

ERIE COUNTY BOARD OF HEALTH

MEETING MINUTES

OCTOBER 19, 2021

PRESENT VIA VIRTUAL MEETING

Dennis Galluzzo, RPh., Chairman ECBOH
Rob Free, Vice President, Food & Beverage, Buffalo Bisons
Baseball/Canalside/Outer Harbor, Vice Chairman, BOH
Diane Loomis, DNP, FNP
Dolores Funke, P.E., Secretary BOH
Marilyn Tuberdyck
Maureen Montgomery, M.D.
Jonathan Daniels, M.D.
Michael Merrill, M.D.
Honorable Lisa Chimera, Erie County Legislator
Olivia Owens, County Executive's Office

ERIE COUNTY DEPARTMENT OF HEALTH

Gale Burstein, M.D., Commissioner of Health

GUEST:

Ryan Lindenau, President of the Pharmaceutical Association of Western New York

Dr. Burstein indicated that we can start, do you want to start us off Dennis? And I think we should also start with introductions because we have a new member.

That'd be great. All right, my name is Dennis. I'm chairman.

Next just want to say welcome to everybody and thanks for taking time out this afternoon to join our board of health meeting. So, I am Gail Burstein. I'm the Erie County Department of Health Commissioner, and I'm a non-voting member.

Hello, this is Dolores Funke, calling on my phone. I am the secretary.

Hi, everyone my name's Maureen. Montgomery. I'm a pediatrician in the community.

My name is Rob Free. I take care of food and beverage for the Buffalo Bisons and the Buffalo waterfront. I am chairman of the New York State Restaurant Association, vice-chair of this board and liaison to the Food Policy Council.

Hi, everyone, Lisa Chimera. I am the 3rd district Erie County Legislator and Chair of the Health and Human Services Committee.

Michael Merrill M.D., Medical Director, Independent Health

Somebody should probably just call out names because all of us are in a different order. I'm the new guy, o thanks for having me. I am an internist.

Marilyn Tuberdyck, retired from the Erie County Health Department.

I am Diane Loomis, I'm a nurse practitioner, representing nursing.

Ryan Lindenau, President of (PAWNY) Pharmacists Association of WNY introduced himself. He is the guest speaker, who also practices at Primary Care of WNY Pharmacy.

Dennis asked if everyone had reviewed the minutes of the July 6th meeting. The minutes were approved as written. That's unanimous. Okay. So, we have pharmacy update presentation by Ryan Lindenau.

Dennis Galluzzo introduced Ryan Lindenau, a pharmacist who is the president of PAWNY (Pharmaceutical Association of WNY). Ryan went on to mention the COVID-19 standing orders and the potential need for them for the community to be vaccinated, especially in light of the changing guidance in the talk of boosters. He spoke of the PREP Act, passed by President Biden to allow ordering and administration by qualified health care professionals, which does include our profession. A standing order is not legally needed as it preempts state law. He spoke to the president of the state society. They were able to pool together some NYC members as well as some members across the state. They are encountering issues upstate and downstate, where it is more of a compensation issue. A standing order would be useful for reimbursement as most of the peers are not recognized as providers, especially with Medicare in the state. The standing order would get rid of any concerns related to billing, especially for Medicare, as Medicare generally requires any provider to be Medicare enrolled, which most community pharmacies and individual practitioners are not. It is not just Medicare that could be an issue. It's all plans and it's more about compensation, not collaborative authority. They need an amendment to the existing county standing orders to allow these members to be able to vaccinate their patients and not have to worry about the reimbursement aspect of it or whether or not they can offer this within their store. He thought that it was really about access to public health at this point. The NY City Dept. of Health, which covers only the local area there, came out with a standing order for this reason and have recently modified it. The state society came out with that particular guidance, encouraging other health departments to do the same. Ryan gave a copy of this document to Dennis. The wording is pretty clear about what the purpose of the standing order really is, as well as some modifications there for Pfizer. But with the FDA meeting this week to approve the Janssen and Moderna boosters the wording will probably have to be updated. He thought it would be a good template to follow if we decide to go ahead with the standing order. Dr. Burstein suggested that this issue be addressed at another time, as she felt it should not have been included at the BOH meeting.

