

Amendment No. 866

Senate Amendment to Assembly Bill No. 260 Second Reprint (BDR 54-855)

Proposed by: Committee on Commerce and Labor**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of A.B. 260 R2 (§§ 21, 22).

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by deleting sec. 2, renumbering sec. 3 as sec. 2 and adding a new section designated sec. 3, following sec. 3, to read as follows:

“Sec. 3. “Certificate of registration” or “certificate” means a certificate of registration as an environmental health specialist or environmental health specialist trainee issued by the Board pursuant to this chapter.”.

Amend sec. 4, page 2, by deleting lines 9 through 15 and inserting:

“Sec. 4. 1. “Environmental health specialist” means a person who is engaged in the practice of environmental health and who holds a certificate of registration as an environmental health specialist issued by the Board pursuant to this chapter.

SH/KP

Date: 5/23/2005

A.B. No. 260—Revises provisions relating to environmental health specialists.

2. The term does not include any person who practices in a field excluded from the definition of the “practice of environmental health” pursuant to subsection 2 of section 6 of this act, unless the person holds a certificate of registration as an environmental health specialist issued by the Board pursuant to this chapter.”.

Amend sec. 5, page 2, by deleting lines 17 and 18 and inserting:

“person who is engaged in the practice of environmental health and who holds a certificate of registration as an environmental health specialist trainee issued by the Board pursuant to this chapter.”.

Amend sec. 6, pages 2 and 3, by deleting lines 20 through 42 on page 2 and line 1 on page 3, and inserting:

“use of public health principles in the application of the sanitary sciences, the biological sciences or the physical sciences to investigate, prevent or reduce environmentally acquired disease or illness.”.

Amend sec. 6, page 3, by deleting lines 20 through 22 and inserting:

“(f) Mining performed by an employee or contractor of a mining company engaged in mining operations in this State;

(g) Building inspections performed by a person whose primary purpose is to determine compliance with building and safety codes; or

(h) Epidemiological investigations performed by a person whose primary profession or employment is as an epidemiologist or disease investigator.”.

Amend sec. 7, page 3, by deleting lines 23 through 27 and inserting:

“Sec. 7. 1. On and after July 1, 2007, a person shall not engage in the practice of environmental health in this State unless the person holds a certificate of registration as an environmental health specialist or an environmental health specialist trainee issued by the Board pursuant to this chapter.

2. Any person who violates any provision of this section is guilty of a misdemeanor.”.

Amend sec. 8, page 3, line 28, by deleting:

“may be employed” and inserting:

“is eligible to engage”.

Amend sec. 8, pages 3 and 4, by deleting lines 37 through 44 on page 3 and lines 1 through 16 on page 4, and inserting:

“environmental health specialist trainee, a person:

(a) Must be employed as a part of a training program 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 training program.

3. Except as otherwise provided in this subsection, the certificate of registration of a person as an environmental health specialist trainee expires 3 years after the date on which the person initially becomes employed as a part of the training program in which the person engages in the practice of environmental health as an environmental health specialist trainee. If, upon completion of the 3-year period, the person has met all requirements to be issued a certificate of

registration as an environmental health specialist other than passing the examination required pursuant to NRS 625A.120, the Board may, upon a showing of good cause, grant the person a 1-year extension of the person's certificate of registration as an environmental health specialist trainee before the person must pass the examination. A request for such an extension must be submitted by the person in writing and received by the Board at least 60 days before the date on which the person's certificate of registration as an environmental health specialist trainee expires."

Amend sec. 10, page 4, by deleting lines 26 through 29 and inserting:

"person who practices in a field excluded from the definition of the "practice of environmental health" pursuant to subsection 2 of section 6 of this act from being issued a certificate of registration by the Board if the person otherwise meets the requirements for the issuance of the certificate."

Amend sec. 11, page 4, by deleting lines 32 through 37 and inserting:

"specialists and environmental health specialist trainees is to protect the public health and safety and the general welfare of the people of this State. Any certificate of registration issued pursuant to this chapter is a revocable privilege, and no holder of such a certificate of registration acquires thereby any vested right."

