

## **Anna Wrigley Miller, Office of Planning and Budget**

Good morning, everybody. We are going to go ahead and get started. So, everybody knows, Chairman Bill Hitchens is on the phone for this first trauma scene bill. We've got three things we are going to be taking care of today. The first thing is going to be going over House Bill four-seventeen (417), so Les, if you and your guest want to come up to talk about that. Then we are going to move into structural engineers, and Ashley [Jenkins], we'll have you come up then to talk about that. Then we will talk about Senate Bill seventy-five (75) with the veterinary technicians. To get started though, I want to recap what we talked about at our last meeting. It feels like it was forever ago, but we voted on the recreational therapist bill and finished that report. We then had our first meeting about the trauma scene waste management professionals and got information from Les. We heard a little bit about some cases of harm, and today... I sent out the meeting minutes to everybody weeks ago, but I want to go ahead and approve the minutes.

## **Gabriel Sterling, Office of the Secretary of State**

Madam chair, I move to approve previous meeting's minutes.

**\*Multiple Seconds were offered.\***

## **Anna Wrigley Miller, Office of Planning and Budget**

Raise your hand for Aye.

**\*Approval of the minutes passed unanimously\***

I want to point out to everybody what is in their folders. We went the low-cost way today with folders. In your packets, you have your agenda. We had a fiscal note prepared on House Bill four-seventeen (417), and that is in your packet as well. We will go over that a little bit, and then I want to have time for the committee to ask any questions to Les [Schneider] et al. On the left, that packet is Senate Bill seventy-five (75) information, and on the right is House Bill five-sixteen (516). When we get to that, that is where all your information is. The fiscal note was prepared in August, and basically, if you go through it, we looked at just what the impact of state expenditures would be. We estimated, using information provided to us, that there would be less than about 100 people signing up for this. So, if you look at the costs on the first table, this is assuming if this started in FY 2020. We'll just say, "first year," and it would have been a grand total of forty-eight thousand dollars (\$48,000), and then moving on, it would level off to about forty-six thousand dollars (\$46,000) a year. And then, we would only be having about twenty-seven hundred dollars (\$2,700) in state revenue coming in, if you look on the back, if one hundred (100) companies came in. That was the fiscal note prepared. I'd like to go ahead and have Les introduce who your guests are.

## **Gabriel Sterling, Office of the Secretary of State**

Madam Chair, I have a question. On the fiscal note, it has some base costs. Unlike other organizations that have come before us for registration, they have their own organizations, like

recreational therapists, and can inform their members that this new thing is happening. I don't believe such a thing exists for this. Is that the case? Is there a statewide organization that does that?

**Les A. Schneider, Wimberly Lawson**

There is an association, the Bio Professional Organization, and they will certainly let the word out regarding the matter.

**Gabriel Sterling, Office of the Secretary of State**

And how many members in the organization?

**Les A. Schneider, Wimberly Lawson**

There's a smaller number of members now, and that goes to the less than one hundred. Again, I think the real issue here is, what we talked about at the last meeting, we have a lot of companies who are clearly in the cleaning business, but they don't do this kind of cleaning and sometimes don't know who to refer it to. The word will get out through the organization that these are the folks that are able to do this work. I think that is the key point.

**Gabriel Sterling, Office of the Secretary of State**

I just wanted to know the cost for us to do random mailings to cleaning companies, and stuff like that, and who would own that.

**Anna Wrigley Miller, Office of Planning and Budget**

Right. This fiscal note is just what the pure state cost would be. What it would be for the [Georgia Bureau of Investigation] GBI to have, I believe it talks about hiring one person and different operating expenses, so that is what it shows here, what this explicitly costs. It doesn't assume any marketing or anything like that.

**Les A. Schneider, Wimberly Lawson**

And I think even that may be a little high, but I understand where the state is coming from regarding that. Again, we are talking about something to really help people in advance before they are traumatized or retraumatized, and I think that's the key point of this bill. It is really a registration and allowing people to know, not just the public, but law enforcement and other people, who they could probably refer someone to for this work. Would you like me to proceed?

**Anna Wrigley Miller, Office of Planning and Budget**

Yes.

**Les A. Schneider, Wimberly Lawson**

Okay, Gordy, why don't you start?

## **Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

Good morning, council. My name is Gordy Powell. I am the senior partner at Georgia Clean and Associates. I am currently the president of the BioPTO, the Bio Professional Trade Organization, based out of Marietta, Georgia. I have been in this industry for twenty-four (24) years. I have been helping families survive and recover from life changing, traumatic events that take place in the home. I have served on national trade industry boards. I am also considered one of the pioneers of the trauma scene cleanup industry. My most proudest title is I am the steward of this industry, and I only want to see all the good come forward to help these families. That being said, in emergency, there's an absence of choice. Which states that as elected officials, as community leaders, we've taken protocols in place over the years that when somebody calls in to where there's a fire, a home invasion, somebody's been shot inside my house, there's protocols preset into place on what kind of decision are made. In essence, we are being proactive instead of reactive. We have public safety officials, policeman, fireman, EMS, they go through background checks, go through drug screenings. What we want to do is we want to take this ball over the goal line to where the cradle to grave operation of emergency services is also including cleanup. When these families suffer a life changing, traumatic event in the home, again, in emergency, there is an absence of choice. They're not in a rational mind to make these decisions. Currently, if you go to the Fulton, Cobb, Dekalb, or Gwinnett medical examiners office, they've got a referral list of companies they refer out. To be on that list, all you have to do is hand them a business card and you're put on the list. There's no vetting, no background checks, no drug screens. There's currently a company in the Georgia state [penitentiary], right now, the previous owner, for stealing from families. We've got bad people, everybody's got bad people. I don't look at it as regulatory, I look at it as a standard of care. We are actually implementing a standard of care and setting a bar on who should be able to go inside somebody's home. When I arrive at somebody's home, they don't know me from Adam. But what we do is we sit down; we discuss what credentials we have in place; we show them our worker's [compensation] policy, which a lot of companies don't have; our proper general liability, to where all our ducks are in a row. We build a relationship with them to where they know who's going inside their home. It is as simple as putting a baseball card together of all my employees. It's a picture of that employee on the front of the card, it lists their name, their title, and on the back, it's stupid information, like, "Mandy: I work with my husband. I love raising chickens on our family farm. I love reading books." Just information to break down the barriers and build bridges to better relationship. This is where we're wanting to see a standard of care in employees in Georgia, to where in emergency there's an absence of choice, to where there's a proactive response before there's a reactive one.

## **Patricia Olinger, Global Biorisk Advisory Council (GBAC)**

Good morning. My name is Patty Olinger. I am the executive director of the Global Biorisk Advisory Council. I am a resident of the state of Georgia. Prior to September 1 in accepting the role as the Global Biorisk Advisory Council executive director, I was an assistant vice president in the office of research administration and head of environmental health and safety for Emory University, both from the academic side and providing support into healthcare. My specialty is bio safety/biorisk management. My team and I were a part of the Ebola team, response team that provided support for Ebola patients here that came to Georgia. I am also the deputy convener and incoming convener for the international

standards organization for biorisk management. The new standard that will be coming out this fall, and then any complimentary documents that will be developed.

You know, I come from a little bit of a different standpoint from Gordy. I come from the bio safety world and response. I have had hazmat teams responding for me. I have had radiation safety teams. I have supported former Senator Sam Nunn with regard to the irradiator issues here in the state of Georgia. And when this was first initially brought to me, as far as for my attention by Gordy and Cunningham and Jeff Jones, it was more from a national standpoint, from the standpoint that there is not one state in the country that has any rules or regulations with regard to individuals going and cleaning homes from a standpoint of biological safety, or bio safety, or contamination control, all different aspects. I thought, "Oh no, that can't be." We have to have licenses to do A, B, C, D, as Gordy had indicated, even from getting your fingernails done. And yet, somebody can come into my home without any knowledge, without any information as far as what they may, particularly themselves from an occupational health and safety standard point, step into. Let alone the fact that they're potentially contaminating a home, or damaging a home, using wrong chemicals, or to even take it a step further as my college here indicated, no background checks, no nothing from the standpoint of what happens if they damage or if they steal something. I thought that that just couldn't be. The more I looked into it, he was right. They were all right. So, you know, this bill I realize has a lot of implications, but Georgia has the opportunity to actually take a step forward with leading the nation. And I do know there are other states out there just waiting and watching to see what we do. I think we have the opportunity to be leaders in this industry, and my opinion, there's a lot out there on what are we going to do from a standpoint of if there was another pandemic. You may not think of this as a pandemic preparedness or public health preparedness aspect, but these individuals who are untrained and unknowledgeable about going into these situations could step into a situation where they are way outside of their ability to handle. And if we don't have a list of those individuals who are at least licensed within the state that the policy department, the GBI, and other governmental agencies can depend upon and start leading this effort, we could actually cause more harm than good. Thank you.

