

# ALAMANCE COUNTY BOARD OF HEALTH

## Minutes

### Regular Meeting of the Board of Health

June 17, 2008

The Alamance County Board of Health met at 6:30 p.m. on Tuesday, June 17, 2008, in the Professional Board Room (Room S-118) of the Human Services Center located at 319-B North Graham-Hopedale Road, Burlington, North Carolina.

The following board members were present: Chairman Keith Whited, Dr. Britt Causey, Mr. Charles Wilson, Dr. Donald Courtney, Dr. Reid Woodard, Dr. Michael Blocker and Commissioner Bill Lashley.

The following staff members were present: Dr. Kathleen Shapley-Quinn, Ms. Marilyn Burns, Mr. Carl Carroll, Ms. Christy Bradsher, Ms. Kathy Colville, Ms. Kathy Brooks, Tim Green, and Becky Perkins.

Guests present: Mr. Barry Bass, Mr. Bob Bowyer with *Burlington Times News*, Mr. Tomas Murawski with *Alamance News*.

#### **I. Call to Order and Introductions**

Mr. Keith Whited, Chairman, called the meeting to order at 6:30 p.m.

#### **II. Recognition**

Mr. Keith Whited bid Interim Health Director, Mr. Tim Green, farewell and introduced Mr. Barry Bass as the Health Director replacement effective July 1, 2008.

#### **III. Approval of the April 15, 2008 Board of Health Meeting.**

*A motion was made by Dr. Donald Courtney to approve the Board of Health Minutes for April 15, 2008. The motion was seconded by Commissioner Bill Lashley and approved unanimously by the Board.*

#### **IV. Health Education Reports and Information**

Mr. Keith Whited stated that the Health Education Reports and Information will be presented at the August meeting due to the long agenda.

## **V. Public Hearing Regarding Regulations Governing Construction, Repair and Abandonment of Wells in Alamance County, North Carolina – Mr. Keith Whited**

Mr. Keith Whited began the public hearing. Mr. Carl Carroll presented the proposed well regulations effective July 1, 2008 governing construction, repair, and abandonment of wells in Alamance County. All counties in North Carolina will begin enforcement of new State Well Laws and Rules on July 1, 2008. However, county boards of health can choose to adopt more stringent rules. Alamance County has operated with local board of health well regulations since 1990. Mr. Carl Carroll reported that meetings were held with local well drillers to review the proposed regulations and consider their comments. Staff consulted with the Institute of Government and reviewed the proposed draft with the Assistant County Attorney. The rules with changes were presented at the May 13, 2008 Environmental Health Committee Meeting and the committee recommended that the new rules be presented to the board at this meeting. Mr. Whited asked if there were any questions from the public. There was no response. Mr. Whited closed the public hearing.

***A motion was made by Mr. Keith Whited to approve the new well regulations effective July 1, 2008 as presented. The motion was seconded by Commissioner Lashley and approved unanimously by the board.***

## **VI. Administrative and Fiscal Reports**

### **A. Ms. Christy Bradsher provided the board with the following personnel update:**

#### **PERSONNEL UPDATE-June 17, 2008**

##### ***New Hires:***

- Barry Bass will begin employment as Local Health Director on July 1, 2008

##### ***Transfers / Resignations:***

- Tonya Randell, Environmental Health Specialist, resigned effective April 30, 2008
- Lauren Jourdan, Public Health Nurse I (50%), resigned effective May 23, 2008
- Victoria Casey, WIC Nutritionist II, resigned effective July 31, 2008

##### ***Recruiting to fill the following positions:***

- Dental Assistant, replacing Jaime Bowers
- Processing Assistant III – WIC, replacing Sabra Meadows
- Processing Assistant III – WIC Lab, replacing Rebecca Brekke

##### ***The following positions have been frozen until review on September 30, 2008:***

- Human Services Planner/Evaluator II, replacing Kathy Colville
- Physician Extender II (75%), replacing Rebecca Owens
- Processing Assistant III – Finance, replacing Peggy Malone-Scurry
- Public Health Nurse I, replacing Julie Zipf

- Public Health Nurse I (50%), replacing Lauren Jourdan
- Environmental Health Specialist, replacing Tonya Randell

**B. Budget Amendments/Transfers**

Ms. Christy Bradsher presented the Health amendments and Transfers (Rev. Nos. 41-46) for the 2007-08 fiscal year for board approval as follows:

