

NC STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALIST EXAMINERS
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January 2, 2015

John W. Turcotte, Director
North Carolina General Assembly
Legislative Services Office
Program Evaluation Division
300 North Salisbury Street, Suite 100
Raleigh, NC 27603

Dear Mr. Turcotte:

On behalf of the North Carolina State Board of Environmental Health Specialist Examiners (EHS Board), I would like to extend appreciation for the opportunity to respond to the December 17, 2014 Final Report to the Joint Legislative Program Evaluation Oversight Committee regarding Occupational Licensing Boards. The EHS Board found the Program Evaluation Team to be professional and courteous during its evaluation.

The EHS Board is a long-standing professional licensing board that represents more than 1,040 active environmental health professionals employed by local, state and federal governments, schools and industries throughout North Carolina. Approximately thirty Registered Environmental Health Specialists no longer working in the public sector recognize the significance of licensure and continue to maintain their professional credentials through the Board.

Programs carried out by Registered Environmental Health Specialists protect public health. Examples of major services performed by Environmental Health personnel include ensuring proper placement, installation, maintenance and operation of wells and septic systems; identifying and correcting unsanitary conditions at establishments that prepare food for sale to the public; inspecting childcare centers, adult care facilities and lodging establishments; determining environmental causes of lead poisoning in children; and uncovering environmental sources of disease outbreaks that typically occur from food or in close living arrangements such as care facilities. Credentialed specialists within these programs work to improve the quality of life in local communities and prepare their communities to respond to and recover from disasters including terrorism events, acts of nature, and pandemics.

Assuring a healthy living environment requires a workforce of well-trained and technically competent credentialed environmental health specialists. The EHS Board ensures that there are consistent standards for Environmental Health professionals to follow as they carry out their duties. One of the most important functions of the EHS Board is to ensure that Registered Environmental Health professionals stay current with contemporary standards in the profession and that they use best practice models consistent with current research and science.

In specific response to the 2014 Final Report, the EHS Board respectfully offers the following response:

Organization Model

In accordance with NC General Statute 90A-50, the EHS Board is the licensing authority of environmental health specialists in the State of North Carolina, and it regulates the practice of the specialists that work in North Carolina.

Statute mandates that the EHS Board consist of twelve appointed members with seven of the members being practicing environmental health specialists and one member representing the public. Other representatives include one environmental sanitation educator from an accredited college or university, one local health director and representatives of the Division Public Health within Department of Health and Human Services (DHHS). Overall, the make-up of the Board includes a well-rounded core group of credentialed professionals who work in the field on a day-to-day basis and have a unique "boots on the ground" picture of how environmental health operations and regulations affects the public. With the exception of two EHS Board members who receive \$50 per diem compensation per North Carolina General Statute 93B-5(a), Board members do not receive compensation (other than travel reimbursements) for their work associated with the Board.

On the surface, it may appear that there are commonalities that would allow for a quick and easy combination of the EHS Board with another existing OLA; however, deeper analysis makes it clear that such a combination would lead to conflicts of interest due to regulatory lines of authority. As set out in NC General Statute 90A-50, the EHS Board registers individuals to work in the **public sector** of the environmental health field. The term "registration" for the NC EHS Board is comparable to terms such as "credential" and

“license.” The EHS Board is not compatible with private sector boards in similar fields, because environmental health professionals credentialed by this Board actually **regulate** individuals associated with private sector boards. Consolidation of a public sector regulating board with a private sector board is incompatible with the statutory purpose of “safeguarding the health, safety and general welfare of the public from adverse environmental factors.”

Due to potential conflicts of interest, the EHS Board feels strongly that while there are certainly many opportunities for collaboration between boards, there is not a clear consolidation “fit” for this Board.

