

**Tompkins County Board of Health  
May 27, 2014  
12:00 Noon  
Rice Conference Room**

**Present:** Will Burbank; Brooke Greenhouse; Edward Koppel, MD; James Macmillan, MD, President; Patrick McKee; Michael McLaughlin, Jr.; and Janet Morgan, PhD

**Staff:** Sylvia Allinger, Director of CSCN; 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:** Patricia Meinhardt, MD; and Liz Cameron, Director of Environmental Health

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

**Privilege of the Floor:** Stan McLain, Administrative Director, Brooktondale Nazarene Camp

Mr. McLaughlin, Vice President, called the regular meeting of the Board of Health to order at 12:05 p.m. The gavel was passed to Dr. Macmillan upon his arrival during Privilege of the Floor.

**Privilege of the Floor:** Representing the Brooktondale Nazarene Camp, Stan McLain stated his organization was concerned it did not meet the criteria for testing. In past years, the camp had an arrangement with a courier to perform the tests twice a month so it was thought the necessary testing had been done. There was also a change in church leaders for the district that affected management of the organization. He was not notified the tests were not completed until after the camp had closed in August. Tests had been performed by the Health Department earlier in the season and the camp had maintained chlorine levels as required throughout the camping season. He welcomed questions from the Board. In response to those questions, Mr. McLain said his organization has a new arrangement with a microbiology lab in Cortland so he is anticipating the right tests will be done in a timely fashion and there will be a 24 hour turnaround period to be notified of test results.

**Approval of April 22, 2014 Minutes:** Mr. McLaughlin moved to approve the minutes of the April 22, 2014 meeting as written; seconded by Dr. Macmillan. Mr. Kruppa reported Dr.

Meinhardt submitted corrections to the minutes to be considered as amendments. He directed attention to a copy of her e-mail (Attachment 1).

The minutes, as amended, carried with Dr. Morgan abstaining.

**Financial Summary:** Ms. Grinnell Crosby referred to the financial summary. With Kevin McGuire from County Administration working on the County budget and other higher priority projects, no changes have been made to the design of the dashboard. She reviewed her written notes for those areas in red:

- Preschool Special Education – Filing of the next Automated Voucher Listing is due in June that will cover a portion of the 2014 year. Medicaid billing will be processed at the end of the school year.
- Division for Community Health – Staff continues to resolve billing issues and to evaluate the billing to Medicaid Managed Care for MOMS in-home services. Due to a delay in receiving the fringe rate, State claims for grant services that include fringes were delayed and will not be posted until May.
- Physically Handicapped Children’s Treatment – Claims are filed quarterly for this small program.
- Early Intervention – Continues to be in flux due to the change in fiscal agent and State takeover.
- Environmental Health – Primarily related to the delay in filing three of their grants that had claims for fringes.

Dr. Morgan commented she found the explanatory notes at the bottom of each page of graphs to be helpful.

**Administration Report:** Mr. Kruppa announced Mr. McKee is resigning from the Board as he has accepted a new position in another state. Expressing thanks for his time and participation, Mr. Kruppa recognized Mr. McKee as a valued member of the Board whose input and sense of humor will be missed. Dr. Macmillan echoed Mr. Kruppa’s comments and best wishes.

Mr. Kruppa outlined the search process to fill the vacancy for a consumer member. The position will be advertised in the newspaper for thirty days to recruit a diverse applicant pool. At the next Board meeting, a nominating committee will be organized to interview candidates and make a recommendation to the larger group. Board members should encourage individuals with special skills and/or background to apply.

Mr. McKee mentioned there was a visitor at the meeting who might be recruited. In response, Sue Merkel introduced herself. She teaches public health microbiology at Cornell University and is looking to provide authentic public health experiences for her students. Mr. Kruppa responded he would be interested in discussing the matter with her.

