ENGROSSED HOUSE
BILL NO. 1230

By: Seikel, Rice and Hefner of the House

and

Muegge of the Senate

An Act relating to professions and occupations; amending Sections 290, 292, 293, 294, 295, 297, 298, 301 and 302, Chapter 145, O.S.L. 1993, and 63 O.S. 1991, Sections 1-2201, as amended by Section 291, Chapter 145, O.S.L. 1993, and as renumbered by Section 360, Chapter 145, O.S.L. 1993, and 1-2202, as amended by Section 296, Chapter 145, O.S.L. 1993, and as renumbered by Section 360, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1994, Sections 1150.1, 1150.2, 1150.3, 1150.4, 1150.5, 1150.6, 1150.7, 1150.8, 1150.9, 1150.12 and 1150.13), which relate to the Oklahoma Sanitarian Registration Act; changing name of act to the Oklahoma Sanitarian and Environmental Specialist Registration Act; modifying definitions; adding additional authority to State Board of Health; providing for promulgation of rules; modifying legislative intent; providing for amount of fees; modifying qualifications of Advisory Council membership; modifying terms; modifying appointment procedures; modifying powers and duties of Council; clarifying and adding to registration procedures and certificates; modifying scope of examinations;

modifying criteria for issuance of registration; making certain actions unlawful; clarifying revocation or suspension powers; repealing Sections 299 and 300, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1994, Sections 1150.10 and 1150.11), which relate to reciprocal licensing and fees; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 290, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1994, Section 1150.1), is amended to read as follows:

Section 1150.1 Sections ~~290~~ 1150.1 through ~~302~~ 1150.13 of this ~~act~~ title shall be known and may be cited as the "Oklahoma Sanitarian and Environmental Specialist Registration Act".

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-2201, as amended by Section 291, Chapter 145, O.S.L. 1993, and as renumbered by Section 360, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1994, Section 1150.2), is amended to read as follows:

Section 1150.2 For the purposes of the Oklahoma Sanitarian and Environmental Specialist Registration Act:

1. ~~"Sanitarian" means a person uniquely qualified by education in the sciences, specialized training, and creditable field experience to effectively plan, organize, manage, execute and evaluate one or more of the many diverse elements comprising the fields of public health and environment. The term sanitarian may be interpreted to include environmental sanitarian, or environmental specialist;~~

~~2.~~ "Board" means the State Board of Health of the State of Oklahoma;

~~3.~~ 2. "Commissioner" means the State Commissioner of Health of the State of Oklahoma;

3. "Council" means the Sanitarian and Environmental Specialist Registration Advisory Council;

4. "Executive Director" means the Executive Director of the Department of Environmental Quality;

5. "Person" means ~~and includes~~ individuals~~, firms, partnerships, associations, and corporations; and also means and includes the State of Oklahoma, counties, districts, municipalities, and all subdivisions, districts, officers, agencies, departments, institutions, or instrumentalities of any thereof, whether governmental or proprietary~~;

~~5.~~ 6. "Registration" means a certificate issued pursuant to the Oklahoma Sanitarian and Environmental Specialist Registration Act~~;~~

~~6. "Council" means the Sanitarian Registration Advisory Council~~; and

7. ~~"Executive Director" means the Executive Director of the Department of Environmental Quality~~ "Sanitarian or environmental specialist" means a person uniquely qualified by education in the sciences, specialized training, and documented field experience to effectively plan, organize, manage, execute and evaluate one or more of the many diverse elements comprising the fields of public health or environmental protection or both public health and environmental protection. The term "sanitarian or environmental specialist" may be interpreted to include environmental sanitarian, environmental protection specialist, environmental health specialist or other similar terms.

SECTION 3. AMENDATORY Section 292, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1994, Section 1150.3), is amended to read as follows:

Section 1150.3 The State Board of Health in conjunction with the Sanitarian and Environmental Specialist Registration Advisory

Council is hereby authorized to promulgate rules governing the examination and registration of sanitarians and environmental specialists, and the defining of categories and limitations for such registration and providing continuing education requirements for the renewal of registration.

SECTION 4. AMENDATORY Section 293, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1994, Section 1150.4), is amended to read as follows:

Section 1150.4 A. It is the intent of the Legislature that the Council and the registration of sanitarians and environmental specialists pursuant to the provisions of the Oklahoma Sanitarian and Environmental Specialist Registration Act shall constitute a section of the Occupational Licensing Division of the Oklahoma State Department of Health.

B. Fees collected pursuant to the provisions of the Oklahoma Sanitarian and Environmental Specialist Registration Act shall be ~~paid into the Public Health Special Fund~~ determined by the Board in conjunction with the Council pursuant to Article I of the Administrative Procedures Act.

