

CHAPTER 62 - BOARD OF SANITARIAN EXAMINERS

SECTION .0100 - RULES OF ORGANIZATION

21 NCAC 62 .0101 PURPOSE

History Note: Authority G.S. 90A-1; 90A-2;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. February 1, 1983;
Repealed Eff. April 1, 1989.

21 NCAC 62 .0102 MEETINGS

In addition to a required annual meeting in the City of Raleigh, additional meetings of the Board may be called by the ~~Chairman~~ Chair at any time and place ~~he may designate~~ designated.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. April 1, 1989.
Amended Eff.

21 NCAC 62 .0103 CHAIR AND VICE-CHAIR

The Chair of the Board shall carry out the following duties and responsibilities:

- (1) call all meetings;
- (2) be authorized to act as the sole official representative for the Board to communications media and may direct the secretary-treasurer or another member to impart specific information concerning official actions or policies of the Board.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989; February 1, 1983.

21 NCAC 62 .0104 SECRETARY-TREASURER

(a) The Board shall elect from among its membership a secretary who shall also serve as treasurer and be referred to as secretary-treasurer of the Board. The secretary-treasurer shall serve for a term of one year or until a successor is elected.

(b) The secretary-treasurer shall carry out the following duties and responsibilities:

- (1) keep the records of the Board;
- (2) submit the necessary reports as required by Chapter 93B of the General Statutes of North Carolina;
- (3) pay all bills that are authorized by the Board;
- (4) be bonded to the minimum amount of ~~fifty~~ one hundred thousand dollars ~~(50,000.00)~~ (\$100,000); and
- (5) submit all account books, receipts, checking accounts, etc., for an audit by a certified public accountant prior to the first meeting of the calendar year.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;

*Amended Eff. November 1, 1994; April 1, 1989; February 1, 1983.
Amended Eff.*

SECTION .0200 - RULEMAKING PROCEDURES

21 NCAC 62 .0201 PETITIONS

(a) Any person wishing to submit a petition requesting the adoption, amendment or repeal of a rule by the Board of Sanitarian Examiners shall address the petition to: Chair, Board of Sanitarian Examiners, c/o Division of Environmental Health, 1630 Mail Service Center P.O. Box 27687, Raleigh, North Carolina ~~27611-7687~~ 27699-1630.

(b) The petition shall contain the following information:

- (1) either a draft of the proposed rule or a summary of its contents and the statutory authority for the agency to promulgate the rule;
- (2) reason for proposal;
- (3) effect on existing rules;
- (4) any data supporting the proposal;
- (5) effect of the proposed rule on existing practices in the area involved, including cost factors;
- (6) name and address of each petitioner.

(c) The Board shall determine, based on a study of the facts stated in the petition, whether the public interest will be served by granting the petition. All contents of the submitted petition, and any additional information deemed relevant, shall be considered.

(d) The Board shall render a final decision, within 30 days of submission of the petition. If the decision is to deny the petition, the Chair shall notify the petitioner in writing, stating the reasons for the denial. If the decision is to approve the petition, the Board of Sanitarian Examiners shall initiate a rulemaking proceeding by issuing a rulemaking notice, as provided in these Rules.

*History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.
Amended Eff.*

21 NCAC 62 .0202 NOTICE

(a) Any person or agency desiring to be placed on the mailing list for the Board of Sanitarian Examiners' rulemaking notices may file a request in writing, furnishing the name and mailing address, with the Chair, Board of Sanitarian Examiners, c/o Division of Environmental Health, 1630 Mail Service Center, P.O. Box 27687, Raleigh, North Carolina ~~27611-7687~~ 27699-1630. The request must state the subject areas within the authority of the Board of Sanitarian Examiners for which notice is requested.

(b) The Board of Sanitarian Examiners will review its mailing list periodically and may write to any person on the list to inquire whether that person wishes to remain on the list. If no response is received, that person may be removed from the list.

(c) When practical and appropriate, public notice of rulemaking proceedings shall be sent to community, special interest, government, trade or professional organizations for publication.

(d) When the agency intends to incorporate a rule by reference, the rulemaking notice will include, in addition to the requirements stated in G.S. 150B-21.6:

- (1) name and address of agency or organization which previously adopted the material;
- (2) title and identifying number of previously adopted material; and
- (3) date and edition of previously adopted material.