Noting Mr. McKee’s expertise in the not-for-profit area, Mr. McLaughlin wondered if the Board would want someone with a similar background. Mr. Kruppa identified the Human Services Coalition Listserv as one place to advertise that reaches most of the non-profit community. He is willing to reach out to potential candidates if anyone on the Board has a suggestion.

Mr. Burbank volunteered to serve on the ad hoc committee to interview candidates. Acknowledging his offer, Mr. Kruppa stated additional committee members will be selected at the next BOH meeting.

Dr. Macmillan reminded Board members it will be important to make the quorum requirement next month.

**Medical Director's Report:** Dr. Klepack provided updates:

- Influenza is down turning after the second peak began in late March.
- The five syphilis cases appear to be linked. During contact investigation, the New York State Department of Health (NYSDOH) regional office augmented the work of Health Department staff to locate, notify and treat individuals. Through a contract with the Health Department, he also reviewed charts and acknowledged the quality care provided by Planned Parenthood in testing and treating individuals for sexually transmitted diseases. In terms of the general community, he does not believe there is a concern about these syphilis cases.
- Some health professionals and scientists are pressing the State to move to a formal three to five year moratorium on hydrofracking. A couple of dynamics are involved: (1) the number of studies and data on hydrofracking has grown with successive years; some peer reviewed, high quality studies raise concerns, and (2) there is uncertainty regarding the change of Commissioners at the NYSDOH and what that means for the health impact study on hydrofracking.

Dr. Klepack responded to questions from the Board:

- There are quality studies being published or in the process of being published by reputable people that raise questions, e.g. correlation of endocrine disruptors and carcinogenic chemicals appearing in groundwater.
- The moratorium is recommended by a variety of people and organizations from a number of different places: Sandra Steingraber, PhD, Ithaca College; Larysa Dryska, MD, Concerned Health Professionals of New York; the Second District of the American Academy of Pediatrics, among others.

**Division for Community Health Report:** Ms. Connors had nothing to add to her written report.

**Children with Special Care Needs Report:** Ms. Allinger had nothing to add to the statistical report (Attachment 2) she distributed before the meeting.

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

**Environmental Health Report:** Representing Ms. Cameron at the meeting, Mr. Parr reported the Accela permit management system went live on May 19th. There has been a learning curve associated with the program, but staff has patiently worked through it.

**Approval of revised *Tuberculin Skin Testing Policy*:** Ms. Connors noted this policy was updated to include the current terminology and procedures in the *CDC 2013 Core Curriculum on Tuberculosis*. Dr. Klepack and Dr. MacQueen, tuberculosis consultant for the Health Department, have reviewed the policy and made their recommendations.

Dr. Morgan moved to approve the revised policy as written; seconded by Mr. McLaughlin.

Dr. Koppel referred to section F describing “Precautions.” He wondered if any consideration was given to using the QuantiFERON-TB Gold test in cases involving a concern about a significant reaction using the Tuberculin Skin Test (TST). Dr. Klepack envisions using it as a backup test; the TST is less expensive, more efficient. Dr. Koppel was concerned about having an alternative test available if there was a contraindication. As a lay person, Mr. Greenhouse felt the policy did not provide an alternative choice. Ms. Connors said a statement could be added to consult with the Medical Director or TB consultant in those situations. Dr. Klepack advised it does not necessarily mean that giving the TST would be a danger to a person’s health. The repeat administration is to avoid non-responders to the first test. He does not have any problem with the clause. At this point, no amendments were offered.

Dr. Morgan questioned whether the first clause under section H discussing “Administration” meant nursing students would not be eligible to administer the test. Ms. Connors responded they would not be eligible unless they had their Registered Nurse (RN) license.

The vote to approve the revised policy as written was unanimous.

**Approval of revised *Bloodborne Pathogen At-Risk Employee Education and Hepatitis B Vaccination Policy*:** Ms. Connors stated this policy addresses the education required by the Occupational Safety and Health Administration (OSHA). Every employee in an at-risk position must be educated and offered the Hepatitis B vaccination within 10 days of assignment to an at-risk position.

