

State of Nevada Board of Registered Environmental Health Specialists Meeting

February 11, 2004
9:00 a.m.

Ellis Island Casino and Brewery
4178 Koval Lane
Las Vegas, NV

Quorum present:

Peter S. Allen, R.E.H.S., Chairman
Daniel J. Maxson, R.E.H.S., Secretary
Karen Dorsey, F.M.P., Member
Kinley Goodman, R.E.H.S., Member
Teresa Long, R.E.H.S., Member

Attendees:

Name	Title	Organization
Peter S. Allen, R.E.H.S.	President	Environmental Services Ltd.
Teresa Long, R.E.H.S.	Environmentalist	Washoe County District Health Department
Karen Dorsey, F.M.P.	President	Ellis Island Casino and Brewery
Daniel J. Maxson, R.E.H.S.	Environmental Health Supervisor	Clark County Health District
Kinley Goodman, R.E.H.S.	Public Health Rating and Survey Officer	State Health-Representing State Health Officer
Angus MacEachern	Director, Human Resources	Clark County Health District
E. Douglass Pushard, R.E.H.S.	Owner	Pool & Spa Hydraulics
Mary I. Hahn, R.E.H.S.	Environmental Health Supervisor	CCHD
Paul L. Klouse, R.E.H.S.	Environmental Health Supervisor	Clark County Health District

Dan Slater, L.P.N.	Environmental Health Specialist	Clark County Health District
Glenn Savage	Environmental Health Director	Clark County Health District
Sam J. Facchini	Owner	Metro Pizaa
Clare A. Schmutz, R.E.H.S.	Environmental Health Director	CCHD
Carol Culbert	Environmental Health Specialist	Clark County Health District
Michael A. Webb	Owner	MWES Inc., Food Safety Consulting
Salvator Balzano	Environmental Health Specialist	Clark County Health District
Richard Ryu	Environmental Health Specialist	Clark County Health District
Chrissy Lin, R.N.	Environmental Health Specialist	Clark County Health District
Alex F. Stokes Jr.	Environmental Health Specialist	Clark County Health District
Ann Anders	Environmental Health Specialist	Clark County Health District
Van V. Heffner	Chief Executive Officer	NRA/NHLA

1. The meeting was called to order at 9:00 a.m. by Chairman Allen.
2. Chairman Allen introduced the Board including its newest member Teresa Long, representing the Washoe County District Health Department. He pointed out that it was the first time that all five board positions had been filled in quite some time.
14. Chairman Allen briefly discussed the February 4, 2004, meeting in Washoe County and the fact that it was well attended. A variety of diverse comments were received at the meeting. Chairman Allen stated that he would like to change the order of business and move directly to the public comment period on mandatory registration. Member Maxson made a motion to that effect, member Dorsey seconded the motion. The motion passed. Public comment was then received:

Douglass Pushard spoke in support of mandatory registration. He expressed his concern that the current legislation could be sunset. He also spoke about how difficult it is to get CEUs (Continuing Education Units). He asked for more communication from the Board on the issue of CEU availability.

Chairman Allen stated that the Board now has a website (www.nvrehs.org). He stated that the webmaster, Jim Pierce was doing an excellent job of maintaining the website. He encouraged anyone with knowledge of CEU opportunities to share that information with the webmaster.

Don Barker, an employee with the Nevada State Department of Corrections as a Compliance Enforcement Supervisor spoke in support of mandatory registration with a grandfather clause for those working in the career field of Environmental Health who do not meet the formal education requirements of the current law. He pointed out that many qualified people are working in the career field throughout the State Prison system but that some of them do not meet the educational requirements. He expressed concern that any legislation that was proposed which does not include a grandfather clause would discriminate against some persons in the career field. These people should be registered.

Sal Balzano, an Environmental Health Specialist with the Clark County Health District asked that the door not be closed on military persons who do have Environmental Health Specialist training but who do not have a baccalaureate degree. He then spoke in some detail about the four levels of specialty training used in Fire Departments across the board. He feels the R.E.H.S. (Registered Environmental Health Specialist) test does not adequately address the qualifications of the career field.

Mary Hahn, an Environmental Health Supervisor with the Clark County Health District stated that she supports mandatory registration with a grandfather clause for those working in the career field of Environmental Health. She stated that she encourages all of her employees to get registered voluntarily.

Sam Facchione, owner of Metro Pizza, member of the Board of Directors of the Nevada Restaurant Association since 1993, Trustee of the Nevada Hospitality Foundation, and Director of the Nevada Hotel and Lodging Association discussed Certified Public Accountants (CPA) and their certification process. He stated that he is a CPA himself and that he supports mandatory registration with a requirement for passing an examination as a prerequisite for registration.

Secretary Maxson addressed the issue of what might happen to persons currently working as Environmental Health Specialists that can not pass a mandatory examination due to their limited exposure in a specific limited area of Environmental Health such as food service inspections. There was further discussion on the issue of grandfathering including the small number of persons that would require grandfathering due to educational background considerations.

Glenn Savage, the Clark County Health District's Environmental Health Director stated that he was very much for a grandfather clause in any proposed change to current law. Mr. Savage spoke about his own educational background and work experience in Environmental Health since 1975. He spoke about the bureaucratic limitations of the Clark County Health District—specifically, that employees may remain in a single area of Environmental Health. He also stated that the Clark County Health District, Environmental Health is very committed to continuing to provide the necessary CEUs for all staff. He also stated that he would support the training of new hires who might be required to pass a mandatory registration examination due to a change in existing law. Mr. Savage stated that he supports a requirement for a Bachelor of Science degree as part of any mandatory registration requirement. He expressed concern over any potential legislative change that did not include a grandfather clause. Chairman Allen asked Mr. Savage how he felt about provisional registration. Mr. Savage responded that he preferred blanket registration because he has concerns about conditions of employment.

Alex Stokes, a Senior Environmental Health Specialist with the Clark County Health District discussed how he had to study quite hard to become a Registered Environmental Health Specialist. He stated that he supports mandatory registration but does not support grandfathering without testing.

Christine Lin, an Environmental Health Specialist with the Clark County Health District and also a Registered Nurse asked the Board how an employee without a degree has the necessary educational foundation to obtain registration. She stated that she supports a grandfather clause but that there should be something to distinguish between those who have passed the registration exam and those who have not done so. She concurred with the idea of a provisional registration.

Dan Slater, an Environmental Health Specialist with the Clark County Health District stated that he agrees with Alex Stokes' position.

Ann Anders, an Environmental Health Specialist with the Clark County Health District asked how the Board might address the academic training courses that people in the military take and what equivalency that such training might have to college. Secretary Maxson stated that as a USAF veteran he could state that the Air Force converts the training course content to college credit equivalency. As an example, Mr. Maxson noted that the USAF has its own Community College of the Air Force with accredited classes for military technical training.

Michael Webb, an Environmental Health Specialist in private practice stated that he does not support mandatory registration.

Clare Schmutz, the former Environmental Health Director of the Clark County Health District and the former Chairman of the Nevada Board of Registered Environmental Health Specialists, stated that contrary to comments he has heard, the National Environmental Health Association would accept reciprocity for grandfathered Registered Environmental Health Specialists who do not meet all educational requirements for a

“window period” of one year. Mr. Schmutz supports mandatory registration with a grandfather clause.

Van Heffner, the President and Chief Executive Officer of the Nevada Restaurant Association and a member of the Nevada Food Safety Task Force did not take a position on mandatory registration per se. He did state that existing Environmental Health Specialists employees must be protected and if a bill for mandatory registration is introduced he supports a grandfather clause. He also stated that any grandfather clause should never result in someone losing employment.

3. The June 7, 2003, minutes were reviewed. A motion was made to approve the minutes. There were no changes. The motion was approved unanimously.

The February 4, 2004, minutes were reviewed. A motion was made to approve the minutes. There were no changes. The motion was approved unanimously.

4. Secretary Maxson went over the Secretary’s report. He noted that changes in Nevada law eliminated the requirement for the Board to have an annual independent audit of the Board’s finances. The new requirement is to complete a balance sheet including schedules of assets, liabilities, revenue, and expenditures. The bank balance at the end of fiscal year 2004 was \$6264.33 as of the date of the report (June 30, 2003). Since the Board has no significant assets, an income/expense report was attached in lieu of the schedules. The document is attached. Chairman Allen explained that in the past, the Board has used Kafoury and Armstrong for performing the audits. The last audit, even at a discounted price was \$1,650.00 for a four year review. The law change allows small Boards with less than \$50,000.00 in assets to file a balance sheet in lieu of the audit. This law change will significantly reduce the Board’s expenses. Chairman Allen also explained that the Attorney General’s Office gave the Board a 50% discount on its liability insurance for two years due in part to the fact that the Board’s annual revenue is only approximately \$1,000.00. The annual Attorney General liability premium is \$731.86. This premium is based on a five member board. Chairman Allen advised the Attorney General’s office that the Board would be seeking mandatory registration and that if approved by the legislature, the Board would be able to afford the premium without a substantial registration fee price increase to its members. Secretary Maxson concluded his report by stating that the bank account balance was \$5,363.34. A motion to accept the Secretary’s report was unanimously approved by the Board.

5 and 12. Chairman Allen then stated he would open a regulatory hearing and then briefly discussed the history of the most recent proposed changes to the Nevada Administrative Code (NAC) 625A. He explained that the proposed changes addressed the correction of the title of NAC 625A and name of the registered group from “Public Health Sanitarians” to “Environmental Health Specialists”. He stated that a provision for reinstatement had also been added (NAC 625A.040) which allows for reinstatement as long as all back annual registration renewal fees and current fees are paid, and all missed CEUs are made up. Chairman Allen then noted that that there had already been one regulatory meeting, a period of public comment and that the changes had been submitted

to the Legislative Counsel Bureau (LCB) which replied to the proposal with a couple of minor changes. He stated that this was the last of the public hearings on the above changes and opened the meeting to public comment.

The conversation then shifted to item 12, “Waiver or modification of CEU requirements for Retired Members – possible adoption of separate requirements for Retired Members; set definition of ‘Retired’”. Item 12 was then combined with item 5 because it is also directly related to NAC 625A. Chairman Allen stated he would like to resolve this issue. He stated we need to define the term retired. He then offered the following definition “retired means no longer actively employed in the field of Environmental Health”. There was additional discussion on the issue from the audience. Chairman Allen stated that the addition of new language to NAC 625A.020 adding a section 3 that exempts a retired individual from the continuing education requirement would be sufficient as long as “retired” is also added as a new definition. Member Maxson asked for clarification on whether the term “actively employed” in the proposed new definition applied to consultants. Chairman Allen replied that yes it would apply to consultant work. After additional discussion, member Dorsey made a motion to approve the adoption of requirements for retired registrants using the definition “retired means no longer actively employed in the field of Environmental Health”. The motion was approved unanimously by the Board.

The conversation then returned to the issue of the most recent proposed changes to the Nevada Administrative Code 625A as modified by the Legislative Counsel Bureau . Mr. Allen asked if there were any comments regarding the proposed changes as modified. Chariman Allen then mentioned that there is a lot of new language relating to Federal mandates pertaining to child support. Hearing no further public comment, the Chairman called for a motion to accept the revisions to NAC 625A. A motion was made to accept the LCB’s revisions. The motion passed unanimously. Chairman Allen then stated that the approved changes would be returned to the LCB with a cover letter noting that the Board has conducted proper regulatory hearings and properly noticed a public comment period. Also a cover letter goes to the Nevada Secretary of State and then the changes become regulations. The hearing was then closed and the Board returned to the regular meeting.

6. Office of the Attorney General Board representative Fred Olmstead has left the Attorney General’s office and moved to the Nursing Board. Robert Boney will be his replacement. Chairman Allen reflected on the excellent legal advice and guidance Mr. Olmstead has given the Board particularly early in Chairman Allen’s tenure as Board Chairman. Mr. Olmstead also saved the Board a substantial amount of money.

7. Chairman Allen stated that it is likely that the Mold Remediation Bill introduced in the 2003 legislature by Senator Coffin will be reintroduced in the 2005 legislature. In 2003 the bill received a majority vote but did not reach the two thirds vote required to pass. Senator Coffin had originally gone to the State Contractor’s Board but they were not interested in the bill so he turned to the Board of Registered Environmental Health Specialists. Chairman Allen testified in support of the bill with changes that involved the

Board. Senator Coffin expressed his appreciation for the support of the Board and that he believes the bill is a good one for the Board.

8. Chairman Allen briefly discussed the REHS Exam Library and the help offered by the Nevada Restaurant Association (NRA) in the form of a cash contribution to pay for study materials at start-up of the Library. He stated the Board now has a library in Las Vegas at the NRA's office. Member Dorsey then showed the Board a check out form developed by NRA Education Director Joan Hefner. Member Dorsey asked if anyone has checked out any of the study materials. Chairman Allen stated that he had received inquiries but was unsure if anything had been checked out. Secretary Maxson asked if the information could be added to the Board's website. Chairman Allen responded that it had been added to the Board website approximately one week ago. Mary Hahn asked how long the books can be checked out. Member Dorsey responded that the check out period is two weeks but that the period could likely be extended. Chairman Allen stated that assurance that the study materials will be returned is accomplished by requiring the borrower to provide credit card information.

9. Chairman Allen asked how the Board felt about the transcript requirement and length of the application form for new registrants applying for registration by reciprocity. He stated that he had received a number of comments that the form is too long and that he had an action item on perhaps creating a dedicated application by reciprocity form. Member Long stated that she felt that the some of the information requirements and the transcripts requirement create an unnecessary burden for those applying for registration by reciprocity. She stated that she would like to see it made easier for such applicants who have already been through the complete process once. Member Maxson stated he would have no problem if reciprocity applicants provide a current copy of their registration card and a copy of their application from the original registration jurisdiction. Member Goodman stated that he had to do what Mr. Maxson stated to become registered by reciprocity with the National. Mr. Maxson stated that if someone were to submit a fictitious application that it would not be too hard to determine that fact through the National database. Mr. Maxson then added that there are other information requirements on the form such as having three personal references and High School information that should be answered. Mr. Maxson stated that he has two incomplete applications on file now and what action would be taken on them would depend on any Board action today. Member Dorsey believes that if they are incomplete they should go back to the applicant. Secretary Maxson stated that he believes that much of the information on the current form such as educational background and work history should be kept so that it is clear that the Board is using due diligence with the application process. Member Dorsey made a motion to continue using the current form but to drop the requirement that applications by reciprocity include college transcripts. The motion passed unanimously.

10. Chairman Allen introduced the issue of possibly increasing annual renewal fees due to the increasing costs of travel and other Board expenses. Member Dorsey asked Chairman Allen how much of an increase would be needed. Chairman Allen responded that he was not sure. Secretary Maxson stated that if registration were to become mandatory that the increase in registrants should cover the increased costs of running the

Board. On the other hand he noted that if registration remains voluntary, that any increase in dues might result in registration decreases negating the benefit of any money gained with an increase. Secretary Maxson stated that either way, he felt the problem would resolve itself without an increase. Member Dorsey asked Secretary Maxson what his recommendation would be. He responded that he recommends that the Board wait until after the current process to obtain mandatory registration is complete to decide if an increase will be necessary. Chairman Allen pointed out that the Board has also recently reversed the trend of registration attrition. Member Dorsey made a motion to delay any dues increase until after the 2005 legislative session. Member Goodman requested that the motion be amended to include a provision that if an emergency were to occur in the interim that a dues increase could be made. The amended motion passed unanimously.

11. Chairman Allen introduced the issue of setting several standing dates for registration examinations including two for Northern Nevada and two for Southern Nevada. Secretary Maxson pointed out that the next Nevada Environmental Health Association conference in May or June, in Mesquite Nevada, will have a time set aside for the registration examination. After some discussion Secretary Maxson made a motion to set as a schedule for future R.E.H.S. registration examinations, the fourth Thursday of the months of January and July at the Washoe County District Health Department, and the fourth Thursday of April and October at the Clark County Health District, if applications are pending. The motion passed unanimously.

13. Chairman Allen then stated that the only thing left on the agenda was for the Board to sit down and discuss what decisions and actions need to be made with regard to bill writing for mandatory registration. There was some additional discussion regarding the overall input to date on the bill and the need to involve stakeholders in future discussions. Chairman Allen said he would like to hold a workshop to go over the language changes to NRS 625A. Member Dorsey made a motion to postpone the bill writing public workshop until the next meeting. The motion passed unanimously.

14. Chairman Allen asked for public comment. Glenn Savage discussed the issue of comment differences between Environmental Health management and Environmental Health staff at the meeting and that differences between the two are often based on employee concerns versus management consideration of legal issues. Mr. Savage applauded the Board's efforts on working towards mandatory registration. He also stated that he believed the module concepts under the umbrella of the R.E.H.S. is an excellent idea. Several additional general Environmental Health comments were made by various attendees and Board members.

Don Barker stated that he was very concerned and interested in any potential mold legislation because there are a number of mold problems at various State Corrections Facilities throughout the state of Nevada. He stated that he performs some mold consultation for legal firms. He also discussed the mold assessment industry in general and the need for standards and protocols. His major point is that regulations protecting the public from mold are needed. He believes that someone needs to "step up to the plate" and deal with this issue. He said that what the Board was possibly getting

involved with regarding mold assessment needs to be carefully considered and addressed soon.

15. The next meeting was scheduled for April 15th, 2004, at 9:00 A.M., at the Washoe County District Health Department, 1001 East 9th Street, Reno, NV, in a room to be announced.

16. There being no further business the meeting was adjourned at 12:41 P.M.