

**CHEMUNG COUNTY BOARD OF HEALTH
MINUTES
September 23, 2014**

PRESENT: Gregory Schultz, MD Robert Lambert, MD
Mary Ann Baker, RN Richard Madl
James Gensel, PE Rosemary Anthony, RN
John Varga, DVM (arrived 7:46 PM)

ABSENT: Ken Sobel, MD William G. Howard, MD

OTHERS PRESENT: Robert Page Thomas Kump, PE
Melissa Klossner Harry Shepard
Terence Lenhardt, MD

Prior to the meeting the CCBH received the following:

1. Agenda for September 23, 2014 CCBH Meeting
2. CCBH Meeting Minutes from July 22, 2014
3. Environmental Health Services Report for July & August 2014
4. CHHA 2nd Quarter 2014 Financial Report
5. Financial Report through August 31, 2014
6. Dental Services Reports for July & August 2014
7. Hearing Report – Belair Mobile Home Park
8. Hearing Report – McConnell’s Hots
9. Resolution In Support Of Ending Tobacco Sales At Pharmacies
10. Health Center Organization Chart
11. Chemung County Board of Health By-Laws

The following items were distributed at the meeting:

12. Medical/Dental Staff By-Laws

CALL TO ORDER

President Mary Ann Baker called the meeting to order at approximately 7:30 PM.

1. APPROVAL OF MINUTES FOR JULY 22, 2014 MEETING

RESOLUTION: A motion was made by Dr. Lambert and seconded by Dr. Schultz that the minutes of the July 22, 2014 Board of Health meeting be approved and accepted as presented. **Motion approved.**

AYES: Gregory Schultz, MD Robert Lambert, MD
Mary Ann Baker, RN Richard Madl
James Gensel, PE Rosemary Anthony, RN

NAYES: None

ABSENT:

Ken Sobel, MD
John Varga, DVM

William G. Howard, MD

2. FINANCIAL REPORT

Harry Shepard reviewed the copy of the Financial Report that was included in the BOH mailing for the period ending August 31, 2014. There was nothing extraordinary to report. Everything is right on target for where we should be at this point in the year. There were no questions for Mr. Shepard.

3. SERVICES REPORTS

- A. ENVIRONMENTAL HEALTH SERVICES** – Thomas Kump mentioned that there were reports for July & August 2014 included in the mailing to BOH members in advance of the meeting. There was nothing else outstanding to report. A question was raised about the large number of bats that were tested for rabies in August. Mr. Kump explained that it is common to have a large number of bats tested in August which is in part due to the temperatures as well as factors related to the reproduction cycle. In reality, the numbers submitted in August of 2014 was lower than in past years. There were no further questions for Mr. Kump.
- B. PUBLIC HEALTH CLINICS REPORT** – Melissa Klossner reported that NYSDOH began the consolidated review Monday which includes a clinical survey. All programs are being reviewed. One item noted thus far is the need for a Medical Records Consultant to periodically audit medical records for content and accuracy. Ms. Klossner mentioned that if AOMC already had a professional performing this task that consideration could be given to contracting that service for the CCHD. Another item mentioned during the survey was the lack of proper signage on the electrical shutoff for the vaccine refrigerator. Also, unrelated to the survey, she reported that CCHD received word that a performance award of \$19,000 was earmarked for the clinic although no information has been received as to how those funds may be utilized. Finally, Ms. Klossner reported that a new Nurse Practitioner will begin in December in the STD clinic.
- C. CHHA FINANCIAL REPORT – 2nd QUARTER 2014** – Mr. Page reported on behalf of Ms. Traub that the financial report for the second quarter of 2014 was provided in advance of the BOH meeting. The financial picture continues to improve and revenue has shown a steady increase. The second quarter was the best revenue quarter ever. Mr. Page also commented on the fact that the CHHA license that had been issued to Guthrie was recently withdrawn by NYSDOH. That action will certainly have a positive impact on the CCHD CHHA to help it remain strong. Staffing is at 100% for the first time in a long time. There is a good management team in place and overall the CHHA is doing well.

D. DENTAL SERVICES REPORT – Mr. Page mentioned that there were two reports provided in the mailing in advance of the meeting for Dental Services including the July & August 2014 reports. Activity at the clinic has been pretty consistent and unremarkable. He reported that the bulk of what has to be reported relative to the Dental Clinic will occur under later agenda items. We are finally up-to-date with billing at this point in time. The clinic is in the process of transition, so the goal is to just keep the clinic functioning until the full transition occurs. There were no further questions for Mr. Page.

