

MARYLAND REGISTER

**Proposed Action on Regulations**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	06/22/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 8/7/2015**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

10	60	01	01-.05
10	60	02	01-.06, .08 and .09
10	60	03	01 and .02
10	60	06	01

**3. Name of Promulgating Authority**

Department of Health and Mental Hygiene

**4. Name of Regulations Coordinator**

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**5. Name of Person to Call About this Document**

Kristen Neville

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**6. Check applicable items:**

- New Regulations

- Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: April 14, 2015.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R

(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

Yes - No

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Ari Elbaum, Assistant Attorney General, (telephone #410-767-1871) on May 13, 2015. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Van T. Mitchell

**Title**

**Telephone No.**

Secretary

410-767-6500

**Date**

June 22, 2015

**Title 10**  
**DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

**Subtitle 60 BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS**

**10.60.01 General Regulations**

**Subtitle 60 BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS**

**10.60.02 Licensing Procedures**

**Subtitle 60 BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS**

**10.60.03 Approved Training**

**Subtitle 60 BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS**

**10.60.06 Fee Schedule**

Authority: See proposal.

**Notice of Proposed Action**

[]

The Secretary of Health and Mental Hygiene proposes to :

- 1) Amend Regulations .01—.05 under COMAR 10.60.01 General Regulations;
- 2) Amend Regulations .01—.05, repeal Regulation .08, and adopt new Regulations .08—.10 under COMAR 10.60.02 Licensing Procedures;
- 3) Amend Regulations .01 and .02 under COMAR 10.60.03 Approved Training; and
- 4) Amend Regulation .01 under COMAR 10.60.06 Fee Schedule.

This action was considered at a public meeting on February 4, 2015, notice of which was given on the Board's website at <http://dhmh.maryland.gov/behs/SitePages/Home.aspx> pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to :

- 1) Clarify who can be an environmental health sponsor;
- 2) Repeal a definition and define certain new terms;
- 3) Authorize the Board to waive an examination under certain circumstances;

- 4) Authorize the Board to reduce the 24 month length of approved training time for an environmental health specialist-in-training provided certain conditions are met;
- 5) Set new experience requirements for an environmental health specialist-in-training program;
- 6) Prohibit the Board from taking additional action on an incomplete application for licensure and require the Board to notify the applicant for certain additional information within a certain period of time;
- 7) Require the Board to post examination dates on its website;
- 8) Prohibit the Board from renewing an environmental health specialist-in-training certificate after it has been extended by the Board;
- 9) Repeal certificates of eligibility for supervised training;
- 10) Authorize the Board to renew an environmental health specialist-in-training certificate for a temporary employee for a period of 24 months;
- 11) Establish a process for a temporary employee who is being converted to or hired as a permanent employee to maintain their certificate;
- 12) Repeal the reinstatement process and establish inactive status for licensees who apply and meet certain conditions, require the Board to make a certain notification to licensees placed on inactive status, and authorize the Board to reactivate a license under certain circumstances;
- 13) Require the Board to place a licensee on non-renewed status for no longer than 4 years if the licensee fails to renew the license, require the Board to send a certain notification to the licensee, and authorize the Board to reactivate a license under certain circumstances;
- 14) Authorize the Board to reactivate a license that was on inactive or non-renewed status after the inactive or non-renewed status expired under certain circumstances;
- 15) Establish that a Board-approved training courses may be an online course or may include authoring a paper published in a peer-reviewed journal; and
- 16) Repeal certain fees and establish new fees.

### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

### **Estimate of Economic Impact**

#### **I. Summary of Economic Impact.**

There will be an impact to licensees who want to reactivate a license that has been put on non-renewed status, to licensees who want to put their license on inactive status, and to those who want to renew their certificate of training for a temporary employee. These are new fees that the Board is proposing to adopt. The Board is repealing fees to apply for a licensure by reciprocity and to verify an examination score. The current fee to reinstate a license is being replaced with a reactivation fee of the same amount. The Board cannot estimate the exact impact on the Board finances or on the licensee base because it cannot estimate how many licensees will apply for inactive status, reactivation, renewal of a certificate, or for licensure by reciprocity.

