



MINUTES

Southern Nevada District Board of Health Meeting April 26, 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
Frank Nemecek – Secretary, At-Large Member, Physician
Scott Nielson – At-Large Member, Gaming
Rich Shuman – Councilmember, City of Boulder City
Dan Stewart – Councilmember, City of Henderson (*arrived at 8:34 a.m.*)
Brian Wursten – Councilmember, City of Mesquite

Members Absent Chris Giunchigliani – Commissioner, Clark County

**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, Lance Johnson, Michael Johnson, Fermin Leguen, Edie Mattox, Jacque Raiche-Curl, Jacqueline Reszetar, Joanne Rupiper, Herb Sequera, Karla Shoup, Jennifer Sizemore, Marlo Tonge, Leo Vega, Dan Vuksanovic, Jacqueline Wells

I. CALL TO ORDER

Chair Kirkpatrick called the Southern Nevada District Board of Health meeting to order at 8:31 a.m.

II. PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

- Dr. Iser introduced Sheryl Finley, the District's new Internal Auditor.
- 2018 Public Health Hero Award

Dr. Iser presented the 2018 Public Health Hero Award to Rob Phoenix of the Huntridge Family Clinic. Rob and the Huntridge Clinic were recognized not just for their outstanding partnership with the Health District, but also for their outstanding partnership with the community they serve so well.

Rob and his practice are a model of the effectiveness of health care and public health working together to raise the health status of our community and are truly deserving of this year's recognition.

As an APRN, he is committed to ensuring access to care for people who are traditionally underserved in our community, including LGBTQ, non-English speaking, low income, and non-

resident communities. Rob is at the forefront of addressing the sexual health needs of Southern Nevada's transgender community. He is a key community partner in the diagnosis and treatment of HIV and sexually transmitted infections, and he works closely with the Office of Epidemiology and Disease Surveillance to encourage his patients to participate in investigations as a method to treat and to help lower rates of infection. Rob also encourages his patients and clients to participate in national research initiatives in emerging areas surrounding HIV prevention and care. He and his team are active participants in the Southern Nevada HIV Prevention Planning Group and are trained in the Rapid HIV Testing, Counseling, Safety and Certificate Program.

Rob is an educator and a researcher who seeks professional development opportunities for himself and his staff to ensure they are offering the most evidence-based treatment and services to their patients.

- 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.

Regena Ellis, SEIU, noted attendance at Board of Health meetings is perceived as a gag order. Ms. Ellis shared information that was distributed via email to staff that was not particular to one area but went to everyone. She quoted the email as: "Staff Attendance at SNHD Board of Health Meetings - General Attendance: Staff should not attend the SNHD Board of Health meetings or similar meetings unless there is a reason for them to attend, such as presenting to the Board of Health, union business, receiving an award, etc. All staff may review the Board of Health at their desk by logging into the Board of Health live feed link. Union Business Attendance: Any staff member attending the SNHD Board of Health meetings for union business is required to complete the union bank form and obtain approval from their supervisor. Sign In for Attendance: Any staff member attending for union business or general attendance is required to sign in when attending Board of Health meetings." Ms. Ellis noted a hand full of employees attend the Board meetings and the email in reference was sent to all departments and is perceived as a type of gag order. She finds it intimidating to staff and noted that no one ensures that everyone signs in, but if staff does not sign in, it is a problem. This is an ongoing issue, not particular to one event, but it is increasing. Employees should be encouraged to come forward and be able to talk to the Board, but this is how those situations are handled. Although some of the Board members attend the Environmental Health staff meetings, Ms. Ellis encouraged the Board members to briefly meet with staff alone in an effort to get additional information. Questions that staff ask have probably been vetted as to questions that they may be able to ask and secondly, if they haven't been vetted and they ask a question, they may be called in later and talked to about the question they asked.

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

Chair Kirkpatrick noted it is not just the Health District that is being asked to not send all employees to meetings, it is entities and Boards across the valley due to workloads and things are different. At the Clark County Commission, employees are asked to come to the meeting if there is something that needs to be said, but the employee is really needed at their work location in order to keep moving things forward. Ms. Kirkpatrick is a member of five different Boards and all are consistent in not having employees attend Board meetings for no reason. Secondly, Ms. Kirkpatrick lists her personal cell phone number for anyone to call and she has an open-door policy. She suggested that Ms. Ellis advise staff to call her if there is something that they need to say that was not said at a meeting, however, she does research so she can understand the whole issue. Chair Kirkpatrick is trying to make the Health District healthy and spends at least twenty hours per week working with District staff.

V. **ADOPTION OF THE APRIL 26, 2018 AGENDA (for possible action)**

See Item VI.

