

Chapter 90A.
Environmental Health Specialists, Sanitarians and Water and Wastewater Treatment Facility Operators.

Article 4.

Registrations of Sanitarians.

§ 90A-50. State Board of Sanitarian Examiners.

There is hereby created a State Board of Sanitarian Examiners to register qualified ~~sanitarians~~ Environmental Health Specialists as Registered Sanitarians to practice within the State. It is the sole purpose of this Article to safeguard the health, safety, and general welfare of the public from adverse environmental factors and to register those environmental health professionals practicing as Registered Sanitarians or Registered Sanitarian Interns who are qualified by education, training, and experience to work, or are working, in the public sector in the field of environmental health within the scope of practice as defined in this Article.

§ 90A-51. Definitions.

The words and phrases defined below shall when used in this Article have the following meaning unless the context clearly indicates otherwise:

- (1) "Board" means the Board of Sanitarian Examiners.
- (2) "Certificate of registration" ~~is~~ means a document issued by the Board as evidence of registration and qualification to practice as a Registered Sanitarian or a Registered Sanitarian Intern under this Article. The certificate shall bear the designation "Registered Sanitarian" or "Registered Sanitarian Intern" and show the name of the person, date of issue, serial number, seal, and signatures of the members of the Board.
- (3) ~~"Registered Sanitarian" is a Sanitarian Registered in accordance with the provisions of this Article.~~ "Environmental health practice" means environmental health services that include, but are not limited to administration, organization, management, education, enforcement, and consultation regarding environmental health services provided to or for the public. These services are offered to prevent environmental hazards and to promote and protect the health of the public in the following areas: food, lodging, and institutional sanitation; on-site wastewater treatment and disposal; milk and dairy sanitation; shellfish sanitation; recreational water quality; public swimming pool sanitation; childhood lead poisoning prevention; and tattoo parlor sanitation and all other areas of environmental health practice that requires the delegation of authority by the Division of Environmental Health to state and local environmental health professionals to enforce the Commission for Health Services' rules.
- (4) ~~"Sanitarian" is~~ Environmental Health Specialist means a public health professional ~~qualified by education in the arts and sciences, who meets the educational requirements in this Article and has attained specialized training and acceptable environmental health field experience to effectively plan, organize, manage, execute, provide, and evaluate, one or more of the many diverse elements comprising the field of environmental health defined as~~

~~environmental health practice. Practice in the field of environmental health within the meaning of this Article includes, but is not limited to organization, management, education, enforcement, and consultation for the purpose of prevention of environmental health hazards and the promotion and protection of the public health and the environment in the following areas: food, lodging, and institutional sanitation; on-site sewage treatment and disposal; milk and dairy sanitation. For purposes of this Article the following are not included within the definition of "Sanitarian":~~

- ~~a. A person teaching, lecturing, or engaging in research.~~
- ~~b. A person who is a sanitary engineer, public health engineer, public health engineering assistant, Registered professional engineer, industrial hygienist, health physicist, chemist, epidemiologist, toxicologist, geologist, hydrogeologist, waste management specialist, or soil scientist, except when the person is working as a Sanitarian.~~
- ~~c. A public health officer or public health department director.~~
- ~~d. A person who holds a North Carolina license to practice medicine, veterinary medicine, or nursing.~~
- ~~e. Laboratory personnel when performing or supervising the performance of sanitation related laboratory functions.~~

~~It is the sole purpose of this Article to safeguard the health, safety, and general welfare of the public from adverse environmental factors and to register those environmental health professionals practicing as Sanitarians who are qualified by education, training, and experience to work, or are working, in the public sector in the field of environmental health within the scope of practice as defined in this Article.~~

- (5) "Registered Sanitarian" is an Environmental Health Specialist registered in accordance with the provisions of this Article. "Sanitarian Intern" is a person who possesses the necessary educational qualifications as prescribed in G.S. 90A-53(3), but who has not completed the experience and specialized training requirements in the field of public health sanitation as required for registration.

For purposes of this Article the following are not included within the definition of Registered "Sanitarian":

- a. A person teaching, lecturing, or engaging in research.
- b. A person who is a sanitary engineer, public health engineer, public health engineering assistant, professional engineer, industrial hygienist, health physicist, chemist, epidemiologist, toxicologist, geologist, hydrogeologist, waste management specialist, or soil scientist, except when the person is working as a Sanitarian.
- c. A public health officer or public health department director.
- d. A person who holds a North Carolina license to practice medicine, veterinary medicine, or nursing.
- e. Laboratory personnel when performing or supervising the performance of sanitation related laboratory functions.

