

915th Board of Health Meeting

September 19, 2024

10 County Center Road, White Plains and via WebEx

8:30 am

BOARD MEMBERS IN ATTENDANCE

Cynthia Chazotte, MD
Jamie Sirkin
Beverley Chang
Deborah Campbell, MD
Melinda Abrams
Nok Siriphonlai

DOH STAFF

Chris Ericson
Jim Duncan

Delroy Taylor
Ada Huang, MD
Susan Guercio
Sherlita Amler, MD
Caren Halbfinger

ABSENT

Robert Baker, MD
Doug Aspros, DVM
Anthony Maddalena
Ed Brancati
Leg. Jewel Williams Johnson
Ruth Merkatz

COUNTY EXECUTIVE'S OFFICE

Aviva Meyer

Dr. Chazotte opened the 915th Board of Health meeting at 8:37 am. As there was no quorum, Dr. Chazotte reminded the Board members that they could review the cases and minutes but would not be able to vote.

Dr. Chazotte asked whether anyone had any changes to the minutes; no one did.

ADMINISTRATIVE CASES:

Dr. Chazotte introduced Cases 1-40 and asked whether any members had questions. Dr. Chazotte inquired about the origin of Case No. 40, which involved a pool at Yeshiva Farm Settlement. Jim Duncan explained that the inspector was at the yeshiva to inspect the kitchen, but heard the children outside and noticed that a pool was behind a fence. Chris Ericson said the pool should have had a permit from the County Health Department, and that the Department had had discussions with the yeshiva's counsel, and are working together through the related issues. To comply with regulations, Yeshiva Farm Settlement has had to build a new pool within the shell of the existing pool.

Regarding Case No. 30, Aramark Educational Services, LLC/Woodlands School, Dr. Chazotte asked whether the school was still able to feed children while they were dealing with an infestation. Mr. Duncan replied that they were; the cafeteria was open. Mr. Ericson explained that an infestation was not necessarily a critical violation, unless there was adulteration of the food. He said that school cafeterias are held to the same standards

as restaurants. There were no further questions from the Board. Any vote was held over to the October meeting, due to the lack of a quorum.

New Board member Beverley Chang was welcomed and asked to introduce herself. She discussed her professional background as a physician assistant in Brooklyn, and her work in Peekskill with the NAACP on public health issues. Each of the Board members and staff members present then introduced him or herself.

NEW BUSINESS:

Mr. Ericson presented a draft of an amendment to the County Sanitary Code regarding AEDs (draft 3, attached). In June, the Board had expressed the wish to require AEDs at all pools and to require signs at pools reminding adults to watch the children they are responsible for. The discussion continued at the July meeting. Mr. Ericson said the Health Department had shared this with the Department of Emergency Services, because they are in charge of reviewing the plans for AEDs. They were extremely happy the Board was thinking of this; they commended the Board for its forward thinking. He said he also asked Environmental Health staff to review it and they had some great comments. This draft concerns pools, but what about beaches, one staffer said. The Board discussed that the AED would need a secure but accessible locations during the hours when a pool or beach was open. Dr. Chazotte asked whether the presence of an AED would then be looked at during inspections, and Mr. Ericson said yes, it would be in the safety plan, too. Ms. Guercio said that since it would be explicitly in the Code, if the AED were not present, or were not available to be used, that would be a direct violation of the Code. Mr. Ericson said that County parks and some pools, such as those at fitness centers, already have access to AEDs. Mr. Ericson said the requirement could be made for bathing beaches too, but that would be in a different part of the Sanitary Code, Part 6-2. Mr. Ericson said he would circulate the draft to Board members, ask for their comments, and then present a final draft to the Board at the October meeting, at which time the Board may vote to set a public hearing. A Board member asked whether there might be any opposition to this.

Dr. Amler said that the track record for AED use is such that most people want to have these devices available. She said she looked forward to the day when the cost comes down, but it's all about saving lives.