Revenue (R+/R-)

**II. Types of Economic Impact.**

Expenditure (E+/E-)

Magnitude

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A. On issuing agency:	(E+)	Indeterminate
B. On other State agencies:	NONE	
C. On local governments:	NONE	

Benefit (+)  
Cost (-)

Magnitude

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D. On regulated industries or trade groups:	(-)	Indeterminate
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. The current fee to reinstate a license is \$100 plus the \$200 renewal fee. This is being replaced by a \$300 reactivation fee, so there is no increase or decrease to the Board or to the licensee base for this proposed change. Regarding the other fee changes, as stated above, the Board cannot estimate the fiscal impact because it cannot estimate how many licensees will apply for inactive status, reactivation, renewal of a certificate, or for licensure by reciprocity.

D. See A.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through September 8, 2015. A public hearing has not been scheduled.

**Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

It is incumbent upon applicants for licensure and licensees of the Board to obtain the correct training and pay the required fees, not upon a small business.

G. Small Business Worksheet:

Attached Document:

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**Title 10**  
**DEPARTMENT OF HEALTH AND MENTAL**  
**HYGIENE**  
**Subtitle 60 - BOARD OF ENVIRONMENTAL HEALTH**  
**SPECIALISTS**

**10.60.01 General Regulations**

Authority: Health Occupations Article, §§21-101, 21-205, 21-305, 21-303, 21-306, Annotated Code of Maryland

*10.60.01.01 (downloaded 4/14/2015)*

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) "Certificate" means any of the following certificates issued by the Board:

(a) A certificate of eligibility for obtaining employment; *and*

(b) An environmental health specialist-in-training certificate; and

(c) A certificate of eligibility for supervised training].

(6) "Environmental health specialist-in-training" means an individual who [meets]:

(a) Meets the educational qualifications set forth in Regulation .03B of this chapter; *and*

(b) *Has a valid environmental health specialist-in-training certificate.*

(7) (text unchanged)

(8) Environmental Health Sponsor.

(a) (text unchanged)

(b) "Environmental health sponsor" includes:

(i) [A licensed environmental health specialist] *For public employees, an environmental health director, equivalent agency officer, or their designee; or*

(ii) [An] *For private sector employees, an environmental professional, [or administrator not required to be licensed by the Board under Environment Article, §11-301(b), Annotated Code of Maryland; or] who, like an environmental health director or equivalent agency supervisor, makes discretionary decisions affecting food safety, water quality, air quality, sewage systems, and other aspects of the environment affecting the public health*

[ (iii) A supervisor acceptable to the Board].

(9) (text unchanged)

(10) *"Full-time employment" means employment of at least 34 hours per week.*

[(10)] (11)—[(15)] (16) (text unchanged)

[(16)] (17) *Party.*

(a) *"Party" means a person or agency named or admitted as a party, or properly seeking and entitled to the right to be admitted as a party, in formal hearings.*

(b) *"Party" includes a person or agency admitted for limited purposes.*

(18) *"Permanent employee" means an individual who is:*

(a) *Employed to practice as an environmental health specialist; and*

(b) *Not a temporary employee.*

[(17)] (19) (text unchanged)

[(18)] *"Seasonal employee" means an individual who is employed to practice as an environmental health specialist under an environmental health specialist-in-training certificate who:*

(a) *Performs the duties of an environmental health specialist-in-training on a seasonal basis;*

(b) *Is employed for a length of time, not to exceed 5 consecutive months, pursuant to a contract of employment; and*

(c) *Is not required to complete the total months of experience in an environmental health specialist-in-training program as a full-time employee under Regulation .03B of this chapter on a consecutive monthly basis.]*

(20) *"Subject matter expert" means an individual with in-depth knowledge or expertise in performing a specialized job, duty or skill within an organization.*

(21) *"Temporary employee" means an individual who is:*

(a) *Employed to practice as an environmental health specialist on a temporary basis for a length of time not to exceed 6 consecutive months within a consecutive 12-month period; and*

(b) *Not required to complete the total months of experience in an environmental health specialist-in-training program under Regulation .03B of this chapter on a consecutive monthly basis.*

## **.02 Prohibitions.**

A. An individual may not practice as an environmental health specialist in the State unless the individual:

(1) (text unchanged)

(2) *Is employed under a valid environmental health specialist-in-training certificate [or a certificate of eligibility for supervised training] issued by the Board.*

B. An individual may not practice as an environmental health specialist under an environmental health specialist-in-training certificate for more than a total of 3 years, unless approved by the Board in accordance with COMAR [10.60.02.05D(3)] *10.60.02.05B.*

