



MINUTES

Southern Nevada District Board of Health Meeting 330 S. Valley View Boulevard, Las Vegas, Nevada, 89107 Conference Rooms 2-2a

Monday, April 22, 2013 – 5:00 p.m.

Mary Beth Scow, Chair, called the meeting of the Southern Nevada District Board of Health to order at 5:01 p.m. and led the Pledge of Allegiance. Annette Bradley, Legal Counsel confirmed the meeting had been noticed in accordance with Nevada's Open Meeting Law.

Annette Bradley noted a quorum was present at the start of the meeting with Members Bateman, Beers, Crowley, Gustaveson, Jones, Nemeč, Noonan, Scow, Wood and Woodbury seated.

**BOARD:
(Present)**

Mary Beth Scow – Chair, Commissioner, Clark County
Sam Bateman – Councilmember, City of Henderson
Bob Beers – Councilmember, City of Las Vegas
Susan Crowley – At-Large Member, Environmental Specialist
Karl Gustaveson – Alternate - Councilman, City of Mesquite
Timothy Jones – At-Large Member, Regulated Business/Industry
Marietta Nelson – At-Large Member, Physician
Frank Nemeč – At-Large Member, Physician
Bill Noonan – At-Large Member, Gaming
Lawrence Weekly – Alternate – Commissioner, Clark County
Lori Winchell – At-Large Member, Registered Nurse
Anita Wood – Councilmember, City of North Las Vegas
Rod Woodbury – Councilmember, City of Boulder City

(Absent)

Chris Giunchigliani – Commissioner, Clark County
Allan Litman – Councilmember, City of Mesquite
Lois Tarkanian – Councilmember, City of Las Vegas

ALSO PRESENT: Doug Dobyne – Alternate At-Large Member, Regulated Business/Industry

LEGAL COUNSEL: Annette Bradley, Esq.

INTERIM EXECUTIVE

SECRETARY: John Middaugh, M.D.

STAFF: Heather Anderson-Fintak, Lucinda Badillo, Kelly Brinkhus, Mary Ellen Britt, Dennis Campbell, Rory Chetelat, Norine Clark, Alice Costello, Jacque Curl, Margarita DeSantos, Xavier Foster, Elaine Glaser, Victoria Harding, Amineh Harvey, Forrest Hasselbauer, Julie Hurd, Amy Irani, Shawnta Jackson, Dee Dee Khayat, Susan LaBay, Alicia Mitchell, Michelle Nath, Linda Newton, Rosa Olguin, Mars Patricio, Jeff Quinn, Shannon Randolph, Rick Reich, Brian Riddle, Jane Shunney, Jennifer Sizemore, Bonnie Sorenson, Michelle Sotero, Ezra Tubig, Leo Vega; Valery Klaric and Jacqueline Wells, Recording Secretaries.

PUBLIC ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Sue Yurcie	HDTV
Ron Robertson	HDTV
Brian Shapiro	KXNT
Linda Capez	HM Sheet
Pamela Kurcz	SAFY
Steve Minagil, Esq.	Pecos Law Group
Dan Lake	City of North Las Vegas Police Department
Dean Steiner	Department of Juvenile Justice Services
Jack Martin	Department of Juvenile Justice Services
Betty Baurele	McCarran HMS Host International
Ayaz Siddiki	Temstcost
Greg Post	Wet 'n Wild Water Park
Takuya Ohki	Wet 'n Wild Water Park
Scott Bulloch	Wet 'n Wild Water Park
Terry Coffing	Marquis Aurbach Coffing
Josabahad Gonzalez	Self
Jose Vasquez	Self
Judy Tudor	Clark County Department of Family Services
Paula Hammack	Clark County Department of Family Services

PRESENTATION – PUBLIC HEALTH HEROES

Jane Shunney, Office of Public Health Preparedness Manager, and Jeff Quinn, Senior Public Health Preparedness Planner, recognized Sergeant Dan Lake, Emergency Management Coordinator, Homeland Security Division, North Las Vegas Police Department, for his work in collaboration with the Office of Public Health Preparedness.

