

NC State Board of Environmental Health Specialist Examiners

Minutes of June 23, 2010 Meeting

The meeting of the NC State Board of Environmental Health Specialist Examiners was held on Wednesday, June 23, 2010, Davidson County Health Department, 915 North Greensboro Street, Lexington, NC, 27292. Those in attendance were: Patricia Hawkins, Malcolm Blalock, Terry Pierce, Lynn Lathan, Perry Solice, Debra Yarbrough, Jeff French, Seth Swift, Greg Bright, Layton Long and Adele Newman. Those absent were: Dr. Burt Ogle and Courtney Silverthorne.

Called to Order - Chair Patricia Hawkins called the meeting to order at 10:25 a.m.

Conflict of Interest Statement - Chair Patricia Hawkins asked if any Board member wishes to speak to the appearance of any actual or potential conflicts of interest. There were none stated. The Board members were reminded to recuse themselves when action on a staff member, family, or friend is under consideration by the Board. The Board members were reminded that they should refrain from participation in any discussions in which they may have a potential or existing conflict of interest.

Approval of Minutes:

March minutes

Malcolm Blalock shared that he is the only person authorized to remove money from the STIF account. Adele Newman has signature and full access to the checking, money market and share accounts with State Employees' Credit Union. It was reported that the Attorney General's office has requested copies of the 2004 and 2005 signed Minutes. The Board Secretary-Treasurer will need to begin signing the final, approved Minutes as well as Board Policies in the future.

The date on page 2, 7th paragraph was changed from "the 20th" to "June 17." Course #09387 name on page 5 was changed from "Environmental Health" to "Environmental Health Curriculum submitted by William Hill." Board action on page 9 was changed from "Board accepted the 2010 CE course listing modifications" to "The Education Committee recommended for approval of the 2010 CE courses listed above with the modifications."

Board Action: Lynn Lathan made a motion to accept the March Minutes with the above changes. Seth Swift seconded the motion. All votes affirmative.

May minutes

The May minutes had a couple typos. On page 4 under course #10008 the word "diary" was changed to "dairy." On page 3 the word "reconveyed" was changed to "reconvened." Adele Newman was asked to research the status of Leonard Hay's \$35 payment to determine if he paid for renewal or for an Intern Application. The Education Committee has agreed with Dr. Ogle's assessment that Mr. Hay's transcripts meet the minimum requirements for registration.

Board Action: Terry Pierce made a motion to accept the May Minutes with the above changes. Lynn Lathan seconded the motion. All votes affirmative.

May Closed Session Minutes

Malcolm Blalock shared information regarding his involvement in the Catawba County investigation in order to accurately reflect the matter in the Minutes. The Board reviewed and provided editing changes for Adele Newman to incorporate into the Closed Session Minutes.

The need to implement a secure method to electronically distribute closed session minutes to the Board members was discussed. Malcolm Blalock will contact Tobin Shepherd to find available options using the Board's website with password protection as means of secure document sharing.

Board Action: Debra Yarbrough made a motion to accept the May Closed Session Minutes. Greg Bright seconded the motion. All votes affirmative.

Financial Report – Malcolm Blalock

The budget analysis was presented. Based on the financial information from January through May of this year the Board will be very close or possibly going over budget. There is a need to transfer money from the STIF account to cover operating costs through the end of the year. The financial records were not available as they were given to the CPA to complete the Audit and will be back for the October meeting. There will be a more detailed financial report at that time.

The revenue account is way down from the projected budgeted amount. Revenue from renewals has decreased from last year, which is the amount the budget was based on. The Board can charge an additional \$50 administration fee on exams beginning with the next exam in October. At this time, Edward Strickland is the only exam applicant for October. Since he submitted the application and payment prior to the Rule changes, the Board decided not to charge the additional \$50 administration fee. There was more discussion on cost savings to administer exams. CIT has 10 applicants this session; which indicates the number of exam applicants to expect. Another possibility discussed was to reduce the number of Board members needed to do the oral interviews as well as the possibility of conducting the Board meeting and exams concurrently. There was discussion regarding administering the exam only two times per year after July 1, 2010, with a possible third date as an additional option. The Board needs to determine how many interns still need to take the exam in order to make a decision on changing the number of exams per year.

