

Health & Social Services Committee Minutes  
December 2, 2020 – 2:30 p.m.

Present: Chairman Dick Lucia; Committee Members Eric Connolly, Todd Kusnierz, Darren O'Connor, Sandra Winney, Tom Wood, Benny Zlotnick; Supervisors Phil Barrett, Ed Kinowski, Jonathan Schopf and Chairman of the Board Preston Allen; Spencer Hellwig, Matt Rose, County Administrator; Steve Dorsey, County Attorney; Daniel Kuhles, Cathleen Medick, Public Health; J. Wes Carr, Youth Bureau.

Chairman Lucia called the meeting to order and welcomed all in attendance.

**On a motion made by Mr. Wood, seconded by Mr. Zlotnick, the minutes of the November 4, 2020 meeting were approved unanimously.**

**A motion was made by Mr. O'Connor, seconded by Mr. Wood, to authorize major contracts with Frances Kelly, Jacob Myers and Amy Barnes for contact tracing services in amounts not to exceed \$78,000. Unanimous.**

Ms. Medick said that this will take effect when their minor contracts have been used up. Ms. Medick said that all three individuals have been working with the Public Health Department since the beginning of the pandemic. They have proved to be invaluable and can give full time hours. The cost is covered by grant funds. The agreements will be for one year at the rate of \$25 per hour, up to 60 hours per week. Ms. Medick said that it is very difficult to get people to work every single weekend and these individuals have been working weekends.

**A motion was made by Mrs. Winney, seconded by Mr. Zlotnick, amend Resolution 202 of 2020 to revise the source of grant funds from NYS Department of Health for the immunizations program. Unanimous.**

Ms. Medick said that Resolution 202-2020 was passed as an adjunct to the Immunization Action Plan. The only change is that instead of being an adjunct to a previous contract, they are turning this into a standalone contract called the LHD Support for Flu and Covid-19 Response. There are no budget changes. The amount is \$49,601. Ms. Medick said that most of the purchases have already been made under the original resolution. Some of the larger items purchased were trailers to transport supplies around the county for mass vaccination clinics.

Ms. Winney questioned when the vaccine may be available. Dr. Kuhles said that the FDA is near approving one of the two first vaccines. They expect that approval within several days from now. Dr. Kuhles said that the independent body called the Advisory Committee on Immunization Practices met yesterday to vote upon the priority groups, who will be the first people to be offered the vaccine. There are two categories, Healthcare workers who are at the highest risk of contracting the virus, and individuals in nursing homes and nursing home employees. Dr. Kuhles said that as soon as the FDA approves the use of the vaccine, he expects that within a week to ten days, two weeks tops, that the vaccine will be sent directly from the Feds. via the distributors such as McKesson, to hospitals or nursing homes. It is not thought that the vaccine will be sent through

the County for redistribution. Dr. Kuhles said that the UK's equivalent body of the FDA voted yesterday to approve the vaccine and they will be delivering the vaccine to similar groups in the UK within a week.

**A motion was made by Mr. Kusnierz, seconded by Mr. Zlotnick, to authorize a cooperative agreement with school districts and schools for the use of the County's testing license. The motion passed. Ms. Winney abstained from voting.**

