

**Newburyport Board of Health Meeting
October 15, 2013**

Attendees:

Chairman of the Board: Dr. Robin Blair

Committee Member: Dr. Susan Beluk

Committee Member: Patricia Lawrence

City Health Director: Robert Bracey

Note Taker: Patricia McAlarney

Call to Order: 7:00 PM – Dr. Blair called the Emergency Session to order. Dr. Blair suggested that tonight’s meeting focus on the issue at hand and any other agenda items be tabled until the next meeting. Patricia Lawrence suggested that, if time allows, the proposed tobacco regulations also be discussed.

Business:

Health Director, Robert Bracey informed the Board Members that on Friday, October 11 he was informed by Anna Jaques Hospital that an employee from Park Lunch who works as a food handler had been diagnosed with Hepatitis A. The patient had not worked at the restaurant since September 23 because he had left work after that date to undergo shoulder surgery. Due to the employee’s departure from the workplace, there was only a three day window, September 20, 21 and 22, during which the patient was presumed contagious and actively working as a food handler at the restaurant. Board Member, Patricia Lawrence noted that the infectious period for Hepatitis A is two weeks prior and one week following the onset of symptoms; with the most infectious period being while the patient is exhibiting symptoms.

Mr. Bracey stated that upon notification of the Hepatitis A diagnosis, he visited the Park Lunch Restaurant (October 12) and ordered that any staff that had worked during the three day window during which the patient was employed and considered contagious be excluded from working for the remaining ten days. As of Saturday, October 12 all of these workers were excluded and a list of these employees was submitted to the State. Mr. Bracey noted that if any of the excluded employees could provide proof of vaccination during the ten day period they could be considered for return to work.

Mr. Bracey stated that a review of MAVEN indicated that there had been only one recent case of Hepatitis A reported and this case occurred over the summer. He also noted that there have been no other phone calls or reports to the Health Department indicating any other suspected cases of Hepatitis A. Therefore, the timeframe during which inoculations for anyone who may have been exposed to the patient during the patient’s active employment at Park Lunch has passed. The State Epidemiologist has advised Mr. Bracey that, given the circumstances, the risk of infection to the public is considered low. Mr. Bracey stated that the question for the Board is whether a public announcement of the incident is warranted.

Ms. Lawrence stated that the patient's wife and daughter have also exhibited possible symptoms of Hepatitis A. Dr. Beluk questioned whether family members had been immunized after the patient was diagnosed. Ms. Lawrence stated that the State would

contact and advise any close contacts of the patient. Ms. Lawrence, noted that over the summer there had been a multi-state outbreak of Hepatitis A linked to pomegranate seeds sold at Costco and questioned whether the patient had been asked whether this could have been a source of origin of the disease. Dr. Beluk inquired as to how the State had determined the risk level of this patient to be “low” and whether it was related to his limited symptoms. Mr. Bracey responded that assignment of risk level took into account several factors, including the patient's job responsibility as 'manager' (versus a more direct food handler) Ms. Lawrence noted that the risk levels are explained on the CDC website. Ms. Lawrence questioned Mr. Bracey as to how receptive the Park Lunch was with regard to the Health Department's requirements related to the incident. Mr. Bracey stated that management for the restaurant was very receptive and compliant.

Mr. Bracey stated that at this time we are focusing on the second round of potential patients which would be family members of the patient and their immediate contacts. If we are notified of any additional individuals that are exhibiting symptoms or are diagnosed with Hepatitis A, the Board can decide on a course of action at that time.

Dr. Blair stated that he is in agreement with the State that it appears that this case presents a low risk for further infection and we have received no reports of additional cases. We certainly don't want to hurt the business unnecessarily, but if a further case were to arise, we may be criticized for not releasing a public service announcement. Mr. Bracey stated that we are acting on the advice of the Massachusetts Department of Public Health that this is a low-risk situation and the Board of Health has nothing to offer the public (i.e. vaccine) due to the time frame of potential exposure. Ms. Lawrence also stated that this meeting is open to the public for those interested in public health infectious issues.

