

**MINUTES
OF THE
BOARD OF HEALTH**

JEFFERSON COUNTY, COLORADO

On January 18, 2011 at 8:00 a.m., Vice President Bonnie McNulty called the meeting to order. Ms. Karen Gardella took roll call. Present were Mr. Greg Deranleau, Ms. Maureen Sullivan, Ms. Beverley Dahan and Ms. Bonnie McNulty. Ms. Amanda Cruser, counsel, was also present. A quorum was established.

Acceptance of Agenda

Ms. Maureen Sullivan made the motion to approve the agenda. Ms. Beverley Dahan seconded the motion. **Motion passed.**

Acceptance of the Minutes

Mr. Greg Deranleau made the motion to approve the minutes of the December 21, 2010 meeting. Ms. Sullivan seconded the motion. **Motion passed.**

Employee of the Month Presentation

Ms. Bonnie McNulty presented the December Employee of the Month certificate to Ms. Maureen Nicolais with the Community Health Services Division.

Financial Report

Ms. Dahan made the motion to approve the financial report for December 2010, as presented by Ms. Beth Lipscomb. Mr. Deranleau seconded the motion. **Motion passed.**

Contracts and Agreements

Ms. Dahan made the motion to approve the contracts and agreements as presented. Ms. Sullivan seconded the motion. **Motion passed.**

Approval of Warrants

Ms. Sullivan made the motion to approve the warrants as submitted. Mr. Deranleau seconded the motion. **Motion passed.**

Ms. Lipscomb updated the Board of Health on the possibility of Jefferson County Public Health (JCPH) accepting credit card payments. We are aware of two Jefferson County departments that currently accept this form of payment. Those departments charge additional fees to cover the cost of this option.

Approval of Changes to the 2011 Fee Schedule

Mr. Craig Sanders explained the requested change in the renewal of permits. If a permit has been paid for and has expired before JCPH inspects the property, the renewal cost will be \$250.00 instead of \$1,000.00 for another new permit. Environmental health proposed to make a renewal based on whether a client had a permit on the property at some time in the past. The client pays for inspections when they purchase the original permit. Therefore, there is no reason to charge for additional inspections if JCPH does no work on behalf of the permit holder. It would be more equitable for the consumer to simply renew.

Mr. Sanders asked the board to approve the increase of burn permit fees by \$10.00 effective June 1, 2011. Burn permits will be \$80.00 and the burn season will run from the fall through the end of the spring snow melt instead of by calendar year. Mr. Sanders proposed to keep the fee the same (\$70.00) for the remainder of this (2010-2011) burn season and then implement the increase for the next season.

Mr. Deranleau made the motion to approve the changes on the permit fee renewals and burn permits. Ms. Dahan seconded the motion. **Motion passed.**

Old Business

Mr. Dave Hooker gave an update on the progress of the annual Retail Food Establishment (RFE) License

renewals for 2011. He distributed a list of 63 businesses that have not paid. He also gave the board two drafts of civil penalty notices for establishments that haven't paid on or before January 18th. After some discussion, a final draft of the letter was approved and will be mailed by the end of the week. It was decided that any payment received by 5:00 p.m. on January 18th will not receive a civil penalty. Payment made after that time will be assessed a \$250.00 civil penalty fee in addition to the license fee.

Mr. Sanders updated the board on 9064 US Highway 285, property owned by Mr. Spencer House. When the septic permit was approved, there were requirements for routine maintenance on the system and also semi-annual testing. Mr. Sanders sent Mr. House an email reminding him that a water test was due. To date, there has been no information received regarding the required test. Mr. Sanders will send another reminder and if he does not receive confirmation of a water test by February 1st, JCPH will issue an official notice of non-compliance.

New Business

None

Executive Director's Comments

Dr. Mark Johnson updated the Board of Health on the staff layoff status. This process is almost complete with the exception of four individuals in the Substance Abuse Counseling Program (SACP). They will work until all client files are properly stored and closed out according to federal and state confidentiality requirements. This should be completed by the middle of February. The additional hours needed to accomplish the close of SACP will increase the operational costs of JCPH in 2011.

The budget is of great concern. Due to the economy, JCPH has seen an increase in caseload, while experiencing decreases in funding. The Colorado Mosquito Control (CMC) lawsuit payout and the severance packages paid to staff also increased costs to JCPH in 2010.

JCPH has felt that the health department fund balance was built through departmental thrift and efficiency over the past 25 years, and that its purpose is to provide JCPH with an economic cushion in tough economic times. Several years ago, the Jefferson County Administrator at that time, wanted every department to cut their fund balances as much as possible and still remain in compliance with TABOR. JCPH took the stand that we wanted to keep our fund balance for a "rainy day." This is the reason we still have a fairly healthy fund balance, but we are now experiencing our "rainy day."

