



## **MINUTES**

### ***Southern Nevada District Board of Health Meeting***

625 Shadow Lane  
Las Vegas, Nevada 89106  
Clemens Room

***Thursday, August 27, 2009 - 8:30 A.M.***

Chair Giunchigliani called the meeting of the Southern Nevada District Board of Health to order at 8:35 a.m. and led the Pledge of Allegiance. Chair Giunchigliani noted that a quorum was present. Stephen F. Smith, Esq., Legal Counsel confirmed the meeting had been noticed in accordance with Nevada's Open Meeting Law.

**Board Members Present:**

Chris Giunchigliani  
Stavros Anthony  
Ricki Barlow  
Kathleen Boutin  
Jim Christensen, MD  
Susan Crowley  
Donna Fairchild  
Joseph Hardy, MD  
Tim Jones  
Mary Jo Mattocks, RN  
Linda Strickland  
Lawrence Weekly

Chair, Commissioner, Clark County  
Councilman, Las Vegas  
Secretary, Councilman, Las Vegas  
Councilwoman, Henderson  
At-Large Member, Physician  
At-Large Member, Environmental Specialist  
Councilmember, Mesquite  
At-Large Member, Physician  
At-Large Member, Regulated Business/Industry  
At-Large Member, Registered Nurse  
Councilmember, Boulder City  
Commissioner, Clark County

**Absent:**

Robert Eliason

Councilman, North Las Vegas

**Executive Secretary:**

Lawrence Sands, DO, MPH

**Legal Counsel:**

Stephen F. Smith, Esq.

**Other SNHD Board of Health Members/Alternates Present:**

Lonnie Empey  
Jimmy Vigilante

Alternate At-Large Member, Environmental Specialist  
Alternate At-Large Member, Regulated Business/Industry

**Other SNHD Board of Health Members/Alternates Not Present:**

Travis Chandler  
Tom Collins  
Karl Gustaveson

Councilmember, Boulder City Alternate  
Commissioner, Clark County Alternate  
Councilman, Mesquite Alternate

Debra March	Councilwoman, Henderson Alternate
Frank Nemeč, MD	Alternate At-Large Member, Physician
John Onyema, MD	Alternate At-Large Member, Physician
Steven Ross	Councilman, Las Vegas Alternate
Barbara Ruscingno, RN	Alternate At-Large Member, Registered Nurse
Anita Wood	Councilwoman, North Las Vegas Alternate

Staff: Scott Weiss; John Middaugh, MD; Angus MacEachern; Glenn Savage, Jennifer Sizemore; Bonnie Sorensen; Jo Alexander; Stephanie Bethel; Jerry Boyd; Dennis Campbell; Rory Chetelat; Alice Costello; Lorraine Forston; Ellen Gibbins; Steve Goode; Lance Johnson; Angela Jones; Eddie Larsen; Christina Madison; Ann Markle; Kieawa Mason; Dante Merriweather; Veronica Morata-Nichols; Patricia O'Rourke-Langston; Gwen Osburn; Walter Ross; Patricia Rowley; Vickie Swanson; Leo Vega; Leisa Whittum; Deb Williams; Valery Klaric and Shelli Clark, recording secretary

#### **ATTENDANCE:**

<b><u>NAME</u></b>	<b><u>REPRESENTING</u></b>
Jim Barger	Hard Rock Hotel
Michael Biel	Kafoury Armstrong and Company
Kelly Connay	American Express
Shane Ford	Touro University – PA Student
Dan O'Connor	Paramount Waste
John O'Connor	Paramount Waste
Larry Hannon	World Exports
Brian Feigenbaum	Hard Rock Hotel
Charles Gachengo	USN Student Pharmacist
Janet Kook	USN Student Pharmacist
Steve Kirk	City of Henderson
M.S. Mattocks	Self
Anthony Ruggiero	City of Las Vegas
Rosalie Ramariz DeSweeney	La Pasa de Puma Restaurant
Roy Stuart	La Pasa de Puma Restaurant

Chair Giunchigliani asked for a moment of silence in honor of Senator Ted Kennedy and the contributions he made to the United States. Chair Giunchigliani welcomed Councilwoman Kathleen Boutin to the Board of Health, who replaces Councilman Steven Kirk from the City of Henderson. Member Boutin noted she is a former district employee and looks forward to serving on the Board.

#### **OATH OF OFFICE:**

##### **Southern Nevada District Board of Health Elected Members and Alternates**

Chair Giunchigliani asked Mr. Smith to proceed with administering the Oath of Office to the elected members, alternates and FY10 Officers present.

Stephen F. Smith, Board Legal Counsel, administered the Oath of Office to the following elected members and alternates: Ricki Barlow – City of Las Vegas; Kathleen Boutin – City of Henderson; Linda Strickland – City of Boulder City; Lawrence Weekly – Clark County. Member Strickland also took the Oath of Office to serve as Vice Chair for FY10.

**BOARD OF HEALTH SERVICE RECOGNITION:**

**Steven Kirk, Councilman, City of Henderson**

**Gerri Schroder, Councilwoman, City of Henderson**

Chair Giunchigliani invited Councilman Kirk to come forward to be recognized for his tenure, leadership and service. Dr. Sands said Councilman Kirk served on the Board since August 2001, including one year each as Vice Chair and Chair. He has been very supportive and engaged during his tenure. Councilman Kirk said he was grateful for the opportunity to serve on the Board and noted that no other board does such important work. He expressed his appreciation to the under-appreciated and over-worked staff of the health district.

Chair Giunchigliani asked Member Boutin to take Councilwoman Schroder's certificate to her at the City of Henderson. Dr. Sands recognized Councilwoman Schroder's service as an alternate Board member and her full engagement on the Board of Health.

Chair Giunchigliani recognized Jimmy Vigilante and Lonnie Empey who serve as alternate Board members and thanked them for their dedication and attendance at each Board meeting.

**I. CONSENT AGENDA**

These are matters considered to be routine by the Southern Nevada 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:** 7/23/09
2. **Approve Payroll / Overtime for Periods:** 6/27/09 – 7/10/09 & 7/11/09 – 7/24/09
3. **Approve Accounts Payable Registers:** **#1187:** 7/02/09 – 7/09/09; **#1188:** 7/10/09 – 7/16/09; **#1189:** 7/17/09 – 7/23/09; **#1190:** 7/24/09 – 7/30/09; **#1191:** 7/31/09 – 8/05/09
4. **Petition #29-09:** Approval of Interlocal Lease Agreement between Clark County and the Southern Nevada Health District to Replace and Supersede all Previous Lease Agreements on the Facility Owned by Clark County Known as the Cambridge Community Resource Center Cambridge Health Cards Expansion

Chair Giunchigliani asked if there were any discussion on the items brought forward on the Consent Agenda. Member Weekly asked that Item #4 be set aside for discussion. Chair Giunchigliani called for a motion to approve Items #1 – #3 on the Consent Agenda.

*A motion was made by Member Boutin to approve Items #1 – #3 on the Consent Agenda as presented; seconded by Member Mattocks and was unanimously approved.*

Item #4 is an Interlocal Lease Agreement between Clark County and SNHD. Scott Weiss, director of administration, reported the health district leased space at the Cambridge Community Resource Center since late 1999. The current lease agreement was for 5,000 square feet, of which 20% was used for health district operations; the balance of space is sub-leased to Nevada Health Centers (NHC). Mr. Weiss asked the County for a revised lease for the actual space in use by SNHD, and allow for NHC to negotiate a separate lease agreement for the space currently occupied by them.

Member Weekly asked Mr. Weiss to provide information on the monthly lease amounts, so the Board can better understand the financial obligations of each lease and the possibility of a future agenda item to discuss co-partnerships and available office space in each jurisdiction.

Mr. Weiss said the district is currently working with the County and other jurisdictions regarding co-location opportunities. Lease expenses total \$141,000 each month: \$41,000 for the 400 Shadow Lane Professional Building and \$100,000 for the outlying public health centers (Henderson, North Las Vegas, East Las Vegas, Spring Valley, Mesquite and Laughlin). Chair Giunchigliani asked if these locations were co-located with the local government. Mesquite is the only co-located facility at present. She asked if there have been discussions with UMC and the Quick Cares for public health outreach. Mr. Weiss responded that to date there have been no discussions with UMC regarding this issue.

Member Boutin asked for a list of assets. The Southern Nevada Public Health Laboratory is the only property owned by the health district. There is no lease for the main facility. Chair Giunchigliani noted that no new buildings can be constructed unless the County can provide assistance as the health district does not generate enough revenue for construction, though a capital fund has been established for a new building. The majority of the funding for construction will fall to the local governments.

