



MINUTES

Southern Nevada District Board of Health Meeting July 27, 2017 – 8:30 A.M.

**Southern Nevada Health District, 280 S. Decatur Boulevard, Las Vegas, NV 89107
Red Rock Trail Conference Room A and B**

**BOARD:
(Present)** Ricki Barlow – Councilmember, City of Las Vegas
Scott Black – Councilmember, City of North Las Vegas
Douglas Dobyne – Secretary, Regulated Business/Industry
Chris Giunchigliani – Commissioner, Clark County (arrived at 8:40 a.m.)
Marilyn Kirkpatrick – Commissioner, Clark County
Frank Nemeč – At-Large Member, Physician
Scott Nielson – At-Large Member, Gaming (via teleconference - joined at 9:34 a.m.)
Rich Shuman – Councilmember, City of Boulder City (via teleconference)
Dan Stewart – Councilmember, City of Henderson
Brian Wursten – Councilmember, City of Mesquite

(Absent): Bob Coffin – Councilmember, City of Las Vegas

**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, Andrew Glass, Paul Klouse, Fermin Leguen, John Hammond, Sharon McCoy-Huber, Christopher Nickerson, Laura Palmer, Jacqueline Reszetar, George Ruiz, Karla Shoup, Jennifer Sizemore, Marlo Tonge, Leo Vega, Jacqueline Wells

I. CALL TO ORDER

Secretary Dobyne called the Southern Nevada District Board of Health meeting to order at 8:30 a.m.

II. PLEDGE OF ALLEGIANCE

III. OATH OF OFFICE

The Oath of Office was administered to new members Councilman Ricki Barlow (City of Las Vegas) and Councilman Scott Black (City of North Las Vegas) by Michelle Nath, Executive Administrative Secretary.

IV. RECOGNITIONS

- Dr. Edwin “Flip” Homansky received an appreciation award from District Emergency Medical Services and Trauma System staff. Dr. Homansky has been involved in local Emergency Medical Services (EMS) since at least 1981 and as an Emergency Department doctor since 1977. Dr. Homansky is a cherished member of the medical community and will be missed in the EMS arena.
- On March 27, 2017 Ms. Karla Shoup, Environmental Health Supervisor, received notice that her program titled Instilling Food Safety Culture Prior to Permit Issuance was selected as a

Model Practice by the National Association of County and City Health Officials (NACCHO). The selection of this program as a model practice means that it demonstrates exemplary and replicable qualities in response to a local public health. This honor further reflects the strength of the Southern Nevada Health District role, collaboration, and innovation.

Ms. Shoup received her award on July 12th, 2017 during the NACCHO Annual Conference Grand Award Ceremony.

Member Giunchigliani arrived at 8:40 a.m.

- 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 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, SNHD, SEIU, addressed bargaining. Last month the Union asked for binding arbitration and there was no agreement on management's side. Mediation will start next week at the request of the management team attorney. Ms. Ellis relayed information currently shared with members regarding current bargaining session. Ms. Ellis submitted a petition to the Board regarding Article 20, signed by 157 employees of the Southern Nevada Health District, demanding management honor their word to amicably negotiate the reinstatement of the annual two step increases to employees that have not reached the top of the pay scale. Ms. Ellis quoted from Article 20.8 of the contract stating "It is not the intent of either party to permanently stop the practice of annual two step increases for employees who have not reached the top of the pay scale; rather this is the parties' attempt to alleviate concerns during the current economic crisis. The parties look forward to amicable negotiations and an improved economic environment in the future wherein a return to two (2) step increases can be reinstated."

Victoria Harding, SNHD, SEIU, noted there was another recognition awarded by NACCHO that was not addressed, as SNHD staff received an honorable mention for a model practice award for its innovative response to prevent outbreaks of Legionnaire's disease. Mark Bergtholdt and his team in Environmental Health have worked very diligently to ensure that the community is safe and should be recognized. Regarding the nomination by the Advisory Board to recommend Tim Jones as Vice Chair, Ms. Hardin noted that Mr. Jones' was not nominated by any of the Advisory Board by members, but by Bob Beers, who is no longer on the Board. Regarding negotiations, Ms. Harding noted Dr. Iser has received a raise every year. His position has been that he makes less than his predecessors. The classification and compensation study that was recently done and presented to the Board indicates ending salaries are low, which is no shock due to lack of cost of living adjustments for seven years. However, it also shows very low starting salaries and it now takes fourteen years to get from a low non-competitive starting salary to a low non-competitive ending salary as the two step increase have been taken away. Conversations with management are non-productive. Ms. Harding feels she was devalued by Dr. Iser in a meeting a couple of months ago by telling her that he wanted to hear from "real employees" and not her. Ms. Harding asked the Board to engage in conversation during Closed Session about a change in culture and to actually pay employees what they are worth.

