

Minutes
STATE BOARD OF HEALTH
December 8, 2017
9:00 a.m.

Division of Public and Behavioral Health
4150 Technology Way, Room 303
Carson City, Nevada 89706

Southern Nevada Health District
Red Rock Trail Room A & B
280 S. Decatur Blvd.
Las Vegas, Nevada 89107

Division of Aging and Disability Services
Early Intervention Services
1020 Ruby Vista Drive, Suite 102
Elko, Nevada 89801

BOARD MEMBERS PRESENT:

Jeffrey Murawsky, M.D. (Las Vegas)
Dipti Shah, M.D. (Las Vegas)
Monica Ponce, DDS (Las Vegas)
Jon Pennell, DVM (Las Vegas)
Charles Smith (Las Vegas)
Judith Bittner (Carson City)

DIVISION OF PUBLIC & BEHAVIORAL HEALTH (DPBH) STAFF PRESENT:

Amy Roukie, Administrator, Barrett Evans, Program Manager, EHS, Jason Lewis, Program Officer, Office of Vital Records, Joe Pollock, Deputy Administrator, Ross Armstrong, Deputy Administrator, Paul Shubert, Bureau Chief, HCQC, Leon Ravin, Acting Chief Medical Officer, Jo Malay, Hospital Administrator, Jay Barth, Michael Mason, Latisha Brown, Program Manager, Child Care Licensing, Amir Bringard, Health Facilities Inspection Manager, HCQC

OTHERS PRESENT:

Linda Anderson, AG, Neal Jones, Joanne Sallia, Renown, Nicki Aaker, CCHHS, Karen Beckerbauer, Douglas County, Chris Bosse, Renown, Jennifer Harrington, The Learning House of Las Vegas, Chris Derossi, The Learning House of Las Vegas, Trey Delap, Group Six Partners, Joe Iser, SNHD, Kevin Dick, Washoe County Health District (phone)

Chair Pennell opened the meeting at 9:00 a.m. Chair Pennell indicated the meeting agenda was posted in accordance with the Nevada Open Meeting Law.

Roll call was taken and it was determined that a quorum of the State Board of Health was present.

Approval of Minutes:

Chair Pennell asked if there were any additions or corrections to the minutes from September 8, 2017 meeting. Ms. Roukie informed the Board there was material that needed to be added as an attachment to the minutes as public testimony.

Public Comment:

Mr. Delap indicated they were present at the September 8th meeting regarding the Peer Support Recovery Organization regulations. Mr. Delap is requesting the minutes to be appended and include their written testimony.

A motion was made to approve the minutes by Dr. Murawsky, seconded by Dr. Ponce and carried to approve the minutes of September 8, 2017.

Chair Pennell informed variance #689 and variance #690 were going to be removed from the consent agenda for further discussion.

Consent Agenda:

Consideration and approval of variance #688, NAC 449.3154.2- Stein Forensic Facility

Chair Pennell asked if there were any objections to the consent agenda. There were no objections.

Public Comment: There was no public comment.

CHAIR PENNELL ENTERTAINED A MOTION ON ITEM 3, CONSENT AGENDA. A MOTION BY DR. MURAWSKY TO APPROVE THE CONSENT AGENDA WAS MADE AND SECONDED BY DR. PONCE; THE MOTION PASSED UNANIMOUSLY.

Consideration and approval of variance #689, NAC 432A.250-The Learning House of Las Vegas. Paul Shubert, Bureau Chief, HCQC, Latisha Brown, Program Manager, Child Care Licensing

Ms. Brown reported variance #689 is a request from the Learning House of Las Vegas to obtain a variance for their prospective child care facility to not have an outdoor play space as required by NAC 432A.250. NAC 432A.250.1b states that except as otherwise provided in this subsection, subsection 3 and NRS 432A.078, in each facility there must be at least 37 ½ square feet of outdoor play space for each child, as determined by the maximum number of children stated on the license for the facility. The Learning House of Las Vegas's reasoning behind the requested variance is that their structured program is only two-three hours in length and is exclusively done while utilizing indoor space and would not require outdoor play space because the children would not be present long enough in the day to utilize an outdoor space. Staff's review identified other facilities have previously requested a variance to this requirement with similar unique circumstances. Staff recommends the Board to approve the variance with the following stipulations; no child can be in the facility more than three hours at a time per day, the

facility must ensure that children receive play time within the facility to ensure their development and minimize the risk associated with not having an outdoor play area. If it is determined the facility violates these stipulations, this variance is void and the facility's license would be revoked in accordance with NRS 432A.200.

