

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 834

Short Title: Rewrite Sanitarian Examiners Laws/Fees. (Public)

Sponsors: Senators Bingham; Albertson, Goss, Hartsell, Kinnaird, Purcell, Stevens, and Swindell.

Referred to: Health Care.

March 25, 2009

1 A BILL TO BE ENTITLED
2 AN ACT REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING
3 THE STATE BOARD OF SANITARIAN EXAMINERS TO INCREASE CERTAIN
4 FEES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) The title of Article 4 of Chapter 90A of the General Statutes reads
7 as rewritten:

8 "Article 4.

9 Registrations of ~~Sanitarians~~Environmental Health Specialists."

10 SECTION 1.(b) G.S. 90A-50 reads as rewritten:

11 "**§ 90A-50. State Board of ~~Sanitarian~~Environmental Health Specialist Examiners.**

12 (a) There is hereby created a State Board of ~~Sanitarian~~Environmental Health Specialist
13 Examiners to register qualified ~~sanitarians~~environmental health specialists to practice within
14 the State.

15 (b) It is the sole purpose of this Article to safeguard the health, safety, and general
16 welfare of the public from adverse environmental factors and to register those environmental
17 health professionals practicing as registered environmental health specialists or registered
18 environmental health specialist interns who are qualified by education, training, and experience
19 to work in the public sector in the field of environmental health within the scope of practice as
20 defined in this Article."

21 SECTION 2. G.S. 90A-51 reads as rewritten:

22 "**§ 90A-51. Definitions.**

23 The words and phrases defined below shall when used in this Article have the following
24 meaning unless the context clearly indicates otherwise:

25 (1) "Board" means the Board of ~~Sanitarian~~Environmental Health Specialist
26 Examiners.

27 (2) "Certificate of registration" ~~is~~means a document issued by the Board as
28 evidence of registration and qualification to practice as a ~~sanitarian~~or a
29 ~~sanitarian intern~~registered environmental health specialist or a registered
30 environmental health specialist intern under this Article. The certificate shall
31 bear the designation "~~registered sanitarian~~" or "~~sanitarian intern~~"Registered
32 Environmental Health Specialist' or 'Registered Environmental Health
33 Specialist Intern' and show the name of the person, date of issue, serial
34 number, seal, and signatures of the members of the Board.

35 (2a) 'Environmental health practice' means the provision of environmental health
36 services, including administration, organization, management, education,



1 enforcement, and consultation regarding environmental health services
 2 provided to or for the public. These services are offered to prevent
 3 environmental hazards and promote and protect the health of the public in
 4 the following areas: food, lodging, and institutional sanitation; on-site
 5 wastewater treatment and disposal; milk and dairy sanitation; shellfish
 6 sanitation; recreational water quality; public swimming pool sanitation;
 7 childhood lead poisoning prevention; well permitting and inspection; tattoo
 8 parlor sanitation; and all other areas of environmental health requiring the
 9 delegation of authority by the Division of Environmental Health to State and
 10 local environmental health professionals to enforce rules adopted by the
 11 Commission for Public Health. The definition also includes local
 12 environmental health professionals enforcing rules of local boards of health
 13 for on-site wastewater systems and wells.

14 (2b) 'Environmental health specialist' means a public health professional who
 15 meets the educational requirements under this Article and has attained
 16 specialized training and acceptable environmental health field experience to
 17 effectively plan, organize, manage, provide, execute, and evaluate one or
 18 more of the many diverse elements comprising the field of environmental
 19 health practice.

20 (3) ~~"Registered sanitarian" is a sanitarian registered in accordance with the~~
 21 ~~provisions of this Article.~~

22 (4) ~~"Sanitarian" is a public health professional qualified by education in the arts~~
 23 ~~and sciences, specialized training, and acceptable environmental health field~~
 24 ~~experience to effectively plan, organize, manage, execute and evaluate one~~
 25 ~~or more of the many diverse elements comprising the field of environmental~~
 26 ~~health. Practice in the field of environmental health within the meaning of~~
 27 ~~this Article includes, but is not limited to, organization, management,~~
 28 ~~education, enforcement, and consultation for the purpose of prevention of~~
 29 ~~environmental health hazards and the promotion and protection of the public~~
 30 ~~health and the environment in the following areas: food, lodging and~~
 31 ~~institutional sanitation, on site sewage treatment and disposal, and milk and~~
 32 ~~dairy sanitation.~~

33 'Registered environmental health specialist' means an environmental health
 34 specialist registered in accordance with the provisions of this Article.

