



MINUTES

Southern Nevada District Board of Health Meeting

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room

Thursday, September 28, 2006 - 8:00 A.M.

Chair Donna Fairchild called the meeting of the District Board of Health to order at 8:03 a.m. and the Pledge of Allegiance was held. Chair Fairchild indicated there is a quorum. She noted that she had been provided with the Affidavits of Posting and Mailing of Agenda meeting notices, as required by Nevada's Open Meeting Law. The Affidavits are incorporated into these Official Minutes.

Board Members Present:

Donna Fairchild	Chair, Council Member, Mesquite
Gary Reese	Secretary, Councilman, Las Vegas
Karla Burton	Council member, Boulder City
Jim Christensen, MD	At-Large Member, Physician
Susan Crowley	At-Large Member, Environmental Specialist
Robert Eliason	Councilman, North Las Vegas, Member Alternate
Lon Empey	At-Large Environmental Specialist Alternate
Joseph Hardy, MD	At-Large Member, Physician
Tim Jones	At-Large Member, Business/Industry
Jimmy Vigilante	At-Large Business/Industry Member Alternate
Lawrence Weekly	Councilman, Las Vegas

Absent:

Lynette Boggs McDonald	Commissioner, Clark County
Tom Collins	Commissioner, Clark County
Steven Kirk	Vice Chair, Councilman, Henderson
Mary Jo Mattocks, RN	At-Large Member, Registered Nurse
Frank Nemec, MD	At-Large Physician Member Alternate
John Onyema, MD	At-Large Physician Member Alternate
Stephanie Smith	Councilwoman, North Las Vegas

Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel:

Stephen R. Minagil

Staff: Glenn Savage, Dennis Campbell, Rory Chetelat, Mike Walsh, Angus MacEachern, Sylvia Claiborne, Bonnie Sorenson, Alice Costello, Patricia Rowley, Brian Labus, Patricia Armour, Dr. Lawrence Sands, DO, MPH, Steve Goode, Deborah Williams, Veronica Morata-Nichols, Jo Alexander, Mary Ellen Harrell, Diana Daniels, Jane Shunney, Maria Azzarelli, Nicole Truax, Jennifer Sizemore, Stephanie Bethel, Oscar Espinoza, Mike Palmer, Diana Lindquist, Shelli Clark, Ann Markle, Susan Eiselt, Forrest Hasselbauer, Leo Vega, Jerry Boyd

ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Bill Fairchild	Self
Jeff Gerber	PGAL
David Moss	PGAL
Betty Cochran	Self
Barbara J Gonder	Self
Seth Hemond	SEIU Nevada
William R. Kerney	CCSN
Gail Yedinak	UMC
Annette Wells	Review Journal
Diana Daniels	SEIU Nevada
Anabelle Laroza	P.A. student – Touro University

I. REPORT / DISCUSSION / ACTION

1. Committee Report/Recommendation: Recommendation to the Elected District Board of Health Members for the At-Large Nurse Alternate for remainder of two year term beginning July 1, 2006 (Committee: Chair Fairchild, Members Reese and Mattocks)

Chair Fairchild stated the recommendation of the committee was Debra Toney, RN, to fill the position of At-Large Nurse Alternate for the remainder of the two year term beginning July 1, 2006.

Councilman Weekly indicated that Debra Toney was a friend, but stated there is no conflict of interest or financial gain. He stated they have worked together in the community on many events and supported her appointment to the Board of Health.

A motion was made by Chair Fairchild to approve the appointment of Debra Toney as At-Large Nurse Alternate position; seconded by Member Reese and was unanimously approved.

Debra Toney took the oath of office for the At-Large Nurse Alternate position. Chair Fairchild and the Board of Health members congratulated and welcomed Ms. Toney.

Recognition Award - Dr. Sands

Dr. Sands stated that Southern Nevada Health District emergency medical services was recognized as a Model Community Linking EMS and Public Health by the CDC-National Center for Injury Prevention and Control, Division of Injury Response, "for establishing and implementing effective strategies that enhance

collaboration and strengthen the relationship between public health and emergency care, thereby serving as an example to other communities to promote the improvement of daily operations and disaster preparedness nationwide.”

Chair Fairchild and the Board congratulated Dr. Sands and staff on the award.