FOOD POLICY COUNCIL (FPC)

Rob Free is going to report on the food policy Council at the next board of health meeting. I'm going to invite the chair of the food policy Council, and some other people from the executive committee to give a presentation with graphics and let them speak about it. I don't know if everybody got the Food Action Plan Marcia sent out to everybody. I don't know if anybody had a chance to look over that. That is the biggest thing that has come out of the food policy council to date. It was something that we worked on for over a year, and it is pretty progressive and intensive if you've got a chance to look at it. If not, please feel free to peruse it after this call at your leisure. I know it is 37 pages long, but it does have the table of contents, so you can take a look at different items. But it is a great thing that has come out of the FPC.

And for years as you've known, I've talked about it how the FPC was languishing for a little while, but in the past 18 months it's really become a great Council. I would say our biggest challenge right now is we're in a little bit of a transition period. We have some people getting off the board, and we need to get new people in for next fiscal year. We do have some social media material that has been sent out.

The county executive tweeted out that the food policy council is looking for new people. We have an application that is out there right now; and the due date for that is November 5th, so that we can vet people, get them in and be ready to roll on the 1st of the year. We haven't had anybody that's applied, unfortunately; so I would ask, Dennis with your approval, if Marcia send out an email, just with a little bit of a flyer that has a little bit of information about what people we are looking for. If anyone on the board knows of anybody that might be interested or if this is in their wheelhouse for, as an example be sustainable farming, or the eradication of food deserts in some of our urban areas or just healthy food initiatives. If you know anybody that might be interested, you can forward that information on.

Rob Free told the group that they were formulating ideas on how to create a food action plan. We had an initial meeting prior to Covid at Massachusetts Avenue Project (MAP) to discuss this. We had some politicians as well as some various community stakeholders. We need to get these people back together to show the work that came out of the initial planning process and have the stakeholders help us in the implementation of the food action plan. This is where we stand now. We still have some funds left over from the grant, \$5,000 to use for the roll out and implementation of this. Rob asked if anyone had any questions. It was asked if these were all volunteer positions. Rob answered that they are all volunteer positions, some are from the charter that are appointed positions, a few from the ECDOH, but no one is getting paid. This presents a struggle to do the administrative work, but Sara Herbst, Julia Gruspier and Kelly Asher have been fantastic in guiding the FPC. They are meeting once a month virtually for 90 minutes to a 2-hour meeting. There are also other committees meeting. Rob said that it is not a "not-for-profit", it is an arm of the BOH. It is a council that does make recommendations for policy and reports back to the BOH.

One of the things Rob asked for the members to do was to peruse the food action plan, and then they will ask the BOH for official endorsements. If they could get an official BOH stamp of approval and get some media outlets to cover it we can get some exposure. Rob said that one of the things they struggle

with is getting rural farmers involved to close the gap between local restaurants and local farmers. There is still a disconnect for local restaurants to understand that food is available locally. There were plans to get together with local restaurateurs and farmers, however Covid put a damper on these plans. Dr. Burstein suggested that Rob send FPC information to her and she in turn would have our public information officer put it out on social media. She also said that our public information officer lives in Springville and perhaps she may know some farmers.

At this point Dr. Burstein asked Dr. Daniels to introduce himself as he had joined the meeting after the introductions had been made.

COVID UPDATES

Dr. Burstein went on to say that this week we are surprised that we had a decrease in the number of reported Covid-19 related cases compared to the previous week. This is the first time we have seen a decline, it was very small, since July. The 7-day case rate is 190.5 per 100,000 population over a week, whereas the week before it was 194. However, we are still in high transmission risk factor. The City of Buffalo in the past has had more Covid cases compared to the suburbs. This is kind of equalized out as the City of Buffalo's population is 29.2% of all Erie County residents and comprises 29% of all the new Covid cases last week. So actually, the zip codes with the highest cases were in the Southtowns, Springville, Collins; these are also areas that have the lowest vaccination rates. Her idea is to do an academic county initiative to the offices in that area to try to convince them to vaccinate for Covid-19. Our highest numbers are among people in their 20's and 30's. In children under the age of 18 we have had a small decrease. Last week we had 404 reported cases among people under the age of 18, the week before we had 406. Among the 5 to 17 year olds, those in school, we had 238 cases. We are finding now in the 0 to 4 year old age group, about 43% of all the cases that we are able to complete contact tracing on are in daycares. Not traditional daycares, but "Mommy and Me" and different categories. All daycares that are 2 ½ hours or less are not regulated by any NYS agency, a lot of them do not mask and do not report their cases; and parents are unwilling to report cases also. A lot of the kids in daycare that are getting infected have older siblings in school, parents and grandparents; so this is a risk to the community. There are still people dying of Covid-19-related disease, so from July until October 7 there were 141 Covid-19 related deaths; of those, 57% were not fully immunized. What we are seeing is that most of the people that die of Covid related disease are seniors because of their increased age, their immune function, however in that population almost everyone is vaccinated. This does not mean that the vaccine is not effective, but we are seeing a lot of morbidity and mortality. Hospitalizations have steadied out; there has been a decrease in the past few days, so we hope that this trend persists. Also, the vast majority of the hospitalizations are not fully vaccinated. This information is on the ECDOH website for exact numbers.

