

MINUTES
Tompkins County Board of Health
April 10, 2012
12:00 Noon
Rice Conference Room

Present: Amy DiFabio, MD; Brooke Greenhouse; James Macmillan, MD, President; Patrick McKee; 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; 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

Guests: Steven Kern, 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 12:08 P.M.

Approval of March 13, 2012 Minutes: Mr. McLaughlin moved to accept the minutes of the March 13, 2012 meeting as written, seconded by Dr. DiFabio. The vote: 6 Ayes; 1 abstention due to Dr. Morgan's absence from that meeting.

Financial Summary: Ms. Grinnell Crosby distributed and reported on the Financial Summary for March 2012 which is about 25% of the fiscal year. She had nothing major to report. Staff will participate in webinar conference calls to learn how to complete the revamped 2012 State Aid Application due May 2nd. Revenues are low because federal and state aid quarterly claims have not been filed and posted, but will be processed sometime in April. Staff continues to reconcile with the County's books.

Administration Report: Mr. Kruppa reported:

- Prior to the meeting, orientation was held for new Board Members, Dr. DiFabio and Dr. Meinhardt. Senior Leadership provided an overview of programs and Environmental Health enforcement procedures; Ms. Grinnell Crosby explained the financial summary report.
- The Certified Home Health Agency is being discussed publicly. After the Board took action in Executive Session, the Legislature concurred with the recommendation to submit a closure plan to the State. Approval was received on Thursday, April 5th. This is a bittersweet moment because there is some conclusion, but it also involves closing a program that has operated for over 45 years. Upon receiving State approval, affected staff members were notified: two will be laid off; five will transition into other programs at the Department. The next important step was to notify clients and assure them staff would be working

with them to find suitable care. Of the 23 clients, 12 are long term and 11 are expected to transition out of the program before the closing. The CHHA will not close until all patients have found a new source of care. The date for closure is May 4th, but closing could occur anytime after May 1st. The State needs to receive a roster of our clients containing their discharge disposition, together with our CHHA operating certificate. Mr. Kruppa added he will be reporting this information to the Health and Human Services Committee later in the afternoon, and the County Public Information Office will be sending out a press release to the media.

- As of April 5th, the application to operate a Licensed Home Care Services Agency (LHCSA) was approved. The license is necessary to continue providing services in the home, and for billing purposes, e.g. MOMS program.

Mr. Kruppa responded to questions from Board Members:

- Our County was in a unique position when the State changed the regulations on issuing home health agency certificates. Although we were in the process of selling, the contract had not been signed and staff had already left. The County was not in a position to wait to see what happened.
- Staff will be working with clients to find suitable care options, but it is the client who will make the choice. The State will assist in finding healthcare options for clients who are difficult to transition. Ms. Connors added staff has made calls to all affected clients.
- Visiting Nurse Service of Ithaca and Tompkins County, the other home care agency in the County, has limited capacity to absorb the community client load. There will be a decrease in the amount of home care services available.
- Cayuga Medical Center has contacted legislators to emphasize the need for additional home care services in Tompkins County. The hospital is concerned it does not have places to discharge patients. Dr. Klepack added the hospital must keep patients in its facility when there is no acceptable discharge disposition. Beds are filled up with non acute patients who require a lot of resources and that is expensive. Mr. Kruppa stated the hospital is already having discussions with the State.
- The State is not planning to review Request for Applications (RFAs) for upstate until 2014. There is a need to present some convincing arguments to speed up that process or consider Tompkins County as a special circumstance. The Department will be advocating to help reestablish access to care at the level expected in our County. There may be a need for support from the Board and the Legislature as we submit letters to the State.
- Mr. Kruppa commended Ms. Connors, Ms. Gatch, and the Home Care staff for their amazing work under difficult circumstances. As they continued to provide care and serve clients, there were no concerns about the quality of care which is attributable to the people working here. Happily, some of them will be continuing in other programs at the Department.

Medical Director's Report: Dr. Klepack reported:

- The Health Impact Assessment regarding hydrofracking included in the Assembly budget proposal was not supported by a companion bill in the Senate; therefore, the health impact assessment was not included in the State Budget.
- The Medical Society of the State of New York's position on health impact studies is similar to that of the Board and the New York State Academy of Family Physicians. An article in their bulletin summarizes the reasons MSSNY has health concerns about hydrofracking and advocates strongly for a health impact assessment. The bulletin circulates to physicians in multiple specialties so it raises the possibility other physicians will offer their support.
- NYSDOH will be pushing for extending the expedited partner therapy law which sunsets in 2014. The law is specific to Chlamydia and has been successful in controlling the spread of the disease. At this time, the Board does not need to take action to support the extension of the law.

Tompkins County Health Department Common Acronyms: Ms. Grinnell Crosby distributed a copy of common acronyms used by staff at the Department. This list, to be revised periodically, was created to be a helpful reference tool for Board Members. Dr. Macmillan suggested putting the list on the website.

