

**ADOPTED REGULATION OF THE BOARD OF REGISTERED
ENVIRONMENTAL HEALTH SPECIALISTS**

LCB File No. R125-03

Effective March 26, 2004

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1, 4 and 7, NRS 625A.080; §§2 and 3, NRS 625A.080 and 625A.130; §§5 and 6, NRS 625A.080 and 625A.150.

A REGULATION relating to environmental health specialists; providing that the Board of Environmental Health Specialists will reinstate the suspended certificate of registration of an environmental health specialist under certain circumstances; establishing a biennial requirement for an environmental health specialist to complete his units of continuing education; and providing other matters properly relating thereto.

Section 1. Chapter 625A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

NEW FIRST
PARALLEL
SECTION

Sec. 2. *If the certificate of registration of an environmental health specialist has been suspended pursuant to the provisions of NRS 625A.130, the Board will reinstate the certificate after the environmental health specialist submits to the Board:*

1. An application for reinstatement of the certificate of registration on a form approved by the Board.

2. The statement prescribed by the Welfare Division of the Department of Human Resources required pursuant to NRS 625A.105 if the environmental health specialist failed to submit the statement to the Board.

3. The annual fee for registration for each year in which the certificate was suspended and for the year in which the environmental health specialist requests reinstatement.

4. A penalty fee equal to 50 percent of all fees required to be submitted pursuant to subsection 3, not to exceed \$200.

5. Proof of completion of the units of continuing education required pursuant to NAC 625A.020 for the period in which the certificate of registration was suspended. Any units of continuing education required to be completed during the period in which the certificate of registration was suspended must be completed within the 2 years immediately preceding the date of application for reinstatement.

NEW
SECOND
PARALLEL
SECTION
(Proof
against § 2)

Sec. 3. If the certificate of registration of an environmental health specialist has been suspended pursuant to the provisions of NRS 625A.130, the Board will reinstate the certificate after the environmental health specialist submits to the Board:

1. An application for reinstatement of the certificate of registration on a form approved by the Board.

~~2. [The statement prescribed by the Welfare Division of the Department of Human Resources required pursuant to NRS 625A.105 if the environmental health specialist failed to submit the statement to the Board.~~

~~—3.]~~ The annual fee for registration for each year in which the certificate was suspended and for the year in which the environmental health specialist requests reinstatement.

~~[4.]~~ 3. A penalty fee equal to 50 percent of all fees required to be submitted pursuant to subsection ~~[3.]~~ 2, not to exceed \$200.

~~[5.]~~ 4. Proof of completion of the units of continuing education required pursuant to NAC 625A.020 for the period in which the certificate of registration was suspended. Any units of continuing education required to be completed during the period in which the certificate of registration was suspended must be completed within the 2 years immediately preceding the date of application for reinstatement.

Sec. 4. NAC 625A.010 is hereby amended to read as follows:

625A.010 As used in this ~~[section and NAC 625A.020 and 625A.030,]~~ *chapter*, unless the context otherwise requires:

1. “Approved course” means a course of study or training which must be related to ~~[public health sanitation]~~ *sanitary measures for the benefit of the public* and which is approved or presented by any of the following:

- (a) The National Environmental Health Association.
- (b) The American Public Health Association.
- (c) The Centers for Disease Control ~~[]~~ *and Prevention*.
- (d) The Food and Drug Administration.
- (e) The Department of Health and Human Services.
- (f) The Environmental Protection Agency.
- (g) The American Water Works Association.
- (h) The American Dietetic Association.
- (i) ~~[The Professional Achieving Continuing Education (P.A.C.E.) Program.~~
- ~~—(j)]~~ The State Board of Nursing.

~~[(k)]~~ (j) *The Nevada Environmental Health Association.*

(k) *The American Society of Agricultural Engineers.*

(l) Any other organization approved by the Board.

~~[(m)]~~ (m) An accredited college or university.

2. “Board” means the Board ~~[for Registration of Public Health Sanitarians.]~~ *of Registered Environmental Health Specialists.*

3. “Contact hour” means 50 minutes of participation in an approved course.

4. ~~["Sanitarian"]~~ *“Environmental health specialist”* has the meaning ascribed to it in NRS 625A.020.

