

Amendment No. 217

Assembly Amendment to Assembly Bill No. 175	(BDR 54-669)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 175 (§§ 10, 30).

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"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DP/WLK



Date: 4/15/2019

A.B. No. 175—Revises provisions governing environmental health specialists.
(BDR 54-669)



ASSEMBLY BILL NO. 175—ASSEMBLYWOMAN PETERS

FEBRUARY 18, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing environmental health specialists.
(BDR 54-669)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to environmental health specialists; exempting certain persons from the applicability of provisions governing the practice of environmental health; revising provisions relating to the duties and powers of the board which governs environmental health specialists; revising provisions governing the requirements for application for and registration of environmental health specialists and environmental health specialist trainees; authorizing the issuance of temporary registrations to engage in the practice of environmental health to certain persons; revising the definition of the practice of environmental health; revising provisions governing continuing education; revising provisions governing complaints, grounds thereof and disciplinary action against applicants for and holders of registration to engage in the practice of environmental health; repealing certain provisions which set forth certain duties of the board which governs environmental health specialists; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the requirements for eligibility to engage in the practice of environmental health as an environmental health specialist trainee. (NRS 625A.115) **Sections 3, 16 and 27** of this bill provide for the provisional registration of environmental health specialist trainees and revise the requirements for application for such provisional registration to engage in the practice of environmental health as an environmental health specialist trainee.

Sections 4 and 10 of this bill authorize the issuance of temporary registrations to engage in the practice of environmental health to certain persons who hold a valid and unrestricted registration, certification or license to engage in the practice of environmental health in another state and who meet all the qualifications for registration in this State.

Existing law defines the practice of environmental health and excludes practices in certain fields. (NRS 625A.028) **Sections 5 and 17** of this bill: (1) revise the definition of the practice of environmental health; and (2) provide that, with certain exceptions, the provisions of chapter 625A of NRS governing registered environmental health specialists do not apply to certain persons in certain employment or performing certain practices.

Existing law creates the Board of Registered Environmental Health Specialists. (NRS 625A.030) **Sections 14 and 18** of this bill rename the Board as the Board of Environmental Health Specialists and revise the qualifications of members and the process by which the members are selected and its officers elected. **Sections 6, 7, 9, 12 and 19-22** of this bill: (1) set forth certain duties of the Board; (2) authorize the Board to issue subpoenas and administer oaths; (3) require the Board to adopt certain regulations regarding the periods, renewal methods and status of registrations issued pursuant to chapter 625A of NRS; (4) authorize members or agents of the Board to inspect premises where environmental health is practiced; (5) revise provisions governing meetings of the Board; (6) revise provisions governing the salaries and compensation of members and employees of the Board; and (7) establish certain requirements for and limitations on the use of certain fees and civil penalties collected by the Board.

Section 8 of this bill establishes certain requirements which must be satisfied by an applicant for a registration to engage in the practice of environmental health.

Section 11 of this bill establishes certain provisions governing complaints charging grounds for disciplinary action against applicants for and holders of registration.

Existing law sets forth the requirements, including a complete set of fingerprints ~~and proof of educational qualifications~~, for an applicant for a registration as an environmental health specialist or environmental health specialist trainee. (NRS 625A.100) **Section 24** of this bill sets forth certain circumstances under which such fingerprints ~~for proof of educational qualifications~~ are not required to be submitted to the Board.

Existing law requires an applicant for a registration as an environmental health specialist to have passed an examination certified by the National Environmental Health Association. (NRS 625A.110, 625A.120) **Sections 26 and 28** of this bill revise these provisions to exempt certain applicants from the requirement of passing the examination and eliminate certain provisions governing the administration of the examination and management of its results.

Section 30 of this bill revises provisions governing the fees which may be charged and collected by the Board.

Section 31 of this bill eliminates a limitation on the number of times the Board may exempt an environmental health specialist from requirements for continuing education following a showing of good cause.

Section 34 of this bill revises the acts which constitute unprofessional conduct.

Section 35 of this bill revises the disciplinary or other action that the Board may order against an applicant for or holder of registration.

