

SB399 Letter of Support EH Conference and MACHO.pd

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TO: Members, Finance Committee

FROM: Maryland Conference of Local Environmental Health Directors
Maryland Association of County Health Officers (MACHO)

SUBJECT: Senate Bill 399 Support As Amended

DATE: February 14, 2023

The Maryland Conference of Local Environmental Health Directors (the Conference), representing the county environmental health programs, and the Maryland Association of Health Officers (MACHO), the professional association representing the State's Health Officers who oversee the local environmental health programs in their local health departments (LHDs), support SB 399 As Amended. The Conference and MACHO are affiliates of the Maryland Association of Counties (MACo).

Senate Bill 399 will provide the Board of Environmental Specialists (Board) with the capability and flexibility to make decisions to qualify applicants to obtain a Certificate of Eligibility to work as an Environmental Health Specialist. Most importantly, this bill also will provide the Board the ability to recognize and approve an apprenticeship program currently being developed by the Maryland Department of Health and Morgan State University. This apprenticeship program will give students a direct pathway into the Environmental Health Specialist career field working under the supervision of a Licensed Environmental Health Specialist. This will be a valuable educational and training program to expand the number of Environmental Health Specialists in the State and assist in rectifying current workforce shortages affecting LHDs. Currently, several Local Health Departments have critical staffing shortages and overall, LHD Environmental Health programs have a 40% vacancy rate. These positions are critical in the review and issuance of permits in the well, septic, swimming pool and food program areas, specifically the review and approval of building permits. Expanding the number of Environmental Health Specialists will increase efficiency and reduce backlogs in the impacted counties and shore up the workforce in LHD Environmental Health Programs to prepare for community growth. The programs outlined in SB 399 are critical to public health and keeping the public and the environment safe.

Therefore, the Conference and MACHO respectively request the Committee give SB3 99 As Amended a **FAVORABLE** report. Thank you for the opportunity to share this testimony and our views and concerns on the proposal. If you have any further questions regarding this written testimony, please contact:

Don Curtian, Director
First Vice President
The Maryland Conference of Local Environmental Health Directors

Ruth Maiorana, Executive Director
MACHO
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SB0399-FIN_MACo_SUP.pdf

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Position: FAV



Senate Bill 399

Health Occupations – Environmental Health Specialists - Revisions

MACo Position: **SUPPORT**

To: Finance Committee

Date: February 14, 2023

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** SB 399. This bill was wisely developed in collaboration with the Board of Environmental Health Specialists and includes insights from the Conference of Environmental Health Directors. As such, it should help streamline the integration of entry-level Environmental Health Specialists into local departments, create more consistency with other boards across the state, and clarify various regulations for existing programs.

The gravity of the situation cannot be overstated as counties are currently facing shortages in these vital roles. Counties cannot afford to suffer the consequences of bureaucratic strains in the pipeline as Environmental Health Specialists are needed every day in every jurisdiction to make sure communities have the appropriate resources to stay healthy and thriving. Their role includes ensuring the safety of life's essentials - food, water, and habitat. Without these great efforts, residents could suffer the loss of essential public services and, even worse, a loss of life.

The provisions in this bill, as established by experts in the field, will help eager, qualified employees hit the ground running in all counties to make sure crucial services are not interrupted. By establishing an apprenticeship program, building more flexibility into laboratory obligations, and eliminating redundancies in educational requirements, local teams can fill vacancies with greater speed.

By collaboratively streamlining the system that supports these roles, Environmental Health Departments across the state will have more tools at their disposal to fill vacant positions as well as keep enthusiastic employees in place for years to come. For these reasons, MACo **SUPPORTS** SB 399 and urges a **FAVORABLE** report.

9a - SB 399 - FIN - EHS Bd. - SWA SP.docx.pdf

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Position: FWA



Board of Environmental Health Specialists

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Acting Secretary

*Matthew Cumers, Chair; Bert Dixon, Executive Director
4201 Patterson Avenue, Suite 301 Baltimore MD 21215 Phone: 410-764-3512*

2023 SESSION POSITION PAPER

BILL NO: SB 399
COMMITTEE: Finance
POSITION: SWA

TITLE: Health Occupations – Environmental Health Specialists - Revisions

BILL ANALYSIS: The purposes of the Bill are to add a new definition of “apprenticeship”; clarify licensure exceptions to address apprenticeships; clarify education, experience, and examination requirements; require the Board to promulgate regulations regarding apprenticeships; update the classifications of certain disciplinary cases; and provide that a Board order may not be stayed pending judicial review

POSITION AND RATIONALE: The Maryland Board of Environmental Health Specialists (the Board) supports Senate Bill (SB) 399 with amendments.

