



MINUTES

SOUTHERN NEVADA DISTRICT BOARD OF HEALTH MEETING

August 26, 2021 – 9:00 a.m.

Meeting was conducted via Webex Event

- MEMBERS PRESENT:** Scott Black – Chair, Mayor Pro Tempore, City of North Las Vegas
James Adams – Council Member, City of Boulder City
Bobbette Bond - At-Large Member, Regulated Business/Industry
Olivia Diaz – Council Member, City of Las Vegas
Karen Dutkowski – Council Member, City of Mesquite
Marilyn Kirkpatrick – Vice Chair, Commissioner, Clark County
Brian Knudsen – Council Member, City of Las Vegas
Frank Nemec – At-Large Member, Physician
Scott Nielson – At-Large Member, Gaming
Tick Segerblom – Commissioner, Clark County
- ABSENT:** Dan Stewart – Council Member, City of Henderson
- ALSO PRESENT:** Linda Anderson, Dawn Christensen, Georgi Collins, Alejandra Fazekas, Frediee Guevara, Maya Holmes, Jennifer Lopez, Bradley Mayer, Deborah Moran, Vince Queano, Hervey Regino, Jonathan Rodriguez, Irene Skarlatos, Ryan Wheeler, Cassidy Wilson
(In Audience)
- LEGAL COUNSEL:** Heather Anderson-Fintak, General Counsel
- EXECUTIVE SECRETARY:** Fermin Leguen, MD, MPH, District Health Officer
- STAFF:** Elizabeth Adelman, Adriana Alvarez, Maria Azzarelli, Stephanie Bethel, Nikki Burns-Savage, Victoria Burris, Steve Calmy, Andria Cordovez Mulet, Shea Crippen, Brian Cunningham, Aaron DelCotto, Brandon Delise, Lauren DiPrete, Joanne Engler, Jennifer Fennema, Jason Frame, Robert Fyda, Joe Ginty, Nicole Grandt, Andrea Green, Michelle Guzman, Heather Hanoff, Victoria Harding, Amineh Harvey, Richard Hazeltine, Stephanie Hernandez, Kimberly Hertin, Carmen Hua, Brenda Jamison, David Kahananui, Christi Kindel, Theresa Ladd, Kendra Lett, Cassius Lockett, Cort Lohff, Angela Mills, Kim Monahan, Gabriela Montaldo, Michael Neszmery, Lorraine Oliver, Veralynn Orewyler, James Park, Kyle Parkson, Luann Province, Larry Rogers, JoAnn Rupiper, Christopher Saxton, Karla Shoup, Jennifer Sizemore, Jackie Southam, Ronique Tatum-Penegar, Randall Ulrich, Michelle Villanueva, Victoria Volz, Jacqueline Wells, Karen White

I. **CALL TO ORDER and ROLL CALL**

The Chair called the Southern Nevada District Board of Health Meeting to order at 9:02 a.m. Andria Cordovez Mulet, Executive Assistant, administered the roll call.

II. **PLEDGE OF ALLEGIANCE**

III. **OATH OF OFFICE**

The Oath of Office was administered to members James Adams and Karen Dutkowski by Andrea Green, Executive Administrative Secretary.

IV. RECOGNITION

- Lauren DiPrete, Sr Environmental Health Specialist – Coauthored the *Restaurant Date-Marking Practices Concerning Ready-to-Eat Food Requiring Time and Temperature Control for Safety* manuscript which has been accepted for publication in the *Journal of Foodborne Pathogens and Disease*

Chair Black, on behalf of the Board of Health, recognized Lauren DiPrete, Senior Environmental Health Specialist. Ms. DiPrete coauthored the *Restaurant Date-Marking Practices Concerning Ready-to-Eat Food Requiring Time and Temperature Control for Safety* manuscript which has been accepted for publication in the *Journal of Foodborne Pathogens and Disease*. The manuscript summarizes research conducted with the Centers for Disease Control and Prevention's Environmental Health Specialists Network exploring food establishment's date-marking practices. To reduce the incidence of foodborne illness, the FDA Food Code requires food establishments to serve or discard certain ready to eat foods within 7 days, and these foods must be marked with that date. Research teams in 8 jurisdictions around the United States conducted observations and manager interviews in 359 restaurants. The main findings showed that having an internal policy explaining the date-marking procedure and being part of a chain of restaurants increased the likelihood of a food establishment properly date-marking their foods. These findings suggest that regulators and the retail food industry may improve food safety by aiming interventions and education toward independent restaurants and encourage restaurants to develop their own strong date-marking policies. Congratulations Lauren!

