

**Minutes of the State of Nevada
Board of Registered Environmental Health Specialists Meeting
(REHS)
Monday March 31, 2008**

Location: Washoe County Health Department
Building B, South Conference Room
1001 East 9th Street
Reno, Nevada 8912

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

REHS Absent: None

Other Attendees: Jim Pierce, REHS Board Webmaster
Mary I. Hahn, Southern Nevada Health District
Tanja Kamm, Southern Nevada Health District
Mark Gillespie, Southern Nevada Health District
George Taylor, Attorney General
Henna Rasul, Deputy Attorney General
Neil S. Fox, State of Nevada, Carson City
Dustin Boothe, State of Nevada, Carson City
Daren Winkelman, Nevada State Health Department
Daniel Maxson, Past REHS Board Member
Pete Allen, Past REHS Board Member

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- 1. Call to Order.**
The meeting was called to order at 11:00 a.m. A quorum was present and the meeting had been duly noticed.
 - 2.* Review, Amend and Approve Past Draft Minutes (December 5, 2007).**
It was motioned by Member Dorsey and seconded by Member Ulch to accept the minutes of the December 5, 2007 meeting as submitted. The motion carried unanimously.
 - 3.* Introduction of Vicki Pratt, Board Administrative Assistant and Brief Update on Office Activities and Routine Business.**
Member Ulch stated that Board Administrative Assistant, Vicki Pratt, was unable to attend. She commented that Ms. Pratt is doing a good job for the Board. Ms. Pratt works in the Board office approximately 3-4 hours a week retrieving messages, handling mailings and other miscellaneous duties.

4.* **Henna Rasul – Deputy Attorney General. Introduction and Information for Board Members on Open Meeting Law, Consideration of Executive Director for Board, Posting of Agendas, and Other Applicable Advice and Guidance.**

Chairman Kukulica introduced Deputy Attorney General (DAG), Henna Rasul who would give an interpretation of the Open Meeting Law (OML). Ms. Rasul turned the discussion over to Attorney General (AG), George Taylor. AG Taylor suggested the following items be added to the Agenda:

- Roll Call.
- A statement that Agenda items may be taken out of order.
- Posting of a time limit for public comment, such as 3-10 minutes per person.

AG Taylor provided the Board with a sample agenda.

At this time, AG Taylor presented hard copies of a PowerPoint presentation to the Board. The main topics, with questions and comments from the Board, and comments from the AG were as follows:

- **Legislative Declaration of Intent** – Actions and deliberations must be taken openly as per NRS 241.010. Openness is the norm, not the exception.
- **Open Meeting Law Manual** – There are three forms included; Agenda, Notice and Closed Meeting.
- **What is a Public Body** – An attendee asked if the OML also applied to sub-committees. Yes. Chairman Kukulica asked if meetings could be held via teleconference and/or video-conference. Yes, *as long as everyone could be seen or heard.*
- **Public Body Meetings “Constructive Quorum** – You cannot communicate with more than one other member on an item. The member you communicate with cannot then forward or communicate with other members. Member Ulch commented that the Agenda is prepared in draft form and sent to all members for review. *AG Taylor noted that is okay and it does not violate the OML.* Chairman Kukulica asked about the minutes noting that they are sent out for comments, changes, additions, etc. *AG Taylor commented that does not violate the OML. Items may also be removed from the Agenda.*
- **Written Notice-Public Meetings** – *AG Taylor commented that the written notice must list the time, place and location of the public meeting and a list of the locations where the notice has been posted.*
- **Public Body: Emergency Meeting** – *The Board may call an emergency meeting for “any” unforeseen circumstance. Meetings scheduled with less than three days notice MUST be limited to the unforeseen circumstance.*
- **Exceptions to OML** – Secretary Klouse asked if misconduct deliberations could be considered in a closed meeting, as well as applications, and testing review. *AG Taylor commented that misconduct and reviewing tests could be considered in a closed meeting, but not applications. AG Taylor also noted that written notice to those involved in a closed meeting must be delivered at least 5 working days prior to*

the meeting or mailed certified at least 21 working days prior to the meeting.