Member Weekly suggested that Board members report back to their respective jurisdictions and ask for assistance to alleviate lease expenses. He said clients should not have to travel from location to location for services. With the downturn in the economy construction of a new building may not be feasible. Chair Giunchigliani said the housing authority developed a new model for co-location on public building sites for direct health care delivery. She noted this topic came up during regionalization discussions.

Member Jones asked if a new building were constructed which leases would cease. Mr. Weiss said that the lease at 400 Shadow Lane would terminate, freeing up \$500,000 annually. All satellite facilities would remain open as the Replacement Facility Committee and the Board have committed to keep public health programs available throughout the community.

Member Weekly suggested having conversations with property owners to renegotiate leases. Mr. Weiss said the Spring Valley lease was renegotiated down 17%. He is in contact with property management for the 400 Shadow Lane facility; however a lease extension may be necessary with the terms of renegotiation. As the time frame for a new building is at least three years, a lease extension may be prudent. The three year time frame includes one year for developing of engineering plans and twenty-four months for construction.

Chair Giunchigliani said there could be local government space available. She suggested an agenda item come forward directing Board members to speak with their respective entities of available space. She also suggested a public review of the building and current needs. Mr. Weiss said this is planned for September, following a meeting of the Replacement Facility Committee.

Chair Giunchigliani said no stimulus dollars are available; federally qualified health centers cannot use monies for leases – monies can only be used for construction. She expressed her support for community-based centers, which can reduce the size and expense of a new building.

Member Boutin clarified that Board members are to go back to their respective jurisdictions to ascertain availability of space for health district operations; secondly staff should be more

prudent with funding. She noted a large community block grant facilitated through the county is forthcoming for up to \$50,000,000. She noted that staff should research available stimulus dollars and grants. Mr. Weiss said staff is continually looking for available grant dollars for public health care centers, particularly for construction. Staff is working with our federal delegation as well. An agenda item for additional direction is welcome. Currently the Henderson Public Health Center is the largest satellite facility.

Chair Giunchigliani said the county and city managers are meeting to discuss potential consolidation issues for the legislature next year. If there are ways to deliver social services, homeless and housing services as well as health care at the same time through more community-based partnerships, this should be researched. She noted the need for a new building; however the more community-driven we are the better off we'll be. She further suggested looking at components of school campuses.

Dr. Sands said it would be helpful for Board members to speak with their respective jurisdictions. He suggested that staff provide actual space needs to Board members before these discussions occur. He noted that some services require specialized space, such as exam rooms. Chair Giunchigliani asked for a map of all public health centers, even though this information is available on the website. Dr. Sands said maps are also included in the Board Orientation Manuals and the *Annual Report to the Community*.

Chair Giunchigliani said in relation to this particular agenda item there was a dispute about \$400,000 allegedly owed to the County, which is tied to the sub-lease issue. Mr. Weiss said this is in reference to FY04 – FY08 and there is continuing dispute. The amount has been reduced to \$200,000. The district's position is that NHC is required to pay their percentage based on the square footage they occupy, which is 80% of the total leased space. Chair Giunchigliani said she wanted the Board to know this continues to be a potential liability. Mr. Weiss said we do not believe this number is accurate. Conversations have occurred with the CEO and CFO of NHC.

*A motion was made by Member Weekly to approve Items #4 as presented and to give direction to staff to agendize an item regarding space needs; seconded by Member Fairchild and was unanimously approved.*

## **II. PUBLIC HEARING / ACTION**

- 1. Memorandum #18-09:** Application for Approval for Paramount Waste Management, Inc. to Operate a Solid Waste Management Facility – Recycling Center, Located at 3515 North Bruce Street, North Las Vegas, NV 89030 (APN 139-11-302-015 and a portion of 139-11-302-008)

Chair Giunchigliani declared the public hearing open.

Walter Ross, environmental health supervisor/engineer, and Dante Merriweather, environmental health specialist II, spoke relative to this matter. Mr. Ross said that Paramount Waste Management, Inc. has met all requirements for a Recycling Center as specified in Section 4 of the Regulations governing Recycling Centers.

Staff recommends approval based on conditions as outlined in the memorandum and a final inspection. Dan O'Connor, representing Paramount Waste Management, Inc. was present to answer questions of the Board.

Mr. O'Connor stated that the business will operate 7:00am – 5:00pm, Monday through Friday. The facility will recycle all fiber-grades of paper including cardboard, and film plastic.

Chair Giunchigliani asked if anyone else wished to testify on this item. Seeing none, she closed the public hearing.

*A motion was made by Member Weekly to approve the application with the conditions as outlined; seconded by Member Fairchild and was unanimously approved.*

- 2. Variance Request** to Operate a Public Bathing Place not in Compliance with Nevada Administrative Code (NAC) 444.116.1, 444.134.1 and 444.134.3, Located at 4455 Paradise Road, Las Vegas, NV 89169 (APN: 162-21-615-003) for Pending Health Permit 12625-#HV-02. **Petitioner:** Brian Feigenbaum, Executive Vice President and Owner, Representative for HRHC Casino LLC

Chair Giunchigliani declared the public hearing open and noted that items 2-4 would be taken together.

Angela Jones, pool plan review supervisor and Lorraine Forston, senior environmental health specialist presented this item. The petitioner is requesting a variance for limitation on depths and depth for the dish pool at the Hard Rock Hotel & Casino. The petitioner requests the edge of the pool be 16" above the deck, making the edge a sitting area for guests. The apron around the pool will slope to the gutter to prevent any waste water accumulation. The deck will slope away, per code, and guests will be able to sit on the edge and rotate their bodies to enter the pool. There will be no stairs to enter the pool and the entire pool is 16" deep; the deepest portion will be 36" at the center of the pool. This premise is indigenous to the Hard Rock Hotel. The pool will be operated with a two-hour turnover rate, which is three times what is required. Entrance to the pool is similar to that found in "kiddy pools." The raised edge will not create a tripping hazard as warning tiles will be installed on both the interior and exterior of the pool. An additional gutter will be installed to prevent deck flooding and accumulation of water.

Staff recommends approval of the variance based on the following conditions:

1. The petitioner agrees to provide warning tiles on the interior and exterior of the swimming pool;
2. The petitioner agrees to provide an additional gutter between the slopes to prevent flooding of the pool deck area and accumulation of stagnant water
3. The petitioner agrees to provide a cleaning and maintenance schedule to SNHD for the gutters;
4. Failure of the petitioner to prevent public health and safety issues, as determined by the health authority, will result in the voiding of this variance;
5. This variance is automatically terminated without further notice upon the closing of any sale transaction involving the subject property, or upon petitioner leasing or assigning operations of these public bathing spaces to any other person or entity

Jim Barger and Brian Feigenbaum of Hard Rock Hotel & Casino were present to answer questions of the Board.

Mr. Barger said the outside of the pool would be rough stone finish; the sitting and entry areas will be a matte finish tile, similar to porous tiles, typical of most pools in town. Bare feet will be able to have traction on the tile thereby eliminating potential for slips and falls. The pool is similar to ADA accessible pools – entry to the pool is via a sitting position. A handicap lift will be installed alongside the pool; however guests can roll their wheelchairs alongside the pool and

enter the pool without the use of a lift. The height of the entry area is almost the same height as a wheelchair.

Ms. Forston said Sunset Station had a problem in the past with flooding and a berm was installed last summer to rectify this problem.

Member Strickland referred to the raised edge which existed in other pools and asked if there would be any hazards between the gutter area and the area outside the gutter area. Mr. Barger said the pool in the photos did not have good drainage to begin with, coupled with no secondary drain. In the proposed scenario, the first 4' outside the seating area falls toward the pool at a ¼" per foot. An actual pick-up point is at the edge of the pool and a secondary pick-up point is 3' from that point. Ms. Forston said the pool will be overflowing down the side of pool into the gutter trough that goes back to the filter for recirculation. The deck slopes backward toward the gutter trough because that area is part of the actual pool, not the deck, to collect any water that would be more than the gutter can handle at any given time, created by dynamic surge. A secondary gutter is in place to collect any additional water – the deck will not flood in any way.

Mr. Barger noted that the gutter area and walking surface meet each other, are seamless and appear to be flat. The matte finish tile will extend 4' into the pool to alleviate any slippage – the tile will be on the deck, the seating area and into the pool itself.

Chair Giunchigliani asked if anyone from the public wished to speak on this issue. Seeing none, she closed public hearing.

As all three items were heard together, discussion moved directly to the second Variance Request.

