



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



10:00 am Friday, November 13, 2009  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**Minutes**

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**MEMBERS PRESENT:**

Ellen Laymon, Chair  
Michael Kucinski, Vice-Chair  
Robert Anderson  
Dr. Paul Cieslak

**MEMBERS ABSENT:**

Russ Hanson  
Denise Pracht  
David Bussen

**STAFF PRESENT:**

Randall Everitt, Director  
Samantha Patnode, Policy Analyst  
Sinnamon Harris, Board Specialist  
Kraig Bohot, Public Information Officer  
Sylvie McMillan, Business Services Manager  
Tim Molloy, Regulatory Operations Manager  
Larry Peck, Licensing Manager  
Michael Simpson, Quality and Statistical Analyst

**GUESTS PRESENT:**

None

**Call to Order**

Ellen Layman, Chair, called to order the meeting of the Environmental Health Registration Board at 10:22 am on November 13, 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 to approve the November 13, 2009 agenda with a second by Michael Kucinski. The motion passed unanimously.

**II - Approval of Minutes**

**MOTION**

Dr. Paul Cieslak made a motion to approve the June 26, 2009, minutes contingent upon Samantha Patnode, Policy Analyst, review of corrections including the misspelling of Ellen Laymon's name, with a second by Michael Kucinski. The motion passed unanimously.

### **III - Reports**

#### **A. Director's Report**

Randall Everitt, Director, introduced himself to the board members. He opened by emphasizing that OHLA's primary objective is public safety. He informed the board that the agency is here to provide adequate information in order to guide them in a productive, congenial, and collaborative way. He stated that OHLA wants to encourage open discussion and that he and staff are always available to assist whenever it is needed. Everitt stated that it is time for boards to govern themselves and follow the guidelines set by the legislature. He encouraged each board member to call and speak with him directly.

Everitt explained that OHLA is currently reviewing all fees. He stated that OHLA will be transparent regarding the budget and the board will participate in all budget conversations. He stated that restoring the agency's credibility is a priority, beginning with the business model and building relationships with the boards. Everitt provided an overview on the following topics:

- Security changes to administration of examination including examinations in a written format and cameras in testing room and lobby area.
- Emphasis was placed on public safety being the driving force of the agency.
- Governor's Reset Cabinet, which has been composed to develop options for restructuring state government to preserve and improve critical services to Oregonians.
- Electronic notebooks will be introduced at the next board meeting rather than the standard binder and paper. The agency is moving to electronic means in order to cut down on time and labor.

#### **B. Outreach and Communication**

Kraig Bohot, Public Information Officer, provided information regarding the Department of Consumer Business Services (DCBS) license directory. This portal provides a single information source for Oregon licenses, certifications, permits, and registrations. Bohot also spoke about the quarterly newsletter "What's Up at DAS" (Department of Administrative Services). It featured Oregon's upcoming "Transparency" Web site that provides easy public access to information on state agencies' revenues, expenditures, contracts, staff salaries, etc. Bohot closed by quickly addressing agency closures due to furlough days.

#### **C. Statistical Report**

Michael Simpson, Quality and Statistical Analyst, explained the Environmental Health Registration Board (EHRB) statistical tables and graphs noting registrations, regulatory complaints, and examinations, for the 2007-2009 biennium and the first two quarters of the 2009-11 biennium. Simpson also provided the active registration trend through October, 2009, an age diversity graph through November, 2009, EHS and Waste Water Specialist (WWS) gender breakdown as of November, 2009, a table reporting the environmental health trainees that were issued an EHS registration after January 1, 2008, and a report of OHLA website traffic for the period July 1, 2009 – October 31, 2009. Simpson provided the board with the report, and a copy was placed in board documents for retention.

#### **D. 2009-11 Budget**

Sylvie McMillan, Business Services Manager provided the statement of cash flows for the 7/10/2009 to 9/30/2009 period and the projected cash flow for 7/01/2009 to 6/11/2011.

