WASHOE COUNTY DISTRICT BOARD OF HEALTH MEETING April 22, 2010

PRESENT: Mr. Matt Smith, Vice Chairman; George Furman, MD; Commissioner Kitty Jung;

Amy Khan, MD; and Councilwoman Julia Ratti

ABSENT: Denis Humphreys, OD, Chairman and Councilman Dan Gustin

STAFF: Dr. Mary Anderson, District Health Officer; Eileen Coulombe, Administrative Health

Services Officer; Bob Sack, Director, Environmental Health Services; Andrew Goodrich, Director, Air Quality Management; Dr. Randall Todd, Director, Epidemiology and Public Health Preparedness; Mary-Ann Brown, Director,

Community and Clinical Health Services; Patsy Buxton, Fiscal Compliance Officer; Lori Cooke, Fiscal Compliance Officer; Bev Bayan, WIC Program Manager; Jennifer Hadayia, Public Health Program Manager; Tracie Douglas, Public Information Officer; Steve Fisher, Department Computer Application Specialist; Erin Dixon, Chronic

Disease Program Coordinator; Laurie Griffey, Office Support Specialist; Leslie

Admirand, Deputy District Attorney

At 1:00 pm, Vice Chairman Smith called the Washoe County District Board of Health meeting to order, followed by the Pledge of Allegiance led by Dr. George Furman, member of the District Board of Health.

ROLL CALL

Roll call was taken and a quorum noted. Ms. Griffey advised that Chairman Humphreys and Councilman Gustin are excused.

PUBLIC COMMENT

No public comment was presented.

APPROVAL/DELETIONS - AGENDA - APRIL 22, 2010

Vice Chairman Smith called for approval of the agenda of the Washoe County District Board of Health meeting of April 22, 2010.

Dr. Mary Anderson, District Health Officer, advised that item 7.C.7. should read the "...to Provide Educational Opportunities for the School of Community Health Sciences..." to note the current name.

In response to Ms. Ratti regarding an item on the agenda for the formation of a District Board of Health Committee for the review of Emergency Medical Services, Vice Chairman Smith stated that he discussed that with Chairman Humphreys; that Chairman Humphreys indicated "he is working on putting that together and it will be on next month's agenda."

MOTION: Ms. Jung moved, seconded by Ms. Ratti, that the agenda for the District Board of Health April 26, 2010 meeting be approved with the noted correction to item 7.C.7.

Motion carried unanimously.

<u>APPROVAL/ADDITIONS/CORRECTIONS – MINUTES – MARCH 4, 2010 SPECIAL BUDGET MEETING – MARCH 25, 2010 MEETING</u>

Vice Chairman Smith called for any additions, deletions or corrections to the minutes of the Board's March 4, 2010 Special Budget Meeting and the regular meeting of March 25, 2010.

Dr. Anderson advised that the Board members have been provided with a clarification of the March 25, 2010 minutes; that although it was stated at the meeting the Board of Health's REMSA Governing Board appointees were reappointed in 2008, those members were reappointed in 2007 and the terms of appointment are through 2011, at which time the appointments/reappointments will be staggered. Dr. Anderson advised that in 2011 the consumer appointment would be for a period of three (3) years; the legal representative appointment would be for a period of four (4) years; and the accountant appointment would be for a period of five (5) years for one (1) appointment term only, ensuring the members appointments would then be staggered. Dr. Anderson advised that all subsequent appointments/reappointments would then be for the four (4) year term.

Dr. Furman stated his previous concern was "that the Board of Health had not been provided any options other than re-appointing those individuals who were members of the Governing Board; that he does not want that to occur again." Dr. Furman stated that the appointments/reappointments should be far enough in advance to allow for options in the event other citizens may be interested in being considered for appointment. Dr. Furman stated that "he has no objections to the current appointees, as they are good members; that his concern is allowing other people, who may be interested, the opportunity to apply."

Vice Chairman Smith stated that the appointments in 2011 will be presented in enough time to allow for other citizens, who may be interested, in applying for the positions.

Ms. Eileen Coulombe, Administrative Health Services Officer, advised that she will assume the responsibility of ensuring there is sufficient time to allow any interested persons to apply.

MOTION: Ms. Ratti moved, seconded by Ms. Jung, that the minutes of the District Board of Health March 4, 2010 Special Budget meeting be approved as received; that the minutes of the March 25, 2010 meeting be approved with the clarification to the record as noted.

Motion carried unanimously.

RECOGNITIONS

There were no recognitions this month.

CONSENT AGENDA – SEWAGE, WASTEWATER AND SANITATION

The Board was advised that Staff and the Sewage, Wastewater and Sanitation (SWS) Hearing Board recommended **approval** of the following Sewage, Wastewater and Sanitation variance request:

Application of **MR. ROBERT SADER, Case No. 1-10S** for a variance request pertaining to property located at 19440 Annie Lane, Assessor's Parcel No. 017-320-23, from the requirements of Section 120.075 (Other Provisions) of the Washoe County District Board of Health Regulations Governing Sewage, Wastewater and Sanitation, allowing the construction of additional buildings to be used as living quarters to be served by an on-site sewage disposal system as outlined, stipulating to the Findings of Fact and subject to the four (4) conditions as outlined.

MOTION: Dr. Khan moved, seconded by Ms. Ratti, that the SWS Hearing Board recommendation to grant Variance Case No. 1-10S (Mr. Robert Sader) be approved stipulating to the Findings of Fact and subject to the four (4) conditions as outlined.

Motion carried unanimously.

CONSENT AGENDA - BUDGET AMENDMENTSS/INTERLOCAL AGREEMENTS

The Board was advised that Staff recommends **ratification** of **Amendment #1** to the **University of Nevada, School of Medicine Interlocal Agreement** in the **total amount** of **\$7,650 per year** to provide physician consultative services, for the period of July 1, 2009 through June 30, 2011.

The Board was advised that Staff recommends ratification of Amendment #1 to the University of Nevada, School of Medicine Interlocal Agreement in the total amount of \$10,200 per year to provide physician consultative services to the Sexually Transmitted Diseases (STD) Clinic for the period of July 1, 2009 through June 30, 2011.

The Board was advised that Staff recommends ratification of Amendment #1 to the University of Nevada, School of Medicine Interlocal Agreement in the total amount of \$2,700 per year to provide laboratory director services for the period of July 1, 2009 through June 30, 2011.

