

March 24, 2009

S 834. REWRITE SANITARIAN EXAMINERS LAW/FEES. Filed 3/24/09. *REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING THE STATE BOARD OF SANITARIAN EXAMINERS TO INCREASE CERTAIN FEES.*

To be summarized in tomorrow's *Daily Bulletin*.

Intro. by Bingham.

GS 90A

March 25, 2009

S 834. REWRITE SANITARIAN EXAMINERS LAW/FEES. Filed 3/24/09. *REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING THE STATE BOARD OF SANITARIAN EXAMINERS TO INCREASE CERTAIN FEES.*

Amends GS 90A-50 to eliminate the State Board of Sanitarian Examiners and replace it with a State Board of Environmental Health Specialist Examiners (State Board), the purpose of which is to safeguard the health, safety, and general welfare of the public from adverse environmental factors and register duly qualified environmental health specialists and interns to work in the public sector in the field of environmental health.

Amends GS 90A-51 to define environmental health practice and environmental health specialist and registered environmental health specialist intern and to make other conforming changes.

Amends GS 90A-52 to make it unlawful for a person to practice as an environmental health specialist or intern unless the person has obtained a certificate of registration from the State Board.

Amends GS 90A-53 to prescribe the qualifications and examination for registration as an environmental health specialist or intern. Among the qualifications, applicants must be of a good moral and ethical character as attested by an agreement signed by the applicant to adhere to the Code of Ethics adopted by the State Board. Applicants must have (1) graduated from a baccalaureate or postgraduate degree program that is accredited by the National Environmental Health Science and Protection Accreditation Council and have one or more years of experience in the field of environmental health practice or (2) graduated from a baccalaureate degree program that is accredited by an accrediting organization recognized by the United States Department of Education, Council for Higher Education Accreditation or received a baccalaureate degree from a postsecondary educational institution rated as acceptable by the Board and (a) earned a minimum of 30 semester hours or its equivalent in the physical or biological sciences and (b) have two or more years of experience in the field of environmental health practice. Applicants must satisfactorily complete a course in specialized instruction and training approved by the State Board and pass an examination administered by the State Board. Finally, applicants must pay a fee set by the State Board not to exceed the cost of purchasing the examination and an administrative fee of up to \$150. The State 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 up to three years from the date of the initial registration if the person meets the educational requirements and is in the field of environmental health practice.

Repeals GS 90A-54 (Qualification for registration as a sanitarian intern).

Amends GS 90A-55 to designate that the State Board must consist of twelve members, serving staggered terms, including seven practicing environmental health specialists, six of whom represent the Western, Piedmont, and Eastern Regions of the State. In addition to the recommendations to the Governor for appointment to the State Board from the Environmental Health Section of the North Carolina Public Health Association, Inc., the Secretary of the Department of Environment and Natural Resources (DENR) must recommend the two representatives of DENR to the State Board and the North Carolina Local Health Directors Association must recommend the local health director representative to the State Board.

Amends GS 90A-56 to authorize, but not require, compensation and reimbursement for travel expenses for members of the State Board. The per diem rate for eligible State Board members must not exceed \$50.

Amends GS 90A-57(a) to authorize the State Board to annually elect a chair, vice-chair, and a secretary-treasurer and to authorize the State Board to adopt rules and regulations, including accreditation and member qualifications, necessary for the efficient operation of the State Board.

Amends GS 90A-59 to add to the list of records for registration that the State Board must maintain the date of employment of the environmental health specialists and interns, the signed Code of Ethics for each person employed, and information on continuing education required to maintain registration. Directs the State Board to maintain a current registry of all environmental health specialists and interns in the State that have been registered in accordance with the provisions in GS Chapter 90A, Article 4. Specifies that the records of the State Board are public records but that the college transcripts, examinations, and medical information submitted to the State Board are not public records.

Repeals GS 90A-60 (Rating of educational institutions) and GS 90A-61 (Certification and registration of persons practicing as sanitarians on October 1, 1982; temporary provisions).

Amends GS 90A-62 authorizing the State Board to grant a certificate as a registered environmental health specialist, without requiring an examination, to any person who is registered as a sanitarian by a similar board of another state, district, or territory whose standards are determined to be acceptable by the State Board. The Board may set a fee of up to \$100 for the issuance of the certificate.

Amends GS 90A-63 to authorize the State Board to set an annual renewal fee for certificates as registered environmental health specialists or interns of up to \$125 if postmarked on or after January 1 and up to \$100 if postmarked before January 1. The State Board also is authorized to charge an extra \$5 late renewal fee for renewals made after January 1.

Amends GS 90A-64 to modify some of the causes for which the State Board may refuse to grant, or may suspend or revoke any certificate. Specifically, authorizes the State Board to refuse to grant or suspend or revoke a certificate because of: (1) fraud, deceit, or perjury in obtaining registration under the provisions of GS Chapter 90A, Article 4, as determined by the State Board; (2) the inability to practice with reasonable skill and safety due to drunkenness, excessive use of alcohol, drugs, chemicals, or any other type of material; (3) unprofessional conduct, including departure from or failure to conform to the standards of acceptable and prevailing practice or the ethics of the profession; (4) conviction in any court of a crime involving moral turpitude or conviction of a felony; (5) failure to adhere to the Code of Ethics; or (6) failing to meet qualifications for renewal. Directs that a registered environmental health specialist or intern who is convicted of a felony or a crime of moral turpitude must report the conviction to the State Board within thirty days. A felony conviction results in the automatic suspension of the certificate issued by the State Board for sixty days until further action is taken by the State Board. The State Board must immediately begin a hearing process in accordance with Article 3A of GS Chapter 150B. Authorizes the State Board to conduct investigations for any complaints alleged under GS 90A-64(a). Authorizes the State Board to subpoena individuals and records to determine if any action is necessary. Specifies that the State Board and its members, individually, or its staff may not be held liable for any civil or criminal proceedings when exercising its powers and duties in good faith.