(e) Persons desiring information in addition to that provided in a particular rulemaking notice may contact: Chair, Board of Sanitarian Examiners, c/o Division of Environmental Health, , ~~P.O. Box 27687~~ 1630 Mail Service Center, Raleigh, North Carolina ~~27611-7687~~ 27699-1630.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.
Amended Eff.

21 NCAC 62 .0203 HEARINGS

- (a) Any person desiring to present oral data, views, or arguments on the proposed rule must, register with the Chair. Any person permitted to make an oral presentation is encouraged to submit a written copy of the presentation to the Chair prior to or at the hearing.
- (b) Presentations may not exceed 10 minutes unless, upon request either before or at the hearing, the presiding officer grants an extension of time.
- (c) The Chair shall acknowledge receipt of a request to make an oral presentation on the proposed rule.
- (d) Written Submissions:
- (1) Any person may file a written submission containing data, comments or arguments after publication of a rulemaking notice up to and including the day of the hearing and within five days following the hearing, unless a longer period is stated in the particular notice or an extension of time is granted following notice.
 - (2) A written submission must clearly state the rule or proposed rule to which the comments are addressed and must also include the name and address of the person submitting it. Except when otherwise stated in the particular rulemaking notice, written submission must be sent to the Chair, Board of Sanitarian Examiners, c/o Division of Environmental Health, ~~P.O. Box 27687~~ 1630 Mail Service Center, Raleigh, North Carolina ~~27611-7687-27699-1630~~.
 - (3) The Chair shall acknowledge receipt of all written submissions.
- (e) The presiding officer at the hearing shall have complete control of the proceedings, including:
- (1) the responsibility of having a record made of the proceedings;
 - (2) extension of any time allotments;
 - (3) recognition of speakers;
 - (4) elimination of repetitious presentations;
 - (5) direction of the flow of the discussion; and
 - (6) general management of the hearing.
- (f) The presiding officer shall insure that each person participating in the hearing is given a fair opportunity to present views, data and comments.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994.
Amended Eff.

21 NCAC 62 .0204 JUSTIFICATION OF RULEMAKING DECISION

A statement of the principal reasons for and against the adoption of a rule by the Board of Sanitarian Examiners and the factors that led to overruling the considerations urged against its adoption shall be made available to requesting parties.

- (1) The request must be made in writing and submitted to the Chair, Board of Sanitarian Examiners, c/o Division of Environmental Health, , ~~P.O. Box 27687~~ 1630 Mail Service Center, Raleigh, North Carolina ~~27611-7687-27699-1630~~ , prior to adoption or 30 days thereafter.
- (2) The Chair shall make a written answer to the request.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.
Amended Eff.

21 NCAC 62 .0205 RECORD OF RULEMAKING PROCEEDINGS

A record of all rulemaking proceedings including any petitions received by the Board of Sanitarian Examiners shall be maintained for three years. This record shall include:

- (1) the original petition;
- (2) the notice;
- (3) all written memoranda and information submitted;
- (4) a record of the oral hearing;
- (5) any reasons for or against adoption of the rule; and
- (6) a final draft of the rule.

It shall be maintained by the Chair, Board of Sanitarian Examiners.

History Note: *Authority G.S. 90A-57;*
 Eff. February 1, 1976;
 Readopted Eff. December 22, 1978;
 Amended Eff. November 1, 1994; April 1, 1989.

21 NCAC 62 .0206 FEES

~~A fee schedule shall be used by the Board of Sanitarian Examiners in making charges to persons requesting materials relating to the rulemaking hearing. As provided by statute, fees shall be set to cover the costs of meeting the requests, including material, duplicating, mailing and allocable personnel costs.~~

(Information moved to 21 NCAC 62 .0405)

History Note: *Authority G.S. 12-3.1; 90A-57;*
 Eff. February 1, 1976;
 Readopted Eff. December 22, 1978;
 Amended Eff. April 1, 1989.
 Repealed Eff.

21 NCAC 62 .0207 EMERGENCY RULES

History Note: *Authority G.S. 90A-4; 150A-13;*
 Eff. February 1, 1976;
 Readopted Eff. December 22, 1978;
 Repealed Eff. April 1, 1989.

21 NCAC 62 .0208 DECLARATORY RULINGS

The Board of Sanitarian Examiners shall have the power to issue declaratory rulings.

