

**STATE BOARD OF SANITARIAN REGISTRATION  
77 SOUTH HIGH STREET, 16TH FLOOR  
COLUMBUS, OHIO 43215-6108  
REGULAR BOARD MEETING MINUTES  
May 31, 2006**

**PRESENT:**

Board Members: Linda Aller, R.S., Gary Silverman, R.S., Richard Setty, R.S., Angela Townsend, R.S, Duane Snyder, R.S.

Executive Secretary: Lynn Jones

Assistant Attorney General: Scott Myers

Also in Attendance: William Jacoby, Administrative Hearing only

The regular meeting of the State Board of Sanitarian Registration was held at 77 South High Street in the Main Boardroom on the 31st Floor in Columbus Ohio. Chairperson, Linda Aller, called the meeting to order at 10:05 a.m.

AGENDA

L. Jones requested the addition of *Jesse Bennington* as Item F. under Executive Secretary Report.  
G. Silverman moved to approve the agenda. A. Townsend seconded the motion. The motion carried 4-0.

MINUTES

A. Townsend moved to approve the April 19, 2006 Board Meeting Minutes. R. Setty seconded the motion. The motion carried 4-0.

COMMITTEE REPORTS

EXECUTIVE SECRETARY

REVENUE AND SPENDING REPORT FY 2006

The Revenue and Expenditures Report for the month of April 2006 was reviewed. Expenditures as of April 30, 2006 total \$109,569.11. Revenue for the same period totaled \$127,569.11.

L. Jones discussed the 5/18/06 meeting with the Office of Budget and Management (OBM)) regarding reconciliation of agency balances in the 4K9 fund. OBM inaccurately reported deductions from individual boards to support CAVU system at the end of FY 2005. Recent updated deductions by OBM negatively impact the Board by \$4,000.

HEARINGS

At 10:15 a.m. an administrative hearing was conducted in the matter of Angela Kutz- proposed denial of sanitarian-in-training registration. Linda Aller presided over the hearing. Scott Myers, Assistant Attorney General represented the state of Ohio. Ms. Kutz was not present at the hearing. The hearing concluded at 10:22 a.m.

At 10:35 a.m. an administrative hearing was conducted in the matter of William Jacoby - proposed denial of

registered sanitarian renewal. Linda Aller presided over the hearing. Scott Myers, Assistant Attorney General represented the state of Ohio. Mr. Jacoby was present and represented himself at the hearing. The hearing concluded at 11:12 a.m.

#### EXECUTIVE SECRETARY CONTINUED

#### DECLARATION OF MATERIAL ASSISTANCE

L. Jones reported that she spoke with Lewis George, Legal Director, for the Ohio Department of Public Safety (ODPS) regarding the Board's concerns with the Declaration of Material Assistance (DMA).

She summarized Mr. George's responses:

- No objection to electronic filing pursuant to security procedures defined in OAC 123:3-1-01.
- The DMA must be submitted with every RS renewal
- RS renewals submitted without DMA could be interpreted as an incomplete application, which would initiate Chapter 119 hearing before the Board. Further legal consultation is advised.
- ODPS cannot promulgate additional rules beyond their scope of authority defined in ORC.

#### CORRESPONDENCE – JEAN WISE – HEALTH COMMISSIONER – WILLIAMS COUNTY COMBINED HEALTH DISTRICT.

Ms. Wise's (Health Commissioner-Williams Combined Health District) letter requesting that the Board consider Brad Price's time earned outside of the normal business hours (holidays and weekends) toward meeting two years of full-time employment as a sanitarian was discussed. Mr. Price is currently an S.I.T. He will be two days short of experience toward advancement to Registered Sanitarian at the next scheduled Board meeting of July 12, 2006.

R. Setty moved to decline the proposal as presented. A. Townsend seconded the motion.

Discussion: A. Townsend described the Board's past practice of not granting future effective dates for registered sanitarian applicants.

R. Setty recommended that the Board ensure such practice is formally established in written policy.

R. Setty commented that if it is the author's intent to grant a pay increase upon the employee meeting the requirements for RS, that the State Board of Sanitarian Registration does not preclude such action.

The motion carried 4-0.

#### DRAFT OEHA JOURNAL ARTICLE – SCALED SCORING & DECLARATION OF MATERIAL ASSISTANCE

L. Jones presented the draft OEHA Journal article regarding scaled scoring and the Declaration of Material Assistance *attached*.

G. Silverman summarized his recommended changes to the article.

L. Jones will incorporate the changes and submit to the Journal for publishing.

#### CEASE & DESIST

Pursuant to Section 4736.15 of the Revised Code, a sanitarian-in-training may engage in the practice of environmental health for a period not to exceed five years, provided he is supervised by a registered sanitarian.

L. Jones reported that Jesse Bennington has engaged in the practice of environmental health as an S.I.T. for the maximum of five years effective 5/23/06.

R. Setty moved to issue a cease and desist to Mr. Bennington. G. Silverman seconded the motion. The motion carried 4-0.

#### PES EXAMINATION – UPDATED REFERENCES

L. Jones reported that after requesting an updated list of references from the Professional Examination Service (PES), she was sent a lengthy list of validation sources applicable to the current versions of the examination.

After review and discussion, it was concluded that the list of references be updated to reflect *Comprehensive References* and *References used to Validate Test Questions*. That the list should be in alpha order and that publishing dates be included with the references.

#### CONTINUING EDUCATION

##### APPLICATIONS FOR APPROVED TRAINING AGENCY STATUS

D. Snyder moved to approve Lakeside Consulting, Design, Education Inc. as an approved training agency. A. Townsend seconded the motion. The motion carried 4-0.

The list of continuing education requests submitted by approved training agencies was reviewed *attached*.

D. Snyder moved to approve training agency requests 06-187 to 06-211 for the listed hours with the following exception:

06-188	3.0
06-189	Up to 11.25
06-205	14.25

A. Townsend seconded the motion. The motion carried 4-0.

##### APPLICATIONS FOR APPROVAL OF CONTINUING EDUCATION - INDIVIDUALS

The list of continuing education requests submitted by individuals was reviewed *attached*. D. Snyder moved to approve individual requests 907 to 982 and 724 to 755 for the listed hours with the following exceptions:

915	8.0
937	Action deferred for more information
941	Action deferred for more information
956	1.5
957	16
962	5.75
970	4.5

A. Townsend seconded the motion. The motion carried 4-0.

### APPLICATIONS FOR SANITARIAN-IN-TRAINING

The list of applicants for sanitarian-in-training was reviewed *attached*.

G. Silverman moved to approve 96-102 for sanitarian-in-training registration. D. Winfough seconded the motion. The motion carried 4-0.

Approved as sanitarians-in-training: 96. Rebecca Lyon, 97. Sandra Heileman, 98. Heather Harbeck, 99. Gerald Murphy, 100. Douglas Franz, 101. David Wilson, and 102. Rebecca Bralek.

G. Silverman moved to defer action on 103. Morgan Lamb's application pending the submission of additional information detailing sufficient hours of science and math. A. Townsend seconded the motion. The motion carried 4-0.

### APPLICATION FOR ADVANCEMENT TO REGISTERED SANITARIAN

G. Silverman moved to approve 46-52 for advancement to registered sanitarian. D. Snyder seconded the motion. The motion carried 4-0.

Approved as registered sanitarians: 46. Allan Hurtt, 47. Kelly Gilmore, 48. Ryan Brickman, 49. Daniel Osika, 50. Matthew Woods, 51. Marie Lammers, and 52. Larry Shaffer.

### APPLICATION FOR REGISTERED SANITARIAN – APPROVAL OF EDUCATION AND EXPERIENCE (ELIGIBILITY TO TAKE THE EXAM)

G. Silverman moved to approve 8. John Gwinn for eligibility to take the Registered Sanitarian Examination. A. Townsend seconded the motion. The motion carried 4-0.

### REINSTATEMENTS

The list of applicants for reinstatement was reviewed *attached*.

A. Townsend moved to reinstate 1 to 8. R. Setty seconded the motion. The motion carried 4-0.

Reinstated as registered sanitarians: 1. Christopher Hunt, 2. Richard Huddle, 3. Georgia Frankenberg, 4. James Edwards, 5. Roger Fiske, and 6. Christopher Kiehl.

Reinstated as sanitarians-in-training: 7. Richard Dezsi and 8. Kimberly Foreman.

L. Jones reported that David O'Toole's registered sanitarian registration expired 1/31/03; that he applied for reinstatement, however, lacks 60 hours of approved continuing education.

R. Setty moved to propose to deny David O'Toole registered sanitarian reinstatement. G. Silverman seconded the motion. The motion carried 4-0.

### SANITARIAN-IN-TRAINING EXTENSIONS

A. Townsend moved to grant 15. Jennifer Gruesser and 16. Thomas Stratford one year sanitarian-in-training extensions. D. Snyder seconded the motion.

Discussion: A. Townsend added that the sanitarians-in-training should be provided with the *Recommended*

*Elements of a Study Plan* and encouraged to take the examination.

The motion carried 4-0.

#### CONTINUING EDUCATION WAIVER

L. Jones reported that Rebecca Keller submitted an application for a continuing education waiver based upon disability, however, did not submit certification from her physician. Ms. Jones added that Ms. Keller received a certified letter on May 13, 2006 advising that such certification must be received by the Board by May 24, 2006. L. Jones indicated that no physician certification was received by the Board.

A. Townsend moved to deny Ms. Keller's continuing education waiver request. G. Silverman seconded the motion. The motion carried 4-0.

A. Townsend moved to propose to deny Ms. Keller registered sanitarian renewal based upon lack of completing the continuing education requirement. G. Silverman seconded the motion.

The motion carried 4-0.

#### HEARING ACTIONS

##### 05-S-2

Because Angela Kutz has not completed at least 45-quarter units or 30 semester units of biology, chemistry, physics, geology or mathematics approved by the Board, she does not meet the requirements for registration as a sanitarian-in-training as set forth in Ohio Revised Code Section 4736.08 and Administrative Code Rule 4736-8-01.

G. Silverman moved to affirm denial of 05-S-2. A. Townsend seconded the motion. The motion carried 4-0.

##### 06-C-3

Based upon Respondent's testimony and review of the course *Microbiology: An Introduction* as provided in Respondent's Exhibit 1., the following actions were taken:

G. Silverman moved to affirm denial of William Jacoby's registered sanitarian renewal. D. Snyder seconded the motion. The motion failed 0-4.

G. Silverman moved to accept 4.0 additional hours of continuing education for the course *Microbiology: An Introduction* as requested by William Jacoby. D. Snyder seconded the motion.

Discussion: A. Townsend commented that although she did not doubt that the subject matter of the course in question was appropriate, it was Mr. Jacoby's responsibility to submit the information within a reasonable time-frame.

The motion carried 4-0.

G. Silverman moved to approve Mr. Jacoby's application for registered sanitarian renewal. D. Snyder seconded the motion. The motion carried 4-0.

ADOPTION OF OHIO ADMINISTRATIVE CODE RULES 4736-12-02 AND 4736-15-03

L. Aller identified the two rules being considered for adoption:

4736-12-02 – Fees for sanitarian registration  
4736-15-03 – Practice limitation for sanitarian-in-training

A. Townsend moved to adopt Rule 4736-12-02 with an effective date of June 15, 2006. R. Setty seconded the motion. The motion carried 4-0.

A. Townsend moved to adopt Rule 4736-15-03 with an effective date of June 15, 2006. D. Snyder seconded the motion. The motion carried 3-1 (G. Silverman dissenting).

ADOPTION OF INTERNET, E-MAIL, AND IT RESOURCES USE POLICY

S. Myers indicated that the policy establishes controls on the use of state-provided information technology resources to ensure they are appropriately used for the purposes for which they were acquired.

A. Townsend moved to adopt the State of Ohio IT Policy regarding the Use of Internet, e-mail, and IT Resources as its own. R. Setty seconded the motion. The motion carried 4-0.

BOARD MEMBERSHIP

The terms of Angela Townsend and Dave Winfough will expire on August 15, 2006. Both have expressed a willingness to continue as members.

The Ohio Environmental Health Association, Association of Ohio Health Commissioners, and the Ohio Public Health Association all submitted strong endorsements for incumbents.

L. Jones will follow through, pursuant to Board policy, with a letter to the Governor's Office.

FUTURE MEETING DATES

Additional meetings were confirmed:

July 12, 2006  
September 6, 2006 – Annual and Regular Meeting  
October 18, 2006  
November 29, 2006  
January 3, 2007 - It was noted that the Board may want to look an alternative date.  
February 14, 2007

ADJOURN

The meeting adjourned at 12:17 p.m.

Respectfully submitted  
Lynn M. Jones  
Executive Secretary

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Chairman

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Witness