### **Anna Wrigley Miller, Office of Planning and Budget**

Thank you, guys, for being here. I want to move it on to questions from the council. Senator, do you have one?

### **Chairman Chuck Hufstetler, Georgia Senate**

As you know, I missed the last meeting on this. What is our procedure going forward on this? Does this committee recommend it back to the legislature? I know it never came to the Senate. Does it look at implementing it? What posture are we in?

### **Anna Wrigley Miller, Office of Planning and Budget**

We write a report based on the "as written" version of the bill. We can write a report that says, "we recommend this pass as written," or "we recommend x, y, and z changes," "we recommend that these things could happen." With the last bill that we passed, our recommendation was, "we recommend that they be a subset of an existing license." So, our report just comes like that.

## **Chairman Chuck Hufstetler, Georgia Senate**

Then the legislature will take it back up in the next session? Okay.

## **Anna Wrigley Miller, Office of Planning and Budget**

Correct.

## **Kelly Dudley, State Accounting Office**

I have a question. Unfortunately, I am a victim of the selfish act of suicide from my family, and at the last meeting I told chairwoman it took all I had to stay composed. However, in thinking through all this, and this was my father-in-law who shot himself, who also was on the first Ebola team, which is very ironic, at the CDC. He was quarantined back in the seventies (1970s). So, in living through that and helping my mother-in-law through that, there was a lot of planning and thought of how this happens. These last couple weeks, I thought, "okay, is this the right place?" I have also been a seventeen (17) year state employee in ten (10) different agencies, so I know what an agency has to do when something like this is put on their plate. And I am concerned of what a consumer would see when GBI is just registering a company because there is a lot of weight behind those three letters. There's a lot of trust, there's a lot of integrity. I am also risk averse, so I always think about liability. An agency like that that has registered companies on their website is going to hold that liability if something happens to that consumer. I am concerned about it being on that plate.

I do think it is important, but I also think the consumer has to be thoughtful and do their homework. Sit down, ask those questions. Are you insured? Do you have all these things? Have you done your own background checks? And I am not sure that lies on the state. So I don't know if the right path is to educate the consumer through nonprofits, or through different organizations, but as written, I am not sure that even I, who have gone through this, can think about how that would really work for the agency as well as a family. Is a family even going to know to go to the GBI website? No. Where are they going to find it on the GBI website? There is a lot. You are going through so much in that instance, and thank goodness because of other things in my life, I put the wall up and go into task mode. You know, we hired an off-duty police officer to be in the house, even while caterers were there. Some responsibility lies on the grief stricken. And you had mentioned everybody has bad people. And while that is true, even though you get that background check, we aren't background checking, as I recall, any of the employees within that entity.

## **Les A. Schneider, Wimberly Lawson**

And I think your question is a good one, and I think it is important to respond directly to what you are saying. This is not a get out or pass card for the whole public, but it is a tremendous educational tool because, remember, with the GBI maintaining this list, no differently than when the department of public safety registers taxis and limos and Uber and Lyft and all these people. We have a lot of different registrations in this state. Remember, this is the first step, and again, it is not just that the consumer knows. We are talking about all of the corners in this state, we are talking about all the police folks in this state. This is going to get around that yes, there is a requirement that if you are going to do this type

of work, not only do you have to be capable to be able to do the type of work we are talking about, but you do have to have minimal insurance, which we put in the bill. You do have to have the background check of the owner of the company. There was debate in the House and the Senate already about the issue of how deeply it should go, and the initial thought was, "Let's have an initial registration, let's have minimal insurance liability coverage, let's have them vouch for their people and be responsible for their folks." And you have set up an information network that's helpful. The liability will still run to the company. The GBI is not going to be held "liable," unless they don't register people properly. When you look at all the registrations of that case, whether it's a doctor or a nurse or a lawyer, that is always dealt with. But we are talking about giving you some framework to work with. And if you can pick up the phone and you start to talk to someone locally, like you say a police person. The police person you hire will probably be aware there's people who do this for a living, and the GBI does provide a list of people to go to as opposed to the corner who made a decision to give somebody's name because somebody gave them fifty dollars (\$50) to say, "Hey you, I do this type of work. Refer it." We are talking about a small incremental step to make Georgia a little safer. As Gordy indicated, and as you have attested to, people are in a trauma type situation here. I had a house fire; you cannot imagine the predators that came upon our house. It was like locust. I had a federal district court judge, who's a dear friend of mine, a tree fell over his house. Knocked off his cars, all these people wanted to do all these things for him. Not everybody is a Ph.D. in rocket science, right? Not everybody knows how to do it. All we are trying to do is make it a little safer and a little more access to some knowledge that it could help you reach the best conclusion. Its not going to take away your ability to make that decision, but it's going to aid you in that decision. I would like to know that at least we have an initial list that you can go to, and I trust the GBI enough that I know they will communicate to the rest of the law enforcement community that this is not something like somebody can just come and clean up my attic. I mean, we had somebody break into this building, and there was a lot of violence done. There was bleeding, and there was blood on the floor. Now, I don't know if that person had AIDS. Who cleaned it up? Was it somebody who doesn't have any wherewithal on what to do? Now, the state can do what they want in their own building, but in my house, I'd like to have as much information as I could get to help somebody.

And I am sorry for what you went through, because I have had two or three people in my life commit suicide, and I know how traumatic that is. I have had friends who have been murdered in their homes, and you cannot imagine—you can imagine, how horrible it is when people have to live through this. Let's just make it a little easier to be able to deal with this type of trauma. And all we are doing is giving basic insurance, information, registration so that people can have a start. I would like to see Georgia lead here as opposed to having more people...as I said in the last meeting, we are talking about a large number of this happens a lot in this state. It happens too much probably, but let's at least give people some road map so they know perhaps where to go and what to do. I like the idea that we are educating the rest of the sheriffs and police chiefs and coroners about where they can go to rely on the fact that we have people who are willing to meet this criteria that we set out in this bill. We will see if it has to become stronger and has to become more regulatory in nature, but now we are starting with the basic registration.

**Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

I'd like to comment too.

**Anna Wrigley Miller, Office of Planning and Budget**

You can respond if you want to respond.

**Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

God bless you with the tremendous burden of being able to tell a victim, "I understand what you're going through." I have an employee like that who lost a wife and two children in a traumatic accident, and I never refer to anything as direct, for example a life changing, traumatic event because its kinder and gentler. Your question about a list of properly referred people, back to the list that medical examiners have. My networking with medical examiners offices, funeral directors, public safety, and Georgia Coroner Association, they are ecstatic that there is a possibility of a list that they can print out on their computer to hand to victims that they service. It wouldn't have to be dependent on the family to know. This information would be provided to them, but it would be a vetted list of quality service providers that know what they are doing. They don't know to do background checks, they don't know the questions to ask when something happens like that because their primary focus is that they have to deal with their family, go to the funeral home. Again, it is a screening process. There are a lot of other states and companies that are looking at Georgia so they can do a cookie-cutter process in their legislation. There are some regulations in place in Florida, Louisiana, Indiana, New York and California, but that only monitors their cradle to grave operations by regulating medical waste to know it is properly incinerated, or autoclaved, rather than just thrown in a landfill. That is the only thing we have in place. When this came on the radar a few years ago, national organizations, like IICRC, the IRA, GBAC. The IICRC is a national cleaning organization which sets education.

**Patricia Olinger, Global Biorisk Advisory Council (GBAC)**

They're a certification body.

**Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

Correct. The IRA is the same way. Their members are ecstatic in watching to see what takes place in Georgia. We've got their backing. We've got national organizations backing this up wanting to see this positive change take place to protect the consumer.

**Patricia Olinger, Global Biorisk Advisory Council (GBAC)**

From your question in regard to the different associations, there are several out there that have, maybe not their entire pie but a piece, that gets impacted by individuals working in this industry. There are several of us working parallel and together, I'll put it that way. GBAC is a division of ISSA, which is the largest trade association in the world for cleaning. So, they have regional areas and they recognize their cleaning crews, whether their in-house service providers or building service providers or individuals being asked to come in and take care of something, were being asked to do some of this type of work

without any training besides how to clean a carpet, or clean hard floors, or walls. So when they approached the Global Biorisk Advisory Council, I was just on the scientific advisory board, and they said, "If we bring this into ISSA, we'd like Patty to lead it more to recognize that there is definitely a connection between cleaning, sanitization, disinfection, and health." And recognizing that, we are working with IRA and IICRC to look at what does that look like for the restoration industry, especially in regard to trauma scenes. Right now, there are a lot of folks out there doing this and taking advantage of individuals who are, at the time, just wanting peace and understanding. There's a lot of situations they don't understand. They may be able to come in and make the room look nice, but weeks later, there are still problems because they didn't do it correctly. There are a lot of organizations out there that may not be Georgia focused, but they have regional groups that can get the word out. As Gordy indicated, there are a lot of states, and I get calls quite a bit from other groups asking, "Where are we heading? Where does Georgia sit on this bill?"