Mrs. Sirkin asked about the second component the Board had requested, signage that could be prominently displayed at pools and beaches to remind parents and other adults to closely watch the children they are responsible for in and around the water. Mr. Ericson circulated proposed language that expands on those points, and asked Board members to email him with their suggestions. All suggestions will be reviewed for further discussion next month. Another element the Board had requested was communication with the public, perhaps a video, that would highlight the nuances of keeping children safe near a pool or beach. Caren Halbfinger said she had worked with the County videographer, had written and directed a video that takes all the messaging into account that the Board had sought. That video will be showcased during National Public Health Week in April and shared with the public.

Dr. Chazotte asked whether all drownings were preventable. Discussion ensued about the need to make all adults aware of the signs of drowning, which can be subtle, since children often slip under without making a fuss, and of the need to act quickly to save a child, even if they don't know the child and aren't sure the child is in distress. Ms. Guercio recalled how the "Don't Drink and Drive" campaign evolved into "Friends Don't Let Friends Drive Drunk" calling on people to take their friend's car keys away. Drowning strikes me as a community problem, she said.

For background, at the June meeting, the Board expressed a desire to:

- propose an accessible AED (automated external defibrillator) be provided at all swimming pools as defined in Parts 6 and 7 of the New York Sanitary codes;
- and that signage be added to the entrance at pools, similar to “There is no substitute for adult supervision of your child. You are responsible for your child.” The purpose is to emphasize the importance of adult supervision of the children brought to the pool, to prevent drownings.

And the Department of Health actions are:

- In the safety plan template, to state that the best practice that the Health Department encourages is that the CPR certification level is increased to BLS for professional rescuer, from Community CPR.
- We propose WCHD create a new and robust education campaign to go out annually and impact youth organizations such as schools, libraries about swim supervision.

NEW BUSINESS:

Mrs. Sirkin noted the number of marijuana dispensaries popping up, calling the situation out of control. Dr. Amler pointed out this is a state issue and the dispensaries are state-licensed. She said the only thing good for your lungs is clean air. Everything else has potential health effects. Mrs. Sirkin said this will be a public health problem in five years and asked what we can do to be proactive.

COMMISSIONER’S REPORT

Dr. Amler told the Board that the Department is working with physicians from Northwell Health and Phelps Hospital to promote colorectal cancer screening in an effort to increase the rates of screening and make the public aware of newer guidelines that call for screening to start at age 45, down from 50 previously. She told them about a recent news conference on this topic with community partners and the County Executive, which included a young survivor who had a powerful message, since an increasing number of cases are being seen in younger adults.

Dr. Amler told the Board about her recent visit with CE Latimer to the Phelps hyperbaric chamber, which can hold 12 people simultaneously and can help save lives when residents have carbon monoxide poisoning, whether due to a fire, improper use of a generator, etc.

Dr. Chazotte said she would be interested in visiting, and resurrecting BOH field trips.

Dr. Amler asked Dr. Huang to provide an update on infectious and communicable diseases. Dr. Huang said that Westchester had seven cases of West Nile Virus, the season had started earlier than before, with the first case toward the end of July, where typically we see our first case at the end of August. She said she expected to see a few more cases before the year is out. In 2023, we had five cases. She said this early activity was occurring throughout the Northeast.

Speaking of EEE, she said we had had no cases in horses, mosquitoes or elsewhere. Dr. Huang mentioned the large dengue outbreak in Puerto Rico, and noted there had been 20 cases of dengue in Westchester, all travel-related. She mentioned Orapouche, commonly known as sloth fever, a Zika-like virus that has been reported out of Cuba, spread by insects and is associated with congenital defects. The CDC has reported 20 cases in Florida and one in New York.

Dr. Huang said Covid activity had been fairly high all summer, but had seemed to flatten lately. She said it was not gone and is still here and is disruptive. She said that Congress was no longer funding vaccine for uninsured

or underinsured adults, but that New York State is funding it through the Vaccines for Adults programs, so FQHCs will have it.

Regarding Avian flu, or H5N1, Dr. Huang noted that Missouri's first case of bird flu (announced Sept. 9), was unusual because the patient reported no recent exposure to livestock, poultry or other animals. The 13 other confirmed human cases during this outbreak have all been among livestock workers or their family members.

Dr. Amler updated the Board about back to school vaccines, and that children are catching up on vaccines they missed during the pandemic. She said the State Health Department had resumed audits, and children must have the vaccines required to stay in school.