Amend sec. 13, page 5, line 20, by deleting "specialist;" and inserting:

"specialist ~~;~~ or environmental health specialist trainee;"

Amend sec. 13, page 5, line 22, by deleting "specialist." and inserting:

"specialist ~~;~~ or environmental health specialist trainee."

Amend sec. 14, page 5, by deleting lines 39 and 40 and inserting:

“environmental health specialist trainees.”.

Amend sec. 14, page 6, by deleting lines 4 through 6 and inserting:

“specialists ~~[.]~~ or environmental health specialist trainees, or any combination thereof.”.

Amend sec. 15, page 6, by deleting lines 13 through 15 and inserting:

“environmental health specialist ~~[which contains:]~~ or environmental health specialist trainee. The register must contain:”.

Amend sec. 15, page 6, by deleting lines 27 through 29 and inserting:

“2. ~~[Environmental]~~ Persons who hold certificates of registration as environmental health specialists ~~[currently registered.]~~ or environmental health specialist trainees. The register must contain:

(a) The name of the person;

(b) The name and address of the employer of the person or the address of the place of business of the person;

(c) The number of the certificate of registration, if any, issued to the person; and

(d) Such other information as the Board considers necessary.”.

Amend sec. 16, page 6, by deleting lines 32 through 34 and inserting:

***“an environmental health specialist ~~[must]~~ or environmental health specialist trainee shall* submit to the Board, through”.**

Amend sec. 16, page 6, by deleting lines 38 and 39 and inserting:

“(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(c) The required fee; and

~~{(e)}~~ (d) Proof of ~~{his}~~ ***the applicant's*** educational qualifications,”.

Amend sec. 17, page 7, by deleting lines 4 and 5 and inserting:

“specialist trainee shall submit to the Board, through”.

Amend sec. 17, page 7, by deleting lines 9 and 10 and inserting:

“(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(c) The required fee; and

~~{(e)}~~ (d) Proof of ~~{his}~~ ***the applicant's*** educational qualifications,”.

Amend sec. 18, page 7, line 14, by deleting:

“the issuance of” and inserting:

~~“{the issuance of}”~~

Amend sec. 18, page 7, by deleting lines 16 and 17 and inserting:

“health specialist trainee or the holder of such a certificate shall submit to the Board”.

Amend sec. 18, page 7, by deleting lines 28 and 29 and inserting:

“specialist or environmental health specialist trainee”.

Amend sec. 19, page 8, line 3, by deleting:

“subsections 2 and 3,” and inserting ***“this section,”***.

Amend sec. 19, pages 8 and 9, by deleting lines 21 through 45 on page 8 and lines 1 through 23 on page 9, and inserting:

“Board in ~~{this field of public health.~~

~~—2. The] *the practice of environmental health;*~~

(b) Must possess a baccalaureate or higher degree in environmental health or environmental health science from an institution of higher education approved by the Board and have passed the written examination pursuant to NRS 625A.120; or

(c) Must possess a master's degree in public health from an institution of higher education approved by the Board and have passed the written examination pursuant to NRS 625A.120.

2. Except as otherwise provided in this subsection, the Board may ~~[register]~~ issue a certificate of registration as an environmental health specialist to a person who is not qualified under subsection 1 ~~[, if he:]~~ *if the Board determines to its satisfaction that the person:*

(a) Was actively ~~[employed in this field of public]~~ engaged in the practice of environmental health in this State on July 1, ~~[1987;~~

~~—(b) Is a graduate of an accredited high school;~~

~~—(c) Has had] 2005; and~~

(b) Has completed at least ~~[4]~~ 2 years of successful experience in ~~[this field;~~

~~—(d) Passes a written or oral examination administered by the Board; and~~

~~—(e) Completes all the requirements of this subsection before July 1, 1991.~~

~~—3. The Board may register, upon written application, any person who:~~

~~—(a) Was employed in this field of public health in this State on July 1, 1987, and was a registered sanitarian in this State before July 1, 1977; or~~

~~—(b) Is registered as an] *the practice of environmental health.*~~

↪ To be eligible to be issued a certificate of registration pursuant to this subsection, a person must apply to the Board for a certificate of registration not later than July 1, 2006.

