

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

LCB File No. R049-16

Effective June 21, 2017

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

AUTHORITY: §§1, 2, 6, 8-13 and 17, NRS 625A.080; §§3-5, NRS 625A.080 and 625A.100; §7, NRS 625A.080 and 625A.130; §§14-16, NRS 625A.080 and 625A.150.

A REGULATION relating to environmental health specialists; making various changes to the procedures for application for and renewal of a certificate of registration as an environmental health specialist; making various changes to the procedures for application for a certificate of registration as an environmental health specialist trainee; interpreting the term “basic science courses”; requiring an environmental health specialist and environmental health specialist trainee to notify the Board of Registered Environmental Health Specialists of a name change; requiring certain written communications and documents to be addressed to the Board; establishing certain fees; defining the term “environmental health sciences”; revising the requirements for continuing education for environmental health specialists; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a person who wishes to engage in the practice of environmental health in this State to register with the Board of Registered Environmental Health Specialists. (NRS 625A.100, 625A.900) This regulation makes various changes relating to the practice of environmental health.

Existing law requires an applicant for a certificate of registration to submit certain information with his or her application, including proof of the applicant’s educational qualifications, practical training and experience. (NRS 625A.100) To be eligible for a certificate of registration as an environmental health specialist, existing law requires, with limited exception, a person to: (1) possess a baccalaureate or higher degree; and (2) have completed academic work in “basic science courses.”(NRS 625A.110, 625A.115) **Section 2** of this regulation interprets the term “basic science courses.” **Section 3** of this regulation requires, with limited exception, an applicant for a certificate of registration as an environmental health specialist or environmental health specialist trainee to: (1) attach to his or her application for certification his or her official transcript from an institution of higher education; or (2) request that the institution of higher education mail the transcript directly to the Board. **Section 3** also requires each applicant for a certificate of registration as an environmental health specialist or environmental health specialist trainee to submit verification of every license, certificate or

registration as an environmental health specialist issued in another jurisdiction within 5 years from the date of application, if any.

Existing law requires, with limited exception, an applicant for a certificate of registration as an environmental health specialist to pass a written examination. (NRS 625A.110, 625A.120) **Section 4** of this regulation requires applicants who are required to take the written examination to submit to the Board proof of the applicant's score on the examination.

Existing law requires an environmental health specialist trainee to be employed as part of a training program approved by the Board. (NRS 625A.115; NAC 625A.013) **Section 11** of this regulation provides that a training program provided by a health district, the Department of Health and Human Services or a division of the Department is not required to obtain approval from the Board and shall be deemed to be approved by the Board. **Section 5** of this regulation sets forth the application requirements for a trainee who has completed the training program and wants to become an environmental health specialist.

Section 6 of this regulation provides that the Board may require an applicant for a certificate of registration, or the renewal or reinstatement thereof, to provide additional information or appear for an oral interview.

Existing law authorizes the Board to establish: (1) fees for applications for a certificate of registration as an environmental health specialist or environmental health specialist trainee; (2) fees for reexamination if an applicant for a certificate of registration fails the required examination and desires to be reexamined; and (3) initial registration and annual renewal fees for certificates of registration. (NRS 625A.130) **Section 7** of this regulation establishes those fees.

Section 8 of this regulation provides that an environmental health specialist or environmental health specialist trainee must notify the Board of a name change and provide certain documentation thereof.

Section 9 of this regulation requires that all formal written communications and documents be addressed to the Board and not to individual members.

Existing law requires the Board to adopt regulations requiring, with limited exception, an environmental health specialist to participate in a program of continuing education as a prerequisite for the renewal of a certificate of registration. (NRS 625A.150) Existing regulations require, with limited exception, each environmental health specialist to complete every 2 years 2 units of continuing education, consisting of 12 contact hours of approved courses. (NAC 625A.010, 625A.020) **Section 10** of this regulation: (1) amends the definition of "approved course" to include courses in environmental health sciences; (2) revises the definition of "contact hour" from 50 minutes of participation in an approved course to 60 minutes; and (3) defines "environmental health sciences." **Section 14** of this regulation provides that unless an environmental health specialist is exempt from the continuing education requirements, he or she must: (1) complete 24 contact hours of continuing education every 2 years; and (2) except for an environmental health specialist who is renewing his or her certificate of registration for the first time, annually provide the Board proof of the contact hours of continuing education completed in the previous 2 years. **Section 17** of this regulation makes a conforming change.