3. **Variance Request** to Operate a Public Bathing Place not in Compliance with Nevada Administrative Code (NAC) 444.114, 444.116, 444.128, 444.130, 444.134 and 444.156, Located at 4455 Paradise Road, Las Vegas, NV 89169 (APN: 162-21-615-003) for Pending Health Permit 12625-HV-03. **Petitioner:** Brian Feigenbaum, Executive Vice President and Owner, Representative for HRHC Casino LLC

Chair Giunchigliani declared the public hearing open.

Angela Jones, pool plan review supervisor and Lorraine Forston, senior environmental health specialist presented this item. The petitioner is requesting a variance on the side walls and bottoms, limitation on depth, depth markers, ladders and stairs, handholds, inlets and foot deck to allow for a beach entry and sand bottom pool. A similar pool configuration is in existence at the property currently, which an approved variance is in place. Again, this is a trademark of the Hard Rock Hotels.

Staff recommends approval of the variance based on the following conditions:

1. The petitioner agrees to maintain the sand at all times and shall not be allowed to spill and migrate to other locations;
2. The petitioner agrees to maintain the clarity of the water, so that the pattern of the main drain is clearly visible from the deck at all times;
3. The petitioner agrees to provide a cleaning and maintenance schedule to SNHD for the cleaning and controlling migration of sand;
4. The petitioner agrees to provide specifications for sand to SNHD for approval;
5. Failure of the petitioner to prevent public health and safety issues, as determined by the health authority, will result in the voiding of this variance;

6. This variance is automatically terminated without further notice upon the closing of any sale transaction involving the subject property, or upon petitioner leasing or assigning operation of these public bathing spas to any other person or entity.

Jim Barger and Brian Feigenbaum of Hard Rock Hotel & Casino were present to answer questions of the Board.

Member Barlow asked about the process used to keep the water clear. Mr. Barger said there are only two facilities in town with a sand pool – the Hard Rock and Green Valley Ranch. Basically fresh water is introduced into the sand and uniformly placed under the sand to clean thereby allowing the clean water to come up through the sand, using a special pipe system. If a bather tries to disrupt the sand, the sand goes right back down to the bottom of the pool with no cloudiness or dislocation. The water clarity is maintained.

Chair Giunchigliani asked if anyone from the public wished to speak on this issue. Seeing none, she closed public hearing.

As all three items were heard together, discussion moved directly to the third Variance Request.

4. **Variance Request** to Operate a Public Bathing Place not in Compliance with Nevada Administrative Code (NAC) 444.430 and 444.434, Located at 4455 Paradise Road, Las Vegas, NV 89169 (APN: 162-21-615-003) for Pending Health Permit 12625-#HV-04. **Petitioner:** Brian Feigenbaum, Executive Vice President and Owner, Representative for HRHC Casino LLC

Chair Giunchigliani declared the public hearing open.

Angela Jones, pool plan review supervisor and Lorraine Forston, senior environmental health specialist presented this item. The petitioner is requesting a variance for depth and shape markers, to allow for a swim up area at the gaming area in the existing pool area. This is a unique feature at the Hard Rock Hotel and has proven to be very popular, calling for the addition of more gaming areas. A similar variance has been approved previously.

Staff recommends approval of the variance based on the following conditions:

1. The petitioner agrees to provide additional inlets in the vicinity of the blackjack table stools and tables to further augment the spa's recirculation rate in the vicinity of these elements, so ensuring the necessary chlorine can be consistently maintained throughout the entire basin;
2. The petitioner agrees the spa includes the stools for bathers. These will be highlighted with contrasting tile and additional recirculation system jet returns added to each stool location to promote rapid circulation by constant introduction of freshly chlorinated water at these locations;
3. The petitioner agrees that a proper tile line, depth markers and handholds will be installed in all areas of the spa, per the direction of SNHD, except where in-spa gaming area will be installed;
4. Failure of the petitioner to prevent public health and safety issues, as determined by the health authority, will result in the voiding of this variance;
5. This variance is automatically terminated without further notice upon the closing of any sale transaction involving the subject property, or upon petitioner leasing or assigning operation of these public bathing spas to any other person or entity.

Jim Barger and Brian Feigenbaum of Hard Rock Hotel & Casino were present to answer questions of the Board.

Member Strickland asked Mr. Barger and Mr. Feigenbaum if they understood and were in agreement with all conditions as specified. Both parties responded affirmatively.

Member Hardy confirmed that the health district is able to grant variances to regulations outlined by Nevada Administrative Code. Mr. Smith said each variance cites the circumstances whereby a variance can be granted, namely:

1. Unique to the petitioner;
2. Does not generally affect other persons subject to the regulations;
3. Makes compliance with the regulation unduly burdensome; and
4. Causes a hardship to and abridges a substantial property right of the petitioner.

Further granting the variance:

1. Is necessary to render substantial justice to the petitioner and enable him to preserve and enjoy his property right; and
2. Will not be detrimental or pose a danger to public health and safety

Chair Giunchigliani said Member Hardy was asking to verify the authority to grant variances was in the scope of the Board and the health district's jurisdiction. She further disclosed that the property falls within her district.

Chair Giunchigliani asked if anyone from the public wished to speak on this issue. Seeing none, she closed public hearing. Seeing no further discussion, she called for one motion to approve Items 2 – 4.

*A motion was made by Member Crowley to approve the Variance Request with the conditions as outlined; seconded by Member Mattocks and was unanimously approved.*

Mr. Barger commented that his company is based in Pasadena, and he prefers working in Clark County versus Los Angeles County due to the staff at the health district. He works in California, Arizona, Hawaii and Nevada and stated his favoritism to the Southern Nevada Health District.

### **III. REPORT / DISCUSSION / ACTION**

**No Reports scheduled**

### **IV. PUBLIC COMMENT**

Public Comment is a period devoted to comments by the general public, if any, and discussion of those comments, about matters relevant to the Board's jurisdiction will be held. No action may be taken upon a matter raised under this item of this Agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to NRS 241.020.

Chair Giunchigliani asked if anyone wished to address the Board.

Rosa Ramirez, local business owner, noted she has spoken with Environmental Health staff and was directed to address the Board as her concerns were outside the authority of the division. She provided a written copy of her comments (attachment #1). Her restaurant was downgraded due to

several critical violations and said she is seeking a waiver for the re-inspection fee due to financial hardship.

Chair Giunchigliani said her restaurant fell within her district. She asked Ms. Ramirez if all critical violations were corrected. Steve Goode, environmental health manager, said all violations had been corrected; however the penalty structure is such that a re-inspection cannot be done until all fees are paid. Chair Giunchigliani asked if waivers, delayed payments, etc. are in place, particularly for small business owners in times of economic stress – she suggested the Board discuss this issue at a later date. Mr. Goode said there are no payment plans in place; however Ms. Ramirez can operate her business with the downgrade in place.

Member Jones reminded Board members that environmental health funding is the source of revenue to operate the division. During the fee workshops, the “C” grade would be fined for re-inspection, but “A” and “B” would not.

Glenn Savage, director of environmental health, said that last year a trial payment plan was in place for one business owner. Each month when the payment was due staff had to call and ask the customer to come in and pay his fines. The plan was unsuccessful and staff has opted not to offer this option again.

Chair Giunchigliani said other entities do allow for payment plans and that in hard economic times she does not want to see small businesses go under because of fines and penalties.

Chair Giunchigliani asked if anyone else wished to address the Board. Seeing none, she closed the Public Comment portion of the meeting.

## **V. HEALTH OFFICER & STAFF REPORTS**

### **Budget Update: Scott Weiss, Director of Administration**

Dr. Sands said staff continues to work on budget reduction plans due to the decrease in property tax revenue. A report on budget reductions and program impact will be brought to the Board in September. Mr. Weiss said all programs were reviewed in anticipation of FY10 budget. Due to AB543 and reduction in property values, the district faced an additional \$3.1 million budget reduction. A revised budget was approved in June 2009, with an understanding that all reductions and impacts would be brought back to the Board at a future date – this will be done at the September meeting. As a continued strategic planning effort, the district is continuing to review core programs as well as Tier I and II programs. Staff is developing an evaluation scale as to the severity of the effect on public health in relation to cuts to various programs. Staff is also developing program profiles which will be brought to the Board in November or December, in anticipation of the budget planning process for FY11. He noted that FY11 will be more severely impacted by property tax valuation, resulting in as much as 10-15% reductions. Due to the caps on property taxes, it will take a few budget cycles to recover lost revenue. Any interim legislative session will also impact our budget. Budgets are reviewed on a monthly basis in anticipation of two potential additional reductions to the FY10 budget.

