

**CHEMUNG COUNTY BOARD OF HEALTH
MINUTES
December 2, 2014**

PRESENT: Gregory Schultz, MD* Robert Lambert, MD*
Mary Ann Baker, RN Richard Madl
Rosemary Anthony, RN John Varga, DVM
Ken Sobel, MD William G. Howard, MD

**arrived at 7:42 PM*

ABSENT: James Gensel, PE

OTHERS PRESENT: Robert Page Thomas Kump, PE
Joseph Brennan

Prior to the meeting the CCBH received the following:

1. Agenda for December 2, 2014 CCBH Meeting
2. CCBH Meeting Minutes from September 23, 2014
3. Environmental Health Services Report for September & October 2014
4. Financial Report through October 31, 2014
5. Dental Services Reports for September & October 2014
6. Hearing Report – Old Country Buffet – October 2014
7. Hearing Report – Old Country Buffet – November 2014
8. Consolidated Review Report November 2014

The following items were distributed at the meeting:

9. Environmental Health Services Report for November 2014

CALL TO ORDER

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

1. APPROVAL OF MINUTES FOR September 23, 2014 MEETING

RESOLUTION: A motion was made by Dr. Howard and seconded by Dr. Sobel that the minutes of the September 23, 2014 Board of Health meeting be approved and accepted as presented. **Motion approved.**

AYES: Mary Ann Baker, RN Richard Madl
John Varga, DVM Rosemary Anthony, RN
Ken Sobel, MD William G. Howard, MD

NAYES: None

ABSENT: James Gensel, PE Gregory Schultz, MD*
Robert Lambert, MD*

2. FINANCIAL REPORT

Harry Shepard was not able to attend as he had personal business to attend to. Mr. Page reviewed the copy of the Financial Report that was included in the BOH mailing for the period ending October 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. Page.

3. SERVICES REPORTS

A. ENVIRONMENTAL HEALTH SERVICES – Thomas Kump mentioned that there were reports for September & October 2014 included in the mailing to BOH members in advance of the meeting and the November 2014 was distributed just prior to the meeting. There was nothing else outstanding to report. A question was raised as to whether a food permit would be needed for holiday sales that occur with baked goods, etc. by organizations such as hospital auxiliaries, etc. Mr. Kump suggested that it all depends on the food items to be sold and the duration of the event and that it would be best to contact EHS to discuss with a sanitarian. Another question was raised about the salmonella outbreak. Mr. Kump reported that the outbreak seems to have been resolved. There have been no further salmonella cases since early October. While no specific food items were implicated nor were any staff at the suspect facility implicated, the majority of the ill cases reported eating at the suspect facility (Lin Buffet). There were no further questions for Mr. Kump.

B. 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 September & October 2014 reports. Activity at the clinic has been pretty consistent and unremarkable. There were no further questions for Mr. Page.

**Dr. Lambert & Dr. Schultz arrived at about 7:42 PM*

OLD BUSINESS

1 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 more “bumps in the road” with the transition but all seems to again be back on track for now. The final revisions to the transfer agreement have been made and it is awaiting final legal review and approval. One of the existing hygienists will be retiring later this month and the retirement of the current dentist is pending. CCHD will attempt to keep the clinic open and operational through the transition to RPCN. If the clinic were to close prior to the official transfer, it may be detrimental to the operation. One issue that makes this transfer a little more complicated is that it will be receiving both State and Federal funds which adds to the hurdles that must be overcome. There have been discussions with RPCN to hire some of the staff that they will need and contract them out to CCHD in the interim until the transfer is complete. The County has agreed to move ahead with plans to obtain a new

electronic dental management/billing system in place as well as getting the x-ray equipment switched over to a digital system. The estimated timeframe for the transfer is now looking more like the fall of 2015. As soon as the transfer agreement is finalized, RPCN will submit the CON which then will take 3 to 6 months for approval. After the CON is approved, the clinic remodeling will occur which could take a few weeks to a month to complete.

