



North Carolina LOCAL HEALTH DEPARTMENT ACCREDITATION

NCLHD Accreditation Special Board Meeting January 29, 2021 5:30—7 p.m.

Board Members Attending: Teresa Ellen, Kevin Austin, Barbara Beatty, Bertadean Baker, Dr. Calvert Jeffers, Dr. Anna Schenck, Dr. Connette McMahon, Dr. Susan Little, David Stanley, Rebecca McLeod, Virginia Niehaus

Board Members Absent: Barbara Beatty, Jerry Parks, Ben Tillett

NCIPH Staff Attending: Amy Belflower Thomas, Margaret Benson Nemitz, Lori Rhew

Guests: Anne Brown, David Baxter, John Rouse

Board Chair, Teresa Ellen welcomed everyone to the meeting. She explained that the purpose of the meeting is for the Board to render a decision regarding Pamlico County's appeal to the Unaccredited status of the Pamlico County Health Department. Administrator Thomas reminded the Board members, that this is a state Board and as such members take ethics training. She asked Board members to keep that training in mind as we go through the meeting today, especially related to conflicts of interests related to decisions that would be made. Any Board Member that has a conflict of interest is asked to state such and recuse from voting.

Pamlico Status Appeal

Administrator Thomas reminded the Board that in November the Board made a decision about the status of the Pamlico County Health Department. All health departments do have the ability to appeal any status decision by the Board and they must do so within 10 days of the decision. According to our Operational Guidelines, the Appeals Committee then schedules a hearing for the health department and the Appeals Committee to hear the appeal within 30 days and they make a recommendation to the full Board. Then the Board must act on that appeal within 60 days and that is why we are here today.

The Pamlico County Health Department was deemed Unaccredited in November. The Appeals Committee met on December 23, 2020 to schedule the Appeals Hearing for January 22, 2021. Pamlico submitted additional documentation by January 15 for the Appeals Committee to consider. All of the information that the Appeals Committee considered including the legislation, Executive Order and other documents including the appeal memo from Pamlico was emailed to the Board.

Ms. Anne Brown has been appointed as counsel to the Board by the Attorney General's Office. Ms. Brown was able to meet with Board members in closed session during the Appeal Hearing. At that point, the committee discussed with counsel in closed session, then after, in open session, voted on the recommendation to submit to the Board. The recommendation from the Appeals Committee was in the packet of materials that was emailed to the Board.

Appeals Committee Member Jerry Parks was not in attendance at the meeting. Appeals Committee Member Teresa Ellen provided the Committee's recommendation on his behalf. The recommendation was to uphold the unaccredited status of the Pamlico County Health Department.



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Administrator Thomas provided a summary of the Appeals Committee recommendation that was emailed to the Board. She reported that the exact motion that came from the Appeals Committee is that **they recommend to the Board that Pamlico County's status be upheld as the Appeals Committee finds themselves bound by statute and rule.**

Chair Ellen ask if Mr. Baxter from Pamlico County wanted to make any remarks. Mr. Baxter reiterated that directives are coming from the state regarding vaccinations. The health department finds itself in the position that it has to choose between doing accreditation activities and vaccinating individuals and for a small rural health department, that is onerous. It is clear to Pamlico County that the statute being cited deals with the initial accreditation, with those two- and four-year periods. It expressly says on initial accreditation. The statute goes on to say that the Commission on Public Health shall develop rules to implement that section. He thinks that it is well within the authority delegated by the General Assembly to the Executive Branch to create rules, to interpret rules, to enforce rules in whatever form. He also believes this also includes the power and directive given by Executive Order 119 to extend accreditation for twelve months. They are asking the full Board to reinstate Pamlico County's Conditional status and extend that for twelve months. Alternatively, if the Board does not feel it has the authority do that, it could grant another conditional accreditation status.