- Jennifer Fennema, Director of Human Resources

Chair Black, on behalf of the Board of Health, introduced and welcomed Jennifer Fennema as the new Director of Human Resources at the Health District. Ms. Fennema has 25 years of human resources experience, in both the public and private sector, and was most recently with the City of Henderson. Ms. Fennema is excited to be at the Health District and is looking forward to bringing some innovative processes to the Health District.

- V. **FIRST 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 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 Chair or the Board by majority vote.

Ryan Wheeler commented on high school student athletes. Mr. Wheeler stated that the current management of high school athletic teams, as it relates to COVID-19 testing, is that if one student tests positive, the entire team is quarantined and cannot participate in the scheduled game. So, on a team of 38 football players, if one team member tests positive, the entire team is penalized, not to mention the team they were scheduled to play, that may have no positive COVID-19 tests are also penalized and cannot participate in the athletic contest. Mr. Wheeler further stated that the term discriminate means to make an unjust or pre-judicial distinction in the treatment of different categories of people. Mr. Wheeler outlined that he felt like the Health District was discriminating how they penalize student athletes and athletic teams compared to how the Health District manages or penalizes individuals and teams or crews in any other team organization or business setting. Mr. Wheeler outlined a comparison what he perceives as using the same management that the Health District applied to student athlete and other organizations for emergency response personnel. Mr. Wheeler provided examples of a local grocery store, fast food outlet and EMS where one member tested positive, so the store/restaurant/EMS would have to close or be unavailable as all staff would have to quarantine for 14 days. Mr. Wheeler referenced the legal term "innocent until proven guilty". Mr. Wheeler stated that this approach should be utilized with student athletes as it pertains to allowing them to play in their corresponding sport; if a football team member wanted to play, a negative test should be required and if a player had a positive test they would not be allowed to play. Mr. Wheeler stated that the entire team should not be penalized for one member of the team having a positive test. Mr. Wheeler stated that students and parents would

be taking precautions. Mr. Wheeler concluded that the overview of making the entire team not participate in a contest is discriminating and should be adjusted immediately.

Seeing no one further, the Chair closed the First Public Comment portion.

Member Kirkpatrick joined the meeting at 9:11 a.m.

VI. ADOPTION OF THE AUGUST 26, 2021 MEETING AGENDA (for possible action)

A motion was made by Member Knudsen seconded by Member Kirkpatrick and carried unanimously to approve the August 26, 2021 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 22, 2021 (for possible action)

2. PETITION #04-22: Approval of the Amendment to the Interlocal Memorandum of Understanding between the Southern Nevada Health District and Las Vegas-Clark County Library District; direct staff accordingly or take other action as deemed necessary (for possible action)

A motion was made by Member Knudsen seconded by Member Kirkpatrick and carried unanimously to approve the August 26, 2021 Consent Agenda as 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 for an Application to Construct Septic Systems, SNHD Permit #ON0011040, Located at 8465 Maggie Avenue, Las Vegas, Nevada with the following provisions: a) allow installation of a septic system on a lot that is less than 400' from a public sewer line; 2) waive the 400' sewer connection requirement for a proposed minor subdivision; and 3) omit a certificate requiring sewer connection from the recorded minor subdivision map; direct staff accordingly or take other action as deemed necessary (for possible action)

Robert Fyda, Environmental Health Engineer/Supervisor, presented the variance request to obtain the approval for an Application to Construct a Septic System located at 8465 Maggie Avenue, Las Vegas, Nevada. Mr. Fyda advised that this was not a typical application. Mr. Fyda advised that the applicants are proposing to subdivide the existing lot into two lots, with the west side being over 400 feet from sewer connection. The developmental standards are that if a parent lot is within four hundred feet, those same conditions would be applied to the child parcel on any subdivision. The applicant is requesting that the developmental standards be waived. Mr. Fyda advised that the goal of that certificate is that anyone developing the property would know the standards that were being applied when they purchase that lot. Therefore, there is a requirement to disclose that the lots are designed for private wells, and in this case, the public sewer. Mr. Fyda advised that staff recommends denial of the application.

Member Kirkpatrick advised that the property was in her district and the County tried to work with the Health District on the request and is supportive of the application.

