

**Minutes of the State of Nevada  
Board of Registered Environmental Health Specialists Meeting  
(REHS)  
March 20, 2009**

**Location:** Washoe County District Health Department  
1001 E. 9<sup>th</sup> Street, Building B  
South Conference Room  
Reno, Nevada 89512

**REHS Quorum Present:** John Kukulica, FMP, Chair  
Paul Klouse, REHS/CFSP, Secretary  
Cindy Ulch, REHS, Member  
Jeanne Rucker, REHS, Member

**REHS Absent:** Karen Dorsey, FMP, Member

**Other Attendees:** Jim Pierce, Sierra Horizons  
Tony Macaluso, Washoe County District Health  
Department

- 1.\* Call to Order – John Kukulica, Chair.**  
The meeting was called to order at noon.
- 2.\* Roll Call/Quorum – Paul Klouse, Secretary.**  
Secretary Klouse called roll as indicated by the “REHS Quorum Present” listed above. A quorum was present and the meeting had been duly noticed.
- 3.\* Approval of Minutes from the March 20, 2009 Board Meeting.**  
Member Rucker motioned and Member Ulch seconded the motion to approve the March 20, 2009, meeting minutes as submitted. The motion carried unanimously.
- 4.\* 5-Minute Recess**  
Chairman Kukulica called for a 5-minute recess. The room was cleared with the exception of the Board members
- 5.\* Closed Session for Second Exam Results Appeal by Registrant – Pursuant to NRS 241.030**  
*A verbatim transcript, to the best of my ability was made of the Closed Session under separate cover -Recording Secretary Sandy Bigley*  
  
Chairman Kukulica called the closed session to order for the Board to discuss this item. After discussion, Chairman Kukulica adjourned the Closed Session.
- 6.\* 5-Minute Recess**

**7\* Results of Closed Session**

Member Rucker motioned and Member Ulch seconded the motion listed below: To deny the request by the appellant that their REHS exam results be hand scored and in addition to that, that the Board, recommend to this appellant that they have the option of applying for registration through the National Environmental Health Association and then they can apply directly for hand scored results. Member Ulch added to that the motion that the Board would also encourage this applicant to then apply to this Board for reciprocity. Member Rucker amended her motion as outlined by Member Ulch. The motion carried three to one, with Secretary Klouse abstaining.

**8.\* Career Awards Nominee(s)**

Chairman Kukulica noted that there were two nominations for Jeanne Rucker. Member Rucker commented that since she is the nominee she would recuse herself. Member Ulch fully supports both of the nominations for Jeanne Rucker for the career award noting that she is so deserving of this award and it is great that she has received these nominations. Chairman Kukulica and Secretary Klouse concurred that they were extremely pleased to see these two nominations for Member Rucker.

Member Ulch motioned and Secretary Klouse seconded the motion that the nomination of Jeanne Rucker for the Career Award be accepted and that she be granted the REHS Board Environmental Health Professional Career Award. The motion carried with 3 "Ayes," 1 Abstention and 1 Absent member. Member Rucker stated that she was very flattered to be nominated and thanked the Board for their kind words. Member Rucker noted she was stunned and thanked the Board. Chairman Kukulica noted it was the Board's pleasure. Secretary Klouse will ensure that the plaque is taken care of.

**9.\* Possible Modification of NAC 625A to Address REHS Exam Integrity and Security**

Chairman Kukulica noted that this item was brought forward by Past Chairman, Pete Allen, via an email from Pete Allen dated March 25, 2009 asking that this item be put on the agenda. Member Rucker noted she read Pete's email and was hoping he would be in attendance. She is not exactly sure what he was hoping the Board would do. Secretary Klouse commented that he believed what Past Chairman Allen was looking for was consent of the Board to move forward with drafting some language and to move forward with public hearings to amend NAC 625A to put stronger language and be more specific in the definition. Member Rucker read Past Chairman Allen's email into the record as stated below:

"I would like to request an Action Agenda item for the next meeting. I know that the Board discussed, in its March 20<sup>th</sup> meeting, the possibility of an NAC 325A modification to address REHS Exam integrity and security. Although this possibility was rejected at that meeting, it is my belief that the content of Ms. Dorsey's excellent memo of March 16, 2009 should be incorporated into NAC 625A, thus giving it the backing of law. The Board should recognize that, yes, it does have enabling legislation in NRS 625A, to impose sanctions against those

breaching the security of the REHS exam; however, clarification and codification of the specifics of the exam security issue is, I believe, in order.”

