Town of Rowe – FY2007
Board of Health
Minutes – April 3, 2007

Call to order: The meeting was called to order at 9:05 AM

Present: Ann Foshay, Danette Reynolds-Gallaghar

Audience: Bill Belval, Marilyn Belval, Francis Benson, Jody Brown, Roger Brown, Bob Dykeman, Mary Ann Dykeman, Judy Pierce, Ruth Loomis, Kris Swenson

OLD BUSINESS

Posever, 332 Zoar Rd (Map 1 Lot 49): Title 5 Health Agent Lisa Danek Burke reviewed the revised plans for a replacement septic system at the Posever property. Lisa recommended the BOH approve the plans with the following conditions: Form 2A Disposal System Construction Permit – special conditions:

> Due to the very limited lot size & the proposed location of the soil absorption system (SAS), installer to mark corners of proposed SAS location and contact the Board of Health for inspection prior to beginning excavation of SAS

The Board unanimously approved the Application for Disposal System Construction Permit (Form 1a).

The Posevers will be asked to sign the application and provide the BOH with the system installer information.

Maple House Bed & Breakfast: A current ServSafe Certification was submitted by Maple House B&B owner Rebecca Bradley which will expire on February 23, 2012. The results of a recent water test and proof of the washing machine hooked up to the septic system must be submitted before a 2007 permit can be issued for facility.
Ann will contact Rebecca about the water test.

Transfer Station: Ann will contact carpenter Steve Crowningshield to schedule a time for alterations to the Swap Shed for the composting toilet.

Town Nurse Ruth Loomis:

Continuing education

Ruth has requested permission to attend the Northeast Regional Nurse Practitioner Conference in Westford, MA on May 2 – 4, 2007. She asked if the BOH was going to be choosing the content of her continuing education.

Ann Foshay: "Why did that question come up?"

Ruth: "Because it came up at the last conference I went to and Dr. Warner called you folks and said that it was . . "

Ann: "Dr. Warner advises simply on medical matters, your prescriptions to your patients. He has nothing to do with the rest of this."

Ruth: (unintelligible on the tape)

Danette Reynolds: "If you remember, we had a question about the content of the course because it seemed to be geared to your other employment."

Ruth: "One lecture out of the entire course."

Danette: "That's how it appeared and that's why we were questioning it, if you remember."

Ruth: "What he said is that there shouldn't be any question."

Ann: "I differ with you 100% Ruth. That your continuing education and who pays for it has absolutely nothing to do with Dr. Warner backing your writing prescriptions and treating patients."

Danette pointed out that the BOH was just presented with the information for the upcoming conference and has not had a chance to review the materials.

Log of patient visits: names, date, length of visit

Ruth read aloud a letter from a town resident, Jim Carse, in which he states that he doesn't want his name or treatment published in a tally of persons under her care (see attached). The Board said that it never requested medical information or for the log to be published. Ruth said she realized that the BOH was not asking for treatments.

Danette: "What it says is 'to publish the names and treatments'."

Ruth: "Right. And I realize that you're not asking for treatments but names."

Danette: "But this seems to be what's going through town, that we are requesting medical information."

Ruth: "In the HIPAA privacy form for the office, if you folks had reviewed it, it would have answered some of the questions that you posed to the attorney about my ability to contact primary care physicians, my ability to get records from the hospital, it was all right there. You didn't have to waste the town's money to pay an attorney to tell you that. But in it it also said that we are required to inform the patients about the use and disclosure of their individually identifiable health information. We are required to inform them of their privacy rights in regard to that information. So as I have been informing patients of your proposal, they have felt very strongly, unanimously, every single one . . ."

There was continued discussion on this topic between Ruth and Ann. Danette said the discussion would continue at the hearing Ruth has requested with the BOH and Ruth's lawyer.

Danette: "You requested a hearing with the BOH and your lawyer. Our lawyer will also be present. We will deal with all of these issues at that time. We are not going to deal with these today."