High Professional Standards

The mission of the EHS Board is to regulate services performed by Registered Environmental Health Specialists across the State and ensure that the professionals remain ethical and legal while protecting public health. The EHS Board licenses Environmental Health Specialists once those professionals have demonstrated their professional competency through successfully completing very stringent requirements and assessments including:

- Two-year public sector environmental health internship in public health
- Specified continuing education and specialized training
- Multi-Part Examination including a national credentialing exam, an essay test and an oral exam.

It is also important to note that the EHS Board has seen an uptick in the number of out-of-state professionals seeking licensure through reciprocity. In addition, there has been interest from military service members seeking opportunities to apply their military experience towards professional environmental health licensing standards. The EHS Board is committed to assisting all applicants with bridging their out-of-state experience and credentials with North Carolina standards when appropriate.

Opportunity for Public to Register Complaints

The Report states that the EHS Board lacks a “complaint process.” While there is not a complaint form located on the Board’s website, North Carolina Administrative Code 21 NCAC 62.0404, Investigation of Complaints, provides that a complaint made to the Board shall be in writing. The Board Chair shall appoint two board members to investigate the complaint and to report findings at the next scheduled meeting. The Board shall take appropriate action(s) to abate the complaint. Disciplinary action taken by the Board may lead to suspension or revocation of a certificate. A hearing of the Board shall meet the provisions of Article 3A, GS 150B.

In addition, North Carolina General Statute 90A-64 states, “*The Board may conduct investigations for any complaints alleged or upon its own motion for any allegations or causes for disciplinary action. The Board may subpoena individuals and records to determine if action is necessary to enforce this Article.*” The Statute allows one or more of the following reasons for suspending and revoking certificates:

- Fraud, deceit, or perjury in obtaining registration under the provisions of this Article;
- Inability to practice with reasonable skill and safety due to drunkenness or excessive use of alcohol, drugs, or chemicals;
- Unprofessional conduct, including a material departure from or failure to conform to the standards of acceptable and prevailing practice or the ethics of the profession;
- Defrauding the public or attempting to do so;
- Failing to renew certificate as required;
- Dishonesty;
- Incompetency;
- Inexcusable neglect of duty;
- Conviction in any court of a crime involving moral turpitude or conviction of a felony;
- Failing to adhere to the Code of Ethics; or
- Failing to meet qualifications for renewal.

The Board also has two policies, *Complaints* and *Complaints against Board Members and/or Staff* that outline specific procedures for the Board to follow when it receives complaints.

The lack of a complaint form does not mean that the Board has not received or investigated complaints. In instances where the EHS Board receives complaints, it handles them in accordance with applicable Statutes, Rules and policies, and in consultation and collaboration with its legal counsel and with the Registered Environmental Health Specialist’s employer.

The EHS Board welcomes the opportunity to ensure that its complaint process is clear, transparent and streamlined. Noting that there are logistical details to work through including informing and collaborating with local, state and National Environmental Health Association (NEHA) partners, the EHS Board agrees that such a form would be a helpful tool and progressive enhancement for the EHS Board and is very doable.

With that said, the EHS Board is quite open to, and discussed at its December 12, 2014 meeting, the opportunity to create a page, on its website, for the public to register complaints and possibly conduct customer service satisfaction surveys. In summary, complaints likely would cover contractual, technical, safety, misrepresentation or fraud-related issues occurring during a Registered Environmental Health Specialist’s performance of environmental activities.

Fiscal Resources and Oversight

For a number of reasons, using revenue as a threshold to recommend consolidation seems an inconsistent and one-sided analysis.

