

**Oregon Health Licensing Agency (OHLA)  
Environmental Health Registration Board  
Minutes of June 6, 2008**

**MEMBERS PRESENT** Michael Kucinski, Chairperson, Environmental Health Specialist  
Paul Cieslak, Physician

**MEMBERS EXCUSED** Russell Hanson, Environmental Health Specialist  
Ellen Laymon, Vice-chairperson, Environmental Health Specialist  
Herbert Hirst, Chairperson, Public Member  
Richard Maher, Environmental Health Specialist

**STAFF PRESENT** Susan Wilson, Director  
Patricia Allbritton, Policy and Strategic Planning Division Manager  
Kraig Bohot, Communications Coordinator  
Dixie Bryant, Operations and Policy Analyst  
Vicki Bissell, Board and Qualification Specialist  
Lisa Murphy, Board and Qualification Specialist

**CALL TO ORDER**

Michael Kucinski, Chair, called the meeting of the Environmental Health Registration Board to order at 10:45 am, June 6, 2008, at the Rhoades Conference Room, located in the Oregon Veterans' Affairs Building, 700 Summer St. NE, Salem, Oregon, which was delayed to allow the Application and Education Committee time to meet.

Under the Public Meetings Law, ORS 192.610, a quorum of the Board was not present. Principal subjects anticipated to be considered on the agenda were discussed but the board met only to hear the information and not for deliberation or voting purposes.

**APPROVAL OF AGENDA**

The agenda was reviewed but a motion was not made to approve it.

**APPROVAL OF MINUTES**

The minutes from the board meeting held on November 16, 2007 were reviewed. Dr. Cieslak requested to be added to the minutes as being present at the meeting.

**DIRECTOR'S REPORT**

Susan Wilson, Director, stated that proposed legislation was submitted to the governor's office. The Oregon Health Licensing Agency (OHLA) is proposing two legislative concepts for the 2009 Legislative Session. She reported the agency has been working on the comprehensive agency legislative concept, ensuring the residual deficiencies that were overlooked during the 2005 Legislation Session are included in the bill for 2009. An overview of the main focus points of the proposed legislation were provided, which correct provisions pertaining to jurisdictional authority and make refinements that achieve a more effective and economical methodology to correspond with the Agency's model and aligns with fee for service under a single fund.

In addition, the concept proposes to continue conforming and streamlining agency standards, regulations and requirements for the professions regulated by the agency, strengthening consumer protection, fostering a positive business climate and achieving solutions and outcomes. The Agency is trying to eliminate artificial barriers for people in each profession and concentrating on putting people to work if they qualify for a license to practice. It establishes uniform board and council member terms and proposes professional development with education to keep pace with advancements in technology for various professions. She drew members' attention to the report in their books

Ms. Wilson stated that all agency legislation is reviewed by the governor to determine the reasoning and motivation for the changes.

Ms. Wilson explained that the proposed legislation, OHLA LC 831-02 for the Board of Direct Entry Midwifery will enumerate the differences licensed and unlicensed and make disclosures available to the public to improve public protection.

### **ADMINISTRATIVE SERVICES REPORTS**

Richard McNew, Administration Services Division (ASD) Manager, discussed the materials provided to board members during the April 18<sup>th</sup> outreach event, noting the charts depict the new fee detail report showing the change to a two-year renewal cycle. He reported that the fee structure is projected to support board services for five to six years. He recapped the increased percentage of administrative costs passed on to state agencies assessed as general government service charges, and reviewed the proposed fee schedule, pinpointing adjustment in fees, both increases and reductions, shifting the cost to where the complexity, workload and service exists, and the uniformity among all OHLA programs for administrative fees (late, duplicate and affidavits). He explained the proposed fees are a "draft" and there would be further adjustments before the actual fee structure is established and becomes permanent. He reported that his division is currently realigning the revenue balance and expenditures from the previous biennium that is expected to conclude June 2008.

Mr. McNew noted that fees have been streamlined to every two years and reduced to \$300 instead of \$175 every year. In response to questions from Mr. Kucinski, regarding the feedback received on the proposed fees. Mr. McNew replied that the comments centered on customer service complaints and the question: "What they got in return for the registration fee?"

He recapped recent improvements stemming from the agency-wide reorganization, and pinpointed specific areas of business practices have been addressed to improve customer service: the phone service and the problems of access. He reported that new telephone lines are now available for board members, specific questions, complaints and that there is also a customer service complaint hotline.

Mr. McNew provided a summary of the cost allocation criteria – number of licensing units or types (programs), application complexity, number of examinations, examination complexity, renewal review, inspections, complaints, risk factor, regulatory oversight and monitoring, and total number of licensees. He explained that every board under 5,000 licensees will pay a flat rate for service fees: indirect cost of 1.75%, and clarified that direct costs will be factored into the calculation to determine the overall percentage of the agency budget above that small board assessment rate. Mr. McNew stated he had presented the proposed cost allocation to Department of Administrative Services (DAS) Budget and Management Division (BAM) and Legislation Fiscal Office (LFO) and received approval from both agencies. He explained the “administrative assessment fee” is set up for short term reduction or increase to the licensing fee to cover a variance that may occur for that particular board as a single incidence to recoup costs or return excess funds for a finite period.

Mr. McNew answered questions from the Board.

Tricia Allbritton, Policy and Strategic Planning Division Manager, stated that by Friday, June 13<sup>th</sup>, the Agency will file the proposed rule fee schedules with the Secretary Of State with an effective date of September 1<sup>st</sup>. She informed the members that there will be a rule hearing July 23<sup>rd</sup> as well as telephone conference calls in August for rule adoption.

Mike Simpson, Quality and Statistical Analyst Lead, presented the monthly statistics and explained the information charts provided to members, such as: new registrations and renewals that were transacted over-the-counter, through the mail or online; complaints, proposed and final orders; sanitarian written examinations, pass and fail percentages; and active registration trends.

Mr. Kucinski asked about what affect wastewater registrants have on the statistics and fees. Ms. Wilson clarified that the specialty is embedded in the statutes and is a small segment of the overall number of registrants. Mr. Kucinski asked Mr. Simpson to explain the process for renewals and matching up the continuing education requirements. Mr. Simpson stated that the renewals are straightforward and continuing education credits are handled through self-attestation and random audits.

Ms. Allbritton stated that registrants want the agency to manage and maintain their continuing education records and to continue to pre-approve classes and training, which may be a cost factor and likely affect registration fees. She explained that registrants want to take approved courses to mitigate not passing an audit. It was noted that ten percent of the registrants are audited once a year.

Dr. Cieslak requested reports and data on registrants: age, sex, work in the private or public sector, type of degree, and retirement plans for the next five years. Mr. Simpson noted the request and would report whether it would be possible to track this data.

## **REGULATORY OPERATIONS**

Mr. Molloy stated in response to Mr. Emminger’s request there were five complaints during the last five years, of which three were licensing violations and two resulted in no findings of violation of status.

## **OUTREACH AND COMMUNICATION**

Mr. Bohot, Communications Coordinator, informed the Board that there is a recognized shortage of qualified Environmental Health Specialists. He provided a draft of a promotional piece for the profession that related to the duties of Environmental Health Specialists, job recruitment resources and recruitment tools for employers, and general information on the importance of this profession to public protection. His research suggested that links could be provided on the Web site to the different Environmental Health non-profit organizations and various government agencies. He suggested using this information as an outreach to colleges, universities, high schools, career fairs, the Oregon Medical Board and the Speakers Bureau. He also stated that a link would be provided to the Workforce Development Program as another recruitment tool. Ms. Wilson suggested that a survey be conducted to gather further information on what colleges have established programs in environmental health, what classes meet the curriculum standards and what courses are needed to take the National Environmental Health Association (NEHA) exam.

Ms. Wilson explained that the Agency is in the process of revamping and updating the Board Web site to become more "User Friendly". She requested the Board's opinion on what part of the packet to distribute first. Mr. Kucinski liked the *What If* poster and the section showing how public health makes a difference. He stated that he will present this to the representatives from the Council of Local Environmental Health Supervisors (CLEHS) and the Conference of Local Health Officials (CLOHS) groups during the meeting in the afternoon, and asked that the materials be sent to all the board members for feedback.

Tricia Allbritton reported on the agency's research on requirements and qualifications of student studying science and health programs, who are interested in the environmental health profession. She provided information that was posted on the California Environmental Health Web site that lists qualifications for Environmental Health Occupations. It is similar to Oregon's requirements and well-presented on their Web site. Ms. Allbritton would also like to provide links to distant learning education from various colleges that provide classes to help applicants finish obtaining the requirements that would qualify them for a trainee registration.

Mr. Bohot presented the member biography page designed for the Web site, showing the members how the page would look. He requested the Board members to review their biographies so the Agency can post the information by the fall.

Mr. Bohot requested any historical information about the Environmental Health Registration Board that could be used for the celebration of Oregon's 150th birthday in 2009. He highlighted the new services for a new year at the Oregon Health Licensing Agency with new hours, the stakeholder's outreach meeting held in April and the articles provided in the *Licensing Line* since January 2008.

## **ITEMS FOR BOARD ACTION**

No items for board action.

## **EXECUTIVE SESSION**

No session required.

### **OTHER BOARD BUSINESS**

Dixie Bryant, Operations and Policy Analyst, noted the status of the recruitment for the vacant position on the board. Presently there are three positions open: a public member, a representative from the food industry and an Environmental Health Specialist. She currently has three applications for a public member and one for a specialist. Ms. Bryant requested any contact information for recruiting more applicants, especially for the Public Member position. She will be contacting restaurants, catering businesses, wineries and food processing plants for recruitment of the Food Industry Representative. Ms. Bryant stated she will contact the Oregon Environmental Health Association (OEHA) to recruit for the specialist position.

### **PUBLIC COMMENT**

Ms. Allbritton presented a position statement from Susan Kendrick, former board member and a registrant employed by the Department of Agriculture. Ms. Kendrick requested the Board reconsider its findings regarding two applicants seeking registration and employment at the Department of Agriculture. She asked that the guideline developed by the Board in 2001 be used to further review the qualifications of each applicant. Ms. Kendrick's assessment of each person's previous work experience was that both qualified in meeting the two-year work experience requirement, and upon successful passage of the NEHA examination would be eligible for registration as an environmental health specialist rather than the trainee registration. Ms. Kendrick claimed that the Board has the authority to deem each applicant's experience "equivalent" according to the rules. She also asked that the supervisors each one worked under be reviewed as possessing the experience equivalent to Registered Environmental Health Specialists as stated in the rules.

### **MISCELLANEOUS**

Mr. Kucinski requested that a teleconference call be scheduled in July for the Education Committee, Ellen Laymon and staff members: Trish Allbritton, and Lisa Murphy to bring consistency to education and work experience reviews, especially in the food processing aspect.

Ms. Wilson suggested setting up monthly meetings in advance for the Application/Education Committee to be available to review the education and work experience for applicants, and also to have one board member on call for questions on applications in specific areas of Environmental Health.

Mr. Kucinski noted the information in the Board Interest File.

No action was taken due to a lack of quorum and the meeting was adjourned at 12:11 p.m.

*I attest that the Environmental Health Registration Board minutes of June 6, 2008, are a true and accurate reflection of the matters discussed and the views of the participants.*

*Signature on file*

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Lisa A. Murphy, Board and Qualifications Specialist