CHEMUNG COUNTY BOARD OF HEALTH
MINUTES
March 24, 2015

PRESENT:  Robert Lambert, MD  Ken Sobel, MD
          Kevin Wicks, DDS  James Gensel, PE
          Rosemary Anthony, RN  Joseph Brennan
          Gregory Schultz, MD

ABSENT:   John Varga, DVM  Mary Ann Baker, RN
          William G. Howard, MD

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

Prior to the meeting the CCBH received the following:

1. Agenda for March 24, 2015 CCBH Meeting
2. CCBH Meeting Minutes from January 27, 2015
5. Dental Clinic Report for January & February 2015
6. Hearing Officer Report – Burger King Elmira
7. Hearing Officer Report – Lake Road Trailer Park
8. Powdered Caffeine Sales Report
9. Smoking Statistics By County 2013-14

The following items were discussed at the meeting:

10. Quality Culture Discussion Items

CALL TO ORDER

In the absence of the current President and Vice President, past-President Dr. Lambert called the meeting to order at approximately 7:30 PM.

1. APPROVAL OF MINUTES FOR JANUARY 27, 2015 MEETING

RESOLUTION:  A motion was made by Dr. Sobel and seconded by Ms. Anthony that the minutes of the January 27, 2015 Board of Health meeting be approved and accepted as presented.  Motion approved.

AYES:
Robert Lambert, MD
Kevin Wicks, DDS
Rosemary Anthony, RN
Gregory Schultz, MD

Ken Sobel, MD
James Gensel, PE
Joseph Brennan

NAYES:
None

ABSENT:
John Varga, DVM  Mary Ann Baker, RN
William G. Howard, MD
2. FINANCIAL REPORT

Harry Shepard mentioned that the Budget Status Report through December 31, 2014 was finalized from an expense point of view and distributed a copy to the CCBH in advance of the meeting. Also included was a report for activity through February 2015. He commented that everything has been business as usual. He did point out that an audit indicated that funds are owed by the CCHD to NYSDOH due to the way that claims and appeals had been made to Medicaid and Medicare. Essentially, we received more reimbursements than we should have and will have to repay the State as soon as they make the appropriate request for said funds. The amount of money in question is in the $75,000 to $125,000 range. This will skew the numbers presented in the most recent 2015 financial report a bit. There were no further questions for Mr. Shepard.

3. SERVICES REPORTS

A. ENVIRONMENTAL HEALTH SERVICES – Thomas Kump mentioned that reports for January and February 2015 were included in the mailing to BOH members in advance of the meeting. Mr. Kump had nothing further to add to what was presented in the written reports. A question was raised as to whether inspections were completed at all facilities in 2014. Mr. Kump explained that practically speaking every facility received an inspection. However, due to the limited operation of some facilities, a few did not get inspected. For example, the wading pool at the Elmira Country Club was only open at limited times, and never during a time that our sanitarians were there to conduct an inspection. With all the unforeseen activities in 2014 including the loss of a Supervising Sanitarian and the need to hire and train a new sanitarian, it is quite commendable that as many inspections were completed in 2014. There were no further questions for Mr. Kump.

B. PUBLIC HEALTH CLINICS REPORT – Melissa Klossner commented on a recent Hepatitis A outbreak in Erie County. There seemed to be a shortage of immune globulin (IG) which prompted a statewide survey of all LHD’s to determine the availability of IG for the outbreak. The outbreak seems to have started in a local eatery across the street from the University of Buffalo. There were no further questions for Ms. Klossner.