For their successful partnership with the Teen Pregnancy Program, Michelle Sotero, Senior Health Educator, acknowledged Clark County Juvenile Justice Center and Clark County Department of Family Services – Foster Care. The awards were accepted by Jack Martin, Director Clark County Juvenile Justice Center, Paula Hammack, Assistant Director, Child Welfare Services, Judy Tudor, Manager, Foster Care and Adoption, Pamela Kurcz, State Director, Safe Alternatives for Youth (SAFY), Dean Steiner, Stewart Probation Center.

(Member Nelson arrived at 5:10 p.m.)

(Member Weekly arrived at 5:11 p.m.)

Ezra Tubig, Environmental Health Specialist, recognized Linda Lopez, McCarran HMS Host International, for her exceptional effort in working with the SNHD Environmental Health program.

- I. **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 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.

Norine Clark, Chief Union Steward, stated that she is passionate about the nomination of Dr. Coleman as new Chief Health Officer. Norine expressed frustration in that the District continues to spend money on recruitment as she considers Dr. Coleman the best man for the job. Norine hopes that the Board decides soon as Dr. Middaugh will be retiring in the near future and the employees and managers of the District need to get moving with the new leader and get on with business.

Jose Vasquez, 6360 E. Sahara, Las Vegas, NV, 89102 approached the podium regarding a recent hearing for his friend/client. Mr. Vasquez stated the he is a bookkeeper/accountant. Ms. Bradley advised the Chair that the issue Mr. Vasquez is discussing is not an agenda item and better left for the second Public Comment period on of the agenda. The Chair asked Mr. Vasquez to come back at Public Comment.

Chair Scow asked if anyone else wished to speak and seeing no one else closed Public Comment.

II. **ADOPTION OF THE April 22, 2013 AGENDA (for possible action)**

The Chair noted that agenda item VII.1 (**RECEIVE REPORT AND RECOMMENDATIONS:** Receive from the April 10, 2013 CHO Succession Committee; Accept Committee Recommendations; and/or take other action deemed appropriate) will be moved to agenda item VI.2.

Motion made by Member Nemec, seconded by Member Bateman and carried unanimously to adopt the April 22, 2013 Board of Health Meeting Agenda as amended by Chair Scow.

III. **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 28, 2013 (***for possible action***)
2. **PETITION #09-13:** Approval of Intrastate Interlocal Contract with Nevada State Division of Environmental Protection for Local Underground Storage Tank Program (Four Year Renewal): direct staff accordingly or take other action as deemed necessary (***for possible action***)
3. **PETITION #11-13:** Approval of Interlocal Contract with Nevada Division of Environmental Protection for administration of Federal Safe Drinking Water Act in Southern Nevada: direct staff accordingly or take other action as deemed necessary (***for possible action***)
4. **PETITION #10-13:** Approval of Contract with SNHD and CRA, Inc. to provide planning, training and exercises relative the FY 2010 Urban Area Security Initiative (UASI) Isolation and Quarantine Project Number 97067U10, the FY 2010 Urban Area Security Initiative (UASI) Epidemiological Surveillance and Investigation Project Number 97067U10 and FY 2011 – Urban Area Security Initiative (UASI) Epidemiological Surveillance and Investigation Project Number 97067.11-U11: direct staff accordingly or take other action as deemed necessary (***for possible action***)

5. **MEMORANDUM #04-13:** Consider/Approve Renewal of Authorization of University Medical Center as a Level I Trauma Center and Level II Pediatric Trauma Center: direct staff accordingly or take other action as deemed necessary **(for possible action)**

Motion made by Member Noonan, seconded by Member Wood and carried unanimously to approve the Consent Agenda as presented.

