

# HOUSE BILL 989

J2, M3

11r1893

---

By: **Delegate Hubbard**

Introduced and read first time: February 11, 2011

Assigned to: Health and Government Operations and Environmental Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Environmental Health Specialists – Transfer of**  
3 **Responsibilities**

4 FOR the purpose of renaming the State Board of Environmental Sanitarians to be the  
5 State Board of Environmental Health Specialists; transferring the duties of the  
6 Board from the Department of the Environment to the Department of Health  
7 and Mental Hygiene; renaming environmental sanitarians to be environmental  
8 health specialists; altering the length of terms for certain Board members;  
9 altering a certain date relating to the staggering of the terms of Board  
10 members; altering the number of terms certain Board members may serve;  
11 requiring the Board to notify certain environmental health specialists of certain  
12 vacancies on the Board and provide the Secretary of Health and Mental  
13 Hygiene with a certain number of names for each vacancy; requiring the Board  
14 to determine the duties of certain officers; clarifying certain quorum  
15 requirements; authorizing the Board to employ certain staff in accordance with  
16 the budget of the Board; authorizing the Board to sue to enforce certain  
17 provisions by injunction and issue certain subpoenas, summon certain  
18 witnesses, administer certain oaths, take certain affidavits, and take certain  
19 testimony; establishing the State Board of Environmental Health Specialists  
20 Fund; requiring the Board to set certain fees; requiring the Board to pay certain  
21 funds to the Comptroller; requiring the Comptroller to distribute certain funds  
22 to the Fund; establishing certain requirements for administering the Fund;  
23 requiring that certain applicants be of good moral character and at least a  
24 certain age; authorizing the Board to send certain notices by electronic means;  
25 requiring the Board to establish certain continuing education requirements;  
26 establishing a certain violation for failing to cooperate with certain  
27 investigations; prohibiting certain persons from using certain titles and initials;  
28 altering certain penalties; providing that certain Board members may continue  
29 to serve for a certain term and that certain provisions will apply to certain  
30 vacancies on the Board; providing that certain licensed individuals may  
31 continue to practice as environmental sanitarians until certain licenses to

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 practice as environmental health specialists are issued; repealing certain  
2 obsolete provisions; making certain technical, conforming, and stylistic changes;  
3 defining certain terms; and generally relating to the State Board of  
4 Environmental Health Specialists.

5 BY transferring

6 Article – Environment

7 Section 11–101 through 11–502, respectively, and the title “Title 11.  
8 Environmental Sanitarians”

9 Annotated Code of Maryland

10 (2007 Replacement Volume and 2010 Supplement)

11 to be

12 Article – Health Occupations

13 Section 21–101 through 21–502, respectively, and the title “Title 21.  
14 Environmental Sanitarians”

15 Annotated Code of Maryland

16 (2009 Replacement Volume and 2010 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Health Occupations

19 Section 21–101; 21–201 through 21–206 and the subtitle “Subtitle 2. State  
20 Board of Environmental Sanitarians”; 21–301 through 21–310 and  
21 21–312 through 21–315; 21–401 and 21–402; and 21–501 to be under the  
22 amended title “Title 21. Environmental Health Specialists”

23 Annotated Code of Maryland

24 (2009 Replacement Volume and 2010 Supplement)

25 (As enacted by Section 1 of this Act)

26 BY repealing and reenacting, without amendments,

27 Article – Health Occupations

28 Section 21–102 and the subtitle “Subtitle 1. General Provisions”; 21–207;  
29 21–311 and the subtitle “Subtitle 3. Licensing”; the subtitle “Subtitle 4.  
30 Prohibited Acts; Penalties”; and 21–502 and the subtitle “Subtitle 5.  
31 Short Title; Termination of Title”

32 Annotated Code of Maryland

33 (2009 Replacement Volume and 2010 Supplement)

34 (As enacted by Section 1 of this Act)

35 BY repealing and reenacting, with amendments,

36 Article – State Government

37 Section 8–403(b)(23)

38 Annotated Code of Maryland

39 (2009 Replacement Volume and 2010 Supplement)

40 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
41 MARYLAND, That Section(s) 11–101 through 11–502, respectively, and the title “Title  
42 11. Environmental Sanitarians” of the Environment Article of the Annotated Code of  
43 Maryland be transferred to be Section(s) 21–101 through 21–502, respectively, and the

1 title “Title 21. Environmental Health Specialists” of the Health Occupations Article of  
2 the Annotated Code of Maryland.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the laws of Maryland  
4 read as follows:

5 **Article – Health Occupations**

6 Title 21. Environmental [Sanitarians] **HEALTH SPECIALISTS.**

7 Subtitle 1. General Provisions.

8 21–101.

9 (a) In this title the following words have the meanings indicated.

