

**Sampson Count Health Department Advisory Committee Minutes
August 20, 2018**

Member Attendance: Dr. Jeffrey Bell, Paul Bradshaw, Robert Butler, Linda Heath, Jacqueline Howard, Chair, Allie Ray McCullen, Commissioner Harry Parker, and Dr. Beth Turner.

Not in Attendance: Dr. Beth Bryan, Charlotte Harrell, Linda Peterson.

SCHD staff attendance: Wanda Robinson, Sally DeMay, Tamra Jones, Annie Fennell, Perry Solice, Erin Ellis.

Administration staff attendance: Susan Holder, Joel Starling

I. Call to Order:

Jacqueline Howard, Chair call the Advisory Committee meeting to order.

II. Invocation:

Commissioner Harry Parker gave the invocation.

III. Approval of Minutes:

- a. June 18, 2018 minutes - motion made by Linda Heath to approve June 18, 2018 minutes as presented and second made by Jeffrey Bell. All in favor. Motion carried.

IV. Policy Review:

a. HIPAA Policy

Wanda Robinson reviewed HIPAA Policy. HIPAA started in 2003. Changes were made to the layout of the Notice of Privacy Practices to make it more user friendly and broken down to show clients what their rights, the uses and disclosures of protected health information. This information was included in our old Notice of Privacy Practices in a written format. The new layout pulls information out and lists for clients. There are a lot of sections to this policy and includes copies of our forms and Business Agreements. Handout of text message-are looking our texting our clients. Will have to train staff on what can be texted.

Motion to accept and forward HIPAA Policy to Board of County Commissioners for approval made by Dr. Beth Turner and seconded by Robert Butler. All in favor. Motion carried.

Administrative Policy

Wanda Robinson reviewed the changes to the Administrative Policy. Changes made and reviewed in the following Policies within the Administrative Manual: Organizational Charts; Appointments Policy; Community Input, Involvement, Collaboration and Partnership Policy; Consumer Complaint Policy, Diversity Plan Policy, Facility/Equipment Cleaning Policy; Incident Reporting Policy, Professional Liability Policy, Research Policy; Staff Qualifications & Development Policy. Policies incorporated into other policies were: Computer Equipment Use Policy into Information Security Policy; Unlawful Workforce Harassment Policy and Workplace Violence Policy into OSHA Policy; Workforce Diversity Policy into Diversity Plan Policy.

Commissioners Parker questioned the vacancies listed on the Organizational Chart and what is being done regarding those vacancies. Wanda Robinson stated will be discussed later in the agenda. Question asked is services are still being offered. Wanda Robinson stated we are trying to continue services. Nurse Practitioner retired in June, this is one of the hardest positions to fill. We have one fulltime Nurse Practitioner and one Nurse Practitioner contracting part time. Some services are being limited, especially our Child Health services due to a resignation of the Child Health Nurse the end of last month. We only have so many appointment slots.

Appointment Policy changes reviewed by Wanda Robinson. Robert Butler asked if there are charges for missed appointments. At present the health department does not charge clients for missed appointments. Discussion on loss of income due to missed appointments.

Staff Qualifications & Development Plan discussed policy. Linda Heath asked if the evaluation was being used with the job competency. Wanda stated that we use Job Competency and Title X forms during performance appraisals for certain disciplines.

Commissioner Parker asked for clarification of the shaded part on page 5 regarding Health Director Qualifications and & Competency as to which board. Wanda Robinson stated that it refers this Board of Health. Linda Heath questioned if it should state the Sampson County Health Department Advisory Committee. Changes will be made to the policy to replace Board of Health with Sampson County Health Department Advisory Committee and Board of Commissioners.

Motion made by Commissioner Parker to accept with wording changes to the Staff Qualifications & Development Policy, page 5, changing Board of Health to SCHD Advisory Committee and add Board of Commissioners) and forward Administrative Policy to Board of County Commissioners. Motion seconded by Paul Bradshaw. All in favor. Motion carried.

V. Financial Report:

Review of handouts given by Tamra Jones. DOT-TB numbers down; STD numbers same. Medicaid Revenues did not include last year's revenues due to still receiving revenues for last year until date determined by Finance.

VI. Dangerous Dog Ordinance Review:

See attached slide handout presented by Joel Starling.

Joel Starling presented a PowerPoint on Dangerous Dog Appeals. Discussed difference between a Dangerous Dog and a Potentially Dangerous Dog. A Potentially Dangerous Dog is a Dangerous Dog. Reviewed G.S. § 67-4.1 (a) (1) and G.S. §67-4.1(a) (2). Reviewed situations when a Dangerous Dog Appeal is not required such as a dog has killed a person without provocation. Exceptions under the Statue were discussed. Discussion held regarding dogs owned or harbored primarily or in part for purpose of dog fighting. Process begins by either a citizen lodging a complaint or a law enforcement officer finding reasonable suspicion to believe a dog is a dangerous dog. Linda Heath stated there is room for interpretation of

whether a potentially dangerous dog is threatening. Joel this will be discussed further under the Potentially Dangerous Dog.

