



Southern Nevada District Board of Health Meeting

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room

Thursday, November 16, 2006 - 9:00 A.M.

Chair Donna Fairchild called the meeting of the District Board of Health to order at 9:02 a.m. and the Pledge of Allegiance was held. She also 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
Karla Burton
Jim Christensen, MD
Susan Crowley
Lon Empey
Joseph Hardy, MD
Timothy Jones
Mary Jo Mattocks, RN
Lawrence Weekly
Jimmy Vigilante
Robert Eliason
John Onyema, MD

Chair, Council Member, Mesquite
Council member, Boulder City
At-Large Member, Physician
At-Large Member, Environmental Specialist
At-Large Environmental Specialist Alternate
At-Large Member, Physician
At-Large Member, Business/Industry
At-Large Member, Registered Nurse
Councilman, Las Vegas
At-Large Business/Industry Member Alternate
Councilman, North Las Vegas, Member Alternate
At-Large Physician Member Alternate

Absent:

Lynette Boggs McDonald
Tom Collins
Steven Kirk
Gary Reese
Stephanie Smith
Frank Nemec, MD

Commissioner, Clark County
Commissioner, Clark County
Vice Chair, Councilman, Henderson
Secretary, Councilman, Las Vegas
Councilwoman, North Las Vegas
At-Large Physician Member Alternate

Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel:

Stephen R. Minagil

Staff: Mike Walsh, Glenn Savage, Steven Goode, Edmond Wojcik, Paul Klouse, Ann Markle, Jennifer Sizemore, Dennis Campbell, Brian Labus, Stephanie Bethel, Jim Osti, Rory Chetelat, Bonnie Sorenson, Angus MacEachern, Deb Williams, Patricia Rowley, Wil Townsend, Dr. Lawrence Sands, Sylvia Claiborne, Nicole Truax, Daniel LaRubio, Alice Costello, Jane Shunney, Leo Vega, Shelli Clark, Susan Eiselt, Forrest Hasselbauer

ATTENDANCE:

NAME

Chad Smith
Lawson Stuart
Stephanie J. Stuart
Glenn Goodnough
Annette Carro
Ethan Kent
Michael Trofimenko
Gary Milliken
Bryan Gresh
Gregory E. Boyer
Rob Colbrook
George McCabe
Annette Wells
Greta Albritton
Chris Maes
Pamela Holland
Gail Yedinak
Debra Martin
Rosemary Ensign

REPRESENTING

Las Vegas Athletic Clubs
AMR/NCTI
Self
Stewart, Archibald & Barney
Stewart, Archibald & Barney
Stewart, Archibald & Barney
Touro University (P.A. Student)
SNHD Lobbyist
SNHD Lobbyist
Valley Hospital Medical Center
Brown & Partners
Brown & Partners
Las Vegas Review-Journal
Self
Self
CDC
UMC
SNHD – SEIU
SNHD - SEIU

Presentation: Pinnacle Award of Excellence – Award of Merit – “Can It Campaign”

Dr. Kwalick introduced Jennifer Sizemore, public information manager, who introduced George McCabe, director of public relations and Rob Colbrook, senior account executive with Brown and Partners. Brown and Partners is the public relations firm that created the ‘Can It’ campaign with funds from the Cities Readiness Initiative and has received a Pinnacle Award from the National Public Relations Society of America (PRSA), Las Valley Chapter. Brown and Partners is currently working on the ‘Fight the Flu’ campaign. Mr. McCabe thanked the board of health and staff.

Members of the Board congratulated staff, Mr. Colbrook and Mr. McCabe on the award.

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.

3. **Approve Minutes/Board of Health Meeting:** 10/26/06
4. **Approve Payroll/Overtime for Periods of:** 10/07/06 – 10/2006
5. **Approve Accounts Payable Registers:** **#1047:** 10/05/06 – 10/11/06; **#1048:** 10/12/06 - 10/18/06; **#1049:** 10/19/06 - 10/24/06; **#1050:** 10/25/06 – 11/02/06
6. **Memorandum #13-06:** Year 2007 Meeting Dates for the Southern Nevada District Board of Health
7. **Petition #45-05:** Approval of Interlocal Agreement with Clark County Providing \$25,000 for the District’s Drowning Prevention Campaign

8. **Petition #46-06:** Approval of Interlocal Contract with Clark County for \$15,823 from Fiscal Year 2007 Funds for the United We Stand Grant-Equipment

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

II. **PUBLIC HEARING / ACTION**

1. **Memorandum #14-06:** Request for Variance to District Emergency Medical Services & Trauma System Regulations Section 200.400 Emergency Medical Technician-Paramedic Training.
Petitioners: American Medical Response (AMR)/National Center of Technical Instruction

Rory Chetelat, EMS manager, indicated that during the process of meeting all of the application requirements of the Commission on Postsecondary Education (CPE), the application was originally filed under the name of American Medical Response (AMR) rather than in Valley Hospital's name. Emergency Medical Services & Trauma System (EMSTS) regulations requires that a letter of authorization to conduct an EMT-P course may only be issued by a licensed hospital or community college or university, accredited by the Department of Education in conjunction with a hospital licensed by the Nevada State Health Division. Valley Hospital is willing to file an application and request a letter of authorization; however, the next scheduled meeting of the CPE Board is not until March 2007. It is being requested by AMR to approve a temporary issuance of a letter or authorization to allow this program to begin operations and allow time for Valley Hospital to complete the application process with the Commission on Post-Secondary Education (CPE) and the Southern Nevada Health District EMSTS Office. Staff recommends approval with conditions listed.