Ruth: "That's for other issues."

Danette: "Well, we'll deal with all these issues at that time because they're all falling under the same broad area."

Ruth: "Well, I think the people have a right to know what some of the issues are."

Danette: "I think they could at that meeting." "They would be welcome."

Ruth: "There was 52 people already just this week that have requested a restriction to their health information."

Danette: "And under what circumstances are they requesting this, Ruth?"

Ruth: (unintelligible on tape)

Danette: "We'll handle this when we have our lawyers present." "Instead of rehashing and hashing and hashing . . .it's going to be very soon. We are in contact with ours. It will be set up and I think that would be the better forum to do this in."

Ruth: "The Department of Health and Human Services contacted Kopelman & Page and informed them that they have some misconceptions in your ability to ask for names from the office. And the attorney from Kopelman & Page, Attorney Fair, told the attorney from the Department of Health and Human Services that he was not well versed in HIPAA law. And it was obvious by his correspondence."

Danette: "As I said, we'll deal with this when the lawyers get together. We told you we would be contacting town counsel [about the log], which is what we did. We got our response back. That's what we have to go on. If there's a problem with that we will deal with that when we get together."

Ruth: "I just need to let you know that the patients feel very strongly."

Danette: "We've been hearing."

Audience member Judy Pierce asked the Board what was their " medical expertise for being able to decide what sort of course the nurse practitioner (Ruth) takes." Danette replied that as the nurse's supervisors the Board is responsible for approving expenditures and that the Board has given Ruth information on several courses where she could get her education credits for free. Since Ruth has expressed concern over the recent doubling of credits needed to maintain certification, the BOH felt she should avail herself to the opportunities of free credits.

Judy accused the Board of harassing Ruth for the past several months. Danette said we would discuss it at a meeting with the lawyers.

Kris Swenson said ". . the chain of command is upside down because Ruth is your employee and that's what I think you people [the audience] don't understand. You are her employers, she reports to the Board of Health, not to Dr. Warner. Dr. Warmer oversees what she does. Dr. Warner is actually working for the Board of Health."

The BOH stressed to the audience that there is no question of the quality of the medical care.

Keys to Health Services office

Ruth read another letter, unsigned, from a town resident concerning the BOH request for a key to the Health Services office, "We are aware you are authorized to request extra keys to the nurse practitioner's office. We feel as Miss Loomis is responsible for everything contained in that office that a log should be

kept inside the door with the signature of anyone entering the office, the item borrowed, when the item was returned. This would exclude the custodian in carrying out her duties." It was just a thought that someone had . .

Danette: "Was it signed?"

Judy: "I didn't sign it. I tried to get her to [unintelligible on tape] . . and then Jeanette Crowningshield . . . "

Danette: "Why would you be concerned about the key issue?"

Judy: "Because there were so many and she's responsible for her office."

Danette: "There're so many keys?"

Judy: "How many are there?"

Danette: "There should only be two."

Ruth: "Three."

Danette: "Where's the third one?"

Ruth: "The custodian."
Danette: "Now. But there were two."

Ruth: "There's four actually with mine."

Danette: "There was yours and Ed May's. There were two."

Judy: "So now we have the custodian and the town coordinator ? . . or. . [unintelligible on tape]"

Danette: "Her files are all locked up. There shouldn't be a problem at all in that office."

Judy: "Then why would you need to get in there?"

Danette: "Do you know what? It's a supervisory decision."

Judy: "Right."

Danette: "And I'm not sure why it's appropriate for you to be questioning that."

Judy: "Because it sounds like there's something going on."

Ann: "I would like to point out that we were elected to do the job. If the Board of Health were to be run by a forum of citizens, it would have been set up that way. Every time Ruth has a question she brings a forum of citizens to dictate to the Board of Health."

Judy: "She didn't bring a forum of citizens. I called people and told them that it might be a meeting they want to attend."