Amends GS 90A-65 to authorize a holder of a current certificate of registration as an environmental health specialist or environmental health specialist intern to append to his or her name the letters R.E.H.S. and R.E.H.S.I., respectively.

Adds new GS 90A-67 directing the State Board to prepare and adopt, by rule, a Code of Ethics to be made available in writing to all registered environmental health specialists and interns and each applicant for registration.

Directs that every person registered as an environmental health specialist or intern on the effective date of the act must sign the Code of Ethics adopted by the State Board and submit a copy with his or her application for registration renewal.

Directs that the three registered environmental health specialists to be appointed to the State Board pursuant to GS 90A-55 will be appointed for four-year terms. Each appointee will serve for the term for which he or she was appointed and until his or her successor is appointed and qualified.

Intro. by Bingham.

GS 90A

April 9, 2009

S 834. REWRITE SANITARIAN EXAMINERS LAWS/FEEES. Filed 3/24/09. Senate committee substitute makes the following changes to 1st edition. Amends proposed new GS 90A-51(2a) to include enforcing rules adopted by the Environmental Management Commission in the definition of *environmental health practice*. Amends proposed changes to GS 90A-53 by specifically requiring that the required course in specialized instruction and training be in the practice of environmental health. Amends GS 90A-57(a) to increase the number of members of the State Board of Environmental Health Specialist Examiners needed to constitute a quorum from five to seven. Amends GS 90A-63 by deleting the authorization for a \$5 late fee on renewals of certificates of registered environmental health specialists or interns. Amends proposed new GS 90A-64(a)(3) by requiring that suspensions for unprofessional conduct be for material departures, rather than any departure from standards of practice, and amends proposed new GS 90A-64(c) by allowing the board to conduct investigations on its own motion for any allegations or causes for disciplinary action against registered environmental health specialists. Amends proposed new GS 90A-67 by requiring all registered environmental health specialists and interns to adhere to the board's code of ethics. Also makes technical and conforming changes.

May 7, 2009

S 834. REWRITE SANITARIAN EXAMINERS LAWS/FEEES. Filed 3/24/09. House committee substitute makes the following changes to 2nd edition. Changes title to *AN ACT REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING THE STATE BOARD OF SANITARIAN EXAMINERS TO IMPOSE AN APPLICATION FEE, AND TO INCREASE CERTAIN FEEES*. Clarifies the education and practice requirements for applicants for certification as a registered environmental health specialist or intern, and adds a requirement for an application fee to be paid, not to exceed \$100. Makes technical changes.

July 2, 2009

S 834. REWRITE SANITARIAN EXAMINERS LAWS/FEEES. Filed 3/24/09. House committee substitute makes the following changes to 3rd edition. GS 90A-62 has provided that an individual registered as a registered sanitarian in another state may be certified as a sanitarian in North Carolina without examination. Previous versions of the bill have changed the North Carolina designation from certification as a "sanitarian" to certification as an "environmental health specialist." This committee substitute makes the same change for individuals registered in other states.

July 15, 2009

S 834. REWRITE SANITARIAN EXAMINERS LAWS/FEEES. Filed 3/24/09. House amendment makes the following changes to 4th edition. Deletes references to the effective date of the act in proposed amended GS 90A-50(a).

August 18, 2009

SL 2009-440 (S 660). AUTO INSURANCE/DIMINUTION IN VALUE. AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DETERMINING PROPERTY DAMAGES AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE. Summarized in *Daily Bulletin* 3/18/09, 5/12/09, 6/29/09, 7/14/09, 7/15/09, 7/16/09, and 7/29/09. Enacted August 7, 2009. Effective October 1, 2009.

SL 2009-441 (H 1057). ABOLISH CERTAIN DEFICIENCY JUDGMENTS. AN ACT TO ABOLISH DEFICIENCY JUDGMENTS IN CERTAIN CASES WHERE THE MORTGAGE IS SECURED BY PRIMARY RESIDENCE. Summarized in *Daily Bulletin* 4/2/09, 4/30/09, 5/12/09, and 7/21/09. Enacted August 7, 2009. Effective October 1, 2009.

SL 2009-442 (S 345). PUBLIC HEALTH TECHNICAL CHANGES. AN ACT TO ADD PUBLIC HEALTH PREPAREDNESS AND QUALITY IMPROVEMENT TO THE LIST OF

ESSENTIAL PUBLIC HEALTH SERVICES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. Summarized in *Daily Bulletin* 2/26/09. Enacted August 7, 2009. Effective August 7, 2009.

SL 2009-443 (S 834). REWRITE SANITARIAN EXAMINERS LAWS/FEEES. 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. Summarized in *Daily Bulletin* 3/25/09, 4/9/09, 5/7/09, 7/2/09, and 7/15/09. Enacted August 7, 2009. Effective August 7, 2009.