



CATTARAUGUS COUNTY BOARD OF HEALTH

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

Joseph Bohan, MD, President

Giles Hamlin, MD, Vice-President

Zahid Chohan, MD

Sondra Fox, RN, MSN, C.S.

Richard Haberer

Theresa Raftis

David L. Smith, Mayor

James Snyder, Legislator

Kathryn Cooney Thrush, NP, MSN

MINUTES October 2, 2019

The 879th meeting of the Cattaraugus County Board of Health (BOH) was held at The Point Restaurant, 800 East State Street, Olean, New York on October 2, 2019.

The following members were present:

Joseph Bohan, MD

Theresa Raftis

Giles Hamlin, MD

Mayor David Smith

Sondra Fox, RN, MSN, C.S.

James Snyder, Sr. Legislator Chair

Richard Haberer

Kathryn Cooney Thrush, NP, MSN

Also present were:

Kevin D. Watkins, MD, MPH, Public Health Director

Tom Brady, County Attorney

Donna Vickman, Legislator

Alyssa Spring, New Visions Student, Health Professions

Raymond Jordan, Sr. Public Health Sanitarian

Debra Lacher, Secretary to the Public Health Director

Colette Lulay-Pound, Administrative Officer

Lynne Moore, Director of Patient Services

Dave Porter, Hearing Officer

Dr. Gilbert Witte, Medical Director

Eric Wohlers, Environmental Health Director

Rick Miller, Olean Times Herald

The meeting was called to order by Dr. Joseph Bohan. The roll was called and a quorum, was present.

Legislator James Snyder, Sr. made a motion to approve the minutes of the BOH meeting held on September 4, 2019, the motion was seconded by Theresa Raftis and unanimously approved.

A motion was made by Sondra Fox to approve the minutes of the Professional Advisory Meeting held on July 17, 2019, the motion was seconded by Kathryn Cooney Thrush and unanimously approved.

Dr. Bohan welcomed Alyssa Spring, who is a senior at Allegany-Limestone high school and who is presently enrolled in the "New Visions" program at Cattaraugus County BOCES, to the BOH meeting. Ms. Spring was attending the meeting for a class assignment which requires students to participate/attend a government meeting. Ms. Spring is interested in pursuing a degree in one of the medical professions and has been accepted to St. Bonaventure University, on a soccer scholarship.

DIRECTORS REPORT: Dr. Watkins provided several handouts to all in attendance. The first handout was a summary document for the 2019-2021 Community Health Assessment (CHA) and Community Health Improvement Plan (CHIP). Dr. Watkins explained that the CHA-CHIP is a comprehensive data collection and analysis assessment that is conducted every three years by all local health departments and hospitals regarding the health needs and issues of a community.

He stated that the 2019-2021 CHA-CHIP turned out to be a (235) page document that was developed based on data surveillance and evaluation. A large percentage of the data came from several sources, (i.e. NYS Community Health Indicator Reports (CHIRS), County Health Rankings, NYS Prevention Agenda Dashboards, and Evidence-Base Interventions provided by NYSDOH). A copy of the entire document was provided on a flash drive to all those in attendance.

In order to assess the community health needs and other community issues, two community surveys were conducted in 2018. The first survey was a short (22) question intercept health survey, which was completed by (227) residents, and a more comprehensive (54) question health survey was completed by (669) residents. In addition, ten (10) focus groups with a total of 56 participants, and ten (10) stakeholders were interviewed. The results of the surveys and interviews were prepared by the consulting firm Strategy Solutions, from Erie PA, and analyzed by the steering committee. Based on instructions from NYSDOH, two (2) priorities areas from a total of five (5) pre-determined priorities areas was chosen for the community. After analyzing the surveys and interview responses, the steering committee chose the following two (2) priority areas for Cattaraugus County: 1) prevent chronic disease, and 2) promote well-being and prevent mental health and substance use disorders. Focus areas for prevent chronic disease will include: increasing food security, prevent initiation of tobacco use by youth and young adults, increasing cancer screening rates, and promote evidence-based care to prevent and manage chronic disease. Focus areas for promote well-being and prevent mental health and substance use disorder include: facilitating supportive environments that promote respect and dignity, prevent underage drinking and excessive alcohol consumption, prevent opioid overdoses and deaths, and prevent suicides. Legislator Snyder asked Dr. Watkins to define a food security area, and he replied that it is the availability of food and one's access to it. It's having physical and economic access to sufficient, safe and nutritious food to meet a household dietary needs. The opposite, food insecure area, in a rural area, it could be the location of a store that sells fresh fruit and vegetables being greater than 10 miles and a household not having transportation to reach that store. Dr. Bohan recommended that a biannual report on the CHIP progress report be presented to the board for assessment of health department activities. A motion was made by Mayor Smith to accept the summary report of the 2019-2021 CHA/CHIP document, the motion was seconded by Kathryn Cooney-Thrush, and unanimously approved.