- The EHS Board receives no monetary support from the State. Ninety-nine percent of the Board's annual revenues are fee-based and in accordance with North Carolina General Statutes Article 4, Chapter 90A and North Carolina Administrative Code 21 NCAC 62.0405, the Board's opportunity to increase the fees is capped.
- The EHS Board's revenue is cyclical, influenced by waxes and wanes in the economy and how those fluctuations impact local and state government budgets, and staffing. For example, over the last four years the number of interns registered by the EHS Board has increased significantly. The EHS Board believes the growth is fueled by local environmental health departments lifting their hiring freezes along with economic and population growth across the state creating the need for higher service levels. Specifically, there has been a 455% increase in the number of registered interns between 2011 and 2014 (nine registered in 2011 compared to fifty in 2014). Current projections anticipate this upward trend in new interns to continue.
- The Board's total annual revenues have increased by \$14,000 between 2010 and 2014. The cause of this increase is two-fold: fee increases from \$35 to \$50 effective in 2011 along with an annual uptick in the number of credentialed individuals.
- With regard to expenditures, the EHS Board has been very diligent in controlling annual costs, and is very dedicated to conducting its business in an efficient, smart and conservative manner. As a point of reference, the Board's expenditures have decreased by approximately \$14,000 over the last five years.
- The EHS Board has made great strides over the last five years in shoring up its financial portfolio. Through a combination of steadfast fiscal oversight and increased licensing activities, the EHS Board's fund balance or "rainy day fund" for the year ended December 31, 2013 is 91.9% of that year's expenditures – greatly exceeding the NC Local Government Commission's recommended 8% level for local governments. As a point of comparison, five years ago, the EHS Board's fund balance was 4.8% of that year's expenditures. The EHS Board is pleased at where it stands financially and believes that the fiscal model that it currently operates within is sustainable.
- The EHS Board is proud of its fiscal integrity – in addition to its own rigorous internal audit policy/process, it also contracts for an annual audit and financial statement through Smith Wike Anderson CPA firm. The EHS Board conducted its external auditor selection process in accordance with NC Local Government Commission recommendations including comprehensive Request for Proposal (RFP) process.

Support Services

Information Technology

The EHS Board is fortunate to have a collaborative partnership with its State "parent" department – Environmental Health Section of DHHS – for maintenance of its centralized training database portal. This legacy system (commonly referred to as RSTAS) serves a dual role as it houses training as well as authorization information for Registered Environmental Health Specialists and the information housed there is used by both entities. Technical assistance to update and maintain the System has historically been minimal, and the Board has found the current customer centric arrangement meets its current and foreseeable IT needs.

Prior to migration to this cooperative and collaborative IT effort, the EHS Board contracted with a third-party vendor. It was necessary to end that contractual arrangement about three years ago when it no longer benefitted both parties. The elimination of this contract has allowed the EHS Board to set aside those previously expended monies to use in the event of an IT emergency.

In addition to the RSTAS system, the Board has a very affordable contract for publishing and support of its webpage (www.ncrehs.com).

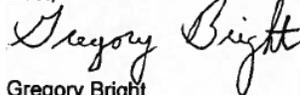
Administrative Support

In accordance with NC General Statute 90A-56, the EHS Board may employ necessary personnel for the performance of its functions. Over the course of many years, the EHS Board has employed part-time administrative support, and the current arrangement, which has served the Board quite well for a number of years, allows for a telecommuting employee to work 30 hours per week (40 hours per week during Board meeting weeks [approximately five times per year]) without benefits. The position is suited for someone with experience in the areas of administration, customer service and finances. Improvements in technology over time have helped alleviate the need to increase hours.

As the Committee can glean from this letter, the EHS Board is interested in the best organizational model for protecting the public from potential environmental health hazards. The EHS Board is a deeply devoted group of professionals and is passionate about ensuring that high professional standards for Environmental Health Specialists are not compromised. The goal of consolidation, we believe, should be that a new organization model would bring about improved reporting and oversight in addition to avoiding potential conflicts of interest. Instead of combining boards, the EHS Board prefers that the Committee would initially explore avenues of cooperation and collaboration between boards to gain a more thorough understanding of their purpose and operations.

Again, the EHS Board appreciates greatly the opportunity to respond to the Report. Feel free to contact our office should you have additional questions regarding the NC Board of Environmental Health Specialist Examiners.

Best,



Gregory Bright
Chair