



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

Richard Haberer

Theresa Raftis

David L. Smith, Mayor

James Snyder, Legislator

Kathryn Cooney Thrush, NP, MSN

MINUTES May 2, 2018

The 865th meeting of the Cattaraugus County Board of Health was held at The Point Restaurant, 800 East State Street, Olean, New York on May 2, 2018.

The following members were present:

Dr. Joseph Bohan

Dr. Zahid Chohan

Dr. Giles Hamlin

Sondra Fox, RN

Richard Haberer

Theresa Raftis

Mayor David Smith

Jim Snyder Sr., Legislator Chairman

Kathryn Cooney Thrush, NP, MSN

Also present were:

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

Thomas Brady, County Attorney

Dr. Paul Schwach, Clinical Physician

Legislator Richard Helmich, Jr.

Legislator Robert Neal

Dr. Gil Witte, Medical Director

John Bennett, Guest Speaker, Kids Escaping Drugs

Mark Kless

Mat Kless

Kelsey Koscielinski, Intern w Kids Escaping Drugs

Rick Miller, Olean Times Herald

Raymond Jordan, Sr. Public Health Sanitarian

Debra Lacher, Secretary to Public Health Director

Colette Lulay-Pound, Administrative Officer

Lynne Moore, Director of Patient Services

Dave Porter, Hearing Officer

Eric Wohlers, Environmental Health Director

The meeting was called to order by Dr. Bohan. The roll was called and a quorum declared. Mr. Snyder, Sr. made a motion to approve the minutes of the Board of Health (BOH) meeting held on April 4, 2018, it was seconded by Dr. Hamlin and the motion was unanimously approved.

Dr. Bohan introduced guest speaker John Bennett, Early Intervention Addiction Educator, who works at Kids Escaping Drugs. Prior to working with Kids Escaping Drugs, he was a school resource officer for the Gowanda School District.

Mr. Bennett asked those in attendance to describe what the average drug addict looked like. He stated that most people picture an older guy, with long hair, or someone who is homeless but, the drug addict that resides at the Renaissance Campus in Buffalo, is the opposite of this description. Instead, the residents look like the everyday high school, middle school, and college students. The residents come in all shapes and sizes, different races, and different economic status. The worse thing that a parent can think is that this can't happen to their child. It doesn't happen to everyone but, it absolutely can happen to anyone.

Interviews with teens and adolescents reveals that the use of alcohol and marijuana was the gateway drugs that lead them to more hardcore drugs like opioids. Marijuana is a gateway drug that can lead to lifestyles of illegal consequences.

The Renaissance campus is a treatment facility for chemically dependent adolescents. When they arrive, they are tested for drugs. Many of them enter saying that they only smoke marijuana however, upon testing, they sometime test positive for other drugs like cocaine, opioids, etc. often because the marijuana they were using is laced with other drugs. Mr. Bennett shared a story of one student who entered rehab at the campus because his girlfriend secretly began lacing the marijuana they shared with an opioid. She had a pre-existing addiction that he was unaware of and eventually this led to his arrest and placement on the Renaissance Campus.

People mistakenly think that those who use heroin start out on heroin, but actually they usually start out on prescription pain pills. As prescription pain pills became expensive, addicts begin to sell their possessions, sell themselves, and pawn family valuables to support their habit. Eventually they switch to heroin, a relatively cheaper drug that can be bought for as little as \$10.00 a hit.

Dabs are concentrated doses of cannabis that are made by extracting THC and other cannabinoids using a solvent like butane or carbon dioxide, resulting in sticky oils also commonly referred to as wax, shatter, budder, and butane hash oil which looks like an orange juice concentrate. Individuals can use this product in e-cigarettes.

Zanax is one of the fastest up and coming drugs with adolescents, referred to as a teleport drug. This drug will make them black out and everything is a blur. Sixty percent of the kids on the Renaissance Campus are court ordered to be there, and many are there for crimes they don't even remember committing.

Mr. Bennett stated that in 2014, 93% of the heroin on the streets was pure, in 2017 only 15% is pure. Seventy-five to eighty percent of all the heroin in Western New York, contains some kind of fentanyl which is very scary. In the recent years there has been a 300% increase in emergency room visits for opioid overdoses.

