



Mission: To protect and promote the health, the environment and the well-being of Clark County residents and visitors.

MINUTES

CLARK COUNTY HEALTH DISTRICT DISTRICT BOARD OF HEALTH MEETING

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room

Thursday, August 26, 2004 - 8:00 A.M.

Chairman Reese called the meeting of the District Board of Health to order at 8 a.m. and the Pledge of Allegiance was held. He noted that he had been provided with the Affidavits of Posting and Mailing of Agenda meeting notices, as required by Nevada's Open Meeting Law. The Affidavits will be incorporated into the Official Minutes.

Board Members

Present:

Gary Reese

Jim Christensen, MD
Sherry Colquitt, RN
Susan Crowley
Andrea Anderson
Robert Eliason
Donna Fairchild
Joe Hardy, MD
Steven Kirk
Chip Maxfield
Stephanie Smith

Chairman, Councilman, Las Vegas
Physician At-Large
Appointee, Las Vegas
Appointee, Henderson
Councilwoman, Boulder City
Councilman North Las Vegas
Councilwoman, Mesquite
Appointee, Boulder City
Councilman, Henderson
Commissioner, Clark County
Councilwoman, North Las Vegas

Absent:

Mary Jo Mattocks, RN
Rory Reid

Appointee, Mesquite
Commissioner, Clark County

Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel:

Stephen Minagil, Esquire

Staff: Karl Munninger; Glenn Savage; Fran Courtney, RN; Steve Goode; Ed Wojcik; Doug Joslin; Jane Shunney, RN; Rory Chetelat; Angus MacEachern; Linda Verchick; Mary Ellen Harrell; Jeanne Palmer; Jennifer Sizemore; David Tonelli; Michael Palmer; Forrest Hasselbauer; and Recording Secretaries Diana Lindquist and Montana Garcia

ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Michael Metzler, MD	Sunrise Hospital
Lynn Fulstone, Esq.	Sunrise Hospital
William Ashby	Phytocin, Inc.
Dan Musgrove	Clark County
Marlo Hodges	UMC
Gail Yedinak	UMC
Dan Kulh	Sun
Fred Couzens	BC View / Review Journal
Cheryl Persinger	UMC
Ann Lynch	Sunrise
William Hovi	Self

I. CONSENT AGENDA

These are matters considered to be routine by the District Board of Health and may be enacted by one motion. Any item, however, may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.

Chairman Reese explained that the motion on page 6 of the minutes under the Trauma System Development Committee Report needed to indicated that Member Hardy abstained from voting. Also, staff had requested to remove, Item # 8. Petition #36-04: (Approve Interlocal Agreement between State of Nevada (Health Division) and Clark County Health District-Body Art, Tattooing and Piercing on Properties Operated by State Agencies) from the Consent Agenda for public comment and discussion.

Member Colquitt moved for approval of the minutes with the correction, removal of Petition #36-04 and the following consent agenda. The motion was seconded by Member Kirk and carried unanimously.

1. Approve Minutes/Board of Health Meeting: 07/22/04
2. Approve Payroll/Overtime for Periods of: 07/03/04 - 07/16/04 & 07/17/04 - 07/30/04
3. **Approve Accounts Payable Register: #931:** 07/01/04 - 07/07/04; **#932:** 07/08/04 - 07/14/04 & **#933:** 07/15/04 - 07/21/04; **#934:** 07/22/04 - 07/28/04
4. **Petition #32-04:** Approve Next Lowest Responsive and Responsible Bidder for Demolition Project
5. **Petition #33-04:** Approve Bid Award for Tobacco Control and Health Education Media Project
6. **Petition #34-04:** Approve Three Additional Positions in the Environmental Health Division

7. **Petition #35-04**: Approve NCO Financial Systems Contract for Collection Services
8. **Petition #36-04**: Approve Interlocal Agreement between State of Nevada (Health Division) and Clark County Health District-Body Art, Tattooing and Piercing on ~~Properties Operated by State Agencies~~
9. **Petition #37-04**: Approve Expansion of Space Utilization at the Shadow Professional Building
10. **Petition #38-04**: Approve Interlocal Agreement with Clark County Providing \$25,000 for the District's Drowning Prevention Campaign
11. **Petition #39-04**: Approve Interlocal Agreement with Nevada State Division of Environmental Protection for Local Underground Storage Tank Program (***Annual Renewal***)