IV. **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 #01-13:** CONSIDER/APPROVE District Emergency Medical Services Regulations: direct staff accordingly or take other action as deemed necessary **(for possible action)**

Rory Chetelat, EMS and Trauma Systems Manager, presented highlights of proposed changes to the EMS regulations as:

Global changes:

- Added reference to OEMSTS (Office of EMS & Trauma System)
- Added language requiring verifiable documentation of a skills component for all online classes
- Housekeeping

Terms and Conventions

- Added BCCTPC (Board for Critical Care Transport Paramedic Certification)
- Added NEMSEC (National EMS Educator Certification)

Section 100: Definitions

- 100.010: Deleted "Advanced Attendant" as the term is no longer used
- 100.017: Defined "Advanced Practitioner of Nursing"
- 100.067: Clarified definition
- 100.105: Defined "EMS Response Vehicle"
- 100.1065: Defined "Field"
- 100.124: Changed population from 400,000 to 700,000
- 100.160: Revised definition of "Medical Advisory Board"
- 100.170: Revised definition of "Patient"
- 100.201: Defined "Physician Assistant"
- 100.215: Defined "Public Health Emergency"

Section 200: Emergency Medical Services Training

- 200.000 I.B.: Removed exemption for fingerprinting; *added clarifying language*
- 200.000 V.: Added language to require a new Letter of Authorization when there is a change in majority ownership or substantive change in structural organization
- 200.415: Removed verbiage "within the last five years"

- 200.420 III.: Added language to require CCT Paramedics to be certified by the BCCTPC
- 200.500 I.A.&B.: Removed verbiage “within the last five years”
- 200.700 I.C.: Added language requiring a renewal application for recertification
- 200.700 III.: Added requirement for annual schedule of all skills training days
- 200.700 V.: Removed extension for individuals enrolled in training for a higher level of certification

Section 300: Certification

- 300.100 I.D.2.: Removed “addiction” question from application (not required by NRS)
- 300.200. I.D.2.: Removed “addiction” question from application
- 300.300.I.B.: Added requirement for current provider cards
- 300.300.I.D.2.: Removed question regarding “addiction” from all applications
- 300.310 II. B.: Added requirement for current provider cards
- 300.320. I.C.: Added requirement for current provider cards (except PALS & PHTLS)

Section 400: Licensure

- 400.030: Removed “addiction” question from application
- 400.100 I.A.: Removed verbiage “within the last five years”
- 400.700 IV.C.: Added language requiring current employment by a permitted agency for re-licensure

Section 800: Permit Endorsement

- 800.010 I.C.1.: *Added clarifying language for fingerprinting*
- 800.130: Deleted in its entirety - covered in other sections

Section 900: Ambulance Service

- 900.000.IV.: Added clarifying language
- 900.200: Included all inventories
- 900.300. IV.: Added language from 800.130.IV.

Section 1000: Air Ambulance Service

- 1000.000 III.: Added clarifying language
- 1000.010: Removed redundant language
- 1000.400.I.: Redundant - covered in 1000.010 II.A.&B.
- 1000.500.I.: Redundant - covered in 1000.005 II.A.&B.

Section 1100: Firefighting Agency

- 1100.000 II.: Added clarifying language
- 1100.200.II. & III.: Corrected as “licensed” provider

Section 1200: Controlled Substances and Dangerous Drugs

- 1200.200.II.: Corrected language to “receiving” physician

Section 1300: EMS Administration

- 1300.400: Added clarifying language
- 1300.407: Added clarifying language to strengthen 1300.400
- 1300.410.: Added clarifying language
- 1300.430: Added clarifying language and reference to new form

- 1300.900: Added new section “Endorsement to Administer Immunizations, Dispense Medication and Respond to a Public Health Emergency”

Section 1500: Provisional Permits, Variances

- 1500.200 II. & III.: Changed “Permittee” to “Applicant”

Section 1600: Medical Advisory Board

- 1600.000 II.C.: Added Regional Trauma Advisory Board member to Medical Advisory Board
- 1600.000 X.B.: Added enabling language outlining the activities of the QI Directors Committee

Section 1800: Disciplinary Action

- 1800.100 IV.B.: Removed “moving traffic violation”

Appendix “A”

- Removed in its entirety (covered in 900.300 IV.; 1000.005 II.A.&B.; 1000.010 II.A.&B.)

