



## MINUTES

### **Southern Nevada District Board of Health Meeting September 27, 2018 – 8:30 a.m.**

**Southern Nevada Health District, 280 S. Decatur Boulevard, Las Vegas, NV 89107  
Red Rock Trail Conference Room A and B**

**BOARD:** Marilyn Kirkpatrick – Chair, Commissioner, Clark County  
Scott Black – Vice Chair, Councilmember, City of North Las Vegas  
**(Present)** Nicole Brisson – Regulated Business/Industry (*arrived at 8:33 a.m.*)  
Chris Giunchigliani – Commissioner, Clark County (*arrived at 8:41 a.m.*)  
Frank Nemeč – At-Large Member, Physician  
Scott Nielson – At-Large Member, Gaming  
Rich Shuman – Councilmember, City of Boulder City  
Dan Stewart – Councilmember, City of Henderson  
Brian Wursten – Secretary, Councilmember, City of Mesquite

**(Absent):** Bob Coffin – Councilmember, City of Las Vegas  
Michele Fiore – Councilmember, City of Las Vegas

**ALSO PRESENT:** None  
**(In Audience)**

**LEGAL COUNSEL:** Heather Anderson-Fintak, Esq.

**EXECUTIVE SECRETARY:** Joseph P. Iser, MD, DrPH, MSc, Chief Health Officer (**Absent**)

**STAFF:** Sean Beckham, Ernest Blazzard, Michelle Cintron, Andrew Glass, Amy Hagan, Michael Johnson, Fermin Leguen, Joanne Rupiper, Christopher Saxton, Herb Sequera, Karla Shoup, Jennifer Sizemore, Marlo Tonge, Jacqueline Wells

#### **I. CALL TO ORDER**

Chair Kirkpatrick called the Southern Nevada District Board of Health meeting to order at 8:32 a.m.

#### **II. PLEDGE OF ALLEGIANCE**

#### **III. OATH OF OFFICE**

The Oath of Office was administered to Scott Nielson, reappointed At-Large Board of Health member, Marilyn Kirkpatrick - Chair, Scott Black – Vice Chair, and Brian Wursten – Secretary, by Michelle Cintron, Executive Administrative Secretary.

#### **IV. RECOGNITIONS**

- Community Award – AFAN Right to Wear Red – Lester Rossi-Boudreaux-Thibodeaux, Administrative Assistant II and Dustin Rossi-Boudreaux-Thibodeaux, Disease Data Collection Specialist II

Dustin and Lester Rossi-Boudreaux Thibodeaux were recognized by Aid for AIDS of Southern Nevada (AFAN) for their generosity of time, money, and energy towards the fight against HIV/AIDS in the community. Dustin and Lester work throughout the year to raise funds for the support of children living with and affected by HIV/AIDS in southern Nevada through AFAN.

- Ernest Blazzard, the District's new Financial Services Manager, was introduced to the Board members.

V. **PUBLIC COMMENT**: A period devoted to comments by the general public about those items appearing on the agenda. Comments will be limited to five (5) minutes per speaker. Please step up to the speaker's podium, clearly state your name and address, and spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this may be done by the Chairman or the Board by majority vote.

Erin BATTERY, Senior Laboratory Technologist, acknowledged Dr. Iser for his support of the Southern Nevada Public Health Laboratory (SNPHL) during the transition between laboratory directors. Dr. Iser has been instrumental in contracting with a local group of doctors to ensure that the regulatory duties of the Laboratory Director have been met. She added Dr. Iser has been accessible and acknowledged concerns and questions of each staff member in a timely manner. Ms. BATTERY thanked Dr. Iser for taking time from his many duties as Chief Health Officer to ensure that the needs of the laboratory staff were met.