Existing law provides that a person who engages in the practice of environmental health in this State without registration by the Board is guilty of a misdemeanor. (NRS 625A.900) **Section 36** of this bill authorizes the Board to issue and serve on the person an order to cease and desist, assess against the person an administrative fine of not more than \$5,000, or impose both penalties.

Section 38 of this bill repeals certain provisions which: (1) set forth the purpose of registration of persons who engage in the practice of environmental health; (2) require the Board to file certain written reports with the Governor; (3) require the Board to keep a record of its proceedings and provide for an annual audit of its fiscal records; (4) require the Board to maintain a register of applicants for and holders of registrations; and (5) set forth certain requirements for the contents of certificates of registration.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 625A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *The Legislature hereby declares that the practice of environmental health is a learned profession, affecting public safety and welfare and charged with the public interest, and is therefore subject to protection and regulation by the State.*

1 Sec. 3. "Provisional registration" means a provisional registration as an
2 environmental health specialist trainee issued by the Board pursuant to NRS
3 625A.115.

4 Sec. 4. "Temporary registration" means a temporary registration to engage
5 in the practice of environmental health issued by the Board pursuant to section
6 10 of this act.

7 Sec. 5. The provisions of this chapter, other than NRS 625A.910, do not
8 apply to a person who:

9 1. Is employed by the Federal Government and who practices
10 environmental health within the scope of that employment.

11 2. Is employed by and for the Division of Environmental Protection of the
12 State Department of Conservation and Natural Resources or for ~~an entity whose~~
13 ~~activities are limited solely to issues relating to~~ a local air ~~quality~~ pollution
14 control board. As used in this subsection, "local air pollution control board"
15 means a board that establishes a program for the control of air pollution
16 pursuant to NRS 445B.500.

17 3. Is employed by and for the Department of Taxation pursuant to chapter
18 453A or 453D of NRS and the regulations adopted pursuant thereto and who
19 conducts inspections to determine compliance with law and regulations for the
20 cultivation, distribution and licensure of establishments or facilities where
21 marijuana is grown, stored, processed or offered for sale, unless the marijuana is
22 utilized as an agent or ingredient in food products.

23 4. Performs clean up and disposal of hazardous waste and substances as a
24 consultant certified by the State Department of Conservation and Natural
25 Resources pursuant to the provisions of NRS 459.400 to 459.600, inclusive, and
26 the regulations adopted pursuant thereto, unless the clean up and disposal of
27 hazardous waste and substances is performed directly by and for a public health
28 agency.

29 5. Practices in the field of:

30 (a) Industrial hygiene, public education, indoor air quality, health physics,
31 mold assessment or mold remediation;

32 (b) Zoonotic disease ecology or vector-borne disease ecology, or both, when
33 the practice in that field is performed as a specialty;

34 (c) Mining when performed by an employee or contractor of a mining
35 company which is engaged in mining operations in this State;

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

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

40 6. Practices environmental health on a limited basis in this State if the
41 person:

42 (a) Practices for not more than 45 days in any calendar year; and

43 (b) Holds a valid and unrestricted registration, certification or license as an
44 environmental health specialist in the District of Columbia or any state or
45 territory of the United States whose requirements for that registration,
46 certification or licensure are substantially similar to the requirements for the
47 issuance of a registration as an environmental health specialist in this State.

48 Sec. 6. The Board shall:

49 1. Enforce the provisions of this chapter and any regulations adopted
50 pursuant thereto;

51 2. Prepare and maintain a record of its proceedings, including, without
52 limitation, any administrative proceedings;

3. Evaluate the qualifications and determine the eligibility of an applicant for any registration issued pursuant to this chapter and, upon payment of the appropriate fee, issue the appropriate registration to a qualified applicant;

4. Adopt regulations establishing standards of practice for persons registered pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter;

5. Require a person registered pursuant to this chapter to submit to the Board documentation required by the Board to determine whether the person has acquired the skills necessary to engage in the practice of environmental health;

6. Investigate any complaint received by the Board against any person registered pursuant to this chapter;

7. Hold hearings to determine whether any provision of this chapter or any regulation adopted pursuant to this chapter has been violated; ~~and~~

8. Prescribe by regulation the qualifications required before a person may serve as a hearing officer; and

9. Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the practice of or offers to engage in the practice of environmental health without the appropriate registration issued pursuant to the provisions of this chapter.

