

ERIE COUNTY BOARD OF HEALTH

MINUTES

SEPTEMBER 12, 2017

PRESENT: James Hoddick, D.D.S.
Dennis Galluzzo, RPh.
Diane Loomis, DNP, FNP
Maureen Montgomery, M.D.
Legislator Lynne Dixon via teleconference
Jonathan Daniels, M.D. via teleconference

EXCUSED: Matthew Dunaif, DVM
Robert Free, Director, Food Operations, Buffalo Bison's Baseball

ERIE COUNTY DEPARTMENT OF HEALTH

Gale Burstein, M.D., Commissioner of Health
Kelly Asher, Coordinator, Community Wellness
Mark Kowalski, Deputy Director, Environmental Health

The meeting was called to order.

I REVIEW OF MINUTES FROM May 9, 2017 MEETING

The minutes from the May 9, 2017 meeting were reviewed and accepted as written.

II. OPIOID EPIDEMIC

Dr. Burstein informed the Board that there will be information offered regarding SBIRT (Screening Brief Intervention Referral to Treatment). On October 14 we will be doing 4 hour trainings. This will be offered to all licensed health care professionals. Dr. Hoddick said that on behalf of the Dental Society he would approach her regarding in-services. Dr. Burstein said that one of the harm reduction advocates died of an overdose from medication that was

prescribed to him by his dentist. This brought to attention that it is necessary to reach out to the dental community to make sure they are all educated and to get them on board. Dr. Hoddick said that he is the Program Chair for the Dental Society. Three years ago they were proactive, there was a lecture given to Erie County Dentists, and then the State has mandated that for dental licensure a course be taken every three years. Dr. Hoddick thought that holding an evening course could be viable solution. The next open dates would be in February, Dr. Hoddick said that he would suggest this to the Dental Society members at a board meeting, then he would speak to Dr. Burstein regarding logistics on this endeavor. She also said that they were going to get someone from the Addictions Technology Training Center in NYC to come in and do some trainings to discuss addiction development; and what the appropriate questions for Dentists to ask when they are considering pain management and their options. Perhaps even a Webinar could be considered. Dr. Hoddick went on to say that Ibuprofen works as well as a narcotic for dental pain. He does not ordinarily prescribe narcotics. He thought that perhaps the Oral Surgery Society should be involved as they prescribe a lot more narcotics as do Periodontists. Dr. Burstein and Dr. Hoddick will meet to discuss this matter.

III. FOOD POLICY COUNCIL

Kelly Asher spoke regarding the Food Policy Council. She went on to say that they had just applied for a Food Systems Grant that was given to the United Way by General Mills for one million dollars. There are thirty seven agencies applying for it in the amount of \$100,000. The FPC has sent a letter of intent. They will in all probability be invited to apply for it. It will be used to promote partnerships between existing organizations that are all working toward a more equitable community food system to increase their capacity to facilitate regional change. They will be having trainings for the FPC to promote policy change; as well as consultants to do research to keep an eye on what the FPC needs to be looking at; and to have some members attend trainings to look at best practices in other areas. This is being done to further the FPC's work and to act as a convener of all the other grantees to make sure that all the pieces are coming together. Kelly went on to say that some of the FPC members will be attending a Food Council Seminar next Thursday. They are

also meeting with the United Way and some of the grant funders from General Mills on Sept. 20, and are recruiting some members for the FPC. She asked the BOH members if they had any suggestions. They are attempting to keep a balanced and better represented council. They are looking for a Erie County larger food distributor, as well as a large Erie County rural farmer. She did approach Yaeger Farms at the farmer's market but they were not interested. However Kelly did obtain two names of two farms in Eden, one being Zittel, and Mark Keller; she did reach out to them. Lynne Dixon suggested Zittel also and Henry's in Eden. Lynne Dixon suggested Spoth in the northern section of the county. The FPC website is also up and running.