35 For purposes of this Article the following are not included within the
 36 definition of ~~"sanitarian";~~ 'registered environmental health specialist' unless
 37 the person is working as an environmental health specialist:

- 38 a. A person teaching, lecturing, or engaging in research.
- 39 b. A person who is a sanitary engineer, public health engineer, public
 40 health engineering assistant, registered professional engineer,
 41 industrial hygienist, health physicist, chemist, epidemiologist,
 42 toxicologist, geologist, hydrogeologist, waste management specialist,
 43 or soil scientist, ~~except when the person is working as a~~
 44 ~~sanitarian-scientist.~~
- 45 c. A public health officer or public health department director.
- 46 d. A person who holds a North Carolina license to practice medicine,
 47 veterinary medicine, or nursing.
- 48 e. Laboratory personnel when performing or supervising the
 49 performance of sanitation related laboratory functions.

50 ~~It is the sole purpose of this Article to safeguard the health, safety, and~~
 51 ~~general welfare of the public from adverse environmental factors and to~~

1 register those environmental health professionals practicing as sanitarians
 2 who are qualified by education, training, and experience to work, or are
 3 working, in the public sector in the field of environmental health within the
 4 scope of practice as defined in this Article.

- 5 (5) "~~Sanitarian intern~~" is Registered environmental health specialist intern'
 6 means a person who possesses the necessary educational qualifications as
 7 prescribed in ~~G.S. 90A-53(3)~~, G.S. 90A-53, but who has not completed the
 8 experience and specialized training requirements in the field of public health
 9 sanitation as required for registration."

10 **SECTION 3.** G.S. 90A-52 reads as rewritten:

11 **"§ 90A-52. Practice without certificate unlawful.**

12 (a) In order to safeguard life, health and the environment, it shall be unlawful for any
 13 person to practice as ~~a sanitarian~~ an environmental health specialist or an environmental health
 14 specialist intern in the State of North Carolina or use the title "~~registered sanitarian~~" Registered
 15 Environmental Health Specialist' or 'Registered Environmental Health Specialist Intern' unless
 16 ~~such the~~ the person shall have obtained a certificate of registration from the Board. No person shall
 17 offer ~~his~~ services as a registered ~~sanitarian~~ environmental health specialist or registered
 18 environmental health specialist intern or use, assume or advertise in any way any title or
 19 description tending to convey the impression that ~~he the~~ person is a registered ~~sanitarian~~
 20 environmental health specialist or registered environmental health specialist intern unless ~~he~~
 21 the person is the holder of a current certificate of registration issued by the Board.

22 (b) Notwithstanding the provisions of subsection (a), a person may practice as a
 23 ~~sanitarian intern~~ environmental health specialist intern for a period not to exceed three years
 24 from the date of the initial registration, provided he the person has obtained a temporary
 25 certificate of registration from the Board."

26 **SECTION 4.** G.S. 90A-53 reads as rewritten:

27 **"§ 90A-53. Qualifications and examination for registration as a ~~sanitarian~~ an**
 28 **environmental health specialist or environmental health specialist intern.**

29 (a) The Board shall issue ~~certificates~~ a certificate to a qualified persons ~~person~~ as a
 30 registered sanitarians environmental health specialist or a registered environmental health
 31 specialist intern. A certificate as a registered ~~sanitarian~~ environmental health specialist or a
 32 registered environmental health specialist intern shall be issued to any person upon the Board's
 33 determination that such person:

- 34 (1) Has made application to the Board on a form prescribed by the Board;
 35 (2) Is of good moral ~~character~~ and ethical character as attested by an agreement
 36 signed by the applicant to adhere to the Code of Ethics adopted by the
 37 Board;
 38 (3) Has ~~received~~ graduated from a baccalaureate or postgraduate degree from a
 39 post-secondary educational institution rated as acceptable by the Board with
 40 a minimum of 30 semester hours or its equivalent in the physical and/or
 41 biological sciences; program that is:
 42 a. Accredited by the National Environmental Health Science and
 43 Protection Accreditation Council (EHAC) and has one or more years
 44 of experience in the field of environmental health practice; or
 45 b. Accredited by an accrediting organization recognized by the United
 46 States Department of Education, Council for Higher Education
 47 Accreditation (CHEA) or received a baccalaureate degree from a
 48 postsecondary educational institution rated as acceptable by the
 49 Board and:
 50 1. Earned a minimum of 30 semester hours or its equivalent in
 51 the physical or biological sciences; and

