



CATTARAUGUS COUNTY BOARD OF HEALTH



Public Health
Prevent. Promote. Protect.
Cattaraugus County
Health Department
Established 1923

1 Leo Moss Drive, Olean, NY 14760, Tel. (716)373-8050, Fax (716) 701-3737

Joseph Bohan, MD, President

Giles Hamlin, MD, Vice-President

*Zahid Chohan, MD
Sondra Fox, RN
Richard Haberer
Theresa Raftis
David L. Smith
James Snyder*

MEMORANDUM

TO: Board of Health Members
FROM: Kevin D. Watkins, MD, MPH
RE: *February 10, 2016*
DATE: January 14, 2016

KDW

The next meeting of the Cattaraugus County Board of Health has been scheduled for **Wednesday, February 10, 2016 at 12:00 noon**. The meeting will be held at The Point Restaurant, (located at Good Times), 800R East State Street, Olean, New York. Please make every effort to attend.

Enclosed please find the following:

- ~ Agenda
- ~ Board of Health Minutes, December 8, 2015
- ~ December 10, 2015 Enforcement List

Note: The January Enforcement List will be mailed under separate cover.

PLEASE CALL 701-3398 or email: dllacher@cattco.org by February 8, 2016, if you plan to attend.

Thank you.

KDW/dl
Enc.



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REVISED AGENDA

February 10, 2016

CALL TO ORDER
Dr. Joseph Bohan

ROLL CALL

APPROVAL OF MEETING MINUTES
December 8, 2015

APPROVAL OF PROFESSIONAL ADVISORY MINUTES
November 18, 2015

DIRECTOR'S REPORT
Dr. Kevin Watkins

NURSING DIVISION REPORT
Susan Andrews

ENVIRONMENTAL HEALTH REPORT
Eric Wohlers

ENFORCEMENT REPORT
David Porter

OLD/NEW BUSINESS

ADJOURNMENT

"Public Health for Healthy Communities"



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MINUTES

December 8, 2015

The 842nd meeting of the Cattaraugus County Board of Health was held at The Point Restaurant, 800 East State Street, Olean, New York on December 8, 2015.

The following members were present:

Dr. Joseph Bohan	Theresa Raftis
Dr. Giles Hamlin	David Smith
Sondra Fox, RN	James Snyder
Richard Haberer	

Also present were:

Kevin D. Watkins, MD, MPH, Public Health Director
James Klubek, Superintendent of Gowanda Schools
Mark Howden, County Attorney
Carl Edwards, County Legislator
Paula Stockman, County Legislator
Donna Vickman, County Legislator
Gilbert Witte, MD, Medical Director
Dave Porter, Hearing Officer
Rick Miller, Olean Times Herald
Kathy Ellis, Administrative Officer
Raymond Jordan, Sr. Public Health Sanitarian
Debra Lacher, Secretary to Public Health Director
Eric Wohlers, Director of Environmental Health

The meeting was called to order by Dr. Bohan. The roll was called and a quorum declared.

Mr. Haberer made a motion to approve the minutes of the Board of Health (BOH) meeting held on November 4, 2015, it was seconded by Mr. Smith, and unanimously approved.

"Public Health for Healthy Communities"

Dr. Bohan welcomed James Klubek, Superintendent of the Gowanda School District who was invited to share with the Board what the Gowanda schools were doing to promote healthy lifestyles.

DIRECTORS REPORT: Dr. Watkins reported that the recent gun violence incident that took place in San Berdino, California was especially sad to those who are in public health, as it took place at a County Health Department's holiday celebration. He stated that fourteen people were killed, twelve of which were health department employees, and nine of whom worked in the environmental health division of the health department. In addition, twenty one people were injured, eighteen worked for San Berdino County. Dr. Watkins extended condolences to the families that lost their loved ones in this tragic incident. He informed the Board that Cattaraugus County Health Department has participated in one active shooters drill, and stated that the department will need to undergo regular drills in order to prepare for a possible mass shooting, which has become very common in our society.

