



Oregon

John A. Kitzhaber, MD, Governor

Health Licensing Agency

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WHO: Oregon Health Licensing Agency
Environmental Health Registration Board

WHEN: November 4, 2011 – 10 am

WHERE: Oregon Health Licensing Agency
Rhoades Conference Room
700 Summer St NE, Suite 320
Salem, Oregon

What is the purpose of the meeting?

The purpose of the meeting is to conduct regular board business. Please use appropriate language, manners and protocols when conducting board business. A working lunch may be served for board members and designated staff in attendance. A copy of the agenda is printed with this notice. Please visit <http://egov.oregon.gov/OHLA/EHS/meetings.shtml> for current meeting information.

Is the public or licensees allowed to attend the meeting?

Yes. Members of the public are invited and encouraged to be in attendance at all board/council meetings. All public audience members are asked to sign-in on the attendance roster prior to the meeting. Comments may be heard under public comment at the end of the meeting. Please wait to be recognized by the Chairperson prior to commenting.

Is it possible to watch the meeting live on the internet?

Yes. You may access the meeting at <https://oregon.ilinc.com/join/vkybkpv> (Link provided is specific to this meeting date) If you need assistance accessing the meeting contact the iLinc Join Help Desk at 1-800-799-4510, and select option "1."

What if the board/council enters into executive session?

Prior to entering into executive session the board/council chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The board/council will return to open session before taking any final action or making any final decisions.

Who do I contact if I have questions or need special accommodations?

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact a board specialist at (503) 373-2049.

All members are asked to please give at least 24-hour notice if they are unable to attend the meeting so arrangements may be made.



Oregon Health Licensing Agency
Environmental Health Registration Board



10 am, Friday, November 4, 2011
700 Summer Street N.E., Suite 320

Salem, Oregon

Revised 10/28/2011

Call to Order

1. **Approval of Agenda**
2. **Approval of Minutes**
 - ◆ July 19, 2011
3. **Reports**
 - ◆ Director's Report
 - 2013 Legislative Concept Discussion
 - 2012 Chair Summit
 - ◆ Statistical and Budget Report
 - ◆ Regulatory Report
 - ◆ Policy, Legislation & Administrative Rules
 - OHLA Permanent Administrative Rules

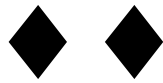
Working Lunch

4. **Items for Board Action**
 - ◆ 2012 Chair/Vice-Chair
 - ◆ 2012 Committees
 - ◆ 2012 Meeting Dates
5. **Public Comment**
6. **Other Board Business**
 - ◆ Discussion points provided by Michael Kucinski:
 - a. NEHA Examination – may it be taken at community colleges?
 - b. PCC – starting-up 2 yr. tech program in Environmental Health
 - c. Why six weeks to receive examination results?
 - d. Agency customer service in relation to returned phone calls and e-mails
 - e. Effective date for EHS trainee examination fee reduction?
 - ◆ CEU discussion and information presented by Jeff Freund
7. **Executive Session (If needed)**

Agenda is subject to change.

For the most up to date information visit www.oregon.gov/OHLA

Approval of Minutes



July 19, 2011



Oregon Health Licensing Agency
Environmental Health Registration Board



9 am, Tuesday, July 19, 2011
700 Summer Street NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Michael Kucinski, Chair
Paul Cieslak
Jeff Freund
Caroline Gross-Regan
Holly Skogley

STAFF PRESENT

Katherine Lozano, Assistant Attorney General
Sylvie McMillan, Fiscal Services and Licensing Manager
Samie Patnode, Policy Analyst
Sinnamon Harris, Board Specialist
Callie Zink, Administrative Service Division Manager

MEMBERS ABSENT:

Jeffrey Hampton, Vice-Chair

GUESTS PRESENT:

None

*This meeting was live video streamed.

Call to Order

Michael Kucinski, Chair, called the meeting of the Environmental Health Registration Board to order at 9:05 am, Tuesday, July 19, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. Roll was called.

Introduction of Holly Skogley, New Board Member

Holly Skogley works for Linn County and has been in the environmental health profession for over 20 years.

The agenda for this board meeting was to determine the equal qualifications of an environmental health specialist trainee's supervisor to that of an environmental health specialist and the adoption of the Environmental Health Specialist Registration Board's permanent administrative rules.

◆ **Determination of Equal Qualifications of that of a Registered Environmental Health Specialist for Supervision Purposes.**

Sylvie McMillan, Fiscal Services and Licensing Manager, presented the board an issue statement regarding the supervision of Rhonda Robb as an environmental health specialist (EHS) trainee by Marla Harrison, Environmental General Manager for the Port of Portland. Harrison had provided the agency and the board documentation supporting her qualifications as equal to that of an EHS. Pursuant to ORS 700.025(2) Harrison is exempt from holding an EHS registration because she is a licensed professional engineer. The board reviewed the credentials for Harrison and the position description for Robb as EHS trainee.

MOTION:

Dr. Paul Cieslak made a motion to accept Marla Harrison's qualifications as equal to that of an EHS. A second was made by Jeff Freund. The motion passed unanimously.

◆ **Policy, Legislation & Administrative Rules**

Samie Patnode, Policy Analyst, said the purpose for today's meeting was to adopt Environmental Health Registration Board permanent administrative rules. An email had been sent out on July 6, 2011 for this July 19, 2011, meeting with attachments which contained:

- a. A draft working copy of the administrative rules,
- b. Public comment from March 1, 2011 through June 28, 2011,
- c. A summary of Public Hearing Testimony with Recommendations of the Hearings Officer held on March 28, 2011.

Patnode reviewed the public comment package with the board. Below are highlights:

- Brain Rabe had a comment regarding specified language for waste water specialists to be added to the statute next legislative session.
- Bill Emminger, Chair, Conference of Local Environmental Health Supervisors (CLEHS) had submitted five separate comments during the administrative rulemaking progress and his last submission dated June 15, 2011 summarized CLEHS concerns. {Please see 7/19/2011 Meeting Information and Materials posted online for details}.
- The balance of the comments was related to registration fee concerns, workforce development challenges, and trainee issues.