ACCOUNT CODE	DESCRIPTION	TRIAL BALANCE	STATE BUDGET	COUNTY BUDGET
REV. NO.	41		DEPT. NAME:	Health
STATE BUDGET:	General		TRANSFER:	
			AMENDMENT:	X
<b>Expenditures:</b>				
10-5110-120	Salaries & Wages	605.00	605.00	605.00
<b>Revenue:</b>				
10-3511-364	JCPC Grant	605.00	605.00	605.00
<b>Explanation:</b> Additional funds received to help support JCPC grant position.				
ACCOUNT CODE	DESCRIPTION	TRIAL BALANCE	STATE BUDGET	COUNTY BUDGET
REV. NO.	42		DEPT. NAME:	Health
STATE BUDGET:	General		TRANSFER:	X
			AMENDMENT:	
<b>Expenditures:</b>				
10-5110-311	Travel/Training	-1,150.76	-1,150.76	-1,150.76
10-5110-613	Healthy Carolinians	1,150.76	1,150.76	1,150.76
<b>Explanation:</b> Reimbursement to health department for expenses incurred under the Healthy Carolinians grant.				
ACCOUNT CODE	DESCRIPTION	TRIAL BALANCE	STATE BUDGET	COUNTY BUDGET
REV. NO.	43		DEPT. NAME:	Health
STATE BUDGET:	General		TRANSFER:	X
			AMENDMENT:	
<b>Expenditures:</b>				
10-5110-634	NACCHO-MCR	-1,136.83	-1,136.83	-1,136.83
10-5110-642	Citizens Corp	1,136.83	1,136.83	1,136.83
<b>Explanation:</b> Reimbursement to NAACHO-MCR grant for expenses incurred under the Citizens Corp Grant.				
ACCOUNT CODE	DESCRIPTION	TRIAL BALANCE	STATE BUDGET	COUNTY BUDGET
REV. NO.	44		DEPT. NAME:	Health
STATE BUDGET:	General		TRANSFER:	X
			AMENDMENT:	
<b>Expenditures:</b>				
10-5160-311	Dental Training/Travel	-1,000.00	-1,000.00	-1,000.00
10-5160-239	Dental Scientific/Medical Supplies	1,000.00	1,000.00	1,000.00
<b>Explanation:</b> Transfer to cover purchases for remainder of current fiscal year.				
ACCOUNT CODE	DESCRIPTION	TRIAL BALANCE	STATE BUDGET	COUNTY BUDGET

REV. NO. 45 DEPT. NAME: Health  
 STATE BUDGET: General TRANSFER: X  
 AMENDMENT:

**Expenditures:**

10-5110-120	Salaries & Wages	-15,330.92	-15,330.92	-15,330.92
10-5110-180	Fringe	-6,261.93	-6,261.93	-6,261.93
10-5110-604	Bioterrorism	21,592.85	21,592.85	21,592.85

**Explanation:** Transfer needed to reallocate grant funds from a frozen position to operating funds.

ACCOUNT CODE	DESCRIPTION	TRIAL BALANCE	STATE BUDGET	COUNTY BUDGET
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REV. NO. 46 DEPT. NAME: Health  
 STATE BUDGET: General TRANSFER: X  
 AMENDMENT:

**Expenditures:**

10-5160-260	Dental Departmental Supplies	-1,506.89	-1,506.89	-1,506.89
10-5160-239	Dental Scientific/Medical Supplies	1,506.89	1,506.89	1,506.89

**Explanation:** Transfer needed to purchase toothbrushes as incentives under the Community Health Grant

***A motion was made by Dr. Don Courtney to approve Budget/Revision Nos. 41-46. The motion was seconded by Commissioner Lashley and approved unanimously by the board.***

**C. Fiscal Year 2007 – 2008 Revenue and Expenses Report**

Ms. Christy Bradsher gave the following report

**Revenue**

- Ms. Bradsher reported that the agency was unable to utilize \$46,280.79 state grant funds awarded this fiscal year.
- The Medicaid cost settlement should total \$409,334.27 and should be received before the close of the fiscal year-- \$106,057.96 of this amount is for the Dental Clinic.
- Estimate that approximately \$60,000 in Environmental Health fees will not be collected due to the slow down in home building and the state of the economy.
- \$43,213.19 will revert to the state in unused federal WIC funds.
- The Dental Clinic should receive all of their budgeted revenue and possibly exceed the budget amount by \$9,500 in patient fees. All of the state grant monies were utilized.

