

Galion City Board of Health
Galion City Health Department, 113 Harding Way East, Galion
Tuesday, March 15, 2016 7:30 am
Regular Meeting



Present: Mr. Tom O'Leary, Mayor, City of Galion/Board of Health President; Ms. Katelyn Strickler, President- Pro Tem; Ms. Wendy Kerr, Board member; Ms. Trish Factor, Health Commissioner; Stephanie Zmuda, Environmental Director

Guests: Barbara Brown, FSO License Holder; Richard Brown, FSO

1. Call to Order

Mr. O'Leary called the meeting to order at 7:37 am.

2. Approval of Agenda

Motion to approve the amended Agenda by: Ms. Strickler Second by: Ms. Kerr Abstentions: N/A
A Voice Vote was taken.

Motion carried.

3. Approval of Minutes

Motion to approve the Minutes by: Ms. Kerr Second by: Ms. Strickler Abstentions: N/A
A Voice Vote was taken.

Motion carried.

4. Community Member Comments

Comments held till BOH Hearing portion

5. Approval of Finance Reports/ Warrants

Motion to approve the January 2016 Finance Reports and Warrants by: Ms. Strickler Second by: Ms. Kerr
Abstentions: N/A
A Roll Call Vote was taken.

O'Leary- Y Kerr-Y Strickler-Y

Motion carried.

Motion to approve the February 2016 Finance Reports and Warrants by: Ms. Strickler Second by: Ms. Kerr
Abstentions: N/A
A Roll Call Vote was taken.

O'Leary- Y Kerr-Y Strickler-Y

Motion carried.

6. New Business

6.1 BJ's BOH Hearing

7:45 am

After an Administrative Hearing was held on February 15, 2016 and subsequent follow-up inspection conducted, it was found that BJ's Family Restaurant was not in compliance with the guidelines set forth during the Administrative Hearing and therefore the issue is coming before the Board of Health. A letter sent to Ms. Brown on February 17, 2016 covering the documentation that was reviewed with Ms. Brown as well as action steps moving forward was also shared. * See attached.

Ms. Zmuda began by supplying the BOH members a detailed summary of critical violations dating back to October 17, 2013. Within the summary Ms. Zmuda described the critical violations that had been found upon standard, critical control point, and follow-up inspections; in addition she pointed out the numerous Administrative Hearings, informational letters detailing violations, Compliance Hearings, and license renewal deadlines missed. Ms. Zmuda was also able to show the BOH members the numbers of critical violations for

each of the past 3 food licensing periods, the average number of critical violations per visit, and the total number of visits required of the facility in each of the 3 years. This data was also compared to the total number of critical violations for all FSO's in the city of Galion as well as the average number of visits required for such facilities. *See handout. In addition, the 2 most recent inspection reports were provided, which showed greater detail of the issues surrounding the violations described by Ms. Zmuda. Ms. Factor wished to point out the average number of visits made to BJ's Family Restaurant versus the average number of visits made to all other FSO's. She went on to explain that the additional time required by Ms. Zmuda to keep up with the higher than average inspection numbers is something that must be factored into the State of Ohio's Food Licensing Cost Methodology; which in turns increases the licensing fees for all FSO's in the city of Galion, and increases the expense to the department (an expense that cannot be charged directly). Ms. Zmuda shared that there has been quite a bit of one on one time spent providing education at this particular FSO; including, but not limited to, a level 1 Food Safety Course held at their facility.

Mr. Brown spoke out regarding the fact that he felt that over half of the violations are due to the cook. He feels he needs to go through the food safety training course again. He also described the hiring of the cook and determination of hours when asked if the current cook was the best choice for the position; issues surrounding decreased business and the need to cut staffing was brought up. Mr. Brown also made a point to discuss the roadwork occurring in front of the FSO and how he felt it had negatively affected the business. Mr. O'Leary made a point that not everything could be blamed on the roadway project, seeing as how the pattern of violations dates back to before the roadway projects began. Ms. Brown stated that she took responsibility for "throwing" the FSO at Mr. Brown after her husband had passed away.