- (1) All requests for a declaratory ruling shall be in writing and submitted to the Chair, Board of Sanitarian Examiners, c/o Division of Environmental Health, ~~P.O. Box 27687-1630 Mail Service Center~~, Raleigh, North Carolina ~~27611-7687~~ 27699-1630 and must include the following information:
 - (a) name and address of petitioners;
 - (b) statute or rule to which petition relates;
 - (c) statement of the manner in which petitioner is aggrieved by the rule or statute or its potential application; and
 - (d) the consequences of a failure to issue a declaratory ruling.
- (2) Whenever the Board of Sanitarian Examiners believes that issuance of a declaratory ruling is undesirable, it may refuse to issue one. The Chair shall notify the petitioner of the decision in writing stating reasons for the denial of the request.

- (3) When a declaratory ruling is made, the Board of Sanitarian Examiners shall issue the ruling within 60 days of receipt of the request.
- (4) A record of all declaratory ruling proceedings shall be maintained for three years. This record shall contain:
 - (a) the original request;
 - (b) all written memoranda and information submitted; and
 - (c) either the declaratory ruling or a statement of the reasons for denying the request.

This record shall be maintained by the Chair, Board of Sanitarian Examiners.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.
Amended Eff.

SECTION .0300 - CONTESTED CASES

21 NCAC 62 .0301 OPPORTUNITY FOR AN ADMINISTRATIVE HEARING

- (a) Upon request, a contested case hearing will be held prior to final action on a matter by the Board of Sanitarian Examiners if the action will affect a right, privilege or benefit already enjoyed by a specific party, unless the action is taken pursuant to G.S. 150B-3.
- (b) When the Board of Sanitarian Examiners takes an action which affects a right, privilege or duty of a specific party, it will notify the party in writing of that party's right to a contested case hearing on the matter.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.

21 NCAC 62 .0302 REQUEST FOR A HEARING

- (a) A written request for a contested case hearing may be filed with the Chair, Board of Sanitarian Examiners, c/o Division of Environmental Health, P.O. Box 27687-1630 Mail Service Center, Raleigh, North Carolina 27611-7687-27699-1630.
- (b) Such request must contain the following information:
 - (1) the name and address of petitioner;
 - (2) a statement of the agency action being challenged; and
 - (3) a statement of the way in which the petitioner has been aggrieved.
- ~~(c) Such requests shall be acknowledged and a hearing scheduled.~~

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.
Amended Eff.

21 NCAC 62 .0303 GRANTING A HEARING REQUEST **21 NCAC 62 .0304 WAIVER**

History Note: Authority G.S. 90A-4; 150A-31; 150A-12; 150A-2; 150A-23;
Eff. February 1, 1976;
Repealed Eff. December 22, 1978.

21 NCAC 62 .0305 NOTICE

In addition to the requirements specified in G.S. 150B-38(b), the notice shall:

- (1) ~~give the name, title, address, and phone number of the person in the Board of Sanitarian Examiners to contact for further information or discussion;~~
- (2) ~~include a statement that failure to appear at the hearing may result in the decision on the case being made in the party's absence; and~~
- (3) ~~give the date and place for the prehearing conference, if any.~~

Notice shall be required as specified in GS 150B-38(b).

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.
Amended Eff.

21 NCAC 62 .0306 INTERVENTION

- (a) A motion to intervene shall be granted in accordance with G.S. 1A-1, Rule 24.
- (b) If the Board of Sanitarian Examiners determines to allow intervention, notification of that decision shall be issued to all parties and to the movant or petitioner. In cases of discretionary intervention notification shall include a statement of the limitations, if any, of time, subject matter, evidence or whatever else is deemed necessary which are imposed on the intervenor.
- (c) If the Board of Sanitarian Examiners' decision is to deny intervention, the movant or petitioner shall be notified. Such notice shall state all reasons for the decision and shall be issued to all parties, as well as to the movant or petitioner.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.

21 NCAC 62 .0307 CHANGE OF VENUE

- (a) Any party may move for a change of venue by filing a motion with the hearing officer at least five days before the hearing. The motion must contain:
 - (1) the party's name and address;
 - (2) identification of the contested case and the scheduled hearing;
 - (3) the county in which the party requests that the hearing be held; and
 - (4) a statement of the reasons for a change of venue.
- (b) The presiding officer shall consider the motion and notify the movant of the decision, including the reasons for the decision. If the motion is approved, the presiding officer shall issue notice of change of venue to all other parties.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.

