



**Public Health**  
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Established 1923

# CATTARAUGUS COUNTY BOARD OF HEALTH

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## MINUTES

December 10, 2013

The 821<sup>st</sup> meeting of the Cattaraugus County Board of Health was held at St. Bonaventure Clubhouse Restaurant, Route 417, Allegany, New York on December 10, 2013.

The following members were present:

Giles Hamlin, MD

James Snyder

Sondra Fox, RN

Georgina Paul, NP

James Lapey

Also present were:

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

Kathleen Ellis, Administrative Officer

Thomas Brady, County Attorney

Linda Edstrom, County Legislator

Donna Vickman, County Legislator

Karen Manners, Secretary to Public Health Director

Eric Wohlers, Environmental Health Director

Raymond Jordan, Sr. Public Health Sanitarian

Susan Andrews, Director of Patient Services

Gilbert Witte, MD, Medical Director

David Porter, Hearing Officer

Rick Miller, Olean Times Herald

Chris Chapman, Buffalo News & Jamestown Post Journal

The meeting was called to order by Mr. Snyder. The roll was called and a quorum declared.

Mrs. Fox made a motion to approve the minutes of the November 6, 2013 meeting and also the minutes of the October 16, 2013 Professional Advisory meeting. It was seconded by Mr. Lapey and unanimously approved.

**Director's Report:** Dr. Watkins reported that the Health Department continues to monitor the influenza activity in New York State (NYS). During the week of November 30<sup>th</sup> there were 31 patients admitted to hospitals with laboratory confirmed influenza in NYS. This is a 72% increase over the week before. There were no influenza associated pediatric deaths reported in NYS during this time period and also no laboratory confirmed cases reported in Cattaraugus County. Influenza

in NYS is still classified as sporadic. Early testing has not revealed any new strands of influenza. Influenza A (H1N1 2009) appears to be the most prevalent type of influenza strain this season and this strain was included in the 2013-2014 influenza vaccine.

Dr. Watkins also reported that at Princeton University there were eight cases of bacterial meningitis reported. The cases started in March and the last case was reported in November. There were also four confirmed cases reported in November at the University of California in Santa Barbara. Officials monitoring the disease are troubled by the recent outbreaks in New Jersey and California because of the number of cases and because each involves the uncommon "serogroup B" or bacteria strain B, type of bacterial meningitis, for which the country has no approved vaccine.

The meningitis vaccine currently available in the United States is used for immunization against bacteria strains A, C, Y, and W-135, which account for about 70% of bacterial meningitis cases. It is recommended for kids 11 to 18, college freshman (who live in dorms) and military recruits, as well as other people who may be exposed to meningitis occupationally or through traveling. Dr. Watkins noted that although the type of meningitis popping up on both campuses is the same, DNA testing has shown that they are not identical. It is one strain at Princeton, and it's a different strain at Santa Barbara.

Dr. Watkins informed the Board that the bacteria that commonly cause bacterial meningitis include *Haemophilus influenza*, *Streptococcus pneumonia*, *Listeria monocytogenes*, group B Strep, and *Neisseria meningitidis*. He stated that these Meningitis-causing bacteria are present in the environment, but can also live in the nose or respiratory system without making us sick. He reported that the disease has largely vanished from colleges and universities in recent years, as dozens of states required students to be vaccinated against it before arriving on campus.

Dr. Watkins went on to state that federal officials have taken the rare step of allowing Princeton University to vaccinate thousands of students beginning this week using a drug not yet approved in the United States but is used in Canada, Europe and Australia. The Food and Drug Administration (FDA) and the CDC gave the university permission to import and administer a vaccine called Bexsero (meningococcal group B) to nearly 6,000 students beginning yesterday, December 9, 2013. Princeton will pay for the costs of the vaccine, which will be given in two doses, the second of which will be made available in February. We will watch the side effects of this new vaccine very closely and if all goes well it probably will be approved in the U.S.

Dr. Watkins informed the Board that meningitis can lead to a dangerous swelling of the spinal fluid around the brain and spinal cord. The disease is usually caused by a virus or a bacterium. The cases from Princeton and Santa Barbara were from a bacterium. Viral meningitis is usually less severe and an antibiotic is not used for treatment. Bacterial meningitis can be quite severe and it may result in brain damage, hearing loss, learning disabilities or even death in some cases. Approximately 2,600 people get bacterial meningitis each year in the U.S. and about 10% or 15% of those cases can be fatal in spite of treatment with an antibiotic. Cases should be treated very early and those that may have been exposed through a person who has had the disease will have to have an antibiotic treatment for at least a week or two depending on the severity of the case. Symptoms may appear within one or two days or up to two weeks after exposure which can include high fever, rash, vomiting, severe headache, neck stiffness, lethargy, nausea and sensitivity to light.



Dr. Watkins stated that no health warning is going out to colleges/universities in our area but we do encourage them to practice good hygiene, not to share drinks, foods, eating utensils, lip balms, lipstick or toothbrushes. We will wait to see what the studies show at Princeton and Santa Barbara.