Sec. 7. 1. The Board may issue subpoenas for the attendance of witnesses and production of books and papers.

2. Any member of the Board may administer oaths when taking testimony in any matter relating to the duties of the Board.

Sec. 8. To be eligible for registration by the Board, an applicant for a registration to engage in the practice of environmental health must:

1. Be a natural person of good moral character;

2. Comply with the requirements set forth in NRS 625A.110;

3. Pay the fees provided for in this chapter; and

4. Submit all information required to complete an application for such registration.

Sec. 9. 1. The Board shall adopt regulations prescribing:

(a) The period for which a registration issued pursuant to the provisions of this chapter is valid which, except as otherwise provided in section 10 of this act, must be not less than 1 year; and

(b) The manner in which a registration issued pursuant to this chapter must be renewed.

2. The Board may adopt regulations providing for the late renewal of a registration and the reinstatement of an expired registration, which may include requirements for continuing education.

3. The Board may, at the request of a person registered as an environmental health specialist pursuant to NRS 625A.110, place a registration on inactive status if the holder of the registration does not engage in, or represent that the person is authorized to engage in, the practice of environmental health in this State.

Sec. 10. 1. The Board may issue a temporary registration to engage in the practice of environmental health upon application and the payment of the fee required pursuant to NRS 625A.130 to any person who holds a valid and unrestricted registration, certification or license to engage in the practice of environmental health in the District of Columbia or any state or territory of the United States and who meets all the qualifications for registration in this State.

2. A temporary registration issued pursuant to this section:

(a) Is valid for not more than 6 months; and

(b) *May be converted to a registration as an environmental health specialist issued pursuant to NRS 625A.110 upon:*

(1) *Payment of the registration fee set forth in NRS 625A.130; and*
(2) *Submittal to the Board of any information required by the Board for the conversion of the registration.*

Sec. 11. *1. A complaint may be made against any applicant for a registration or any holder of a registration charging one or more of the grounds for disciplinary action with such particularity as to enable the defendant to prepare a defense.*

2. The complaint must be in writing and may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

3. The Board shall retain all complaints made pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 12. *Any member or agent of the Board may enter any premises in this State where a person who holds a registration issued pursuant to the provisions of this chapter practices environmental health and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing environmental health without the appropriate registration issued pursuant to the provisions of this chapter.*

Sec. 13. NRS 625A.020 is hereby amended to read as follows:

625A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 625A.021 to 625A.028, inclusive, *and sections 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 14. NRS 625A.021 is hereby amended to read as follows:

625A.021 “Board” means the Board of ~~Registered~~ Environmental Health Specialists.

Sec. 15. NRS 625A.025 is hereby amended to read as follows:

625A.025 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.~~ *NRS 625A.110.*

2. The term does not include any person ~~who practices in a field excluded from the definition of the “practice of environmental health” to whom the provisions of this chapter do not apply pursuant to subsection 2 of NRS 625A.028.~~ *section 5 of this act*, unless the person holds a ~~certificate of~~ registration as an environmental health specialist issued by the Board pursuant to ~~this chapter.~~ *NRS 625A.110.*

Sec. 16. NRS 625A.026 is hereby amended to read as follows:

625A.026 “Environmental health specialist trainee” means a person who is engaged in the practice of environmental health and who holds a ~~certificate of~~ *provisional* registration as an environmental health specialist trainee issued by the Board pursuant to ~~this chapter.~~ *NRS 625A.115.*

Sec. 17. NRS 625A.028 is hereby amended to read as follows:

625A.028 ~~1-1~~ “Practice of environmental health” means the 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] human injury and~~ illness ~~[,~~

~~2. The term does not include practice in the field of:~~

~~—(a) Environmental health by a person whose primary work is performed by and for the Division of Environmental Protection of the State Department of Conservation and Natural Resources or for an entity whose activities are limited solely to issues relating to air quality;~~

~~—(b) Industrial hygiene, public education, indoor air quality, health physics, mold assessment or mold remediation;~~