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: March 22, 2018 (for possible action)**
2. **PETITION #10-18: Approval of Interlocal Service Agreement between Southern Nevada Health District and the Clark County Department of Juvenile Justice Services (CCDJJS); direct staff accordingly or take other action as deemed necessary (for possible action)**
3. **PETITION #13-18: Approval of Amendment to Agreement with Alireza Farabi, M.D. for Additional Hours at the Ryan White/Sexual Health Clinic; direct staff accordingly or take other action as deemed necessary (for possible action)**
4. **PETITION #14-18: Approval of Adjustment to Funds 706 and 707 for the Southern Nevada Health District FY19 Budget Beyond the April 1, 2018 Nevada Revised Statute (NRS Deadline; direct staff accordingly or take other action as deemed necessary (for possible action)**
5. **PETITION #15-18: Approval of Intrastate Interlocal Contract Between Public Agencies, a Contract Between the State of Nevada, Department of Health and Human Services (DHHS), Division of Public and Behavioral Health (DPBH) and the Southern Nevada Health District; direct staff accordingly or take other action as deemed necessary (for possible action)**

A motion was made by Member Stewart seconded by Vice Chair Dobyne and carried unanimously to approve the Agenda (Item V) and Consent Agenda (Item IV) 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. **Memorandum #02-18: Consider/Adopt Proposed Aquatic Facility Regulations; direct staff accordingly or take other action as deemed necessary (for possible action) – Tabled from February 22, 2018 Board of Health meeting**

Jeremy Harper, Environmental Health Supervisor, and Jacque Raiche-Curl, Environmental Health Supervisor, presented the changes to the proposed Aquatic Facility Regulations. ([Attachment 1](#))

The Chair opened the floor to public comment.

Cara Evangelista, IMPACT, noted it would be supportive of industry if the Food Establishment Resource Library website could be updated to obtain new templates and examples pertaining to the new regulations. Ms. Evangelista also asked if there will be training scheduled for the new regulations. Mr. Harper indicated there are already measures in place to improve and update the Resource Library. He added that training will be held at the District and offsite if necessary. Mr.

Harper thanked the Environmental Health staff that has worked on the regulations for the last three years and who will be, going forward, providing inspections and education on the new regulations. Chair Kirkpatrick also thanked the Environmental Health staff offered to take the pool program to lunch in May for their efforts.

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

A motion was made by Vice Chair Dobyne seconded by Member Nielson and carried unanimously to adopt the proposed Aquatic Facility Regulations as presented.

VIII. REPORT/DISCUSSION/ACTION

1. **Review/Discuss Initial Report from Clinical Services Survey Results**; direct staff accordingly or take other action as deemed necessary (*for possible action*)

Dr. Fermin Leguen, Chief Medical Officer and Director of Clinical Services, presented results of the Health Services Survey. ([Attachment 2](#))

Dr. Iser added depending on the number of uninsured versus insured versus Medicaid clients the program should break even on costs at the end of the first year. Member Dobyne confirmed that a proforma profit and loss statement would be done on this program. Dr. Iser noted there have been discussion with Mr. Richard Whitley, Director, Nevada Department of Health and Human Services, regarding an incubator grant for Federally Qualified Health Centers (FQHCs) or primary care services. Chair Kirkpatrick stated that her understanding is the last grant that was received from the State was to go towards the FQHC model, whereas this is offering primary services without having the accreditation component. Dr. Leguen confirmed she was correct. Dr. Iser added before becoming an FQHC there needed to be a track record of primary care, and at the appropriate time in the future and with the Board's permission, the District could apply for FQHC status that would enhance Medicaid reimbursement. Future goals could also include applying for Community Health Center status through the Health Resources and Services Administration (HRSA), which would qualify for grants to do services, in addition to the FQHC status to do the enhanced reimbursement.

See Item VIII.2.

2. **PETITION #16-18: Discuss/Approve the Implementation of Primary Care Services, Including Adult, Pediatric, and Dental Health Services at Southern Nevada Health District Facilities in Furtherance of the Health District's Public Health Mission to Provide Low Cost Accessible Care to Underserved Clark County Communities**; direct staff accordingly or take other action as deemed necessary (*for possible action*)

A motion was made by Member Black seconded by Member Nemeč and carried unanimously to accept the Health Survey Results and approve the Implementation of Primary Care Services, Including Adult, Pediatric, and Dental Health Services at Southern Nevada Health District Facilities in Furtherance of the Health District's Public Health Mission to Provide Low Cost Accessible Care to Underserved Clark County Communities as presented.