Patnode provided an issue statement with a summary of the administrative rule changes. Revisions made to the proposed administrative rules were included. The board decided to closely review and discuss those administrative rule changes which were contentious.

338-005-0020 Definitions

Patnode explained that the definitions had been reduced to avoid duplication and redundancy with definitions already found in statutes. For example, "Board" is defined in statute and does not need to be defined in administrative rules. Overall, the number of definitions was reduced from 31 to 11.

338-010-0015 Fees

Patnode presented an overview of certain fee changes:

- a. Oregon Laws & Rules examination fee for EHS trainees was reduced from \$50 to \$25 per recommendations by the Education and Examination Committee and the Legislation and Rules Committee.
- b. Amended fees allow all EHS and WWS, including trainees, to receive annual registration

(\$150 per year).

- c. EHS trainees may be qualified for three subsequent renewals. The EHS trainee extensions and restorations were deleted to align with statutory requirements.

338-010-0015 Environmental Health Application

-4,000 Hours versus 3,840 Hours Equivalency for Two-year Discussion

Patnode stated one of the areas where concerns were raised by CLEHS was regarding using 4,000 hours as the equivalency for two-years. CLEHS recommended 3,840 hours to be the equivalent of two-years.

Kucinski asked, AAG Katharine Lozano, to provide the board background information as to why the 4,000 hours change was deemed necessary. AAG Lozano stated that, generally, across the boards, professions, and trades, 4,000 hours is considered the standard for two-years, and when the Legislation and Rules Committee reviewed this section no committee member could recall why 3,840 hours were being used. In this respect, the EHRB number of 3,840 hours appeared to be odd. But if the board has a reasonable basis for keeping the lesser amount of 3,840 hours it should be presented here at the board discussion and have it on record.

Holly Skogley said it was fairly common within the EHS county employees' population for 37.5 hours per week to be considered full-time employment and has been contractual for most counties. Instead of pay increases the employees had lesser work-week hours.

AAG Lozano said the board needs to consider moving to 4,000 hours for consistency with other professions or consider whether there is a substantial enough population, within the EHS profession, that could not meet the 4,000 hour. If this were true, the board could prefer to keep the lesser, 3,840 hours.

Caroline Gross-Regan pointed out the comment summary dated June 15, 2011, provided by Emminger, which provided an explanation of working hours available for full-time EHS employees as follows:

Full-time equivalent is 2080 annually or 4160 biennially

Minus (-) Vacation 80 hours annually or 160 hours biennially

Minus (-) 10 holidays annually which equals 80 hours annually or 160 hours biennially

Resulting in total hours available to work are 1920 annually or 3840 biennially.

MOTION:

Jeff Freund made a motion with a second by Caroline Gross-Regan to retain the 3,840 hours equivalency for two-years and one-year equivalency is 1,920 hours. The motion passed unanimously.

Pathways Issues Discussion

Patnode reviewed the specific pathways which were aligned with statutory requirements and noted wherever the proposed administrative rules stated "4,000 or 2,000 hours" would be changed to "3,840 and 1,920 hours" respectively.

CLEHS had issues with a qualifying graduate degree limited to public or community health. AAG Lozano pointed out that CLEHS may not have understood that the administrative rule change was simply to bring the rule in line with the statute. It may have been, historically, in practice that other graduate degrees were accepted, but that would be outside the law. Patnode said the board may decide to add graduate degrees to legislative concepts for future discussion along with internships and the issue brought up by Brian Rabe in public comment. Kucinski concurred and asked Patnode to add it to the list.

Patnode continued on with the explanation of the pathways and stated that there are significant changes as to how registrations will be processed. The changes will allow more flexibility on how applicants become registered and provide agency staff clear direction. Areas discussed and reviewed were:

- EHS Registration Pathway 2 – Reciprocity:
 1. Requires official transcript showing attainment of qualifying degree;
 2. Affidavit of licensure with current active status from a regulatory body or national association, and
 3. Pay registration fees.

- EHS Registration Pathway 3 –Equivalent Education and Experience:
 - A. Bachelors Degree with 45 Science Hours
 1. Official transcript showing attainment of a bachelors degree with 45 science hours;
 2. Proof of {change to: 3,840} qualifying work experience pursuant to OAR 338-010-0070 under a qualifying supervisor under OAR 338-010-0065;
 3. Pay examination fee
 4. Proof of having completed and passed a board approved examination within three years of the date of application; and
 5. Pay registration fees.
 - B. Graduate Degree in Public or Community Health
 1. Official transcript showing attainment of a graduate degree in public or community health;
 2. Proof of {change to: 1,920} qualifying work experience pursuant to OAR 338-010-0070 under a qualifying supervisor under OAR 338-010-0065;
 3. examination fee;
 4. Proof of having completed and passed a board approved examination within three years preceding the date of application; and
 5. Pay registration fees.

AAG Lozano addressed board concerns that only lawful work experience will be equivalent. For example, people who worked in a state that did not require registration, but that work would have been the work of an EHS trainee if it had occurred in Oregon. People who worked under an exemption, such as, under the Department of Environmental Quality (DEQ), that has a relation to environmental health would qualify. AAG Lozano stated that in writing the administrative rules, under 338-010-0070 Qualifying Work Experience, she and Patnode tried to list all of those who would qualify and she asked the board members to review that section carefully.

338-010-0016 Waste Water Application

Patnode explained the waste water application section had been moved into its own section under 338-010-0016 because waste water registration is very different from EHS registration. The section consists of the same type of Pathways as for EHS. Differences are:

- WWS Registration Pathway 1 – Qualification through WWS Trainee
 1. Official transcript showing attainment of a bachelors degree with 45 *soil science* hours
- WWS Registration Pathway 1 – Qualifying Graduate Degree
 1. Official transcript showing attainment of a graduate degree in *soil science*

Patnode remarked that soil science hours had not been delineated before in administrative rules. The registration pathway for reciprocity is the same as for EHS pathway.

- WWS Registration Pathway 3 – Graduate Degree and Certification
 1. Official transcript showing attainment of a graduate degree in *soil science*;
 2. Proof of current credential as a professional soil scientist

338-010-0017 Application for Registration as an Environmental Health Specialist Trainee

Patnode stated the application requirements were revised to align with statutory requirements. Changes discussed below were:

- Proof of a bachelor degree with 45 science hours or;
- 15 quarter hours in science courses and five years work experience (10,000 hours), and
- Passage of a board approved examination prior to obtaining trainee registration.

