



**Oregon Health Licensing Agency**  
**ENVIRONMENTAL HEALTH REGISTRATION BOARD**



10:00 am Friday, June 26, 2009  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**Minutes**

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**MEMBERS PRESENT:**

Ellen Laymon, Chairperson  
Michael Kucinski, Vice-chair  
Robert Anderson  
David Bussen

**MEMBERS ABSENT:**

DR. Paul Cieslak  
Russ Hanson  
Denise Pracht

**STAFF PRESENT:**

Cindy Forest, HR Manager  
Samantha Patnode, Policy Analyst  
Trampus Schuck, Board Specialist  
Sinnamon Harris, Board Specialist  
Kraig Bohot, Public Information Officer  
Tim Molloy, Regulatory Operations Manager

**GUESTS PRESENT:**

Tony Fields, EHS

**Call to Order**

Ellen Layman, Chairperson, called to order the meeting of the Board of Cosmetology at 10:00 am on June 26, 2009 at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon.

**I - Approval of Agenda**

**MOTION:**

Robert Anderson made a motion and David Bussen seconded to approve the agenda for June 26, 2009. The motion passed unanimously

**II - Approval of Minutes**

**MOTION:**

David Bussen made a motion and Mike Kucinski seconded to approve the minutes for November 14, 2009, with on correction of "Richard" Anderson to "Robert" Anderson. The motion passed unanimously.

**III - Reports**

**A. Director's Report**

➤ **2009 Legislation**

Brian DeForest, Acting Director, presented 2009 Legislation regarding HB 3232, which was introduced by Representative Mitch Greenlick after Governor's Office pulled the concept due to technical issues and provisions in the "Relating to Clause". DeForest stated that many of changes are house keeping measures to bring programs into uniformity with the central agency model. Such changes are standardized board member terms, and licensing cycles. Other areas include language to allow the agency to establish specialty fields of practice for cosmetology, strengthen consumer protection, and referral of impaired practitioners to treatment programs.

DeForest highlighted the agency's budget bill HB 5525 and fee bill HB 5526 which had a Public Hearing on April 9, 2009, in the Ways and Means Education Subcommittee. A Work Session is scheduled later in the month. Meetings were scheduled and held with both Co-Chairs of the committee to review the budget and answer any questions. The agency and the information given was well received.

Patnode provided an overview of legislation sponsored by Representative Mitch Greenlick explaining how the bills could affect the Board and the agency. She noted that specific bills add public members to health related boards. Patnode explained other bills introduced by Greenlick address required terms in office, improved oversight with regards to impaired licensees, requirements for reporting incidence where scopes of practice may crossover, and restricting the liability of hearings and court fees to complainants.

➤ **Administrative Rules**

Patnode answered a question concerning HB 2059 as it applies to the regulatory board. The example given when a complaint was filed with one of our boards that clearly had some misconduct by a member of another board, our board would need to report that misconduct to the other board. Patnode made it clear that it is the Agency and the Board, not individual members, who would be responsible for reporting. Tim Molly remarked that this Agency is already doing that type of reporting. He cited an example of a Denturist complaint that was referred to the Board of Dentistry.

The question was asked, "Would background checks {for licensees} raise fees?" Patnode answered that it could raise fees and Molly volunteered that the current costs was \$8 for a background check and that the Agency was currently covering the costs. Molly made it clear that background checks were not run on everyone, only if circumstances warranted the check to be run. For instance, if the application disclosed a criminal record, then a background check is done.

Kucinski asked there was a way to create some kind of trainee status for summer interns. Someone who had an interest in Environmental Health field. They would "technically" be performing the duties of a waste water specialist. So the problem is that they cannot come in and do the work. So the question is: how do we get someone in who has an interest in the program? Patnode remarked that she did not believe that they have the authority to create a third category such as an "Interim Trainee". Patnode stated that you may be able to do a law around academic training but it must limit and define what an intern could do. For example, "Like a capstone project for senior level students." It was suggested that this idea should be moved to a committee setting for further exploration to be added to the 2011 legislation.