- (6) "Registered Sanitarian Intern" means a person who possess the necessary educational qualifications as prescribed in G. S. 90A-53(3), but who has not

completed the experience and specialized training requirements in the field of public health sanitation as required for registration. For purposes of this Article the following are not included within the definition of Registered "Sanitarian Intern":

- a. A person teaching, lecturing, or engaging in research.
- b. A person who is a sanitary engineer, public health engineer, public health engineering assistant, professional engineer, industrial hygienist, health physicist, chemist, epidemiologist, toxicologist, geologist, hydrogeologist, waste management specialist, or soil scientist, except when the person is working as a Sanitarian.
- c. A public health officer or public health department director.
- d. A person who holds a North Carolina license to practice medicine, veterinary medicine, or nursing.
- e. Laboratory personnel when performing or supervising the performance of sanitation related laboratory functions.

§ 90A-52. Practice without certificate unlawful.

(a) In order to safeguard life, health and the environment, it shall be unlawful for any person to practice as ~~a Sanitarian~~ an Environmental Health Specialist in the State of North Carolina or use the title "Registered Sanitarian" or "Registered Sanitarian Intern" unless such person shall have obtained a certificate of registration from the Board. No person shall offer his services as a Registered Sanitarian or Registered Sanitarian Intern or use, assume or advertise in any way any title or description tending to convey the impression ~~that he is of being~~ that person is the holder of a current certificate of registration issued by the Board.

(b) Notwithstanding the provisions of subsection (a), a person may practice as a Registered Sanitarian Intern for a period not to exceed three years provided ~~he~~ that person has obtained a temporary certificate of registration from the Board.

90A-53 Qualifications and examination for registration of a Registered Sanitarian or Registered Sanitarian Intern

(1) The Board shall issue a certificate to a qualified person as a Registered Sanitarian or Registered Sanitarian Intern. A certificate shall be issued to any person upon the Board's determination that such person:

- (a) Has application to the Board on a form prescribed by the Board;
- (b) Be of good moral and ethical character as attested by an agreement signed by the applicant to adhere to the Code of Ethics adopted by the Board;
- (c) Has graduated from a bachelor's or master's degree program that is:
 - (i) A member of the National Environmental Health Science and Protection Accreditation Council (EHAC) and has one or more years of experience in the field of environmental health; or
 - (ii) Accredited by an accrediting organization recognized by the U.S. Department of Education or one that is a member of the Council for Higher Education Accreditation council (CHEA) or received a baccalaureate degree from a post-secondary educational institution rated

as acceptable by the Board and earned a minimum of 30 semester hours or its equivalent in the physical and/or biological sciences and has two or more years of experience in the field of environmental health practice;

- (d) Has satisfactorily completed specialized instruction and training approved by the Board;
- (e) Has passed an examination administered or approved by the Board designed to test for competence in the subject matters of environmental health sanitation. The examination shall be in a form prescribed by the Board and may be oral, written, or both. The examination for applicants shall be held annually or more frequently as the Board may by rule prescribe, at a time and place to be determined by the Board. A person shall not be registered if such person fails to meet the minimum grade requirements for examination specified by the Board. Failure to pass an examination shall not prohibit such person from being examined at subsequent times and places as specified by the Board; and
- (f) Has paid a fee set by the Board not to exceed the actual cost of purchasing the examination plus an administrative fee not to exceed one hundred-fifty (\$150.00) dollars.

(2) A certificate as a Registered Sanitarian Intern shall be issued to any person to act or serve as a Registered Sanitarian Intern without meeting the full requirements for experience of a Registered Sanitarian for a period not to exceed three years provided such person meets the educational requirements in G.S. 90A-53 and is in the field of environmental health practice.

(3) For Registered Sanitarians and Registered Sanitarian Interns registered on the effective date of this Act, each Registered Sanitarian or Registered Sanitarian Intern shall take an oath of office prior to their next renewal of registration.

§ 90A-53. Qualifications and examination for registration as a sanitarian.

