

**Tompkins County Board of Health  
December 2, 2014  
12:00 Noon  
Rice Conference Room**

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

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

**Excused:** Will Burbank, Tompkins County Legislator; and Frank Kruppa, Public Health Director

**Guests:** LouAnne Giangreco (Ten Kate), MD, Five Star Urgent Care

**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 12:15 p.m.

**Introductions:** Ms. Grinnell Crosby introduced Dr. LouAnne Giangreco, applicant for the physician member position on the Board of Health (BOH). Dr. David Evelyn from Cayuga Medical Center, also a physician applicant, was unable to attend. Board members and Tompkins County staff introduced themselves to Dr. Giangreco.

Dr. Giangreco described herself as the Regional Medical Director of Five Star Urgent Care. With a background in emergency medicine, she has worked in various emergency departments in the area. Her last position was Assistant Medical Director in the Emergency Department at Cayuga Medical Center. With an interest in improving the quality of care in medicine, she completed Six Sigma Green Belt training. Six Sigma is an approach that focuses on improving processes in organizations; improving the quality of care in healthcare settings helps to create a great patient experience.

**Approval of October 28, 2014 Minutes:** Dr. Koppel moved to approve the minutes of the October 28, 2014 meeting as written; seconded by Dr. Morgan.

Dr. Macmillan recommended the following edits:

- *Privilege of the Floor* section on page 1, paragraph 2, sentence 2 to read: “...explaining the situation and their plan to replace the sewage system with tax **refund** money.”
- *Resolution #14.20.14* section, paragraph 5, sentence 1 to read: “...also enabling residents to use their tax **refunds**.”

The vote to approve the minutes, as amended, carried unanimously.

**Financial Summary:** Ms. Grinnell Crosby referred to the October 2014 financial summary with the accompanying explanatory notes for those programs highlighted in red. As the end of the year approaches, staff will be closing and opening two sets of books with year-end processing to be completed in January 2015.

Through the new contract with Visiting Nurse Service of Ithaca and Tompkins County, Ms. Connors reported her program received its first Medicaid payment for services provided in July. With the contract finalized, revenue will increase.

**Administration Report:** Ms. Grinnell Crosby represented Mr. Kruppa who was not present for the meeting.

Ms. Merkel wondered whether the amount of time and energy staff members have committed to Ebola prevention has lessened. Ms. Grinnell Crosby responded staff members believe the Commissioner’s Orders have been met but continue to tweak plans and conduct drills on a monthly basis. They are working on a larger scale drill involving the following community partners: Cornell University, Bangs Ambulance and Cayuga Medical Center. A State review team will be evaluating whether the Health Department’s clinic facility has met the requirements in the Commissioner’s Orders.

**Medical Director’s Report:** Dr. Klepack had nothing to add to his written report.

**Division for Community Health Report:** Ms. Connors updated the *2014 Communicable Disease Report* with preliminary case numbers for November.

- Gonorrhea –There was a spike of 20 cases in September, 7 cases in October and 6 cases in November. Total case count for the year is 53.
- Syphilis – An additional 2 cases in November were reported with another case currently being investigated. Total case count for the year is 12.
- Pertussis – With 5 cases reported in November, the total case count for the year is 13. Those cases are clustered in one school district area. Communications about the disease and symptoms have been distributed to concerned parties: the school physician, school nurses, principals and teachers.

Dr. Macmillan inquired whether there was any unusual drug resistance in the reported gonorrhea cases. He explained the problem with using amplification test methods is that the organism is not cultured. To check resistance, the organism needs to be cultured. Within a context of more drug resistance throughout the world, the local spike of cases causes concern. Ms. Connors was not

aware of any drug resistant cases, but she will forward his question to the Communicable Disease team and check with New York State Department of Health (NYSDOH) for more information.

**Children with Special Care Needs Report:** Ms. Allinger reported the New York State Education Department (NYSED) Office of the Professions recently made a ruling that disallowed educational psychologists from being a part of the evaluation team in Early Intervention (EI) and Preschool Special Education programs. According to the ruling, only clinical psychologists can evaluate children for services. However, the ruling does permit educational psychologists employed by a school district to evaluate children but not educational psychologists employed by a private agency. There was an outcry around the State and evaluation services ground to a halt. Within a couple of weeks, NYSED reversed the ruling for Preschool Special Education, but NYSDOH has not reversed the ruling for EI evaluations. This has caused a backlog of evaluations for children in Tompkins County because the largest evaluator, Franziska Racker Centers, has numerous educational psychologists on staff. As a private agency, they are not able to evaluate our children in a timely manner. Ms. Allinger has been actively traveling around the central part of the State recruiting other agencies to help. Currently, there is a contract in process with Children's Therapy Network. In addition, other agencies with existing contracts are helping.

A group comprised of Mr. Kruppa and Ms. Allinger from the Health Department together with Dan Brown, Executive Director, and Jody Scriber, Director of Clinical and Educational Services, from Franziska Racker Centers will be meeting with Assemblywoman Barbara Lifton and State Senator Tom O'Mara to request their assistance in addressing this ruling in the State Legislature.

Discussion with the following main points:

- In her professional community, Ms. Allinger noted it is felt that this ruling by the Office of the Professions is in response to a fraud situation identified downstate that was specific to private agencies.
- In Early Intervention, the time requirement for evaluations to be completed is 45 days. In some communities, parents may wait two to three months for an evaluation. Lacking the capacity to handle all the children within those 45 days, Ms. Allinger is recruiting assistance from other agencies.
- The Tompkins County Health Department, Franziska Racker Centers and various school districts have been sending letters to State officials about the ruling.
- Responding to Mr. Greenhouse, Ms. Allinger thought a letter from the Board requesting NYSDOH to reconsider its decision pertaining to educational psychologists would be helpful. Ms. Allinger has a letter that could be modified and shared with Board members. She will follow-up with Mr. Kruppa.

