

Chapter 359

(Senate Bill 200)

AN ACT concerning

Health Occupations – ~~Environmental Health Specialists – Regulation State Board of Environmental Health Specialists – Sunset Extension and Revisions~~

FOR the purpose of continuing the State Board of Environmental Health Specialists in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring a certain annual report filed by the Board to include a plan for special fund revenues; requiring the Board, on or before a certain date, to adopt certain regulations regarding continuing education, conduct a certain review of continuing education units and providers, make certain information available through the Board's Web site, conduct a certain evaluation, implement an online continuing education unit process, overhaul the Board's Web site to include certain content, and establish a method to improve the accuracy of licensee contact information; requiring the Board to monitor the Long Term Environmental Health Workforce Work Group's activities and certain recommendations and assist the Work Group in instituting certain statutory and regulatory changes and distributing information to licensees; requiring the Board, on or before a certain date, to provide a certain report to certain committees of the General Assembly ~~on the implementation of the requirements of certain provisions of this Act; requiring the Board to develop a certain plan, submit certain legislation to certain committees of the General Assembly on or before a certain date, and report certain information to certain committees of the General Assembly on or before certain dates; and generally relating to the State Board of Environmental Health Specialists. repealing provisions of law that establish the State Board of Environmental Health Specialists, specify the membership, powers, and duties of the Board, and provide for the officers, meetings, compensation, and staff for the Board; repealing the State Board of Environmental Health Specialists Fund; repealing the requirement that an individual be licensed by the Board to practice as an environmental health specialist in the State; repealing provisions of law relating to the licensure of environmental health specialists; repealing certain prohibited acts and penalties; repealing a certain short title; repealing a certain termination provision; requiring an individual to obtain and maintain a certain credential and submit certain documentation to the individual's employer to practice as an environmental health specialist in the State; requiring the employer of an individual practicing as an environmental health specialist to verify the individual's compliance with certain provisions of this Act on a certain basis; providing exemptions from the application of certain provisions of this Act; authorizing certain individuals to practice as an environmental health specialist in the State under certain circumstances and for a certain period of time; repealing the requirement that the Department of Legislative Services conduct a~~

~~certain evaluation of the Board; providing that an individual who is licensed by the Board on a certain date is considered to be licensed and deemed eligible to practice as an environmental health specialist for the duration of the term of the license; requiring that any balance in the Fund on a certain date be transferred to the General Fund; requiring the Department of Health and Mental Hygiene, on or before a certain date, to work with the National Environmental Health Association to secure a certain agreement; requiring the agreement to specify certain matters; requiring the Department of Health and Mental Hygiene to notify certain legislative committees and the Department of Legislative Services about the details of the agreement at a certain time; requiring the publishers of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, to make certain corrections in a certain manner; repealing certain definitions; defining certain terms; altering a certain definition; providing for the application of certain provisions of this Act; and generally relating to the regulation of environmental health specialists.~~

~~BY repealing~~

~~Article — Health Occupations~~

~~Section 21-102 and the subtitle “Subtitle 1. General Provisions”; 21-201 through 21-207 and the subtitle “Subtitle 2. State Board of Environmental Health Specialists”; 21-301 through 21-315 and the subtitle “Subtitle 3. Licensing”; 21-401 and 21-402 and the subtitle “Subtitle 4. Prohibited Acts; Penalties”; and 21-501 and 21-502 and the subtitle “Subtitle 5. Short Title; Termination of Title”~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article — Health Occupations~~

~~Section 21-101~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2015 Supplement)~~

~~BY adding to~~

~~Article — Health Occupations~~

~~Section 21-102 through 21-104~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2015 Supplement)~~

~~BY repealing~~

~~Article — State Government~~

~~Section 8-403(b)(20)~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2015 Supplement)~~

~~BY renumbering~~

~~Article – State Government
Section 8–403(b)(21) through (57), respectively
to be Section 8–403(b)(20) through (56), respectively
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)~~