Mr. Hellwig said that Dr. Kuhles and Cathy Medick have had some conversations in the last 24 hours with the school districts regarding some of the testing protocols that will be required based on the zones that have been established by the State and the Governor's office. The direction that the department will take is subject to approval by the Board of Supervisors. Ms. Medick said that discussions about this began in October but in November the guidance changed. Dr. Kuhles said that the State's Cluster Action Initiative is designed to, instead of broad blunting closing of businesses and communities, to try to hone in on where the transmission is most occurring, to get the levels lower. There are three colors, degrees of concerns, Yellow, Orange and Red. These are increasing levels and there are certain actions that will take place when those zones are designated. Specifically for schools, there are requirements for testing if schools wish to remain open. As it stands at this moment, a school in a yellow zone needs to test 20% of their onsite individuals within a 2 week period if they wish to remain open to in-person learning. Onsite includes faculty, students and staff. If the results of this testing is below of what we see in the community as a whole, they can remain open to in-person learning and the testing can stop. If it's at or above the community level, and they wish to remain open, they need to keep doing the testing. Dr. Kuhles said that we are currently in a period of change for the orange and red zones. In writing right now, are certain thresholds that the Governor announced recently. Changes to that approach will be to test 25% and 30% of the same population within a month. The way that the testing will be primarily done is through the rapid antigen kit with results in approximately 15 minutes. The data from this 20% of school population needs to be transmitted and reported to the State Health Department, positive or negative, and the school will continue to report aggregate data to the School report cards. The number of positive test results as opposed to individual names of those tested. Dr. Kuhles said that we have been lucky not to have zones in the Capital area, but it has been a large undertaking in New York City, Erie, Monroe, Rochester and Syracuse areas. Ms. Medick said that the rapid test cards themselves are being provided by NYS at no charge. If the schools had to go to a lab, the cost would be the responsibility of the schools. Ms. Medick said that the issue for the County today is that in order to do the tests, you have to have a limited service laboratory license, it is also referred to as a CLIA. Ms. Medick said that the County Health Department does hold a license for limited testing. This particular test is not on the license, however this is easily rectified, a waiver can be applied for and probably within 24 hours can be added to the license. Ms. Medick said that the schools have been informed that the County Public Health is required to allow the schools to use the license to complete the testing. Ms. Medick said that this is not in regulation or law, this is a directive from the NYS DOH. Ms. Medick said that across the state, some counties are allowing schools to use their license, some counties, they are encouraging schools to get their own limited license through the school physician. Ms. Medick said that there are a few things to consider when handing the license for someone else to use. Dr. Kuhles said that there is a third option where some school districts have chosen to contract on their own with an entity that has a license to perform the testing and reporting. Ms. Medick said that it would be ideal if each school

got their own license through their own doctor affiliated with the school, and the county would help them with training and come up with a solution for a data management piece. Ms. Medick said that the schools are asking to use the County's license and that opens up issues such as liability. If something were to happen, if the test was not performed properly, if the medical waste was not handled correctly, are examples of potential problems. The second piece is if they are to use the license, the county is then responsible for the data management piece on the back end. For reference, there are 12 school districts in the County. Of the 12 districts there are 52 individual public schools and 15 private schools for a total of 67 school buildings. If we were zoned they would be testing 20% up to 30% of that population, so that could be a heavy lift.

Ms. Medick said that they spoke with the schools yesterday afternoon and gave them a lot of resources such as how to get the license, training etc. Ms. Medick said that because neighboring counties are providing their licenses for schools to use, the school districts have said that they would like to use Saratoga County's license. Mr. O'Connor suggested checking into an indemnification hold harmless agreement with the school districts that want to use the license. Mr. Hellwig said that the schools are willing to accept the risk and exposure, the concern is that our insurer will exclude coverage because it may not be consistent with best practices. Mr. Hellwig said that he doesn't believe it's an issue with the County accepting liability on their own, the questions lies with the insurer, whether or not the coverage is in place or will be offered. Mr. Hellwig said that they will make that phone call. Mr. O'Connor questioned the cost of the data management program. Dr. Kuhles said that there are a few ways this can be done, the data entry piece could be significant both because of the volume and if the testing rate is not below the community rate, the need to continue to do that testing. One option is for the County to find resources and individuals to do that. If it comes from the Public Health Department, these are individuals that would need to be redirected from case investigation and contact tracing, which is a challenge because the transmission rates are going up. Another option is to hire temporary data entry staff. Ms. Medick said that the schools have been amazing partners and we would like to advocate to do whatever we can to help them. It's best to keep the children in schools, K-8 where it's scientifically shown that they have a lower transmission rate. Dr. Kuhles said that when children are in school, parents can go to work, and we want to keep people safe, prevent transmission and keep the economy healthy. Mr. Connolly said that he spoke with the Ballston Spa School district and they very much want to be able to use the County's license because it would streamline everything for them. The schools are dealing with an enormous amount of logistical things that they don't normally deal with, and to put the task of finding their own license, etc. seems counterintuitive. Mr. Schopf agreed with Mr. O'Connor, and believes we should allow the schools to piggyback on the county's license. Mr. Schopf believes the school district will face the same coverage issue that the county faces, and would offer that any indemnification agreement place an absolute liability upon the School District to not only defend and indemnify the County but also to provide Counsel of the County's choosing and at the schools expense. Mr. Schopf asked if the State has given any indication if parents will have to affirmatively opt in to allow their children to be tested, and if they will also have the ability to opt out but with the children being able to remain in in-person schooling. Dr. Kuhles said that consent will need to be obtained in advance if a family chooses to have this testing done by the school as opposed to having their family doctor do the testing. Dr. Kuhles said that they need to meet the metrics, 20% in a yellow zone, and changes to the orange and red zones, in order to remain open for in-person schooling. Dr. Kuhles said that his understanding is that an individual who is otherwise healthy and not symptomatic, cannot be excluded from school because their parent chose not to consent to the

