



**Public Health**  
Prevent. Promote. Protect.

*Established 1923*

# CATTARAUGUS COUNTY BOARD OF HEALTH

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

*Andrew Klaczynski, MD, President*

*Joseph Bohan, MD, Vice-President*

*Giles Hamlin, MD*

*Joseph Eade*

*Sondra Fox, RN*

*Richard Haberer*

*James Lapey*

*Georgina Paul, FNP*

*James Snyder*

## MINUTES

May 1, 2013

The 815<sup>th</sup> meeting of the Cattaraugus County Board of Health was held at St. Bonaventure Clubhouse Restaurant, Route 417, Allegany, New York on May 1, 2013.

The following members were present:

Andrew Klaczynski, MD

James Lapey

Giles Hamlin, MD

Georgina Paul

Joseph Eade

James Snyder

Richard Haberer

Also present were:

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

Kathleen Ellis, Administrative Officer

Karen Manners, Secretary to Public Health Director

Eric Wohlers, Environmental Health Director

Raymond Jordan, Sr. Public Health Sanitarian

Susan Andrews, Director of Patient Services

Henry Storch, MD, Clinic Physician

Paula Stockman, County Legislator

Linda Edstrom, County Legislator

Thomas Brady, County Attorney

David Porter, Hearing Officer

The meeting was called to order by Dr. Klaczynski. The roll was called and a quorum declared. Mr. Eade made a motion to approve the minutes of the April 3, 2013 Board of Health meeting. It was seconded by Mr. Haberer and unanimously approved.

**Director's Report:** Dr. Watkins stated that as reported last month, there is a decline in the number of emergency room admissions for respiratory and fever complaints and a decreased number of school absenteeism for flu like illnesses. There have been approximately 72 hospitalized patients that have been newly diagnosed with laboratory confirmed influenza which is a 27% decrease over last week. There has been a total of 13 influenza associated pediatric deaths in New York State. We will continue to be vigilant and watch for any peaks of respiratory illnesses or high fever admissions in our local emergency room.

The Health Department has received notice that there is a novel (new) Avian (bird) Influenza occurring in four provinces in China. It is called Influenza A, (H7N9). There has been no person to person transmission of any kind identified so far. It appears to be specific to those individuals that are handling or working with poultry. The clinical presentation of this human infection varies considerably; it can be from a mild illness including conjunctivitis, a fever and cough to a very severe illness including a form of pneumonia which can lead to death. There have been 126 people identified with this influenza and 24 deaths have been reported.

The Centers for Disease Control (CDC) and Prevention is recommending that all local clinicians consider the possibility of this new influenza for patients they see with a respiratory illness along with any appropriate travel history or exposure to an individual who may have been in that region. Clinicians should contact their local health departments or NYS Department of Health (NYSDOH) if they suspect any of these influenza cases. Patients with this new type of influenza virus infection will need a positive test result for this specific Influenza A virus. Currently, this PCR (polymerase chain reaction) test can only be conducted by CDC.

CDC is working on a prototype vaccine for the upcoming 2013-2014 influenza season, but it is not certain if the vaccine will be available by August 2013. This type of influenza is sensitive to Tamiflu or Relenza and one of them should be initiated immediately, when confirmed cases, probable cases, or Influenza A, (H7N9) cases under investigation are recognized, even if more than 48 hours from illness onset and even for apparently uncomplicated illness.

The Health Department conducted a survey of our stockpile of Tamiflu and Relenza and that information was submitted to the NYSDOH. At this time there are no plans to increase the production of this anti-viral medication because there are no cases in the United States and there is the possibility of it expiring before it can be used. Neither travel nor poultry trade is being restricted to or from China. We may see this Influenza during the flu season, but hopefully, a vaccine will be developed so that people are protected.

Dr. Watkins stated that the Medicare Cost Report that was conducted by the auditors revealed that the Home Care Program broke even for the 2012FY. They also identified that our cost per visit is higher than what we are recouping from Medicare so we will be requesting Board approval at the next meeting to increase our provider's charges for services rendered.

Dr. Watkins mentioned at the last meeting that the State has made some changes in the Early Intervention Program. Providers now contract with the State instead of with the Health Department to receive payment for services. The providers' biggest concern is whether or not they are going to be paid for services from the State in a timely manner. These changes began April 1, 2013 and as expected there are delays in receiving payments. This is concerning because a lot of the providers are independent contractors, dependent on receiving a bi-weekly check in order to support their household, these delays by the State may cause us to lose some of our providers who are already scarce in numbers and limited to area coverage in this county. We will continue to encourage the providers to remain patient and hopefully the State will recognize the urgency to release the delayed payments.