Dr. Morgan moved to approve the revised policy as written; seconded by Dr. Macmillan; and carried unanimously.

**Approval of revised *Bloodborne Pathogen (BBP) Post-Exposure Policy*:** Ms. Connors explained this policy was updated to meet current recommendations for those incidents involving a possible exposure. On average, there is one exposure every year. Dr. Evelyn at Cayuga Medical Center at Ithaca (CMC) reviews the Memorandum of Understanding (MOU) on behalf of the hospital. Health Department staff works with the hospital on its response to a County employee coming to the emergency room so the employee will be prioritized if there is a high-risk exposure. 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.

Main points from a discussion:

- There should be a clinical evaluation within one to two hours; however, the reality is an employee waits if the hospital emergency room is busy. Staff calls the hospital directly to urge them to prioritize the employee.
- Employees are educated every year on how to handle a situation if they are exposed. Upon arrival, they need to inform the emergency room that this is a work-related bloodborne pathogen exposure.
- There is a MOU with the hospital. Ms. Connors follows-up with the hospital once the employee calls about the incident and is headed to the emergency room.
- Dr. Klepack suggested Health Department staff could electronically transmit a cover letter with attached MOU to the emergency room. It would document that the hospital agreed to treat the employee within two hours.
- Once the employee is seen and evaluated there is a dialogue between the employee and the evaluating health professional to look at the exposure and make a decision about post-exposure treatment. The policy talks about risks and benefits but it is up to the individual to decide on treatment.
- Employees are strongly encouraged to have baseline testing done to establish they are not coming through the door with infections.
- CMC is the only place that stocks the drugs for HIV prophylaxis as they are very expensive and have a short shelf life.
- When an employee goes to the emergency room, Ms. Connors or a designated staff member contacts the source person about testing. So far, no one has refused the testing.
- The biggest concern is to empower the employee to go the emergency room.

Ms. Connors reported Dr. MacQueen, infectious disease specialist at Cayuga Medical Center, has reviewed and revamped the hospital's protocol for bloodborne pathogen exposures. She will work with Dr. Klepack to obtain a copy of the protocol.

Dr. Morgan referred to the section, "Definition of a Work-Related Bloodborne Pathogen (BBP) Exposure." To avoid confusion regarding statement "3" referring to HIV and statement "3.a" referring to Hepatitis B and Hepatitis C, she recommended treating those two statements separately. Ms. Connors agreed and will change statement "3.a" to "4" and statement "4" to "5."

Dr Koppel referred to the "Emergency Evaluation" section. He asked for clarification on the intent of statement "4.a." Ms. Connors agreed there was a problem with the wording because the Health Department would still be providing close follow-up testing. Dr. Macmillan said the wording is ambiguous so he suggested "...baseline HIV testing or further follow-up...**may not** be necessary." Dr. Klepack recalled there was a strong effort to avoid making baseline testing optional. In response to his comment, Ms. Connors directed attention to the MOU (Appendix B) that was changed by adding sentence "3" regarding baseline testing. After careful consideration, Dr. Klepack agreed the wording in statement "4.a" should be revised. There was agreement that Ms. Connors and Dr. Klepack would work on the language.

There was discussion about whether to approve the policy at the present meeting or to bring it back for approval next month. Deciding to approve the policy as amended at today's meeting, Board members were comfortable allowing Ms. Connors and Dr. Klepack to revise the

baseline testing language and to receive a copy of the revised policy in next month's packet. Mr. McLaughlin moved to approve the revised policy as amended; seconded by Dr. Macmillan; and carried unanimously.

**Resolution #14.13.8 – Upstate District Nazarene Church, T-Caroline, Violation of Subpart 5-1, 7-1 and 7-2 of the New York State Sanitary Code (Water):** The Board heard remarks from Mr. McLain, Administrative Director of the Brooktondale Camp and Retreat Center, earlier in the meeting. Mr. Parr summarized the situation in which the facility failed to submit the required total coliform sample test results for 2013. The organization is being asked to pay a penalty of \$400, submit reports and collect the necessary samples throughout the camping season.

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

**Resolution #14.10.9 – Thai Basil, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food):** Mr. Parr noted Thai Basil has been in operation a short period of time. The owner did not have a thermometer available to monitor food temperatures. Upon re-inspection a few weeks later, the owner was still in violation for not having a thermometer.

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

**Resolution #14.10.10 – Easy Wok, V-Lansing, Violation of Subpart 14-1 of the New York State Sanitary Code (Food):** Mr. Parr reported Easy Wok has a history of non-compliance with food being out of temperature, repeat violations, and housekeeping issues. As part of the signed Stipulation Agreement, two of the restaurant's employees must complete food safety training and one of those employees must be on-site at all times. Cornell Cooperative Extension offers the necessary training.

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

There was a discussion regarding the cockroach issue. Mr. Parr noted Easy Wok has records of pest management; however, their employees need to be cleaning properly as well. Although not considered a critical violation of the sanitary code, there is the possibility that the required training will result in improved housekeeping. Board members thought there should be some language regarding cleanliness procedures. Mr. Kruppa suggested adding a notation regarding cleanliness in the cover letter to be attached to the resolution.

The vote on the resolution, as written, with accompanying cover letter containing cleanliness language carried unanimously.

**Farrell Request for On-site Wastewater Treatment System (OWTS) Permit Fee Refund, 346 West King Road, T-Ithaca:** Mr. Parr stated Ms. Farrell applied for a sewage system conversion permit. She was unable to complete the paperwork for the Town of Ithaca and finalize plans with her plumber within the six month time period that is typical for issuing a

refund. After all that work, she has changed her plans. Since she does not need the conversion permit, she is requesting a refund.

Mr. Burbank moved to approve the refund request; seconded by Mr. McKee; and carried unanimously.

**Public Water System Sanitary Survey Frequency - draft policy review:** Mr. Parr explained the Environmental Health Division is requesting approval to change the policy on the frequency of sanitary surveys performed. Currently the policy is to perform sanitary surveys of all public water systems on an annual basis. The Division wants to move toward every other year for those facilities that meet the criteria outlined in the policy. The change would free up resources to work with those systems having more problems.

Mr. Kern advised there is State approval. The Division has always taken the concerned approach of going out every year to speak with the operators of water systems to ensure there is sampling and monthly reports, etc. This is a risk-based approach to put more effort into those problem systems.

Mr. McLaughlin moved to approve the *Public Water System Sanitary Survey Frequency* policy as written; seconded by Dr. Morgan; and carried unanimously.

**Environmental Health Division Proposed 2015 Fees- draft for discussion:** Mr. Parr said there was an across the board increase in fees of 2.7 percent to account for an increase in staff salaries and recovery of a portion of the credit card fees for the new payment system. There are a few areas with no change, primarily in the plan review section. The idea is to keep things flat until it is determined how Accela affects program costs.

Mr. McLaughlin moved to approve the Environmental Health Division 2015 Fees as written; seconded by Dr. Koppel; and carried unanimously.

**Closing Discussion:** Since the last meeting, Mr. McLaughlin has given considerable thought about the resolution passed by the Board in support of ending tobacco sales in pharmacies. In the effort to prevent youth from smoking, he believes businesses would think about the risk of selling cigarettes if there was a significant penalty for violations. He believes fines are deterrents so he wondered if there was an interest in setting a higher fine. Since points are associated with each violation, Mr. Kruppa pointed out a business would lose its license to sell cigarettes and lottery tickets after three violations. In the BOH resolution, Dr. Macmillan emphasized the Board took a limited approach by focusing on pharmacies because it did not make sense from a health perspective. Mr. Wood advised there is a limit on fines in the County Sanitary Code. Dr. Klepack added there is good evidence that changing the amount of tax on a pack of cigarettes changes the usage.

**Adjournment:** At 1:48 p.m. Dr. Macmillan adjourned the meeting.