21 NCAC 62 .0308 DISQUALIFICATION OF BOARD MEMBERS

(a) If for any reason the presiding officer or a member of the body participating in the hearing determines that personal bias or other factors would prevent him from conducting the hearing and performing all duties in an impartial manner, the person shall submit, in writing to the Chair, Board of Sanitarian Examiners, the disqualifications and the reasons therefor.

(b) If for any reason any party in a contested case believes that the presiding officer or a member of the body conducting the hearing is personally biased or otherwise unable to conduct the hearing and perform all duties in an impartial manner, the party may file a sworn, notarized affidavit with the Chair, Board of Sanitarian Examiners, which states all facts the party deems relevant to the disqualification of the allegedly biased person.

(c) An affidavit of disqualification shall be considered timely if filed before commencement of the hearing. Any other affidavit will be deemed timely provided it is filed at the first opportunity after the party becomes aware of facts which give rise to a reasonable belief the person may be disqualified under this Rule.

(d) Disqualification by Board:

(1) The Board of Sanitarian Examiners shall decide whether to disqualify the person.

(2) The persons whose disqualification is to be determined, will not participate in the decision but may be called on to furnish information to the Board.

~~(3) The Board shall appoint a member of the Board to investigate the allegations of the affidavit.~~

~~(4) The investigator will report the findings and recommendations to the Board who will then decide whether to disqualify the challenged individual.~~

(e) When, by reason of personal bias, the presiding officer or hearing body is disqualified after the hearing has begun, the case will continue unless it is shown that substantial prejudice will result therefrom.

~~(f) When, for reasons other than personal interest, a presiding officer is disqualified or otherwise is unable to continue the hearing, the Board shall appoint another presiding officer and the hearing will be resumed except when:~~

~~(1) oral testimony has already been given, and it is determined by the successor presiding officer that the viewing of the witness is an important element of the case, in which case that portion of the testimony and evidence will be repeated; and~~

~~(2) continuation of the hearing would result in substantial prejudice to the rights of the parties.~~

(g) The determination of whether resuming and continuing the case will result in substantial prejudice is to be made by the remaining members of the Board of Sanitarian Examiners.

~~(h) Determinations of disqualification, discontinuation of the hearing, rehearing of a portion or all of a contested case, or dismissal of a case without prejudice, together with a statement of reasons will be part of the record of the case and will be communicated to all parties.~~

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.
Amended Eff.

21 NCAC 62 .0309 FAILURE TO APPEAR

~~If a party served with notice fails to appear without having notified the person designated in the notice as the contact person for the Board and no continuance or adjournment is ordered, the presiding officer may proceed with the hearing in the party's absence or reschedule the hearing and set it for another date to be determined by the Board of Sanitarian Examiners.~~

History Note: Authority G.S. 90A-4; 150B-38; 150B-40(a);
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. April 1, 1989.
Repealed Eff.

21 NCAC 62 .0310 CONTINUANCES

~~A continuance may be granted to a party in compelling circumstances.~~

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;

Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.
Repealed Eff.

21 NCAC 62 .0311 WRITTEN ANSWERS TO NOTICE
21 NCAC 62 .0312 AVAILABILITY OF BOARD RECORDS
21 NCAC 62 .0313 DEPOSITIONS AND DISCOVERY

History Note: Authority G.S. 90A-4; 150A-25; 150B-28;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Repealed Eff. April 1, 1989.

21 NCAC 62 .0314 ~~PRE-HEARING CONFERENCE~~

- ~~(a) The pre-hearing conference shall be informal in nature.~~
~~(b) The conference shall be noted in the notice of hearing or in a subsequent notice if a conference is later determined to be necessary by the presiding officer.~~
~~(c) The purposes of this conference shall be to discuss:~~
- ~~(1) the possibility of simplification of issues;~~
 - ~~(2) stipulation of facts or findings;~~
 - ~~(3) identification of areas where evidence is needed;~~
 - ~~(4) indication of discovery or subpoenas needed;~~
 - ~~(5) the need for consolidation of cases or joint hearings; and~~
 - ~~(6) any other matters which may reduce costs, save time or otherwise aid expeditious disposition of the contested case.~~

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.
Repealed Eff.

21 NCAC 62 .0315 SIMPLIFICATION OF ISSUES

~~In a contested case, the Board of Sanitarian Examiners and the other parties may agree in advance to simplify the hearing by:~~

- ~~(1) eliminating issues to be contested at the hearing;~~
- ~~(2) accepting the validity of certain proposed evidence;~~
- ~~(3) accepting the findings in some other case with relevance to the case at hand; or~~
- ~~(4) agreeing to such other matters as may expedite the hearing.~~

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.
Repealed Eff.

