

**Tompkins County Board of Health**

**June 24, 2014**

**12:00 Noon**

**Rice Conference Room**

**Present:** Brooke Greenhouse; Edward Koppel, MD; James Macmillan, MD, President; Michael McLaughlin, Jr.; 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; Frank Kruppa, Public Health Director; Jonathan Wood, County Attorney; and Shelley Comisi, Keyboard Specialist

**Excused:** Will Burbank and Patricia Meinhardt, MD

**Guests:** Sue Merkel, Senior Lecturer in Microbiology, Cornell University; and Skip Parr, Sr. Public Health Sanitarian

**Privilege of the Floor:** Jason Barton, homeowner; and Jennifer Foster, manager of the Comfort Inn

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

**Privilege of the Floor:** Jason Barton, owner of a home at 64 Gunderman Road, spoke to the Board regarding his request for a waiver of the replacement sewage system permit fee. He and his family moved into the home last October. The septic system had been pumped and inspected by Drain Brain. After the ground froze, he detected a bubbling over the septic tank. Mr. Barton had it checked and was informed he may need a new septic system costing \$5,000. He stated this is an unfortunate financial situation for his family. A waiver of the fee would lessen the blow and allow him the resources to fix the system in a timely and proper manner.

Jennifer Foster, manager of the Comfort Inn, was present to address the fine and request any relief the Board found appropriate. She noted there has never been an issue in the past. Everything required to permit food service has been fixed and rectified to make sure it will not happen again. Responding to Dr. Morgan's question about the length of time it took to make the necessary changes, Ms. Foster explained the contractor had the information he was to send to the Health Department. She apologized for being unaware he did not submit the plans, but she sent those plans as soon as possible.

**Approval of May 27, 2014 Minutes:** Dr. Koppel moved to approve the minutes of the May 27, 2014 meeting as written; seconded by Dr. Morgan.

Dr. Morgan referred to page 4, paragraph 3, sentence 2, concerning the discussion about nursing students administering Tuberculin Skin Tests. She stated the sentence should be corrected to read "...they would not be eligible unless they had their Registered Nurse (RN) license."

Dr. Macmillan referred to page 4, last sentence of the paragraph discussing the *Bloodborne Pathogen (BBP) Post-Exposure Policy*. From the minutes he read, "If the risk is to HIV, then the employee should be offered the prophylactic drugs that are best administered within the first few hours or up to 24 hours for optimal use." He asked whether the timeline should be up to 72 hours. Dr. Klepack stated he would follow up on the question. In response, Dr. Macmillan decided to withdraw his amendment.

The minutes, as amended, carried unanimously.

**Financial Summary:** Ms. Grinnell Crosby discussed the May 2014 report.

- Division for Community Health – Staff members continue to resolve billing issues and are evaluating the billing to Medicaid Managed Care for in-home services provided to Medicaid Obstetrical and Maternal Services (MOMS) clients.
- Physically Handicapped Children – Revenue is claimed quarterly. There are two eligible families in the program.
- Early Intervention – The State is starting to release funds; the last estimate was in excess of \$200,000 owed to the County.

**Administration Report:** Mr. Kruppa reported the Health Department was unsuccessful in renewing the grant for the tobacco program. New York State Department of Health (NYSDOH) changed the program of every county having its own grant. There is now a catchment area that includes the three counties of Chenango, Cortland and Tompkins. Cortland County Health Department was the successful applicant. It is going to change how the tobacco program is administered in Tompkins and affects 1.5 FTEs. The full-time employee has accepted a position in the Healthy Neighborhoods Program so she will not be displaced. There are negotiations with Cortland to subcontract a portion of their tobacco grant for the other employee. It is important to play a part in the continued administration of the program. Years ago, Cortland oversaw the Tompkins program, but for the last five years, Tompkins had its own grant and built a strong tobacco program in the community. The grant funds will be released to Cortland to cover and complete the tasks required for all three counties. Tompkins will still have a program, but it will be administered by Cortland.

**Medical Director's Report:** Dr. Klepack reported there has been an uptick in the number of confirmed measles cases. Most cases have been unvaccinated individuals who had refused vaccination for various reasons; a small percentage has been categorized as missed opportunities. The largest outbreak has occurred in Ohio. There is always the possibility of transference as people travel. New York State has issued bulletins to area healthcare practitioners to make them aware of the situation. So far, there has not been an issue locally.

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

- Since the last BOH meeting, additional changes have been made to the *Bloodborne Pathogen Post-Exposure (BBP) Policy*. In July, she plans to bring the policy back for the Board's approval. Cayuga Medical Center shared its algorithm for responding to BBP post-exposures. It is a good resource that she and Dr. Klepack will review and possibly modify to include in the policy.
- The five year sponsorship for the Women, Infants and Children (WIC) program ends September 30th. Staff members have been informed the sponsorship has been extended for a sixth year. The Request for Application (RFA) should arrive in July for the 2015-2020 grant sponsorship.