### **Environmental Health Activities – Glenn Savage, Director of Environmental Health**

Dr. Sands invited Glenn Savage, director of environmental health to update the Board on various activities and cost saving measures recently implemented. Mr. Savage and staff evaluated activities throughout the division, particularly those in the solid waste program. Numerous complaints concerning neighborhood disputes related to animal feces and roosting pigeons and their droppings come into Environmental Health, resulting in approximately \$40,000 of staff time in response to these complaints. Mr. Smith has confirmed there is no enforcement process nor public

health ties to these types of complaints – this is more related to code enforcement and animal control. Staff contacted code enforcement, neighborhood services and animal control offices throughout Clark County to ask if these programs could respond to these types of complaints, as they have in the past. Response was positive and staff is working with these agencies to route complaints accordingly. Staff will continue to receive the complaints, then route to the appropriate agency for follow-up. Overwhelmingly complaint calls are related to nuisances.

Chair Giunchigliani said the complaints should go directly to animal control. She said the County Commissioners will be discussing desert tortoises and duties that should be handled by federal agencies versus local government.

Member Hardy asked if the health risk for pigeon droppings has been quantified. Mr. Savage said there are health documents showing some respiratory illnesses with roosting pigeons in the mid-west. Locally no correlation has been drawn to this aspect. Chair Giunchigliani said local jurisdictions could update codes to prohibit feeding pigeons. Mr. Savage said there are some businesses offering to capture pigeons and clean up after them.

Member Weekly said this was another opportunity for Board members to communicate to their constituents on how to work together to eradicate these issues and solve other issues. Chair Giunchigliani said local government ordinances should be reviewed to ensure these issues are properly addressed, including legislative changes.

Member Anthony asked if this process would be codified to address where the responsibilities are being transferred. Mr. Savage said a white paper is under development, including contact listing of all involved parties. A meeting with all agencies will be held before the transfer occurs.

**Disposal of Medications – Glenn Savage, Director of Environmental Health and Christina Madison, Pharm.D., Pharmacist**

Chair Giunchigliani had brought forward a question regarding recycling of medications and pharmaceuticals. Mr. Savage said there are some people gathering recycling beverage cans, which then went to California and other western states, which led to an enormous amount of money going to other states for recycling from Nevada.

Mr. Savage said a group came to a solid waste plan review area seeking a way to recycle medications and pharmacies; additional conversations uncovered that these people were actually going door-to-door collecting medications, particularly the elderly, and shipping them to another facility. The medications could then be found on shelves for distribution, and also being marketed as “energy sources.” The DEA was contacted and they were already aware of this scam. Mr. Savage asked that business licensing be made aware of these individuals.

Dr. Madison noted there are no laws on the books permitting recycling of any type of pharmaceutical products. Tracking of medications is a primary issue, which has also inhibited establishment of a disposal program. Once a medication is dispensed to a patient, it is impossible to track where it goes. There is no legal way for anyone to recycle medications at present. Dr. Madison said that the individuals in question were going to the elderly to collect medication and counsel them regarding them, all of which is illegal. Member Hardy expressed concern about identity theft as well.

Chair Giunchigliani confirmed that Board members should alert their respective business licensing offices. She asked if PSAs could be done regarding proper disposal of medications, and also have a review of the presentation done at a Board meeting previously. The Attorney General has been

noticing the public of known scams and asked if we could contact that office. Dr. Madison will bring the information forward to the Board of Pharmacy.

Member Hardy noted that a recent law passed by the legislature allows for unused, unopened cancer medication to be returned back to pharmacies –specific guidelines and tracking mechanisms exist for return of the medication. Some cancer medications are quite costly and this new law eases some of the financial burden on cancer patients. Chair Giunchigliani suggested this information be brought to the Board for an informational discussion.

#### **Health Officer Updates:**

All Board members received word of the new health district website. He acknowledged staff for their efforts, especially in finding ways to help the public better navigate the website for information. The website is a work in progress and feedback is welcome.

The district is in receipt of a letter from the Board of Medical Examiners. At their August meeting the Board reached consensus that single-point piercings and microdermal anchoring constitute a medical procedure and could possibly lead to even more invasive procedures in the future. A copy of the letter will be sent to Board members, as well as Club Tattoo owners.

As part of the continued response to the hepatitis C outbreak, staff is focusing on recovery in the community and supporting efforts to restore the public's trust in the healthcare system. Staff is working with HONORreform, Nevada State Medical Association and the State Health Division (NSHD) on piloting a safe injection practices educational campaign both for providers and the community. The CDC Foundation is making available \$250,000 to the Safe Injection Practices Campaign to develop and produce materials for the educational campaign. In partnership with NSHD a grant application was submitted to CDC for \$250,000 to help support an evaluation of the campaign in Nevada. Finally, notice was received from CDC that \$523,000 was awarded to SNHD for expenses incurred in response to the outbreak. Dr. Sands publically thanked and acknowledged Senator Harry Reid and his staff for their efforts and cooperation in identifying resources. Monies will be used for ongoing expenses in response to the outbreak, as well as to assist with coordination of the local campaign in southern Nevada.

Chair Giunchigliani asked for a listing of Board members who serve on various committees. She also suggested school nurses could assist with on-site immunizations to assist in raising the immunization rate and exploring any liability issues which may exist.

#### **West Nile Virus Update: Vivek Raman – Vector Entomologist/Supervisor**

Dr. Sands introduced Vivek Raman, vector entomologist/supervisor, to provide a West Nile Virus update. Mr. Raman shared a PowerPoint with the Board (**attachment #2**). There are several components to the vector control program: including citizen complaints, encompassing green pools and mosquito activity; West Nile Virus surveillance; human case investigations; and preparing for the next year's activity.

April of 2009 showed a 65% increase in citizen complaints over previous years; since that time calls have tapered off and are actually down 6%. Achieving compliance early in the season is optimal. Staff is working directly with code enforcement and bank representatives to drain green pools, and subsequently experiencing a 62% closure rate.

For FY08, supplies totaled \$83,589, and only \$3,104 was recovered in fees. By using mosquito fish to treat pools, staff spent only \$62,915 in supplies and recovered \$23,683 in fees – total expenditures were reduced by 51.19%. At the end of 2008 all banks and institutions owing money were sent certified letters with a line listing of overdue invoices, but there was little return. Passage

of AB249 created more efficient means to utilize staff time. It will also allow the health district to place liens on homes and drain pools for long-term fee recovery. Member Jones suggested working with home owners' associations and their partners regarding lien placement. Chair Giunchigliani asked for a list of those financial institutions which have outstanding fees.

Staff set 350 traps throughout southern Nevada this year, including parts of Lincoln and Nye Counties. Over 10,000 mosquitoes were submitted to the Department of Agriculture for West Nile Virus testing, and 9 trapping locations yielded positive results with 216 positive mosquitoes. Twelve human cases of West Nile Virus have been reported this year, eight confirmed and four probable. When human cases are reported, traps are set in the immediate area to identify a local breeding source and control the area. One horse and one squirrel also tested positive. No traps were set at Mt. Charleston due the area not being a good mosquito source.

Staff is working on an application to the CDC for the Epidemiology & Laboratory Capacity Grant (ELC), which helps off-set some expenses in the vector control program. In the past staff provided services and education in Nye County, for which we were reimbursed. Staff is also developing regulations to enforce the provisions set forth by AB249, including draining of green pools at foreclosed homes. Mr. Raman referenced the *2008 Zoonotic Infectious Disease Surveillance and Control* report, which was included in the Board materials. Mr. Raman expressed his appreciation to the various offices in each jurisdiction which provide assistance for mosquito treatment and abatement.

**Novel H1N1 Influenza Virus Update: John Middaugh, MD – Director of Community Health**

Dr. Sands said we will continue to provide updates on Novel H1N1 Influenza in southern Nevada. John Middaugh, director of community health, noted there has been an unprecedented level of transmission of the virus throughout the summer. The pediatric viral surveillance program in Clark County documented 50% of specimens submitted from participating pediatrician offices are positive for H1N1. The last two weeks showed a decline; however with school back in session, numbers will again increase. The virus genome is continuing to be stable and not mutating, which means the virus continues to be mild, even more so than regular influenza. Additionally the virus is not showing resistance to the preferred antivirals. The few individuals who have shown resistance were immuno-compromised – they were treated with the antivirals, and the virus became resistant to the medications, but the virus was not transmitted in this form to anyone else.