Motion made by Member Bateman, seconded by Member Crowley and carried unanimously to approve District Emergency Medical Services Regulations as presented.

(Member Winchell arrived at 5:52 p.m.)

2. **CONSIDER/APPROVE:** Variance Request to Operate Public Bathing Places not in Compliance with the Nevada Administrative Code NAC 444.214.1, NAC 444.214.2, and NAC 444.278 [Assessor’s Parcel Number (APN) 176-06-701-003]; direct staff accordingly or take other action as deemed necessary **(for possible action)**

Susan LaBay, Environmental Health Supervisor, reported on the variance request submitted by The Waterpark, LLC, d/b/a Wet ‘n’ Wild, 7055 S. Ft Apache, Las Vegas, NV 891248. She stated that staff is of the opinion that requirements for a variance are satisfied and recommended granting the variance as it will not be detrimental or pose an unreasonable danger to public health and safety if the following conditions as recommended are included:

1. The petitioner agrees to increase the number of sanitary facilities should the Health Authority determine that current facilities are inadequate. Indicators of inadequate facilities include but are not limited to the following:
 - a. The patron wait time at the provided facilities exceeds three minutes;
 - b. The sanitary conditions of the existing facilities cannot be maintained, and
 - c. The sanitary conditions of any body of water cannot be maintained.
2. The petitioner agrees to increase the number of sanitary facilities as prescribed by the Health Authority according to the following timelines:
 - a. Shower heads will be added within one week of notification by the Health Authority;
 - b. Restroom fixtures will be added within one calendar year of notification by the

Health Authority to include: toilets, urinals and lavatories;

3. The petitioner agrees to limit the park capacity to 1500 bathers should the Health Authority determine the existing facilities are inadequate;
4. The petitioner agrees to adhere to all other applicable requirements of the Public Bathing Places Public Spa Regulations, NAC 444.
5. Failure of the petitioner to prevent public health and safety issues, as determined by the Health Authority, will result in the revocation of this variance.
6. The variance is automatically terminated without further notice upon the closing of any sale transaction involving the subject property, or upon petitioner leasing or assigning operation of these public bathing facilities to any other person or entity

Member Jones asked if this variance would bring Wet 'n Wind into consistency with the other water park. Ms. LaBay stated that both water parks are very consistent in their numbers; however the difference is the facilities as the water park in Henderson will have more family style stalls/fixtures while Wet 'n Wild will have more urinals and restaurant type facilities. Both are in line with the number of fixtures and both will be monitored by Environmental Health Inspectors regularly to ensure that the number of fixtures remains adequate.

Member Wood expressed concern that the proposed 20% reduction in facilities may not be adequate. Ms. LaBay noted that although it is a 20% reduction, it is still in line with industry standards across the United States and both water parks understand that if their facilities are found to be inadequate, they will be required to add more.

Member Crowley asked how effectiveness of the reduced facilities will be measured. Ms. LaBay stated that the three main indicating factors in the variance are:

1. If the wait time is longer than three minutes;
2. If the sanitary standards within the restrooms cannot be maintained; or
3. The sanitary conditions of the water or bodies of water cannot be maintained.

Member Beers asked what is being done to bring Nevada regulations in sync with the national standards. Ms. LaBay advised that Environmental Health staff is currently reviewing the model Aquatic Code to see how it can be adjusted to fit the needs of Nevada as the regulations are state law. Ms. LaBay added if local regulations need to be adopted there is a process to do so, however 95% of commercial bodies of water are in Clark County, so it makes sense that the District be responsible for bringing the updated code forward.

