

## **Mahoning County General Health District**

### **Ethics Advisory Committee Meeting**

**March 8, 2013, 8:00AM – 9:45AM**

In attendance: Rev. Lewis Macklin, Gabriel Palmer, Tracy Styka, Patt Sweeney, Wes Vins, Ryan Tekac

1. Welcome
2. Review of minutes from February 25, 2013 meeting. Committee members were asked to review the minutes and provide any comments directly to [psweeney@mahoninghealth.org](mailto:psweeney@mahoninghealth.org).

Patt Sweeney introduced Case One.

During early February of 2013, the MC DBOH received an anonymous complaint regarding what the claimant stated to be an illegally operating tattoo parlor/artist that had tattooed a minor. The complainant was told that it was not the policy of the MCDBOH to accept anonymous complaints, to please provide his name so that we could take appropriate action. The caller refused. The staff member in receipt of the call then contacted the HC. The HC asked what the traditional course of action would be if the complainant was not anonymous. The HC was told that in that case, the Sanitarian would open a complaint file and notify the police of the complaint. The HC suggested that this be the course of action taken in this situation as well and then scheduled an Ethics Advisory Committee (EAC) meeting to discuss the responsibility of the BOH in this circumstance.

The following questions were posed to the EAC?

1. Should the BOH be involved in law enforcement reporting?
2. What is the BOH responsibility here?
3. What are the possible courses of action?

- i. Should the BOH take the name and address of the suspected unregistered artist and visit this individual to provide health and law related information and threaten to enforce the law?
- ii. Should the BOH pay a visit to the subject of the complaint to educate this individual about the health risks and tattoo regulation?
- iii. Should the BOH take no action when complaints are anonymous?
- iv. Should the BOH just refer the matter to local police?

In response to these questions, Dr. Palmer reviewed the EAC guiding principles which are the code of organizational ethics and the Mission of the BOH: the promotion and protection of the health of individuals and communities in Mahoning County.

Following an analysis of the MCD BOH tattoo artist registration and tattoo parlor permitting program by sanitarian Dave Fetchko the EAC identified the following BOH obligations:

1. The BOH owes the public the right to expect that permitted tattoo parlors will be clean and sanitary and that every registered tattoo artist conducts safe and legal tattoo practices as instructed by the BOH.
2. The BOH does not owe the public the same right when an individual chooses to receive a tattoo from an unregistered artist in an unpermitted facility (an underground tattoo).
3. The BOH owes the public the opportunity to receive education about tattoo safety and the danger of disease transmission through improper tattooing techniques.

The EAC discussed that the extent of the duty owed to the public beyond regulation of registered artists and permitted tattoo parlors may be better determined by identifying the risk posed to population health by “underground” tattoos. The EAC suggested that the HC conduct a literature review to identify empirical studies that have been conducted that quantify this risk, and thus, provide data upon which the committee may further refine their

recommendation to the BOH. The HC will conduct this literature review and provide additional information to the EAC. The EAC will then subsequently determine the recommendation to be made to the BOH regarding this case.

Patt Sweeney presented Case 2

During mid- November, 2012, the MCD BOH received a written complaint regarding horrible living conditions in a Campbell city home. The complainant was the tenant of the home who resided therein with three of her adult children, an unrelated adult and 4 children aged 13, 3, 2 and an infant. On 11/29/2012, the investigating sanitarian found the roof of the residence breached by weather, large defects in the structure that allowed the entrance of rodents, as well as evidence that rats were living in the dwelling.

The Sanitarian took all customary steps to document the nuisance code violations and to identify and notify the property owner of the violation. The first of two notices sent to the owner by US mail was returned to the BOH on 1/2/2013. The Sanitarian re-inspected the property on 1/4/2013 to inform the complainant that the notice had been returned as undeliverable and to discuss with the complainant all of the health risks presented by remaining in the residence. Following this visit to the property, the Sanitarian engaged the Nursing division in case discussions to determine if social services might be available to assist this claimant in relocation. The second notice of violation sent to the property owner by certified mail was returned to the BOH on 1/11/2013.

On 2/4 and 2/5, the Sanitarian posted the notices of violation on the property. On Feb 26, 2013 the Sanitarian re-visited the structure and the violations had not been remediated. At that time the claimant notified the sanitarian that the children had gone to stay with other family members. The Sanitarian again spoke with the claimant about the dangers the home posed to the residents, and again informed her that the BOH regulations require that after sufficient due process, homes in this condition will be determined to be uninhabitable and will order that the residence must be vacated within 7 days and remain uninhabited until it is repaired. On February 27, 2013, 60 days after the code violations were initially communicated to the property owner and the resident, the home remained

inhabited and in violation of BOH nuisance codes. As a result, on that date the MCD BOH found the home unfit for human habitation and ordered the property to be vacated within 30 days. As of March 7, the home was still inhabited. The HC asked the EAC to review this case to recommend action that the BOH may take should the property remain inhabited after the 30 day vacate premises order passes.

In discussing this case the EAC inquired about the involvement of the Children's Services Board and other social service agencies. The HC reviewed the action the BOH Sanitarian and nursing staff had taken to assist this family, along with CSB, Catholic Charities and the Rescue Mission.

The EAC identified the residents of Campbell, the family, and the BOH as stakeholders in this issue.

- The residents of Campbell do not want families living uninhabitable homes and have an interest in ensuring that property owners that abandon their property in disrepair cannot collect rent for uninhabitable housing.
- As the complainant, the family interest was to have the property repaired so that they could live safely.
- The BOH interest is to promote healthy communities through safe housing and thereby, through enforcement of the BOH nuisance codes.

The EAC acknowledged that the family may be seen as a casualty in this circumstance however, the family can no longer lawfully live in this property.

Therefore the EAC identified the following options:

1. The BOH can choose to strictly enforce their order to vacate the premises by March 27, 2013, or
2. The BOH may choose to enforce their order following an extension of 15 days. (April 11, 2013) The extension will be contingent upon the resident meeting with the HC to review all the steps that had been taken to assist the family and all options available to the family.
3. The BOH may choose to ignore their order and permit the family to remain in an uninhabitable rental property.

Following much discussion, the EAC determined that this family has been afforded ample support and time to relocate and thus, following a dialogue between the resident and the HC regarding the gravity of the living conditions, and a 15 day further grace period, the EAC supports the enforcement of the BOH order to vacate the premises by April 11, 2013.