



## MINUTES

**Southern Nevada District Board of Health Meeting  
June 28, 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**

Scott Black – Councilmember, City of North Las Vegas  
Bob Coffin – Councilmember, City of Las Vegas  
Douglas Dobyne – Vice Chair, Regulated Business/Industry  
Michele Fiore – Councilmember, City of Las Vegas  
Chris Giunchigliani – Commissioner, Clark County  
Marilyn Kirkpatrick – Chair, Commissioner, Clark County (*arrived at 8:41 a.m.*)  
Frank Nemeč – Secretary, 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 – 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, Maria Azzarelli, Andrew Glass, Amy Hagan, Jeremy Harper, Lance Johnson, Michael Johnson, Fermin Leguen, Edie Mattox, Joann Rupiper, Herb Sequera, Karla Shoup, Jennifer Sizemore, Marlo Tonge, Leo Vega, Jacqueline Wells

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

Vice Chair Dobyne called the Southern Nevada District Board of Health meeting to order at 8:35 a.m.

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

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

The Oath of Office was administered to Councilwoman Michele Fiore, new City of Las Vegas Board of Health member by Edie Mattox, Administrative Secretary.

### **IV. RECOGNITIONS**

- Robert Fyda, an Environmental Health Engineer in Solid Waste and Compliance, was named a 2018 Bloomberg Fellow. Robert was selected to focus on environmental challenges. The program will support Robert's work as a Doctor of Public Health student at Johns Hopkins University and enable the Health District's Environmental Health division, where Robert will continue working full-time, to collaborate with other organizations working to address issues

relating solid waste sites, sewage disposal systems, and water supply planning. Robert was one of two in the nation to receive this prestigious fellowship for environmental challenges.

- 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 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, referenced the Administration Monthly Report regarding the Finance Department which she reported is in a dire situation. Last year, the staff in Finance went to their manager and expressed concern that they needed help. They did not receive help and their manager is no longer with the District. They have now expressed, again, that they need additional personnel and they feel they are at the point of breaking down and they need an intervention. The internal auditor spoke with many of the employees in the Finance Department and wrote a report. The internal auditor is no longer at the District. The employees asked for a copy of the report and were told it was a work report for the employer and they could not see the results. The report reviewed the employees job functions, daily job duties, and how some of their job duties do not match their job descriptions. Rather than correct the job descriptions and make them match the functions, the decision was made by administration to post or change positions and some of these employees are told to apply for their own position that has been changed. Some are posted externally, some are posted internally. This has caused a major breakdown in the Finance Department and because it is Finance and the Board is charged with the finances of the Health District, the union is asking for the Board's intervention in this area. The employees have come forward and will be contacting the Board members because they have already been through the chain of command at the District and are not getting any decisions that are helpful to the Finance Department. Ms. Ellis also advised there has been some reorganization in Human Resources and one employee has been laid off.

Victoria Harding, SNHD/SEIU, noted there has been a lot of reorganization in Human Resources and Finance. Although Ms. Harding has been working with Amy Hagan, Human Resources Administrator, it has been horrific to the employees. The employees have been working short staffed for over a year and a half, giving it all they have. Then their job is posted with changes and they, and anyone else can apply for it, is the most disrespectful thing ever to these employees. It devastated the morale of the employees. Ms. Harding and Ms. Hagan are working on these issues. Ms. Harding believes the intent of the Finance Committee was to get the internal auditor in, and get a report to the Board for review of the Finance Department, but that did not happen before all the changes started happening. There are some good things happening, not all are great, but they will all be worked through, such as union eligibility. These changes are significant for this institution and the Board should be aware and involved.