A Potentially Dangerous Dog is a Dangerous Dog. Once there has been a determination that a dog is Potentially Dangerous that dog is a Dangerous Dog under our ordinances. Linda Heath asked is that determination made the Animal Control Officer or does the Advisory Board make the determination when they hear the appeal. If the Animal Control Officer makes the determination that the animal is a Potentially Dangerous Dog send the written notification to the owner and the owner does nothing then it is done. If an appeal request is not filed with this Committee, then it is done. If an appeal is filed with this Committee, that is not the end of the determination.

Discussed if dog inflicted severe injury on a person without provocation. This type case would be a question on fact would recommend having an evidence hearing. Exceptions under the Statue were discussed. Several scenarios were discussed.

Sampson County ordinance closely mirrors Article 1 A of Chapter 67 of the General Statue in the definition of "dangerous dog" and "potentially dangerous dog" and exceptions are the same. Two exceptions the 3rd criteria of the potentially dangerous dogs does not just draw the line at the owner's property. There still can be a potentially dangerous dog complaint if the person is in areas open and accessible to invitees or when not on the owner's property. Example used: walking up front path to this person's front door (door to door salesperson), this is considered an open and accessible area to invitees-not just a simple matter of the dog was on the owner's property and we are done. The Statue is written that way but our ordinance is not written that way, provides a greater protection to the public. Areas that are posted as "NO Trespassing" puts people on notice that they cannot go there. Question asked regarding the "Beware of Dog" signs. Joel stated that would be significant if the injured party filed a personal injury suit against the owner of the property because it would show it was on notice that was a dangerous dog on the property. That does not get the owners out of anything in context with this type hearing.

Joel reviewed the process for determining that a dog is potentially dangerous. If the Law Enforcement Officer makes the determination that the dog is not dangerous-that is it for this committee. The complainant is not able to appeal this decision under our ordinance only the owner of the dog has the right to appeal. If the Law Enforcement Officer makes the determination that a dog is "Dangerous or Potentially Dangerous" the officer must either hand deliver or by certified mail the determination. The delivered notification has to order compliance with the registration, permitting, insurance, security and restraint requirements to the owner of the dog. The owner has 3 days from receipt of that notice to appeal that determination by making written notice of appeal, stating reasons why they disagree with the determination. This appeal goes to the Health Director, clerk of the Dangerous Dog Appeal Committee. If an appeal is filed, committee must hear the appeal within 10 business days of the notice of appeal. The committee must conduct a quasi-judicial hearing in an open meeting, voting in an open meeting and announce decision verbally in the open meeting. Linda Heath asked question if this decision had to be given in the same meeting. Joel's answer was it does not say decision must be given in the same meeting, must hear evidence within 10 business days. The meeting that decision is announced must be an open meeting. Meeting can be recessed and continue it at another time with notification being

given to the parties of continued date and time. Dr. Turner asked if committee discussion has be done in an open meeting. Best practice with the way Statue and Ordinance is written to have all discussion in open meeting. Joel reminded members that hear is a quasi-judicial hearing, if meeting is continued to another day and time, the members of the committee are not allowed to discuss the hearing outside of the open meeting. The committee must render its decision in writing as expeditiously as possible. The written decision is sent to the owner, Law Enforcement Officer and complainant by certified mail and file decision with the County Manager and County Attorney.

The Chair of the committee presides over the hearing, rule on the admissibility of evidence and any procedural issues that may arise. The County Attorney will be there to assist with these issues. Testimony has to be given under oath or affirmed. The law officer and appealing party have the right to make statements, present evidence or offer any witnesses on their behalf. The complainant does not have the right to present his or her own case in chief. This does not mean that we can stop them from telling their case, they still can testify, but their testimony comes during the Law Enforcement Officers case in chief.

Should not impose a time limit in quasi-judicial hearing, the Chair has the ability to ask person speaking to get to the point or that something is not relevant to the case. Suggested to encourage speakers to be short and concise, to the point and stick to the facts.

The standard that the Committee is to be guided by is "whether or not the determination of the Law Enforcement Officer is in the best interests of the public's health, safety, and wellness." Committee can affirm, reverse, or modify the determination of the Law Enforcement Officer. The committee can impose reasonable conditions provided that the determination of the Law Enforcement Officer was not reversed. Note: This does not mean that the board has the authority to modify the MANDATORY registration, permitting, insurance, and security and restraint requirements set forth in the Ordinance. The Ordinance says these things "shall" be done.

VII. Health Directors Report:

a. **Personnel Changes/vacancies**

Wanda Robinson announced the promotion of Kelly Parrish to Director of Nursing effective August 1st. Discussed the current open positions: PHN Supervisor I-Kelly's previous position, PHN II Immunization/Child Health Coordinator; Physician Extender (Nurse Practitioner) and WIC Nutritionist I position that has been open since August of 2017.

b. **Child Fatality 2017 Annual Report**

Wanda presented and discussed the Child Fatality 2017 Annual Report a perinatal condition; Unintentional Injuries had 4 accidents and 1 homicide. Report will be presented to Board of Commissioners.

c. **Child Fatality Committee Appointment**

Wanda Robinson presented Clinton Police Chief Donald Edwards's name for a recommendation to be placed on the Child Fatality Committee. Chief Edward's name will be submitted to Board of Commissioners for approval.

