

**OREGON HEALTH LICENSING AGENCY
ENVIRONMENTAL HEALTH REGISTRATION BOARD
MINUTES of May 18, 2007**

MEMBERS PRESENT

Herbert Hirst, Chairperson, Public Member
Susan Kendrick, Environmental Health Specialist
Russell Hanson, Environmental Health Specialist
Michael Kucinski, Environmental Health Specialist
Richard Maher, Environmental Health Specialist

MEMBERS EXCUSED

Paul R. Cieslak, MD

STAFF PRESENT

Susan K. Wilson, Director
Larry Peck, Regulatory Operation's Manager
Samantha Patnode, Board Liaison

CALL TO ORDER

Chairperson Herbert Hirst called the meeting of the Environmental Health Registration Board to order at 10:06 a.m. May 18, 2007 at the Oregon Health Licensing Agency (OHLA) in the Rhoades Conference Room, 700 Summer St NE, Suite 320, Salem, Oregon.

INTRODUCTION

Mr. Hirst introduced Mike Kucinski to the Board noting that he is an Environmental Health Specialist for the Department of Environmental Quality; he works as a Water Quality/Onsite Manager for the department.

APPROVAL OF AGENDA

MOTION

Mr. Maher made a motion and Ms. Kendrick seconded to approve the agenda with changes, adding Executive Session to review enforcement files. The motion passed with Mr. Hirst, Mr. Hanson, Ms. Kendrick and Mr. Maher voting aye and Mr. Kucinski abstaining from the vote.

APPROVAL OF MINUTES

MOTION

Mr. Hanson made a motion and Ms. Kendrick seconded to approve the minutes of November 17, 2006. The motion passed with Mr. Hirst, Mr. Hanson, Ms. Kendrick and Mr. Maher voting aye and Mr. Kucinski abstaining from the vote.

REPORTS

Revenues and Expenditures

Ms. Wilson, OHLA Director, stated that currently the Fiscal Services Division Manager position is under recruitment; and should be filled within 30 days. She provided the July 1, 2005 through March 31, 2007, biennium revenue showing a beginning balance of \$9,003 as of July 1, 2005 and a total biennium estimate of \$103,167.

Ms. Wilson explained the two main categories of interest. Personal Services are employee compensation and related benefits. Services and Supplies are non-personnel expenses for agency operations. Charges are divided into two types direct and indirect for each program. Indirect costs are for agency operation and include office supplies, rent, telephones, data processing hardware and software, etc. and are distributed by proration. Direct charges include attorney general counsel, postage, rules, instate travel or investigative costs etc. and are distributed at actual rates.

Ms. Wilson stated that the Uniform Fee Package was not approved by the Legislature; however following the 2007 Legislative Session the agency will be reviewing all program fees for possible decreases and increases as necessary. A report will be given at the November 2007 board meeting.

Ms. Wilson stated that a full overview of the 2007-09 Budget would be discussed under *Legislation*.

Online Renewals

Ms. Wilson stated there were a total of 32 online renewals out of a possible 242 from December 2006 through March 2007 for environmental health. Currently, practitioners have the capability to only renew a registration; this will be expanded to include late renewals, civil penalties and payments for other charges using the online system targeted for September 2007.

Compliance

The Oregon Health Licensing Agency's ***Complaints and Enforcement Section*** conducts statewide, onsite inspections for licensed facilities and responds to and investigates complaints. Onsite facility inspections include surveillance and monitoring businesses, independent contractors and practitioners. Special Investigations are based on the result of citizen complaints or cases involving critical issues – both civil and criminal, such as bacterial/viral infection outbreaks, unlicensed or illegal practice, prohibited acts, fraud or trade practice violations, incompetence or violations of practice standards and other critical issues involving the health and safety of consumers. The ***Complaints and Enforcement Section*** is responsible for taking disciplinary action against licensees who are found in violation / non-compliance of state law.

Mike Tryon, Chief Enforcement Officer, reported the Environmental Health Registration Board percentage of overall OHLA complaints received for 2006.

January 1, 2006 through December 31, 2006:

- Total Number of Licenses – 292
- Total Number of Complaints – 0
- Overall Percent of OHLA Complaints – 0%

He the percentage of overall OHLA complaints for January 1, 2007 through March 31, 2007:

January 1, 2007 through March 31, 2007:

- Total Number of Licenses – 294
- Total Number of Complaints – 1
- Overall Percent of OHLA Complaints – 4%

Mr. Tryon presented a four-year comparison report detailing the increase and decrease in complaints received, the ratio of complaints per licensee base, and orders written from 2003 to 2006.