## **.03 Licensing and Examination.**

A. (text unchanged)

B. An applicant is eligible to take the examination if the applicant has satisfied one of the following combinations of education and experience:

(1) (text unchanged)

(2) Combination 2:

(a) (text unchanged)

(b) *Obtained 12 months of experience in an environmental health specialist-in-training program approved by the Board; or*

(3) Combination 3:

(a) (text unchanged)

(b) *Obtained 24 months of experience in an environmental health specialist-in-training program approved by the Board [; or*

(4) Combination 4:

(a) *Graduated from an accredited college or university with a master's degree in public or environmental health science that includes:*

(i) 30 semester credits or 45 quarter credits of physical, biological, or environmental sciences acceptable to the Board, which includes at least one laboratory course in two of the following fields: biology, chemistry, and physics; and

- (ii) A course in mathematics; and  
(b) Completed an internship].

**.04 Waivers.**

A. The Board may waive any examination requirement under this chapter if [the]:

(1) *The Board considers the applicant to be recognized as outstanding in the field of environmental health; or*

(2) *The applicant has:*

(a) *Satisfied the education and experience requirements set forth in Regulation .03 of this chapter;*

(b) *Passed an examination in another state that is substantially equivalent to the Board's examination; and*

(c) *Performed at least 24 months of compensated work as an environmental health specialist or its equivalent in the other state.*

B. (text unchanged)

**.05 Environmental Health Specialist-In-Training Program.**

A. (text unchanged)

B. At a minimum, an environmental health specialist-in-training program shall:

(1) (text unchanged)

(2) Provide the environmental health specialist-in-training with an opportunity for [formal] education and training in the [study areas]:

(a) *Areas identified in Regulation .01B(20) of this chapter; and*

(b) *Subject areas included in the recognized examination approved by the Board [under §E of this regulation];*  
and

(3) (text unchanged)

C. The environmental health sponsor of a Board-approved environmental health specialist-in-training program shall [certify in writing to the Board each major component of employment of the environmental health specialist-in-training] *ensure that the program complies with §B of this regulation.*

D. Experience Requirements.

(1) [Only approved experience] *Experience* obtained under the direction of the environmental health sponsor shall be credited toward the experience requirements of [an] *a Board-approved* environmental health specialist-in-training program.

(2) (text unchanged)

(3) The Board may approve[, as part of an internship program,] *and apply* experience that was obtained [to satisfy the degree requirements of an academic institution] *from prior employment as part of an environmental health specialist-in-training program.*

(4) [Approved experience shall be credited to] *The Board may reduce the 24 month length of approved training time for an environmental health specialist-in-training [program as follows] certificate holder provided that:*

(a) *The environmental-health-specialist-in-training certificate holder has completed a minimum of 12 months of [experience shall equal 12 calendar months of full-time employment as determined by the employer] training approved by the Board; [and]*

(b) [*Experience gained at rates other than those in §D(4)(a)*] The environmental health specialist-in-training certificate holder has satisfied requirements outlined in §B of this regulation [shall be credited on a prorated basis.];  
and

(c) *The Board receives written requests from the environmental health specialist-in-training certificate holder and the environmental health sponsor that the certificate holder:*

(i) *Has satisfied the requirements of §B(1) or (2) of this regulation; and*

(ii) *Is requesting a reduction to the minimum 24 month length of approved training to take the examination.*

(5) [Except as provided in §D(3) of this regulation, approved] *Approved* experience [does not include] *shall be credited to an environmental health specialist-in-training as follows:*

(a) [Experience obtained to satisfy the degree requirements of an academic institution] *Each month of full time employment is credited as 1 month of experience;*

(b) [Experience gained at the rate of less than 2 months per calendar year] *Each month of less than full-time employment is credited on a prorated basis; [or] and*

(c) [Experience obtained during a time period in] *No experience credit is given for any month during which the environmental health specialist-in-training's job performance [has been] is rated as unsatisfactory in writing by that individual's supervisor.*

(6) *Except for an internship approved by an environmental health sponsor, approved experience does not include experience obtained to satisfy the degree requirements of an academic institution.*

[E. Training and Education.

(1) The Board shall identify each of the study areas on the license examination and the approximate number of questions that the examination contains for each area.

(2) The Board shall, upon request, classify approved training into the study areas identified under §E(1) of this regulation.]

