

Laboratory Certification Standards Review Council Meeting Minutes From 11/11/2009

Attendance

Council Members: Dave Kliber (Chair), Sue Hill (Vice-Chair), Steve Jossart (Secretary), Chris Groh *via LiveMeeting link*, Kirsti Sorsa, Randy Thater *via LiveMeeting link*, Judy Tholen

DNR Staff: David Webb, Rick Mealy

Others in Attendance: Tom Priebe (Northern Lake Service) *via LiveMeeting link*, Tom Hungerford (S-F Analytical), Paul Harris (Davy Labs) *via LiveMeeting link*

Summary and Action Items

At this meeting the Certification Standards Review Council:

- o approved minutes of the August 11, 2009 meeting,
- o reviewed program audit performance,
- o approved additional analyte certifications,
- o approved updated PT requirements effective 1-1-2010,
- o tentatively scheduled the Council's next meeting for Tuesday, February 9, 2010

Agenda Items

I. Check in/Agenda Repair

- A. No modifications to the agenda were required.

II, Review and Approval of Draft Minutes from 8-11-09 Meeting

- A. A motion to approve the minutes with several minor changes discussed during the meeting was unanimously approved (Hill/Tholen).

III. Program Audit Status Report- for FY10 Year-to-Date

- A. Rick Mealy presented Council members with program audit statistics and backlog information. He noted initially that designations have been changed from "Central Office" to "Commercial/Public Health Labs" and from "Regional" to "Municipal/Industrial Labs" to better reflect the composition of labs in each sector. In addition, based on a sustained reduction in program labs, it is appropriate to reduce the number of annual audit targets from 38 to 35 for the "Commercial/Public Health" lab sector and from 100 to 97 for the "Municipal /Industrial" sector.
- B. Mealy reported that the program now consists of 394 labs with an audit responsibility, which is a reduction of 9 labs from November 2008.
- C. Mealy highlighted the following aspects of program performance:
- ▶ The Commercial/Public Health numbers look good: audits are up 28% over Nov '08; reports are up 400% over Nov '08; closures are up 61% over Nov '08.
 - ▶ Municipal/Industrial numbers are right on pace with Nov'08. Only closures are down (28%) from last year.
 - ▶ Only 55% of reports were issued w/in 30 days (FY09 closed at 67%).
 - ▶ The program performed two (2) unanticipated audits due to new lab applications (and recently a third application was received). In addition, one lab required a follow-up audit. These audits make it more difficult to achieve our annual targets.
 - ▶ The number of overdue reports decreased 50% for Commercial/Public Health labs and decreased 25% for Municipal/Industrial labs.
 - ▶ The number of open cases dropped 30% for the Commercial/Public Health lab sector but increased 10% for the Municipal/Industrial sector.
- D. Commercial/ Health lab sector backlog items of note:
- ▶ The number of labs overdue for an audit is decreasing steadily.
 - ▶ The oldest open case is now less than 1 year old.
 - ▶ Five (5) reports remain that are overdue more than 3 months.
 - ▶ Three (3) open cases were noted by audit staff as being the result of extenuating circumstances. One audit has subsequently been closed since program performance data reports were generated.

- E. Municipal/Industrial lab sector backlog items of note:
- ▶ The backlog is progressing about as planned--continued stability for these labs.
 - ▶ There are a few lagging open cases.
 - ▶ The oldest overdue report is only about 1 month beyond the 30 day target.
- F. Backlog aging report items of note:
- ▶ The graphs indicate that the Commercial/Public Health lab sector backlog is exactly where we need it to be...the program just needs to maintain it.
 - ▶ The Municipal/Industrial backlog looks good as well. There remains a slight backlog, but it is mitigated by the reduction in lab audit priorities over the next two years.
 - ▶ If one compares the plots for each of the last three years, the efforts of the program to reduce the backlog are readily apparent.

FY2010 Cumulative Totals

CENTRAL OFFICE			REGIONAL		
	Total YTD	Goals		Total YTD	Goals
Audits	9	35		33	97
Reports	12	35		28	97
Closures	21	35		23	97
Reports Due	8			9	
Open Cases	21			56	

(Goals based on audit every 3 years)

FY2010 Quarterly Totals

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
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CENTRAL OFFICE

Audits	7	2		
Reports	8	4		
Closures	17	4		
	AUG	NOV	FEB	MAY
Pending Reports	7	8		
Open Cases	23	21		

REGIONAL

Audits	25	8		
Reports	20	8		
Closures	21	2		
Pending Reports	8	9		
Open Cases	40	56		