21 NCAC 62 .0316 SUBPOENAS

- ~~(a) Subpoenas requiring the attendance of witnesses or those to produce documents or evidence shall be issued by the presiding officer upon receipt of a request from a party to the case for such a subpoena.~~
~~(b) A request for a subpoena shall include:~~
- ~~(1) the name and address of the person requesting the subpoena;~~

- ~~(2) full identification of the hearing to which the witness or evidence is to be subpoenaed;~~
 - ~~(3) name and address of the person(s) whose appearance is sought;~~
 - ~~(4) specific identification, including a detailed description, and specific designation of present location of any documents, evidence, or things sought, including the name and address of those in possession of the items sought; and~~
 - ~~(5) the reasons the person, documents, or evidence should be compelled to attend the hearing, including a statement of the relevance and significance of the person, documents, or evidence to the case.~~
- ~~(c) Any objection to the subpoena shall be served on the party who requested the subpoena at the same time it is filed with the Board of Sanitarian Examiners.~~
- ~~(d) The party requesting the subpoena, in such time as may be granted by the presiding officer, may file a written response to the objection. The response shall be served in like manner as the objection.~~
- ~~(e) After receipt of the objection and any response, the presiding officer shall issue a notice to the person requesting and the person challenging the subpoena and may notify all other parties of an open hearing to be scheduled as soon as practicable at which evidence and testimony may be presented limited to the questions raised by the objection and any response.~~
- ~~(f) After the close of such hearing, the Board members hearing the case shall rule on the challenge and issue a written decision. A copy of this decision will be issued to all parties and be made a part of the record.~~

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; January 1, 1990; April 1, 1989.
Repealed Eff.

21 NCAC 62 .0317 TRANSCRIPTS

- ~~(a) Requests for a transcript of a hearing, in part or in whole, shall be made to the Chair, Board of Sanitarian Examiners, c/o Division of Environmental Health, P.O. Box 27687, Raleigh, North Carolina 27611-7687.~~
- ~~(b) The party requesting the transcript shall bear the cost of the transcript or part thereof.~~

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.
Repealed Eff.

21 NCAC 62 .0318 PROPOSAL FOR DECISION

History Note: Authority G.S. 150A-34; 90A-4;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Repealed Eff. April 1, 1989.

21 NCAC 62 .0319 RECORD OF CONTESTED CASES

An official record of all administrative hearings shall be maintained for 10 years. The record shall be maintained by the Chair, Board of Sanitarian Examiners.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; January 1, 1990; April 1, 1989.

SECTION .0400 - RULES OF OPERATION

21 NCAC 62 .0401 STATUTORY AUTHORITY AND DEFINITIONS

- (a) The Board of Sanitarian Examiners operates under and follows the requirements and procedures as set forth in Chapter 90A, Article 4 of the North Carolina General Statutes.
- (b) The definitions in G.S. 90A-51 shall apply to rules in this Chapter.

History Note: Authority G.S. 90A-51; 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. April 1, 1989; February 1, 1983.
Amended Eff.

21 NCAC 62 .0402 APPLICATIONS

- (a) Applications for registration as a sanitarian or sanitarian intern shall be filed with the Board on a form provided by the Board and available from the Board's website at: rsboard.com or the secretary-treasurer of the Board or from the Division of Environmental Health, ~~P.O. Box 27687~~ 1630 Mail Service Center, Raleigh, NC ~~27611-7687~~ 27699-1630.
- (b) The application form shall be signed by the applicant and shall contain biographical data on the applicant including education, experience, duties, prior registration and related matters as specified by the Board to determine the applicant's qualifications for registration. The application shall also be accompanied by the following:
- (1) a certified transcript sent directly to the Board from the educational institution from which the applicant ~~has~~ received a degree;
 - (2) certified transcripts from all other educational institutions from which the applicant has earned science credits used to comply with G.S. 90A-53;
 - (3) an official job description signed by the applicant's supervisor; ~~and~~
 - (4) the registered sanitarian's statement as described in Rule .0414 of this Section;
 - (5) statement from the personnel representative verifying the date of employment;
 - (6) a signed Code of Ethics, and
 - (7) documentation that Oath of Office has been taken.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989; February 1, 1983.
Amended Eff.

