration to store food at proper temperatures. The Order was structured for the organization to either pay the penalty or provide proof the cooler was repaired or replaced.

Mr. Greenhouse moved to accept the resolution as written; seconded by Dr. Macmillan.

Responding to Mr. McLaughlin's question about offering an alternative to the penalty payment in the Order, Ms. Cameron replied it is not common practice. In this case, Southside Community Center is a nonprofit organization that is part of the Ithaca City School District.

Ms. Merkel inquired about the Summer Feed program named in the resolution. The program provides food for children during the summer at the Southside Community Center. Mr. Parr explained the violation was for both Southside Community Center and the Summer Feed program. Each operation had food that was in violation of temperature requirements.

Noting the organization's history of correcting violations before a re-inspection, Dr. Macmillan asked whether there were any particular issues or difficulties to resolve this time. Mr. Parr stated Charles Rhody, representative for Southside Community Center, believes there was some miscommunication with his staff that resulted in the violations upon re-inspection. The cooler in question had a leak that has been repaired. If that is not the solution to the refrigeration problem, the organization is working to obtain a grant to replace the cooler.

Referring to the Summer Feed program, Mr. McLaughlin wondered if the practice of setting milk containers on the counter in a bowl of ice will be rectified. Mr. Parr responded the issue was addressed during the office conference. He pointed out ice can be used as a temperature control; however, temperature control cannot be maintained when too many milk cartons are placed in the bowl.

The vote on the resolution, as written, carried unanimously.

Resolution #14.10.21 – Manos Diner, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code and Board of Health Orders Dated September 11, 2012 (Food): Ms. Cameron summarized the restaurant's food violations were due to problems with the coolers. Since there were previous BOH Orders in 2012, the fine was doubled according to the standard practice of doubling the fine for violation of BOH Orders.

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

There was discussion about the process of setting fines for enforcement actions. Board members were questioning the point in time when doubling the fine might require a reset for an establishment that demonstrates compliance. For each enforcement action, Ms. Cameron noted a case summary is presented for a five-year time period that is reviewed. The standard practice is to double the fine for violation of BOH Orders. Situations can be evaluated on a case-by-case

basis when there has been a clean record. After the case review, staff members make a recommendation for the Stipulation Agreement that is presented to the Board for consideration and action. The Board has the option of changing it.

Mr. Greenhouse referred to the BOH Orders requiring Manos Diner to maintain temperature logs. He was not comfortable that restaurant staff did not comply, but perhaps they were unaware of the requirement. Since Mr. Parr was not present at the first inspection, he could not confirm whether Environmental Health (EH) staff members verbally communicated that temperature logs were required. Ms. Cameron added there is uncertainty whether staff members are consistently checking for temperature logs. She pointed out EH food staff would like all restaurants to maintain temperature logs as part of their ongoing practice; currently it is not a requirement. In this case, the restaurant is not being fined for failing to maintain temperature logs. The critical violation is for food being out of temperature. She agrees there needs to be consistency in checking for temperature logs and will address it with the EH team.

In response to Dr. Macmillan's question about any documentation the restaurant receives after the first violation, Ms. Cameron reported the restaurant owner receives a hard copy of the inspection report. Ms. Merkel commented it seems the restaurant owner has a responsibility to know the rules and regulations. She thought EH staff went above and beyond to keep the restaurant informed. Mr. Greenhouse agreed but there were two nuances for him: the temperature log is not a universal requirement so is unique to that establishment and he was concerned about the repeat violations. Based on two inspections, Ms. Cameron noted it is difficult to determine whether it was intentional or a poor management problem. Repeat offenses over a period of years are recognized as a management problem.

Dr. Koppel wondered about the significance of the length of the case summary. Ms. Cameron indicated it provides a sense of how the restaurant is operated. In this case, Manos Diner had two years of clean operation. As a restaurant owner, Mr. McLaughlin recognizes a restaurant should never be in a red code violation, but it can happen. One violation does not mean it is an unsafe establishment; however, repeat offenses can point toward a problem with management.

The vote on the resolution, as written, carried unanimously.

Upcoming BOH Meetings: Mr. Kruppa noted the meetings in November and December are scheduled near holidays. He proposed combining them into one meeting to be held December 2nd or December 9th. Board members supported the proposal. An e-mail will be sent to determine member availability.

Adjournment: At 12:55 p.m. Dr. Macmillan adjourned the meeting.