

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Public Health Protection and Safety
(Amendment)

902 KAR 10:030. Registered environmental health specialists and sanitarians.

RELATES TO: KRS Chapter 13B, 194A.050(1), 211.090, 223.010, 223.020, 223.030, 223.060, [-]223.080, 223.990

STATUTORY AUTHORITY: KRS 223.040, 223.050, 223.055, 223.070[Chapter 13B, 194.050, 211.090, HB 799, Part I, G., 56., d. (1990 Acts, Chapter 514, pp. 1734-1735, 1736) "Budget Modification Report, Human Resources"; Final Budget Memorandum, Volume II, Page 288 (April 13, 1990), EO 96-862]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 223.040, 223.050, 223.055 and 223.070[~~223.010 to 223.080, and 223.990~~] authorize the Cabinet for Health and Family Services to establish minimum standards and qualifications for registered environmental health specialists and sanitarians. This administrative regulation provides uniform standards for registered environmental health specialists and sanitarians, ~~and~~ procedures for processing applications, continuing education requirements, inactive status registration, and establishes ~~[to establish]~~ fees for examination and registration. [~~Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Department for Public Health and its programs under the Cabinet for Health Services.~~]

Section 1. Definitions. (1) "Cabinet" is defined by KRS 223.010(1).

(2) "Cabinet representative" means the secretary's designee.

(3) "Committee" means the registered environmental health specialists or sanitarian examining committee established in accordance with KRS 223.020.

(4) "Continuing education unit" or "CEU" means the completion of ten (10) hours of educational courses approved by the committee.

(5) "Secretary" is defined by KRS 223.010(3)[As used in this administrative regulation: "Contact hour" means a unit of measure for approved instruction by Registered Sanitarian Examining Committee. This unit is determined to equal actual classroom hours. Units of measure may be in half hour increments].

Section 2. Applications for Registration. (1) An applicant for registration as a registered environmental health specialist or sanitarian shall meet the qualifications listed in KRS 223.030(1).

(2) [~~Minimum Standards and Qualifications. In addition to the specific requirements provided by KRS 223.030, an applicant for registration as a sanitarian shall have graduated from an accredited college or university with a baccalaureate or higher degree, which shall include satisfactory completion of at least twenty-seven (27) quarter hours, or eighteen (18) semester hours, of academic training in the basic physical, chemical, biological, or sanitary sciences.~~]

Section 3. Applications for Registration.] Applications [~~for registration as a registered sanitarian~~] shall be submitted to the committee for approval on the "Application for Registration", 05/2020, incorporated by reference or available online at <https://chfs.ky.gov/agencies/dph/dphps/emb/Pages/sanitarians.aspx>.

(3) An application fee of fifty (50) dollars by money order, bank draft, or check made payable to the Kentucky State Treasurer shall accompany each application.

(4) After the committee has approved an application, and all the requirements provided by law are fulfilled, the applicant can be scheduled to take the examination [application forms for registration as a registered sanitarian as provided by KRS Chapter 223 revised 7/90. This form is incorporated by reference and may be viewed or obtained at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday between the hours of 8 a.m. and 4:30 p.m. Each application fee shall be remitted by a Post Office or express money order, bank draft, or check payable to the order of the Kentucky State Treasury. The committee may correspond with any references given on the applicant's application and may also contact any former employer of the applicant concerning his prior service in the field of public health sanitation].

Section 3[4]. Examinations. (1) The committee shall conduct examinations at least four (4) times [once] a year at such time and place as it may deem expedient.

(2) A passing score of at least seventy (70) percent must be achieved on the exam.

(3) Applicants failing to achieve a passing score may apply to retake the exam by submitting another application and fee [The examination may be either oral, written, or both. A fee of thirty (30) dollars shall accompany the application for examination. All registration certificates issued under the provisions of this administrative regulation shall expire June 30 following date of issue, unless renewed by the payment of a twelve (12) dollar registration fee].

Section 4[5]. Issuance and Expiration of Certificates of Registration. (1) Upon successful passing of the examination as outlined in Section 3 of this administrative regulation [After the committee has approved an application and all the requirements provided by law are fulfilled], the committee shall certify such fact to the secretary.

(2) The applicant shall be issued a registration card[, who in turn shall issue a small card to the approved applicant] certifying that he or she holds a certificate of registration.

(3) Pursuant to KRS 223.040, an individual who receives an initial certificate of registration must be under the direct supervision of a qualified registered environmental health specialist or sanitarian until the individual successfully completes an initial public health training program provided by the cabinet. Such training shall be offered at least twice per year at no cost to the trainee.

(4) The committee shall assign serial numbers to each certificate of registration.

(5) All registration certificates issued under the provisions of this administrative regulation shall expire on June 30 following the date of issue, unless renewed by payment of a twenty (20) dollar registration fee.

(6) The certification renewal fee shall be paid by money order, bank draft, or check made payable to the Kentucky State Treasurer, or online at the Registered Sanitarian ePayment Web site at https://prdweb.chfs.ky.gov/KYRegSan_ePay/.