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

VI. ADOPTION OF THE JULY 27, 2017 AGENDA (for possible action)

Member Giunchigliani asked that item X.1., Recommendations from the July 6, 2017 Nomination of Officers Committee, is moved for discussion after the Consent Agenda.

It was noted by Dr. Iser that Member Nielson would be calling in for this item. He suggested that it be held until Member Nielson had an opportunity to call as he anticipated this item would be heard later. Member Giunchigliani agreed if Member Nielson was not available it would be held.

A motion was made by Member Giunchigliani seconded by Member Kirkpatrick and carried unanimously to approve the July 27, 2017 Agenda as amended.

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:** June 22, 2017 (*for possible action*)
2. **PETITION #18-17:** For possible action to approve the Interlocal Contract C1800007, between the Southern Nevada Health District and the Clark County Department of Juvenile Justice Services to allow the Southern Nevada Public Health Laboratory to provide laboratory testing for sexually transmitted diseases as a fee-for service arrangement; direct staff accordingly or take other action as deemed necessary (*tabled from June 22, 2017 meeting*)

A motion was made by Member Giunchigliani seconded by Member Kirkpatrick and carried unanimously to adopt the 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 to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code (NAC) 444.134, 901 Fremont Development Partners LP, dba Fremont and 9th Apartments, located at 901 East Fremont Street, Las Vegas, Nevada, 89101; [Assessor's Parcel Number (APN) 139-34-601-012] for Health Permit PR0120943, James Barger, for the Owner(s), 901 Fremont Development Partners LP.** The variance would allow the pool to be constructed with a higher percentage of the perimeter deck obstructed than the regulations allow. Staff is of the opinion that granting this variance will not likely pose an unreasonable danger to public health or safety, and recommends approval of the variance; direct staff accordingly or take other action as deemed necessary (*for possible action*)

Paul Klouse, Environmental Health Manager and Jeremy Harper, Environmental Health Supervisor, presented the request petitioning for a variance as requested by James Barger of Pacific Custom Pools, representative for the owner, 901 Fremont Development Partners LP, dba Fremont and 9th Apartments, to operate a public bathing place not in compliance with the Nevada Administrative Code (NAC) 444.134(1), which state in part that: "*a clear, unobstructed deck must be provided around the entire perimeter of a pool. In no case may the width of the deck be less than 4 feet (1.2 meters).*" Staff recommends approval of the variance with the following conditions:

1. The petitioner agrees to maintain the walkway around the pool accessible and free from obstructions;
2. The petitioner agrees to adhere to all other applicable requirements of the Public Bathing Places Public Spa Regulations, NAC 444;
3. Failure of the petitioner to prevent public health and safety issues, as determined by the health authority, will result in the voiding of this variance;

4. This 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 pools and spas to any other person or entity.

James Barger, Pacific Custom Pools, representing the owner, has reviewed the variance and accepts the conditions.

Members Barlow and Giunchigliani requested that in the future, site plans are provided with variance requests. Dr. Iser assured them that they would.

Member Giunchigliani requested a future agenda item to bring all up to date on the two incidents that occurred at Cowabunga Bay.

A motion by Member Giunchigliani seconded by Member Kirkpatrick and unanimously carried to approved the Variance Request to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code (NAC) 444.134, 901 Fremont Development Partners LP, dba Fremont and 9th Apartments, located at 901 East Fremont Street, Las Vegas, Nevada, 89101; [Assessor's Parcel Number (APN) 139-34-601-012] for Health Permit PR0120943, James Barger, for the Owner(s), 901 Fremont Development Partners LP as presented.

Mr. Barger commended the Environmental Health staff and the ease of the variance process.