## 10.60.02 Licensing Procedures

Authority: Health Occupations Article, §§21-205, 21-301, 21-302, 21-304, 21-305, 21-307, 21-310, Annotated Code of Maryland

### .01 Application Procedure.

A.—B. (text unchanged)

C. An applicant for a license who claims experience as an environmental health specialist shall [have three reference letters submitted directly] *provide* to the Board *independent written verification* from the applicant's [current or former employers or supervisors] *employer* describing the nature and duration of the applicant's experience.

### .02 Incomplete Application.

A. The Board [may]:

(1) *May not take any action on an incomplete application; and*

(2) *Shall notify the applicant of the need for additional information within 45 days of receipt of the application.*

B. An application is not complete until all required material, including the fee and supporting documentation, [has been] *is* received by the Board.

C. (text unchanged)

### .03 Action on an Application.

A. [Notification to Applicant. Following its review of the application, the] *The* Board shall notify [the] *an* applicant in writing that [the applicant]:

(1) [Qualifies] *The applicant qualifies* for a license under COMAR 10.60.01.03 or .04;

(2) [Qualifies] *The applicant qualifies* for [examination or a certificate of eligibility] :

(a) *Examination under COMAR 10.60.01.03; or*

(b) *A certificate of eligibility under COMAR 10.60.02.05;*

(3) [Does] *The applicant does not* qualify to receive a license or a certificate of eligibility, or to take the examination, for one or more of the reasons set forth in §C of this regulation; or

(4) [Shall provide the Board with additional information before the Board can complete its review of the application.] *The application is incomplete, the reasons the application is incomplete, and that the application will be invalid in 1 year.*

B.—D. (text unchanged)

### .04 Examination.

A. The Board shall [offer]:

(1) *Offer* written examinations at least 3 times a year[.]; *and*

(2) *Post the examination dates on the Board's website.*

B.—D. (text unchanged)

E. An applicant who fails the examination may apply for reexamination if the applicant [submits]:

(1) *Submits* an application in accordance with §D(2) and (3) of this regulation; *or*

(2) *Applies directly to the recognized examination service to take the on-line version of the examination.*

*F. The Board may waive any examination requirement under this regulation if the Board considers the applicant to be recognized as outstanding in the field of environmental health.*

*G. To be recognized as outstanding by the Board, an applicant shall:*

(1) *Meet the criteria set forth in COMAR 10.60.01.03 and 10.60.02.01 for an environmental health specialist-in-training;*

(2) *Be considered a subject matter expert in one or more of the following areas covered by the Board:*

(a) *The manufacture, preparation, handling, distribution, or sale of food and milk;*

(b) *Water supply and treatment;*

(c) *Wastewater treatment and disposal;*

(d) *Solid waste management and disposal;*

(e) *Vector control;*

(f) *Insect and rodent control;*

(g) *Air quality;*

(h) *Noise control;*

(i) *Product safety;*

(j) *Recreational sanitation; or*

(k) *Institutional and residential sanitation;*

(3) *Demonstrate at least one of the following career pathways with a minimum of 15 years of progressive responsibilities with:*

(a) *A demonstrated technical knowledge and experience including obtaining a Masters or Doctorate degree in an environmental or public health-related area wherein the time devoted to technical scientific research may be applied towards the minimum time criteria as follows:*

- (i) *If obtaining a Masters degree, 1 year; or*
- (ii) *If obtaining a Doctorate degree, 2 years;*
- (b) *A managerial hierarchy similar to that of an environmental health specialist, such as:*
  - (i) *Health specialist in training;*
  - (ii) *Licensed environmental health specialist;*
  - (iii) *Supervisor;*
  - (iv) *Program manager; or*
  - (v) *Director; or*
- (c) *A combination of §G(3)(a) or (b) of this regulation;*
- (4) *Has demonstrated and documented involvement in at least one of the following activities:*
  - (a) *Research;*
  - (b) *Has been published in peer review publications;*
  - (c) *Has given court testimony or served as an expert witness qualified by a court system;*
  - (d) *Has teaching experience in an area covered by the Board; or*
- (5) *Where applicable, received a professional license through a Maryland or other recognized licensure body in the candidate's field.*

**.05 Certificates.**

**A. Certificate of Eligibility for Obtaining Employment.**

- (1) The Board shall issue a certificate of eligibility for obtaining employment to an applicant who:
  - (a)—(c) (text unchanged)
  - (d) Has not previously completed an environmental health specialist-in-training program under an environmental health specialist-in-training certificate [or a certificate of eligibility for supervised training from] *issued by the Board.*
- (2) (text unchanged)