C. DENTAL SERVICES REPORT – Mr. Page mentioned that there were two reports distributed to the CCBH just prior to the meeting for Dental Services for January and February 2015. Activity at the clinic has continued to decline with the loss of staff hours in the clinic due to a retirement and a cutback in dentist hours due to other commitments. There is also the anticipation that RPCN will be taking over the clinic sometime later in the year. This will be discussed under Old Business. There were no further dental clinic questions for Mr. Page.
OLD BUSINESS

1. DENTAL CLINIC TRANSITION - Mr. Page updated the CCBH on the progress of the transition of the dental clinic to RPCN. There is now a signed transfer agreement between the County and RPCN as well as an employment agreement for the interim period before the full RPCN takeover. The employment agreement will allow RPCN to hire their employees and allow them to work in the clinic in the interim. At this point, RPCN has interviewed prospective employees but no offers of employment have been issued. Dr. Lax has made his intentions known that he will be retiring June 26, 2015. It is likely that the clinic will need to shut down for a period of time before RPCN is able to take over the clinic. If that is the case, notification will need to be sent to all patients providing them with alternatives for dental care. Wilson Dental in Binghamton has agreed to accept patients from Chemung County. The Certificate of Need (CON) has yet to be completed or submitted for review and approval. While the building modifications are not extensive, they will not be able to commence until the CON is obtained. The current estimation of full transfer of the clinic over to RPCN is looking like fall 2015.

NEW BUSINESS

1. APPLICATION FOR MEDICAL STAFF PRIVILEGES – Ms. Klossner provided an applicant for consideration of medical staff privileges at the CCHD to the CCBH. Mary Foster is a Nurse Practitioner and would work on a per diem basis in the STD Clinic. Dr. Lenhardt will be the physician collaborator. All requirements for privileges have been met.

RESOLUTION: A motion was made by Dr. Schultz and seconded by Dr. Wicks that medical privileges be granted to Mary (Hannah) Foster, NP for work on a per diem basis in the STD Clinic at the Chemung County Health Department. Motion approved.

AYES: Robert Lambert, MD
      Kevin Wicks, DDS
      Rosemary Anthony, RN
      Gregory Schultz, MD

Ken Sobel, MD
James Gensel, PE
Joseph Brennan

NAYES: None

ABSENT: John Varga, DVM
         William G. Howard, MD
         Mary Ann Baker, RN

2. ENVIRONMENTAL HEALTH HEARINGS– Mr. Shepard reported that two hearings were held. He did provide written reports with his recommendations prior to the meeting. The first hearing was against Craig Foster of Rondaxe, LLC(owner of Lake Road Trailer Park) on March 11, 2015 for repeat violations of operating a mobile home park without a valid operating permit. A Stipulation Offer for $200 was made to the operator. The owner accepted the Stipulation Offer but failed to pay the associated penalty. An extension of time was granted for Mr. Foster to pay the penalty. The penalty was never
Representatives for EHS were present at the hearing but no one from Rondaxe, LLC appeared for the hearing. Mr. Shepard recommended that the fine be increased to $500.

**RESOLUTION:** A motion was made by Ms. Anthony and seconded by Mr. Gensel that Craig Foster, dba Rondaxe, LLC, owner of Lake Road Trailer Park be fined the amount of $500 for repeat violations of operating a mobile home park without a valid operating permit. **Motion approved.**

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The second hearing was also held with Bart-Rich Enterprises, Inc, dba Burger King Elmira for repeat violations of potentially hazardous foods that are not kept at a temperature of less than or equal to 45F during cold-holding. A Stipulation Offer for $200 was made to the operator and declined. A hearing was held on March 11, 2015. Representatives for the food service establishment did appear for the hearing to present their case. There was no dispute that the violations occurred. 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 $300.