Existing law exempts retired environmental health specialists from the requirements for obtaining continuing education. (NRS 625A.150) **Section 15** of this regulation requires a retired environmental health specialist to submit to the Board an attestation that he or she will no longer practice as an environmental health specialist or represent to others that he or she is authorized to engage in the practice in this State.

Existing regulations require an environmental health specialist who is required to complete a program of continuing education to retain proof of completion of an approved course for 4 years after completion of the course. (NAC 625A.030) **Section 16** of this regulation authorizes the Board to conduct random audits of the proof of completion.

Existing law authorizes the Board to issue a certificate of registration as an environmental health specialist to a person by reciprocity if the person is registered as an: (1) environmental health specialist with the National Environmental Health Association; or (2) environmental health specialist, environmental health scientist or registered sanitarian in another jurisdiction recognized by the Board as having requirements for that registration which are substantially similar to the requirements for the issuance of a certificate of registration as an environmental health specialist in this State. (NRS 625A.110) **Section 12** of this regulation provides that the Board will recognize registration in a jurisdiction that requires registration with the National Environmental Health Association as being “substantially similar to the requirements for the issuance of a certificate of registration as an environmental health specialist in this State.” **Section 12** also requires a person who applies for a certificate of registration by reciprocity to submit with his or her application proof that he or she is registered with the National Environmental Health Association.

Existing regulations provide that a person must apply to renew a certificate of registration and pay an annual fee not later than 60 days after the end of each calendar year. (NAC 625A.017) **Section 13** of this regulation provides that: (1) a certificate of registration as an environmental health specialist or a renewal thereof expires 1 year from the date of issuance; and (2) an environmental health specialist must submit an application for renewal and the applicable fee not later than 60 days after the date that the certificate of registration expires. **Section 13** also provides that an environmental health specialist trainee must submit the annual fee not later than 60 days after the anniversary of the issuance of the certificate of registration.

Section 1. Chapter 625A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. 1. *In addition to the courses listed in NRS 625A.110 and 625A.115, the Board will interpret the term “basic science courses” as used in NRS 625A.110 and 625A.115, to include, without limitation:*

(a) General chemistry;

(b) Organic chemistry;

- (c) General physics;*
- (d) Microbiology;*
- (e) General biological science;*
- (f) Epidemiology;*
- (g) Statistics;*
- (h) Water quality;*
- (i) Waste management;*
- (j) Food and consumer protection;*
- (k) Housing and institution sanitation;*
- (l) Vector control;*
- (m) Recreational health;*
- (n) Air quality;*
- (o) Milk and dairy products;*
- (p) Occupational health;*
- (q) Radiological or nuclear science;*
- (r) Noise control;*
- (s) Toxicology;*
- (t) Soil science;*
- (u) Land use development;*
- (v) Zoology;*
- (w) Physiology;*
- (x) Ecology;*
- (y) Chemical engineering;*

(z) Geology or earth science;

(aa) Sanitary engineering;

(bb) Environmental engineering;

(cc) Allied health sciences; and

(dd) Any other basic science course included in a degree program in environmental health from an institution of higher education approved by the Board.

2. The term does not include any general survey course which is not credited by an institution of higher education toward a major in a natural science or any precollege course which is below the level of an introductory course.

Sec. 3. *Each applicant for a certificate of registration as an environmental health specialist or environmental health specialist trainee must:*

1. Unless an applicant meets the requirements set forth in paragraph (d) of subsection 1 of NRS 625A.110:

(a) Attach to his or her application, in a sealed envelope, his or her official transcript from an accredited institution of higher education approved by the Board; or

(b) Request that the accredited institution of higher education mail the transcript directly to the Board; and

2. Submit verification of every license, certificate or registration as an environmental health specialist issued in another state, territory, the District of Columbia or a foreign country within 5 years from the date of the application, if any.

Sec. 4. *Except for an applicant who may be issued a certificate of registration as an environmental health specialist without an examination pursuant to NRS 625A.110, an applicant for a certificate of registration as an environmental health specialist who takes the*

examination must submit to the Board proof of the score that the applicant received on the examination in the form prescribed by the Board.