Social distancing measures have been shown to be ineffective in prevention of spreading the disease. So long as the virus does not mutate and increase in severity, causing high levels of morbidity and mortality, school closures are not the best option. CDC is providing guidance on the possibility of more severe illness and how to prepare. The outbreak will return this fall and many people will be ill; however almost everyone will recover after a few days of illness. There will be hospitalizations and normally healthy individuals will die.

High risk groups for vaccine prioritization have been defined: pregnant women; caregivers and household contacts of children under 6 months of age; children aged 6 months to 4 years; children through 18 years with underlying high-risk medical conditions; healthcare workers and first responders with direct patient contact; and adults aged 19 – 64 years with serious underlying medical conditions. Vaccine projections were scaled back significantly and current scenarios continue to anticipate low initial supplies of vaccine. Current scenario is that by mid-October 46 million doses will arrive in the United States, and be will allocated to the states on a population-based formula, resulting in 400,000 doses of vaccine to Nevada. It is anticipated that an additional 20 million doses will be shipped to the U.S. weekly, and again distributed based on a population-based formula. With the obvious shortage of available vaccine, the plan is to roll out a major communication package to alert the public that there is not enough vaccine for everyone initially –

the first bolus must be distributed in accordance with defined priority groups. As additional vaccine arrives, it will be distributed widely in accordance with defined plans. Those in the highest risk groups must be vaccinated first. Everyone's cooperation is essential, and will be the major challenge in disbursing the vaccine.

The federal government released emergency funds to all states, and Nevada received \$5 million. An application was submitted for \$3.8 million for planning and implementation of the first two phases, and discussions are underway regarding funds allocation. Preliminary discussions show \$1.6 million coming to southern Nevada. Phase III will fund actual vaccination, and could be between \$6 and 8 million. No formal decision has been made concerning actual funding.

Dr. Middaugh said our plan is to ask for most of the vaccine to come to southern Nevada, and allow hospitals to vaccinate their healthcare workers with direct patient contact. Special campaigns will be mounted to reach pregnant women, parents of infants, and other targeted high-risk sub-populations. As the flow of vaccine increases, the focus will shift to all private doctors, pharmacies and others. Outbreaks of influenza will occur before the vaccine arrives. It is impossible to predict the level of flu or what could happen. Eventually there will be a high surplus of vaccine so anyone seeking vaccine can receive it; however there is no way to gauge the demand for vaccine. Schools will play a major role in vaccinating school-aged children. Part of our plan for emergency funding is a communication outreach to parents, students and staff through mail-outs and computer websites. PIO staff is working closely with the school district for a proactive approach. It is important to ensure that all policies are sound, in accordance with federal guidelines and in coordination with the State Health Officer and other county health officers, including a uniform message.

The vaccine will be two doses, with between three and five weeks between doses. Immunity will occur in 10-14 days after vaccination for those developing antibodies. Active military will be vaccinated with special allotments and plans through the Department of Defense; dependents will be covered by our own programs. Though some groups are held in high esteem, they are not part of the priority target groups, such as law enforcement and their families. Staff is proactively meeting with law enforcement, fire & rescue, EMT and hospital leadership to explain that vaccine will be provided just not in the initial allotments.

The school district has been providing information to parents and staff has been involved in this effort. Dr. Sands participated in a joint press conference last week and shared information relative to H1N1. The school district is very proactive in providing information and will keep parents, students and staff informed. The message remains the same: schools will remain open; if someone is sick he should stay home; cover coughs and sneezes; and wash hands. Anyone becoming ill at work or school should go home immediately – the key is not to over-react. The silver lining is that anyone who has been ill now has immunity to the virus.

Seasonal flu vaccine will be administered as soon as possible; surveillance will continue as in the past. The strains of influenza virus contained in the seasonal flu vaccine remain constant. Many have protective antibodies to various strains of influenza due to prior exposure. Historically seasonal influenza vaccine was targeted to the elderly with underlying medical conditions; but over time vaccine recommendation has been modified to include 85% of the population. All flu clinics will continue as planned for the upcoming flu season. Individuals can receive both seasonal influenza and H1N1 vaccine simultaneously. Other immunizations could be administered at the same time; however during a mass vaccination campaign, the focus needs to be on the task at hand as the H1N1 vaccine needs to be integrated into the community in a relatively short amount of time.

Guillain-Barré Syndrome was problematic of the swine flu vaccine campaign in 1976 occurring in one per one million recipients. As we vaccinate potentially millions of Americans with this new H1N1 vaccine it is expected that some people will get Guillain-Barré following vaccination. This is a rare occurrence but it can and will happen and we need to plan accordingly, including our response.

Dr. Sands noted his appreciation for the focus on the regular seasonal influenza vaccine, which commences in September. There is no shortage of vaccine and everyone is encouraged to be vaccinated.

## **VI. INFORMATIONAL ITEMS**

***DULY NOTED***

### **A. Board of Health**

1. Letters from the City of Henderson appointing the following as members of the Southern Nevada District Board of Health for the term July 1, 2009 – June 30, 2011: Kathleen Boutin as member; and Debra March as alternate
2. Letters from the City of Las Vegas appointing the following as members of the Southern Nevada District Board of Health for the term July 1, 2009 – June 30, 2011: Ricki Barlow as member; and Steven Ross as alternate
3. Letter from the City of Mesquite appointing the following as members of the Southern Nevada District Board of Health for the term July 1, 2009 – June 30, 2011: Donna Fairchild as member; and Karl Gustaveson as alternate

### **B. Chief Health Officer and Administration:**

1. Monthly Activity Report, Mid-July 2009 – Mid-August 2009
2. Financial Data: Revenue and Expenditure Report for General Fund, Capital Reserve Fund and Public Health Laboratory Fund for the Month of July 2009
  - a. Grant and Agreement Tracking Report, as of August 17, 2009
3. Public Information Monthly Report, Mid-July 2009 – Mid-August 2009

### **C. Community Health:**

1. Monthly Activity Report, July 2009
  - a. Swine Flu Update #6
  - b. Swine Flu Update #7
  - c. July 2009 Disease Statistics
  - d. Letter of Appreciation from the Nevada State Health Division to Kay Godby

### **D. Environmental Health:**

1. Monthly Activity Report, July 2009
  - a. Letter of Appreciation from Ellis Island Casino and Brewery concerning Christine Sylvia, training officer; Nikki Burns Savage, EHS II, Paul Klouse, EH supervisor and Carol Culbert, senior EHS

### **E. Clinics and Nursing:**

1. Monthly Activity Report, July 2009
  - a. In-service calendar
  - b. Letters of Appreciation

**VII. ADJOURNMENT**

There being no further business to come before the Board, Chair Giunchigliani adjourned the meeting at 10:45 a.m.

SUBMITTED FOR BOARD APPROVAL

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Lawrence Sands, DO, MPH, Chief Health Officer  
Executive Secretary

/src

attachments

8/27/09 a

Gentlemen,

I am Rosa Ramirez and I would like to read to you a letter that I recently sent to authorities at the health district. They told me that my request was out of their control and directed me to you.

I am a single female owner of small Mexican restaurant on East Charleston. As you well know, many of the businesses, especially the small businesses in Las Vegas, have been seriously affected by our bad economy. Those like mine, are much more vulnerable, since, the majority of our clientele is a minority of a minority group.

Over the past two years, I have seen my daily sales drop from sometimes over \$500 a day, to sometimes zero, and lately, most of the days, not enough to pay my light bill.

In spite of this, I have to promptly pay my gas bill, my taxes, my growing light bill, my licenses, my permits, my various types of insurances, my unemployment, my social security, my wages, and my rent. Additionally, because of the age of the building and the equipment, I am constantly spending money for repairs and replacements.

I do everything in my power to reduce expenses. I shop at the advertised sales in the local grocery stores. I have cut down on my staff to a minimum, I believe that I have found the cheapest insurance available, and I even have the bare minimum features on my telephone. I have tried advertising, and I personally walked the parking lots and the neighborhood residences, offering discounts.

You would probably ask why do I keep a business that is constantly losing money. The problem is, that, at this time, or any time for that matter, no one wants to buy a business that is losing money. Also, I am stuck with a long-term lease. My landlord was sympathetic enough to substantially, temporarily reduce my rent. But the other terms of the lease still hold. And then, I have invested so much money in that business, I keep hoping that tomorrow will be better, and this miserable recession would end. My father, a retired school teacher in Mexico City, tries to help me—and a few of my good friends pitch in to do whatever they could. But, everyone has his own problems to attend to.

On July 18, 2009, I was inspected by the Nevada Health District. There were several discrepancies, some of which were critical. Most of these

required me to give my employees additional instructions on food handling procedures. The others were easily corrected. I apologize for my oversight, but I relied heavily on my employees who have many years of restaurant experience, and one of whom, previously owned a restaurant in Las Vegas. In addition to having to spend money correcting some of these discrepancies, I was charged a fine of \$477.00.

