

Tompkins County Board of Health
February 24, 2015
12:00 Noon
Rice Conference Room

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

Staff: 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; and Shelley Comisi, Keyboard Specialist

Excused: Sylvia Allinger, Director of CSCN; and Jonathan Wood, County Attorney

Guests: Steven Kern, Senior 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 12:03 p.m.

Introductions: Mr. Kruppa introduced Dr. David Evelyn from Cayuga Medical Center as the newly appointed physician member to the Board of Health (BOH). Dr. Evelyn described himself as a family medicine physician by training. Additional educational background includes a Master in Public Health degree. He has worked as a primary care physician in private practice and has held various administrative medical roles. One such role was Medical Director in Otsego County. In his work, he has had numerous contacts with state and local health departments. Public health has always been one of his interests. After welcoming him to the group, BOH members and Health Department staff introduced themselves.

Approval of January 27, 2015 Minutes: Dr. Morgan moved to approve the minutes of the January 27, 2015 meeting as written; seconded by Dr. Koppel. The minutes carried with Ms. Merkel abstaining.

Financial Summary: Referring to the January 2015 financial summary report, Ms. Grinnell Crosby reviewed her notes at the bottom of each program's graph.

- Division for Community Health – As a Licensed Home Care Services Agency (LHCSA), the Health Department can no longer bill Medicaid. In late 2014, the department contracted with Visiting Nurse Services of Ithaca and Tompkins County (VNS) to provide MOMS services. VNS processes the billing and makes payment to the Health Department.
- Medical Examiner Program – There was a significant increase in the number of cases requiring autopsy/forensic laboratories; 10 cases for January 2015 compared to 3 and 4 cases in the previous two years.
- Early Intervention – With the change from County to State management of fiscal responsibilities, the budget is more in line with how the program is operating with the State as the fiscal agent.
- Environmental Health – Revenue issues are likely related to the time when permits fees were actually paid. There was a deposit to the County at the end of December 2014 which may have impacted January figures.

Administration Report: Mr. Kruppa announced the Tompkins County Mental Health Commissioner has submitted her resignation. At the request of the County Administrator, he has agreed to serve as interim commissioner while a search is conducted to fill the vacancy. Effective March 2nd, he will be serving the County as both the Public Health Director and the Acting Mental Health Commissioner. This is an opportunity to support staff in the Mental Health Department on large projects and enable them to continue working on their goals. Additionally, he will be making connections that will assist with the Community Health Improvement Plan's work toward promoting mental health and preventing substance abuse in Tompkins County.

In response to questions from Board members, Mr. Kruppa said he anticipates recruitment for the new commissioner will take 6 to 8 months. Day-to-day operations will be handled by Mental Health administrative staff members, and he will serve as the executive manager. His duties will include making decisions about expending funds, moving projects forward, resolving any personnel related matters and attending meetings related to mental health.

Medical Director's Report: Dr. Klepack reported:

- Influenza continues to be prevalent.
- It is important to conceptualize the HPV vaccine as a cancer prevention vaccine.
- Public health is faced with the real challenge of trying to present scientific information about vaccines to the public but also address the risk of vaccines. There needs to be a strong message about the benefit versus the risk.

Responding to Mr. Burbank's question about the adult population targeted to receive the vaccination, Dr. Klepack clarified the vaccine is for young adults under 26; preferably preadolescents.

Dr. Macmillan heard a report there is a 9-valent HPV vaccine that may protect against more strains of the virus. According to Dr. Klepack, the 9-valent vaccine is not being fully marketed but is close to being rolled out.

In discussions with her students about vaccines, Ms. Merkel has observed many people have the misconception that vaccination is a personal decision. They do not understand

the concept of herd immunity. It might be helpful to have a message that people who get vaccinated are helping people who are unable to get the vaccine.

Mr. McLaughlin received an email from a reporter interested in interviewing him about vaccines which prompted him to ask how Board members should handle these questions. Mr. Kruppa explained this was a student reporter from Ithaca College who sent emails to everyone on the Board. When Board members forwarded the email to him, he shared it with Theresa Lyczko, Public Information Officer, who was able to assist the reporter with information. Board members may speak to the media, but he encouraged members to contact the department so staff can help with the response and/or be prepared for any follow-up questions.

Division for Community Health Report: Ms. Connors reported:

- The staff member who supervised billing and compiled the Division's statistical reports has resigned. With the position currently posted, she will be interviewing applicants soon.
- New York State Department of Health (NYSDOH) Communicable Diseases yearly report for 2014 and monthly report for January 2015 are in the packet. With more detail provided by the State, staff will be able to tailor reports with information the Board may want included.
- Through an ongoing WIC Performance Improvement Project, WIC staff members have reduced the clinic appointment "No-Show" rate from 20.9% in October 2014 to the preliminary rate of 14.5% in January 2015. The NYS average no-show rate is ~ 14%.
- The Institute of Medicine (IOM) has chosen two WIC clinics in upstate New York to evaluate the WIC experience from a participant perspective, Buffalo and Tompkins County Health Department WIC agency. The IOM representatives will go through the entire process of intake, income eligibility certification, nutrition counseling and check issuance as well as shopping for the WIC check items at the grocery store.