Sec. 5. *Upon completion of the training program required pursuant to NRS 625A.115, an environmental health specialist trainee may apply to the Board for a certificate of registration as an environmental health specialist. The application must include, without limitation, proof in the form prescribed by the Board that the person:*

- 1. Completed the training program required pursuant to NRS 625A.115; and*
- 2. Passed the written examination pursuant to NRS 625A.120.*

Sec. 6. *Before the Board will issue, renew or reinstate, as applicable, a certificate of registration, the Board may require an applicant to:*

- 1. Provide additional information; or*
- 2. Appear before the Board or a member of the Board for an oral interview.*

Sec. 7. *The fee required for:*

- 1. An application for a certificate of registration as an environmental health specialist or environmental health specialist trainee is \$250.*
- 2. The initial issuance of a certificate of registration as an environmental health specialist or environmental health specialist trainee is \$100.*
- 3. The annual renewal of a certificate of registration is \$100.*
- 4. The reexamination of an applicant is \$50.*

Sec. 8. *1. An environmental health specialist or environmental health specialist trainee may only engage in the practice of environmental health under the name in which the environmental health specialist or environmental health specialist trainee holds a certificate of registration issued by the Board.*

2. If an environmental health specialist or environmental health specialist trainee changes his or her name after his or her certificate of registration is issued, he or she must submit to the Board, within 30 days after the change, a copy of a marriage certificate or court decree demonstrating that his or her name was legally changed. Upon receiving a copy of a marriage certificate or court decree, the Board will issue the environmental health specialist or environmental health specialist trainee a new certificate of registration with his or her legal name thereon.

Sec. 9. *All formal written communications and documents must be addressed to the Board and not to individual members of the Board.*

Sec. 10. NAC 625A.010 is hereby amended to read as follows:

625A.010 As used in this chapter, unless the context otherwise requires:

1. “Approved course” means a course of study or training which must be related to *environmental health sciences or* 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 United States Department of Health and Human Services.
- (f) The Environmental Protection Agency.
- (g) The *United States Department of Energy*.
- (h) The American Water Works Association.*
- ~~(h)~~ *(i) The ~~American Dietetic Association~~ Academy of Nutrition and Dietetics.*

~~(j)~~ **(j)** The State Board of Nursing.

~~(k)~~ **(k)** The Nevada Environmental Health Association.

~~(l)~~ **(l)** The American Society of Agricultural and Biological Engineers.

~~(m)~~ **(m)** Any other organization approved by the Board.

~~(n)~~ **(n)** An accredited college or university.

2. “Board” means the Board of Registered Environmental Health Specialists.

3. ~~“Certificate of registration” has the meaning ascribed to it in NRS 625A.023.~~

~~4.~~ “Contact hour” means ~~50~~ **60** minutes of participation in an approved course.

~~5.~~ ~~“Environmental health specialist” has the meaning ascribed to it in NRS 625A.025.~~

~~6.~~ ~~“Environmental health specialist trainee” has the meaning ascribed to it in NRS 625A.026.~~

~~7.~~ ~~“Practice of environmental health” has the meaning ascribed to it in NRS 625A.028.~~

~~8.~~ ~~“Unit of continuing education” means 12 contact hours of approved courses.~~

4. “Environmental health sciences” means the science and practice of preventing human injury and illness and promoting human well-being by:

(a) Identifying and evaluating the environmental sources and hazardous agents which may adversely affect human health; and

(b) Limiting human exposure to hazardous physical, chemical, biological, radiological and nuclear agents in the environment, including, without limitation, agents found in the air, water, soil or food.

Sec. 11. NAC 625A.013 is hereby amended to read as follows:

625A.013 1. To engage in the practice of environmental health as an environmental health specialist trainee, a person:

(a) Must be employed as a part of a training program which has been approved by the Board and in which the person engages in the practice of environmental health under the direct supervision of one or more other persons who hold certificates of registration as environmental health specialists; and

(b) Must file with the Board an application for a certificate of registration as an environmental health specialist trainee not later than 90 days after the date on which the person initially becomes employed as a part of the approved training program.

2. ~~For~~ *Except as otherwise provided in subsection 3, to* be approved by the Board for purposes of employing environmental health specialist trainees, a training program must submit to the Board an application, a description of the training program and any other information related to the training program that the Board may require.

3. *A training program is not required to submit an application to the Board pursuant to subsection 2 and shall be deemed to be approved by the Board if the training program is provided by:*

(a) A health district created pursuant to NRS 439.362 or 439.370;

(b) The Department of Health and Human Services; or

(c) A division of the Department of Health and Human Services.

4. The Board will maintain a list of all training programs that are approved by the Board to employ environmental health specialist trainees.

Sec. 12. NAC 625A.015 is hereby amended to read as follows:

625A.015 *1.* For the purpose of issuing a certificate of registration to a person by reciprocity as provided in NRS 625A.110, the Board will ~~maintain a list of all jurisdictions recognized by the Board as having requirements for~~ *recognize* registration as an environmental

health specialist, environmental health scientist or registered sanitarian ~~{which are}~~ *in a jurisdiction that requires registration with the National Environmental Health Association as being* substantially similar to the requirements for the issuance of a certificate of registration as an environmental health specialist in this State.

