

**MINUTES
OF THE
BOARD OF HEALTH**

JEFFERSON COUNTY, COLORADO

On March 17, 2009 at 8:06 a.m., President Cathy Corcoran called the meeting to order. Ms. Karen Gardella took roll call. Present were Ms. Maureen Sullivan, Ms. Bonnie McNulty, and Ms. Cathy Corcoran. Ms. Amanda Cruser, Counsel, was also present. A quorum was established.

Acceptance of Agenda

Ms. Bonny McNulty made the motion to approve the agenda. Ms. Maureen Sullivan seconded the motion.

Motion passed.

Acceptance of Previous Minutes

Ms. Bonnie McNulty made the motion to approve the minutes of the February 17, 2009 meeting. Ms. Maureen Sullivan seconded the motion. **Motion passed.**

Employee of the Month Presentation

Ms. Cathy Corcoran presented the March Employee of the Month certificate to Ms. Karen Gardella with the Administrative Services Division.

Financial Report

Ms. Maureen Sullivan made the motion to approve the final 2008 financial report and current 2009 financial report as presented by Ms. Beth Lipscomb. Ms. Bonnie McNulty seconded the motion. **Motion passed.**

Contracts and Agreements

Ms. Maureen Sullivan made the motion to approve the contracts and agreements as presented by Ms. Lipscomb. Ms. Bonnie McNulty seconded the motion. **Motion passed.**

Resolution #09-1

Ms. Bonnie McNulty made the motion to approve Resolution #09-1. Ms. Maureen Sullivan seconded the motion. The resolution was approved unanimously by a 3 to 0 roll call vote.

Discussion

Dr. Johnson asked Ms. Lipscomb to update the Board of Health on the Medicaid funding dilemma.

Ms. Lipscomb reported that Jefferson County Department of Health and Environment (JCDHE) was notified on July 16, 2008 that a determination had been made that the Medicaid reimbursement rate currently in use by JCDHE was not an approved rate and had not been properly submitted to and approved by the Centers for Medicare and Medicaid Services (CMS); because the rate is invalid, billings sent to Medicaid using that rate are incorrect and have likely resulted in overpayments to JCDHE. Therefore, the rates are invalid. In addition, Medicaid may now begin to recoup reimbursements from the agencies that have billed at the invalid rates.

Dr. Johnson clarified that the State of Colorado Health Care Policy and Financing (HCPF) had given counties the rates to charge for services rendered, and that HCPF did not receive approval from CMS for these rates.

Ms. Lipscomb told the Board of one program, the Nurse Home Visitor Program that will have this reimbursement problem associated with it. If they follow past practices, CMS will not take the overpayment directly from the program in which it was received; it will take it across every Medicaid submission agencies make, until they are paid back. This will directly impact our current budget.

Ms. Maureen Sullivan asked if the services provided by JCDHE are being billed the same? Ms. Lipscomb replied that the services continue to be billed at the wrong rate because JCDHE is only allowed to bill at the set rate specified in our contract with the Colorado Department of Public Health and Environment (CDPHE), even if we now know that rate is invalid. Until the state provides another rate, agencies have to continue to use the existing

rate.

Ms. Lipscomb informed the Board that JCDHE has asked for a time study. This would be the most thorough and accurate way to set a rate and is actually the most beneficial to the counties. JCDHE asked for an approved rate to be set as quickly as possible, but due to the hiring freeze at the state, neither HCPF nor Colorado Department of Public Health and Environment (CDPHE) was able to hire anyone to do a time study.

Ms. Lipscomb stated that the time study would be the most favorable methodology, but would still result in a reduction of about 20% to 25% of what agencies are currently receiving. The less favorable model would use salaries and mileage to calculate a new rate. Based on actuals, JCDHE would receive approximately two thirds of the current amount. The option originally suggested by HCPF was to use a national or regional salary/mileage average which would have resulted in JCDHE only being able to bill/be reimbursed at about one-half of what is currently being received.

Approval of Revised 2009 Fee Schedule

Ms. Bonnie McNulty made the motion to approve the revised 2009 fee schedule, adding the \$85 for “Certified Pool Operator Course for Environmental Health Specialists.” Ms. Maureen Sullivan seconded the motion. The revised fee schedule was approved unanimously by a 3 to 0 roll call vote.

