

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Environmental Health Specialist Examiners

RULE CITATION: 21 NCAC 62 .0407

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Are the substantive requirements of the application for renewal as referenced in Paragraph (a) set forth elsewhere in rule or statute? If not, please provide them here.

In (a), should "the Division of Environmental Health" be the "Division of Public Health"? I note that you've changed it in .0411.

Some of (a) and (c) appear to be repetitive of each other. Please review and revise as necessary. A suggestion would be something like the following:

- (a) Applications for renewal shall be filed with the Board on a form provided by the Board and available from the Board website at: www.rsboard.com or from the Division of Environmental Health, 1630 Mail Service Center, Raleigh, NC 27699-1630. **The renewal application shall be available by October 1 of each year.** The renewal form may also be generated by the Registered Sanitarian Training and Authorization (RSTAS) computer system at: <http://apps.bluelizard.com/RSTAS/> <https://rstas.dhhs.state.nc.us/>.
- (b) The renewal application shall be completed and signed by the applicant.
- (c) Renewal fees shall be paid in accordance with Rule .0405(a)(5) of this Section. **The renewal application shall be posted on the Board's website at www.rsboard.com by October 1 of each year. The individual shall download and submit the application for renewal to the Board. Individuals may also contact the Board at the Division of Environmental Health, 1630 Mail Service Center, Raleigh, NC 27699-1630 for a copy.**

In (d), line 14, by "may not practice", do you mean "shall not practice"?

In (d), I assume that the requirements for renewal are that they submit the application and pay the fee? Do (d) and (g) go together? If so, would it be appropriate to say something like "... the requirements for renewal as set forth in Paragraph (g) of this Rule."?

*Just to be clear, new registrants have to complete both the environmental health law course in (e) within 4 years (or 5 in 2020) **and** annual continuing education in (f)?*

Amber May
Commission Counsel
Date submitted to agency: Friday, March 26, 2021

Overall, I'm having a bit of a hard time understanding Paragraph (e). What is this health course? Given Paragraph (f), I'm reading this to be something different than continuing education. Where does this education requirement fall within your statutory authority?

In (e), who are "other persons applying for new registration"?

In (e), how will it be determined whether a course is approved by the Board?

In (e), line 19 appears to be missing a word. Did you mean "... by the ~~Board~~ Board. This course shall be completed..."

In (e), line 19, by "the most recent registration", do you mean the "initial registration" since this now appears to apply only to new registrants?

In (f), just to be clear, you are exempting your folks from any continuing education in the year 2020?

In (f)(6), delete or define "successful"

In (f)(7), change "which" to "that"

In (f)(7)(F), change "by the Board based upon the above standards; and" to "by the Board based upon this Sub-Paragraph."

In (h), by "may not renew" do you mean something like "shall not be eligible to renew"?

In Paragraph (k), I don't understand the difference in the first and second sentence. It appears as though they accomplish the same goal, but that the second sentence is specific to 2020. If that's correct, is the second sentence specific to 2020 necessary? Perhaps it is given the new language in (f)? I'm thinking that perhaps the intent here is to say that "if you take the full 15 hours, even though they weren't required, you can still only carry over 5."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

21 NCAC 62 .0407 is amended as published in 35:13 NCR 1461-1462 as follows:

21 NCAC 62 .0407 RENEWAL

(a) Applications for renewal shall be filed with the Board on a form provided by the Board and available from the Board website at: www.rsboard.com or from the Division of Environmental Health, 1630 Mail Service Center, Raleigh, NC 27699-1630. The renewal form may also be generated by the Registered Sanitarian Training and Authorization (RSTAS) computer system at: ~~<http://apps.bluelizard.com/RSTAS/>~~ <https://rstas.dhhs.state.nc.us/>.

(b) The renewal application shall be completed and signed by the applicant.

(c) Renewal fees shall be paid in accordance with Rule .0405(a)(5) of this Section. The renewal application shall be posted on the Board's website at www.rsboard.com by October 1 of each year. The individual shall download and submit the application for renewal to the Board. Individuals may also contact the Board at the Division of Environmental Health, 1630 Mail Service Center, Raleigh, NC 27699-1630 for a copy.

(d) Registered environmental health specialists or registered environmental health specialists interns who fail to renew by December 31 shall be notified by the Board that their registration has expired and that they may not practice as a registered environmental health specialist or a registered environmental health specialists intern until they have met the requirements for renewal.