The Board was advised that Staff recommends ratification of Amendment #1 to the University of Nevada, School of Medicine Interlocal Agreement in the total amount of \$2,000 per year to provide a faculty member to serve as a consultant on pediatric Tuberculosis (TB) cases for the period of July 1, 2009 through June 30, 2011.

The Board was advised that Staff recommends **ratification** of **Amendment #1** to the **Washoe County School District Interlocal Agreement** to provide student educational experiences as part of career exploration in public health related professions for the period of July 1, 2009 through June 30, 2011.

The Board was advised that Staff recommends **ratification** of **Amendment #1** to the **Board of Regents of the Nevada System of Higher Education Interlocal Agreement** to provide community and clinical public health opportunities for **School of Medicine residents** during their preceptorship experience for the period of July 15, 2009 through June 30, 2011.

The Board was advised that Staff recommends **ratification** of **Amendment #1** to the **Board of Regents** of the **Nevada System of Higher Education Interlocal Agreement** to provide educational opportunities for the students of the **School of Community Health Sciences** to engage in practical application of classroom instruction in a public health agency environment for the period of July 14, 2009 through June 30, 2011.

The Board was advised that Staff recommends ratification of Amendment #1 to the Board of Regents of the Nevada System of Higher Education Interlocal Agreement to provide educational opportunities for Orvis School of Nursing students to engage in practical application of classroom instruction in a public health agency environment for the period of August 17, 2009 through June 30, 2011.

The Board was advised that Staff recommends approval of amendments totaling an increase of \$17,125 in both revenues and expense to the FY 10 Adult Viral Hepatitis Grant Program budget, Internal Order TBA.

MOTION: Dr. Khan moved, seconded by Ms. Ratti, that the Amendment #1s to the University of Nevada, School of Medicine Interlocal Agreements; Amendment #1 to the Washoe County School District Interlocal Agreement; the Amendment #1s to the Board of Regents of the Nevada System of Higher Education Interlocal Agreements with the School of Medicine, the School of Community Health Services; and the Orvis School of Nursing; and the amendments to the FY 10 Adult Viral Hepatitis Grant Program, be approved as outlined and the Vice Chairman authorized to execute on behalf of the Board were applicable. Motion carried unanimously.

REGIONAL EMERGENCY MEDICAL SERVICES AUTHORITY

A. Review and Acceptance of the Operations and Financial Report – March 2010

Mr. Jim Gubbels, Vice President of REMSA, advised that the Board members were provided with a copy of the March 2010 Operations and Financial Report; that the emergency response time for life-threatening calls in March was 93% and 95% for non-life threatening calls, with an overall average response time of five minutes and fifty-two seconds (5:52); and an overall average travel time of four minutes and forty-nine seconds (4:49). Mr. Gubbels advised that the monthly average bill for air ambulance service for March was \$5,678, with a year-to-date average of \$6,652. Mr. Gubbels advised that the monthly average bill for ground ambulance service for March was \$897, with a year-to-date average of \$938.

MOTION: Ms. Ratti moved, seconded by Mr. Smith, that the REMSA Operations and Financial Report for March 2010 be accepted as presented. Motion carried unanimously.

B. Update – REMSA's Community Activities Since March 2010

Mr. Gubbels advised that REMSA has completed the flu, pneumonia and H1N1 shot program for the season; that REMSA administered 973 immunizations of which 222 were home bound individuals; that at the Silver Saver clinic 714 immunizations were administered. Mr. Gubbels advised that REMSA administered 37 immunizations to the SWAT team members for the Cities of Reno and Sparks: that the remaining immunizations were administered to REMSA employees and family members.

Mr. Gubbels stated that last year REMSA conducted twelve (12) Point of Impact Check Point car seat installations; that "out of 358 car seats only five (5) had been installed correctly; that 127 car seats were distributed. Mr. Gubbels stated that REMSA participated in the Northern Nevada Fitting Station "shared between Renown, St. Mary's and REMSA, which is conducted at St. Mary's Daycare Center: that there is a trailer on-site and car seats are installed Monday through Friday from 8:00 am to 4:00 pm." Mr. Gubbels stated that this effort is the "only one in the western states that has a fitting station opened Monday through Friday; that last year 2020 car seats were inspected with 1,562 car seats being distributed."

The Board thanked Mr. Gubbels for the update.

REVIEW - ACCEPTANCE - MONTHLY PUBIC HEALTH FUND REVENUE & EXPENDITURE REPORT – MARCH 2010

Ms. Coulombe advised that the Board members have been provided with a copy of the Health Fund Revenue and Expenditure Report for the month of March 2010. Ms. Coulombe reviewed the Report and advised that the Report delineates "what the actuals are; that the Budget annualizes out the costs for an Estimate to Complete; that these are adjusted in the budget system." In response to Dr. Khan regarding the percentage for Influenza Immunization (page 9), Ms. Coulombe advised that there had been an increased demand for the seasonal influenza vaccine for those individuals who were 65 and older, who were initially unable to obtain the H1N1 immunization.

MOTION: Ms. Ratti moved, seconded by Ms. Jung, that the District Health Department's Revenue and Expenditure Report for March 2010 be accepted as presented. Motion carried unanimously.

PRESENTATION - FISCAL YEAR 2011 BUDGET UPDATE

Dr. Anderson stated that she presented the Health District's budget to the Board of County Commissioners on Monday, April 5, 2006; that during the presentation there were approximately nine (9) categories of questions from different Commissioners. Dr. Anderson stated that she is in the process of preparing a response with documentation to address the questions of those Commissioners; that a "booklet will be presented to each of the Commissioners listing the question and providing the answer." Dr. Anderson stated that it had been her intent to have one (1) of the booklets available today for the Board members review; however, she is awaiting information on a couple of those questions. Dr. Anderson stated that she will provide a copy to the Board.