Patnode said 15 quarter hours could start the trainee working but the trainee would need their bachelor degree to become a registered EHS.

The Education and Examination Committee met at the request of the board. Agency staff had provided potential examination questions and the committee reviewed, revised, and created more questions for the Oregon Laws and Rules EHS trainee examination. The Education and Examination Committee had recommended:

- a. The cost for the examination be reduced to \$25;
- b. The examination would consist of 25 questions;
- c. The passing score would be 70 %;
- d. The examination would be taken at the agency only; and
- e. And the agency would begin giving the examination as soon as possible

Patnode stated that any current trainees who want to renew their training registration would be required to pass the Oregon Laws and Rules examination.

NOTE: Adjustments in language were made and presented to the board regarding (3)(d) “qualifying work experience. . .” to state “qualifying *pre-registration* work experience is work experience obtained under ORS 700.025 or obtained in a jurisdiction that does not require registration, that is directly related to duties of an environmental health specialist.” The change was made to reflect an earlier discussion by the board.

338-010-0025 Application for Registration as a Waste Water Specialist Trainee

Patnode said the application requirements for WWS trainee were aligned with statutory requirements. WWS trainees must submit proof of a bachelor degree with 45 soil science hours or a graduate degree in soil science.

338-010-0030 General Examination Information

The board discussed making the language more specific in naming the state examinations, i.e., Oregon Waste Water Specialist Examination and Oregon Environmental Health Specialist Trainee Laws and Rules Examination, respectively.

Patnode noted the Education and Examination Committee recommended the Oregon Environmental Health Specialist Trainee Laws and Rules examination be “open” book. The board discussed the open book issue and decided to retain 338-010-0030(10) “Candidates taking the Oregon laws and rules examination may use an agency issued copy of the Oregon administrative rules and Oregon revised statutes.” In response to an inquiry by Kucinski, Patnode stated the examination is allotted one-hour. Patnode also noted the agency will provide an examination fact sheet online which will note the one-

hour time limit, open book, 70 % passing rate, etc. for the EHS trainee examination.

338-010-0033 Examination Retake; Qualification

Points discussed:

- EHS Trainee applicants have up to three (3) attempts to pass the examination.
- EHS Trainee applicants who fail to pass on the third attempt must receive additional training prescribed by the board before any additional retakes.
- Any additional training required for the purpose of retaking EHS training examination is not considered trainee work experience.
- Waste Water applicants have up to two (2) attempts to pass the examination. If they fail to pass on the 2nd attempt they must obtain special permission from the board before any additional retakes.

Jeff Freund asked how the additional EHS or WWS training is tracked. Patnode stated the additional training hours are verified by the supervisor and provided to the agency before a retake.

338-010-0038 Environmental Health and Waste Water Registration Issuance and Renewal

Patnode said the registration issuance and renewals had been aligned to agency standards and protocols. Those protocols include: renewal, renew late up to three years, and the procedure to reapply after three year of being inactive. Additionally, the rule clarifies that continuing education must be maintained whether the registration is active or inactive. Failure to meet the continuing education requirements during the three year inactive period when renewing will cause the registration to be expired and the applicant must then reapply and meet requirements pursuant to OAR 338-010-0015 or OAR 338-010-0016.

338-010-0050 Trainee Registration Renewal

Board discussion centered on the renewal of part-time EHS trainees. Kucinski asked how many times a part-time EHS trainee should be allowed to renew their training registration and asked for board member opinions. Below is a summary of the responses:

- Holly Skogley stated she was adamantly opposed to limiting how many times a part-time employee may renew. Based on the {current} job market, employees who may be able to work only a few hours in a department, or those registration trainee's who applied for registration in anticipation of obtaining employment and find it is taking longer to land the job than anticipated. The \$150 renewal costs each year may be too large a hurdle for EHS trainees, and more than likely, would be an incentive not to take ten years to complete EHS training.
- Jeff Freund said there are always obstacles in any profession and if someone has a true interest in this field they will do whatever it takes to obtain the 3,840 required hours. Freund stated there should be a limit and it may be self-limiting in some ways. Because, for example, if I could only obtain .2 FTE for ten years then I would seek to do something else. There needs to be more intensified training than a couple hours per week. If, for instance, someone had three one-year extensions and had extenuating circumstances to not being able to complete the 3,840 hours, then have them come before the board with a letter from their supervisor stating the reasons and let the board decide to allow another extension.
- Dr. Paul Cieslak said as you reduce the percentage of time working on environmental health you do not get a good training program. It may be enabling procrastination and

sometimes a dead-line can produce positive results.

- Caroline Gross-Regan said there is a cut-off limit once the 3,840 hours are achieved and the EHS trainee may no longer obtain the extensions.
- Kucinski said he would like to see a monetary incentive, such as, at the year-five mark of registration renewal, the fee increases to \$200 and up each year thereafter.

Kucinski proposed the below changes to the EHS Trainee Registration Renewal for those part-time trainees:

- An environmental health specialist trainee employed less than full time, and who has not attained permanent registration or fulfillment of the two year or 3,840 clock hour work experience requirements after five years of trainee status, must pass the NEHA examination to be issued any additional renewals by trainee registration extension.
- To renew trainee registration the EHS trainee must submit required work experience signed-off by the supervisor annually.
- No time limit for EHS training.
- Applies only to part-time EHS trainees. Full-time EHS trainees may not renew.
- 3,840 is the maximum number of hours that can be worked by EHS trainees.

The board concurred with the changes.

For the future, Patnode remarked, the board may wish to consider creating an EHS training program.

338-010-0065 Equivalent Supervisor Qualifications

Patnode stated the Legislation and Rules Committee reviewed the equivalent supervisor qualifications and mirrored the EHS qualifications. AAG Lozano remarked that there were professions on the list that had exemption status but had no relation to the environmental health field, and therefore, the committee had been careful *not* to include those professions on the list of approved work experience. For example, a plumber or a septic tank installer would not qualify as equivalent work experience. The board reviewed the list and added:

- Registered professional engineers working in drinking water, waste water or similar fields.