OLD BUSINESS

1 DSRIP UPDATE – Dr. Lambert presented a summary of the Medicaid Redesign Team (MRT) under Governor Cuomo with the goal to fundamentally re-structure the NYS Medicaid program. The DSRIP (Delivery System Redesign Incentive Payment) initiative has been consuming much time among the various partners working on this project. New York State has been divided into regions. We are part of a 14-county consortium that includes Rochester. That region has been further broken down into sub-regions. The concept behind this is all about collaboration across the whole spectrum of healthcare. The project is pushing healthcare quickly into a new, bold direction. There are 11 projects included in the original preliminary application submittal from June 2014. The final application is due by the end of December 2014 and project work needs to commence by April 2015. The broad categories that cover the bulk of the 11 projects include mental health issues, aging issues, and early infant issues. Mr. Page added that Broome County has requested that Chemung County participate in the consortium that they are part of, so representatives of the Chemung County Health Department had been attending planning meetings, but realized that the time commitment from just one group, let alone two groups would be overwhelming. So Chemung County has declined the opportunity to be part of the Broome group and will stick with the Finger Lakes area as that is where most of our activity is focused.

2 DENTAL CLINIC TRANSITION – Mr. Page stated that the Dental Clinic has been in the process of working out details of a transition to the Regional Primary Care Network (RPCN) for quite some time now. There have been a few recent “bumps in the road” with the transition but all seems to be back on track for now. RPCN was prepared to back down from the agreement due to some misunderstandings about members of a bargaining unit and the impact it would have on the operation for RPCN. Those issues seem to be resolved and the project is again moving forward. It is expected that the board governing RPCN will meet soon to approve the transition document and will then submit the application for the certificate of need to the State. Right now the aim is for a late spring/early summer transition. There truly is a need for a dental clinic in Chemung County as there are currently no private providers that will accept one of the Medicaid Managed Care plans. CCHD will attempt to keep the clinic open and operational through the transition to RPCN.

- 3 REPLACEMENT FOR DR. SHORE ON BOARD OF HEALTH** – Mr. Page reported to the BOH that a suggestion was made that Dr. Wilke be nominated to fill the vacancy on the BOH created with the resignation of Dr. Shore. However, when approached about the appointment, Dr. Wilke declined. A suggestion was made that Dr. Wicks be approached to consider an appointment. Those members familiar with Dr. Wicks spoke highly of him professionally. Another suggestion for appointment was Dr. Hurley. Mr. Page will approach these gentlemen and come back to the CCBH with a recommendation.
- 4 TOBACCO SALES IN PHARMACIES PROPOSED RESOLUTION** – STTAC Coordinator Stacy Hills introduced her new assistant Teresa Matterazzo. Ms. Hills explained that a draft resolution in support of ending tobacco sales at pharmacies was included in the board mailing in advance of the meeting. As originally presented, the draft resolution is simply a position statement. Amendments to the resolution would be needed to take it beyond the CCBH and could include language that it be referred to the County Legislature for consideration of passing a local law, or that it go to the Legislature with the intent of generating a County Resolution that would go to the State Legislature requesting a state-wide law prohibiting the sale of tobacco products in pharmacies. In order to continue with discussion about a resolution of this nature, a motion was made by James Gensel, PE and seconded by Rosemary Anthony, RN.

RESOLUTION: A motion was made by Mr. Gensel and seconded by Ms. Anthony that **whereas**, a facility registered in the State of New York as a pharmacy, refers to the preparation and dispensing of drugs, as well as counseling of patients in the proper use of these drugs;
whereas, it is a conflict of interest for pharmacies, providers of health care, to also profit from the sale of harmful products such as tobacco, known to cause cancer, heart and pulmonary diseases;
whereas, tobacco sales in pharmacies raises ethical questions since tobacco is the only consumer product that, when used as intended, will kill at least one half of its long term users;
whereas, tobacco products are highly addictive and responsible for the preventable death of more than 25,000 people in New York each year;
whereas, tobacco companies use health oriented stores such as pharmacies and drug stores to help legitimize their products and increase exposure to tobacco marketing and advertising;
whereas, a majority (70.2%) of residents in Chemung County support ending the sale of tobacco in pharmacies;
whereas, the majority of pharmacists are opposed to pharmacies selling tobacco; whereas, the findings of the 2012 Surgeon General’s Report indicates that tobacco marketing increases youth tobacco use; whereas, the Attorneys General of New York and of 27 other states and territories have stated, “There is a contradiction in having these dangerous and devastating tobacco products on the shelves of a retail chain that services health care needs,” and that removing tobacco products from stores that contain a pharmacy would be a “step forward in keeping tobacco products away from youth”; and
whereas, pharmacists are also the most accessible of all health care providers and increasingly represent “the face of neighborhood healthcare”;