2. A person who applies for a certificate of registration by reciprocity as provided in NRS 625A.110 must submit with his or her application proof in the form prescribed by the Board that he or she is registered with the National Environmental Health Association.

Sec. 13. NAC 625A.017 is hereby amended to read as follows:

625A.017 1. ~~{An application for renewal of a certificate of registration and the annual fee required pursuant to NRS 625A.130 must be received by the Board not later than 60 days after the end of each calendar year.}~~ *A certificate of registration as an environmental health specialist expires 1 year from the date of issuance. An environmental health specialist must submit an application for renewal of a certificate of registration and the annual fee set forth in subsection 3 of section 7 of this regulation, which must be received by the Board not later than 60 days after the date the certificate of registration expires.*

2. Pursuant to subsection 3 of NRS 625A.115, a certificate of registration as an environmental health specialist trainee expires 3 years from the date the person initially becomes employed as a part of an approved training program. An environmental health specialist trainee must submit the annual fee set forth in subsection 3 of section 7 of this regulation, which must be received by the Board not later than 60 days after the anniversary of the issuance of the certificate of registration.

3. The certificate of registration ~~{of}~~ as an environmental health specialist or environmental health specialist trainee is automatically suspended if the specialist or trainee fails to ~~{submit an~~

~~application for renewal of the certificate and the annual fee required pursuant to NRS 625A.130 within the period prescribed in subsection 1.~~ *comply with subsection 1 or 2, as applicable.*

Sec. 14. NAC 625A.020 is hereby amended to read as follows:

625A.020 1. Except as otherwise provided in subsection 2:

(a) Each environmental health specialist must complete ~~{2 units}~~ *24 contact hours* of continuing education ~~{every 2 years after the date of his or her initial renewal. Not later than 2 years after the date of the initial renewal and every 2 years thereafter, the}~~ *during the 2 years immediately preceding the date on which the certificate of registration expires pursuant to subsection 1 of NAC 625A.017.*

(b) *Except as otherwise provided in paragraph (c), each* environmental health specialist must submit *to the Board with his or her application for renewal of a certificate of registration* proof of ~~{completion of}~~ the ~~{required units}~~ *contact hours* of continuing education ~~{to the Board with the application for the renewal of the registration.~~
~~—(b)}~~ *completed in the previous 2 years.*

(c) *An environmental health specialist is not required to submit proof of any completed contact hours of continuing education with his or her initial application for the renewal of a certificate of registration.*

(d) The certificate of registration ~~{of}~~ *as* an environmental health specialist who fails to comply with the provisions of ~~{paragraph}~~ *paragraphs* (a) *and* (b) is automatically suspended.

2. The ~~{provisions of this section do}~~ *requirement to complete continuing education does* not apply to ~~{an}~~ *:*

(a) *An environmental health specialist who has received an exemption pursuant to NRS 625A.150 ~~H~~; or*

(b) *An environmental health specialist trainee.*

Sec. 15. NAC 625A.025 is hereby amended to read as follows:

625A.025 An environmental health specialist who *holds a certificate of registration and who* wishes to be exempt from the requirements for continuing education set forth in NAC 625A.020 because he or she has retired and is no longer engaged in the practice of environmental health ~~must submit an application for~~ *may request* an exemption ~~to~~ *from* the Board ~~. Such an application must be made on a form approved by the Board.~~ *by submitting an attestation that he or she will no longer practice as an environmental health specialist in this State or represent to others that he or she is authorized to engage in the practice of environmental health in this State.*

Sec. 16. NAC 625A.030 is hereby amended to read as follows:

625A.030 1. Each 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.

3. The Board may conduct random audits of the proof of completion of environmental health specialists to ensure compliance with the requirements of this section and NAC

625A.020.

Sec. 17. NAC 625A.040 is hereby amended to read as follows:

FIRST
PARALLEL
SECTION

625A.040 If the certificate of registration ~~to~~ *as* an environmental health specialist has been suspended pursuant to the provisions of NRS 625A.130 or NAC 625A.017 or 625A.020, the Board will reinstate the certificate of registration 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 Division of Welfare and Supportive Services of the Department of Health and Human Services 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 of registration was suspended and for the year in which the environmental health specialist requests reinstatement.
4. A penalty fee of \$100.
5. Proof of completion of the ~~units~~ *contact hours* of continuing education required pursuant to NAC 625A.020 for the period in which the certificate of registration was suspended. Any ~~units~~ *contact hours* 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.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066**

LCB FILE R049-16

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 625A.