John Phoenix, Nurse Practitioner and 2008 Public Health Hero for SNHD, brought to the attention of the Board a potential public health crisis that may impact the District later this year upon the implementation of eClinicalWorks as the electronic medical records system. Over the last two months, Mr. Phoenix has experienced significant difficulty in implementing this system at his practice with just one provider and four support staff. It has almost crippled the day to day operation of his practice because of the inefficiencies of the system and the completely unprepared, unprofessional and unsupportive implementation that occurred at his center. Mr. Phoenix believes if eClinicalWorks is implemented on a clinic-wide basis at one time, it will create a public health crisis and the clinics will close for a minimum of three to five days due to the way implementation is slated to be done. Mr. Phoenix stated staff will be expected to be removed from the clinic and it is not a mentoring and program solution/ focus problem implementation, but a repetition of all the training that has already been done. If he could go backwards and not implement this system, he would. eClinicalWorks supports over fifteen thousand clients and they acknowledge openly that they have a broken system and their implementation system needs to be fixed, yet over three years they have not fixed or changed anything. Over the last two years they have received citations of fraudulent activities, been cited by the Office of the Inspector General and they have a corporate integrity agreement that they have been fined over \$155,000,000 in two subsequent years for failing to meet significant safety standards. They are responsible for at least one death due to their prescribing program which has significant flaws and errors. Mr. Phoenix struggles with this system every day to protect patients advised the Board to look deeply into the system and consider other systems that are more robust and will support the Health District's patient population in a much better way. Mr. Phoenix suggested the use of Epic, as it allows communication with other Epic providers across the country.

Regena ELLIS, SEIU, asked the Board to review the proposed fees closely, and questioned why the cost to purchase the items are not listed on the fee schedule. She is also concerned with how the proposed fees will affect the county and state residents, their access to care and ability to pay. Ms. ELLIS believes the fee schedule looks more like that of a primary care provider as opposed to a public health provider. She questioned how some of these services will be implemented and how it will impact the public. Ms. ELLIS asked the Board to thoroughly review the information provided related to the proposed fee schedule. As she is assigned to the TB Clinic, which is a communicable disease, she understands the purpose in charging insurance, but when it comes to preventing disease, it does not discriminate under income. If people are to be protected and there are no outbreaks, how this affects the prevention of illness should be determined. Regarding the influenza season wrap up information in the Chief Health Officer report, Ms. ELLIS explained that as an employee, to get a flu shot, she must complete the same paperwork that anyone that walks in the door fills out and provide a copy of her insurance card and drivers' license. Ms. ELLIS stated most employers vaccinate their employees, especially for the flu, thinks that it is a disservice that this employer bills the insurance that they provide for this service.

Victoria Harding, SNHD/SEIU, has been extremely busy working closely with management repairing relationships. She thanked the Board for its' help and support and advised that union/management is finally moving forward into a new day. She also thanked the Board for asking questions that she would have at the last Finance Committee meeting. Regarding the proposed fees, Ms. Harding finds the "After Hours" fee confusing as the District does not do after hours work. She understands that sometimes it is hard to get into some of the clinics because they are so understaffed and more people come to our clinics, but if they come in before the door closes, they are seen.

Gary Carlson, Architect, representing two clients related to Agenda Item VIII.2. - Variance Request to Allow the Installation of a Conventional Septic Tank where the Subdivision Map Review by NDEP Required a Nitrogen Removal Septic System for 1131 & 1181 Thomas Bay Circle, Logandale, NV and 4711, 4712 & 4737 Aspen Falls Circle, Las Vegas, NV per Nevada Revised Statutes (NRS) 278.377 in Clark County, Nevada. The clients are at 4565 Dabble Gray in the northwest and 2827 Richmar in Henderson, both individual, residential building lots. The clients are willing to make mitigating measures, such as enlarging the leech field, in lieu of the mandated nitro removal system, which is very costly.

Seeing no one else, Chair Kirkpatrick closed this portion of the meeting.

