



Oregon Health Licensing Agency  
Environmental Health Registration Board



10 am, Friday, November 4, 2011  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**MINUTES**

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**MEMBERS PRESENT**

Michael Kucinski, Chair  
Jeffrey Hampton, Vice-Chair  
Jeff Freund  
Caroline Gross-Regan

**STAFF PRESENT**

Randy Everitt, Director  
Sylvie McMillan, Fiscal Services and Licensing Manager  
David Sparks, Regulatory Operations Manager  
Samie Patnode, Policy Analyst  
Sinnamon Harris, Board Specialist

**MEMBERS ABSENT:**

Holly Skogley  
Dr. Paul Cieslak

**GUESTS PRESENT:**

None

**Call to Order**

Michael Kucinski, Chair, called the meeting of the Environmental Health Registration Board to order at 10:05 am, Friday, November 4, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. Roll was called.

**1. Approval of Agenda**

**MOTION:**

Jeffrey Hampton made a motion with a second by Jeff Freund to approve the agenda. Motion passed unanimously.

**2. Approval of Minutes**

**MOTION:**

Caroline Gross-Regan made a motion with a second by Jeff Hampton to approve the minutes for July 19, 2011. Motion passed unanimously.

### 3. Reports

#### ◆ Directors Report

Randy Everitt, Director, explained that a legislative concept is a formal idea that the agency vets with its boards or councils to determine if a statute (or law) needs to be revised. It is a lengthy process and Everitt further explained that the Legislative Concepts need to be submitted by early April of 2012 for the 2013 Legislation Session.

#### **Possible Legislative Concepts discussed by the board were:**

- 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 specialist as a field of practice

#### *Internships*

Everitt asked the board if the Council of Local Environmental Health Supervisors (CLEHS) would be supportive of internships. Jeff Freund stated he thought CLEHS would be supportive because there are more interns as Oregon State expands its programs. Mike Kucinski stated the board had discussed that an internship was a method for students interested in the profession to receive some actual field experience to see if this is a profession that they wish to pursue. Caroline Gross-Regan offered that the internship should be for a semester or summer with a definite end-date. The board asked Everitt to pursue *internships* as a legislative concept.

#### *Qualifying Graduate Degrees*

Kucinski stated that CLEHS would like to have other qualifying graduate degrees allowed for qualification. Patnode stated that currently only public or community health degrees are allowed by statute to have one year of training waived. Patnode noted the idea had been discussed at the last board meeting. The change could be something along the lines of just stating “a qualifying graduate degree” and then in rule could specify which degrees. Patnode noted the issue would need a tight and narrow “relating to” clause to prevent any add-ins once the statute was opened.

#### *Define Duties and Parameters of an EHS*

Patnode stated that there are currently very broad duties and it is difficult to decide what is within the EHS scope of practice. She said defining the duties will allow for specific elements much like the Waste Water Specialist scope of practice. Currently, the statutes do not even pinpoint restaurant inspections as EHS scope of practice. The Legislation and Rules Committee had already started the discussion and it will be the most difficult legislative concept and controversial but well worth the effort.

#### *Designate title for Registered Waste Water Specialist as RWWS and Elimination of Waste Water Specialist*

Patnode stated that this concept came from the Education and Examination Committee discussions. Currently there is a designation for Registered Environmental Health Specialist (REHS) but not for Waste Water Specialist. Kucinski stated the elimination of Waste Water Specialist field of practice was discussed because of the misunderstanding of the administrative costs to the agency to maintain the field of practice. It was discovered not to be large administrative cost so the discussion was dropped. The board decided not to pursue the legislative concept to eliminate waste water specialist field of practice.

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*Portland Community College (PCC) – New Two Year Technical Degree in Environmental Health*

Kucinski brought up that Portland Community College is developing a two-year technical program in Environmental Health. Sylvie McMillan, Fiscal Services and Licensing Manager, stated that the odds of the Legislature approving a lesser degree, when a Bachelor's Degree with 45 science hours is currently the required minimum in statute, are pretty slim. PCC could offer the 45 science hours. Patnode mentioned what the Legislature may do is limit what a person could do within the Environmental Health field with an Associate's Degree compared to a Bachelor's Degree. McMillan offered, as example, which the Legislature may ask for five years field experience along with the Associate's Degree. The board decided the issue needs further study and information. Jeffrey Hampton stated there is a need first to review what the curriculum and course-work for the PCC tech program will be and how PCC envisions the program tying into the EHS statutes. The board discussed more ideas surrounding PCC and Kucinski stated he would supply Patnode with a PCC contact person.