testing. It's surveillance testing as opposed to a child being tested because of a concern that they may be infected with the virus. Ms. Gaston confirmed that this information is what the Saratoga Springs School District released today. Ms. Medick said that one other piece to this issue is that the lab license the County holds is under the medical license of Dr. DelGiacco. Dr. DelGiacco would need to agree to allow this under his medical license. Dr. Kuhles needs to be affirmed by the State, although it is just logistical, it has not happened yet. They got an email that it is on Dr. Zucker's desk. The transition between the two cannot be affirmative until that happens. Ms. Medick said that they will need to have a conversation with Dr. DelGiacco once they sort out what the County stand is on this. Ms. Winney asked when the zones go into effect. Dr. Kuhles said that it's in effect now as Governor's orders, but areas can be designated as zones at any time. There is a process that takes place at the State, from going through data, making the maps, and doing notifications to elected officials and schools so that they can prepare. Dr. Kuhles said that there are different thresholds and factors that designate the zone, they are in the process of changing those to add more metrics. When you start hitting 3%, you can look back 7, 10, 14 days and look at the % positivity, the number of tests being done relative to the population of the geographic area, and then they look to see if these positive test results can be explained by something else. If there is a large cluster of cases associated with one thing, causing a large percentage of cases in zip code during that time period, that goes against community spread. So even though that area may light up and hits the metric, it may not get the zone designation because we know where the spread is coming from. Alternatively, when we don't know where the cases are coming from, this indicates community spread. Dr. Kuhles said that these designations don't look at counties, the primary focus is a zip code. The State Health Department looks at a zip code and breaks it down into census tracts and blocks. Dr. Kuhles said that the fact of the matter is that the rate of transmission across the country, NYS and in Saratoga County is rising. Our % positive 7-day average in Saratoga County is 3.7%, in the Capital Area 3.5% and NYS 4.0%. Dr. Kuhles said that the larger the size of the outbreak gets, the faster it rises. The peak of the curve really starts to take off at 3%.

Ms. Winney asked how long it would take the schools to get a license if the County decided to not let them use theirs. Dr. Kuhles said that his understanding and experience as of 2 weeks ago, is that it was relatively quick, a number of days at Wadsworth. Wadsworth does the approvals to State Public Health Laboratory. The application is a 3-4 page application and Wadsworth was expediting those approvals. Dr. Kuhles said that more zones have been designated so that more schools are covered and is therefore unsure of the current turnaround time.

Mr. Schopf asked if the testing threshold for children is applied to the percentage of positive tests within a particular building on campus or a school district as a whole. Dr. Kuhles said that it would be what is in the entire zone, all of the schools in that certain zone. Mr. Barrett questioned who would be administering the tests in the schools. Dr. Kuhles said that in most cases it has been school nurses or hiring per diem temporary nurses. Mr. Kusnierz said that he is supportive of partnering with the schools on this very important effort with the right protections in place for the County regarding indemnifications. Mr. Kusnierz asked if anyone has had a conversation with Dr. DelGiacco, to see if he would be willing to allow the option to happen. Ms. Medick said that she attempted to call him today, but has not been able to get in touch with him yet. Dr. Kuhles said that if Dr. DelGiacco is unwilling or unable to allow this, the transfer from Dr. DelGiacco to Dr. Kuhles being finalized, and the insurance issues addressed, would need to happen before a partnership with the schools could be entered into.

Mr. Kusnierz recommended finding out if Dr. DelGiacco would be willing to assist in the endeavor, and absent of that, put together a policy that can be shared with the school districts that we would move forward in an attempt to have a County license that they can operate under, however have the school districts secure their own eventually. Mr. Hellwig said that there is a municipal cooperation agreement that the Committee can consider today, it can be drafted next week and have a special board meeting to put everything in place. Ms. Winney said that she is refraining from voting at this time until she has more information, including information on insurance coverage. Ms. Gaston asked to be advised if the Board needs to act more quickly than next week to make sure we do whatever we can as quickly as we can to support the needs. Ms. Gaston also requested to be advised if there is anything that can be done to encourage Dr. Zucker to prioritize the State affirmation of Dr. Kuhles.

Mr. Lucia thanked the Committee, Department Heads and employees for their time and effort over the past year.

**On a motion made by Mr. Wood, seconded by Mrs. Winney, the meeting was adjourned unanimously.**

Respectfully submitted,  
Therese Connolly  
Deputy Clerk of the Board