Ms. Kerr asked if there was a manager that was in charge of day to day operations. Mr. Brown said that would "technically" be him. Ms. Brown was asked if the building was owned and it was determined that the building itself was under a land contract.

Mr. O'Leary questioned how we had gotten to this place? How can the staff better let the BOH know where operations like this are at before it gets to this point. Ms. Zmuda and Ms. Factor reiterated that they were doing their best to follow Ohio Revised Code and taking all the intermediary steps, as well as educating and attempting to work with the FSO to come back into compliance. Further policy and protocol will be determined internally.

Mr. O'Leary stated that it sounds like the fault is being placed on the cook; however, it is not his license, his name is nowhere on the license. Ms. Strickler asked what else, other than the training provided had the facility done to attempt to correct violations. Mr. Brown shared that signage and charts that were provided by Ms. Zmuda had been put into use.

Ms. Zmuda asked how long the cook had been there. Mr. Brown stated a few years. Ms. Zmuda asked if he was hired to be the cook. Mr. Brown stated that no, initially he was hired in as a dishwasher but with staffing cuts he was moved into the position about a year ago. Ms. Zmuda asked if he was the only cook on staff. Mr. Brown said yes. Ms. Zmuda stated that she didn't feel it was realistic for 1 cook all day, every day to keep up with things (in terms of public health requirements).

Ms. Kerr stated, "I feel that when you own a business you need to have a personal investment in it." You need to show an interest, make sure staff is accountable, and invest your own time. Ms. Strickler followed up by asking Mr. Brown, "When you knew Stephanie (Ms. Zmuda) was coming in and the (the cook) said he had checked date markings did you ever verify those?" Mr. Brown said, "I can't babysit everyone." Ms. Strickler stated, "It sounds like (the cook) can't do this on his own."

Mr. O'Leary commented on the financial condition of the restaurant, no time, money, and/or resources being put into the facility. He stated that he will take some of the responsibility due to the roadwork; but that it seems that there was a "drop-off" since the opening of their new facility in Crestline (October '14). He also said that the safety and quality of the business is the owners' responsibility. "Quality control is your responsibility." Mr. O'Leary asked for clarification, "If we take action on this license, does it do anything to their Crestline business?" Ms. Zmuda stated, "No, that facility is licensed by the county. Since they are licensed by two different entities they are not linked."

Discussion regarding options ensued. Options were license suspension, revocation, or take no action and continue increased inspection frequency. Mr. O'Leary said this is a public safety, public health issue. Ms. Strickler asked, "What would you do to correct the issues if you were not given a suspension?" Mr. Brown said he would continue with the checklists and he would put more hours in. Ms. Strickler recommended that we do one more visit. Mr. O'Leary explained that license fees are not covering them (BJ's Family

Restaurant) being “high maintenance”; we can’t just charge them more. Ms. Strickler and Ms. Kerr agreed that checks and balances must be put into place. Mr. O’Leary asked about the possibility of getting a commitment to having an owner/ operator at the facility at all times in order to ensure corrective actions are being taken. Ms. Kerr asked if a decision could be made regarding this issue. After minimal discussion the BOH made a motion.

A motion to require Ms. Zmuda to conduct a follow-up inspection of BJ’s Family Restaurant on or before March 18, 2016, and in which said inspection may not result in any critical violations or else actions will be taken to revoke said license; motion was made by: Ms. Kerr Second by: Ms. Strickler.

A Roll Call Vote was taken.

O’Leary- Y Kerr-Y Strickler-Y

Motion carried.

6.2 Resolution #2016-144

A motion to approve Resolution #2016-144, A Resolution authorizing the Health Commissioner to issue a cease and desist order and refer for criminal prosecution and/or a temporary restraining order or injunctive relief an unlicensed retail food establishment, was made by: Ms. Kerr Second by: Ms. Strickler.

A Roll Call Vote was taken.

O’Leary- Y Kerr-Y Strickler-Y

Motion carried.