No need to say that my restaurant is borderline bankrupt and I am thinking seriously about closing my doors even if I don't want to. You, or any of your representatives are more than welcome to visit my business to verify what I have explained to you. Because of my circumstances and the undue hardship it imposes on me, I am here personally to ask you to kindly consider waiving this penalty.

Thank you so much for your valuable time and consideration.

# Vector Control: Mid Season Update



**Vivek Raman**

**Environmental Health Supervisor**

**Board of Health – 8.27.09**

# Component Updates



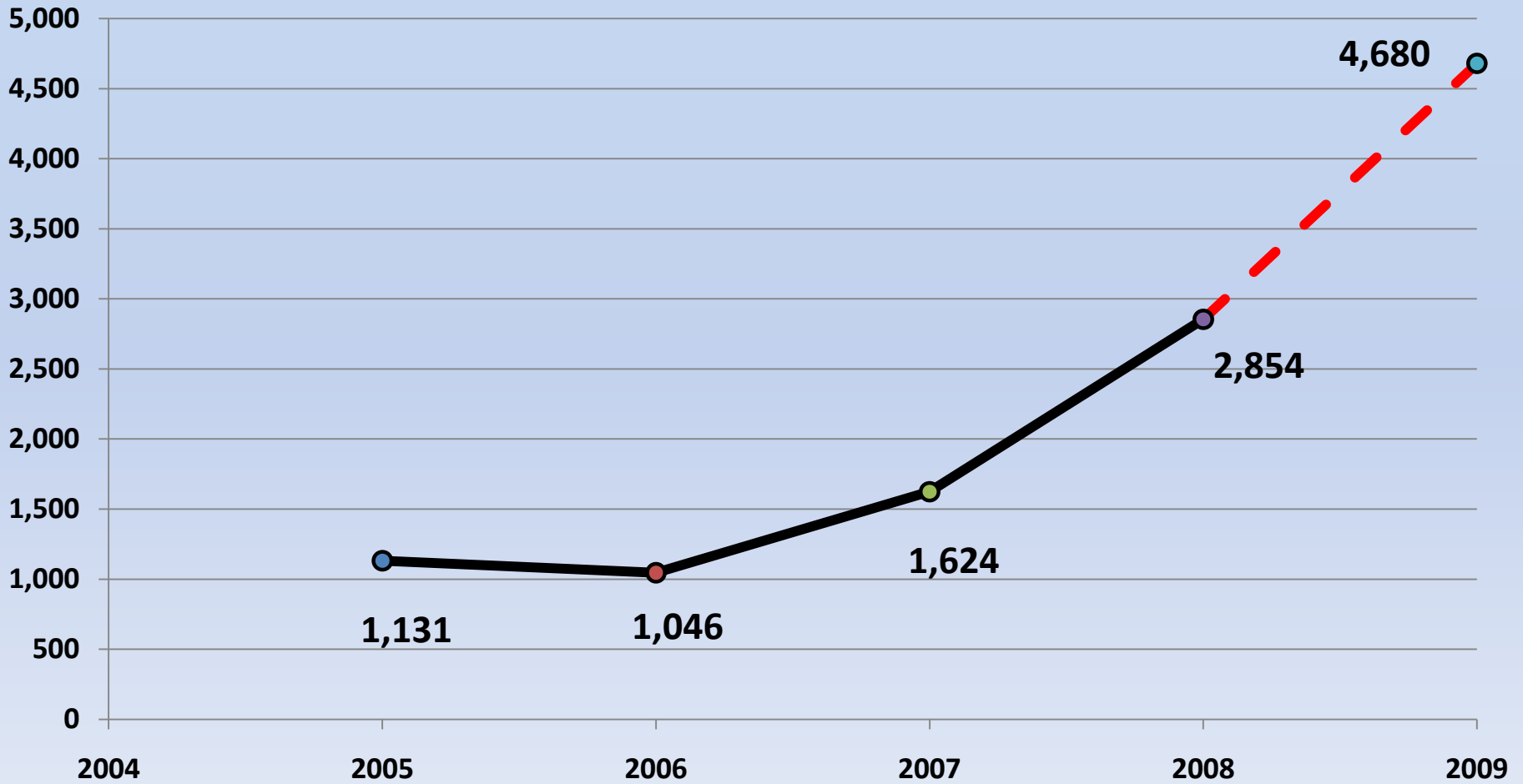
**Citizen Complaints**

**WNV Surveillance**

**Human Case Investigations**

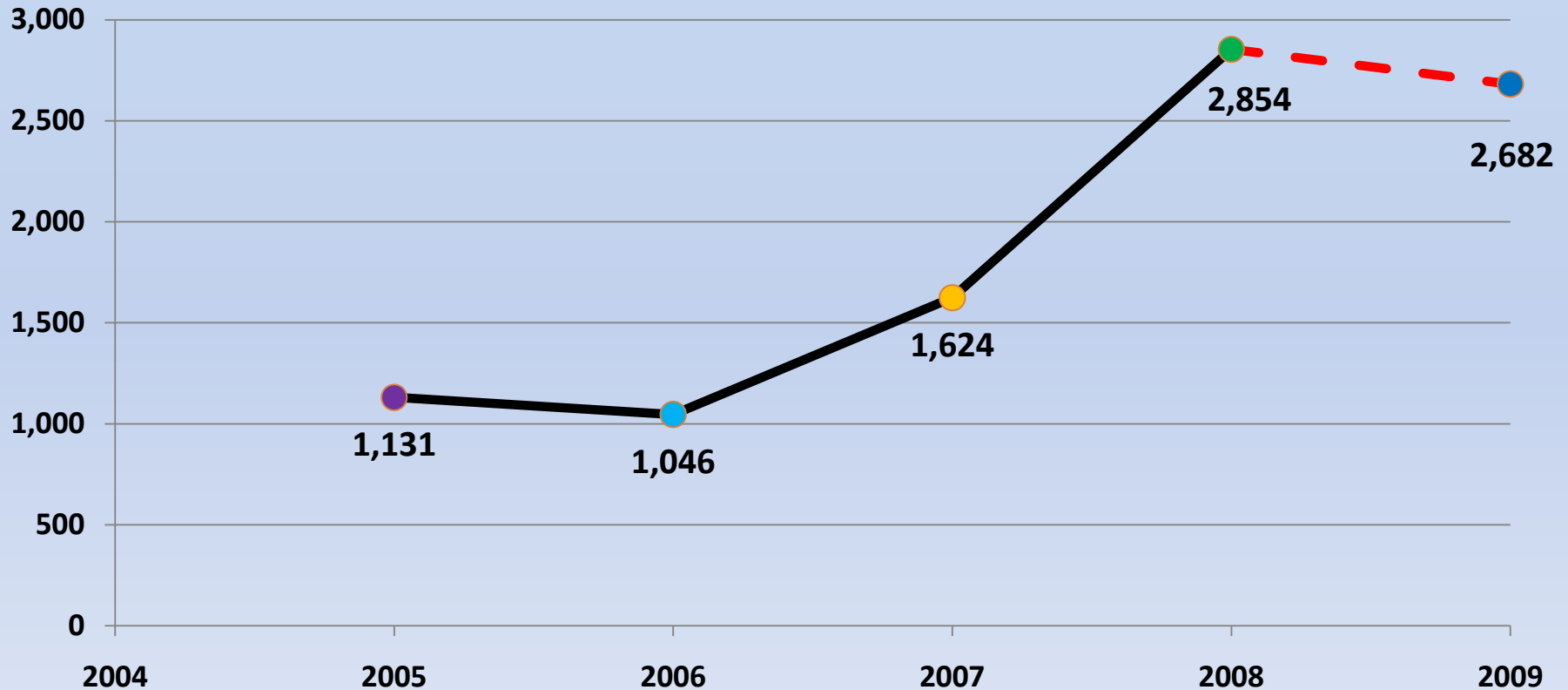
**Looking Ahead**

# Citizen Complaints 2005 - 2008 (projected 2009)



4/23/09: **802** comp vs. 489 this time '08: **65%**↑

## Citizen Complaints 2005 - 2008 (projected 2009)



**8/12/09: 2091 comp vs. 2230 this time '08: 6% ↓**  
**62% Closure Rate**

# Cost Efficiency & Fee Recovery



'VECTOR'