Ms. Connors answered questions from Board members:

- With the current staff vacancy, processes are being examined to identify better, more efficient ways to perform tasks. Part of the goals and objectives of the Health Department is to take the institutional knowledge staff members possess and establish written procedures.
- There were 12 cases of syphilis for 2014. The 2015 Communicable Disease report only shows reported cases of a disease. Since there were no cases of syphilis reported in January 2015, it was not on the list.
- With the increase in syphilis cases in 2014, a coalition representing the colleges and community providers had been discussing ways to address the increase. In October, the group stopped meeting when the first case of Ebola was identified in the United States. The plan is to resume coalition meetings in late spring. Mr. Kruppa added there is a student intern who continues to reach out to the LGBT community with information about syphilis.
- There was a community wide Ebola response drill in January. A media event sponsored by Public Information Officers from the participating organizations helped provide continuity of the message. Mr. Kruppa commented the Health Department is still dealing

with Ebola questions, but interest has diminished as national media attention has decreased.

Point of Dispensing (POD) Exercise: Mr. Kruppa announced there will be a POD exercise at Tompkins-Seneca-Tioga BOCES on March 31st from 1:00 to 2:30 p.m. He invited Board members to participate as patients and walk through the process. It will be a good opportunity to observe the Health Department in action. Information about preregistering for the POD will be sent to Board members.

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

County Attorney's Report: Mr. Wood was not present for the meeting.

Environmental Health Report: Ms. Cameron reported:

- Although oil spills are rare in Tompkins County, there was a fuel oil release in a homeowner's garage after the heating system was serviced. After the spill, the homeowner called the heating company; the company reported the spill to NYS Department of Environmental Conservation (DEC) as required; and DEC called the Health Department. A remediation company has set up a ventilation system and Environmental Health (EH) staff members are monitoring the volatile organic compounds (VOCs) which have decreased.
- There is a new numbering system for enforcement cases in connection with the Accela software management program.
- Work continues on setting up the Accela Citizen portal for restaurant owners to renew their permits online. Once the payment system is operational, there will be a link on the EH Food Service Program web page for renewing permits online and making payments by credit card. Applicants will be able to send any other required documentation electronically or by mailing paper copies separately.

Ms. Cameron recognized Steven Kern, Senior Public Health Sanitarian, who is attending his last BOH meeting. Earlier in the meeting, Mr. Kern had announced he will be retiring in March after working 30 years at the Health Department. On behalf of the Board, Dr. Macmillan thanked him for his service.

Resolution #EH-15-0002 – Fraternal Order of Eagles, C-Ithaca, Clean Indoor Air Act (CIAA) Waiver Renewal Request: Mr. Kern provided background on the waiver renewal request. The waiver was first issued to the Fraternal Order of Eagles in 2005. A waiver provision in the CIAA of 2003 allowed facilities able to show undue financial hardship during the first year of the law's implementation to obtain a waiver. The Eagles Club was the only facility in Tompkins County to submit an application and show the organization had suffered financial hardship. Every year Health Department staff members verify the conditions of the waiver are

still in place before submitting the resolution to the Board. There have been no complaints from the public in the past year.

Mr. Greenhouse moved to accept the resolution as written; seconded by Mr. Burbank. The vote: Aye – 7; No - 1 (Dr. Morgan); carried.

Authorization to Issue Position Letter on Childhood Evaluations: In Ms. Allinger’s absence, Mr. Kruppa led the discussion. He noted Deputy County Attorney, Bill Troy, has researched the laws regarding this ruling and believes NYSDOH is violating the Individuals with Disabilities Education Act (IDEA). This federal law governs how states and public agencies provide early intervention, special education and related services to children with disabilities. The NYSDOH stance is childhood evaluations are medical, but the IDEA identifies evaluations as educational. Mr. Troy is still researching the matter and will share any draft communication with the Health Department before sending to the NYS Education Department, NYSDOH, and potentially Senators Kirsten Gillibrand and Chuck Schumer.

Discussion ensued after Mr. Greenhouse voiced his concern that this is an urgent matter requiring swift resolution. He raised the possibility of a standing motion authorizing the County Attorney to seek an injunction to immediately stop enforcement of the new policy and allow services to be provided while the issue is decided. Mr. Kruppa explained there may not be any need for the Board to act in this situation. The attorney believes he can make a strong case, but he is still looking at the matter. If BOH approval is required, the attorney would make a presentation to the Board. After listening to the discussion indicating Board members support expeditious action, Mr. Kruppa commented he feels comfortable moving forward. He reiterated the Health Department’s commitment that this is a priority to be addressed as there are long-term ramifications if the ruling does not get changed.

Mr. Kruppa referenced the letter (BOH Minutes, January 27, 2015, Attachment 1) he previously sent to local State legislators discussing the issue. In a meeting with two of the legislators, State Senator O’Mara and Assemblywoman Lifton recommended a letter be sent to the Governor requesting an executive order to modify legislation.

Referring to Ms. Allinger’s draft letter, Mr. Kruppa asked for comments/edits from the Board that he will pass along to her.

- Several members thought there should be a sentence at the end of the first paragraph referring to Mr. Kruppa’s previous letter.
- Dr. Macmillan recommended an edit in paragraph two, sentence one: “While we recognize that the NYS *Education Department* had a reason...”
- Dr. Macmillan suggested language edits to paragraph two, sentence three: “The slow movement in delivery of evaluations *produces potentially impactful* issues for the very young, due to the significance of and *rapidity of* developmental changes during the *period of* birth to five *years of age.*”

Mr. McLaughlin made a motion to send the letter as edited; seconded by Dr. Evelyn; and carried unanimously.

Adjournment: At 1:15 p.m. Dr. Macmillan adjourned the meeting.