Handouts were provided to those in attendance including a brochure regarding the Renaissance House, a brochure about the Face 2 Face program, and business cards that can be handed out to parents or kids who need assistance regarding the addiction of drugs.

Dr. Chohan asked Mr. Bennett how he felt about the legalizing of marijuana. His response was twofold: first if it was legalized, there would be less marijuana on the streets laced with other drugs, but he added that he was against legalization because that would give adolescents the perception that the use of marijuana has no consequences and that is not true. Dr. Watkins asked how many beds were available at the Renaissance Campus, Mr. Bennett responded that there were 62 beds at the facility. He expounded saying that the campus is set up like a college campus, not a jail. Each student continues their education so they won't fall behind in addition to working on their recovery.

DIRECTORS REPORT: Dr. Watkins reviewed the 2017 annual report that was distributed to all those in attendance. The various programs of the health department consist of nursing, environmental health, health education, early intervention program, physically handicapped children's program, Women Infant and Children (WIC), laboratory, and Public Health Emergency Preparedness (PHEP) program.

Dr. Watkins stated that the nursing division has several categorical programs within the division that works to provide care for residents within the community. The homecare program consists of the certified home health agency (CHHA), and the long term home care program (LTHHCP). In 2017 the CHHA had an average daily census of (299) patients and provided services to over (1,415) individuals. The homecare program has various disciplines that include skilled nursing, physical therapists, occupational therapists, speech therapists, home health aides, and personal care aides. Most of these disciplines are showing a decrease in visits. One reason behind the decrease in provider's visits, is that the LTHHCP is phasing out. New York State (NYS) Medicaid redesign initiative has had a significant impact on all LTHHCP throughout NYS. The impact that it has had on Cattaraugus County is that the department is planning on closing the program as only nine (9) patients were enrolled in the program in 2017 and seven (7) of those have transitioned to managed Medicaid programs which leaves only two (2) individuals left in the LTHHCP. The other reason is attributed to the other certified home health agency in the area called the Visiting Nurses Association (VNA), which is now an affiliate of Olean General Hospital (OGH), and is competing for patients being discharge from OGH. Nevertheless, overall the program continues to flourish, and did well in 2017.

Additional programs under the nursing umbrella is the Maternal Child Health, Medicaid Obstetrics and Maternal Services (MOMS) program. The goal of this program is to improve birth outcomes. The department assisted thirteen (13) eligible individuals without insurance to receive presumptive Medicaid, thus promoting early prenatal care. Forty three (43) individuals received (110) visits through the MOMS program. The lead poisoning program monitors children from the ages of 1-2 years of age, making sure they are tested for lead. The health department monitored close to (1,500) blood lead levels via electronic reporting from the health commerce system. This is to ensure that all children are being tested and followed properly.

The community health program which provides family planning services strives to reduce adolescent pregnancies and unintended pregnancies in all age groups as well as prevent disease commonly afflicting reproductive organs. Although Cattaraugus County average teenage pregnancies rate is still slightly higher 30.8% than that of NYS average which is 29.5% it appears the gap has closed. Other programs under the community health program is the sexually transmitted infection (STI) clinic. Services provided in this program include testing and treatment for everything from chlamydia, gonorrhea, syphilis, trichomoniasis, herpes, and human immunodeficiency virus (HIV).

In 2017 the most common sexually transmitted infection was Chlamydia, however in 2017 the Hepatitis C rate in Cattaraugus County was (83.4). This may be due in large part to the high number of individuals using IV drugs.

In the environmental health (EH) division there are a number of programs including the public water system (PWS) program. During 2017, staff in the PWS program worked with operation and management personnel at (181) public and (11) non-public water systems throughout the county to ensure the provision of safe drinking water. EH staff performed required inspections at (121) public water supplies.

Environmental Health staff also performed routine facility inspections to ensure compliance with regulatory requirements outlined in the NYS and Cattaraugus County sanitary codes. In 2017, (570) food service establishments were regulated by the Health Department.

In October 2017 the Board of Health passed an ordinance requiring all food service facilities that are classified as Medium and High risk, to have at least one (1) employee to complete an approved food service manager course.