338-010-0070 Qualifying Work Experience

Patnode suggested that changes to this section mirror those of 338-010-0065 that the board had just discussed and the term "*pre-registration*" work experience was added for clarification. The board concurred and those changes were made.

338-020-0030 Continuing Education Requirements

The board reviewed the CE section to make revisions to align with agency protocols.

338-020-0050 Continuing Education: Audit, Required Documentation and Sanctions

The board discussed the difference between those CE courses already pre-approved by the agency and those courses that are not. The board invited Sylvie McMillan, Fiscal Services and Licensing Manager for the agency, into the conversation. The board recommended to the agency:

- If selected for audit, the registrant must provide documentation of the required continuing education, which must include:
 - a. For continuing education courses pre-approved by the agency, a certificate of

- completion or official transcript that *includes* the agency approval number; or
- b. For continuing education courses *not* pre-approved by the agency those items listed in (a) through (f) of the proposed rules with the addition of a “course agenda provided by the course presenter.”

McMillan noted that those courses that had been submitted and pre-approved by the agency would be posted on the EHRB web site with the agency approval number attached.

Review of Public Comment

The committee reviewed the packet of public comment provided by Patnode that was received between March 1, 2011 through June 28, 2011. They discussed each issue and listened to advice from Katharine Lozano, Assistant Attorney General for the agency, concerning legal issues surrounding statutory compliance.

MOTION:

Holly Skogley made a motion with a second by Jeff Freund to adopt and recommend administrative rules, either as proposed or with the amendments to proposed administrative rules as discussed today, July 19, 2011, with the exception of the 3,840 qualifying work experience hours being retained.

Holly Skogley made a motion with a second by Jeff Freund to approve the above motion as stated with the amendment of all grammatical, punctuation, or other clerical errors corrected. The motion passed unanimously.

Agency’s Strategic Plan for Rulemaking Discussion

Patnode talked to the board about the agency’s strategic plan for rulemaking related to staff workload and the fact that the agency currently only has one policy analyst. She said that EHRB has just spent eight months working on the administrative rules. The rest of the process, regarding reviewing the duties of an EHS, will have to resume at a later date. Patnode noted that a collaborative rulemaking process, which had been talked about, may not be the right fit for EHRB rulemaking.

The meeting adjourned at approximately 1:17 pm.

Prepared by: Sinnamon Harris, Board Specialist

Director's Report



2013 Legislative Concepts

OREGON HEALTH LICENSING AGENCY

The Oregon Health Licensing Agency (OHLA) begins the legislative process more than a year before the actual legislative session.

To begin the process the agency has compiled a list of possible legislative concepts for each program. Members are asked to review the list and make comments as well as add additional changes. As part of that process the agency will consider all comments and suggestions and may call on the individual boards and councils Legislative & Rules Committees to fine tune language or to act as experts in a particular profession.

OHLA ORS 676 – Streamline the following among all OHLA professions:

- Continuing education authority;
- Renewal requirements;
- Fee structure;
- Complaint and investigation confidential;
- Disclosure of confidential information to other public entity; and
- Charitable events exception for all programs or relevant programs;

Board of Athletic Trainers ORS 688:

- Remove NATA references; and
- Standardized definition of “Physician Extender”.

Board of Body Art Practitioners Oregon Laws 2011, Chapter 715 (ORS 690):

- Ear lobe piercing only field of practice with grandfathering provision;
- Make tattooing a minor illegal;
- Add freelance authorization for electrology allowing electrologists to be mobile licensees.

Board of Cosmetology ORS 690:

- Add work performed on the “face” related to esthetics;
- Add “cosmetology” field of practice;
- Practice standards and requirements for legend drugs and devices such as lasers and hydroquinone (skin lightening agent);
- Continuing education authority;
- Streamline public records confidentiality regarding complaints (690.195(2)); and
- Clarify authority to assess civil penalty to the Board (690.992) for violations of (676.612)

Board of Denture Technology ORS 680:

- Perform X-rays part of scope of practice.

Board of Licensed Dietitians ORS 691:

- Mandatory licensure.

Environmental Health Registration Board ORS 700:

- Exempt individuals under a supervised internship from registration with guidelines by rule;
- Expand authority to allow other qualifying graduate degrees. (ORS 700.030 (1)(b))
- Define duties and parameters of an environmental health specialist;
- Designate title for registered waste water specialist as RWWS; and
- Elimination of waste water field of practice.

Advisory Council on Hearing Aids ORS 694:

- Council membership – designate four hearing aid specialists licensed under 694.065(a) and (c) and one audiologist licensed under ORS 681; and
- Add temporary licensure provisions by rule.

Board of Direct Entry Midwifery ORS 678:

- Mandatory licensing including exemptions;
- Broaden legend drugs and devices; and
- Insurance reimbursement.

Nursing Home Administrators Board ORS 678:

- Standards for directors/administrators for Assisted/Residential Living Facilities.

Respiratory Therapist and Polysomnographic Technologists Licensing Board Oregon Laws 2011, Chapter 346 (ORS 690):

- Add training to requirements for licensure under polysomnography; and
- Add language related to the practice of respiratory care to include:
“the insertion of devices to draw, analyze, infuse or monitor pressure in arterial, capillary or venous blood as prescribed by medical director” and emergent intraosseous placement.

Sex Offender Treatment Board ORS 675:

- Designate titles for use by only a certified or associate sex offender treatment therapist as CCSOT and CASOT.
- Require that only certified or associate sex offender treatment therapists may treat minors or developmentally disabled;
- Mandatory licensure for all sex offender treatment therapists.