Motion made by Member Noonan, seconded by Member Nelson and carried unanimously to approve Variance Request to Operate Public Bathing Places not in Compliance with the Nevada Administrative Code NAC 444.214.1, NAC 444.214.2, and NAC 444.278 [Assessor's Parcel Number (APN) 176-06-701-003] as presented, assuming the applicant adheres to the stipulations.

Chair Scow asked if anyone else wished to speak and seeing no one else closed Public Comment.

V. CLOSED SESSION: Meeting of the Board of Health as governing body to receive information from its attorneys regarding potential and existing litigation involving matters

over which the Board has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matters, pursuant to NRS 241.015(2)(b)(2).

Chair Scow called the Closed Session of the Southern Nevada District Board of Health to order at 5:31 p.m.

CLOSED SESSION

Chair Scow reconvened the Open Session at 6:26 p.m. and noted a quorum was present following the conclusion of the Closed Session with Members Bateman, Beers, Crowley, Gustaveson, Jones, Nelson, Nemec, Noonan, Scow, Weekly, Winchell, Wood and Woodbury seated.

VI. REPORT/DISCUSSION/ACTION

1. **LEGISLATIVE UPDATE:** Receive legislative report: direct staff accordingly or take other action as deemed necessary (*for possible action*)

Jennifer Sizemore provided an update on SB450 and SB315, which both directly affect the Board and District.

SB450 will change the requirements for the local health officer. An amendment was introduced by Dr. Middaugh to keep the qualifications current with standards across the United States. One of the important things in this bill is that it has been changed to:

Section 1.2.(a) "The District health officer must be licensed to practice medicine or osteopathic medicine in this State or be eligible for such a license and obtain such a license within 12 months after being appointed as district health officer;

This language has been approved by the Senate and is now on the Assembly side. If approved by the Assembly, it will be effective July 1, 2013

SB 315 proposes a change to the makeup of the Board and institutes term limits. This bill adds one new member to the board who has a background in recycling which states:

Section 2.(b).6 "One representative who is an employee of an entity that specializes in recycling but is not in the business of disposing of municipal solid waste."

It also changes the Business/Industry representative to:

Section 2.(b).4 "On representative a [~~nongaming~~] business [~~or from an industry~~] that is subject to regulation by the health district [~~;-and~~] who is not an owner, employee or independent contractor of a gaming establishment; "

Term limit language changed to:

Section 1.3: "Members of the district board of health serve terms of 2 years. A member selected pursuant to paragraph (b) of subsection 2 may serve for not more than 2 terms."

Member Nemec asked what motivated the term limits. Ms. Sizemore advised that her understanding is that it would provide for turnover and new faces on the Board.

Member Wood asked, in regard to term limits, how many could a representative have. Ms. Sizemore referenced Section 1.3, which indicates that a Board member may serve two 2-year terms.

Member Nemec expressed concern for loss of institutional memory by having a more rapid turnover and believes that it will weaken the Board. Ms. Sizemore stated that his concern could be brought up when this bill comes before the Assembly.

Motion made by Member Nemec, seconded by Member Jones and carried unanimously that the Board stand in opposition to term limits and the concern would be loss of institutional memory for the Board members and the Board as a whole.

Dr. Middaugh clarified that the language pertained to all Board members not just the appointed. He will confirm and provide update to Board.

VII. 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.

1. RECEIVE REPORT AND RECOMMENDATIONS: Receive from the April 10, 2013 CHO Succession Committee: Accept Committee Recommendations; and/or take other action deemed appropriate (Committee: Chair Jones, Members Beers, Crowley, Nemec, Scow, Wood & Woodbury) *(for possible action)*

Member Jones stated that there are now four candidates in the CHO recruitment and identified them as:

- The internal candidate who identified himself (Dr. Coleman),
- An out of state candidate that continues to remain anonymous,
- A candidate who is interested if he can remain anonymous to the point of the decision, and
- A candidate who is willing to be public in the process whose background is not as strong as the other candidates.

