

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

LCB File No. R003-06

Effective March 23, 2007

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

AUTHORITY: §§1, 6, 10 and 11, NRS 625A.080; §2, NRS 625A.080 and 625A.115; §3, NRS 625A.080 and 625A.110; §§4, 8 and 9, NRS 625A.080 and 625A.130; §§5 and 7, NRS 625A.080 and 625A.150.

A REGULATION relating to environmental health specialists; providing the requirements to become an environmental health specialist trainee; making various changes related to the requirements to obtain a certificate of registration as an environmental health specialist; providing requirements for renewing a certificate of registration as an environmental health specialist; authorizing an exemption to the continuing education requirements for retired environmental health specialists under certain circumstances; and providing other matters properly relating thereto.

Section 1. Chapter 625A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. 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. 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. The Board will maintain a list of all training programs that are approved by the Board to employ environmental health specialist trainees.

Sec. 3. 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 registration as an environmental health specialist, environmental health scientist or registered sanitarian which are substantially similar to the requirements for the issuance of a certificate of registration as an environmental health specialist in this State.

Sec. 4. 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.

2. The certificate of registration of 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.

Sec. 5. *An environmental health specialist who wishes to be exempt from the requirements for continuing education set forth in NAC 625A.020 because he has retired and is no longer engaged in the practice of environmental health must submit an application for an exemption to the Board. Such an application must be made on a form approved by the Board.*

Sec. 6. 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 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 American Water Works Association.
- (h) The American Dietetic Association.
- (i) The State Board of Nursing.
- (j) The Nevada Environmental Health Association.
- (k) The American Society of Agricultural *and Biological* Engineers.
- (l) Any other organization approved by the Board.
- (m) 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 minutes of participation in an approved course.
- ~~4.]~~ 5. “Environmental health specialist” has the meaning ascribed to it in NRS ~~625A.020.~~
—5.] *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.

Sec. 7. NAC 625A.020 is hereby amended to read as follows:

625A.020 1. Except as otherwise provided in subsection 2 ~~[-each]~~:

(a) Each environmental health specialist must complete 2 units of continuing education every 2 years after the date of his initial renewal. Not later than 2 years after the date of his initial renewal and every 2 years thereafter, the environmental health specialist must submit proof of completion of the required units of continuing education to the Board with his application for the renewal of his registration.

(b) The certificate of registration of an environmental health specialist who fails to comply with the provisions of paragraph (a) is automatically suspended.

2. The provisions of this section do not apply to an environmental health specialist who has received an exemption pursuant to NRS 625A.150.

Sec. 8. NAC 625A.040 is hereby amended to read as follows:

625A.040 If the certificate of registration of an environmental health specialist has been suspended pursuant to the provisions of NRS 625A.130, *NAC 625A.020 or section 4 of this*

regulation, 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 ~~[Welfare]~~ Division of *Welfare and Supportive Services* of the Department of *Health and Human Resources* ~~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 ~~[equal to 50 percent of all fees required to be submitted pursuant to subsection 3, not to exceed \$200.]~~ *of \$100.*
5. Proof of completion of the units of continuing education required pursuant to NAC 625A.020 for the period in which the certificate of registration was suspended. Any units of continuing education required to be completed during the period in which the certificate of registration was suspended must be completed within the 2 years immediately preceding the date of application for reinstatement.

Sec. 9. NAC 625A.040 is hereby amended to read as follows:

625A.040 If the certificate of registration of an environmental health specialist has been suspended pursuant to the provisions of NRS 625A.130, *NAC 625A.020 or section 4 of this regulation*, 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.

SECOND
PARALLEL
SECTION

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 ~~{equal to 50 percent of all fees required to be submitted pursuant to subsection 2, not to exceed \$200.}~~ *of \$100.*

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

Sec. 10. Section 7 of LCB File No. R125-03, which was adopted by the Board of Registered Environmental Health Specialists and was filed with the Secretary of State on March 26, 2004, is hereby amended to read as follows:

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

2. Section 3 of this regulation becomes effective on the *date 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 procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

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

↪ are repealed by the Congress of the United States.

Sec. 11. 1. This section and sections 1 to 8, inclusive, and 10 of this regulation become effective upon filing with the Secretary of State.

2. Section 9 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 8 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.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB FILE No. R003-06**

The Board of Registered Environmental Health Specialists submits the following statement. The Board adopted regulations assigned LCB File R003-06, which pertain to Chapter 625A of the Nevada Administrative Code, a regulation relating to environmental health specialists; providing the requirements to become an environmental health specialist trainee; making various changes related to the requirements to obtain a certificate of registration as an environmental health specialist; providing requirements for renewing a certificate of registration as an environmental health specialist; authorizing an exemption to the continuing education requirements for retired environmental health specialists under certain circumstances; and providing other matters properly relating thereto.

INFORMATIONAL STATEMENT

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

R003-06 was noticed four (6) times in conjunction with the following activities:

- a. Public Workshops, March 27 (Winnemucca), April 18 (Reno), and April 24 (Las Vegas) 2006
- b. Regulatory Hearing, September 25, 2006
- c. Period of Public Comment, October 3 – November 10, 2006
- d. Regulatory Hearing (adopted), November 28, 2006

Notices were posted at the following locations: Ellis Island Casino & Brewery, Washoe County District Health Department, 1001 East 9th St., Reno, Nevada; Clark County District Health Department, 625 Shadow Lane, Las Vegas, Nevada; Clark County District Health Department, 560 No. Nellis, Suite 11, Las Vegas, Nevada; Bureau of Health Protection Services, 1179 Fairview Dr., STE 104, Carson City, Nevada; Bureau of Community Health Services, 2656 Research Way, Carson City, Nevada; and Carson City Environmental Health Department, 3303 Butti Way, Building No.1, Carson City, NV. In addition, e-mailings were made to strategic interested parties and organizations, e.g., Nevada Restaurant Association, International Food Service Executives Association (IFSEA). Notices were also posted on the Nevada Board of Registered Environmental Health Specialists website: www.nvrehs.org.

Public response to the proposed modification was elicited at both Regulatory Hearings, and the Public Workshop held in Las Vegas. All were requests for clarification of sections dealing with training programs, reciprocity, continuing education, certificate renewal requirements, suspension of certificates, and the reinstatement of suspended certificates. Archives of the proceedings of all Board meetings, along with public response, is available by contacting the Board at the above address, or by accessing them on the Board website (www.nvrehs.org).

2. The number of persons who attended each meeting, as well as the number

testifying was as follows:

March 27, 2006

Attending: 0

Testifying: 0

a. April 18, 2006

Attending: 0

Testifying: 0

b. April 24, 2006

Attending: 2

Testifying: 0

c. September 25, 2006

Attending: 9

Testifying: 4

d. November 28, 2006

Attending: 6

Testifying: 1

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

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

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

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

The permanent regulation was adopted at the November 28, 2006 Regulatory Hearing incorporating revisions made by the Legislative Counsel Bureau per its Revised Proposed Regulation of the Board of Registered Environmental Health Specialists, August 2, 2006. The majority of the proposed changes were incorporated in accordance with SB 260, adopted in the 2005 Nevada State Legislature. This bill amended NRS 625A, to provide for mandatory registration of all practicing “environmental health specialists” within the State of Nevada.

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

There is no adverse or economic effect on any business, or to the registrants covered by the regulation

The regulation will have a positive effect on “retired” registrants.

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

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

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

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

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

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

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

This regulation does not provide or involve a new fee.

Submitted by:

John Kukulica
Chairman
Board of Registered Environmental Health Specialists