Division for Community Health Report: Ms. Connors:

- Reported there are a number of policies/procedures she needs to write or revise to comply with LCHSA and Diagnostic and Treatment Center (D&TC) Article 28 regulations. After the final review by the Department of Health Regional Office in Syracuse, she will bring copies to the Board.
- Circulated a copy of a new brochure published by the Immunization Coalition of Tompkins County and funded by NYSDOH. The Health Department is the sponsor and driving force for the Coalition. The brochure provides information on immunization requirements for different age groups. It will be distributed to physicians, healthcare providers, schools, and others who may provide immunizations or advice about immunizations. Dr. Meinhardt asked about an online version that would allow free distribution; the Health Department will look into placing it on the website.
- Provided an update on pertussis. There are 43 cases (11 cases last year) ranging from ages 2 months to 43 years. Most cases are between 10-15 years of age. No one has been hospitalized or died. (Edit: Ms. Connors received word during the meeting that one infant with pertussis was hospitalized and released.) The focus has been on educating people about vaccinations. This has been challenging because of the misinformation in the public regarding requirements. Tdap (tetanus, diphtheria, and acellular pertussis) vaccinations for adolescents and adults are available so appointments are being scheduled.

Ms. Connors responded to questions from the Board:

- There is a rise in the number of pertussis cases in most counties.
- The Department is currently creating a link on our website enabling parents to hear the sound of a "whoop" cough in children.
- Most of the pertussis cases are in individuals who have been fully immunized.

Children with Special Care Needs Report: Ms. Allinger reported:

- The New York State Budget was passed. Last month, she had shared the Governor's proposed reforms to the Early Intervention Program. Most reforms were passed except for contract providers having to be in network with the insurance companies. What the remaining proposals will look like and their effects on our program are unknown; we are waiting for further clarification.

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

Environmental Health Report: Ms. Cameron reported:

- Boil water orders, in effect for over a year at two apartments, have been resolved. Wittko Apartments has a new owner who is interested in improving the water situation. Ferguson Apartments has one tenant who will be vacating soon.
- Tompkins County received \$750,000 in the New York State Budget to address the hydrilla problem. Currently under review is a permit application for the herbicide endothall that was submitted by the Tompkins County Soil and Water District. This has been a cooperative effort by many agencies. Hopefully, some of the funding will be allocated for a coordinator. There are educational opportunities to learn about hydrilla: (1) a public meeting on April 12th from 4:30 to 6:00 pm. at Cornell Plantations, and (2) Hydrilla Happy Hour, an informal gathering held the last Wednesday of the month at Corks & More.
- The State Health Commissioner banned the sale of synthetic cannabinoids. Being a civil action, enforcement is through the administrative process of the NYSDOH. Internet sales based in the State are to be referred to the Commissioner.

Resolution #12.17.6 – Bell-Gate Mobile Home Park, T-Enfield, Violation of Part 17 and Subpart 5-1 of the New York State Sanitary Code (Water Sampling): Ms. Cameron reported this small mobile home park has not been consistently submitting required bacteriological water sampling. The new owner is proactive, but it is taking some time to get his actions to follow the regulatory monitoring requirements. She noted the penalty would be waived if the owner complied by submitting the required water samples for the first 3 quarters in 2012. He has submitted the 1st quarter sample for 2012.

Mr. McLaughlin moved to accept the resolution as written, seconded by Mr. Greenhouse.

Mr. McLaughlin inquired about the suspended penalty option in this matter. Ms. Cameron responded the owner has made other improvements, has been cooperative, and has family members living in the park, so there is incentive for serving high quality water. He has chlorine residual; there are no indications of any other problems. The goal is to get the owner into compliance so this is an educational effort we want to continue. Mr. Kern added that this is a small system. The State has a recommendation for these samples, but it is not a requirement in the Code. The Health Department can require it, and has taken action because it has been an issue.

Dr. Macmillan found the language to be ambiguous in the Draft Resolution, Item #1, Page 2, under "Resolved, on recommendation..." A friendly amendment was suggested to read, "Pay a penalty of \$400 for the above violations *by November 15, 2012.*"

This penalty will be suspended...” This was acceptable to Mr. McLaughlin, mover of the resolution. The vote on the resolution as amended was unanimous.

Resolution #12.33.7 – P & Y Convenience Store, T-Lansing, Violation of the Adolescent Tobacco Use Prevention Act (ATUPA):

Resolution #12.33.8 – On A Roll Catering, C-Ithaca, Violation of the Adolescent Tobacco Use Prevention Act (ATUPA):

Dr. Macmillan recommended considering both of the above resolutions at the same time.

Ms. Cameron explained her staff is required to conduct compliance inspections by taking a minor to an establishment to buy cigarettes. Sales were observed at two locations. The penalty has been raised from previous cases since people should now be aware of the law. The penalty is against the establishment, not the employee who sells the tobacco product. The minors are carefully selected and instructed: must be 16 years old, look their age, and simply state they do not have identification if asked by the employee.

Dr. Morgan moved to accept the above resolutions as written, seconded by Mr. McLaughlin. Both resolutions carried unanimously.

Adjournment: At 1:04 P.M. Mr. Greenhouse moved to adjourn the meeting, seconded by Dr. DiFabio, and carried unanimously.