3. Notwithstanding the provisions of subsection 1 to the contrary, upon written application, the Board may issue a certificate of registration as an environmental health specialist to a person by reciprocity if the person is registered as:

(a) An environmental health specialist with the National Environmental Health Association ~~and is a resident of this State.~~; or

(b) An environmental health specialist, environmental health scientist or registered sanitarian in another jurisdiction recognized by the Board as having requirements for that registration which are substantially similar to the requirements for the issuance of a certificate of registration as an environmental health specialist in this State.”.

Amend sec. 20, page 9, by deleting lines 25 through 28 and inserting:

“625A.120 1. Except for an applicant ~~applying pursuant to subsection 2 or 3 of~~ who may be issued a certificate of registration as an environmental health specialist without an examination pursuant to NRS 625A.110, an applicant who ~~is otherwise eligible~~ applies for a certificate of registration ~~[, has paid the fee and presented the required credentials]~~ as an environmental health specialist and who is otherwise qualified for the issuance of the certificate must appear”.

Amend sec. 21, page 10, by deleting lines 7 and 8 and inserting:

“specialist trainee must pay a fee set by the Board not”.

Amend sec. 21, page 10, by deleting lines 14 through 29 and inserting:

“3. Each ~~registered~~ person who holds a certificate of registration as an environmental health specialist or environmental health specialist trainee must pay to the Secretary of the Board on or before the date fixed by the Board an annual fee for the certificate of registration to be set by the

Board not to exceed \$100. The annual fee for *the certificate of* registration must be collected for the year in which ~~[an environmental health specialist]~~ *the person* is initially ~~[registered]~~.

~~—4. The~~ *issued the certificate of registration and for each year thereafter in which the person holds the certificate of registration.*

4. If a person holds a certificate of [any] registration as an environmental health specialist [who] or environmental health specialist trainee and the person fails to submit the statement required pursuant to NRS 625A.105 or pay the annual fee for *the certificate of* registration within 60 days after it is due , *the person's certificate of registration* is automatically suspended. The Board must notify the ~~[environmental health specialist]~~ *person* that his certificate *of registration* has been suspended”.

Amend sec. 22, pages 10 and 11, by deleting lines 35 through 45 on page 10 and lines 1 through 10 on page 11, and inserting:

“specialist trainee must pay a fee set by the Board not to exceed \$250.

2. Each applicant *for a certificate of registration as an environmental health specialist* who fails an examination and who desires to be reexamined ~~[shall]~~ *must* pay a fee set by the Board not to exceed \$200 for each reexamination.

3. Each ~~[registered]~~ *person who holds a certificate of registration as an* environmental health specialist ~~[shall]~~ *or environmental health specialist trainee must* pay to the Secretary of the Board on or before the date fixed by the Board an annual fee for *the certificate of* registration to be set by the Board not to exceed \$100. The annual fee for registration must be collected for the year in which ~~[an environmental health specialist]~~ *the person* is initially ~~[registered]~~.

~~—4. The] issued the certificate of registration and for each year thereafter in which the person holds the certificate of registration.~~

4. *If the person holds a certificate of [any] registration as an environmental health specialist [who] or environmental health specialist trainee and the person fails to pay the annual fee for registration within 60 days after it is due, the person's certificate of registration is automatically suspended. The Board must notify the [environmental health specialist] person that his certificate of registration has been suspended for nonpayment of the".*

Amend sec. 23, page 11, line 15, after "certificate" by inserting "*of registration*".