Dr. Watkins briefed the board about the final steps to complete accreditation for the Health Department. He stated that a site visit by a team of expert public health practitioners have been scheduled for April 13-14, 2016. Their visit will encompass verifying the accuracy of the documentations that were submitted by the Health Department. They will seek answers to any questions relating to the Health Department's performance in the standards and measures that has been set forth by the accreditation board and this visit will also provide an opportunity for the department to ask any lingering questions regarding the accreditation process. The site visit will include interviewing staff, and a representative of our governing body. Dr. Watkins asked Dr. Bohan if he would represent the board or assign a designee as the governing body representative. Dr. Bohan stated he would represent the board.

Dr. Watkins updated the board on the status of influenza in NYS. He stated that during the week ending November 28th there were (63) laboratory confirmed influenza reports. There were no cases reported in Cattaraugus County during that week. The number of patients that were hospitalized with laboratory confirmed influenza was (22) and that was a 15% decrease over the previous week. He went on to say that it is the eighth straight week that influenza has been reported as sporadic in New York State and activity has been reported as low throughout the United States but it is still early during this influenza season. He summarized by stating the department will continue to watch for outbreaks and monitor emergency room visits for influenza like illnesses.

In the absence of Susan Andrews, Dr. Watkins went over the nursing division report. He stated that through November there has been (253) cases of chlamydia, (16) cases of gonorrhea, and (3) cases of syphilis. He went on to say, in the month of November, the following cases were reported; (3) cases of Giardia, (1) positive case of salmonella, (2) cases of campylobacteria, (2) cases of Strep pneumonia group B, (1) case Strep pneumonia group A, (3) cases of aseptic meningitis, (1) Haemophilus influenzae type b, and (7) cases of chronic hepatitis C were reported.

Dr. Watkins added that there has been (2) new elevated blood lead levels in the month of November and there are (6) other children who remain in our follow-up for elevated blood lead levels.

He stated that the homecare census is currently at (352). The plan of corrections, for a survey conducted on 09/29/15, submitted to New York State Department of Health was accepted.

Dr. Bohan asked if the reportable cases for communicable disease were in line with what is expected or if something stands out. Dr. Watkins replied that the (3) case of syphilis that has been reported since November stands out. He added that prior to this November report, the County has not seen (3) cases of syphilis in one year since 1990. He went on to say that this rise in the number of syphilis cases appears to be due to men having sex with men and not taking the necessary precautions. This rise is not just in Cattaraugus County but can be seen state wide he added. There is a new antiretroviral pre-exposure prophylaxis drug on the market that works to prevent HIV infection and perhaps what we are seeing statewide is men engaging in high risk sex practices (i.e. not using condoms). Dr. Bohan stated that in twenty five years of practice in urology he only saw (1) or (2) new cases of syphilis in that period of time.

Dr. Watkins stated that a challenging objective for Cattaraugus County Health Department is found in our Community Health Improvement Plan (CHIP) which is to reduce obesity within our community. He added that another challenging objective is to create a community environment that promotes and supports healthy food and beverage choices and to increase physical activity in an effort to prevent and reduce the burden of chronic disease in Cattaraugus County. He remarked that creating a community environment that promotes and supports this effort is a very difficult task that requires initiative that motivates the community and often requires incentives that will get communities to actually participate in these activity. Dr. Watkins stated that the Health Department has collaborated with the Department of Aging and the Healthy Livable Community Consortium to carry out these initiatives as the health department realizes there tasks cannot be completed without the help of others. He added that an example of community transformation can be seen in the Gowanda school system and David Smith, Board member and Gowanda School Principal, and James Klubek, Gowanda School Superintendent, are to be recognizes for their valiant efforts in showcasing how to run a healthy school district.

Mr. Smith, thanked the Board for the opportunity to share what has taken place in Gowanda. He stated that Gowanda is a proud community that had lost its way for a time but community leaders, school officials, local elected officials and the police took steps nearly a decade ago to bring order back to the community. A 9:30 PM weekday and 11:00 PM weekend curfew for those under 18 years of age was instituted, which resulted in reducing the number of teens on the streets of Gowanda, who when in groups, can often find trouble. He added, if police found a youth on the street after curfew, they were driven home and presented to their parents with a \$150.00 fine which was payable to the Village Court.

