



# UTAH COUNTY BOARD OF HEALTH

151 SOUTH UNIVERSITY AVENUE  
PROVO, UTAH 84601

## MINUTES

March 22, 2010

### Members Present:

Name	
Erin Maughan, PhD	✓
Clyde Nielsen, RPh	✓
Dennis Hess, MD	✓
Sandra M. Huff	✓
Chris Sorensen	excused

Name	
Viola Ramos, MRC	✓
Jerry C. Washburn, Mayor	✓
Gary Anderson, Commissioner	✓
Diane Lohner	excused

**Others present:** Debbie Eyre - Board Secretary, Joseph K. Miner, MD, MSPH - (Executive Secretary), Ralph L. Clegg, MPA.

Utah County Health Department: Dave Johnson, Terry Beebe, Ron Tobler, Kari Schmidt, Lance Madigan, Andrea Shoell, Steve Allred, Eric Edwards.

Joyce Mitchell-Funeral Consumers Alliance, Carol Walker, Sarah Simons, Don Meyers-Salt Lake Tribune, Sam Lenz-Deseret News.

1. Welcome and introductions - Dennis Hess, M.D., Chair

Dr. Miner introduced Lauren Zagieboylo, a BYU pre-med student assigned to the Health Department. He also explained that Diane Lohner has been appointed by the Commission to serve on the Board, filling Doris Baker's vacant position. She will start attending in May.

2. Approval of minutes for January 25, 2010

**MOTION:** Sandra Huff made the motion to approve the minutes, which was seconded by Commissioner Anderson and passed by unanimous vote.

3. Public Hearing - Dr. Hess opened the Public Hearing to discuss the Amendment to Utah County Tanning Regulation.

Ron Tobler from Environmental Health introduced the amendment. He explained that Utah County was the first in the State to have the regulation. Recently the State has adopted a State rule. Environmental Health is recommending the Board adopt by reference the State rule as our regulation. Rather than have two separate laws this would combine them into a single law. The

State rule is more restrictive on under age tanning and exposure and length of time, and requires more specific signage and information that needs to be available. Other than that, our regulation already covered the majority of the State's rule. Dr. Miner explained that our regulation adds to State rule our authority to charge fees, specific training for operators, types of bulbs used, and other things specific to Utah County. Ron clarified that there were no other substantive changes to our existing regulation. No one from the public requested to give comment.

MOTION: Commissioner Anderson made the motion to close the Public Hearing, which was seconded by Dr. Maughan and passed by unanimous vote.

4. Public Hearing - Dr. Hess opened the Public Hearing to discuss the Amendment to the Utah County Alternative Onsite Waste Water Systems Regulation.

Terry Beebe, Division Director of Environmental Health, explained that this regulation was adopted some years ago. One alternative in the regulation was a packed bed media system. One major concern with any on-site waste water system is groundwater contamination. In the initial regulation, there was a required separation between the bottom of the trench of the packed bed media system and ground water of 24 inches, but the State rule specifies only 12 inches. With fluctuation of ground water levels, our regulation provided more room for error. Now with the ground water monitoring requirement which was adopted, we only accept ground water measurements in times when we have at least 80% of normal precipitation that water year. In doing this, we can adopt the State rules requiring only 12 inch separation. No one from the public requested to make comment.

MOTION: Commissioner Anderson made the motion to close the Public Hearing, which was seconded by Sandra Huff and passed by unanimous vote.

5. Consider adopting the Amendment to the Utah County Tanning Regulation.

MOTION: Commissioner Anderson made the motion to adopt the Amendment to the Utah County Tanning Regulation, which was seconded by Dr. Maughan and passed by unanimous vote.

6. Consider adopting the Amendment to the Utah County Alternative Onsite Wastewater System Regulation

MOTION: Clyde Nielsen made the motion to adopt the Amendment to the Utah County Onsite Wastewater System, which was seconded by Viola Ramos and passed by unanimous vote.

7. Discuss a possible Amendment to the Food Safety Regulation to include Seasonal Open Air Market Food Stands.

Dr. Miner explained that at a future meeting we will propose an amendment to our Food Safety Regulation because we now have a type of food stand that doesn't meet any of our current food safety guidelines. Ron Tobler, Program Manager over food programs, explained that the food rule proposed by the FDA and adopted by the State breaks food service businesses down to two categories: permanent and temporary businesses. Temporary food service stands are those similar

to what you would find at the 24<sup>th</sup> of July celebration. Food stands serving very limited safer foods for only a few days require less food safety precautions. We now have farmer's markets with a lot of foods being served on weekends over extended time periods and seasonal corn mazes or other types of similar events or other holiday season events. Environmental Health is proposing an addition to our regulation that fits with these types of vendors that are going to be in business for longer periods of time and will require more safety measures.