10 (b) “Board” means the State Board of Environmental [Sanitarians] **HEALTH**  
11 **SPECIALISTS.**

12 (c) “**ENVIRONMENTAL HEALTH SPECIALIST**” MEANS AN INDIVIDUAL  
13 WHO PRACTICES AS AN ENVIRONMENTAL HEALTH SPECIALIST.

14 (d) “**ENVIRONMENTAL HEALTH SPECIALIST–IN–TRAINING**” MEANS AN  
15 INDIVIDUAL WHO MEETS THE EDUCATIONAL QUALIFICATIONS REQUIRED  
16 UNDER THIS TITLE BUT HAS NOT YET COMPLETED THE ENVIRONMENTAL  
17 HEALTH SPECIALIST–IN–TRAINING PROGRAM REQUIRED UNDER § 21–305 OF  
18 THIS TITLE.

19 (e) “**ENVIRONMENTAL HEALTH SPECIALIST–IN–TRAINING PROGRAM**”  
20 MEANS A PROGRAM OF TRAINING AND EXPERIENCE UNDER THE SUPERVISION  
21 OF A LICENSED ENVIRONMENTAL HEALTH SPECIALIST OR OTHER INDIVIDUAL  
22 ACCEPTABLE TO THE BOARD.

23 [(c)](f) “Hours of approved training” means the value given to  
24 participation in continuing education or experience as approved by the Board.

25 [(d)](g) “License” means, unless the context requires otherwise, a license  
26 issued by the Board to practice as an environmental [sanitarian] **HEALTH**  
27 **SPECIALIST.**

28 (h) “**LICENSED ENVIRONMENTAL HEALTH SPECIALIST**” MEANS AN  
29 INDIVIDUAL LICENSED BY THE BOARD TO PRACTICE AS AN ENVIRONMENTAL  
30 HEALTH SPECIALIST.

1           **[(e)](I)**       “Practice as an environmental [sanitarian] **HEALTH SPECIALIST**”  
2 means, as a major component of employment, to apply academic principles, methods  
3 and procedures of the environmental, physical, biological, and health sciences to the  
4 inspections and investigations necessary to collect and analyze data and to make  
5 decisions necessary to secure compliance with federal, State, and local health and  
6 environmental laws and regulations specifically relating to control of the public health  
7 aspects of the environment including:

- 8                   (1)     The manufacture, preparation, handling, distribution, or sale of  
9 food and milk;
- 10                  (2)     Water supply and treatment;
- 11                  (3)     Wastewater treatment and disposal;
- 12                  (4)     Solid waste management and disposal;
- 13                  (5)     Vector control;
- 14                  (6)     Insect and rodent control;
- 15                  (7)     Air quality;
- 16                  (8)     Noise control;
- 17                  (9)     Product safety;
- 18                  (10)    Recreational sanitation; and
- 19                  (11)    Institutional and residential sanitation.

20           **[(f)**       “Registered environmental sanitarian” means an individual who is  
21 licensed by the Board to practice as an environmental sanitarian.

22           **(g)**       “Sanitarian-in-training” means an individual who meets the educational  
23 qualifications required under this title but has not yet completed the  
24 sanitarian-in-training program required under § 11-305 of this title.

25           **(h)**       “Sanitarian-in-training program” means a program of training and  
26 experience under the supervision of a registered environmental sanitarian or other  
27 individual acceptable to the Board.]

28 21-102.

29           This title does not prohibit an individual from practicing any other profession or  
30 occupation that the individual is authorized to practice under the laws of the State.

1 Subtitle 2. State Board of Environmental [Sanitarians] **HEALTH SPECIALISTS.**

2 21–201.

3 There is a State Board of Environmental [Sanitarians] **HEALTH SPECIALISTS**  
4 in the Department.

5 21–202.

6 (a) (1) The Board consists of 9 members appointed by the Governor with  
7 the advice of the Secretary, and with the advice and consent of the Senate.

8 (2) Of the 9 Board members:

9 (i) 7 shall be [registered] **LICENSED** environmental  
10 [sanitarians] **HEALTH SPECIALISTS** appointed as follows:

11 1. 1 shall be employed by private industry;

12 2. 1 shall be employed by the Department of the  
13 Environment;

14 3. 1 shall be employed by the Department of Health and  
15 Mental Hygiene;

16 4. 1 shall be employed by a local health department and  
17 be employed under the State Personnel Management System;

18 5. 1 shall be employed by a local government and not be  
19 employed under the State Personnel Management System; and

20 6. 2 shall be appointed at large[. Their selection shall  
21 balance the Board as to geographical distribution throughout the State and may not  
22 include a second selection from any jurisdiction already represented]; and

23 (ii) 2 shall be consumer members.

24 (3) All Board members shall be residents of the State.