Ms. Coulombe stated that, as Dr. Anderson advised, the Health District's budget was presented to the Board of County Commissioners; that, as the Board of Health was advised, the Board of County Commissioners had developed "a three (3) prong approach in which the balancing strategy was: 1) to reduce operating budgets, with the Health District's portion being \$253,000, which the District did achieve; 2) to redirect restricted revenues; that this was achieved with the Vector Control portion being contributed back to the County; and 3) achieve sustainable labor costs; that she has provided the Board members with a copy of the document the County's Finance Director, presented to the Board of County Commissioners on April 13, 2010 (a copy of which was placed on file for the record), as to an alternative plan should the \$11.4 million reduction in sustainable labor costs not be attained; that this is to address the General Fund deficit." Ms. Coulombe stated that when this was presented to the Board of County Commissioners if the "\$11.4 million [reduction] is not achieved there will have to be a Plan B, as contract negotiations will take awhile." Ms. Coulombe advised that Attachment #1 presents a "Timeline for Budgeting and Achieving \$11.4 Million in Labor Savings": that there will be a Board of County Commissioner update and a Town Hall Budget meeting on Tuesday, April 27, 2010. Ms. Coulombe stated the Board of County Commissioners demonstrated leadership in approving a 3.7% reduction in their salaries and agreeing to pay an additional \$25 per pay period towards their health insurance premium. Ms. Coulombe stated that during the Department Heads meeting all Department Heads agreed to the same salary and insurance concession; that this will presented May 17, 2010 during the final budget meeting of the Board of County Commissioners. Ms. Coulombe advised that the Board of County Commissioners is in negotiations with all of the various employee associations; that the Commissioners have indicated it is their intent "all labor concessions are consistent among all represented and non-represented employees." Ms. Coulombe advised that Attachment #3 is "Plan B - Budget Reduction Targets by Department Based on Proportional Allocation of Needed Personnel Cost Savings for the Employee Groups in the Department", which delineates "the value of all the different concessions by different Departments." Ms. Coulombe stated that Plan B "differs from the tiers, which were the operating reductions"; that the deficit is in the General Fund; therefore, "this is the proportional amount of the allocation of needed personnel savings in each of those groups." Ms. Coulombe stated that should "concessions be achieved then this [Plan "B"] would not be implemented"; however, if the concessions are not achieved "Plan B" would have to

be implemented; that the Finance Division would "create new GL [General Ledger] numbers and will put in a negative number within the different departments." Ms. Coulombe stated the Health District's finance team "has done this in the past when trying to get the budget numbers to line-up." Ms. Coulombe stated that should the County receive no concessions "Plan B" would have to be presented to the Board of County Commissioners at the July 13, 2010 meeting. Ms. Coulombe stated that the County has to present a balanced budget by June 1, 2010. Ms. Coulombe stated that the "Health Fund" indicates *No Labor Costs in the GF* as "the Health District is balanced at this point in time."

Ms. Coulombe stated that when the Health District's budget has been presented "there is always the question of 'how many positions do you have'"; that "this can be very confusing, as there is the question of 'how are the positions being counted - funded positions, how many positions are on the books, unfunded positions, etc." Ms. Coulombe advised that Staff, "working with the positions know what the numbers are"; however, when presenting it to the different boards or to the public it can be very confusing. Ms. Coulombe stated that "this can lack the appearance of being transparent"; therefore, when presented "the positions which are unfunded and held vacant, which the Health District now has three (3) (the licensed engineer, the GIS Specialist, and the Administrative Secretary Supervisor for Air Quality), those positions will be taken off the books." Ms. Coulombe stated that positions will be listed and "held on a different ancillary spreadsheet"; that "these positions will not be carried when the positions are not funded." Ms. Coulombe stated that the Board of County Commissioners is deliberating on "the Ending Fund Balance, what is the appropriate amount, how much should be carried, is it sustainable to use it for operating expenses, etc." Ms. Coulombe advised the Board of County Commissioners is deliberating on establishing a policy "as to what is an appropriate amount; that it may not be the same for all of the different Departments as different Departments may need more for cash flow or payroll"; that Staff will be discussing this issue to determine "what an appropriate amount would be."

In response to Ms. Jung regarding the "No Labor Costs in GF" notation in "Plan B" for the Health District, Ms. Coulombe clarified that that notation does indicate the Health District's labor costs are not from the General Fund. Ms. Coulombe stated that "the deficit is in the General Fund"; that the Health District does receive General Funds "for balancing and some employees are not grant funded; however, the clarification is more specific."

Ms. Jung stated that the Senior Center also receives a General Fund Transfer; however, as with the Health District, the Senior Center labor costs do not come from the General Fund. Ms. Jung stated it is not an issue "of one department meeting its budget better than another"; that it is "these Departments are not a target as these Departments do not contribute or take away from the General Fund Account." Ms. Jung stated that the County is requesting a 3.7% reduction from all of the labor associations, "which is why the members of the Board of County Commissioners agreed

to the 3.7% reduction in salary." Ms. Jung stated that additionally, the Commissioners declined "the statutorily approved increases for the past two (2) years and the 2.5% reductions during the past two (2) years." Ms. Jung stated that the County is further requesting each employee pay an additional \$25 per pay period towards his/her health insurance; that the Board of County Commissioners "will also be doing this." Ms. Jung stated that "Plan B" represents "what the 3.7% plus the \$25 per pay period would look like as a proportion of how much the different divisions cost the General Fund." Ms. Jung stated that should the "concessions not occur the Department heads will have to have to make-up the budget difference for the County to balance the FY 10/11" budget; that currently the County "is fine through June 30, 2010; however, it is the upcoming Fiscal Year" which is of concern. Ms. Jung stated "the third prong is the labor costs, which was determined through advisement from the Finance Division that the labor costs, including health care insurance and benefits are unsustainable, with the tremendous gap between revenue and the projected expenditures." Ms. Jung stated that one of the County's major priorities is "to sustain employment in Washoe County; therefore, the County is hoping the employee associations will make those concessions; that that is why the Commissioners did it first and Department heads have been asked to go next." Ms. Jung stated that "this is only fair and transparent that we are all in this together."

Dr. Furman stated he concurs "that labor costs will be unsustainable." Dr. Furman stated that "it should be known that Nevada had the third highest annual compensation for state and local government employees in 2008"; that the only two (2) states with a higher amount are California and Connecticut." Dr. Furman stated that California and Connecticut are two (2) states "which are going to be in very deep trouble; that estimates indicate California's long-term debts just from pension funds are going to reach \$500 billion." Dr. Furman stated that he "does not know what Nevada's projected deficits are going to be but he is sure there are going to be some problems." Dr. Furman stated that the Health District has 180 employees; that according to NACCHO "a community our size averages 81 employees; that this does vary depending upon the services offered." Dr. Furman stated "there are a lot of places that are cutting; that it is necessary to review these things; that it is necessary to keep mandated programs going at a good sustainable level"; that he is concerned the District "is going to be able to do that without reviewing very hard the unmandated programs."

In response to Dr. Furman, Ms. Jung stated that she would caution quoting how much Nevada's public servants are making as "it is highly skewed by Clark County's numbers; that Washoe County is no where near the highest." Ms. Jung stated that this "happens all the time in Nevada; that [Washoe County and Clark County] cannot be taken as an aggregate." Ms. Jung stated that, "with Staff present, she would say Staff have been beat pretty hard as well as being asked to take on about four (4) jobs for less pay during the last couple of years." Ms. Jung stated that "it is not the public sector's fault that we are in this financial crisis; that it was the private industry that got us here as a result of deregulation." Ms. Jung stated that "to beat up on public servants for this is the

wrong area; that Washoe County's public servants by far do not match those levels; that Washoe County employees have been willing to come to the table and you don't see the nonsense reported in the newspaper about Washoe County employees that occurs in some other entities." Ms. Jung stated that the Washoe County employees "have come to the table and taken voluntary reductions; that she has every faith they will do it again; that they are to be thanked as they are doing about four (4) jobs for a lot less money; that there isn't enough hours in the day for them to do what they are being asked to do but they are getting it done and doing a heck of a job."

Dr. Furman stated "he didn't mean to imply he was asking everyone to take a cut"; however, these problems are very serious and have to be solved somehow"; that his point "is how are we going to solve them." Dr. Furman stated that he is aware "people are doing their job; that he is aware more work is being piled on in other states, too"; that he "greatly appreciates the work the employees do in the County."

Dr. Khan stated that Dr. Anderson referred to the questions asked during the budget presentation; that she would question "the types of questions asked or concerns expressed, as the Health District has a unique relationship with the County and serves a very broad population." Dr. Khan stated "it would be helpful to understand how the Board could (perhaps) do a better job of educating the Commissioners and other governmental partners regarding the issues facing public health in the community because of the economic crisis." Dr. Khan stated that "there are two (2) factors occurring – the incredible burden of health care and the District's obligation to provide health services and whatever benefits there are; that these demands are increasing and will continue to do so due to the economic downturn." Dr. Khan stated that it is "necessary to be mindful of this in terms of the Health District Staff, the County and the interests of public health."

In response to Dr. Khan, Dr. Anderson advised that there were approximately nine (9) question categories; that "some where of a large category with areas of sub-questions." Dr. Anderson stated that during her presentation she did emphasize the Nevada statistic, which she had presented to the District Board, regarding the \$3.55 per capita contribution for health care in the State of Nevada, which is the lowest in the nation, ranking 51st, including the District of Columbia. Dr. Anderson stated that she referenced "the average amount of approximately \$28.92 per capita" expended nationwide; however, "she did misstate that, as that amount is the median number." Dr. Anderson stated that "Commissioner Larkin keyed-in on the concept of the median number and requested information as to what the median per capita contribution is among the States; that she will correct that item for him." Dr. Anderson stated that Commissioner Breternitz questioned "how the Trust for America's Health" and the Robert Wood Johnson Foundation had determined these numbers and if these amounts could be considered comparable because public health is so different from state to state, even from one (1) jurisdiction to the next." Dr. Anderson stated "within that report there was a section which discussed how they strove to achieve comparability, what

was included and what was not included in an effort to do the best job possible of achieving comparability among the States." Dr. Anderson stated that she will supply that information "as the answer for Commissioner Breternitz. Dr. Anderson stated that Commissioner Weber requested information regarding the Tobacco Prevention and Control Program; that further, she requested clarification on the vote the District Board of Health had had on the Home Visitation Program, questioning "why the Program had not gone away." Dr. Anderson stated that she has a copy of the minutes from the Board of Health meeting in which the vote was taken on the combined issue of the decrease to the Family Planning and the Home Visitation Programs. Dr. Anderson stated that Ms. Weber further requested information specific to the number of FTEs on grants, program questions specific to immunizations; Medicaid and Medicare reimbursement levels received; and the per capita costs for Clark County for a comparison to Washoe County. Dr. Anderson advised that Clark County "has a different arrangement; that she has a spreadsheet provided by Dr. Sands, which illustrates some of Clark County's costs"; that she will provide a copy of this to Commissioner Weber. Dr. Anderson stated that Commissioner Breternitz questioned the use of the \$1.2 million from the Health District's Ending Fund Balance; that this is the question which was asked by the District Board and by Mr. Sherman. Dr. Anderson stated that "these are the questions which she will answer and provide context so that anyone reading it will have the information."

Dr. Khan stated that the questions of the Board of Commissioners indicate there "wasn't any overall objection to the strategy and methodology of Staff and the Board in determining the Budget recommendation."

In response to Dr. Khan, Dr. Anderson stated that Dr. Khan is correct; that the questions were "more specific to individual programs and areas of interest with a couple of exceptions."

Dr. Furman stated the Board of Health had voted to eliminate the Home Visitation Program; that "this was to have already been done."

In response to Dr. Furman, Vice Chairman Smith advised that after the Board's initial vote to eliminate the Program the issue was discussed again and the determination was "to reduce the Program funding by 50%." Vice Chairman Smith advised that he reviewed those minutes with Dr. Anderson prior to the meeting; that the motion was to approve "90% grant funding with 10% funding for the Family Planning Program, which was what the Board voted on to keep that Program going." Vice Chairman Smith advised that the motion was also to reduce the funding for the Home Visitation Program by 50% of what was received by the General Fund for that Program."

Ms. Mary-Ann Brown, Director, Community and Clinical Health Services, advised that "there was a no vote for the Nurse Family Partnership Program"; however, "the vote was for retention of the Home Visitation Program with a 50% reduction."

Dr. Furman stated that the minutes of December 2008, indicate the Board voted the "that should reductions be required those reductions be achieved through the Home Visitation Program with Staff developing a plan to completely eliminate the Program by June 30, 2009."

In response to Dr. Furman, Vice Chairman Smith stated "that that was what the Board discussed at the time, should it be necessary to implement reductions to the Budget"; however, at a later date reductions did come from that Program with a Board agreement that the Program would be retained, with a 50% funding reduction, for the time being." Vice Chairman stated that the minutes can be presented.

Dr. Furman stated that "the Board of County Commissioners was aware of this during the joint meeting of the Boards; that it was brought up that the programs were going to be prioritized to be eliminated."

Ms. Leslie Admirand, Deputy District Attorney, cautioned the Board members that the discussion "is getting off topic"; that the agenda item is specific to the "Fiscal Year 2011 Budget Update."

Vice Chairman Smith stated that these issues and questions will be addressed in Dr. Anderson's response binder she is preparing for the Board of County Commissioners.

Vice Chairman Smith thanked Dr. Anderson and Ms. Coulombe for the Budget update.

PRESENTATION - RECOMMENDATION - ADOPT - PROCLAMATION - SUPPORT OF DECLARING APRIL 24 THROUGH MAY 1, 2010 - "GIVE KIDS A BOOST WEEK"

Dr. Anderson advised that the Board members have been provided with a copy of the Proclamation in Support of Declaring April 24 through May 1, 2010 "Give Kids a Boost Week" (which was placed on file for the record.) Dr. Anderson read the Proclamation in full into the record, advising that Vice Chairman Smith will execute the Proclamation on behalf of the Board.

MOTION: Dr. Khan moved, seconded by Ms. Ratti, that the Proclamation in Support

of Declaring April 24 through May 1, 2010 "Give Kids a Boost Week", be approved and adopted as presented.

Motion carried unanimously.

PROGRAM UPDATE - NEVADA CLEAN INDOOR AIR ACT (NCIAA)

Ms. Jennifer Hadayia, Public Health Program Manager, stated that based upon Commissioner Jung's comments and questions last month regarding a new product "electronic cigarettes (aka eCigarettes)", it was the consensus of Staff to provide the Board members with information specific to "new tobacco products and an update on the Nevada Clean Indoor Air Act (NCIAA)." Ms. Hadayia advised that Staff recently "completed the annual compliance assessment of the NCIAA"; that Ms. Dixon will be presenting the results of that assessment. Ms. Hadayia advised that Ms. Dixon has "been working on issues related to clean indoor air for more than a decade and therefore has guite a bit of experience in this area."

2010 Compliance Assessment Results

Ms. Erin Dixon, Chronic Disease Program Coordinator, advised that through the efforts of the Washoe County District Board of Health and the Southern Nevada District Board of Health an advisory question was included on the ballot in 2002 "which led to the Nevada Clean Indoor Air Act (NCIAA)." Ms. Dixon advised that the NCIAA became State Law on December 8, 2006 after passage by a majority of Nevada voters.

Ms. Dixon advised that the NCIAA prohibits smoking "in all indoor places of employment, with the exception of the following exemptions: casino gaming areas; stand-alone bars (bars in which food is not sold); strip clubs and brothels; retail tobacco stores; private residences; and convention facilities during an event produced or organized by a business related to tobacco or professional association for convenience stores (which must include a tobacco display); that this last exemption was adopted during the 2009 Legislative Session.

Ms. Dixon stated that it was the consensus of Staff to investigate "how the NCIAA was being implemented"; therefore, Staff has conducted assessments this year, with the intent of "making them as scientific as possible." Ms. Dixon advised that the Epi Staff assisted in the process; that Staff randomly selected the facilities, with a large enough "sample size to be generalized to the entire community." Ms. Dixon stated that the assessment included food-permitted and air-quality permitted facilities, with the intent being to include facilities "which hadn't been getting a lot of education" as occurs with the Environmental Health Specialist inspecting food facilities, as the

Environmentalist "are incredible about educating food service workers in the restaurants." Ms. Dixon advised that the goal was to assess "the general business establishment." Ms. Dixon stated that Staff would "check for the *No-Smoking* sign on the door upon entry as required by the Law; for ash trays, smoking paraphernalia or evidence of smoking." Ms. Dixon stated that the assessment determined Washoe County has a "97% compliance rate for both types of facilities for no evidence of smoking"; that "this is an incredible rate of compliance and the community should be very proud." Ms. Dixon stated that compliance with the requirements for "signage isn't as great"; that Staff determined a number of the air quality permitted facilities were unaware *No Smoking* posting was required; that the consensus was "the facility has been smoke free for a number of years; therefore, why would they need a sign for something already being done."

Ms. Dixon advised that "in conclusion the spirit of the law is absolutely being adhered to in the community and social norms have been changing"; that when first implemented there was considerable discussion as to whether or not the community would comply with the Law; that it has been demonstrated that "yes, the community has embraced and followed." Ms. Dixon stated that "there are areas which can be improved upon, with signage being the largest one." Ms. Dixon stated that a goal of Staff is to conduct "an assessment of all business types to determine if there is a type of business for which more education must be done." Ms. Dixon advised that these assessments have been conducted every six (6) months; that Staff will now be conducting assessments annually; that Staff will have to determine how convention centers will be assessed."

Update on Statewide Regulations

Mr. Bob Sack, Director, Environmental Health, advised that the Environmental Health Services Division "has been very aggressive on the enforcement of the NCIAA in those facilities to which the Health District has access." Mr. Sack stated that during the last year, "utilizing the criminal powers associated with the Act, Staff cited three (3) facilities into Court as extremely chronic violators of the Act." Mr. Sack advised that "last fall the Supreme Court separated the criminal sanctions from the Act resulting in a fairly ineffective enforcement mechanism in which the option is to civilly sue, which is incredibly expensive and a very cumbersome process." Mr. Sack stated that, as noted, Washoe County has a very high compliance rate; that "unfortunately the same establishments causing problems originally continue to cause problems" as to compliance. Mr. Sack advised that the Washoe County and the Southern Nevada Health Districts in conjunction with the State Health Division collaborated to encourage the State to adopt Regulations, which would further clarify the Indoor Air Act including an enforcement mechanism for which there is a consensus "will address any enforcement issues there may be with the permitted facilities for violation of the NCIAA." Mr. Sack advised that "enforcement action could be through the temporary suspension or revocation of the Permit to Operate; that he believes this will address any real problems Staff encounters with the chronic violators." Mr. Sack stated that rather than being a criminal process, it is an administrative process, which is currently utilized by Staff through in-office reviews, appeals before

hearing boards, and actions which can be taken by the District Board of Health. Mr. Sack advised that these Regulations have been approved; that there were public hearings to present the proposed Regulations; that the only comments received were from the American Cancer Society and the American Lung Association in support of the Regulations and suggesting more stringent enforcement action; however, that would require legislative action. Mr. Sack advised that these Regulations are "currently with the Legislative Counsel Bureau (LCB) for further review; that upon completion of that review the Regulations will be presented to the State Board of Health for adoption in June. Mr. Sack stated that Staff "was surprised as to the lack of comment from the regulated industry"; that the Regulation "isn't long; however, the provisions specific to the permit status is the only portion of the Regulation which he is concerned about as it will address the District's enforcement issues as it relates to permitted facilities." Mr. Sack advised that "this will be a much more effective tool than the criminal proceeding."

Ms. Ratti stated that suspending "somebody's ability to conduct business is a relatively severe sanction"; that she would question "if it a tiered process with an initial warning."

In response to Ms. Ratti, Mr. Sack advised "that it would depend upon the type of permitted facility" and requirements of the Regulations which regulate those facilities." Mr. Sack stated that the majority of the enforcement action would be in the food facilities; that there are provisions in the District Board of Health Regulations Governing Food Establishments which empowers the District with the authority to suspend the Permit to Operate of a food establishment. Mr. Sack stated Staff would present a recommendation to the Food Protection Hearing and Advisory Board (i.e., for revocation), which provides a recommendation to the District Health Officer for final determination as "what action would be taken regarding the permit status." Mr. Sack advised that there is "due process implemented; that the new enforcement action would utilize that same exact process."

New Tobacco Products

Ms. Hadayia advised that for approximately the past five (5) years Staff has been noting a change in the tobacco products on the market; that these "products have moved towards the three (3) 'S's' – smokeless, spitless and small, sometimes imperceptibly so."

Ms. Hadayia reviewed "some of the products Staff has been monitoring during the past few years; that the first is a spitless, smokeless tobacco; that what makes these different is instead of the traditional smokeless tobacco pouches, which would be utilized and then discarded, these pouches are actually swallowable." Ms. Hadayia advised that these pouches "are commonly referred to as Snus; that these pouches are available locally in a couple of different brands in a couple of different flavors."

Ms. Hadayia advised another newer product is "the orbs sticks and strips, which are dissolvable tobacco aspirin-sized nicotine pill (aka the tobacco Tic Tac as it is about the same size); that this product also is available "in a stick, which looks similar to a cinnamon stick, and dissolves." Ms. Hadayia advised that "the strips dissolve on the tongue in the same way a breath freshener strip would dissolve." Ms. Hadayia stated that currently these products are not available in the State of Nevada; that Staff will continue to monitor for the availability of this product in Nevada.

Ms. Hadayia presented an "electronic cigarette", advising that this product is available in the State of Nevada and on-line; that the electronic cigarette is an electronic nicotine atomizer; that the device, which appears to be a cigarette packet is the charger, which can be charged in a conventional outlet or in a vehicle; that there is also a USB version allowing it to be charged at the computer. Ms. Hadayia advised that electronic cigarettes are available in a variety of flavors (i.e., chocolate, cherry, etc.); a variety of formats (i.e., cigarette, cigar, pipe); and a variety of colors (i.e., blue, pink, checkered, etc.); that a variety of cases are offered with a number of accessories. Ms. Hadayia advised that once the adapter is charged the nicotine capsule is inserted; that as the nicotine is heated-up and atomized the individual inhales the nicotine vapor. Ms. Hadayia advised that the manufacturer advertises that a vitamin packet can be attached allowing the individual to inhale his/her vitamins; that this does include prenatal vitamins; however, the primary purpose "is to be a nicotine conveyance." Ms. Hadayia advised that "according to the manufacturer what is exhaled is water vapor instead of second-hand smoke." Ms. Hadayia advised that the LED lights-up to indicate the individual is inhaling.

Ms. Dixon demonstrated the electronic cigarette, advising "where the nicotine and flavoring would be inhaled."

Ms. Hadayia advised that a "starter kit, which includes the charging mechanism can cost approximately \$150"; that after purchasing the starter kit the individual replaces the box of capsules. Ms. Hadayia stated that "according to the manufacturer, after the initial investment it is cheaper than buying traditional cigarettes, as each capsule is the equivalent of up to a pack of cigarettes." Ms. Hadayia advised that the manufacturer indicates "there is a cost savings to invest and use the electronic cigarettes." In response to Ms. Ratti regarding "a sin tax for the electronic cigarettes", Ms. Hadayia advised that the electronic cigarettes are not taxed.

Ms. Hadayia stated that, "as many know, the President signed into authority the Food and Drug Administration (FDA) ability to regulate cigarettes"; however, "it was determined that electronic cigarettes are not technically cigarettes as it does not burn a tobacco product." Ms. Hadayia stated that because of this determination "a sin tax would not apply to this product as it is not considered a cigarette."

Dr. Khan questioned if "there is a certain amount of product being inhaled with each inhalation, similar to an inhaler for an asthmatic."

In response to Dr. Khan, Ms. Hadayia advised that "there is a certain number per capsule; that she does not know that number; however, the information is that one (1) capsule can be the equivalent of an entire pack of cigarettes." Ms. Hadayia advised that this would be the equivalent of "the number of puffs from one (1) cigarette multiplied by an entire pack; that this would give you the sense of how much nicotine could be inhaled in one of the capsules."

Dr. Khan stated she would anticipate that this device "would probably increase the concentration of nicotine fairly sufficiently compared to smoking cigarettes; therefore, the dose would be more potent."

Ms. Hadayia advised that the concern is these products could significantly increase tobacco use rates; that the Nevada Department of Taxation reports "comparing 2008 to 2009 taxable sales of cigarettes and other tobacco products, which would include these products, indicate a decrease in traditional cigarette sales; however, it also indicates an increase in other tobacco products (i.e., the smokeless, spitless, small products)." Ms. Hadayia advised a recent survey estimated that nationally 15% of high school students "are now using these smokeless/spitless products, which is a significant percentage." Ms. Hadayia advised that another concern "is the unknown health impacts due to the lack of FDA Regulations; that the FDA Regulations pertains to the "Snus products, the orbs, the sticks/strips." Ms. Hadayia advised that the FDA has required the tobacco industry to disclose to the FDA, by January 2010, the contents of all those products; however, the electronic cigarettes are exempt from this requirement "for the foreseeable future." Ms. Hadayia stated that "there has been one (1) study conducted on eCigarettes indicates it does have some of the same negative health consequences as traditional cigarettes." Ms. Hadayia advised that the "tobacco in the capsule is covered by ingredients which are comparable to antifreeze"; therefore, the "study conducted indicates that when the nicotine vapor is inhaled the individual is inhaling some of the contents of antifreeze." Ms. Hadayia stated that "although eCigarettes are not in the traditional cigarette format it still may have some of the same contents as a traditional cigarette; that there is also concern regarding the tobacco industry marketing of these products." Ms. Hadavia stated that "since the Master Settlement Agreement there hasn't been as aggressive of a marketing effort by the tobacco industry until the advent of these products." Ms. Hadayia advised that "for the first time in several years the industry has begun utilizing the print media, which the majority of companies had ceased doing, to promote these products." Ms. Hadayia advised that these products are being promoted "as something you can smoke anywhere; that 'Smoke Anywhere' is one of the primary manufacturers of electronic cigarettes; that it is being promoted as a way to smoke no matter where you are ~ on the airplane, in the office, etc." Ms. Hadayia stated that the companies are promoting the cigarette as "something that is healthier; that you aren't

inhaling tar, which is a common advertising strategy; and that it is green as people are not exhaling environmental tobacco smoke; that you won't smell bad; that your breath won't smell bad, etc."

Ms. Hadayia advised that "the very messages tobacco prevention advocates were promoting are now being used by the tobacco industry; that the industry is promoting eCigarettes as a method for cessation." Ms. Hadayia advised that one of the manufacturer's has a "cessation starter pack promoting it as a method to wean an individual off of traditional cigarettes."

Ms. Hadayia advised that "all of this is of concern as it undermines the benefits of smoking bans; that in the vast majority of communities smoking bans result in reductions in cigarette usage"; however, because of the marketing for these products it is possible there will no longer be the dramatic reductions in tobacco usage with all of the new products on the market. Ms. Hadayia advised that another concern is the possible increase "in the number of dual users, which are those individuals smoking traditional cigarettes in those places they can (i.e., homes and vehicles, exempt locations); and then utilizing the Snus, the orb/films or the eCigarette in those locations in which smoking is prohibited." Ms. Hadayia stated that a recent study indicated two-thirds (2/3) of smokeless tobacco users are also cigarette users; therefore, "the concept that this is a weaning product is not necessarily playing out."

Ms. Hadayia presented a "clip from a recent 20/20 presentation" specific to these new smokeless tobacco products. Ms. Hadayia presented Staff's "response in an effort to increase the public awareness of these products, specifically for teens and young adults that these are still nicotine, tobacco products, which are still addictive and have health impacts."

Ms. Hadayia stated that Staff continues to work with other community partners to create more comprehensive tobacco policies; that many smoking policies in indoor facilities, including the Health District building, only restrict the use of smoking cigarettes. Ms. Hadayia advised that the community partners are attempting to increase the restrictions to "tobacco, which would include all tobacco products and ideally, to implement what the area hospitals implemented earlier this year, which are tobacco free campuses." Ms. Hadayia advised that Staff continues to work with the American Cancer Society, the American Lung Association and the American Heart Association to "continue to oppose changes to the tax structure for smokeless tobacco, which the tobacco industry continues to present in every Legislative Session." Ms. Hadayia stated that the industry "would like to change the way these products are taxed so that it is based on weight rather than cost"; that when this occurs "everything gets smaller and weighs less and taxes are reduced; that Staff and the community partners continue to oppose that change."

Ms. Hadayia stated that Staff will continue to monitor the "results of the FDA Regulations for these products; that there has been legislation in other States to ban eCigarette sales to minors and to

impose other restrictions to eCigarette sales." Ms. Hadayia stated the goal of Staff is "to promote true cessation options, including advising people there are cessation products that have some similar characteristics as eCigarettes; that these are nicotine replacement and have a structured program of cessation counseling."

Ms. Hadayia stated that this is an exciting area of tobacco prevention and control in which to work "as it and the marketing keeps Staff on their toes and Staff has to be just as creative to keep up with it." Ms. Hadayia thanked the Board for the opportunity to present the regulatory, compliance and new products update.

Ms. Jung thanked Staff for the update, advising that on NPR today there was an hour segment on this topic; that the broadcast is available on NPR.org.; that currently the orbs are available in only a few markets within the Reno/Sparks area. Ms. Jung stated a health concern of the orbs is the possibility of nicotine overdose in small children; that the orbs have the appearance of "a Tic Tac and come in various flavors." Ms. Jung stated that the Nevada Clean Indoor Air Act (NCIAA) has resulted in the prohibition of smoking in food establishments and increased "the social stigma" against smoking encouraging people to quit; that additionally the price of tobacco products is increasing thus motivating more people to quit." Ms. Jung stated that although there isn't confirmation yet, "this probably is designed by the tobacco industry as a gateway drug for youths to then begin using traditional cigarettes." Ms. Jung stated the broadcast did indicate "that by not smoking there was a 75% reduction in risks of smoking; that nicotine is a very addictive habit; that as a former smoker she knows it is a true addiction." Ms. Jung stated people may not be aware "that the tobacco industry was charged with racketeering and may have to forfeit income"; that this was a direct result of "whistle blowers who were in the tobacco industry testifying that the industry was marketing to children; that people were not charged as individuals but as a corporation and industry." Ms. Jung stated she concurs with Staff that "these efforts are a work-around"; that for teens and young adults smoking "kind of looks fun and there isn't the social stigma against it"; that "eCigarettes are being marketed similar to iPods with all the accessories, it is a fashion statement, etc." Ms. Jung stated she observed these being sold in kiosks in malls in Nashville last year; that she would question if these are being sold in malls locally.

In response to Ms. Jung, Ms. Hadayia stated that she is aware the industry is "targeting shopping areas as locations to promote eCigarettes"; however, "the largest volume of business has been online, to which anyone has access." Ms. Hadayia stated that, in regard to Ms. Jung's reference to poisonings, a study was released this week that smokeless tobacco products were cited as the second leading cause of poisoning in children; that this is dramatic as a secondary health consequence.

Dr. Anderson questioned whether the capsule in the eCigarettes contains actual tobacco or a distillation of nicotine and other chemicals.

In response to Dr. Anderson, Ms. Hadayia advised that "it is her understanding it is a nicotine product encapsulated with diethyolene glycol, which are absorbed at the same time"; that the FDA Regulations do not require the tobacco industry to disclose the content of the capsules. In response to Vice Chairman Smith regarding nicotine, Ms. Hadayia advised that "nicotine is a drug, which crosses the blood brain barrier; that it is nicotine derived from tobacco"; however, "it is not classified as a cigarette as a tobacco is not being burned during consumption, nicotine derived from tobacco is what is being burned." In response to Dr. Anderson regarding the FDA regulating nicotine as a drug, Ms. Hadayia advised the FDA is only allowed to regulate it if it is defined as a cigarette or a derivative of tobacco; that tobacco is not being consumed; therefore, the FDA does not regulate eCigarettes.

Dr. Khan stated she would concur with Ms. Jung that eCigarettes "are truly a gateway drug to other tobacco products."

Ms. Hadayia stated that "may be necessary to start thinking of smoking is an evolution; that the Board discussed smoking, then tobacco products and now nicotine products." Ms. Hadayia advised that this issue was discussed during the Legislative Session regarding taxation specific to weight versus cost of the tobacco product; and that, it was suggested by a Legislator that the taxation should be based upon "the amount of nicotine in any product as that is the addictive substance." Ms. Hadayia stated that "it is an interesting discussion in regard to terminology and what defines the problem."

Dr. Khan stated an issue "from a public health viewpoint is that the health consequences of nicotine are much less than tobacco; that there are some medicinal uses of nicotine; therefore, it becomes very complicated and problematic." Dr. Khan stated that "in terms of tobacco there is far more evidence of the cancer risk and possible heart attacks are the better known public health hazards."

Ms. Hadayia stated Ms. Dixon would concur with her that these issues "have changed and continue to change."

Mr. Tom McCoy, Government Relations Director for the State of Nevada of the American Cancer Society, and Chairman of the Nevada Cancer Coalition, stated that the eCigarettes are the

equivalent of "a portable hookah bar and hookah bars are a problem; that there are a lot of youngsters who are getting introduced to smoking in a very bad way." Mr. McCoy stated that "at some point some regulations are probably going to have to be addressed." Mr. McCoy stated that a lawsuit has been filed and there is a temporary injunction which prohibits importing this product into the United States at the present time; however, "there is a lot of product that is in the pipeline and still being sold." Mr. McCoy stated that "it is appropriate the Board of Health is discussing this issue on Earth Day; that when discussing the environment and air, clean indoor air is a part of that; that as a Washoe County resident he is very pleased that the compliance rate is high." Mr. McCoy stated that compliance is basically voluntary, as the voters approved this legislation through an initiative process in 2006; however, there aren't regulations to mandate compliance, which is of concern to the American Cancer Society. Mr. McCoy stated he would encourage the Health District to implement regulations, which are consistent in the State; that a concern of volunteers is "the NCIAA stipulates that all areas of grocery stores are off-limits; however, Washoe County has approved grocery stores which have mini-casinos on the property"; that he would question "if they are zoned to do that." Mr. McCoy stated that he has discussed this issue with Mr. Sack regarding the environmental compliance; that in reviewing the Legislation he would "contend it is not a proper use of a grocery store."

Vice Chairman Smith thanked everyone "for a very informative update."

STAFF REPORTS AND PROGRAM UPDATES

A. Director – Epidemiology and Public Health Preparedness

Dr. Randall Todd, Director, Epidemiology and Public Health Preparedness, presented his monthly Division Director's Report, a copy of which was placed on file for the record.

B. Director – Community and Clinical Health Services

Ms. Mary-Ann Brown, Director, Community and Clinical Health Services, presented her monthly Division Director's Report, a copy of which was placed on file for the record.

Ms. Brown stated "she hopes the Board members have seen the 'Get Healthy Washoe Tobacco Access and Child Nutrition 2010 Campaign', which features Dr. Anderson and Mr. Cory Sobrio, Public Health Nurse promoting not smoking and healthy eating habits for children." Ms. Brown stated that these advertisements are featured in print, on the radio and on TV.

C. Director - Environmental Health Services

Mr. Bob Sack, Director, Environmental Health Services, presented his monthly Division Director's Report, a copy of which was placed on file for the record.

D. <u>Director – Air Quality Management</u>

Mr. Andrew Goodrich, Director, Air Quality Management, presented his monthly Division Director's Report, a copy of which was placed on file for the record.

Mr. Goodrich advised that at last month's meeting he had invited the Board members to an open house of the Air Quality Management's new office space; that he would apologize as due to other events there was not time to prepare for that event this month. Mr. Goodrich stated that he conferred with Dr. Anderson regarding rescheduling this event; that it is tentatively planned immediately after the conclusion of the June 24, 2010 meeting.

Mr. Goodrich advised that this is the 40th anniversary of Earth Day and he would wish everyone a "Happy Earth Day."

E. Administrative Health Services Officer

There was no Administrative Health Services Officer Report this month.

F. District Health Officer

Dr. Mary Anderson, District Health Officer, presented a copy of her monthly District Health Officer's Report, a copy of which was placed on file for the record.

BOARD COMMENT

Ms. Jung stated that in reference to the discussion of item 11. 2011 Budget Update, she would request she be provided with a copy of the minutes of 2008 referenced by Dr. Furman regarding the Home Visitation Program and the follow-up discussion referenced by Vice Chairman Smith.

Dr. Anderson stated, that as Ms. Jung advised, the Department heads have been requested to accept a 3.7% pay decrease in conjunction with a \$25 per week increase contribution to the cost for health benefits; that as the employee of the District Board of Health this will have to be approved by the Board and will be on June 24, 2010 agenda, as she will be on leave during the May 27, 2010 meeting.

Ms. Ratti stated she would remind everyone that May 15 – 21, 2010 is "Bike to Work Week"; that she would encourage everyone to participate; that "if everyone would ride their bikes once in awhile the negative impacts caused to the air by automobiles could be greatly reduced." Ms. Ratti stated that "there will be some great events and locations where people can receive pancakes and coffee and providing a number of services for participants"; that there will also be "a City Hall to City Hall bike ride; that both Commissioner Jung and Councilman Gustin have agreed to participate; that Councilman Ron Smith from the Sparks City Council will be participating." Ms. Ratti advised that "there is a competition; therefore, businesses wishing to participate can register on the gethealthywashoe.com website"; that businesses should encourage employee participation, "as she would encourage everyone to consider participating in some way or other; that there will be great prizes for participants."

There being no further business to come before the Board, the meeting was adjourned at 2:50 pm.

MARY A. ANDERSON, MD, MPH, FACPM DISTRICT HEALTH OFFICER, SECRETARY

RECORDER