



MINUTES

Southern Nevada District Board of Health Meeting March 22, 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**

Members Present Marilyn Kirkpatrick – Chair, Commissioner, Clark County
Scott Black – Councilmember, City of North Las Vegas
Bob Coffin – Councilmember, City of Las Vegas
Douglas Dobyne – Vice Chair, Regulated Business/Industry
Chris Giunchigliani – Commissioner, Clark County
Frank Nemeč – Secretary, At-Large Member, Physician (*arrived at 8:47 a.m.*)
Scott Nielson – At-Large Member, Gaming (*arrived at 9:05 a.m. via teleconference*)
Rich Shuman – Councilmember, City of Boulder City
Dan Stewart – Councilmember, City of Henderson
Brian Wursten – Councilmember, City of Mesquite

Members Absent None

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

LEGAL COUNSEL: Annette Bradley, Legal Counsel

**EXECUTIVE
SECRETARY:** Joseph P. Iser, MD, DrPH, MSC, Chief Health Officer

STAFF: Heather Anderson-Fintak, Emily Elzeftawy, Andrew Glass, Amy Hagan, Jeremy Harper, Michael Johnson, Fermin Leguen, Edie Mattox, Sharon McCoy-Huber, Michelle Nath, Jacque Raiche-Curl, Jacqueline Reszetar, George Ruiz, Herb Sequera, Karla Shoup, Jennifer Sizemore, Tanya Sutton, Marlo Tonge, Leo Vega, Jacqueline Wells

I. CALL TO ORDER
Chair Kirkpatrick called the Southern Nevada District Board of Health meeting to order at 8:35 a.m.

II. PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

- **Environmental Health Badging**

Tonia Hall, Environmental Health Specialist II and Bianca Ramirez-Luna, Environmental Health Specialist II were administered the Oath of Office by Dr. Joseph Iser, Chief Health Officer.

- **Environmental Health 2018 National Environmental Health Association Scholarship Award**

Jason Kelton, Senior Environmental Health Specialist, Food Ops was announced as the 2018 recipient of the 3rd Annual National Environmental Health Association (NEHA) Scholarship. This scholarship, sponsored by Environmental Health, allows Jason the opportunity to network with nationwide environmental health and public health experts during NEHA's 2018 Annual Education Conference, June 25-28th, in Anaheim, California. Jason competed against thirteen of

his Environmental Health peers who submitted thousand-word essays based on one of three questions:

1. Emerging environmental health topics related to Southern Nevada,
2. Global Climate Change, and
3. Green Economy.

His essay is available upon request.

- **Information Technology Azure Government HackFest by Microsoft Award**

A team of SNHD IT program employees consisting of Software Engineers Brian Spell, June Rockwell and Phillip Pilares and Applications Programmer Analyst Pavlin Nikolov, along with the IT Manager, Jason Frame, participated in Azure Government HackFest by Microsoft, hosted by City of Las Vegas on February 13th and 14th. They collaborated, worked as a team, applied their individual knowledge in each of their areas and developed a product that won 3rd place overall.

During the first day of the program, they received an overview of many of the new features of MS Azure for Government and participated development of a project with an innovative solution that could be used by an organization such as the District, and present and demonstrate their project. Together, they created an Interactive Chat bot - SNHD FAQ Bot, which can answer frequently asked Health District related questions. Users can type in their question and the bot would recognize the language the question is asked in; translate the question to English; search the FAQ library to retrieve the best answer; translate the answer back to the requester's language; and finally display the answer. For the contest, questions were limited to HIV/AIDS related topics due to time limitation, however over time, this bot can be expanded upon and put to serve both external and internal District customers, providing real time results.

- **Safety Committee**

Co-chairs of the Safety Committee, Sean Beckham, Facility Services Manager and Deborah Moran, Program/Project Coordinator accept recognition of the work of the Safety Committee on behalf of all employees of the District. The safety record of the District demonstrated marked improvement in 2017, reducing OSHA recordable accidents from six in 2016 to four in 2017. The non-OSHA recordable injuries were reduced from thirteen to three in the same period. During 2016 defensive driving courses, field safety courses and the use of a different type of needle were implemented, each of which reflected a reduction in the respective category.

