

## MINUTES

### Tompkins County Board of Health

May 24, 2016

12:00 Noon

Rice Conference Room

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

**Staff:** Karen Bishop, Director of Community Health; Brenda Grinnell Crosby, Public Health Administrator; William Klepack, MD, Medical Director; Skip Parr, Senior Public Health Sanitarian; Jonathan Wood, County Attorney; and Shelley Comisi, Administrative Assistant II

**Excused:** Sylvia Allinger, Director of CSCN; Will Burbank, Board of Health Member; Liz Cameron, Director of Environmental Health; Frank Kruppa, Public Health Director; and Deb Thomas, Senior Community Health Nurse in CSCN

**Guests:** Anna Calhoun, SUNY Cortland Student Intern

**Call to Order:** Dr. Macmillan called the regular meeting of the Board of Health (BOH) to order at 12:02 p.m.

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

**Approval of April 26, 2016 Minutes:** Mr. McLaughlin moved to approve the minutes of the April 26, 2016 meeting as written; seconded by Mr. Greenhouse. The minutes carried with Ms. Merkel and Dr. Morgan abstaining.

**Financial Summary:** Ms. Grinnell Crosby explained there was no financial summary report in the packet due to continuing problems with the dashboard. Overall the financial report is the same as in the previous months. Revenues are improving in Community Health Services. She has been meeting with each division to work on the 2017 budget. There will be a presentation of the proposed budget at the June BOH meeting.

According to Ms. Grinnell Crosby, former employee Kevin Sutherland created the dashboard to retrieve Tompkins County Health Department (TCHD) financial data from the County's financial system. She would like to simplify our dashboard and have a design that is

consistent with the County Administrator's dashboard. Currently, Information Technology Services (ITS) staff is working on other time-consuming projects so the dashboard has a lower priority.

**Administration Report:** Mr. Kruppa was not present for the meeting.

**Medical Director's Report:** Dr. Klepack reported there are ongoing discussions and presentations in the community regarding *The Ithaca Plan: A Public Health and Safety Approach to Drugs and Drug Policy*. At present, his role as Medical Director is to continue researching the subject.

In response to Mr. Greenhouse's questions about the direction of this effort and the time being invested on the issue, Dr. Klepack pointed out the data showing deaths due to opioid overdoses is concerning. Thinking about ways to address the problem is worthwhile. As for the time spent on his research, the Health Department has a responsibility to think about this public health issue and perhaps take a position on some aspects of the program.

Ms. Merkel asked whether people involved in the drug plan are considering a range of options. Dr. Klepack responded by naming their top three priorities: (1) a detox center, (2) a methadone clinic, and (3) an increased number of prescribers for buprenorphine or suboxone to help those individuals wanting to abstain from heroin. Although the Supervised Injection Facility (SIF) has received the publicity, each option deserves consideration.

In the discussion about Narcan, Dr. Evelyn confirmed it is available over-the-counter. Since the general public may be unaware of the increased availability of Narcan, Dr. Koppel asked whether a campaign exists to make that information known. Dr. Klepack indicated that would be a role for the Public Information Office of the TCHD and the New York State Department of Health (NYSDOH).

Emphasizing the Board's responsibility to protect the public interest, Mr. McLaughlin expressed his appreciation to Dr. Klepack for sharing his research to keep members informed. Dr. Macmillan thought it was also important to stay apprised of the changing federal funding environment that would provide more national resources to address this problem.

**Division for Community Health Report:** Ms. Bishop reported:

- The NYSDOH Commissioner has lifted the mask regulation put in place for unvaccinated healthcare workers during the influenza season. There is still ongoing influenza, but the incidence of reportable flu has decreased substantially. Unfortunately, the fourth pediatric flu death has occurred; none have been in Tompkins County.
- There was an interesting collaborative effort with Cornell University on a case of melioidosis. This is one of those red alert diseases that has been earmarked as a potential bioterrorist agent. A dog imported from Thailand tested positive for the disease when brought to the Veterinary School for care. Although there has not been any known transmission from dog to human, TCHD worked together with Cornell to identify the people who were exposed to the dog for a follow-up risk assessment. The decision was made to monitor temperatures and symptoms twice a day for a period of 21 days for those who had contact with the dog. Serum samples were obtained from those individuals

deemed to be at high risk. The people who have been monitored were all asymptomatic. This was a learning experience involving multiple entities that worked together and participated in several conference calls to share information.

