



Oregon Health Licensing Agency
ENVIRONMENTAL HEALTH REGISTRATION BOARD



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

Minutes

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 Laymon, Chairperson, called to order the meeting of the Environmental Health Registration Board 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 - Executive Session

Executive session was conducted under ORS 192.660(2)(b), at 10:01a.m., for the purpose of considering information or records exempt from public inspection. No recommendations were made.

II - 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.

III - Approval of Minutes

MOTION:

David Bussen made a motion and Mike Kucinski seconded to approve the minutes for November 14, 2008, with one correction of "Richard" Anderson to "Robert" Anderson. The motion passed unanimously.

IV - Reports

A. Director's Report

➤ 2009 Legislation

Samantha Patnode, Policy Analyst, 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". Patnode 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.

Patnode 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.

Patnode answered a question concerning HB 2059 as it applies to the regulatory board, noting that during the course of an investigation the agency and the board would be required to report potential violations. Tim Molloy stated the agency already reports misconduct of other professionals to the appropriate licensing entity. He provided an example of a denturist complaint that was referred to the Board of Dentistry.

➤ Administrative Rules

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 delayed 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 used 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 revised 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.

Concerns were raised regarding background checks raising fees for licensees and potential licensees. Patnode stated that currently the agency does not charge a fee for background checks. Molloy stated the current cost to the agency is \$8. Molloy emphasized that background checks are not performed on all licensees or potential licensees, noting only certain circumstances when disclosing information would warrant the background check.

Kucinski asked there was a way to create some kind of trainee status for summer interns 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.

B. Administrative Services Division

Trampus Schuck, Board Specialist, presented an overview of statistics relating to the Environmental Health Registration Board. His report included licensing, examinations, Website traffic, and regulatory statistics for 2008. The Board was provided with the report and a copy was placed in board documents for retention.

Board members asked when the Waste Water Examination was last reviewed. Patnode stated the last review was in 2005 by Tina McCallister and the Item Writing Committee. The board requested an Ad Hoc Committee meet to review the examination and discuss whether the profession still warrants having a special registration for Waste Water. Patnode stated the agency would provide information regarding other states regulation, and current statistics. The board concurred.

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 the 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, reported on the challenges of the environmental health community to address increasingly complex and multi-dimensional issues. He provided the board with a revised position statement which recognizes those shortfalls and potential risk to Oregon public health. He said this concern is highlighted in two reports referenced in a revised draft of a position statement originally drafted last year; one from Oregon Coalition of Local Health Officials and one from the Centers for Disease Control (CDC), both providing evidence that the environmental public health workforce is too small to meet its responsibilities. Bohot asked the board to review and approve the position statement for publication.

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.

Board members requested the position statement and statistics be used to formulate an outreach campaign to universities regarding Environmental Health educational programs. This would provide a clear picture of the next five years for the profession and the effect that succession planning will have on public health in Oregon. Board members stated that hopefully this would motivate educational institutions to offer programs and degrees in environmental health. Ellen Laymon offered to draft an outreach statement. The Board concurred.

Bohot state for the first time, OHLA participated in Public Health Week activities with an information display at the State Capitol Building on April 6. The agency intends to build on this initial effort by participating annually to develop relationships with other stakeholders in the environmental/public health community.

The Board stated they would request a proclamation from the Governor's Office for an Environmental Health Day.

Bohot reported that OHLA participated in a panel discussion by the Oregon Collaborative for Healthy Nail Salons (OCHNS) at the first-ever Northwest Environmental Health Conference, "Bridging Research, Care and Policy," on February 6. He presented the Board with the OHLA ten year reports, noting presentation will be made virtually on the agency Website

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.

V - Items for Board Action

There was no Board Action at this time.

VI - Other Board Business

Patnode provided an overview of the Environmental Health Registration Board Continuing Education Web page including the fact sheet and continuing education roll out.

VII - Public Comment

Tony Fields, Environmental Health Specialist (EHS), provided an overview of his experiences with OHLA in obtaining an EHS registration. The following issues were discussed :

- The process of obtaining a registration was cumbersome and difficult.
- The amount of the fees is above the national average and the actual registration is not esthetically pleasing.
- There are inconsistencies regarding who has to be registered as an EHS. Examples were given within DHS agency itself regarding EHS and a natural resources specialist.
- 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

Prepared by: Sinnamon Harris, Board Specialist