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(c) 21–102 and the subtitle “Subtitle 1. General Provisions”; 21–201 through
21–207 and the subtitle “Subtitle 2. State Board of Environmental Health Specialists”;
21–301 through 21–315 and the subtitle “Subtitle 3. Licensing”; 21–401 and 21–402 and
the subtitle “Subtitle 4. Prohibited Acts; Penalties”; and 21–501 and 21–502 and the
subtitle “Subtitle 5. Short Title; Termination of Title” of Article – Health Occupations of
the Annotated Code of Maryland be repealed.~~

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 21–205 and 21–502
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(20)
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
as follows:~~

~~**Article – Health Occupations**~~

~~21–101.~~

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

~~(b) [“Board” means the State Board of Environmental Health Specialists.~~

~~(c) [“Environmental health specialist” means an individual who practices as an
environmental health specialist.~~

~~[(d)] (C) “Environmental health specialist in training” means an individual who meets the educational qualifications FOR AN REHS/RS CREDENTIAL required under this title but has not yet [completed the environmental health specialist in training program required under § 21-305 of this title] ACQUIRED THE WORK EXPERIENCE REQUIRED TO QUALIFY FOR AN REHS/RS CREDENTIAL.~~

~~[(e) “Environmental health specialist in training program” means a program of training and experience under the supervision of a licensed environmental health specialist or other individual acceptable to the Board.~~

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

~~(g) “License” means, unless the context requires otherwise, a license issued by the Board to practice as an environmental health specialist.~~

~~(h) “Licensed environmental health specialist” means an individual licensed by the Board to practice as an environmental health specialist.]~~

~~(D) “NEHA” MEANS THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION.~~

~~[(i)] (E) “Practice as an environmental health specialist” means, as a major component of employment, to apply academic principles, methods and procedures of the environmental, physical, biological, and health sciences to the inspections and investigations necessary to collect and analyze data and to make decisions necessary to secure compliance with federal, State, and local health and environmental laws and regulations specifically relating to control of the public health aspects of the environment including:~~

- ~~(1) The manufacture, preparation, handling, distribution, or sale of food and milk;~~
- ~~(2) Water supply and treatment;~~
- ~~(3) Wastewater treatment and disposal;~~
- ~~(4) Solid waste management and disposal;~~
- ~~(5) Vector control;~~
- ~~(6) Insect and rodent control;~~
- ~~(7) Air quality;~~

- ~~(8) Noise control;~~
- ~~(9) Product safety;~~
- ~~(10) Recreational sanitation; and~~
- ~~(11) Institutional and residential sanitation.~~

~~(F) "REHS/RS CREDENTIAL" MEANS THE REGISTERED ENVIRONMENTAL HEALTH SPECIALIST/REGISTERED SANITARIAN CREDENTIAL ISSUED BY NEHA.~~

~~(G) "REHS/RS IT" MEANS AN INDIVIDUAL WHO HAS OBTAINED AN "IN TRAINING" STATUS REGISTRATION FROM NEHA TO ACQUIRE THE EXPERIENCE NECESSARY FOR AN REHS/RS CREDENTIAL.~~

~~21-102.~~

~~THIS TITLE DOES NOT APPLY TO:~~

~~(1) A STUDENT PARTICIPATING IN A FIELD EXPERIENCE AS PART OF AN EDUCATIONAL PROGRAM; OR~~

~~(2) A QUALIFIED INDIVIDUAL IN ANY OF THE FOLLOWING JOB CLASSIFICATIONS:~~

~~(i) INDUSTRIAL HYGIENISTS AS DEFINED BY THE AMERICAN INDUSTRIAL HYGIENE ASSOCIATION;~~

~~(ii) CERTIFIED INDUSTRIAL HYGIENISTS AND INDUSTRIAL HYGIENISTS IN TRAINING AS DEFINED BY THE AMERICAN BOARD OF INDUSTRIAL HYGIENE;~~

~~(iii) HEALTH PLANNERS OR NATURAL RESOURCE PLANNERS;~~

~~(iv) BUILDING AND HOUSING INSPECTORS;~~

~~(v) GEOLOGISTS;~~

~~(vi) CHEMISTS;~~

~~(vii) METEOROLOGISTS;~~

~~(viii) LABORATORY SCIENTISTS;~~

~~(IX) PROFESSIONAL ENGINEERS WHO ARE LICENSED IN THE STATE UNDER TITLE 14 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE AND WHOSE NORMAL PROFESSIONAL ACTIVITIES ARE AMONG THE ACTIVITIES SPECIFIED IN § 21-101(E) OF THIS TITLE;~~