### **Christina Ferguson, Department of Public Health**

Good morning and thank you for being here today. My question, with the registration, would that then have the GBI responsible for any complaints received if that company still continues to be a bad performer, or not clean the scene adequately, and would GBI be responsible for making sure that they have those certifications, that you mentioned, to say they know how to effectively clean blood, remove those items from the home, and make sure they are disposed of properly? Does the bill address that?

### **Les A. Schneider, Wimberly Lawson**

The bill, which went through a lot of revisions in the legislature, basically came down to the fact that the company is asserting that they have the proper liability insurance, that they have a background check on the owner of the company, that the failure to adhere to any of the provisions of the registration results in civil fines, plus the fact that they cannot be paid for any work that is done if they are not properly registered. So, what we did is take an incremental step, not the most comprehensive step that could have been done, in order to begin the process of doing the proper registration. If it is not done properly, money is not owed.

### **Christina Ferguson, Department of Public Health**

And who determines if it is not done properly?

### **Les A. Schneider, Wimberly Lawson**

It would be if they didn't have insurance or were not on the registry. You take out the predators from the business is really what in essence happens. If it is not done properly, then they would not be owed any money. Again, that's why we put in the civil penalties involved in the bill.

### **Gabriel Sterling, Office of the Secretary of State**

But again, her question was who decides if it's not done properly?



**Les A. Schneider, Wimberly Lawson**

That would be if there would be any courts issues related to the question. That would be answered in civil court.

**Gabriel Sterling, Office of the Secretary of State**

So, it is going to be up to the user to take into civil court. There would be no district attorney after this?

**Les A. Schneider, Wimberly Lawson**

No, there is a high and aggravated misdemeanor for the first offense for unregistered entities and individuals.

**Gabriel Sterling, Office of the Secretary of State**

Not unregistered, her question was if they go in, cleaned up, and do a crappy job.

**Les A. Schneider, Wimberly Lawson**

That would be a civil remedy in court.

**Gabriel Sterling, Office of the Secretary of State**

So, there is no criminal court. The GBI, or whichever agency would hold this, has nothing to do with it?

**Les A. Schneider, Wimberly Lawson**

Right, and that was done specific to make sure there was a limitation on how much of their resources are utilized.

**Christina Ferguson, Department of Public Health**

And one more question. Who would follow up on that complaint? Say I'm the family who has hired a company, they came out and did a poor job. Although this company is registered on the GBI's website, now I have a complaint. As the family, who do I make that complaint to, and then who is going to follow up on that complaint? Would that be the GBI?

**Les A. Schneider, Wimberly Lawson**

Allow me to double check, but I am pretty sure the answer is the GBI? I will look at that.

**Jessica Simmons, Department of Revenue**

Just to follow up on that, if there is an issue where it would go through the court proceedings, but let's say they have countless lawsuits filed against them because they do seem to be a bad actor in that space. If they have properly submitted their paperwork, done background checks, and they have insurance, they are still at that point on the GBI's registration list. So, then I wonder at what point, if

somebody appears to be a bad actor based on some of the civil proceedings, would they potentially have the ability to remove them from the registration list?

**Les A. Schneider, Wimberly Lawson**

They have the ability to set up rules and regulations to address that issue that you're talking about.

**Gabriel Sterling, Office of the Secretary of State**

And the GBI would be doing that even though they don't do that for anything else?

**Les A. Schneider, Wimberly Lawson**

On line one-zero-eight (108), any person that violates the code section shall be subject of a civil fine of \$5,000 and punitive action by the director, up to and including revocation of registration. That's on lines 108 to 110.

**Gabriel Sterling, Office of the Secretary of State**

I thought that violating the statute was you didn't register property, or you lied on your registration. It's not about an outcome it doesn't sound like.

**Les A. Schneider, Wimberly Lawson**

No person shall perform cleanup... I think that the short answer is the GBI would be able to set rules and regulations on the issue you're discussing. If in fact, people went beyond those rules and regulations, they would be fined up to \$5,000 and revocation of the registration.

**Gabriel Sterling, Office of the Secretary of State**

And how would that be enforced? They would decide?

**Les A. Schneider, Wimberly Lawson**

As with any other agency, there would be a due process hearing.

**Gabriel Sterling, Office of the Secretary of State**

While I agree with you that there is no specific liability for the GBI, there is, what I would call, reputational risk. When the first instance goes wrong, channel five (5) says, "GBI said they were fine, but they stole these people's jewelry." There is a risk to an agency that we have to invest a lot of trust into. I think that is a relatively high risk. Let's be honest, at the last meeting they also didn't seem all too thrilled to be having it. You talked about making rules and regulations, there are other agencies that are better suited to it than the GBI themselves. I want to make sure that when we are discussing regulatory authorities, the GBI is not really a regulator. They are law enforcement. If they put their seal on it, it changes the nature of what they do to a degree.

**Les A. Schneider, Wimberly Lawson**

I would respectfully disagree. The Department of Public Safety registers taxis, limos, and ride share services. They are doing it because they are trying to draw a line around the people providing the service. One of the issues that GBI can do is provide public information on this issue. This is a law enforcement issue when people are traumatized in their homes through these services. All we are doing is providing this information. I don't think the Department of Public Safety's reputation is anymore shadowed than the GBI's.

**Gabriel Sterling, Office of the Secretary of State**

I would respectfully disagree with you. Nobody knows the Department of Public Safety. We see GBI. People know who is in the GBI.

**Les A. Schneider, Wimberly Lawson**

Right, and again, what better network that the GBI to talk to the other law enforcement communities and to the people concerned about public safety. I'd say that is where the connection was made.

**Gabriel Sterling, Office of the Secretary of State**

I have another question following up on the organizations. Is there a certification for trauma cleanup that exists inside your organizations, and how many organizations in the state currently have that level of certification?

**Patricia Olinger, Global Biorisk Advisory Council (GBAC)**

Two in the state of Georgia. GBAC, there are two organizations, but one does not do trauma in specific.

**Gabriel Sterling, Office of the Secretary of State**

Let me guess, there is one sitting at the table.

**Patricia Olinger, Global Biorisk Advisory Council (GBAC)**

Yes, the other one right now is Clay Wardlaw at SafetyPlus who takes care of all Phoenix Air jets who bring in the affected patients within the state.

**Gabriel Sterling, Office of the Secretary of State**

Like Ebola patients?

**Patricia Olinger, Global Biorisk Advisory Council (GBAC)**

Yes, an example.

**Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

I carry four different levels of accredited certification in my industry.

**Gabriel Sterling, Office of the Secretary of State**

I'm assuming you're the largest one in the state.

**Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

Yes, we are.

**Jessica Simmons, Department of Revenue**

So, your four different levels, can you explain what those different levels are, and who specifically hands those certifications?

**Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

They're not really different levels. They are different recognitions to where, through the American Bio Recovery Association I'm recognized as a bio recovery technician. Through GBAC, I am recognized as a forensic operator.

**Gabriel Sterling, Office of the Secretary of State**

GBAC is what?

**Patricia Olinger, Global Biorisk Advisory Council (GBAC)**

Global Biorisk Advisory Council.

**Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

Under IICRC, I am a recognized crime and trauma scene cleaner. And the School of Forensic, which the gentleman is retired, I am recognized as a forensic cleaner.

**Gabriel Sterling, Office of the Secretary of State**

On the crime and trauma scene cleaner, which organization gives that certification?

**Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

IICRC.

**Gabriel Sterling, Office of the Secretary of State**

And tell me again, what does that stand for?

**Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

It escapes me. There are so many certifications.

**Patricia Olinger, Global Biorisk Advisory Council (GBAC)**

It is a cleaning certification.

**Gabriel Sterling, Office of the Secretary of State**

You can follow up with us.

**[For public clarity, the IICRC stands for *Institute of Inspection Cleaning and Restoration Certification*.]**

**Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

It is in that big 'ol binder. [Applicant Survey]

**Gabriel Sterling, Office of the Secretary of State**

Okay.

**Jessica Simmons, Department of Revenue**

I was trying to ask Anna as a side note, I know it came up previously in the last meeting. I know there are a lot of proper disposal requirements that are set by either Public Health or EPA. I know from the disposal aspect, there is a government issued standard.

**Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

It is the Georgia EPD. You have to have two PBR (permit by rule) permits. One for generation, and one is a transfer permit to transfer the regulated trauma waste from site A to site B to site C. There's probably six hundred (600) companies in the state of Georgia, when you call them, they say they provide this service. Out of those six hundred (600) companies, there's probably sixty (60) companies that are wise enough to say, this is serious. There are special techniques, and special chemicals we need to use; let's send our people to school. There are about sixty (60) companies that do that. Out of that six hundred (600), and out of that sixty (60), there's between six, seven, and eight companies properly registered with the Georgia EPD to say, "Hey, we've got a cradle to grave operation to take our regulated trauma waste from the site to where it properly autoclaved." There is a care and concern taken there. There are companies that, after a decomposition or other life changing, impacting event, they will put those in black bags and take those to the county landfill. I have little regard for companies that would take a relative of mine's remains and throw them inside the Cobb county landfill.

**Gabriel Sterling, Office of the Secretary of State**

They would be violating currently written laws, wouldn't they?

**Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

Yeah, but the Georgia EPD has no idea who they are unless somebody reports them.

**Brent Vendola, Department of Natural Resources**

This may have already been asked, but does registration through GBI require that the registrant provide all the certifications?

**Les A. Schneider, Wimberly Lawson**

No... They are vouching for their folks. They're putting up the surety bond. They're providing the insurance, and they are going to live by aspects of the registration.

**Jessica Simmons, Department of Revenue**

It's obviously not in the legislation, but not the goal or intent to make sure the company is also registered with the Georgia EPD. Is it so they could get a registered person with the EPD as a subcontractor to come and help on a site? Is that how this sometime works, or is there a specific reason why, along with the insurance information, registration, background check, why the EPD certification for disposal wouldn't also be added to this?

**Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

It would be added to that, yes.

**Les A. Schneider, Wimberly Lawson**

It's not in the bill now because it is required that somebody has, as Gordy said, who's going to take it away, has to take it away in the proper manner.

**Gabriel Sterling, Office of the Secretary of State**

As he just noted, nobody knows if nobody knows. Maybe it should be added if you are going to be certified as a trauma scene cleanup practitioner.

**Les A. Schneider, Wimberly Lawson**

We wouldn't have any objection to it. Again, through the legislative processes, you all know there are compromises that are made and baby steps taken to move things forward.

**Anna Wrigley Miller, Office of Planning and Budget**

Any other questions from members?

**Patricia Olinger, Global Biorisk Advisory Council (GBAC)**

Can I add something?

**Anna Wrigley Miller, Office of Planning and Budget**

Sure.

### **Patricia Olinger, Global Biorisk Advisory Council (GBAC)**

Just from a training and certification standpoint, I would say whatever alphabet soup you want to talk about, one of the things that we recognized is that there really are different levels of sizes of companies, as well as abilities to handle different types of situations. So, we are launching this next year, an accreditation program. This is what we are seeing, is that just as what you are seeing here as far as trying to get a bill through. Sometimes it's very difficult, and you do compromises here and there. It's sometimes the insurance companies that are paying for these bills that are saying, "Hey, wait a minute. Are you certified? Are you a registered group within your state, if there was a registration? Are you certified?" So, what we are looking at is actually an accreditation program, sort of like an elite building silver, gold-star, which would then push an organization, or I'll say encourage from a positive standpoint, to look at maybe not just the owner of the company, but also individuals underneath that to be trained and certified to different levels of professionalism and competencies.

### **Les A. Schneider, Wimberly Lawson**

Just for the record, IICRC stand for Institute of Inspection Cleaning and Restoration Certification.

### **Patricia Olinger, Global Biorisk Advisory Council (GBAC)**

We'll make sure you have all of the acronyms.

### **Les A. Schneider, Wimberly Lawson**

But again, I understand there is always a desire to balance how comprehensive we are going to be with how initial we are going to be. There's a reason I have the grey hair I have. You know, I've done stuff for the legislature for a lot of years, and I can just tell you there is a pull and push within the legislature of not over-regulating an industry and not leaving it complete baseless where there's nothing involved. I think that this is an initial first step, and if there is a need for supplement to it, of course it will be addressed. What we're trying to avoid is the trauma situation where no one feels they have anywhere to turn to, or they get misled. This is the first, this is the start to that.

### **Gabriel Sterling, Office of the Secretary of State**

One of the things with GORRC, if I remember from reading our rules, or our intent, is if there's a private sector solution, outside of the state. It sounds like your taking some steps along the certification lines. Then you can reach out and say, these are certified and know what they're doing, verses the state registration. I don't think it will stop buddy with fifty dollars (\$50) and a business card at the coroner's office.

### **Les A. Schneider, Wimberly Lawson**

I can tell you I think it will because I think people who know if they have to register, and if they don't register, they cannot get paid. That is a first step to stop some of the predator things that occurred. That's what we're trying to do is start that first step and see where it goes from there. You all may be right at the end of the day. There may need to be more building blocks, or this may set Georgia

apart to say this is one state you really don't want to mess around in because of your reputation. I think the articles we gave you show this is a real problem across the country and it has occurred in Georgia more than one.

### **Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

This also helps future entrepreneurs where this is what they need to do. These are the goals set in place. You can't just make business cards and hand them out. It sets a precedence. It sets a standard. You can call it regulatory, but to me it's setting the standard of care.

### **Anna Wrigley Miller, Office of Planning and Budget**

All my questions were asked by everyone else on the council. To move forward, we need to know how we want to draft the report, so I want to get suggestions from members on how we want to move forward. I have heard comments that sound like some like the way it is written, but maybe GBI is not the place for it. Does anybody have a suggestion on how to move forward on drafting the report?

### **Jessica Simmons, Department of Revenue**

I also agree. Obviously, I understand your comments, but obviously, I also understand the GBI's comments from the previous meeting. I do think that we need to look at the possibility of the GBI's comments on it going somewhere else if there is a different agency with a better fit.

### **Gabriel Sterling, Office of the Secretary of State**

Maybe something that has a standard of rule making and those institutions in place, instead of having to make them up.

### **Anna Wrigley Miller, Office of Planning and Budget**

We will move forward with drafting a report along the lines of looking at a different agency to host this kind of registration process. Is that what I am hearing? Is that the will?

### **Chairman Alan Powell, House of Representative**

If I may make a comment to the members. I have listened to all of this but let me give you a little bit of the genesis of this. I was chairing the House committee of Public Safety at that time. We started hearing about these complaints. We had a few coroners that were indicted and convicted of stealing property. It went from that to dealing with the emotions of people that are in trauma situations. Then it got into the biohazards of this. Quite frankly, I was taken aback when the GBI came to the last meeting. Last year, as it went through the hearings, they had nothing negative to say. The director at that time as all on board. I see a \$40,000 price tag; that was never mentioned last year. As a matter of fact, what was said at that time was that they could dedicate an existing employee to work this into the website. I take odds with this number that has been put forward. Now, if it is the will of this committee that you think there is a better place. Public Health? Don't know that Public Health wants to deal with it. You know, it's like a red headed stepchild. A lot of the agencies don't necessarily want to get involved, but it is something that needs to be done. It is criteria that needs to be put out there for the safety of the Public and the citizens state of Georgia. Even more so, I think Gordy made a mention and y'all heard my



comments, when we took testimony on this over the last couple of years in Public Safety, we saw examples about how people who had passed away in their homes and, I hate to say the word, melted away. They were put out by the curb side, or in the garage. When there had been a trauma scene or suicide, things were put into bags and put into dumpsters. Folks, this is not good. Not just for the sake of the families, but also for the biohazards that are involved. I would certainly appreciate y'all taking a look at this. Frankly, the reason we looked at the GBI was that they're law enforcement. With law enforcement, water runs downhill. If this is registered on their website, this message goes through the system. If someone has to experience this, look on the website. We have folks, like coroners, in this industry that get referral fees, and I am not sure that is what we want in an industry that needs to be on top of things. They refer John Doe and his brother-in-law to go clean this mess up. Just because they get referred by a deputy or the coroner or the funeral home, it doesn't need to be that way. It needs to be a standard list of folks who have met certain criteria. There are probably a lot of pieces missing from the standpoint that we weren't trying to be overzealous by doing a full-scale licensing. We didn't want to get in the situation that is at the Secretary of State's office where we have so many licensing; we wanted to do a registration. The criteria are put up there, and if they don't meet the criteria, their name comes off that list. The reinforcement could be done either by suit or by the district attorney if they are not doing the right thing. Thank you.

### **Gabriel Sterling, Office of the Secretary of State**

I have one more thing to add on the subjects we were talking about, especially on the biohazards side. There was no objection, so we may need to consider either they hold an EPD hauling license, or they contract with someone who has one, so they could prove that to the GBI.