Dr. Watkins also stated that the New York State Assembly has moved forward on a Bill to legalize marijuana for medical use in New York State (NYS). Information was handed out on the General Assembly Bill. Dr. Watkins noted some of the medical conditions listed that would allow a prescription for medicinal marijuana which are cancer, glaucoma, HIV, AIDS, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, epilepsy, cachexia, wasting syndrome, Crohn's disease, post-traumatic stress disorder, neuropathy, diabetes, etc.

The patient would receive a certification card and would be allowed to possess not more than 2½ ounces at even given time. There also would be provisions for a patient to be allowed to smoke the prescribed marijuana in schools or the workplace and issues of discrimination would have to be addressed. There is a question as to whether other drugs could be used instead of marijuana and a list of pros and cons continue to surface as the bill moves closer to the State Senate. Dr. Jocelyn Elders, former U.S. Surgeon General states that "The evidence is overwhelming that marijuana can relieve certain types of pain, nausea, vomiting and other symptoms caused by such illnesses as multiple sclerosis, cancer and AIDS, and it can do so with remarkable safety. Indeed, marijuana is less toxic than many of the drugs that physicians prescribe every day." And then on the other side Dr. Bill Frist, a former U.S. Senator, states that "Although I understand many believe marijuana is the most effective drug in combating their medical ailments, I would caution against this assumption due to the lack of consistent, repeatable scientific data available to prove marijuana's medical benefits."

There are currently 20 states that have approved the use of medical marijuana. There is a compensation for states and municipalities for the sale of medical marijuana. In New York State, if passed, there will be an excise tax of \$125 for each pound of medical marijuana manufactured by the registered organization and counties will receive 50% of that revenue.

Dr. Watkins stated that the NYS Association of County Health Officials (NYSACHO) were asked whether they would support or reject this Bill. At this time, NYSACHO will not support this bill. Dr. Watkins said that he objects to it because it has not been proven by the FDA as a viable alternative to medications that are already on the market. There is a federal law that prohibits its use and more studies need to be conducted regarding the use for medicinal purposes.

Mr. Brady commented that it was referred to the health committee in the Senate and the Assembly has recessed for the rest of the year. Bills in the State Legislature carry over from odd years to even years so the Bill will still be alive after 1/1/14, but it has not been acted upon by either house. Dr. Witte said that he feels that there are some patients under certain circumstances that would benefit from its use but feels that it is very difficult to write a law that will ensure that it is used properly and that more people benefit from it than are potentially harmed. The American Medical Association is opposed to it right now and Dr. Witte agrees with Dr. Watkins that there should be more studies done before a decision is made.



Dr. Watkins informed the Board that the Health Department has received Clean Indoor Air Act membership association applications for Olean Christopher Columbus Lodge, Olean American Legion and Olean Loyal Order of Moose #119 and Olean Veterans Post 1619 for consideration. These organizations will be granted a smoking waiver based on the fact that they do not have employees that receive compensation. There was discussion on whether or not they do have paid employees or if they lease the facility out to individuals. Dr. Watkins stated that the Health Department would have to have staff conduct investigations after normal working hours and there is no money in the budget for overtime expenses. Mr. Jordan added that the only issue the Health Department would have is if any employee receives compensation, so it is incidental if the facility is rented out for a function.

Dr. Watkins stated that this will be the last meeting that Ms. Karen Manners will attend as the secretary to the Public Health Director, after almost 20 years of service to the Board of Health and 30 years with the Health Department, she will be retiring at the end of January. Ms. Manners stated that it has been a pleasure working with everyone over the years. Mrs. Fox presented her with a token of the Board's appreciation. Ms. Manners thanked the Board and said that she will certainly miss everyone upon her retirement.

**Nursing Division Report:** Mrs. Andrews reported that the Health Department still has a lot of flu vaccine; anyone wishing to get a vaccination should contact any Health Department office. It is available for \$25.00.

Patti Williams conducted an AFIX (Assessment, Feedback, Incentive and eXchange – an immunization assessment) at another one of the large day cares in Olean and found that they are doing an excellent job.

There have been no post-exposure rabies treatments given since October, so the total is still at 27.

The Family Planning Grant has been completed and submitted to the State. We have also come to the realization that even though we spent lots of time editing and customizing our Home Care software, it is Home Care software and is not clinic software. Therefore, it would be to our benefit to perhaps take advantage of one of the Medicaid incentive programs to get clinic specific software that will interface with Ahlers and NYSIS.

There were three new confirmed elevated lead level cases in November. The levels were 12ug/dl, 12.9ug/dl, and 14ug/dl respectively (normal is 0-9ug/dl). The children were 18-24 months of age from Randolph, Machias and Salamanca. Ms. Gayle Faulkner and Ms. Bev Bennett have been conducting lead testing at the WIC clinic in Delevan this past month.

