



# North Carolina

## LOCAL HEALTH DEPARTMENT ACCREDITATION

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**NCLHD Accreditation Board Meeting**  
**November 11, 2020**  
**9:30 a.m. - 1:30 p.m.**  
**Zoom**

**Board Members Present**

Dr. Anna Schenck  
Barbara Beatty  
Dr. Barbara Ann Hughes  
Benjamin Tillet  
Bertadean Baker  
Dr. Calvert Jeffers  
Dr. Connette McMahon  
David Stanley  
Jerry Parks  
Kevin Austin  
Larry Michael  
Rebecca McLeod  
Dr. Susan Little  
Teresa Ellen  
Virginia Niehaus

**NCIPH Staff Present**

Amy Belflower Thomas  
Lori Rhew  
Margaret Benson Nemitz  
Jackie McIver  
Cherelle Whitfield  
Makala Carrington  
Alison Zuercher  
Dr. Stephen Orton  
Doug Urland

**Board Members Absent**

Jacqueline Newton

**Guests - Health Department Directors and Staff**

**Pamlico County Health Department**

Scott Lenhart  
David Baxter

**NCPHA/NCALHD**

Katye Griffin



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### **Welcome**

Teresa Ellen, Interim Board Chair, called the meeting to order at 9:30 a.m. She welcomed and thanked everyone for attending and Administrator Amy Belflower Thomas conducted roll call. A quorum was present.

Interim Chair Ellen asked Administrator Thomas if she would like to conduct a more formal introduction of the guests. Administrator Thomas began by noting that John Rouse has been nominated by the NC Association of Local Health Directors to fill Chris Dobbins' seat. We are awaiting approval of his nomination by the Secretary's Office once other vacant seats have nominations. He was not able to attend the meeting today. She then introduced Katy Griffin the new executive director of the Public Health Associations of North Carolina. Administrator Thomas introduced new staff member Margaret Benson Nemitz, who is working on the Board strategic planning process. She also explained that we have had two UNC students working on the strategic planning process, Makala Carrington and Ali Zuercher who will be joining the call later.

Interim Chair Ellen asked for approval of the May 2020 Meeting Minutes.

**Board Member Rebecca McLeod made a motion to approve the minutes; Board Member David Stanley seconded the motion. All members approved the motion, the minutes were approved.**

### **Accreditation Adjudication Process**

Administrator Thomas reminded the Board that in accordance with the State Government Ethics Act, all Board Members must declare any conflicts of interest and recuse themselves from voting when a conflict exists. She reviewed the virtual process for voting.

### **Board Member Updates**

Interim Chair Ellen acknowledged previous Chair Chris Dobbins for his five years of service to the Board. She announced that Dr. Barbara Ann Hughes will be rotating off the Board after serving the maximum of twelve years of service to the Board.

Interim Chair Ellen opened the floor for nominations for a new Board Chair. Board Member Jerry Parks nominated Interim Chair Ellen. The motion was seconded by Board Member David Stanley. Interim Chair Ellen turned the nomination process over to Past Chair, Jerry Parks, since she was nominated.

Past Chair Parks called for vote for Teresa Ellen as Chair. The motion passed; Teresa Ellen is the new Chair of the Board.



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Chair Ellen asked for nominations for the Vice Chair.

**Board Member Barbara Beatty nominated Board Member Jerry Parks. The motion was seconded by Board Member David Stanley. Board member Parks accepted the nomination. Chair Ellen called for a vote. The motion passed and Jerry Parks is the new Vice Chair of the Board.**

Chair Ellen reminded the Board that John Rouse will be representing the NC Association of Local Health Directors, filling Chris Dobbins seat.

Administrator Thomas provided an update on Board terms. She shared that Jackie Newton, Board of County Commissioners representative from Pender County was filling out the remainder of her predecessors' term and has decided not to serve another term. Administrator Thomas acknowledged Ms. Newton's service and shared that we would be seeking a nomination from the NC County Commissioners Association to fill her seat. Additionally, both Dr. Susan Little and Virginia Niehaus were completing their first terms and have agreed to continue on the Board for another term. Chair Ellen has completed her term and has agreed to serve another term. And finally, Board Member Larry Michael will not be serving another term. Administrator Thomas thanked him for his six years of service to the Board and noted we would be moving forward to fill his seat.