Other Issues:

- Durable medical equipment; and
- Home caregiver registry;

Oregon Health Licensing Agency

700 Summer Street NE, Suite 320

Salem, Oregon 97301-1287

(503) 373-1917



Statistical & Budget Reports



Oregon Health Licensing Agency Environmental Health Registration Board

*Licensing Division Statistics as of October 25, 2011
2011 - 2013 Biennium*

Registrations Issued

Quarter	Environmental Health Specialist	Waste Water Specialist	Environmental Health Specialist Trainee	Waste Water Specialist Trainee	Total
1st	4	0	1	0	5
2nd	0	0	0	0	0
Total:	4	0	1	0	5

Renewals Processed

Quarter	Environmental Health Specialist	Waste Water Specialist	Total	% Renewed Online
1st	46	1	47	29.79%
2nd	6	0	6	0.00%
Total:	52	1	53	26.42%

Oregon Health Licensing Agency Environmental Health Registration Board

*Examination Statistics as of October 25, 2011
2011 - 2013 Biennium*

Quarter	Trainee Exam			Environmental Health Written Exam		
	Passed	Failed	% Passed	Passed	Failed	% Passed
1st	0	0	0%	2	0	100%
2nd	2	0	100%	0	0	0%
Total:	2	0	100%	2	0	100%

Oregon Health Licensing Agency Environmental Health Registration Board

*Regulatory Division Statistics as of October 25, 2011
2011 - 2013 Biennium*

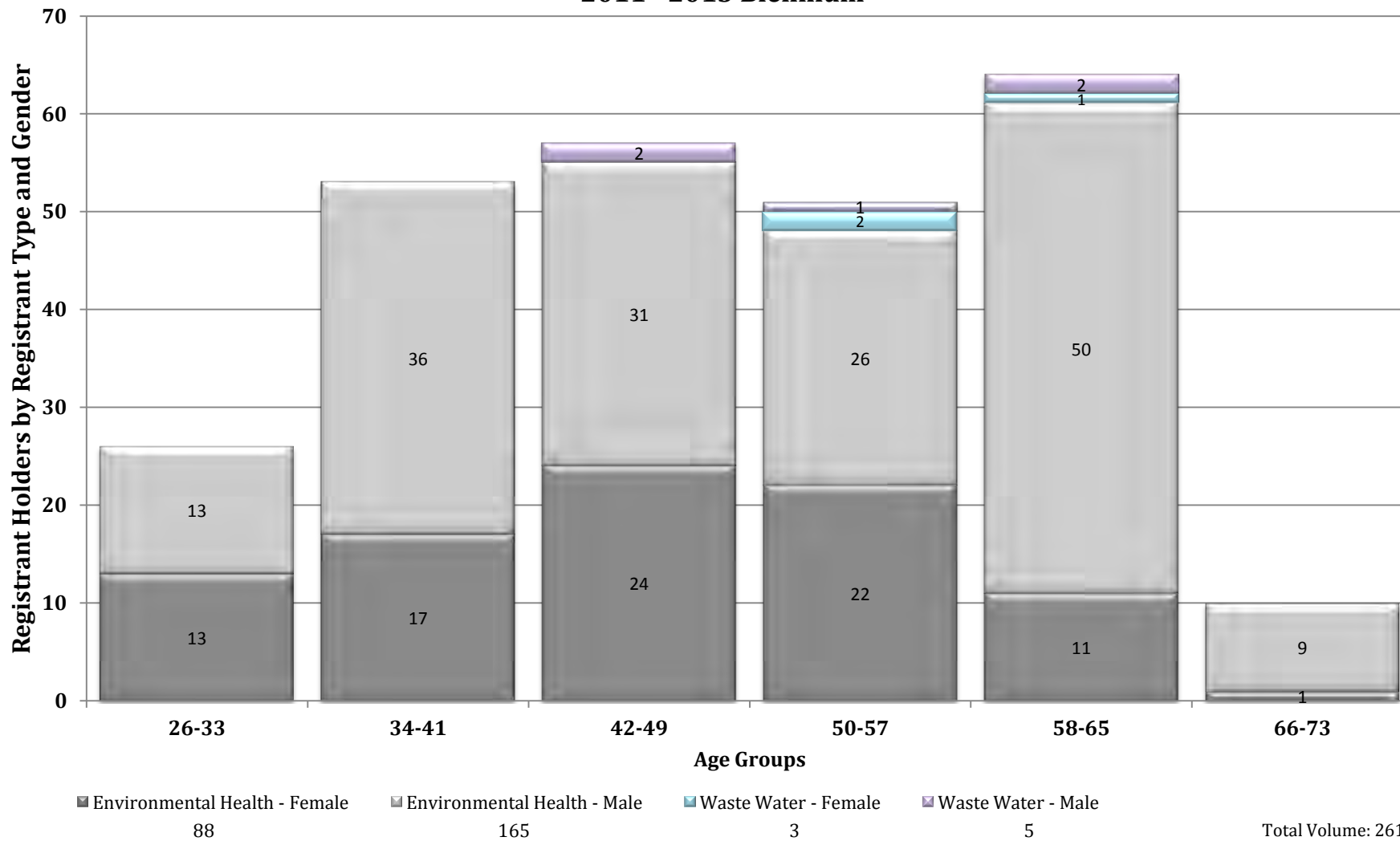
Quarter	Complaints Received	Complaints Closed	Proposed Sanctions	Final Orders
1st	0	0	0	0
2nd	0	0	0	0
Total:	0	0	0	0

