



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



10:00 am Monday June 14, 2010  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**Minutes**

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**MEMBERS PRESENT:**

Michael Kucinski, Interim Chair  
Dr. Paul Cieslak  
David Bussen  
Russ Hanson

**MEMBERS ABSENT:**

Robert Anderson

**STAFF PRESENT:**

Randall Everitt, Director  
Samantha Patnode, Policy Analyst  
Sinnamon Harris, Board Specialist  
Kraig Bohot, Public Information Officer  
Sylvie McMillan, Fiscal & Licensing Services  
Manager  
Michael Simpson, Budget & Statistical  
Analyst  
Cerynthia Murphy, Qualification Analyst

**GUESTS PRESENT:**

Jeff Freund  
Daniel Osborn  
John L. Smits

**Call to Order**

Michael Kucinski, Interim Chair, called to order the meeting of the Environmental Health Registration Board at 10:08 am on June 14, 2010, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon.

**1. - Approval of Agenda**

**MOTION**

Dr. Paul Cieslak made a motion to approve the June 14, 2010, agenda with a second by David Bussen. The motion passed unanimously.

**2 - Approval of Minutes MOTION**

Dr. Paul Cieslak made a motion to approve the November 13, 2009, as amended, with a second by Russ Hanson. The motion passed unanimously.

### **3. - Reports**

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

Randall Everitt, Director, notified the board that the agency has begun live audio/video streaming the meetings to agency staff.

Everitt used a PowerPoint presentation to clarify OHLA's role as an agency and the Environmental Health Registration Board's role. Highlights included the purpose of the agency to provide for the more effective coordination of administrative and regulatory functions involved in protecting the public. In addition, part of the board's role is to advise OHLA in matters pertaining to determining qualifications, establish standards, and adopt standards for training and continuing education.

Everitt touched briefly on the fee structure review that came up later on the agenda and stated that the Budget and Management Division at the Department of Administrative Services (DAS BAM), and the Legislative Fiscal Office (LFO) have worked very closely with OHLA. They have asked OHLA to project out the budget for the long term. OHLA had tried to make fee changes very gradually over the shorter term but the BAM analyst and the LFO have requested a much broader view of the overall agency.

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

Kraig Bohot, Public Information Officer, provided information regarding a new online publication entitled "*Central Issues*." The goal is to communicate the key, or central, issues of each profession from a licensing and regulatory perspective to licensees and, to a lesser degree, to consumers. Bohot stated OHLA is requesting feedback from board and council members and other key stakeholders in determining what the central issues of each profession are and what is being done to address these issues. *Central Issues* will be distributed through the email system and Bohot is in the process assembling a master list-serv. Bohot discussed issue ideas for Environmental Health Registration Board, such as, unregistered individuals conducting food service inspections and the elimination of the waste water program sub-set of environmental health. Bohot assured the board to insure accuracy *Central Issues* will be vetted through the board members before publication.

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

Sylvie McMillan, Fiscal & Licensing Services Manager, discussed the statistics for registrations, regulatory, and examinations. McMillan introduced a new table for applicants licensed through reciprocity which provided the board with names and the state from which the licensee originated. Active registration, age and gender diversity, environmental health and waste water specialist trainees by gender, and Web site traffic rounded out the rest of the statistics.

Michael Simpson, Budget & Statistical Analyst, explained the Environmental Health Specialist Salary Study that centered on counties in the Willamette Valley. The board expressed an interest in seeing the salary statistics for southern and eastern counties also. Jeff Freund, incoming new board member, stated that he would provide Michael Simpson with Deschutes County annual report which had compared some of the neighboring counties statistics to add to this report. Everitt stated that the agency would send the board members an email with the information once it was tracked.

In studying the statistics on the number of trainees, the board discussed the need to find qualified candidates to fill openings. Russ Hanson remarked that the board and the agency need to look beyond Oregon's borders to eastern universities for potential trainees. The National Environmental Health Association (NEHA) provides a list of universities the agency could use to mail out outreach materials.

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

Sylvie McMillan, Fiscal & Licensing Services Manager provided the statement of cash flows for the 7/10/2009 to 4/30/10 period and the projected cash flow for 7/01/2009 to 6/11/2011. McMillan explained the cost allocation for the board rose from 2.10% to 2.20% because one board had a large group which no longer had to be licensed with the agency. She went on to explain that anytime a new board comes in or a current board is modified the allocation has to be re-evaluated. McMillan then pointed out that if nothing changes the projected cash balance by the end of the 2011 biennium will be a negative \$15,539.

McMillan turned the floor over to Michael Simpson, Budget & Statistical Analyst, to present proposed fee changes in order to balance the revenue and expenditure streams. The agency developed a scenario to stabilize the board's revenue streams into future biennia. The Environmental Health Registration Board started the biennium with a **09-11 beginning balance** of **\$16,823**. It is projected the board will have an ending balance of approximately **\$(-15,539)** at the end of the **09-11 biennium**, an ending balance of approximately **\$(-58,563)** by the end of the **11-13 biennium** and an ending balance of approximately **\$(-116,897)**.

The agency determined that by moving registrations back to a one-year renewal cycle the amount of revenue collected for each month would become more stable. Fees were then projected to meet the projected expenditure levels for the 2009-11, 2011-13 and 2013-15 biennia. Fee changes would be proposed to be implemented in October, 2010, and would include **changes** to:

- All applications
- Initial registrations and registration renewals
- Delinquency fee
- and information packets

Applications would see an increase of **\$50 per application**, initial registrations and registration renewals would see an increase of **\$125 per year**, the delinquency fee would go from \$25 for the first month late and \$10 each month there after, up to two years to a flat rate of **\$50 per year, up to two years**. Information packets would see an increase of \$2.50 going up from **\$7.50 to \$10.00** per packet.

The proposed fee increases are projected to stabilize the board's revenue streams through the end of the **2013-15 biennium**. Under this fee schedule the board's ending balance at the end of the **2009-11 Biennium** will be approximately **\$(-19,259)**, at the end of the **2011-13 biennium** it will be approximately **\$2,845** and at the end of the **2013-15 biennium** it will be approximately **\$9,656**.

David Bussen commented on the cuts that all the counties have had in pay and the concern over raising the registration fees. During the board discussion of fees Michael Kucinski commented on the option of deregulation of the Environmental Health Registration Board and moving exclusively to NEHA which would involve legislation as it is set in statute. Russ Hanson commented that he did not believe that NEHA understands that the Environmental Health Registration Board is in Oregon statute. Everitt stated Environmental Health Specialist would still be required to be registered by the state regardless of registration with NEHA. McMillan stated that registrants would still have to pay the 2.2% of OHLA, so if people were not coming in and taking the test through the agency there would be less revenue coming in which would have a negative effect on the licensing. The fees may have to be raised to replace that lost revenue. Everitt went on to explain that if the fee were increased just for next year alone the raise

would be much less but the legislature, BAM analyst, and LFO require the agency to project out five years. Everitt stated four or five months ago the agency proposed small increments so the raises would not be so painful but the legislature, Department of Administrative Services, Budget and Management Division (BAM) analyst, and Legislative Fiscal Office (LFO) would not allow the agency to do so. The agency is required to project through at least two biennia. This package will make the Environmental Health Registration Board solvent for the next five years.

Jeff Freund, incoming new board member, commented that environmental health specialists generally misunderstand what the board function is. Freund recommended educating practitioners regarding what the board does, how it operates, and what the benefits are for each practitioner from the board existing here in Oregon. Dr. Cieslak stated he did not see what the benefits were except for the piece of paper that states he is registered. Hanson offered that the statutes need to clarify exactly who needs to be registered in Oregon as an environmental health specialist as the rules are too vague. Everitt commented the agency is here to work with the board to clarify and help the board become active in rulemaking, adding that there needs to be a closer relationship between the agency and the board.

**MOTION:**

Michael Kucinski made a motion with a second by David Bussen to adopt permanent administrative rules effective October 1, 2010 and begin an administrative rulemaking process provided that the agency and the board work with stakeholders on evaluating the feasibility of adoption of the NEHA registration with the elimination of the Oregon registration, reviewing those who are required to register and the exceptions to registration, with the possible development of future legislation. The motion passed unanimously.

After the motion David Bussen stated that it is important to address the NEHA issue as it is a controversy at the local level. Hanson stated he was against going strictly with NEHA because they have no policing action to maintain professionalism. Everitt stated that he also was unhappy about the fee increases and the agency will work to find a way to minimize the impact as much as possible. Everitt commented that he was willing to take Sylvie McMillan and speak with the Oregon Environmental Health Association (OEHA), NEHA, and the Council of Local Environmental Health Supervisors (CLEHS) and whomever else the board feels needs to understand reasons behind the proposed fee changes and the role and activities of the agency and board.

- **Administrative Rulemaking Schedule**

**MOTION:**

Dr. Paul Cieslak made a motion with a second by Russ Hanson to approve proposed administrative rules and rulemaking schedule. The motion passed unanimously.

**E. Regulatory Operation Division Report**

Everitt stated that since the last board meeting on November 13, 2009, there have been no complaints filed with OHLA. Everitt announced that Tim Molloy had stepped down as Regulatory Manager and Carlos Rebelez is the interim manager.

Everitt stated he had not yet been able to meet with the Director of the Department of Human Services (DHS) regarding the board's concerns that 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.

#### **F. Waste Water Examination Report**

Cerynthia Murphy, Qualification Analyst, included a memo in the board meeting materials that provided clarification regarding the use of open books during the waste water specialist examination as follows:

In 2008 the agency discontinued the use of the open book examination by internal agency policy. The agency has returned to an open book examination, which was the board's intent since implementation in 1997. This decision was made by the board due to the complexity of the questions and diverse subject matter within the examination.

#### **Examination History:**

The board sanctioned the examination on January 17, 1997, with the first examinations held on February 28, 1997.

The board adopted the following examination criteria and protocols:

- Include 150 questions on the examination within the specified domains as listed below
- Allow four hours for completion of the examination
- Allow "open book" testing, limited to bound texts, tables and administrative rules
- Allow calculators limited to hand held without word processing capability

<b>Domains</b>	<b>% of Total</b>	<b># of Questions</b>
Environmental Applications	35	53
Hydrology	10	15
Microbiology Toxicology	10	15
Regulatory Issues	10	15
Soils	35	52
<b>TOTAL =</b>		<b>150</b>

#### **4. – Items for Board Action**

- **Environmental Health Examinations**

Cerynthia Murphy, Qualification Analyst, presented the board with an issue statement regarding Daniel Osborn. She asked the board to determine any additional training requirements prior to taking the National Environmental Health Association (NEHA) written examination for his sixth attempt. Murphy explained that a candidate must pass the NEHA examination with a passing score of at least 68%. Mr. Osborn has an average score of 59% over the last five attempts with an average failure rate of 41%.

Murphy provided the board with two detailed options figuring how many more training hours Mr. Osborn would be required to retake and in what fields of study.

Dr. Paul Cieslak commented it may be difficult for a candidate to find, for example, a handful of hours in hazardous material training. He asked if the board is *required* to proscribe more training hours. Dr. Cieslak continued stating that the applicant knows where he needs more training. Dr. Cieslak is not sure if the board needs to require quite this much detail in what categories the training should take place.

Michael Kucinski, Interim Chair, asked Daniel Osborn to speak on his own behalf. Daniel Osborn remarked he missed passing the NEHA examination in July of 2009 by only 2% and has been unemployed since September of 2009. Osborn continued stating he has had a lot of time to prepare for the NEHA examination and gave detailed examples of how he has created his own study guide. Osborn stated, in general, he did not feel there was an organized system within the counties to prepare a trainee for the examination in all categories. Kucinski responded that most counties do not have the monies to provide training outside of their own needs. Kucinski asked Mr. Osborn if he required an accommodation in regards to the examination. Mr. Osborn responded he has been studying for the examination for over six months now and feels he is ready to take the examination.

**MOTION:**

Dr. Paul Cieslak made a motion with a second by Michael Kucinski to allow Daniel Osborn to attempt the agency administered NEHA examination for a sixth time forthwith. Dr. Paul Cieslak and Michael Kucinski voted yea, David Bussen voted nay, and Russ Hanson abstained. The motion failed for lack of a majority.

**MOTION:**

Russ Hanson made a motion with a second by David Bussen that Daniel Osborn may take the nationally administered NEHA examination, which is an agency approved entity, through the national headquarters within the next nine months and if Mr. Osborn passes the NEHA examination he may come back to Oregon for registration through reciprocity as a Registered Environmental Health Specialist. The motion passed unanimously.

Murphy presented the board with an issue statement regarding Edgar Diaz. She asked the board if there would be any additional training requirements prior to Mr. Diaz taking the agency administer NEHA examination for his fourth attempt.

**MOTION:**

Russ Hanson made a motion with a second by Dr. Paul Cieslak to allow Edgar Diaz to take the NEHA examination one more time before July 1, 2010 contingent upon the validity of Mr. Diaz's training. The motion passed unanimously.

- **Waste Water Examination**

**MOTION:**

Michael Kucinski made a motion with a second by Dr. Paul Cieslak to conduct an overall assessment of the waste water specialist examination by the EHRB Examination Committee. The motion passed unanimously.

**At this point Dr. Paul Cieslak had to leave the board meeting for another appointment so the board meeting no longer had a quorum. The board could not make motions, conduct any official**

**business, deliberate toward decisions or vote for a new chair or vice-chair. Addition of committee members or scheduling full board meetings on the agenda were not addressed but will be addressed at a future telephonic board meeting.**

The board members did talk about candidates for chair and vice-chair. Michael Kucinski stated he would be interested in chairing the board and he would nominate Dr. Paul Cieslak for vice-chair at the next meeting.

## **5. Public Comment**

John Smits commented on the possibility of dropping the waste water specialist registration and testing mechanism because of the low numbers. Smits emphasized the importance of soil science to the environmental health field.

## **6. Executive Session**

There was no Executive Session at this time.

## **7. Other Board Business**

- **New Color Registrations & Pocket Cards**

McMillan presented the new color licenses and explained how the color is changed yearly so inspectors can discern right away if the registration is expired or current. McMillan showed examples of the security features of the special paper and the results if the registrations are copied. While the registration cannot be defaced in any manner the pocket card may be laminated for environmental health or waste water specialists to carry with them. The registration itself should be posted in the environmental or waste water specialist office and the pocket card, along with identification, carried to wherever the registrant is practicing.

Murphy confirmed with Michael Kucinski and David Bussen that they were on the Examination/Item Writing Committee that would meet in October 2010. Sinnamon Harris, Board Specialist, will e-mail proposed dates to the committee members so they can review their calendars. Michael Kucinski will provide a list of subject matter experts that he would like to have invited to the committee meeting. Murphy reminded the committee members that the meeting will be held in executive session as test questions will be reviewed.

The meeting adjourned at approximately 2:03 p.m.

Prepared by: Sinnamon Harris, Board Specialist