Approval of Warrants

Ms. Bonnie McNulty made the motion to approve the warrants as submitted. Ms. Maureen Sullivan seconded the motion. **Motion passed.**

Old Business

Mr. David Hooker presented four civil penalty cases to the Board.

Case #09-001 CP: Mr. Hooker stated that the \$154 for the 2009 Food License renewal fee had not been paid. The \$250 civil penalty for nonpayment had not been paid, therefore The Bake Shop, Inc. owes JCDHE \$404.

No one representing this establishment was present.

Ms. Bonnie McNulty made the motion to assess the total amount of \$404 to The Bake Shop. Ms. Maureen Sullivan seconded the motion. **Motion passed.**

Case #09-002 CP: Mr. Hooker informed the Board that the Food License renewal fee of \$175 was never paid, nor was the civil penalty fee of \$250. Mama’s Café owes JCDHE \$425.

No one representing this establishment was present.

Ms. Bonnie McNulty made the motion to assess the total amount of \$425 to Mama’s Café, taxpayer name Oscar’s Inc. Ms. Maureen Sullivan seconded the motion. **Motion passed.**

Case #09-003 CP: Mr. Hooker presented a Statement of Hardship and a letter from the owner of Binkers, LLC, Ms. Yolanda Sue Lucas. Ms. Lucas was to appear, however did not arrive until after the Board ruled on her case. Ms. Maureen Sullivan made the motion to waive the civil penalty assessment of \$250. Ms. Bonnie McNulty seconded the motion. Ms. Bonnie McNulty stated that she understood the hardship however; the civil penalty is a fee assessed on late payment and is a part of doing business. Ms. Maureen Sullivan and Ms. Cathy Corcoran voted to approve the motion. Ms. Bonnie voted against. **Motion passed.**

Case #09-004 CP: Mr. Hooker introduced Mr. Humberto Troncoso, representing Winchells Donut, taxpayer name Sabroso, Inc. Mr. Troncoso explained to the Board that his employees signed all certified notices and that he was only aware of the last document received. Mr. Troncoso also assured the Board that he has changed the mailing address with JCDHE to reflect his personal mailing address and not that of the establishment. Ms. Cathy Corcoran told Mr. Troncoso that should the civil penalty fee assessment be waived at this time, it will not be waived in the future. Ms. Maureen Sullivan made the motion to waive the civil penalty fee assessment of \$250. Ms. Bonnie McNulty seconded the motion. **Motion passed.**

Ms. Bonnie McNulty asked Mr. Dave Hooker if the Retail Food Establishment License Renewal Applications could possibly be sent earlier than December 1. Mr. Hooker will research this possibility.

Ms. Beth Lipscomb updated the Board on the location of the Health Department link on Jefferson County's web site. JCDHE has been moved to the "Elected and Appointed Officials" section. Ms. Lipscomb also informed the Board that JCDHE is in the process of being added to the Board of County Commissioners' (BCC) agenda for Senate Bill 194 reauthorization requirements. County Attorney, Ellen Wakeman, has graciously volunteered to work with the BCC on the resolution to reaffirm the current Board of Health (BOH) membership appointments, reaffirmation of the BOH bylaws and the reappointment of the Executive Director. This would also be the best opportunity to officially change the name from "Jefferson County Department of Health and Environment" to "Jefferson County Public Health." Ms. Cathy Corcoran preferred to have all Board of Health members present to make the decision to change the name. Everyone agreed.

New Business

None

Executive Director's Comments

Dr. Mark Johnson updated the Board of Health on the Food Service Bill before the Legislature. He did not feel there will be any major opposition. The state health department and the Colorado Restaurant Association are both in agreement. This will increase the restaurant inspection fees and Dr. Johnson will update the Board with any new information.

In order to obtain a Bachelor's Degree in Nursing, students must complete a rotation in public health. JCDHE encourages nursing students to participate in the nurse training program. Registered Dietitian students also spend time with JCDHE as part of their internship. Physician Residents come through on rotations from both the University of Colorado Preventive Medicine Resident Program and Family Medicine Residents from the program at St. Joseph's Hospital. Some of the services JCDHE provides are not offered at the students' facility, so they have the opportunity to receive more experience with the various aspects of public health with JCDHE.

There will be a meeting at 5:30 today (March 17th) with the Citizens' Advisory group. This group works with the Board of County Commissioners to review capital needs and long term capital projects for the county. There may be a discussion about the health department and our need to relocate from our current site in Arvada. Right now, the two sites that are being evaluated strongly are the Jehn Engineering site, which is on Wadsworth and approximately 58th Avenue. The other site is part of Arvada Marketplace East, the shopping center located northeast of the Wadsworth and Interstate 70 interchange. If this site were chosen, there is the possibility of creating a "county government hub" which would include services such as Head Start, the Health Department, Clerk and Recorder and perhaps a training center for the Sheriff's Department. These are preliminary suggestions and nothing has been determined. Dr. Johnson will update on any progress.

Ms. Cathy Corcoran asked Dr. Johnson to speak directly to the fact that JCDHE and the Board of Health are independent entities, versus the other services mentioned. Dr. Johnson said that according to statute, the final decision of where JCDHE is located and how the resources of the department of public health are used lies with the Board of Health.

President's Comments

None

Staff Comments

Ms. Norma Tubman informed the Board that the Fetal Alcohol Syndrome Program ("PartyWise") grant was not continued. The program was funded for five years by CDC, and a five month extension was received, allowing the program to continue through the end of February. Through Collaborative Management (HB 1451), an additional two months of bridge funding allowed the program to continue until April 30, 2009. At that time, the program will be eliminated and the .5 FTE Interventionist position will be terminated.

Ms. Lipscomb discussed the success of the first 50th Anniversary jump rope event held February 20th at Lumberg Elementary School. Edgewater Mayor Bonnie McNulty and Commissioner Faye Griffin attended. Second and third

grade students took part, along with a competitive jump rope team, and a fun and healthy time was had by all. The next 50th Anniversary event will be in April and Ms. Lipscomb will make the Board aware of where and when this will occur.

Public Comments

Ms. Connie Hilbert asked the Board to waive the \$880 charge for a new septic system permit and to assess a \$250 renewal fee. The original \$880 permit fee was paid December 7, 2006 and the permit expired in December 2007. Ms. Bonnie McNulty made the motion to waive the permit fee of \$880, and have Ms. Hilbert pay a renewal fee of \$250. Ms. Maureen Sullivan seconded the motion. **Motion passed.**

Mr. and Mrs. Harold Burkhalter addressed the Board in regard to a “Permit Expiration Warning Notice” that they received. This property is for sale. Three contracts have been placed and lost on the property. The septic permit expires the day of this meeting (March 17, 2009) and Mr. and Mrs. Burkhalter are asking that the new permit fee be waived and the renewal fee of \$250 be assessed. Ms. Bonnie McNulty made the motion to renew the septic permit and waive the renewal fee for a one year period only. Ms. Maureen Sullivan seconded the motion. **Motion passed.**

Consent Agenda

Mr. Craig Sanders noted one minor engineering change to the property on 9079 Brumm Tail. The engineering was changed from three bedrooms to four bedrooms however; this did not cause concern or reason to be pulled from the consent agenda for a separate hearing.

Ms. Bonnie McNulty made the motion to approve the consent agenda as presented. Ms. Maureen Sullivan seconded the motion. **Motion passed.**

Variance Case

Case #09-100489 OW: Mr. Craig Sanders gave details on this case, stating it had been tabled from the February 17, 2009 meeting. Mr. Sanders explained that the applicant is trying to obtain a minor boundary adjustment from the Planning and Zoning Department to make this lot legal. For this to happen, the Board of Health must grant this variance. Due to the size of the property, an advanced treatment septic system will be required. Mr. Rod Weimer spoke in favor of this case, explaining the division of three properties to make legal parcels. No one spoke in opposition to this case.

Ms. Maureen Sullivan made the motion to approve this case with the stipulation that JCDHE must approve the engineer’s system design. Ms. Bonnie McNulty seconded the motion. **Motion passed.**

There being no further business to come before the Board, this meeting was adjourned at 10:06 a.m.