Mr. Tobler explained that a tiered system is proposed for an extended temporary food service. Tier one is for food services, such as Kettle Corn that are provided in parking lots during the holiday season and require little food handling. The second tier is for typical burger/hot dog stands where stricter rules are necessary, such as pressurized water for hand washing. The third tier falls under categories that the FDA considers to be our riskier foods such as those that are cooked and then cooled and/or reheated. These foods require more education of food managers, and refrigeration. A supervisor must be on-site who is responsible for the food production and safety enforcement. Art City Days type activities operate less than 14 days, so they are already covered under the existing guidelines. The Farmers' Markets will be required to have better hand washing and refrigeration on site. These problems are not unique to Utah County, and a committee that Mr. Tobler serves on is currently working to make these guidelines State-wide.

**MOTION:** Sandra Huff made a motion to adopt this Amendment to the Food Safety Regulation to go to Public Hearing at the next meeting, which was seconded by Dr. Hess and passed by unanimous vote.

#### 8. Vital Records Dispositioner Fees - Citizen concern

Joyce Mitchell, President of the Funeral Consumers Alliance shared a story from a concerned citizen whose husband had passed away earlier this year. She said that the most stressful part about doing a home funeral for her husband was trying to file for a death certificate in Utah County. Dr. Miner explained that legislation was passed last year allowing persons in Utah to file for a death certificate without going through a funeral home. However, with the new legislation the Board adopted a fee for this service. Dr. Miner explained that the Board of Health adopted a fee of \$100 for daytime service. This is based on an hourly rate of \$30/hour for a Vital Records assistant. After-hours and weekend requests require 2 employees paid overtime to process the paperwork, so the fee was set at \$300. Funeral homes charge an average of \$1200-1500 for this service.

Ms. Mitchell helped legislators pass a law that now allows the general public to bury their loved ones without going through a funeral home. This includes filing the death certificate, and she is trying to make the process easier.

Ms. Mitchell said she is looking for three things to help solve the complicated process of obtaining death certificates. The three items were:

- A reduction in the fee for death certificates. The current fee is \$100. Ms. Mitchell said that for many people they don't have that kind of money to spare, especially when they have lost a loved one who was the provider for the family.

Andrea Shoell, Division Director for Vital Records, said the problem is that it takes more staff time to help non-funeral directors file a death certificate. She said over the past year only three people have filed death certificates from her office without using a funeral director. She said this requires additional training for her staff and more personal help for the person seeking the certificate.

Ms. Shoell said she believes the \$100 fee was justified in at least two of the three cases, and both of those did not have any complications that would have probably cost the county more than \$100. Ms. Shoell said after talking to Ms. Mitchell that she will document the time and resources spent on these kinds of cases to see if the County can lower the cost.

- Ms. Mitchell asked to have better information provided on the County website about how to get the correct forms if a person wants to hold a home funeral. Currently, the site only provides information on how to obtain copies of death certificates that are already filed.

- Ms. Mitchell asked that the paperwork necessary for obtaining a death certificate be more readily available, especially after hours and on weekends.

Ms. Shoell said the paperwork comes from the State, and she will be talking to officials about making the paperwork available at hospitals, police stations, and the County office. Dr. Hess said that he felt the fees the County is charging are a great bargain when compared to the alternative fees charged by funeral homes. Commissioner Anderson suggested that the information be put on the County website and the fees be evaluated in September, based on our experience..

Ms. Mitchell said she was happy with the decision and thanked the Board for their time. She is looking forward to change in the future.

**MOTION:** Commissioner Anderson made the motion to put the information on the County website with input from Ms. Mitchell which was seconded by Ms. Ramos and passed by unanimous vote. The Board will review the fees in September

Ms. Shoell said that information regarding filing of death certificates is available on the County website at: [http://www.utahcountyonline.org/Dept2/Health/Vital Records/home.asp](http://www.utahcountyonline.org/Dept2/Health/Vital%20Records/home.asp)

9. Clean Out the Cabinet Campaign / Prescription (Rx) Drug Take Back - Kye Nordfelt, Coordinator for the Substance Abuse SMART Program, gave handouts and explained the campaign. Kye explained the mission of the program is to reduce prescription and alcohol abuse in Utah County. One cause of Rx drug abuse is availability and easy access to drugs. Many people keep prescription pain medication for emergency preparedness purposes or food storage. Seventy percent of youth who abuse prescriptions get them from friends or relatives for free. SMART is sponsoring a Prescription Drug Take Back event where unwanted and unneeded drugs can be brought to a local Walgreens throughout April on a Saturday and dropped off. Local law enforcement will be there to make sure the drugs are disposed of properly. Representatives from Walgreens, the Daily Herald, Intermountain Healthcare Coalitions, and PTAs are helping to get the word out. Drugs that are flushed down drains pollute the waterways, lakes, streams, and aquatic life. For information on ways to safely dispose of drugs at home, go to: [www.cleanoutthecabinet.org](http://www.cleanoutthecabinet.org).