The bill as introduced, is designed to add, modify and clarify through amendments, various Subtitles of the Board of Environmental Health Specialists’ statute. The final revisions approved by the Board focus on parts of two Subtitles:

1. Modify existing aspects of the educational requirements under § 21-304 by not explicitly outlining required degrees, by focusing more on the existing minimum educational credits needed, as well as shifting specific laboratory courses and minimum criteria requirements out of statute and into the more appropriate regulations part of the Board’s oversight and responsibilities. If adopted, the Board is now looking to enable and generally encourage, all new in-training individuals the opportunity to sit for the licensing exam after receiving and completing the current minimum 12 months of in-training, without prejudice to a higher level of pre-approved college courses that may have been taken. Similarly, moving out of statute and into regulation oversight, the laboratory coursework requirements needed for educational approval, will provide the Board needed oversight flexibility to evaluate candidates otherwise educationally qualified, that currently cannot be approved based upon the specificity currently in statute.
2. Under § 21-312, the Board would add misfeasance and malfeasance to clarify and improve the administrative assessment and classification of certain disciplinary cases brought before the Board. Additionally, the amendment is to clarify that the "appeal" process of a Board decision is technically called a "**petition for judicial review**" and provides supportive language consistent with other boards.

The Board has approved and submitted amendments, not included in this version of the Bill, to support and enable an Apprenticeship program being developed by MDH and Morgan State University to be implemented later this year. These amendments are critical to help create the ability of the Board to recognize this program as part of an approved EHS pathway to licensure. (see Amendments 1, and 3-6)

Additionally, as introduced originally, a new category of “Public Health Emergency Preparedness” was proposed under § 21-101 of the definition of “Practice as an environmental health specialist”. The new addition was designed to recognize what is now, and has been for some time, an integral component under duties and responsibilities of an Environmental Health Specialist (EHS). However, a concern has now surfaced from another Government agency that the inclusion of this phrase may have licensing ramifications outside of our intended scope of reference. There is agreement to have further discussions to arrive at language to satisfy this concern at a later date. (see Amendment 2)

The Board seeks to add the following amendments:

Amendment #1

On page 2, line 1, under §21-101, insert a new “(B) “**APPRENTICESHIP**” MEANS A PROGRAM OF TRAINING AND EXPERIENCE UNDER THE SUPERVISION OF A LICENSED ENVIRONMENTAL HEALTH SPECIALIST THAT IS PART OF THE REQUIREMENTS FOR A BACCALAUREATE DEGREE BASED IN ENVIRONMENTAL HEALTH, AS DEFINED IN REGULATION, FROM AN ACCREDITED COLLEGE OR UNIVERSITY;” strike the current numbering of (b)—(i), and renumber them (C)—(J), respectively.

Amendment #2

Page 2, lines 20-21. Strike (12).

Amendment #3

Under §21-301(b)(1), after “(1) An environmental health specialist-in-training” insert “**PARTICIPATING IN AN ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING PROGRAM OR AN INDIVIDUAL PARTICIPATING IN AN APPRENTICESHIP**”; under §21-301(b)(3)(ix) strike §21-101(i) and substitute **§21-101(j)**.

Amendment #4

Page 3, line 13, subparagraph (ii), strike “obtained” and substitute “**COMPLETED**”; insert subparagraph 1 on line 15 beginning with “12 months” and ending with “Board; OR”; insert subparagraph 2 and add: “**AN APPRENTICESHIP APPROVED BY THE BOARD THAT MEETS THE REQUIREMENTS SET IN REGULATIONS ADOPTED BY THE BOARD; OR**”

Amendment #5

Under §21-305, paragraph (2), subparagraph (ii), insert “**AND**” after “12-month period;” insert

**“(3) (I) THE REQUIREMENTS FOR BOARD APPROVAL OF AN APPRENTICESHIP; AND
(II) THE MINIMUM AND MAXIMUM DURATION OF AN APPRENTICESHIP.”**

Amendment #6

Page 8, line 2, strike October 1, 2023 and substitute July 1, 2023.

Thank you for your consideration of this testimony. The Board respectfully requests a favorable report on SB 399 with the proposed amendments.

If you would like to discuss this further, please contact Bert Nixon, Executive Director at bert.nixon1@maryland.gov, or by phone at **(410) 764-4158**.

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.

9b - SB 399 - FIN - MDH - LOSWA.docx.pdf

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Position: FWA



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Acting Secretary

February 14, 2023

The Honorable Melanie Griffith
Chair, Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 399 - Health Occupations - Environmental Health Specialists - Revisions - Letter of Support with Amendments

Dear Chair Griffith and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of support with amendments for Senate Bill (SB) 399 - Health Occupations - Environmental Health Specialists - Revisions. SB 39 revises the eligibility requirements for licensure as an Environmental Health (EH) Specialist. This bill also broadens the practice of EH Specialists to include public health emergency preparedness and alters the process by which the Board of EH Specialists administers examinations.

EH Specialists are foundational to the provision of EH services across the state, which include permitting and inspections for well and septic systems, conducting soil evaluations, reviewing building permits, licensing and inspecting food service facilities and public swimming pools, responding to complaints and environmental emergencies, and other activities. Businesses, developers, and the public rely on the timely provision of these essential services.

Despite their immense importance to public health, local health departments (LHDs) have had significant difficulties in recruiting and retaining EH Specialists. These challenges predate the COVID-19 pandemic but were exacerbated by the additional strain on LHDs as staff were redirected to contact tracing and other response priorities. Some LHDs have a significant backlog of applications and long turnaround times, leading to complaints and inquiries from residents and the business community. In the worst case, a continuing decline in LHD capacity may lead to unmitigated EH hazards, including failed septic systems, groundwater contaminations, environmental degradation, and human health impacts, as well as delays in new development projects.