- 2 REPLACEMENT FOR DR. SHORE ON BOARD OF HEALTH** – Mr. Page reported to the BOH that a suggestion was made that Dr. Wicks be nominated to fill the vacancy on the BOH created with the resignation of Dr. Shore. Dr. Wicks has accepted the nomination to serve on the BOH. With a resolution from the BOH, the County Executive and consequently the Legislature will act on the nomination to appoint Dr. Wicks to the BOH.

RESOLUTION: A motion was made by Dr. Sobel and seconded by Dr. Howard that the Board of Health nominate Dr. Wicks to serve on the Board of Health filling the vacancy created with the resignation of Dr. Shore. **Motion approved.**

AYES:

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| Gregory Schultz, MD | Robert Lambert, MD |
| Mary Ann Baker, RN | Richard Madl |
| John Varga, DVM | Rosemary Anthony, RN |
| Ken Sobel, MD | William G. Howard, MD |

NAYES: None

ABSENT: James Gensel, PE

- 3 CORRESPONDENCE TO PHARMACIES ON TOBACCO SALES** – Correspondence was drafted by staff at STACC in collaboration with Mr. Page that will be sent to pharmacies in the area on BOH letterhead under the signature of Ms. Baker and Mr. Page encouraging the pharmacies to discontinue the sale of tobacco products. Correspondence has also been sent to the County Legislature informing them of the BOH actions relative to this topic.

Further discussion ensued on the topic of e-cigarettes. A BOH member mentioned hearing of students using them in schools and seeing them for sale in the check-out aisles of local major retailers. Mr. Kump advised that it is illegal to sell e-cigarettes to minors and that school administrators should be notified if there is a concern about student use of e-cigarettes in schools.

NEW BUSINESS

- 1 ENVIRONMENTAL HEALTH HEARINGS** – Mr. Shepard was unable to attend the BOH meeting, but did provide a written report with his recommendations prior to the meeting. Mr. Page summarized that there had been two hearings since the last BOH meeting. The first hearing was with **Old Country Buffet** in October 2014 for repeat violations of having potentially hazardous foods that are not kept at a temperature of less than or equal to 45F (Cold Holding) and potentially hazardous

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foods that are not kept at a temperature of greater than or equal to 140F (Hot Holding). A Stipulation Offer for \$200 was made to the operator and declined. A hearing was held on October 7, 2014. Representatives for Old Country Buffet and for EHS were present at the hearing. While the facility did not deny the alleged violations, they did report on actions that have been taken at the facility to assure that the violations would not occur in the future. Mr. Shepard recommended that the fine be increased to \$300.

RESOLUTION: A motion was made by Dr. Sobel and seconded by Dr. Lambert that **Old Country Buffet** be fined the amount of \$300 for repeat violations of having potentially hazardous foods that are not kept at a temperature of less than or equal to 45F (Cold Holding) and potentially hazardous foods that are not kept at a temperature of greater than or equal to 140F (Hot Holding). **Motion approved.**

AYES: Gregory Schultz, MD Robert Lambert, MD
Mary Ann Baker, RN Richard Madl
John Varga, DVM Rosemary Anthony, RN
Ken Sobel, MD William G. Howard, MD

NAYES: None

ABSENT: James Gensel, PE

The second hearing was also held with **Old Country Buffet** for repeat violations of potentially hazardous foods that are not kept at a temperature of less than or equal to 45F or greater than or equal to 140F (Room Temperature Storage). A Stipulation Offer for \$100 was made to the operator and declined. A hearing was held on November 5, 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 Dr. Howard and seconded by Dr. Varga that **Old Country Buffet** be fined an amount of \$200 for repeat violations of potentially hazardous foods that are not kept at a temperature of less than or equal to 45F or greater than or equal to 140F (Room Temperature Storage). **Motion approved.**