Mr. Ericson noted that the Department had begun trapping mosquitoes earlier than in prior years, a n adjustment due to climate change. He said this had been the largest year of beach closures, another climate change impact. He noted the many preemptive closures at beaches in Mamaroneck, Rye and New Rochelle due to rain. Lakes have also been plagued with closures because of Harmful Algae Blooms, he said.

Dr. Amler said she would like to bring staff in to update the Board about several issues over the next few months: the coming lead rental registry, changes to the EI Preschool Program and the Cancer Consortium.

With no other matters to discuss, Dr. Chazotte adjourned the meeting. (There was no quorum, so no vote.)

The meeting adjourned at 10 a.m. The next Board meeting will be held Thursday, October 17 at 8:30 a.m. at 10 County Center Road, White Plains. Respectfully Submitted, Caren Halbfinger

DRAFT VERSION 3

ARTICLE I. SHORT TITLE; GENERAL DEFINITIONS, GENERAL PROVISIONS

Sec. 873.100. Short title.

The rules and regulations herein contained together with any and all amendments thereto shall constitute and comprise the Sanitary Code of the County of Westchester and shall be known and may be cited as the Westchester County Sanitary Code.

(Added 11-20-1986, eff. 11-20-1986)

Sec. 873.101. General definitions.

1. Whenever used in this code, unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated:
 - a. Automated external defibrillator. The term "automated external defibrillator" means a medical device, approved by the United States food and drug administration, that:
 - (i) is capable of recognizing the presence or absence in a patient of ventricular fibrillation and rapid ventricular tachycardia;
 - (ii) is capable of determining, without intervention by an operator, whether defibrillation should be performed on a patient;
 - (iii) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to a patient's heart; and
 - (iv) then, upon action by an operator, delivers an appropriate electrical impulse to a patient's heart to perform defibrillation.
 - b. Bathing Beach. Bathing beach shall mean a bathing place, together with any buildings and appurtenances, and the water and land areas used in connection therewith, at a pond, lake, stream or other body of fresh or salt water which is used for bathing or swimming with the express or implied permission or consent of the owner or lessee of the premises or which is operated for a fee or any other consideration or which is openly advertised as a place of bathing or swimming.
 - c. Board. The term "board" means the Board of Health of the County of Westchester.
 - d. The Code. The term "the code" means the Sanitary Code of the County of Westchester.
 - e. Charter. The term "Charter" means the Charter of the County of Westchester.

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- f. *Communicable disease.* The term "communicable disease" means infectious, contagious or communicable disease.
- g. *County.* The term "county" means the County of Westchester.
- h. *Commissioner.* The term "commissioner" means the Commissioner of Health of the County of Westchester.
- i. *Department.* The term "department" means the Department of Health of Westchester County.
- j. *Health district.* The term "health district" means the geographical area comprising the County of Westchester.
- k. *Certificate.* When used in the code, the words "certificate," "permit" or "license" are interchangeable.
- l. *Permit.* The term "permit" means a written license and authorization to carry on a specified activity or activities as regulated by this code, the New York State Sanitary Code, the Public Health Law, or the Environmental Conservation Law, and includes any written approval issued by the commissioner or his duly designated representative.
- m. *Permittee.* The term "permittee" means a person who holds a valid permit issued by the commissioner, the department, the State Department of Health, or the State Department of Environmental Conservation.
- n. *Person.* The term "person" means any individual, firm, profit or not-for-profit corporation, cooperative, association, partnership, institution, political subdivision, government agency, public body, joint-stock association, trust, estate, or other group of individuals or combination of the foregoing, or any other legal entity whatsoever, except the State of New York and its agencies.
- o. *Public Access Defibrillation Provider.* The term "public access defibrillation provider" or PAD provider, means a person, firm, organization or other entity possessing or operating an automated external defibrillator pursuant to a collaborative agreement under this section.
- p. *Public Health Council.* The term "Public Health Council" means the Public Health Council of the State of New York.
- q. *Municipality.* The term "municipality" means a city, town or village located within the County of Westchester
- r. *Nationally-recognized organization.* The term "nationally-recognized organization" means a national organization approved by the department for the purpose of training people in the use of an automated external defibrillator.
- s. *State.* The term "state" means the State of New York.