Mr. Smith, shared the strategies they are finding successful within their school system to bring healthy living to their students and faculty. One of the ventures sponsored by the school was "Gowanda on the Move". A successful walk to school took place with over 100 students participating in the event. Parents dropped their children off at the Healthy Community Alliance building where they were met by faculty who then walked with the children to school. Those students who participated received a t-shirt, pedometer, and a healthy snack. He added, to encourage students to ride their bikes to school, the school arranged for them to receive helmets and more than half of the students rode their bikes to school when the program kicked off.

The district then started a daily yoga program for the students before school which even teachers are rearranging their schedules to join. Several activities ranging from walking to basketball are available to the students after a healthy morning breakfast which is available in the cafeteria.

Mr. James Klubek, School Superintendent, has been in Gowanda for just over a year and stated he was amazed at what a tremendous difference the gold star policy is having on the lives of the students. He added that his first thoughts were to establish the wellness program as policy so this program would be perpetuated. The wellness policy extends not only into the cafeteria but also in fundraisers, concession stands, and vending machines. He went on to say, the cafeteria is second to none in terms of healthy options, all foods are prepared right inside the facility. Gone is the prepackaged processed foods, it has been replaced with nutritious options and encourages the students to try new foods like okra. Mr. Klubek reported that the district lost \$17,000 on the cafeteria last year but they know they have provided healthy foods and are teaching the children how to make right choices for a healthier, longer life. All fundraisers have to be healthy too, candy bars are not sold as a fund raiser item, and this has allowed the students to be creative in finding new items which meet the standards of the school policy.

Mr. Klubek stated that even the sports concession stands have benefited from these changes. At least 50 percent of the foods offered are healthy options, including carrot sticks and fresh popcorn. These are the things that continue to sell out before the other concession stand items. He went on to say that vending machines have also undergone changes after the sweetened beverages were removed, food choices including yogurt were added and sells are doing well.

Although it is hard to measure the results on student's grades because so many parents have opted their children out of state tests, results seen in homework and discipline is outstanding. Mr. Klubek reported they have a 95.4 percent attendance rate, because the students enjoy coming to school.

The school district has received a Healthy School Consortium grant in an effort to reduce obesity and juvenile diabetes rates among its students.

Mr. Smith stated that the Gowanda school district has also incorporated a drug and alcohol education night for the parents. The school district has a zero tolerance policy for drugs and alcohol, and the policy requires parents to attend a class on how to recognize signs of drug or alcohol abuse in their children. If the parents don't attend the class, their children can't participate in any extracurricular activities including dances, clubs, and sport activities.

Mr. Klubek reported that the district doesn't forget the staff in its wellness efforts. There is an annual staff development day devoted to faculty that includes yoga, massages, and other health improvement ideas.

Dr. Watkins commended the speakers for a job well done and hopes that the next step will include the Gowanda School mentoring the Salamanca School District in the next phase to Community Health Improvement Plan.

ENVIRONMENTAL DIVISION REPORT: Mr. Wohlers reported that the annual winter rabies clinic has been scheduled for Saturday, January 9th from 9:00 AM to noon, at the county Department of Public Works (DPW) facility in Little Valley.

He stated that the environmental health (EH) staff is currently putting together a comprehensive database of retail stores and beauty salons addresses in order to mail them a copy of the new local law that prohibits the sale of personal care products containing microbeads, and the local law's implementation date, (which is 180 days from the date of filing with the New York State Department of State, or April 18, 2016). He added that Dr. Watkins has prepared a cover letter that will be attached to this information.

Mr. Wohlers stated since the Board of Health adopted the revised sanitary code back in August, EH staff has been developing updated guidance and policies for several programs, most notably the body art and Real Property Transfer (RPT) programs. He informed the board that tattoo (body art) establishments permits expire on December 31st and must be renewed for 2016, and staff has made it a top priority to get the new guidance out to the shop owners before renewing the permits. Mr. Wohlers went on to say that due to accreditation standards, the EH division also have to make sure that all division policies now conform to the new official policy format. He added that the division is planning a training for EH staff at the upcoming December staff meeting, to review many of the sanitary code changes and new draft policies in order to implement the many changes heading into the New Year.