IV. FLU UPDATE

Dr. Burstein said that the flu vaccine is available. Surveillance for flu does not start until October so there are no reportable numbers. There is only injectable vaccine and no nasal spray. It was found that the nasal spray was not effective.

V. TICKS/MOSQUITOS AND AN ADDITION OF BEDBUGS

Dr. Burstein said that there were fewer mosquitos with West Nile Virus in Erie County. We have not had a human case. Our last human case was in 2012. She said that there were a large number of ticks this year. There is endemic Lyme disease in the area, so there is a message of prevention. There are more cases detected through surveillance. Most clinicians treat as the surveillance diagnosis of Lyme disease is rather burdensome. Acute and convalescent titers must be obtained. Most providers that clinically diagnose Lyme disease clinically do not get the titers as it will not add to the management. Dr. Burstein said that our numbers this year are larger than last year. We do not have as much of it as downstate, but we have cases that have been documented through surveillance that have no travel history which would indicate that we do have endemic disease here.

Dr. Burstein said that the Health Dept. is not really directly involved with the bed bug issue in the Rath Building. As this is not a public health emergency or crisis. It is a nuisance but not something that the Health Dept. is taking on.

VI. RABIES

Dr. Burstein said that nine animals tested positive, mostly bats and raccoons, however there was one sheep. There is a rabies clinic coming up for dogs, cats and ferrets, for the next three Wednesdays from 4 – 7 P.M. One will be held at ECC North, and West Seneca. All of the locations are listed on the ECDOH website.

VII. BUFFALO PARKS NO SMOKING POLICY

Dr. Hoddick asked if we had any information on this policy as to how successful it is, and who is enforcing it. Dr. Burstein said that the EC Parks Dept. is enforcing it in the county parks. Buffalo parks would be enforcing their own policy. Lynne Dixon said that the City of Buffalo will be passing their own measure for the city parks similar to what the county policy states. She said that she spoke with Tony Billoni at Roswell and said that the common council is very close to passing the measure.

VIII. NEW BUSINESS

DISCUSSION ON SANITARY CODE ARTICLE IV, SECTION 12

Mark Kowalski of Environmental Health told the Board that a constituent had made a complaint by e-mail regarding one of our code sections in the Sanitary Code. This deals with the transfer of properties that are on individual sewage systems. This is in Article IV, section 12 with the requirement for a transfer certificate prior to the actual transfer of the property but is not applicable when it is a transfer and a foreclosure action, transfer without consideration conveying as a bonafide gift. Transfer is pursuant to a federal bankruptcy or less than \$100. Mr. Kowalski said that this section has been in effect for at least 35 years, it is an original section of the sanitary code dating back to the 1970's, and has been operating without change. The objection is that this offers loopholes for properties to transfer without being checked. He went on to say that the section dealing with foreclosure actions and bankruptcy is to allow

an efficient legal transfer of the property back to the persons that either held the title or paper on the property prior to its transfer. Mr. Kowalski said that he did not think that the ECDOH get in the way of such transfers. It takes long enough for the properties to be restored to a hand, individual or entity that is going to make use of the property. An entity that has some means or wherewithal to take care of it. Many of these transfer within a year or two of the foreclosure action or the bankruptcy act. When this transfer occurs the property is checked at the next sale. This code section is attempting to keep an efficient move of the property back to those that hold the legal interest and title on it. Then when it moves forward to another individual the property is checked.

Dr. Burstein said that if the property stays in a family it would potentially never get checked. Mr. Kowalski indicated that this would be a gift or consideration of less than \$100; however with the total number of these in the County, he could not say that a number of them would have a failing system. He thought that he would have a bit of a problem projecting forth that it would be worthwhile to try and force the verification of a septic system at each time of a transfer. Mr. Kowalski that the concept was that in time they would eventually be checked and brought back to compliance. At the time of a transfer it is not necessarily a requirement that the entire septic system meet today's construction standard. It goes back into the further section of the Sanitary Code requiring there be no discharge of raw sewage; that is always standing. We can work on these as complaints also, so that we can work on a problem. This section is attempting to streamline some of these transfers of title. Mr. Kowalski reiterated that he did not think that the ECDOH be part of a bankruptcy or foreclosure proceeding. We would address this at a subsequent transfer back into the community which generally occurs in short order. The number of transfers involving a gift is very low and may not have the public health significance to justify the activity. The exact source of all bacteria that be might be detected in our beach programs is not necessarily attributed to sewage systems in land, but he cannot disprove it either. There is also contribution from wildlife and livestock.

