ST. LAWRENCE COUNTY BOARD OF HEALTH

MINUTES
For June 19, 2012

The St. Lawrence County Board of Health (hereafter typed SLCBOH) met on Tuesday June 19, 2012 in the 2nd floor conference room of the Human Services Center, Canton, New York.

MEMBERS PRESENT: Benjamin Gruda, Gregory Healey, Robert Kimmes, Timothy Monroe, and Anthony Tramontano

PUBLIC HEALTH STAFF PRESENT: Susan Hathaway, PH Director; Benjamin Todd, Tobacco Program Coordinator; Sandra Worden, Director of Patient Services; Laurie Maki, PH Educator; Kindra Cousineau, Communicable Disease Coordinator, Mike Crow, SLC Attorney; Myrna Barney, PH Sanitarian

MEETING TO ORDER

President Benjamin Gruda called the meeting to order at 6:02 pm.

Mr. Gruda noted that there was a new attendee and asked him to introduce himself. Mike Crowe, St. Lawrence County Attorney, introduced himself and told the board he had been asked to attend this meeting by Ms. Hathaway for his legal advice regarding a topic on the agenda for tonight's meeting.

MINUTES OF THE APRIL 17, 2012 MEETING

Mr. Gruda asked if there were any corrections or additions to the April 17, 2012 minutes. There were none. He asked for a motion to accept the minutes as written. Mr. Kimmes made the motion and Dr. Healey seconded. The minutes were approved as written.

COMMUNICATION

There were no new communications to discuss.
PUBLIC COMMENT

There were no public comments.

REPORTS

CHHA/LTHHCP - Sandra Worden, DPS

Ms. Worden told the Board that the CHHA/LTHHP continues to move forward. The nursing staff is working very hard as evidenced by the announcement on June 13, 2012 recommending the CHHA program be put in the county’s budget through the end of 2013. We continue to meet with Karen St. Hilaire and Sallie Brothers on a weekly basis to provide statistical information regarding the progress of the program.

We have hired four full-time nurses to help with the staffing issues of the CHHA program. Currently these nurses are in the orientation process with the earliest hires starting to perform home visits. We have also hired one “Casual” RN to help with providing care in a difficult-to-serve area.

We have lost our intake/coding nurse, but we are currently training two Licensed Practical Nurses to take over intake. We also have five people assigned to learn coding. One staff member has already begun that process.

Marketing continues. We continue to visit each area hospital on a weekly basis. Also nurses who may have personal visits to a hospital or physician’s office outside the county have agreed to take a marketing packet and to inform them about our CHHA program.

Ms. Worden distributed a 2012 CHHA Summary of Activity sheet and a CHHA Weekly Statistics Chart for the Board’s review. Ms. Worden explained that Debra Bridges, our fiscal manager, provides the information shown on the 2012 CHHA Summary of Activity sheet. She asked the Board if there were any questions regarding the handouts.

Mr. Monroe asked about the Gouverneur office lease. He suggested that we contact Kinney Drugs as they were renting other space in the area. He was informed that we currently have the space rented and that our lease will be up as of December 31, 2012.

Mr. Worden told the Board that our caseload is up to 231 clients. We have been handling this caseload with only nine nurses and one of those has been out the last few weeks with a broken ankle. Our full-time nurses are also helping with weekend care.
We are continuing to follow-up with our edits to ensure notes are locked in a timely manner to prevent billing delays. We have devised a procedure so that three people are auditing this to ensure there is follow-up.

Previously we did have an assigned nurse who oversaw the training/problem shooting for Clindoc, our paperless documentation system. This practice was stopped and we have found that with the nursing staff going to other staff members with questions, incorrect information has been passed on. We will be asking this nurse to come back into the office as a point person for any Clindoc questions or issues. If anyone has a problem with an error report, she will be able to help them and thus stop the slowing down of the billing process.

All-in-all the staff has been doing an excellent job and was very pleased by the announcement of the continuation of the program. It has been challenging as we have been so short staffed.