Dr. Blair made the following motion to the Board: An Emergency Meeting of the Board of Health took place to discuss the situation. The Board made an informed decision, with guidance from the State, not to distribute a public service announcement. The Public Health Nurse will follow up with the individual. If one additional case is reported to the Health Department, the Board will take action.

The motion was seconded by Patricia Lawrence.

All in favor: Robin Blair, Susan Beluk, Patricia Lawrence.

Opposed: none

The motion was passed.

Tobacco Control:

Ms. Lawrence noted that she had previously sent the Board an email outlining parts of the regulations that were omitted from previous discussions. Ms. Lawrence pointed out that in Chapter .45 the Board had recommended a change to the wording to include reference to outdoor establishments where carry-away food is sold. Also, when a property is sold, the regulations were to state that the tobacco license will not be transferred. The issue of fines was discussed and Mr. Bracey explained that the three levels of fines (12.5.1 - \$200 for first offense; 12.5.2 - \$250 for second offense; 12.5.3 - \$300 for third or subsequent offense) were specifically set not exceed \$300 since a fine in excess of \$300 would constitute a criminal offense. Ms. Lawrence pointed out that in section 14.001 the regulation should be reworded to state that the license will be revoked (not “may” be revoked); option D should be deleted, and in option B the wording should be changed to indicate that the license “will be” suspended for seven days (not “may be suspended.”) Mr. Bracey informed the Board that, to date, we have not had any establishment cited for more than one tobacco violation.

Section 4.4.001 which refers to a ban on cigarette sales in pharmacies was discussed and it was reiterated that the wording should reflect that there is a ban on releasing any new tobacco permits. Ms. Lawrence also stated that section 4.4.008 which currently indicates that permits are not transferrable should delete reference to “can apply for a new permit.” Mr. Bracey stated that he will revise the current wording and will add a line stating, “no new tobacco permits will be issued.” Dr. Beluk asked for confirmation that chewing tobacco would be covered in section 4.4.004 as a ‘nicotine delivery product.’ Ms. Lawrence recommended to the Board that the regulations not curtail the sale of electronic cigarettes since these are a form of smoking cessation therapy, similar to nicotine patches.

Ms. Lawrence stated that in 2014 the Board should consider eliminating the sale of tobacco from grocery stores. Dr. Beluk asked which gas stations are currently selling tobacco products. Mr. Bracey stated that he would provide the Board with a list of stations that currently hold a tobacco permit.

Dr. Blair suggested that once Mr. Bracey has revised the wording of the tobacco regulations that Ms. Lawrence review the draft before it is presented to the Board for further discussion and final vote. Dr. Beluk recommended that the regulations be formatted similar to 4.45.002 to make the regulations easier to read. Mr. Bracey stated that he will incorporate the recommended changes into the regulations and send a draft copy to Board Members in advance of the next meeting. The Board can discuss the revised draft at the November meeting and plan to vote on the final draft at either the November or December meeting.

Mosquito Control:

Ms. Lawrence distributed to Board Members a document outlining questions and criteria recommended by the Center for Disease Control (CDC) be presented to the Board by Northeast Mosquito Control (NEMC) whenever they are recommending the City conduct ground/adulticide spraying. One concern that Ms. Lawrence pointed out is the possibility of mosquitos becoming immune to the pesticide due to overuse. Dr. Blair noted that the major concern is Eastern Equine Encephalitis (EEE); and that in the past few years it has been during the fall that most mosquito related issues (West Nile Virus and EEE) have occurred. Ms. Lawrence reiterated that the Board should require more statistical information from NEMC whenever a recommendation for pesticide spraying is presented to the Board for approval and take into account the season and weather. Mr. Bracey suggested that the Board work with Jack Card (Director of NEMC) before next season to establish protocol for recommending pesticide spraying that could be included in the City’s Vector Management Plan.

Meeting adjourned- 7:00 PM