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therefore, be it resolved that the Chemung County Board of Health supports ending the sale of tobacco products in all pharmacies and stores that contain a pharmacy department **and** recommends to the Chemung County Legislature that they investigate and pursue legislation that would affect the same. **Motion approved.**

AYES: Gregory Schultz, MD John Varga, DVM
Mary Ann Baker, RN Richard Madl
James Gensel, PE Rosemary Anthony, RN

NAYES: None

ABSTAINS: Robert Lambert, MD

ABSENT: Ken Sobel, MD William G. Howard, MD

There was further discussion as to a slightly different approach that could be taken which would involve communicating directly with pharmacies seeking voluntary compliance with ending sales of tobacco products.

RESOLUTION: A motion was made by Dr. Lambert and seconded by Dr. Varga that **whereas**, a facility registered in the State of New York as a pharmacy, refers to the preparation and dispensing of drugs, as well as counseling of patients in the proper use of these drugs;
whereas, it is a conflict of interest for pharmacies, providers of health care, to also profit from the sale of harmful products such as tobacco, known to cause cancer, heart and pulmonary diseases;
whereas, tobacco sales in pharmacies raises ethical questions since tobacco is the only consumer product that, when used as intended, will kill at least one half of its long term users;
whereas, tobacco products are highly addictive and responsible for the preventable death of more than 25,000 people in New York each year;
whereas, tobacco companies use health oriented stores such as pharmacies and drug stores to help legitimize their products and increase exposure to tobacco marketing and advertising;
whereas, a majority (70.2%) of residents in Chemung County support ending the sale of tobacco in pharmacies;
whereas, the majority of pharmacists are opposed to pharmacies selling tobacco; whereas, the findings of the 2012 Surgeon General’s Report indicates that tobacco marketing increases youth tobacco use; whereas, the Attorneys General of New York and of 27 other states and territories have stated, “There is a contradiction in having these dangerous and devastating tobacco products on the shelves of a retail chain that services health care needs,” and that removing tobacco products from stores that contain a pharmacy would be a “step forward in keeping tobacco products away from youth”; and
whereas, pharmacists are also the most accessible of all health care providers and increasingly represent “the face of neighborhood healthcare”;
therefore, be it resolved that the Chemung County Board of Health supports ending the sale of tobacco products in all pharmacies and stores that contain a pharmacy department **and** recommends that the same be communicated to all local pharmacies seeking their

voluntary cooperation in ending the sale of tobacco products at their establishments.
Motion approved.

AYES: Gregory Schultz, MD John Varga, DVM
Mary Ann Baker, RN Richard Madl
James Gensel, PE Rosemary Anthony, RN
Robert Lambert, MD

NAYES: None

ABSENT: Ken Sobel, MD William G. Howard, MD

NEW BUSINESS

1 ENVIRONMENTAL HEALTH HEARINGS – Mr. Shepard reported that there had been two hearings since the last BOH meeting. The first hearing was with **Bel Air Mobile Home Park** for repeat violations of inadequately treated sewage on the ground surface. A Stipulation Offer for \$250 was made to the operator and declined. A hearing was held on August 26, 2014. Representatives for the mobile home park and for EHS were present at the hearing. EHS contended that violations were noted in April 2014. No action was taken by the park to rectify the problem. Deadlines were extended and there was still no resolution of the problem. The operator of **Bel Air MHP** claimed that the delay in getting the septic system constructed was due to difficulty in identifying a contractor to do the required work due to the expense. After the start of construction, the contractor ran into delays that prevented completion of the project. When the Hearing Officer’s findings were prepared, it was presumed that all work would be completed promptly. In learning that the construction still has not completed, Mr. Shepard recommended that the fine be increased to \$500.