III. REPORT/DISCUSSION – ITEM REMOVED FROM CONSENT AGENDA

8. **Petition #36-04**: Approve Interlocal Agreement between State of Nevada (Health Division) and Clark County Health District-Body Art, Tattooing and Piercing on Properties Operated by State Agencies

Chairman Reese asked if any member of the public wished to speak on this item.

William Hovi, representing the Las Vegas Tattoo Convention, expressed concern as adoption of the agreement would effect the event scheduled for September 17, 2004. He asked if it did go into effect at this time whether there was a way to obtain a variance in time to forestall the fees from applying to this planned event. Also, he asked that the Board Members approve some sort of relief from the proposed fees since the event had been planned prior to the fees becoming applicable.

Dr. Kwalick pointed out that the agreement would go into effect immediately after signed by the State of Nevada Health Division.

Glenn Savage, Environmental Health Director, explained that staff had several discussions with the sponsors of this event. The event had been put together prior to the development of the interlocal agreement with the State. Currently, the District conducts inspections and issues permits for body art, tattooing and piercing establishments with the exception of those activities performed on properties operated by State agencies, where the jurisdiction lies with the State of Nevada. Staff has had concerns that body art and tattooing events held on State property (i.e., Thomas Mack, Silver Bowl, etc.) are not covered by any regulations or government requirements to ensure that adequate precautions are in place to protect the public health and safety. Therefore, the Health District and the State of Nevada have agreed to enter into an Interlocal agreement which will allow the Health District to provide oversight and enforcement of the locally adopted regulations governing body art, tattooing and piercing, while on properties regulated by State agencies.

The following fees would be instituted upon adoption of the contract: a) event coordinator \$200, b) each artist \$100, c) artists with a booth from 1 to 2 days \$320 per booth. The cost would have to be incurred either by Mr. Hovi or each individual artist that participates in the event. This event will consist of approximately 96 artists from all over the world. Mr. Hovi's prior

arrangements with the artists does not cover these fees and, he would therefore, have to incur the entire cost.

Lengthy discussion followed by the Board Members, Legal Counsel, Staff and Mr. Hovi concerning the fees that would be charged for this event. Board members discussed several possibilities including granting a variance; approving the contract effective September 20, 2004; allowing staff to inspect the site while finalizing the arrangement between the District and State to insure that Mr. Hovi still maintains the public health and safety. Legal Counsel indicated that a variance could not be issued because it had not been agendaized. The possibility of pursuing a subcontract that would allow staff to inspect events on State property prior to the effective date of the Interlocal agreement was also discussed.

Member Kirk moved to adopt the Interlocal agreement effective September 20, 2004. Motion was seconded by Member Crowley and carried with Dr. Hardy voting Nay.

Board Members directed staff to work with the State and Mr. Hovi to ensure that the event was properly inspected and maintained.

II. PUBLIC HEARING/ACTION

1. **Variance Request:** To Allow Operation of a Food Establishment Not in Compliance with the District Board of Health Regulations 1996 Governing the Sanitation of Food Establishments (APN 162-21-313-001) **Petitioner:** Robinson Group, LLC, dba Mrs. Field's Cookies, Jackie Robinson, Manager

Chairman Reese explained that there was a request from the applicant to hold this item in abeyance until the September 23rd Board of Health meeting. The Board Members unanimously agreed to hold the item.

2. **Variance Request:** To Allow Operation of a Food Establishment Not in Compliance with the District Board of Health Regulations 1996 Governing the Sanitation of Food Establishments (APN 162-32-301-005) **Petitioner:** Phytocin, Inc., William Ashby, Operations Manager and Isabelle Tsai, Treasurer and Secretary

Chairman Reese opened the public hearing and asked the applicant if he had read, understood and agreed with the recommendations and conditions. Mr. William Ashby, Operations Manager for Phytocin, Incorporated stated that he had read the recommendations/ conditions and that he did accept them. Chairman Reese asked if any member of the public wished to be heard. There being no response he closed the public hearing.

