

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 834
Health Care Committee Substitute Adopted 4/9/09

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

Sponsors:

Referred to:

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. Each registered sanitarian and registered sanitarian intern on the effective date of this
15 act shall be a registered environmental health specialist or a registered environmental health
16 specialist intern as applicable on and after the effective date of this act.

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

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

24 "**§ 90A-51. Definitions.**

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

27 (1) "Board" means the Board of ~~Sanitarian~~Environmental Health Specialist
28 Examiners.

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



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

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

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

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

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

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

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

e. Laboratory personnel when performing or supervising the performance of sanitation related laboratory functions.

~~It is the sole purpose of this Article to safeguard the health, safety, and general welfare of the public from adverse environmental factors and to register those environmental health professionals practicing as sanitarians who are qualified by education, training, and experience to work, or are working, in the public sector in the field of environmental health within the scope of practice as defined in this Article.~~

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

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

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

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

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

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

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

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

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

1 postsecondary educational institution rated as acceptable by the
 2 Board and:

3 1. Earned a minimum of 30 semester hours or its equivalent in
 4 the physical or biological sciences; and

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

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

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

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

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

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

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

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

42 "**§ 90A-55. State Board of Sanitarian-Environmental Health Specialist Examiners;**
 43 **appointment and term of office.**

44 (a) Board Membership. – The Board shall consist of ~~nine members~~; 12 members who
 45 shall serve staggered terms: the Secretary of Environment and Natural Resources, or the
 46 Secretary's duly authorized representative, one public-spirited citizen, one environmental
 47 sanitation educator from an accredited college or university, one local health director, a
 48 representative of the Division of Environmental Health of the Department of Environment and
 49 Natural Resources, and ~~four seven~~ practicing sanitarians-environmental health specialists who
 50 qualify by education and experience for registration under this Article, ~~three six~~ of whom ~~will~~

1 shall represent the Western, Piedmont, and Eastern Regions of the State as described more
2 specifically in the rules adopted by the Board.

3 (b) Term of Office. – Each member of the State Board of ~~Sanitarian-Environmental~~
4 Health Specialist Examiners shall be appointed by the Governor for a term of four years. As the
5 term of each current member expires, the Governor shall appoint a successor in accordance
6 with the provisions of this section. If a vacancy occurs on the Board for any other reason than
7 the expiration of a member's term, the Governor shall appoint a successor for the remainder of
8 the unexpired term. No person shall serve as a member of the Board for more than two
9 consecutive four-year terms.

10 (c) The Environmental Health Section of the North Carolina Public Health Association,
11 Inc., shall submit a recommended list of Board member candidates to the Governor for ~~his~~the
12 Governor's consideration in ~~appointments~~appointments, ~~except for the two representatives of~~
13 the Department of Environment and Natural Resources recommended by the Secretary of
14 Environment and Natural Resources and the local health director recommended by the North
15 Carolina Local Health Directors Association.

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

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

19 "**§ 90A-56. Compensation of Board members; expenses; employees.**

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

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

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

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

40 "**§ 90A-59. Record of proceedings; register of applications; ~~register~~registry of registered**
41 **sanitarians and sanitarian interns, environmental health specialists and**
42 **environmental health specialist interns.**

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

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

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

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

48 (3) The date of application;

49 (3a) The date of employment;

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

51 (4a) A signed Code of Ethics;

- 1 (5) The action taken by the Board;
- 2 (6) The serial number of the certificate of registration issued to the applicant;
- 3 (7) The date on which the Board reviewed and acted upon the application; ~~and~~
- 4 (7a) Information on continuing education required to maintain registration; and
- 5 (8) Such other pertinent information as may be deemed necessary by the Board.

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

9 (d) ~~These records shall be~~Records of the Board are public records as defined in Chapter
10 132 of the General Statutes of North Carolina. However, college transcripts, examinations, and
11 medical information submitted to the Board shall not be considered public records."

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

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

14 "**§ 90A-62. Certification and registration of ~~sanitarians certified~~environmental health**
15 **specialists registered in other states.**

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

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

25 "**§ 90A-63. Renewal of certificates.**

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

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

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

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

40 "**§ 90A-64. Suspensions and revocations of certificates.**

41 (a) The Board shall have the power to refuse to grant, or may suspend or revoke, any
42 certificate issued under provisions of this Article for any of the causes hereafter
43 ~~enumerated:~~enumerated, as determined by the Board:

- 44 (1) Fraud, deceit, or perjury in obtaining registration under the provisions of this
45 Article;
- 46 (2) ~~Addiction to narcotics;~~Inability to practice with reasonable skill and safety
47 due to drunkenness, excessive use of alcohol, drugs, or chemicals;
- 48 (3) ~~Drunkenness on duty;~~Unprofessional conduct, including a material departure
49 from or failure to conform to the standards of acceptable and prevailing
50 practice or the ethics of the profession;
- 51 (4) Defrauding the public or attempting to do so;

- 1 (5) Failing to renew certificate as required;
2 (6) Dishonesty;
3 (7) Incompetency;
4 (8) Inexcusable neglect of duty;
5 (9) ~~Guilty of any unprofessional or dishonorable conduct unworthy of and~~
6 ~~and affecting the practice of his profession.~~Conviction in any court of a crime
7 involving moral turpitude or conviction of a felony;
8 (10) Failing to adhere to the Code of Ethics; or
9 (11) Failing to meet qualifications for renewal.

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

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

21 (c) The Board may conduct investigations for any complaints alleged or upon its own
22 motion for any allegations or causes for disciplinary action under subsection (a) of this section.
23 The Board may subpoena individuals and records to determine if action is necessary to enforce
24 this Article.

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

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

29 "**§ 90A-65. Representing oneself as a registered ~~sanitarian.~~environmental health specialist**
30 **or registered environmental health specialist intern.**

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

33 **SECTION 15.** Article 4 of Chapter 90A of the General Statutes is amended by
34 adding a new section to read:

35 "**§ 90A-67. Code of Ethics.**

36 The Board shall prepare and adopt, by rule, a Code of Ethics to be made available in
37 writing to all registered environmental health specialists and registered environmental health
38 specialist interns and each applicant for registration under this Article. All registered
39 environmental health specialists and registered environmental health specialist interns shall
40 adhere to the Code of Ethics adopted by the Board. Publication of the Code of Ethics shall
41 serve as due notice to all certificate holders of its contents."

42 **SECTION 16.** Every person registered as an environmental health specialist or
43 environmental health specialist intern on the effective date of this act shall sign a Code of
44 Ethics pursuant to G.S. 90A-67, as enacted by Section 15 of this act. Each registered
45 environmental health specialist or registered environmental health specialist intern shall submit
46 a copy of the signed Code of Ethics with his or her application for registration renewal the
47 following year from the effective date of this act.

48 **SECTION 17.** The three registered environmental health specialists to be
49 appointed to the State Board of Environmental Health Specialist Examiners pursuant to
50 G.S. 90A-55, as enacted by Section 6 of this act, shall each be appointed for four-year terms.

- 1 The members described in this section shall serve for the term for which the members were
2 appointed and until the members' successors are appointed and qualified.
3 **SECTION 18.** This act is effective when it becomes law.