SECTION 5. AMENDATORY Section 294, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1994, Section 1150.5), is amended to read as follows:

Section 1150.5 A. There is hereby created the "Sanitarian and Environmental Specialist Registration Advisory Council", which shall consist of nine (9) members as follows:

1. One member shall be the Commissioner of Health or designated representative;

2. One member shall be the Executive Director of the Department of Environmental Quality or designee;

3. One member shall be the Administrator of the Office of Personnel Management or designee;

4. One member ~~shall be a registered sanitarian~~ who shall be appointed ~~by~~ for an initial term of three (3) years by the Director of the City-County Health Department of Oklahoma County;

5. One member ~~shall be a registered sanitarian~~ who shall be appointed ~~by~~ for an initial term of three (3) years by the Director of the Tulsa City-County Health Department;

6. Two members shall be ~~registered sanitarians~~ employed by state government who shall be appointed by the Commissioner for an initial term of two (2) years each; and

7. Two members ~~shall be registered sanitarians~~, for an initial term of one (1) year each, who shall be appointed by the Executive Director of the Department of Environmental Quality, one who is employed by private industry and one who is employed by the Indian Health Service of the Public Health Service or by a tribal government with an office in the State of Oklahoma.

~~The appointed~~ B. With the exception of paragraph 3 of subsection A of this section all of the members shall have at least five (5) years of experience as registered sanitarians or environmental specialists.

~~B. The~~ C. After expiration of one initial term of office, the term of office of each appointed member shall be for ~~four (4)~~ three (3) years. Each appointed member shall hold office until his successor is appointed and has qualified under the Oklahoma Sanitarian and Environmental Specialist Registration Act. The initial term for all appointed members shall begin January 1, 1996.

D. Sixty (60) days prior to the expiration of the term to be filled or whenever a vacancy occurs, any statewide organization whose membership represents more than twenty percent (20%) of the registered sanitarians and environmental specialists in the state may recommend three persons for such position or vacancy to the appointing authority.

~~C.~~ E. Appointed members of the Council may be removed from office by the appointing authority.

~~D.~~ F. The members of the Council shall serve without pay but may be reimbursed for actual expenses pursuant to the State Travel Reimbursement Act.

~~E.~~ G. The Council shall elect from among its membership a chair, vice-chair and secretary to serve ~~terms~~ a term of not more than ~~two (2) years~~ one (1) year ending on July 1 of the year designated by the Council. Members may be elected for more than one term. The chair or vice-chair shall preside at all meetings. The chair, vice-chair and secretary shall perform such duties as may be decided by the Council in order to effectively administer the Oklahoma Sanitarian and Environmental Specialist Registration Act.

~~F.~~ H. A majority of Council members shall constitute a quorum to transact official business.

~~G.~~ I. The Council shall meet within ~~thirty (30)~~ sixty (60) days after the effective date of this act and shall meet thereafter at such times as the Council deems necessary to implement the Oklahoma Sanitarian and Environmental Specialist Registration Act.

SECTION 6. AMENDATORY Section 295, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.6), is amended to read as follows:

Section 1150.6 ~~The~~ Pursuant to the Oklahoma Sanitarian and Environmental Specialist Registration Act, the Council shall have the power and duty to:

1. Assist and advise the Board on all matters relating to the formulation of rules in accordance with ~~the Oklahoma Sanitarian Registration Act~~ this act;

2. Administer and develop the examinations of applicants for registration pursuant to ~~the Oklahoma Sanitarian Registration Act~~ this act;

3. Determine qualifications of applicants for registration pursuant to ~~the Oklahoma Sanitarian Registration Act~~ this act;

4. Prescribe and adopt forms for registration applications and initiate mailing of ~~such~~ the application forms to all persons requesting ~~such~~ applications;

5. Investigate alleged violations of the provisions of ~~the Oklahoma Sanitarian Registration Act~~ this act and of any rules promulgated by the Board thereunder;

6. Assist the Board in establishing categories of registrations and application requirements for each category including but not limited to education, experience requirements, and examinations; and

7. ~~Suspend, revoke or nonrenew any registration or deny registration pursuant to the Oklahoma Sanitarian Registration Act;~~

~~8. By January 1, 1994, submit a written report to the Speaker of the House of Representatives and President Pro Tempore of the Senate detailing specific recommendations on determining professional standards and qualifications for categories of certification within the fields of public health and environment; and~~

~~9.~~ Have such other powers and duties as is necessary to implement ~~the Oklahoma Sanitarian Registration Act~~ this act.

SECTION 7. AMENDATORY 63 O.S. 1991, Section 1-2202, as amended by Section 296, Chapter 145, O.S.L. 1993, and as renumbered by Section 360, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1994, Section 1150.7), is amended to read as follows:

Section 1150.7 A. Applicants for certificate of registration as a sanitarian or environmental specialist shall be approved for registration by the Council upon compliance with the following:

1. Have two (2) years of postgraduate, full-time experience working in the fields of public health or ~~environment~~ environmental protection;

2. Have a four-year baccalaureate degree with a major in public health, environmental health, environmental science, physical science, natural science, biological science, agricultural science, or equivalent, from an accredited college or university with at least thirty (30) semester hours of work in physical, natural and biological sciences, public health and/or environmental health or environmental protection or both environmental health and environmental protection;

3. Pass an examination prescribed by the Council, demonstrating knowledge and understanding of the principles of sanitation and of the physical, biological and environmental sciences; and

4. Pay applicable examination and registration fees.

B. Upon compliance with subsection A of this section, the Commissioner shall issue a certificate of registration as a ~~sanitarian~~ registered professional sanitarian or registered professional environmental specialist. The area of specialization, if any, shall be designated on the certificate.

