

SENATE BILL 399

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3lr2642
CF HB 273

By: **Senator M. Washington**

Introduced and read first time: February 1, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2023

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Environmental Health Specialists – Revisions**

3 FOR the purpose of ~~altering the definition of “practice as an environmental health~~
4 ~~specialist”~~; altering the education requirements for an applicant for licensure as an
5 environmental health specialist; ~~authorizing the Board of Environmental Health~~
6 ~~Specialists to approve an examination provider to administer the licensure~~
7 ~~examination~~; altering the grounds for which the Board may take disciplinary action
8 against an applicant or a licensee; ~~altering certain procedures relating to the review~~
9 ~~of a final decision of the Board~~; and generally relating to environmental health
10 specialists.

11 ~~BY repealing and reenacting, without amendments,~~
12 ~~Article – Health Occupations~~
13 ~~Section 21–101(a)~~
14 ~~Annotated Code of Maryland~~
15 ~~(2021 Replacement Volume and 2022 Supplement)~~

16 BY repealing and reenacting, with amendments,
17 Article – Health Occupations
18 Section ~~21–101(i)~~, 21–304, and 21–312, ~~and 21–314~~
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2022 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Health Occupations

2 ~~21-101.~~

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

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

11 (1) ~~The manufacture, preparation, handling, distribution, or sale of food~~
 12 ~~and milk;~~

13 (2) ~~Water supply and treatment;~~

14 (3) ~~Wastewater treatment and disposal;~~

15 (4) ~~Solid waste management and disposal;~~

16 (5) ~~Vector control;~~

17 (6) ~~Insect and rodent control;~~

18 (7) ~~Air quality;~~

19 (8) ~~Noise control;~~

20 (9) ~~Product safety;~~

21 (10) ~~Recreational sanitation; [and]~~

22 (11) ~~Institutional and residential sanitation; AND~~

23 (12) ~~ASPECTS RELATED TO PUBLIC HEALTH EMERGENCY~~
 24 ~~PREPAREDNESS.~~

25 21-304.

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

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

1 (1) (i) Has graduated from an accredited college or university with a
2 baccalaureate degree [in the chemical, physical, biological, or environmental sciences, as
3 defined in regulation, including] **THAT INCLUDES:**

4 1. A minimum of [60] **30** semester credit hours or the
5 equivalent quarter credit hours of chemical, physical, biological, and environmental
6 sciences acceptable to the Board [which includes at least one laboratory course in two of
7 the following fields:

8 A. Chemistry;

9 B. Physics;

10 C. Biology;

11 D. Geographic information systems; or

12 E. Soil science; and];

13 2. A course in mathematics; and

14 **3. LABORATORY COURSEWORK AS REQUIRED IN**
15 **REGULATIONS ADOPTED BY THE BOARD; AND**

16 (ii) Has obtained 12 months of experience in an environmental
17 health specialist–in–training program approved by the Board; **OR**

18 (2) [(i) Has graduated from an accredited college or university with a
19 baccalaureate degree that includes:

20 1. 30 semester credit hours or the equivalent quarter credit
21 hours in the chemical, physical, biological, and environmental sciences acceptable to the
22 Board, which includes at least one laboratory course in two of the following fields:

23 A. Chemistry;

24 B. Physics;

25 C. Biology;

26 D. Geographic information systems; or

27 E. Soil science; and

28 2. A course in mathematics; and

1 (ii) Has obtained 24 months of experience in an environmental
2 health specialist-in-training program approved by the Board; or

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

5 (i) **A MINIMUM OF 30** semester credit hours or 45 quarter credit
6 hours of chemical, physical, biological, or environmental sciences acceptable to the Board
7 and obtained at the baccalaureate or master's level[, which includes at least one laboratory
8 course in two of the following fields:

- 9 1. Chemistry;
- 10 2. Physics;
- 11 3. Biology;
- 12 4. Geographic information systems; or
- 13 5. Soil science];

14 (ii) A course in mathematics; [and]

15 (iii) 3 months of internship approved by the Board if not previously
16 completed; **AND**

17 **(IV) LABORATORY COURSEWORK AS REQUIRED IN**
18 **REGULATIONS ADOPTED BY THE BOARD.**

19 (c) (1) This subsection does not alter the requirement that an applicant
20 demonstrate completion of a baccalaureate or master's degree to qualify for examination.

21 (2) The Board may waive any of the specific course requirements for an
22 applicant to qualify for examination in subsection (b) of this section if the Board determines
23 that an applicant:

24 (i) Has obtained an equivalent number of credit hours in a course
25 relevant to practice as an environmental health specialist; or

26 (ii) Has work experience that is an acceptable substitute for a course
27 required in subsection (b) of this section.