Chairman Kukulica asked if anyone had a copy of Member Dorsey’s memo of March 16<sup>th</sup>. No one had a copy. Member Rucker noted that in prior discussion the Board discussed their authority to take action if someone is found to have breached the security of the REHS exam. Member Rucker stated that she is of the opinion that if someone fails the exam and is denied employment because of that, it is a pretty strong hammer. The Board may not want to “muddy” the waters by modifying the NAC. Also, the Board has already approved that applicants have to read, sign and agree to language as part of the application to take the exam. Secretary Klouse noted that maybe placing that language in the NAC would be part of the application and breach of that may be grounds for disciplinary action. I believe that is what Pete is getting at. A vote by the Board today to bring back draft language for the NAC does not obligate the Board to move further. Member Ulch noted that Past Chairman and former Secretary Maxson were both so instrumental in drafting NAC 625A. Member Ulch suggested this item be tabled until Past Chairman Allen can be in attendance at a meeting to clearly convey to the Board what he has in mind. Chairman Kukulica noted that Past Chairman Allen could not attend today due to prior commitments and concurred with Member Ulch. Member Rucker agreed and she would be happy to, after Pete has made his appeal to the Board, to work with him on modification. Member Ulch motioned and Member Rucker seconded the motion to table this item until Past Chairman Allen can be in attendance to verbalize how this can be done. His opinion is respected and he has done a tremendous amount of work in the past. The motion carried unanimously.

**10.\* Laser Grade Testing Option as Only Statewide Testing**

Secretary Klouse noted that at the last meeting this item was not properly agendaized to make this the only testing option available. Chairman Kukulica concurred.

Member Ulch commented that based on the discussion that was held at the last meeting, she feels this is the best way to go given the recent problems that have occurred with the integrity of the exam and the ability to find proctors, etc. Member Ulch motioned and Member Rucker seconded the motion to have Laser Grade testing as the only option for statewide testing through this Board. The motion carried unanimously.

Member Rucker commented that in Washoe County this is the preferable option because they have limited proctors and this takes away any suggestion of improprieties. Member Ulch concurred and stated that in the rural areas, and there are currently three vacancies, this is an option that may possibly be done through a community college system. In the rural areas, even though it cost a little more, this would eliminate stressors for the applicants who would have to travel to take the exam.

**11.\* Request to State Attorney General's Office Regarding Autonomy of the Board with Respect to Employment by Board Members**

Member Rucker noted that it was discussed to request an opinion from the AG's office with respect to this issue. Henna gave the Board a verbal version. For the purposes of record keeping for the Board, and for future Boards, there was discussion that we formally request a written opinion from the AG. Member Rucker motioned and Member Ulch seconded the motion to formally request a written opinion from the AG's office regarding the autonomy of the Board with respect to employment by Board members. The motion carried unanimously. Secretary Klouse will draft the letter for Chairman Kukulica's signature.

**12.\* Authorization for Board Secretary to Contact State Budget Office (Kristin Colby) to Move Forward with NEHA Contract Negotiations**

Member Ulch commented that this one bothers her. I understand and respect Henna's opinion that there are no boards that she represents that have independent contracts. The contract that we have with NEHA, with regard to the testing and their tracking of CEU's should have went through the state budget office before they were signed. The Board wants to ensure that proper procedures and state law are followed, but there is concerned about additional cost to use the state budget office for those services and what the outcome would be and how that would impact the Board's relationship with NEHA, if it would impact it at all.

