

**Minutes of the State of Nevada
Board of Registered Environmental Health Specialists Meeting
February 10, 2006 – 9:00 am**

Location: Washoe County District Health Department
1001 East 9th Street
Building A, Room A-255 (Conference Room)
Reno, Nevada 89512

Quorum Present: Teresa Long, R.E.H.S., Board Chairwoman
Daniel J. Maxson, R.E.H.S., Board Secretary
John Kukulica, FMP, Member
Cynthia L. Ulch, R.E.H.S., Member

Absent: Karen Dorsey, FMP

Attendees

Name	Title/Organization
Teresa Long, R.E.H.S.	Board of R.E.H.S., Chairwoman/Washoe County District Health Dept.
Daniel J. Maxson, R.E.H.S	Board of R.E.H.S., Secretary/Environmental Health Supervisor, Clark County Health District
John Kukulica, FMP	Board of R.E.H.S., Member/Food & Beverage Director, Sands Regency Hotel and Casino, Reno
Cynthia L. Ulch, R.E.H.S	Board of R.E.H.S., Member/Nevada State Health Division, Public Health Rating and Survey Officer Representing the State Health Office
Jim Pierce, R.E.H.S	Sierra Horizons, Inc.
Bob Sack, Environmental Health Director	Washoe County District Health Dept.
Jeanne Rucker, Environmental Supervisor	Washoe County District Health Dept.
Sandy Bigley	Board of R.E.H.S., Recording Secretary

1. ***Call To order**
Chairwoman Long called the meeting to order at 9:05 am. A quorum was present and the meeting had been duly noticed.
2. ***Review, Amend and Approve Past Draft Minutes (Las Vegas Meeting, November 18, 2005)**
It was motioned by Secretary Maxson, seconded by Member Kukulica and carried unanimously to approve the minutes of the November 18, 2005 meeting, with amendments for titles and the addition of the word “be” on Public Comment Item #17, paragraph 32, sentence 3; ...would not be required to “be” registered, but...
3. ***Develop Guidelines from AB260 to Grandfather Individuals as Registered Environmental Health Specialists**
Chairwoman Long commented that we weren’t going to go into too much detail regarding grandfathering. It was noted that even with the help of the Attorney General’s (AG) Office Legal Counsel there are concerns with grandfathering those other than known Environmental Health Specialists. It sets a precedence. Member Ulch asked if Chairwoman Long was talking about Industry and Chairwoman Long confirmed that she was. She further stated that if the Board

grandfathers in Industry it then becomes the Board's responsibility to insure that every person is notified of the grandfathering and that they have to register. It would also be the Board's responsibility to make sure they meet all the requirements. According to Legal Counsel, Scott Young at the Legislature Counsel Bureau (LCB), we would have to follow each and everyone's career to make sure they met and maintained all the requirements.

Secretary Maxson read the email from LCB Counsel Henna Rasul into the record. There were three main areas of concern with the grandfathering: (1) Are those eligible for grandfathering the ones that the Board determines, to its satisfaction, the person was actively engaged in the practice of environmental health in Nevada as of July 1, 2005, has completed at least two years of successful experience in the practice of environmental health; (2) What constitutes the "practice of environmental health" under Section 6(1) and 6(2) of the Bill, and (3) Due to specific exclusions in the Bill (even though they would otherwise be considered to be working in the field of environmental health, can the Board grandfather an individual in that wants the registration, i.e., NDEP is specifically excluded, but one of their employees has applied to be grandfathered, can the Board do that?. These are the guidelines that were received from the LCB. This email is a part of the permanent record of these minutes. It cost the Board \$865.00 to get this guideline from the LCB. To get an official ruling, it would cost thousands of dollars and take up to eight months to process. Chairwoman Long stated that LCB knows the intent of the Bill. When they review the process and the Attorney General's advice, there may or may not be changes.

It was further noted that during the legislative process Senator Heck made in clear that only governmental agencies would be required to have mandatory registration. That basically eliminated mandatory registration for Industry.

Attorney Scott Young informed Chairwoman Long that it would be a sloppy process on the part of the Board if they moved forward without further clarifications on whom from Industry met the definition of an EHS. It would not look good to have to go back to the Legislature in 2007 asking for another change in the Bill. Secretary Maxson commented that the Board should respect the opinion of the legal counsel for the LCB and defer to them. Members Ulch and Kukulica concurred. If the Legislature then tells the Board to move forward with Industry registration, they can do it with the stroke of a pen and that leaves the Board in a better professional position.

Chairwoman Long commented that a clear definition of "what constitutes the practice of environmental health" is needed and that the LCB should be able to provide that to the Board.

Member Ulch stated that what she garnered from the Las Vegas meeting was that many of those in Industry were afraid they would be discriminated against if they were not registered. They feared they would be excluded from employment and chances for promotion. Chairwoman Long noted that they also feared losing their jobs.

Secretary Maxson questioned if the Department of Corrections should be considered as a public health entity. Member Ulch agreed stating that the prison system includes food safety. Chairwoman Long commented that no applications have been received from the Department of Corrections. Secretary Maxson noted that there is probably 10-15 people employed at the state prisons are in the Solid Waste area and they are not classified as Environmental Health Specialists. There was discussion that if their employers can go back to the legislature and request a change.

It is clear that the Bill intended for the governmental side to be regulated. The Bill was very controversial. The Board does not want the Bill to go back to the Committee in the next

legislature session. Chairwoman Long will discuss these issues with the LCB and bring their recommendations back to the Board.

Secretary Maxson suggested that it might be prudent to obtain a copy of the Department of Corrections' job descriptions to see whether they do or do not fit in. Member Ulch commented that both the County and State job descriptions can be found online.

Secretary Maxson motioned, Member Ulch seconded the motion and it passed unanimously that the Board would process the applications from agencies that are known to be the intent of the Bill, which include Clark County Health District, Washoe County District Health Department, Carson City Health Department and Nevada State Health Department, and defer other entities until direction is received from the LCB.

4. *Review SOP's for Reviewing, Processing Applications and Possibly Vote Them In

A flow chart was presented and reviewed showing the process for reviewing, processing, accepting and denying of applications. A copy of that chart is attached to these minutes as a permanent record. Chairwoman Long commented that the exam is waived for those who are grandfathered, however the applications must be approved. The cut off date for grandfathering was July 1, 2005, however because of concerns and working with the LCB on these concerns it may be necessary to extend the cut off date.

There was discussion of the possibility of having someone other than a Board member on the sub-committee, however there could be serious legal ramifications if anyone other than the Board was on the committee due to confidentiality issues. A sub-committee consisting of Chairwoman Long, Members Ulch and Kukulica was established to review the applications

5. *Update of Changes to NAC 625A Required Post-Mandatory Registration – John Kukulica

Mr. Pete Allen and Member Kukulica met on January 6, 2006 regarding proposed revisions to NAC 625A. Mr. Allen offered to write the letters to the LCB and to the Nevada State Library and Archives. The two letters were identical in content and therefore only one letter was read into the record. Both letters are a part of the permanent record of these minutes.

Secretary Maxson asked what is the process if you retire and subsequently go back to work how does it affect your CEU's. Member Ulch commented that when she retired she kept up on her CEU's. It was noted that you can keep up your CEU's but if you are retired, and do not maintain them, you don't have to make them up if you go back to work.

There was discussion on Workshops and a Public Hearing noting that a final draft has to be submitted to the Secretary of State by July, 2006. Secretary Maxson motioned, Member Ulch seconded and the motion carried unanimously to hold the Workshops and Public Hearing as follows:

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|----|----------------|-----------------------------------|----------------------------------|
| 1. | March 27, 2006 | Workshop to be held in Winnemucca | Cindy Ulch |
| 2. | April, 3, 2006 | Workshop to be held in Reno Area | Teresa Long and
John Kukulica |
| 3. | April 24, 2006 | Workshop to be held in Las Vegas | Daniel Maxson |
| 4. | May 31, 2006 | Public Hearing to be held in Reno | R.E.H.S. Board |

Notification postings for workshops must be at least 15 days in advance and posting for the Public Hearing must be 30 days in advance. The Public Hearing will be held in conjunction with the next scheduled meeting of the Board. Member Kukulica will draft the posting notices and ensure that all Board members get a copy of the language for posting in their respective areas.

6. *Update and Discuss Rental of Office Space, Purchase of Equipment and Installation of Utilities

Member Ulch reported that office space has been rented. There is a desk and other furniture and supplies will be acquired. The utilities and phone are not yet installed. Member Ulch will get prices on what the cost is for two phone lines vs. one. Member Ulch suggested that an analog phone line be installed and that the phone be one unit with a built-in recorder. Member Ulch will retrieve the phone messages once or twice a week. Secretary Maxson motioned, Member Kukulica seconded and the motion carried unanimously to allot \$300.00 for phone and utility installation. The rent has been paid for January and Member Ulch was reimbursed and given post-dated checks to cover the rent through June 2006 at the rate of \$160.00 per month.

Chairwoman Long suggested that the computer to be purchased be a laptop. That would allow for all the information to be portable and in one place. Secretary Maxson noted that currently there are not adequate funds to purchase a computer. It was motioned by Member Kukulica, seconded by Secretary Maxson and carried unanimously to allot \$1,000.00 for a computer when the funds are available.

7. Discussion on NEHA Contract for Tracking CEU's

Chairwoman Long commented that she signed the contract with NEHA for them to process the CEU's at the rate of \$7.50 per submission and is waiting to receive the contract back from them. If you are registered nationally, they already track the CEU's and the rate would not apply. The member will get a printout from National, they can copy that printout and forward it to the Board for their records. You can also access your information on-line at the National level. Member Ulch commented that she has recently had problems accessing the site. NEHA has been undergoing transitional changes and hopefully that problem will soon be resolved.

Secretary Maxson stated that he has purchase an Alpha 5, Version 7 software package that is excellent for tracking. Secretary Maxson volunteered to track CEU's using this software, at no cost to the Board, after the contract is up with NEHA and if the Board is not satisfied with their performance. The Board will keep this offer in mind.

8. *Review and Process Current Submitted Applications

At 10:25 am the Board recessed to allow the sub-committee to review the current applications for submittal to the Board. The Board will reconvene after their review to vote on the acceptance or denial of the applications.

The Board reconvened at 11:45 am and the applications were dispensed of as follows:

Approved

- | | |
|---------------------------|-------------------------|
| 1. Jerry Bogert | 9. John W. Fuller |
| 2. Natalia Wood | 10. Bernard Alan Dreher |
| 3. Chris Bischoff | 11. Julie D. Hunter |
| 4. Anthony C. Macaluso | 12. Becky Purkey |
| 5. Robert Sobsey | 13. Mark Tolman |
| 6. David L. McNinch | 14. Scott Marteney |
| 7. Brenda M. Wilson | 15. Steven C. Ross |
| 8. Lucas Anthony Franklin | |

Approved Pending Adequate Information (Reviewed and Inadequate as Submitted)

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| 1. Mark Wickmar | 3. Rich Hubbell |
| 2. David Kelly | 4. Judith Saum |

Approved Pending LCB Ruling

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| 1. Roger A. Johnson | 2. Dale W. Walsh |
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Denied

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| 1. Steven Brockway, NDEP | 2. Larry Marr, Not in the State at this time |
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Member Ulich motioned, Secretary Maxson second and it passed unanimously to accept the Sub-Committee's above recommendations.

9. Public Comment:

None

10. *Set Date for Next Meeting

The next meeting, in conjunction with the Public Hearing, will be held on May 31, 2006 at 9:00 am in Reno at a location to be determined.

11. Adjourn

There being no further business, it was motioned, seconded and carried unanimously to adjourn the meeting at 12:30 pm

Respectfully submitted,
Sandy Bigley, Recording Secretary

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