

**STATE BOARD OF SANITARIAN REGISTRATION
77 SOUTH HIGH STREET, 16TH FLOOR
COLUMBUS, OHIO 43215-6108
REGULAR BOARD MEETING MINUTES
April 19, 2006**

PRESENT:

Board Members: Linda Aller, R.S., David Winfough, R.S., Gary Silverman, R.S., Roger Suppes, R.S., Richard Setty, R.S., Angela Townsend, R.S.

Executive Secretary: Lynn Jones

Assistant Attorney General: Scott Myers, Esq.

Also in Attendance: Carrie Kuruc Ellsworth, JCARR – Rules 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 10:10 a.m.

AGENDA

D. Winfough moved to approve the agenda. G. Silverman seconded the motion. The motion carried 5-0.

MINUTES

R. Suppes moved to approve the March 1, 2006 Board Meeting Minutes. A. Townsend seconded the motion. The motion carried 5-0.

COMMITTEE REPORTS

Examination Committee: G. Silverman reported that one of the questions, which was challenged on the last examination and forwarded to PES, appeared to be inappropriate as presented by the candidate.

L. Jones will send a follow-up letter to PES requesting a written response, and if validated, the process for rectifying the matter.

EXECUTIVE SECRETARY

REVENUE AND SPENDING REPORT FY 2006

L. Jones referred to the FY 2006 Financial Report *attached* and summarized expenditures for the months of February and March 2006. She also advised that based upon projections, the Board will lapse approximately \$6,000 in appropriation due to reduced examination costs. Although revenue will also be reduced, it is projected to be significant enough to restore the Board's status in the 4K9 account to a positive balance.

L. Jones discussed the need to replace at least one computer and upgrade to the latest version of Microsoft Office at a total cost of \$2,000.

R. Suppes moved to approve \$2,000 for the purchase of a computer and software. D. Winfough seconded the motion. Motion carried 5-0.

PUBLIC RULES HEARING

A public hearing on proposed rules 4736-12-02 *Fees for Sanitarian Registration* and 4736-15-03 *Practice Limitation for Sanitarian-in-Training* began at 10:30 a.m. L. Aller explained the hearing process and had each of the board members introduce themselves.

The Board, by and through the Assistant Attorney General, Scott Myers called on the testimony of Lynn Jones to identify the following exhibits:

- Exhibit 1: Notice of Public Hearing
- Exhibit 2: Full text of the rules, including summaries and fiscal analyses
- Exhibit 3: March 1, 2006 Board Meeting Minutes
- Exhibit 4: Letters and memoranda to various associations, agencies, departments
- Exhibit 5: Confirmation from the Electronic Rule Filing System

No additional public testimony was offered.

The hearing concluded at 10:41 a.m. with L. Aller announcing that the Board would vote on the adoption of rules at a subsequent board meeting.

HEARINGS

At 10:44 a.m. an administrative hearing was conducted in the matter of Beverly Lee- proposed denial of sanitarian-in-training registration. Linda Aller presided over the hearing. Scott Myers, Assistant Attorney General represented the state of Ohio. Ms. Lee was not present at the hearing. The hearing concluded at 10:51 a.m.

At 10:51 a.m. an administrative hearing was conducted in the matter of Brenda Zolla- proposed denial of registered sanitarian registration. Linda Aller presided over the hearing. Scott Myers, Assistant Attorney General represented the state of Ohio. Ms. Zolla was not present at the hearing. The hearing concluded at 10:59 a.m.

At 11:00 a.m. an administrative hearing was conducted in the matter of Michael Sabbato-proposed denial of advancement to registered sanitarian registration. Linda Aller presided over the hearing. Scott Myers, Assistant Attorney General represented the state of Ohio. Mr. Sabbato was not present at the hearing. The hearing concluded at 11:06 a.m.

EXECUTIVE SECRETARY CONTINUED

CONSOLIDATION & HB 530

L. Jones reported that an amendment to HB 530 eliminating consolidation passed after significant lobbying by professional associations thereby stopping the Board's transfer to the Department of Commerce for the remainder of the biennium (6/30/07). Further study on consolidation will depend on the next Governor.

FISCAL YEAR 2007 APPROPRIATION AND FY 2008-2009 BIENNIUM BUDGET PREPARATION

L. Jones indicated that the FY 2007 appropriation of \$138,551 will cover continued staffing and service including the mandated 3% pay increase, which takes effect July 1, 2006.

She also reported that FY 2008-2009 biennium budget preparations will begin soon with due date for submission on October 2, 2006. The budget request limit for non-GRFs will be the 2007 appropriation level.

R. Suppes indicated that budget requests above the 2007 appropriation level would require written appeal. Reduced examination costs will preclude the need for such appeal.

3/23/06 EXAMINATION

43 candidates took the examination on March 23, 2006. 16 or 37% passed.

CRIMINAL RECORDS CHECK (FINGERPRINTING)

L. Jones reported on an effort among some regulatory boards to generate interest in Revised Code language requiring criminal records checks for all licensing applicants through fingerprinting. The cost for electronic fingerprinting with BCI and FBI is currently \$69.

S. Myers advised that the number of hearings would increase from hits generated by BCI and FBI, and that it will be the Board's responsibility to determine whether it is appropriate to license an applicant depending on the offense. Furthermore, the Board may need to amend rules to address these issues if criminal background checks are required.

D. Winfough expressed concern for additional expense to the applicant and to the Board for administrative hearing costs.

A. Townsend indicated that most agencies already perform some type of background check for new employees depending on program involvement, i.e. schools and daycares.

R. Suppes moved that the Board not support further criminal background checks at this time. G. Silverman seconded the motion. Motion carried 5-0.

UPDATED LAWS AND RULES

L. Jones reported that the practice of environmental health as defined in Section 4736.01 Revised Code was amended to include rules adopted under Section 3707.935 of the Revised Code for school health and safety network inspections.

ASSISTANT ATTORNEY GENERAL

S. Myers reported on recently enacted Revised Code Section 2909.32, related emergency rules, and the affect on the Board as the issuing entity for the Declaration of Material Assistance/Nonassistance (DMA). He also discussed the review and appeal procedure for an applicant that discloses an affirmative answer on the DMA; that the Board must deny the license; that the denied applicant has the right to request a review to the Department of Public Safety. If the Department of Public Safety determines that the applicant will not be reinstated, the Department of Public Safety must provide an opportunity for hearing pursuant to Chapter 119.

Discussion ensued regarding the lack of substance, 119 notification procedures, and clarity in the proposed Department of Public Safety rules.

L. Jones reported that the public hearing on the proposed rules is scheduled for May 19, 2006

R. Suppes moved that L. Jones, with assistance from legal counsel, review and provide comment regarding lack of 119 notification procedures, clarity, and substance in the proposed rules. D. Winfough seconded the motion.

DISCUSSION: L. Aller suggested that the Rules Committee members also work with L. Jones and legal counsel on the matter.

The motion carried 5-0.

PES REVISION REPORT AND EXAMINATION PASSING POINT

Discussion ensued regarding the use of scaled scoring to address the slight difference in difficulty among the forms of the revised examination and how scores should be reported.

The merits and drawbacks of amending Rule 4736-9-03 *Passing Score* were discussed.

D. Winfough indicated that he does object to scaled scoring but expressed concern that some applicants may not understand the scoring method; that there should be an explanation of what the scaled scoring means.

After further discussion, it was concluded that the PES Examination Revision Report would be made available at the Annual OEHA Meeting; that an article be prepared for the OEHA Journal explaining the use of scaled scoring, and the Examination Overview be updated and forwarded to members for review.

CONTINUING EDUCATION

APPLICATIONS FOR APPROVED TRAINING AGENCY STATUS

D. Winfough moved to approve Clark County Combined Health District and Cleveland State University as approved training agencies. A. Townsend seconded the motion. The motion carried 5-0.

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

D. Winfough moved to approve training agency requests 06-152 to 06-188, 06-104, 06-105 and 06-121 for the listed hours with the following exception:

06-157	10.25
06-164	0 hours
06-179	7.25
06-185	Up to 10.5 (1.25 tentative on Sewage Rules session pending JCARR outcome)
06-188	Up to 12 (1.0 tentative on Sewage Rules session pending JCARR outcome)

A. Townsend seconded the motion. The motion carried 4-0 (abstention by R. Suppes).

APPLICATIONS FOR APPROVAL OF CONTINUING EDUCATION - INDIVIDUALS

The list of continuing education requests submitted by individuals was reviewed *attached*. D. Winfough moved to approve individual requests 729 to 906 for the listed hours with the following exceptions:

744	0
750	Deferred for more information
755	Deferred for more information
758	6.5
778	3.75
780	18 upon submission of verification of attendance
787	3.75
788	9

- 863 Deferred for more information
- 811 Separate for Board review
- 868 Separate for Board review

A. Townsend seconded the motion.

DISCUSSION: R. Suppes questioned criteria for approval of requests 854 to 859 *Pandemic Influenza*. A. Townsend referred to A. 1. of the Continuing Education Policies - Disease and injuries caused by environmental factors and the applicable prevention techniques.

The motion carried 5-0.

D. Winfough moved to approve request 811. *HIV STD Bloodborne Pathogens* for 1.5 hours. A. Townsend seconded the motion.

DISCUSSION: D. Winfough indicated that the course is not specifically related to environmental health and has been both approved and denied in the past.

G. Silverman indicated that he could see merit in approving the course by applying it to an industrial setting or risk assessment.

R. Setty indicated that Bloodborne Pathogen training is integral for registered sanitarians inspecting tattoo parlors.

The motion carried 5-0.

D. Winfough moved to deny request 868 *Weather Spotters Training 2006*. A. Townsend seconded the motion.

The motion carried 5-0.

APPLICATIONS FOR SANITARIAN-IN-TRAINING

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

G. Silverman moved to approve 69-95 for sanitarian-in-training registration. D. Winfough seconded the motion. The motion carried 5-0.

Approved as sanitarians-in-training: 69. Jennifer Strong, 78. Patricia McConnell, 79. Ellen Shaffer, 80. Cydney Ghee, 81. Amy Starkey, 82. Curtis Phillips 83. Vedetta Gavin, 84. Paul O'Banion, 85. Melody Graves, 87. Kristi Handy-Parsons, 88. Jason Ahrens, 89. Sherry Thacker, 90. Mandy Dubois, 91. Joshua Adams, 92. Matthew LeMaster, 93. Stephanie Sexton, 94. Timothy Wilcox, and 95. Teresa Lenehan.

APPLICATION FOR ADVANCEMENT TO REGISTERED SANITARIAN

G. Silverman moved to approve 40-45 for advancement to registered sanitarian. A. Townsend seconded the motion. The motion carried 5-0.

Approved as registered sanitarians: 40. Nathan Fries, 41. Kelli Poore, 42. James Mohrman, 43. John Sanders, 44. Raafeeq Ali, and 45. Andrew Russell.

APPLICATION FOR REGISTERED SANITARIAN

G. Silverman moved to approve 6. Carl Campbell and 7. Nicholas Kusina as registered sanitarians. D. Winfough seconded the motion. The motion carried 5-0.

REINSTATEMENTS

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

A. Townsend moved to reinstate 1 to 8. G. Silverman seconded the motion. The motion carried 5-0.

Reinstated as registered sanitarians: 1. Rowland Anaba, 2. Charles Kouns, 3. John Lunter, 4. Daniel Milo, 5. Jacque Varty, and 6. Tunde Akinmoladun.

Reinstated as sanitarians-in-training: 7. Michael Jindra and 8. Lisa Zumstein.

D. Winfough moved to withdraw the notice of opportunity for hearing issued to Anne Gehres. G. Silverman seconded the motion. The motion carried 5-0.

R. Suppes moved to grant Anne Gehres' registered sanitarian renewal. A. Townsend seconded the motion. The motion carried 5-0.

SANITARIAN-IN-TRAINING EXTENSIONS

R. Suppes moved to grant Kathleen L. Cooper an extension until July 8, 2007. R. Setty seconded the motion. The motion carried 5-0.

HEARING ACTIONS

06-S-1 Beverly Lee

Because Beverly Lee 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.

05-R-8 Brenda Zolla

Because Brenda Zolla has not completed two years of full-time employment as a sanitarian, she does not meet the requirements for registered sanitarian registration as set forth in Ohio Revised Code 4736.08.

05-R-10 Michael Sabbato

Because Michael Sabbato has not completed two years of full-time employment as a sanitarian, he does not meet the requirements for registered sanitarian registration as set forth in Ohio Revised Code 4736.08.

R. Suppes moved to affirm denial of 06-S-1, 05-R-8, and 05-R-10. D. Winfough seconded the motion. The motion carried 5-0.

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.

L. Jones will follow through, pursuant to Board policy, with notifications to OEHA, AOHC, and OPHA.

FUTURE MEETING DATES

Additional meetings were confirmed:

May 31, 2006 – L. Jones reported that D. Snyder would be able to attend until 12:30

July 12, 2006

September 6, 2006 – Annual and Regular Meeting

ADJOURN

The meeting adjourned at 1:00 p.m.

Respectfully submitted
Lynn M. Jones
Executive Secretary

Chairman

Witness