**VI. ADOPTION OF THE SEPTEMBER 27, 2018 AGENDA (for possible action)**

*A motion was made by Member Giunchigliani seconded by Member Shuman and carried unanimously to approve the Agenda as presented.*

**VII. CONSENT AGENDA:** Items for action to be considered by the Southern Nevada District Board of Health which may be enacted by one motion. Any item 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:** July 26, 2018 *(for possible action)*

*A motion was made by Member Giunchigliani seconded by Member Shuman and carried unanimously to approve the Consent Agenda presented.*

**VIII. PUBLIC HEARING / ACTION:** Members of the public are allowed to speak on Public Hearing / Action items after the Board's discussion and prior to their vote. Each speaker will be given five (5) minutes to address the Board on the pending topic. No person may yield his or her time to another person. In those situations where large groups of people desire to address the Board on the same matter, the Chair may request that those groups select only one or two speakers from the group to address the Board on behalf of the group. Once the public hearing is closed, no additional public comment will be accepted.

**1. PETITION #26-18: Approval of Revisions to Southern Nevada Health District Clinical Services and Lab Services Fee Schedule;** direct staff accordingly or take other action as deemed necessary *(for possible action)*

Andy Glass, Director of Administration, informed the fee schedule is an annual update of the existing fees and the expansion of the lab and clinical services. The fees are based on the actual cost to the District, as well as the customary reimbursement rates used by Medicare.

Member Giunchigliani does not agree that the District should engage in primary care services.

Chair Kirkpatrick does not see a need for the After Hours fee.

It was determined that more information is required for this item and Chair Kirkpatrick and Member Giunchigliani will meet with Richard Whitley, Director, Nevada Department of Health and Human Services to discuss general funding.

*A motion was made by Member Giunchigliani seconded by Member Wursten and carried unanimously to hold this item until the next agenda.*

2. **Variance Request to Allow the Installation of a Conventional Septic Tank where the Subdivision Map Review by NDEP Required a Nitrogen Removal Septic System for 1131 & 1181 Thomas Bay Circle, Logandale, NV and 4711, 4712 & 4737 Aspen Falls Circle, Las Vegas, NV per Nevada Revised Statutes (NRS) 278.377 in Clark County, Nevada;** direct staff accordingly or take other action as deemed necessary (*for possible action*)

Herb Sequera, Environmental Health Solid Waste Manager and Dan LaRubio, Environmental Health Septic System Supervisor, presented the variance for nitrogen removal requirements for on five specific septic systems. The properties have had an American Environmental Resources, Inc. (AER) Nitrogen Removal Septic System (NRSS) since 2005 and 2006. AER serviced the septic system until 2010 when the service was discontinued due to the lack of service contracts offered to the new homeowners. The AER Nitrogen Removal Septic System is a proprietary design that only employees of AER can service. Consequently, replacement of the Nitrogen Removal Septic System with a different Nitrogen Removal Septic System would cause a financial hardship, costing \$40,000 to homeowners. Staff has determined that granting the variance will not be detrimental or pose a danger to the public health and safety and recommends approval with conditions.

Chair Kirkpatrick reported this is a much larger issue overall and will likely require further discussion at a future meeting.

Gary Carlson, Architect, representing two clients with nitrate septic systems, noted nitrate septic system removal is a very costly process and for an individual homeowner who bought a property and was not notified that they were required to have nitrate removal makes for the possibility to not move forward. Regarding the two properties that he represents, one has the possibility of enlarging its field to mitigate the amount on nitrates, the other could possibly use finer soils.

*A motion was made by Member Giunchigliani seconded by Member Nielson and carried unanimously to approve the Variance Request to Allow the Installation of a Conventional Septic Tank where the Subdivision Map Review by NDEP Required a Nitrogen Removal Septic System for 1131 & 1181 Thomas Bay Circle, Logandale, NV and 4711, 4712 & 4737 Aspen Falls Circle, Las Vegas, NV per Nevada Revised Statutes (NRS) 278.377 in Clark County, Nevada as presented.*

## IX. **REPORT/DISCUSSION/ACTION**

1. **Receive and Approve Board of Health Committees and Committee Memberships;**

### **AT LARGE MEMBER SELECTION COMMITTEE**

The current At Large Member Selection Committee consists of Members Scott Black, Marilyn Kirkpatrick and Rich Shuman.