3. **Discuss Environmental Health Fee Committee and Accept Staff Recommendations of Key Industry Stakeholders to Serve on the Committee**; direct staff accordingly or take other action as deemed necessary (*for possible action*)

Jacqueline Reszetar, Director of Environmental Health, explained the intent of the Environmental Health Fee Committee is to review prior years' fee collections and expenditures, review projected needs, and propose new fee rates for fiscal year 2019. Newly proposed fees will be presented annually to the Board of Health.

Ms. Reszetar noted the following as recommended key industry leaders to serve on the Environmental Health Committee:

Food Industry

Katherine Jacobi
Virginia Valentine

Board of Health

Doug Dobyne
Scott Nielson

Solid Waste

Chris Darling
Norberto Madrigal

Aquatic Health

Erica Arthur – VP OPM
Brooke Egan – Lennar/Special Projects

Although he does not find any conflict of interest, Member Dobyne disclosed both Solid Waste candidates are his consulting clients.

A motion was made by Member Stewart seconded by Member Shuman and carried unanimously to approve the Recommendations of Key Industry Stakeholders to Serve on the Environmental Health Fee Committee as presented.

- 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 Black reported for the last four months there has been interaction with fire and police departments, elected officials and code enforcement across the region regarding the use of illegal fireworks on holidays, specifically Independence Day. Outcomes will be coming forward in the next few weeks in the form of public service announcements, ad campaigns and enforcement of laws and ordinances. In addition to a “Stop the Pop” app, there will also be an educational component related to the dangers, fires, injuries and the inundation on the 911 system caused by illegal fireworks.

Member Nemec noted the goal of the medical community is to have an eradication of Hepatitis C throughout the country. The cost to cure has gone down dramatically over the last twenty years and the success rate has increased. The remaining reservoir of Hepatitis C is in the incarcerated population. Member Nemec noted there is a fairly robust program and transition to care for HIV patients, but there really is not anything for Hepatitis C. Currently there is no funding for treatment in the Department of Corrections or Clark County Detention Center. Member Nemec has been working with District staff to develop a transitioning to care program and is very satisfied with how quickly it has come from just a suggestion to a detailed action plan. The cost to cure is approximately \$16,000 for one pill per day, anywhere from eight to twelve weeks. He and staff are seeking funding for a nurse navigator to assist with transition to care for patients once they are released from incarceration. Funding for the drug itself for the most part will come from the Federal government through Medicaid. Member Nemec is optimistic that grants will be forthcoming soon.

Member Stewart was invited by Ms. Reszetar to attend an Environmental Health Staff meeting. He found it to be very informational and recommends that all members attend.

Chair Kirkpatrick addressed overtime, noting that lack of planning for permits appears to be a cause for overtime. She asked for the Boards help in advising businesses to plan 7-10 days for permits. She will be contacting industry to advise. The Chair also recently shadowed an Environmental Health food inspection was very enlightened by the process. The Chair reported having a conversation with Ms. Darcy Spears regarding a recent news article. Although Chair Kirkpatrick understands the importance of high ratings, she explained to Ms. Spears that the District is working with businesses to be successful by offering education and different components. She suggested to Ms. Spears to show the other side of the District and with the Board's direction, she would like to provide a "day trip" for Ms. Spears to see all aspects of the District.

Regarding green pools, Dr. Iser noted the District works very closely with Code Enforcement to rectify these situations. Vivek Raman, Environmental Health Supervisor, reported as vector surveillance is done throughout the season, when mosquito populations are identified, all counterparts are notified so that disease analysis, environmental remediation and if indicated, targeted control treatment may begin. Chair Kirkpatrick suggested the establishment of a working group consisting of Board members, vector control and counterparts from the municipalities to collaborate with existing resources. Dr. Iser reported the existence of a working group consisting of Code Enforcement, Mosquito Control, City Managers and the County Manager and invited the Board to attend those meetings. This meeting schedule will be provided to the Board. Mr. Raman invited the Board to "Mosquito Monday" on May 14 from 10:00 am to 2:00 pm at the main building.

*Member Stewart left at 10:07 a.m. and returned at 10:09 a.m.
Member Nemec left the meeting at 10:08 and returned at 10:10 a.m.*

X. HEALTH OFFICER & STAFF REPORTS (Information Only)

• **CHO Comments**

Dr. Iser introduced Darla Bracy, Deputy Director and Jennifer King, Consumer Safety Officer, U.S. Food and Drug Administration (FDA), who presented "Food Safety and the Working Relationship Between the FDA and Southern Nevada Health District". ([Attachment 3](#))

Sarah Lugo, Senior Community Health Nurse, provided an update on the rural mobile health initiative ([Attachment 4](#))

Michael Johnson, Director of Community Health, reported attending the Walkability Action Institute with Chair Kirkpatrick and members from public works, transportation and RTC for both Las Vegas and the City of Henderson. There were nine states represented in Atlanta for this institute. Training was received on how to create a more walkable community. Moving forward, the District is able to access a wealth of health outcome data by zip code that can be shared to help target efforts from a public health and safety perspective. An action plan has been developed and strides to expand the complete streets efforts have been made.