~~(X) PUBLIC HEALTH ENGINEERS AND WATER RESOURCES ENGINEERS EMPLOYED BY THE STATE OR A LOCAL SUBDIVISION;~~

~~(XI) HYDROGRAPHERS AND HYDROGRAPHIC ENGINEERS;~~

~~(XII) NATURAL RESOURCES MANAGERS;~~

~~(XIII) NATURAL RESOURCES BIOLOGISTS;~~

~~(XIV) PROGRAM ADMINISTRATORS, ADMINISTRATION DIRECTORS, ADMINISTRATORS, ADMINISTRATIVE OFFICERS, AND ADMINISTRATIVE SPECIALISTS;~~

~~(XV) PARAPROFESSIONAL PERSONNEL, AIDES, AND TECHNICIANS WHOSE ROUTINE DUTIES INCLUDE MONITORING, SAMPLING, AND RECORDING OF DATA;~~

~~(XVI) INDIVIDUALS EMPLOYED BY THE DEPARTMENT OF NATURAL RESOURCES OR RELATED COUNTY DEPARTMENTS WHO PERFORM DUTIES AND HAVE RESPONSIBILITIES UNDER THE NATURAL RESOURCES ARTICLE;~~

~~(XVII) INDIVIDUALS EMPLOYED BY THE DEPARTMENT OF THE ENVIRONMENT OR RELATED COUNTY DEPARTMENTS WHO PERFORM DUTIES AND HAVE RESPONSIBILITIES FOR:~~

~~1. EROSION AND SEDIMENT CONTROL, STORMWATER MANAGEMENT, OR OIL POLLUTION CONTROL UNDER TITLE 4 OF THE ENVIRONMENT ARTICLE;~~

~~2. MOTOR VEHICLE POLLUTION CONTROL UNDER TITLE 2 OF THE ENVIRONMENT ARTICLE OR TITLE 23 OF THE TRANSPORTATION ARTICLE; OR~~

~~3. SEWAGE SLUDGE, WATER POLLUTION CONTROL, OR DRINKING WATER UNDER TITLE 9 OF THE ENVIRONMENT ARTICLE;~~

~~(XVIII) INDIVIDUALS EMPLOYED BY THE DEPARTMENT OF THE ENVIRONMENT WHO ARE CLASSIFIED AS:~~

~~1. A REGULATORY AND COMPLIANCE ENGINEER OR ARCHITECT; OR~~

~~2. AN ENVIRONMENTAL COMPLIANCE SPECIALIST;~~

~~(XIX) INDIVIDUALS EMPLOYED BY THE DIVISION OF LABOR AND INDUSTRY OF THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION WHO PERFORM DUTIES AND HAVE RESPONSIBILITIES UNDER THE MARYLAND OCCUPATIONAL SAFETY AND HEALTH ACT;~~

~~(XX) OCCUPATIONAL SAFETY AND HEALTH TECHNOLOGISTS AS DEFINED BY THE AMERICAN BOARD OF INDUSTRIAL HYGIENE AND THE BOARD OF CERTIFIED SAFETY PROFESSIONALS;~~

~~(XXI) SAFETY PROFESSIONALS AS DEFINED BY THE AMERICAN SOCIETY OF SAFETY ENGINEERS;~~

~~(XXII) CERTIFIED SAFETY PROFESSIONALS AND ASSOCIATE SAFETY PROFESSIONALS AS DEFINED BY THE BOARD OF CERTIFIED SAFETY PROFESSIONALS;~~

~~(XXIII) INDIVIDUALS EMPLOYED BY INDUSTRIAL OPERATIONS WHOSE ENVIRONMENTAL SERVICES ARE PERFORMED SOLELY FOR THEIR EMPLOYER; OR~~

~~(XXIV) STATE MILK SAFETY INSPECTORS PERFORMING DUTIES UNDER THE NATIONAL CONFERENCE ON INTERSTATE MILK SHIPMENTS WHO ARE EMPLOYED BY THE DEPARTMENT.~~