To spend from the fund balance, however, JCPH must get spending authority from both the Board of Health and the Board of County Commissioners (BCC). Therefore, we will need to build a strong case for the BCC as to why we will need expenditure authority to use the fund balance to pay for budgetary deficits accrued in 2010. We believe we have compelling reasons for these problems, but do not yet have a final accounting as to 2010 budget year and what the supplemental request will need to be.

Dr. Chris Urbina was chosen as the new Executive Director of the Colorado Department of Public Health and Environment (CDPHE). A large reason Dr. Johnson applied for this position was to work toward bringing environmental health and public health back to working more closely together in CDPHE. He stated that he feels public health and environmental health should not be thought of as two separate departments, but as one. He feels that Dr. Urbina will work to accomplish this and will do an excellent job as the Executive Director.

The Joint Budget Committee (JBC) made a recommendation that the per capita funding be cut by 20%. If this happens, it will impact JCPH directly. The committee also made the recommendation that the Amendment 35 (tobacco tax) dollars be used for other government items. The Governor said that one of his highest priorities was to support local government and their ability to do business, and their funding. Dr. Johnson is hopeful that this will help to counter-balance some of the proposed cuts, and have a positive impact on counties and local health departments.

Staff Comments

Dr. Jim Dale informed the board that the Colorado Professionals in Onsite Wastewater (CPOW) are meeting this week and JCPH is actively involved. Mr. Roy Laws and Dr. Dale are on a panel, sharing information on

the impact of failing septic systems and how they compromise the quality of groundwater. The hope is that this information will be utilized to not only educate the membership, but also the Water Quality Control Commission who may not be aware of the numerous issues it creates. This year CPOW will present proposed legislative changes to the Colorado ISDS Act.

Dr. Johnson stated that in the past, JCPH has turned some programs and services back to the state, due to lack of local enforcement capability. Unfortunately, it is becoming very difficult to perform some public health services because there are no enforceable consequences for failure to comply with health and safety issues at the local level. If this continues, there will be more programs that will be given to the state to ensure compliance and enforcement.

Ms. Norma Tubman stated that the Cavity Free at Three Program has grown to include the screening of children enrolled in Lakewood and Jefferson County HeadStart. The program has expanded because the volume was decreasing in the WIC Program. This is very positive as we look for children who qualify for screening. The dental hygienists are Medicaid approved providers who volunteer for JCPH. Approximately one-half of the children screened have Medicaid and the hygienists are able to bill Medicaid for their services. Because the hygienists are located in several areas in Jefferson County, Evergreen, Arvada, Edgewater, Lakewood, the children can then be accepted into their practice and receive a dental home. Only about 30% of children on Medicaid actually take advantage of their dental benefits, so the entire educational piece of this program is crucial to get them into preventive care.

Nurse Family Partnership (NFP) is due for application renewal. A call is expected on January 21st to clarify the fiscal piece. When the program started in 2000, it was funded by various funding streams and then, eventually the tobacco settlement money. It was discovered that Medicaid could be billed. The time study conducted by NFP providers was flawed, which led to overcharging for targeted case management. Extra revenue was received due to Medicaid money offsetting the tobacco settlement money. When the next time study was conducted, they realized that there were things that were not targeted case management. That resulted in a rollback, but we had already submitted our budget based on the amount they projected we would receive from Medicaid. What has happened is the loss in Medicaid is being offset by increasing grant monies, so technically we're not cut in that program funding-wise. We will know Friday (January 21st) if funding is cut. Currently it is adequately covered, even though we are unable to get the entire 66% of the indirect costs. Although it is evolving, currently the program is adequately covered financially.

Dr. Johnson voiced his frustration about acquiring a grant funded program and then having to subsidize it with county dollars. Grants almost never completely pay for themselves, but are usually subsidized by county general funds and state per capita funds. This can be seen either as an unfunded mandate or as leveraging county funds to enable the department to provide services to the county's citizens that it could not otherwise provide. It is consistently a challenge to persuade County Administrators and the BCC to see and appreciate these grants as allowing us to leverage county general fund dollars rather than viewing them as unfunded mandates.

The Board of Health is the statutory authority who officially determines what public health and environmental programs and services are provided, and they officially determine the JCPH budget and set the policies and procedures for the department. However, the process gets complicated because JCPH has to ask for money from the BCC and get its final approval of the budget.

Vice President's Comments

None

Public Comment

None

There being no further business to come before the board, this meeting was adjourned at 9:00 a.m.