The second handout presented was a 2019 proposal to increase environmental health fees which was last increased in 2017. The increase will help offset personnel costs, and to align the department's fees closer to the fees being assessed by neighboring counties that provide similar services.

Dr. Watkins explained that environmental health fees must be approved by both the BOH and the county legislature. A public hearing will be held prior to final approval by the legislature. Sondra Fox made a suggestion to increase the fees for the clean indoor act waiver higher than the proposed rate. After a short discussion, it was decided to table the suggestion until next time. Theresa Raftis made a motion to accept the proposed fee increase as presented, the motion was seconded by Dr. Hamlin and unanimously approved.

A Board of Health 2020 meeting schedule was handed out to all those in attendance. A motion was made by Mr. Haberer to accept the schedule as presented, the motion was seconded by Theresa Raftis, and unanimously approved. A discussion was held regarding changing the location of the BOH meetings to other parts of the county. The Board members who travel the furthest stated that they were fine with the continuation at the current Olean venue location.

Dr. Watkins explained that when the Clean Indoor Air Act (CIAA) was enacted, waivers were granted to establishments that modified their place of business by designating a separate room away from the general traffic; the rooms utilize special mechanical ventilation systems to control second hand smoke exposure to non-smokers that entered their establishments. Currently, two establishments, the Ischua Fire Department, and the Little Valley VFW have a CIAA waiver permit and the permits will expire on December 31, 2019. These permits can only be renewed if approved by the BOH. A motion was made by Legislator Snyder to renew the permits for one year on the condition that the businesses pass their inspection, the motion was seconded by Mr. Haberer. The vote passed with 6 yeas, and 2 nays (Mrs. Fox, and Mayor Smith).

Dr. Watkins added that there were (3) membership associations that are exempt from all smoking restrictions under the CIAA. Membership Association – are associations that attest that members of their organizations do not receive compensation of any kind from the membership association or any other entity for their performance or duties within the association. These associations include the Christopher Columbus Club, Olean American Legion, and the Olean Veterans Club. New permits will be issued, but no Board approval are needed for the renewal of these permits.

On September 17th, New York State became the first state in the nation to implement a ban on the sale of flavored nicotine e-liquids, following a vote on this emergency regulation by the Public Health Health Planning Council (PHHPC). Dr. Watkins reported that there are nearly (800) cases of pulmonary illnesses associated with vaping being investigated nationwide, (85) of those cases are located in NYS, and there has been (14) deaths associated with vaping, but none in NYS.

Unfortunately on October 1st a Justice in the Appellate Division granted the petitioners a temporary restraining order (TRO) that prohibits New York State Department of Health (NYSDOH) from enforcing the flavored e-liquids vaping emergency regulation pending further litigation activity. The State will fight vigorously to appeal this appellate decision.

Since there is so much black market e-liquid products on the street, a question has arose amongst the board as to an enactment of a tobacco product (including vaping) possession local law for minors. This possession local law would not arrest or fine the minors, but would allow law enforcement to confiscate the products. Handouts of the state of Texas, and Chautauqua County, laws/local laws on the possession of tobacco products by minors were distributed to those in attendance. The laws involved the confiscating of both tobacco and vaping products from those under (18) years of age. A discussion was held on a possession ordinance by the Board.

Mr. Brady, County Attorney, stated that this would require research on his part, prior to an enactment by the Board or Legislature, and he would return with his findings on this matter after thoroughly researching the possession law.

Mayor Smith reported that they have confiscated (6) vaping devices this year at the Gowanda Middle School and school has only been in session for four weeks. Dr. Bohan stated that further discussion will continue after Attorney Brady report's back his findings.

Dr. Watkins reported that the Health Department has completed its budget review for submission to the County Administrator, and the department is scheduled to undergo the initial review next week. The budget submitted for approval is for \$11,687,460 which is a 2% increase from last year's budget which was \$11,455,867.

NURSING DIVISION REPORT: Mrs. Moore reported that homecare census is averaging about (250) clients. The agency is providing lots of wound care lately, for which patients are generally discharged in a short time period. The department continues to have issues with patients believing that Visiting Nurses Association and Cattaraugus County Homecare are the same agency. Staff is being sent out to educate discharge planners.