(e) Environmental health specialist interns and other persons applying for new registrations with the board shall take ~~An an~~ environmental health law course based on North Carolina laws and rules with at least 15 contact hours approved by the Board shall be completed within the first four years of the date of most recent registration by the Board. This timeframe shall be extended by one additional year for anyone whose fourth year occurs in 2020.

(f) Registered environmental health specialists ~~or~~ and registered environmental health specialists interns shall complete a minimum of 15 ~~instructional clock~~ contact hours of continuing education acceptable to the Board each year, except the 15 hours shall not be required for the year ending December 31, 2020. Continuing education acceptable to the Board includes:

- (1) the specialized training course required in Rule .0411 of this Section;
- (2) District Environmental Health Section Educational meetings;
- (3) professional association courses and educational meetings;
- (4) seminars or courses offered by the North Carolina State of Practice Committee;
- (5) completion of a ~~job-related~~ job-related course offered by a college or university accredited by the Council of Higher Education Accreditation with the hours credited for the year that the course is completed;
- (6) successful completion of a ~~job-related~~ job-related course offered by the Centers for Disease Control and Prevention, the Food and Drug Administration, or the Environmental Protection Agency;
- (7) other practice-related training which:
 - (A) is technical in nature, related to the environment, environmental health or improving the practice of environmental health;
 - (B) is relevant to the actual job being performed by the participants or applicant;

- (C) includes a method for determining the number of hours spent;
- (D) includes a method of documentation for verification of completion;
- (E) is available to all registered environmental health specialists and environmental health specialist interns; and
- (F) has been granted approval by the Board based on the above standards; and
- (g) Registrations that have expired may be renewed within 12 months after expiration upon submittal of application and payment of the renewal fee. The applicant shall provide verification to the Board that continuing education clock hours were obtained during the year since the expiration to comply with the requirements of this Section. Registrations that have expired for more than 12 months may not be renewed.
- (h) Interns that are no longer employed in the field of environmental health in North Carolina may not renew.
- (i) A registered environmental health specialist or a registered environmental health specialist intern in good standing whose active military service has impaired their ability to obtain the continuing education requirements in Paragraph (f) of this Rule are exempt from the continuing education requirement if written orders from their military unit are provided to the Board. In addition, the renewal fee is waived for each calendar year the environmental health specialist is on active duty.
- (j) A registered environmental health specialist or registered environmental health specialist intern who is disabled may request a variance in continuing education hours during the period of the disability. The Board may grant or deny requests for variance in continuing education hours based on a disabling condition on a case by case basis, taking into consideration the particular disabling condition involved and its effect on the registered environmental health specialist or registered environmental health specialist's ability to complete the required hours. In considering the request, the Board may require additional documentation substantiating any specified disability.
- (k) A maximum of five ~~clock~~ contact hours of approved continuing education, that is in excess of the required 15 clock hours, may be applied toward the continuing education requirements for the following year. Up to five hours of approved continuing education completed in the year ending December 31, 2020 may be applied toward the continuing education requirements for the following year.

History Note: Authority G.S. 90A-57; 90A-63; ~~90A-67~~; 93B-15;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. July 1, 2010; November 1, 1994; May 1, 1990; April 1, 1989; February 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Emergency Rule Eff. April 28, 2020;
Temporary Amendments Eff. June 26, 2020.
Amended Eff. May 1, 2021

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In reviewing this Rule, the staff recommends that the following technical changes be made:

Just to be clear, am I correct in understanding that this Rule is intended to address the "specialized instruction and training" requirement set forth in G.S. 90A-53(a)(4).

I think that you need G.S. 90A-51 in your History Note. Please consider adding it back in.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Friday, March 26, 2021

21 NCAC 62 .0411 is amended with changes as published in 35:13 NCR 1462-1463 as follows:

21 NCAC 62 .0411 SPECIALIZED TRAINING

Every applicant for registration as a registered environmental health specialist intern shall complete the course entitled "Orientation and Initial Internship Training for Environmental Health Interns" offered by the Division of **Public Health** **Environmental Health** at the centralized training site within ~~12~~ 18 months of registration as a registered environmental health specialist intern.

History Note: Authority G.S. 90A-50; ~~90A-51~~; 90A-53; 90A-57;

Eff. February 1, 1983;

Amended Eff. July 1, 2010; November 1, 1994; May 1, 1990;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Emergency Rule Eff. April 28, 2020;

Temporary Amendment Eff. June 26, 2020.

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