Board Member Virginia Niehaus made a motion to enter into closed session pursuant to G.S. 143-318.11(a)(3) for the purpose of consulting with counsel in order to preserve the attorney client privilege. The motion was seconded by Board Member David Stanley. The motion passed and the Board entered into closed session.

When the Board came back from closed session. They voted on the motion put forth by the Appeals Committee that needs no second. **The motion is that the NCLHD Accreditation Board would uphold the Unaccredited status of the Pamlico County Health Department as the Committee finds itself bound by legislation and rule.**

The motion passes unanimously. The Unaccredited status of the Pamlico County Health Department will be upheld as this Board finds itself bound by standards and rule.

Board Members Vote as follows:

Dr. Anna Schenck – Yes
Dr. Calvert Jeffers – Yes
Dr. Connette McMahon – Yes
David Stanley – Yes
Kevin Austin – Yes
Rebecca Mcleod– Yes
Dr. Susan Little – Yes
Teresa Ellen – Yes
Virginia Niehaus – Yes

Mr. Baxter asked if there will a written opinion of this decision and are appeal rights. Or from an administrative position, are we finished? Ms. Anne Brown that there will be a written memorialization of the decision.



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Accreditation Extension Discussion

The Executive Committee of the Health Directors Association had asked to speak with Administrator Thomas, Chair Ellen and Board member Niehaus about the continuing needs of health departments as they respond to COVID-19. Administrator Thomas reminded the Board that the previously issued twelve-month extension comes to an end about mid-May of this year. The Health Directors Association is interested in renewing the twelve-month extension, as well as, asking for how annual accreditation requirements could be addressed. At their Association meeting last week, they made a motion to ask the Governor's Office to grant this Board authority to approve an additional up to twelve-month accreditation extension for local health departments and also to ask this Board to review and provide remedy for annual accreditation requirements that may be impacted by pandemic work. These motions were seconded and passed.

Board member Virginia Niehaus noted that at this point, everything is simply under consideration. With the Health Directors Association making a motion, we wanted to bring it to this Board so that everyone was aware and to ask if there was an Executive Order, would this Board be supportive.

Administrator Thomas explained that we are not asking for action today. The Governor would need to sign another Executive Order granting required authority. With regard to the second motion for a remedy for annual requirements, Administrator Thomas explained that changes that were made to the HDSAI Interpretation Document in 2020 could be extended to apply to 2021, if there is an extension of accreditation. Therefore, she felt that an Executive Order provision would only be needed to address waiver of Rules related to accreditation activities.

Administrator Thomas explained that she created an analysis of all annual activities and shared it with the Executive Committee of the Association of Local Health Directors. They will share the analysis with other health directors and if anyone sees anything that would require a waiver of the rules to reach out to Board Member Virginia Niehaus for discussion. At this point, the overall thought is that any issues can be handled through the Interpretation document. If there are any questions or comments from health directors on the analysis, they will be shared with Administrator Thomas prior to the February 19 NCLHD Accreditation Board meeting, so that she can bring those issues to the Board for discussion.

Board Member Susan Little asked how PHAB has handled working with health departments through COVID-19. Administrator Thomas explained that they had handled it on a case by case basis.

Board Member Rebecca McLeod explained that they submitted two extensions and were granted both. And finally decided that COVID-19 was not going away any time soon, so they submitted their reaccreditation.

Administrator Thomas explained that when we did the 2020 revisions, we really looked at where we could alleviate annual requirements. It is also important to remember that health departments are currently doing a lot of work that will be evidence for accreditation.

Ms. Anne Brown interjected to ask about the written decision that was requested by Mr. David Baxter. She suggested the Chair Ellen may want to call for a motion and go back into executive session to receive advice from their legal counsel to get advice for getting that taken care of, as it is a short timeline.



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Board member Kevin Austin made a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) for the purpose of consulting with counsel in order to preserve the attorney client privilege, and Board Member Rebecca McLeod seconded the motion.