Additionally, under the Clean Indoor Air Act, in 2017, there were (69) smoking compliance checks conducted in establishments around the county. There was no violation found as a result of these unannounced visits. Under the adolescent tobacco use prevention act (ATUPA), (84) ATUPA compliance checks were conducted at (58) licensed establishments. Of the (84) checks completed in 2017, there were (3) sales of tobacco products to a minor.

In June 2016 the BOH prepared a request to the Cattaraugus County Legislators to raise the age to purchase tobacco and e-cigarette products from 18 to 21. In September of 2016 the Cattaraugus County Legislature passed a local law raising the legal age for the purchase of tobacco products in Cattaraugus County to twenty-one.

In 2017, a total of (29) formal enforcement actions were initiated for various violations of the NYS Public Health Law, State Sanitary Code, or the Sanitary Code of the Cattaraugus County Health District. Of these (29) actions, (29) resulted in the assessment of \$7,565 in fines.

In 2017 the department submitted the last of the required accreditation documents and was accredited on November 14, 2017.

For brevity of this document, Dr. Watkins summarized the annual report by highlighting other Health Department programs (Health Education, Early Intervention, Women Infant and Children, Laboratory, and the Public Health Emergency Preparedness) expounding upon the 2017 activities within the community for each of the divisions. He reported that the total revenue for 2017 was \$11,271,981. Eighty five percent (85%) of that was brought in by the homecare division, followed by the early intervention program, and then environmental health. He went on to say that most of the revenue from homecare came from fees and third party insurers. Fifty three percent of the total department's expenditures were from the home care program.

Dr. Bohan stated that he was surprised that with the reduction of hospital stays that the department is not getting more homecare referrals. He asked if Dr. Watkins felt that other agencies were siphoning off our referrals. Dr. Watkins stated that looking at our cost report it appears that the department is getting a number of resumption of care patients and patients that have longer episodes of care. New patients and patients not requiring long term services, are going to VNA. Dr. Bohan asked what could be done about this situation. Dr. Watkins stated that there is a need to have an employee at OGH, in the discharge planning office to look at the discharge process. He added, overall the agency census averages around (300) which is pretty much where the department would like to see the census, but the department will continue to be vigilant, if the census start to decrease any further, the department will need to bring this concern to the BOH to re-evaluate the program.

NURSING DIVISION REPORT: Mrs. Moore reported that the homecare census currently has (305) patients. The Medicaid Obstetrical and Maternal Services (MOMS) program has (12) patients. The lead program currently has (31) children being followed, with (5) new children in April. A child with an elevated blood lead level of (35ug/dl), normal is <5ug/dl, was identified, a physician is working closely with child and this child's blood lead levels will be redrawn in July. An extra lead clinic was held at the Healthy Kids Day at the YMCA this month.

Communicable disease program had (17) cases of Chlamydia in April, (2) cases of Gonorrhea with (1) case having both Chlamydia and Gonorrhea, (1) suspected Lyme Disease, (1) Hepatitis B case, (1) case of Legionellosis that recovered, (1) suspected amoebiasis, test results are pending, and (1) case of aseptic meningitis. HIV testing was completed on (7) individuals and all were negative.

There was one post-exposure rabies prophylaxis done on a person that was bitten by a woodchuck, and one post-exposure rabies prophylaxis done on a person bitten by a cat. The individual bitten by the cat had to be seen at ECMC as the person was bitten several times.

ENVIRONMENTAL HEALTH DIVISION REPORT: Mr. Wohlers stated that each spring a free rabies clinic is held for dogs, cats, and ferrets and this year a clinic will be held on Saturday, May 5, 2018 from 9:00AM-NOON at the County DPW center in Little Valley.

The department is gearing up for the summer mosquito surveillance program. Larvae dipping is expected to begin next week, with adult mosquito surveillance starting as early as two weeks.