Oregon Health Licensing Agency

Environmental Health Registration Board

Active Environmental Health and Waste Water Registrants

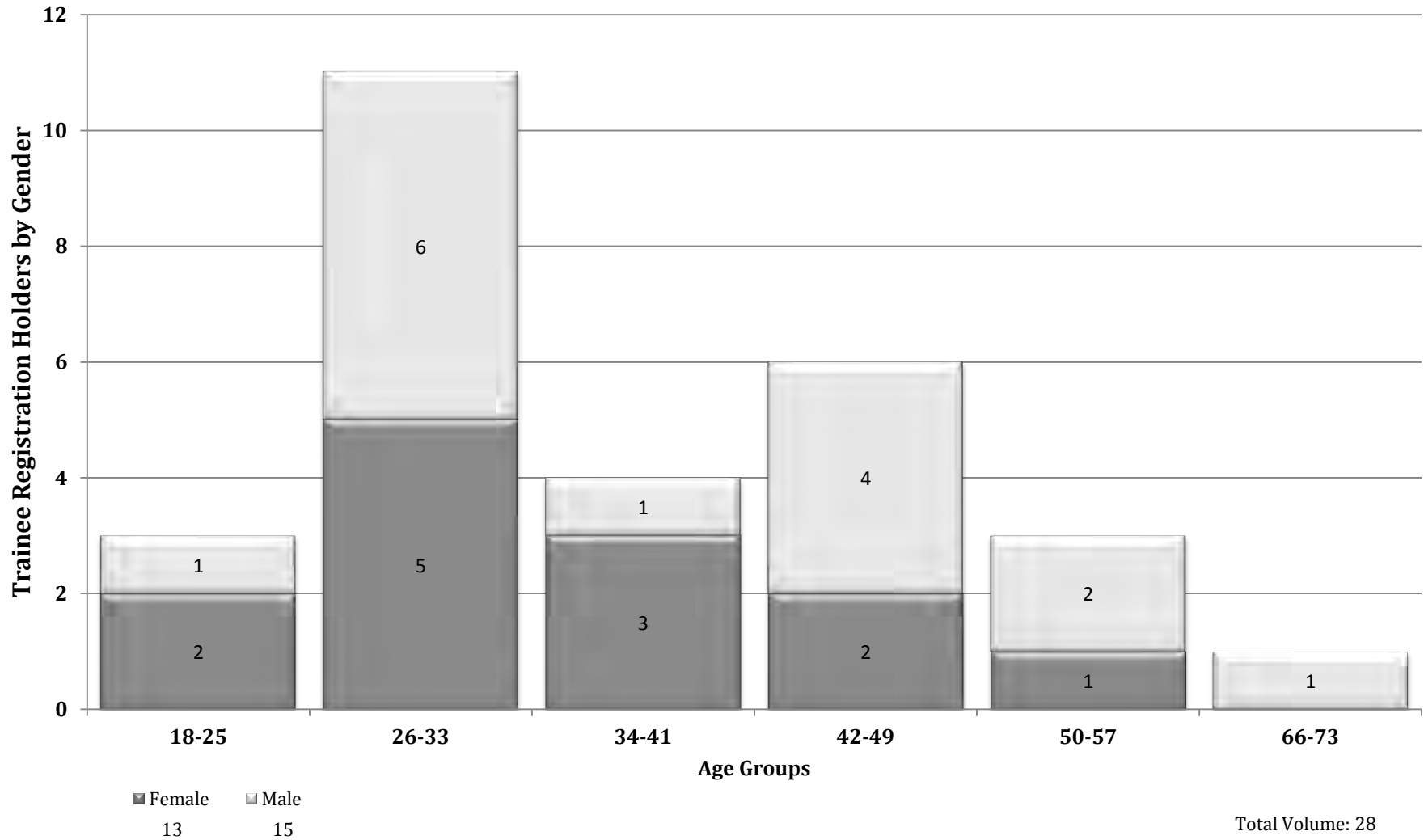
Statistics grouped by Registration Type, Gender and Age Group as of October 25, 2011
2011 - 2013 Biennium



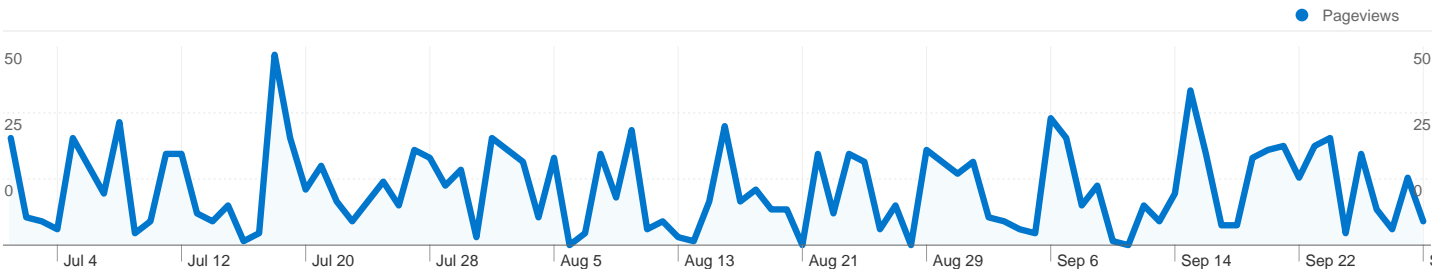
Oregon Health Licensing Agency

Environmental Health Registration Board

Active Environmental Health and Waste Water Trainee Registrants
Statistics grouped by Gender and Age Group as of October 25, 2011
2011 - 2013 Biennium



This report is generated in fast-access mode.



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Pageviews 1,878 % of Site Total: 1.37%	Unique Pageviews 1,530 % of Site Total: 1.39%	Avg. Time on Page 00:00:38 Site Avg: 00:01:13 (-48.08%)	Bounce Rate 47.83% Site Avg: 47.28% (1.16%)	% Exit 40.74% Site Avg: 37.68% (8.12%)	\$ Index \$0.00 Site Avg: \$0.00 (0.00%)
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Pivot by: Source

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Page	Total Pageviews	google Pageviews	(direct) Pageviews	google.com Pageviews	de.wikipedia.org Pageviews	licenseinfo.oregon.gov Pageviews
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Oregon Health Licensing Agency

Environmental Health Registration Board

Cumulative Revenue and Expenditures

For the Biennium 2009-2011

OREGON HEALTH LICENSING AGENCY ENVIRONMENTAL HEALTH FUND 7550 STATEMENT OF CASH FLOWS FOR THE PERIOD 07/01/09 - 6/30/11	
09-'11 Beginning Cash Balance	16,822.77
Revenues	93,860.63
Expenditures	128,976.53
Less: Accrued Expenditures	-
Less: Total Expenditures	(128,976.53)
Subtotal: Resources Available	(18,293.13)
Change in (Current Assets)/Liabilities	-
Ending Cash Balance as 09/30/2011	(18,293.13)
Cost Allocation 7/1/2009 - 1/31/2010	
Small Board Assessment Rate	1.60%
License Volume / Workload Complexity Rate	0.50%
	2.10%
Cost Allocation 2/1/2010 - 9/30/2010	
Small Board Assessment Rate	1.60%
License Volume / Workload Complexity Rate	0.60%
	2.20%
Cost Allocation 10/1/2010 - 6/30/2011	
Small Board Assessment Rate	1.50%
License Volume Rate	0.43%
Indirect Rate for all Divisions	1.93%
Direct Expenses	100.00%