~~21-103.~~

~~(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, TO PRACTICE AS AN ENVIRONMENTAL HEALTH SPECIALIST IN THE STATE AN INDIVIDUAL SHALL:~~

~~(1) OBTAIN THE REHS/RS CREDENTIAL ISSUED BY NEHA BEFORE BEGINNING PRACTICE AS AN ENVIRONMENTAL HEALTH SPECIALIST;~~

~~(2) MAINTAIN THE REHS/RS CREDENTIAL ISSUED BY NEHA WHILE ACTIVELY IN PRACTICE AS AN ENVIRONMENTAL HEALTH SPECIALIST IN THE STATE; AND~~

~~(3) SUBMIT DOCUMENTATION BIENNIALLY TO THE INDIVIDUAL'S EMPLOYER VERIFYING THAT THE INDIVIDUAL IS IN COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE.~~

~~(C) THE EMPLOYER OF AN INDIVIDUAL WHOSE PRIMARY DUTIES REQUIRE PRACTICE AS AN ENVIRONMENTAL HEALTH SPECIALIST:~~

~~(1) INITIALLY SHALL VERIFY THAT THE INDIVIDUAL HAS OBTAINED THE CREDENTIAL AS REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION; AND~~

~~(2) BIENNIALLY THEREAFTER SHALL VERIFY THAT THE INDIVIDUAL IS MAINTAINING THE CREDENTIAL AS REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION.~~

~~21-104.~~

~~NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ENVIRONMENTAL HEALTH SPECIALIST IN TRAINING OR AN REHS/RS IT MAY PRACTICE AS AN ENVIRONMENTAL HEALTH SPECIALIST IN THE STATE:~~

~~(1) FOR NO MORE THAN 3 YEARS IN ORDER TO ACQUIRE THE WORK EXPERIENCE REQUIRED TO QUALIFY FOR AN REHS/RS CREDENTIAL; AND~~

~~(2) ONLY UNDER THE SUPERVISION OF AN INDIVIDUAL WHO HOLDS A VALID REHS/RS CREDENTIAL OR ANOTHER INDIVIDUAL ACCEPTABLE TO THE DEPARTMENT.~~

~~Article State Government~~

~~8-403.~~

~~(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:~~

~~[(20) Environmental Health Specialists, State Board of (§ 21-201 of the Health Occupations Article: 2014);]~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 8-403(b)(21) through (57), respectively, of Article State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8-403(b)(20) through (56), respectively.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That any individual who, on the effective date of this Act, is licensed by the State Board of Environmental Health~~

~~Specialists, which is repealed by this Act, is considered for all purposes to be licensed and deemed eligible to practice as an environmental health specialist for the duration of the term for which the license was issued.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That any balance remaining in the State Board of Environmental Health Specialists Fund on the effective date of this Act shall be transferred to the General Fund.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That:~~

~~(a) On or before October 1, 2016, the Department of Health and Mental Hygiene shall work with the National Environmental Health Association (NEHA) to secure an agreement for a grace period to allow individuals who hold an environmental health specialist license issued by the State Board of Environmental Health Specialists to obtain an REHS/RS credential through reciprocity.~~

~~(b) Any agreement under subsection (a) of this section must specify:~~

~~(1) that all individuals who held a valid environmental health specialist license as of the termination date of the State Board of Environmental Health Specialists are eligible to receive the REHS/RS credential through reciprocity during the grace period; and~~

~~(2) any fees required to obtain an REHS/RS credential by reciprocity during the grace period.~~

~~(c) Within 30 days after securing an agreement with NEHA, the Department shall notify the Senate Education, Health, and Environmental Affairs Committee, the House Health and Government Operations Committee, and the Department of Legislative Services, in accordance with § 2-1246 of the State Government Article, about the details of the agreement.~~

~~SECTION 7. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross references and terminology rendered incorrect by this Act or any other Act of the General Assembly of 2016 that affects provisions enacted by this Act. The publishers shall adequately describe any such correction in an editor's note following the section affected.~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations

- (a) In addition to the powers set forth elsewhere in this title, the Board may:
- (1) Adopt rules, regulations, and bylaws to carry out the provisions of this title;
 - (2) Sue to enforce any provision of this title by injunction; and
 - (3) Issue subpoenas, summon witnesses, administer oaths, take affidavits, and take testimony about matters that relate to the jurisdiction of the Board.
- (b) In addition to the duties set forth elsewhere in this title, the Board shall:
- (1) Keep a current record of all licensed environmental health specialists;
 - (2) Collect and account for fees provided under this title;
 - (3) Pay all necessary expenses of the Board in accordance with the State budget;
 - (4) Keep a complete record of its proceedings;
 - (5) File an annual report of its activities[, including a financial statement,] with the Governor and the Secretary **THAT INCLUDES:**
 - (I) **A FINANCIAL STATEMENT; AND**
 - (II) **A PLAN FOR SPECIAL FUND REVENUES; and**
 - (6) Adopt an official seal.

21-502.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, the provisions of this title and of any rule or regulation adopted under this title shall terminate and be of no effect after July 1, [2017] ~~2022~~ 2027.

Article – State Government

8-403.

- (a) On or before December 15 of the evaluation year specified, the Department shall:
- (1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(20) Environmental Health Specialists, State Board of (§ 21–201 of the Health Occupations Article: [2014] ~~2021~~ 2023);

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before January 1, 2017, the Board of Environmental Health Specialists shall:

(1) adopt regulations regarding continuing education that include:

(i) a list of continuing education unit providers who are automatically approved; and

(ii) for continuing education units that are not automatically approved, a deadline by which the continuing education unit shall be submitted to the Board for approval;

(2) review the list of preapproved continuing education units and providers on the Board's Web site, remove the units and providers that are obsolete, and list the preapproved units and providers in a user-friendly format;

(3) make available, through the Board's Web site and by e-mail to licensees, a summary of the continuing education process, including any deadlines and preapproved providers;

(4) evaluate whether to implement an audit-based continuing education unit review system through which the Board will conduct a random audit of a minimum of 10% of licensees to determine compliance with the continuing education unit requirement;

(5) implement an online continuing education unit process;

(6) overhaul the Board's Web site to include the following specific content:

(i) fees;

(ii) application forms;

(iii) examination study links and resources;

- (iv) board meeting minutes;
 - (v) continuing education training opportunities; and
 - (vi) links to National Environmental Health Association study aids and training; and
- (7) establish a method to improve the accuracy of licensee contact information.

(b) The Board shall:

- (1) monitor the Long Term Environmental Health Workforce Work Group's activities and recommendations for improving recruitment and retention of environmental health specialists and for statutory licensing exemptions; and
- (2) assist the Work Group in instituting any statutory or regulatory changes necessary to implement the recommendations of the Work Group and distributing information to licensees in a timely manner.

(c) On or before January 1, 2017, the Board shall report, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on the implementation of the requirements of subsections (a) and (b) of this section.

~~SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of Environmental Health Specialists shall:~~

- ~~(1) develop a plan for prospective licensees that will:~~
 - ~~(i) better align current licensure requirements with the requirements of the National Environmental Health Association (NEHA);~~
 - ~~(ii) encourage licensees to acquire the education and training necessary to obtain the NEHA credential, or to otherwise overcome any obstacles to obtaining the NEHA credential;~~
 - ~~(iii) provide assistance to licensees in obtaining the NEHA credential; and~~
 - ~~(iv) review State policy relating to the environmental health specialist profession in order to address any shortages in the availability of environmental health specialists and, as part of the review, examine the regulatory structure of the profession;~~

~~(2) on or before November 1, 2016, submit to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, draft legislation needed to implement the plan developed under item (1) of this section; and~~

~~(3) on or before December 1, 2017, December 1, 2018, and December 1, 2019, report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee regarding:~~

~~(i) the number of licensees who meet the requirements to obtain the NEHA credential; and~~

~~(ii) the number of licensees who are unable to meet the requirements to obtain the NEHA credential, including a detailed explanation of why the licensees are unable to meet the requirements.~~

SECTION ~~8~~ 4 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.