### **Chairman Bill Hitchens, House of Representatives (via conference call)**

Anna, I'd like to speak. Telling the truth, I've only been able to hear some. By next week, I hope to be up to speed. I spent forty-three (43) years in state law enforcement and been the head of two state law enforcement agencies. These types of events aren't like they are portrayed on television. They are horrible, horrible events. Biomaterials scattered everywhere. We have two funeral directors on our committee, and they both testify on many occasions where they were, typically in rural areas, hiring people locally down the street who would come in and clean it up. Typically, all they did was mop it up or throw it in the trash or municipal or county receptacle services. That is unacceptable by EPD standards, but these are horrific scenes. The reason this went to GBI, I think, was that anytime you have an event like this, there will be a police presence. There will be a coroner there. They all deal with the GBI on a routine basis. My guess is that when people are in this circumstance, the first thing they are going to do is ask the police office or coroner how to get it cleaned up. They would automatically say, "Look on the GBI website." They do deal with public health some with death certificates, but the GBI has the crime lab. They do all the forensics. They do the autopsies, and their personnel who work there are very knowledgeable about this.

As far as removing from the list, when I was commissioner of Public Safety, we had several things we dealt with that were different but similar. We would have a due process hearing. If somebody had gone beyond the limitations spelled out in the law or bad players, we would hold hearings. We would take action to make sure they were removed if they were bad players. This is something that everybody I have talked to in the law enforcement community, in the funeral directors' community, and

the courts community believe that something needs to be done so that people are protected. I know Chairman Powell would agree, we dealt with the Uber question about doing government background checks. Finally, we came to all drivers of commercial vehicles require a background check. Uber didn't like it, and now they don't have to and do their own background checks. We've seen evidence and several examples already of problems because of that. All teachers and law enforcement officers and people in critical positions has to have a background check. I think it's proper initiative to have a background check. They're bonded and have to have liability insurance. So, if any things that occurred previously occur after the fact, these can be remedied through better processes. We need to have something in place to deal with these issues. I'll certainly take any questions too.

**Anna Wrigley Miller, Office of Planning and Budget**

Any questions for Chairman Hitchens? No? Okay.

**Chairman Chuck Hufstetler, Georgia Senate**

I have some questions still.

**Anna Wrigley Miller, Office of Planning and Budget**

Okay.

**Chairman Chuck Hufstetler, Georgia Senate**

Looking at who should be involved in it, obviously, I have heard stealing and pandemics. The pandemics probably a bigger health issue, so I believe Public Health should have some kind of role in this, not that this GBI doesn't have people trained in this. The other question I had was, did you say this happens about one hundred (100) times? Did I hear that number?

**Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

I don't recall the number.

**Cody Pyle, Governor's Office of Planning and Budget**

I believe you listed it at over one thousand (1,000).

**Les A. Schneider, Wimberly Lawson**

We said over one thousand per year, right?

**Cody Pyle, Governor's Office of Planning and Budget**

I believe it was that or slightly higher.

**Chairman Chuck Hufstetler, Georgia Senate**

Okay, I heard someone say one hundred earlier.

**Cody Pyle, Governor's Office of Planning and Budget**

The one hundred is in reference to the high estimate of registered entities.

### **Chairman Chuck Hufstetler, Georgia Senate**

So, what are we putting in this category?

### **Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

No, its suicides, decompositions, homicides, home invasions, industrial accidents.

### **Chairman Chuck Hufstetler, Georgia Senate**

I wonder where we draw the line because blood is blood wherever it came from. It seems like this could have a lot more issues than we think. I don't want to have a runaway train once we put this out there.

### **Gordy Powell, Georgia Clean/President of Bio Professional Trade Organization (BioPTO)**

It doesn't include band-aids or school cuts or vomit.

### **Christina Ferguson, Department of Public Health**

I don't necessarily know if it needs to live in Public Health. I just think with my Public Health hat on, how do you handle the blood and the cleanup to make sure it is done correctly? That way, if the GBI continues to hold it, there is language where they can promulgate rules to say they need to have the EPD registration to meet their registration guidelines, or making sure that if there is a complaint from the family, the GBI will go out. I did think through how Public Health would handle it; how would my team handle it? We don't have that expertise in Environmental Health. That truly isn't our world to respond to something at three (3) o'clock in the morning and swab the wall to make sure it is adequately cleaned. That is not what we do in environmental health per say. It is important to make sure that if it isn't cleaned correctly that there is something in place to handle that complaint. I can say, we may inadvertently get that complaint because we inadvertently get complaints for barber salons in prisons in Environmental Health because it is a public health concern. Granted, there are public health implications, but cosmetology and barbering are not environmental health. That sometimes is the perception that environmental health and public health should respond. We try to educate the consumer in that moment, but they are left frustrated because we don't know who to properly send that complaint to. When I think about it, I don't think about giving it to Public Health, I think about making sure that those complaints from families can be received and followed up. That is why I accept question.

### **Les A. Schneider, Wimberly Lawson**

I think that is a good question. Senator, in response to your point, in the definition of trauma scene, we tried to limit it to an area where those locations and accidents are not subject to the federal Occupational Safety and Health Administration (OSHA) so, in a hospital, or in a place subject to federal law. That is not what this bill is about. This would be largely in the home or place not covered by that federal law already.

And, I understand where you are coming from. Again, what we are trying to do is to piecemeal. If it is not done properly, someone would make the complaint back to the GBI and the GBI would be diligent enough to address the complaint.

### **Jessica Simmons, Department of Revenue**

One question I've got is a follow up. When you look in the fiscal note, it mentions what the cost would be for the registration process. It does say, "our annual cost estimates assume that GBI licensing duties would not require inspections of licensees' businesses or work sites. I guess I am trying to think about how this would work practically. Again, we talked about previously if I am enlisting the services of one of these companies, and I have an issue with the job that they've done. To her point, does the complaint go to the GBI at that point, but then we discussed that it would be that I would take civil action against that company. I am trying to figure out.

### **Les A. Schneider, Wimberly Lawson**

You would have both remedies. In other words, you would be able to complain to the GBI about what had transpired, but certainly the companies themselves would have to be concerned that they are going to have liability coming back on them and then removal from the list.

### **Gabriel Sterling, Office of the Secretary of State**

And the local D.A. would do the enforcing.

### **Les A. Schneider, Wimberly Lawson**

The local D.A. would do the enforcement.

### **Jessica Simmons, Department of Revenue**

To piggyback on that wearing my S.O.S. hat for a moment. Obviously, there's a team of inspectors and post-certified investigators, depending on the type of complaint or inspection required. Obviously, if it is something GBI is investigating as a complaint, or if potentially they would be required to do inspection, a component of that would be getting GBI staff trained and up-to-speed as to what the proper cleanup procedures are. I think GBI, not to speak for them, so as of right now, I do not know if there is anybody on staff aware of the proper cleanup procedures.

### **Les A. Schneider, Wimberly Lawson**

I think that's a good point, but I think that goes way beyond the scope of the bill. I think at this point, even going to someone's place of business is not the focus of the bill, but the site of their business is not important. It's what they're doing inside of that home that is the critical part, and the people their bringing into that home. The fact that they are vouching for their people. The fact that they are providing insurance, and all the other criteria set out in the bill. We are dealing with that circle, and in ten (10) years it may have to be expanded.

### **Jessica Simmons, Department of Revenue**

I understand, and obviously we are going outside of the scope. But I am trying to focus on is if there is a complaint on one of these companies based on a certain site location to where the complaint goes to the GBI, and then the discussion was that the GBI will then handle that complaint.

### **Patricia Olinger, Global Biorisk Advisory Council (GBAC)**

It would probably be done by a civil suit at that point and time. You'd probably have expert consultants on both sides. I can vouch for the training these guys went through; there is a whole testing criteria to show they have site clearance based on different testing they can do. You'd end up in the civil suit having an expert, as you would right now, verifying their validation procedures, or not. Being able to show that by the way their protocol process was done, that it was inappropriate or by industry standards.

### **Gabriel Sterling, Office of the Secretary of State**

Madam chair, I have to go chair a meeting. I apologize.

### **Jessica Simmons, Department of Revenue**

I just want to make sure we understand and are clear because I feel like there is a little ambiguity trying to focus on this as a registration and not licensure. Then also, when we talk about the idea of a complaint going back to the GBI, and the GBI handling the complaint, that goes a little more down the road of licensure and inspections, rather than a registration list.

### **Les A. Schneider, Wimberly Lawson**

It is really retaining your registration. There is a civil remedy, as we have point out, in the bill. Again, the complaint would go this is not a company that should continue to be registered, and here are the reasons why. There would have to be, as representative Hitchens indicated, there would be a due process hearing that somebody would be able to articulate the reasons and what went on. Again, this is a small step. It is mostly focused on registration and giving the consumer some direction.

### **Patricia Olinger, Global Biorisk Advisory Council (GBAC)**

And from what I have read in the bill and the legal process standpoint, I don't think anybody is looking at the GBI being the enforcer of the public health aspects of things. It is if the company did not meet the portions of the bill, there is a complaint, is it a legitimate complaint, and legal precedents, then they would have a better civil suit to be able to take them to court.