Mr. Kowalski's recommendation would be to leave the Sanitary Code as it stands. Dr. Hoddick asked if anyone had any comments,

there were none. He asked for a motion to show that the policy was reviewed, deemed it adequate with a 2017 date on it. Dr. Daniels asked if it would be suitable from a health standpoint to have the people from the transfer of sale given a grace period. He asked what the number of infractions do occur with this system. He did not have a good sense of this. Mr. Kowalski said that as the system now stands generates between 15 to 20% failure. We look for repair to be done within 90 days. Typically because they are done at a point of transfer there are enough funds for the corrections to be completed within 30 days. The seller is responsible to generate the certificate should there be any side agreements between the seller and buyer. The seller would be held responsible for the transfer certificate prior to sale. After the sale we deal with the owner. Dennis Galluzzo made the motion, it was seconded, there were no objections and the motion was carried unanimously.

DISCUSSION OF PROPOSED LOCAL LAW NO. 12-1-2017

Dr. Hoddick said that there was a local code coming before the Legislature regarding dental implants and devices not being adequately regulated by the federal government or quality control agencies i.e. the FDA. A copy of the local law was handed out to the board members. He disagreed as the ADA has material specifications for materials used in the oral cavity. There is also something stated that the patient has to be insured that the materials are not outsourced. The FDA currently mandates that if the dental lab that you write prescriptions to sends it out to a secondary lab that this must be disclosed to the prescribing dentist. The finding from the Legislature implies that dentists do not discuss their treatment choices including materials with their patients. Dr. Hoddick has spoken to several dentists including the Dean of the UB Dental School, and their profession as a whole finds this offensive. In section 2, the country of origin, he thought that since we have a global economy, for example Ivoclar North America is headquartered in Amherst, the world headquarters is in Luxemburg. This company is a well-known dental supplier that manufactures all over the world, primarily in the US and Western NY., but some in Asia. Great Lakes Orthodontics which started in North Tonawanda has an office in California and Europe. Even a local company becomes global. In Section 3 the disclosure form puts another layer of bureaucratic paperwork between the patient

and provider. There is a face to face relationship in dental offices, in section 4 there are penalties listed, criminalizing an act as a misdemeanor. Dr. Hoddick questioned who would enforce this as it is a county law. Section 6 in severability the author understands that this would be impinging on the Federal Trade Commission, the FDA, antitrust. The NYS Legislature has already voted down this type of legislation, as it also has in Pennsylvania. It is really a Federal and State Issue. Dr. Hoddick asked the Board to vote nonsupport on this legislation as it would be very impingement to a dental practice. Lynn Dixon said that she also spoke to a dentist on this matter. The sponsor of this measure has met with the dental association. It was her understanding that the sponsor of this plans to push forward with it as is. He offered to make amendments to it. Lynn Dixon said it was being discussed in committee on Thursday, she suggested that those opposed to this local law voice their opinion to her or the sponsor of the bill. Dennis Galluzzo made a motion, it was seconded, and all were in favor that the EC Board of Health is not in support of this proposed local law. A letter will be sent to Lynne Dixon regarding this matter.

It was brought to the attention of the board that Dennis Galluzzo and Lynne Dixon's terms will be expiring in December. Both were amenable to retaining their positions on the BOH.

There was no other new business. The next meeting of the EC Board of Health will be held on January 16, 2018. The meeting was then adjourned.

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