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

- VI. **ADOPTION OF THE JUNE 28, 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:** May 24, 2018 *(for possible action)*

2. **PETITION #18-18:** Approval of Southern Nevada Health District Clinical Services - New Services – Dental Health Fee Clinic Fee Schedule, Effective July 1, 2018; direct staff accordingly or take other action as deemed necessary *(for possible action)*
3. **PETITION #19-18:** Approval of Addition to Fee Schedule – Re-Test Fee for Food Handler Card Testing; direct staff accordingly or take other action as deemed necessary *(for possible action)*
4. **PETITION #22-18:** Approval of Amendment #3 of Interlocal Contract C1700258 between Southern Nevada Health District and Clark County Social Services to Provide Clinical Outcome Data as it Pertains to the Identification of HIV and Linkage to Care in Clark County; direct staff accordingly or take other action as deemed necessary *(for possible action)*
5. **PETITION #23-18:** Approval of Memorandum of Understanding between Southern Nevada Health District and University Medical Center Wellness Center; direct staff accordingly or take other action as deemed necessary *(for possible action)*

*A motion was made by Chair Kirkpatrick seconded by Member Giunchigliani 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. **Variance Request to Operate Two Public Bathing Places not in Compliance with the Nevada Administrative Code (NAC) 444.128; WorldMark The Club, dba WorldMark by Wyndham, located at 8601 S. Las Vegas Blvd., Las Vegas, Nevada 89123; [Assessor's Parcel Number (APN) 177-17-710-008] for Health Permits PR0013806 & PR0013808, James Burdette, for the Owner(s), WorldMark The Club;** direct staff accordingly or take other action as deemed necessary *(for possible action)*

Jeremy Harper, Aquatic Health Supervisor and Karla Shoup, Environmental Health Manager presented the variance request to allow the petitioner to operate the Main Pool and the Lazy River at the property with a maximum riser height of twelve inches, rather than the maximum allowed riser height of ten inches. Staff is of the opinion that circumstances exist which satisfy the requirements for a variance, and that granting a variance from these regulations will not be detrimental or pose a danger to public health and safety. Also, the new Aquatic Facility Regulations adopted by the Board of Health allows for a maximum riser height of twelve inches in swimming pools. Staff recommended approval of the variance with conditions. James Burdette, representing the Owners, agreed to accept all conditions.

*A motion was made by Member Fiore seconded by Member Kirkpatrick and carried unanimously to approve the Variance Request to Operate Two Public Bathing Places not in Compliance with the Nevada Administrative Code (NAC) 444.128; WorldMark The Club, dba WorldMark by Wyndham, located at 8601 S. Las Vegas Blvd., Las Vegas, Nevada 89123; [Assessor's Parcel Number (APN) 177-17-710-008] for Health Permits PR0013806 & PR0013808, James Burdette, for the Owner(s), WorldMark The Club as presented.*

2. **Variance Request to Operate Three Public Bathing Places not in Compliance with the Nevada Administrative Code (NAC) 444.128, 444.442, and 444.454; FP Holdings LP, dba Palms Casino Resort, located at 4321 West Flamingo Road, Las Vegas, Nevada 89103; [Assessor's Parcel Number (APN) 162-19-501-004] for Health Permit PR0124011, Ken**

**McFee, for the Owner(s), FP Holdings LP**; direct staff accordingly or take other action as deemed necessary *(for possible action)*

Jeremy Harper, Aquatic Health Supervisor and Karla Shoup, Environmental Health Manager, presented the variance request to allow the petitioner to construct East Pool at the property with a set of stairs in the deep area, without the stairs being recessed into the wall. For the public spas, the petitioner is requesting a variance which would allow them to construct two identical spas, located in the men's and women's hot lounges, and are raised eighteen inches above the surrounding deck to maintain headroom beneath at level one by averting intrusion of the spa shell into that space. Headroom would otherwise be significantly reduced.

Staff is of the opinion that granting these variances does not pose a danger to health and safety and recommends approval with conditions. Mr. Ken McFee, representing the Owners, agreed to accept all conditions.