Referring to the acute hepatitis C case mentioned in the report, Dr. Koppel wondered whether tattoo parlors were unregulated throughout New York State. Ms. Connors replied some counties regulate tattoo parlors, but Tompkins County does not. Over the years, the Health Department has responded to a few complaints. Fortunately, many of the tattoo parlor owners are concerned about adhering to regulations and policies. She has sent bloodborne pathogen standards and NYSDOH recommended standards to those who call. Ms. Cameron added Environmental Health also receives inquiries. She noted NYSDOH is in the process of developing tattooing regulations and pointed out it is against the law to tattoo minors.

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

**Establish Board of Health Nominating Committee:** Mr. Kruppa announced the advertisement to fill the at-large vacancy was placed with the expectation July 1st will be the closing date. It is a position open to any resident of Tompkins County. He requested a nominating committee be formed to interview candidates during the month of July. At the last meeting, Mr. Burbank expressed an interest in serving on the committee so two additional members are needed. Dr. Morgan and Dr. Macmillan volunteered to round out the committee. Mr. Kruppa thanked them and will contact them as the process progresses.

There was a discussion among Board members regarding ways to make the interview process informative and more comfortable for applicants: invite them to attend a BOH meeting before the interview; send the questionnaire prior to the interview so they have the opportunity to answer questions without added pressure; and forward the link to the Health Department website to encourage them to view departmental activities and past BOH packets. As a recent participant in the interview process, Dr. Koppel agreed the aforementioned suggestions would be beneficial to applicants.

Mr. Kruppa assured members he sends an email to applicants that include information about the interview process and important links to the website. He proposed having the candidates attend the July BOH meeting followed by interviews in preparation for a nomination to be presented at the August meeting. To date, there have been two individuals who have expressed interest in the position. He will check to make sure the advertisement went out to the Human Services Listserv. In addition, he will send out the questions used during the last interview process to the nominating committee for review.

**2015 Budget Overview:** Mr. Kruppa stated the County Charter outlines the Board's responsibility to review and make recommendations on the budget. That review may involve discussions around changing programming or policies because of the budget environment.

Mr. Kruppa explained each year the Tompkins County Legislature establishes an initial proposed tax levy for the coming year which tells the County Administrator the amount of money, called target dollars, he has available for programming. Each department has target dollars to spend in its budget from the County. The Legislature has tentatively set the tax levy at an increase of 2.36 percent which is the tax cap. Although there is a tax increase, the effect is a decrease in available dollars because there are uncontrolled costs that increase every year, e.g. fringe rate, health insurance, pensions, and mandated costs. It means a one percent reduction to all the departments in county funding which amounts to a \$47,000 reduction for the Health Department. There is an opportunity to ask for over target requests (OTRs) for those needs beyond the target amount. It is a challenge, but the Health Department has found ways to address the one percent decrease without changing the services or staffing levels from 2014. This maintenance of effort budget will be put forward to the County by the July 18th due date. Currently there are no OTRs, but there is potential for an OTR for equipment.

Ms. Grinnell Crosby provided an overview (see Attachment):

- Staffing is maintained at current levels.
- Equipment needs are small but programs are looking at their replacement plans for computers. Some will be recycled to other areas.
- All services are budgeted. Some revenue projections were made related to the Medicaid Managed Care for home visits that will be fine-tuned. The State Aid Application was revised; there could be a negative adjustment depending on the State's treatment of administrative costs.
- The largest increase is in the Preschool Special Education program. The projected County cost is almost \$223,000 over initial projections in March. Ms. Allinger is looking at some billing to Medicaid that may adjust that figure. The increase is primarily due to bills that need to come from the Ithaca City School District (ICSD). Ms. Allinger added the State has not set a prospective rate for tuition programs for ICSD so the district has not been paid for the past school year. Also, the ICSD has applied for a waiver going back to the 2011-2012 school year that could result in additional costs. Since this is a mandate account, Mr. Kruppa said it does not affect target dollars, but it does affect the County's overall position for mandated dollars. He will be talking to the County Administrator about the best method to appropriate that into the budget.
- Ms. Cameron is in the midst of implementing her software project while Ms. Connors will be rolling out her project next year. Both programs have budgeted for smart phones

to act as mobile hotspots for tablets when staff members are in the field. It should improve efficiency for both Divisions. Administration has a small project to make improvements to the Rice and Brazo conference rooms.

Questions/discussion regarding the budget:

With the maintenance of effort budget, Mr. McLaughlin wondered how the \$47,000 reduction in funding will be handled. Mr. Kruppa replied through increased revenues in Division for Community Health Services and the completion of some larger one-time projects in 2014. Ms. Grinnell Crosby also noted the fringe rate is lower resulting in savings.

Mr. McLaughlin inquired about the consequences of missing the income projection. Mr. Kruppa explained the budget is based on experience, trends, expectations and number crunching. If the projection is missed, then the County Administrator and Legislature would be consulted about filling the gap. Anything that was a policy change would be brought to the Board.