5. “Unit of continuing education” means ~~[10]~~ *12* contact hours of approved courses.

Sec. 5. NAC 625A.020 is hereby amended to read as follows:

625A.020 1. Except as otherwise provided in subsection 2, each ~~[sanitarian must complete one unit]~~ *environmental health specialist must complete 2 units* of continuing education ~~[within the year immediately preceding his application for the renewal of his registration and]~~ *every 2 years after the date of his initial renewal. Not later than 2 years after the date of his initial renewal and every 2 years thereafter, the environmental health specialist must* submit proof of completion of the ~~[course]~~ *required units of continuing education* to the Board with his application ~~[.]~~ *for the renewal of his registration.*

2. The provisions of this section do not apply to ~~[a sanitarian:~~
~~—(a) Who]~~ *an environmental health specialist who* has received an exemption pursuant to NRS 625A.150.

~~[(b) In the year of his initial registration.]~~

Sec. 6. NAC 625A.030 is hereby amended to read as follows:

625A.030 1. Each ~~sanitarian~~ *environmental health specialist* who is required to complete a program of continuing education shall retain proof of completion of an approved course for 4 years after completion of the course.

2. Proof of completion of an approved course must be in the form of a transcript, certificate of completion or other document furnished by the organization which conducted the course.

Sec. 7. 1. This section and sections 1, 2, 4, 5 and 6 of this regulation become effective upon filing with the Secretary of State.

2. Section 3 of this regulation becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R125-03**

The Board of Registered Environmental Health Specialists adopted regulations assigned LCB File No. R125-03 which pertain to chapter 625A of the Nevada Administrative Code on February 11, 2004.

Notice date: 1/7/2004
Hearing date: 2/11/2004

Date of adoption by agency: 2/11/2004
Filing date: 3/26/2004

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

R125-03 was noticed four (4) times in conjunction with the following activities:

- a. Public Workshop, January 16, 2003
- b. Public Comment Period, January 17 – March 31, 2003
- c. Regulatory Hearing, June 7, 2003
- d. Regulatory Hearing, February 11, 2004

Notices were posted at the following locations: Ellis Island Casino & Brewery, Washoe County District Health Department, 1001 East 9th St., Reno, Nevada; Clark County District Health Department, 625 Shadow Lane, Las Vegas, Nevada; Clark County District Health Department, 560 No. Nellis, Suite 11, Las Vegas, Nevada; Bureau of Health Protection Services, 1179 Fairview Dr., STE 104, Carson City, Nevada; Bureau of Community Health Services, 2656 Research Way, Carson City, Nevada; and Carson City Environmental Health Department, 3303 Butti Way, Building No.1, Carson City, NV.

In addition, e-mailings were made to strategic interested parties and organizations, e.g., Nevada Restaurant Association, International Food Service Executives Association (IFSEA). Notices were also posted on the Nevada Board of Registered Environmental Health Specialists website: www.nvrehs.org.

Public response to the proposed modification was minimal, inasmuch as the majority of the changes involved the updating of the name “Public Health Sanitarian” to match the designation in NRS 625A: “Environmental Health Specialist”. As section was added to address reinstatement of environmental health specialists who had been dropped from the registry pursuant to NRS 625A.130. An exemption from the continuing education requirement was granted to “retired” registrants pursuant to NRS 625A.150. No written comments were received.

2. The number of persons who attended each meeting, as well as the number testifying was as follows:

- a. January 16, 2003
Attending: 6
Testifying: 6
- b. June 7, 2003
Attending: 6
Testifying: 5
- c. February 11, 2004
Attending: 16
Testifying: 0

No written comments were received relative to any of the above meetings or during the Public Comment Period.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

There is no regulatory or fiscal impact on any business, and although notice was given to The Nevada Restaurant Association and IFSEA, no written or oral comments were received.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted at the February 11, 2004 Regulatory Hearing, incorporating revisions made by the Legislative Counsel Bureau per its September 29, 2003 letter of review.

5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate, and on the public.

There is no adverse or economic effect on any business, or to the registrants covered by the Regulation. The regulation will have a positive effect on “retired” registrants only.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed amendments duplicate.

8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulation is not more stringent than any federal regulation regulating the same activity.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide or involve a new fee.