~~—(c) Cleaning up and disposing of hazardous waste and substances performed by a person who is certified by the State Department of Conservation and Natural Resources pursuant to NRS 459.400 to 459.600, inclusive, and the regulations adopted pursuant thereto, unless the clean up and disposal of the hazardous waste and substances is performed directly by and for a public health agency;~~

~~—(d) Zoonotic disease ecology or vector borne disease ecology, or both, when the practice in that field is performed as a specialty;~~

~~—(e) Mining performed by an employee or contractor of a mining company engaged in mining operations in this State;~~

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

~~—(g) Epidemiological investigations performed by a person whose primary profession or employment is as an epidemiologist or disease investigator.] by:~~

1. Identifying and evaluating hazardous physical, chemical and biological agents that may adversely affect human health and the environmental sources of those agents; and

2. Limiting exposures to those agents in air, water, soil, food and other environmental media or settings.

Sec. 18. NRS 625A.030 is hereby amended to read as follows:

625A.030 1. There is hereby created the Board of ~~[Registered]~~ Environmental Health Specialists, consisting of the Chief Medical Officer or his or her designated representative and four members appointed by the Governor.

2. After the initial terms, each member appointed by the Governor ~~[must be appointed for]~~ *serves* a term of 3 years.

3. Of the members of the Board appointed by the Governor after the initial appointments:

(a) Two *members* must represent the general public. These members must not be:

(1) An environmental health specialist or environmental health specialist trainee; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of an environmental health specialist or environmental health specialist trainee.

(b) Two *members* must be environmental health specialists ~~[]~~:

(I) Each of whom:

(I) Holds a current registration issued pursuant to NRS 625A.110 and is in good standing with the Board; and

(II) Must have practiced in the field of environmental health for the 3 years immediately preceding his or her appointment.

(2) Of whom, one must be employed by the health district containing Washoe County and one *must be* employed by the health district containing Clark County.

4. Each member of the Board must be a resident of this State.

5. If a vacancy occurs during the term of a member appointed by the Governor, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

6. The Governor may, after notice and hearing, remove any member of the Board for misconduct in office, incompetency, neglect of duty or other sufficient cause.

~~[5.]~~ 7. The Board shall elect from its members who are ~~[not employees of the State]~~ *appointed by the Governor* a Chair and ~~[a Secretary. The Chair must be elected biennially on or before July 1 of each even numbered year. The Secretary continues in office]~~ *Vice Chair. The officers of the Board hold their respective offices* at the pleasure of the Board.

Sec. 19. NRS 625A.040 is hereby amended to read as follows:

625A.040 1. The Board shall hold at least ~~[one meeting]~~ *two meetings* annually ~~[to:~~

~~—(a) Review and evaluate applications for certificates of registration as environmental health specialists and environmental health specialist trainees.~~

~~—(b) Conduct examinations.~~

~~—(c) Review expenditures by the Board.~~

~~—(d) Prepare reports.~~

~~—(e) Transact any other business necessary to enable the Board to carry out its duties.~~

~~—2. Special meetings of the Board may be called by the Secretary upon the written request of any two} and may meet at other times on the call of the Chair or a majority of its members . [of the Board or upon a written request signed by 10 environmental health specialists or environmental health specialist trainees, or any combination thereof.~~

~~—3. Three members]~~

2. A majority of the Board ~~[constitute]~~ *constitutes* a quorum to transact all business . ~~[, and a majority of those present must concur on any decision.]~~

3. *The Board shall comply with the provisions of chapter 241 of NRS and all meetings of the Board must be conducted in accordance with that chapter.*

Sec. 20. NRS 625A.050 is hereby amended to read as follows:

625A.050 1. ~~[The Secretary of the Board is entitled to receive:~~

~~—(a) A salary in an amount fixed by the Board; and~~

~~—(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.~~

~~—2. All other members]~~ *Members* of the Board are entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

~~[3.]~~ 2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 21. NRS 625A.055 is hereby amended to read as follows:

625A.055 1. The Board may employ and fix the compensation to be paid to ~~[attorneys.] :~~

(a) *An Executive Director; and*

(b) *Attorneys,* investigators and other professional consultants and ~~[clerical personnel]~~ *any other employee* necessary to the discharge of its duties . ~~[and]~~

2. *The Board* may reimburse ~~[those]~~ *its* employees for any actual expenses they incur while acting on behalf of the Board. Any reimbursement paid pursuant to

1 this section is in addition to any per diem allowance or travel expenses paid to those
2 employees pursuant to NRS 625A.050.