Dr. Burstein went on to say that we have seen an outbreak in Erie County of gonorrhea and HIV cases. This is also occurring in the Finger Lakes region. This is primarily occurring in men and men who have

sex with men, especially with men of color and adolescents. We have money from an incentive award from NYS for promoting expedited partner therapy, and are using the money for educational awareness about HIV and gonorrhea. We are putting together posters and coasters for distribution in bars and restaurants where the aforementioned population may frequent to talk about where people can get tested to know their status. We are also working with the clinical education initiative which is NYSDOH funded CME group that provides CME HIV and some STI's, Hepatitis C and drug user help. We will be doing a half day CME. We are trying to get together community provider partners to work on this. Dr. Daniels said that he would look into possibly being a partner representing GBUAHN.

Dr. Montgomery asked Dr. Burstein how many adolescents were vaccinated. She said that it is always ticking up. The NYSDOH has that information on their website. She said that 50% of the 12 to 17 year olds are fully vaccinated. Unvaccinated account for 85% of infections in that age group.

There was ensuing discussion on children's vaccine rollout.

ERIE COUNTY SANITARY CODE

Dennis Galluzzo addressed the Erie County Sanitary Code. It was adopted in 1948. Various portions of it have been removed through the years and moved to the jurisdiction of other agencies. He said that he thought the deleted articles have been specifically assigned. One of the articles, 21, Smoking in Public Places, was deleted in July 2020. If not already documented in the contents, some of the contents of the Erie County Sanitary Code indicates where they may have gone if they've been deleted.

But there appears to be several, like article, 21 Smoking in Public Places that was deleted in July of 2020. Marcia, you can explain that where that 21 in particular was actually taken over by the New York State Health Department. Originally the board tried to enforce that smoking code. It was taken over by the legislature. And then ultimately, the New York State Health Department took it over. Well, that's good, so I would hope that we should agree to add where they are represented presently. We can go to that agency, if need be for questions or if somebody who is on the county board to help enhance the sanitary code and sees that article and wanted to do something, they would at least know where to go.

So, do I have a consensus to have that done for us? People agreed to have that or do we really need it?

Are people going through the sanitary code who have questions. If people have a question, they can always come to us and ask in a case by case situation. I understand, it's just it was just part of the fact that, you know, I thought where they were, they were going because I was going through it at a particular time. I asked everybody to do it, but it's a very important thing to do. But once you read and you see the code, it entails general sanitation regulations on sewage, housing, hygiene, medical services tier 2 regulations are like. and we, as a board may formulate propagate, adopt and publish rules,

regulations, orders, directions. for the security of life and health in the health district. Well. the purpose of this code is our larger responsibility to protect, preserve and promote the physical and mental wellbeing of the public for the purpose of maintaining adequate sanitation and public health and to protect the safety of the people, and to promote the general welfare by regulations to all structures, et cetera.

Now, in existence or hereafter constructed, so that was just to bring something to the board and see what their responsibilities are and how they could do it. And in regards to our duties in the most is the paramount thing, is that our duties also include advising the commissioner.

So I thought maybe one of the things that it would clear up would be if Rob and the secretary possibly create a mission statement for the board to help lead where we're going as a board and I could do that with the people involved before the next board meeting and submit it via email to the members, so you could proof it or not, or maybe wordsmith it, if you like. Rob indicated that he would be happy to work on this endeavor. Rob, you pointed out that there may be some inconsistencies and because I brought up the fact that, you know, you're right, we should do with Chairman, vice chairman, secretary and what not.

I am looking over the membership and we have some inconsistencies. There are 3 cities in Erie County that should have a representative on the BOH. Well, we know we've asked in the past, I mean, multiple times from the mayors of the cities to recommend somebody, and we haven't received a response. So we independently can't recommend anybody. I would like to retire from the board and let somebody take over. So it was just kind of putting all our ducks in a row to help out moving forward, I really don't have anything more to say, other than if we want to move forward on some of these things. I'll work with our secretary to do a mission statement for the next meeting.

The next meeting was scheduled for January 11, 2022. It was determined to be a virtual meeting. The meeting was then adjourned.

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