The patient census in Home Care is approximately the same as reported last month which is 351 patients even though VNA is active in our County. We have had some concerns that we will probably need to address regarding Buffalo hospitals that are not complying with the regulations that give patients the right to choose their home care agency for care. We have sent letters and contacted them, but perhaps Mr. Brady can assist us with the next step that needs to be taken.

Mrs. Andrews also reported that there will be a new payment system for Home Care which will probably reduce revenue. It will depend on the demographics of the patients. The new case mix average is a little higher than it has been and once again those are patient characteristics that are determined when an OASIS (Outcome and Assessment Information Set) assessment is conducted. She stated that after looking at each nurse's average case mix that our average overall is below the average for the country. More of our nurses need to get trained in OASIS. It is very important, but very expensive and we are without the nurses during the training period, but unfortunately reimbursement is based on it.

Mrs. Andrews said that the part time Social Worker position has been filled and a new Community Health Nurse is beginning on 12/16/13 that worked for us in the past and has current home care experience.

Mrs. Andrews commented that there are more acute cases of Hepatitis C than there have been in the past and we are looking into participating in a needle exchange program. Currently there are about 14 pharmacies in the county that can sell needles and syringes without a prescription and they have approximately 20 customers a month. Initially, when a patient visits the Health Department office, they are given an educational pamphlet, but for those who are known drug users we can try to refer them to rehab services because Hepatitis C has a strong correlation to IV drug use.

**Environmental Health Division Report:** Mr. Wohlers reported that over a year ago the draft revisions of the County Sanitary Code were submitted to the State Health Department for approval and comments were received last week from the State. Hopefully we can have the revised, final version available to the Board at the February meeting.

The State Health Department conducted the 4<sup>th</sup> quarter review of our public water supply program and focused on our method of citing violations of our public water supplies and how we conduct enforcement. We received a very excellent rating on all of our water supply records for the last two years for violations and enforcement actions.

Mr. Porter reported the following enforcement cases for Board action:

**DOCKET 13-035**

**MR. & MRS. RICHARD BURKHARD, 6951 Toad Hollow Road, Mansfield**

**Violations:** CCSC, Article II, Section 16.3.1 Failure to make application for a permit to construct an onsite sewage disposal system. Section 16.3.4 Construction of an unapproved sewage disposal system which does not meet minimum NYS design standards. Section 16.6.1 Discharge of inadequately treated sewage onto the ground surface. On 9/19/13 Andrew Wolf, PH Sanitarian and Eric Wohlers, EH Director, inspected the property at 6951 Toad Hollow in the Town of Mansfield and documented the construction of an unapproved sewage disposal system and the discharge of inadequately treated sewage from a new unpermitted residence. Notice of Hearing with no stipulation/civil compromise was mailed 10/3/13. It was received and signed for by Richard Burkhard on 10/4/13.



**DOCKET 13-035 (continued)**

**Administrative Hearing:**

Environmental Health Director: Eric Wohlers appeared for CCHD and was sworn.

Respondents: Mr. & Mrs. Burkhard appeared at hearing and were sworn.

Enf. 1 was read and affirmed to be correct by Mr. Wohlers and identified as People's Exhibit #1.

The Burkhardts and the Cattaraugus County Health Department were given ample time to explore their respective positions of the three violations listed in P. Ex. #1.

Facts - Original owner of Lot 6951 Toad Hollow Road was denied a residential building permit. The Town of Mansfield has not been contacted concerning a new variance.

- Mr. & Mrs. Burkhard admitted that they did not submit an application to construct a dwelling on 6951 Toad Hollow Road, Town of Mansfield.
- In addition, the Burkhardts never applied for a permit to construct an on site sewage disposal system at 6951 Toad Hollow Road, Town of Mansfield.
- At the present time the Town of Mansfield has the home placarded.

Hearing Officer Finding: The Respondents are in violation of (3) sections of the Sanitary Code of the Cattaraugus County Health District, Section 16.3.1, 16.3.4 and 16.6.1 as stated above.

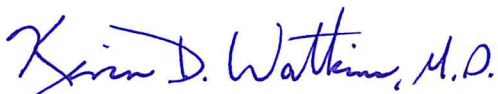
Recommendation: \$50 fine for each violation for a total of \$150.00 to be received on or before 1/13/14 with a \$10.00 per diem fine after that date.

Mrs. Fox made a motion to accept the Hearing Officer's recommendation; it was seconded by Mr. Lapey and unanimously approved.

Board Ordered: \$50 fine for each violation for a total of \$150.00 to be received on or before 1/13/14 with a \$10.00 per diem fine after that date.

There being no further business to discuss, Mr. Lapey made a motion to adjourn. It was seconded by Mrs. Paul and carried to adjourn.

Respectfully submitted,



Kevin D. Watkins, M.D., M.P.H.  
Secretary

KDW/km

Copies of articles mentioned at the Board of Health meeting are available upon request by contacting the Cattaraugus County Health Department at 716-701-3398. No Freedom of Information (FOIL) request is necessary.