When the Board came back from closed session, **Board Member Virginia Niehaus made a motion to direct Board Staff to prepare a written memorization of the Board's decision to uphold Pamlico's Unaccredited status for the reasons set out in the September 17, 2020 memo from Chair Ellen to Pamlico County Manager Mr. Tim Buck and for the reasons set out in the Appeals Committee recommendation. The motion was seconded by Board Member Rebecca McLeod. The motion passed unanimously.**

Board Member votes:

Dr. Anna Schenck – Yes
Dr. Calvert Jeffers – Yes
Dr. Connette McMahon – Yes
David Stanley – Yes
Kevin Austin – Yes
Rebecca McLeod – Yes
Dr. Susan Little – Yes
Teresa Ellen – Yes
Virginia Niehaus – Yes

Administrator Thomas asked if we could go back to the previous conversation about support for the accreditation extension. Board member David Stanley is supportive of an extension for health departments.

Board Member David Stanley made a motion to support the twelve-month accreditation extension. The motion seconded by Board Member Kevin Austin.

Board Member Rebecca McLeod noted that the extension would be very beneficial for local staff. Administrator Thomas explained, that if there is another extension, there will be six years of evidence required for activities with annual requirements, except for those where exceptions were made for 2020 and 2021. For all other activities, they will have six years to pull the evidence from.

Board member David Stanley modified his motion to include both recommendations from the Association of Local Health Directors. Board member Kevin Austin seconded the motion.

The motion was restated: A motion to support the two motions from the North Carolina Local Health Directors Association and to direct staff to take the necessary steps to provide remedy for annual requirements that may be impacted by pandemic work. The motion passed unanimously.

Board member votes:

Dr. Anna Schenck – Yes
Dr. Calvert Jeffers – Yes



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Dr. Connette McMahon – Yes
David Stanley – Yes
Kevin Austin – Yes
Rebecca Mcleod– Yes
Dr. Susan Little – Yes
Teresa Ellen – Yes
Virginia Niehaus – Yes

Administrator Thomas noted that we currently have a Board meeting scheduled for February 19. The purpose of the Board meeting was to adjudicate the Pamlico County Site Visit Team’s recommendation, they had a site visit on January 28. We also planned to continue with strategic planning and to get approval on the revisions to the HDSAI Interpretation Document revisions. The plan was for the revisions to go into place on March 1. However, if there is an extension, we do not want to release the HDSAI Interpretation Document revisions in March, because we would have to go back and adjust the annual requirements. Given that there is the potential for an extension, we would like to release the revisions on April 22 and have them go into effect on January 1, 2022. This would provide eight months for us to train local health departments before the revisions go into place. She noted that this is the best-case scenario.

Board Member Niehaus asked if they are voting on Pamlico County’s status, does it trigger new appeal rights. Administrator Thomas explained they could do a written request if they do not agree with the Site Visit Team Report. Yes, they can do the status appeal again, similar to what they did in November.

We will have a meeting on Feb. 19 to adjudicate Pamlico County and vote on a potential accreditation extension. We will then have another meeting in mid-March to approve the HDSAI changes and finish strategic planning. We will send a poll to get everyone’s availability for a March meeting.

Administrator asked the Board their thoughts about night meetings. Overall, they said evening meetings are okay, but prefer not Friday’s.

Reminder of SEI Statements

Administrator Thomas reminded everyone about their ethics training, all Board Members are current with their training. She also noted that they all need to complete their SEI by April 15. She will send the link about the SEI to the Board.

Board member David Stanley noted how organized and well-prepared the staff are for these Board Meetings. Thanked staff for always being prepared and giving them what they need. Board Member Virginia Niehaus also acknowledged Ms. Brown and the legal counsel that she has provided.

The meeting was adjourned at 7 p.m.

Next meeting date: February 19, 2021 from 9:30 – 10:30 a.m. via Zoom.

Respectfully submitted,



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

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