

**REVISED PROPOSED REGULATION OF THE BOARD OF
ENVIRONMENTAL HEALTH SPECIALISTS**

LCB File No. R075-19

February 19, 2020

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

AUTHORITY: §§1, 12-15, 17, 18, 20 and 30-36, section 6 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.057); §2, NRS 625A.055 and section 6 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.057); §3, NRS 625A.120 and section 6 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.057); §§4, 5, 21 and 24, NRS 625A.115 and section 6 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.057); §§6, 7, 25, 28 and 29, section 6 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.057) and section 9 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.145); §8, section 6 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.057) and section 10 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2114 (NRS 625A.112); §9, NRS 625A.130 and section 6 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.057); §§10, 11, 26 and 27, NRS 625A.150 and section 6 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.057); §16, NRS 625A.160 and section 6 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.057); §§19, 22 and 23, NRS 625A.110 and section 6 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.057).

A REGULATION relating to environmental health specialists; establishing qualifications for certain hearing officers; revising provisions relating to the powers of the Board of Environmental Health Specialists; revising the requirements for obtaining and renewing a registration as an environmental health specialist or an environmental health specialist trainee; establishing the requirements for obtaining and renewing a temporary registration to practice environmental health; revising the fees required for registration to practice environmental health; establishing certain standards of practice for persons who are registered to practice environmental health; authorizing the reinstatement of certain registrations to practice environmental health; making various other changes relating to environmental health; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits the practice of environmental health in this State unless a person holds a registration as an environmental health specialist, a temporary registration or a provisional registration as an environmental health specialist trainee issued by the Board of Environmental Health Specialists. (NRS 625A.900) This regulation makes various changes relating to the Board and the practice of environmental health.

Existing law authorizes the Board to employ an Executive Director and certain other persons. (NRS 625A.055) **Section 2** of this regulation provides that the Board will determine the minimum qualifications and duties of such persons.

Existing law requires the Board to prescribe by regulation the qualifications required for a hearing officer to which the Board may delegate authority to take disciplinary action against a person who practices environmental health. (Section 6 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.057)) **Section 2** requires such a hearing officer to possess a level of education or experience, or a combination of both, equivalent to at least a bachelor’s degree in a field related to administrative law.

Section 18 of this regulation define the terms “registrant” and “standard registration.”

Existing law sets forth the requirements for eligibility to obtain a provisional registration to engage in the practice of environmental health as an environmental health specialist trainee, which include that a person must: (1) meet certain educational requirements; (2) be employed in a position in which the person receives training in environmental health under the direct supervision of a registered environmental health specialist; and (3) be in the process of obtaining 2 years of experience in the practice of environmental health. (NRS 625A.115)

Section 21 of this regulation requires that the employment in which an environmental health specialist trainee receives training be part of a training program that is approved by the Board. **Section 4** of this regulation sets forth the requirements for a training program to obtain approval from the Board. **Section 34** of this regulation provides that an environmental health specialist trainee who is employed as part of a training program that was approved by the Board before the effective date of this regulation shall be deemed to be employed as part of a training program approved pursuant to **section 4**.

Section 5 of this regulation sets forth the duties and minimum requirements for an environmental health specialist who provides direct supervision of an environmental health specialist trainee during the training program.

Section 3 of this regulation authorizes an environmental health specialist trainee to apply to the Board to take the examination required for becoming an environmental health specialist. **Section 3** also authorizes an environmental health specialist trainee to retake the examination if he or she does not receive a passing score.

Section 6 of this regulation sets forth the process to renew a provisional registration as an environmental health specialist trainee.

Existing law authorizes the Board to provide the manner in which a provisional registration as an environmental health specialist trainee may be converted to a registration as an environmental health specialist. (NRS 625A.115) **Section 24** of this regulation sets forth the manner in which a provisional registration as an environmental health specialist trainee may be converted to a standard registration as an environmental health specialist.

Existing law sets forth the requirements for eligibility for a registration as an environmental health specialist, which include, with limited exception, that a person must: (1) meet certain educational requirements or possess certain training and experience; and (2) have passed a national examination offered by the National Environmental Health Association. (NRS 625A.110, 625A.120) **Section 22** of this regulation sets forth the requirements to apply for a standard registration as an environmental health specialist. **Section 7** of this regulation authorizes an environmental health specialist to request that his or her standard registration be placed on inactive status. **Section 25** of this regulation sets forth the requirements to apply to renew a standard registration as an environmental health specialist.

Existing law authorizes the Board to issue a temporary registration to engage in the practice of environmental health to a person who holds a valid and unrestricted registration, certification or license to practice environmental health in the District of Columbia or any state or territory. (Section 10 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2114 (NRS 625A.112)) **Section 8** of this regulation sets forth the process to: (1) apply for and renew a temporary registration; or (2) apply for a standard registration as an environmental health specialist.