Upon question from the Board, Mr. Fyda advised that staff would be supportive if the petitioners would upgrade the existing septic system for the east lot. Mr. Fyda further outlined that staff's recommended conditions were outlined in the materials.

Member Bond raised that consideration must be given to staff's recommendation.

One of the petitioners, Mr. Guevara outlined that he purchased the lot with his sister and brother-in-law with the expectation to divide the lot. Mr. Guevara advised that the existing structure has been abandoned for 30 years and vandalized and they have restored and working on remodeling. Mr. Guevara advised that the lot had an existing well and septic and if they weren't subdividing the lot there wouldn't be an issue. Mr. Guevara confirmed that they were willing to comply with the requirements outlined in the materials.

Chair Black opened Public Comment. Seeing no one, the Chair closed the Public Comment portion.

A motion was made by Member Black seconded by Member Knudsen and carried by a vote of 8-2 to approve the Variance Request for an Application to Construct a Septic Systems located at 8465 Maggie Avenue, Las Vegas, Nevada with the following conditions:

- 1. If at any time Clark County requires fulfillment of any or all the conditions of the restrictive covenant, Petitioners and their successor(s) in interest must also connect to the community sewage system, discontinue use of the ISDS, and properly abandon the ISDS in accordance with the most current SNHD ISDS Regulations.*
- 2. If this minor subdivision is approved with ISDS, the existing ISDS (SNHD Permit #ON0011040) must be discontinued from use, abandoned, and replaced with a new septic system installed in accordance with the most current SNHD ISDS Regulations. The installation of the proposed system must be completed within two (2) years. If the installation has not been completed within that period, this variance shall automatically expire and be of no further force and effect, unless application is made and approved for an extension of time prior to the expiration date by Petitioners or their successor(s) in interest.*
- 3. Petitioners and their successor(s) in interest will abide by the operation and maintenance requirements of the most current SNHD ISDS Regulations.*
- 4. This variance is not transferable to future property owners and does not guarantee replacement due to septic failure. Should the parent parcel or either of the child parcels transfer to a new owner prior to installation of the septic systems. This variance will automatically expire and be of no further force and effect.*
- 5. If the proposed Parcel Map is not recorded with the Clark County Recorder's Office within two (2) years, this variance will automatically expire and be of no further force and effect.*

AYES

1. Adams
2. Black
3. Diaz
4. Dutkowski
5. Kirkpatrick
6. Knudsen
7. Nemec
8. Nielson

NAYS

1. Bond
2. Segerblom

IX. REPORT / DISCUSSION / ACTION

1. **Receive, Discuss and Approve Board of Health Committees and Committee Memberships;** direct staff accordingly or take other action as deemed necessary (*for possible action*)

The Board reviewed the current composition of the standing committees. Member Bond requested to be added to the At-Large Member Selection Committee and Chair Black requested to be added to the Finance Committee.

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

<p><u>AT-LARGE MEMBER SELECTION COMMITTEE</u> <u>(Term 2020-2022)</u> James Adams Scott Black Bobbette Bond Marilyn Kirkpatrick Brian Knudsen Frank Nemec Tick Segerblom</p>	<p><u>DHO SUCCESSION & PLANNING COMMITTEE</u> Scott Black Olivia Diaz Marilyn Kirkpatrick Frank Nemec Tick Segerblom Dan Stewart</p>
<p><u>FINANCE COMMITTEE</u> Scott Black Bobbette Bond Olivia Diaz Marilyn Kirkpatrick Brian Knudsen Scott Nielson Tick Segerblom Dan Stewart</p>	<p><u>NOMINATION OF OFFICERS COMMITTEE</u> Scott Black Olivia Diaz Marilyn Kirkpatrick Brian Knudsen Frank Nemec</p>

2. **Receive Report, Discuss and Accept Amendments to the Southern Nevada District Board of Health By-laws;** direct staff accordingly or take other action as deemed necessary (*for possible action*)

Ms. Anderson-Fintak outlined proposed amendments to the Southern Nevada District Board of Health By-laws, specifically to Article 3.1(b) that refers to NRS Chapter 441B, which should be 441A, and to the removal of gendering the chair and vice-chair.

A motion was made by Member Nielson seconded by Member Knudsen and carried unanimously to approve the amendments to Article 3.1(b) that refers to NRS Chapter 441B, which should be 441A, and to the removal of gendering the chair and vice-chair.