**B. Environmental Health Specialist-In-Training Certificates.**

- (1) (text unchanged)
- (2) The environmental health specialist-in-training certificate shall expire 36 months after its effective date unless the expiration date has been extended in writing by the Board in accordance with [§D(3)] §B(4) of this regulation.
- (3) *The Board may not renew an environmental health specialist-in-training certificate for which the expiration date has been extended.*

**[C. Active Certificates of Eligibility for Supervised Training.**

- (1) The Board shall replace a certificate of eligibility for supervised training with an environmental health specialist-in-training certificate if:
  - (a) The certificate of eligibility for supervised training expires after the effective date of these regulations; and
  - (b) The certificate holder is employed to practice as an environmental health specialist.
- (2) An environmental health specialist-in-training certificate issued under §C(1) of this regulation expires 36 months after the date that the certificate holder began the period of supervised training.

**D. Expired Certificates of Eligibility for Supervised Training.**

- (1) The Board shall issue a health specialist-in-training certificate to an individual who holds a certificate of eligibility for supervised training that expired before the effective date of these regulations if the certificate holder:
  - (a) Is employed to practice as an environmental health specialist; and
  - (b) Applies to the Board on a form supplied by the Board.
- (2) An environmental health specialist-in-training certificate issued under §D(1) of this regulation expires 12 months after its issuance date.]
- [(3)] (4) (text unchanged)
- [(4)] (5) If the holder of an environmental health specialist-in-training certificate is a [seasonal] *temporary employee as defined in COMAR 10.60.01.01*, the Board, upon written request from the holder of the environmental health specialist-in-training certificate *and upon receipt of the renewal fee as required by COMAR 10.60.06*, may [extend the] *renew a valid certificate for [the number of] a period of 24 months [necessary to complete the environmental health specialist-in-training program under COMAR 10.60.01.05].*
- (6) *If a temporary employee is hired as or otherwise converted to a permanent employee:*
  - (a) *The employee shall submit the employee's current environmental health specialist-in-training certificate to the Board within 30 days;*
  - (b) *Upon receipt of the certificate referenced in §D(6)(a) of this regulation, the Board shall renew a new environmental health specialist-in-training certificate that is valid for 36 months; and*
  - (c) *The Board may reduce the required number of months of experience in an environmental health specialist-in-training program.*

**.08 Inactive Status.**

- A. The Board shall place a licensed environmental health specialist on inactive status for a period not to exceed 4 years if the licensee:**
  - (1) *Submits to the Board a written application for inactive status on a form the board requires; and*

(2) Pays to the Board the inactive status fee set by the Board.

B. The Board shall provide to a licensed environmental health specialist who is placed on inactive status written notification of:

- (1) The date the license has or will expire;
- (2) The date the inactive status became effective;
- (3) The date the inactive status expires; and
- (4) The consequences of not reactivating the license before the inactive status expires.

C. Except as provided in Regulation .10 of this chapter, the Board shall reactivate the license of a licensed environmental health specialist who is on inactive status if the licensee:

- (1) Applies to the Board for reactivation of the license before the inactive status expires;
- (2) Complies with the license renewal requirements that are in effect when the licensee applies for reactivation;
- (3) Has completed 20 credit hours of approved continuing education in the past 24 month period; and
- (4) Pays to the Board the reactivation fee established by COMAR 10.60.06(7).

**.09 Non-renewed Status.**

A. The Board shall place a licensed environmental health specialist on non-renewed status for a period not to exceed 4 years if the licensed environmental health specialist fails to renew the license for any reason.

B. The Board shall provide to the licensee who is placed on non-renewed status written notification of:

- (1) The date the license expired;
- (2) The date the non-renewed status became effective;
- (3) The date the non-renewed status expires; and
- (4) The consequences of not reactivating the license before the non-renewed status expires.

C. Except as provided in Regulation .10 of this chapter, the Board shall reactivate the license of a licensed environmental health specialist who is on non-renewed status if the individual:

- (1) Applies to the Board for reactivation of the license before the non-renewed status expires;
- (2) Complies with the license renewal requirements that are in effect when the individual applies for reactivation;
- (3) Has completed 20 credit hours of approved continuing education in the past 24 month period; and
- (4) Pays to the Board the reactivation fee established by COMAR 10.60.06.