He stated that one complaint had been closed and one complaint is under investigation since the November 17, 2006 board meeting, which will be discussed under Executive Session.

Ms. Kendrick asked staff to clarify why the Uniform Fee Proposal was not approved by the Legislature. Ms. Wilson stated that when the agency was created in 1999 the intent of the bill was to establish a centralized agency model with uniformity and standardization of regulatory services. The next logical step in the evolution of the agency was to develop a uniform fee schedule for all OHLA programs; Ms. Wilson stated that Legislative Fiscal Office (LFO) and the Legislature viewed fee collection as based on each programs licensing base, not on the licensing base of the entire central agency which issues more than 80,000 total authorizations to practice. For example, if 300 licensees have to share program costs compared to 1000 licensees, those

with fewer licensees support expenditures with a higher fee.

Board members recommended OHLA enlist stakeholders, associations and board members when the uniform fee concept resurfaces in 2009 to show support of the concept.

Licensing

Cerynthia Murphy, Licensing Supervisor reported on statistics for January 1, 2006 through December 31, 2006 which reflects the licensing total for the following areas.

January 1, 2006 to December 31, 2006

- Original Licenses Issued – 13
- Licenses Renewed – 229
- Late renewals –22
- Total – 210

She presented a four-year comparison report detailing the increase and decrease in licensing transactions from 2003 to 2006.

The Board addressed the difficulty in finding qualified environmental health specialist trainees due to mandatory law and rules requirements. The Board encouraged staff to continue pursue creative avenues for registration.

Examinations

Ms. Murphy presented a four- year comparison report detailing the increase and decrease in pass/fail rates including the number of examinations administered and the percent passing from 2004 to 2006.

She reported the examination results for January 1, 2006 through December 31, 2006:

- Environmental Health Written
Number Conducted – 16
Percent Passing – 75%
- Waste Water Written
Number Conducted – 2
Percent Passing – 100%

Outreach and Communication

Kraig Bohot, OHLA Communications Officer, presented the OHLA Board and Council Orientation Video. He explained that the volunteer citizens that serve on eight different boards and councils are invaluable regulatory resources, providing professional knowledge and a consumer perspective. Mr. Bohot stated that the video and handbook highlights the roles and responsibilities of volunteer citizen boards and council members, the OHLA regulatory model and professions, and legislation and administrative rulemaking, and additional resources.

Mr. Bohot noted that the Governor's Web Page has a weekly feature story, which highlighted OHLA's Board Orientation Video. He stated that the story focuses on Oregon's Pioneer Spirit and the volunteer citizens that contribute to the 200 boards and councils in Oregon.

Mr. Bohot provided a tour of the new 3.0 version of the Oregon.gov Web site, which added features that are compliant with the Americans with Disabilities Act. He highlighted some of the new features, such as scrolling topics, navigation panes and other details. Mr. Bohot pointed out that the OHLA Web site "*License Inquiry*" had been updated to add the current disciplinary status of a license and removed personal address information from being disclosed.

Mr. Bohot provided a special thanks to Susan Kendrick for providing a referral for photographs of the environmental health profession.

Legislation

Ms. Wilson explained that she presented an OHLA Agency Profile before the Ways and Means Subcommittee on Education on January 22, 2007, to acquaint members with the agency model and answer questions, as a precursor to the budget hearing held February 14, 2007, to address specifics of the budget and review the agency's policy packages. Ms. Wilson noted that, although both presentations were successful, the Legislative Fiscal Office (LFO) did not recommend approval of the agency's Personnel Package 101, requesting five additional positions, or the uniform fee package. She said that LFO had not received critical information regarding workload and staffing needs from the agency. During the April 5, 2007 Ways and Means Committee, Public Hearing LFO reconsidered Package 101 and recommended that the five positions be granted to the agency with the four Complaint and Enforcement limited positions, allowing OHLA the opportunity to request permanent funding of the positions during the 2009-11 Legislative Session. On April 20, 2007, the Ways and Means Committee held a Work Session for HB 5027 and HB 5028 both bills were approved with do pass recommendations.

Ms. Wilson reported on SB 326, creates an Orthotics and Prosthetics Board of Examiners in the Oregon Health Licensing Agency (OHLA), and requires persons practicing orthotics/prosthetics in Oregon to be licensed. She reported on the action to date:

- April 4, 2007 - Senate Health and Human Services Committee conducted a Public Hearing, took testimony and reviewed proposed amendments;
- April 23, 2007 - Senate HHS Committee held a Work Session and recommended a do pass with amendments and referral to the Joint Ways and Means Committee

Ms. Wilson reported on HB 3233, creates a Sex Offender Treatment Board in OHLA. She noted the bill is a "title act" and authorizes certification for persons using the title certified clinical sex offender treatment specialists. She reported on the action to date:

- April 11, 2007 House Judiciary Committee conducted a Public Hearing, took testimony and reviewed proposed amendments;
- April 24, 2007 House Judiciary Committee held a Work Session, took additional clarifying comments, and recommended a do pass with amendments and referral to the Joint Ways and Means Committee.

Ms. Wilson provided a copy of the agency's testimony and background information on "*How a Bill Becomes a Law*", and thanked members for their support of OHLA's budget bill (HB 5027) and the proposed uniform fee package.

ITEMS FOR BOARD ACTION

Sub Committees

MOTION

Mr. Hirst opened the floor for discussion regarding 2007 Subcommittee assignments and description of each committee's duties was detailed by staff. Ms. Kendrick made a motion and Mr. Mahr seconded to approve the following 2007 Subcommittees with changes. The motion passed with Mr. Hirst, Mr. Hanson, Ms. Kendrick and Mr. Maher voting aye and Mr. Kucinski abstaining from the vote.

- **Application / Education:** Russ Hanson, Susan Kendrick, Richard Maher
- **Continuing Education:** Mike Kucinski, Susan Kendrick, Richard Maher
- **Enforcement:** Mike Kucinski, Richard Maher
- **Legislation & Rules:** Susan Kendrick, Mike Kucinski, Herb Hirst
- **Examination:** Richard Maher, Russ Hanson
- **Industry Liaison:** Russ Hanson Alternates, Mike Kucinski, Herb Hirst

Vice Chairperson

MOTION

Mr. Hirst opened the floor for nominations for the interim 2007 vice chairperson. Ms. Kendrick made a motion and Mr. Hansen seconded to nominate Richard Maher to 2007 Vice Chairperson. The motion passed with Mr. Hirst, Mr. Hanson, Ms. Kendrick and Mr. Maher voting aye and Mr. Kucinski abstaining from the vote.

Science Course Review

Ms. Murphy stated that individuals within the environmental health industry have requested the Board review the list of approved science courses and set a baseline number of hours required for specific courses, to ensure the applicant has core knowledge essential to perform the duties of an environmental health specialist. For example, the need to specify how many hours of "chemistry" is required. Discussion focused on the following areas:

- Lack of environmental health training programs available in Oregon colleges which yield a smaller pool of employable candidates;
- The market place dictating what education is acceptable for a trainee, because the need for registrants is higher in some areas of the state than in other regions.
- Narrowing the qualifications for candidates who otherwise may qualify;
- Utilizing the employer interview process to hire qualified candidates rather than rigid course requirements;
- Provide county health departments information regarding existing training programs for environmental health specialist trainees such as: Benton County Completion Plan Standards, Yamhill and Multnomah County Standards, Department of Human Services Standards #2 and FDA Classes on report writing and;
- The need for hiring specialists is influencing training and generalized competencies in courses of study.

MOTION

Mr. Maher made a motion and Ms. Kendrick seconded to defer the review of specifying the number of approved science courses and the review of various standards to the Application and Education Committee. The motion passed with Mr. Hirst, Mr. Hanson, Ms. Kendrick and Mr. Maher voting aye and Mr. Kucinski abstaining from the vote.

The board recommended the following individuals be invited to be a part of the committee:

- Bill Emminger, Benton County
- Mike Brandt, Yamhill County
- Matt Jacqua, Yamhill County

EXECUTIVE SESSION – Enforcement ORS 192.660(2)(f)

Chairperson Herb Hirst called for the Environmental Health Registration Board to enter Executive Session under ORS 192.660(2)(f) at 11:32 a.m. for the purpose of considering information or records exempt from public inspection. He stated that the Board would be reviewing enforcement file number 04-4271 and 07-4984. No recommendations will be made

during Executive Session.

MOTION

File Number 07-4984

Mr. Maher made a motion and Mr. Hanson seconded to retain advice from the agencies assistant attorney general regarding file number 07-4984 and the validity of taking action based on the evidence presented to the agency and the board. The Board recommended taking appropriate action on file number 07-4984 if OHLA legal counsel concurs the evidence presented is valid. The motion passed with Mr. Hirst, Mr. Hanson, Ms. Kendrick and Mr. Maher voting aye and Mr. Kucinski abstaining from the vote.

Executive Session concluded at 12:05 p.m.

Board Interest File

Mr. Hirst stated the Board interest file is available for review by the Board.

I attest that the Environmental Health Registration Board minutes of May 18, 2007, are a true and accurate reflection of the matters discussed and the views of the participants.

Samantha Patnode, Board Liaison