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NICOLE BUSH BALAKOS, HEALTH COMMISSIONER

EMERGENCY MEETING #1

March 4, 2020

An emergency meeting of the Board of Health was held on Wednesday, March 4, 2020, at 11:15 a.m. in the Small Conference Room, 2nd Floor, Trumbull Towers Building, 500 Market Street, Steubenville, Ohio.

Present:

Board Members:
Frank L. Petrola, M.D.
Terry Bell
Michalene King, Ph.D., R.N.
Patrick Macedonia, M.D.

Staff:

Nicole Balakos, Health Commissioner
Kelly Wilson, Fiscal Officer

Absent:

George VanWeelden, D.O.

Prosecutor:

Emanuela Agresta

Guests:

See sign-in sheet

CALL TO ORDER

Dr. Frank L. Petrola called the meeting to order at 11:15 a.m.

PUBLIC PARTICIPATION

Dr. Petrola stated that there was no public participation scheduled for today's meeting. Guests in attendance are denoted on the sign-in sheet. Roll call was taken.

Mr. Bell moved that the Board immediately terminate the employment of Dr. Jane Culp, Medical Director. Dr. Petrola stated that he has been on this Board for 33 years and he has never heard anything before about our Health Department not being in compliance with a directive from the Ohio Department of Health. Dr. Petrola stated that he seconded the motion. Dr. Macedonia stated that he did not think Dr. Petrola can second the motion as Board President based on Robert's Rules of Order.



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Mr. Bell moved and Dr. King seconded a motion to terminate the employment of Dr. Jane Culp. Before the roll call could be taken, Dr. Macedonia wanted to know what this was all about and wanted a discussion.

Dr. King replied that the Ohio Department of Health says we are not in compliance with Covid-19 preparedness. Dr. Macedonia expressed his frustration how the meeting was set up on such short notice and that no one called to check schedules to see if Board members were available. Dr. Macedonia thinks it was a set up meeting. Dr. Macedonia stated that no consideration was given to him or the other members. Dr. Macedonia said he has a practice to run and had to cancel appointments with 20 patients. Dr. Macedonia stated that this is not the way we are going to run business around here. This is going to end.

Mr. Bell stated that it was prudent or safe to say that when Dr. Culp was hired that the Board felt they had made the correct decision because of her infectious disease experience. Attorney Agresta interrupted and asked if there was motion to go in to Executive Session. Mr. Bell questioned if they could legally go in to Executive Session. Dr. Macedonia stated again he was upset in the way the Board was notified and that no one called to see if he was available at this time. Dr. Petrola stated he will notify via phone call in the future.

Mr. Bell stated that the chain of command is to answer up the line and that Dr. Culp doesn't do that. Mr. Bell stated that Dr. Culp believes that she answers to the Board only and that she refused to sign her job description. Health Commissioner Balakos stated that regardless of the job description, the Ohio Department of Health informed her on Friday that we are in defiance by not following their directives. Health Commissioner Balakos stated that she can execute the orders, but the Medical Director has to sign them.

Health Commissioner Balakos stated that she had talked to the Ohio Department of Health and that we are in defiance of the orders of the ODH by not making plans for Covid-19. Health Commissioner Balakos stated that she has to attend the Governor's Summit on Covid-19 preparedness and that she had to have our written protocols to take to the meeting on March 5, 2020 and that Dr. Culp had done nothing and refused to do any type of protocol writing because she did not believe that Covid19 was a big deal. Dr. Culp actually told staff this is all a big deal about nothing. Additionally, Health Commissioner Balakos pointed out that Dr. Culp has not participated in conference calls that are held with ODH, etc. Dr. Macedonia asked Health Commissioner Balakos if she had made it clear to Dr. Culp that she was to do these things. Health Commissioner Balakos stated that Dr. Culp knows. Dr. Culp is supposed to be getting on the calls with the ODH and if she had been doing so, she would know there is a meeting on Thursday.