**RESOLUTION:** A motion was made by Dr. Sobel and seconded by Ms. Anthony that Bart-Rich Enterprises, Inc, dba Burger King be fined an amount of $300 for repeat violations of potentially hazardous foods that are not kept at a temperature of less than or equal to 45F during cold holding. **Motion approved.**

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**3. POWDERED CAFFEINE SALES** – Board Member Joe Brennan presented a report on what another county in NYS is doing to address the problem with the sale of powdered...
caffeine. Suffolk County passed a local law banning the sale of powdered caffeine to minors. Mr. Brennan mentioned that a local law in Chemung County would be difficult to enforce and that it would be more practical for this matter to be handled on the State level. He mentioned that a teaspoon of powdered caffeine would be equivalent to 25 cups of coffee. A young man died due to an overdose on powdered caffeine. Mr. Brennan believes that a resolution should be made that recommends to the County Legislature that they take a stand on this issue and that the CCBH send correspondence directly to the NYSDOH Commissioner requesting emergency measures be taken to combat this deadly product. Another board member mentioned that there has also been a lot in the news lately about the availability of powdered alcohol.

**RESOLUTION:** A motion was made by Mr. Brennan and seconded by Dr. Wicks that the Chemung County Legislature be informed of this serious public health issue and ask that they consider a resolution encouraging the State of New York to enact legislation that would regulate both powdered caffeine and powdered alcohol. He further moved that the Chemung County Board of Health send correspondence directly to the Commissioner of the New York State Department of Health seeking emergency measures be taken to address these potentially deadly products and to keep them out of the hands of minors. **Motion approved.**

**AYES:**
- Robert Lambert, MD
- Kevin Wicks, DDS
- Rosemary Anthony, RN
- Gregory Schultz, MD
- Ken Sobel, MD
- James Gensel, PE
- Joseph Brennan

**NAYES:**
- None

**ABSENT:**
- John Varga, DVM
- William G. Howard, MD
- Mary Ann Baker, RN

4. **PUBLIC HEALTH PERFORMANCE INDICATORS** – Ms. Klossner reported on work that has been done locally with the collaboration of the S2AY group on Quality Culture. A web chart was reviewed that demonstrated where the health department’s strengths and weaknesses exist with regard to a Quality Culture. Ms. Klossner mentioned that Supervising Sanitarian Peter Buzzetti will be providing support to this effort as part of a project he is involved with through the School of Public Health as he wraps up his MPH program requirements. Performance indicators will be created and tracked in order to chart the progress being made in this effort in the coming future.

5. **SCHOOL READINESS PROGRAM** – Ms. Klossner stated that she and her colleagues met with Don Keddell to learn about a project that is part of the School Readiness Program. PH nurses will be asked to make visits to homes of children where school absenteeism is a problem to seek answers as to why this is occurring. Once this information is obtained it will be used to develop an outreach program aimed at combating this problem. Dr. Lambert suggested that it would be a good topic for a future CCBH meeting to receive a synopsis on the School Readiness Program and the School Matters Program as it relates to Public Health.
6. **COUNTY SMOKING RATES** – Mr. Page provided the BOH with a copy of the latest statistics available on smoking rates by county in NYS. While the numbers for Chemung County have not made any drastic changes, it is encouraging to see that Chemung County’s smoking rate is not among the worse in the State. The demographics of the County have a lot to do with the smoking rate. It also raises questions as to the survey process that yields the results outlined in the report when you see the counties with larger metropolitan areas with rates much less than the rates for smaller counties.

While not officially on the agenda, Mr. Page noted that the annual health rankings for all counties in NYS will be released on March 25, 2015. As soon as the data is available, a link to the rankings will be sent to all CCBH members.

**ADJOURNMENT**

**RESOLUTION:** With no further business to conduct, a motion was made by Dr. Schultz and seconded by Ms. Anthony that the CCBH be adjourned until the next regular meeting of May 26, 2015. **Motion approved.**

**AYES:** Robert Lambert, MD
Ken Sobel, MD
Kevin Wicks, DDS
James Gensel, PE
Rosemary Anthony, RN
Joseph Brennan
Gregory Schultz, MD

**NAYES:** None

**ABSENT:**
John Varga, DVM
Mary Ann Baker, RN
William G. Howard, MD

The meeting was adjourned at approximately 8:35 PM.

**Next meeting:**
Board of Health Meeting
May 26, 2015 @ 7:30 PM
Health Department Conference Room