*A motion was made by Member Giunchigliani seconded by Member Kirkpatrick and carried unanimously to approve the Variance Request to Operate Three Public Bathing Places not in Compliance with the Nevada Administrative Code (NAC) 444.128, 444.442, and 444.454; FP Holdings LP, dba Palms Casino Resort, located at 4321 West Flamingo Road, Las Vegas, Nevada 89103; [Assessor's Parcel Number (APN) 162-19-501-004] for Health Permit PR0124011, Ken McFee, for the Owner(s), FP Holdings LP as presented.*

**IX. REPORT/DISCUSSION/ACTION**

1. **Receive Report and Discuss/Accept Recommendations from the At-Large Member Selection Committee for Two Year Term Beginning July 2018 for Southern Nevada District Board of Health and Southern Nevada District Public Health Advisory Board**; Received from the May 22, 2018 meeting (Committee: Chair: Shuman; Members Black and Kirkpatrick); direct staff accordingly or take other action as deemed necessary *(for possible action)*

Member Shuman, Chair of the At Large Member Selection Committee reported the subcommittee met on May 22, 2018 and offers the following recommendations for the Full Board and Advisory Board At-Large Members for the two-year term beginning July 1, 2018:

**Full Board**

Physician  
Dr. Frank Nemec

Regulated Business/Industry  
Nicole Brisson

Gaming  
Scott Nielson  
*(Appointed by the Nevada Resort Association on 6/13/18)*

**Advisory Board**

Physician  
Dr. Kenneth Osgood

Registered Nurse  
Michael Collins

Environmental Health  
David Wachs

*A motion was made by Member Giunchigliani seconded by Member Kirkpatrick and carried unanimously to approve the recommendation of At Large Committee for the Full Board and Advisory Board as presented.*

- 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)*

Member Giunchigliani had a constituent with an issue at a manufactured home park where they have been told that they must keep the outside door locked from the pool to the club house in a 55+ community. If access were restricted into the pool, they would understand, but the District is demanding that access out of the pool be restricted so they cannot come in to the club house to call for help. Jeremy Harper, Aquatic Health Supervisor, reported the regulations state that any door leading into a pool area needs to be self-closing and self-latching. There is a provision in the regulations that states that any door into a pool enclosure must have a means to permanently lock, in case the pool needs to shut down for any reason. Member Giunchigliani asked staff to accompany her to venue to review this issue, Mr. Harper will schedule.

Chair Kirkpatrick reported that she is aware of both issues raised during public comment and has meetings in place. However, once an attorney is retained, it is protocol for elected officials not to get involved.

The Chair continues to attend regular workshops/meetings in order to stay engaged with District employees. She is told that Amy Hagan, HR Administrator, is doing an excellent job and moving in the right direction. The Chair commended Ms. Hagan for making peace.

Chair Kirkpatrick explained a workforce program, currently in the county jail system, that is in place to help inmates be prepared for employment upon release. The jail staff has asked for training with health cards, which she has discussed with Dr. Iser and would like to pursue how that could work, unless the board has objections. Dr. Iser suggested that once defined, this process could also be expanded to the City of Henderson and Las Vegas jails.

Lastly, Chair Kirkpatrick thanked Herb Sequera, Interim Environmental Health Director, for his diligence and thinks the District is healthier today than it was last year due to his leadership.