### **Subcommittee Appeals Committee**

#### Appeals Committee Report

Appeals Committee Chair Jerry Parks noted that the Board members received the Appeals Committee report in their meeting materials. He asked them not to let the brevity of the report undermine the importance. The Appeals Committee recommended that the Pamlico County Health Department, after two years of Conditional Accreditation, be awarded a status of Unaccredited. This brief report has far-reaching and large ramifications.

#### Policy and Procedure Committee Report

Policy and Procedure Committee Chair, Rebecca McLeod, noted that the Board members received the proposed changes to the Operational Guidelines with the meeting materials. She noted that some of these changes were a direct result of addressing the issue of a health department becoming unaccredited. The recommendation is that the Board accept the changes put forth by the Policy and Procedure Committee.

Administrator Thomas explained that we did not previously have a procedure for when a health department became unaccredited. We wanted to make sure that we had clear guidelines moving forward. We needed to confirm what type of a review would be



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conducted. The committee also discussed how a health department notifies her as the Administrator and how quickly we can accredit a health department given the logistics involved with the site visit.

Board member Virginia Niehaus noted that, in her understanding, Executive Order 139, as extended by subsequent Executive Orders, and exercised by the Secretary of NCDHHS, waives enforcement of GS 130A-34.4(a), which has the potential to penalize unaccredited health departments, for up to sixty days following the end of the State of Emergency, unless subsequently repealed, rescinded, or replaced.

Board member Niehaus requested clarification for the first two bullet points under 1(b) of the section titled "Unaccredited Status" in Appendix 5 of the NCLHDA Accreditation Process Operational Guidelines; she suggested that text be changed. For both bullets she suggested replacing "for which the" with "following the accreditation cycle in which the".

Board member Niehaus also raised a question about the time period for revising the HDSAI Interpretation document, as set out in Appendix 1 of the NCLHDA Accreditation Process Operational Guidelines. The guidelines state that there will be "an effective day of January 1 of the following year" for any changes made to the HDSAI Interpretation document. She noted that this date does not align with the timeline for current revisions. Administrator Thomas explained that the current revisions fell under the newly added guidelines for making emergency revisions. Board member Niehaus noted exercising this authority to make emergency revisions indicates that the Board has found that immediate changes are needed based on emergency circumstances to meet public health needs.

Board Member Parks asked a follow up to Board Member Niehaus' comment about the Executive Order preventing the pulling of funding. He asked if the Executive Order would affect any decisions that would be made during the Board meeting and should any action or recommendations include that the action commence at the termination of the Executive Order. Board member Niehaus stated that, in her opinion, the waiver of enforcement of G.S. 130A-34.4(a) does not impact accreditation or the Board's decisions regarding accreditation.

Board Member Niehaus noted that in the NCLHDA Board Operational Guidelines, on page 5, the new language about the reaccreditation board, it states that "every board member must vote," she recommended that the text be changed to "every Board Member *who is present* must vote." In the NCLHDA Site Visit Operational Guidelines, Board Member Niehaus also noted that the changes indicated were one page off. Also, the change made on page 6 to add the word "review" seemed duplicative, since the immediately preceding sentence says the materials will be reviewed.



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Board Member Niehaus asked if the Board could confirm that the current off-cycle changes to the HDSAI interpretation document are intended to be emergency revisions.

Administrator Thomas asked if we could add the words “or extenuating circumstances.” Board Member Niehaus noted that, from her perspective, this would be helpful because we are making these changes to improve our program and we are making them quicker because we have the staff time to work on them, but it does not appear to be triggered by an emergency.

Chair Ellen asked for a motion to move forward with the recommended changes.

**Board Member Niehaus made a motion to accept the revised Operational Guidelines as presented from Committee with the changes discussed during the meeting. The motion was seconded by Board Member David Stanley. The motion was passed; the changes will be made to the Operational Guideline.**

### **Standards and Evidence Committee**

Chair Ellen announced that Dr. Susan Little will be taking over as the Chair of the Standards and Evidence Committee.

### **Pamlico County Public Health Department**

Administrator Thomas noted that Board members received the Pamlico County Conditional Accreditation Addendum in their meeting materials. She reminded the Board that the Pamlico County Health Department was awarded Conditional Accreditation Status on November 16, 2018. Administrator Thomas reviewed the Conditional Accreditation Status process and explained that the Pamlico County Health Department has been in Conditional Status for the maximum amount of time allotted per the process. The current recommendation is the Pamlico County Health Department be awarded Unaccredited Status.

