

**CHEMUNG COUNTY BOARD OF HEALTH**  
**MINUTES**  
**January 23, 2007**

**PRESENT:** Mary Ann Baker, RN Paul Shore, DDS  
William G. Howard, MD Christopher Friend, PhD  
Thomas Curran, DDS Robert Lambert, MD  
Ken Sobel, MD William Roe, PE

**ABSENT:** None

**OTHERS PRESENT:** Robert Page Michael Cain, (EHS)  
Thomas Kump, PE Harry Shepard  
Terence Lenhardt, MD Bob Nugent, (ACS)

Prior to the meeting the CCBH received the following:

1. Agenda for January 23, 2007 CCBH Meeting
2. CCBH Minutes from December 5, 2006
3. Environmental Health Services Report for December 2006
4. Budget Status Report for December 2006
5. Article V of Chemung County Sanitary Code – Current Version
6. Article V of Chemung County Sanitary Code – Proposed Version
7. Smoking Waivers Issued Log
8. Chart of Board of Health Member Appointments

Items distributed during the meeting:

9. Clinical Services Report for January 23, 2007
10. Dental Clinic Statistical Summary for December 2006
11. 2007 Dental Clinic Expense & Revenue Forecast
12. Lung & Bronchus Cancer Map & Bar Graph for NYS

Dr. Howard called the meeting to order at approximately 7:30 PM.

**1. WELCOME TO NEW MEMBER**

Christopher Friend, PhD, was welcomed to the Chemung County Board of Health as a new member who will be representing the Chemung County Legislature.

**2. APPROVAL OF MINUTES**

**RESOLUTION:** A motion was made by Dr. Lambert and seconded by Dr. Sobel that the minutes of the December 5, 2006 Board of Health meeting be approved and accepted. Motion approved.

**AYES:** Mary Ann Baker, RN Paul Shore, DDS  
William G. Howard, MD Christopher Friend, PhD  
Thomas Curran, DDS Robert Lambert, MD  
Ken Sobel, MD William Roe, PE

**NAYS:** None

**ABSENT:** None

**3. FINANCIAL REPORT**

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Harry Shepard commented that the Budget Status Report for December 2006 that was distributed prior to the meeting had nothing out of the ordinary in it. Mr. Shepard did report that the books for 2006 will remain open for about another 7 weeks. By January 17<sup>th</sup> they had hit their revenue target. All claiming will be completed within the next two weeks.

**4. SERVICE REPORTS**

- A. **ENVIRONMENTAL HEALTH SERVICES** – Thomas Kump had nothing to add to the December 2006 report that was included in the CCBH mailing.
- B. **PUBLIC HEALTH NURSING** – Lou Ann Corsi was not present as she was in Albany on business. Robert Page had nothing to add to the January 23, 2007 clinic services statistical summary that was handed out at the meeting. However, Mr. Page did report on an upcoming change to the home health agency staffing. A nurse has transferred to another department within the county. Rather than filling that position, a new position will be created that will be the Coordinator of Training and Development. The position will require the possession of a license to be a registered nurse and will be responsible for the quality assurance program, staff education, involvement with the public health emergency preparedness committee, being up to speed on all regulatory requirements, and responding to consumer complaints and inquiries.
- C. **DENTAL CLINIC** – Mr. Page referred to the December 2006 statistical summary report that was distributed at the meeting. He had nothing to add to that report, but did note that there would be an agenda item addressing the dental clinic later in the meeting.