### **Doug Cunningham, Georgia Clean**

I am sorry for being late. My name is Doug Cunningham, I am the other owner of Georgia Clean. I worked with Les and Gordy on putting this bill together. In today's world, if there is an issue that occurs at a home where they filed an insurance claim and the customer complains to the insurance company, they often call another organization like ourselves to be inspector. I would venture to say as we set this process up, the GBI would be noting there is a complaint against this company, and they could look to the list of other people who are certified to go out and inspect the property. At that point, they have documentation. Trying to train a GBI agent to do this, I am a former FBI agent, I can tell you, there is nobody in the GBI that wants to go do this stuff. They deal enough with this when they have to deal with the scene. Our goal here is to put as little regulation but as much capability for the family to not be victimized. If we get a call from the GBI saying they have a scene that someone has already cleaned, can we go take a look at it and give us documentation around that, we'd do that every day of the week.

**Anna Wrigley Miller, Office of Planning and Budget**

Okay. Thank you. To wrap this up, what I heard was some report around adding the EPD license to what they need to present and the possibility of it being at another agency other than the GBI. Can I get a motion from somebody on the committee?

**Jessica Simmons, Department of Revenue**

I make the motion as stated.

**Kelly Dudley, State Accounting Office**

Second.

**Anna Wrigley Miller, Office of Planning and Budget**

Can I have a vote? Raise your hand for Aye.

**[The vote was unanimous for Aye.]**

**Anna Wrigley Miller, Office of Planning and Budget**

Thank you, Les and everybody.

**Dan Kirk, Assistant Director of the Georgia Bureau of Investigation**

Talking about making a complaint to the GBI about not cleaning a crime scene properly, that is not what the bill said. The bill says we are to ensure they have a bond, liability insurance, and that the owner has a background check. That is it. You know, as far as complaints, that will have to be handled in the civil world. With the D.A., if there is a crime, local law enforcement and the district attorney are going to be involved if somebody steals something. Even if they report to us about a theft, we are going to refer to the locals. They have jurisdiction over them. That is the only two things I heard. I want to be sure everybody understands what we are going to be looking at, as far as the bill says, a bond, liability insurance, and a criminal history background. Any questions?

**Anna Wrigley Miller, Office of Planning and Budget**

Any questions? Alright, we are going to move on to the structural engineers now. Thank you to everybody from the trauma scene. Our next meeting is next Thursday, the 17<sup>th</sup>, from 10-12. Chairman Hitchens, I will send you meeting minutes.

## **Anna Wrigley Miller, Office of Planning and Budget**

We are going to start with HB 516, structural engineers. It is in the right-hand side of the folders; it is related to structural engineering. We will start with Cassie Scoggins doing an overview of the bill.

## **Cassie Scoggins, Office of Planning and Budget**

Good morning, HB 516 proposes the regulation of professional structural engineers through an issuing of a certificate of registration with the state Board for Professional Engineers and Land Surveyors (PELS). So, it is a long definition, but structural engineering is defined as, "The practice of a specialized branch of professional engineering involving the design or analysis of designated structures as defined by the board, and shall include any professional service, such as consultation, investigation, evaluation, planning, designing, analyzing, or responsible supervision of construction or operation, in connection with any public or private designated structures, wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of structural engineering principles and data and training in the application of mathematical and physical sciences." So, basically, in order for a person to gain a certificate of registration, they would have to go through the board. The eligibility requirements are listed in the bill and the bill summary. The only other thing is it gives a list of people who are exempt from having to have a certificate of registration. That is basically federal employees or officers, elected officers of political subdivisions, officers and employees of the department of transportation, defense, aviation, or aerospace employees or contractors, or any state or municipal officer or employee engaged in gathering, processing, managing, and sharing of geospatial or photogrammetric data, or cataloging or mapping purposes for executing duties authorized by their profession.

## **Anna Wrigley Miller, Office of Planning and Budget**

That was a quick overview for everybody on the council, but we will let the group do an overview. The first section of this bill deals with kickboxing, but we will not be talking about kick boxing. This bill is going to have to be reintroduced this session.

## **Ashley Jenkins, ACEC Georgia**

I am Ashley Jenkins with the ACEC Georgia. I am the government affairs director. This is my boss Sully. I have Michael Planner who is a structural engineer with his own firm. Darien Sykes, also a structural engineer with his own firm, and currently serves as the structural engineer on the PELS Board. And Russ Pennington, who is also a P.E. and serves on the PELS Board as well. This will be quicker than the last bill. We are not asking for new licensure for anybody. These guys have been licensed by the PELS Board since 1937.

## **Michael "Sully" Sullivan, ACEC Georgia**

Well, not these guys.

## **Ashley Jenkins, ACEC Georgia**

Structural engineers have been licensed since nineteen-thirty-seven (1937). This applies if you have taken the P.E.S.E. exam, a new structural engineering exam from two thousand and eleven (2011). If you have passed that exam, the passing rate is about forty percent (40%), then you can use the P.E.S.E designation on your stamp. Twenty-four (24) other states already allow this, so these guys, because they cannot use the P.E.S.E stamp when they are competing against other people from different state, those twenty-four (24) states, they are at a competitive disadvantage in bidding. We would like to allow them to be able to use the stamp. That is all this is.

## **Anna Wrigley Miller, Office of Planning and Budget**

Okay, a couple of questions. Would this be retroactive to everybody who has already passed the P.E.S.E. exam?

## **Darien Sykes, Professional Engineers and Land Surveyors Board**

Thank you for your time, and I like to kickbox too. In 2011, the exam transitioned from an eight (8) hour exam to a sixteen (16) hour exam. Those who participated on the eight (8) exam and passed it successful would sign an affidavit that they participate on designated structures would be grandfathered in. Those who have passed the exam after 2011 would be required to have taken the sixteen (16) hour exam, or if they passed it, they would get the designation of P.E.S.E.

## **Anna Wrigley Miller, Office of Planning and Budget**

Is this going to be marketed in any way to let people know that there will now be a P.E.S.E. designation? Consumers that would be hiring you.

## **Michael "Sully" Sullivan, ACEC Georgia**

Michael Sullivan, President and CEO of ACEC Georgia, the chairing association for Georgia engineering industry. We represent the entire engineering industry in Georgia, so certainly we would be marketing that to our members. Both of these gentlemen are members of a sister organization, Structural Engineers Association of Georgia, which would be marketing it out to their members. Structural engineers are a fairly small cadre of all professional engineers. We aren't talking just anybody who designs any structure, like a retaining wall or a house. It's these designated structures, these high-risk structures. It is a fairly small group of people, easy group to identify, and to market the information to.

## **Anna Wrigley Miller, Office of Planning and Budget**

Anybody else have questions?

## **Chairman Chuck Hufstetler, Georgia Senate**

I don't remember on that bill, but does it spell out those limitations?

## **Michael "Sully" Sullivan, ACEC Georgia**

Yes



## **Chairman Chuck Hufstetler, Georgia Senate**

I know in the Senate, and this wasn't on my radar, but it was 29-25 vote. It was some sort of controversy.

## **Michael "Sully" Sullivan, ACEC Georgia**

If you want to know who might be opposed to the bill, there is one state senator who is every opposed to this bill. He has what I would refer to as a philosophical objection. He believes there should be only one flavor of engineer, that all engineers should be P.E.s, and that is just the way it should be. He is concerned about a slippery slope, where, first it will be the structural engineers, then the geotechnical engineers, then it will be the electrical engineers. Structural engineers have been licensed separate, as Ashley said, in twenty-four (24) states, some since nineteen-sixteen (1916) There's no other branch of engineering that has been licensed separately in any of those states. So, the slippery slope concern...

## **Chairman Chuck Hufstetler, Georgia Senate**

What are the parameters of this?

## **Michael "Sully" Sullivan, ACEC Georgia**

The parameters, designated structures, this is already in law in PELS Board rule 180-2..., I don't need the citation. Designated structures are basically buildings like hospitals, prisons, they are defined in the international building code, risk category 3 or 4. In the international building code, any building or structure which has a covered gross area of one hundred thousand (100,000) square feet or great, or an occupied floor elevation that is forty-five feet or more above the average ground level, any building... you know, it's all physics terms. There's also a definition that applies to transportation structures. That definition is contained in the PELS Board rule, but it was also passed unanimously by the Georgia DOT board. Georgia DOT worked on this definition of designated structures with the PELS Board, and Georgia GOT is also in support of this legislation.

## **Darien Sykes, Professional Engineers and Land Surveyors Board**

If I may, really quick. I personally designed three retractable roof stadiums, one here in Georgia, two in other states. As I continue to pursue these types of projects, now, twenty-four (24) states require an S.E. licensure. So, the people who I am competing with may have this, and my client will be looking for this designation. So, it does create a challenge.