**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.

*Chair Summit*

Everitt announced a Chair Summit will take place on January 20, 2012, for all the Boards and Councils for a business meeting. The purpose of the meeting is for the boards/councils to let the agency know how it can improve on its services and for the agency to let the boards/councils know where the business of regulation is headed. For example, Everitt stated, at the last Chair Summit the agency introduced the 28-point Investigatory Protocols. One of the concerns at the last meeting was customer service and as a result the agency increased staff in the front lobby service area and added a position who answers the phone. This meeting will also explore the political part of Oregon Health Licensing Agency as a state entity and how it relates to each profession.

◆ **Statistical and Budget Report**

McMillan presented the statistics that included licensing, examination and regulatory statistics, authorization volume, complaints, and website traffic. McMillan also introduced a chart which outlined the "Small Board Gold, Silver, and Bronze Plans." These plans were developed by fiscal to allocate the shared (indirect) service rates for each board or council under Oregon Health Licensing Agency. The chart shows which board is using what functions of the agency and the costs are based on those services the boards are actually using. Full-Time Equivalent (FTE) Allocation represents all the agency's employee positions. Shared cost categories are divided into three agency divisions: Administrative Services, Fiscal Services/Licensing, and Regulatory Operations. Each board was placed into a Gold, Silver, or Bronze Plan based on the services used while Cosmetology has its own separate plan. The board will pay a percentage of each of the shared costs, such as, management, rules and legislation, qualifications and licensing, etc. McMillan noted the Silver and Bronze Plans does not include inspections as the agency only performs inspections on those boards with facility licenses. The Investigators keep a detailed log of which board they work on and those hours/ payroll costs are divided out at the end of the month for each board/council. EHRB is in the Silver Plan.

**Cumulative Revenue and Expenditures  
 For the Biennium 2011-2013**

<b>OREGON HEALTH LICENSING AGENCY                      ENVIRONMENTAL HEALTH FUND 7550                      STATEMENT OF CASH FLOWS                      FOR THE PERIOD 07/01/11- 06/30/13</b>	
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	\$ -
<b>Ending Cash Balance (Projected)</b>	<b>\$ ( 6,585.77)</b>
<b>Silver Allocation Plan</b>	
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**

David Sparks, Regulatory Operations Manager, reported on enforcement activity.

**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:

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

Sparks spoke about an employer who is characterizing in recruitment that they are hiring environmental health specialist but they are not registered with OHLA. The recruitment is posted on the state employment web site. The agency investigator had made a number of attempts to contact the employer with no success. Sparks noted the agency in question is not exempted from registration and he is exhausting all avenues to obtain compliance with agency to agency dialog. Oregon Revised Statute 700 is clear that you cannot call yourself an environmental health specialist unless registered with a few exempts which do not apply to the case. Sparks noted that was all the information he could supply at this time because of the on-going investigation.

◆ **Policy, Legislation & Administrative Rules**

-OHLA Permanent Administrative Rules

Patnode discussed OAR 331-010-005 regarding 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. The rule defines and clarifies what constitutes an appearance before the agency during investigations of alleged violations of statutes or rules under the authority of OHLA. The rule also defines and clarifies the terms incompetence and negligence used in ORS 676.612 in regulation to the boards or councils under OHLA.

**4. Items for Board Action**

◆ **2012 Chair and Vice-Chair**

Nominations for Chair were opened and Mike Kucinski nominated Jeffrey Hampton for Chair. There were no further nominations. Jeffrey Hampton was elected 2012 Chair by a unanimous vote.

Nominations for Vice-Chair were opened and Jeffrey Hampton nominated Jeff Freund for Vice-Chair. There were no further nominations. Jeff Freund was elected 2012 Vice-Chair by a unanimous vote.

◆ **2012 Committees**

**MOTION:**

A motion was made by Jeff Freund with a second by Caroline Gross-Regan to accept the following designated board members for the 2012 committees:

2012 Committees	
Practice & Procedures Standards	Dr. Paul Cieslak, Caroline Gross-Regan, Jeff Freund
Enforcement	Caroline Gross-Regan
Education & Examination	Jeff Freund, Mike Kucinski
Legislation & Rules	Dr. Paul Cieslak, , Jeffrey Hampton, Holly Skogley, Alternate: Caroline Gross-Regan
Customer Connection	Jeff Freund

The motion passed unanimously.

◆ **2012 Meeting Dates**

The following dates were proposed for the Environmental Health Registration Board to conduct regular board business: January 27th, May 4th, August 3rd, and November 2nd, 2012. The Board discussed changing the board meeting times to 9:30 am.

**MOTION:**

Jeffrey Hampton made a motion with a second by Jeff Freund to approve the proposed dates and a change in the meeting times to 9:30 am. The motion passed unanimously.

**5. Public Comment**

No public comment was received.

## 6. Other Board Business/Board Interest

### ◆ *National Environmental Health Association( NEHA) Off-site Examination Discussion*

Kucinski mentioned this issue came up while he was at the Environmental Health Association conference. The question was can the NEHA examination be taken at community colleges? McMillan said that in administrative rule it states that the NEHA examination may be administered by an entity approved by the agency. McMillan stated part of the problem with the examination being administered outside the agency is security. The board asked the agency to perform research on the possibility of using NEHA testing sites:

1. Contact NEHA to find out what security measures are in place for their testing sites { see NEHA web site for site locations within Oregon and surround states }.
2. Clarify that the NEHA examination results will come directly to OHLA.

If the examination sites meet OHLA standards then people out in Eastern Oregon could take the examination in Boise, Idaho, because that location would be closer and NEHA is a national examination.

### ◆ *Why Does It Take Six Weeks to Receive Examination Results?*

Kucinski received this question also while attending the conference and the person asking had stated that the results from a community college were received immediately. McMillan stated she was not sure how the results could have been given immediately unless they were *preliminary* results. OHLA does not score the results. The examination is packaged and sent straight to NEHA. It is on average approximately 30 days to receive the results back from NEHA. When the agency receives the results back the agency reviews where the trainee is on their training status through a file review. A letter is then issued to the trainee with their NEHA examination results and an evaluation as to where they are in the training process and what documents, if any, are still outstanding.

### ◆ *Agency Customer Service in Relation to Returned Phone Calls and E-mails*

Kucinski stated that he has received complaints that people are not receiving calls or e-mails back from the agency. Everitt addressed the issues and stated that the calls may put on hold or go to voice-mail because of the volume of calls received. The agency has hired a full-time person dedicated to answering the phones along with the front counter staff. But the problem is that the agency services 21 professions within 11 boards and councils. There are people standing in line at the front counters that the staff has been told to handle the live person in front of them first as a matter of respect. Some of the questions could have been easily answered if the person had gone to the web site. McMillan weighed in and said that the staff has been told that if they are receiving the same question by phone five times, then it should be written down so it can be added to the web site. The OHLA phone tree states at the beginning that they should try the web site first. All forms and fee schedules are located on the web. Everitt stated with the phone system the agency can see where and when the high volume phone calls occur but cannot tell why a phone call is dropped. This will also be part of the Chair Summit discussion coming up in January.

◆ *Effective Date for EHS Trainee Examination Fee Reduction?*

McMillan stated the effective date is January 1, 2012.

◆ *Continuing Education (CE) Discussion and Information*

Jeff Freund said the Education and Examination Committee had discussed CE and providing the documentation needed for classes that were taken under Oregon Administrative Rule 338-020-0050. In some cases it is difficult to obtain the documentation, such as an agenda, for the course especially if the course is taken online. Freund asked how a licensee would know if a course is pre-approved or not. McMillan stated an OHLA approval number should appear on the certificate of completion. Patnode stated that online courses have, for example, a paragraph that explains what is being taught during the online course. Those are perfectly acceptable “agendas” for documentation as long as the subject matter is meeting the criteria set forth in rule. McMillan stated that it is ultimately the licensee’s responsibility to know if the class is qualified for CE. If not sure, have the agency pre-approve the online class. There is a form on the web for submitting CE for pre-approvals for individuals or corporations to use.

**7. Executive Session-Place Holder**

- ◆ The board did not enter into executive session.

The meeting adjourned at approximately 1:26 pm.

Prepared by: Sinnamon Harris, Board Specialist