There were no Committee Interest Forms received no additional members expressed interest in this committee.

### **CHO ANNUAL REVIEW COMMITTEE**

The current CHO Annual Review Committee consists of Members Bob Coffin, Chris Giunchigliani and Frank Nemec.

Committee Interest Forms were received from Members Chris Giunchigliani, Bob Coffin. Chair Kirkpatrick and Member Black self-nominated for this committee.

### **FINANCE COMMITTEE**

The current Finance Committee consists of Members Bob Coffin, Marilyn Kirkpatrick, Frank Nemec and Scott Nielson. A Committee Interest Form was received from Member Scott Nielson and Member Dan Stewart self-nominated for this committee. Member Coffin does not desire to remain on this committee.

### **NOMINATION OF OFFICERS**

The current Nomination of Officers Committee consists of Members Chris Giunchigliani, Marilyn Kirkpatrick and Frank Nemec. There were no Committee Interest Forms received and Member Nicole Brisson expressed interest in this committee.

### **ENVIRONMENTAL HEALTH FEE COMMITTEE**

The current Environmental Health Fee Committee consists of Member Scott Nielson, Katherine Jacobi (Industry), Virginia Valentine (Industry), Chris Darling (Solid Waste), Norberto Madrigal (Solid Waste), Erica Arthur (Aquatic Health), Brook Egan (Aquatic Health). There were no Committee Interest Forms received and Members Nicole Brisson and Brian Wursten expressed interest in this committee

A motion was made by Member Giunchigliani seconded by Member Shuman and carried unanimously to approve carried to the SNHD Board of Health Committees as follows:

### **AT LARGE MEMBER SELECTION COMMITTEE**

Scott Black  
Marilyn Kirkpatrick  
Rich Shuman

### **CHO ANNUAL REVIEW COMMITTEE**

Scott Black  
Bob Coffin  
Chris Giunchigliani  
Marilyn Kirkpatrick  
Frank Nemec.

### **FINANCE COMMITTEE**

Marilyn Kirkpatrick  
Frank Nemec  
Scott Nielson  
Dan Stewart

### **NOMINATION OF OFFICERS**

The current Nomination of Officers Committee consists of Members Chris Giunchigliani, Marilyn Kirkpatrick and Frank Nemeč. There were no Committee Interest Forms received and Member Nicole Brisson expressed interest in this committee.

### **ENVIRONMENTAL HEALTH FEE COMMITTEE**

Nicole Brisson (Board)  
Scott Nielson (Board)  
Brian Wursten (Board)  
Katherine Jacobi (Industry)  
Virginia Valentine (Industry)  
Chris Darling (Solid Waste)  
Norberto Madrigal (Solid Waste)  
Erica Arthur (Aquatic Health)  
Brook Egan (Aquatic Health)

2. **Receive Report and Accept Recommendations from the September 20, 2018 Finance Committee Meeting**; direct staff accordingly or take other action as deemed necessary (*for possible action*)

Member Nielson, Chair of the Finance Committee, reported the recommendations as:

- Material weaknesses from the previous audit have been mitigated with no repeat findings. The current audit is currently ahead of schedule and no significant findings are anticipated, pending review. Final results are expected in mid-October;
- \$21, 000 in personnel costs were reported related to accreditation and the committee requested that Accreditation costs should be a separate budget line item;
- It has been determined that the position of Internal Auditor is currently not necessary;
- Accept report on reorganization of Finance program.