**OLD BUSINESS**

None

**NEW BUSINESS**

- 1. **DENTAL CLINIC STAFFING REORGANIZATION** - Mr. Page reported that Dr. O'Connell's last day with the dental clinic was January 12<sup>th</sup> as he is taking a position in the private sector. This has forced the Department to take a different direction with the dental clinic. The County's Medicaid Plan will have a dental component but it is not sure how it will impact it at this time. A re-organization to the clinic is planned that will involve working with just one full-time dentist four days per week for 10 hours per day and having Dr. O'Connell work an 8-hour day on Fridays. This plan would not involve any layoffs or reduction in staffing for the clinic. There is a concern as to whether the period of time from 4:00 PM to 6:00 PM will be attended by patients or not. The only way to generate more money for the clinic is to increase the number of patients that we see. We get reimbursed for the number of visits, not how long we spend with each patient. An evaluation of the dental clinic will occur after 90 days to see whether the new plan is working adequately. Dr. Lax is very supportive of this new proposal. It was also noted that about a year ago an application was submitted to the State for a grant to conduct a dental sealant program in some of the elementary schools. The proposal involves four elementary schools (Beecher, Diven, Parley Coburn, and Riverside) and would be for \$50,000 per year for a period of 5 years. Dr. Curran noted that the grant had been approved but no notice has been given to the County.
- 2. **TANNING PARLOR REGULATIONS** – Mr. Kump discussed the proposed regulations that are expected to be finalized later in 2007 regarding tanning facilities. Draft regulations have been distributed to all county health departments across the State for review and input. This would involve the permitting of all tanning facilities. Local health departments would be able to charge a nominal biennial permit fee as well as a biennial inspection fee that would be based on the number of tanning beds in a facility. Children under the age of 14 would be prohibited from using a tanning booth and parental consent would be required for those youth between the ages of 14 and 18. Persons 18 years of age and older would only need to sign a consent form. It is expected that these regulations would be finalized by the Fall of 2007. There is also work in progress toward creating regulations governing the tattoo and body piercing industry. This too would fall on EHS for implementation. There is already a section of NYS Public Health Law that addresses this topic, but no regulations have been created. The current estimate is that

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regulations covering this industry will be out in 2008. Mr. Kump noted that it is possible that this added workload would not be possible under the current staffing plan and the public health sanitarian position that was lost a few years ago may need to be re-created.

3. **SANITARY CODE REVISIONS** – Mr. Kump referred to the proposed changes to Article V of the Chemung County Sanitary Code related to On-Site Wastewater Treatment Systems. This proposal came about as a result of an unsuccessful enforcement action against a contractor accused of installing septic systems without proper involvement of the health department. Insufficient wording in the County Sanitary Code led to the Department losing the case. The proposed wording should address past inadequacies. A new part of the proposed amendments is the requirement for contractors to be registered with the County in order to work on septic systems. Dr. Curran mentioned that Section 3 (c) of the proposed Article discusses that a registration could be revoked under certain circumstances, but it did not have any language addressing how a respondent could appeal a registration revocation. Mr. Kump explained that the appeal process would be the same for any enforcement action taken by the County that a respondent disagrees with and was not sure if there was a need for any change to the wording to the Article. A sentence would be added if it was learned that it was legally required to be there. Mr. Kump also pointed out that a copy of the proposal has already been forwarded to the NYSDOH for their review. Their technical staff and legal staff will both look at the proposed wording and offer any guidance before it is finalized for filing with the State. It is requested that this new Article take effect May 1, 2007.

**RESOLUTION:** A motion was made by Mr. Roe and seconded by Dr. Curran that the proposed revisions to Article V of the Chemung County Sanitary Code regarding requirements for on-site wastewater treatment systems be adopted with an effective date of May 1, 2007 pending final filing with the NYSDOH. Motion approved.

<b>AYES:</b>	Mary Ann Baker, RN William G. Howard, MD Thomas Curran, DDS Ken Sobel, MD	Paul Shore, DDS Christopher Friend, PhD Robert Lambert, MD William Roe, PE
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**NAYS:** None

**ABSENT:** None

**NOTE:** County Executive Tom Santulli and Deputy County Executive Mike Krusen arrived at the meeting during the discussion of the Sanitary Code revisions and remained for the duration of the meeting.