(7) A late renewal fee of twenty (20) dollars will be assessed for all payments not received by July 1.

Section 5[6]. Renewals and CEUs. (1) All registered environmental health specialists and sanitarians shall receive a written notice of certification renewal [It shall be the duty of the secretary-treasurer of the committee to notify all registered sanitarians] at least thirty (30) days prior to the expiration date of their certificate.

(2) Before[that they renew their certificate of registration as provided by law. Effective July 1, 1992 before] the renewal of registration can be issued, the registrant shall [must] submit evidence of having completed the required CEUs.

(3) In addition to the public health training required by Section 4(3) of this administrative regulation, individuals achieving initial registered environmental health specialist or sanitarian status in any given fiscal year shall be required to submit evidence of having completed CEUs based on the quarter of the fiscal year in which certification was attained:

- (a) July 1 to September 30 – ten (10) CEUs required;
- (b) October 1 to December 31 – seven (7) CEUs required;
- (c) January 1 to March 31 – five (5) CEUs required; or
- (d) April 1 to June 30 – no CEUs required.

(4) An application for CEU approval by the committee shall include the following:

- (a) An outline or summary of the course content;
- (b) Identity of the instructor or sponsor of the course; and
- (c) A letter or certificate of completion from the instructor or sponsor certifying the applicant satisfactorily completed the course; or
- (d) Proof of attendance in the form of a copy of the course sign-in sheet or attendee roster.

(5) In-service educational conferences, courses, and seminars sponsored by professional and industrial organizations, or governmental agencies which registrants attend or where they present may qualify for CEUs.

(6) CEUs shall not be awarded for classes taught by the registrant or for mandatory employee trainings provided by the registrant's employer that are not related to the fields of environmental or public health, or specifically related to the duties, roles, and responsibilities of a registered environmental health specialist or sanitarian as determined by the committee.

Section 6. Extension for submitting CEUs. (1) A registrant may submit a written request to the committee for an extension to acquire CEUs until September 30. This written request must:

- (a) Be received by the committee on or before June 30; and
- (b) Provide justification for the request.

(2) The committee may grant an extension beyond the September 30 deadline based on extenuating circumstances beyond the control of the registrant.

(3) Registrants shall be notified in writing by the cabinet representative of the committee's decision to grant or deny the September 30 extension.

(4) Failure to submit evidence of completion of the CEUs required in Section 5(3) of this administrative regulation by the September 30 extension deadline will result in suspension of the certificate of registration in accordance with Section 8 of this administrative regulation [ten (10) contact hours approved by the committee].

Section 7. Inactivation of Certificates of Registration. (1) Persons requesting to have their certificates of registration placed in inactive status shall submit a written request to the committee on or before June 30.

(2) A registered environmental health specialist or sanitarian granted inactive status by the committee shall be notified in writing.

(3) A registered environmental health specialist or sanitarian on inactive status shall be exempt from the CEU requirements specified in Section 5 of this administrative regulation but not exempt from the twenty (20) dollar renewal fee required under Section 4(5) of this administrative regulation.

Section 8. Suspension and Revocation of Certificates of Registration. (1) Certificates of registration shall be suspended by the committee on July 1 for:

(a) Failure to remit payment for renewal by June 30 in accordance with Section 4 of this administrative regulation;

(b) Failure to submit evidence of completion of CEUs by June 30 in accordance with Section 5 of this administrative regulation; or

(c) Failure to request an extension for CEUs by June 30.

(2) Certificates of registration shall be suspended the next business day following the receipt of the request for an extension in accordance with Section 6 of this administrative registration.

(3) Persons whose certificates of registration have been suspended shall be sent a notice of suspension by the committee.

(4) If employed by the cabinet, a local health department, or a district health department, a copy of the notice of suspension shall be provided to the employer.

(5) A registered environmental health specialist or sanitarian with a suspended certificate of registration shall receive a written notice to appear before the committee at the next regularly scheduled committee meeting to provide justification for:

(a) Failing to remit payment by June 30; or

(b) Failing to submit evidence of completed CEUs by June 30 or by the extension granted by the committee in accordance with Section 6 of this administrative regulation.

(6) Failure to appear before the committee at the next regularly scheduled meeting shall be grounds for the committee to recommend revocation of a certificate of registration to the secretary.

(7) A registered environmental health specialist or sanitarian suspended for failure to remit payment in accordance with Section 4, or CEUs in accordance with Section 5, by June 30, may, at any time before the next regularly scheduled committee meeting, submit payment or evidence of completed CEUs and be returned to active status without having to appear before the committee.

(8) In any action involving the revocation of a certificate of registration, the committee shall refer the matter to the secretary.

(a) Prior to revocation, the committee shall send a notice of revocation to the last known address available to the committee; and

(b) The notice of revocation shall include the option for the certificate holder to submit a request for an administrative hearing within ten (10) days of the notice to show cause as to why their certificate should not be revoked.