## **Michael "Sully" Sullivan, ACEC Georgia**

Yeah, that is the real challenge. If they are in a state that has the S.E., then the client is looking for the S.E., to Darien's point. If they are in a state that doesn't have the S.E., but see a bunch of people who are structural engineers by license and a bunch of Georgia engineers who are just professional engineers, they may not be sophisticated enough or take the time to understand that the Georgia

engineers actually have more experience or are more qualified than the folks from those states that have the S.E. after their name.

### **Chairman Chuck Hufstetler, Georgia Senate**

This thing says seven (7) states on the review done here, but you're saying that there are twenty-four (24) states.

### **Michael "Sully" Sullivan, ACEC Georgia**

Twenty-four (24) states have some form of structural engineer designation, yes.

### **Russ Pennington, Professional Engineers and Land Surveyors Board**

If I can give a little history from the PELS Board, first, we are under the Secretary of State's office, and then secondly, there is an organization called the National Council of Examiners of Engineers and Surveyors. They set a lot of the qualifications that we use to regulate. That is where the twenty-eleven (2011) change came in from them. National basis of the P.E.S.E. So, we changed a rule in twenty-fourteen (2014) that will be to add the designated structure definition, and what not. They were just a grey area. So, I'm a civil engineer, Darien is a structural engineer, and we overlap in certain places. That provided some clarification. For example, GDOT, their bridge engineers were just kind of stuck in a circle. They couldn't get the qualifications to sit for the exam. They were going to Alabama, Tennessee, South Carolina to get licensed, and they couldn't even get reciprocity to get it licensed in Georgia after they go that. That designated structure definition helped change that. So, they are now licensed. Now, moving forward, the statute change allows the official recognition of the S.E. to put us on par with those other twenty-four (24) states.

### **Christina Ferguson, Department of Public Health**

With the S.E. designation, will you then still have to meet the same continuing education requirements moving forward?

### **Michael Planer, Structural Engineers Association of Georgia**

Yes.

### **Christina Ferguson, Department of Public Health**

If you didn't have the S.E. designation, would you still be needing those same?

### **Michael "Sully" Sullivan, ACEC Georgia**

Literally nothing changes. We are kind of at the point where we, to use the legal term, have exhausted our administrative revenues. The PELS Board by rule, by creating the definition of designated structures, by imposing the sixteen (16) hour exam which is recommended by the National Council of Examiners of Engineers and Surveyors. They have done everything within their authority that they can do. The only thing left that is left is this name, for lack of a better phrase. It is really just those additional two letters because they are not in the code and not in the statute, PELS Board lacks that authority to give that final designation, that final step. Everything else, the PELS Board has already done. It's been in

place for several years. So, nobody's continuing education changes, the people who are required to be licensed doesn't change, who sits for the sixteen (16) hour exam doesn't change, literally nothing else changes except for the name, the two initials these two gentlemen can put after their name.

**Darien Sykes, Professional Engineers and Land Surveyors Board**

The administration in the PELS Board side doesn't change, either.

**Christina Ferguson, Department of Public Health**

And the education doesn't change?

**Michael "Sully" Sullivan, ACEC Georgia**

Everything is the same.

**Anna Wrigley Miller, Office of Planning and Budget**

I was going to ask what kind of cost estimate you had?

**Ashley Jenkins, ACEC Georgia**

There really should be none. I mean, they are already doing it. He is the structural engineer designee. He is already on the PELS Board, and they are already reviewing the structural engineers that come through.

**Michael "Sully" Sullivan, ACEC Georgia**

There will probably be some basic communication to all twenty-one thousand (21,000) licensees making them aware of it, so that if any of those licensees want to file the affidavit to obtain the P.E.S.E., but that would be fairly nominal.

**Anna Wrigley Miller, Office of Planning and Budget**

I will find out what that number is.

**Michael "Sully" Sullivan, ACEC Georgia**

We actually have a board meeting tomorrow, and I think that is on the agenda to discuss how to respond to OPB appropriately.

**Anna Wrigley Miller, Office of Planning and Budget**

Great. How many people are we talking about with this?

**Ashley Jenkins, ACEC Georgia**

Well, the failure rate is pretty high, it's very difficult. I mean, when you're designing stadiums, you really want to most qualified people.

### **Michael “Sully” Sullivan, ACEC Georgia**

I think, while you’re looking for that number, while the failure rate is rather high, part of that is the reflection on the grey area we were in. The PELS Board imposed the structural engineering exam in two-thousand and eleven (2011), again that is a national exam, the national standard, but we didn’t have a line drawn between people, like these gentlemen, designing bug-time structures and people designing just structures. Everybody with a structural background was being forced to take this exam, even if they weren’t really going to be designing designated structures. So, I think that failure rate is somewhat a reflection of that grey area where people were taking that exam when they shouldn’t have been. They should have been taking an eight (8) hour civil structural exam, but because that grey area existed, there was a high failure rate. What was that number?

### **Ashley Jenkins, ACEC Georgia**

We think it’s somewhere around sixty-eight (68) people took the sixteen (16) hour exam in twenty-seventeen (2017) and twenty-eighteen (2018), forty percent (40%) failure rate. About thirty-five (35) passage. If you put that all the way back to twenty-eleven (2011), there are probably one hundred and twenty (120) that have passed so far. On the grandfathering in, we will have to see that number. Do y’all have that number?

### **Christina Ferguson, Department of Public Health**

And that is the number of people who will be asking for reciprocity?

### **Ashley Jenkins, ACEC Georgia**

Yes.

### **Brent Vendola, Department of Natural Resources**

The criteria for what a designated structure is, does the absences of the S.E. after the name prevent them from designing?

### **Michael “Sully” Sullivan, ACEC Georgia**

Yes, the Secretary of State’s investigative staff would say if there was a complaint of folks practicing outside of their competency.

### **Michael Planer, Structural Engineers Association of Georgia**

Again, the sixteen (16) hour exam is based on studies done by NCEES that basically states the sixteen (16) hour exam is what the minimum requirement in order to be able to design designated structures.

### **Michael “Sully” Sullivan, ACEC Georgia**

Just to put that tin context, there are fifteen (15) exams, if I want to sit for a professional engineering exam, depending on what my experience or background is, I have fifteen (15) different exams I could be slotted in. Every single one of those is an eight-hour exam, except for the structural engineer’s exam. That is the only sixteen (16) hour exam. I think that is a pretty clear reflection that

when you are talking about designing designated structures, you are talking about something that is fundamentally at a much higher risk level to the public health, safety, welfare than all other types of engineering.

**Anna Wrigley Miller, Office of Planning and Budget**

Great. Any other questions? Okay. Thank you. A note to the state-by-state comparison, that was something O.P.B. did, and we were looking through code sections, and found those ten (10).

**Ashley Jenkins, ACEC Georgia**

In mine, I did list out all twenty-four (24). Do y'all have a copy mine?

**Anna Wrigley Miller, Office of Planning and Budget**

Yes, in your applicant packet?

**Ashley Jenkins, ACEC Georgia**

Yes.

**Anna Wrigley Miller, Office of Planning and Budget**

Yes, that is also in your packet. Thank you.

## **Anna Wrigley Miller, Office of Planning and Budget**

Okay, let's quickly move on to the Veterinarian Board.

## **Katie Roberts, Fiveash-Stanley, Inc.**

Good morning, I am Katie Roberts. I'm with the lobbying firm, Fiveash-Stanley, and we represent the Georgia Veterinary Medical Association. The group that represents veterinarians around the state. Today, I have with me Dr. Justin Toth of Marietta. He works on the association's wellness committee. He is going to be presenting those materials to you today.

## **Justin Toth, Georgia Veterinary Medical Association**

Good morning, my name is Justin Toth. I am a veterinarian. I have been practicing in Cobb county for twenty years. I love my profession, and that is why I am here taking off on a busy Monday morning practice to be here and talk about this. I can share story after story...

## **Anna Wrigley Miller, Office of Planning and Budget**

Sorry to speak over your, but we seemed to have missed the overview of the bill. Cassie?

## **Cassie Scoggins, Office of Planning and Budget**

This one is a lot shorter than the previous. They are increasing the membership on the state Board of Veterinary Medicine from six (6) to seven (7), and then they are adding a veterinary technician to that board. One of the other things, it authorizes the board to conduct a professional health program and contract with entities for the purpose of conducting such a program in order to help veterinarians that are addicted to substances and whatnot. It also says veterinarians are responsible for the cost of participation in the program.