Dr. Koppel provided additional information regarding melioidosis and this situation:

- It is a fairly rare tropical disease found mainly in Southeast Asia. The bacteria causing melioidosis is found in soil and picked up by animals or humans by inhaling, ingesting or contacting the bacteria directly from the environment.
- The illness is often characterized by a respiratory event like pneumonia but also can be a hand or skin infection resulting from contact with the bacteria. It can lead to chronic disease. In some cases, it can lead to multi-organ infection, sepsis and death. It has a high case fatality rate especially for those with compromised immune systems.
- The incubation period is typically 21 days but may extend for weeks, months or years. There is a documented case of an individual developing the disease 62 years later.
- Treatment is very intensive with two weeks of intravenous antibiotic therapy and 22-24 months of oral antibiotics.
- The Centers for Disease Control and Prevention (CDC) offered guidance and resources. Dr. David Blaney, national expert on the subject at the CDC, consulted with us during conference calls.
- In his opinion, the “cool” part was the interaction of staff at TCHD, Cornell and the other entities. It revealed our strengths in responding and working together. He shared his observation that surveillance programs are intensive and thanked TCHD staff members for their hard work.

**Introduction:** Ms. Bishop introduced Anna Calhoun, student at SUNY Cortland, who will be interning in Division for Community Health this summer. She will be working on projects to improve our maternal child services.

**Children with Special Care Needs Report:** Ms. Allinger and Ms. Thomas were not present for the meeting.

**County Attorney’s Report:** Mr. Wood had nothing to report.

**Environmental Health Report:** Ms. Cameron was not present for the meeting. In her absence, Mr. Parr updated the Board on the issue of lead in the drinking water at some schools in the Ithaca City School District (ICSD). The district has selected a consultant, LaBella Associates, to work on a comprehensive planning document. There will be a coordination meeting at the end of the month involving ICSD, LaBella Associates, TCHD, NYSDOH, and the Environmental Protection Agency (EPA). In other activities, Environmental Health (EH) staff has been working with other school districts on water sampling.

In response to questions from Board members, Mr. Parr stated:

- There have been news reports about proposed legislation that would assist schools in their efforts to establish programs that test for lead in drinking water. He does not know if there is any funding tied to it.
- Two weeks ago, Ms. Cameron and Senior Public Health Sanitarian Adriel Shea gave a presentation at the NYS Conference of Environmental Health Directors on the lead issue. It was a topic everyone wanted to hear about because other counties are receiving calls from school districts.
- TCHD has not received any FOIL requests recently. Information has been flowing out through the media regarding test results.

**Resolution ENF-16-0007 – Best Western University Inn, T-Ithaca, Violation of Part 14 and Subpart 7-1 of the New York State Sanitary Code (Food):** Mr. Parr reported this temporary residence food service establishment is before the Board as the result of repeat critical violations for food temperature. In this case, hard boiled eggs and cream cheeses were left on a counter with no refrigeration. In the packet, there are photographs and a letter from the operator requesting leniency.

**Resolution ENF-16-0008 – Fork & Gavel Café, C-Ithaca, Violation of Part 14 of the New York State Sanitary Code (Food):**

Mr. Greenhouse moved to accept the aforementioned resolutions for (1) Best Western University Inn and (2) Fork & Gavel Café, as written; seconded by Dr. Morgan. The vote on both resolutions, as written, carried unanimously.

**Review of Proposed 2017 Environmental Health Division Fees:** Mr. Parr directed attention to Ms. Cameron’s memo regarding proposed fees. He then referred to Table 1 of the fee schedule and pointed out the Campground Operating Permit should be **\$140 plus \$2.25 per unit/site**. In the past, the campground fee was a sliding scale fee based on how long the seasonal campgrounds operated; however, it does not require any less work to permit those operations. If anything, it is extra work because staff needs to conduct both pre-operational and operational inspections. The Division is proposing to eliminate the sliding scale fee and implement a standard flat fee of \$140 plus \$2.25 per site or unit. After an analysis to determine the impact on those campground operators, Camp Comstock would have the largest increase of \$122. See Table 3.