Amend sec. 23, page 11, by deleting lines 25 through 29 and inserting:

~~"[4.] 5. The Great Seal of the [Board.~~

~~—5. Signatures] State of Nevada.~~

6. *The signatures of the [members] Chairman and Secretary".*

Amend sec. 26, page 12, by deleting lines 17 through 36 and inserting:

"environmental health specialist trainee, the Board shall deem the certificate of registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the certificate of registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate of registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a certificate of registration as an environmental health specialist *or environmental health specialist trainee* that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant

to NRS 425.550 to the person whose certificate of registration was suspended stating that the person whose certificate of registration was suspended has”.

Amend the bill as a whole by adding a new section designated sec. 26.5, following sec. 26, to read as follows:

“**Sec. 26.5.** NRS 625A.170 is hereby amended to read as follows:

625A.170 The following acts, among others established by the Board, constitute unprofessional conduct:

1. Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a certificate ~~of~~ *of registration*;
2. Habitual drunkenness or addiction to the use of a controlled substance;
3. Engaging in any conduct in his professional activities which is intended to deceive or which the Board has determined is unethical; or
4. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of this chapter or a regulation of the Board.”.

Amend sec. 27, pages 12 and 13, by deleting lines 43 and 44 on page 12 and line 1 on page 13, and inserting:

“(a) Place the environmental health specialist *or environmental health specialist trainee* on probation for”.

Amend sec. 27, page 13, by deleting lines 4 through 7 and inserting:

“(c) Suspend or revoke his certificate ~~of~~ *of registration*.

2. If the order places an environmental health specialist *or environmental health specialist trainee* on”.

Amend the bill as a whole by adding a new section designated sec. 27.5, following sec. 27, to read as follows:

“**Sec. 27.5.** NRS 625A.190 is hereby amended to read as follows:

625A.190 1. Upon denial of an application for ~~[registration]~~ or renewal of a certificate *of registration* or other disciplinary action, the Board shall give the person written notice of its decision mailed to him at his last known address by certified mail, return receipt requested. The notice must:

- (a) State the reason for the denial or disciplinary action; and
- (b) Inform the person that he has the right to a hearing before the Board.

2. A written request for a hearing must be filed with the Board within 30 days after the notice is mailed. If a hearing is requested, the Board shall set a time and place for a formal hearing and notify the person of the time and place set for the hearing. The Board shall hold the hearing at the time and place designated in the notice.”.

Amend sec. 28, page 13, by deleting lines 15 through 24 and inserting:

“625A.200 1. ~~[Only a person who holds a valid certificate of registration issued by the Board may]~~ ***A person shall not*** use the title “registered environmental health ~~[specialist]~~ ***specialist,***” “environmental health ~~[specialist]~~ ***specialist,***” “***registered sanitarian***” or “***sanitarian,***” or the abbreviation ~~["R.E.H.S." or]~~ “***R.E.H.S.,***” “***E.H.S.***” or “***R.S.***” after his name ~~[,]~~, ***unless the person holds a certificate of registration as an environmental health specialist issued by the Board pursuant to this chapter.***

2. ***A person shall not use the title “environmental health specialist trainee,” or any abbreviation or letters after his name that would suggest that the person is an environmental***

health specialist trainee, unless the person holds a certificate of registration as an environmental health specialist trainee issued by the Board pursuant to this chapter.

3. Any person who violates *any provision of* this section is guilty of a”.

Amend the bill as a whole by deleting sec. 29 and renumbering sec. 30 as sec. 29.

Amend sec. 30, page 13, line 42, by deleting “29,” and inserting “28,”.

Amend the title of the bill to read as follows:

“AN ACT relating to environment health specialists; defining the practice of environmental health; authorizing the Board of Registered Environmental Health Specialists to employ certain persons; requiring the Chairman of the Board to be elected biennially on or before a certain date; requiring persons who engage in the practice of environmental health to hold a certificate of registration as an environmental health specialist or environmental health specialist trainee; revising the requirements relating to the issuance and renewal of a certificate of registration; authorizing the Board to issue a certificate of registration to certain persons by reciprocity; exempting certain retired persons from the requirements for continuing education; requiring certain application, examination and renewal fees; providing penalties; and providing other matters properly relating thereto.”.