IV. 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 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.

1. Victoria Harding, SNHD, SEIU, noted at the last All Hands meeting, Dr. Iser reported to staff that the Board had given approval to move forward with primary care services and she did not believe that was what the motion entailed. In listening to the meeting and reviewing the meeting minutes, Ms. Harding identified the agenda item put forward to the Board on February 22, 2018 as "Receive and Discuss Feasibility of Enhancing Clinical Services to include primary care at appropriate locations as part of Southern Nevada Health District. Proposed motion: "To support the furtherance of the District's public health mission to provide low cost accessible care to underserved populations, motion to approve the inclusion of primary care services within the District; to accept Title 20 funds of \$200,000 from the State for research and planning; and to keep the Board of Health informed." The motion itself was "A motion was made by Member Black seconded by Member Giunchigliani and unanimously carried to accept \$200,000 from the State for research, planning and feasibility of potential enhancements of Clinical Services." Ms.

Harding does not believe this motion supports moving forward with primary care services as employees are being told is going to happen. In listening to the meeting recording, Ms. Harding stated it is interesting that Dr. Iser and Dr. Leguen were very honest in saying that they wanted to start primary care now and it became very muddy along the way with other discussions such as rural dental health. Ms. Harding believes there may have been a little bit of intentional misleading regarding the purpose of the Title 20 funds in the amount of \$200,000, however, she recalls that Member Giunchigliani asked what type of services would be provided. She stated Dr. Iser's response was when clients come in, because the District would be providing primary care services, that is how it would get the numbers to go for the \$650,000, which would be the next grant to enhance primary care services. When asked by Member Giunchigliani if the District would be doing surveys when clients came in for services by asking them what type of services they would benefit from the answer was yes. Ms. Harding believes there is some discord between what is meant and what is approved as the District is moving forward with primary care services. She suggested if that if it is not the intent of the Board, and it is just about the \$200,000 to do research and the feasibility study, a conversation should occur prior to approving the minutes.

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

Chair Kirkpatrick noted that she believed the discussion at the last Board meeting was to accept the grant on behalf of the State, working with Mr. Whitley to start the conversation on what it would take and what services would be available, and if the minutes do not reflect that, it should be ensured that it does. As seconder of the motion, Member Giunchigliani clarified the motion as accepting \$200,000 and begin to survey individuals, but not move to the direction of primary care services. Member Giunchigliani made a motion to approve the minutes with that clarification, if acceptable. Member Black, who made the original motion, was also under the impression that accepting the grant dollars would be for surveying and exploring, prior to the adventuring into the realm of providing primary care services. The motion was to take the initial step to assess the need and the District's capability to expand services, not necessarily implementation or marching orders to start offering the services. Dr. Iser reported the District has not started offering primary care services, but is in the phase of trying to get the required information and using the \$200,000 provided by the State to explore this avenue. Dr. Iser remarked that although the District has not started primary care services, the goal is to start as soon as permission is received from the Board to move forward.

Member Giunchigliani's motion to approve the minutes clarifying the motion as accepting the \$200,000 and begin to survey and explore, but not move to the direction of primary care services was seconded by Member Black and carried unanimously.

V. ADOPTION OF THE MARCH 22, 2018 AGENDA (for possible action)

A motion was made by Member Giunchigliani seconded by Member Black and carried unanimously to adopt the March 22, 2018 Agenda as presented.

VI. 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: February 22, 2018 (for possible action)**
- 2. PETITION #05-18: Approval of Temporary Staffing Agreement Between Southern Nevada Health District and Robert Half Technology; direct staff accordingly or take other action as deemed necessary (for possible action)**

3. **PETITION #06-18: Approval of Amendment to Ryan White Part A (RWPA) Service Standards as Approved by the Ryan White Part A Planning Council;** direct staff accordingly or take other action as deemed necessary (*for possible action*)
4. **PETITION #07-18: Approval of Interlocal Facility Use Agreement between the City of Henderson and Southern Nevada Health District for Use of Property for the District's Immunization Mobile Clinic;** direct staff accordingly or take other action as deemed necessary (*for possible action*)
5. **PETITION #08-18: Approval of Intrastate Interlocal Contract Amendment #1 with the Nevada Division of Environmental Protection for the Underground Storage Tank Program(UST/LUST) for State Fiscal Years 18-19.;** direct staff accordingly or take other action as deemed necessary (*for possible action*)