3. **Review Report, Discuss and Approve the 2020-2021 Community Health Assessment (CHA) Overview and Findings;** direct staff accordingly or take other action as deemed necessary (*for possible action*)

Carmen Hua, Health Education in the Office of Epidemiology and Disease Surveillance, presented the 2020-2021 Community Health Assessment (CHA) Report.

Member Knudsen inquired how the information was used to solicit additional funding and the next steps. Ms. Hua advised that the next step was to implement the Community Implementation Plan to determine that items that need to be prioritized

Member Kirkpatrick inquired as to the access to care and the use of mobile units and the Highway to Health partnership with the Highway Patrol of Nevada and Anthem. Ms. Hua advised that the access to care was focused on availability and costs. Jessica Johnson added that access to care wasn't enough and that additional components would be identified in the improvement process. Dr. Leguen advised that the State has one of the lowest levels of access to care and lowest ranked in primary care providers availability in the country. In Clark County there is a need of primary care, dental care and mental health providers. Dr. Leguen added that, it was not enough to have more physicians but that the community felt comfortable with those physicians, which is a barrier to access to care in Clark County due to the low proportion of African Americans and Hispanics among local physicians. which is.

Chair Black inquired as to the alignment of the ARPA funds and the Health District's wish list for county and cities funds and if there was any overlay.

A motion was made by Member Knudsen seconded by Member Diaz and carried unanimously to approve the 2020-2021 Community Health Assessment (CHA) report, as presented.

4. PETITION #05-22: Approval of Revisions to the Southern Nevada Health District Immunization Fee Schedule; direct staff accordingly or take other action as deemed necessary (for possible action)

Karen White, Chief Financial Officer, presented the proposed revisions to the Southern Nevada Health District Immunization Fee Schedule. ([Attachment #1](#)) Ms. White advised that the proposed increases are due to the cost of purchasing the vaccines have increased on average of 15%, with some as low as 5%, and added two additional vaccines the Health District wants to provide. Ms. White confirmed that the increases are solely based on the cost of purchasing the vaccine.

Member Bond inquired as to who pays for the vaccine fees. Ms. White advised that children are covered under the vaccine for children program and that there is a similar federal program supporting access to most vaccines for low-income adults. The sliding fee discount is available to the uninsured, while services offered to patients with health insurance are billed. Ms. White clarified there is no financial burden on the consumer and no patient is ever turned away if they cannot afford the service/vaccine.

Member Kirkpatrick raised concern that the cost of insurance has increased and should be approached for a conversation about our FQHC.

Member Bond further raised that manufacturers should provide an explanation on the increase.

Dr. Leguen confirmed that providing vaccines are not a revenue source for the Health District and any vaccine fee increase that is presented to the Board is due to the increase in cost to the Health District, or there would be a negative impact on the Health District's financials. Further, Dr. Leguen advised that the Health District does not have conversations with the manufacturers because it is not a high-volume customer for these companies, therefore the Health District can't have any influence over how these companies decide the costs of their products.

Member Nemecek advised that he supports the fee increase, however, did not want it to cause a burden on the uninsured or under-insured seeking vaccinations.

Member Bond suggested a report back to the Board of Health on what is causing the increase in the cost of the products and any mitigation strategies.

Member Segerblom left the meeting at 10:34 a.m. and did not return.

A motion was made by Member Bond seconded by Member Nemeć and carried by a vote of 9-1 to approve the revisions to the Southern Nevada Health District Immunization Fee Schedule, as presented, and to request a report to the Board of Health on the cause of cost increases.

<u>AYES</u>	<u>NAYS</u>
1. Adams	1. Kirkpatrick
2. Black	
3. Diaz	
4. Dutkowski	
5. Kirkpatrick	
6. Knudsen	
7. Nemeć	
8. Nielson	

- X. BOARD REPORTS:** The Southern Nevada District Board of Health members may identify and comment on Health District related issues. 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 Kirkpatrick expressed her appreciation to Dr. Lockett and Victoria Hughes for their work with the Clark County School District (CCSD) on the training for contact tracing.

Chair Black advised that representatives from WWE Summerslam visited and presented the Health District with a check for \$2,500 recognizing the Health District as a community hero during the COVID-19 pandemic.

XI. HEALTH OFFICER & STAFF REPORTS (Information Only)

- **DHO COMMENTS**

In addition to the DHO monthly report, Dr. Leguen advised that earlier in the week the Pfizer COVID-19 vaccine received full approval from the FDA and the Health District is expecting an increase in vaccines, as there were several people waiting to receive the vaccine once it received full approval.