1. A clear and concise explanation of the need for the adopted regulation.

The need and purpose of the proposed regulation is to protect the public health, safety and welfare by ensuring that only qualified and competent environmental health specialists and environmental health specialist trainees are registered to practice in the state.

The proposed regulation will provide clarity for the public, individuals and registrants by making various changes to the procedures for application for and renewal of a certificate of registration as an environmental health specialist or environmental health specialist trainee; interprets the term “basic science courses”, requires notification to the Board of a name change, requires certain communications and documents to be address to the Board, establishes certain fees, defines the term “environmental health sciences”, revises requirements for continuing education and provides other matters properly relating thereto.

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

Copies of the proposed regulation, notices of workshops and notices of intent to act upon the regulation were sent by U.S. mail to persons who were known to have an interest in environmental health as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Board of Registered Environmental Health Specialists, www.nvrehs.org, mailed to all county libraries in Nevada and posted at the following locations:

Board of Registered Environmental Health Specialists,
6160 Mae Anne Ave., Suite 3, Reno, Nevada 89523
Office of the Attorney General, 100 North Carson Street, Carson City, Nevada 89701
Office of the Attorney General, 5420 Kietzke Lane, Ste 202, Reno, Nevada 89511
Office of the Attorney General, Grant Sawyer State Office Building,
555 E. Washington Avenue #3900, Las Vegas, Nevada 89101
Washoe County Court House, 75 Court Street, Reno, Nevada 89520
Washoe County Clerk, 1001 E. 9th St. Bldg A, P.O. Box 30083, Reno, Nevada 89502

A Workshop was held to solicit comments on the proposed regulations on June 27, 2016. There were seven (7) individuals representing small businesses and the public in attendance at the workshop, five (5) written comments were received. Thereafter, on or about December 5, 2016, a Notice of Intent to Act Upon Regulations was issued.

A Public Hearing was held on March 13, 2017; there were no oral or written comments received.

A copy of this summary of the public response to the adopted regulation may be obtained from the Board of Registered Environmental Health Specialists, 6160 Mae Anne Ave., Suite 3, Reno, Nevada 89523, 775-746-9423, or email to board@nvrehs.org.

3. The number of persons who:

(a) Attended each workshop:	June 27, 2016	7
(b) Attended public hearing:	March 13, 2017	1
(c) Testified at hearing:	March 13, 2017	0
(d) Submitted written comments:		0

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

(a) Name;	Darren Zinser
(b) Telephone number;	702-37207024
(c) Business address;	
(d) Business telephone number;	
(e) Electronic mail address;	zins@snhdmail.org
(f) Name of entity or organization represented.	Self

5. 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.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. No comments were received from businesses.

A copy of this summary of the public response to the adopted regulations may be obtained from the Board of Registered Environmental Health Specialists, 6160 Mae Anne Ave., Suite 3, Reno, Nevada 89523, 775-746-9423, or email to board@nvrehs.org.

6. 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 Board of Registered Environmental Health Specialists adopted the regulation on January 9, 2017 and included all of the changes suggested at the workshop on June 27, 2016. There were no oral or written comments received as a result of the Notice of Public Hearing on March 13, 2017.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and
- (b) Both immediate and long-term effects.

- (a) Both adverse and beneficial effects

There will be no adverse economic effect of these adopted regulations on the businesses which it is to regulate (environmental health specialists and environmental health specialist trainees) or the public. The adopted regulations will benefit the environmental health practitioners and the public by providing clarity to the regulations.

- (b) Both immediate and long-term effects.

Direct effect will be to improve and clarify existing law and regulatory requirements. Businesses may experience the indirect effect of having more knowledgeable practitioners. Long-term effect will be clarity and consistency in regulation and registration of environmental health specialists and environmental health specialist trainees in Nevada.

8. The estimated cost to the agency for enforcement of the adopted regulations.

There are no additional costs involved in the enforcement of these adopted regulations.

9. A description of any regulations of other state or government agencies which 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.

The Board of Registered Environmental Health Specialists is not aware of any similar federal, state or local standards regulating the environmental health specialist professions. These adopted regulations do not duplicate any federal, state or local standards.

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

The Board of Registered Environmental Health Specialists is not aware of any similar federal regulations of the same activity in which the adopted regulations are more stringent.

11. 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.

The regulation does not include new or increases in existing fees. The regulation does establish in regulation the fees and amounts authorized by NRS 625A.130 for the application, registration, renewal of registrations and the amount charged for reexamination of an applicant.