~~The Board shall issue certificates to qualified persons as Registered Sanitarians. A certificate as a Registered Sanitarian shall be issued to any person upon the Board's determination that such person:~~

- ~~(1) — Has made application to the Board on a form prescribed by the Board;~~
- ~~(2) — Is of good moral character;~~
- ~~(3) — Has received a baccalaureate degree from a post-secondary educational institution rated as acceptable by the Board with a minimum of 30 semester hours or its equivalent in the physical and/or biological sciences.~~
- ~~(4) — Has satisfactorily completed a course in specialized instruction and training approved by the Board which course shall be designed as to content and so administered as to present sufficient knowledge of the needs properly to be served by public health sanitation, the elements of good environmental health sanitation, the laws and regulations governing sanitation in environmental health and the protection of the public health;~~
- ~~(5) — Has had at least two years' experience in the field of environmental health as defined in this Article. Provided, however, that only one year of experience in the field of environmental health as defined in this Article is required of a sanitarian intern who is a graduate of a bachelor's or master's degree program~~

~~that is accredited by the National Accreditation Council for Environmental Health Curricula of the National Environmental Health Association~~

- ~~(6) Has passed an examination administered by the Board designed to test for competence in the subject matters of environmental health sanitation. The examination shall be in a form prescribed by the Board and may be oral, written, or both. The examination for applicants shall be held annually or more frequently as the Board may by rule prescribe, at a time and place to be determined by the Board. A person shall not be registered if such person fails to meet the minimum grade requirements for examination specified by the Board. Failure to pass an examination shall not prohibit such person from being examined at subsequent times and places as specified by the Board; and~~
- ~~(7) Has paid a fee set by the Board not to exceed the cost of the examination.~~

§ 90A-54. Qualification for registration as a Registered Sanitarian Intern.

- ~~(a) A temporary certificate may be issued under requirements and conditions prescribed by the Board to any person to act or serve as a sanitarian intern without meeting the full requirements of a registered sanitarian for a period not to exceed three years provided such person meets the educational requirements in G.S. 90A-53.~~
- ~~(b) Any person meeting the educational requirements of G.S. 90A-53(3) may make application to the Board on a form prescribed by the Board for temporary registration as a sanitarian intern. The Board shall accept such application when submitted upon the payment of a fee set by the Board not to exceed thirty five dollars (\$35.00).~~

Repeal

§ 90A-55. State Board of Sanitarian Examiners; appointment and term of office.

(a) Board Membership. – The Board shall consist of nine members: the Secretary of Environment and Natural Resources, or the Secretary's duly authorized representative, one public-spirited citizen, one environmental sanitation educator from an accredited college or university, one local health director, a representative of the Environmental Health Division of the Department of Environment and Natural Resources, and four practicing Registered Sanitarians ~~who qualify by education and experience for registration under this Article~~, three of whom will represent the Western, Piedmont, and Eastern Regions of the State ~~as described more specifically in the rules adopted by the Board.~~

(b) Term of Office. – Each member of the State Board of Sanitarian Examiners shall be appointed by the Governor for a term of four years. ~~Members of the Board serving on October 1, 1982, shall serve until the expiration of the terms for which they were appointed.~~ As the term of each current member expires, the Governor shall appoint a successor in accordance with the provisions of this section. If a vacancy occurs on the Board for any other reason than the expiration of a member's term, the Governor shall appoint a successor for the remainder of the unexpired term. No person shall serve as a member of the Board for more than two consecutive four-year terms.

(c) The Environmental Health Section, North Carolina Public Health Association, Inc., shall submit a recommended list of Board member candidates to the Governor for his consideration in appointments except for the two (2) representatives of the Department of

Environment and Natural Resources and who are nominated by the Secretary of Environment and Natural Resources.

(d) The Governor may remove an appointee member for misconduct in office, incompetency, neglect of duty, or other sufficient cause.

§ 90A-56. Compensation of Board members; expenses; employees.

Members of the Board ~~shall may receive per diem as established in G.S. 93B-5 compensation and be reimbursed for travel expenses in accordance with G.S. 93B-5.~~ plus all necessary travel expenses in the amount not to exceed that authorized under G.S. 138-6(a), (1),(2), and (3) for officers and employees of State departments. The Board may employ necessary personnel for the performance of its functions ~~and fix the compensation therefor,~~ within the limits of funds available to the Board. The total expenses of the administration of this Article shall not exceed the total income ~~therefrom~~ and none of the expenses of said Board or the compensation or expenses of any officer ~~thereof~~ or any employee shall ever be paid or payable out of the treasury of the State of North Carolina; and neither the Board nor any officer or employee ~~thereof~~ shall have any power or authority to make or incur any expense, debt, or other financial obligation binding upon the State of North Carolina.

