



State of Nevada
Board of Registered Environmental Health Specialists

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MINUTES OF PUBLIC MEETING
September 11, 2017

Members Present: Tony Macaluso, Larry Law, Bob Stulac, Drew Skeen
Members Absent: Public Member Vacant
Staff Present: Loretta Ponton, Executive Director
Henna Rasul, Sr. Deputy Attorney General
Public Present: None

BOARD MEETING

Tony Macaluso, Chair called the meeting to order at 9:52 a.m. A voice roll call confirmed a quorum was present.

Mr. Macaluso stated the Public Hearing would be opened at 10:00 a.m. Agenda items will be taken out of order.

Public Comment: None

Approval of Minutes: Tony Macaluso asked if there were any comments or revisions to the minutes of the June 12, 2017 meeting. Hearing none, called for a motion.

Larry Law made a motion, seconded by Bob Stulac to approve the minutes of the June 12, 2017 meeting as presented. The motion passed.

Registrations Issued by Staff: Loretta Ponton stated five new registrations were issued and one trainee converted to REHS status during the period June 12 through August 31, 2017.

Tony Macaluso asked if there were any questions. Bob Stulac inquired about an applicant not listed; Ms. Ponton indicated that application was awaiting fingerprint results and would be listed on the subsequent agenda, when approved.

Tony Macaluso called for a motion. Bob Stulac made the motion, seconded by Larry Law to ratify the registrations issued by staff as listed. The motion passed.

Executive Director's Report: Loretta Ponton reported on registration statistics as of August 31, 2017. The Board has registered 25 new individuals, with six (6) applications pending for 242 current and pending registrants.

Financial Statements - Loretta Ponton directed the members to the written report and financial statements; stating the Fiscal Year 2017 financial statements have been filed with the Legislative Counsel Bureau and State Budget Division as required by law. The Board realized net income of \$4,305.06 for FY 17.

The FY financial statements as of August 31 contain revenue and expenses for the first two (2) months of the fiscal year.

Tony Macaluso asked if there were any questions on the FY 17 or FY 18 financial reports. Hearing none, called for a motion.

Larry Law made the motion to approve the Executive Director's report as presented. Drew Skeen seconded the motion. The motion passed.

Tony Macaluso stated the Public Hearing would be held next.

PUBLIC HEARING- LCB File No. R017-17

Loretta Ponton, Executive Director opened the Public Hearing at 10:01 a.m. Ms. Ponton explained the purpose of the workshop was to solicit public comments from interested persons on the proposed regulations. The proposed regulations address administrative proceedings for the conduct of hearings, disciplinary proceedings and complaints against licensees; and proceedings before the Board for petitions for adoption, amendment or repeal of regulations, or for hearings and petitions for declaratory orders or advisory opinions. Ms. Ponton opened the floor for public comments.

There were no individuals from the public present. There were no comments from Board members.

Ms. Ponton closed the Public Hearing at 10:03 a.m.

BOARD MEETING

Tony Macaluso resumed the regular Board meeting.

Consideration of Public Comments LCB File No. R017-17 - There were no public comments to consider.

Adoption of Regulations, LCB File No. R017-17 - Tony Macaluso called for a motion.

Larry Law made the motion, seconded by Bob Stulac to adopt regulation LCB File No. R017-17 as written. The motion passed.

Request for REHS Status - Tony Macaluso stated he was recusing himself from this agenda item as he has a working supervisory relationship with the applicants. Tony Macaluso turned the meeting over to Bob Stulac, Vice Chair to preside.

Loretta Ponton stated that both Ms. Johnson and Ms. Messinger are employed by Washoe County and were issued EHST registration by the Board June 27, 2016. Individuals did not requested authorization, nor were they eligible to request authorization to take the NEHA examination, as they had not completed 18 months as an EHST.

Both individuals applied directly to NEHA for the NEHA REHS/RS credential by submitting the NEHA Credential Application, fees and official college transcripts. They took the exam at the national conference on July 13, 2017 and received a passing score.

Ms. Johnson and Ms. Messinger are requesting REHS status before completing the Nevada EHST - 2-year training period as they have obtained NEHA certification.

Bob Stulac stated that the Nevada training requirements must be met, training and experience must be documented by a Nevada Board registered REHS and that experience recognized by NEHA does not automatically meet the Nevada requirements. The individuals have not met the requirements of NRS 625A.110 (1)(4) which states they must have two years of experience approved by the Board in the practice of environmental health. There is no law or regulation allowing a waiver of this requirement.

The members discussed reciprocity for REHS registration in Nevada with consensus that it is not applicable to the situation at hand. Also discussed was the NEHA examination authorization process including the ability for individuals to go directly to NEHA for the exam. There was a consensus that the State training requirements are not the same as NEHA "experience" requirements and that once an individual enters the Nevada training program it must be completed in order to obtain state REHS status.

Bob Stulac called for a motion.

Larry Law made the motion to deny the request of Briana Johnson and Ellen Messinger-Patton for early termination from their trainee program and request for REHS status. Drew Skeen seconded the motion.

The motion passed with Tony Macaluso recused.

Bob Stulac turned the meeting back to Tony Macaluso as Chair.

Work Session - Tony Macaluso turned the work session over to Loretta Ponton to facilitate.

Loretta Ponton provided an overview of the history of Board legislation and actions stating no changes have been made since 2005 when registration was mandated and registration of trainees was added. The timeline to prepare a bill for the 2019 legislative session would require engaging stakeholders through a public format, drafting of language, and obtaining a bill sponsor by June 30, 2018.

An open discussion was held regarding the administrative structure of the Board, benefits and value of state licensure vs. registration, demographics of current registrants in the public and private sectors, the value of stakeholder involvement in the bill development process, adding or

revising the EHST designation to a possible “provisional” license type and the role of NEHA in certification, examinations and continuing education.

The Board directed Loretta Ponton to begin the research and develop revised language for a potential bill draft for the 2019 Legislative Session with the following elements:

Retain the independent status of the Board and Board administration

New Name - Board of Environmental Health Specialists

Move to licensing; eliminate registration - Environmental Health Specialists

Add new authority to license “instructors” or “trainers”

Eliminate the EHS trainee - create a “provisional license” with supervisory requirements, education, training and experience equivalent to existing requirements for EHST

Retain NEHA certification requirements

Loretta Ponton stated an information session or public workshop would be scheduled to solicit input into potential bill draft language and requirements. The workshop target group should include all current registrants, the NvEHA association, public and private employers of environmental health specialists and any other stakeholders or interested parties.

Report from Board Chair: The next meeting is scheduled for Wednesday, December 6th.

Future agenda items will include a Public Workshop / Information Session on potential additions, revisions to NRS 625A to be proposed as a bill for the 2019 Legislative Session.

Report from Legal Counsel: Heena Rasul stated she had nothing to report.

Public Comment: There was no public present at this time.

Tony Macaluso adjourned the meeting at 11:48 a.m.