2. Has two or more years of experience in the field of environmental health practice.

(4) ~~Has satisfactorily completed a course in specialized instruction and training approved by the Board which course shall be designed as to content and so administered as to present sufficient knowledge of the needs properly to be served by public health sanitation, the elements of good environmental health sanitation, the laws and regulations governing sanitation in environmental health and the protection of the public health;~~Board;

(5) ~~Has had at least two years' experience in the field of environmental health as defined in this Article. Provided, however, that only one year of experience in the field of environmental health as defined in this Article is required of a sanitarian intern who is a graduate of a bachelor's or master's degree program that is accredited by the National Accreditation Council for Environmental Health Curricula of the National Environmental Health Association;~~

(6) Has passed an examination administered by the Board designed to test for competence in the subject matters of environmental health sanitation. The examination shall be in a form prescribed by the Board and may be oral, written, or both. The examination for applicants shall be held annually or more frequently as the Board may by rule prescribe, at a time and place to be determined by the Board. A person shall not be registered if such person fails to meet the minimum grade requirements for examination specified by the Board. Failure to pass an examination shall not prohibit such person from being examined at subsequent times and places as specified by the Board; and

(7) Has paid a fee set by the Board not to exceed the cost of purchasing the examination examination and an administrative fee not to exceed one hundred fifty dollars (\$150.00).

(b) The Board may issue a certificate to a person serving as a registered environmental health specialist intern without the person meeting the full requirements for experience of a registered environmental health specialist for a period not to exceed three years from the date of initial registration as a registered environmental health specialist intern, provided, the person meets the educational requirements in G.S. 90A-53 and is in the field of environmental health practice."

SECTION 5. G.S. 90A-54 is repealed.

SECTION 6. G.S. 90A-55 reads as rewritten:

"§ 90A-55. State Board of Sanitarian-Environmental Health Specialist Examiners; appointment and term of office.

(a) Board Membership. – The Board shall consist of ~~nine members~~; 12 members who shall serve staggered terms; the Secretary of Environment and Natural Resources, or the Secretary's duly authorized representative, one public-spirited citizen, one environmental sanitation educator from an accredited college or university, one local health director, a representative of the Division of Environmental Health of the Department of Environment and Natural Resources, and ~~four~~ seven practicing ~~sanitarians~~ environmental health specialists who qualify by education and experience for registration under this Article, ~~three~~ six of whom ~~will~~ shall represent the Western, Piedmont, and Eastern Regions of the State as described more specifically in the rules adopted by the Board.

(b) Term of Office. – Each member of the State Board of ~~Sanitarian-Environmental Health Specialist Examiners~~ shall be appointed by the Governor for a term of four years. As the term of each current member expires, the Governor shall appoint a successor in accordance with the provisions of this section. If a vacancy occurs on the Board for any other reason than

1 the expiration of a member's term, the Governor shall appoint a successor for the remainder of
 2 the unexpired term. No person shall serve as a member of the Board for more than two
 3 consecutive four-year terms.

4 (c) The Environmental Health Section of the North Carolina Public Health Association,
 5 Inc., shall submit a recommended list of Board member candidates to the Governor for ~~his~~the
 6 Governor's consideration in appointments-appointments, except for the two representatives of
 7 the Department of Environment and Natural Resources recommended by the Secretary of
 8 Environment and Natural Resources and the local health director recommended by the North
 9 Carolina Local Health Directors Association.

10 (d) The Governor may remove an appointee member for misconduct in office,
 11 incompetency, neglect of duty, or other sufficient cause."

12 **SECTION 7.** G.S. 90A-56 reads as rewritten:

13 "**§ 90A-56. Compensation of Board members; expenses; employees.**

14 Members of the Board ~~shall~~may receive compensation and be reimbursed for travel
 15 expenses in accordance with G.S. 93B-5. Notwithstanding G.S. 93B-5(a), the per diem for
 16 eligible Board members shall not exceed fifty dollars (\$50.00). The Board may employ
 17 necessary personnel for the performance of its functions and fix the compensation therefor,
 18 within the limits of funds available to the Board. The total expenses of the administration of
 19 this Article shall not exceed the total income therefrom and none of the expenses of said Board
 20 or the compensation or expenses of any officer thereof or any employee shall ever be paid or
 21 payable out of the treasury of the State of North Carolina; and neither the Board nor any officer
 22 or employee thereof shall have any power or authority to make or incur any expense, debt, or
 23 other financial obligation binding upon the State of North Carolina."

24 **SECTION 8.** G.S. 90A-57(a) reads as rewritten:

25 "(a) The Board shall annually elect a ~~chairman, vice-chairman and a secretary~~chair,
 26 vice-chair, and a secretary-treasurer from among its membership. The officers may serve more
 27 than one term. The Board shall meet annually in the City of Raleigh, at a time set by the Board,
 28 and it may hold additional meetings and conduct business at any place in the State. Five
 29 members of the Board shall constitute a quorum to do business. The Board may designate any
 30 member to conduct any proceeding, hearing, or investigation necessary to its purpose, but any
 31 final action requires a quorum of the Board. The Board is authorized to adopt such rules and
 32 ~~regulations~~regulations, including accreditation and qualifications, as may be necessary for the
 33 efficient operation of the Board."

34 **SECTION 9.** G.S. 90A-59 reads as rewritten:

35 "**§ 90A-59. Record of proceedings; register of applications; ~~register~~registry of registered**
 36 **sanitarians and sanitarian interns, environmental health specialists and**
 37 **environmental health specialist interns.**

38 (a) The Board shall keep a record of its proceedings.

39 (b) The Board shall maintain a ~~register of all applications~~records for registration, which
 40 shall ~~show~~include:

41 (1) The place of residence, name and age of each applicant;

42 (2) The name and address of the employer of each applicant;

43 (3) The date of application;

44 (3a) The date of employment;

45 (4) Complete information of educational and experience qualifications;

46 (4a) A signed Code of Ethics;

47 (5) The action taken by the Board;

48 (6) The serial number of the certificate of registration issued to the applicant;

49 (7) The date on which the Board reviewed and acted upon the application; ~~and~~

50 (7a) Information on continuing education required to maintain registration; and

51 (8) Such other pertinent information as may be deemed necessary by the Board.

1 (c) The Board shall maintain a current registry of all ~~sanitarians and sanitarian~~
2 ~~interns~~environmental health specialists and environmental health specialist interns in the State
3 of North Carolina that have been registered in accordance with the provisions of this Article.

4 (d) ~~These records shall be~~ Records of the Board are public records as defined in Chapter
5 132 of the General Statutes of North Carolina. ~~However, college transcripts, examinations, and~~
6 ~~medical information submitted to the Board shall not be considered public records."~~

7 **SECTION 10.** G.S. 90A-60 and G.S. 90A-61 are repealed.

8 **SECTION 11.** G.S. 90A-62 reads as rewritten:

9 "**§ 90A-62. Certification and registration of ~~sanitarians certified~~environmental health**
10 **specialists registered in other states.**

11 The Board may, without examination, grant a certificate as a registered ~~sanitarian~~
12 environmental health specialist to any person who at the time of application, is ~~certified~~
13 registered as a registered sanitarian by a similar board of another state, district or territory
14 whose standards are determined to be acceptable to the Board ~~but not lower than those required~~
15 ~~by this Article and comply with rules adopted by the Board.~~ A fee to be determined by the
16 Board and not to exceed ~~thirty five dollars (\$35.00)~~ one hundred dollars (\$100.00) shall be paid
17 by the applicant to the Board for the issuance of a certificate under the provisions of this
18 section."

19 **SECTION 12.** G.S. 90A-63 reads as rewritten:

20 "**§ 90A-63. Renewal of certificates.**

21 (a) A certificate as a registered ~~sanitarian or sanitarian intern~~ environmental health
22 specialist or registered environmental health specialist intern issued pursuant to the provisions
23 of this Article will expire on the thirty-first day of December of the current year and must be
24 renewed annually on or before the first day of January. Each application for renewal must be
25 accompanied by a renewal fee to be determined by the Board, but not to exceed ~~thirty five~~
26 ~~dollars (\$35.00)~~ one hundred twenty-five dollars (\$125.00). ~~However, for renewals postmarked~~
27 ~~before January 1 of each year, the renewal fee shall not exceed one hundred dollars (\$100.00).~~
28 The Board is authorized to charge an extra five dollar late renewal fee for renewals made after
29 the first day of January of each year.

30 (b) Registrations expired for failure to pay renewal fees may be reinstated under the
31 rules and regulations adopted by the Board.

32 (c) A registered ~~sanitarian~~ environmental health specialist shall complete any
33 continuing education requirements specified by the Board for renewal of a certificate."

34 **SECTION 13.** G.S. 90A-64 reads as rewritten:

35 "**§ 90A-64. Suspensions and revocations of certificates.**

36 (a) The Board shall have the power to refuse to grant, or may suspend or revoke, any
37 certificate issued under provisions of this Article for any of the causes hereafter enumerated:

38 (1) ~~Fraud, deceit, or perjury in obtaining registration under the provisions of this~~
39 ~~Article;~~ Article as determined by the Board;

40 (2) ~~Addiction to narcotics;~~ Inability to practice with reasonable skill and safety
41 due to drunkenness, excessive use of alcohol, drugs, chemicals, or any other
42 type of material;

43 (3) ~~Drunkenness on duty;~~ Unprofessional conduct, including departure from or
44 failure to conform to the standards of acceptable and prevailing practice or
45 the ethics of the profession;

46 (4) Defrauding the public or attempting to do so;

47 (5) Failing to renew certificate as required;

48 (6) Dishonesty;

49 (7) Incompetency;

50 (8) Inexcusable neglect of duty;

1 (9) ~~Guilty of any unprofessional or dishonorable conduct unworthy of and~~
2 ~~affecting the practice of his profession.~~Conviction in any court of a crime
3 involving moral turpitude or conviction of a felony;

4 (10) Failing to adhere to the Code of Ethics; or

5 (11) Failing to meet qualifications for renewal.

6 (a1) A registered environmental health specialist or registered environmental health
7 specialist intern who is convicted of a felony or a crime of moral turpitude shall report the
8 conviction to the Board within 30 days from the date of the conviction. A felony conviction
9 shall result in the automatic suspension of a certificate issued by the Board for 60 days until
10 further action is taken by the Board. The Board shall immediately begin the hearing process in
11 accordance with Article 3A of Chapter 150B of the General Statutes. Nothing in this section
12 shall preclude the Board from taking further action.

13 (b) The procedure to be followed by the Board when refusing to allow an applicant to
14 take an examination, or revoking or suspending a certificate issued under the provisions of this
15 Article, shall be in accordance with the provisions of Chapter 150B of the General Statutes of
16 North Carolina.

17 (c) The Board may conduct investigations for any complaints alleged under subsection
18 (a) of this section. The Board may subpoena individuals and records to determine if action is
19 necessary to enforce this Article.

20 (d) The Board and its members, individually, or its staff shall not be held liable for any
21 civil or criminal proceeding when exercising in good faith its powers and duties authorized
22 under the provisions of this Article."

23 **SECTION 14.** G.S. 90A-65 reads as rewritten:

24 "**§ 90A-65. Representing oneself as a registered ~~sanitarian.~~environmental health specialist**
25 **or registered environmental health specialist intern.**

26 A holder of a current certificate of registration may append to his or her name the letters,
27 "R.S."R.E.H.S.' or R.E.H.S.I.'"

28 **SECTION 15.** Article 4 of Chapter 90A is amended by adding a new section to
29 read:

30 "**§ 90A-67. Code of Ethics.**

31 The Board shall prepare and adopt, by rule, a Code of Ethics to be made available in
32 writing to all registered environmental health specialists and registered environmental health
33 specialist interns and each applicant for registration under this Article. Publication of the Code
34 of Ethics shall serve as due notice to all certificate holders of its contents."

35 **SECTION 16.** Every person registered as an environmental health specialist or
36 environmental health specialist intern on the effective date of this act shall sign a Code of
37 Ethics pursuant to G.S. 90A-67, as enacted in Section 15 of this act. Each registered
38 environmental health specialist or registered environmental health specialist intern shall submit
39 a copy of the signed Code of Ethics with his or her application for registration renewal the
40 following year from the effective date of this act.

41 **SECTION 17.** The three registered environmental health specialists to be
42 appointed to the State Board of Environmental Health Specialist Examiners pursuant to
43 G.S. 90A-55, as enacted in Section 6 of this act, shall each be appointed for four-year terms.
44 The members described in this section shall serve for the term for which he or she was
45 appointed and until his or her successor is appointed and qualified.

46 **SECTION 18.** This act is effective when it becomes law.