§ 90A-57. Election of officers; meetings; regulations, oaths.

(a) The Board shall annually elect a ~~chairman~~ chair, ~~vice-chairman~~ vice-chair and a secretary from among its membership. The officers may serve more than one term. The Board shall meet annually in the City of Raleigh, at a time set by the Board, and it may hold additional meetings and conduct business at any place in the State. Five members of the Board shall constitute a quorum to do business. The Board may designate any member to conduct any proceeding, hearing, or investigation necessary to its purpose, but any final action requires a quorum of the Board. The Board is authorized to adopt such rules and regulations, including but not limited to accreditation and qualifications as may be necessary for the efficient operation of the Board.

(b) The Board shall have an official seal and each member shall be empowered to administer oaths in taking of testimony upon any matters pertaining to the function of the Board.

(c) An Oath of office may be administered by Board members.

§ 90A-58. Applicability of Chapter 93B.

The Board shall be subject to the provisions of Chapter 93B of the General Statutes of North Carolina.

§ 90A-59. Record of proceedings; register of applications; register of Registered Sanitarians ~~registered sanitarians~~ and Registered Sanitarian Interns ~~sanitarian interns~~.

(a) The Board shall keep a record of its proceedings.

(b) The Board shall maintain ~~a register~~ records of ~~all applications~~ for registration, which shall include ~~show~~:

- (1) The place of residence, name and age of each applicant;
- (2) The name and address of the employer of each applicant;
- (3) The date of application;

- (4) The date of employment;
- ~~(4)~~ (5) Complete information of educational and experience qualifications;
 - (6) Signed Code of Ethics
 - (7) Date Oath of Office administered
- ~~(5)~~ (8) The action taken by the Board;
- ~~(6)~~ (9) The serial number of the certificate of registration issued to the applicant;
- ~~(7)~~ (10) The date on which the Board reviewed and acted upon the application; and
- ~~(8)~~ (11) Such other pertinent information as may be deemed necessary by the Board.

(c) The Board shall maintain a current registry of all Registered Sanitarians sanitarians and Registered Sanitarian Interns ~~sanitarian-interns~~ in the State of North Carolina that have been Registered in accordance with the provisions of this Article.

(d) ~~These records shall be~~ Records of the Board are public records as defined in Chapter 132 of the General Statutes of North Carolina, except that college transcripts, examinations, and medical information submitted to the Board shall be considered non-public records.

§ 90A-60. Rating of educational institutions.

~~For the purpose of determining the qualifications of applicants for certification and registration under this Article, the Board may accept the ratings of educational institutions as issued by accrediting bodies acceptable to the Board~~

REPEALED

§ 90A-61. Certification and registration of persons practicing as Sanitarians on October 1, 1982; temporary provisions.

(a) ~~Any person who submits to the Board under oath evidence that such person was practicing as a Sanitarian (as defined in G.S. 90A-51(4) of this Article) or Registered Sanitarian (as defined in G.S. 90A-51(3) of this Article) in the State of North Carolina on October 1, 1982, shall be certified as a Registered Sanitarian.~~

(b) ~~If any person described under subsection (a) does not make application and pay the appropriate fee to the Board within six months from October 1, 1982, he must then satisfy all the requirements of G.S. 90A-53 in order to obtain a certificate of registration.~~

(d) ~~Within three years from October 1, 1982, every person specified in subsection (a) who has not satisfied the requirements for a certificate of registration listed in subsection (a) shall thereafter satisfy all the requirements listed in G.S. 90A-53 in order to obtain a certificate of registration.~~

REPEALED

§ 90A-62. Certification and registration of Sanitarians certified in other states.

The Board may, without examination, grant a certificate as a Registered Sanitarian to any person who at the time of application, is certified as a Registered Sanitarian by a similar Board of another state, district or territory whose standards are determined to be acceptable to the Board but not lower than those required by this Article and comply with the Rules of the Board. A fee to be determined by the Board and not to exceed ~~thirty-five dollars (\$35.00)~~ seventy-five dollars (\$75.00) shall be paid by the applicant to the Board for the issuance of a certificate under the provisions of this section.

§ 90A-63. Renewal of certificates.