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

VII. 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. **Variance Request to Operate Public Bathing Places not in Compliance with the Nevada Administrative Code (NAC) 444.128, 444.134, and 444.168; O & O Enterprises, LLC, dba SwimLabs Las Vegas, located at 10640 Southern Highlands Parkway, Las Vegas, Nevada 89141; [Assessor's Parcel Number (APN) 177-31-177-002] for Health Permits PRO126421, PRO126422, PRO126423 and PRO126424; Spencer Fronk, for the Owner(s), O & O Enterprises, LLC;** direct staff accordingly or take other action as deemed necessary (*for possible action*)

Karla Shoup, Environmental Health Manager and Jeremy Harper, Environmental Health Supervisor, presented the variance requested by O&O Enterprises, LLC, dba SwimLabs Las Vegas requested by Spencer Fronk, representative for the owner, to construct and operate four public swimming pools not in compliance with Nevada Administrative Code (NAC) 444.128, 444.134 and 444.168. The petitioner requests to construct public bathing places, without continuous deck around the perimeter, without stairs/ladders entering the pools, and without two skimmers in each pool. Staff is of the opinion that circumstances exist which satisfies the requirements for a variance. Staff believes that granting a variance from these regulations will not be detrimental or pose a danger to public health and safety. Staff recommended approval of this variance with conditions outlined below:

1. The petitioner agrees to keep the existing deck space free and clear from obstruction;
2. The petitioner agrees to adhere to all other applicable requirements of the Public Bathing Places Public Spas Regulations, NAC 444;
3. 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;
4. This variance is automatically terminated without further notice upon the closing of any sale transaction involving subject property, or upon petitioner leasing or assigning operation of these public bathing pools and spas to any other person or entity.

Mr. Spencer Fronk, representing the owners, O&O Enterprises, LLC, dba SwimLabs Las Vegas, agreed with all conditions.

The Chair opened the floor to public comment. Seeing no one, this portion of the meeting was closed.

A motion was made by Member Giunchigliani seconded by Member Dobyne and carried unanimously to approve the variance request to Operate Public Bathing Places not in Compliance with the Nevada Administrative Code (NAC) 444.128, 444.134, and 444.168; O & O Enterprises, LLC, dba SwimLabs Las Vegas, located at 10640 Southern Highlands Parkway, Las Vegas, Nevada 89141; [Assessor's Parcel Number (APN) 177-31-177-002] for Health Permits PRO126421, PRO126422, PRO126423 and PRO126424; Spencer Fronk, for the Owner(s), O & O Enterprises, LLC.

Member Nielson joined the meeting via teleconference at 9:05 a.m.

VIII. REPORT/DISCUSSION/ACTION

- 1. Receive/Discuss Staff Reports and Finance Committee Recommendations from the March 12, 2018 Finance Committee Meeting Regarding: Plans for Audit Response; Updated Cost Allocation Study; FY2018 – 2019 Budget; Three-Year Projection; and Petition #09-18: Plan of Correction to the State of Nevada Department of Taxation to the Fiscal Year 2017 Annual Audit Report, Finding Note 2: Actual Expenditures/Expenses Exceeding Budgeted Appropriations; approve or direct staff accordingly or take other action as deemed necessary (for possible action)**

Member Nielson, Chair of the Finance Committee, reported the Finance Committee met on March 12, 2018 and considered the presentation from staff concerning the plan for the audit response, updated Cost Allocation Study, FY2018-2019 Budget and Three-Year Projection. After discussion and presentations, the committee moved to approve the action items. A motion was made by Member Nielson to approve the recommendations of the Finance Committee and adopt those items. He noted for the FY2018-2019 Budget, there is a proposed fee increase in Environmental Health that is in the process of being scheduled for workshops and has not been approved. The budget is in the position to be adopted, but in the event the fee increase is not approved by the Board at a future date, the budget is still in a position to effectively allow the Health District to move forward. In terms of the Cost Allocation Study, Chair Kirkpatrick explained there was a lot of discussion with the Finance Committee on how the multiplier worked and staff was asked to specifically break down the multiplier, which has now been provided in the backup documentation. Sharon McCoy-Huber, Financial Services Manager, added the motion should include language to make budget adjustments after Clark County notifies the Health District on or before March 28, 2018.

