



Board of Environmental Health Specialists

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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.