A new issue has come up regarding applying for workers compensation exemption. It is written in the workers compensation board regulations that agencies (i.e. Local Health Departments) cannot issue permits to businesses unless the business show proof of having disability insurance and workers compensation or proof of exemption. Recently, the workers compensation board was in the process of transitioning their on-line application system to New York Business Express (NYBE) when the old system began experiencing failures in the certificate printing functions. This resulted in an earlier than expected transition to NYBE. During this quick transition period, users have experienced difficulty printing certificates and navigating the new system. One requirement of the new system is that users open a ny.gov account to print an exemption certificate, and many local non-profit organizations don't use computers (i.e. Amish vendors), and don't have email addresses and there will be no way for them to get a ny.gov account and print these certificates. We are working with the state to address some of these issues.

In the past, the department has assisted businesses in completing the application process and granting one month permit extensions to the businesses to meet the regulation requirement, but the department is considering doing away with this and follow the State's no permit issuance directive if the business is not in compliance.

The community development block grant program has (2) water projects under contract, and (6) septic system projects out to bid.

Dr. Bohan asked Mark and Mat Kless if they had something they would like to share with the BOH. The Kless brothers reiterated their dissatisfaction with the NYS rules and regulations of the ATUPA program. They admitted to receiving a letter from Dr. Watkins which offered training options to their staff but they have yet to respond to this offer. Their intent is to continue to come to the BOH meetings to voice their discontentment with the process.

Enforcement Report: Mr. Porter reported on the following enforcement case held on April 10, 2018:

DOCKET #18-011

Respondent: Guang Ming Chen-Super Great Wall, 700 West State Street, Olean, New York, 14760.

Mr. Porter gave a background/brief summary:

- a.) 4/5/18 complaint investigation form to CCHD, food purchased at Super Great Wall for lunch had a cockroach in the dish.
- b.) 4/6/18 10:30AM full inspection by CCHD found multiple repeat critical violations. CCHD recommended a voluntary closing effective immediately for up to 10 days, CCHD would re-inspect and determine if all deficiencies outlined in the inspection have been corrected.
- c.) 4/6/18 6:00PM restaurant did not voluntarily close. CCHD closed the restaurant via placard on front window.
- d.) Restaurant employee(s) covered/concealed notice of closure placard against NYS and Cattaraugus County Sanitary codes.
- e.) Administrative hearing held 4-10-18
- f.) CCHD was requested to re-inspect and verify deficiencies were corrected on 4-11-18.
- g.) Restaurant was allowed to re-open 4-11-18.
- h.) Permit to operate Super Great Wall Restaurant expires September 30, 2018, the restaurant will be re-inspected during this time period.

Public Health Sanitarian: Renee Herc and Eli Rust, Public Health Sanitarians appeared for CCHD and were sworn in.

Respondent: G. M. Chen, respondent appeared.

Administrative hearing utilized phone translator service. This was agreeable to both parties.

DOCKET #18-011 (continued):

Recommendation: 1.) That the respondent pay a fine of \$450.00 by 5-31-18. Failure to pay the fine by that date will result in a \$10.00 per day per diem.
2.) The second recommendation is that the Health Department will inspect the restaurant a minimum of two more times before the expiration of the permit to operate by 9-30-18.

Dr. Witte asked if anyone from the restaurant had taken the online food service manager course. Mr. Porter replied that compliance with that requirement is not mandated until the 12-31-18, and so far no one at that facility has taken the class.

Sondra Fox stated that she thought that if there were repeat violations the owners or supervisors were required to take and pass the food service manager training test. Dr. Watkins responded that the Board has the right to enforce an early training stipulation on a facility and require the owner to have someone at the facility to pass the test, even if it is prior to the mandated 12-31-18 original ordinance.

Dr. Watkins expounded that although there is training material in Chinese, there is no Chinese instructor at this time, but efforts are being made to procure a Chinese instructor.

Mrs. Fox stated that she felt that additional course of action should be taken in this case. Mr. Porter replied that during these inspections, critical violations were identified but both times they were corrected immediately while the inspector was on-site. The \$450.00 is based on the (9) violations identified; a fine of \$50.00 per violation was assessed.

Dr. Bohan asked about requiring an exterminator as the Board had done in the past with another restaurant in town. Mr. Porter replied that this restaurant already has a pest control service on a monthly basis and has employed this service for quite some time, well over two years. Mr. Jordan confirmed during the last inspection the restaurant provided a receipt for their ongoing services of pest control.