### **E. 2009 Annual Performance Report**

McMillan presented an annual performance progress report for the fiscal year 2008-2009, and briefly explained key performance measures during the 2009-2011 legislation. McMillan provided the board with the full report, and a copy was placed in board documents for retention.

### **F. Regulatory Operations Division Report**

Tim Molloy, Regulatory Operations Manager, stated that during the reporting dates of June, 2009 to October 30, 2009 there had been no complaints filed with OHLA.

### **MOTION**

Robert Anderson made a motion with a second by Michael Kucinski to refer a complaint against the Department of Human Services (DHS) to OHLA Regulatory Division because certain work that should fall within the scope of environmental health specialists is performed by DHS employees who are not registered as environmental health specialists.

A discussion followed with a question by Michael Kucinski if the whole DHS agency or just one employee was not in compliance. Anderson explained that senior care facilities, licensed through DHS, are regularly inspected but the inspection for the food service is performed by DHS employees who are not registered as an environmental health specialist. Anderson went on to explain that the employees are not trained in food service inspections and the results are that the local health departments are spending 60 percent of their time investigating outbreaks in these facilities with non-inspected kitchens. Anderson stated that DHS needs to ensure that whoever is doing the senior care facility inspection has the proper credentials, i.e. a registered environmental health specialist. Kucinski observed that there are more than just this one area with issues of not licensing employees conducting work that should be performed by a licensed environmental health specialist. Kucinski asked Randall Everitt, OHLA Director, if he would be willing to meet with the directors of other agencies and discuss the issues. Everitt agreed that he would be more than willing to initiate that conversation.

**The motion was amended to state:** that the board files a formal complaint pertaining to the activities of the inspections of senior care facilities in the state {of Oregon} being performed by DHS employees who are non-credentialed, food service specific. Ellen Laymon, Robert Anderson, Michael Kucinski voted aye, Dr. Paul Cieslak abstained because he is an employee of DHS. The motion passed.

### **G. 2009 Legislation**

Samantha Patnode, Policy Analyst, presented an overview of 2009 legislation.

**HB 2059B Passed** – Requires health professional licensees to report prohibited or unprofessional conduct of another licensee to regulatory board responsible for licensee. Punishes failure to report by maximum of \$720 fine. Requires board to report prohibited conduct to law enforcement agency. Requires licensee arrested for felony or convicted of misdemeanor or felony to report conviction or arrest to licensee's board.

**HB 2118C Passed** – Requires OHLA to investigate complaint against health regulatory board licensee, applicant or other person alleged to be practicing in violation of law. Requires that public members of health professional licensing boards review investigatory material and report concerning complaint against licensee. Allows health professional regulatory board to obtain fingerprints for purpose of conducting criminal background checks on board employees, volunteers or applicants for employment. Allows board to release or withhold personal electronic information i.e. address, personal telephone number for person licensed by board. Requires release of information if request for information is made

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for public health or state health planning purpose. Specifies that health professional regulatory board has continuing jurisdiction over person notwithstanding change in licensing status of person. Requires Director of OHLA to prepare periodic reports regarding licensing, monitoring and investigative activities of agency and submit reports to Governor.

**HB 2345C Passed** – Directs DHS to establish or contract to establish impaired health professional program. Specifies components of program. Directs DHS to contract with independent third party to establish monitoring entity for impaired professionals. Specifies duties of monitoring entity. Authorizes health profession licensing boards to participate in impaired health professional program. Specifies procedures by which board may refer licensee to program. Prohibits boards from establishing alternate impaired health professional programs. Requires Department of Human Services to report on program to Governor, Legislative Assembly and health profession licensing boards on or before January 31, 2011. Deletes existing impaired professional programs of health profession licensing boards. Applies to licensees identified by health profession licensing boards, and disciplinary proceedings commenced, on or after July 1, 2010.