25 **(B) (1) THE MEMBERS APPOINTED AT LARGE SHALL REASONABLY**  
26 **REFLECT THE GEOGRAPHIC DIVERSITY OF THE STATE.**

27 **(2) NO 2 CURRENT MEMBERS MAY REPRESENT THE SAME**  
28 **GEOGRAPHIC JURISDICTION.**

29 **[(b)] (C) (1) The consumer members of the Board:**

1           [(1)] (I) Shall be members of the general public;

2           [(2)] (II) May not be [registered] LICENSED environmental  
3 [sanitarians] HEALTH SPECIALISTS;

4           [(3)] (III) May not have a household member who is a [registered]  
5 LICENSED environmental [sanitarian] HEALTH SPECIALIST;

6           [(4)] (IV) May not participate or ever have participated in a related  
7 commercial or professional field;

8           [(5)] (V) May not have a household member who participates in a  
9 related commercial or professional field; and

10           [(6)] (VI) May not have had within 2 years before appointment a  
11 substantial financial interest in a person regulated by the Board.

12           [(c)] (2) While a member of the Board, a consumer member may not have a  
13 substantial financial interest in a person regulated by the Board.

14           (d) Before taking office, each appointee to the Board shall take the oath  
15 required by Article I, § 9 of the Maryland Constitution.

16           (e) (1) The term of a member is [5] 4 years.

17           (2) The terms of members are staggered as required by the terms  
18 provided for members of the Board on [July 1, 1981] **OCTOBER 1, 2011**.

19           (3) At the end of a term, a member continues to serve until a successor  
20 is appointed and qualifies.

21           (4) A member who is appointed after a term has begun serves only for  
22 the rest of the term and until a successor is appointed and qualifies.

23           (5) [After July 1, 1984, a] A member may not serve more than [1] 2  
24 consecutive [5-year term] **TERMS**.

25           **(F) FOR EACH VACANCY OF A LICENSED ENVIRONMENTAL HEALTH**  
26 **SPECIALIST MEMBER, THE BOARD SHALL:**

27           **(1) SOLICIT NOMINATIONS BY NOTIFYING ALL LICENSED**  
28 **ENVIRONMENTAL HEALTH SPECIALISTS OF THE VACANCY; AND**

29           **(2) SUBMIT TO THE SECRETARY A LIST OF AT LEAST 3 NAMES**  
30 **FOR EACH VACANCY.**

1            [(f)] (G)        [The] **ON THE RECOMMENDATION OF THE SECRETARY, THE**  
2 Governor may remove a member for incompetence, misconduct, neglect of duty, or  
3 other sufficient cause.

4 21–203.

5            (a)        From among its members, the Board annually shall elect a chairman, a  
6 vice chairman, and a secretary.

7            (b)        [The manner of election of officers shall be as the Board determines.]  
8 **THE BOARD SHALL DETERMINE:**

9                    (1)        **THE MANNER OF ELECTION OF OFFICERS; AND**

10                   (2)        **THE DUTIES OF EACH OFFICER.**

11 21–204.

12            (a)        [Five members] **A MAJORITY** of the **FULL AUTHORIZED** Board [are] **IS**  
13 a quorum.

14            [(b) (1)        The Board shall meet at least twice a year, at the times and places  
15 that the Board determines.

16                    (2)        Special meetings of the Board shall be called by the Board  
17 secretary at:

18                            (i)        The written request of 2 Board members or 5 registered  
19 environmental sanitarians; or

20                            (ii)       The direction of the Secretary of the Environment.

21            [(c)] (B)        A member of the Board:

22                    (1)        May receive compensation as provided in the State budget; and

23                    (2)        Is entitled to reimbursement for expenses under the Standard  
24 State Travel Regulations, as provided in the State budget.

25            [(d)](C)        The Board may employ a staff in accordance with the [State]  
26 budget **OF THE BOARD.**

27 21–205.

28            (a)        In addition to the powers set forth elsewhere in this title, the Board may  
29 [adopt]:

1           **(1)**   **ADOPT** rules, regulations, and bylaws [as may be necessary] to  
2 carry out the provisions of this title;

3           **(2)**   **SUE TO ENFORCE ANY PROVISION OF THIS TITLE BY**  
4 **INJUNCTION; AND**

5           **(3)**   **ISSUE SUBPOENAS, SUMMON WITNESSES, ADMINISTER OATHS,**  
6 **TAKE AFFIDAVITS, AND TAKE TESTIMONY ABOUT MATTERS THAT RELATE TO**  
7 **THE JURISDICTION OF THE BOARD.**

8           (b)   In addition to the duties set forth elsewhere in this title, the Board shall:

9           (1)   Keep a current record of all [registered] **LICENSED** environmental  
10 [sanitarians] **HEALTH SPECIALISTS;**

11           (2)   Collect and account for fees provided under this title;

12           (3)   Pay all necessary expenses of the Board in accordance with the  
13 State budget;

14           (4)   Keep a complete record of its proceedings;

15           (5)   File an annual report of its activities, including a financial  
16 statement, with the Governor and the Secretary; and

17           (6)   Adopt an official seal.