Agency Divisions	Shared Cost Categories	FTE ALLOCATION	Cosmetology	Board of Body Art	Denturists, Hearing Aids, Nursing Home Administrators and Environmental Health Specialists	Athletic Trainers, Respiratory Therapists and Polysmonographic Technologists , Direct Entry Midwives, Sex Offender Treatment Therapists and Dietitians
			Cosmetology Plan	Small Board Gold Plan	Small Board Silver Plan	Small Board Bronze Plan
Administrative Services Division	Management, Rules and Legislation and Board Support	10.00 FTE	X	X	X	X
	Education Services	1.00 FTE	X	X	X	
Fiscal Services / Licensing Division	Fiscal Services and Information Technologies	7.00 FTE	X	X	X	X
	Cosmetology Direct Support	1.00 FTE	X			
	Small Board Qualifications and Licensing	1.00 FTE		X	X	X
	Front Line	4.00 FTE	X	X	X	X
Regulatory Operations Division	Inspections	4.00 FTE	X	X		
	Investigations	4.00 FTE	X	X	X	X
	Admin Support	1.00 FTE	X	X	X	X
TOTAL FTE / COST CATEGORIES		33.00 FTE	8	8	7	6

Oregon Health Licensing Agency

Environmental Health Registration Board

Cumulative Revenue and Expenditures

For the Biennium 2011-2013

OREGON HEALTH LICENSING AGENCY		
ENVIRONMENTAL HEALTH FUND 7550		
STATEMENT OF CASH FLOWS		
FOR THE PERIOD 07/01/11 - 09/30/11		
11-'13 Beginning Cash Balance <i>as of 09/30/11</i>	\$	(18,293.13)
Revenues	\$	10,080.00
Expenditures	\$	9,970.91
Less: Accrued Expenditures	\$	(38.91)
Less: Total Expenditures	\$	(9,932.00)
Subtotal: Resources Available	\$	(18,145.13)
Change in (Current Assets)/Liabilities	\$	28.75
Ending Cash Balance (Actual)	\$	(18,116.38)
	\$	(18,116.38)
Silver Allocation Plan		
Shared Services Rate (ASD, FSD, REG)		1.02%
Educational Services Rate		10.53%
Small Board Qualifications and Licensing Rate		4.95%
Front Line Customer Support Rate		0.42%
Direct Expenses		100.00%

Oregon Health Licensing Agency

Environmental Health Registration Board

Cumulative Revenue and Expenditures

For the Biennium 2011-2013

OREGON HEALTH LICENSING AGENCY		
ENVIRONMENTAL HEALTH FUND 7550		
STATEMENT OF CASH FLOWS		
FOR THE PERIOD 07/01/11 - 06/30/13		
11-'13 Beginning Cash Balance <i>as of 09/30/11</i>	\$	(18,293.13)
Revenues	\$	97,280.00
Expenditures	\$	85,572.64
Less: Accrued Expenditures	\$	-
Less: Total Expenditures	\$	(85,572.64)
Subtotal: Resources Available	\$	(6,585.77)
Change in (Current Assets)/Liabilities	\$	-
Ending Cash Balance (Projected)	\$	(6,585.77)
Silver Allocation Plan		
Shared Services Rate (ASD, FSD, REG)		1.02%
Educational Services Rate		10.53%
Small Board Qualifications and Licensing Rate		4.95%
Front Line Customer Support Rate		0.42%
Direct Expenses		100.00%

**Regulatory
Operations Division
Report**



Environmental Health Registration Board

2009 – 2011 Biennium

Between July 2009 and June 2011, 2 complaints were received by the Agency.
Of the 2 complaints, 2 remain open.

Below is a detailed list of the 2 open complaints with an ongoing investigation:

Case #	Received Date	Complaint Allegations
11-6414	5/11/2011	Purporting as a licensee with expired license
11-6415	5/11/2011	Purporting as a licensee with expired license

Policy, Legislation & Administrative Rules

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on August 15, 2011 by the _____
Date prior to or same as filing date

<u>Oregon Health Licensing Agency</u>	<u>OAR 331</u>	
Agency and Division	Administrative Rules Chapter Number	
<u>Samantha Patnode, Policy Analyst</u>	<u>700 Summer St. NE, Suite 320, Salem, Oregon 97301-1287</u>	<u>503-373-1917</u>
Rules Coordinator	Address	Telephone

to become effective August 15, 2011. Rulemaking Notice was published in the June 2011 Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Define terms used in ORS 676.612 and active military status protocols for authorization holders.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: 331-010-0050

AMEND: 331-020-0040, 331-020-0070

REPEAL:

Stat. Auth.: ORS 676.615

Other Auth.: ORS 408.450

Stats. Implemented: ORS 676.607, 676.608, 676.612, 408.450

RULE SUMMARY

Adopt 331-010-0050 allowing authorization holders in active military status waiver of renewal, fees and continuing education requirements, as well as protocols for restoration of former authorization status.

Define and clarify what constitutes an appearance before the agency during investigations of alleged violations of statutes or rules under the authority of the Oregon Health Licensing Agency (OHLA), its boards or councils.

Define and clarify the terms incompetence and negligence used in ORS 676.612 in relation to the boards or councils under the OHLA.

<u>Randall Everitt, Director</u>	<u>8/11/11</u>	
Authorized Signer	Printed name	Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 m on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.
ARC 930-2005

OREGON HEALTH LICENSING AGENCY

DIVISION 10

AGENCY GENERAL ADMINISTRATION RULES

331-010-0050

Authorization Holders; Military Leave

(1) A practitioner authorized to practice under a program listed in ORS 676.606 is not required to renew the authorization or pay renewal fees while in active military service unless required by the authorization holders branch of the military.

(2) To be restored to former authorization status the authorization holder must notify the agency in writing within 60 days of being honorably discharged.

(3) No fees will be due until the following renewal period.

(4) Requirements for completing continuing education hours during an authorization holder's active duty period shall be evaluated on a case by case basis.