Chairman Kukulica commented that those were good questions noting that Henna made it pretty clear that the Board is almost in violation by not following that procedure. Member Ulch agreed. Chairman Kukulica commented that he doesn't believe the Board has a choice. Member Rucker noted that given the tone of her opinion on this particular issue, the Board is kind of boxed in to using the budget office to negotiate the Board's contract with NEHA to be compliant. The Board does not want to risk having sanctions because it is outside of the process. Basically all we are authorizing today, if the Board moves to do so, is for Secretary Klouse to contact the budget office and get those negotiations moving forward. Member Ulch has an excellent relationship with NEHA and Member Rucker is hopeful that she can play intermediary in case in becomes at all contentious. Member Ulch noted she would contact Heidi Shaw. Heidi is the credentialing officer with NEHA and she is the person the Board has been dealing with on recent issues. She will explain to her that they may be receiving contact with the state budget office. Secretary Klouse asked if it was the understanding that they would negotiate the contract, not the Board. Secretary Klouse will make the necessary inquiries.

Member Rucker noted that in her agency they do not have to pay for that service. However, since the Board is not employees of the state, there may be costs involved. Chairman Kukulica noted that the Board tried to get out of it that it didn't cost the state anything for this Board, but that didn't work. Member Ulch motioned and Member Rucker seconded the motion to have Secretary Klouse contact the state budget office personnel, via Kristen Colby, to inquire about NEHA contracts and their validity and to ensure the testing and CEU contracts are legitimized.

Secretary Klouse asked the Board what the options would be should the negotiations fail and the state budget office cannot come to an agreement with NEHA and we would therefore, not have a contract. Member Rucker doesn't even want to have that suggested. Let's just get the information. The Board discussed this item noting that the Board may have to contract directly with a testing service. This Board doesn't have the experience or expertise to write a test and administer the exam. It would still have to go through the budget office. Member Ulch suggested that when Secretary Klouse contacts the budget office it is stressed that the survival of this Board for the testing and tracking of CEU's is very dependent on the great relationship and the ability to use NEHA for these services. One of the things the state budget office likes to do is solicit other vendors to get bids. There are no other options.

Member Rucker noted that in Washoe County they have what is called a single vendor option which is they are the only ones that provide that service and that should be brought forth to Ms. Colby. Member Rucker also offered that NEHA has other contracts with other state boards that have to go through a similar negotiation process.

Chairman Kukulica noted that given Member Ulch's relationship with Ms. Shaw, it should not be a problem.

After discussion, the motion carried unanimously.

### **13.\* Disciplinary Reports**

Secretary Klouse commented that he wasn't sure why this was an action item. This is just informational. Between the last meeting and this, all disciplinary reports are up to date with the state and the Board is enrolled in their online system and can be viewed by a "click of the mouse." Secretary Klouse filed the quarterly that was due in April. It will be filed again in June. Member Ulch asked if there was any disciplinary action to report. Secretary Klouse stated that he believes there were a few automatic suspensions due to late payments. Those were all taken care of. After that, Sandy and Paul came up with a list of all those who were registered last year and not paid this year. Letters were sent to them stating that they were suspended. Secretary Klouse read the letter to the Board that was sent out. Secretary Klouse noted that 13 letters were sent out with no response.

### **14. REHS Board Account Balance, Informational**

Secretary Klouse stated that Sandy went through and balanced the Quicken against the bank statements, to the penny. This was done in anticipation of the annual report that needs to be sent to the state in July. Member Ulch thanked Secretary Klouse. Member Rucker asked Secretary Klouse to convey to Sandy it was very much appreciated. Member Ulch commented that the end of April balance is \$13,470.36 with a notation that it hasn't been balanced with the bank as yet.

Chairman Kukulica commented that the Board was previously discussing the bank balance listed above and commented that leaves the Board in good shape. Secretary Klouse commented that the Board is covering their expenses and not continuing going down even though Sandy has increased her hours to keep the Board up to date.

Member Ulch commented that, for the record, she just gave Secretary Klouse a bill from NEHA that was mailed to Member Ulch in error for \$250.00 for the cost of the replacement questions for 23 exam questions for the cheating allegations by Southern Nevada Health District. This was previously approved for payment. Member Ulch commented that she is also stating this for the benefit of the audience. It was noted that the bill is less than originally expected, but there were more questions that what the Board thought there was. The Board thought it was for nine questions.

**15\* Invitation from NEHA to Attend its Annual State Board Forum**

Member Ulch commented that this invitation was mailed to her from NEHA. This comes every year. They always have a state board forum. It is good to have someone there from the Board. Member Ulch asked if Member Rucker or Secretary Klouse was going to be attending this meeting through their organizations. Both noted they were not due to monetary constraints. Member Ulch stated that she learned today that their budget has travel money, but Member Ulch is not available to attend this conference due to a previous commitment. The conference is June 21-24, 2009 in Atlanta, Georgia. The actual state board forum meeting is June 21<sup>st</sup>. It seems a shame to only attend for that one day. It seems all conferences start on Sunday. Chairman Kukulica asked if money could be transferable to someone else. Member Ulch stated not to another agency or outside person.

Member Ulch asked Past Member Pierce, who was in the audience, if he knew where next years' conference takes place. Past Member Pierce stated he does not know. It may be held on the West Coast next year and someone from the Board should try to attend. Member Ulch will let Heidi Shaw know that the Board is unable to send anyone this year. Member Rucker suggested that if Member Ulch can find out when and where the conference is next year, perhaps at the next Board meeting, collectively, the Board can decide to send someone and determine who that will be so they can arrange their schedules to go. Member Ulch will do that.

**16\* Discussion and Possible Action on an Alternate for Recording Secretary**

Member Rucker noted that Sandy had requested that if possible could the meeting be recorded today and send the tapes home for her transcription. Member Rucker asked her director, Bob Sack, when the meetings are held in Reno is it possible that some assistance could be provided. That would not be a problem. Member Rucker noted that as a member she has been happy with Sandy being able to come to Reno and take the minutes. If that becomes burdensome, Washoe County would offer to provide some assistance for the meetings in Reno. Secretary Klouse noted that he doesn't know anyone that would be able to support the Board in that manner down South.

Member Ulch wanted to say that it is wonderful to have Sandy attend the meetings up North when it is not a burden to her and interfere with her job duties with the Health District. Often times, she has been at other meetings, she has a good recollection of events and how they transpired. More than one time pulled us out of the weeds, which I thank and acknowledge her for. Chairman Kukulica noted that it's nice to know there is an alternative, at least, up North, which is probably what she was thinking about. Although I can't put thoughts in her head.

Member Rucker will follow-up so there is more information for the next meeting. In the meantime, the tapes will be winging their way to Sandy. Member Ulch commented that "Sandy, you're still on the hook." Chairman Kukulica thanked Sandy.

**17. Public Comment**

Member Rucker asked Attendee Macaluso if he has heard anything yet regarding his appointment. Attendee Macaluso stated he had not received his appointment. He is waiting to hear back from the Governor.

Member Ulch commented that the reason a "Set meeting date and time" was not on the agenda is probably because there is a meeting already scheduled in August in conjunction with NEHA.

Member Rucker commented that officially this is her last meeting. Her appointment is up on June 30<sup>th</sup>, so she won't be at the next meeting. She thanked the Board for working with them and she has enjoyed it immensely. Chairman Kukulica noted that the Board thanks Member Rucker for all she has contributed to the Board and the Board will miss her. Member Rucker said she will be glad to help the Board any way that she can, as Past Chairman Allen does. Member Rucker will be glad to assist. Member Ulch also thanked Member Rucker.

**18.\* Adjourn**

There being no further business, Member Ulch motioned and Member Rucker seconded the motion to adjourn the meeting. The motion carried unanimously.

Respectfully submitted, Sandy Bigley, Recording Secretary