Ann: "All right, fine. But this is what happens. We have heard what you have to say. Send us your letters in writing."

Ruth: "The key issue. Lisa Miller brought up a concern about the key issue. She said things have to be double locked."

Danette: "We'll discuss this when we get together with the lawyers."

Ruth: "Can I ask about some of the other questions you posed to town counsel?"

Danette: "We'll do that when we meet with . .when we have our meeting."

Ruth: "Can I have a copy of the letter sent to town counsel."

Danette: "Yes."

Continuing education

Ruth told the BOH that the information they gave her about free courses offering educational credits for nursing did not mention whether they were ANCC approved. The BOH asked Ruth if she tried to find out and was told that she did not have the time and they weren't things she was interested in.

Outdoor wood boilers: The BOH voted to extend the moratorium on the installation of outdoor wood boilers until June 30, 2007.

NEW BUSINESS

Town Nurse vacation: Town Nurse Ruth Loomis questioned the BOH as to why she needs to schedule her vacation time in advance.

Ruth: "I don't understand why there would ever be any issues since I don't need coverage and I don't schedule someone to take my place."

Danette: "Because we will be posting downstairs that your office is closed. People need to know that you are not available."

Ruth: "OK, that's fine but I'm asking about whether I can take vacation time or not on a certain date."

Danette: "It has been in the policy and I think it is a good thing to keep in, that vacation time is scheduled ahead of time."

Ruth: "Is there a reason? Is there a logical reason?"

Ann: "These are administrative details, Ruth, everybody has to deal with . . . "

Ruth: "I'm asking for a logical reason."

Danette: "It may be at some point in the future that it would be a possibility to have coverage in during those times."

Ruth: "Well, the policy could be changed at that time."

Danette: "We're going to keep it this way. Why are you arguing about this?"

Ruth: "I'm not arguing. I'm asking for logical reasons for some of the things you people are [asking] and I don't get logical reasons."
(More argument with comments from Judy Pierce also)
Danette: "Ruth, we're not going to do this. What time do you want your vacation?"

BOH approved vacation time for Ruth Loomis for April 16 – April 26, 2007.

As the BOH needs copies of its most recent budget, it will adjourn until Town Administrator Ellen Babcock can provide the copies.

Meeting adjourned at 10:00 AM and will reconvene at 11:00 AM.

Meeting reconvened at 11:15 AM.
Audience: Judy Pierce, Ruth Loomis

Town Nurse request for May 2 – 4, 2007 conference
The Board noted that Town Nurse Ruth Loomis would not be able to receive the "early bird" registration fee as she did not send in her registration by March 11, 2007 therefore the registration will be $200.00, not $175.00.
Ruth Loomis was asked if she had tried to find a roommate for the conference so that the cost of lodging would be halved. Ruth said she didn't have the time to look for someone. Ann said that it would give her more money for something else if she was able to split the cost. The BOH approved paying for the conference registration for the Northeast Regional Nurse Practitioner Conference in Weston, MA on May 2 – 4, 2007.

FY2008 Budget

Health Services:

$ 800.00 will be added to Health Services operations for the purchase of a new computer.

Board of Health operations:

$2,500.00 will be added for legal services from Town Counsel
$1,000.00 will be deducted from the regular operations
a total of $1,500.00 will be added to the operations budget

Transfer Station

$2,000.00 will be deducted from Refuse Garden operation

New Lock on Board of Health office door: The locks for all offices in the town hall were changed several years ago. As many people have used the Board of Health office in the past and the keys can be copied, the BOH voted to have the lock to their office changed.

Adjournment: Meeting adjourned at 12:20 PM.

Respectfully submitted,
Danette Reynolds-Gallaghar

Approved: Angela Foshay

Angela Foshay, Co-Chairman

Danette Reynolds-Gallaghar

Danette Reynolds-Gallaghar, Co-Chairman