Highlights from questions directed to Mr. Parr:

- There is an annual inspection/permit for mobile home parks. Staff also visits those facilities when responding to complaints.
- Town parks with campgrounds, e.g. Myers Park in the Town of Lansing, are permitted and charged a fee by EH staff. State park campgrounds are not regulated by TCHD.
- There is a significant difference in mass gathering fees for new events as opposed to existing events due to the amount of work required for the initial plan setup. Once that legwork has been completed, it is a matter of updating the plan for annual events like the GrassRoots Festival.

Expressing his appreciation for the work that went into preparing the fee schedule, Mr. Greenhouse moved to approve the proposed Environmental Health Division Fees for 2017 as written; seconded by Ms. Merkel.

A lengthy discussion ensued regarding fees and cost recovery:

- Referring to Table 5 showing estimated versus actual revenue and expenses from 2011 to 2015, Mr. McLaughlin commented the percentage numbers appear to have moved up in terms of recovery of expenses.
- As historical background, Mr. Greenhouse recalled that the State's recommended cost recovery was about 20 percent. The Board came to a realization that the 20 percent paradigm did not make sense with increased mandates and decreased financial support from the State. That was the impetus for earlier discussions. At some point in time it needs to be revisited.
- Mr. McLaughlin asked whether there has been any further thought about assessing additional fees for the extra time staff may spend on inspections. Mr. Parr said it has been discussed, but staff has not come up with a proposal. It may involve looking at enforcement fees and the past history of the facilities that go to enforcement.
- From his experience with the Ithaca Fire Department, Mr. McLaughlin explained there is a minimum fee for an inspection, but it can be more depending upon the amount of time their officers spend at the facility. To recover costs, he believes the concept of charging more for time and resources invested by EH staff might be justifiable.
- Describing the permitting model used by Bolton Point, Mr. Greenhouse said it includes one inspection and each inspection required after the initial one is billed. That is a simple model that EH could implement. It is upfront; it is clear; it is not a penalty; and it is cost recovery.
- Dr. Evelyn pointed out there are some cases where there are multiple visits to an establishment for violations. He likes the idea of a penalty plus an additional cost to cover the number of inspections.
- Mr. Wood advised there is a legal issue. If the owner/operator is charged more because a violation was observed, the owner/operator has a right to contest the violation and is entitled to a hearing on that first violation. It could end up costing more than sending staff out on a second inspection.
- Mr. Parr explained the formal enforcement process begins by offering the owner/operator(s) an office conference that allows them the opportunity to agree or disagree with our findings. If they choose not to sign the Stipulation Agreement, then EH staff schedules a hearing.
- When Dr. Macmillan inquired about the expense of a hearing, Mr. Wood said the expense is hard to calculate. There is the cost for the hearing officer. In addition, the hours that County staff are required to attend the hearing could also be calculated as a cost.

- Mr. McLaughlin looks at the enforcement process as having two components: to serve as a deterrent and to recover costs. He was interested in knowing whether the process accomplishes either objective. Mr. Parr believes it is a deterrent. Once a resolution is adopted by the BOH, staff usually does not see repeat violations. Staff is re-evaluating our enforcement procedures and policies and may consider redefining what prompts the enforcement process.

The vote to approve the proposed Environmental Health Division Fees for 2017, as written, was unanimous.

**Further Business:** At the previous Board meeting, Dr. Koppel reminded members that there had been an interest in advertisements that would counter the syphilis problem. With that in mind, he displayed a poster that has been distributed on the Cornell campus and can be viewed by clicking “Poster” on the [www.tc-std.org/materials/](http://www.tc-std.org/materials/) webpage.

**Adjournment:** At 1:14 p.m. Dr. Macmillan adjourned the meeting.