6.3 Resolution #2016-145

A motion to approve Resolution #2016-145, A Resolution authorizing the Health Commissioner to issue a cease and desist order and refer for criminal prosecution and/or a temporary restraining order or injunctive relief an unlicensed food service operation, was made by: Ms. Kerr Second by: Ms. Strickler.

A Roll Call Vote was taken.

O’Leary- Y Kerr-Y Strickler-Y

Motion carried.

6.4 Resolution #2016-146

A motion to approve Resolution #2016-146, A Resolution to define the responsibilities and timeframes for filling of vacant seats within the Galion City Health Department Board of Health, was made by: Ms. Kerr Second by: Ms. Strickler.

A Roll Call Vote was taken.

O’Leary- Y Kerr-Y Strickler-Y

Motion carried.

6.5 Resolution #2016-147

A motion to approve Resolution #2016-147, A Resolution to define the receipt of health insurance benefits for employees of the Galion City Health Department Board of Health, was made by: Ms. Strickler Second by: Ms. Kerr.

A Roll Call Vote was taken.

O’Leary- Y Kerr-Y Strickler-Y

Motion carried.

6.6 2015 GCHD BOH Activity & Attendance Review

A motion to accept the 2015 Board of Health Activity & Attendance Review, was made by: Ms. Kerr Second by: Ms. Strickler.

Ms. Factor discussed the annual review and how it will be maintained in order to allow the BOH members to see actions taken, and attendance records year by year/ month by month.

A Roll Call Vote was taken.

O'Leary- Y Kerr-Y Strickler-Y

Motion carried.

6.7 2015 GCHD Annual Report

A motion to approve the 2015 Galion City Health Department Annual Report, was made by: Ms. Kerr Second by: Ms. Strickler.

Ms. Factor discussed the annual report and its new template. Multi-year data trends were shown and discussed for various programs. The annual report will be posted to the GCHD website and open for public comment/ questions.

A Roll Call Vote was taken.

O'Leary- Y Kerr-Y Strickler-Y

Motion carried.

7. Monthly Reports

7.1 Health Commissioner's Monthly Report- Ms. Factor reported

Funding

Contracts for services provided by our department are being reviewed.

Building

Mr. Swain- City Safety Service Director approved painting to be done by a group of volunteers as part of a Community Day project through Pioneer. It has not yet been determined whether there will be enough groups of students to complete our project, but we are hoping to hear back soon.

Mr. Bute and I were asked to obtain quotes on previously proposed projects; this time together as one large quote. Due to his extended absence this has been delayed but plans are to meet within the next week.

Accreditation

AOHC Regional Meetings with Director Hodges

I was able to attend a few of these sessions and we were lucky enough to have our Board of Health represented by Ms. Kerr on March 4th. There are many changes coming our way in public health; however, we are proactive and meeting these head on.

PHAB Board of Directors Approves New Five-Tiered Fee Structure

PHAB announced a new fee structure to manage and maintain the national accreditation process.

Approved by PHAB's Board of Directors in December 2015, the new five-tiered structure bases accreditation fees on the size of the jurisdictional population served by the health department. Applicants who submit an application as a Tribal, state, local, or territorial health department after June 30, 2016 must use the new five-tiered fee schedule. The fee structure was shown and attached for review.

Website

The vendor was not able to fully recover our website. We have been working diligently to get all pages current and are verifying that current information is and/ or is able to be placed on our website.

Administrative

Continued work on administrative policies and procedures is being done.

Data and information was gathered for the 2015 Annual Report. See attachment.

Training/ Conferences

February's Staff Development in Performance Management Training was successful; all staff were present.

Public Health Combined Conference May 9-11, 2016

PERRC March 21-24, 2016

Internet Services to Local Health Departments

Based on rates determined by the state department of health it was found that maintaining our current @odh.ohio.gov email addresses would cost our department (at minimum) \$1,543.68 per year. It was also determined that remaining on the ODH provided fiber optic internet connection would cost our department (at minimum) \$13,776 per year. These figures are far out of our budget. Therefore we will be looking into alternatives for email and internet services. *The state will begin charging for these services effective 7/1/2016.