**Expenditures**

- Health Department - Estimate that approximately \$700,000 will not be spent.

- Dental Clinic – Estimate that approximately \$114,000 will not be spent.
- WIC – Expect to be under budget in all line items.

#### **D. Fiscal Year 2008 – 2009 Budget Update**

- Budget approved 6/19/08.
- Amount approved is \$231,000 less than requested. 2007-08FY Budget is \$6,500,000 and 2008-09FY Budget is \$7,123,000.
- WIC Budget approved at \$549,780.
- Dental Budget approved at \$829,917
- There were no new positions or reclassifications approved.

#### **VII. Personal Health Committee Report**

Dr. Woodard, Chairman of the Personal Health Committee, presented the minutes from the May 20, 2008 Personal Health Committee Meeting. The minutes are included by reference.

#### **VIII. Personal Health Update**

Marilyn Burns presented the following update:

- WIC issued 11,946 food vouchers in April and 1,221 more in May. WIC continued to serve the requested number of clinics with two less employees.
- The Health Department is mandated by the State to monitor an adult health care center opening in September to be operated by Piedmont Health Services. The nursing staff has been working with Environmental Health and DSS so that the new center will be able to accept clients in September, 2008.

#### **IX. Medical Director's Report**

Mr. Keith Whited stated that he was disturbed by the update given during the Personal Health Committee Meeting held on May 20, 2008 concerning writing work notes using alias names. He further stated that this is the reason for writing the memo to the Board of Health members dated June 4, 2008. Mr. Whited asked Dr. Kathleen Shapley-Quinn if she had any comments/observations. Dr. Shapley-Quinn responded that the medical providers approached her last summer (July or August) and asked how to handle writing work notes using alias names and she

responded that she did not know the answer to this question. The medical staff reviewed the local and state guidelines and policies, standard of care in the community, guidelines issued by professional medical organizations and laws. She stated that patient care has competing values. During a 15 minute encounter, the medical professional must do what is right for the patient. Patient values and trust are involved and medical professionals must first consider the patient's health and safety. Even with clear guidelines, you are obligated to make a decision to deviate from the guidelines to keep patients from hurting themselves or other. Dr. Shapley-Quinn stated that there are social, ethical and medical dilemmas involved. With prenatal care, the stakes are higher with two lives to consider. If it is not safe for the patient to return to work, a work note must be written. Not writing the health note could be a huge medical/legal risk. Ms. Dorothy Cilenti instructed Dr. Shapley Quinn to get further clarification from other health departments/institutions, attorney, etc. After reviewing the information, Ms. Cilenti gave approval for the work note to be written in the alias name if the work name is documented in the medical record. Dr. Shapley-Quinn stressed that there were multiple efforts to resolve this complex issue. Dr. Shapley-Quinn asked for guidance from the Board and assured the Board that everyone had tried to do the right thing. Mr. Whited stated that the alias names were kept out of the medical record. These names were kept in a document (record book) outside of the medical record. He asked to see this document in order to determine if the Board of Health should serve as oversight to medical records and if this document (keeping alias name out of the medical record) was a violation of HIPAA. Mr. Whited noted that to this date, the document has not been delivered. The law requires the Board of Health to operate as a citizen board for delivery of services to Health Department clients. The Board of Health is the oversight board which can review medical records. The HIPAA law provides for the Board of Health to review medical records for audit purposes. Mr. Whited further stated that the staff is not following the appropriate policy (01-09) approved in 2006 by the Board of Health for accreditation which is to seek outside legal advice from the Alamance County Attorney's Office concerning HIPAA law and confidentiality instead the N. C. Institute of Government was contacted. Mr. Whited stated that you can have a common law name but it is a crime for an illegal to adopt another person's work name. He commented that Dr. Shapley-Quinn bordered on insubordination, since she did not deliver the document. Dr. Shapley-Quinn responded that it is standard for medical providers to keep patient information separate from the medical record. Providers cannot hold a chart for consultation and/or follow up so they will make a note in another record. Mr. Whited asked Dr. Shapley-Quinn, "Is there or is there not a list with false and accurate names kept outside of the medical record?" Dr. Shapley-Quinn responded that she did not think there was a list anywhere but providers keep a tracking system to follow up on information. Mr. Whited stated that Dr. Shapley-Quinn reported to Tim Green and Marilyn Burns that there was a list with the number of