AYES: Gregory Schultz, MD Robert Lambert, MD
Mary Ann Baker, RN Richard Madl
John Varga, DVM Rosemary Anthony, RN
Ken Sobel, MD William G. Howard, MD

NAYES: None

ABSENT: James Gensel, PE

2. UPDATE ON EBOLA PREPARATIONS – Mr. Page reported that even though the hype with Ebola has lessened, New York State has been very aggressive in its efforts to prepare for Ebola with the full support of Governor Cuomo. The Chemung County Public Health Emergency Preparedness Committee was convened with all the key players to assess readiness in Chemung County. Although we have not yet had any true cases of Ebola, we have had a handful of “scares” that all played out with positive endings. Most of the situations have been travel related. We have pulled out the “outdated” version of our Isolation & Quarantine Plan and have started updating it to reflect current laws and expectations. It would certainly involve a more active role of the Board of Health. While most isolations would occur in individual homes, it is realized that other locations may be necessary for various reasons where home confinement is not suitable. While hospitals have strict protocols to follow with regard to Ebola, our local health department has had to develop protocols as well that would apply to patients that arrive at our location that meet certain criteria. Health Department staff have finalized local protocols as well as conducted drills to test the protocols. The NYS Wadsworth Laboratory is certified to conduct analysis for Ebola. If samples are collected locally, they would need to be transported to Wadsworth for analysis. There has been discussion that more labs will get certified to handle Ebola samples.

Dr. Sobel wanted to go on the record stating that he thought the original orders issued by NYS were too stringent with regard to actions being taken for persons that were asymptomatic for Ebola.

3. CONSOLIDATED SURVEY REPORT – Mr. Page discussed the report received from NYSDOH for the Consolidated Review that occurred of the Health Department programs back in September 2014. Program reviews used to occur at random times throughout the year for the various programs occurring in the Health Department. A few years ago, the NYSDOH decided to “consolidate” all of those surveys into one week of the year and conduct them every 3 years to make it less of a burden on LHD’s. The findings were remarkable as very few deficiencies were reported overall and some programs had not only no deficiencies, but commendable remarks on the administration of the programs.

RESOLUTION: A motion was made by Dr. Lambert and seconded by Dr. Howard that the administration and staff at the Chemung County Health Department be commended for their exceptional performance as outlined in the 2014 Consolidated Review conducted by the NYSDOH. **Motion approved.**

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| AYES: | Gregory Schultz, MD Mary Ann Baker, RN John Varga, DVM Ken Sobel, MD | Robert Lambert, MD Richard Madl Rosemary Anthony, RN William G. Howard, MD |
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NAYES: None

ABSENT: James Gensel, PE

- 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. No suggestions for changes to the current bylaws were submitted to Mr. Page, so the review will be considered to have been completed and the bylaws shall remain the same until the next annual review.

RESOLUTION: A motion was made by Dr. Schultz and seconded by Dr. Lambert that the Chemung County Board of Health has reviewed the existing bylaws and found no need for modifications and thus shall remain the same until the next annual review or until the need for modification occurs. **Motion approved.**

AYES:

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| Gregory Schultz, MD | Robert Lambert, MD |
| Mary Ann Baker, RN | Richard Madl |
| John Varga, DVM | Rosemary Anthony, RN |
| Ken Sobel, MD | William G. Howard, MD |

NAYES: None

ABSENT: James Gensel, PE

- 5. NEW BOH MEMBER FROM LEGISLATURE** – County Legislator Joe Brennan was introduced to the BOH as the person that will replace Mr. Madl on the Chemung County Board of Health beginning in January 2015. Mr. Madl was offered comments of praise and appreciation for his service to the BOH over the past 4 years.

ADJOURNMENT

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

The meeting was adjourned at approximately 8:35 PM.

Next meeting:

**Board of Health Meeting
January 27, 2015 @ 7:30 PM
Health Department Conference Room**