## **Justin Toth, Georgia Veterinary Medical Association**

Okay, I am going to start by talking about the professional health program first since that is what is near and dear to my heart. As I was saying, I do love my profession and that is why I am here. There is a much darker side to my profession that we share. We touched several times on people who were affected by suicide in this meeting. The CDC recently conducted a study with thirty-six (36) years of data. They determined that female veterinarians are at a three-hundred and fifty percent (350%) greater risk of suicide than the general population. This isn't a problem; this is a crisis. There are key factors that the CDC, and the American Veterinary Medical Association identified in their own studies, that leads up to this, such as depression, serious psychological issues, and addiction. I am a part of the Georgia Veterinary Medical Association. I was assigned to the wellness committee and assigned the specific task of targeting addiction. What can we do to help veterinarians in Georgia that are addicted? During my research, I came across the professional health program. The professional health program, or PHP, has been around for a long time. We're not trying to create something that is new. It already exists in forty-six (46) states, including Georgia, but what is unique about Georgia is they do not allow veterinarians to participate. Currently, a veterinarian in Georgia who desires to seek help for an addiction must self-report to the state board. By doing so, they run the risk of losing their license. There is study after study that shows the fear of losing your license is what stops people from getting early help, so they wait until

the problem escalates and is much worse. I will tell you a real-life story. Since I am on the wellness committee, I get a call from a faculty member from the University of Georgia. They had an addiction problem, and they knew they had a problem and needed help. They wanted safe harbor. They didn't want to lose their job or license. With the PHP, we could have made a confidential referral. That individual would have gotten the help they need, there would have been tremendous oversight, and everything would have had a happy ending. Without PHP, my advice had to be, seek legal counsel and hope for the best. We can do better. Basically, as long as an individual continues to make progress in the PHP, which there are random drug tests for over five years, they maintain their license and it's confidential, but if they fail a single drug test or do not participate in the program as directed, they are immediately overturned to the board for disciplinary action. PHP oversees the treatment of the individual, the individual pays all fees associated with treatment. The cost to the Georgia taxpayers is zero dollars. I know that puts a big smile on everybody's faces. PHP was introduced in Georgia in 2010. It was listed as Senate Bill 252, and that allowed the Georgia Composite Medical Board to establish the professional health program to work with physicians.

### **Katie Roberts, Fiveash-Stanley, Inc.**

And currently, that is something that is contracted out to a private, third-party independent company, the Professional Health Program, Incorporated. They won the state contract when this was bid out by DOAS in, I think, twenty-eleven (2011) following the authorization of the legislation in twenty-ten (2010). So, starting in twenty-twelve (2012), members of the Composite Medical Board had access to this professional health program. The structure of twenty-ten's (2010) senate bill two-fifty-two (252) limited participation, limits participation, to only professionals licensed by the Composite Medical Board. Veterinarians, and other professions at risk of addiction do not currently have access to it, even though there is a company providing those services in Georgia.

### **Anna Wrigley Miller, Office of Planning and Budget**

Can you walk us through what would happen if I sought treatment with the board with the Professional Health Program in place?

### **Justin Toth, Georgia Veterinary Medical Association**

If we had PHP in effect, if you contacted the board, you would immediately be referred to PHP, which is an independent, third-party. PHP would then be in charge of referring you to a rehab center for the medical care. PHP in Georgia, by the way, is run by Dr. Paul Early, and he is not new to the mental health care industry. He was the head medical director of...anyway, he has been doing this a long time. They are the ones in charge of making sure you are seeking the care and treatment and you are complying with random drug tests for a minimum of five (5) years.

### **Anna Wrigley Miller, Office of Planning and Budget**

Would you continue to practice as a veterinarian during this time?

### **Justin Toth, Georgia Veterinary Medical Association**

That is at the discretion of the medical provider. If you are severely impaired, the answer may be no, but if they feel that you are stable and able to practice, then you could. My understanding is a lot

of them in the early stages are not able to practice. A lot them have in-patient therapy, which you would not be able to practice during. It's there for consumer protection as well. The view from the Composite Medical Board is not only does it benefit physicians; it benefits the patients as well.

**Katie Roberts, Fiveash-Stanley, Inc.**

I would say another thing to add in that regard, in addition to veterinarians being able to self-refer, you have colleagues, a spouse, a patient even, could say there is something weird and they suspect something. Rather than that colleague or spouse having to take something to the State Board and potentially risk ruining a career because of a suspicion, they can do an anonymous referral to this PHP to get the ball rolling on determining what is really going on with that licensee without jumping to conclusion.

**Kelly Dudley, State Accounting Office**

Who else is able to participate? I assume physicians, nurses, pharmacists...

**Katie Roberts, Fiveash-Stanley, Inc.**

No, only people licensed by the Composite Medical Board, so physician assistants, physicians, respiratory therapists. Folks like dentists, nurses, folks with access to prescriptions, they currently do not have access. During this year's session, we had an amendment offered by the Dental Association that they were prepared to hop onto our bill because of their members also recognized a need for this. Dr. Toth has been in touch with the nursing association because this is something their wellness committee is looking at for access to. There are a number of other professions that are in the process of determining if this is a good resource for them.

**Anna Wrigley Miller, Office of Planning and Budget**

Other questions? No? Okay, let's move on to the veterinary technicians.

**Justin Toth, Georgia Veterinary Medical Association**

We opened our practice act to amendment two (2) years ago, it needed a revision because it was ten (10) or twelve (12) years old. During the original planning, we had been in support for years of adding a veterinary technician to the board. Basically, give the technicians a voice on our board. Everyone was in favor of it from the Georgia Veterinary Medical Association standpoint, also Georgia Veterinary Technician Association. They are all in favor of this as well. It was put on the initial draft two (2) years ago, after all the striking out and amendment, etc., and we didn't even realize it had been omitted until final passage. Basically, we are trying to go forward with what our intentions were for that.

**Anna Wrigley Miller, Office of Planning and Budget**

For everyone, we have three letters of support, one from the Georgia Veterinary Medical Association, and Georgia Veterinary Technician and Assistant Association, and the Georgia Composite Medical Board. Have you done any cost analysis on what it would be to add a member? It should be minimal.



### **Justin Toth, Georgia Veterinary Medical Association**

It would be per diem for the technician coming down for the board hearings.

### **Katie Roberts, Fiveash-Stanley, Inc.**

We've really tried to think of some costs because we wanted to be as thorough as we could with submitting information to you. On the PHP side, it would be the cost of bidding out the contract. You know, DOAS. On the veterinary technician side, it would be the cost of the per diem, but again, that group currently has no say on any state board, so short of creating another state board, this would just add them. That being the most responsible thing to do.

### **Anna Wrigley Miller, Office of Planning and Budget**

Okay, any more questions on that? I also wanted to point out that OPB did a state-by-state comparison for this as well. Cody?

### **Cody James Pyle, Office of Planning and Budget**

There were twenty-two (22) states that I found to have veterinary technicians on their board. They range from all across the country. Three (3) of our neighbors have them, Alabama, South Carolina, and North Carolina. For the professional health programs, I found the need to delineate between who has one and who offers them only to health professionals other than veterinarians. There were fourteen (14) I found that did have professional health programs, explicitly stated they were for veterinarians, and explained they could enter into contract or agreement with a third-party, non-state agency. They were Alabama, Arizona, California, Colorado, Florida, Indiana, Kansas, Michigan, Minnesota, Nebraska, North Carolina, North Dakota, Virginia, and Wyoming. Then there were twenty-three (23) states that had a professional health program, or some form of crisis program, for health care professionals or public health professionals, or had language within their codification that allowed boards to force licensees in to mental or physical examination. The only state I had issue with was Massachusetts, who repealed their code section in twenty-seventeen (2017), and I was unable to find it elsewhere.

### **Anna Wrigley Miller, Office of Planning and Budget**

Any follow up to this?

### **Chairman Chuck Hufstetler, Georgia Senate**

The only controversy I remember around this is the title of "veterinary nurse."

### **Katie Roberts, Fiveash-Stanley, Inc.**

That is not in this at all. This is a complete separate measure.

### **Anna Wrigley Miller, Office of Planning and Budget**

Moving forward for you guys, we will probably pull costs of the bill, draft of the report for the bill, and I think the will of the committee is passage.

**Justin Toth, Georgia Veterinary Medical Association**

I would love to be here further, but my work schedule.

**Katie Roberts, Fiveash-Stanley, Inc.**

I can connect you with Dr. Toth. We do anticipate having a veterinarian here at the next meetings to answer questions.

**Anna Wrigley Miller, Office of Planning and Budget**

Thank you, guys, and thank you to the council. It has been a marathon Monday Morning. Can I get a motion to adjourn?

**Kelly Dudley, State Accounting Office**

I motion to adjourn.

**Jessica Simmons, Department of Revenue**

Second.

**Anna Wrigley Miller, Office of Planning and Budget**

All in favor?

**[Unanimously in favor to adjourn]**

**Anna Wrigley Miller, Office of Planning and Budget**

Okay, we will see you all next Thursday.