II. 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.

1. **Approve Minutes/Board of Health Meeting:** 8/24/06
2. **Approve Payroll/Overtime for Periods of:** 07/29/06 – 08/11/06; 08/12/06 – 08/25/06
3. **Approve Accounts Payable Registers:** #1038: 08/04/06 - 8/09/06; #1039: 08/10/06 - 08/16/06; #1040: 08/17/06 - 08/23/06; #1041: 08/24/06 - 08/31/06
4. **Petition #38-06:** Approval of Departmental Name Change from “Office of Emergency Medical Services” to “Office of Emergency Medical Services & Trauma System”
5. **Petition #39-06:** Approval of Confirming Director of Administration and CHO Responsible for Development, Award and Proper Administration of all Purchases and Contracts
6. **Petition #40-06:** Approval of Revision of Classification Specification for Laboratory Assistant, Schedule 15 (\$38,852 - \$50,011)
7. **Petition #41-06:** Approval of Revision of Classification Specifications for Senior Environmental Health Specialist, Schedule 23 (\$53,951 - \$75,258); Environmental Health Supervisor, Schedule 26 (\$62,922 - \$87,794); and Environmental Health Manager, Schedule 29 (\$73,332 - \$102,296)
8. **Petition #42-06:** Approval of Revision of Classification Specification for Project Specialist, Schedule 22 (\$51,292 - \$71,514)

A motion was made by Member Reese to approve all consent items; seconded by Member Crowley and was unanimously approved.

III. PUBLIC HEARING / ACTION

1. **Memorandum #10-06:** Request for a Variance to District Emergency Medical Services Regulations Section 300.330 Endorsement as Instructor: Qualifications

Rory Chetelat stated that it is being requested of the Board to approve a variance to allow the petitioner to continue as an instructor even though he is not physically able to perform as a qualified paramedic.

The Petitioner, William R. Kerney, was present and agreed to all conditions listed.

Chair Fairchild asked for any audience participation. No one from the public came forward and the public portion of this item was closed.

A motion was made by Member Reese to approve the variance request with conditions listed; seconded by Member Crowley and was unanimously approved.

IV. REPORT / DISCUSSION / ACTION

1. **Petition #43-06:** Approval of Proposal for Architectural Services from PGAL LLC for new main building design

Mike Walsh, director of administration, recommended to the Board they approve PGAL to begin planning for a new facility. Mr. Walsh introduced Jeffrey Gerber, president of PGAL who, through a presentation will highlight the process to be used in planning for this project. Mr. Gerber introduced himself and David Moss as principals of PGAL. He explained the interactive approach their firm would take when designing the replacement facility. They specialize in health and public sector projects. A very interactive process will be used to engage the user groups at all levels. It is important that consensus from the numerous groups is obtained. A program will be developed which will identify the requirements of the facility. A single line drawing will be developed based on the program to test the planning assumptions and to ensure building flow has been maximized. A project budget will be determined, and if any adjustments need to be made they will be done at this time and not later on in the process. While the space requirements are being developed, the site will be studied for optimal uses and configurations. Operations will need to be maintained and the challenges will to be sure the facility has not been compromised because staff had to work around existing conditions. There are a number of options available. As part of the process each phase will be examined as to what happens to parking and what happens as various parts of the building are removed so that existing operations can be maintained. This will be a challenge. Maintaining the parking requirements alone will be a very difficult scenario.

PGAL wants to deliver a program and a concept that works, but that is also one that the health district's team believes will satisfy all of staff needs and issues. The safety of the public while utilizing services is a major consideration. There are a number of configurations that have been offered utilizing this existing site. Mr. Gerber stated he and his staff look forward to determining which will work best. Ultimately, it is believed the Board will be reviewing additional graphics that might assist in establishing funding for this project. Examples of this have been brought today as well.

Mr. Gerber stated that they are pleased and excited to be working with the Board of Health.

Member Weekly asked about staff input regarding space, storage, etc. Member Weekly also asked that as various scenarios are presented to the Board what would be the proposed square footage and how that would apply to parking.

Dr. Kwalick responded that the facility will be approximately 150 – 200,000 sq. feet. Part of the process by PGAL is to meet with a team that will be representative of all the divisions and programs of the health district. Grassroots input will be received by the team in an effort to ensure that all space is utilized efficiently and effectively. Member Reese indicated

that during these processes, local businesses and residents will be affected by the process and we will need to reach out to the community.

Dr. Kwalick stated that we will certainly need assistance from the Board as we may need to approach the city to assist with funding. We are currently working with the County. The initial construction estimates were \$35 – 40 million when first addressed to the Board in 2004. Prices have risen bringing the estimate closer to the \$55 – 60 million dollar range.

Member Weekly asked about the County response to funding. Dr. Kwalick stated that the County has not been approached in terms of funding; however, the health district is working with the County manager and Director of Finance.

Member Jones asked about the process in place for public comment. Dr. Kwalick responded that this is something that can certainly be built into the process.

Member Eliason asked about the length of time before the 150 – 200,000 sq. foot facility will be outgrown. Dr. Kwalick responded the existing campus is about 80,000 sq feet, plus another 15,400 sq. feet at 400 Shadow Lane. With the last 7 years of growth from 300 to 600 employees, the new facility could be outgrown in ten years. The plan would be to have the shell constructed and then build out as needed.