21 NCAC 62 .0403 EXAMINATION

- (a) The Board shall ~~administer~~ schedule an examination at least three times annually, at a time and location designated by the Board. An applicant for a certificate as a registered sanitarian shall pass the examination which consists of the following:
- (1) an objective written examination, designed to test the applicant's competence in the subject of environmental health;
 - (2) an oral examination prepared, administered and evaluated by the Board; and
 - (3) a written question prepared, administered and evaluated by the Board.
- (b) Every applicant shall be required to pass the examination with a grade of at least 70 percent, with the objective written examination to count 50 percent of the total score, the oral examination to count 25 percent of the total score, and the written question to count 25 percent of the total score. An applicant must score a minimum of 60 percent on each individual portion of the examination.
- (c) An applicant retaking the examination must retake all three portions, unless a written request is made to the Board to only retake one or two portions. This request must be received by the Board prior to the cutoff date for registration for the examination.

(d) Applicants shall not cheat or attempt to cheat on the examination by any means, including giving or receiving assistance, and shall not communicate in any manner with any person during the examination, other than the person(s) administering the examination. Violation of this Rule shall be cause for dismissal from the examination, invalidation of the examination score, and revocation or denial of registration.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; January 1, 1990; April 1, 1989; February 1, 1983.
Amended Eff.

21 NCAC 62 .0404 INVESTIGATION OF COMPLAINTS

~~The Board shall receive complaints and appoint two members to investigate any matter which may lead to suspension or revocation of a certificate. The two members shall initiate administrative hearings and present the case for suspension or revocation. The two members shall not participate in the final decision.~~

(a) When the Board becomes aware of a complaint, it shall send a "letter of inquiry" to the Registered Sanitarian or Registered Sanitarian Intern involved and to the complainant. The Registered Sanitarian or Registered Sanitarian Intern shall reply to this and any other inquiry of the Board within 30 calendar days. Failure to respond shall constitute violation of the rules in this Article. After receiving and considering the response from the Sanitarian, the Board may send additional letters of inquiry to the sanitarian and other persons involved.

(b) The Board shall appoint a member or members to investigate any matter which may lead to suspension or revocation of a certificate.

(c) Findings of the Board. Upon consideration of responses to inquiries and the investigation, the Board shall determine what action shall be taken:

- (1) if the Board determines that no disciplinary action is necessary, all parties previously contacted shall be so informed;
- (2) if the Board determines that the infraction is deemed minor, then the sanitarian may be offered a "letter of warning". This "letter of warning" shall note the sanitarian's acceptance of such action by the Board and shall specify the Board's cause for concern. Other persons previously contacted shall be informed that the Board has acted upon the matter;
- (3) if the Board determines that a formal hearing should be held, G.S. 150B is applicable;
- (4) if in the course of an investigation the Board discovers another licensing Board is involved, relevant information shall be sent to the respective professional board.

History Note: Authority G.S. 90A-64;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. April 1, 1989; February 1, 1983.
Amended Eff.

21 NCAC 62 .0405 AUTHORIZED EXPENDITURES AND FEES

(a) Individual Board members are not authorized to incur expenses nor financially obligate the Board without prior notification and permission of the secretary-treasurer or chair.

(b) The following fees shall apply:

- (1) application for sanitarian intern--\$35.00;
- (2) examination--current cost of the ~~Professional Examination Service's~~ registered sanitarian exam; plus an administration fee of \$50.00;
- (3) registration by reciprocity--\$35.00; and
- (4) annual renewal--\$35.00.

(c) Applications for registration, renewal, and examinations shall be accompanied by the payment of appropriate fees set by the Board.

(d) An additional fee of ~~five dollars (\$5.00)~~ twenty- five dollars (\$25.00) shall be charged for each late renewal postmarked after December 31 of each year.

(e) An additional fee of twenty dollars (\$20.00) shall be charged for all returned checks

(f) Fees for copies related to rulemaking shall be in accordance with 150B-21.2(d).

History Note: Authority G.S. 25-512; 90A-53; 90A-54; 90A-56; 90A-57; 90A-62; 90A-63;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; January 1, 1990; April 1, 1989; February 1, 1983.
Amended Eff.

.0406 OUT-OF-STATE APPLICANTS-REGISTRATION OF INDIVIDUALS REGISTERED BY OUT-OF-STATE BOARDS

(a) An out-of-state applicant requesting registration status in North Carolina shall provide the following information to the Board:

- (1) An official statement by the Board of Registration in the applicant's state testifying to the applicant's registration status.
 - (2) A notarized affidavit from the applicant indicating the amount and nature of work experience in environmental health.
 - (3) A copy of the current or most recent job description signed by the applicant's supervisor.
 - (4) An official transcript of courses and grades received from the college or university.
 - (5) A completed application for registration.
 - (6) A copy of the examination score from a nationally-recognized examination service and
 - (6) Payment of fees as required in .0405 of this Section.
- (b) An out-of-state applicant shall have a minimum of two years of relevant environmental health experience.
- (c) An out-of-state applicant shall have a minimum of thirty (30) semester hours of physical or biological science from an accredited college or university.
- (d) An out-of-state applicant shall have successfully passed a nationally-recognized written examination with a minimum score of seventy (70) percent.

History Note: Authority G.S. 90A-57; 90A-62;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. April 1, 1989; February 1, 1983.
Amended Eff.

21 NCAC 62 .0407 RENEWAL

(a) Applications for renewal must be filed with the Board on a form provided by the Board and available from the Board's website at: rsboard.com or from the secretary-treasurer or the Division of Environmental Health, P.O. Box 27687, 1630 Mail Service Center Raleigh, NC 27611-7687-27699-1630.

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

(c) Renewal fees must be received annually not later than December 31. The secretary-treasurer shall notify each registered sanitarian and registered sanitarian intern of the December 31 expiration date of registration and shall send a renewal application form to the last current mailing address for each sanitarian and intern on or before December 1 of each year.

(d) Registered sanitarians or Registered sanitarian interns who fail to renew by December 31 shall be notified by the secretary-treasurer that their registration has expired and that they may not practice as a sanitarian an environmental health specialist until reinstated by paying the required renewal fee plus a late fee as specified in these Rules.

~~(e) Sanitarian interns must renew temporary certificates annually by submitting a renewal application no later than December 31 and the required renewal fee.~~

~~(f)(e)~~ Registered sanitarians or ~~registered~~ Registered sanitarian interns shall successfully complete a minimum of 15 instructional clock hours of continuing education acceptable to the Board each year. Continuing education acceptable to the Board includes:

- (1) specialized training courses required in Rule .0411 of this Section;
- (2) District Environmental Health Section Educational meetings;
- (3) professional association courses and educational meetings;
- (4) seminars or short courses offered by the North Carolina State of Practice Committee;
- (5) successful completion of a job related course offered by an accredited college or university, with the hours credited for the year that the course is successfully completed;
- (6) successful completion of a job related course offered by the Centers for Disease Control and Prevention, the Food and Drug Administration, or the Environmental Protection Agency; and

- (7) other practice related training for which approval has been granted by the Board.
- ~~(g)~~(f) Registrations that have expired may be renewed within 12 months after expiration upon submittal of proper application and payment of the appropriate renewal fee, plus the late fee, as applicable. Registrations that have expired for more than 12 months, but not more than ~~36~~ 24 months, may be considered for renewal upon submittal of proper application and payment of the appropriate renewal fee plus the late fee for each year since the expiration. The applicant shall provide verification to the Board that adequate continuing education clock hours have been obtained during each year since the expiration to comply with the requirements of this Section. Registrations that have expired for more than ~~36~~ 24 months may not be renewed.
- ~~(h)~~(g) Interns that are no longer employed in the field of environmental health in North Carolina may not renew.
- (h) Registered Sanitarians and Registered Sanitarian Interns who have experienced military service or a medical condition or conditions that greatly impaired their ability by making it impossible or impractical to obtain continuing education required in (e) of this rule may apply for an exemption from the continuing education requirements in this rule. Any exemption request shall be accompanied by written orders or a written statement from the applicant's physician. The Board shall consider the orders or statement in making its decision to grant or deny the exemption. Consideration for exemption shall be based on the duration and disability associated with the medical condition. A medical exemption may not be granted for more than one year.
- (i) A maximum of 5 clock hours of approved continuing education may be applied toward the continuing education requirements for the following year if specifically requested by the applicant by December 31 of the renewal year.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; May 1, 1990; April 1, 1989; February 1, 1983.
Amended Eff.

21 NCAC 62 .0408 PUBLIC INSPECTION

A copy of these Rules is available for public inspection on the Board's website at: www.rsboard.com and in the office of the Division of Environmental Health, ~~1330 St. Mary's Street~~ 2728 Capital Boulevard, Raleigh, North Carolina.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989.
Amended Eff.