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

The Chair closed Open Session at 10:55 a.m.

XII.

CLOSED SESSION – To Be Held Prior to Adjournment

Go into closed session, pursuant to NRS 241.015(3)(b)(2), to receive information from the Health District's Attorney regarding potential or existing litigation involving a matter over which the Board has supervision, control, jurisdiction or advisory power, and to deliberate toward a decision on the matter and pursuant to NRS 288.220 for the purpose of conferring with Health District management regarding labor issues; and direct staff accordingly. **(For possible action)**

Open Session reconvened at 11:22 a.m.

- 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.

Cara Evangelista, IMPACT, noted it is not always industry's bad planning that requires overtime for permits, it is also because Las Vegas is a 24-hour city. Ms. Evangelista recalled when the temporary permits originally got fees, they were approximately \$25. In the 2000s, the Board approved an increased fee of \$131 for the lowest fee, to cover overtime and staff costs for the late permit. Ms. Evangelista noted these permits are unbudgeted fees. A temporary permit requested less than seven days is \$196 and same day fees are doubled. Some of these inspections may less than one half hour. Ms. Evangelista estimated staff overtime cost at approximately \$70 per hour, noting at times the District may be making profit on temporary permits for other activities in Environmental Health. Ms. Evangelista requested the Board to review how much temporary fees bring in annually versus staff costs. Also, the District just hired a swing shift that is now capable of covering night permits. Chair Kirkpatrick asked Ms. Reszetar to compile this report for a future meeting.

Regena Ellis, SEIU, referencing Item XI.1., Chief Health Officer and Administration Monthly Report, page 26-30, noted there are three positions that are believed to be bargaining unit eligible that were not agreed upon. The positions of Employee Health Nurse, Academic Affairs Coordinator and Help Desk Supervisor were taken before the Local Government Employee-Management Relations Board (EMRB). On the Monthly Report dated April 26, 2018, the Employee Health Nurse now reports to the Human Resources Administrator and is significantly involved in decisions of management affection the collective bargaining agreement. When the position was taken to EMRB, the decision was stated as: "Service Employees International Union appealed the determination of bargaining unit positions relating to three positions at the Southern Nevada Health District, the Employee Health Nurse, the Help Desk Applications Support Supervisor and the Academic Affairs Coordinator. On February 13, 2018, this matter came before the State of Nevada Local Government Employee-Management Relations Board. Excluding an employee from the bargaining unit is a departure from the general requirement that provides for collective bargaining rights and therefore any party that claims the exception has the burden to establish it applies. The Board finds the evidence presented at the hearing credible regarding the District's misleading authoritative statements and conduct to SEIU Local 1107 at its January 28, 2016 meeting indicating the Employee Health Nurse would contribute to decisions of management affecting the collective bargaining agreement." Ms. Ellis added this decision is available on the EMRB website and is public information. Chair Kirkpatrick asked Ms. Ellis to summarize her statement and forward to her. Ms. Ellis explained the decision of the EMRB was that the Employee Health Nurse is eligible to be in the bargaining unit. That decision was made on March 20, 2018 and on March 30, 2018 the District administration, Dr. Iser and whoever was involved in the decision, decided to now change the Employee Health Nurse job description without notifying the Union, after the EMRB decision, that now the Employee Health Nurse is going to be involved in collective bargaining, so therefore, that position is no longer included in the bargaining unit. This issue was addressed two years ago, through the correct channels, and the EMRB made

the decision that the Employee Health Nurse and the other two positions would be included in the bargaining unit. The EMRB wrote a decision and ten days later, the Health District now wants to change the job description of the Employee Health Nurse, so they are not able to be in the bargaining unit. Chair Kirkpatrick reiterated her request to summarize this information to one sheet for review. In regard to primary care, Ms. Ellis noted there is a Pediatric Nurse Practitioner here at the District that no longer works as a Pediatric Nurse Practitioner who is very capable of working with children and should be considered because she is not working in her classification.

Chair Kirkpatrick reported she will not be available at the May Board of Health meeting as she will be attending the Changing of the Guard at Nellis Air Force Base. Seeing no one else, the Chair closed this portion of the meeting.

XIV. ADJOURNMENT

Chair Kirkpatrick adjourned the meeting at 11:31 a.m.

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

JPI/jw