Dr. Leguen advised that earlier in August there was a report in Clark County where five deaths due to fentanyl overdose occurred in a single day. The Health District issued a health advisory and is developing messaging to the community. Since 2019, there have been 412 deaths in Clark County due to fentanyl overdose. The Health District is working with community partners on education and messaging to help decrease this epidemic. Dr. Leguen further advised that the Health District is providing education on the use of Naloxon in preventing overdose, which is available free of charge at local pharmacies, the Health District and from community partners.

Dr. Leguen acknowledged the work of the Health District nurses and staff that have been engaged in the COVID-19 vaccinations, along with the back-to-school vaccination campaign. Dr. Leguen recognized their commitment and dedication to their profession and the service provided by the Health District.

- **COVID-19 Update ([Attachment #2](#)) and Vaccination Campaign Update**

Dr. Cassius Lockett, Director Disease Surveillance & Control, advised that following an increase in COVID-19 cases, there appears to be a plateau; on August 21st the 7-day moving average is 642 cases per day. Dr. Lockett advised that, since June 1st, 86% of cases are unvaccinated. Dr. Lockett

further advised that hospitalizations are still high, with 88% of hospitalizations as unvaccinated. As of August 24th, there were 1,053 hospitalizations, 241 ICU admissions and 153 ventilators. The mortality rate has declined by 21% and, since June 1st, 85% deaths are unvaccinated. The positivity rate has declined, from August 8th to 21st, the 7-day moving average was 17% and now appears to be plateauing at 13%. Dr. Lockett noted that the Delta variant remains the dominant variant. Dr. Lockett outlined that breakthrough cases are extremely rare and, since June 1st, breakthrough cases are an aggregate of 14% of all cases. Dr. Lockett stated that, since March 1st, there were 6,067 cases among fully vaccinated people (0.61% of fully vaccinated), there were 233 breakthrough hospitalizations (0.023% of fully vaccinated), and there were 83 breakthrough deaths (0.0085% of fully vaccinated). Dr. Lockett concluded that masks and vaccines are working as intended and encouraged everyone to remain vigilant.

Member Knudsen inquired if there was updated information on hospitalizations of children. Dr. Lockett advised that the cases in children 5-13 years of age have increase and being monitored.

Member Diaz inquired if there was information on individuals that are hospitalized or passed away on what vaccine they received, a comparison of the vaccinates or whether they didn't complete the vaccination cycle. Dr. Lockett advised that the information on the type of vaccine is captured on the dashboard available on the Health District's website. Member Diaz followed up with inquiring as to vaccine booster. Dr. Lockett advised that approximately 60 breakthrough cases were over the age of 65, which would suggest that is one of the populations that should be prioritized for the vaccine booster. Dr. Lockett further advised that we have to wait for recommendations from the FDA on the vaccine booster.

Member Diaz expressed thanks for the Health District in being nimble and creating in providing the testing kiosks in the community. Dr. Lockett recognized Danielle Hansen and Brian Cunningham for their work on arranging and organizing the set-up of the kiosks.

Member Bond inquired on how the Health District could leverage the FDA approval of the Pfizer vaccine to encourage the unvaccinated to get vaccinated. Dr. Leguen advised that a lot of communications is being done, not only in the county, cities and local partners but also with Immunize Nevada. The Health District has been working hard to strengthen partnerships and communication with local groups, for example with many representatives from churches and religious groups. Dr. Leguen stated that it appears many people wanted to receive information from their local pastor or religious congregation, as opposed to health officials. Dr. Leguen advised that with the move from mega sites for the vaccine, to small local sites have been more accessible and allowed the Health District to focus on specific zip codes that have higher cases.

XII. INFORMATIONAL ITEMS

1. Administration Monthly Activity Report
2. Community Health Monthly Activity Report
3. Disease Surveillance and Control Monthly Activity Report
4. Environmental Health Monthly Activity Report
5. Primary & Preventive Care Monthly Activity Report

XIII. SECOND 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. Comments will be limited to five (5) minutes per speaker. If any member of the Board wishes to extend the length of a presentation, this may be done by the Chair or the Board by majority vote.

Seeing no one, the Chair closed the Second Public Comment portion.

XIII. ADJOURNMENT

The Chair adjourned the meeting at 11:22 a.m.

Fermin Leguen, MD, MPH
District Health Officer/Executive Secretary

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