As written, SB 399 will expand the pool of individuals potentially eligible to be licensed as an EH Specialist, which will help to address the urgent need for more EH Specialists. Additionally, the amendment that MDH proposes will give the EH Board a structure to consider candidates through an apprenticeship pathway that MDH is developing with Morgan State University to build a pipeline for EH Specialists. This apprenticeship program would provide college students

a paid apprenticeship within LHDs to increase the pool of candidates qualified for work as EH Specialists. MDH strongly urges the Committee to support this amendment.

In addition, MDH has concerns about the addition of the category of public health preparedness to the list of practice areas governed by the Board. MDH notes that public health emergency preparedness is an attribute of almost every category of worker within the public health community, as has been most recently demonstrated during the response to COVID-19. MDH believes that adding this to the scope of practices governed by the Board may unintentionally sweep in many workers whose primary work is not relevant to the Board or the practice of environmental health. MDH supports an amendment removing the proposed change in scope.

This bill will have an operational impact on MDH. Increasing the number of EH Specialists in the state would improve the delivery of EH services as a whole and reduce the need to redirect resources away from other programs and services at the state and local levels. MDH strongly supports SB 399 and urges a favorable report from the committee.

If you would like to discuss this further, please do not hesitate to contact Megan Peters, Acting Director of Governmental Affairs at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.
Acting Secretary

AMENDMENTS TO SENATE BILL 399
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 3 down through “specialist;” in line 4.

On page 1, in line 18, strike “Section 21–101(i).”

On page 1, strike in its entirety lines 11 through 15, inclusive.

On page 2, in line 18, strike the bracket.

On page 2, strike beginning with “sanitation;” in line 19 down through line 21 in its entirety and substitute “SANITATION.”

AMENDMENT NO. 2

On page 1, in line 4, after “specialist;” insert “adding a new definition of “apprenticeship”; clarifying licensure exceptions to address apprenticeships; requiring the Board of Environmental Health Specialists to adopt regulations regarding apprenticeships;””.

On page 1, in line 18, strike “21–101(i),” and substitute “21–101, 21–301,” and, in the same line, after “21–304,” insert “21–305,”.

On page 1, after line 25, insert:

“(B) “APPRENTICESHIP” MEANS A PROGRAM OF TRAINING AND EXPERIENCE UNDER THE SUPERVISION OF A LICENSED ENVIRONMENTAL HEALTH SPECIALIST THAT IS PART OF THE REQUIREMENTS FOR A BACCALAUREATE DEGREE BASED IN ENVIRONMENTAL HEALTH, AS PROVIDED IN REGULATIONS ADOPTED BY THE BOARD, FROM AN ACCREDITED COLLEGE OR UNIVERSITY;

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

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

[(d)] (E) “Environmental health specialist–in–training” means an individual who meets the educational qualifications required under this title but has not yet completed the environmental health specialist–in–training program required under § 21–305 of this title.

[(e)] (F) “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)] (G) “Hours of approved training” means the value given to participation in continuing education or experience as approved by the Board.

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

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

On page 2, in line 1, strike “(i)” and substitute “**(J)**”.

On page 2, after line 21, insert:
“21-301.

(b) This section does not apply to:

(1) An environmental health specialist-in-training PARTICIPATING IN AN ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING PROGRAM OR AN INDIVIDUAL PARTICIPATING IN AN APPRENTICESHIP AS provided for under § 21-305 of this subtitle;

(2) A student participating in a field experience as part of an educational program; and

(3) 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 this State under Title 14 of the Business Occupations and Professions Article and whose normal professional activities are among the activities specified in [§ 21-101(i)] **§ 21-101(j)** of this title;”

On page 3, in line 13, after “Has” strike “obtained” and substitute “**COMPLETED: 1.**”.

On page 3, in line 14, after “OR” insert:

“2. AN APPRENTICESHIP APPROVED BY THE BOARD THAT MEETS THE REQUIREMENTS SET IN REGULATIONS ADOPTED BY THE BOARD; OR”.

On page 5, after line 29, insert:

“21-305.

The Board shall adopt regulations that include:

(1) (i) The establishment of an environmental health specialist-in-training program for applicants to obtain the necessary experience to qualify to take the examination; and

(ii) A condition that a person may not participate in an environmental health specialist-in-training program for more than 3 years, unless granted an extension by the Board; [and]

(2) (i) The establishment of a seasonal environmental health specialist-in-training program for individuals to be temporarily employed as environmental health specialists; and

(ii) A condition that an individual may not participate in a seasonal environmental health specialist-in-training program for more than 6 months within a consecutive 12-month [period.] PERIOD; AND

(3) (I) THE REQUIREMENTS FOR BOARD APPROVAL OF AN APPRENTICESHIP; AND

(II) THE MINIMUM AND MAXIMUM DURATION OF AN APPRENTICESHIP.”

AMENDMENT NO. 3

On page 8, in line 2, strike “October” and substitute “**JULY**”.