18   21–206.

19           **(A)**   **THERE IS A STATE BOARD OF ENVIRONMENTAL HEALTH**  
20 **SPECIALISTS FUND.**

21           **[(a)] (B)**   **(1)**   [Except for the fees specifically set by this title, the] **THE**  
22 Board may set reasonable fees for the issuance and renewal of licenses [and its other  
23 services].

24           **(2)**   **THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS**  
25 **TO APPROXIMATE THE COST OF MAINTAINING THE BOARD.**

26           **(3)**   **FUNDS TO COVER THE EXPENSES OF THE BOARD MEMBERS**  
27 **SHALL BE GENERATED BY FEES SET UNDER THIS SECTION.**

28           **[(b)] (C)**   **(1)**   The Board shall pay all funds collected under this title [into  
29 the General Fund] **TO THE COMPTROLLER** [of this State].





1           (1) [A sanitarian-in-training] **AN ENVIRONMENTAL HEALTH**  
2 **SPECIALIST-IN-TRAINING AS PROVIDED FOR UNDER § 21-305 OF THIS**  
3 **SUBTITLE;**

4           (2) A student participating in a field experience as part of an  
5 educational program; **AND**

6           (3) [An applicant for licensure in accordance with § 11-304(b)(5) of  
7 this subtitle; and

8           (4)] A qualified individual in any of the following job classifications:

9                   (i) Industrial hygienists as defined by the American Industrial  
10 Hygiene Association;

11                   (ii) Certified industrial hygienists and industrial hygienists in  
12 training as defined by the American Board of Industrial Hygiene;

13                   (iii) Health planners or natural resource planners;

14                   (iv) Building and housing inspectors;

15                   (v) Geologists;

16                   (vi) Chemists;

17                   (vii) Meteorologists;

18                   (viii) Laboratory scientists;

19                   (ix) Professional engineers who are licensed in this State under  
20 Title 14 of the Business Occupations and Professions Article and whose **NORMAL**  
21 professional activities are [normally included] **AMONG THE ACTIVITIES SPECIFIED**  
22 in [§ 11-101(e)] **§ 21-101(I)** of this title;

23                   (x) Public health engineers and water resources engineers  
24 employed by the State or a local subdivision;

25                   (xi) Hydrographers and hydrographic engineers;

26                   (xii) Natural resources managers;

27                   (xiii) Natural resources biologists;

28                   (xiv) Program administrators, administration directors,  
29 administrators, administrative officers, and administrative specialists;

1 (xv) Paraprofessional personnel, aides, and technicians whose  
2 routine duties include monitoring, sampling, and recording of data;

3 (xvi) Persons employed by the Department of Natural Resources  
4 or related county departments who perform duties and responsibilities under the  
5 Natural Resources Article;

6 (xvii) Persons employed by the Department of the Environment or  
7 related county departments who perform duties and responsibilities for erosion and  
8 sediment control, stormwater management, or oil pollution control under Title 4 of  
9 [this article] **THE ENVIRONMENT ARTICLE**;

10 (xviii) Persons employed by the Department of the Environment or  
11 related county departments who perform duties and responsibilities for ambient air  
12 monitoring under Title 2 of [this article] **THE ENVIRONMENT ARTICLE** or for motor  
13 vehicle pollution control under Title 2 of [this article] **THE ENVIRONMENT ARTICLE**  
14 or Title 23 of the Transportation Article;

15 (xix) Persons employed by the Division of Labor and Industry of  
16 the Department of Labor, Licensing, and Regulation who perform duties and  
17 responsibilities under the Maryland Occupational Safety and Health Act;

18 (xx) Occupational safety and health technologists as defined by  
19 the American Board of Industrial Hygiene and the Board of Certified Safety  
20 Professionals;

21 (xxi) Safety professionals as defined by the American Society of  
22 Safety Engineers;

23 (xxii) Certified safety professionals and associate safety  
24 professionals as defined by the Board of Certified Safety Professionals;

25 (xxiii) Persons employed by industrial operations whose  
26 environmental services are performed solely for their employer; and

27 (xxiv) State milk safety inspectors performing duties under the  
28 National Conference on Interstate Milk Shipments and employed by the Department  
29 of Health and Mental Hygiene.

30 21–302.