28 [(3) The Board may waive the experience requirement in subsection
29 (b)(2)(ii) of this section if the Board determines that an applicant:

1 (i) Has obtained at least 12 months of experience in an
2 environmental health specialist-in-training program; and

3 (ii) Has the written support of the applicant's employer.]

4 (d) The examination **REQUIRED BY THE BOARD** shall include a written
5 examination in the physical, biological, and environmental sciences that relates to practices
6 and principles of environmental health.

7 (e) The Board shall [give]#

8 ~~(1) ADMINISTER~~ **ADMINISTER** examinations to applicants at least once a
9 year, at the times and places that the Board determines; ~~OR~~

10 ~~(2) APPROVE AN EXAMINATION PROVIDER TO ADMINISTER THE~~
11 ~~EXAMINATION TO APPLICANTS AT LEAST ONCE PER YEAR, AT THE TIME AND PLACE~~
12 ~~THAT THE PROVIDER DETERMINES.~~

13 (f) The Board shall notify each qualified applicant of ~~the time~~#

14 ~~(1) IF THE EXAMINATION IS ADMINISTERED BY THE BOARD, THE TIME~~
15 and place of examination; ~~OR~~

16 ~~(2) IF THE EXAMINATION IS ADMINISTERED BY AN EXAMINATION~~
17 ~~PROVIDER APPROVED UNDER SUBSECTION (E)(2) OF THIS SECTION, THE~~
18 ~~REGISTRATION PROCEDURE FOR THE EXAMINATION.~~

19 (g) ~~IF THE BOARD ADMINISTERS THE EXAMINATION, THE~~ **THE BOARD**
20 **SHALL:**

21 (1) [Except as otherwise provided in this subtitle, the Board shall
22 determine] **DETERMINE** the subjects, scope, form, and passing score for examinations
23 [given under this subtitle.]; **AND**

24 (2) [The Board shall use] **USE** professional examinations prepared by
25 recognized examination agencies.

26 (h) [(1)] An applicant who fails an examination may retake the examination as
27 provided in the rules and regulations adopted by the Board.

28 [(2)] An applicant for reexamination shall:

29 (i) Submit to the Board an application on the form the Board
30 requires; and

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

2 (i) The Board may waive any examination requirement under this section if the
3 Board recognizes the applicant as being outstanding in the field of environmental health.

4 21–312.

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

6 (b) Subject to the hearing provisions of § 21–313 of this subtitle, the Board, on the
7 affirmative vote of a majority of its full authorized membership, may deny any applicant
8 licensure, reprimand any licensee, or place any individual who is licensed on probation, or
9 suspend or revoke a license, if the applicant or licensee:

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

12 (2) Fraudulently or deceptively uses a license;

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

15 (4) Commits any gross negligence, **MISFEASANCE**, **MALFEASANCE**,
16 incompetence, or misconduct while performing the duties of an environmental health
17 specialist;

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

21 (6) Provides professional services while:

22 (i) Under the influence of alcohol; or

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

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

29 (8) Willfully makes or files a false report or record while performing the
30 duties of an environmental health specialist;

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

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

5 (11) Promotes the sale of land, devices, appliances, or goods provided for a
6 person in such a manner as to exploit the person for financial gain of the licensed
7 environmental health specialist;

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

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

11 (14) Uses or promotes or causes the use of any misleading, deceiving, or
12 untruthful advertising matter, promotional literature, or testimonial;

13 (15) Is professionally, physically, or mentally incompetent; or

14 (16) Fails to cooperate with a lawful investigation conducted by the Board.

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

18 (1) Swears to the charge; and

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

20 (d) (1) If a licensed environmental health specialist knows of an action or
21 condition that might be grounds for action under subsection (b) of this section, the licensed
22 environmental health specialist shall report the action or condition to the Board.

23 (2) An individual shall have the immunity from liability described under §
24 5-702 of the Courts Article for making a report as required by this subsection.

25 ~~21-314.~~

26 ~~(A) Except as provided in this section for an action under § 21-312 of this subtitle,~~
27 ~~any person aggrieved by a final decision of the Board in a contested case, as defined in §~~
28 ~~10-202 of the State Government Article, may [take an appeal] PETITION FOR JUDICIAL~~
29 ~~REVIEW as allowed [in §§ 10-222 and 10-223 of the State Government Article] BY THE~~
30 ~~ADMINISTRATIVE PROCEDURE ACT.~~

1 ~~(B) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER~~
2 ~~§ 21-312 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY BUT MAY TAKE A~~
3 ~~DIRECT JUDICIAL APPEAL AS PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT.~~

4 ~~(C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL~~
5 ~~REVIEW.~~

6 ~~(D) THE BOARD MAY APPEAL ANY DECISION THAT REVERSES OR MODIFIES~~
7 ~~ITS ORDER.~~

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 ~~October~~ July 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.