The expense account has decreased. Board meetings are a big expense, averaging approximately \$3,000-4,000 per meeting. There was discussion on the possibility of doing more telephone conference calls; keeping in mind the need to also have face-to-face meetings as well. Adele Newman is being frugal on office expenses.

Board Action: Terry Pierce made a motion to accept the Financial Report. Lynn Lathan seconded the motion. All votes affirmative.

Chair's Report – Patricia Hawkins

Ms. Hawkins is currently the Ethics Liaison. The need to have new policies for the new rules; new policies for military exemptions and disability variance were discussed. The Board needs a new policy on disability variance. Since the rule wording was based on the Dental Board's rule, it was suggested that the Board see if it already has a policy in place. The Board was asked if anyone was able to create those policies. Terry Pierce suggested going to the website of other Boards' policies to use for our template on the new policies. Jeff French volunteered to do that.

Internal Controls: The Board was told to expect a large document regarding Internal Controls Questionnaire. The overall goal is to make the Board's operations smoother and to have more accountability. The questionnaire will get divided up and distributed to the Board members to complete. Each member was asked to review and complete the sections they are given, comparing to the previous report done in 2007.

Vice Chair's Report – Terry Pierce

The Division of Environmental Health may not relocate. The proposal talked about the statutory changes that would move the Board under DHHS. At this time, there is no progress to report on those changes. The DEH would like to finalize their Budget and then focus on reorganization. Anna Beamer (PIO) is now doing Tony Arnold's position (authorizations, CIT, RSTAS) and reports directly to Terry Pierce. There is currently no supervisor at top other than Mr. Pierce. There is a possibility of reversing positions back and hiring a Supervisor if the reorganization does not finalize.

After July 1st the Well Contractor Certification Commission will be under DEH. As of right now, they are under On-site Water Protection Section and report to Walter Haven, PG, Private Water Protection Branch Head. Mr. Haven has been deployed to the Gulf for 60 days and Ted Lyon is currently serving in this position in the meantime until Mr. Haven returns. The Water Well Certification Board now works under John McFayden. The statutory changes need to be in place in order to have authority for reorganizational changes. The Local Health Directors Association has contested a case against them for "setting" a fee. The allegation is that the Local Health Directors Association was under the direction of Terry Pierce and had conspired to set a fee for TFSEs. They quoted the old statute in saying they should have had 45 days to pay the fee. The billing Statute for late fees allows 45 days. It was reported that the State is having trouble with their servers going down. When it gets too hot they turn the server off. DEH has an A/C unit but the rest of the system located in a different building does not.

Secretary-Treasurer’s Report – Malcolm Blalock

The STIF account is set up to have an Administrator who can assign other users and do everything from being a user to managing the account. Currently Adele Newman and Malcolm Blalock are able to view the account balances information, statement view and print. Mr. Blalock needs to adjust the setting in order for money to be moved. There are two roles needing to be assigned: an Initiator and an Approver to move money; these should not be the same person. The Initiator would request money to be moved and the Approver would approve the transfer of the funds.

It was decided that the Administrative Assistant will request to the Secretary-Treasurer the need to transfer money. The Secretary-Treasurer will initiate the transfer and the Board Chair will approve the funds transfer. The Board’s current Policy on STIF transfers states that the Chair initiates the transfers and the Secretary-Treasurer approves the transfers. There is a need to modify the Policy.

Administrative Assistant’s Report – Adele Newman

The Board’s expense report reimbursements were discussed. The last Board meeting’s projected expenses were higher than the actual which resulted in more money transferred out of the money market account prior to the meeting date than needed to be. It was requested that Board members wait to deposit their reimbursement expense checks to allow time to calculate the exact amount needed to transfer from the money market into the checking account. All members were in agreement to this. Ms. Newman stated she believes the duties of the Administrative Assistant position are too much to accomplish in only 30 hours per week and that the pay is not comparable either.

Education Committee Report – Greg Bright

Bruce Grooms’ required work experience was discussed. Patricia Hawkins recused herself. Mr. Grooms’ 3 year work experience requirement will expire in February 2011. After calculating going from full-time to part-time status it was determined that he has currently worked one year and received 7.95 months work experience. If he continues to work 3 days per week he will need to work an additional 6.5 months to meet his 3 year work experience requirement.

Lynn Lathan inquired about the process for an intern called into military active duty prior to completing the required work experience and education to become a full REHS. The procedure is to stop the clock on required work experience toward full registration until that person returns from active duty and resumes work at the local health department. Layton Long mentioned that there was an EHS in one county that was moved to a lab position. That county will occasionally pull her back to EH to work in their EH program. An intern will need to ask for time actually worked in EH to be applied to the work experience requirement. There will need to be a tracking system in payroll or at the Health Department to be able to submit to the Board an accurate account of hours worked in Environmental Health.

Greg Bright discussed a request regarding a non-affiliated REHS taking the CIT modules and requesting continuing education credit hours. This request was denied per interpretation of current policy. The Education Committee has approved the Intern application of Gregory Gartner, employed at Forsyth County, and presented the recommendation to the Board.

Board Action: Malcolm Blalock made a motion to accept the recommendation from the Education Committee to approve the Intern application for Gregory Gartner. Jeff French seconded the motion. All votes affirmative.

The following Interns were presented to the Board as eligible for REHS Status:

INTERNS ELIGIBLE FOR REHS STATUS

Last

| <u>Name</u> | <u>First Name</u> | <u>County</u> | <u>Intern #</u> | <u>Eligible Date</u> |
|--------------------|--------------------------|--------------------------------------|------------------------|-----------------------------|
| Angé | Sarah | Beaufort County Health Department | 2352 | 3/25/2010 |
| Chrismon | Kimberly | Greene Co HD | 2301 | 3/25/2010 |
| | Christophe | | | |
| Elmore | r | Mecklenburg County Health Department | 2338 | 8/27/2010 |

| | | | | |
|----------|------------------------|--------------------------------------|------|-----------|
| Mitchell | Brittany Christophe | Davie County Health Department | 2325 | 5/30/2010 |
| Sells | r | Mecklenburg County Health Department | 2358 | 8/26/2010 |
| Young | Michael | Macon County Health Department | 2355 | 3/25/2010 |

Lynn Lathan recused herself from approving Interns from Mecklenburg County.

Board Action: Perry Solice made a motion to approve REHS Interns for REHS Status who have met or will meet all requirements on the listed effective date. Seth Swift seconded the motion. All votes affirmative.

Recessed at 12:06 pm for lunch

Reconvened: 12:48 pm

Education Committee – Greg Bright (continued)

The Continuing Education Applications were presented to the Board. Course #10121 for New Hire Law was determined that it would not be equivalent to the Law course and was not approved as a substitute for EH Law. This request needs additional info to get awarded CE hours to meet 15 hours eligibility. Greg Bright will contact those that are not approved and/or needing more information to be approved. Regarding Course #10208, Design 200, On-site Systems Layout, it was decided to table this course. Mr. Bright will follow-up on this.

The Education Committee is charged with determining the difficulty level of courses taught and their appropriateness for practicing REHSs and REHSIs. The Education Committee will draft policy language regarding courses that are similar to CIT and guidelines for approval or denial. There was discussion on developing more guidance to the providers on what will be approved in the future. Discussion held on the current policy of credit for CIT attendance if a Regional Specialist requires attendance of an REHS as a requirement for keeping his/her job.

The following Continuing Education Applications for 2010 were reviewed by the Board:

| Course # | Name of Education/Training | Organization Sponsor | City | State | Start Date | End Date | Hours Approved |
|----------|---|--|------------|-------|------------|----------|----------------|
| 09388 | ENH 621 Fundamentals of Industrial Hygiene | University of Alabama School of PH | Birmingham | AL | 8/17/09 | 12/15/09 | 15.00 |
| 09389 | ENH 650 Essential Environmental Occupational Toxicology | University of Alabama School of PH | Birmingham | AL | 8/17/09 | 12/15/09 | 15.00 |
| 09390 | ENH 661 Air Sampling and Analysis | University of Alabama School of PH | Birmingham | AL | 8/17/09 | 12/15/09 | 15.00 |
| 09391 | ENH 691 Current Topics in EH and Occp Health and Safety | University of Alabama School of PH | Birmingham | AL | 8/17/09 | 12/15/09 | 15.00 |
| 09392 | ENH 680 Field Interdisciplinary Study | University of Alabama School of PH | Birmingham | AL | 8/17/09 | 12/15/09 | 15.00 |
| 09393 | BST 600 Biostats for Public Health | University of Alabama School of PH | Birmingham | AL | 8/17/09 | 12/15/09 | 15.00 |
| 10008 | NC Dairy Biosecurity & Business Continuity Training | NC Dairy Security Committee | Hickory | NC | 1/13/10 | 1/13/10 | 1.50 |
| 10074 | OSWW Continuing Ed 2010-NCOWCICB | Franklin, Granville, Person, Warren and Vance Co's | Henderson | NC | 4/1/10 | 4/1/10 | 5.50 |
| 10101 | 2010 Food Safety Education Conference | USDA/NSF | Atlanta | GA | 3/23/10 | 3/26/10 | Tabled |
| 10106 | Piedmont FPB Education Meeting | NC DENR | Greensboro | NC | 5/4/10 | 5/4/10 | 4.50 |
| 10111 | Competent Person Trenching/Excavation Safety | NC Industrial Commission | Charlotte | NC | 8/17/10 | 8/17/10 | 6.00 |

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|--------------|---|--|-------------|----|---------|---------|-------|
| 10117 | NIMS Incident Command System (ICS-300) | FEMA | Drexel | NC | 3/10/10 | 3/11/10 | 15.00 |
| 10118 | Incident Command System (ICS) S-339 Division/Group Supervisor | FEMA | Morganton | NC | 5/20/10 | 5/21/10 | NI |
| 10119 | Incident Command System (ICS)/Emergency Operations Center (EOC) Interface | FEMA | Morganton | NC | 3/30/10 | 3/31/10 | 7.25 |
| 10121 | New Hire Law and Evidence | Food & Drug Administration | New Orleans | LA | 2/22/10 | 3/13/10 | NI |
| 10127 | We are all responsible for protection of our water supplies | Albemarle Regional Health Services | Currituck | NC | 6/29/10 | 6/30/10 | 11.00 |
| 10129 | Serving Safe Food Certification Training | NC Cooperative Ext/Durham & Orange Co HD | Chapel Hill | NC | 2/16/10 | 2/18/10 | 0.75 |
| 10171 | Subsurface Wastewater Operator Training School | NC State Soil Science Dept | Various | | Various | Various | 19.50 |
| 10173 | A Coordinated Response to Food Emergencies | NC DENR/NC BRT | Raleigh | NC | 8/24/10 | 8/25/10 | 14.00 |
| 10174 | Air Monitoring for Emergency Response | EPA | Raleigh | NC | 5/18/10 | 5/19/10 | 13.75 |
| 10175 | Environmental Health Training in Emergency Response | FEMA/Center for Domestic Preparedness | Anniston | AL | 5/10/10 | 5/13/10 | 20.00 |
| 10176 | ICS in Action: Using the Incident Command System in Public Health Outbreak Investigations | NC Center for Public Health Preparedness | Online | | various | various | 2.50 |
| 10177 | Tick-Borne Diseases of the US | NC Center for Public Health Preparedness | Online | | various | various | 0.50 |
| 10178 | Rabies Epidemiology and Control | NC Center for Public Health Preparedness | Online | | various | various | 0.50 |
| 10179 | ABC's of Pandemic Influenza | NC Center for Public Health Preparedness | Online | | various | various | 0.50 |
| 10180 | Radon, Mold & Carbon Monoxide in the Home | NC Cooperative Extension Service | Brevard | NC | 3/16/10 | 3/16/10 | 2.00 |
| 10181 | IS-775 EOC Management and Operations | FEMA | Online | | various | various | 4.00 |
| 10182 | IS-650 Building Partnerships with Tribal Governments | FEMA | Online | | various | various | 1.00 |
| 10183 | IS-701.a NIMS Multiagency Coordination System (MACS) Course | FEMA | Online | | various | various | 2.00 |
| 10184 | IS-702 NIMS Public Info Systems | FEMA | Online | | various | various | 3.00 |
| 10185 | IS-703.a NIMS Resource Management Course | FEMA | Online | | various | various | 3.50 |
| 10186 | IS-704 NIMS Communications and Information Management | FEMA | Online | | various | various | 1.75 |
| 10187 | IS-706 NIMS Intrastate Mutual Aid - An Introduction | FEMA | Online | | various | various | 2.50 |
| 10188 | Soil Science | NC State University | Online | | various | various | 20.00 |
| 10189 | Contemporary Issues in Occupational Safety | East Carolina University | Greenville | NC | 1/11/10 | 4/26/10 | 20.00 |

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|--------------|---|--|------------------|----|---------|---------|--------|
| 10190 | Water and Wastewater Course Training Safety and Health Workshop | Brunswick County Public Utilities/NC Industrial Commission | Bolivia | NC | various | various | 4.25 |
| 10191 | Region-1 H1N1 Response CAP Workshop | Public Health Regional Surveillance Team | Kill Devil Hills | NC | 4/15/10 | 4/16/10 | 11.00 |
| 10192 | Licensed Aquatic Facility Technician | American Swimming Pool and Spa Association | various | | various | various | NI |
| 10193 | Central NC EH Supervisors Association | Central NC EHSA | Asheboro | NC | 6/3/10 | 6/3/10 | 2.00 |
| 10194 | Lead Inspector | Greenville Technical College | Greenville | NC | 1/11/10 | 1/13/10 | 20.00 |
| 10195 | Lead Risk Assessor | Greenville Technical College | Greenville | NC | 1/14/10 | 1/15/10 | 12.50 |
| 10196 | North Central EH District Education Meeting | NCEHD | Hillsborough | NC | 5/12/10 | 5/12/10 | 5.25 |
| 10197 | Longterm Care Workshop | NC Department of Labor | Charlotte | NC | 5/6/10 | 5/6/10 | 3.50 |
| 10198 | Indoor EH Technologies Conf & Lead Healthy Homes Grantees Conf | Nat'l Asn of Lead & Homes Grantees/Lead & Env Hazards Asn | New Orleans | LA | 4/27/10 | 4/29/10 | 15.00 |
| 10199 | NC Environmental Health Law & Ethics | SOP | various | | various | various | 15.00 |
| 10200 | EPI Ready for Response Teams | NCDA/FDA/NEHA | Raleigh | NC | 5/25/10 | 5/27/10 | 18.50 |
| 10201 | Environmental Considerations in Nursing Practice | UNC CH School of Nursing | Chapel Hill | NC | 5/7/10 | 5/7/10 | 4.25 |
| 10202 | Tech 501 Water & Wastewater ReUse Specialty Field Tour - NC Outer Banks | NC State Soil Science Dept | Nags Head | NC | 7/23/10 | 7/23/10 | 6.00 |
| 10203 | ESRI Southeast User Group Conf | ESRI | Charlotte | NC | 4/26/10 | 4/28/10 | 16.75 |
| 10204 | Lead Inspector Refresher | Greenville Technical College | Greensboro | NC | 5/24/10 | 5/24/10 | 5.25 |
| 10205 | Risk Assessor Refresher | Greenville Technical College | Greensboro | NC | 5/25/10 | 5/25/10 | 5.25 |
| 10206 | 2010 Well Contractors Training | Mecklenburg Co Groundwater & Wastewater | Charlotte | NC | 3/30/10 | 3/30/10 | 7.00 |
| 10207 | Pesticide Use & Safety for Experienced Applicators | NC Arboretum | Asheville | NC | 5/25/10 | 5/25/10 | 6.00 |
| 10208 | Design 200 Onsite Systems Layout | NC State Soil Science Dept | Raleigh | NC | 6/18/10 | 6/18/10 | tabled |
| 10209 | Tech 102 Onsite System Technologies | NC State Soil Science Dept | various | | various | various | 6.00 |
| 10210 | Regional Territory Meeting | Food Protection Branch | Wilson | NC | 7/20/10 | 7/20/10 | 5.00 |
| 10211 | Strengthening Your Food Protection Program | Food Protection Branch | various | | various | various | 5.25 |
| 10212 | Adult Mosquito ID Course | NCM & VCA | Washington | NC | 5/17/10 | 5/18/10 | 13.25 |
| 10213 | Tech 110 Intro to Advanced Pretreatment Technologies | NC State Soil Science Dept | Boone | NC | 9/30/10 | 9/30/10 | 6.00 |
| 10214 | Tech 500 Decentralized Water/Wastewater Re-Use for Clean Green & Smart Development | NC State Soil Science Dept | Greensboro | NC | 8/24/10 | 8/26/10 | 15.25 |
| 10215 | Analyzing Wastewater Treatment Systems Serving Residential & Commercial Facilities for High | NC State Soil Science Dept | Monroe | NC | 9/9/10 | 9/10/10 | 15.00 |

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|-------|--|-------------------------------------|-----------|----|---------|---------|-------|
| | Strength | | | | | | |
| 10216 | Design 225 Design of Low Pressure Pipe Systems | NC State Soil Science Dept | Dallas | NC | 9/14/10 | 9/14/10 | 6.50 |
| 10217 | Design 425 Drip Dispersal Design for NC Proprietary Systems | NC State Soil Science Dept | Dallas | NC | 9/15/10 | 9/16/10 | 13.00 |
| 10218 | Process Control: Coagulation, Flocculation, Sedimentation, Filtration & Chlorination | Blue Ridge Comm College | Flat Rock | NC | 5/25/10 | 5/25/10 | 6.00 |
| 10219 | Public Health Quality Improvement 101 | NC Center for Public Health Quality | Durham | NC | 5/13/10 | 5/14/10 | 10.00 |
| 10220 | Radiological Monitoring & Decontamination Ctr Exercise | Wake Co Emergency Mgmt | Garner | NC | 3/31/10 | 3/31/10 | 3.75 |
| 10221 | 2010 NC Asthma Summit | Asthma Alliance of NC | RTP | NC | 5/18/10 | 5/18/10 | 2.50 |

NOTE: New Applications for this meeting begin with course #10173 through # 10221; new Applications for 2009 course #09388 through #09393; the number for course #10106 was not used prior; course # 10008 through #10171 were pending from prior meetings.

The Board approved the recommendation from the Education Committee to approve the above referenced Continuing Education requests with the exception of those noted as being either tabled and/or needing more information.

Legislative Committee Report – Malcolm Blalock

On June 15, Malcolm Blalock met with Joe DeLuca, of the RRC and John Barkley, Esquire. Mr. Blalock reported on the successful passing of the new rules; with minor changes but nothing substantial. However, there was an issue with .0404 regarding the issuance of Letters of Warning or Censure.

Mr. DeLuca stated the Board does not have clear statutory authority for this rule; the only clear authority is to suspend and revoke. The Board could issue a Letter of Warning, in order to avoid a hearing, when the Board sees something is not right but not to a level of losing registration. It was the opinion of the RRC that a Letter of Warning may be given prior to taking action and would not be considered a disciplinary action. A Letter of Censure may be negotiated with the individual in lieu of a public hearing and possible revocation or suspension of registration. The Board has the option of re-writing this rule and re-submitting it to the RRC at the July meeting. If approved, it would become effective in August.

After thorough discussion, the Board’s general consensus was to not pursue changes to the wording of .0404 concerning Letters of Warning and Censure. Malcolm Blalock will summarize a brief synopsis of the changes and new fees going into effect July 1st and post them via a listserv announcement with a copy of the statute as integrated (new and old), copy of the changes to the rules (NCAC) and a copy of the Code of Ethics. Only the changes will be mentioned and a reminder to everyone that the complete rules and law will be available on the website after July 1.

Malcolm Blalock expressed deep appreciation and gave credit to Len Gilstrap for all her hard work and personal effort saying “this would not have happened without her.” Layton Long was also thanked for his involvement as well.

RSTAS – Malcolm Blalock

Malcolm Blalock met for the first time in person with Curt Raven, Blue Lizard and his marketing representative. Quotes were requested on providing reports for all courses shown as pending, denied or approved. Blue Lizard requested more information in order to be able to provide quotes. The fee schedule needs to be changed in RSTAS to reflect the new rates. Malcolm Blalock will get an estimate from Blue Lizard so the Board can give the authority to contract for the changes.

The Board approved asking Blue Lizard to move forward with the 5-hour carry-forward of CE hours previously estimated at 4 hours. Malcolm will request Blue Lizard complete this.

The downloading of RSTAS to the DEH servers was stalled due to the possible reorganization at DEH. Terry Pierce expects to have more information on moving the servers in the near future; possibly in mid July after the Budget has been approved.

John Barkley, Esquire, joined the meeting via teleconference at 1:40 pm.

Mr. Barkley recommended moving forward with .0404 with current language as he did not see the benefit in making other changes.

Reciprocity

The Board discussed with John Barkley reciprocity and the impact of the changed Statute allowing reciprocal registration of REHSs from other states with the unchanged rule for out-of-state applicants. Grandfathering by other states and consistency in application of the rule and law was discussed. Rule allows an applicant to include an official statement by the Board in the state where he/she is registered testifying to registration status. And law allows registration without examination if that state Board's standards are considered acceptable to the Board. When the Board determines if that state's standards are acceptable and comply with our rules, grandfathering and registration without examination would be part of the that determination. If the Board accepts that State's standards, the applicant is exempt from examination (NEHA, oral and essay). If the Board does not accept that State's standards, then the applicant is not granted registration and must complete our exam process. In the event the Board does not accept a State because they do not require an exam, but the individual voluntarily took the exam, the Board would still not be able to reciprocally register that person. But current Board policy allows acceptance of exam scores from the same service the Board used at the time (the PES was administered until December 1997, NEHA was used after that) if the exam was taken after 10/1/82. If an applicant could not be reciprocally registered but the state's standards were significantly similar to NC requirements, it might mean registration would require little more than fast-tracking without the need for reciprocity.

Discussion was also held on an individual not intending to work in NC but desiring registration (must be employed in NC for registration), and an individual requesting registration to enable him/her to become employed in NC. In the second case, they could ask for fast tracking or, provide a letter specific to their situation to determine if they meet the NC requirements.

Disability Variance

The Board discussed with John Barkley the matter regarding those who became disabled during 2009. Mr. Barkley advised that as long as the applicant requested the variance after July 1, 2010, as long as renewal status was not expired more than 12 months as allowed under current rule .0407 Renewal, and as long as the disability did not go back more than 36 months prior to July 1, 2010, (as allowed under rule .0407 prior to July 1, 2010), the applicant could apply for a variance

For part-time workers applying for a disability variance, REHSIs would still have to meet experience requirements (completion of equivalence of 2 years of full-time experience prior to 3 years from date of employment). The Rule only allows a variance for continuing education hours. If the REHSI has been on disability for six months, then the three years might have expired and they would no longer be registered.

The Board discussed options if the disability occurred late in the year, the possibility of a partial variance (less than 15 hours), and the need for a policy on how to apply the disability variance consistently. Mr. Barkley recommended the Board speak with the Dental Board regarding how they apply their variance policy.

Board Action: Greg Bright made a motion to enter into closed session to discuss the investigations and disciplinary actions. Perry Solice seconded the motion. All votes affirmative.

Left open session: 2:15 pm

Returned to open session: 2:40 pm

The Board discussed during closed session several ongoing investigations.

Board Action: Malcolm Blalock made a motion requesting the Board investigators consider all the facts and in consultation with the Board's legal counsel come back with their formal recommendation on any Board action they deem is appropriate to the Board at the October 2010 meeting. Jeff French seconded the motion. All votes affirmative.

Ethics Training – Patricia Hawkins

Board members were told they need to be current on Ethics Training through the State Ethics Commission. John Barkley advised the Board that members are required to receive training on Board Laws and Rules, Administrative Procedures Act, Open Meetings and Public Records Laws. John Barkley will provide this specialized training to the Board members which will take approximately two hours and can be covered at a Board meeting. The Institute of Government also plans to provide some of this training for Boards.

Training to be provided by John Barkley is to be conducted during the October 7, 2010 Board meeting. Mr. Barkley will provide materials to the Board members prior to the training for their review. The time for the training will be determined and advance notice will be sent out to all the members.

John Barkley concluded his teleconference call with the Board at 2:45 pm.

Recess for break: 2:50 pm

Reconvened at: 3:02 pm

Exam Space Policy

Malcolm Blalock made a motion to change 4.1 from “number of applicants” to “If the number of applicants”

Board Action: Seth Swift made a motion to accept the Exam Space Policy with the noted change to 4.1. Terry Pierce seconded the motion. All votes affirmative.

Late Renewals Policy

The Board discussed the lag time between the failure to renew and the notice to cease practice. It was decided that as long as a person has received the proper amount of Continuing Education credit, there was not a liability for their county. The failure only to pay fee is not a liability for local Health Departments. The fact that a Specialist can not renew because they did not get adequate CE courses is an issue.

The Board decided to post a notice to the Health Departments via listserv to all the Health Directors and the Environmental Health Supervisors, as well as posting a notice on the Board website, stating that a Specialist can not practice until properly renewed. It is the responsibility of the REHS/REHSI to ensure that they have properly renewed their registration. If it is not complete, the REHS/REHSI must not practice and may put their Health Department at risk of liability for practicing without proper registration. Supervisors will also be advised to monitor their employees to see that they have properly renewed.

Board Action: Malcolm Blalock made a motion to accept the Late Renewal Policy. Lynn Lathan seconded the motion. All votes affirmative.

Board Action: Malcolm Blalock made a motion to enter into closed session to discuss personnel review. Jeff French seconded the motion. All votes affirmative.

Left open session: 3:34 pm

Returned to open session: 4:38 pm

Board Action: Seth Swith made a motion to adjourn. Perry Solice seconded the motion. All votes affirmative.

Meeting Adjourned: 4:40 pm

Respectfully submitted,

Malcolm Blalock, REHS
Secretary-Treasurer

June 23, 2010

--end