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- t. *State Sanitary Code.* The term "State Sanitary Code" means the rules and regulations promulgated by the Public Health Council of the State of New York and designated as the State Sanitary Code.
 - u. *Swimming Pool.* The term "swimming pool" shall mean a structure, together with buildings and appurtenances used in connection therewith, intended for bathing, swimming or diving purposes, made of concrete, masonry, metal, or other impervious material, located either indoors or outdoors or as defined in Chapter 1, Subpart 6-1 of the State Sanitary Code. This definition does not apply to homeowner swimming pools as defined in Section 6-1.2(o) of the State Sanitary Code.
 - v. *Training course.* The term "training course" means a course approved by a nationally-recognized organization or state emergency medical services council in the operation of automated external defibrillators.

(Added 9 19 2024, eff. Xx xx xxx)

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ARTICLE XII. BATHING FACILITIES: SWIMMING POOLS AND BEACHES

(NEW)

Sec. 873.1204. Swimming pools and Bathing Beaches: Automatic External Defibrillators (AED)

All operators of swimming pools, as defined in Chapter 1, Subpart 6-1 of the State Sanitary Code, and all operators of bathing beaches, as defined in Chapter 1, Subpart 6-2 of the State Sanitary Code, except homeowner swimming pools as defined in Section 6-1.2(o) of the State Sanitary Code, shall comply with the following:

1. Purchase, acquire, possess and operate an AED after entering into a collaborative agreement with an emergency health care provider.
2. Ensure the collaborative agreement is in writing and contains the following:
 - a. An implementation plan for establishing the location and maintenance of the AED for its emergency use;
 - b. Written assurance that the swimming pool/beach operator and/or PAD operator will file a copy of the collaborative agreement with the New York State Department of Health and notify the appropriate regional council of the AED's existence, location and type prior to operating the AED;
 - c. Develop protocols to maintain and test the AED according to the manufacturers' standards.
 - d. Ensure the emergency health care provider shall participate in the regional quality improvement program.

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3. Post a sign or notice at the main entrance to the facility and other pertinent locations in the environment indicating the location of the AED, and keep this sign or notice updated.
 4. Develop an Implementation plan that describes the following:
 - i. How the AED is properly placed and secured within their facilities and within reasonable proximity of the pool and/or pools on premises, or the beach lifeguard's location where lifesaving equipment is safely kept;
 - ii. How the operator or PAD provider is ensuring that there is at least one employee, volunteer, lifeguard or other qualified adult present at the facility or premises, who has successfully completed a training course within the preceding twenty-four months of the current pool/beach season.
 - iii. How the swimming pool/beach operator will maintain the AED, maintain records about the AED use, utilize an equipment checklist and execute a cardiac emergency protocol for when cardiac emergency incidents occur.

(New)

Sec. 873.1205. Swimming pools and Bathing Beaches: Automatic External Defibrillators (AED); Medical Emergency Treatment

1. This section shall not prohibit operation of an automated external defibrillator:

(i) by a health care practitioner licensed or certified under title VIII of the New York State education law or a person certified under this article acting within his or her lawful scope of practice;

(ii) by a person acting pursuant to a lawful prescription; or

(iii) by a person who operates the automated external defibrillator other than as part of or incidental to his or her employment or regular duties. Any person who is acting voluntarily, in good faith and with reasonable care, and without expectation of monetary compensation, and renders aid or emergency treatment that includes operation of an automated external defibrillator under this section, shall not be liable for damages for injuries alleged to have been sustained by such person, as per the requirement of NY Public Health §3000-a, nor shall this section limit any good Samaritan protections provided by Section §3000-a of New York Public Health Law.

2. Any person or entity that purchases, operates or facilitates implementation or makes available resuscitation equipment that facilitates first aid by use of an AED pursuant to law or local law, or conducts training under NY Public Health Law Section 3000-c shall not be liable for damages arising either from the use of that equipment as per NY Public Health Law 3000-a.

Sec. 873.1206: Construction, Severability and Pre-emption

This Article shall be liberally construed for the protection of the public health. If any provision of this Article is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this Article. Any provision of this code that is inconsistent with the Public Health Law or Title 10 of the New York Codes, Rules and Regulations is pre-empted.