Mr. Nielsen expressed his support as a pharmacist, and his appreciation to SMART. Commissioner Anderson suggested legislation allowing individuals to drop off drugs at pharmacies, and expressed appreciation to the SMART Coalition volunteers for their time and efforts to help make the SMART program a success as they reduce prescription drug abuse in Utah County.

10. Statewide Tobacco Prevention of Alternative Tobacco Products - Kari Schmidt from Health Promotion passed around samples of the latest tobacco products whose packaging resembles mints and gum, are candy-flavored, and smell like mints. She also passed out a Tobacco Prevention Update. Because of the packaging, sometimes children aren't aware that the products contain tobacco. The program has been lobbying the legislature to ban the sale of these products. The bill failed to pass.

Joyce Mitchell from the Funeral Advocates stood up and read a statement saying people in Utah should have the right to access these tobacco products. Dr. Miner explained that the tobacco lobbyists are extremely influential with the legislature. Nicotine is one of the most addictive substance a person could use. That addiction then leads to other addictive behaviors and use of other dangerous tobacco products that are smoked and chewed.

Ms. Schmidt explained the efforts that are being made to educate the community. Eric Edwards, Division Director of Health Promotions, explained that regulation is in place, but youth will seek after these products because of the way they are packaged. Tobacco use rates among teens and pregnant women in Utah County has decreased. The current rate of youth smoking in Utah County is 1.8%; adult smoking is 5.1%.

11. Legislation for 2010

Dr. Miner passed out a copy of the final Bill Watch. The legislature just finished. Highlights regarding public health legislation this year are: Representative Menlove's bill restricting access to electronic cigarettes passed, Representative Daw's bill on tobacco taxation passed, Representative Ray's bill on the tobacco tax amendment passed, Senator Jones' bill regarding unhealthy foods in school vending machines did not pass. Senator Stowell withdrew his local health department authority funding amendments because the support wasn't there from the Utah Association of Counties. Senator Madsen's Senate bill 163 exempting Saratoga Springs Home Owner's Association pool from Health Department oversight because he considers it a privately owned community pool. Dr. Miner explained that there is already a special rule accommodating geothermal pools, but that didn't satisfy the Saratoga Springs pool managers because they still don't meet safety requirements that are required by geothermal pool rule. The pool serves 3,000 people and 700 households. The surface of the pool is stained a camouflage brown from minerals, making it hard to see people under the water. The new geothermal pool rule which was made specifically for geothermal pools, didn't remove the requirement that pools have a white or light blue surface. In order to be in compliance, the pool would have to be acid washed

twice a year or the surface maintained white some other way. Both of these are a big initial expense. However, it could prevent a drowning caused by poor visibility from the brown pool walls. Owners will be meeting with the Commissioners and staff at a future meeting to discuss their options and resolve the problem.

Department of Environment of Quality issues - The following bills did not pass: Increased recycle fee for large tires, a program for recycling electronic waste, required disclosure of former methamphetamine contaminated property, and the member requirements for some Department of Environmental Quality boards.

#### 12. New employees - Dr. Miner

Dr. Miner reviewed the list of new employees and those recently leaving. All new employees are part time/temporary, funded by grants and/or fees. A full time employee in Vital Records left, so an employee was hired in her place. In Health Promotions, the new hires will help with enforcement to prevent under age tobacco sales. Substance Abuse hired aids and one child care specialist.

#### 13. Other business

Board APEX - PH Assessment Protocol for Excellence in Public Health. Ralph Clegg thanked everyone for filling out the assessment.

A copy of the publication from the National Association of the Local Boards of Health was handed out to the Board. We budget to send a person to their annual meeting which will be held in Nebraska this year. Contact Dr. Miner if you are interested in attending.

Dr. Maughan checked into the NALBOH funding for assessments, but it isn't available. United Way and Kaiser were suggested, but Kaiser doesn't have clients in Utah. Dr. Maughan suggested getting some BYU nursing students, public health, UVU, etc. involved in the fall. Dr. Maughan will follow up with Ralph Clegg.

As part of the community outreach, Dr. Maughan suggested that each board member go to the public in each of their areas of expertise, ask what their concerns are, and what the Health Department may be able to do for them. Mr. Clegg will see if there's a tool that can help with that process.

#### 14. Next meeting - May 24 in the H&J Building, Suite 2500.

Meeting adjourned at 5:35 p.m.

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Joseph K. Miner, M.D.  
Executive Director  
Utah County Health Department

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Mayor Jerry Washburn, Chair  
Utah County Board of Health