31 **(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN**  
32 **INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

33 **(B) THE APPLICANT MUST BE OF GOOD MORAL CHARACTER.**

34 **(C) THE APPLICANT MUST BE AT LEAST 18 YEARS OLD.**

1           **(D)** To apply for licensure **AS AN ENVIRONMENTAL HEALTH SPECIALIST**,  
2 an applicant shall:

3                   (1) Submit an application to the Board on the form that the Board  
4 requires;

5                   (2) (i) Submit verification from the applicant's employer or  
6 supervisor on forms required by the Board that the applicant has successfully  
7 completed **[a sanitarian-in-training] AN ENVIRONMENTAL HEALTH**  
8 **SPECIALIST-IN-TRAINING** program; or

9                   (ii) Provide independent written verification from the  
10 applicant's employer or any prior work experience in the field of environmental health  
11 used by the applicant to satisfy the **[sanitarian-in-training] ENVIRONMENTAL**  
12 **HEALTH SPECIALIST-IN-TRAINING** requirement of this title; and

13                   (3) Pay to the Board the required **[application and examination fee]**  
14 **FEES** set by the Board.

15 21-303.

16           (a) To qualify for licensure under this title, an applicant shall meet the  
17 requirements of this section.

18           (b) An applicant shall be licensed by the Board if the applicant:

19                   (1) Qualifies for the examination required under **[§ 11-304] § 21-304**  
20 of this subtitle; and

21                   (2) Takes and attains a passing score on the examination.

22           (c) **[An applicant employed as an environmental sanitarian on or before**  
23 **June 30, 1985 may be licensed without taking the examination required under this**  
24 **section if the applicant meets the educational and training requirements set forth in §**  
25 **11-304 of this subtitle and the applicant applied for licensure to the Board before July**  
26 **1, 1994.**

27           (d) The Board may waive any examination requirement under this section if  
28 the Board considers the applicant to be recognized as outstanding in the field of  
29 environmental health.

30 21-304.

31           (a) An applicant who otherwise qualifies for licensure is entitled to be  
32 examined as provided in this section.

1 (b) An applicant qualifies to take the examination if the applicant:

2 (1) (i) Has graduated from an accredited college or university with  
3 a baccalaureate degree in environmental science or environmental health; and

4 (ii) Has obtained 12 months of experience in [a  
5 sanitarian-in-training] **AN ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING**  
6 program approved by the Board; [or]

7 (2) (i) Has graduated from an accredited college or university with  
8 a baccalaureate degree in the physical, biological, or environmental sciences including:

9 1. A minimum of 60 semester credit hours or the  
10 equivalent quarter credit hours of physical, biological, and environmental sciences  
11 acceptable to the Board which includes at least [1] **ONE** laboratory course in [2] **TWO**  
12 of the following fields: [chemistry, physics, and biology]

13 **A. CHEMISTRY;**

14 **B. PHYSICS; AND**

15 **C. BIOLOGY; and**

16 2. A course in mathematics; and

17 (ii) Has obtained 12 months of experience in [a  
18 sanitarian-in-training] **AN ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING**  
19 program approved by the Board; [or]

20 (3) (i) Has graduated from an accredited college or university with  
21 a baccalaureate degree that includes:

22 1. 30 semester credit hours or the equivalent in quarter  
23 units in the physical, biological, and environmental sciences acceptable to the Board,  
24 which includes at least [1] **ONE** laboratory course in [2] **TWO** of the following fields:  
25 [chemistry, physics, and biology]

26 **A. CHEMISTRY;**

27 **B. PHYSICS; AND**

28 **C. BIOLOGY; and**

29 2. A course in mathematics; and

1 (ii) Has obtained 24 months of experience in [a  
2 sanitarian-in-training] **AN ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING**  
3 program approved by the Board; or

4 (4) Has graduated from an accredited college or university with a  
5 master's degree in public or environmental health science that includes:

6 (i) 30 semester units or 45 quarter units of physical, biological,  
7 or environmental sciences acceptable to the Board, which includes at least [1] **ONE**  
8 laboratory course in [2] **TWO** of the following fields: [biology, chemistry, and physics]

9 1. **CHEMISTRY;**

10 2. **PHYSICS; AND**

11 3. **BIOLOGY;**

12 (ii) A course in mathematics; and

13 (iii) 3 months of internship approved by the Board if not  
14 previously completed]; or

15 (5) (i) Has obtained at least 10 years of experience in the field of  
16 environmental health acceptable to the Board and the applicant applied for licensure  
17 to the Board before July 1, 1995; and

18 (ii) Takes and passes the examination within 2 years of  
19 application for licensure].

20 (c) The examination shall include a written examination in the physical,  
21 biological, and environmental sciences that relates to practices and principles of  
22 environmental health.

23 (d) The Board shall give examinations to applicants at least once a year, at  
24 the times and places that the Board determines.