Member Maxfield moved for approval of the Variance Request with the following mutually agreed upon conditions.

1. That this vitamin processing food establishment handle, process and package all open food product within the Versa-Clean 1000 "portable Clean Room" and that at no time will allow any food products or food contact surfaces to be open and exposed under the warehouse roof area.
2. That this vitamin processing food establishment ware-washing area has installed and will maintain a ceiling in compliance with our Regulations.

3. That this vitamin processing food establishment applicant secure acceptable documentation, to include a statement from a government entity, verifying (a) that the food processing equipment is approved or accepted for the specifically-requested use within said government's jurisdiction; (b) that their jurisdiction has standards for safe materials and cleanability; and (c) that the equipment is shown to be in compliance with 21 CFR110.40 (Good Manufacturing Practices); and is, therefore, in compliance with District Board of Health Regulations 1996 Governing the Sanitation of Food Establishments, Section 96.05.0200.1 in regard to equivalency.
4. That this vitamin processing food establishment applicant submit and follow an Operations Plan indicating the equipment to be used, the products to be made and the procedures to be followed in the production of said vitamin products and that the plan submitted meets the requirements specified in Nevada Administrative Code (NAC) 446.955-960 (Food Processing Establishments).
5. That this vitamin processing food establishment must be designed, constructed, maintained, and operated with all other applicable requirements of the District Board of Health Regulations 1996 Governing the Sanitation of Food Establishments.
6. This variance is automatically terminated without further notice upon termination of the lease agreement or upon assignment, conveyance, or any transfer of the lessee's interest therein.

The motion was seconded by Member Crowley and carried unanimously.

III. REPORT/DISCUSSION - ITEMS ON WHICH ACTION MAY BE TAKEN

1. Trauma System Development

Dr Kwalick reported that since the July Board of Health meeting the following activities have occurred:

- Board Chairman Reese received a response to his letter of July 22, 2004 from the Health Division Administrator, August 9, 2004.
- Health District staff received a proposal from The Abaris Group to develop a regional trauma system plan and within the next 4 months to come up with a comprehensive plan for the Southern Nevada Area.
- A report to the State Board of Health presented by their Board's Legal Counsel was received. This document outlines the State Board of Health's responsibilities with regard to the application of Sunrise Hospital.
- Lastly, the Health District was informed that St. Rose Hospital has initiated the process of applying for designation as a Level III trauma center at its Siena Campus.

There is a need to develop a comprehensive and inclusive trauma system in Clark County. Both the American College of Surgeons Committee on Trauma (ACS) and The Abaris Group stressed the one-center system in existence today is not in crisis. University Medical Center has the capacity to treat the current volume of trauma patients; however, there is a need for redundancy within the system and future expansion is warranted.

Developing an inclusive trauma system plan over the next few months should be a top priority. Timely plan development for a regional system will assure destination protocols and catchment areas are designed and implemented to meet the trauma needs of Southern Nevada. Both consulting teams agree the ideal location for a second trauma center is the southeast portion of the valley; however, in today's health care climate the provision of trauma care often proves to be a financial drain and fewer medical centers are entering the fray, making commitment a primary factor when designating new centers.

Sunrise Hospital and Medical Center was granted a provisional license by the Health Division Administrator and may begin treating trauma patients no sooner than January 2005 provided certain conditions are met. St. Rose Hospital is pursuing similar status.

It is in the best interest of the community for the Clark County Health District to begin the planning process to assure an appropriate catchment area is carved out so that there is no harm to the existing Level I trauma center and Sunrise will be afforded the opportunity to meet the volume criteria of the ACS verification process.

It is also important to ensure that the addition of new centers does not adversely affect the Level I trauma center, specifically its ability to sustain the volume needed to maintain its high standard of care and its financial viability.