Sections 9 and 35 of this regulation revise the application, registration and renewal fees that the Board charges to practice environmental health. **Section 9** also establishes a fee to reinstate a registration as environmental health specialist.

Existing law requires the Board to adopt regulations requiring an environmental health specialist to participate in a program of continuing education as a prerequisite for the renewal of his or her registration unless the environmental health specialist is retired or is able to show good cause why the requirements could not be met. (NRS 625A.150) **Section 10** of this regulation sets forth certain programs of study that are approved by the Board and provides that a person may submit a written request to approve an additional program of study. **Section 11** of this regulation authorizes the Board, under certain circumstances, to exempt an environmental health specialist from or extend the deadline for completing the continuing education requirements.

Existing regulations authorize the Board to conduct random audits of proof of completion of continuing education by environmental health specialists. (NAC 625A.030) **Section 27** of this regulation requires that the Board conduct such audits.

Existing law authorizes the Board to adopt regulations providing for the late renewal of a registration and the reinstatement of an expired registration. (Section 9 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.145)) **Sections 6-8** of this regulation authorize the late renewal of a registration that is expired for less than 30 days. **Sections 28 and 29** of this regulation set forth the process for the reinstatement of an expired

registration if a registration has been expired for a period of 30 days or more but less than 5 years.

Existing law requires the Board to prescribe by regulation the period for which a registration to practice environmental health is valid. (Section 9 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.145)) **Section 6** provides that a provisional registration to engage in the practice of environmental health as an environmental health specialist trainee is valid for 1 year. **Section 8** provides that a temporary registration to practice environmental health is valid for 6 months. **Section 25** of this regulation provides that a standard registration to practice as an environmental health specialist is valid for 1 year.

Section 12 of this regulation authorizes a registrant to request that the Board verify his or her registration to any organization or regulatory body within the United States.

Section 13 of this regulation prohibits a registrant from altering a registration issued by the Board and authorizes the Board to issue a duplicate registration to a registrant under certain circumstances.

Section 14 of this regulation requires a registrant to maintain current contact information with the Board and authorizes the Board to issue a duplicate registration to a registrant under certain circumstances.

Existing law requires the Board to adopt regulations establishing standards of practice for persons registered to practice environmental health. (Section 6 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2113 (NRS 625A.057)) **Section 15** of this regulation establishes such standards.

Existing law provides that unprofessional conduct is grounds for disciplinary action against a person registered to practice environmental health. (NRS 625A.160) **Section 16** of this regulation defines what constitutes unprofessional conduct. **Section 17** of this regulation authorizes the Board to recover attorney's fees and costs from a person who was subject to an investigative, administrative or disciplinary proceeding of the Board.

Existing regulations authorize a person to file a petition for declaratory order or an advisory opinion concerning the applicability of any relevant statutory provision or any regulation or decision of the Board. (NAC 625A.012) **Section 20** of this regulation provides that the Board will conduct a hearing regarding the petition within 90 days.

Existing regulations provide that a witness who participates in any proceeding held by the Board is entitled to be paid the standard mileage reimbursement rate for which a deduction is allowed for purposes of federal income tax for each mile necessarily and actually traveled for the proceeding. (NAC 625A.120) **Section 33** of this regulation provides instead that a witness is entitled to the per diem and travel expenses at the rate provided for state officers and employees unless the Board determines its financial resources warrant a reduction.

Section 1. Chapter 625A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this regulation.

Sec. 2. 1. The Board will determine the minimum qualifications and duties of the Executive Director and any other person employed pursuant to NRS 625A.055.

2. If the Board delegates authority to take a disciplinary action to a hearing officer pursuant to NRS 625A.060, the hearing officer must possess a level of education or experience, or a combination of both, equivalent to, at a minimum, a bachelor's degree in a field directly related to administrative law.

Sec. 3. 1. An environmental health specialist trainee who wants to take the national examination for credentialing as a registered environmental health specialist offered by the National Environmental Health Association must apply to the Board to take the examination.

2. If an environmental health specialist trainee does not achieve a passing score upon completion of the national examination, he or she may apply to the Board to retake the examination.

3. The Board will accept a report of the score of an environmental health specialist trainee on the national examination from the National Environmental Health Association.

Sec. 4. 1. A training program described in NAC 625A.013 must be approved by the Board. Except as otherwise provided in subsection 2, to be approved by the Board, the employer providing the training program must submit to the Board a description of the training program and any other information related to the training program the Board may require.

2. A training program is not required to submit the information described in subsection 1 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;**

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

(d) The Department of Taxation; or

(e) The State Department of Agriculture.

3. A training program may consist of any combination of academic coursework, on-site training and work experience approved by the Board.

4. The Board will maintain a list of all employers that offer training programs that are approved by the Board pursuant to this section.