2. **Memorandum #03-17: Consider/Adopt Renewal of Authorization of Sunrise Hospital and Medical Center as a Level II Center for the Treatment of Trauma;** Staff recommends approval of this request based on Sunrise Hospital and Medical Center's continued compliance with NRS 450B.236-.239, NAC 450B.780-.875, Southern Nevada Health District Office of Emergency Medical Services and Trauma System Trauma System Regulations Section 300.200 and the District Procedure for Renewal of Authorization as a Center for the Treatment of Trauma or Pediatric Center for the Treatment of Trauma; direct staff accordingly or take other action as deemed necessary (**for possible action**)

John Hammond, Emergency Medical Services and Trauma System Manager and Laura Palmer, Emergency Medical Services and Trauma System Supervisor, presented the renewal request from Sunrise Hospital and Medical Center. Upon receipt and review of the application for renewal of authorization as a center for the treatment of trauma, the Office of Emergency Medical Services and Trauma System recommends the Board approve Sunrise Hospital and Medical Center's request to seek designation as a Level II center for the treatment of trauma. They are compliant with all regulations at this time, however, over the last few months, there were two incidents. One was a minor administrative procedural incident that was easily corrected with an action plan. The other incident involved a 4 – 4.75 hour trauma bypass as a result of a technological failure of their central monitoring system. During that time, they were unable to monitor patient on ECG monitors or monitor ventilators from remote settings. To receive more patients on top of their already acute level of patient census, it was deemed best for patient safety to go on trauma bypass at that time. The Trauma Program Manager placed the trauma bypass in the statewide Emergency Management System, which indicates whether or not a facility is open or closed, which was entirely appropriate and accurate for a non-trauma center to perform, but it did not comply with established notification procedures for trauma centers. Sunrise has since revised their process to be in compliance with trauma bypass procedure.

Member Giunchigliani noted in a recent study based on the attempt to expand for other reasons, it came to light that Sunrise got its designation of Trauma II not through any process, but through a "game" played by the former governor, who simply added them to the list. This causes a problem within the system itself as to where the location really should be. The results of this study should be available in September and Member Giunchigliani asked if it would make more sense to wait and see what the recommendation is prior to recommending renewal. Mr. Hammond advised that verification through the American College of Surgeons (ACS) is time

based, and Sunrise would lose verification if the decision is delayed. Mr. Hammond explained the committee is looking at measurable, objective data points for expanding the system. Member Giunchigliani is disappointed that the committee is looking at status quo instead of starting with the flaws in the system. Upon request from Member Barlow, Mr. Hammond explained the renewal of application process goes through the Regional Trauma Advisory Board (RTAB), Southern Nevada District Board of Health, State Board of Health then the American College of Surgeons. Mr. Hammond stated that he will place on the next Trauma Needs Assessment Taskforce agenda a discussion regarding current status of the trauma system. Chair Kirkpatrick noted the contents of the report will be very necessary in the future in order to understand what we have and hopes at the next meeting the existing center is discussed, even though the ACS had determined its' eligibility, as demographics and level of service change.

Member Nielson joined the meeting via teleconference at 9:34 a.m.

A motion was made by Member Giunchigliani seconded by Member Kirkpatrick and unanimously carried to Recommend Renewal of Authorization of Sunrise Hospital and Medical Center as a Level II Center for Treatment of Trauma with meeting minutes forwarded to State Board of Health reflecting discussion.

Confirming Member Nielson had joined via teleconference, Secretary Dobyne moved to Item X.1. (out of order).

X.1. Receive Report, Discuss, and Accept Recommendations from the July 6, 2017 Nomination of Officers Committee – Election of Southern Nevada District Board of Health Officers for FY 2017-2018 for each of the Following Positions:

The Nomination of Officers Committee on met July 6, 2017 and offers the following recommendations to the Full Board for Officers for the Board and Public Health Advisory Board for FY2017 – 2018 for the following positions:

A. For the Southern Nevada District Board of Health

i. Chair

For the position of Chair, the Nomination of Officers Committee recommended Member Kirkpatrick

A motion was made by Member Giunchigliani to nominate Member Kirkpatrick as Chair.
A motion was made by Member Shuman to nominate Member Barlow as Chair.
A motion was made by Member Giunchigliani to close nominations.

The motion to elect Member Kirkpatrick as Chair of the Southern Nevada District Board of Health was carried by a vote of 8-2.

For Kirkpatrick

1. Scott Black
2. Doug Dobyne
3. Chris Giunchigliani
4. Marilyn Kirkpatrick
5. Frank Nemec
6. Scott Nielson
7. Dan Stewart
8. Brian Wursten

For Barlow

1. Ricki Barlow
2. Rich Shuman

The gavel was passed to Chair Kirkpatrick.

ii. Vice Chair

For the position of Vice Chair, the Nomination of Officers Committee recommended Member Dobyne

A motion was made by Member Giunchigliani to nominate Member Nielson as Vice Chair.

A motion was made by Member Barlow to nominate Member Shuman as Vice Chair.
A motion was made by Chair Kirkpatrick to close nominations.

The motion to elect Member Dobyne as Vice Chair of the Southern Nevada District Board of Health was carried by a vote of 5-2-3.

For Dobyne	For Shuman	For Nielson
1. Scott Black	1. Rick Barlow	1. Chris Giunchigliani
2. Doug Dobyne	2. Rich Shuman	2. Marilyn Kirkpatrick
3. Frank Nemec		3. Dan Stewart
4. Scott Nielson		
5. Brian Wursten		

iii. Secretary

For the position of Secretary, the Nomination of Officers Committee recommended Member Nemec.

The recommendation to nominate Member Nemec as Secretary of the Southern Nevada District Board of Health was unanimously carried.

Officers for the Southern Nevada District Board of Health for 2017-2017 were confirmed as:

Chair – Marilyn Kirkpatrick
Vice Chair – Doug Dobyne
Secretary – Frank Nemec

B. For the Southern Nevada District Board of Health Public Health Advisory Board

i. For the position of Chair, the Nomination of Officers Committee recommended Member Osgood as Chair.

For the position of Vice Chair, the Nomination of Officers Committee recommended Member Jones.

A motion was made by Member Giunchigliani to nominate Member Collins as Vice Chair.

A motion was made by Chair Kirkpatrick to close nominations.

A motion was made by Member Giunchigliani seconded by Member Nemec and unanimously carried to nominate Member Osgood as Chair and Member Collins as Vice Chair of the Southern Nevada District Board of Health Public Health Advisory Board.

Officers for the Southern Nevada District Board of Health Public Health Advisory Board for 2017-2017 were confirmed as:

Chair – Kenneth Osgood
Vice Chair – Michael Collins

Chair Kirkpatrick closed Open Session at 9:51 a.m. and moved to Closed Session.

IX.

CLOSED SESSION – To Be Held Following the Public Hearings

Go into closed session pursuant to NRS 288.220 to discuss matters related to labor negotiations with Health District management representatives; and direct staff accordingly (*for possible action*)

Chair Kirkpatrick reconvened Open Session at 11:15 a.m. with Members Barlow, Black, Giunchigliani, Kirkpatrick and Stewart seated.

X. **REPORT/DISCUSSION/ACTION**

Member Giunchigliani suggested that Item X.3 is heard before Item X.2 while there is still quorum.

3. **Review/Discuss Board of Health Correspondence to DC Delegation Opposing any Rollback to the Affordable Care Act (ACA) and Medicaid**; direct staff accordingly or take other action as deemed necessary (*for possible action*)

Dr. Iser reported on behalf of the Health District, a letter had been sent to both senators and all four congressional representatives opposing any rollback to the ACA. He was asked by Senator Cortez Masto staff if it could be shared, which it was and it was also shared with Washoe County who shared with their Board who sent to the congressional delegations and senate. On behalf of Member Giunchigliani, Dr. Iser recommended that the Board sends a letter and works with the District to solidify the language and get signature from Chair Kirkpatrick. Member Giunchigliani agreed that not all Board member signatures are required.

A motion was made by Member Giunchigliani seconded by Member Stewart and unanimously carried to send a similar letter to the congregation, signed by Chair Kirkpatrick.

2. **Receive Report and Discuss/Accept Recommendations from the July 10, 2017 Public Health Advisory Board Meeting**; direct staff accordingly or take other action as deemed necessary (*for possible action*)

Dr. Iser reported the Public Health Advisory Board met on July 10. Dr. Kenneth Osgood, a member of the Advisory Board, requested a preliminary study of what exposures related to the atomic testing some decades ago and cancer clusters. A draft report was done by District staff and the recommendation from the Advisory Board was to share this report with the regular Board of Health. Dr. Iser advised this report is a draft report and the goal is to work the state, as atomic testing is not related to Clark County, to see if they have already done a study that can be released.

The Board gave direction to Dr. Iser to find additional information to bring back to the Board as an agenda item in order to decide if it is worthy of sending to the Advisory Board.

- XI. **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.

Member Dobyne noted there had been discussion regarding moving the Closed Sessions to the end of the meetings. After discussion, staff was directed by Chair Kirkpatrick to move future Closed Sessions to the last item on the agenda. Annette Bradley, Legal Counsel, will update Board Governance Policy and/or Bylaws appropriately and bring revisions back to board. Member Giunchigliani suggested a review of policies in general, as some boards no longer require a second. Chair Kirkpatrick would like the Board to have more input on the makeup of the agenda and would like the opportunity to reach out to the Board to see if changing the layout as a whole is required. In the future, Chair Kirkpatrick would also like the Board to direct fee increases or regulations in order to provide support. Ms. Bradley will forward the Board Governance Policies to the Board for review prior to update.

XII. HEALTH OFFICER & STAFF REPORTS (Information Only)

➤ CHO Comments

- The Primary Care Briefing was tabled until the next meeting.
- Potential meeting dates for new member orientation are August 17 and August 22 at 1:00 p.m. Staff will contact new members to coordinate best time for all.
- There is still only one death related to West Nile Virus. Vector continues to track and send mosquitoes for testing. The Southern Nevada Public Health Laboratory (SNPHL) will soon have capability to do testing. Chair Kirkpatrick noted the laboratory bill did not pass and asked how the District was able to move forward with the testing element. Dr. Iser reported through discussions with Dr. Goicoechea, (Deputy Animal Administrator, State of Nevada, Department of Agriculture) they can still do the testing, up until the point where it is no longer required. As a public health lab, it has the authority to do just about any type of testing. The sole reason for the bill was to gain designation by the legislature as a County Health Laboratory, so it would be easier to raise funds. Currently, the SNPHL works in collaboration with the Nevada State Public Health Laboratory, the Department of Agriculture Laboratory and has agreements with the Laboratory Resource Network (LRN), which is a network of CDC affiliated laboratories which deal with bioterrorism. Chair Kirkpatrick asked that this item is agendaized for future discussion in order to understand its budgetary impact.

XIII. INFORMATIONAL ITEMS

1. Board of Health

- A.** Letter from the City of Boulder City appointing Rich Shuman as member of the Southern Nevada District Board of Health and appointing Warren Harhay as the Public Health Advisory Board representative, both for the term July 1, 2017 – June 30, 2019.
- B.** Letter from Clark County reappointing Commissioners Chris Giunchigliani and Marilyn Kirkpatrick as members of the Southern Nevada District Board of Health for the term July 1, 2017 – June 30, 2019.
- C.** Letter from the City of Henderson reappointing Councilman Dan Stewart as member of the Southern Nevada District Board of Health and reappointing Tina Coker as the Public Health Advisory Board representative, both for the term July 1, 2017 – June 30, 2019.
- D.** Letter from the City of Las Vegas appointing Councilmembers Ricki Barlow and Bob Coffin as members of the Southern Nevada District Board of Health for the term July 1, 2017 – June 30, 2019.
- E.** Letters from the City of Mesquite reappointing Councilman Brian Wursten as member of the Southern Nevada District Board of Health and appointing Mr. Dick Tomasso as Public Health Advisory Board representative, both for the term July 1, 2017 – June 30, 2019.
- F.** Letters from the City of North Las Vegas appointing Councilman Scott Black as member of the Southern Nevada District Board of Health and appointing Mr. Ronald E. Kline as Public Health Advisory Board representative, for the term July 1, 2017 – June 30, 2019.

2. Chief Health Officer and Administration Monthly Activity Report
3. Clinical Services Monthly Activity Report
4. Community Health Monthly Activity Report
5. Environmental Health Monthly Activity Report

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.

Member Wursten left the meeting at 11:40 a.m. and did not return

Victoria Harding, SNHD, SEIU, stated there were three new positions reported in the Chief Health Officer Report and last night was the first time that she had heard about two of the three positions. The contract specifically states that the Union must be notified ten days prior to implementation. Ms. Harding knows nothing about two of the positions. The other position was told to her, and it will be taken to the EMRB because it is not a confidential position. The rationale is because the position reports to Dr. Iser, only so it can be labeled confidential. A grievance will be filed on the two positions that Ms. Harding was not informed of.

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

XV. ADJOURNMENT

Chair Kirkpatrick adjourned the meeting at 11:42 a.m.

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