Fee Recovery

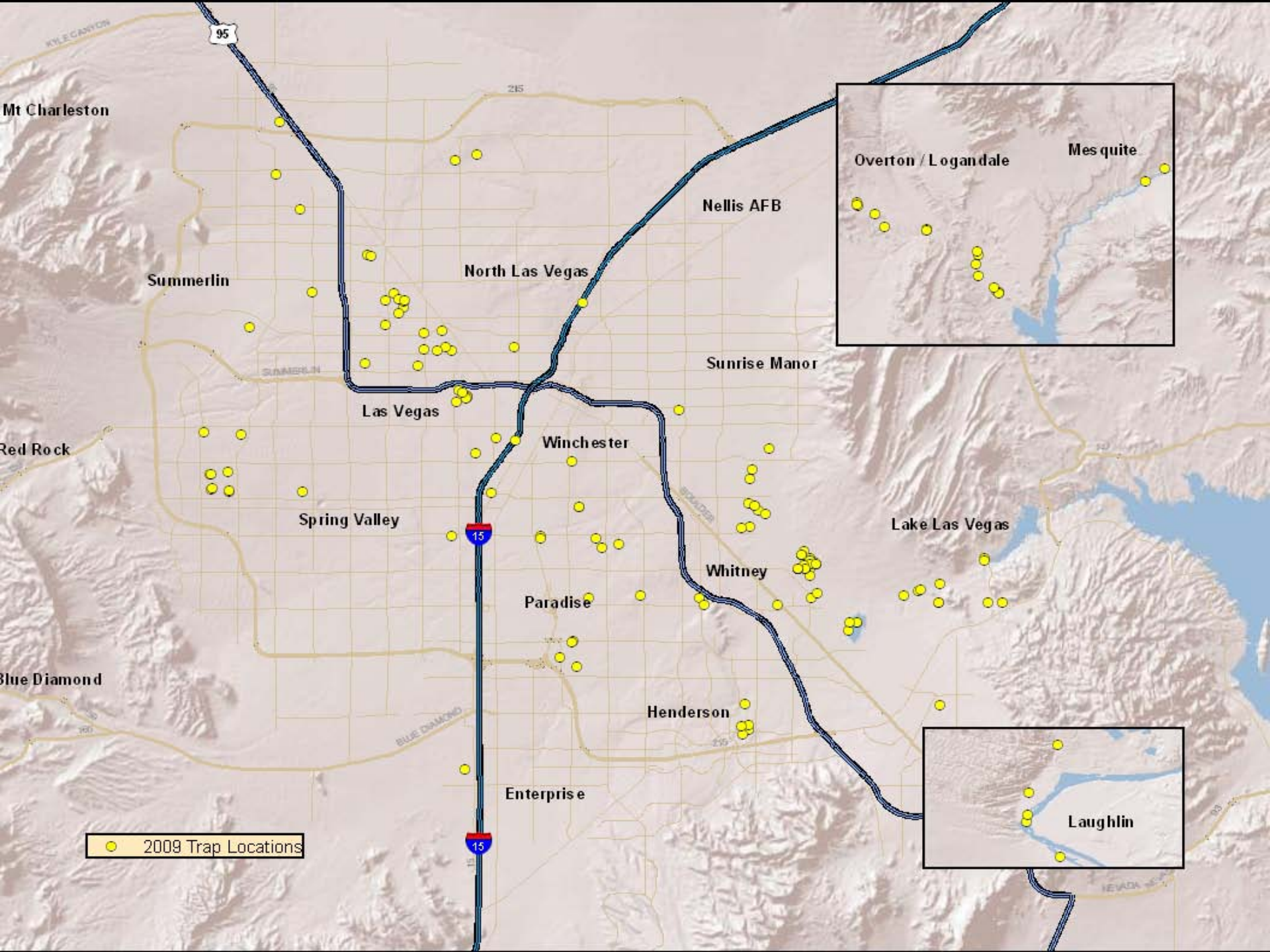
Total

FY '07 – '08: \$83,589.12 - \$3,104.12 = \$80,485.00

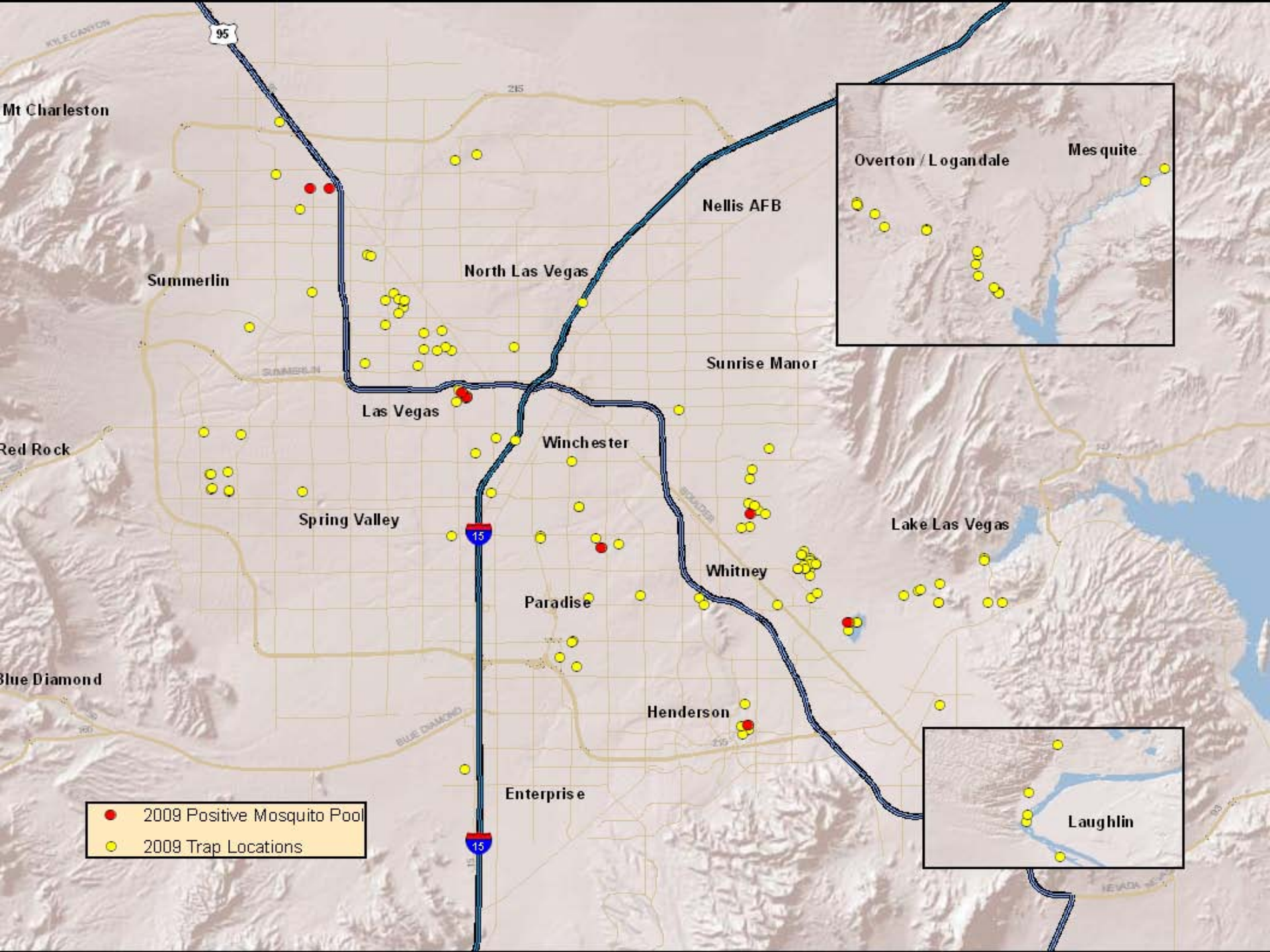
FY '08 – '09: \$62,915.81 - \$23,638.02 = \$39,277.79