Mr. Scott Lenhart, Pamlico County Public Health Department, shared a variety of issues including staffing and hurricanes which have caused hardships for the health department. He explained that they have hired Gaye Welsh as a consultant, which has been helpful. He has talked with Administrator Thomas about having a site visit at the end of January and asked the Board if they could stay Conditionally Accredited until their site visit in January.

Mr. Lenhart introduced Mr. David Baxter, attorney for Pamlico County. Mr. Baxter stated that he disagrees with interpretation of the application of the twelve-month waiver in the Governor’s Executive Order. He believes that the position of the state is that the two-year expiration of conditional accreditation is in statute and therefore cannot be waived by the department or the twelve-month extension can’t be given. But his understanding of G.S. 130A-34.1 is that the intent is to apply to the initial accreditation when the state was



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rolling the eight year rolling cycle to get all health departments accredited and the statute puts onus on the Commission for Public Health to establish rules for reaccreditation but the rules are not adequate to address this situation. He believes the interpretation that the statute ties the hands of the state is too narrow of an interpretation. He also believes that intent of the Executive Order it to take the pressure off of the health departments who are

involved in the response to COVID-19. In his opinion, the intent of the order is clear, and the status of the regulations could give some leeway to either granting the twelve-month extension under the Executive Order or to grant Conditional Accreditation again with a site visit planned for the end of January. Mr. Baxter explained that a reason the Pamlico County Health Department received conditional accreditation in the first place was because of Hurricane Florence.

Mr. Baxter asked the twelve-month extension to be given to the Pamlico County Health Department or that the Conditional Accreditation Status be extended with a site visit as soon as possible, end of January or early February. He stated that lack of clarity on the current regulations provide the leeway for these options. He stated that based on the seriousness of this matter, the Pamlico County Commissioners will want to pursue all legal remedies, especially given the fact that health departments with Accreditation status were given a twelve-month extension and the health department in Pamlico County is being treated differently than all of the other health departments.

Board Member Dr. Connette McMahon asked director Lenhart if he was at the health department in 2018. He stated he was. She asked when the process to prepare for the accreditation review began. He stated that it began right after they received their Conditional Status in November. He explained they had many staffing issues including staff with no accreditation experience.

Board Member Dr. Connette McMahon asked clarification questions about the size of the county and the number of health department staff.

Board Member Dr. Susan Little commented that the purpose of Accreditation is that the local health department meets a minimum standard of practice in any situation, hurricanes and pandemics included. In fact, accreditation exists to ensure that local health departments are ready for all of these situations. What she is hearing is, for lack of a better word, excuses, for not meeting the minimum standards, where accreditation is what is the foundation to be able to help all health departments meet whatever situation they are confronted with. Board Member Dr. McMahon supported the comments made by Dr. Little.

Board Member Jerry Parks asked about the statement from Mr. Baxter that the Board is treating the Pamlico County Health Department differently than other health departments because of the twelve-month extension. He asked Board Member Virginia Niehaus if we



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were treating Pamlico County differently. Board Member Niehaus responded that, in her opinion, 10A NCAC 48A .0205, the rule the Board was given authority to waive, applies to fully accredited health departments, as the time period for conditional accreditation is addressed at G.S. 130A-34.1(g)(2), which states that conditional accreditation shall expire two calendar years after it is granted. At this time, Pamlico County is the only conditionally accredited health department.

Board Member Dr. McMahon asked for clarification regarding the twelve-month argument given that Pamlico County was aware for two years. Mr. Baxter explained that the devastation caused by the hurricane followed by COVID-19 in the two-year period meant there was really only six to eight months when the issues could be addressed, however, given the fiscal issues they did not have the resources. He thinks the Executive Order shows

that there are more important things than going through the accreditation process, and this was recognized by the Governor's Office. He is not sure that the intent was to apply to fully accredited local health departments. G.S. 130A-34.1(g)(2) the sentence was read earlier stating that it expires after two years, but the sentence directly before that says, in it's "initial accreditation application." Mr. Baxter stated that the interpretation that Conditional Accreditation is only statutory is incorrect because in the Administrative Code when it talks about Reaccreditation under 10A NCAC 48A .0205 it talks about Reaccreditation, the last sentence says, "the local health department may utilize an informal review procedure in 0204". And .0204 talks about if a Board assigns Conditional or Unaccredited Status. So, Conditional is mentioned in the regulations not just statutory. The statute was meant to apply to the roll-out of the initial accreditation program. In light of the intent that the Governors Order put forth, the narrow reading of the situation is unwarranted.