Dr. Kwalick added that he was requesting the authorization to negotiate with Abaris on its planning bid. Staff will be negotiating with UMC, St. Rose De Lima and Sunrise in efforts to develop a one-third split for the cost of the planning process.

Member Christensen disclosed for the record that he is Chairman of the Department of Medicine at the University Medical Center and also Chairman of the Performance Improvement Department but this would not affect his ability to make decisions in this area as this issue affects the entire Clark County community. .

Member Hardy disclosed that he would not discuss nor vote on this issue because of his employment status.

Member Colquitt asked Dr. Kwalick if the three hospitals did not agree to fund this project were there other revenue sources available or could the District make up any funding shortfall that occurs.

Dr. Kwalick explained that no money was available through the District to supplement the shortfall. Staff will have to pursue other avenues if insufficient funds are available. The timeline for the final report is December 30, 2004.

Member Colquitt moved to direct staff to negotiate with the Abaris Group to develop a comprehensive plan for trauma. The motion was seconded by Member Eliason and carried with Dr. Hardy abstaining.

2. West Nile Virus Update: Mosquito Prevention and Control

Dr. Kwalick noted the recent publicity surrounding West Nile Virus (WNV) outbreaks around the country and in an effort to keep the Board Members informed and aware of the team work that exists among the Health District and outside agencies, staff would provide an update on the issue. Dr. Kwalick asked Daniel Maxson, Environmental Health Supervisor, Katie Daley, Epidemiologist II to provide presentations on the West Nile Virus Surveillance Project and

Human Cases (see attached presentations). Presentations followed addressing a number of key issues including making sure good mosquito control measures are in place in all geographic areas.

Richard Hicks briefly discussed some of the challenges faced by Vector Control in assuring the control of mosquito populations throughout the county. Mr. Hicks stated that the main concern at this time is focused on the backyard breeding sources, i.e. swimming pools and other standing water. There are several locations in the community that are checked on a regular basis. If each entity through the public information system could remind the public of the importance of reporting backyard locations of standing water, especially a vacant house with a swimming pool, it would be very helpful to their efforts to control the spread of the virus.

IV. CITIZEN PARTICIPATION

Citizen participation is a period devoted to comments by the general public about matters relevant to the Board's jurisdiction. Items raised under this portion of the Agenda cannot be acted upon by the Board of Health until the notice provisions of Nevada's Open Meeting Law have been complied with. Therefore, no vote may be taken on a matter not listed on the posted agenda and any action on such items will have to be considered at a subsequent meeting.

Chairman Reese asked if any member of public wished to be heard. There was no response.

V. HEALTH OFFICER & STAFF REPORTS

Dr. Kwalick stated unfortunately the Clark County Health District cafeteria would be closed effective August 27, 2004. It would cost approximately \$200,000 to meet the District's own regulations. There will no longer be hot food preparations. The Bureau of Blind of Services (BBS) designated their contractor who will be taking over the cafeteria with vending machines and microwave ovens. Also, there will be no expenditure on the District's part for the BBS to take over food service. The room will continue to be utilized as a cafeteria and break room for employees.

Flu immunizations will begin on October 15, 2004. School immunizations are progressing well. Currently the avian and pig flu have crossed over to cause human cases. This has resulted in very intensive surveillance to see if those cases will rise a pandemic.

VI. INFORMATIONAL ITEMS

Duly Noted

A. Chief Health Officer and Administration:

1. Monthly Activity Report, Mid July 2004 - Mid August 2004
2. Financial Data: Revenues and Expenditures for Fund 705 (Operating), and 706 (Capital Reserve) for the Month of July 2004
3. Health Education Monthly Report, July 2004
4. Epidemiology Monthly Report, July 2004
5. Public Information Monthly Report, July 2004

B. Environmental Health:

1. Monthly Activity Report, July 2004

C. Nursing and Clinics:

1. Monthly Activity Report, July 2004

VII. ADJOURNMENT

There being no further business to come before the Board, Chairman Reese adjourned the meeting at 9:15 a.m.

SUBMITTED FOR BOARD APPROVAL

Donald S. Kwalick, MD, MPH, Chief Health Officer
Executive Secretary

/mg