In response to Dr. Morgan's question about billing services through Visiting Nurse Service of Ithaca (VNS), Ms. Connors answered those services provided by the MOMS program would be billed through the local home care agency.

Mr. Greenhouse asked whether a formal process was in place to search for ways to become more efficient. Mr. Kruppa responded part of the strategic plan is to develop policies and procedures that are effective and efficient. Three of the four Divisions have been through the SmartWorks initiative. Mr. Greenhouse recommended a presentation to the Board and the Legislature to demonstrate the Health Department has implemented initiatives to improve efficiency.

Dr. Koppel moved to support the budget as presented; seconded by Dr. Macmillan. Mr. Greenhouse offered a minor amendment to change the year from 2014 to **2015**. The vote to support the budget presented, as amended, carried unanimously.

**Resolution #13.18.29 – Beaconville Mobile Home Park, T-Dryden, Revise Resolution to Extend Deadlines (Water):** Ms. Cameron reported this matter has been brought to the Board on other occasions. Rudy George, the owner, is in the process of selling the mobile home park. He has potential buyers so the resolution was modified to allow time for that sale to take place.

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

A discussion ensued about the problems associated with the water storage tank and potential sale of the property. Mr. Parr stated he spoke with the realtor and prospective buyers so the issues are being fully disclosed. According to Mr. Kruppa, any issues associated with the property would transfer to the new owner who would be responsible for them. Mr. Parr advised a permit would be issued to the new owner with conditions about replacing the storage tank. The tank is corroded so occasionally there are pinhole leaks in the side of the tank that are being patched. Short term public health is not a concern. It is long term public health that is the concern.

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

**Resolution #14.14.12 – Comfort Inn, C-Ithaca, Violation of Subpart 7-1 and 14-1 of the New York State Sanitary Code (Food):** Mr. McLaughlin moved to accept the resolution as written; seconded by Dr. Morgan; and carried unanimously.

**Resolution #14.20.13 – Louie Lupo, 149 Sage Road, T-Enfield, Violation of Article VI of the Tompkins County Sanitary Code (Sewage):** Mr. Parr reported the owner has secured funding through the U.S. Department of Agriculture (USDA) to replace the sewage system and has a contractor lined up. The closing should occur in two to three weeks.

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

**Resolution #13.1.20 – Ulysses Public Water System, T-Ulysses, Revise Resolution to Extend Deadlines (Water):** Ms. Cameron informed members that the water district has been cooperative. The Town of Ulysses has looked at alternatives to address the elevated disinfection by-products, but found them to be costly. After evaluating other available options, the water district may be able to make significant reductions through operational changes. Extending the deadlines allows them time to evaluate new information.

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

**Policy for Waiving Onsite Wastewater Treatment System (OWTS) Permit Application Fees review:** Ms. Cameron summarized the policy establishing the criteria for waiving permit fees in financial hardship cases.

Mr. Greenhouse moved to approve the policy as written; seconded by Mr. McLaughlin.

Ms. Cameron pointed out this policy is consistent with other fee waiver requests that have been brought forward and supported. It is for replacement systems only. If property owners qualify using Department of Social Services (DSS) certification of eligibility, then the fee would be waived automatically. If they do not qualify due to a technicality, then the Public Health Director would be consulted. The last option for property owners would be to bring their case to the Board.

Dr. Morgan referred to section 2.2.4 and asked for an example of “alternative third-party certifications of financial need.” Mr. Parr explained it would be useful in a situation when an applicant applies to Better Housing, meets income qualifications but there is no funding available. The income evaluation done by Better Housing could be compared to DSS requirements, and then the Public Health Director could make the decision regarding the request.

The vote to approve the *Policy for Waiving Onsite Wastewater Treatment System (OWTS) Permit Application Fees*, as written, carried unanimously.

**Barton Request for Waiver of Onsite Wastewater Treatment System (OWTS) Permit Fee, 64 Gunderman Road, T-Danby:** Ms. Cameron stated Mr. Barton did not meet the Division's policy requirements to be eligible for a waiver.

Mr. McLaughlin remarked in the past the Board has discussed waiving fees in hardship situations where systems have failed, but Mr. Barton's situation is not consistent with others considered by the Board.

After a discussion regarding the language for the motion, Mr. Greenhouse moved that while the Board appreciated Mr. Barton's information, consistent with past policy, the Board denied his request; seconded by Dr Koppel; and carried unanimously.

Mr. Greenhouse asked if there is a mechanism for a buyer to avoid a situation like this with some test or inspection. Ms. Cameron replied staff members have not found an inspection system that is accurate. There are too many situations where either the system has been inactive or the number of people using the system increases, and the system fails with changes in use. For existing homeowners, there is a dye test for systems that are consistently used and the homeowners are trying to determine the problem. Mr. Kruppa added it is hard to determine what is causing a system to fail.

**Adjournment:** At 1:33 p.m. Dr. Macmillan adjourned the meeting.