Member Weekly asked Dr. Hardy if this is something that could be brought up at the next legislative session. Dr. Hardy responded that yes, this will require some discussion at the state level regarding funding. It will require a cooperative effort with all parties. The academic medical center model will be examined as well. The public and private funding options will be examined. Member Weekly asked if there are partnerships developed or lobbyists within our local governments. Dr. Kwalick responded that The Gresh Group is the lobbyist for the health district. Bryan Gresh and Gary Milliken have represented us very well in the last legislative session.

A motion was made by Member Reese to approve PGAL as the architect and planning company; seconded by Member Hardy and was unanimously approved.

2. Chief Health Officer Succession Committee

Chair Fairchild indicated that we have a difficult job of finding a successor for Dr. Kwalick. Chair Fairchild read Dr. Kwalick's resignation letter:

"After careful consideration and long discussions with my wife, I've decided to retire on March 23, 2007 to fully enjoy our remaining years. It has been an honor, privilege and pleasure to serve the community and the Board over these ten years. I look forward to helping in a smooth, seamless transition and succession process. My best to you, the other Board members and all the dedicated staff of Southern Nevada Health District. Sincerely, Donald S. Kwalick, MD, MPH."

After discussion, it as determined that Dr. Jim Christensen, Gary Reese, Dr. Joseph Hardy, Timothy Jones, Susan Crowley, Debra Toney would sit on the succession committee. Councilman Weekly suggested one staff member be included in the committee. Mr. Minagil indicated the structure is appropriate as is; however, input can be obtained from staff. Member Reese indicated a county representative should be included as well. The committee will

approach Clark County to select a representative as well bringing the total to seven members on the committee. Health district staff will assist in coordinating the next meeting of the succession committee.

V. CITIZEN PARTICIPATION

Chair Fairchild invited any individuals wishing to speak to come forward.

No one came forward to address the Board. Chair Fairchild closed the citizen participation portion of the meeting.

VI. HEALTH OFFICER & STAFF REPORTS

Dr. Kwalick invited any Board members who may wish to attend the Nevada Public Health Association (NPHA) conference in Henderson on October 5 & 6. The conference registration fee will be paid by the health district.

Dr. Lawrence Sands – Tobacco Initiatives

Dr. Kwalick stated that clarification was needed on the two tobacco initiatives on the upcoming November ballot. Dr. Sands gave a PowerPoint presentation on the differences between the two initiatives, Question #4 and Question #5. (Attachment #1) Dr. Sands began with a review of current Nevada law which does not allow any local government to adopt tobacco regulations which are stricter than state law, with the exception of school districts. Smoking is allowed in any facility where a gaming license has been issued. The only places where smoking is totally banned by state law are licensed child care facilities with more than five children, elevators, video arcades and public buses.

Question #5, or the Nevada Clean Indoor Air Act, is sponsored by various public health organizations including the American Cancer Society, the American Heart Association, the American Lung Association, the Nevada State Medical Association and the Nevada Chapter of the American Academy of Family Physicians. Passage of Question # 5 would change current state law by banning smoking in:

- Schools and child care facilities
- Movie theaters
- Grocery & convenience stores
- Government buildings
- Shopping malls
- Retail establishments
- Indoor areas of restaurants
- Bars that serve food

Additionally, passage of Question #5 would give local authorities control to repair any potential loopholes in the law and pass additional measures to enforce local tobacco regulations. Question #5 will not ban smoking in stand alone bars that do not serve food, gaming areas of casinos, and hotel/motel rooms.

The other initiative, Question #4, is sponsored by various gaming interests and is titled, 'Responsibly Protect Nevadans from Secondhand Smoke.' On the surface, Question #4 proposes changes similar to those in Question #5. However, this initiative will do very little to

tighten restrictions on smoking in public places. It will actually maintain the status quo in most circumstances and even weaken existing law in some circumstances. Questions #4 will continue to allow smoking in some schools and child care facilities, gaming areas of grocery and convenience stores, restaurants, bars, casinos and any indoor environment where even a single gaming device is present. This question will also repeal existing laws including the Clark County School District's ability to adopt more stringent tobacco regulations within its jurisdiction. Additionally, under this initiative, local governments will not be allowed to enact smoking regulations that are more stringent than state law.

In summary, the public will have an opportunity this November to choose between a ballot initiative which will toughen state laws on smoking in public places and protect citizens from second hand smoke, and an initiative that will essentially maintain the status quo and continue to limit local government's ability to protect their citizens from known health dangers.

Chair Fairchild indicated she is a smoker, yet she fully supports Question #5.

Member Crowley asked what would happen if both measures pass. Dr. Sands responded that the one that receives the majority vote will become law. Dr. Kwalick stated that part of the problem is people want to see some tobacco control so anything shown will be voted for.