DIVISION 20

AGENCY REGULATORY OPERATIONS RULES

331-020-0040

Complaint Processing and Investigation

Pursuant to ORS 676.608, complaints filed with the Oregon Health Licensing Agency will be handled as follows:

(1) The agency will determine if the complaint is related to a profession or occupation regulated and administered by the agency and the complaint falls within authority delegated to the agency by statute.

(2) The agency investigator(s):

(a) Will review the information and as applicable, interview parties and witnesses, and examine physical evidence relating to the complaint;

(b) Will advise on whether an authorization holder or other individual practiced within the acceptable standards of the particular program;

~~(c) May attempt to informally resolve the matter;~~

~~(d)~~ (c) Will make recommendations for agency action.

(3) After receiving advice from the investigator(s), the agency will determine what action will be taken in accordance with ORS 676.608.

(4) As used in ORS 676.608(8), to "appear before the agency" includes: an investigative interview conducted under oath, under subpoena or otherwise compelled; an interview or hearing before a board, council, or subcommittee of a board or council; any depositions authorized by the agency; pre-hearing conferences; and contested case hearings. It does not include interrogatories, written admissions, other written communications, or voluntary communications.

Stat. Auth.: ORS 183, 676.605, 676.608, 676.615
Stats. Implemented: ORS 183, 676.605, 676.608, 676.615
Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

331-020-0070

Discipline

(1) The Oregon Health Licensing Agency may discipline authorization holders for violations of laws and rules, in accordance with ORS 676.612 and 676.992.

(2) Failure to cooperate with the agency or its agent is unprofessional conduct and is subject to disciplinary sanctions, which may include suspension or revocation and refuse to issue or renew or place on probation and assessment of civil penalties. Failure to cooperate with the agency or its agent includes, but is not limited to, the following:

(a) Failing to provide information within the specified time allotted and as requested by the agency;

(b) Failing to temporarily surrender custody of original client records to the agency upon request, which includes treatment charts, models, health histories, billing documents, correspondence and memoranda;

(c) Interference, use of threats or harassment which delays or obstructs any person in providing evidence in any investigation, contested case, or other legal action instituted by the agency;

(d) Interference, use of threats or harassment which delays or obstructs the agency in carrying out its functions under individual programs administered and regulated by the agency as listed in ORS 676.606 and rules adopted thereunder;
or

(e) Deceiving or attempting to deceive the agency regarding any matter under investigation including altering or destroying any records.

(3) The agency, at its discretion, may require supplemental training in an appropriate area of study as determined by the agency, board or council, as a disciplinary sanction. Supplemental training may be in addition to assessment of a monetary penalty or the agency, board or council may waive or reduce a penalty, in cases requiring supplemental training.

(4) As used in ORS 676.612(2)(j) incompetence means engaging in conduct which evidences a lack of ability or fitness to perform the holder's professional functions.

(5) As used in ORS 676.612(2)(j) negligence means engaging in conduct detrimental to the client.

Stat. Auth.: ORS 676.607, 676.612, 676.992
Stats. Implemented: ORS 676.607, 676.612, 676.992
Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

Items for Board Action

Issue:

With the end of 2011 approaching it is necessary for the Environmental Health Registration Board to elect a Chair and Vice-Chair for the year 2012.

Discussion:

Mike Kucinski has served as Chair during the year of 2011.
Jefrey Hampton has served as Vice-Chair during the year of 2011.

Recommendation:

Environmental Health Registration Board nominates and elects a board Chair and Vice-Chair for the year 2012.

CHAIRPERSON

VICE-CHAIRPERSON

Issue:

With the end of the year 2011 approaching, it is necessary for the Environmental Health Registration Board to review the make up of committees and designated members to each committee.

Discussion:

The purpose of committees is to allow for review and discussion of specific issues, which usually require more in-depth fact-finding and deliberation than can be scheduled at periodic board meetings. Committees also serve as a resource to staff in the daily administration of the program with members providing technical expertise and direction, particularly in scope of practice, practice standards, education and regulatory aspects.

A committee may be comprised of one member acting, as liaison between the board and office staff, but must include a total number of members that equates to less than an a quorum.

Committee	Committee Purpose/Description
Legislation/Rules	Gain consensus on rule development and make recommendations for action to the board/agency. Committee work is centered on "fact-finding"-discussion of facts, perspectives and concerns.
Education/Examination	Establish requirements for training and education, equivalencies and continuing education.
Enforcement	Advise agency during investigation or review of disciplinary cases.
Customer Connection	Advises agency on areas affecting all board/councils uniformly. Projects may include Website review, agency publications and agency rulemaking.
Practice & Procedures Standards	Review and discuss inquiries received regarding scope of practice

Recommendation:

Environmental Health Registration Board designates committee members for the year of 2012.

Oregon Health Licensing Agency

Environmental Health Specialist Registration Board 2011 Recommended Committee Nominees

2011 SUBCOMMITTEE LIST	
Practice & Procedures	Dr. Paul Cieslak, Caroline Gross-Reagan, Jeff Freund
Enforcement	Jeff Hampton, Caroline Gross-Reagan
Education/Examination	Jeff Freund, Michael Kucinski
Legislation & Rules	Dr. Paul Cieslak, Jeff Hampton, Caroline Gross-Reagan
Customer Connection	Jeff Freund

2012 COMMITTEE NOMINEES	
Continuing Education	<hr/> <hr/> <hr/>
Enforcement	<hr/> <hr/> <hr/>
Education/Examination	<hr/> <hr/> <hr/>
Legislation & Rules	<hr/> <hr/> <hr/>
Customer Connection	<hr/> <hr/>

Issue:

With the end of 2011 approaching it is necessary for the Environmental Health Registration Board to approve meeting dates for the year 2012.

Discussion:

The following dates are proposed for the Environmental Health Registration Board to conduct regular council business:

Friday, January 27, 2012 @ 10 am
Friday, May 4, 2012 @ 10 am
Friday, August 3, 2012 @ 10 am
Friday, November 2, 2012 @ 10 am

Recommendation:

Environmental Health Registration Board approves meeting dates for the year 2012.
Approved meeting dates:

Other Board Business



Board Interest File

Public Comment

Executive Session