Member Jones reported that the sub-committee prepared a group of questions to get to know the candidates on a personable basis and Dr. Middaugh, Kelly Brinkhus (Acting HR Administrator) and Pam Derby (CPS Consultant) are compiling the technical questions that could be a written response, used in combination with the resumes of the applicants for the purpose of establishing their technical and scientific medical background in terms of the ability to do the job.

Kelly Brinkhus noted that Ms. Derby is separating the questions that have already been answered by perusing the CVs and the initial interviews and the remaining questions will be used to construct the technical supplement that will be sent to the candidates for

completion. After the supplements are done, the personal questions will be prepared for the final interviews.

Member Jones added that there had been discussion in regard to the reasonableness for conducting blind interviews. Ms. Bradley checked with the Attorney General and confirmed that this is not acceptable due to Open Meeting Law.

Member Jones reported that the recommendation of the sub-committee is to move forward and interview the two candidates that are willing to be public and send technical questionnaires to all four candidates. The candidates that do not wish to be identified will not be part of the interview process.

A motion was made by Member Jones, seconded by Member Bateman and carried unanimously to approve the recommendations of the CHO Succession Committee.

VIII. HEALTH OFFICER & STAFF REPORTS

- Dr. Middaugh stated that a collaborated effort with the Nevada State Health Division (NSHD) has resulted in the submission of a competitive grant application, which if awarded by the CDC, could bring in \$1.5M for five years. Dr. Middaugh added that working with NSHD was clearly a step in the right direction in terms of rebuilding relationships not only with NSHD, but also with Washoe County and Carson City.
- Dr. Middaugh presented “Veterinarian and Public Health Medicine Relationship – One Health”.
- Dr. Middaugh reported that Environmental Health is working on a pool regulation revision plan and hopes to have a preliminary report available soon which will indicate the stakeholders, why change is needed and what the important changes will be.
- Ms. Bradley advised that the nomination forms for Board Officers have been sent out for this year and notices have been sent to all jurisdictions alerting them that the elected members need to be reappointed.

IX. INFORMATIONAL ITEMS – DULY NOTED

A. Chief Health Officer and Administration:

1. Monthly Activity Report, March 2013

B. Community Health:

1. Monthly Activity Report, March 2013

C. Environmental Health:

1. Monthly Activity Report, March 2013
 - a. Rachel H. Lewison Letter

D. Clinics and Nursing:

1. Monthly Activity Report, March 2013

X. 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.

Jose Vasquez, 6360 E. Sahara, Las Vegas, NV, 89102, re-approached the podium regarding Rincon Catracho, a restaurant owned by his friend/client, Mrs. Analyo, who is currently experiencing problems with the health permit. Mr. Vasquez stated that he is aware that problems exist at the restaurant and that the permit was temporary. Mr. Vasquez, an Accountant, worked with Mrs. Analyo and key employees to generate manuals, videos and training to get the business back up and running. Mr. Vasquez apologized on behalf Rincon Catracho, stating that they understand that they made big mistakes by ignoring warnings from the inspectors due to their lack of understanding English, although that is not an excuse. Mr. Vasquez also apologized for the negative attitudes displayed by the owner and staff to the inspectors and understand the inspectors were just doing their jobs. Mr. Vasquez noted that Rincon Catracho is taking steps to correct all of their issues and is a tax paying business that employs about 30 people and estimates to hire another 30 people in the future. He expressed that Rincon Catracho is ready to take the next step, which is the appeal and asks the Board's assistance in getting the permit back as they are doing their best to resolve this matter and guarantees that future public health issues will not occur.

Dr. Middaugh advised Mr. Vasquez that someone will follow up with him regarding this issue.

Seeing no one else, the Chair closed the Public Hearing portion of the meeting.

XI. ADJOURNMENT

Chair Scow adjourned the Board of Health meeting at 7:13 p.m.

SUBMITTED FOR BOARD APPROVAL

John Middaugh, M.D., Interim Chief Health Officer
Executive Secretary

/jw