(9)[The committee is authorized to set the time and place of a hearing.] All administrative hearings shall be conducted in accordance with KRS Chapter 13B[902 KAR 1:400]

(10) Persons who have their certificate of registration revoked solely for failure to remit renewal payment or submit required CEUs may reapply for registration by submitting an application and fee in accordance with Section 3 of this administrative regulation and by successfully completing the examination.

(11) Upon revocation of a registered environmental health specialist or sanitarian certification by the secretary for causes established in KRS 223.070, the person shall:

(a) No longer be eligible to serve as a registered environmental health specialist or sanitarian in the Commonwealth; and

(b) Cease and desist practice.

(12) If employed by the cabinet, a local health department or a district health department, a copy of the notice of revocation shall be provided to the employer.

Section 9[8]. Expenditure of Funds. Expenditures for examinations, clerical expenses, training and reference materials, including approved home study courses, and for affiliation with any national sanitarian registration organization, may be made out of the trust and agency fund created by KRS 223.050.

Section 10. Material Incorporated by Reference. (1) "Application for Registration", 05/2020, is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8:00 a.m. to 4:30 p.m.

STEVEN J. STACK, MD, MBA, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: July 9, 2020

FILED WITH LRC: July 15, 2020 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on September 28, 2020, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by September 21, 2020, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until September 30, 2020. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Donna Little, Deputy Executive Director, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Julie Brooks or Donna Little

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation provides uniform standards for registered environmental health specialists and sanitarians, procedures for processing applications, continuing education requirements, inactive status registration, and establishes fees for examination and registration.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure all those engaged in environmental health activities are properly registered with the cabinet.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 223.040, 223.050, 223.055, and 223.070 authorize the Cabinet for Health and Family Services to establish minimum standards and qualifications for registered environmental health specialists and sanitarians.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures all those engaged in environmental health service activities are properly registered with the cabinet and adequately trained to protect the health of the public.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation increases the number of times per year the test for registration is offered from once a year to four (4) times a year, clarifies the application and testing process, incorporates the application form, outlines the process of the issuance, suspension, and revocation of the registration, outlines the registration renewal process, including the yearly continuing education requirements, incorporates the process for requesting an extension of renewal, increases the registration fee by eight (8) dollars, and includes the process for requesting inactive registration status.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to establish the application and registration renewal process, and ensure those individuals engaged in environmental health services are properly registered with the cabinet and adequately trained.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 223.030 allows a currently registered environmental health specialist or sanitarian to apply for inactive status in accordance with administrative regulation. KRS 223.050 authorizes the cabinet to establish an application and renewal fee in administrative regulation. KRS 223.055 authorizes the cabinet to determine the continuing education requirements through administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will ensure registered environmental health specialists and sanitarians engaged in environmental health activities are properly registered with the cabinet and obtain an adequate number of continuing education requirements, and allow those individuals who are not actively engaged in environmental health activities to continue the privilege of using the designation of registered environmental health specialist or sanitarian.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Currently there are approximately 550 active and 220 inactive registered environmental health specialists or sanitarians in the state. The committee receives approximately twenty (20) new applications each year.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in questions (3) will have to take to comply with this administrative regulation or amendment: All current registered environmental health specialists or sanitarians will need to be aware of the increased registration cost, continuing education requirements, and registration suspension and revocation procedures. Those individuals whose registration is currently inactive will need to be aware of the process for reactivating the registration.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): The registration fee is increasing by eight (8) dollars. There is also a late renewal fee of twenty (20).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Those individuals will be able to continue the designation as such. The allowance to use courses taught by the registered individual as continuing education requirements will help ease the burden of meeting the required hours.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is minimal cost associated with the amendment to this administrative regulation. The examination test is being revised, and the cost associated with the revision is an estimated \$25,000.

(b) On a continuing basis: There are minimal costs, less than \$500 per year to continue this program.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is from annual fees collected from each individual and the annual costs for the examination.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change, if it is an amendment: An increase in funding is not necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. The fee for registration as a registered environmental health specialist or sanitarian is increasing to twenty (20) dollars. The fee for the examination is increasing to fifty (50) dollars.

(9) TIERING: Is tiering applied? Tiering is not applied. While the continuing education requirements are prorated based on the month of initial registration, all registered environmental health specialists and sanitarians are required to obtain continuing education credits in order to renew registration.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation impacts the Division of Public Health Protection and Safety in the Department for Public Health and all local health departments with employees registered as environmental health specialists or sanitarians.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 223.040, 223.050, 223.055, and 223.070.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The increase in fees will generate an additional \$6,000 in the first year for a total in revenue of \$15,400.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The increase in fees will generate an additional \$6,000 in subsequent years for a total in revenue of \$15,400.

(c) How much will it cost to administer this program for the first year? It will cost approximately \$25,000 for revision to the examination and less than \$500 for registration renewals.

(d) How much will it cost to administer this program for subsequent years? It will cost less than \$500 for the yearly registration renewal process.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: