

**Minutes of the State of Nevada Board of Registered Environmental Health Specialists
Meeting, April 15, 2004, 9:00 A.M.**

Washoe County District Health Department
1001 E. 9th Street
Reno, Nevada

Quorum Present:

Peter S. Allen, R.E.H.S., Chairman
Daniel J. Maxson, R.E.H.S., Secretary
Kinley Goodman, R.E.H.S., Member
Teresa Long, R.E.H.S., Member

Absent:

Karen Dorsey, F.M.P., Member

Attendees:

Name	Title	Organization
Peter S. Allen, R.E.H.S.	President	Environmental Services, Ltd.
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	Nevada State Health Division, representing the State Health Officer
Teresa Long	Environmentalist	Washoe County District Health Department
Bryan Wagner, R.E.H.S.	Environmentalist	Washoe County District Health Department
Anna Vickrey, R.E.H.S.	EHS 4	State of Nevada Dairy Commission, Nevada Food Safety Task Force
Terry Hall	Senior Environmental Health Specialist	State of Nevada, Bureau of Health Protection Services
Bob Sack	Environmental Health Director	Washoe County District Health Department
Jim Pierce	Retired	

1. Chairman Allen called the meeting to order at 9:02 A.M. Chairman Allen announced that this meeting is a working session and the intent is to begin the draft of legislation to change Nevada Revised Statute 625A to require mandatory registration. He noted that this meeting is subject to the Nevada Open Meeting law and was duly posted as a public meeting and regulatory hearing to address a possible change to Nevada Revised Statute (NRS) 625A. He also noted that a quorum was present.

2. Chairman Allen opened the meeting to public comment and the process of writing down major conceptual requirements necessary to change the law. He stated that he was open to ideas on how to proceed with the development of the changes. Secretary Maxson suggested that he summarize the public meeting comments received during the past two meetings on February 4, 2004 and February 11, 2004 respectively. The draft minutes from those two meetings were not complete at the time of this meeting. Chairman Allen affirmed the suggestion and Secretary Maxson then summarized the public input from the previous meetings. The major points were:

- A. Two public workshops have been held, one on February 4th at the Washoe County District Health Department and there were 26 attendees in addition to four Board members. Secretary Maxson then read the names of the attendees (see February 4th, 2004 minutes). Overall, the attendees supported mandatory registration in some form. Many expressed the concern that they had taken the registration examination and that it was unfair that anyone should be grandfathered in without taking and passing the examination. Almost all attendees were in favor of waiving the education requirements for those already employed in the career field. Some felt that there should be no grandfather clause at all and that persons working in the career field who do not meet the current educational requirements or who cannot pass the examination should be allowed to continue in their chosen career but not be given registration status. The second meeting was held in Las Vegas, Nevada, at the Ellis Island Casino on February 11, 2004. Secretary Maxson then read the list of attendees (See February 11, 2004 minutes). Attendees of that meeting expressed similar sentiment as that expressed at the Reno meeting on February 4, 2004. There were 16 attendees in addition to all five Board members at the meeting.
- B. Secretary Maxson mentioned that the Board members had received several e-mail comments as well. Some of these comments were fairly detailed. Most were supportive of mandatory registration as long as all registrants have to take and pass an examination.

Chairman Allen then added that he had received a letter from Washoe County District Health Department Health Officer Barbara Hunt expressing support for mandatory registration with the stipulation that no existing employees lose their jobs due to the change. Chairman Allen also pointed out that the Board was under time pressure because any proposed changes should be submitted to the Department of Administration by May 1, 2004, if they are to be handled administratively.

Chairman Allen then asked for any comments on the proposed changes. There was general discussion on the legislative history of the registration act, standardization of training across the career field including continuing education, the current concepts of changes to NRS 625A, experience in Washoe County with the issue of mandatory registration over the past several years, California's experience with registration, and dilution of current registrant's credential.

The issue of how to handle new environmental health specialists entering the career field in Nevada was covered in some detail. Secretary Maxson mentioned that new employees could be issued a provisional registration and then have a certain timeframe to receive training and to pass the examination similar to what school teachers do in Nevada. Member Long stated that Washoe County District Health Department employees have three years. It would be up to the Health Department to make sure that these new employees receive

proper training. Secretary Maxson mentioned that Glenn Savage had testified that his agency would provide training for its employees. Chairman Allen said that this concept was similar to the Oregon, California, and Arizona Environmental Health Specialist Trainee concept.

Terry Hall of the State Health Division stated that he was for mandatory registration but not grandfathering in some of the ways it has been discussed. He stated that part of the problem is that some counties have hired new staff since the last legislative change to NRS 625A and that some of these persons do not have an adequate educational background to qualify for registration under current law. He stated that it would dilute the work of those who have taken and passed the REHS exam to allow a number of employees hired since 1989 to become registered without taking the exam and that it would also dilute the Board and reciprocity if a blanket grandfather clause is approved. He stated that those hired prior to 1989 should be grandfathered. He stated that this is what the Professional Engineers Board did. Terry Hall stated there would have to be some specific criteria for any new grandfather clause. Chairman Allen responded that he had been speaking with George Ball, a Professional Engineer, and that the Professional Engineers did not blanket in existing employees. Instead, they allowed those persons working in the career field who had not passed the examination at the time the registration act went into effect to continue working in their jobs as engineers but not to carry the certification that goes with passing the Professional Engineers examination. Chairman Allen stated that nevertheless, these unregistered engineers are still under the purview of their Board. Terry Hall responded that he disagreed because he knew that there were a couple of engineers that are not registered and there are allegations of malfeasance of office and the Professional Engineers Board can not do anything about it because they are not registered with their Board. Secretary Maxson responded that actually then Terry Hall was making the argument for provisional registration because then the REHS Board could hold any such persons accountable because they would in fact be registered. Chairman Allen then repeated that he thought that unregistered engineers are covered by the Professional Engineers Board Act and therefore under the Board's purview. He added that even if the unregistered engineers are not covered by the Act, the REHS Board can write changes to NRS 625A that would hold provisional registrants accountable for their actions regardless of whether or not they take an exam. He said the idea would also be to require persons registered provisionally to obtain ongoing continuing education, pay annual registration renewal fees, and be subject to discipline by the Board.

Secretary Maxson commented that he felt provisional registration was a compromise between a blanket grandfather clause and no grandfather clause at all. He stated that it would encourage persons to take the examination and remove the provisional status. He added that the points Terry Hall had made regarding the Professional Engineers are exactly what this Board would like to avoid and makes it all the more important to have a provisional registration status. Member Long added that there needs to be a timeframe added to any changes that allows provisional registrants, people already working in the career field, to have enough time to prepare to take the examination if they choose to do so. Chairman Allen then asked why the Board should put a time limit on it at all. There was some discussion on this issue and it was then agreed that there did not need to be a time limit for provisional registrants to take the examination.

Bryan Wagner stated that he was for mandatory registration in Nevada; however, it turned out because it is desperately needed in the state. He said that is unfortunate that a large number of current registrants do not support grandfathering. These same people supported the act to begin with. These people took the test and paid their dues, got their training, and they feel that is unfair to them. He said the Board has some tough decisions to make. He also mentioned that he was concerned that the Board makes sure it was not requiring registration for persons who it does not intend to be registered. Chairman Allen said that this is one of the issues that need to be addressed in drafting the new language for this bill.

Member Long stated that she had spoken with Joanne Ray, the Director of Personnel at the Washoe County District Health Department and that she would have no problems with mandatory registration.

Jim Pierce stated that whatever was submitted for legislative consideration should be as specific as possible and address as many concerns as possible.

Discussion then changed to the development of language changes to NRS 625A. A number of attendees were involved in the discussion. The issue of registering a newly hired Environmental Health Specialist (EHS) as an Environmental Health Specialist Trainee (EHST) was discussed. There was good agreement on the following items:

- The EHST would have an initial two-year timeframe in which to pass the REHS examination and an extension of one additional year if needed.
- The EHST would be registered shortly after being hired and the Board could then promptly verify their educational background in case a hiring agency erred in the hiring practice. This is similar to how schoolteachers are certified.
- An EHST would be allowed to begin testing immediately upon hiring and take the examination several times if necessary.
- The EHST would not receive their official REHS certificate/title until they train for a period of two years.
- All EHSTs would be required to train under the supervision of an REHS during their first two years of employment.

A ten-minute break was taken at this time.

The conversation turned to the issue of definitions. The first definition was for defining the scope of work of Environmental Health. After some discussion, it was generally agreed that persons working in private practice should be included in the registration act. A brief review of NRS 625 was conducted pertaining to the practice of Professional Engineering. The California REHS statute was similarly reviewed. The issue of whether to include vector control, hazardous materials, solid waste, NDEP Environmental Health Scientists, Department of Corrections staff, and Air Quality Control personnel. Chairman Allen then read a definition from an Oregon registration act related document.

After some additional discussion, Secretary Maxson proposed that NDEP and Air Quality be excluded at this time. Chairman Allen asked whether the Board should exclude persons from NDEP or an Air Quality organization from being registered. Secretary Maxson responded yes, however, it was the consensus of the group to allow for voluntary registration from such groups if they meet all educational requirements and pass the written examination of the Board. After further discussion, it was agreed that this would also include Certified Industrial Hygienists and Mold Assessment/Remediation Specialists, Indoor Air Quality Specialists, and Nevada Department of Transportation Environmental Health Scientists, and Professional Engineers. Chairman Allen stated that it would be necessary to examine the applications of potential new registrants carefully to verify they are actually working as Environmental Health Specialists. Bob Sack stated that at Washoe County District Health Department, Vector Control personnel are Environmental Health Specialists.

The next definition was the term Environmental Health Specialist. Chairman Allen read the following statement from an Arizona document.

“No person shall be employed as a sanitarian by the state or any political subdivision of the state unless such person has been registered by the Department as a sanitarian of the class determined by the council to be appropriate for the performance or functions of such person’s employment.”

He then pointed out that Arizona only registered its government employees. He also pointed out that this definition refers to the work the sanitarian does and not necessarily, what the individual calls his or her career field. Jim Pierce stated that the Board needed to define what the EHS does and then include and exclude various work. Jim Pierce also suggested that the Board might ask to have the NRS allow them to change the Environmental Health Specialist scope of work definition so that the Board could meet changing needs of the discipline. Bob Sack cited HAZMAT and Mold Assessment as recent changes in the career field.

Chairman Allen stated that the Board needs to define the EHS Trainee position and that Secretary Maxson has a copy of an example of that term. Chairman Allen read an example from Oregon which states:

“...is a person who possesses

1. A minimum of a bachelor’s degree including thirty semester units of basic sciences from a department approved educational institution or an educational institution of collegiate grade listed in the directory of accredited institutions of post-secondary education compiled by the American Council of Education but who has not completed the specific coursework and experience requirements in the field of environmental health as required by section... ...for registration and;
2. who is engaged in an approved environmental health training program.”

Chairman Allen went on to point out that, the document also requires registration with the Board as either an REHS or REHS trainee prior to employment. Bob Sack expressed concern that the Board needs to be able to insure that HR (Human Resources) departments are not hiring persons that are not qualified to be registered. Different HR departments could set different standards across the state. Secretary Maxson pointed out that California was a little different in that the HR departments can hire an employee who then must register with the Board. The Board still reviews the application and could therefore correct any HR errors that might be made. Secretary Maxson stated that an HR department is responsible in their intake process to make sure that potential employees are properly evaluated for registration eligibility—“to sit for the exam”. He went on to say that, the Board does not have time to look at every potential applicant that might apply for an EHS position across the state—this is an HR function. Secretary Maxson stated that eligibility to register would have to be a condition of employment and that new hires would likely have to sign a document to the effect that the employee understands this fact. There was further discussion that involved requiring that newly hired EHS, 90 days to submit their registration and application, which would give the Board about three months to respond to HR if there is a problem, and remain within the standard probation period of the state and local health authorities.

After discussion it was agreed that the date of enactment of any changes to NRS 625A would also be the day by which provisional registrants would have to be “actively practicing” in the field of environmental health. Member Long asked what date that would be. Secretary Maxson responded that July 1, 2005, would be typical for most bills.

A lunch break was taken at 12:00 P.M..

At 1:00 P.M., the Board reconvened and continued to work on drafting language changes for NRS 625. Bob Sack asked if the Board was going to put the proposed changes on its website prior to its submission to the Department of Administration. Chairman Allen responded given that there is only two weeks before the proposed changes are due—May 1, 2004, that it is unlikely that the written changes could be made and placed online for comment that quickly. It was agreed that the group would work on cut and paste changes for the remainder of the meeting at which time the digital recorder was turned off.

The meeting continued until 2:30 P.M. at which time Secretary Maxson needed to leave to return to Las Vegas. Secretary Maxson volunteered to take the available documents, notes, and comments and use them to prepare the legislative change submission for the Board. Chairman Allen volunteered to hand carry the changes to the Department of Administration in Carson City for submission.

3. Chairman Allen stated that he would contact the Board members to schedule the next meeting. There being no further business the meeting was adjourned at 2:37 P.M.