7.2 Nursing Monthly Report- Ms. Factor reported**BCMH**

Theresa has been working on patient status updates and billing. She has done a few home visits also. We have not had any new clients this month but have had a few requests to get new things provided for existing clients.

Immunizations

Clinics by appointment have been working well. At this time Theresa is ordering vaccines for VFC and private as needed. All nurses (with Olivia's tech savvy help☺) are learning how to use the EMR Medisoft for the scheduling of appointments and documenting patient visits. The use of this program will continue to expand as we learn how to use it. Chris has been going through back records and getting all past immunization patients into IMPACT so we will have less "paper" records and all vaccine records will be available online.

Schools

Trish and Kara have been reviewing contracts for next school year. There will be some additional requirements re: immunizations, record review, and screening to consider. We continue to have RN/BSN students from Ashland University on Tuesdays for their clinical experiences.

Communicable Disease

Kara has been working on re-organizing the way this is reported with Trish's assistance. As a 2016 spread sheet is completed and sort out things like chronic vs. new Hepatitis C cases, it will be easier to report. Due to the change in DON and vacation, complete monthly numbers are not compiled at this time. The usual suspects of chlamydia and hepatitis C are the majority of the cases. Numbers will be reported out next month.

Nursing Staff Meetings

The nursing division is continuing to have nursing staff meetings after the whole dept. meeting once a month. We revised who was doing what, with Ashley leaving, for the majority of this last meeting.

7.3 Environmental Monthly Report- Ms. Zmuda reported**Food Safety**

I earned the designation of National Restaurant Association Registered ServSafe Proctor in February, with the goal of helping local food service and retail food operators achieve Level 2 certification that will be required for each facility beginning March 1, 2017.

License renewal for 2016-17 has been a challenge. Each year food service operation and retail food establishment licenses expire on March 1. Renewals must be received or at least postmarked by March 1 to avoid the 25% penalty fee required in Chapter 3717 of the Revised Code. More operators have renewed late and the degree of lateness is greater than in recent years. Consideration will be given to process improvements for next year in order to eliminate late renewals.

Charts were shared to depict statistics within this program.

February was a busy months for inspections, as all inspections had to be completed before the end of the license year on February 29. Forty-two standard inspections and 20 critical control point inspections were completed in food service operations, and 3 process reviews and 17 standard inspections were completed in retail food establishments. A summary of critical violations observed is attached.

Public Health Nuisances

Six new solid waste nuisance complaints were reported in February. One ongoing solid waste case was heard in Crawford County Municipal Court on February 23. It is set for pre-trial on March 15.

Tattoo & Body Piercing

Galion Codified Ordinance Chapter 769 sets forth regulations for tattooing establishments in Galion. The effective date of the ordinance cannot be determined. Chapter 3730 of the Revised Code and 3701-9 of the Administrative Code also govern tattooing and body piercing at the state level. The state law and rules are comprehensive, reflect current trends in the body art industry, and place responsibility for enforcement with the local health department. Updates to the state rules became effective most recently in 2014. By comparison the ordinance is antiquated and responsibility for administration and enforcement are shared by the Mayor's office and the health department. I approached City Law Director Thomas Palmer about eliminating discrepancies between the codes and ordinance. He proposed to the Police, Fire & Health Committee and City Council that the ordinance be repealed. Trish and I were at the meetings to answer questions and speak in support of the repeal. It passed a first reading at Council on March 8.

8. Executive Session

There were no motions to go into Executive Session.

9. Next BOH Meeting

The next Board of Health meeting is set to take place on April 12, 2016 at 7:30 am in the Galion City Health Department Board Room.

10. Adjournment

Motion to adjourn was made at 9:35 am by: Ms. Kerr Second by: Ms. Strickler Abstentions: N/A

A Voice Vote was taken.

Motion carried.

Respectfully Submitted,

Trish Factor, Health Commissioner

Tom O'Leary, President/ Mayor