Given the timeliness of this issue, Mr. Greenhouse offered a motion that the BOH draft a letter for electronic review and comment by Board members prior to our next meeting. Our intention is to draft a letter for approval and send it out prior to the next meeting specifically asking for two things: (1) that there be an immediate waiver for Tompkins County to continue

doing things the way we have been, so we can support our patient load based on the fact that there is no known concern to justify this change in our community, and (2) NYSDOH would review this policy because of its various negative implications. The letter would be written and sent to NYSDOH and copied to the Governor and other appropriate, elected State representatives. Dr. Morgan seconded the motion.

Dr. Macmillan requested Ms. Allinger assist the Board in generating and circulating the letter to members. Mr. Greenhouse suggested a short letter focusing on the two specific points in the motion.

There was discussion regarding whether the letter should state there is no justification for the ruling in our community. Mr. McLaughlin suggested the letter point out (1) the Board recognizes there was a reason that prompted the ruling but is unaware those issues have been a problem in Tompkins County, and (2) adhering to the mandate does create a hardship for our community. Dr. Koppel noted this ruling may be more of a problem for rural areas than cities where there is greater access to clinical psychologists. He suggested the letter make the distinction that our community does not have the same resources as cities. Board members agreed it was a good point.

The vote on the motion to draft, edit and send a letter to NYSDOH regarding the ruling on EI evaluations was unanimous.

**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.

**Establish Board of Health Nominating Committee(s):** Ms. Grinnell Crosby requested one or two committees be established (1) to interview the two applicants for the physician member vacancy, and (2) to consider the 2015 BOH Slate of Officers for President and Vice President. Mr. McLaughlin noted the nomination process has been simplified. He suggested having someone new to the nominating process serve along with one or two experienced Board members. There was a brief discussion before the following members volunteered to serve:

- Nominating Committee for the physician member vacancy is Dr. Morgan, Dr. Koppel and Dr. Macmillan.
- Nominating Committee for the BOH Slate of Officers is Dr. Morgan and Dr. Koppel.

**Authorization to move forward with Electronic Health Record System:** Ms. Connors reviewed the background information in her written report. She explained staff members are using an electronic billing and clinical documentation system that was designed for home care services. Being inadequate for current public health services, a Request for Proposal (RFP) was issued in February for a new software system. At the same time, Tompkins County Mental Health Department was looking for a new system and issued its own RFP. With input from the County's Information Technology Services, the two departments have considered proposals from several companies and have selected one records/practice management system that will work well for both departments. The split in cost breaks down to 70 percent for Mental Health and 30 percent for Public Health. The proposal will be considered by the Health and Human Services

(HHS) Committee on December 9th. If recommended by HHS, the resolution will be presented to the full Legislature on December 16th for approval to enter into a contract and authorize the funding as outlined in the resolution.

Ms. Connors reported the base cost of the software is not finalized but may be approximately \$90,000 for the Public Health portion. There are additional features being considered such as a patient portal; a laboratory interface system that would enable staff to view laboratory reports electronically; and a free service allowing access to patient education. Annual software costs may be \$12,000 to \$15,000.

Ms. Merkel asked whether the funding was already appropriated in the budget. Prior to the joint effort with Mental Health, Ms. Connors said the County Legislature had approved a capital project for the original proposal in November. Following up on the question, Ms. Grinnell Crosby described the financing for the project. Medicare reserves in the amount of \$73,000 will be allocated with rollover funds supplementing the balance on the project. The ongoing cost for the support contract will be part of the operating budget each year. The Medicare reserve from 1998 was revenue set aside in case there was a need to reimburse Medicare. That did not happen so those funds are available for this project.

Ms. Merkel moved to approve the decision to move forward with the Electronic Health Record System; seconded by Dr. Macmillan; and carried unanimously.

**Resolution #14.1.30 – Bradford Apartments, T-Dryden, Violations of Subpart 5-1 of the New York State Sanitary Code and Board of Health Orders Dated August 26, 2014**

**(Water):** Ms. Cameron summarized there has been little or no change with the situation on the owner's part since the previous resolution. As noted in the case history, there are several Section 8 tenants living in the apartment complex, so staff members have been working with the Ithaca Housing Authority (IHA). The agency sent a letter to Mr. Bradford informing him the housing standards were not being met and payments would be suspended until corrected. This draft resolution is the next step to increase the penalty for violations of the sanitary code and to modify the language for the water operator to ensure a certified water operator is hired.

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

In reply to Mr. Greenhouse's question about the response from the Town of Dryden Code Enforcement Officer, Ms. Cameron said there has not been any at this point. Hopefully, the actions of the IHA will have some effect. As a next step, staff will be looking to work with the Code Enforcement Officer on any authority he might have in this situation.

Referring to the three qualified water treatment professionals listed in the draft resolution, Dr. Morgan wondered if there were other options. Ms. Cameron answered those companies named on the list are available in this area. However, there are other ways Mr. Bradford could meet the qualified water treatment operator requirement.

Mr. Greenhouse inquired whether the water treatment operator or the owner is responsible for submitting the required reports. Ms. Cameron will check the language of the sanitary code; the owner may be the responsible person.

Mr. McLaughlin asked about the number of units and the projected plan to resolve the situation. Ms. Cameron stated 3 or 4 of the 12 units in the apartment complex are Section 8. Staff

is hoping the letter from IHA notifying Mr. Bradford that payment would be withheld for failure to meet housing standards will be an additional incentive for him to take the appropriate action.

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

**Adjournment:** At 1:12 p.m. Dr. Macmillan adjourned the meeting.