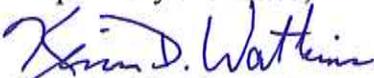
Mr. Wohlers reminded the board that the EH division has received (8) new electronic tablets from NYSDOH for transitioning to electronic inspections and completely eliminating paper documents and manually entering inspection data into the state's reporting database. The tablets were just recently assigned to field staff, and all inspections moving forward will be completed in this format. He added that NYSDOH has placed an emphasis on electronic inspections and will provide Article 6 incentive funding to all counties that transition and complete more than 50% of their inspections via the new reporting format. Mr. Wohlers added that the EH division has also performed a mass mailing to all regulated facilities asking all operators and managers to provide their current e-mail addresses. He stated that not only will the department be able to simply upload all inspection data each day directly into the DOH database, but we will be able to send most reports, letters, water sample results, and bills to our facilities electronically, and eliminate most paper copying and reducing postage cost, a savings that is passed on to the taxpayers he added.

ENFORCEMENT REPORT: Mr. Porter stated that there are no new enforcement cases to report this month.

Dr. Bohan announced that the next BOH meeting will be held Wednesday February 10, 2016.

There being no further business to discuss, a motion to adjourn was made by Ms. Raftis, and seconded by Dr. Hamlin and unanimously approved.

Respectfully submitted,



Kevin D. Watkins, M.D., M.P.H.
Secretary to the Board of Health



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Gilbert N. Witte, M.D.
Medical Director

Susan A. Andrews, RN, MSN, FNP
Patient Services Director

Professional Advisory Committee November 18, 2015

Present:

Dr. Gilbert Witte, Medical Director, BOH
Dr. Giles Hamlin, BOH
Dr. Kevin Watkins, Public Health Director, BOH
Sondra Fox, RN
Michelle Phelps, RD
Elizabeth Bless, MSW
Tim Mager, OT
Moira Kettry, OGH, MSW
Barb Parish, CHN
Susan Andrews, DPS, RN, FNP

Absent: Carolyn Ruffner, PT
Carly Woodhead, SLP

The Professional Advisory Committee (PAC) meeting was held in the Cattaraugus County 2nd floor conference room on Wednesday November 18, 2015 at 12:30PM. Attendance was taken as recorded above.

Review of Tier 1 Potentially Avoidable Events:

2nd Quarter (Qtr.) April- June 2015:

- Emergent Care for Fall or Injury- total number eleven (11)

3rd Qtr. 2015- September results not available via the Certification And Survey Provider Enhanced Reports (Casper) from NYS as of yet. Included in reports are the incidents from July and August.

- Discussed a fall of a patient with Home Health Aide (HHA) present, documentation unclear regarding shower area assessment, an idea to improve 1st visit assessment of bathroom area was discussed.

Patient Satisfaction Survey: (Summary)

- Calls to office-improved
- Respectful care-stayed same
- 9:10 would recommend our agency
- Would not recommend our agency-1
- Would probably not recommend our agency-1
- Susan to contact Fields Research Company and further investigate whether they can identify the unsatisfied patients.

Home Health (HH) Consumer Assessment of Healthcare Providers and Systems (CAHPS):

Patient Complaints: level of complaints that reach administrative level of Director of Patient Services, or Public Health Director

-1st Qtr. 2015- One (1)

3rd Qtr. 2015 Agency Occurrences:

- Patient harm/injury – zero (0)
- Potential for one, related to a Peripherally Inserted Central Catheter (PICC) line- patient had PICC line, physician ordered to discontinue (remove), patient refused, nurse did not specifically say to patient “you must remember to continue to flush”, although patient well versed and previously noted/observed to be independent, written instructions were previously provided, nurse went back four (4) days later and could not aspirate or flush PICC line, patient had a Doppler ultrasound conducted and a clot was found, patient started on anticoagulant and line was left in, line remains in at time of meeting, Dr. Hamlin asked if and why line was left in, Susan did check with pharmacy/supply and standard treatment is to leave in per supplier, Dr. Witte stated clot more likely to dissolve with line removed, Dr. Witte requesting more information about this case to review.