Sec. 5. 1. *An environmental health specialist who provides direct supervision of an environmental health specialist trainee, as required pursuant to NRS 625A.115, must:*

(a) Hold a standard registration issued by the Board that is on active status;

(b) Be in good standing with the Board and have no record of disciplinary action; and

(c) Have at least 3 years of experience as:

(1) An environmental health specialist in this State; or

(2) A registered, certified or licensed environmental health specialist in the District of Columbia or any state or territory of the United States whose requirements for that registration, certification or licensure are substantially similar to the requirements for the issuance of a registration as an environmental health specialist in this State.

2. An environmental health specialist who supervises an environmental health specialist trainee shall:

(a) Evaluate the work of the environmental health specialist trainee;

(b) Document all training and supervision provided to the environmental health specialist trainee; and

(c) Notify the Board in writing within 30 days if the environmental health specialist trainee is no longer:

(1) Supervised by the environmental health specialist; or

(2) Participating in the training program provided by the employer.

Sec. 6. 1. *A provisional registration to engage in the practice of environmental health as an environmental health specialist trainee expires 1 year from the date of issuance. Unless a 1-year extension is granted pursuant to subsection 4 of NRS 625A.115, a provisional registration may be renewed not more than twice.*

2. To apply to renew a provisional registration, an environmental health specialist trainee must submit to the Board:

(a) A completed application on a form provided by the Board;

(b) The fee for the renewal of a provisional registration prescribed by section 9 of this regulation; and

(c) If the application is received by the Board at least 1 day but less than 30 days after the expiration date of the provisional registration, the late renewal fee prescribed by section 9 of this regulation.

3. The Board will not renew a provisional registration if the information required by subsection 2 is received by the Board more than 30 days after the expiration date of the provisional registration.

4. A provisional registration is automatically suspended if an environmental health specialist trainee fails to comply with the requirements of subsection 2.

5. If a provisional registration is renewed pursuant to subsection 2 at least 1 day but less than 30 days after the expiration date of the provisional registration, the renewal of the provisional registration is retroactive to the expiration date of the provisional registration.

Sec. 7. 1. At the time of applying to the Board to renew his or her standard registration, an environmental health specialist may request that the Board place his or her standard registration on inactive status by submitting to the Board:

(a) An attestation that he or she will no longer practice or represent to others that he or she is authorized to engage in the practice of environmental health in this State while the standard registration is inactive;

(b) A completed renewal application on a form provided by the Board;

(c) The renewal fee for an inactive standard registration as prescribed by section 9 of this regulation; and

(d) If the application is received by the Board more than 1 day but less than 30 days after the expiration date of the standard registration, the late renewal fee prescribed by section 9 of this regulation.

2. An inactive standard registration expires 1 year after the date of issuance and may be renewed by submitting to the Board the items described in subsection 1.

3. Except as otherwise provided in subsection 4, an environmental health specialist whose standard registration is on inactive status is not required to comply with the requirements for continuing education prescribed by NAC 625A.020.

4. An environmental health specialist shall not engage in the practice of environmental health in this State if his or her standard registration is on inactive status.

5. An environmental health specialist whose standard registration is on inactive status may apply to the Board to place his or her standard registration on active status by submitting to the Board:

(a) A completed application on a form provided by the Board;

(b) The fee to renew an active standard registration set forth in section 9 of this regulation; and

(c) Proof of completion of the 24 contact hours of continuing education required pursuant to NAC 625A.020 during the 2 years immediately preceding the date on which he or she submits the completed application to the Board.

Sec. 8. 1. A person who holds a valid and unrestricted registration, certification or license to engage in the practice of environmental health issued by the District of Columbia or any state or territory of the United States may apply to the Board for a temporary registration to engage in the practice of environmental health in this State by submitting to the Board:

(a) An application on a form prescribed by the Board that includes, without limitation, proof satisfactory to the Board that he or she meets all of the qualifications set forth in NRS 625A.110;

(b) The application fee for a temporary registration prescribed by section 9 of this regulation; and

(c) The registration fee for a temporary registration prescribed by section 9 of this regulation.

2. A temporary registration expires 6 months after the date it is issued. To apply to renew a temporary registration, the registrant must submit to the Board:

- (a) A completed application to renew a temporary registration on a form provided by the Board;*
- (b) The renewal fee for a temporary registration prescribed by section 9 of this regulation;*
and
- (c) If at the time the Board receives the application the temporary registration has been expired more than 1 day but less than 30 days, the late renewal fee prescribed by section 9 of this regulation.*

3. The Board shall not renew a temporary registration more than once, but the Board may issue one or more subsequent temporary registrations to a person if the person:

- (a) Completes the application for a temporary registration required pursuant to subsection 1;*
- (b) Pays the application fee for a temporary registration prescribed by section 9 of this regulation;*
- (c) Pays the registration fee for a temporary registration prescribed by section 9 of this regulation; and*
- (d) Provides proof satisfactory to the Board of the completion of the 24 contact hours of continuing education required pursuant to NAC 625A.020 during the 2 years immediately preceding the date on which he or she submits the application for a temporary registration pursuant to paragraph (a).*

4. A temporary registration is invalid if the holder of the temporary registration fails to renew the temporary registration within 30 days after the temporary registration expires.