The lead program is following (75) open cases of elevated blood lead levels (normal < 5ug/dl). The program added (6) new cases in September. There were (9) point of care (finger sticks) lead tests conducted at WIC clinics with (6) still needing venous confirmation. There are new regulations and guidance from NYSDOH regarding blood lead levels that went into effect October 1, 2019. These new regulations should not greatly impact the nursing division, it will be more burdensome on the environmental health division.

Community influenza clinics have begun and the department has vaccinated (64) people in three clinics. Many more clinics are scheduled for the month of October.

There is a continued shortage of RabAvert Rabies Vaccine and it is currently being filled on an at-need basis only.

Family planning has seen some changes due to Planned Parenthood pulling out of the title 10 program which was a program within family planning. It will not affect how the department runs the program but will affect the funding, specifically for contraceptive pills.

Communicable disease in September: there was (1) confirmed chronic case of Hepatitis B, (1) confirmed chronic case of Hepatitis C, (1) confirmed case of Lyme, (1) confirmed case of Giardia; (4) confirmed cases of Campylobacter.

Sexually transmitted diseases included: Chlamydia, (34) positive cases, and Gonorrhea, (9) positive cases.

Rabies, there were (18) rabies post-exposure prophylaxis vaccines series given in September, mostly from cat exposures.

ENVIRONMENTAL HEALTH DIVISION REPORT: Mr. Wohlers reported that since the new lead regulations went into effect October 1, 2019, the environmental health division received its first referral on yesterday, and they expect to receive an exponentially higher number of referrals in the next few weeks. A radioactive materials license was required from NYSDOH prior to ordering the new lead analyzer equipment needed for this program.

Under the NYS septic system replacement program that was budgeted for last year and is in place for five years, the department completed its first three projects in the last two months.

The newest public health sanitarian trainee will attend the required State trainings this fall.

A few years ago the State passed regulations that requires all schools to test their taps and drinking water fountains for lead. This resampling must be done every three years, which will require the schools to submit samples in 2020.

NYSDOH recently passed maximum contaminant levels and regulations for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), and 1, 4-dioxane in drinking water, which will require sampling for these compounds within the next two years. NYSDOH started a new initiative last year where they are randomly going around to fire training centers and sampling their wells, because PFOA's is found in firefighting foams. In addition, NYSDOH is testing groundwater around inactive landfills throughout the State because PFOS's can be found in food packaging.

Dr. Bohan asked if there would be any reimbursement for the new regulated lead program. Dr. Watkins explained that the new enacted lead regulations that has recently gone into effect, is basically a new unfunded mandate on the department. The department will be able to get reimbursed from NYSDOH, through Article 6 funding, but only 36% for expenses incurred through this program.

Enforcement Report: Mr. Porter reported on the Administrative Hearing held on September 10, 2019.

Docket #19-024

Respondent: Heather Petrillo, DBA Lil's Deli, 9682 Main Street, Machias, NY.

Violations: NYS Public Health Law 1399-cc (2). Tobacco was purchased in respondents, establishment by a person under the age of 18 on 8/9/19 at approximately 1:36PM.

Recommendation: Consider case closed as respondent has paid the fine and surcharge (\$650.00) and accepted the penalty of 6 month registration revocation upon notification from New York State.

A motion to accept Judge Porter's recommendation was made by Sondra Fox, seconded by Mr. Haberer and unanimously approved by the Board.

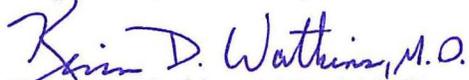
Old Business: Back in March the Board ordered that New Lakeview Chinese Restaurant permit to operate be issued every quarter for one year and the facility re-inspected before the end of each quarter, and the results presented to the board to determine a reissuance of the next permit. The last inspection conducted on September 30th had no red or critical violations noted, however there were 5 blue or minor violations identified.

Despite these minor violations noted, the department is seeing a remarkable improvement in this food service establishment and the department recommends the issuance of another quarterly permit. A motion was made by Legislator Snyder to renew New Lakeview Chinese restaurant permit, the motion was seconded by Dr. Hamlin, and unanimously approved.

Legislator Snyder asked if there was any updates on the Amish vaccination compliance. Dr. Watkins responded that no new information was available at this time, other than Amish students are still attending their own schools, have chosen to not participate in getting vaccinated, and are not riding the public school busses.

There being no further business to discuss, a motion to adjourn was made by Mr. Haberer and seconded by Mayor Smith and unanimously approved.

Respectfully submitted,



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