Medications Errors: Licensed Practical Nurse (LPN) administered ½ dose of the prescribed medication, volume necessitated two (2) syringes of injection, LPN failed to understand.

Missed visit review: three (3) were related to Skilled Nursing (SN) - failure to schedule, 3 LPN missed visit, 1 Personal Care Aide (PCA) missed visit

No staff injuries

Review of Active/Closed Records:

Annual Agency Evaluation:

- Review of rules and regulations, indicated by yes/no/needs improvement.
- A summary was provided, several deficiencies were identified on the State Survey.
- Professional Advisory Council- failure to take proper minutes- to include recommendations of advisory committee in the minutes.
- Supervisory Community Health Nurse (SCHN) function- clinical supervisors/clinical managers, need to define core duties - for better follow through
- Annual performance assessment-
- Budget, Audits, Billing – should be carried out according to policy
- Delivery System Reform Incentive Payment (DSRIP) Program: A Medicaid Redesign Team program, to fundamentally restructure the health care delivery system by reinvesting in the Medicaid program, with the primary goal of reducing avoidable hospital use by 25% over 5 years. This is a potential impact for change in the health delivery system in the future, DSRIP has selected an INTERACT program as one of their projects for reducing hospitalizations, INTERACT, is one of several evidence-based care transition interventions developed to potentially prevent emergency room visits and hospital readmissions for long term care patients. CCHD Home Care program will participate in the Interact Process Training; goal is to be included in an equipment upgrade to improve usage of the telehealth or telemedicine visits to patients that are home bound.
- Nursing Current practice-could use continuing education courses to keep up with skills. A new performance evaluation requirement is to include as a goals for all staff, continuing education trainings that they will have to participate in- these trainings which can be obtained on-line.
- Narcan training was completed for all nursing personnel.
- Nursing assessment and documentation-can always be improved
- Therapists are out in field, therapist meetings will be changed to at least quarterly
- Coordination of Patient care can always be improved
- IT Support- software, hardware issues impacts agency on a daily basis.

NYSDOH Survey:

Deficiencies:

- 4:4 charts reviewed, pain assessments were not completed
- Quality assurance staff is not formally trending/tabulating audits.
- Personnel record deficiency three (3) records were reviewed - found same deficiencies as in the audit conducted in the spring. Contracted therapy staff had no pre-employment physical.
 - 1:5 didn't take a temp
 - 3:5- PICC assessment, meds were recorded twice.

New/Revised Policies and Procedures:

- International normalized ratio (INR): the type of instrument used for home testing of patients INR- was changed in the policy.

Drug Regimen Review- updated regarding:

- Alphabetical sorting of medications on the screens
- All medications will be discontinued at discharge
- Electronic Medical Records (EMR) does not identify duplicate medication in medicine list

PICC Line Maintenance:

- Policy and Procedures were purchased from Visiting Nurses Association (VNA) and used as a basis for care
- PICC policy was cumbersome, tried to simplify, need this policy for measurement
- Flushing and cleaning of PICC line

Review of records: all staff participated in Post survey audits

19 charts were reviewed: 10:19 of the orders were timely, 2 were not due back yet as it was less than thirty days.

Numerous areas still remained delinquent even after staff aware of survey findings. These include Diabetes and Pain management assessments.

PAC Recommendations:

- PICC line: what to do with a clot, address this in the policy
- Focus attention on staff that are repeated offenders with errors, progressive discipline processes to avoid future problems
- Performance improvement- use human resource website-
- EMR/IT problems - staff needs the right tools to do their job. These problems include outdated software, program is not user friendly, and IT infrastructure and support not readily available to nursing staff.

Adjournment: Next Meeting Planned for January 20, 2016 CCHD Upstairs conference room



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COUNTY OF CATTARAUGUS
STATE OF NEW YORK

ENFORCEMENT LIST

Hearing Officer: David Porter

December 10, 2015

DOCKET 15-034

Shane Davies, 891 Bray Rd., Arcade, NY 14009

Violation: SCCCHD Chapter II Part 16 Section 16.4.1 on May 13, 2015. A point discharge was observed which does not meet design standards. Respondent was notified of the violation via letter dated May 20, 2015 and given a deadline of July 20, 2015 to correct the violation. Respondent has not complied.