Board Member Jerry Parks asked Board Member Virginia Niehaus who would be the legal representation of the Board. She deferred the question.

Board Member Dr. Anna Schenck asked Mr. Lenhart if he could speak to the staffing changes over time. He provided an overview of the staffing structure and vacancies. He also shared that they are looking to go to an assurance model.

Chair Ellen noted that there are small health departments that have been Reaccredited and some with Honors.

Board Member Larry Michael asked Mr. Lenhart, that knowing there are going to be public health emergencies, how does he see being able to maintain accreditation in the future. Mr. Lenhart explained that if he could get some key positions filled. They could also do an assurance model.



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Board Member David Stanley echoed Chair Ellen’s sentiment that year after year the Board sees small health departments that are able to succeed at accreditation and they all have their own challenges. He asked Mr. Lenhart what the 2014-2018 era was like and the challenges during that timeframe, because at this point, it is six years that the accreditation standards have not been met. He also asked for more detail in follow up to Board Member Larry Michael’s question about how he can assure that Pamlico will be able to meet accreditation standards. Mr. Lenhart explained there was nothing done on accreditation for the two years before he came on staff and many of the pieces of evidence are annual, which he could not go back and get. At the same time, staffing was reduced.

Board member Stanley asked Mr. Baxter to explain his interpretation of the Executive Order and why Pamlico County should be included. Mr. Baxter explained that he understands the state’s position is that Conditional Accreditation is only part of G.S. 130A-

34.1 and it expires in two years and there is nothing that can be done because it is in the Statute and the Governors Administrative Order only applies to administrative rules and

regulations. However, Mr. Baxter thinks to say that the Governors Order doesn’t apply because the regulations don’t address conditional accreditation is too narrow of a reading of the intent of the statute and regulations and the Executive Order. If the intent is to give a health department relief to focus on addressing on the public health crisis, why does this just preclude just Pamlico county, even though they are the only Conditionally Accredited Health Department. The need addressed by the Executive Order was to address the needs of all health departments not just ones that have accreditation.

Board Member Jerry Parks noted that he agrees with Mr. Baxter in theory. He thinks that if the Governor knew that he needed to have included this category, then he would have. The problem he does see is that Pamlico County’s arguments are competing; on one hand Pamlico is saying we haven’t had time, but on the other hand if you haven’t had time, you can’t fabricate evidence. He noted that the solution to the issue is clarification of the 12-month extension and he believes if the Governor had known he should have been specific, he would have been.

Board Member Bertadean Baker asked Mr. Lenhart what their greatest obstacle was working with COVID-19 and how will they correct the issues they have moving forward. Mr. Lenhart explained they had a series of staffing shortages. He did receive assistance with contract tracing from the state health department. Board member Baker asked if there was anyone in the county who could have provided additional assistance. Mr. Lenhart responded there was not.



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**Chair Ellen reported that the current recommendation is that Pamlico County be deemed Unaccredited. Board Member Dr. Connette McMahon made a motion to award Pamlico County Unaccredited Status; the motion was seconded by Board Member Virginia Niehaus. The motion passed with eleven members voting yes, two members not voting, two members voting no and two vacant seats. Pamlico is unaccredited.**

Chair Ellen noted that the meeting was behind schedule and the break would be skipped.

### **Other Business**

Administrator Thomas provide brief program updates:

- NCLHDA Annual Report was released in September. Board members received a link in their meeting materials.
- NCLHDA Annual Survey results were sent to Board Members in their meeting materials. The information from the survey will be used to inform the Board's strategic planning moving forward.
- The Accreditation Standards Workgroup has been meeting since April to revise the HDSAI Interpretation document. Administrator Thomas explained that we are in the middle of the open comment period. Although we were not required to do an open comment process, she felt it was important for people to feel their voices were heard. She welcomed any Board Members that wanted to provide feedback to respond to the public comment. The public comment period will close on December 12.
- 2021 Board Meeting schedule – the NCLHDA Board will need to meet to approve the changes to the HDSAI Interpretation document revisions. Therefore, a February meeting will replace the May meeting (which is when the Board typically meets). The proposed dates for a February meeting are the 12<sup>th</sup> or the 19<sup>th</sup>. The proposed date for November is November 19<sup>th</sup>, which coincides with the Health Director Association Meeting on the preceding day.