Patnode provided an overview of the temporary rules effective December 1, 2008, and the proposed rules which were filed simultaneously to allow for public comment which ends April 30, 2009. She said the agency is delaying filing permanent administrative rule in order to make changes to the application requirements, specifically, identification required to become an authorization holder. Patnode reported the proposed rules use the Department of Homeland Security Form I-9 as a model for identification requirements. Upon further investigation the agency found the purpose for the Form I-9 is to verify employment eligibility rather than identity, which is not the intention of the agency. OHLA is revising the original proposed rule to reflect the Department of Motor Vehicle (DMV) Real ID Act requirements, put in place by the federal government in 2005. The DMV serves as an expert in the field of identification and determining its integrity.

Public testimony was received by attorney Jim Francesconi regarding the use of an Individual Taxpayer Identification Number (ITIN) in lieu of a social security number, (testimony was provided to the Board). His concern was that many people are not eligible for a social security number (SSN), and therefore could not qualify for certification. Patnode explained this information would be used for collection purposes related to Department of Justice Child Support Enforcement and Department of Revenue tax administration. She said based on public comment applicants will be allowed to use an ITIN or SSN when applying for certification; however applicants would still be required to provide two forms of government issued identification, one being photographic.

#### **B. Administrative Services Division**

Mike Simpson, Program Analyst, was not present to present an overview of statistics relating to the Board. His report was presented by Trampus Schuck, Board Specialist. The report included licensing, examinations, Web site traffic and regulatory statistics for 2007-09 biennium. The Board was provided with the report and a copy was placed in board documents for retention. During the presentation the question was asked when was the last time the WasteWater Exam was reviewed. It was noted that the last review was 2005. It was discussed that perhaps an Ad Hoc Committee be formed with David Bussen, Russ Hanson, and Michael Kucinski. Other WasteWater Specialist could be contacted for input at a public hearing. Another question the committee may address: is the WasteWater Specialist Registration still needed? The date, perhaps sometime in August, to be determined by the Agency's Board Specialist.

#### **C. Regulatory Operations Division**

Tim Molloy, Regulatory Operations Division Manager, presented an overview of regulatory activity. Since the last board meeting on November 14, 2008, there has been one complaint filed with Oregon Health Licensing Agency. The complaint is a licensing generated complaint and the investigation has not been completed at this time.

#### **D. Program Operations Division**

##### **1) Outreach and Communication**

Kraig Bohot, Public Information Officer, discussed the position statement and how two reports: The Health of Oregon's Public Health System, an Assessment and Report, October 2008 and National Strategy to Revitalize Environmental Public Health Services referenced to the position statement will make the statement that much stronger. It was discussed how an outreach program to Universities

concerning Environmental Health programs, along with the position statement and statistics that show how in the next five years a lot of Environmental Health Specialist may be retiring, may motivate those institutions to offer classes and degrees in EH. Ellen Laymon offered to draft an outreach statement.

**Motion:**

Robert Anderson made a motion and David Bussen seconded, to adopt the position statement as presented to the Board. The motion was passed unanimously.

The Board has decided to request a proclamation from the Governor's Office for an Environmental Health Day.

**Working Lunch**

The Board broke for fifteen minutes and reconvened at approx. 12:10 pm. Board member, Robert Anderson, had to leave at the break, so there was not a quorum when the meeting reconvened.

**IV - Items for Board Action**

There was no Board Action at this time.

**V - Executive Session**

There was no Executive Session at this time.

**VI - Other Board Business**

Patnode called attention to flyer that is a PDF on OHLA Website "Environmental Health Registration Board Continuing Education Roll Out

**VII - Public Comment**

Tony Fields, EHS, came to the meeting to relate his experience with OHLA in obtaining an EHS registration license. The points he wished to bring forward were:

- The process of obtaining a license was very cumbersome and difficult.
- The amount of the fees are above the national average and the actual license itself is not esthetically pleasing.
- There are inconsistencies regarding who has to be registered as an environmental health specialist, with the same job description, and who does not. Examples were given within DHS agency itself.
- Persons working at the DEQ have exemptions.

Mr. Fields had obtained his registration over three years ago. Patnode and the Board thanked Mr. Fields for his input. Patnode remarked that a lot of changes have been enacted since his experience but the Agency continues to strive to bring better service to its stakeholders.

**VIII - Miscellaneous**

A. Board Interest File

The meeting adjourned at approximately 1:23 pm