names listed on it. Dr. Shapley-Quinn responded that there was a tracking list with three names. Mr. Whited stated that Clyde Albright, County Attorney, sent to him an email today that states in one sentence what he (Mr. Whited) told Dr. Shapley-Quinn a month ago. Dr. Shapley-Quinn said she has not seen the email and she has been waiting for a response. The email was circulated. Mr. Whited reported that there was a pending court case involving a health department client charged with identity theft. This patient received a work note written by the health department using an alias name of the person whose identity was stolen. Dr. Shapley-Quinn reported that some of the Hispanic population are known to sell their names and social security numbers and the medical providers are never certain if the name on the medical record is the real name. Dr. Courtney stated that this could result in two active medical records for one person since only one name appears on the medical record. Dr. Shapley-Quinn assured the Board that there has not been any work notes written in the past four months using alias names. Work notes are being written using only the primary name that appears on the medical record until more guidance is given. Mr. Whited recommended that the Board of Health review the medical record requiring confidentiality and these records be reviewed in closed session. Dr. Shapley-Quinn reminded the board that Board of Health family members could receive services at the Health Department which could present a problem involving confidentiality. Dr. Blocker suggested that the Board of Health review the charts with written guidelines only when there is a particular issue/problem. Dr. Shapley-Quinn explained that the State Health and Human Services Department has specific guidelines/tools/checklists for auditing medical records. Marilyn Burns reported that the medical staff conducts four medical record audits per year per the requirements of the N. C. State Contract Agreement Addendum. Dr. Shapley-Quinn stated that the Health Board review would be a violation of HIPAA policy and she could not talk with Tim concerning a medical record. Mr. Whited stated that he disagreed—the Health Director is your supervisor and he can review a medical record.

***Mr. Keith Whited made a motion that Alamance County Health Department Policy Number 01-09 be amended as follows to add a new paragraph after the end of the first paragraph as follows:***

***North Carolina law and the North Carolina Administrative Code require that the Local Health Departments maintain accurate, complete and organized medical records on each patient for which medical services are provided. The Alamance County Board of Health is an oversight agency and is authorized to review and audit the actions of the Department with regard to their compliance with Federal, State and local regulations and policy. Each duly appointed***



***member of the Alamance County Board of Health is a covered entity as that term is defined by the HIPAA law, and as such is entitled to use, review and maintain the confidentiality of the medical records generated by the employees of the Alamance County Health Department.***

***Dr. Don Courtney seconded the motion and the motion passed unanimously.***

***Mr. Keith Whited made a second motion designed to deal with particular use of false names in the Health Department and add a paragraph at the end to amend Alamance County Health Department Policy Number 01-09 as follow:***

***At no time shall any personal identifying information for any patient seeking medical services through the Alamance County Health Department be kept in any location other than the official medical record of the patient. Further, all information forwarded to all third parties pursuant to a request for release of information, shall include each and every name or alias names used by the patient known to Alamance County Health Department employees and the Alamance County Health Department shall not disclose any personal information on its patients to non-medical third parties including employers unless the patient signs an additional certification permitting all names and identifying information used by the individual and allow the Alamance County Sheriff's Department to make an independent determination that the names used by the patient is not a party of wrongful conduct including identity theft.***

There was much discussion among the Board members. Dr. Don Courtney agreed that all alias names made known to the staff should be documented in the medical record to prevent fraud. However, he was concerned that providing information to law enforcement could alienate clients from receiving services particularly communicable disease treatment which would place the rest of the population at risk. Dr. Michael Blocker stated that the Health Department's responsibility is to provide medical care to the residents of Alamance County and not just to the citizens. He reiterated that the client is coming to the agency to receive medical services and not for determination of their legal status. Dr. Blocker gave an example of a woman or child coming from the



Battered Women's Center to the Health Department for medical services. Commissioner Lashley stated that the county attorney firmly acknowledged that the Health Department is aiding and abetting if the alias name is used by the agency. Commissioner Lashley stated that the Sheriff's Department would not charge anyone unless the person commits a second crime. Mr. Whited stated that the board is a citizen board for the taxpayers and the board is obligated to determine legal status in a reasonable fashion. Dr. Shapley-Quinn stated that work notes are written on a daily basis but work notes requiring the use of an alias name happens only 1-2 times per month. Mr. Whited reported that there is presently a pending court case involving a health department patient charged with identity theft. Mr. Charles Wilson stated that any client could potentially give a false name and the employee would not have any way to know that this person is illegal. Dr. Blocker suggested that a work note be written in all names as a compromise stating that documenting alias names in the medical record is not a bad thing and the agency would know a lot more about the patient. This could also prevent Medicaid fraud. Mr. Whited stated that he did not care how much time had to be spent to assure that the Health Department does not serve illegals in a manner not approved by federal and state law. Dr. Shapley-Quinn stated that loads of paper work and more screening tools already take considerable time and the patient visit would get longer if the Health Department was required to establish the patient's status. Dr. Blocker asked Dr. Shapley-Quinn what is the standard in other agencies and she answered that she has not been able to ascertain any standard of care regarding this issue.