**OLD BUSINESS**

**Tobacco Law – Benjamin Todd**

Ms. Hathaway explained to the Board that on May 8, 2012, the SLC Board of Legislators passed a resolution supporting that a law be written by the SLCBOH prohibiting tobacco use on county property. Ms. Hathaway reiterated that prior to this meeting she emailed a copy of the proposed local law and education plan. She also explained that she had asked Mr. Crowe to attend this meeting to help weigh in on this matter. Ms. Hathaway asked the Board members to look over the information that was emailed and to make any changes they felt necessary.

Mr. Todd explained that the law was written after reviewing other laws written by other counties. There was discussion regarding the exemption of private vehicles, but it was felt that exempting private vehicles would be destroying the policy. The intent of the policy is to stop smoking on county property.

Another concern addressed was the county’s forest land. The Board felt that trying to prohibit smoking in county forests would be unenforceable. Parks and playgrounds will be included in the policy.

The biggest issue with the law is enforcement. Will the Board of Health be designated as the enforcer? These were the three areas with the most concern regarding the implementation of the law.

The plan would be to implement a year of education before enforcement of the law. Some Board members felt that 99% of people will not defy the law and will not smoke on county property because it would be against the law. Dr. Healy agreed that the passing of the law would most likely be enough. Management should brief their own staff and clients regarding the passage of the law.
Ms. Maki stated that the SUNY Board of Trustees just endorsed the passage of a law making all SUNY campuses tobacco free by 2013. All CUNY campuses are tobacco free already. Due to all the focus on tobacco recently, the Board of Health felt this is a very good time to go forward with this law. The law will make a good foundation that can be built on in the future.

Mr. Crowe, SLC Attorney suggested that the Board not enact the enforcement section of the law. He noted that if this section was enacted, there would have to be a decision as to who would write the complaints, what the notice would look like, and fine amounts would have to be set. Another issue addressed by Mr. Crowe was that while speaking to Human Resource Director Mr. Boulio, Mr. Boulio felt that the policy regarding the tobacco-free county property could be enacted, but if enforcement became involved this would affect collective bargaining. The discipline of an employee for not following the non-tobacco rules would require disciplinary action and could therefore become a union issue.

Dr. Healey suggested that it be passed as a law without an enforcement section. He felt the educational portion of the law could be started and if that didn’t deter people from smoking on county property, the enforcement section could be added at a later date. Another suggestion was to post signage “NO TOBACCO USE BEYOND THIS POINT” at entrances to county property. After much discussion, Mr. Crowe came forward with the ideal that if an employee or visitor is non-compliant, they could be asked to leave and if they refused, it would become a trespassing issue and local law enforcement could be called to have them removed.

Mr. Monroe made a motion to remove Section 6 and change the language in Section 5. He also suggested that it could add that if a person refused to leave when asked, they would be charged with trespassing. Mr. Crowe stated that he would like to look the law over further and the suggested changes would be made. Dr. Healey made a motion to table the matter until the next meeting and Mr. Monroe seconded the motion. All were in favor.

It was suggested that the educational piece of the law be started as soon as possible. Ms. Maki told the Board that she and Mr. Todd have been putting information together to take to Human Resources to show it is less inexpensive to help pay for cessation classes than resulting health care. Ms. Maki told the board that she needed to find someone to conduct cessation classes. She also suggested that more needed to be done in our own health care plan to assist in smoking cessation. Twenty-five to twenty-seven percent of our employees are smokers and giving them an option for a 12-week period of tobacco cessation on a yearly basis would be helpful. ProAct is our mail order medication supplier and there may be some type of contract made with them to supply smoking cessation products at a discounted rate. There is a variety of items that can be used for
nicotine replacement. Ms. Maki felt that there should be a meeting with Human Resources regarding these matters.

**H1N1 Law Suit – Susan Hathaway/Mike Crowe**

Ms. Hathaway asked Mr. Crowe to take the floor regarding the H1N1 suit. Mr. Crowe reiterated that both the State and Federal Attorney Generals have signed a brief which will be argued in October. They have been very helpful. It usually takes 45 – 75 days for a decision after the arguments are made. The State is gearing up to make deliverables more efficient.