5. The holder of a temporary registration may apply at any time for a standard registration pursuant to NAC 625A.014.

Sec. 9. 1. Except as otherwise provided in this subsections 2 and 3, the Board will charge and collect the following fees:

(a) Application fee for:

- (1) A standard registration\$250**
- (2) A temporary registration.....250**
- (3) A provisional registration150**

(b) Registration fee for:

- (1) A standard registration\$100**
- (2) A temporary registration.....50**
- (3) A provisional registration75**

(c) Renewal fee for:

- (1) An active standard registration\$100**
- (2) An inactive standard registration.....50**
- (3) A temporary registration.....75**
- (4) A provisional registration100**

(d) Late renewal fee.....\$100

(e) Reinstatement fee.....\$250

2. If an environmental health specialist trainee with a provisional license applies to convert his or her provisional registration to a standard registration, the application fee is \$100.

3. If an applicant for registration is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a

veteran, the Board will collect one-half of the initial application and registration fees established pursuant to subsections 1 and 2, as applicable.

Sec. 10. 1. *The Board will accept for credit toward the continuing education requirements set forth in NAC 625A.020 a course of study or training related to environmental health sciences or sanitary measures for the benefit of the public 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 of the United States Department of Health and Human Services.*
- (d) The Food and Drug Administration of the United States Department of Health and Human Services.*
- (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.*
- (i) The Academy of Nutrition and Dietetics.*
- (j) The State Board of Nursing.*
- (k) The Nevada Environmental Health Association.*
- (l) The American Society of Agricultural and Biological Engineers.*
- (m) Any other organization approved by the Board.*
- (n) An accredited college or university.*

2. *In addition to the courses of study set forth in subsection 1, the Board will consider a written request from a registrant that the Board approve credit for any continuing education not specified in subsection 1 if the request is submitted to the Board before the renewal of the registration.*

3. *If a written request submitted pursuant to this section is not granted, the Board may grant additional time for the registrant to complete the continuing education requirements set forth in NAC 625A.020.*

Sec. 11. 1. *As an alternative to exempting an environmental health specialist from the requirements of continuing education for good cause pursuant to NRS 625A.150, the Board may waive all or part of the requirements for continuing education or extend the deadline for completion of all or part of the requirements for 1 year if an environmental health specialist submits to the Board:*

(a) A written request for an exemption; and

(b) Proof satisfactory to the Board of one of the following extenuating circumstances:

(1) A serious illness or injury;

(2) An extreme financial or familial hardship; or

(3) Military service.

2. *The Board may extend the deadline for an environmental health specialist to complete all or part of the requirements for continuing education for less than 1 year for any reason.*

Sec. 12. *A registrant may request that the Board verify his or her registration to any organization or regulatory body of another state or territory of the United States by submitting a written request to the Board.*

Sec. 13. 1. *A registrant shall not alter a registration issued by the Board.*

2. The Board may issue a duplicate registration to a registrant who certifies that his or her registration has been lost or destroyed.

Sec. 14. 1. Each registrant shall:

(a) Maintain with the Board the current residential address, business address and other contact information of the registrant, including, without limitation, the telephone number and electronic mail address of the registrant.

(b) Notify the Board of any change in the information provided pursuant to paragraph (a) not later than 30 days after the change is effective.

2. The Board will provide by United States mail to the last known residential address of the registrant provided pursuant to this section any notice to a registrant that is required by law or regulation.

Sec. 15. Each registrant shall:

1. Base his or her practice of environmental health upon the recognized knowledge relevant to the duties of the registrant;

2. Critically examine and keep current with emerging knowledge relevant to the practice of environmental health;

3. Seek the advice and counsel of his or her colleagues and supervisors when such a consultation is in the best interest and safety of the public;

4. Comply with the provisions of this chapter, chapter 625A of NRS and all applicable federal laws and regulations;

5. Set and maintain professional boundaries with clients and persons with whom the registrant works;

6. *Report to the Board any unregistered, unauthorized, unqualified or unethical practice of environmental health that is occurring; and*

7. *Notify the Board in writing within 10 days after:*

(a) *An action is taken against any registration, certification, license or other credential to practice environmental health that was issued to the registrant by another state or territory of the United States;*