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Dr. Macedonia asked Health Commissioner Balakos if she knew what Dr. Culp was doing on Saturday, March 1, 2020. Dr. Macedonia went on to explain that Franciscan University had a conference scheduled for this past weekend but it ended up being cancelled. Two Italians had arrived here in Steubenville. An anonymous caller phoned Mayor Barilla. Mayor Barilla then contacted Jim Mavromatis, city manager, who was in Florida and then Jim Mavromatis contacted Dr. Macedonia who contacted Dr. Culp. Dr. Macedonia then said that Dr. Culp took it upon herself to meet with the two individuals from Italy. The University would not allow her to meet at the University so Dr. Culp met them at Mark Nelson’s shop downtown (Leonardos). Health Commissioner Balakos stated that was against protocol because there are specific procedures to follow and forms to be filled out when there is a suspect. Dr. Culp did not have any of this.

Dr. Macedonia stated that Mayor Barilla had called Health Commissioner Balakos but she would not answer her phone. Health Commissioner Balakos stated that she contacted Mayor Barilla 30 minutes after he called her.

Dr. Macedonia stated that this is a witch hunt and it is not right. He also stated that Health Commissioner Balakos is as much at fault as Dr. Culp for poor communication. Health Commissioner Balakos then read an e-mail she had sent to Dr. Culp on Saturday regarding the incident with the University visitors. As of this morning (Wednesday), Dr. Culp had still not responded to the Health Commissioner’s questions. Health Commissioner Balakos then stated that we are required by the Ohio Department of Health to have written protocol and that Dr. Culp does not think it’s a big deal. Dr. Macedonia wanted to know if there is just cause to fire her. Dr. Macedonia stated that we are going to be in big trouble if there is no documentation supporting this termination. Both Mr. Bell and Dr. King stated that Dr. Culp just does not communicate and Dr. Macedonia responded with do what you need to do.

Then the roll call was taken on the motion.

<i>Action</i>	<i>Terminate Employment of Medical Director</i>	<i>Vote Detail (Roll Call)</i>
Motion-2020-26	Mr. Bell moved and Dr. King seconded a motion to terminate the employment of Dr. Jane Culp, Medical Director. Motion carried.	1 st - Bell 2 nd - King Petrola – Aye VanWeelden – absent Bell – Aye King – Aye Macedonia - Nay

Dr. Macedonia stated it was a sad day. Dr. Macedonia then stated that he was at the courthouse last week and that they still do not have Health Commissioner Balakos’ contract and that they have asked her more than once. Dr. Macedonia stated that the auditor’s office does not have it. Health Commissioner Balakos stated that an emergency meeting can only have one topic so they



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can't discuss this right now and Dr. Macedonia disagreed because the topic of the meeting is personnel and this is a personnel matter. Dr. Macedonia stated that he wants the topic of the Health Commissioner's contract placed on the Agenda for the March meeting. Health Commissioner Balakos stated that she does have a contract in place.

Dr. Macedonia stated that we must be fair and transparent. He asked Health Commissioner Balakos how many people have been lost or people quit since she came on board. Health Commissioner Balakos asked are you asking about the person who was writing illegal prescriptions. Dr. Macedonia stated that the health department has lost some pretty significant people in this department. Dr. Macedonia stated that no exit interviews were done and that we don't do them. Dr. Macedonia is concerned about the number of long time employees leaving. Dr. Macedonia stated that he has been on many boards over the years and has never seen anything like this. Dr. Petrola stated that he's never seen anything like it with the State coming down on us in all his time on the Board for 33 years. Dr. Macedonia stated that he wants to see in writing. Health Commissioner Balakos stated that she sent them a follow up e-mail outlining the discussion and she has not heard back.

<i>Action</i>	<i>Motion to Adjourn</i>	<i>Vote Detail (Roll Call)</i>
Motion-2020-27	Dr. King moved and Mr. Bell seconded a motion to adjourn. Motion carried.	1 st - King 2 nd - Bell Petrola – Aye VanWeelden – absent Bell – Aye King – Aye Macedonia - Aye

It should be noted that Dr. Culp was not present at this meeting and she was not provided an opportunity to address any of the criticisms.

There being no further business before the Board, the meeting was adjourned at 11:30 a.m.

ATTESTED:


 Dr. Frank L. Petrola


 Nicole Balakos, Health Commissioner