#### **XI. CHO COMMENTS**

- Doug Dobyne, regulated business/industry at-Large member, was thanked by Dr. Iser and the Board for his service. Mr. Dobyne started as an alternate in 2012 and moved to the full board in 2014. He served as Secretary from 2016-2017 and Vice Chair this last year. Over the years, Mr. Dobyne has provided valuable input related to the ongoing and emerging public health issues that impact our community. Dr. Iser personally thanked Mr. Dobyne for his time and dedication over the last six years.
- Dr. Iser noted vector season has just started and so far, thousands of mosquitos have been collected. So far, all samples have been negative for disease.
- New Board members were asked to hold August 7, 2018 from 1:00 to 4:00 p.m. as the tentative date/time for New Member Orientation.
- Dr. Iser shared with the Board a conversation had with Chair Kirkpatrick regarding lack of space at the main building. The search has started for additional space, which could include part of the current shopping center or other areas. Also, the lease at the East Las Vegas clinic expires in approximately three years and the determination will need to be made as to whether to maintain the current space or look for new space. Recommendations will be forthcoming to the Board.
- Regarding the Clinical Services Activity Report, Chair Kirkpatrick inquired about the cost of school physicals so it could be distributed via the County newsletter to parents. Dr. Fermin Leguen, Director of Clinical Services, will provide this information after the meeting. Chair Kirkpatrick asked if the numbers in the report included the refugee clinic. Dr. Leguen, explained the refugees are seen by the District in coordination with Catholic Charities. As they have new arrivals, the Tuberculosis Clinic is contacted to schedule those individuals at that time. The number may be small because it reflects what Catholic Charities may be receiving. Once the

refugee integrates within the community, they will have insurance (Medicaid) for six to eight months or longer and have the ability to go to any provider that accepts Medicaid. For Member Fiore, Dr. Leguen explained that most refugees come from Africa, Ethiopia, Cuba, Iraq or other Middle Eastern countries.

- Member Fiore would like to know how, as the District is helping others, it is being cautious to ensure diseases from other countries are not infecting American children. Dr. Leguen noted that one of the goals of the Community Health Assessments across the country is full immunizations for the children and adult refugees and assessment of infectious diseases. Dr. Leguen will provide additional information to Member Fiore.
- Member Giunchigliani noted HIV pregnancy cases were up and believes that this testing is not being done in the jails. Marlo Tonge, Manager, Office of Epidemiology and Disease Surveillance, reported the District does the majority of testing in the jail program, specifically with Clark County Detention Center at the North Valley complex. In 2017, approximately 3,000 tests were administered and as many inmates are screened as possible. Currently, she is working to expand the jail program.
- Member Giunchigliani reported a recent study indicates pre-eclampsia is the highest incident of death in mothers and babies and unless the mother is in a women's component of the hospital, this issue is often overlooked. Member Giunchigliani asked what could be done to educate the populations that are being impacted.
- Dr. Iser noted Nye County has requested the District's dental services. The state will pay travel, per diem and car and the District will pay the salary of its hygienist that will be performing the services.

**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

Vice Chair Dobyne Closed Open Session at 9:50 a.m.

**XIII.**

**CLOSED SESSION – To Be Held Prior to Adjournment**

Go into closed session, pursuant to NRS 241.015(2)(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. *(for possible action)*

Open Session reconvened at 10:17 a.m.

- XIV. 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, stated an Advanced Practice Nurse Practitioner is working as a Registered Nurse because she was demoted. This nurse could be providing physicals specifically for children, because she is a pediatric nurse practitioner. Ms. Ellis disclosed the cost of physicals used to be \$25, they are now over \$50. Regarding the refugees, under "Family Services Clinic" on the Clinical Services Report, the refugees are seen in the tuberculosis clinic, not Family Services. The billing shows that they are seen in Family Services, but they are not. The adult and children refugees are managed by Tuberculosis Clinic staff and seen in the Tuberculosis Clinic. The staff is a Physician's Assistant who comes to the Tuberculosis Clinic to see those patients. From a budget perspective, it does not show that these funds are generated by the Tuberculosis Clinic. Ms. Ellis questioned if this is a way to shift the costs to make it appear that Family Services is generating income that it is not. Ms. Ellis reminded the Board of a letter received last year from the Chief Health Office recommending that staff should not receive an increase because the budget was as it was. When the current budget was released, it was much improved and employees received increases. At that time, the Board stated it would like to see better relationships with this administration and the employees. Currently, as evidenced by what is happening in Finance, that relationship has not improved. Some of the problems are:

- A directive is given by administration. If that directive is not followed, the employee may not be here working. This affects morale negatively. When administration gives directives to Human Resources, the directors and managers that must be followed, even if it does not make sense, you have the problems that are occurring right now in Finance. They have been working under duress for some time, they have no manager. Staff is retiring because they cannot take this area anymore, as they see it is dysfunctional and they are leaving. The people that continue to work in that area are losing the experienced staff that was working there. When staff works in an area and the job descriptions do not match what they are doing, the most evident thing to do would be to correct that situation, and not have a directive that the people who are doing those jobs would have their jobs posted, internally and externally, and they may have to apply for that job. It creates an entire system of dysfunction in that area and they are asking for the Board's help

Victoria Harding, SNHD/SEIU, stated she has been attending the Board meetings for a long time and sometimes feels they are a lot of smoke and mirrors. Sometimes the things that are put out at the meetings are fluffy little good things that make the Health District look good, yet behind the scenes, there is such an erosion of public health in the programs. This is still a worry for Ms. Harding, although she has seen so much good progress and thanks the Board... Ms. Harding was interrupted by Chair Kirkpatrick who stated that she was going to challenge Ms. Harding as she got an email the night before the Board meeting, she is at the District all the time and if there is a problem, send it to her two weeks before the meeting so she can have time to address it. Ms. Harding continued, stating that long-term, there are still a lot of issues that will have to be worked on. In her area, it was discussed that there will be nine new employees over two years, however more employees have left over that same timeframe. These are not additional employees, this is actually replacing long-term people who have left the District, not in a happy mood. They have gone to be respected and do public health somewhere else and there will be others to follow. They are now down to half of the disease investigators being entirely new and this is not a good thing for public health or communicable diseases. There is an erosion of things going on and Ms. Harding is feeling it directly within her work and this is a problem. There still needs to be a way to help people within their jobs to feel better about the work they are doing. Ms. Harding read a statement for the record from a member of Finance.

"I'd like to clarify a comment made earlier. I work in Finance and the comment was made that a manager did not ask for help when we needed it during our ERP transition last year and that is incorrect. She did ask upper management for help and she did not get it, which resulted in findings. My understanding is that the Board was concerned about the fact that no one came to you to ask for additional help. Our manager was fired on March 22, supposedly due to the audit findings and in response to the reaction of the Board and we have been struggling since. We have

been in really good shape due to Sharon's leadership. When Sharon was terminated, it caused most of that progress to come to a grinding halt and it has been extremely difficult to get started again. We have asked our director for help and while he is willing to give us resources, the knowledge needed is simply not available, specifically, about the ERP. But again, upper management has not, to my understanding, come to you for assistance, and the mentioned re-organization is causing extreme stress. We would like to request additional assistance from you at this time of possibly directing actions of HR. We are willing to provide you with whatever information you need."

Norine Clark, Community Health Nurse, was formerly in the refugee program. Ms. Clark indicated when she was that program, there were only two people who saw all the adult and children refugees. They did not farm out the patients to the lab for lead tests, they did their own immunizations, all the physicals and case management. Ms. Clark respects the fact that the union wants to represent the employees, however, she used to be a Chief Steward. She can see where instead of focusing on what can be done to bring up morale, all the union is doing is bringing morale down and she is tired of the negativity. She has not seen any solutions from the union, they do not communicate with the employees and their focus is on little issues here and there. They need to get involved. There are a lot of great employees here. Ms. Clark has been here almost twenty years and has seen a lot of changes. She has seen some employees that do absolutely nothing and they have managed to weasel their way out of things. These employees need to be held accountable. All staff should be providing services. Ms. Clark believes the best thing for the employees to do is talk to the union because employees have no clue. As far as management goes, a lot of administration has come and gone, and all they have tried to do is make things better. She believes she speaks for a lot of other employees and asked the union to stop tearing employees down in front of the board by complaining about petty things and start working on solutions and with administration.

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

**XV. ADJOURNMENT**

Vice Chair Dobyne adjourned the meeting at 10:28 a.m.

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

JPI/jw