Chair Fairchild asked if anything was being done to educate our constituents. Dr. Kwalick responded that due to certain tobacco settlement funding, the health district is unable to demonstrate support of one initiative over another. Dr. Hardy asked what position the courts have taken on this. Dr. Sands responded that both ballot initiatives were approved. Most recently the Nevada Supreme Court clarified that Question #5 does not apply to hotel/motel rooms which was something of a concern as an earlier opinion seemed to support that.

Dr. Kwalick stated that the issue of tobacco control has been going on for twenty years. It started with voluntary control by the restaurants; there were initially just a few smoke free restaurants, now there are several hundred that are smoke free on a voluntary basis. The cry from the restaurant industry was that it would have a negative economic effect and this hasn't happened anywhere. Dr. Kwalick stated that Ireland is going smoke free and even France is considering going smoke free as well.

The voluntary agencies and the Nevada Tobacco Prevention Coalition are actively promoting Question #5 with an outreach campaign.

Patricia Armour – Southern Nevada Public Health Laboratory (SNPHL)

Dr. Kwalick introduced Patricia Armour, Southern Nevada Public Health Laboratory Manager. Ms. Armour gave a PowerPoint presentation to update the Board on the three year old Southern Nevada Public Health Laboratory (SNPHL) (Attachment #2). Dr. Kwalick stated that Las Vegas was at one time the only major metropolitan area in the country that did not have public health laboratory services within 100 miles. The federal bioterrorism funding that came through the State has allowed the health district to build, equip and staff the SNPHL. It is possible the laboratory may have to be moved due to project NEON with the expansion of I-15 into Martin Luther King Boulevard.

A summary of the presentation given by Ms. Armour included a description of the laboratory, which is actually three laboratories in one offering bioterrorism testing, state laboratory testing and clinical testing to support SNHD. Among the topics covered included:

Location
Organization and Staff
Collaboration with local First Responders
Communication
Training
Current Clinical Laboratory Testing
Laboratory Information Management Testing (LIMS)
Emergency Power – new generator
Challenges

Among the challenges being faced is the physical location of the SNPHL as it pertains to Project Neon and the relocation of Martin Luther King Boulevard:

- Desert Lane will become Martin Luther King Boulevard
- 100% air intake at front of building would be compromised due to construction dirt and dust
- Construction may interfere with operation of BSL 3 laboratory testing
- High traffic area may impact SNPHL security

Other challenges include:

- Continue validation of clinical laboratory testing for SNHD nursing division
- LRN recertification and CLIA re-inspection
- Staff must continue to be competent and able to perform complex testing
- Facility limitations
- Workforce development

Chair Fairchild and the Board thanked Ms. Armour for an excellent presentation.

Dr. Kwalick stated that at the next Board meeting there will be five public hearings, so it is important that members show up on time. He appreciated everyone's support and looks forward to a full quorum. Chair Fairchild asked about reexamining the meeting start time. Chair Fairchild asked if members would review their schedules and offer suggestions to Shelli Clark via email. It was also requested of staff to provide input as well.

VII. INFORMATIONAL ITEMS

A. Chief Health Officer and Administration:

1. Monthly Activity Report, Mid-August 2006 – Mid-September 2006
 - a. Letter to BOH Chairman from Dr. Kwalick
 - b. Letter to Dr. Kwalick from Senator Reid concerning support of H.R. 5657 (promotion of preventive medicine)
 - c. Letter of appreciation to Dr. Kwalick from Richard Mendes, Clark County Reclamation District
2. Financial Data: Revenue and Expenditure Report for General Fund, Capital Reserve Fund and Public Health Laboratory Fund for the Month of August 2006
3. Public Information Monthly Report, Mid-August 2006 – Mid-September 2006

B. Community Health:

1. Monthly Activity Report, August 2006
 1. August 2006 Communicable Disease Statistics
 2. Email to Kay Godby from Patrick Nonnenmacher, CDC

C. Environmental Health:

1. Monthly Activity Report, August 2006
 - a. Letter of appreciation to Glenn Savage from Allan Eaton, Las Vegas Hilton
 - b. Letter of appreciation to Glenn Savage from Tom Viskovich, Imperial Palace
 - c. Letter of appreciation to Ellen Spears from Brett Torino Foundation

D. Clinics and Nursing:

1. Monthly Activity Report, August 2006
 - a. Letter of appreciation to Sherry Henninger from Harrison Sheld, UNSOM

VIII. ADJOURNMENT

Chair Fairchild asked if there were any other reports. There were none. Chair Fairchild adjourned the meeting at 9 a.m.

SUBMITTED FOR BOARD APPROVAL

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

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Attachments: #1: [Tobacco Initiatives Presentation](#)
#2: [Information regarding Tobacco Initiatives](#)
#3: [SNPHL Presentation](#)