Mr. Lawson Stuart, representing the petitioner, American Medical Response, was present and agreed to 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 Crowley to approve the variance request with conditions listed; seconded by Member Christensen and was unanimously approved.

2. **Memorandum #15-06:** Adoption of the Proposed Regulations Governing the Reporting of Diseases, Exposure and Sentinel Health Events.

Dr. Kwalick introduced Dr. Lawrence Sands and Brian Labus, senior epidemiologist, who indicated at last month's meeting there was a presentation regarding proposed regulations and NRS 439.366.3(d) which states that the Southern Nevada Health District "promote and protect the public health generally in the geographical area subject to the jurisdiction of the health district." NAC 441A provides the local health authority the ability to require the reporting of additional communicable diseases at the local level, but does not provide a process for implementing additional reporting requirements. The proposed regulations (Attachment #1) will provide a mechanism by which the chief health officer can designate a disease reportable, such as with specific diseases, exposures or sentinel health events, within Clark County. Staff recommends approval and adoption of the proposed regulations to become enacted upon approval of the State Board of Health at the December 8, 2006 meeting.

Member Crowley asked if the reporting process would be a burden from a physician's standpoint. Member Hardy responded that the reporting process would not place any undue burden upon a physician. Member Crowley asked about the development of a proposed fusion center (previously referred to as TEWG or Terrorism Early Warning Group), which is intended to

serve as a clearinghouse for all types of intelligence information while planning for potential events. Dr Sands responded that reports from physicians, hospitals and laboratories will still come directly to the health district and epidemiological data collected by the health district would be shared with the fusion center as part of their intelligence gathering activities.

Member Mattocks stated that with limited funds and being a smaller hospital, she did not believe the reporting requirements would place any additional burden.

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 Weekly to approve the proposed regulations; seconded by Member Crowley and was unanimously approved.

3. **Variance Request:** To Operate a Child Care Facility Not in Compliance with the District Board of Health Regulations Governing the Sanitation of Child Care Facilities (APN 163-01-802-010). **Petitioner:** LVC Acquisition Corporation, dba Las Vegas Athletic Club, 5200 W. Sahara Avenue, Las Vegas, NV; Chad O. Smith, Director, for Andrew J. Palluck, President

Staff recommends approval with conditions listed. Mr. Chad O. Smith, representative for the petitioner agreed to the 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 Weekly to approve the variance request with conditions listed; seconded by Member Eliason and was unanimously approved.

4. **Variance Request:** To Install an Individual Sewage Disposal System (ISDS) on an Undersized Lot Served by an Off-Site Public Water Supply with a Shallow Absorption Field within Ten (10) Feet of the Property Lines (APN 129-36-510-055). **Petitioners:** Wayne C. and Greta M. Albritton, Joint Owners.

Staff recommends the approval with conditions listed. Greta M. Albritton, petitioner, was present and agreed to the conditions listed.

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

III. REPORT / DISCUSSION / ACTION

1. **Memorandum #16-06:** Approval of Fiscal Year 2005-2006 Audit Report by External Audit Firm Stewart, Archibald & Barney

Mike Walsh, director of administration, directed the Board members to the firm's Comprehensive Annual Financial Report (CAFR). Mr. Walsh introduced Mr. Glen Goodnough, partner with Stewart, Archibald & Barney, LLP who reviewed findings of the district's fiscal records and accounting procedures. Mr. Goodnough thanked management and staff for their cooperation during the audit process.

Mr. Goodnough indicated that the results of the audit of financial statements of the Southern Nevada Health District (SNHD) for the year ended June 30, 2006 are in accordance with auditing standards generally accepted in the United State of America. This is a clean opinion of the financial statements. A reportable condition with a corrective action plan is listed. The final findings included two recommendations. It was recommended the Board of Health appoint an audit committee. An audit committee is not required for state and local government entities. The second recommendation is that the health district obtain an actuarial evaluation of the self-insured workers compensation liability claims annually.

Member Jones asked if there were any financial liability to the health district's public employee retirement system funding. Mr. Goodnough indicated that he believed the liability would fall under Public Employee Retirement System, (PERS) rather than the health district.

A motion was made by Member Weekly to approve the audit report for FY 2005-2006; seconded by Member Crowley and was unanimously approved.

2. Recommendations from Chief Health Officer Succession Committee

Chair Fairchild indicated the recommendation from the Chief Health Officer Succession Committee is to interview applicants numbered 2, 3, 4 & 5 on or about December 14, 2006. The candidates will meet with the Board members face to face for one hour each and a recommendation will be made. Division directors will also be part of the interview process.