Decrease of **\$41,207** or **51.19%**

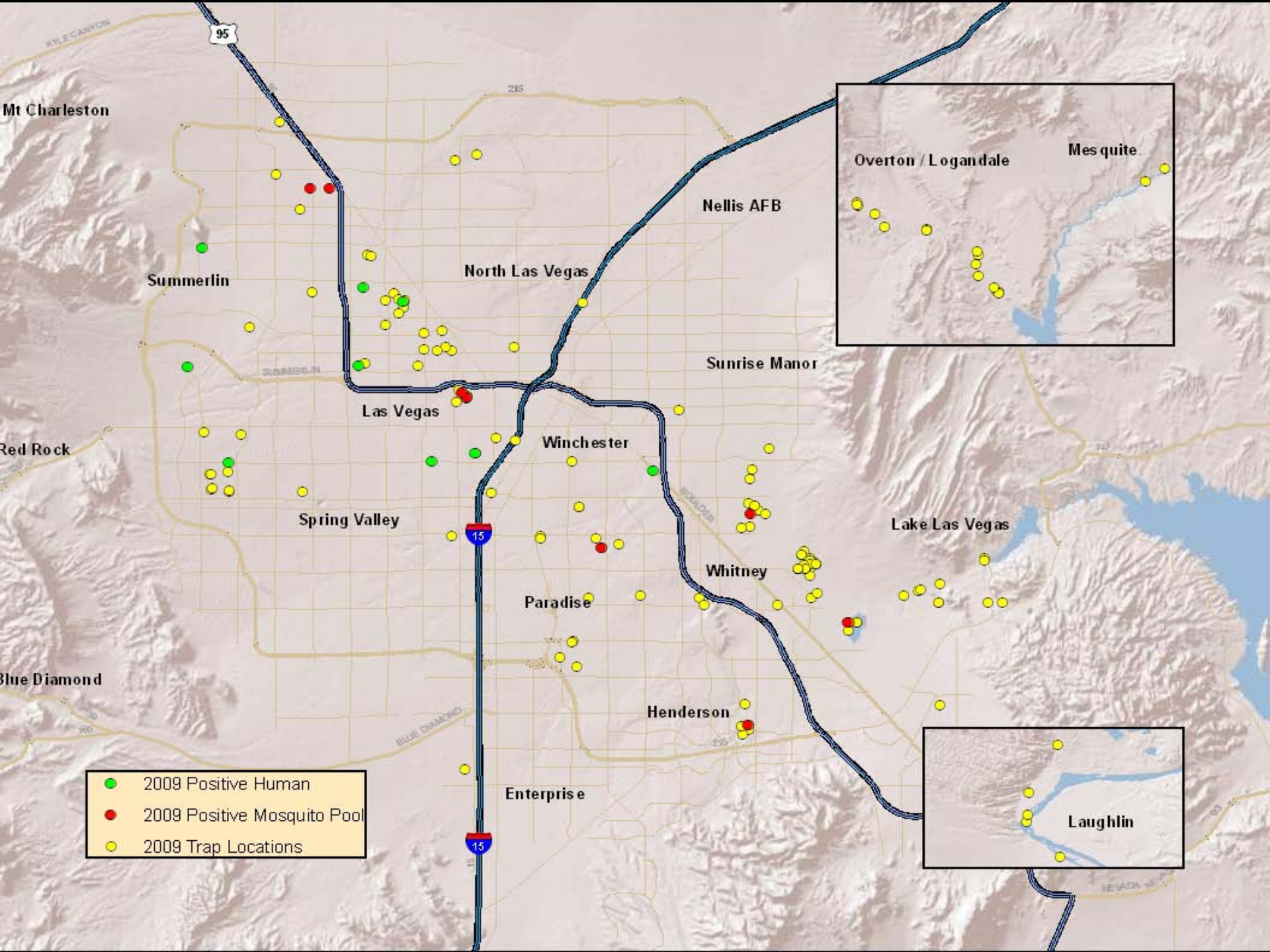




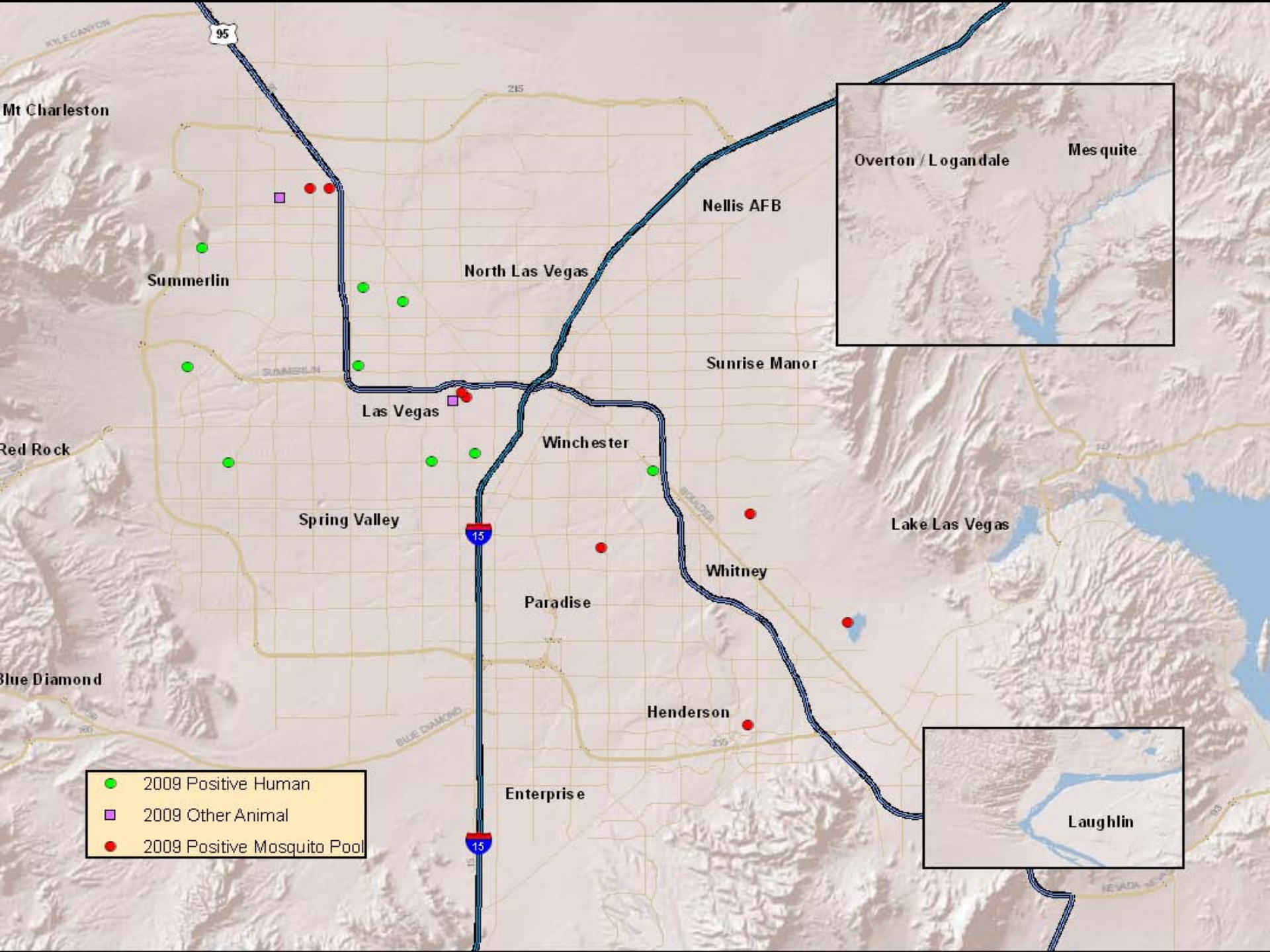
● 2009 Trap Locations



● 2009 Positive Mosquito Pool  
● 2009 Trap Locations



- 2009 Positive Human
- 2009 Positive Mosquito Pool
- 2009 Trap Locations



- 2009 Positive Human
- 2009 Other Animal
- 2009 Positive Mosquito Pool

# Looking Ahead...

Vector Control  
Regulations

Renegotiate Interlocal  
Agreement

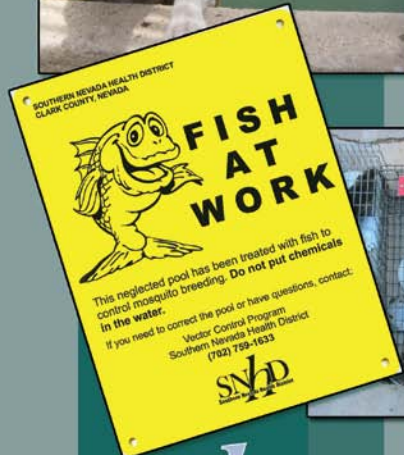
ELC Grant Application

Mobile Data  
Management System



2008

Zoonotic  
Infectious  
Disease:  
Surveillance  
and Control



Vector Control Program  
Environmental Health Division



# Collaborators

The logo for Springs Preserve, featuring a small orange square with a white tree icon. To the right, the text reads: 

**SPRINGS PRESERVE**  
[www.springspreserve.org](http://www.springspreserve.org)  
US-95 & VALLEY VIEW BLVD.  
T. 702.822.7700