**HB 3232C Passed** – Continues to unify the central agency model to maximize the benefits of economies of scale, regulatory consistency among multiple professions, and accountability to Oregon consumers and the agency's licensees. The measure strengthens the agency's ability to take appropriate action to ensure consumer protection, improving business practices, setting appropriate educational standards and professional accountability, improving customer service.

#### **H. Waste Water Examination Review**

Patnode explained the examination statistics for the Wastewater Sanitarian Written Examination for the period 7/1/2004 to 1/12/2009. Since only three examinations taken since 2004, the board discussed dropping the wastewater license. Patnode noted that do so would take legislation. She suggested starting with fact finding to craft a legislative concept. Kucinski stated that he wants to make sure that there is buy-in for dropping the license from the stakeholders. A suggestion was made to start with polling stakeholders. Dr. Paul Cieslak stated that there are so few new wastewater specialists that it is not worth the time to update the examination. Patnode stated that the agency would schedule a meeting for the same Ad Hoc committee established before of Michael Kucinski leading the meeting with Dave Bussen to review and discuss the removal of the wastewater license.

#### **MOTION**

Dr. Paul Cieslak made a motion with a second by Robert Anderson that the board craft a legislative concept for the 2011 Legislative session to eliminate new registrations for wastewater specialist and grandfather in those who are already so registered. The motion passed unanimously.

#### **IV Items for Board Action**

##### **A. 2010 Meeting Dates**

The board reviewed the meeting dates of June 25, and November 19, 2010.

#### **MOTION**

Dr. Paul Cieslak made a motion to accept the modified 2010 meeting dates of Monday, June 14, and Friday, November 5, with a second by Robert Anderson. The motion passed unanimously.

##### **B. 2010 Sub-committees**

#### **MOTION**

Dr. Paul Cieslak made a motion to eliminate the Examination Committee with a second by Ellen Laymon. The motion passed unanimously.

**MOTION**

Michael Kucinski made a motion to eliminate the Industry Liaison Committee with a second by Robert Anderson. The motion passed unanimously.

**MOTION**

Dr. Paul Cieslak made a motion to change the Application and Education Committee name to the Qualification and Education Committee with a second by Robert Anderson. The motion passed unanimously.

**MOTION**

Ellen Laymon made a motion that whoever is elected chair acts as the Consumer Connection liaison with a second by Dr. Paul Cieslak. The motion passed unanimously.

2010 Subcommittees	
Qualification/Education	Russ Hanson, Ellen Laymon
Continuing Education	Ellen Laymon, David Bussen
Enforcement	Ellen Laymon, David Bussen
Legislation/Rules	Dr. Paul Cieslak, Michael Kucinski, Robert Anderson
Consumer Connection	Ellen Laymon

**C. 2010 Chair and Vice-Chair**

**MOTION**

Robert Anderson made a motion with a second by Dr. Paul Cieslak to retain Ellen Laymon as Chair and Michael Kucinski as Vice-Chair. The motion passed unanimously.

**V Public Comment**

There was no public comment.

**VI Executive Session**

There was no Executive Session at this time.

**VII Other Board Business**

The board discussed continuing education credits for EHS. There was discussion surrounding the time and process involved in granting vendors, for example, those that offer online classes, continuing education approvals. Kucinski thought that vendors seeking continuing education credit approval from OHLA should pay a fee. It was made clear that licensees would not be charged when requesting approval for continuing education credits. Sinnamon Harris, Board Specialist, who is currently processing all continuing education requests, stated that her research into the question of fees charged shows that some agencies are charging vendors fees for approvals. It was noted that OHLA may not have legislative authority to charge vendor fees.

**MOTION**

Dr. Paul Cieslak made a motion with a second by Michael Kucinski that the agency start exploring a legislative concept for collecting fees in exchange for approving continuing education content. The motion passed unanimously.

Dr. Paul Cieslak made a motion to adjourn with a second by Robert Anderson. The motion passed unanimously. Meeting adjourned at approximately 1:25 pm.

Prepared by: Sinnamon Harris, Board Specialist