Dr. Murawsky inquired if a potential regulation change has been looked at to add the three hour component to statute as it exists currently.

Mr. Shubert thanked Dr. Murawsky for the suggestion. Mr. Shubert replied since there are other facilities that have applied for similar variances it appears they should consider looking at the regulation and stipulations in this variance and generate a regulation that would accommodate that.

Public Comment:

Chris Derossi, The Learning House of Las Vegas- Mr. Derossi commented he believes their facility falls within a gray area amongst the statute. Mr. Derossi responded to Dr. Murawsky's question stating there is already in the statute, another category of child care facility called an accommodation facility which has a time limited factor of 3 ½ hours and does not require an outdoor play space. Their facility has two separate groups, morning and afternoon.

Dr. Pennell asked Mr. Derossi if the reason they signed the lease was due to thinking their facility was an accommodation facility. Mr. Derossi replied, before signing the lease they engaged with a local law firm who reviewed the statute and concluded they did not fit the definition of a child care facility.

CHAIR PENNELL ENTERTAINED A MOTION ON VARIANCE #689. A MOTION BY DR. MURAWSKY TO APPROVE VARIANCE #689 WITH THE STIPULATIONS INCLUDED IN THE STAFF RECOMMENDATION WAS MADE AND SECONDED BY DR. SHAH; THE MOTION PASSED UNANIMOUSLY.

Consideration and approval of variance #690, NAC 440.022- Renown Health/Chris Bosse.
Joe Pollock, Deputy Administrator, Jason Lewis, Program Officer, Office of Vital Records

Mr. Lewis reported Renown Health is requesting a variance from NAC 440.022. The intent of the regulation is to allow the State Registrar to provide birth and/or death record data to federal, state, and county agencies for legitimate governmental purposes. The government agencies are required to maintain confidentiality which is done through a confidentiality agreement and pay all applicable fees. Renown Health is requesting to receive death information monthly in order to provide better service to their living ACO members and for the purpose of not adding additional distress on the decedent's surviving family by their outreach. If approved, Renown Health would be responsible to pay a one-time fee in the amount of \$500.00. The Office of Vital Records has not provided similar data to a similar party and is unaware if Renown Health has

received authorization from their ACO members for the requested data. The Office of Vital Records did not receive public comment and is in approval of the variance.

Dr. Murawsky inquired what would make this request unique.

Mr. Pollock informed the variance is to provide information to Renown because they are not a governmental agency. The variance is asking to provide the information that DPBH normally provides to a government agency. Renown is asking for a list of recently deceased patients in order to not send additional correspondence to deceased patients and their families. A regulation change is something that will be considered.

Dr. Murawsky indicated this appears to be a request for a regulation change. Dr. Murawsky stated he is not sure what makes this unique to provide a variance until a regulation change takes place.

Mr. Pollock replied, regulation changes often come from variance requests and the application is unique to the individual. As far as a regulation change, it takes quite some time.

Dr. Murawsky is concerned approving the variance sets a precedent for one organization. He commented he does not see it as appropriate for a variance other than moving it forward as a regulation change.

Mr. Pollock suggested modifying the variance request to include similar applications knowing that regulation changes are forthcoming.

Ms. Anderson responded it is a creative way to try address the issue however, the concern being expressed is if DPBH goes through the regulation process or had a more public variance process that involved everyone, then folks would be unnoticed that their information would be shared in this way and that is what is missing. The Board is suggesting there may not be a hardship now requiring a variance however, they do recognize a process should go into place that would allow the sharing of this information in a confidential nature.

Mr. Pollock commented he would hate to see the information held up because of the bureaucratic process and would rather provide it than wait for the regulation promulgation process to go through, as it is time consuming.

Public Comment:

Dr. Iser recommended the Board to direct to develop a regulation timeline to come back to the Board with the regulation approval. Dr. Iser commented the arguments are cogent and perfectly appropriate.

Chris Bosse, Renown Health- Ms. Bosse addressed a comment as it relates to consent for this information. There is not additional required consent because of the relationship they have with

patients. They are required to treat it in a HIPAA compliant manner. They are requesting the variance to better approach patient's families. Ms. Bosse replied to Dr. Murawsky's inquiry regarding the hardship Renown is undergoing by not having the information. Ms. Bosse stated there is no unique hardship. The hardship is on the patient's families.

CHAIR PENNELL ENTERTAINED A MOTION ON VARIANCE #690. DR. SHAH, MR. SMITH, AND MS. BITTNER VOTED TO APPROVE. DR. PONCE, DR. MURAWSKY, AND CHAIR PENNELL OPPOSED. THE MOTION DOES NOT MOVE FORWARD.

Dr. Murawsky recommended to have an update with a plan and a timeline of when regulations could be adopted that would allow this data sharing with all appropriate organizations of similar need, at the next meeting.

Ms. Roukie announced Mr. Pollock's retirement. Ms. Roukie thanked him for his hard work and dedication, and wished him well.

Reports (Informational):

Nicki Aaker, MSH, MPH, RN, Director Carson City Health and Human Services- Ms. Aaker provided updates on adolescent health education program, tobacco control and prevention, clinical services, environmental health, epidemiology, public health preparedness, and human services. A written report is attached to these minutes, Exhibit "A".

Kevin Dick, District Health Officer for Washoe County Health District- Mr. Dick reported the Health District announced yesterday the first two flu related deaths this flu season. There have been 670 cases of flu reported this season. Regarding the Aseptic Meningitis outbreak, there are 55 cases. The Health District has advised the public regarding preventive measures such as hand washing and deep cleaning.

Dr. Joseph Iser, Chief Health Officer for Southern Nevada Health District- Dr. Iser reported the October 1st tragedy was a trial and issue for everyone to deal with. The vector season this year is far worse in the North due to flooding. Dr. Iser suggested he would like to work in collaboration with the State and health authorities to find a permanent funding source for vector control. Dr. Iser expressed appreciation for the work Mr. Pollock has done for public health over the years.

Karen Beckerbauer, Manager for Douglas County Social Services- Ms. Beckerbauer reported they received their first flu fighter award on Tuesday. Their statistics show they have provided 150 more immunizations this year than last year. Douglas County has received notification of approval as a provider for Medicare. They will be hosting a human trafficking presentation. Social Services is very active in the Healthcare Coalition and Behavioral Health Task Force. They are working with other partners in the community to do a community wide health needs assessment this year.

Recommendations for future agenda items:

No recommendations were made.

Public Comment:

Neal Jones, Belmont, NV- Mr. Jones provided a letter to be attached to these minutes, Exhibit "B".

Chair Pennell stated the Board of Health would consult with staff and take their direction.

The meeting adjourned at 10:04 a.m.



CARSON CITY, NEVADA
 CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

State Board of Health
Carson City Health and Human Services Report
December 8, 2017

Chronic Disease Prevention and Health Promotion

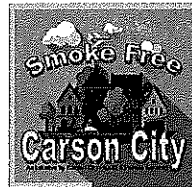
Diabetes

- Diabetes prevention and control efforts continue with staff continuing to meet with providers and discuss the toolkit and barriers to referrals.



Adolescent Health Education Program (AHEP) –

- This program continues to be busy providing both Abstinence and PREP classes. The requests received for comprehensive (PREP) classes exceed the funding amount; therefore, we cannot provide all the classes that are requested.



Tobacco Control and Prevention

- Western Nevada College (WNC) implemented their 100% Tobacco Free policy.
- Staff continues to work with Carson Tahoe Health to work on direct referrals in the electronic record system to Nevada Quitline (National Jewish Health Hospital). This electronic system upgrade would create a pop-up alert to staff when the smoking assessment is completed to refer the patient to the Quitline for cessation. This referral system will utilize the connection of the Nevada Health Information Exchange.

Carson City Health & Human Services

900 East Long Street • Carson City, Nevada 89706 • (775) 887-2190 • Hearing Impaired-Use 711

Clinical Services (775) 887-2195 Fax: (775) 887-2192	Public Health Preparedness (775) 887-2190 Fax: (775) 887-2248	Human Services (775) 887-2110 Fax: (775) 887-2539	Disease Control & Prevention (775) 887-2190 Fax: (775) 887-2248	Chronic Disease Prevention & Health Promotion (775) 887-2190 Fax: (775) 887-2248
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Clinical Services

- In October, a unidirectional HL7 interface for the transmission of immunizations from our electronic medical records (e ClinicalWorks) to the Nevada Immunization Information System (IIS) – WebIZ was initiated. This system currently feeds immunizations documented in the electronic medical record directly to a patient’s record in WebIZ.
- There have been some impacts to operations because of this interface – one being the reports that can be generated and the usefulness of the reports for comparison purposes.
- We want to thank and commend the State Immunization Program for all their work with this project.
- Clinic Services staff conducted flu vaccination clinic events in the community in addition to the events that Public Health Preparedness staff conducted.
- CCHHS provided vaccinations for Carson City employees during the annual Employee Health Fair.

Community Health Needs Assessment 2017

- CCHHS has hired an experienced person to assist in the facilitation of the CHIP workgroup meetings and development of the CHIP, which is our next step in this process.

Environmental Health

- The revisions to Carson City’s Food Code are being made and will go to Carson City’s Board of Health and Board of Supervisors for approval and the plan is to bring it to the State Board of Health in March 2018.

Epidemiology

- Within our jurisdiction, there have been 275 cases identified through testing, 1,208 influenza-like illness events reported from the ERs, and 26 hospitalizations reported.
- We are seeing an increase in more cases compared to last year within the same period.

Public Health Preparedness

- PHP staff conducted 50 flu vaccination events throughout the quad county area. Clinics were located within the community and in schools. Approximately 4,000 community members were vaccinated through this program.
- CCHHS has collaborated with Washoe County PHP to conduct training to community members to become part of the Nevada Access and Functional Needs Support Team. This team is an asset that can be requested during emergencies to support agencies responsible for sheltering or family assistance centers. This class

will be offered in Las Vegas in January. California is the only other state that has a program like this.

Human Services

- CCHHS staff are members of the Carson City Behavioral Health Task Force. One of the subcommittees is Affordable Housing. Carson City's Board of Supervisors just heard a report by the Nevada Rural Housing Authority on December 7, 2017. This report stated that Carson City has a current need of 1,350 rental units within the immediate future. The task force is planning a Landlord Summit and will be developing policy recommendations for presentation to the Carson City Board of Supervisors.
- CCHHS Community Health Worker is now a member of the FASTT (Forensic Assessment Services Triage Team) at the Carson City Jail. She is serving as a case manager for inmates getting out of jail and is assisting them with connecting to medical and social services.

Respectively submitted,



Nicki Aaker, MSN, MPH, RN
Director, Carson City Health and Human Services

State of Nevada Board of Health meeting December 8, 2017

Thank you. My name is Neal Jones, I am a property owner in Belmont, Nye County, Nevada.

I am here to ask the assistance of this board with a potential public health issue. State law has declared this board to be supreme in all non-administrative health matters and that it has general supervision over all matters.... relating to the preservation of the health and lives of the citizens of the state.

Belmont is a small ghost town community in northern Nye County. Completely off-grid. No city water system, no city sewer system. Our water is supplied through wells and an artesian spring in town. Sanitation is by the use of septic systems.

In the spring of 2015 a well driller came into town and drilled multiple wells on under-sized parcels, parcels as small as 1/10 acre, some that had existing septic systems. State law stipulates that you have a minimum of one acre of land for a septic system to be on a parcel that is served by a well.

State law requires you to maintain a minimum of a 100 foot horizontal separation between a water well and the perimeter of the components of any individual sewage disposal system (ISDS).

State law requires on-site well drillers to ensure that the wells they drill comply with the requirements of all federal, state and local agencies which have jurisdiction over the land on which the wells are to be drilled.

The well driller did not maintain the state mandated 100 foot separation between wells and septic systems. This well driller drilled wells that are within 100 feet of an unpermitted on-site sewage disposal system (OSDS).

Nevada Division of Water Resources, in conjunction with Environmental Health Services has ruled that since the septic systems existed prior to the wells being drilled that the requirements to maintain this critical 100 foot separation was not applicable. Allowing for theoretically zero separation between these wells and the septic systems.

The Bureau of Water Pollution Control, who has jurisdiction over commercial septic systems, has stated that an un-permitted OSDS at a business in town is not required to maintain this mandated separation from their un-documented well, because BWPC states that this un-permitted OSDS was installed prior to August 26, 2008, but cannot provide any documentation regarding this un-permitted OSDS or when or how it was constructed.

Nevada Division of Environmental Protection has told the business owner that they need to get a permit for this OSDS through Nye County Planning. Nye County Planning, in e-mails with NDEP, BWPC and Nye County Water District has stated that they do not wish to have this business owner apply for a permit for this un-permitted OSDS, because they know that they would not be able to give this business a permit because the business would not conform to the requirements for an OSDS. Nye County also claims to have no records or information regarding this OSDS.

In phone conversations and e-mails with Ms. Cindy Ulch, the former Program Manager with Environmental Health Regulatory and Planning Services, Ms. Ulch stated that she had told NDWR that the well driller "had basically violated State law by creating a situation where ISDS setbacks could not be maintained due to his disregard for the requirements set forth in NAC

444.” Ms. Ulch also stated to me that “the wells should never have been installed on the under-sized parcels in Belmont.”

In water tests conducted by NDEP on some of the town water wells and the water distribution system fed by the artesian spring in town has shown this water distribution system to test positive for coliform bacteria and e-coli. The water distribution system also serves the aforementioned business.

One of the illegally drilled wells, drilled on a 1/3 acre parcel with an existing ISDS has shown nitrate levels approaching MCL. Another of the illegal wells, also drilled on a 1/3 acre parcel with an existing ISDS has been tested twice and has shown a 61% increase in the nitrate levels, test-to test. There is no agricultural activity in or around the townsite of Belmont, so runoff of nitrogen based fertilizers should not be the cause of the nitrates.

Luckily, the town spring has been tested and has not shown any signs of bacteriological or chemical contamination, yet.

The Nye County Water District has stated, in writing, that they will not investigate the sources of these nitrates in the wells in Belmont.

The State has established procedures for this well driller and the property owners to have applied for waivers or variances to have legally installed these wells, but they did not attempt to apply for these, they just drilled the wells.

The business owner still does not have a permit for their undocumented OSDS.

The business owner has now admitted to the existence of the undocumented well, and uses water from the well.

The State Engineer has stated, in writing, to NDEP that this would be “an illegal use” of the water.

NDEP has told the business owner that their undocumented OSDS and its “illicit discharges” are in direct violation of state law.

Nye County Planning has stated that they know that this undocumented OSDS could not meet the requirements needed for a permit.

These issues along with the wells drilled too close to the septic systems and not one of these agencies will uphold and enforce the existing laws of this State and protect our water from possible contamination and degradation and therefore creating a public health issue for the community of Belmont.

I ask that the board place these issues on the agenda for discussion at their next meeting and can investigate and possibly motivate these other agencies to enforce and uphold the laws of this State.

I would again like to thank the Board for allowing me the opportunity to speak at their meeting and expressing my deep concern for the health and safety of the residents of the community of Belmont. I would hope that the board could be of assistance in helping protect the health and safety of all who live and visit there.

I would like to submit this to be part of the meeting minutes.

Thank you.

Neal Jones, P.E.

njones14791@gmail.com