(b) *A criminal charge or a civil action is filed against the registrant;*

(c) *The registrant is convicted of a criminal offense, other than a traffic offense which is a misdemeanor and does not involve alcohol or a controlled substance; or*

(d) *A settlement or judgment is made in any civil action filed against the registrant for an act related to the practice of environmental health.*

Sec. 16. *Each of the following acts when committed by a registrant constitute unprofessional conduct pursuant to NRS 625A.160 and are grounds for disciplinary action by the Board against the registrant:*

1. *Any violation of a provision of this chapter or chapter 625A of NRS.*

2. *Failure to comply with a stipulation, agreement or order issued by the Board.*

3. *Authorizing another person to present the registration of the registrant as his or her own.*

4. *Authorizing a person under the supervision of the registrant to engage in the practice of environmental health in a way that is outside the scope of the person's registration, training or experience.*

5. *Failure to report or otherwise concealing information related to a violation of this chapter or chapter 625A of NRS that may result in harm to public health or welfare.*

6. *Intentionally filing with the Board a false or misleading report.*
7. *Failure to file or intentionally obstructing or attempting to obstruct another person from filing a report relating to the practice of environmental health and required by law.*
8. *Intentionally abusing, intimidating or harassing, including, without limitation, sexually harassing, another person including, without limitation, a client, employer, employee or colleague.*
9. *Failure to notify the Board of a disciplinary action imposed upon the registrant by a regulatory authority in another jurisdiction.*
10. *Advertising in a manner that the Board finds deceives or misleads the public, including, without limitation, making a false or misleading statement or representation in the advertisement or solicitation for services related to environmental health.*
11. *Making or providing false statements or omitting relevant information in connection with an application for a registration or the renewal of a registration.*
12. *Misrepresentation or falsification of credentials related to environmental health, including, without limitation, credentials relating to education, training, experience or areas of competency.*
13. *Practicing or offering to practice environmental health beyond the scope of the registrant's registration or field of expertise.*
14. *Performing any professional service related to environmental health in an incompetent or negligent manner.*
15. *Disparaging the qualifications of any other registrant.*
16. *Practicing environmental health while impaired by:*
 - (a) *Alcohol, drugs or any other chemical or substance; or*

(b) A mental or physical condition that prevents him or her from safely performing his or her duties.

Sec. 17. *Subject to the limitations prescribed pursuant to NRS 622.400, the Board may recover from a person reasonable attorney's fees and costs that are incurred by the Board as part of its investigative, administrative and disciplinary proceedings against the person.*

Sec. 18. 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.~~
- ~~—(i) The Academy of Nutrition and Dietetics.~~
- ~~—(j) The State Board of Nursing.~~
- ~~—(k) The Nevada Environmental Health Association.~~
- ~~—(l) The American Society of Agricultural and Biological Engineers.~~
- ~~—(m) Any other organization approved by the Board.~~

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

~~—2.]~~ “Board” means the Board of ~~[Registered]~~ Environmental Health Specialists.

~~[3.]~~ 2. “Contact hour” means 60 minutes of participation in an approved course.

~~[4.]~~ 3. “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 *physical, chemical and biological* agents ~~[which]~~ *that* may adversely affect human health ~~[-]~~ *and the environmental sources of those agents;* and

(b) Limiting ~~[human exposure to hazardous physical, chemical, biological, radiological and nuclear]~~ *exposures to those* agents in ~~[the environment, including, without limitation, agents found in the]~~ air, water, soil, ~~[or]~~ food ~~[-]~~ *and other environmental media or settings.*

4. “Registrant” means:

(a) *A person who holds a registration as an environmental health specialist issued by the Board pursuant to NRS 625A.110, including, without limitation, a person who holds a registration by endorsement.*

(b) *A person who holds a temporary registration to engage in the practice of environmental health issued by the Board pursuant to section 10 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2114 (NRS 625A.112); or*

(c) *A person who holds a provisional registration as an environmental health specialist trainee issued by the Board pursuant to NRS 625A.115.*

5. “Standard registration” means *a registration to engage in the practice of environmental health as an environmental health specialist issued by the Board pursuant to NRS 625A.110. The term includes a person who holds a registration by endorsement. The*

term does not include a temporary registration to engage in the practice of environmental health issued by the Board pursuant to section 10 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2114 (NRS 625A.112), or a provisional registration as an environmental health specialist trainee issued by the Board pursuant to NRS 625A.115.

Sec. 19. NAC 625A.011 is hereby amended to read as follows:

625A.011 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. 20. NAC 625A.012 is hereby amended to read as follows:

625A.012 1. A person may file, and the Board will consider, a petition for a declaratory order or an advisory opinion concerning the applicability of any relevant statutory provision or any regulation or decision of the Board.

2. A petition for a declaratory order or an advisory opinion must be filed with the Board in the same manner as a petition for the adoption, amendment or repeal of a regulation pursuant to NAC ~~{625.0115}~~ **625A.0115**.