21 NCAC 62 .0409 CHARACTER **21 NCAC 62 .0410 EDUCATION**

History Note: Authority G.S. 90A-53; 90A-57;
Eff. February 1, 1983;
Repealed Eff. April 1, 1989.

21 NCAC 62 .0411 SPECIALIZED TRAINING

Every applicant for registration shall successfully complete either Sub-items (1)(a) through (e) or Sub-items (2)(a) through (b), or (3) of the following:

- (1) Track I:
 - (a) Orientation and initial field training as soon as possible after employment as a sanitarian intern, but in no case later than 90 days after employment; orientation and initial field training must be completed at one of the Division of Environmental Health orientation and initial field training centers; and

- (b) The Centers for Disease Control (CDC) Homestudy Course 3010-G, "Environmental Science", or its equivalent. Successful completion of the CDC Homestudy Course 3010-G or its equivalent prior to employment or graduation from an environmental health degree program accredited by the National Environmental Health Science and Protection Accreditation Council meets the requirements of this Rule; and
 - (c) Either the NC State University Food Protection Short course or one basic soils workshop approved by the Board within the first two years following employment; and
 - (d) The CDC Homestudy course 3013-G, "Vectorborne Disease Control" during first three years following employment. Successful completion of the CDC Homestudy course 3013-G prior to employment, or completion of an equivalent course offered by an environmental health degree program accredited by the National Environmental Health Science and Protection Accreditation Council meets the requirements of this Rule; and
 - (e) A public health law course during the first four years following employment.
- (2) Track II:
- (a) Orientation and Initial Internship Training for Environmental Health Interns sponsored by the Division of Environmental Health at the centralized training site as soon as practical, but in no case more than nine months following registration as a sanitarian intern; and
 - (b) A public health law course during the first four years following employment.
- (3) Track III: A combination of the elements in Track I or Track II determined by the Board to be equivalent.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1983;
Amended Eff. November 1, 1994; May 1, 1990.
Amended Eff.

21 NCAC 62 .0412 EXPERIENCE

History Note: Authority G.S. 90A-53; 90A-57;
Eff. February 1, 1983;
Repealed Eff. November 1, 1994.

21 NCAC 62 .0413 SANITARIAN INTERN

History Note: Authority G.S. 90A-54; 90A-63;
Eff. February 1, 1983;
Repealed Eff. April 1, 1989.

21 NCAC 62 .0414 SANITARIAN INTERN

Every applicant for registration as a sanitarian intern must be under the guidance of a registered sanitarian as defined in G.S. 90A. For those places of employment that do not have another registered sanitarian on staff arrangements must be approved by the Board prior to registration to assure that guidance by a registered sanitarian is provided. A statement shall be filed with the Board indicating that the registered sanitarian providing guidance will instruct and guide the intern applicant in the performance of all environmental health duties. This statement will indicate the date in which the registered sanitarian providing guidance assumes responsibility and the signatures of both the registered sanitarian and the applicant.

History Note: Authority G.S. 90A-54; 90A-63;
Eff. November 1, 1994.

21 NCAC 62 .0415 CODE OF ETHICS

As a Registered Sanitarian or Sanitarian Intern, I pledge:

To practice my profession following recognized scientific principles with the full realization that the lives, health, and well being of people may depend upon my professional judgment and I pledge to protect the health and well being of the citizens of my community.

To be qualified for my position in the field of public/environmental health, and to maintain an acceptable level of competence by continued study, observation, and personal investigation.

To perform services only in the areas of my competence, and that I will not misrepresent my professional education, credentials, or experience.

To act responsibly to uphold the integrity of my profession, and that I shall avoid conduct or practice that may appear to or in actual fact discredits my profession.

To conduct myself in such a manner so that the public is not deceived nor misled.

To be ethically loyal to the governmental division, the industry, or the institution by which I am employed.

To uphold and enforce the applicable laws, rules, and principles so the health of the public is equitably and properly protected.

To promote the highest attainable standard of health without distinction of race, religion, cultural background, economic or social condition.

History Note: Authority G.S. 90A-67

Eff.

21 NCAC 62 .0416 STANDARDS FOR EDUCATIONAL INSTITUTIONS

Sheila and Burt to develop the specifics for this section. Don't know if correct law is referenced as authority.

History Note: Authority G.S. 90A-53

Eff.

21 NCAC 62 .0417 OATH OF OFFICE

This should state the Oath of Office as required by the statute.

History Note: Authority G.S. 90A-53

Eff.