A motion was made by Mrs. Fox that in addition to the recommendations made by Mr. Porter she would like to add a stipulation that the restaurant owner or a supervisor take the food manager training course, and pass the exam by 9-30-18. Mayor Smith seconded the motion and the motion was unanimously approved.

DOCKET #18-007

Respondent: John Holland, 128 E. Henley Street Apt. 1, Olean, NY, 14760. Violation of the sanitary Code of the Cattaraugus County Health District Chapter 2 Part 24.2.5. Proof of current rabies vaccination and animal confinement verification after a biting incident.

Administrative Hearing 4-17-18

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

Respondent: John Holland did not appear after being served by the Cattaraugus County Sheriff's Department.

DOCKET #18-007(continued):

Recommendation: Change \$75.00 stipulation offered to a \$75.00 fine and double the fine for respondents no show to \$150.00 total fine. The respondent must be in compliance of proof that his dog has a rabies vaccination and pay the fine by 5-31-18. A \$10.00 per day per diem will be levied for non-compliance.

A motion was made by Dr. Hamlin, seconded by Mayor Smith, and unanimously approved.

Dr. Watkins presented a case that was reviewed in September 2017; **DOCKET #17-015 Cecil Gayton, Hillview Village Lot #10, 3880 Pennsylvania Rd., Hinsdale, NY 14743. Violation of sanitary code of the CCHD Part 14.8.1 the Respondent stored more than ten (10) tires at his business on Oregon Road without a method to preclude the accumulation of rain water and the creation of a public health nuisance and failed to correct the violation by disposing of the waste tires by a compliance date prescribed by the health department.**

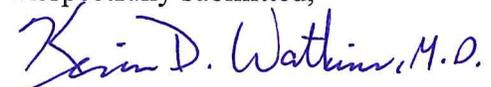
The Board ordered that Mr. Gayton pay a \$100.00 fine by 10-31-17 and that the waste tires at The Recycle Center must be removed and proof of proper disposal of the tires by 10-31-17. Failure to pay this fine would result in a \$10.00 per day per diem until in full compliance. Several reminder notices and agreements were sent to Mr. Gayton to bring him in compliance with the BOH order. In November 2017 Mr. Gayton telephoned to ask for an extension, which was granted but his fine had increased to \$240.00. On December 13, 2017 Mr. Gayton was still not in compliance, another reminder letter was sent to him however the fine increased to \$530.00. On December 22, 2017 Mr. Gayton paid \$120.00 towards his \$240.00 fine. On March 7, 2018 Mr. Gayton was served with a new letter of non-compliance and the fine increased to \$1,250.00. Mr. Gayton called to personally speak with Dr. Watkins on March 12, 2018. He explained that the tire business was his livelihood, and that he had no means to pay the \$1,250.00. Mr. Gayton stated that he would comply with the Boards Order and put the good tires in a storage bin, promptly remove the old tires, and pay the remaining \$120.00 towards the \$240.00 fine. He agreed to meet all these requirements by April 16, 2018. In May, the environmental health staff went out to visit Mr. Gayton place of business, and noticed that he had nearly removed all the tires out of the yard. Handouts were provided for those in attendance of proof of proper disposal and copies of pictures of the yard nearly cleared of all tires. At this point the department is satisfied that Mr. Gayton is now in compliance with sanitary coded Part 14.8.1. The department is recommending to the Board to actually close the case, and relieve Mr. Gayton of his accumulated fine that has been assessed. The current storage system he is using no longer violates the sanitary code, but the Board order stated removal of tires and not storage of tires and the Board order must be amended to allow for storage of the tires. Dr. Bohan asked if the trucks with stored tires represent a fire hazard. Dr. Watkins stated that tires in a truck would now be Department of Environment Conservation (DEC)'s responsibility, but as far as the department's sanitary code is concern, all regulations are met.

Mr. Snyder made a motion to accept the \$240.00 fine as payment in full, and amend the order to properly store the tires, not removal of tires. Mayor Smith seconded this motion, and unanimously approved.

Dr. Watkins reminded everyone that the next Board of Health meeting will be held on Friday, June 1, 2018, not on the usual first Wednesday of the month.

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

Respectfully submitted,

A handwritten signature in blue ink that reads "Kevin D. Watkins, M.D." in a cursive style.

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