3. *Not later than 90 days after the submission of a petition for a declaratory order or an advisory opinion, the Board will conduct a hearing regarding the petition.*

4. *The Board will provide by United States mail to the person who filed the petition for a declaratory order or an advisory opinion:*

(a) *A copy of the declaratory order or advisory opinion; or*

(b) *A copy of the Board's order denying the petition.*

Sec. 21. 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 ~~{}~~ *pursuant to NRS 625A.115*, a person:

(a) Must be employed *in a position in which he or she receives training in environmental health* 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}~~ *active and valid standard registrations* as environmental health specialists ~~{}~~ *issued by the Board pursuant to NRS 625A.110*; and

(b) Must ~~{file with}~~ *submit to* the Board ~~{an application for a certificate of registration as an environmental health specialist trainee}~~ not later than ~~{90}~~ **30** days after the date on which the person initially becomes employed ~~{as a part of the approved training program}~~.

~~—2.— 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.}~~

in a position described in paragraph (a):

(1) An application for a provisional registration as an environmental health specialist trainee on a form prescribed by the Board;

(2) The application fee for a provisional registration prescribed by section 9 of this regulation; and

(3) The registration fee for a provisional registration prescribed by section 9 of this regulation.

2. In addition to the requirements set forth in subsection 1, unless an applicant meets the requirements set forth in paragraph (d) of subsection 1 of NRS 625A.110, an applicant for a provisional registration must:

(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 transmit the transcript directly to the Board.

3. The Board may grant an applicant for provisional registration as an environmental health specialist trainee credit towards the 2 years of experience in the practice of environmental health required to register as an environmental health specialist pursuant to NRS 625A.110 for any work experience in the field of environmental health obtained by the applicant:

(a) Before beginning a training program; or

(b) During an initial period of training if a provisional registration is reinstated by the Board.

Sec. 22. NAC 625A.014 is hereby amended to read as follows:

625A.014 ~~11~~ Each applicant for a ~~certificate of~~ *standard* registration as an environmental health specialist ~~for 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.] *must submit to the Board:*~~

1. A completed application on a form provided by the Board;

2. *The application fee for a standard registration prescribed by section 9 of this regulation, as applicable;*
3. *The registration fee for a standard registration prescribed by section 9 of this regulation;*
4. *Verification or proof the applicant:*
 - (a) *Is registered with the National Environmental Health Association; or*
 - (b) *Passed the National Environmental Health Association Registered Environmental Health Specialist examination or a comparable examination approved by the Board; and*
5. *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, if any, within the 5 years after the date on which the application is submitted.*

Sec. 23. NAC 625A.015 is hereby amended to read as follows:

- 625A.015 1. For the purpose of issuing a ~~certificate of~~ *standard* registration to a person by ~~reciprocity~~ *endorsement* as provided in NRS 625A.110, the Board will recognize registration as an environmental health specialist, environmental health scientist or registered sanitarian 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~~ *standard* registration as an environmental health specialist in this State.
2. A person who applies for a ~~certificate of~~ *standard* registration by ~~reciprocity~~ *endorsement* as provided in NRS 625A.110 must submit with his or her application ~~proof~~ *required pursuant to NAC 625A.014:*
 - (a) *Proof* in the form prescribed by the Board that he or she is registered with the National Environmental Health ~~Association.~~ *Association;*

(b) Proof in the form prescribed by the Board showing satisfaction of substantially similar education, examination and training requirements for registration as an environmental health specialist; and

(c) Verification of a current license, certificate or registration as an environmental health specialist issued in another state, territory, or the District of Columbia or a foreign country.

3. For the purposes of a registration by endorsement, the Board may establish a list of jurisdictions determined to have substantially similar requirements for registration as an environmental health specialist in this State.

Sec. 24. NAC 625A.016 is hereby amended to read as follows:

625A.016 *1.* Upon completion of the ~~training program required pursuant to~~ *requirements of* NRS 625A.115, an environmental health specialist trainee may apply to the Board ~~for a certificate of~~ *to convert his or her provisional* registration *to a standard registration* as an environmental health specialist. The application *to convert* must include, without ~~limitation, proof~~ *limitation:*

(a) A completed application form as provided by the Board;

(b) The application fee to convert a provisional registration to a standard registration set forth in subsection 2 of section 9 of this regulation;

(c) The registration fee for a standard registration set forth in section 9 of this regulation;

(d) 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~~ *person passed* the ~~written~~ *national* examination *for credentialing as a registered environmental health specialist* pursuant to NRS ~~625A.120.~~ *625A.120; and*

(e) Except as otherwise provided in subsection 2, proof in the form prescribed by the Board that the person completed 2 years of experience in the practice of environmental health.