RESOLUTION: A motion was made by Dr. Lambert and seconded by Dr. Schultz that **Bel Air Mobile Home Park** be fined the amount of \$500 for their failure to address the sewage violation in a timely manner. **Motion approved.**

AYES: Gregory Schultz, MD John Varga, DVM
Mary Ann Baker, RN Richard Madl
James Gensel, PE Rosemary Anthony, RN
Robert Lambert, MD

NAYES: None

ABSENT: Ken Sobel, MD William G. Howard, MD

The second hearing was with **McConnell’s Hots** for repeat violations failure to cool potentially hazardous foods by an approved method where the food temperature can be reduced from 120F to 70F or less within two hours and 70F to 45F in four hours. A Stipulation Offer for \$100 was made to the operator and declined. A

hearing was held on August 26, 2014. Representatives for the food service establishment did not appear for the hearing but EHS was at the hearing to present their case. EHS contended that these violations occurred on more than one event and inadequate efforts had been made to assure that the violation did not occur in subsequent inspections. Mr. Shepard recommends to the BOH that the fine be increased to \$200.

RESOLUTION: A motion was made by Ms. Anthony and seconded by Dr. Varga that **McConnell's Hots** be fined an amount of \$200 for failure to adequately address the issue of cooling potentially hazardous food items in an effective manner. **Motion approved.**

AYES: Gregory Schultz, MD John Varga, DVM
Mary Ann Baker, RN Richard Madl
James Gensel, PE Rosemary Anthony, RN
Robert Lambert, MD

NAYES: None

ABSENT: Ken Sobel, MD William G. Howard, MD

2. PUBLIC HEALTH UPDATES – Ms. Klossner reported that an unusual pediatric respiratory illness has been occurring in several states across the US as well as right here in New York State. It is being referred to as ev68 (enterovirus). At this point there are no known cases confirmed in Chemung County. Surveillance for this will continue as it is bound to spread throughout the pediatric population. Influenza has become a year-round illness. Ms. Klossner reported that there are still no signs of major activity with influenza yet this season but there have been 28 confirmed cases in the State. Mr. Page explained that a new radio communications system that was funded by the federal Department of Homeland Security through the local emergency management office is well on its way to completion. It will provide a communications connection between the local hospitals, 3 major nursing facilities, emergency management, and Erway Ambulance in the event that conventional communication is knocked out. It is expected that the system will be operational by the end of 2014.

3. ORGANIZATIONAL AND MANAGEMENT CHANGES – Mr. Page reviewed the latest version of the Health Center Organization Chart and announced a few of the changes that have occurred within the organization. Long time Public Health Educator Linda Swarthout has retired and that position has not been filled. Those duties have been distributed to existing Department staff for the time being. Melissa Klossner has taken on a lot of the coalition work that was performed by Ms. Swarthout. Other clinical staff have picked up the balance of the duties previously performed by Ms. Swarthout. Further shifting of duties could occur in the future as additional retirements occur. WIC Director Teresa Lodico has retired and Ms. Rena Terwilliger was appointed as the new WIC Director. She will report directly to Mr. Shepard. Ms. Stacy Hills has taken over as the Tobacco Program Coordinator with the receipt of the new tobacco grant. She was already introduced at a prior

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meeting of the BOH. Along with her was Teresa Matterazzo who was introduced earlier in the meeting.

4. ANNUAL REVIEW/REVISION OF BOH BY-LAWS – As required in the Chemung County Board of Health By-Laws, the By-Laws shall be reviewed and/or revised by the BOH at least annually. If anyone has any suggested changes to the By-Laws, they are to submit their proposal to Mr. Page a month in advance of the meeting as notice of proposed changes is required to be provided to BOH members at least 2 weeks before the meeting where action is planned. A copy of the current By-Laws was included in the BOH mailing.

5. MEDICAL/DENTAL STAFF BY-LAWS – Mr. Page reported that the NYSDOH has been conducting a survey of all Department programs this week. One item noted was that the Medical/Dental Staff By-Laws are unacceptable as approved as they allow for credentialing to occur every 3 years. NYSDOH states that it must occur no less often than every 2 years. Proposed revisions have been made to the By-Laws for the BOH consideration.

RESOLUTION: A motion was made by Ms. Anthony and seconded by Dr. Lambert that the proposed revisions to the Medical/Dental Staff By-Laws be accepted and adopted as presented. **Motion approved.**

AYES:	Gregory Schultz, MD Mary Ann Baker, RN James Gensel, PE Robert Lambert, MD	John Varga, DVM Richard Madl Rosemary Anthony, RN
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NAYES: None

ABSENT:	Ken Sobel, MD	William G. Howard, MD
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ADJOURNMENT

With no further business to conduct, President Baker declared the meeting adjourned.

The meeting was adjourned at approximately 8:53 PM.

Next meeting: **Board of Health Meeting
December 2, 2014 @ 7:30 PM
Health Department Conference Room**