

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-443
SENATE BILL 834**

AN ACT REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING THE STATE BOARD OF SANITARIAN EXAMINERS TO IMPOSE AN APPLICATION FEE, AND TO INCREASE CERTAIN FEES.

The General Assembly of North Carolina enacts:

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

"Article 4.

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

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

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

(a) There is hereby created a State Board of ~~Sanitarian~~-Environmental Health Specialist Examiners to register qualified ~~sanitarians~~-environmental health specialists to practice within the State. Each registered sanitarian and registered sanitarian intern shall be a registered environmental health specialist or a registered environmental health specialist intern as applicable.

(b) 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 registered environmental health specialists or registered environmental health specialist interns who are qualified by education, training, and experience to work in the public sector in the field of environmental health within the scope of practice as defined in this Article."

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

"§ 90A-51. Definitions.

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

- (1) "Board" means the Board of ~~Sanitarian~~-Environmental Health Specialist Examiners.
- (2) "Certificate of registration" ~~is~~-means a document issued by the Board as evidence of registration and qualification to practice as a sanitarian or a sanitarian intern registered environmental health specialist or a registered environmental health specialist intern under this Article. The certificate shall bear the designation "~~registered sanitarian~~" or "~~sanitarian intern~~"Registered Environmental Health Specialist' or 'Registered Environmental Health Specialist Intern' and show the name of the person, date of issue, serial number, seal, and signatures of the members of the Board.
- (2a) 'Environmental health practice' means the provision of environmental health services, including administration, organization, management, education, enforcement, and consultation regarding environmental health services provided to or for the public. These services are offered to prevent environmental hazards and promote and protect the health of the public in the following areas: food, lodging, and institutional sanitation; on-site wastewater treatment and disposal; milk and dairy sanitation; shellfish sanitation; recreational water quality; public swimming pool sanitation; childhood lead poisoning prevention; well permitting and inspection; tattoo parlor sanitation; and all other areas of environmental health requiring the delegation of authority by the Division of Environmental Health to State and local environmental health professionals to enforce rules adopted by the



Commission for Public Health or the Environmental Management Commission. The definition also includes local environmental health professionals enforcing rules of local boards of health for on-site wastewater systems and wells.

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

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

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

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

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

- a. A person teaching, lecturing, or engaging in research.
- b. A person who is a sanitary engineer, public health engineer, public health engineering assistant, registered professional engineer, industrial hygienist, health physicist, chemist, epidemiologist, toxicologist, geologist, hydrogeologist, waste management specialist, or soil scientist, ~~except when the person is working as a sanitarian scientist.~~
- c. A public health officer or public health department director.
- d. A person who holds a North Carolina license to practice medicine, 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" is '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) of this section, 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—the person~~:

- (1) Has made application to the Board on a form prescribed by the Board; Board and paid a fee not to exceed one hundred dollars (\$100.00);
- (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 a baccalaureate 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; Meets any of the following combinations of education and practice experience standards:
 - a. Graduated from a baccalaureate or postgraduate degree program that is accredited by the National Environmental Health Science and Protection Accreditation Council (EHAC) and has one or more years of experience in the field of environmental health practice; or
 - b. Graduated from a baccalaureate or postgraduate degree program that is accredited by an accrediting organization recognized by the United States Department of Education, Council for Higher Education Accreditation (CHEA) and meets both of the following:
 1. Earned a minimum of 30 semester hours or its equivalent in the physical or biological sciences; and
 2. Has two or more years of experience in the field of environmental health practice.
 - c. Graduated from a baccalaureate program rated as acceptable by the Board and meets both of the following:
 1. Earned a minimum of 30 semester hours or its equivalent in 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 in the practice of environmental health;
- (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 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 the expiration of a member's term, the Governor shall appoint a successor for the remainder of the unexpired term. No person shall serve as a member of the Board for more than two consecutive four-year terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The date of application;

(3a) The date of employment;

(4) Complete information of educational and experience qualifications;

(4a) A signed Code of Ethics;

(5) The action taken by the Board;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Fraud, deceit, or perjury in obtaining registration under the provisions of this Article;
- (2) ~~Addiction to narcotics;~~Inability to practice with reasonable skill and safety due to drunkenness or excessive use of alcohol, drugs, or chemicals;
- (3) ~~Drunkenness on duty;~~Unprofessional conduct, including a material departure from or failure to conform to the standards of acceptable and prevailing practice or the ethics of the profession;
- (4) Defrauding the public or attempting to do so;
- (5) Failing to renew certificate as required;
- (6) Dishonesty;
- (7) Incompetency;
- (8) Inexcusable neglect of duty;
- (9) ~~Guilty of any unprofessional or dishonorable conduct unworthy of and affecting the practice of his profession.~~Conviction in any court of a crime involving moral turpitude or conviction of a felony;
- (10) Failing to adhere to the Code of Ethics; or
- (11) Failing to meet qualifications for renewal.

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

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

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

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

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

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

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

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

"§ 90A-67. Code of Ethics.

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

SECTION 16. Every person registered as an environmental health specialist or environmental health specialist intern on the effective date of this act shall sign a Code of Ethics pursuant to G.S. 90A-67, as enacted by Section 15 of this act. Each registered environmental health specialist or registered environmental health specialist intern shall submit

a copy of the signed Code of Ethics with his or her application for registration renewal the following year from the effective date of this act.

SECTION 17. The three registered environmental health specialists to be appointed to the State Board of Environmental Health Specialist Examiners pursuant to G.S. 90A-55, as enacted by Section 6 of this act, shall each be appointed for four-year terms. The members described in this section shall serve for the term for which the members were appointed and until the members' successors are appointed and qualified.

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

In the General Assembly read three times and ratified this the 29th day of July, 2009.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 11:15 a.m. this 7th day of August, 2009