Total Labs by Responsibility		8/1/09	2/1/09	5/1/08	11/15/07	8/1/07
CO	Central Office	103	109	110	113	118
RC	Regional/Central	----	----	----	----	----
NE	Northeast	60	62	65	65	66
NO	Northern	29	29	31	31	31
WC	West Central	63	60	62	61	61
SC	South Central	71	74	75	75	75
SE	Southeast	68	69	69	69	69
Total Regional		291	295	302	301	302

Total Audit Responsibility	394	404	414	420	423
O Other/Reciprocity	8	8	7	7	8

- G. After a discussion regarding the time it takes labs to respond to deficiency and how it relates to closing an audit, Dave Kliber commented that the LabCert Council will always be pushing to reduce the time it takes to reach audit closure. Kliber asked if Dave Webb received more frequent notifications of different program metrics. Webb responded that he receives monthly program summary reports and takes action based on that data. He pointed to the recent increase in the number of audit reports released for the Commercial/Health lab sector. That increase was related to information received in monthly status reports, which indicated that the number of overdue reports was rising.
- H. Kirsti Sorsa asked whether recently announced audit assignment changes have been successful. Webb responded that a good example was the recent addition of a lab in the Duluth area. Having an auditor stationed in LaCrosse made it logical for that individual to be assigned the lab.
- I. Sue Hill noted that there are still some reports that have yet to be issued for audits performed in April, May, and June and asked if there was something out of the ordinary about these reports. Webb indicated that he believed at least one of the reports has been issued, but not entered into the database. He added that he would be following up on the other audits.
- J. Randy Thater noted that he was not surprised that audit closures are lacking. He suggested that new code requirements are making it take labs a little longer to get required documentation in place. In addition, the reduction in audit staffing can only exacerbate things.

IV. PT Program Changes

- A. Noting that the program needs to add additional analytes based on laboratory needs, the Council; unanimously approved a motion (Thater/Hill) to adopt additional analyte certifications, as recommended by the program.
- B. Rick Mealy noted that a special edition of the program newsletter, LabNotes, would be devoted to clarifying the PT program requirements, specifically intended to circumvent problems that arose during this past renewal period. Noting the cost of printing, and the general availability of the Internet, Dave Kliber asked whether we should continue generating print copies of LabNotes. Tom Hungerford asked if we could optionally send hardcopies upon request. Sue Hill suggested that the program send a postcard to all those entities that typically receive LabNotes and indicate that printing has been discontinued. The postcard could include a weblink where users could locate current and past editions of LabNotes.
- C. A motion (Thater/Hill) to approve the program's suggested changes to PT requirements was unanimously supported on a vote by the Council.

V. Program Vacancy

- A. Dave Webb initiated the discussion by recapping that Diane Drinkman left the program in the spring of 2009. His approach for addressing the vacancy was initially to wait until after renewal to ensure that the number of labs in the program had not significantly eroded. Webb presented an analysis summary that offered no recommendation, merely a factual review of key program staffing metrics.
- B. In order to more easily summarize staffing rationale to agency senior management, Webb offered a simple metric of "Revenue per Lab", determined by dividing the program budget by the number of labs in the program. The other metric of note is the number of labs per auditor, obtained by dividing the number of labs by the number of audit staff. Webb summarized this data over the past five years. The "labs per auditor" metric has increased from 75 to 83 over the past 5 years (an 11% increase). The budget (which is largely salaries) is up 15% over the same period. The analysis concluded with the program costs incurred by options ranging from not filling the vacancy (cost neutral) to filling the vacancy with an FTE (about \$70K; increases the cost per RVU from \$58 to \$65 (11%).
- C. Dave Kliber commented that the analysis provides an excellent picture. Kirsti Sorsa asked about the use of Limited Term Employees (LTE). Webb explained, for those less familiar with the terminology, the distinction that as temporary employees, LTEs essentially earn no benefits, so the fringe costs associated with LTEs are much less than for FTEs. The cost of a full LTE is about \$31K, while hiring one-half FTE would cost about \$36K.