Dr. Watkins stated that United Way recognized the Health Department with an award last week for our efforts to improve the health outcomes in Cattaraugus County. The Health Department alone with the Long Term Care Coalition (Department of Aging) formed the Healthy Livable Community Consortium. This consortium was formed as a call to action after the second annual county health rankings were released in 2011. The existing consortium now consists of over 60 representatives of non-profit organizations and agencies. They meet quarterly and look at asset inventory, what is working in the county and what is missing in the county. Currently the consortium is collecting data to launch the first web based data reserve for Cattaraugus County. Dr. Watkins recognized Deb Nichols, Public Health Educator, who co-chairs the forum on Dr. Watkins' behalf. She has done an outstanding job organizing this consortium.

Dr. Watkins informed the Board that there is a bill being proposed by New York State that would raise the legal age to buy cigarettes from 18 to 21. If it passes and an establishment is found to be in violation, fines would be issued and the store would lose its license to sell tobacco products. New York State would become the first state to increase the minimum age to buy cigarettes to 21. It is believed by most individuals who are sponsoring this bill that smoking between the ages of 18-21 years of age could be lowered by 55% if the minimum age is raised to 21.

Dr. Watkins quoted statistics comparing ages of individuals who smoke in Cattaraugus County to NYS and the U.S.:

	<u>Cattaraugus County</u>	<u>NYS</u>	<u>United States</u>
Individuals who smoke	24.4%	18.1%	21.2%
12 <sup>th</sup> grade students who smoke	22.3%	12.5%	18.1%

Dr. Watkins also quoted statistics on hospitalizations for Chronic Pulmonary Obstructive Disease (COPD):

	<u>Cattaraugus County</u> <u>(per 100,000)</u>	<u>NYS</u> <u>(per 100,000)</u>	<u>United States</u> <u>(per 100,000)</u>
Individuals hospitalized	66	41.3	23.4
Individuals that develop lung cancer (male)	104	75.8	76.0
(female)	56.0	53.9	52.7

Smoking is one of the biggest causes of preventable death in the world. According to CDC there are about 3,800 young people under 18 years of age in the U.S. who smoke their first cigarette, and of those, about 1,000 become regular smokers.

In conclusion, Dr. Watkins noted that the bill is being introduced and hopefully passed to proactively try to decrease the likelihood that young people will begin smoking and thus reduce the health cost associated with smoking, including heart disease and long term respiratory illnesses.

Mrs. Stockman raised a question regarding whether the law would pertain to an individual under 21 purchasing cigarettes from a Seneca Nation owned establishment. Mr. Brady stated that under the law, even though Indian Territory is subject to the criminal laws of NYS, regulatory laws which have criminal penalties, do not apply on the reservation.

Dr. Klaczynski commented that the sale of electronic cigarettes has increased and some states are going to allow the electronic cigarettes to be used in restaurants. Dr. Watkins stated that the Cattaraugus County Legislature passed a Local Law to prohibit the use of electronic and herbal cigarettes in Cattaraugus County establishments that prohibit tobacco use.

Dr. Watkins said that the Health Department will be celebrating National Nurses Week from May 6 – May 12, 2013. May is also National Teen Pregnancy Prevention month.

Dr. Watkins thanked Mrs. Stockman for distributing the Community Health surveys to the town clerks in the County and for returning a number of them today.

**Nursing Division Report:** Mrs. Andrews reported that NYS was one of the last three states to go from widespread flu cases to regional; the other two were Massachusetts and Connecticut.

Last month there were more Chlamydia cases than usual and they have all been treated. We also had 4 newly identified Hepatitis C cases, but were not related to Olean General Hospital. May is also Hepatitis awareness month and 5/19/13 is Hepatitis testing day. As a reminder, the Hepatitis C testing is free at the Health Department.

Last month there was 1 post-exposure rabies treatment administered as a result of a fox that tested positive for rabies. This brings the total for the year to four.

The Physician's Assistant has started training to insert IUD's in the Family Planning Clinic, so we hope to move forward with that procedure.

There is one newly confirmed elevated lead level case in a 6 year old child.

In Home Care, the Visiting Nurse Association (VNA) is now active in Cattaraugus County. We are trying to make contact with hospitals to be sure patients are given the opportunity to have the home care agency of their choice when being discharged.

Nursing staff is short because of individuals out on extended sick leave. One of two open positions will be filled on 5/20/13. A part time Home Health Aide has been hired and will finish her orientation this week. We are recruiting to hire a second Home Health Aide. We were wondering if we would have enough work to keep them busy and it looks as though that won't be a problem.