***Mr. Keith Whited tabled his previous motion in order to give more thought and made a second motion as follows:***

***Alamance County Health Department Policy Number 01-09 be amended by adding a new paragraph at the end thereof as follows:***

***At no time shall any personal identifying information for any patient receiving medical services through the Alamance County Health Department be kept in any location other than the official medical record of the patient. Further, all information forwarded to third parties pursuant to a request or release of information, shall include each and every name or alias used by the patient known to the Alamance County Health Department employees.***

***Commissioner Lashley seconded the second motion and it passed 6-1 in favor of the motion.***

**X. Environmental Health Committee Report**

In Mr. Jim Gooch's absence, Mr. Carl Carroll gave the Environmental Health Committee Meeting report held on May 13, 2008. The minutes are included by reference.

**XI. Environmental Health Update**

Mr. Carl Carroll gave the following update:

- Staff is working to prepare to implement the new well regulations effective July 1, 2008.
- New inspection form will be implemented July 1, 2008.
- The Environmental Health portion of Centralized permitting will be live effective July 1, 2008.

**XII. Medical Director's Report**

Dr. Kathleen Shapley-Quinn gave the following report:

- The agency has been awarded the Mental Health Grant of \$66,000 for the third year in a row.
- The Health Department has been approved to be an LME site which enables the agency to receive reimbursement for uninsured clients receiving mental health services.

**XIII. Interim Health Director's Report**

Mr. Tim Green gave the following report:

- Ms. Janna Elliott remains on leave and may be taking her baby home soon.
- The staff is hosting a Meet and Greet with the new Health Director on Tuesday, July 2, 2008 at 8:15 in Educational Rooms A&B. The Board of Health is invited to attend.
- Mr. Tim Green thanked the Board of Health for their confidence and asking him to serve as Interim and he will continue to follow the Health Department's progress.
- Mr. Tim Green commended the Board of Health for the method to advertise, recruit and seek a well-qualified health director.

- Mr. Tim Green reported that minor adjustments had been made in the organizational chart to bring the clerical staff under one unit reporting to Kathy Brooks.

#### **XIV. Old Business**

Mr. Barry Bass stated that he thought the discussions held tonight were respectful and he was pleased with the professionalism shown by the Board. Mr. Bass stated that he looked forward to working with the Board and establishing relationships.

#### **XV. New Business**

##### **A. Oath of Office for New Health Director**

Ms. Becky Perkins administered oath of office to Mr. Barry Bass.

#### **XVI. Other**

##### **A. Change in Health Director's Hire Date**

Mr. Keith Whited explained that the Board of Commissioners changed the county personnel policy regarding health benefits to the retirees effective July 1, 2008 after Mr. Bass was appointed to the Health Director position.

***Dr. Michael Blocker made a motion that Mr. Barry Bass be employed June 30, 2008 rather than July 1, 2008 in order to grandfather him in before the new retirement policy goes into effect for Alamance County employees. Commissioner Lashley seconded the motion and it passed unanimously.***

##### **B. Board Member Training**

- Mr. Tim Green informed the board that the NALBOH's 16<sup>th</sup> Annual Conference will be held (information included in the mail out).
- Mr. Tim Green announced the Board of Health training will be held in conjunction with the Caswell County Board of Health. Any board member interested in attending should contact Mr. Green or Mr. Bass.

**XVII. Adjournment**

***Mr. Keith Whited entertained a motion to adjourn the meeting. Mr. Lashley made the motion and Dr. Woodard seconded the motion. The meeting adjourned at 8:40 p.m.***

The next meeting is scheduled for Tuesday August 19, 2008 at 6:30 p.m. in the Professional Board Room.

**ALAMANCE COUNTY BOARD OF HEALTH**

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Mr. Keith Whited, Chairman

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Tim Green, Secretary