2. An environmental health specialist trainee who meets the education requirements set forth in paragraph (b) or (c) of subsection 1 of NRS 625A.110 to be eligible for registration as an environmental health specialist is not required to submit proof that he or she completed 2 years of experience in the practice of environmental health with an application to convert a provisional registration to a standard registration.

Sec. 25. NAC 625A.017 is hereby amended to read as follows:

625A.017 1. A ~~certificate of~~ *standard* registration as an environmental health specialist expires 1 year from the date of issuance. ~~An~~

2. To apply to renew a standard registration, an environmental health specialist must submit ~~an~~ *to the Board:*

(a) A completed renewal application ~~for renewal of a certificate of registration and the annual fee set forth in subsection 3 of NAC 625A.070, 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 NAC 625A.070, which must be received on a form provided by the Board not later than 60 days after the anniversary of the issuance of the certificate of registration.;~~

(b) The fee for the renewal of a standard registration prescribed by section 9 of this regulation; and

(c) If the application is received by the Board at least 1 day but less than 30 days after the expiration date of the standard registration, the late renewal fee prescribed by section 9 of this regulation.

3. ~~The certificate of registration as an environmental health specialist or environmental health specialist trainee is automatically suspended if the specialist or trainee fails to comply with subsection 1 or 2, as applicable.~~ *The Board will not renew a standard registration if the information required by subsection 2 is received by the Board more than 30 days after the expiration date of the standard registration.*

4. *If a standard registration is renewed at least 1 day but less than 30 days after the expiration date of the standard registration, the renewal of the standard registration is retroactive to the expiration date of the standard registration.*

Sec. 26. 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 24 contact hours of continuing education *approved by the Board that directly pertains to the practice of environmental health* during the 2 years immediately preceding the date on which ~~the certificate~~ *his or her application for renewal of a standard* registration ~~expires pursuant to subsection 1 of NAC 625A.017.~~ *is submitted to the Board.*

(b) ~~Except as otherwise provided in paragraph (c), each~~ *Each* environmental health specialist must submit to the Board with his or her application for renewal of a ~~certificate of~~ *standard* registration ~~proof of~~ *an attestation that he or she completed* the contact hours of continuing education ~~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 as an environmental health specialist who fails to comply with the provisions of paragraphs (a) and (b) is automatically suspended.~~ *required pursuant to paragraph (a).*

2. The requirement to complete continuing education does not apply to:

(a) *The first renewal of a standard registration;*

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

~~—(b)~~

(c) Except as otherwise provided in section 7 of this regulation, an environmental health specialist whose registration is on inactive status;

(d) Except as otherwise provided in section 8 of this regulation, a person who holds a temporary registration to practice environmental health issued by the Board pursuant to section 10 of Assembly Bill No. 175, chapter 344, Statutes of Nevada 2019, at page 2114 (NRS 625A.112); or

(e) An environmental health specialist trainee.

Sec. 27. 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~~ *and make available to the Board for inspection legible copies of all receipts, records of attendance, certificates and any other evidence* 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}~~ **will** 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. 28. NAC 625A.040 is hereby amended to read as follows:

625A.040 **1.** If the ~~{certificate of}~~ **standard** registration ~~{as}~~ **of** an environmental health specialist ~~{has been suspended pursuant to the provisions of NRS 625A.130 or NAC 625A.017 or 625A.020,}~~ **or the provisional registration of an environmental health specialist trainee has been expired for a period of at least 30 days but less than 5 years, except as otherwise provided in subsections 2 and 3,** the Board will reinstate the ~~{certificate of registration after the environmental health specialist}~~ **registration if the holder of the registration** submits to the Board:

~~{1.}~~ **(a)** An application for reinstatement of the ~~{certificate of}~~ registration on a form approved by the Board.

~~{2.}~~ **(b)** 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}~~

(c) **The reinstatement** 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~~ prescribed by section 9 of this regulation.

2. In addition to the requirements set forth in subsection 1, an applicant for the reinstatement of a standard registration must submit proof satisfactory to the Board of the completion of the contact hours of continuing education required pursuant to NAC 625A.020 for the ~~period in which the certificate of registration was suspended. Any 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.

3. The Board will not reinstate a registration pursuant to this section if:

(a) The applicant for reinstatement indicates on 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 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order; or

(b) The application for reinstatement is submitted to the Board 5 years or more after the registration expired.

4. The reinstatement of a registration pursuant to this section is not retroactive.

Sec. 29. NAC 625A.040 is hereby amended to read as follows:

625A.040 1. If the ~~certificate of~~ standard registration ~~as~~ of an environmental health specialist ~~has been suspended pursuant to the provisions of NRS 625A.130 or NAC 625A.017 or 625A.020,~~ or the provisional registration of an environmental health specialist trainee has been expired for a period of at least 30 days but less than 5 years, except as otherwise provided

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in subsections 2 and 3, the Board will reinstate the ~~certificate of registration after the environmental health specialist~~ *registration if the holder of the registration* submits to the Board:

~~1.1~~ (a) An application for reinstatement of the ~~certificate of~~ registration on a form approved by the Board.