(a) A certificate as a Registered Sanitarian ~~register-sanitarian~~ or Registered Sanitarian Intern ~~sanitarian-intern~~ issued pursuant to the provisions of this Article will expire on the thirty-first day of December of the current year and must be renewed annually on or before the first day of January. Each application for renewal ~~must~~ shall be accompanied by a renewal fee to be determined by the Board, but not to exceed ~~thirty-five dollars (\$35.00)~~ seventy-five dollars (\$75.00). The Board is authorized to charge an extra ~~five~~ twenty-five (\$25.00) dollar late renewal fee for renewals made after the first day of January of each year.

(b) Registrations expired for failure to pay renewal fees may be reinstated under the rules and regulations adopted by the Board.

(c) A Registered Sanitarian shall complete any continuing education requirements specified by the Board for renewal of a certificate. The Board shall have the authority to waive the requirement for continuing education for military and medical hardships based on standards adopted by the Board.

§ 90A-64. Suspensions and revocations of certificates.

(a) The Board shall have the power to refuse to grant, or may suspend or revoke, any certificate issued under provisions of this Article for any of the causes hereafter enumerated:

- (1) Has been found by the Board to have engaged in fraud, ~~Fraud~~ deceit, or perjury in obtaining registration under the provisions of this Article;
- (2) being unable to practice with reasonable skill and safety by reason of drunkenness, excessive use of alcohol, drugs, chemicals, or any other type of material; ~~Addiction to narcotics;~~
- (3) unprofessional conduct, including but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing practice, or the ethics of the profession; ~~Drunkenness on duty;~~
- (4) Defrauding ~~defrauding~~ the public or attempting to do so;
- (5) failing ~~Failing~~ to renew certificate as required;
- (6) Dishonesty ~~dishonesty~~;
- (7) lack of professional competence ~~Incompetency~~;
- (8) inexcusable ~~Inexcusable~~ neglect of duty;
- (9) conviction in any court of a crime involving moral turpitude, or a conviction of a felony; ~~Guilty of any unprofessional or dishonorable conduct unworthy of — and affecting the practice of his the profession;~~
- (10) failure to adhere to the Code of Ethics; or
- (11) not meeting qualifications for renewal;

(b) A Registered Sanitarian or Registered Sanitarian Intern who is convicted of a felony or a crime of moral turpitude shall report, to the Board, such conviction within 30 days of conviction. A felony conviction shall result in the automatic suspension of a certificate issued by the Board for 60 days until further action is taken by the Board. The Board shall immediately begin the hearing process according to GS 150B. Nothing in the provisions of this section preclude the Board from taking further action

(c) The Board and its members individually, or staff shall not be held liable for any civil or criminal proceeding for exercising, in good faith, the powers and the duties authorized by law.

(d)(b) The procedure to be followed by the Board when refusing to allow an applicant to take an examination, or revoking or suspending a certificate issued under the provisions of this Article, shall be in accordance with the provisions of Chapter 150B of the General Statutes of North Carolina.

(e) The Board is authorized to conduct investigations for allegations outlined in GS 90A-64(a). The Board, if necessary, may subpoena individuals and records to determine if actions are necessary to enforce this Article.

§ 90A-65. Representing oneself as a Registered Sanitarian—~~registered sanitarian or Registered Sanitarian Intern.~~

~~A holder of a current certificate of registration~~ Only a Registered Sanitarian may append to his ~~their~~ name the letters, "R.S.". Only a Registered Sanitarian Intern may append to their name "R.S.I.".

§ 90A-66. Violations; penalty; injunction.

Any person violating any of the provisions of this Article or of the rules and regulations adopted by the Board shall be guilty of a Class 1 misdemeanor. The Board may appear in its own name in the superior courts in an action for injunctive relief to prevent violation of this Article and the superior courts shall have power to grant such injunctions regardless of whether criminal prosecution has been or may be instituted as a result of such violations. Actions under this section shall be commenced in the superior court district or set of districts as defined in G.S. 7A-41.1 in which the respondent resides or has ~~his~~ their principal place of business or in which the alleged acts occurred.

§ 90A-67. Code of Ethics.

(a) The Board shall prepare and adopt by rule a Code of Ethics that shall be made known in writing to every Registered Sanitarian and Registered Sanitarian and applicant for registration registered under this Board. Publication of the Code of Ethics is due notice to all certificate holders of its contents.

(a) Any person registered as a sanitarian or sanitarian intern as of the effective date of this section, under the provisions of GS 90A, Article 4, shall sign a Code of Ethics and submit it with the application for registration renewal for the year following the effective date of this section.