25 (e) The Board shall notify each qualified applicant of the time and place of  
26 examination.

27 (f) (1) Except as otherwise provided in this subtitle, the Board shall  
28 determine the subjects, scope, form, and passing score for examinations given under  
29 this subtitle.

30 (2) The Board shall use professional examinations prepared by  
31 recognized examination agencies.

1           (3) Examination papers shall identify the applicant only by a number  
2 assigned by the Board secretary.

3           (g) Examination papers shall be filed with the Board secretary and kept at  
4 least 1 year.

5           (h) (1) An applicant who fails an examination may retake the  
6 examination as provided in the rules and regulations adopted by the Board.

7           (2) An applicant for reexamination shall:

8                   (i) Submit to the Board an application on the form the Board  
9 requires; and

10                   (ii) Pay to the Board a reexamination fee set by the Board.

11           (i) Unless authorized by the Board, the consumer member of the Board may  
12 not participate in any activity related to examinations under this subtitle.

13 21-305.

14           The Board shall adopt regulations that include:

15                   (1) The establishment of [a sanitarian-in-training] AN  
16 ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING program for applicants to  
17 obtain the necessary experience to qualify to take the examination; and

18                   (2) A condition that a person may not participate in [a  
19 sanitarian-in-training] AN ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING  
20 program for more than 3 years, unless [approved] GRANTED AN EXTENSION by the  
21 Board.

22 21-306.

23           (a) Subject to the provisions of this section, the Board may make a reciprocal  
24 agreement with any other state to waive any examination requirement of this title for  
25 an applicant who is licensed as a [registered] LICENSED environmental [sanitarian]  
26 HEALTH SPECIALIST or its equivalent in that state.

27           (b) An agreement made under this section may allow the Board to grant a  
28 waiver only if the applicant:

29                   (1) Pays the application fee required by [§ 11-302] § 21-302 of this  
30 subtitle; and

31                   (2) Provides adequate evidence that the applicant:

1 (i) Meets the qualifications otherwise required by this title; and

2 (ii) Became licensed in the other state after passing in that or  
3 any other state an examination that is similar to the examination for which the  
4 applicant is seeking the waiver.

5 (c) An agreement may be made with another state under this section only if,  
6 under the agreement, the other state waives the examination of [registered]  
7 **LICENSED** environmental [sanitarians] **HEALTH SPECIALISTS** of this State to a  
8 similar extent as this State waives the examination requirements for individuals  
9 licensed in that state.

10 21–307.

11 (a) The Board shall license and issue the appropriate licensure to any  
12 applicant who meets the requirements of this title.

13 (b) The Board shall include on each license that it issues:

14 (1) The designation [“registered environmental sanitarian”]  
15 **“LICENSED ENVIRONMENTAL HEALTH SPECIALIST”**;

16 (2) The name of the license holder;

17 (3) The date of issue and serial number of the license;

18 (4) The Board seal; and

19 (5) The signature of the Board’s representative.

20 (c) The Board shall issue a new license to replace a lost, destroyed, or  
21 mutilated license if the license holder pays a fee that is set by the Board.

22 21–308.

23 Licensure authorizes an individual to practice as an environmental [sanitarian]  
24 **HEALTH SPECIALIST** while the license is in effect.

25 21–309.

26 (a) A license expires on the date specified on the license, unless it is renewed  
27 for a 2–year term as provided in this section.

28 (b) At least 1 month before the license expires, the Board shall send to the  
29 licensee, by first–class mail **OR ELECTRONIC MEANS** to the last known address **OR**  
30 **ELECTRONIC MAIL ADDRESS** of the licensee, a renewal notice that states:



- 1           (1)    The date on which the current license expires;
- 2           (2)    The date by which the renewal application must be received by the  
3 Board for the renewal to be issued and mailed before the license expires;
- 4           (3)    The amount of the renewal fee; and
- 5           (4)    The hours of approved training required for renewal of licensure.

6           (c)    Before the license expires, the licensee may renew it for an additional  
7 2-year term, if the licensee:

- 8           (1)    Otherwise is entitled to be licensed;
- 9           (2)    Pays to the Board the renewal fee set by the Board;
- 10          (3)    Submits to the Board a renewal application on the form that the  
11 Board requires; and
- 12          (4)    Submits to the Board [proof that during the previous 2-year  
13 period, the licensee has acquired 20 hours of approved training in environmental  
14 health or other equivalent education as approved by the Board] **SATISFACTORY  
15 EVIDENCE OF COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENTS  
16 FOR LICENSE RENEWAL SET BY THE BOARD UNDER SUBSECTION (D) OF THIS  
17 SECTION.**

18           **(D)    IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS  
19 ESTABLISHED BY THE BOARD, THE BOARD SHALL ESTABLISH CONTINUING  
20 EDUCATION REQUIREMENTS AS A CONDITION OF THE RENEWAL OF LICENSES  
21 UNDER THIS SECTION.**

22           **[(d)] (E)**    The renewal license shall bear the same serial number assigned to  
23 the licensee at the time of the original registration or licensure.