Member Nielson also reported the Finance Committee spent a great deal of time, as a result of some of the audit deficiencies, discussing training, as it is a very important part of moving forward.

Regarding the Grant Writer position, the District had an individual on staff for approximately one year who resigned about five months ago. Recruitment has been on-going and so far, no applicant has been hired, although the position has been offered to at least two people who declined for different issues. As the need for a Grant Writer is very important, two have been currently proposed under contract to temporarily fill this need as the recruitment for full-time staff continues.

A motion was made by Member Nielson seconded by Member Stewart and carried unanimously to approve the recommendations of the Finance Committee (approve the plan for the audit response, updated Cost Allocation Study, FY2018-2019 Budget and Three-Year Projection) to include any tax revenue budget adjustments after Clark County notifies the Health District on or before March 28, 2018.

Member Nielson left the meeting at 9:19 a.m. and did not return

- IX. 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)***

Member Giunchigliani addressed the issue of unlicensed “pop-up” hospitals that are starting to show up around the state and prey on tourists. Dr. Iser explained that although this may be an issue, the District has no licensure authority over clinics or hospitals, they are regulated by the Nevada State Department of Health and Human Services (DHHS). As this is occurring in Clark County, Dr. Iser will be happy to work with Mr. Richard Whitley, Director, DHHS in any way necessary to help alleviate this problem. As there are currently no regulations associated with micro hospitals, there is no mechanism to penalize them. Chair Kirkpatrick asked the Board to send a copy of a Resolution so the respective Boards can be noticed. Dr. Iser will collect comments from the Board members, however, members were reminded to reply to Dr. Iser only in order to remain in compliance with Open Meeting Law.

Chair Kirkpatrick, working with Dr. Michael Johnson, Director of Community Services, the Regional Transportation Commission and Clark County, has been awarded nine positions to the Walkability Planning Conference in Atlanta, GA. Both Dr. Johnson and Commissioner Kirkpatrick will be attending.

X. HEALTH OFFICER & STAFF REPORTS *(Information Only)*****

- **CHO Comments**

Dr. Iser reported discussions with Las Vegas Valley Water District regarding their process for instituting fee increases. Their recommendation is for the District to look at the major and minor restaurant groups that may be impacted by an Environmental Health fee increase and come back to the Board with a recommendation of approximately seven to eight people and groups to be represented. The other pieces, already in place, would be to determine what the need is, why it is needed and what the difference is between income and what is needed for the fee increase. If the Board would like to proceed in this direction, Dr. Iser can start to put together a committee that will represent as many entities in Environmental Health as possible such the resort and restaurant associations, small/minority/singly-owned restaurants, solid waste, pools, vendors and the Home Owners Association.

Dr. Antonina Capurro, Nevada State Dental Health Officer, has applied for a CDC grant that is relatively similar to a HRSA grant that she has previously applied for and received. She has asked for assistance from the District in writing this grant, as the District will benefit from it as well. In that regard, the first rural health outreach will begin next month (April), routing through Tonopah, Goldfield and Pahrump for their kindergarten round-up equivalent. After presenting to White Pine County, a request has been received to provide services there and Lincoln County is pending. During these visits, needs assessments will be done to determine whether the District can do anything more, either by reimbursement or sponsorship, to make the rural health outreach cost neutral to the District. At the same time, Dr. Capurro and Dr. Iser will continue to seek grants to support this activity.

The County Health Rankings meeting was held on March 14 with Clark County ranking tenth in the state. Although last year the county ranked sixth, this does not necessarily indicate drastic change, as other counties could have had health factors that put them above or below Clark County.

The local health officers and the state will present to the Interim Health Committee in April. The presenters consist of Nicki Aaker, Director, Carson City Health and Human Services, Kevin Dick, District Health Officer, Washoe County, Julia Peek, Deputy Director, Community Services, Nevada Division of Public and Behavioral Health (NDPBH), Dr. John Packham, Director of Health Policy Research, University of Nevada School of Medicine and Dr. Iser have been meeting and will present to the legislature on April 24. Planned topics will be needs, issues, Community Health Assessment, Community Health Improvement Plan, Strategic Plan, health status of the counties, Public Health 3.0 and foundational health services.