A motion was made by Member Weekly to approve the recommendations of the Chief Health Officer Succession Committee; seconded by Member Crowley and was unanimously approved.

IV. CITIZEN PARTICIPATION

Chair Fairchild invited any individuals wishing to speak to come forward. No one came forward at this time and this portion of the meeting was closed.

V. HEALTH OFFICER & STAFF REPORTS

Dr. Kwalick indicated that with the passage of Question 5, and the Nevada Clean Indoor Air Act, the health district will be determining legal ramifications, as well as, the direction the health district will follow in enforcing the new law. Dr. Kwalick introduced Dr. Sands who indicated that inquiries began immediately after the election. Dr. Sands stated this will be a district-wide process to work on getting information out to the community to ensure accurate interpretation of the new law as well as getting information to the affected businesses so they are better able to comply. Staff has been working with Mr. Minagil and the attorney general's office, the district attorney's office and various city attorneys. Since the law designates local health authorities, along with local law enforcement agencies, as responsible for enforcing provisions of the act, the health district will be meeting with various jurisdictions to discuss their plans. Staff will be addressing their questions and concerns. Shortly after the election, the health district was contacted by the Nevada Tavern Association. A meeting will be scheduled with the representatives sometime after the Thanksgiving holiday.

Staff will work to produce fact sheets with information for both the general public and affected businesses. Staff has been reviewing the experiences of other communities that have enacted smoke free legislation. These experiences and their best practices will be used as guidelines. When viewing other communities that have enacted this type of law it has proven to be largely self-

enforcing. Once informed about the law, most people do comply. Dr. Kwalick indicated the legislature cannot alter the legislation for three years.

Member Crowley asked if there were any legal challenges posed to the health district. Mr. Minagil indicated that no challenges have been served that he is aware of and no injunctions have been received at this time. Mr. Minagil indicated the health district has reached out to the attorney general's office and to the legal departments of all the jurisdictions within our district. The health district staff has an opinion on the interpretation of this law and how enforcement should take place. Staff does wish to share those ideas with the other governmental entities. The law requires that consistent measures be used. The health authority and the peace officers now have a duty to write citations for violations of this act. The health district wishes to ensure the citation process is uniform. Coordination between the justice courts and the municipal courts should take place. Discussions are continuing.

Dr. Kwalick stated staff is meeting and discussing the process with other local health authorities and the state health authorities so there will be a consistent statewide approach.

Member Weekly asked if the health district staff will have any public meetings involving casinos, taverns, supper clubs, etc. to clarify any misunderstanding. Dr. Sands said we are very early in the process but that could certainly be an option to consider.

Member Jones asked about status of hotel guest rooms in a hotel as a work space or as a residence. Dr. Kwalick responded he believed that hotel guest rooms and motel rooms were not included in the initiative.

Dr. Kwalick asked Mr. Savage to report to the Board regarding Mr. Gary Vause, who addressed the Board last month regarding food preparation at the Lit'l Scholar Daycare & Preschool. Mr. Savage stated staff visited the facilities and conducted an inspection as well as reviewed the Nevada Administrative Code. In summary, staff states that the facility is operating a school and in doing so must be in compliance with all the administrative codes. The ovens in use at the facility are not commercial grade and current code requires a commercial kitchen. Mr. Vause indicated in conversations that he would meet with a legislative representative in an attempt to change the law. Mr. Savage indicated staff had received a list of menu items and many are frozen type foods, however, some items do involve some processing. Staff continues to review the situation.

Chair Fairchild asked status of operation at this time. Mr. Savage indicated staff is allowing him to operate during this review process and are working on a compliance program for this facility. It is an expensive process to make changes at this time. Dr. Kwalick stated Mr. Vause may be approaching the Board with a variance request.

Chair Fairchild reminded board members that flu shots are available.

VI. INFORMATIONAL ITEMS

A. Board of Health

1. Letter from City of Las Vegas Appointing Councilman Steven Ross as Alternate Member

B. Chief Health Officer and Administration:

1. Monthly Activity Report, Mid-October 2006 – Mid-November 2006
2. Financial Data: Revenue and Expenditure Report for General Fund, Capital Reserve Fund and Public Health Laboratory Fund for the Month of October 2006
3. Public Information Monthly Report, Mid-October 2006 – Mid-November 2006

C. Community Health:

1. Monthly Activity Report, October 2006
 - a. Influenza Surveillance Newsletter for the 2006-07 Flu Season
 - b. October 2006 Communicable Disease Statistics
 - c. Local Antibiogram Statistical Report

D. Environmental Health:

1. Monthly Activity Report, October 2006
 - a. Letter of appreciation to Environmental Health division from nursing student

E. Clinics and Nursing:

1. Monthly Activity Report, October 2006
 - a. Letter of appreciation to Nursing from Helping Kids Clinic

VII. ADJOURNMENT

Chair Fairchild asked if there were any other reports. There were none. Chair Fairchild adjourned the meeting at 9:45 a.m.

SUBMITTED FOR BOARD APPROVAL

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

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[Section V paragraph 6 amended December 14, 2006 at request of Member Jones
Changes approved by Board of Health at December 14, 2006 meeting](#)