~~2. 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.~~

~~3. A penalty fee of \$100.~~

~~4. Proof~~

(b) *The reinstatement fee prescribed by section 9 of this regulation.*

2. *In addition to the requirements set forth in subsection 1, an applicant for the reinstatement of a standard registration must submit proof satisfactory to the Board of the completion of the contact hours of continuing education required pursuant to NAC 625A.020 for the ~~period in which the certificate of registration was suspended. Any 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.*

3. *The Board will not reinstate a registration pursuant to this section if the application for reinstatement is submitted to the Board 5 years or more after the registration expired.*

4. *The reinstatement of a registration pursuant to this section is not retroactive.*

Sec. 30. NAC 625A.050 is hereby amended to read as follows:

625A.050 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. 31. NAC 625A.060 is hereby amended to read as follows:

625A.060 1. ~~{An environmental health specialist or environmental health specialist trainee}~~ **A registrant** may only engage in the practice of environmental health *in this State* under the name in which the ~~{environmental health specialist or environmental health specialist trainee}~~ **registrant** holds a ~~{certificate of}~~ registration issued by the Board.

2. If ~~{an environmental health specialist or environmental health specialist trainee}~~ **a registrant** changes his or her *legal* 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}~~ **registrant** a new ~~{certificate of}~~ registration with his or her legal name thereon.

Sec. 32. NAC 625A.100 is hereby amended to read as follows:

625A.100 1. Any person who believes that a person who holds a ~~{certificate of}~~ registration as an environmental health specialist or *a provisional registration as an* environmental health specialist trainee has violated a provision of this chapter or chapter 625A of NRS may file a complaint with the Board on a form provided by the Board.

2. The Board may, on its own, initiate a complaint against a ~~{person who holds a certificate of registration as an environmental health specialist or environmental health specialist trainee}~~ **registrant** if the Board believes that the person has violated a provision of this chapter or chapter 625A of NRS.

3. A complaint filed against a person pursuant to this section must, without limitation:

- (a) Identify one or more grounds for disciplinary action against the person; and
- (b) Set forth a statement of facts that contains sufficient detail to enable the Board to understand the allegations.

4. Upon receipt of a complaint filed against a person pursuant to this section, the ~~{Chair of the Board}~~ *Executive Director* or ~~{a}~~ *other* person designated by the Chair *of the Board* who is employed pursuant to NRS 625A.055 shall:

- (a) In consultation with an attorney employed pursuant to NRS 625A.055, review the complaint and determine whether the complaint has merit and therefore warrants an investigation; and

- (b) Present to the Board any such complaint determined to have merit.

Sec. 33. NAC 625A.120 is hereby amended to read as follows:

625A.120 1. A witness who participates in any proceeding held by the Board is entitled to be paid:

- (a) A fee in the same amount set forth in paragraph (a) of subsection 1 of NRS 50.225 for each day's attendance; and

- (b) ~~{At the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax for each mile necessarily and actually traveled from and returning to the place of residence by the shortest and most practical route.}~~ *Except as otherwise provided in subsection 2, if the witness is subpoenaed to appear and is required to travel, per diem and travel expenses at the rate provided for state officers and employees generally.*

2. *The Board may reduce the amount of the per diem allowance and travel expenses authorized for payment to a witness pursuant to subsection 1 if the Board determines the financial resources of the Board warrant the reduction.*

3. The payment to which a witness is entitled pursuant to subsection 1 will be paid by the Board.

Sec. 34. An environmental health specialist trainee who is employed as part of a training program that was approved by the Board pursuant to NAC 625A.013, as that section existed before the effective date of this regulation, shall be deemed to be employed as part of a training program that is approved by the Board pursuant to section 4 of this regulation.

Sec. 35. NAC 625A.0145, 625A.025 and 625A.070 are hereby repealed.

Sec. 36. 1. This section, sections 1 to 28, inclusive, and sections 30 to 35, inclusive, of this regulation become effective upon filing with the Secretary of State.

2. Section 29 of this regulation becomes effective on the date 2 years after 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 proceeding 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.

3. Section 28 of this regulation expires by limitation on the date 2 years after 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 proceeding 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.

TEXT OF REPEALED SECTIONS

625A.0145 Submission of proof of examination score with application. (NRS 625A.080, 625A.100) 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.

625A.025 Continuing education: Application by retiree for exemption from requirements. (NRS 625A.080, 625A.150) 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 may request an exemption from 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.

625A.070 Fees. (NRS 625A.080, 625A.130) 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.