- **Meeting Basics** – *AG Taylor commented that minutes must be available to the public within 30 days from the conclusion of the meeting. These minutes may be in draft form.*

Past Member Maxson asked if an item not on the Agenda can be voted upon. *AG Taylor commented that would be a violation. The law is very strict. Make sure all topics you want to talk about are on the Agenda.* Member Dorsey asked if an item was listed as an action item if you had to take action on it. *AG Taylor stated you do not, however, you cannot take action on any item that is not specifically listed as an action item.*

Member Dorsey further added that this Board is very conscientious and responsible and that is one reason we asked that the AG be here today.

Member Dorsey further commented that she had called Member Ulch to discuss the ramifications of moving the REHS office. *AG Taylor stated that is not in violation.* Secretary Klouse commented that it would be a violation if it went forward into a serial communication. *AG Taylor concurred.*

Other topics were briefly discussed and included in the AG's handout.

The Board thanked AG Taylor and extended their appreciation for him and DAG Rasul's attendance and knowledge.

5.* Review Secretary's Report. Paul Klouse

Secretary Klouse stated that two people took the Laser Grade testing, with both of them passing. Results are pending from those that took the "paper" test on March 5, 2008.

There are a total of 202 registrants. There were nine people that did not renew their registrations. Chairman Kukulica asked what the reasons were for the non-renewals. Secretary Klouse commented that the reasons were retirement, moving out of state and one individual is working for EPA and is not required to register.

Communications have been sent to several individuals regarding items such as the child support form, missing information, appeals, and one returned check.

A questionnaire was received from the Department of Administration requiring that agencies complete a self-assessment. This does not apply to this Board as it is exempt under 625A.

Member Ulch added that she will be completing the Quarterly Disciplinary Report, with no actions to submit.

It was motioned by Member Rucker and seconded by Member Dorsey to accept the Secretary's Report as submitted. The motion carried unanimously.

6.* Second Discussion on Current Request to Board Secretary to Provide Names and Contact Information of Board Registrants in Anticipation of Published Registrant Information on Board Website.

Member Rucker commented that she attended a class on public records and that you have to be mindful of what information you put on a Website. Member Rucker provided the Board with a copy of NRS 239B.050 on "Disclosure of Personal Information."

Secretary Klouse stated that if you read the applicable NRS, it appears that the Board is not required to put anything on the Website. Member Ulch questioned if the person was not employed by a public entity. The Board asked for the opinion of DAG Rasul. She commented that first and last name would be okay, but not in conjunction with a social security or driver's license number. Member Ulch commented that the Board has been reluctant to publish any information. The Board has received several requests for information, primarily from people who are out of state.

Webmaster Pierce commented that he feels the name and registrant number would be okay. Other boards, such as the Engineering Board, lists names, addresses, etc. One day it may become legislature.

Member Rucker commented that she doesn't want any damaging information published, but the Board has an obligation to show what it does. Member Dorsey commented that maybe we could put on the Website that we have 202 registrants. Member Rucker noted that the public may want to know who is registered.

DAG Rasul commented that the public does have a right to know and that it would probably be okay to put the registrant's name and number. She wants to check with her colleagues to determine other information, such as employer.

It was motioned by Member Ulch and seconded by Member Rucker to table this item pending final guidance from the AG's office. The motion carried unanimously.

7.* Discussion and Action to Change Southern Nevada REHS Test Date from September 12 to September 3, 2008 to Accommodate a Large Group of SNHD Employees Who Will be Eligible to Take the Exam Sooner Than Anticipated.

Secretary Klouse commented that there was no meeting room available for the test date of September 12, 2008, but there is availability on September 3, 2008.

It was motioned by Secretary Klouse and seconded by Member Dorsey to change the test date for Southern Nevada to September 3, 2008. The motion carried unanimously.

8.* Discussion and Action on Relocation of REHS Office to Provide More Stability for the Board, to Enhance Board Functions and Provide for Greater Distribution of Workload Throughout the Board Membership. Cindy Ulch.

Member Ulch commented that her term of five years with the Board will soon be up and she feels that is enough time to serve and will at that time resign. Another employee to represent the State will be chosen. Therefore, the Board may want to begin considering a new REHS office location. Member Ulch suggests that it be in the Reno-Carson City area.