**NEW BUSINESS**

**July Meeting**

At the July meeting elections of officers will be held. Mr. Gruda told the Board that he could serve two terms as President, but he would be more than happy to let someone else take over the role if they were interested. Mr. Gruda stated that sometimes it is better to make changes which could result in different ideals being presented.

**Dr. Healey’s Term**

Dr. Healey’s term is coming to an end. We are asking him to consider a reappointment by the Board of Legislators for a six-year term. Dr. Healey stated that he be willing to extend his term for another six years. Ms. Hathaway told Dr. Healey that his reappointment would have to be approved by the Board of Legislators.

**Respite Care and Medicaid Overpayment**

In April Jack Venesky discovered a discrepancy in our LTHHCP billing. We began an investigation into the discrepancy and found we have been billing Medicaid incorrectly for Respite care. We were billing Respite care at the PCA II billing rate as the provision of this service requires a PCA II. The billing rate for PCA II care is $31.00 per hour whereas the billing rate for Respite care should have been $14.00 per hour. Therefore, we have a large overpayment from Medicaid. We have already self-disclosed the overpayment to OMIG a week ago. We had to go back six years and staff has determined the damages at approximately $284,000. We are still working to get an exact amount. We did correct the billing and the Board of Legislators has also been informed.

A question was asked whether OMIG would need to be sent a check or if they would withhold the amount from our reimbursement. Ms. Hathaway told the Board that OMIG would withhold payments to collect. We have sent a letter to OMIG but as of this time we have not had a response. With this being the third
self-disclosure, Mr. Hathaway stated that she is afraid the State will be here to audit the program.

PERSONNEL

Five New Nurses

We have hired five new nurses for CHHA and Prevent. Two of the nurses started about four weeks ago and two more started last week. We have had some resignations and retirements. One clerical and one fiscal have transferred to another department. JoAnn McAllister just retired and another 30-year nurse in CHHA is retiring next month. Our intake nurse resigned and moved to Florida and one of our Prevent nurses has resigned.

I think we will be fairly stable until about December. The counties putting us in the 2013 budget is good news for the staff.

OTHER

Rabies

Ms. Cousineau told the Board that the State has made some changes and she needed help and guidance. Ms. Cousineau showed a Power Point presentation regarding Public Health’s role in rabies control. Issues for the rabies staff is that NYSDOH now allows counties to use their discretion when deciding on a 10-day confinement, many residents are unable to pay for the cost of confinement and some facilities are not willing or are not equipped to take animals deemed dangerous. In addition all work done by the Public Health staff is done by phone, fax and mail. Staff has to make repeat phone calls to owners, local law enforcement and other involved parties. Information received on a bite report is not always accurate causing staff more work when trying to follow up on a report. Many Dog Control Officers (DCOs) work full time which results in delayed response time, often officers are out of town and there is no one covering. Non-compliance by owners is a huge concern. Ms. Cousineau presented three case studies and expressed her frustration with our local law enforcement not becoming more involved in some of these cases.

Ms. Cousineau asked the Board for guidance on how to handle the staff’s inability to enforce or to get law enforcement officers to enforce laws when broken.

Suggestions were made as follows:

1. Our local law enforcement officers need to enforce the law.
2. People who are responsible for breaking the law will be responsible for paying any necessary fees.

3. A suggestion was made that a letter be written to townships asking that their Dog Control Officers do their jobs.

Mr. Monroe made a motion to send the letter to the townships and Dr. Logalbo seconded the motion. All were in favor. Also included in the motion was that a copy of the letter be sent to the Sheriff’s Department. It was also decided that after the letter is written, it be emailed to the SLC Board of Health for their review.

**Executive Session**

There was no need for an executive session.

**Adjournment**

President Ben Gruda asked for a motion to adjourn the meeting at 8:15 pm. Mr. Monroe made the motion to adjourn and Mr. Gruda seconded.

Respectfully Submitted,

Rosemary A. Brown
Administrative Assistant