**Environmental Health Division:** Mr. Wohlers reported that there have been an increased number of animal encounters and rabies investigations which happens every year in the springtime. Quite a few specimens are then submitted to the State Laboratory for testing.

The Department of Environmental Conservation (DEC) has investigated reports of chemical contamination (methylene chloride) in the primary well in the Village of Cattaraugus. There is a small industrial facility up hill from where the village's well is located; it is presumed that the contamination is coming from that facility. DEC conducted a number of soil tests, monitored and installed wells, and sampled ground water. After analyzing the results of the tests, they did not find what they believe is a source area of high concentration.



The State met with DEC officials and decided to fund an interim remedial measure. They hired a consultant to design and submit to the Health Department for review and approval, a treatment system that can operate on the village's primary well for the summer months. They will continue to investigate where the source of the methylene chloride is coming from. In the meantime, Mr. Wohlers is working with the Village and their consultants to apply for grant funding to replace all of their 100 year old transmission lines and rebuild the springs to significantly increase the yield from their spring. The Village will not run short of water this summer and the new treatment system should be designed, approved, installed and operational within two months.

Mr. Wohlers stated that a State Health Department veterinarian contacted the Health Department to report that the State Department of Agriculture & Markets veterinarians are investigating a report of neurological disease in horses in Cattaraugus County. They have ruled out rabies and an Arbovirus like Eastern Equine Encephalitis or West Nile Virus. Last week they collected blood samples and nasal swabs from horses and believe it is an Equine Herpes Virus. It is not a zoonotic disease, in other words it can't get into the wildlife and spread to other animals and there is no public health or human implications but it appears to be fairly widespread. It is occurring in the Amish communities; in Kennedy in Chautauqua County and the Conewango area in Napoli in Cattaraugus County. The sick horses need to be isolated but the Amish travel everywhere with the horses so it could be hard to eliminate. Mr. Wohlers commented that it will take a lot of education from the State Veterinarians and hopefully the Amish will cooperate with them to get this virus under control.

Mr. Wohlers also reported that he contacted the State Health Department again to find out the status of the draft County Sanitary Code amendments and was promised that they would try to get it to us sometime in May. Hopefully, we will hear from them and can bring it to the Board for adoption at the June meeting.

Dr. Klaczynski asked about mosquito surveillance. Mr. Wohlers stated that we have applied for the permits from DEC to spray if necessary, but there is no funding to conduct surveillance.

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

**DOCKET 13-012**

**JULIE LOMBARDI, 313 South 8<sup>th</sup> Street, Olean**

**Violations: CCSC, Article II, Part 25.2.8(a)** Respondent failed to submit required rabies vaccination certificate for her dog, Sammy, within ten (10) days following a biting incident on 2/5/13. Notice of Hearing offering a \$75 civil compromise was mailed on 3/22/13. It was received and signed for by (cannot read signature) on 3/23/13.

**Administrative Hearing:**

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

Respondent: Failed to appear at hearing.

Mr. Dayton gave the following testimony:

- Enf. 1 was read and affirmed to be correct by Mr. Dayton and identified as People's Exhibit #1.
- Dr. Salsman reported a biting incident on 2/5/13 (P. Ex. #2).
- A letter was sent to Respondent on 2/5/13 (P. Ex. #3) stating CCHD confinement policy.
- The confinement form was received by CCHD on 2/21/13 (P. Ex. #4)
- On 2/19/13 the dog was observed to be healthy by Mr. Dayton.

**DOCKET 13-012 (continued)**

Proof of vaccination has not been received by CCHD.

Hearing Officer finding: Respondent is in violation of CCSC, Article II, Part 25.2.8(a) – failure to submit required rabies vaccination within 10 days following the conclusion of the confinement period after a biting incident.

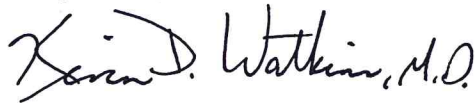
Recommendation: That Respondent pays a \$150 fine and submits proof of rabies vaccination to be received by CCHD on or before 5/31/13. \$10 per diem fine if compliance date is not met.

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

Board Ordered: That Respondent pays a \$150 fine and submits proof of rabies vaccination to be received by CCHD on or before 5/31/13. \$10 per diem fine if compliance date is not met.

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

Respectfully submitted,

A handwritten signature in black ink that reads "Kevin D. Watkins, M.D." The signature is written in a cursive, flowing style.

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

KDW/km