4. **CANCER SOCIETY PRESENTATION** - Mr. Page introduced Bob Nugent from the American Cancer Society. Mr. Nugent reported that the lung cancer rate for males in Chemung County is 30% higher than that of New York State. Cigarette smoking is a habit that originated long ago, but the problems associated with it have become much more clear. In 2003, the NYS Clean Indoor Air Act (smoking law) was revised that prohibited smoking in all indoor areas open to the public. In New York State, since the law went into effect, the percentage of New York residents that are smokers dropped from 25.9% to 18.7%. On the other hand, Chemung County has issued the largest number of smoking waivers per capita in all of New York State. He noted that even though the waivers were issued with conditions that were aimed at protecting non-smokers in those facilities, it has not sent the important message that smoking increases a persons health risks and contributes to the cancer rate in our county. Mr. Nugent offered a challenge to the Board of Health to “draw a line in the sand” and say that they are no longer going to issue smoking waivers. Dr. Howard pointed out that the Board of Health passed a resolution unanimously stating that no waivers would be issued in Chemung County. The Board was later informed through the County Attorney that the Board must develop a review process for considering smoking waivers. Mr. Kump asked whether the counties that said “no waivers” right from the start have been successful in maintaining that status and whether or not there had been any successful lawsuits against those counties. Mr. Nugent commented that all have been successful in upholding their “no waiver” policies and have not had a single lawsuit filed successfully against them. Dr. Curran wondered whether we would see a decrease in cancer in our area by doing away with smoking waivers at the 15 facilities that currently hold a waiver. County Executive Santulli explained that a decision was made in 2003 with the best information they had available to them at the time. He also explained that we need to take a look at our educational plan and see if we can determine why our cancer numbers are higher than other counties.

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We should send a consistent message as a team in an effort to get our smoking rate down. Dr. Lambert requested that we have the County Attorney evaluate whether it would not be advisable to discontinue smoking waivers. Mr. Santulli will have the current County Attorney evaluate the legality of eliminating waivers within the next month prior to the next CCBH meeting. Mr. Santulli would also like to schedule a meeting with all school superintendents in the area along with the CCBH to discuss what joint efforts can be taken to “educate” the community about this serious matter. Dr. Lambert suggested that the County declare all county office campuses be “smoke-free” as a strong symbolic statement. Mr. Santulli explained that although that is a great idea, it is none-the-less something that would have to be negotiated with the bargaining units. Dr. Howard requested that there be a special meeting scheduled for February 27, 2007 to provide further discussion to this topic once we receive guidance from the County Attorney. Mr. Kump noted that there is an existing waiver coming up for renewal on March 24<sup>th</sup>. It was suggested that we give that facility a free 3-month extension of their current waiver since all waivers are currently under administrative review.

**RESOLUTION:** A motion was made by Dr. Curran and seconded by Ms. Baker that the existing smoking waiver held by Rex Field Post 901 VFW be automatically extended for 3 months to June 24, 2007 free of charge while the Chemung County Board of Health conducts an administrative review of the entire smoking waiver program. Motion approved.

<b>AYES:</b>	Mary Ann Baker, RN William G. Howard, MD Thomas Curran, DDS Ken Sobel, MD	Paul Shore, DDS Christopher Friend, PhD Robert Lambert, MD William Roe, PE
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**NAYS:** None

**ABSENT:** None

Mr. Nugent offered his assistance and support to the County in any way that he can to help with this effort to reduce smoking in Chemung County. Dr. Curran suggested that there be an emphasis placed on combating smoking by pregnant mothers. Mr. Page offered another idea of offering incentives to county employees to quit smoking. Mr. Krusen noted that they are currently working on an incentive program that would offer reductions in the employee contribution to health insurance premiums if health assessments were conducted and further reductions if critical health factors were improved.

With no further business to conduct, Dr. Howard adjourned the meeting at approximately 8:45 PM

**Next meeting:**

***Special Board of Health Meeting  
February 27<sup>th</sup>, 2007 @ 7:30 PM  
CCHD Conference Room***