C. Applicants who, except for the experience requirement, meet all qualifications for registration ~~as a sanitarian except for experience~~ as required in this section may~~, after passing an examination, paying a fee and upon approval by the Commissioner~~ be granted a certificate as a sanitarian- or environmental specialist-in-training, which certificate shall remain in effect, unless revoked by the Commissioner, for a period not to exceed thirty (30) months after date of issue.

SECTION 8. AMENDATORY Section 297, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1994, Section 1150.8), is amended to read as follows:

Section 1150.8 A. Examinations ~~for licenses as Registered Sanitarians~~ shall be uniform and practical in nature and shall be sufficiently strict to test the qualifications and fitness of the applicants for registration. Examinations shall be in whole or in

part in writing. The Council shall conduct examinations twice a year and at such other times as it deems necessary. Examinations may be general or specific to an area of specialization.

B. Any applicant initially failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days. Any applicant subsequently failing to pass the examination shall not be permitted to take another examination for a period of ninety (90) days.

SECTION 9. AMENDATORY Section 298, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1994, Section 1150.9), is amended to read as follows:

Section 1150.9 A. The Commissioner shall issue a certificate of registration as a sanitarian or environmental specialist to any person who:

1. Has been certified by the Council as ~~either having successfully passed the appropriate examination or~~ having a current valid ~~license~~ registration in good standing issued by another ~~governmental~~ entity with registration requirements similar to but not less than those provided in the Oklahoma Sanitarian and Environmental Specialist Registration Act; and

2. Has paid the ~~license~~ registration fee and otherwise complied with the provisions of the Oklahoma Sanitarian and Environmental Specialist Registration Act.

B. No registration shall be issued unless the holder of a registration pursuant to the Oklahoma Sanitarian and Environmental Specialist Registration Act would be issued a similar registration by such other body under substantially the same conditions.

C. All ~~licenses~~ registrations shall be nontransferable ~~and it~~. It shall be a misdemeanor for any person ~~licensed under~~ registered pursuant to the provisions of the Oklahoma Sanitarian and Environmental Specialist Registration Act to loan or allow the use of such registration by any other person.

~~C.~~ D. Until January 1, 1994, the Council shall, upon proper application, issue registrations without examinations and without payment of additional fees to persons who prior to October 1, 1993, hold unexpired registrations as sanitarians issued by the Commissioner, and who have otherwise complied with the requirements of the Oklahoma Sanitarian Registration Act as of October 1, 1993. This registration must be produced as a prerequisite to obtaining a registration pursuant to the Oklahoma Sanitarian and Environmental Specialist Registration Act.

SECTION 10. AMENDATORY Section 301, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1994, Section 1150.12), is amended to read as follows:

Section 1150.12 Only a person who has qualified as a registered sanitarian or environmental specialist and who holds a valid current registration certificate for use in this state shall have the right and privilege of using the title Registered Professional Sanitarian or Registered Professional Environmental Specialist and to use the abbreviation R.P.S. or R.P.E.S. after ~~his~~ the name of such person. Any person who violates the provisions of this section, upon conviction thereof, shall be guilty of a misdemeanor.

SECTION 11. AMENDATORY Section 302, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1994, Section 1150.13), is amended to read as follows:

Section 1150.13 A. The Commissioner shall have the power to revoke the certificate of registration of any registrant pursuant to this section.

B. The Commissioner shall suspend or revoke or not renew any registration for:

1. Fraud or deceit in obtaining a registration;

2. Making a material misstatement in the application for a ~~license or~~ registration, or the renewal of a ~~license or~~ registration;

3. Loaning or illegally using a registration;

4. Demonstrating incompetence, or any gross negligence or misconduct in the ~~practice of professional sanitation~~ profession of Registered Professional Sanitarian or Registered Professional Environmental Specialist; or

5. Violating any provisions of the Oklahoma Sanitarian and Environmental Specialist Registration Act, or any rule, or order prescribed by the Board promulgated thereto.

C. Any person whose registration has been revoked by the Commissioner may apply for a new registration one (1) year from the date of such revocation.

SECTION 12. REPEALER Section 299, Chapter 145, O.S.L. 1993 and Section 300, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1994, Sections 1150.10 and 1150.11), are hereby repealed.

SECTION 13. This act shall become effective November 1, 1995.

Passed the House of Representatives the 8th day of March, 1995.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate