



State of Nevada
Board of Registered Environmental Health Specialists

6160 Mae Anne Ave., Suite 3, Reno, NV 89523
(775) 746-9423 / Fax (775) 746-4105
www.nvrehs.org Email board@nvrehs.org

MINUTES OF PUBLIC MEETING
September 17, 2018

Members Present: Larry Law, Bob Stulac, James Barnes, Drew Skeen
Members Absent: Tony Macaluso
Staff Present: Loretta Ponton, Executive Director
Henna Rasul, Sr. Deputy Attorney General
Public Present: Paula Berkley

BOARD MEETING

Larry Law called the meeting to order at 10:05 a.m. A voice roll call confirmed a quorum was present.

Public Comment: None

Approval of the Minutes: Larry Law asked if there were any corrections or revisions to the meeting minutes of June 18, 2018. Hearing none, called for a motion.

Bob Stulac made the motion, seconded by Jim Barnes to approve the minutes of June 18, 2018. The motion passed.

Registrations: Larry Law asked if there were any comments or questions on the registrations issued by staff. Hearing none called for a motion.

Bob Stulac made the motion to ratify the registrations issued by staff as presented. Drew Skeen seconded the motion. The motion passed.

Governor's Executive Audit Committee, Audit Report: Loretta Ponton summarized the Audit Report findings and recommendations. Ms. Ponton stated the State Contractor's Board and the Governor's Audit team have requested an Attorney General's Opinion on the applicability of NRS 281 (state employee compensation) to Board and Commissions.

The Board's written response to the audit report was reviewed with concurrence by all members to the position of the Board as relayed in the response.

Ms. Ponton reported that a six-month followup status report on implementation of audit recommendations is required to be submitted. A draft response letter was provided, and reviewed by members.

Ms. Ponton reported that a second Boards2 audit is being conducted and that the Board was requested to respond by August 31st to a request for information from the auditors. The Board's written response to the informational request was provided and reviewed by Board members.

Larry Law called for a motion to approve the Board's initial response to the Executive Branch Audit and the six-month Status Report as drafted.

Bob Stulac made the motion for approval of the Audit Response and Status Report, seconded by Jim Barnes. The motion passed.

Board Policy 04 - Reserve Funds: Ms. Ponton stated that the Sunset Subcommittee and the Executive Audit of Boards both noted concerns with high cash balances of Boards, and recommended Boards establish policy on reserve funds.

Ms. Ponton stated the purpose of the proposed policy is to establish guidelines to ensure the Board has sufficient resources to meet current and future expenses of the Board.

Larry Law asked if there were any questions, hearing none called for a motion.

Bob Stulac made the motion, seconded by Jim Barnes to approve Policy 04 Reserve Funds. The motion passed.

Executive Director's Report: Ms. Ponton directed the members to the written report and provided a summary of registration numbers.

Sunset Subcommittee - Ms. Ponton reported the Legislative Commission approved the Sunset Subcommittee of the Legislative Committee recommendation for a bill draft to include authority to use a hearing officer and impose civil penalties. Ms. Ponton stated the Board's bill includes both these matters.

Financial Statements - Ms. Ponton provided a review of the Board's FY 18 financial statements ending June 30, 2018 and reported that the required Balance Sheet has been submitted to the State Budget Division and Legislative Counsel Bureau as required by NRS 218G.400. The net income for FY 18 totaled \$4,775.59 with a cash balance of \$45,448.52.

Ms. Ponton reviewed the FY 19 financial statements as of August 31, 2018.

Audit of Continuing Education - Ms. Ponton reported that the random audit of continuing education has concluded with all 71 REHS registrants selected for audit found in compliance with CE requirements..

Department of Public Safety Audit - Ms. Ponton concluded her report stating the Board has been selected for audit of its processing and records maintenance requirements for criminal history documentation. The on-site audit will be scheduled during late September or early October.

Larry Law called for a motion to approve the Fiscal Year 2018 financial statements.

Bob Stulac made the motion, seconded by Jim Barnes to approve the FY 18 financial statements and Balance Sheet. The motion passed.

Work Session - Larry Law asked Loretta to facilitate.

Ms. Ponton stated the Board had previously approved moving from “registration” to full “licensure”. Subsequent to those discussions, information has been received and political circumstances have changed which could jeopardize passage of the Board’s bill if “licensure” status is retained in the bill. Ms. Ponton stated the Board is requested to reconsider and retain “registration” for environmental health specialists and trainees.

Ms Ponton informed the members that there has been increased scrutiny of professional and occupational Boards by the State, the Sunset Subcommittee and the Governor’s Executive Branch Auditors since the Board’s decision to update NRS.

In addition, the National Conference of State Legislatures, comprised of legislators from various states, has an Occupational Licensing Project, reviewing professional and occupational licensure in relation to barriers to employment. Nevada has two legislators on the Occupational Licensing Project and in discussion with these legislators in attempts to obtain a bill sponsor, it became apparent that the issue of a move to “licensure” would be controversial and more difficult to pass. It has been noted that Nevada has the most professions regulated by any State and that there is a perception that highly regulated professions pose a barrier to employment and do not necessarily “protect the public”.

There will be several bills relating to Professional and Occupational Boards introduced, that will attempt to address Board structure, Board regulatory powers, licensing and operations, as a result of the interim audits, studies and legislative committees.

The Board did not received any response from any of the four (4) health districts/departments to our request for endorsement of our BDR which included the move to licensure.

Ms. Ponton recommended that all other provisions in the bill draft be retained, the only change would be to remove “license” and retain the terminology “registration”.

In addition, Ms. Ponton recommended that the “requirement” for fingerprinting be reconsidered. The fingerprint processing slows down new registrations, and adds additional and duplicative costs for an applicant if their employer also requires fingerprint background tests. There have been no background check results that resulted in denial of a registration. The revision would be to NRS 625A.100.

Ms. Ponton asked Paula Berkley to update the Board on the status of obtaining a Bill sponsor.

Ms. Berkley provided her insights on the current political arena with the upcoming elections, the upcoming legislative session and the anticipated focus on licensing boards in general stating this is not a new concept to consolidate boards under the state. Ms. Berkley reported on her efforts in meeting with legislators and promoting the Board’s BDR request, stating that this may not be the best session to move to licensure, citing the increased scrutiny of Boards in general. The Board may have a very difficult time justifying the move with the current low number of individuals

regulated and funding levels. Ms. Berkley stated that she has a potential sponsor, but does not have a commitment as yet.

Members discussed retaining the “registration” status based upon the rationale provided by Ms. Ponton and Ms. Berkley and agreed by consensus that fingerprinting should be an option at the discretion of the Board.

Larry Law called for a motion.

Bob Stulac made the motion to retain “registration” status and to revise NRS 625A.100 to reflect that the Board “may” require fingerprint background checks. Jim Barnes seconded the motion. The motion passed.

Report from Board Chair: Larry Law stated there was no report. Loretta Ponton confirmed the next meeting date of December 17, 2018 and reviewed the 2019 proposed meeting schedule. The members concurred with the proposed 2019 meeting dates.

Ms. Ponton provided information to the members regarding the FARB Forum to be held in January, 2019, and stated that if the members were interested in attending, she would provide more information.

Report for Deputy Attorney General: Henna Rasul stated she had no report.

Public Comment: There was no public in attendance.

Adjournment: Larry Law adjourned the meeting at 11:34 a.m.