

MINUTES

Tompkins County Board of Health

June 26, 2018

12:00 Noon

Rice Conference Room

- Present:** Shawna Black; David Evelyn, MD, MPH; Edward Koppel, MD; James Macmillan, MD, President; and Janet Morgan, PhD
- Staff:** Karen Bishop, Director of Community Health; Liz Cameron, Director of Environmental Health; Brenda Grinnell Crosby, Public Health Administrator; Samantha Hillson, Director of Health Promotion Program; William Klepack, MD, Medical Director; Frank Kruppa, Public Health Director; Deb Thomas, Director of Children with Special Care Needs; Jonathan Wood, County Attorney; and Shelley Comisi, Administrative Assistant II
- Excused:** Michael McLaughlin, Jr., Board of Health Member; Susan Merkel, Board of Health Member; and Christina Moylan, PhD, Board of Health Member
- Guests:** Temi Adeoye, Public Health Preparedness Intern; Frank Amato, Owner/Partner of Sicilian Delight Pizzeria; Kristee Morgan, Senior Public Health Sanitarian; and Ted Schiele, Planner/Evaluator, Health Promotion Program

Call to Order: Dr. Macmillan called the regular meeting of the Board of Health (BOH) to order at 12:02 p.m.

Privilege of the Floor: Frank Amato introduced himself as a partner/owner in Sicilian Delight Pizzeria. When he became a partner, he was unaware of the temperature problems with the cooling unit. Unfortunately, the previous manager had not fixed the problem with the unit. Once Mr. Amato learned about the situation, he replaced the unit the same day. It has been running smoothly since that time. Business is challenging with fewer stores and lack of customers at the mall. If possible, he would like this action dismissed. He concluded by saying he appreciated the Board's time.

Mr. Amato responded to questions from Board members:

- The violations that led to the BOH Orders occurred before he became a partner on March 16th.

- Improvements to prevent problems in the future include signing a deal with SureTemp for a timely response to refrigeration issues, maintaining pizza charts and temperature logs and discarding pizza at the appropriate times.

Approval of May 22, 2018 Minutes: Dr. Evelyn moved to approve the minutes of the May 22, 2018 meeting as written; seconded by Ms. Black; and carried unanimously.

Financial Summary: Ms. Grinnell Crosby mentioned the last summary report for 2017 is in the packet. She did not have anything to add to the May report. Currently, County Administration is busy with the 2019 budget process.

Dr. Macmillan noticed the revenues for Community Health Services were 89% in 2017. According to Ms. Bishop, a delay in home care visit reimbursements through Visiting Nurse Service of Ithaca and Tompkins County (VNS) affected the numbers. Ms. Grinnell Crosby added the contract with VNS is for reimbursement of our Medicaid Obstetrical and Maternal Services (MOMS) home visits.

Administration Report: Mr. Kruppa had nothing to add to his written report but he welcomed questions. Dr. Koppel was interested in hearing about the Wadsworth Laboratory/Regeneron partnership mentioned in the report. Mr. Kruppa noted there has been significant pressure on the New York State Department of Health (NYSDOH) to improve the ways Lyme disease is addressed. At the direction of the Governor, the tick task force was created. It is comprised of 21 members from academia, laboratories and the private sector. Ten million dollars will be invested into the agreement with Regeneron to improve diagnostic tests for Lyme disease.

Health Promotion Program Report: Ms. Hillson reported:

- A special thanks to Tompkins County Health Department (TCHD) staff for contributing articles and information to the 2017 Annual Report. The report is available online at: http://www.tompkinscountyny.gov/files2/health/pnc/annual/AnnualReport_TCHD2017.pdf
- In May, the Diabetes Prevention Program (DPP) started with five enthusiastic participants. It is a yearlong program with 16 weekly meetings followed by six monthly meetings. Susan Dunlop, our Community Health Nurse who teaches the program, has numbers showing about 80% of the participants lose and maintain their weight loss throughout the year.
- The Harmonicas for Health program is in the planning stages for the fall session. Several people are on the wait list.

Medical Director's Report: Dr. Klepack updated Board members about a State Senate bill opposed to supervised injection facilities. The bill is online but it does not provide much information other than the text and a brief rationale for the bill. It might be worthwhile pursuing more information with the bill's sponsor.

Division for Community Health Report: Ms. Bishop reported the incidence of syphilis and gonorrhea cases has gone up in Tompkins County and throughout central New York. The Peace

of Mind Community Partnership will be meeting July 20th to come up with an outreach plan to address the situation.

Questions/comments from Board members:

- Dr. Koppel inquired about the procedure for following up with contact partners in STI cases. Ms. Bishop explained contact investigation is through the STI investigator in the regional office of the NYSDOH. TCHD's role is surveillance.
- Dr. Macmillan expressed his ongoing concern about the importance of taking cultures and uncovering drug resistance. He pointed out there are strains of gonorrhea resistant to drugs.

Children with Special Care Needs Report: Ms. Thomas reported there was a Medicaid preschool audit last month. She and another staff member carefully reviewed all 100 claims. The results from the audit have not been received yet.

County Attorney's Report: Mr. Wood had nothing to report.

Environmental Health Report: Ms. Cameron shared the happy announcement from staff member Becky Sims who welcomed a baby girl into her family.

Report on the Community Services Board (CSB) Meeting: The BOH did not have a representative at the CSB meeting so there was no report. Dr. Macmillan volunteered to attend the July 2nd meeting.

Resolution #EH-ENF-18-0014 – Hope's Events and Catering, V-Cayuga Heights, Violations of BOH Orders #EH-ENF-17-0012 and Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron noted the owner was operating without a permit because she did not submit the permit application on time. There was a subsequent temperature violation which was added to the resolution. Ms. Rich has made payments for the permit and the penalties. A permit has been issued for the remainder of the permit year.

During a brief discussion about the payment plan worked out with the owner, Ms. Cameron indicated these arrangements are made on a case by case basis. A payment plan is a better option than closing the business or referring the party to a collection agency.

Dr. Koppel moved to accept the resolution as written; seconded by Ms. Black; and carried unanimously.

Resolution #EH-ENF-18-0016 – Corelife Eatery, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron reported the restaurant had violations for not maintaining food at the proper temperatures.

Dr. Morgan moved to accept the resolution as written; seconded by Dr. Evelyn; and carried unanimously.

Resolution #EH-ENF-18-0017 – Sicilian Delight Pizzeria, V-Lansing, Violations of BOH Orders #EH-ENF-18-0007 and Subpart 14-1 of the New York State Sanitary Code (Food):

Mr. Amato, representing Sicilian Delight Pizzeria, appeared before the BOH earlier in the meeting. Ms. Cameron explained the violations observed in January 2018 resulted in BOH Orders in March. Mr. Amato received the BOH Orders eleven days after he took ownership. Until recently, the restaurant had a good history.

Dr. Morgan moved to accept the resolution as written; seconded by Dr. Koppel. The vote: Aye – 4; No – 1 (Ms. Black). The motion carried.

Resolution #EH-ENF-18-0018 – Tamarind, C-Ithaca, Violations of BOH Orders #EH-ENF-18-0002 and Subpart 14-1 of the New York State Sanitary Code (Food):

Ms. Cameron summarized the situation with Tamarind. There were violations for food being out of temperature. In addition, only one certificate for ServSafe training was submitted and the penalty was partially paid. There have been multiple conversations with the owner to work out the payments and clear up any confusion about procedures for cooling food. Although the owner does speak and understand English, there seems to be some language issues. Her food service staff speak English and Thai so they are able to communicate with TCHD staff during inspections. The owner originally planned to attend the BOH meeting, however, her plan changed. She called this morning to request a reduction in the penalty because the violations were not intentional. She is willing to do whatever the BOH decides.

Several Board members suggested providing a translator for interactions with the owner. Ms. Cameron assured them the offer was extended to the owner but she has not accepted. Since she is not at the restaurant, the main concern is whether the food service staff who are on-site comprehend the food handling requirements. The owner does understand the violation but it is unclear she understands the reasoning behind it.

Dr. Koppel moved to accept the resolution as written; seconded by Dr. Macmillan; and carried unanimously.

Resolution #EH-ENF-18-0019 – Country Inn & Suites, T-Ithaca, Violations of BOH Orders #EH-ENF-17-0046 and Subpart 14-1 of the New York State Sanitary Code (Food):

Ms. Cameron noted the violations occurred in the hotel's food service operation. Their current food service permit will be revoked if they have another violation during the year.

Ms. Black moved to accept the resolution as written; seconded by Dr. Macmillan; and carried unanimously.

Resolution #EH-ENF-18-0020 – Lao Village, C-Ithaca, Violations of BOH Orders #EH-ENF-17-0032 and Subpart 14-2 of the New York State Sanitary Code (Food):

Ms. Cameron explained Lao Village's food out of temperature violation occurred at the Ithaca Festival. The food service staff was keeping a temperature log that showed there was an hour between testing and the inspection when the tofu was found to be out of temperature. It is not clear whether they did not test the tofu or whether the tofu cooled quickly within that hour. The penalty is \$1,000

because there is a violation of BOH Orders in addition to the violation for having food out of temperature.

Ms. Black asked whether there was any question regarding the documentation from either TCHD or the food establishment. She does not feel there is evidence to prove the tofu was not cooled properly. Ms. Cameron replied she does not know of any lack of documentation by any party. The tofu was out of temperature which is a violation. The tofu could have been in temperature when tested for the temperature log but warmed up within the hour.

Dr. Koppel moved to accept the resolution as written; seconded by Dr. Morgan. The vote: Aye – 4; No – 1 (Ms. Black).

Approval of *Standing Orders for Administering Kinrix (DTaP-IPV) Vaccine:* Ms. Bishop presented this new policy allowing TCHD nurses to administer Kinrix to children ages four through six. Kinrix is a combination vaccine that protects children against diphtheria, tetanus, acellular pertussis and polio. This new vaccine is meant to be a booster shot before children enter kindergarten. An added benefit is the ability to administer one shot instead of two.

Ms. Black initiated a conversation about whether parents still could choose to have DTaP and IPV vaccines administered separately. Ms. Bishop responded that option still exists. However, Dr. Evelyn noted the standard will change as it becomes difficult to obtain the vaccines separately in part due to production and the preference of providers. Dr. Klepack added combination vaccines have shown to be effective. Scientifically there is no need to separate vaccines.

Dr. Morgan moved to approve the *Standing Orders for Administering Kinrix (DTaP-IPV) Vaccine* policy, as written; seconded by Dr. Koppel; and carried unanimously.

Juuling and the Increased Use of the JUUL Vaping Device in Schools: Ted Schiele thanked Mr. Kruppa for allowing him to address the Board. He wanted to make sure Board members were informed about the popularity of JUUL electronic cigarettes among young people. As part of his presentation, he distributed a handout (Attachment 1) with basic information from the American Academy of Pediatrics and statistical information from the NYSDOH.

Mr. Schiele shared the following regarding JUULs:

- JUUL is an Electronic Nicotine Delivery System (ENDS) or vaping device developed by two Stanford engineers who wanted to stop smoking. They designed the device to mimic a conventional cigarette more accurately than other electronic cigarettes or vaping devices. The product is sleek, rechargeable, discreet and filled with sweet, fruit-flavored juice (the liquid containing the nicotine).
- The use of JUULs has skyrocketed among youth aged 12 to 17. In November 2017, awareness of these devices among high school students nationally was 21%; this past April it was 43%. A study from the Truth Initiative suggests the increased awareness may be the result of heavy marketing on social media. School officials in Tompkins County and across the country have been impacted with juuling in classes, hallways, restrooms and buses.

- JUUL uses a different derivation of nicotine than traditional vaping juices called nicotine salts. This allows a higher nicotine concentration in the juice and a faster absorption rate into the bloodstream. It also accounts for a lower volume of vapor trail. For anyone interested in reading more about nicotine salts, he has an interesting article to share.
- JUUL is designed to be a closed system so the user should not be able to fill the device with juice. However, 30% of JUUL ever users have found a way to add marijuana to their JUULs.

Mr. Schiele provided updates on ENDS in general:

- Tompkins County was one of the leaders in recognizing ENDS should not be used in public spaces. In 2014, the County Legislature added ENDS to the Clean Indoor Air Act (CIAA) because emissions from ENDS and secondhand vapor pose a public health risk. Studies are starting to break down the idea that ENDS are safer.
- Evidence shows that limiting access to tobacco products and vape products is important for reducing youth initiation to tobacco use. Last year, Tompkins County took a significant step for reducing access by raising the legal age to purchase tobacco products to 21. Retailers who sell tobacco must register with the New York State Department of Taxation and Finance, however, retailers selling ENDS or smoking paraphernalia are not required to register. Consequently, monitoring who is selling vaping devices and supplies is challenging. A bill to require state registration for ENDS retailers passed the New York State Legislature last year but was vetoed by the Governor.

Mr. Schiele's responses to questions:

- To protect young people, the U.S. Food and Drug Administration has taken action against the marketing practices and manufacturing process of JUUL devices. JUUL developers insist their goal is solely to switch adult tobacco users from combustible cigarettes to JUULs.
- Studies indicate concern that the exhale vapor from ENDS products is not safe for bystanders. There is evidence the vapor contains a significant amount of nicotine. In addition, there is concern about heavy metals in the vapor because of the heating unit.
- There is a question about whether teenagers know they are absorbing nicotine and whether they are aware of the addictive impacts. Because the teen brain is still developing, potential long-term addiction is concerning. There is an upfront cost. In some cases, the expense or lack of access to the JUUL may drive adolescents to buy conventional cigarettes for the nicotine. Dual use is more the norm than the exception.

Regarding enforcement to ensure these products are not sold to young people under 21, Ms. Cameron reported TCHD will be incorporating inspections into the Adolescent Tobacco Use Prevention Act (ATUPA) program. The vape shops are not registered to sell tobacco so their existence may be unknown. Currently, checks on vape shops will be handled on a complaint basis.

Mr. Schiele thanked Board members for their time and interest in the topic. On behalf of the group, Dr. Macmillan thanked Mr. Schiele for the information.

2019 Proposed Budget: Mr. Kruppa referred to the draft budget (Attachment 2) that was emailed and distributed to members prior to the meeting. When the 2019 budget process began, the Legislature approved spending targets and a small increase in the County tax levy to allow for wage growth and other mandated costs. The directive from the County Administrator was to create a maintenance-of-effort budget. Although the draft budget is not quite finished, TCHD will be able to meet the directive while maintaining all our services and current staffing levels. There is a \$4,000 difference to close before the proposed budget is submitted on July 18th. Among the recurring expenses eliminated in leaner years, computer replacements are being built back into the budget. This year, the department does not have any over target requests (OTRs).

In addition, Mr. Kruppa pointed out there was an effort to right size revenues in this budget. Revenue numbers are unpredictable so educated guesses were based on looking at trend data over the past five years. In recent years, rollover funds were available to use with Legislative approval. With the possibility rolling funds from one year to the next might not continue, it is important to look carefully at the current year and make sure spending is appropriate. Over the years, the department has used rollover funds for large electronic projects in Environmental Health, Community Health Services and Children with Special Care Needs divisions. If approved, current rollover funds will be used to replace our older vehicles with electric vehicles in the next couple of months.

Regarding OTRs, Ms. Grinnell Crosby mentioned County Administration is considering a countywide OTR related to ergonomic equipment. The County provides ergonomic assessments for employees through an arrangement with a group that receives grant funding from the Department of Labor. An OTR in the amount of \$20-25 thousand would assist departments with the necessary costs for making ergonomic improvements for their employees.

Technically, the BOH does not have budget approval or authority; however, Mr. Kruppa advised members the BOH does have program and policy authority. The proposed budget is brought to the BOH in this format because changes or cuts in the budget would affect programs or policies. TCHD is looking for the BOH's general approval of the budget. There was no opposition to the proposed budget from Board members.

New County Administrator: Dr. Morgan inquired about the possibility of meeting new County Administrator Jason Molino. Mr. Kruppa noted Mr. Molino has been visiting the numerous County departments, advisory boards, and legislative committees with plans to come to a BOH meeting as soon as possible.

Adjournment: At 1:26 p.m. Dr. Macmillan adjourned the meeting.