Administrator Thomas asked Board member Kevin Austin if he would like to share some recommendations that came from Yadkin County. He explained there are three goals that Yadkin County submitted to N.C. Association of County Commissioners. The three points for discussion are:

- 1) They are asking that reaccreditation be set as five years in statute. He explained that in five years from now, there will not be any health departments up for reaccreditation, due to the 12-



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- 2) month extension. The five years would allow the Board to undertake strategic planning every 5 years.
- 3) They are recommending that the health departments should contract directly with the N.C. Institute for Public Health, especially given the use of the dashboard which is annual service.
- 4) They are recommending that site visits be conducted in one day.

Administrator Thomas noted that she had a good conversation with the Yadkin County Manager. She further shared that with the dashboard, most site visits have been conducted in one day. However, large health departments and districts will likely continue to take two days. There is a potential in the future that we can move to virtual site visits.

### **NCLHDA Board Strategic Planning**

Margaret Benson Nemitz introduced Dr. Stephen Orton and provided an overview for the strategic planning portion of the agenda. For the first section of the strategic planning, she asked that the board give validation, adjustments, and edits where needed in order to preserve time for discussion.

Ms. Benson Nemitz shared the mission and other guiding language that NCLHDA has been using and received comments on what language stood out to board members. In general, board members commented on language around improving, enhancing, and transforming quality and performance. Ms. Benson Nemitz brought up the question of whether we are trying to measure minimum standards or quality improvement, and how this will be a guiding question throughout the strategic planning process.

Ms. Benson Nemitz gave an overview of the main stakeholders involved in accreditation and summarized the key stakeholder interviews that she had completed to date, highlighting the key themes of maintaining relevancy and supporting quality improvement. She then defined what a strategic question was and presented potential strategic questions that the program team had synthesized based on the key stakeholder interviews.

Dr. Orton facilitated a discussion around the strengths, opportunities, and threats of NCLHDA while Margaret captured the discussion using a Jamboard. Dr. Orton guided the group through an appreciative inquiry process to address strengths, asking about what is working well, what are the board's biggest successes, what are board members most proud of, and what is most exciting. Board members' comments included strengths related to engaging stakeholders, building a culture of continuous quality improvement, leadership, creativity, and culture.



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Board members discussed both threats and opportunities relating to funding structures, legislative changes, and changing trends in the field of public health such as the COVID-19 pandemic and a stronger emphasis on equity in the field.

With the strengths, opportunities, and threats in mind, the board revisited the proposed strategic questions and narrowed the questions down to two main strategic questions, with facilitation from Ms. Benson Nemitz and Dr. Orton. The two strategic questions were:

- How does NCLHDA stay relevant?
- How can NCLHDA generate sufficient value for all stakeholders?

The board took a break for lunch.

After lunch, board members were split into two breakout rooms which were each assigned one of the strategic questions to discuss potential goals, measures, initiatives, and weaknesses related to each question. Ms. Benson Nemitz facilitated the breakout room discussing how NCLHDA can stay relevant, and Dr. Orton facilitated the breakout room on how NCLHDA can generate sufficient value for all stakeholders. Each breakout room's discussion was captured on a shared Jamboard.

The board reconvened following the breakout rooms, and Dr. Orton and Ms. Benson Nemitz summarized the breakout room discussions. Both breakout rooms' discussions centered around building continuous quality improvement and best practice supports into the NCLHDA program. Both rooms also brainstormed initiatives to partner with other

organizations to facilitate these supports. Ms. Benson Nemitz highlighted how the overlapping quality improvement goals and initiatives across the two breakout rooms suggest that there is energy and excitement to move in this direction.

Ms. Benson Nemitz summarized the discussion, thanked board members for their involvement, and quickly reviewed next steps in the strategic planning process. The immediate next steps included learning from other accreditation programs, continuing to

engage with stakeholders, and drafting a strategic plan document to review during the February board meeting. She invited board members to continue to be involved in the process to the degree that they were interested, with an open invitation to email [NCLHDaccreditation@unc.edu](mailto:NCLHDaccreditation@unc.edu) with interest.

Administrator Belflower Thomas thanked everyone for their continuing efforts and engagement in working in this virtual environment. Chair Ellen echoed the thanks and adjourned the meeting.



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Respectfully submitted,

A handwritten signature in black ink that reads "Amy B. Thomas".

Amy Belflower Thomas, MHA, MSPH, CPH  
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