- D. Dave Kliber summarized that if we want to hold the line on the cost per RVU, the best option is not to fill the vacancy. Webb responded that he felt that the program could benefit from some degree of staff increase, citing the degree to which existing staff is stretched and the lack of time available to provide support for non-audit activities such as training. Webb added that the reason the LabCert program exists is to make sure that the programs making decisions based on lab data are adequately supported. Webb also commented that the most important metric is the number of program contacts and assistance provided. Additionally, he wants to be able to agree to speaking/training opportunities at organizations like WELA and WWOA, where he has had to decline in recent months.
- E. Kliber commented that the workload due to NR149 changes is still a new and relatively temporary demand. In the lab community, temporary labor would be used in these situations. Webb responded that the difficulty is in finding individuals who have the necessary skills and training. Kirsti Sorsa asked if Webb felt there might be individuals in the workforce who might have the necessary skill set to come in and be able to audit labs quickly. Webb indicated that he believed there were. Sorsa then asked that if an LTE is hired and they work out, could the position be increased to a full or half FTE. Webb responded that it would be possible, but it would have to be an open recruitment process and the individual would have to apply and compete.
- F. Sue Hill asked whether any of the scenarios would help to retain the position. Kliber additionally inquired whether there would be any advantage if the Council formally requested the position remain open. Webb responded that the concern would be if another agency sees the position unfilled for a period of time. Tom Hungerford asked whether hiring an LTE now would classify the position as partially filled. Webb responded that the program has spending authority at the present time to add an LTE.
- G. Webb emphasized that he does not want to “over-fill” the vacancy. Subjectively speaking, he believes the program is somewhere between doing nothing and hiring a full FTE. The concern is that once one hires an FTE, the program better need it because they are going to have it. If, for example, a staff member were to announce that they would be retiring, it would make sense to hire a full FTE to plan for the future.
- H. Kliber asked if Webb was seeking a recommendation from the Council at this meeting. Webb answered that his intent was to merely provide the factual landscape. Kliber, speaking for his constituency, indicated that the preference would be hold onto the vacancy and revisit the issue quarterly.
- I. Asked by Sue Hill if the program was operating with a manageable workload at present, Webb laid out the audit staff and their responsibilities. He noted specifically that the auditor for the southern part of the state has a workload of over 30 audits per year, a level bordering on “uncomfortable”. Webb commented that he could definitely use someone in the southern/southeastern portion of the state to cover some of those audits.
- J. Sue Hill noted that the state is just beginning to get into furloughs and wanted to know how that would affect workload. Webb responded that qualitatively, furloughs mean the loss of 6 staff times 8 days each, for a total of 48 staff-days lost. Kliber commented that these being tough times, everyone is forced to squeeze more in or take on more workload. Steve Jossart commented that he didn’t want to see the service level of the program slip.
- K. Randy Thater stated that his preference would be to add a full FTE, but given the long term and short trends, agrees that may not be realistic. He believes the case can be made to add a half-time individual, but doesn’t have strong feelings on whether that should be LTE or FTE.
- L. Dave Webb closed the discussion by indicating that he will be starting to construct a budget this winter, and as he does so will consider this feedback.

VI. Variances

- A. No new variances to report.

VII. Open Issues

- A. Dave Kliber indicated that he asked this item be reviewed annually and asked if anyone had any comments on the status report.

- B. Tom Hungerford asked if there was any change in the status of the *E.coli* issue, and whether certification might be rolled into LabCert one day. Webb indicated that there was no change, and that perhaps one day certification for wastewater microbiologicals could be a possibility.

VIII. Other Program & DNR Business

- A. NR 149 – Dave Webb indicated that he is getting questions about opening up NR 149 for revision. He indicated that he is supportive of a rule change, possibly after the holidays. The big question is the procedural aspects of such a change.

Dave Kliber commented that, like a WELA meeting, we could just all get together in a room and talk. Webb cautioned the group that he cannot talk about a code change, formally or otherwise, until the program generates a “pink sheet”. The “pink sheet” provides formal notice to the agency senior management and the Natural Resources Board that such conversations regarding a rule change are occurring and authorizes Webb to engage in such discussions. Tom Hungerford commented that the only feedback he has received is that minor changes would be required. Webb agreed that neither he nor program staff feel that major changes are in order.

Other Rule Changes: Mealy announced that the comment period for changes to NR 809 is closing in December and that NR140 has received authorization to hold public hearings on changes that would add regulatory standards for about 15 additional analytes, and revise existing standards for 15 additional analytes.

IX. Council Member Issues

- A. Kirsti Sorsa asked if the program had any information regarding Discrete Analyzers. Paul Harris mentioned that if considering the AQ2 system, the vendor will actually bring one into your lab and demonstrate it for about four hours. It is being sold through SEAL Analytical in Mequon.
- B. Paul Harris asked if Dave Webb was charged with responsibility for NR 114, and how would someone request that the rule be opened for review. Webb indicated that he has partial responsibility for the rule along with Watershed Management. He added that the rule happens to be currently open for revision.
- C. Chris Groh commented that, while it is his assumption that a letter is sent to a lab whenever their audit is “closed”, he has received several calls from operators that are uncertain whether their audit has been closed. Webb responded that the program has moved to sending letters like this electronically, so operators should report any e-mail changes to their auditor.

X. Next Meeting Date

- A. The next Council meeting was tentatively scheduled for Tuesday, February 9, 2010 at the DNR Science Operations Center (2801 Progress Road, Madison).

The meeting was adjourned at 12:20 pm (SH/SJ).