



## **JEFFERSON COUNTY BOARD OF HEALTH**

**Wednesday, May 9, 2018 - 5:00 p.m.**

**Reconvened Tuesday, May 15, 2018 – 6:00 p.m.**

**5<sup>th</sup> Floor Board Room**

**Present:** Max Michael, III, M.D., Joshua Miller, D.O., Yocunda Clayton, M.D., Sylvie Stacy, M.D., and Commissioner Jimmie Stephens  
Hernando Carter, M.D. – Present only on May 15, 2018

**Others Present May 9:**

Mark Wilson, M.D., David Hicks, D.O., Cris Agee, Bill Arnold, Biliesha Belvitt, Senitra Blackburn, Virginia Bozeman, Yvette Burt, Kim Cason, Amidah Davis, Katie Dean, Defellus Dumas, Jada Harper, Gus Heard-Hughes, Loretta Hicks, Rachael Hobgood, Rodney Holmes, Ed Khan, M.D., Bryn Manzella, David Maxey, Esq., Lori McManus, Pamela Oliver, Jonathan Stanton, Monica Taylor, Tabria Thomas, and Denisa Pridmore

**Others Present May 15:**

David Maxey, Esq. and Terrie Hartley

**Call to Order**

The meeting was called to order by Dr. Miller, Chair.

**Minutes**

Minutes of the April 11, 2018 meeting were approved as distributed.

**Community Foundation of Greater Birmingham/Update on Public Health Advised Fund**

Gus Heard-Hughes, Vice-President of Programs with the Community Foundation of Greater Birmingham (CFGB), thanked the Board for partnering with the CFGB to accomplish so many worthwhile initiatives in the community over the years.

Katie Dean, Program Associate with CFGB, noted the Public Health Advised Fund (PHAF) was created in 2007 by the Jefferson County Board of Health as a means to support public health projects in Jefferson County. A JCDH committee has been established to review projects and make recommendations for grant support. Since 2007, \$1.5 million in grants has been approved. Ms. Dean highlighted grants that were approved in 2017 and the beginning of 2018.

**2017-2021 Strategic Plan Update**

Dr. David Hicks, Deputy Health Officer, presented the JCDH Strategic Plan Implementation for the 4<sup>th</sup> Quarter of 2017. The 2017 plan includes a total of 62 tactics. Two tactics have been

removed by the Executive Management Team and nine are “on hold.” Sixty-seven percent of the remaining tactics were completed by December 31, 2017.

#### **April 2018 Financial Statements**

Dr. Miller noted the April 2018 Financial Statements were included in the Board package. There were no questions from the Board.

#### **Contracts**

On the motion of Commissioner Stephens, and seconded by Dr. Michael, the following contracts were approved:

Renewal of a contract with Urvashi Patel (payee) to provide consulting services as related to the Clinical and Practice Management components of the new electronic medical record during the transition and implementation phases at a rate of \$85 per hour; not to exceed \$5,500 per month from April 1, 2018 through December 31, 2018.

A new contract with Kestrel Software, LLC (payee) for Inventory Management Software bi-directional interface setup and monthly subscription fees for a rate not to exceed \$9,108.64 for year one and not to exceed \$8,162.64 annually thereafter from April 4, 2018 through April 3, 2021.

A new contract with Novarad South (payee) to provide software support of the new electronic medical record for the Radiology PACS system used for all x-rays performed at JCDH. The installation fee for license subscription is \$390; the report distribution manager is \$670. Term of contract is February 2, 2018 through February 1, 2021.

Renewal of a contract with the University of Alabama at Birmingham, School of Public Health (payee) for partnership between JCDH and the UAB School of Public Health to strengthen activities of both parties at a rate not to exceed \$38,088 from October 1, 2017 through September 30, 2018.

A new contract with John Marc Green dba Green Media Productions (payee) to provide video production services for JCDH National Public Health Week vignettes for a rate not to exceed \$2,200 from March 5, 2018 through March 29, 2018.

A new contract with Office Environment (payee) to provide labor services to move existing product from the fourth floor to the third floor of the Guy Tate building after hours for a rate not to exceed \$5,000 from April 19, 2018 through April 19, 2019.

Renewal of a contract with Larry D. Scott (payee) to provide security services to JCDH at a rate of \$22.50 per hour; not to exceed 50 hours per week, from May 1, 2018 through September 30, 2018.

A new contract with J.J. Morley Enterprises, Inc. (payee) to remove and replace expansion joint cover at pedestrian connector bridge at the Guy Tate building for a rate not to exceed \$3,150 from April 4, 2018 through April 11, 2018.

