

Tompkins County Board of Health

October 28, 2014

12:00 Noon

Rice Conference Room

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

Staff: Sigrid Connors, Director of Patient Services; Brenda Grinnell Crosby, Public Health Administrator; Steven Kern, Senior Public Health Sanitarian; William Klepack, MD, Medical Director; Frank Kruppa, Public Health Director; Jonathan Wood, County Attorney; and Shelley Comisi, Keyboard Specialist

Excused: Brooke Greenhouse; Sylvia Allinger, Director of CSCN; and Liz Cameron, Director of Environmental Health

Guests: Jennifer Foster, Manager of Comfort Inn; Heather VanHousen, Resident at 22 Station Road; and Cindy Schulte, Public Health Sanitarian

Privilege of the Floor: Jennifer Foster; and Heather VanHousen

Dr. Macmillan called the regular meeting of the Board of Health to order at 12:00 p.m.

Privilege of the Floor: Jennifer Foster, Manager of the Comfort Inn, addressed the re-inspection of their food service operation. During the re-inspection, a violation was recorded for not having a metal stem-type thermometer. Prior to that inspection, steps had been taken to correct problems. They had purchased a food thermometer and were taking temperatures every hour while serving breakfast. She apologized that a staff member chose not to follow instructions and reported he is no longer with the organization.

Heather VanHousen appeared on behalf of herself and Michael McEver, owner of the property at 22 Station Road in Spencer. She referred to a letter they sent to the Health Department explaining the situation and their plan to replace the sewage system with tax refund money. As required, the liming and fencing were done right away and they are pumping the septic tank every other week. Unable to find alternative housing, she is worried the family could end up in a shelter if required to move out. They understand the concerns, but do not have the money right now. She requested more time to correct the problem.

Approval of September 23, 2014 Minutes: Mr. McLaughlin moved to approve the minutes of the September 23, 2014 meeting as written; seconded by Dr. Koppel. The minutes carried with Mr. Burbank and Dr. Morgan abstaining.

Financial Summary: Ms. Grinnell Crosby referred to the September financial summary. Most accounts have remained the same with the exception of the Preschool Special Education program. Bills totaling approximately \$407,000 were processed for the Ithaca City School District that was related to the New York State Education Department not posting rate adjustments. The revenues received for that program are based on Medicaid and State Education reimbursement.

Ms. Connors added the contract with Visiting Nurse Service of Ithaca and Tompkins County (VNS) has been completed. With billing for the Medicaid Obstetrical and Maternal Services (MOMS) program now handled through VNS, there should be revenue dating back to July 1, 2014 coming in and continuing through the end of the year.

Administration Report: Mr. Kruppa reserved his time for the Ebola virus discussion near the end of the meeting. When asked about the reference to DOER in his written report, he replied the acronym stands for the Department of Emergency Response. Ms. Grinnell Crosby mentioned an updated list of acronyms will be sent to members.

Medical Director's Report: Dr. Klepack stated he would contribute to the Ebola virus discussion later in the meeting.

Division for Community Health Report: Ms. Connors reported the Health Department has administered its supply of flu vaccine which included vaccinating the following groups: the Ithaca Fire Department, volunteer fire departments, other EMS personnel, and senior housing residents. Pharmacies are still offering flu vaccinations to the public.

Dr. Klepack reported on the availability of certain types of flu vaccine. Most of the pharmacies have supplies of the 3-valent type. Private practices who ordered the 4-valent type have not received their orders. There is not a shortage. The problem is the difficulty in culturing the virus in the fourth component. He heard quantities of the 4-valent vaccine should be shipped at the end of the month. Flu mist continues to be available.

With several types of vaccine, Mr. Burbank wondered whether there was any recommendation for a particular type. Dr. Klepack replied the emphasis is on getting vaccinated. There is not much information to argue one way or another about the various modalities of flu vaccine.

Dr. Koppel inquired about access to free vaccine in the community. Mr. Kruppa responded the Health Department provides vaccinations on a sliding fee scale. Ms. Connors mentioned the Vaccines for Children Program is also available for eligible clients.

Questions regarding the *2014 Communicable Disease Report*:

- Dr. Macmillan asked if the 20 reported cases of gonorrhea could be a typographical error as it is a sudden increase from the previous months. Ms. Connors will verify the number.
- Following-up on Dr. Koppel's question from the previous Board meeting, Ms. Connors stated the basis for reporting *rabies exposure* statistics was revised to count the number of *clients* receiving rabies shots rather than the number of rabies *shots* administered.

Children with Special Care Needs Report: Ms. Allinger was not present for the meeting.

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

Environmental Health Report: Representing Ms. Cameron at the meeting, Mr. Kern referred to the EH report. He thanked Mr. Burbank for his diligent reading that resulted in a correction to the critical violations section. In the original report, three food service establishments were reported to be cold holding food **above** 45°F; however, it should have read "at or **below** 45°F during cold holding." The report will be corrected on the website.

Resolution #14.20.14 – Michael McEver, 22 Station Road, T-Danby, Revise Resolution Extending Sewage System Replacement (Sewage): Mr. Kern summarized the resolution adopted in August required the owner to replace of the sewage system at 22 Station Road by October 3rd. Upon receiving a letter from the residents, the resolution was revised. It requires the residents to submit available contact information for the co-owner of record by November 15th; replace the sewage system or vacate the premises by December 2nd; and continue to fence the area, apply lime, and pump the septic tank.

As Public Health Director, Mr. Kruppa shared his perspective and discussed the guidance he has given staff members. In researching the situation at this property, staff determined there have been complaints from neighbors going back several years related to the discharge. Furthermore, no permit for the original installation was found. It is an old fashioned septic tank with a single straight pipe that routes to the edge of the property where waste is discharged. This situation has gone on for several years and needs to be resolved. The Board is asked to set a definitive date of December 2nd for residents to either fix the system or vacate the property. If they do not comply, then the next step in the process would be to move forward with an administrative hearing allowing both sides to present their cases. The administrative judge would make recommendations to the Board on how to proceed. With the results from the administrative hearing, the Board could amend or modify those recommendations including a timeframe for compliance. At the earliest, the Board would be considering this matter at the January 27, 2015 meeting.

During the ensuing discussion, Board members were informed Mr. McEver has owned the property since 2006. The neighbors and Health Department staff have been dealing with this situation since 2008. Mr. McEver has applied for financial aid and does qualify, but due to divorce proceedings he cannot attain the assistance. He co-owns the property with his soon-to-be former wife; however, she is not participating.

Cindy Schulte, Public Health Sanitarian who has been working on this issue, explained the neighbors are frustrated. Although the residents living in the area are on a public water system, the surface discharge is a health hazard.

Mr. Kruppa believes the timeline is reasonable, yet compassionate, in seeking a resolution to the problem early next year, but also enabling the residents to use their tax refunds.

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

Mr. Kruppa outlined the process and timeline to Ms. VanHousen. He emphasized the residents will be notified every step of the way and encouraged them to participate when an administrative hearing is scheduled. Mr. Wood added they may have a lawyer represent them, but there is no appointment of lawyers and no aid.

New York State Department of Health Article 28 Diagnostic & Treatment Center Survey Results: Ms. Connors reported New York State Department of Health (NYSDOH) normally conducts an onsite inspection of the Health Department clinic every three years. On October 2nd, four surveyors reviewed policies, client records, personnel records, the quality assurance process, and job descriptions. She announced the good news that the State found the clinic deficiency free which is very rare. Dr. Macmillan offered congratulations on behalf of the Board.

Approval for revisions to the *Advanced Directives Policy*: Dr. Morgan moved to approve the revisions to the policy as written; seconded by Dr. Macmillan.

Ms. Connors noted staff worked closely with Dr. Klepack on the edits to match the current regulations that came out in March regarding the Family Health Care Decisions Act. Detailed information was added to the MOLST (Medical Orders for Life-Sustaining Treatment) form. Staff can ask the initial questions and refer clients who need additional help.

After Dr. Morgan mentioned the language used in the definition of an *adult* on page one was confusing, there was a brief discussion in which Ms. Connors described the reasoning behind the wording. *Pregnant* was added because the MOMS program serves young women who may be under the age of 18. They are provided information about consent laws that allows them to consent to care and consent to treatment. Pregnancy itself is a condition that enables them to have rights to consent. When Ms. Connors asked if she should she change the verbiage, Dr. Morgan responded it was fine to leave it as written.

The vote to approve the revisions to the *Advanced Directives Policy*, as written, was unanimous.

Approval for new policy – *Credentialing for Licensed Health Care Providers*: Ms. Connors presented the new policy addressing licensed staff working in the clinics: registered nurses, Medical Director and any contract licensed individual which at present is the Tuberculosis Consultant, Dr. MacQueen. These standards are required by NYSDOH.

Dr. Macmillan moved to approve the policy, *Credentialing for Licensed Health Care Providers*, as written; seconded by Ms. Merkel; and carried unanimously.

Follow-up report to earlier discussion item:

- Ms. Connors verified there were 20 cases of gonorrhea reported in September. NYSDOH assists with partner notification which is helpful as case investigations cross county lines.

Resolution #14.40.22 – Clark’s Shur Fine, V-Dryden, Violation of Article 13-F of the New York State Public Health Law (ATUPA): Mr. Kern summarized the business establishment violated the Adolescent Tobacco Use Prevention Act by selling cigarettes to minors. The request is for a penalty of \$450 with a \$50 state mandatory surcharge.

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

Resolution #14.14.25 – Country Inn and Suites, T-Ithaca, Violation of Subparts 7-1 and 14-1 of the New York State Sanitary Code (Food): Mr. Kern reported Country Inn and Suites had repeat violations of inadequate refrigeration. The resolution requires the temporary residence to provide adequate refrigeration; provide proof of repair or replacement of existing refrigeration equipment; establish and maintain temperature monitoring logs; and pay a penalty of \$400. A receipt and certification for replacement of the inadequate refrigeration was received on October 16, 2014.

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

Resolution #14.10.26 – State Diner, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Mr. Kern stated the State Diner had repeat violations of inadequate refrigeration. They were ordered to provide adequate refrigeration; provide proof of repair of existing cooler; and pay a penalty of \$400. A copy of the bill for repair of the existing cooler was received on October 8, 2014.

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

Resolution #14.14.27 – Comfort Inn, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code and Board of Health Orders Adopted June 24, 2014 (Food): Mr. Kern reviewed the BOH Orders adopted in June whereby the Comfort Inn was ordered to comply with all requirements of temporary residence food service codes and pay a penalty of \$500. In August and September, they had repeat violations for not having appropriate, accurate food thermometers which was a violation of those BOH Orders. In the resolution, they are required to provide an accurate, metal-stem type thermometer on-site to monitor cold holding and cooking temperatures and pay a penalty of \$1000. As Ms. Foster stated earlier in the meeting, they did purchase a thermometer after the initial violation. Unfortunately, it was a roasting thermometer that only measured hot holding temperatures, not a probe thermometer that handles both hot and cold temperatures.

Dr. Morgan moved to accept the resolution as written; seconded by Ms. Merkel.

From reading the history, Ms. Merkel thought it looked like they started serving food without a permit, continued to serve food after being notified they were in violation of the food codes, and finally submitted the required plan several months later. Mr. Kern said a change in interpretation and guidance from NYSDOH caused Environmental Health staff to inspect temporary residences to see the types of food being served. In the past, they were serving prepared foods, but several were serving regular breakfasts. They were given an option to either stop serving that kind of breakfast or comply with the codes.

Dr. Morgan noted the Comfort Inn was initially fined for not having a permit to serve food. She was interested in knowing why the fine doubled for not having a thermometer which is a different issue. Mr. Kern replied the establishment was ordered to comply with the requirements of the New York State Sanitary Code being inserted in every enforcement action. That meant they needed to purchase an appropriate food thermometer.

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

Reappointment of Janet Morgan, PhD, RN, to the Tompkins County Board of Health: Mr. Kruppa announced Dr. Morgan's term expires at the end of the year, but she has expressed interest in continuing for another term. If the Board is inclined, a motion is needed to move the recommendation forward to the Legislature.

Mr. Burbank moved to recommend Dr. Morgan for reappointment to the Tompkins County Board of Health; seconded by Dr. Macmillan. The vote: Aye – 5; Abstention – 1 (Dr. Morgan); motion carried.

Regarding the physician member vacancy, Mr. Kruppa will be contacting the two individuals who are interested in the position.

Discussion – Ebola Planning Update: For the last 3½ weeks, Mr. Kruppa reported staff members have spent an inordinate amount of time discussing and preparing a response to a potential Ebola case. It has been a large scale effort involving many staff members.

Initially staff reviewed the information surrounding Thomas Eric Duncan's arrival at the hospital in Texas. Mr. Duncan showed up for care, but was sent home. He became very ill, came back to the hospital, and passed away. In the conduct of his care, two of the nurses who were serving him also contracted Ebola, but are recovering. Infection control is extremely difficult in these types of situations when staff members are wearing personal protective equipment (PPE), but are not used to wearing it. Centers for Disease Control and Prevention (CDC) guidance is now full body coverage.

Locally, the Health Department has been focused on working with community partners: Cayuga Medical Center, the three colleges/universities, Bangs Ambulance, DOER, and Ithaca Fire Department. There have been weekly meetings to discuss plans/activities at the different organizations.

In the midst of planning, Commissioner's orders from NYSDOH were received. Essentially it ramped up the preparedness that the State is expecting from all healthcare organizations; hospitals being primary. Organizations must put in place procedures and protocols for dealing with potential patients, evaluate infection control procedures, determine the appropriate PPE for the particular medical setting, and train/drill staff regarding the PPE. The

orders covered diagnostic and treatments centers, hospitals, and ambulances. As a diagnostic and treatment center, the Health Department is required to comply with the orders as if a sick patient came into the building seeking care. Staff members worked on internal procedures to respond and Ms. Connors has put the finishing touches on a transport protocol to the hospital.

To meet the community's need for information, a round table for local print and radio media was presented by the Health Department, CMC, and Gannett. Each organization briefed the media on the steps that have been taken and then welcomed their questions.

There is ongoing planning by organizations as they look at their needs for PPE and the training they require. Groups around the country are buying up PPE which presents a challenge for training when there is a limited supply. In meetings with EMS leadership, there have been discussions about what they need.

Last night, another set of Commissioner's orders was received. The Governors of New York and New Jersey have decided to quarantine everyone coming from three specific West African countries. The Commissioner issued an order that puts that into effect for New York. Most of the responsibility lies with personnel at JFK International Airport; however, people may continue to travel upstate. The receiving county would have to initiate quarantine on those individuals until the end of their 21 days. The good news is the screening at the airports will hopefully identify those people traveling from West Africa and there will be no surprises.

Every day staff members are reviewing the new guidance. It has been a significant task, but it is an emerging public health issue that warrants attention.

Referring to the diagnostic and treatment centers covered in the Commissioner's orders, Ms. Connors named the four centers in Tompkins County: the Health Department, Planned Parenthood, the Dialysis Center and Franziska Racker Centers. To comply with the orders, staff members have worked on finalizing protocols for reception/risk assessment to be shared with partner groups; posting appropriate signage in nine different languages; and obtaining the appropriate PPE for non-hospital settings.

Highlights from the Ebola update discussion:

- The State has a number for the public to call with questions about the Ebola virus: 1-800-861-2280 which is posted on the Health Department website.
- There are six conditions for quarantine posted in the Commissioner's orders. Two of them are for New York City only. Of the remaining four, one is direct quarantine and the other three are voluntary with the option of quarantining the individual if the situation warranted. A health care provider using proper PPE in West Africa would be quarantined.
- The Health Department is considered a diagnostic and treatment center which falls under Article 28 law. NYSDOH has authority over Article 28; therefore, must comply with the Commissioner's orders.
- CDC research shows someone who is non symptomatic is not contagious.
- There is specific CDC guidance for EMS and 9-1-1- response that talks about PPE and how to clean the rigs. The County is training the trainers to go back and train EMS personnel in their units.
- There is a protocol in place for rapid transit and Ebola testing through NYSDOH Wadsworth Center.

- Emory University Hospital, University of Nebraska Medical Center, and Greater New York Hospital Association have each put out informational videos that can be viewed and shared.
- Cornell Environmental Health and Safety are available for training people in the community.

As the discussion came to a close, Mr. McLaughlin expressed his concern about educating the public without creating a panic, especially with the start of flu season. Mr. Kruppa stressed the triage piece of travel history is vital. With that history, there is a different response. As time progresses, there will be more information that will be shared with local media for dissemination. If anyone hears of concerns from any segment of the population, contact the Health Department so staff may reach out to them.

Adjournment: At 1:40 p.m. Dr. Macmillan adjourned the meeting.