Member Rucker asked when Member Ulch's five years is up. Member Ulch replied May of 2009, however, she is a trainer and it's a matter of getting relief for some of the REHS duties and transition to a new person. Member Rucker commented that the hiring of an administrative assistant (Vicki Pratt) was to give some relief to Member Ulch. Member Ulch commented that the administrative assistant plans to work only as long as Member Ulch is on the Board and the office is in Winnemucca. She further noted that Ms. Pratt is a big help.

Member Ulch commented that the Board needs to commit to taking care of the day-to-day activities of the Board.

Past Member Allen has looked at spaces in Carson City and Member Ulch has looked at space in Reno. Member Ulch's boss, Darren Winkelman, is in attendance today and there is a possibility there could be space available due to some re-organization.

Member Dorsey asked if there would be rent to pay. Member Rucker commented that would be part of the negotiations. The Board may have to pay a nominal fee.

Member Ulch commented that the space needs to be able to be secured due to the confidential nature of the files, computers, etc. A cubicle would not be sufficient

Past Member Allen commented that he has looked into space and it would run approximately \$500 per month. Secretary Klouse commented that the total annual income for the Board is approximately \$13,000.00. Member Rucker commented that we should look at our government "friends" options first as \$500 a month is steep.

Past Member Maxson commented that the Board may want to look into "piggy backing" on a larger board, such as Nursing.

It was motioned by Member Dorsey and seconded by Member Ulch to have Member Rucker look at the possibility of establishing the office in Reno and Mr. Winkelman to look at the possibility of establishing the office in Carson City. The motion carried unanimously. This item will be added to the next REHS agenda.

9.* Discussion and Action on Increasing Registrant Fees to Cover Additional Costs of Examinations from National Environmental Health Association and Overhead Costs Associated with Relocation of the REHS Office.

Member Rucker commented that the Board received a billing from NEHA for the test packets but there is no itemization of those fees, just a total amount. Member Ulch commented that NEHA is working on the billing and will itemize the fees. They can only bill the Board after testing. The unbroken packets can be sent back and the Board will only pay for the actual packets used. Member Ulch paid the NEHA billing so as not to become delinquent.

Secretary Klouse commented that he contacted NEHA and that their fees were not increased. He believes there needs to be some serious discussion on the Board increasing fees to fund an office manager.

Member Rucker stated that she has a problem with raising fees for unknown costs and that the Board recently raised fees for administrative help at the Winnemucca office. Member Ulch concurred stating she would prefer not to raise fees at this time.

It was motioned by Secretary Klouse and seconded by Member Ulch to table this item until we have a clear idea of what office and staffing costs will be. After discussion, the motion was amended to add what the Board duties are and to place this item on the next agenda. The motion carried unanimously.

10. Discussion of Status of Board Checking Account Balance. Vicki Pratt and Cindy Ulch.

Member Ulch stated that as of February 1, 2008, the checkbook balance is \$14,612.49. There are no bank service fees or accrued interest. Some of this money is obligated to NEHA for tests. The tests cost \$125 each.

11*. Discussion of Issue Brought to Board Regarding Unregistered Food Safety Consultants Employed in the Private Sector Doing Audits Without Benefit of State Registration Through the Board.

Member Ulch stated it was brought to her attention, via email, from a consultant in the state that he is frustrated that those in the private sector are not required to be registered.

Past Member Maxson commented that when the bill was in legislature, Senator Heck wanted to make sure it was clear that the majority of registrants work in a governmental environment. The intent of legislature was to not include the private sector in mandatory registration. They can voluntarily register if they so choose. The vast majority are not registered. If the Board were to mandate that the private sector be registered, it would go against legislature. The bill was

primarily focused on state and local agencies. If the Board wants to go down that path, it would need to go back to the legislative process and it would probably require another grandfathering clause. If the private sector had been included in the bill, it would have died. Past Member Maxson believes that the law is solid the way it is now and asked that his comments be made a part of the minutes. The Board thanked Past Member Maxson for his perspective.

Member Rucker noted that the Board has previously had discussions regarding the grandfathering issue and it was the Board's decision to not chase the private sector. Most of the private sector did not want to be registered. Member Ulch commented that the only way we would want to regulate any of the private sector is if they chose to put REHS behind their name. Secretary Klouse asked if NEHA would recognize their status. Member Ulch stated they would not. It would be in violation if they were to make that claim.

12.* Discussion and Possible Action on Charging a Returned Check Fee to Those Registrants Who Provide Payment to the Board from Accounts with Inadequate Funds.

Member Ulch noted that there has only been one returned check, however, it was a real nuisance. Member Rucker asked if the Board's bank charged a fee for the returned check. Member Ulch replied that she believes a charge was incurred.

The Board discussed the possible dollar amount for a returned check, ranging from \$25 to \$100.00. DAG Rasul suggested that we serve notice to the registrants via the Website and through the billing process. DAG Rasul also commented that she thought \$100 was too high.

It was motioned by Member Ulch and seconded by Member Rucker that effective May 1, 2008, a returned check fee of \$50 will be assessed. The motion carried unanimously. This information will be added to the next billing and Webmaster Pierce will post the information on the Website and change the application form.

13.* Review, Approval, or Denial of Recent Applications for Registration, Testing or Reciprocity of Pending Applications for Registration. Cindy Ulch, Vicki Pratt and/or Board Members. To be Considered: Tanja Kamm Appeal and New Applications from Neil Fox, Mary Oakes, Jonathan Dalton, Brian Northam and Larry Rogers.

The first item considered was the appeal from Tanja Kamm. Member Ulch thanked Ms. Kamm for appearing before the Board. Member Ulch commented that the Board had some issues with the science credit hours on her transcript, noting that Ms. Kamm has enrolled at Nevada State College and College of Southern Nevada and asked Ms. Kamm to address those issues.

Secretary Klouse commented that Ms. Kamm was notified December 11, 2007 regarding the denial of her application from the December 5, 2007 meeting. Ms. Kamm sent in a formal appeal in a timely manner.

Ms. Kamm presented the Board with her appeal packet describing the courses she has taken and the ones she will have completed by May 17, 2008. Those courses include Community Health (health diseases, etc.), Research and Evaluation in Health, and Nutrition and Physical Fitness. Ms. Kamm stated that her present courses mainly entail science, research, surveys and a study of nutrition and physical fitness, which had a pre-requisite of human anatomy.

Member Ulch commented Ms. Kamm has completed Chemistry for 3 units, and Chemistry 105 for 2 units. She is enrolled in Chemistry 110, for 4 units, and Environmental Science for 3 units, with completion date to be May 17, 2008.

It was noted that NEHA approved her qualifications, however, the NvREHS qualifications are different. The Board's actions are separate and independent from NEHA. Secretary Klouse noted that the Board's qualifications are based on 625.110A.

Ms. Kamm commented that she has completed 5 units since her appeal was sent to the Board and 7 units are pending the May 17, 2008 date. Member Dorsey asked with the additional current 5 units does Ms. Kamm meet the Board's requirements. Member Dorsey commended Ms. Kamm on her appeal submittal.

Member Rucker asked how many credits does Ms. Kamm have. Member Ulch noted that she was given consideration for 18 credits by the Board and currently has 12 in progress. That would be a total of 30. Member Ulch commented that she doesn't believe that any of the originally denied credits should be allowed.

Member Ulch motioned and Member Dorsey seconded the motion to approve Ms. Kamm, as a trainee, pending successful completion, and submittal to the Board, of her current course work, with a completion date of May 17, 2008. Discussion followed. Secretary Klouse suggested that the Board look at the Physical Fitness course as it has a pre-requisite of a basic science course. Secretary Klouse asked the Board to evaluate that as a science course. Member Ulch commented that she doesn't disagree, however, Ms. Kamm would still be 1 credit short.

Member Ulch read the course description for Community Health into the records. It was noted that the class was beneficial, but not necessarily a science class.

Member Rucker commented that she is not comfortable issuing a provisional certificate pending completion of classes. Chairman Kukulica commented that the Board has issued other trainee statuses for other items such as not the right amount of money. Member Ulch stated that the actual certificate was not issued until all the proper documentation was received. Past Member Maxson commented that he does not ever in past history recall that the Board has issued a provisional certificate.

Attendee Hahn commented that she is Ms. Kamm's supervisor and that Ms. Kamm completed a statistical math class and believes it to be a biological course which Ms. Kamm did not include in her packet.

There was discussion on courses noting that course descriptions were written in 1988. It was noted that they were updated in 2005, via 625A.

Secretary Klouse commented that if given the statement from National, if Ms. Kamm had two years of experience she would be eligible for reciprocity.

Member Ulch noted that she could support Chronic and Community Diseases, but not Physical Fitness courses.

Member Dorsey stated she could support the motion that was put forth above by Member Ulch, except she feels a Provisional Trainee certificate should be issued now vs. May 17, 2008.

Member Ulch commented that maybe now was the time to bring up the fact that she had talked to the AG and that if a Board member has an interest in the applicant they should recuse themselves. Secretary Klouse recused himself. At this point the Board took a 10 minute break.

At the conclusion of the break it was determined that in the past a Board member had never been asked to recuse themselves even if the applicant was under their jurisdiction. If that were to be the case, the Board members would constantly be recusing themselves on every application consideration. Member Rucker stated that Secretary Klouse should be allowed to discuss and vote until a confirmation is received from the AG's office on this issue. Secretary Klouse was allowed back into the discussion and allowed voting privileges. It was noted that if a Board member directly supervised an applicant they should recuse themselves.

Member Rucker commented that past practices dictated that certificates were not issued until all requirements were met. The certificate was then issued with the date that the applicant was originally approved. With this in mind, Ms. Kamm would meet all requirements upon completion of her courses May 17, 2008 and would be issued her certificate with the date from today's meeting and asked if that would meet the requirements for her employment with SNHD.

Member Ulch commented that more than anything else the Board wants to protect Ms. Kamm's employment status, but does not want the Board to enter into a dangerous precedence. Member Rucker concurred.

At this point Member Ulch withdrew her motion.

Member Dorsey questioned if a motion has to carry unanimously or just by simple majority. A motion has to carry by a simple majority. Member Dorsey would like to allow 1 credit for the Community Health class, and not the 3 that the course carries, which would qualify Ms. Kamm as a trainee.

It was motioned by Member Dorsey and seconded by Secretary Klouse to approve Ms. Kamm as a trainee today, allowing 1 credit for the Community Health class, which brings Ms. Kamm to the necessary credits to obtain trainee status. The motioned carried with Chairman Kukulica, Secretary Klouse and Member Dorsey voting for the motion and Members Rucker and Ulch voting against the motion.

Past Member Maxson commented that SNHD hired her and Ms. Kamm took the job in good faith. The error was SNHD's and the Board should take action with agencies to ensure that doesn't happen again.

Attendee Hahn commented that Human Resources make mistakes. Ms. Kamm is so far ahead of others that Ms. Hahn has trained in the past. She will be a dedicated employee and a dedicated REHS.

The Board reviewed the transcripts of the other applicants, with the status determined as listed below.

NAME	Motion and Second	STATUS
Tanja Kamm	Motion by Member Dorsey and Second by Secretary Klouse	Approved as Trainee on a 3-2 vote with Secretary Klouse, Member Dorsey and Chairman Kukulica voting for approval and members Ulch and Rucker voting against approval.
Neil Fox	Motion by Secretary Klouse and Second by Member Ulch	Approved as a trainee. Unanimous.
Mary Oakes	Motion by Member Ulch and Second by Member Dorsey	Approved as a trainee. Unanimous.
Jonathan Dalton	Motion by Member Ulch and Second by Member Rucker	Approved as a trainee. Unanimous.
Brian Northam	Motion by Secretary Klouse and Second by Member Rucker	Approved as a trainee. Unanimous.
Larry Rogers	Motion by Member Dorsey and Second by Member Rucker	Approved as a trainee. Unanimous.

14. Public Comment – Please Note that no Action May be Taken on any Matter Raised During the Public Comment Period, Unless Such Matter Itself has been Specifically Listed Above as an Action Item.

An attendee thanked the Board.

Webmaster Pierce thought the Board did a great job of discussion and that all present learned something.

Past Member Allen noted he had a call into the AG's office but was unable to reach anyone.

15.* Set Date for Next Meeting

The next meeting is scheduled to coincide with the NEHA meeting to be held at the Las Vegas Hilton in June, 2008. The date, time and location will be determined when information is received regarding the exact NEHA dates.

16. Adjourn

There being no further business, the meeting was adjourned at 2:25 p.m.

Respectfully submitted,
Sandy Bigley, Recording Secretary