Administrative Hearing: 12-10-15

Public Health Sanitarian: Rhonda Kelley appeared for CCHD and was sworn in.

Respondent: Respondent appeared.

Testimony of Ms. Kelley:

- a.) Enf.-1 was read and affirmed to be true and correct by Ms. Kelley identified as Peoples Exhibit #1.
- b.) Letter to respondent dated May 20, 2015 explaining violation and compliance date identified as P.E. #2.
- c.) Application for a small sewage disposal system and approved design to fix violation identified as P.E. #3. (1/2 & 2/2)
- d.) Respondent could not afford violation repair in 2015 and has requested a continuation.
- e.) R. Kelley would agree to a continuation of May 30, 2016 for repair, inspection and approval.
- f.) R. Kelley requested respondent visit labor works to evaluate grant availability. Respondent has issues with some labor works rules/ requirements.

Hearing Officer Findings: Respondent is in violation of SCCCHD Chapter II Part 16, Sec. 16.4.1 a point discharge.

Recommendation: Allow the respondent a continuation until May 30, 2016 for repair of the violation.

Linda DeBoy, 4006 Humphrey Rd., Great Valley, NY 14741

Violation: Sanitary code of the Cattaraugus Co. Health District Chap 2 Part 24 Section 24.2.5
Respondent failed to submit the required rabies vaccination certificate for her dog by the prescribed date following a biting incident on September 13, 2015.

Administrative Hearing: 12-10-15

Public Health Sanitarian: Eli Rust appeared for CCHD and was sworn in.

Respondent: Respondent did not appear but had signed the offered stipulation containing conditions for a civil compromise and sent the same to the Health Dept. by first class mail.

Testimony of Mr. Rust:

- a.) Enf.-1 was read and affirmed to be true and correct by Mr. Rust identified as Peoples Exhibit #1.
- b.) Bite report dated 9-14-15 stated victim was riding his bike on on Humphrey Rd. and was bitten on the leg by a dog. Upon investigation it was determined that the dog was owned by the respondent and did not have a current rabies vaccination.
- c.) Letter to the respondent dated 9-15-15 explained assistance regulations by the Catt. Co. Health Dept. concerning the dog bite, letter identified as P.E. #2
- d.) Bite report 9-14-15 identified as P.E. #3.
- e.) Animal confinement verification form saying dog appears normal on 9-23-15 after field visit. Identified as P.E. #4.
- f.) Vaccination certificate sent to Health Dept. identified as P.E. #7. Date of vaccination was 11-18-15.
- g.) Vaccination certificate of previous vaccination expired on 8-7-15. Dog bite was 9-13-15 identified as P.E. #5.
- h.) Signed stipulation from respondent with proof of vaccination received by Health Dept. on 12-2-15 identified as P.E. #6.

Hearing Officer Findings: Respondent is in violation of Chap. 2, Part 24, Section 24.2.5 unvaccinated dog. The respondent signed the stipulation and returned it to the Health Dept. with proof of vaccination. The civil compromise was sent on 11-10-15 and had to be complied with on or before 12-3-15 (pay the civil compromise of \$75.00 and provide proof of rabies vaccination for her dog.) The respondent did not pay the civil compromise offered of \$75.00 by 12-3-15. The respondent did not send the proof of vaccination on a timely manner (5 days after vaccination) and the respondent did not appear for the hearing or communicate with the Health Dept.

Recommendations: That the respondent pay the \$75.00 civil compromise as a fine by 2-29-16. If the fine is not paid by this date a \$10.00 per day per diem will be assessed.



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COUNTY OF CATTARAUGUS
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ENFORCEMENT LIST

Hearing Officer: David Porter

January 12, 2016

DOCKET 15-037

John Tucker, 3138 Ream Rd., Cuba, NY 14727

Violation: Respondent failed to confine his dog on his property for 10 days when directed by the Health Dept. following a biting incident.

Administrative Hearing: 1-12-16

Public Health Sanitarian: Richard Dayton appeared for CCHD and was sworn in.

Respondent: Mr. John Tucker communicated with CCHD personnel but was called into work (snow plowing) and unable to appear.

Testimony of Mr. Dayton: a.) Enf.-1 was read and affirmed to be true and correct by Mr. Dayton identified as Peoples Exhibit #1 civil compromise of \$75.00 offered.
b.) Animal bite form Olean General Hospital showing Amber Harris was bit by respondent's dog identified as P.E. #2.
c.) Letter to respondent dated 11-19-15 explaining animal confinement identified as P.E. #3. Respondent provided proof of rabies vaccination for his dog.
d.) Office memorandum dated 12-8-15 from R. Dayton to R. Jordan identified as P. E. #4.
e.) Mr. Tucker on 12-1-15 told CCHD personnel that 8 days into the confinement period Mr. Tucker's family has given away his dog.
f.) CCHD personnel followed up with the respondent's story of the dog being given away but could not locate the dog.

Hearing Officer Findings: Respondent is in violation of the sanitary code of the Cattaraugus County Health District Section 24.2.1.

Recommendation: That the \$75.00 civil compromise offered be changed to a \$75.00 fine and must be paid on or before March 15, 2016. A \$10.00 per day per diem will be levied for every day not paid. Nursing division will follow up with post-exposure treatment.

DOCKET 15-038

The Pressbox, 110 W. State St., Olean, NY 14760, Mr. Christopher Kranock, Owner

Violations: 10NYCRR Subpart 14-1.170 Floors are not smooth, durable, and non-absorbent in the unapproved kitchen and storage area.

10NYCRR Subpart 14-1.171 (a) walls, ceilings in severe disrepair, leaking roof/ collapsing ceiling, peeling paint and substantial water damage present in the unapproved kitchen and storage area.

10NYCRR Subpart 14-1.180 (a) unapproved kitchen and storage area are not clean, littered with garbage/debris.

10NYCRR Subpart 14-1.180 (b) numerous articles unnecessary to the operation and maintenance of the food service establishment present in the unapproved food storage and preparation areas.

Administrative Hearing: 1-12-16

Public Health Sanitarian: Richard Dayton appeared for CCHD and was sworn in.

Respondent: Respondent Mr. Christopher Kranock, owner of Press Box appeared and was sworn in.

Testimony of Mr. Dayton: a.) Enf.-1 was read and affirmed to be true. Original plans approved in 2002 shows storage, now area is being used as a food process area but not being kept as same identified as P. E. #1.
b.) Unannounced inspection summary dated 12-19-13 identified as P.E. #2. Inspector was granted limited access to storage areas.
c.) Unannounced inspection summary dated 12-18-14 identified as P. E. #3 unapproved back storage area found in use. Violations listed and respondent given 30 days to correct. Five blue violations were found. Violations were not corrected.
d.) Unannounced inspection summary dated 12-10-15 identified as P. E. #4. Four violations were found in approved area/ area not for food service operations are still in use for food service. Numerous photos were submitted showing food service operations in the storage area.

Testimony of Mr. Kranock: a.) That the storage area is not being used as an area for food service operations.

Mr. Dayton reviewed the CCHD guidelines with Mr. Kranock clearly showing that Mr. Kranock is in violation of the State Sanitary Code.

Wrap-up of Mr. R. Dayton: Mr. C. Kranock, respondent, bring the storage area that is being used for food service operations up to code for a food service operation area or Mr. C. Kranock, respondent, move all food service operations out of the storage area.

Hearing Officer Findings: (1) The Respondent is in violation of the State Sanitary Code Subpart 14.1.
(2) Mr. Kranock was not offered a civil compromise as the violations have persisted.
(3) Four violations on 12-10-15 could result in a \$200.00 fine (4 x \$50.00)

- Recommendations:
- (1) Respondent pay a \$100.00 fine.
 - (2) Respondent select whether the storage area in question is going to be a storage area only with no food service operations or a food service operation area only. Area to be in compliance with respondent's choice per State Sanitary Code and be inspected by CCHD personnel.
 - (3) Both fine and storage area must be complete by 3-31-16 or a \$10.00 per day per diem will be levied.