24   21-310.

25           The Board shall reinstate the license of a [registered] **LICENSED** environmental  
26 [sanitarian] **HEALTH SPECIALIST** who has failed to renew the license for any reason  
27 if the [registered] **LICENSED** environmental [sanitarian] **HEALTH SPECIALIST**:

- 28           (1)    Pays the Board all lapsed renewal fees and demonstrates that  
29 training as required by the Board has been completed;
- 30           (2)    Reapplies and meets the qualifications and requirements for  
31 licensure; and

1 (3) Pays to the Board a reinstatement fee set by the Board.

2 21-311.

3 (a) The Board shall keep a current record of each application for licensure.

4 (b) The record shall include:

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

6 (2) The name and address of the applicant's employer;

7 (3) The date of the application;

8 (4) Complete information on the education and experience  
9 qualifications of each applicant;

10 (5) The date the Board reviewed and acted on the application;

11 (6) The action taken by the Board on the application;

12 (7) The serial number of any registration or license issued to the  
13 applicant; and

14 (8) Any other information that the Board considers necessary.

15 21-312.

16 (a) The Board shall adopt a code of ethics designed to protect the public's  
17 interest.

18 (b) Subject to the hearing provisions of [§ 11-313] **§ 21-313** of this subtitle,  
19 the Board, on the affirmative vote of a majority of its full authorized membership, may  
20 deny any applicant licensure, reprimand any licensee, or place any individual who is  
21 licensed on probation, or suspend or revoke a license, if the applicant or licensee:

22 (1) Fraudulently or deceptively obtains or attempts to obtain a license  
23 for the applicant or license holder or another;

24 (2) Fraudulently or deceptively uses a license;

25 (3) Knowingly violates any provision of this title, or any rule or  
26 regulation adopted under this title;

27 (4) Commits any gross negligence, incompetence, or misconduct while  
28 performing the duties of an environmental [sanitarian] **HEALTH SPECIALIST**;

1 (5) Is convicted of or pleads guilty or nolo contendere to a felony or to a  
2 crime involving moral turpitude, whether or not any appeal or other proceeding is  
3 pending to have the conviction or plea set aside;

4 (6) Provides professional services while:

5 (i) Under the influence of alcohol; or

6 (ii) Using any narcotic or controlled dangerous substance, as  
7 defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of  
8 therapeutic amounts or without valid medical indication;

9 (7) Is disciplined by a licensing or disciplinary authority of any other  
10 state or country or convicted or disciplined by a court of any state or country for an act  
11 that would be grounds for disciplinary action under the Board’s disciplinary statutes;

12 (8) Willfully makes or files a false report or record while performing  
13 the duties of an environmental [sanitarian] **HEALTH SPECIALIST**;

14 (9) Willfully fails to file or record any report as required by law,  
15 willfully impedes or obstructs the filing or recording of the report, or induces another  
16 to fail to file or record the report;

17 (10) Submits a false statement to collect a fee;

18 (11) Promotes the sale of land, devices, appliances, or goods provided  
19 for a person in such a manner as to exploit the person for financial gain of the  
20 [registered] **LICENSED** environmental [sanitarian] **HEALTH SPECIALIST**;

21 (12) Willfully alters a sample, specimen, or any test procedure to cause  
22 the results upon analysis to represent a false finding;

23 (13) Violates any rule or regulation adopted by the Board;

24 (14) Uses or promotes or causes the use of any misleading, deceiving, or  
25 untruthful advertising matter, promotional literature, or testimonial; [or]

26 (15) Is professionally, physically, or mentally incompetent; **OR**

27 **(16) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION**  
28 **CONDUCTED BY THE BOARD.**

29 [(c) Except as provided in subsection (d) of this section, any person, including  
30 a Board employee, may make a written, specific charge of a violation under this  
31 section, if the person:

32 (1) Swears to the charge; and

1 (2) Files the charge with the Board secretary.

2 (d) (1) If a registered environmental sanitarian knows of an action or  
3 condition that might be grounds for action under subsection (b) of this section, the  
4 registered environmental sanitarian shall report the action or condition to the Board;  
5 and

6 (2) An individual shall have the immunity from liability described  
7 under § 5-702 of the Courts and Judicial Proceedings Article for making a report as  
8 required by this subsection.]

9 21-313.

10 (a) (1) Except as otherwise provided in the Administrative Procedure Act,  
11 before the Board takes any action under [§ 11-312] § 21-312 of this subtitle, it shall  
12 give the individual against whom this action is contemplated an opportunity for a  
13 hearing before the Board.