*A motion was made by Member Nielson seconded by Member Nemeč and carried unanimously to approve the recommendations of the Finance Committee from the September 20, 2018 meeting.*

3. **Petition #25-18; Review/Discuss Approval and Authorization to Explore Real Property Purchase Options and/or Negotiate Additional Leased Space to Accommodate the Office of Epidemiology and Disease Surveillance and Informatics, and the Renovation of 280 South Decatur Boulevard to Accommodate the Expansion of Clinical Services**; direct staff accordingly or take other action as deemed necessary (*for possible action*)

Michael Johnson, Director of Community Health, presented "Building Needs Assessment." ([Attachment 1](#))

*Member Nemeč left the meeting at 10:06 a.m. and returned at 10:08 a.m.*

*Member Black left at 10:20 and did not return*

*A motion was made by Member Giunchigliani seconded by Member Wursten and unanimously approved to give staff authorization to explore real property options and then bring back any considerations for negotiations to the Board, to include leases as well as purchases, identifying the accompanying budget components.*

- X. **BOARD REPORTS**: The Southern Nevada District Board of Health members may identify emerging issues to be addressed by staff or by the Board at future meetings, and direct staff accordingly. Comments made by individual Board members during this portion of the agenda will not be acted

upon by the Southern Nevada District Board of Health unless that subject is on the agenda and scheduled for action. **(Information Only)**

Chair Kirkpatrick note October's focus will be on illegal dumping. She also reminded the Board that the November 15 meeting would convene at 8:00 a.m.

*Member Nielson left at 10:25 am and did not return*

Member Giunchigliani reported there are zoning issues related to "pop up" hospitals and emergency rooms. There will be a presentation regarding this issue at an upcoming county meeting.

**XI. CHO COMMENTS (OR HEALTH OFFICER & STAFF REPORTS)**

Dr. Johnson reported the Office of Chronic Disease and Health Promotion (OCD&HP) has received a CDC Racial and Ethnic Approaches to Community Health (REACH) five-year grant, awarded at \$791,000. per year. Dr. Johnson commended Maria Azzarelli, OCD&HP Manager as being instrumental in obtaining this grant. He also noted that Ms. Azzarelli received the Nevada Public Health Association Leadership of the Year award that is currently in progress.

Chair Kirkpatrick thanked Channel 8 reporter Darcy Spears for her positive reports on Environmental Health's role in public safety.

**XII. INFORMATIONAL ITEMS**

1. Chief Health Officer and Administration Monthly Activity Reports
2. Clinical Services Monthly Activity Reports
3. Community Health Monthly Activity Reports
4. Environmental Health Monthly Activity Reports

- XIII. PUBLIC COMMENT:** 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. Comments will be limited to five (5) minutes per speaker. Please step up to the speaker's podium, clearly state your name and address, and spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this may be done by the Chairman or the Board by majority vote.

Regena Ellis, SEIU, reported within the building, there is currently places where patients are being seen and directly behind them is the office of OEDS. If the desire is to expand Clinical Services and have a Primary Care Clinic, the office of OEDS will need to be moved. This does not mean that they do not provide critical services, but when you look at the building you will see why it is necessary to do, because the plan is to have a Primary Care Clinic in that area. Regarding the Clinical Services Fee Schedule, effective October 1, 2018, many of the services are currently not done or billed for by the District, such as ECG, removal of foreign bodies from external ears, removal of wax from ears, EKG or burn care. These are all fees for a Primary Care clinic. Ms. Ellis reported employees have been told that building will start next week. She cautioned the Board that all these things are in place already and if they are concerned about mission, the employees are being told that this is what they are currently doing, and this is what they will be expected to do. Also, the reconstruction of some areas is currently being done. Things are being moved and modular units are being put in place so that primary care services will begin. Ms. Ellis asked the Board to be concerned about the timeframe, who is going to do these things and the liability involved. There is also the underlying issue of the underserved and the fees. Ms. Ellis questioned if the District is moving an office outside of the building or if it would be better to have another primary care clinic somewhere else. She noted when patients call, one of the first things they are asked is if they have insurance. Ms. Ellis believes

providing primary care services and looking at FQHCs will add a whole different set of circumstances for the underserved and uninsured.

Seeing no one else, Chair Kirkpatrick closed this portion of the meeting.

**XIV. ADJOURNMENT**

The Chair adjourned the meeting at 10:34 a.m.

Fermin Leguen, MD  
Chief Health Officer/Executive Secretary

/jw