A new contract with Office Space Software, Inc. (payee) for facility management software to help assign and track office and meeting space in the JCDH buildings at a rate not to exceed \$11,300 from April 1, 2018 through August 31, 2021.

A new contract with Nelbran Glass, LLC (payee) to provide demolition and replacement of the existing doors and frame at the employee's entrance in the basement of the Guy Tate building at a rate not to exceed \$5,483 from April 2, 2018 through June 30, 2018.

A new contract with PowerSecure Services, Inc. (payee) to provide generator maintenance inspection services to JCDH at a rate not to exceed \$4,800 from April 1, 2018 through April 1, 2019.

A new contract with Steel City Signs, Inc. (payee) to provide marquee repair services at a rate not to exceed \$1,120 from March 30, 2018 through June 30, 2018.

A new contract with Daikin Applied (payee) to provide HVAC services to JCDH for a rate not to exceed \$37,015 from March 20, 2018 through March 20, 2019.

A new contract with Davlin, LLC (payee) to provide landscaping services at the Annex building for a rate not to exceed \$950 from April 3, 2018 through April 9, 2018.

A new contract with Magic City Roofing, Inc. (payee) to provide roof repairs at Morris Health Center for a rate not to exceed \$1,696 from April 5, 2018 through May 5, 2018.

A new contract with Walter Schoel Engineering to provide laser scanning and modeling services to JCDH for a rate not to exceed \$4,980 from April 23, 2018 through April 23, 2019.

Renewal of a contract with Duane Jones (payee) for JCDH to use his premises for conducting ambient air monitoring at the Shuttlesworth site for a rate not to exceed \$1,500 annually from April 12, 2018 through April 12, 2023.

Renewal of a contract with the Alabama Department of Public Health, Bureau of Family Health Services, WIC Division, (payor) to establish a Special Supplemental Nutrition Program for Women, Infants and Children at JCDH for a rate not to exceed \$2,825,156 from October 1, 2017 through September 30, 2018.

### **Health Officer Report**

#### **Safety Net Leaders**

Dr. Wilson stated a meeting was held May 2, 2018 at JCDH for the Safety Net Leaders who provide primary care services to low income and uninsured residents in Jefferson County. The group will be exploring opportunities for coordinating efforts and improving access to health care and preventive services in Jefferson County. Birmingham Fire and Rescue talked to the group about ways to collaborate to link frequent users of Emergency Medical Services to primary care services. The Jefferson County Medical Society discussed Project Access, which focuses on getting people access to specialty care.

The group decided to continue meeting and will focus on two major issues: 1. access to specialty care and 2. how to cut down on unnecessary use of Emergency Medical Services and ways to link frequent 911 callers to primary care.

### **Maternal Child Health Roundtable**

Dr. Wilson reported the second Maternal Child Health Roundtable meeting was May 7, 2018 at JCDH. The group was convened to ensure our new initiatives around improving birth outcomes are being coordinated with agencies working in this area. UAB School of Public Health attended and will be helping JCDH gather data on where assets around this are located in the community.

### **Recovery Resource Center (RRC)**

Dr. Wilson announced that the RRC is open and fully staffed. It is located on the sixth floor of Cooper Green. The RRC will be receiving telephone calls and walk-ins from people seeking help for treatment of substance abuse. An open house is scheduled for June 15, 2018.

### **Immunization Program**

Dr. Wilson stated the Alabama Department of Public Health (ADPH) is proposing to assume full responsibility for the Vaccine Program in Jefferson County effective July 1, 2018. This includes the Vaccine for Children (VFC) Program and the investigations of cases or outbreaks of Vaccine Preventable Diseases (VPD). This would not include the administration of vaccines. These programs are supported in part by federal grants to ADPH, and JCDH has been a sub-recipient of these grants for the Jefferson County portion of this work.

JCDH has concerns with the change for VPD. Dr. Wilson discussed the Alabama Public Health Law as it pertains to the duty of the county boards of health to investigate, through county health officers or quarantine officers, cases or outbreaks of any Notifiable Diseases. He noted this is subject to the supervision and control of the State Board of Health. JCDH will continue to have its Prevention and Epidemiology Division of Disease Control, which will investigate other disease outbreaks that are not vaccine preventable.

Dr. Wilson stated there are also concerns about possible delays in receiving information from ADPH about vaccine preventable disease cases or outbreaks. If ADPH assumes responsibility of the JCDH Vaccine Program, JCDH will ask for a Memorandum of Understanding from them stating ADPH will assume jurisdiction and operation of all VPD Programs and statutory duties performed by JCDH including the investigation of cases or outbreaks of VPD and enforcement or prevention and extermination of such diseases in Jefferson County. We will also ask that ADPH give reasonable notice to JCDH of cases and outbreaks of these diseases in Jefferson County.

Dr. Wilson reported that JCDH has been supplementing the Vaccine Program in order to pay for additional staff. Currently there are five JCDH employees in the program and ADPH is proposing three employees. JCDH staff have provided service in the county for over twenty-five years and have good working relationships with the community. Dr. Wilson added that JCDH staff in the Vaccine Program would be able to transfer to vacant positions within the Department and there are no anticipated layoffs.

Cris Agee, Assistant Director Clinical Services in Disease Control, Immunization Division, shared her division's concerns with the Board. The Board discussed changes that have occurred over the past year within the program and ADPH, how this program is managed in different states, and possible remedies for the situation.

Dr. Wilson offered to relay the Board's concerns to the State Health Officer or State Board of Health. The Board would like to convey its mission to protect the health of its residents and ask for reconsideration of ADPH's decision to take over the Vaccine Program in Jefferson County. A decision was made for Dr. Wilson to draft a letter for the Board to submit to the State Board of Health, as well as a letter to the State Health Officer from the Immunization Division.

### **Opioid Crisis**

#### **Executive Session**

Dr. Miller recommended the Board go into Executive Session to discuss the opioid crisis and the Board's options.

Mr. David Maxey, Esq., legal counsel for the Board, stated that an Executive Session is appropriate for the Board to discuss a complaint against another legal entity.

A motion was made by Commissioner Stephens, and seconded by Dr. Clayton, that an Executive Session be convened to discuss potential litigation.

Voting "yes" individually: Commissioner Stephens, Dr. Clayton, Dr. Miller, Dr. Michael, and Dr. Stacy

The Board of Health entered Executive Session at 6:12 p.m. Dr. Miller stated the meeting would reconvene in approximately 5 minutes. The Board of Health reconvened from Executive Session at 6:30 p.m.

On the motion of Dr. Michael, and seconded by Dr. Clayton, the following votes were taken to approve a resolution for the Health Officer to sign a legal services contract between Napoli Shkolnik, PLLC and Riley & Jackson, PC to represent the Jefferson County Board of Health in the prosecution of legal claims against manufacturers and distributors of opioids arising out of the manufacturers' and distributors' fraudulent and negligent marketing and distribution of opioids.

Voting "yes" individually: Dr. Michael and Dr. Clayton

Voting "no" individually: Dr. Miller and Dr. Stacy

Abstaining from vote: Commissioner Stephens

The motion failed.

The Board discussed the opioid litigation and the proposed resolution to pursue joining the lawsuit against the manufacturers and distributors of opioids. Upon a motion to recess, the Board unanimously approved to recess the meeting and reconvene when all Board members could be present. The Board of Health meeting recessed at 6:46 p.m. and will reconvene the following week once a quorum has been determined.

The Board of Health meeting reconvened on May 15, 2018 and was called to order by Dr. Miller, Chair, at 6:00 p.m.

**Opioid Crisis**

Dr. Miller summarized when the meeting was recessed on May 9, 2018. The Board discussed joining the lawsuit against the manufacturers and distributors of opioids.

After discussion, a motion was made by Commissioner Stephens and seconded by Dr. Michael, the Board voted to join the lawsuit with a stipulation that any funds received would be used for the education and treatment of opioid addicted patients.

Voting "yes" individually: Dr. Michael, Dr. Clayton, Dr. Carter and Commissioner Stephens

Voting "no" individually: Dr. Miller and Dr. Stacy

Additionally, the following resolution was approved.

Voting "yes" individually: Dr. Michael, Dr. Clayton, Dr. Carter and Commissioner Stephens

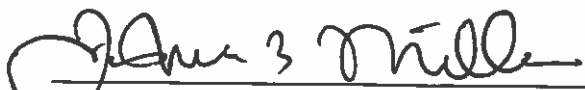
Voting "no" individually: Dr. Miller and Dr. Stacy

BE IT RESOLVED BY THE JEFFERSON COUNTY BOARD OF HEALTH that the Health Officer is hereby authorized to sign a legal services contract between Napoli Shkolnik, PLLC and Riley & Jackson, PC to represent Jefferson County Board of Health in the prosecution of legal claims against manufacturers and distributors of opioids arising out of the manufacturers' and distributors' fraudulent and negligent marketing and distribution of opioids.

The next Board of Health meeting is scheduled for Wednesday, June 13, 2018 at 5:00 p.m. in the Fifth Floor Board Room. There being no further business, the meeting adjourned at 6:59 p.m.

  
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Sylvie Stacy, M.D., Acting Secretary

Approved:

  
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Joshua Miller, D.O., Chair