The number of Influenza cases are going down, however, it is often found that reports are received in arrears of deaths or hospitalizations. The District is working to update this issue now that the number of cases are down, which may lead to an increase over current numbers as all records from the state and vital records data are reviewed.

Jackie Reszetar, Environmental Health Director, reported the process for obtaining Food Handler Cards will be changing and testing will be brought back in-house as currently there is no system in place for verifying who is taking the test with the on-line system and some cheating has occurred. The current contract with Public Broadcasting Service (PBS) will end on June 30, 2018. Andy Glass, Director of Administration, reported he, along with Ms. Reszetar and staff have looked at the cheating issue and tried to work with PBS to find a resolution, such as working with the state auditor's office to attempt to go after those entities providing testing on behalf of the clients, but have been unable to do so. Knowledge to pass the test can be obtained for free on line or clients can go to PBS for training for a \$20 fee or there are several other organizations that are acceptable, such as ServeSafe that offers less expensive training.

*Member Stewart left the meeting at 9:49 a.m. and did not return
Member Nemecek left the meeting at 9:57 a.m. and did not return*

XI. 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

- XII. 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.

Councilman Coffin discussed the ongoing mold issues in the community, as it can be a severe problem, particularly when wet. Currently, there is little assistance available to abate mold and he suggested there should be Board discussion with the new governor, when seated, and legislature regarding this issue. Chair Kirkpatrick suggested that Dr. Iser start conversations with the Southern Nevada Legislative Health Committee and the Interim Health Committee.

Member Giunchigliani noted there has been issues with higher levels of lead in the water. Dr. Iser recommended that legislation be passed that all schools should be tested for lead and a funding source established as this is an unfunded mandate. Chair Kirkpatrick added that a grant through Nevada Department of Environmental Protection (NDEP) brought this issue to light and her and Jackie Reszetar, Director of Environmental Health, have met with NDEP and Las Vegas Valley Water District to discuss water quality. Ms. Reszetar cited an excellent working relationship with

NDEP staff and will work with them to bring a status update presentation to the Board after the next meeting.

Regena Ellis, SNHD, SEIU, explained one of the reasons to provide primary care at the District would be so that the District could bill for services and receive reimbursement. However, being a primary care provider is very different, as it allows for many different health care problems such as diabetes and hypertension, which would require follow up. Ms. Ellis believes there needs to be a lot of thought put into primary care provider and services, which is very different from public health. In the Refugee Clinic, the adults are assessed by a Registered Nurse, they do not see a provider. The set of services provided to them are recommended by the CDC. Most of the refugees have Medicaid and are referred to their primary care provider for other services. It is very different to see a primary care provider versus coming to the public health department. There needs to be thought into what services will remain in public health and if primary care is going to be a separate entity. As a nurse within the District, it would be helpful for Ms. Ellis to know the pathway of a patient from one area to the next so available services can be maximized. Many of the District's clients are uninsured, underinsured or undocumented and do not have a pay source, but are still in the need of primary care services.

Debra Solt, Director of Workforce Training, Public Broadcasting Service (PBS), reported seven years of a great working relationship with the District. Although PBS supports the rationale and reasoning of transitioning, regarding the statement that nothing had been done about cheating, PBS has worked hard with District staff to alleviate this issue. Last week sixty-four individuals were retested and since January one company has been identified that has tested on behalf of one hundred and four individuals, charging them \$30 each. PBS has worked with the Governor's Office for Consumer Fraud and found that PBS, as a business entity, can do nothing an any type of law suit must come from the consumer. It has been found that much of the fraudulent testing tends to occur within the minority populations. Ms. Solt and PBS staff intend to work closely with the District to ensure that the transition is smooth.

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

XIII. ADJOURNMENT

Chair Kirkpatrick adjourned the meeting at 10:20 a.m.

Joseph P. Iser, MD, DrPH, MSc
Chief Health Officer/Executive Secretary

/jw