14 (2) A hearing shall be held within a reasonable time not to exceed 6  
15 months after charges have been brought.

16 (b) The Board shall give notice and hold the hearing in accordance with the  
17 Administrative Procedure Act.

18 (c) [At least 30 days before the hearing, the hearing notice to be given to the  
19 individual shall be served in accordance with § 1-204 of this article.

20 (d)] The individual may be represented at the hearing by counsel.

21 [(e)](D) Over the signature of an officer or the administrator of the Board,  
22 the Board may issue subpoenas and administer oaths in connection with any  
23 investigation under this title and any hearings or proceedings before it.

24 [(f)](E) If, without lawful excuse, a person disobeys a subpoena from the  
25 Board or an order by the Board to take an oath or to testify or answer a question, then,  
26 on petition of the Board, a court of competent jurisdiction may punish the person as for  
27 contempt of court.

28 [(g)](F) If, after due notice, the individual against whom the action is  
29 contemplated fails or refuses to appear, the Board may hear and determine the  
30 matter.

31 21-314.

32 Except as provided in this section for an action under [§ 11-312] § 21-312 of  
33 this subtitle, any person aggrieved by a final decision of the Board in a contested case,

1 as defined in § 10–202 of the State Government Article, may take an appeal as allowed  
2 in §§ 10–222 and 10–223 of the State Government Article.

3 21–315.

4 The Board, on the affirmative vote of a majority of its full [authorized]  
5 **APPOINTED** membership, may reinstate the license of an individual whose license has  
6 been revoked.

7 Subtitle 4. Prohibited Acts; Penalties.

8 21–401.

9 (a) Except as otherwise provided in this title, unless a person is licensed  
10 under this title, the person may not practice as an environmental [sanitarian]  
11 **HEALTH SPECIALIST**.

12 (b) Unless a person is licensed under this title, the person may not use the  
13 title [“registered environmental sanitarian”] **“ENVIRONMENTAL HEALTH**  
14 **SPECIALIST” OR “LICENSED ENVIRONMENTAL HEALTH SPECIALIST”** or the  
15 initials [“R.S.”] **“E.H.S.” OR “L.E.H.S.”** after the name of the person or any other  
16 title with the intent to represent that the person is licensed to practice as an  
17 environmental [sanitarian] **HEALTH SPECIALIST**.

18 21–402.

19 A person who violates any provision of [§ 11–301] **§ 21–301** of this title or [§  
20 11–401] **§ 21–401** of this subtitle is guilty of a misdemeanor and on conviction is  
21 subject to a fine not exceeding [ \$100 ] **\$5,000** or imprisonment not exceeding [60 days]  
22 **2 YEARS** or both.

23 Subtitle 5. Short Title; Termination of Title.

24 21–501.

25 This title may be cited as the “Maryland Environmental [Sanitarian] **HEALTH**  
26 **SPECIALIST Act**”.

27 21–502.

28 Subject to the evaluation and reestablishment provisions of the Program  
29 Evaluation Act, the provisions of this title and of any rule or regulation adopted under  
30 this title shall terminate and be of no effect after July 1, 2013.

31 **Article – State Government**

1 8-403.

2 (b) Except as otherwise provided in subsection (a) of this section, on or before  
3 the evaluation date for the following governmental activities or units, an evaluation  
4 shall be made of the following governmental activities or units and the statutes and  
5 regulations that relate to the governmental activities or units:

6 (23) Environmental [Sanitarians] **HEALTH SPECIALISTS**, State Board  
7 of (§ **21-201** of the **HEALTH OCCUPATIONS** Article: July 1, 2012);

8 SECTION 3. AND BE IT FURTHER ENACTED, That a member of the State  
9 Board of Environmental Sanitarians who is serving on the Board before October 1,  
10 2011, shall continue to serve on the State Board of Environmental Health Specialists  
11 for the remainder of their 5-year term and that the provisions of § 21-202 of the  
12 Health Occupations Article, as enacted by Section 2 of this Act, shall apply to any  
13 vacancy on the Board on or after October 1, 2011.

14 SECTION 4. AND BE IT FURTHER ENACTED, That an individual licensed by  
15 the State Board of Environmental Sanitarians before October 1, 2011, to practice as an  
16 environmental sanitarian:

17 (1) at the time a license to practice as an environmental sanitarian  
18 expires, the Board shall issue a license to practice as an environmental health  
19 specialist to replace the license to practice as an environmental sanitarian in  
20 accordance with the renewal requirements under § 21-309 of the Health Occupations  
21 Article, as enacted by Section 2 of this Act; and

22 (2) the individual may continue to practice as an environmental  
23 sanitarian until a new license is issued.

24 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2011.