**.10 Reactivation.**

Notwithstanding Regulations .08 and .09 of this chapter, the Board shall reactivate the license of a licensed environmental health specialist who was placed on inactive or non-renewed status if the individual:

- A. Applies to the Board for reactivation after the inactive or non-renewed status expired;
- B. Pays to the Board the reactivation fee established by COMAR 10.60.06;
- C. Provides any documentation required by the Board; and
- D. Passes the examination that is required at time of reactivation.

**10.60.03 Approved Training**

Authority: Health Occupations Article, §§21-205, 21-309, Annotated Code of Maryland

**.01 Approval of Training.**

A.—B. (text unchanged)

C. Board-approved training may consist of participation in any of the following:

- (1)—(2) (text unchanged)
  - (3) Extension studies, *on-line courses*, and correspondence courses, if there is satisfactory proof of completion, acceptable to the Board;
  - (4) (text unchanged)
  - (5) [Papers] *Authoring a paper* published in a professional [journals and] *journal* requiring peer review;
  - (6) (text unchanged)
- D. (text unchanged)
- E. Assignment of Credit.
- (1) The Board shall determine the hours of approved training as follows:
    - (a) (text unchanged)
    - (b) Credit hours for training such as *on-line courses*, correspondence courses, [and] extension studies, and *authored papers* shall be determined by the Board on a case-by-case basis.
  - (2) Approved training obtained within the [appropriate] license renewal period shall be credited *to the same license renewal period*.
  - (3) (text unchanged)
- F. (text unchanged)

**.02 Proof of Training.**

A. (text unchanged)

B. Proof of training consists of:

(1) [Official transcripts] *Transcripts* from [the] *an* educational institution *attesting to the satisfactory completion of training*;

(2)—(3) (text unchanged)

## **10.60.06 Fee Schedule**

Authority: Health Occupations Article, §§21-205, 21-206, and 21-309, Annotated Code of Maryland

### **.01 Scope.**

A.—C. (text unchanged)

D. The following fees apply:

(1)—(2) (text unchanged)

[(3) Application for licensure by reciprocity — \$100;]

[(4)] (3)—[(6)] (5) (text unchanged)

[(7) Reinstatement of license (in addition to required license renewal fee) — \$100]

(6) *Reactivation processing fee to change from inactive status to active status — \$300;*

(7) *Reactivation processing fee to change from non-renewed status to active status — \$500;*

(8) *Inactive status fee — \$25;*

[(8)] (9)—[(9)] (10) (text unchanged)

[(10) Examination score verification — \$25]

(11) (text unchanged)

(12) *24-month renewal of certificate of in training for temporary employee — \$25;*

**VAN T. MITCHELL**

**Secretary of Health and Mental Hygiene**

## **FEE JUSTIFICATION FOR PROPOSED COMAR 10.60.01-10.60.03 and 10.60.06**

(1) Explain/justify why an increase or decrease is necessary:

The new fees for reactivation are intended to deter licensees from letting their license lapse. Accordingly, the nominal fee to put a license on inactive status is intended to encourage licensees to put their license on inactive status if they will not be practicing for a period of time. The nominal cost of the fee to renew a certificate for a temporary employee goes to pay for the staff time required to process the renewal.

(2) How much money is needed to operate effectively or to eliminate an operating fund deficit?

N/A. The intent of this proposal is not to eliminate an operating fund deficit, but to maintain the appropriate funding for Board operations.

(3) In what year was the most recent fee increase?

The Board was transferred from the Department of Environment to DHMH in 2013. When the Board was in the Department of Environment, the last fee increase was 1986.

(4) Is the fee revenue retained by the Proposing Unit or passed through to a national organization that administers a uniform licensing exam?

Retained by the Proposing Unit

(5) Describe any measures taken to mitigate the need for increased revenue:

The Board repealed two fees in an effort to offset any potential fiscal impact to the licensee base.

(6) Describe any special circumstances that have had an adverse impact on the Proposing Unit's operating expenses.

None

(7) Describe any consideration given by the Proposing Unit as to the hardship a fee increase may have on the regulated profession.

The Board is always sensitive to the impact of changes in its regulations to the licensee base, especially regarding fees. This is one reason why it repealed two fees in addition to establishing new fees.

(8) Describe any efforts to solicit the opinions of licensees regarding the Proposing Unit's effectiveness and performance.

Members of the professional association are also members of the Board and provide regular feedback on Board functions.