3 *3. The expenses of the Board and members of the Board, and the salaries of*
4 *its employees, must be paid from the fees received by the Board pursuant to this*
5 *chapter, and no part of those expenses and salaries may be paid out of the State*
6 *General Fund.*

7 **Sec. 22.** NRS 625A.060 is hereby amended to read as follows:

8 625A.060 1. *All fees collected under the provisions of this chapter must be*
9 *paid to the Board to be used to defray the necessary expenses of the Board.* The
10 ~~{Secretary of the}~~ Board shall ~~{receive and account for all money paid to the Board~~
11 ~~and}~~ deposit ~~{it}~~ the fees in qualified banks, credit unions, savings and loan
12 associations and savings banks in this ~~{state}.~~

13 ~~— 2. The compensation and expenses of the members and employees of the~~
14 ~~Board and the expenses of administering the provisions of this chapter must be paid~~
15 ~~from the fees received by the Board upon approval by the Board.} State.~~

16 2. *In a manner consistent with the provisions of chapter 622A of NRS, the*
17 *Board may delegate to a hearing officer or panel its authority to take any*
18 *disciplinary action pursuant to this chapter, impose and collect civil penalties*
19 *therefor and deposit the money therefrom with the State Treasurer for deposit in*
20 *the State General Fund.*

21 3. *If a hearing officer or panel is not authorized to take disciplinary action*
22 *pursuant to the provisions of subsection 2 and the Board deposits the money*
23 *collected from the imposition of civil penalties with the State Treasurer for credit*
24 *to the State General Fund, it may present a claim to the State Board of*
25 *Examiners for recommendation to the Interim Finance Committee if money is*
26 *needed to pay attorney's fees or the costs of an investigation, or both.*

27 **Sec. 23.** NRS 625A.095 is hereby amended to read as follows:

28 625A.095 The provisions of this chapter do not preclude a person ~~{who~~
29 ~~practices in a field excluded from the definition of the "practice of environmental~~
30 ~~health"} to whom the provisions do not otherwise apply pursuant to ~~{subsection 2~~~~
31 ~~of NRS 625A.028} section 5 of this act from being issued a ~~{certificate of}~~~~
32 registration by the Board if the person otherwise meets the requirements for the
33 issuance of the ~~{certificate.} registration.~~

34 **Sec. 24.** NRS 625A.100 is hereby amended to read as follows:

35 625A.100 ~~{1.}~~ An applicant for a ~~{certificate of}~~ registration as an
36 environmental health specialist or environmental health specialist trainee shall
37 submit to the Board ~~{, through its Secretary.}~~

38 ~~— (a) :~~

39 1. A completed application on a form prescribed and furnished by the Board;

40 ~~{(b) A}~~

41 2. *If not otherwise required by a public employer which employs the*
42 *applicant, a complete set of fingerprints and written permission authorizing the*
43 *Board to forward the fingerprints to the Central Repository for Nevada Records of*
44 *Criminal History for submission to the Federal Bureau of Investigation for its*
45 *report;*

46 ~~{(c)}~~ 3. The required fee;

47 ~~{(d)}~~ 4. Proof of the applicant's educational qualifications, ~~{if the applicant~~
48 ~~does not hold.}~~

49 ~~— (a) A current credential as a registered environmental health specialist with~~
50 ~~the National Environmental Health Association; and~~

51 ~~— (b) A valid and unrestricted registration, certification or license to practice~~
52 ~~environmental health in the District of Columbia or any state or territory of the~~
53 ~~United States whose educational requirements for that registration, certification~~

~~or licensure are substantially similar to the educational requirements for the issuance of a registration as an environmental health specialist in this State;~~

~~5. Proof of the applicant's~~ practical training and experience; and

~~(e) 6. 5.~~ All information required to complete the application.

~~(2. The fee is not refundable.)~~

Sec. 25. NRS 625A.105 is hereby amended to read as follows:

625A.105 1. In addition to any other requirements set forth in this chapter, an applicant for a ~~[certificate of]~~ registration as an environmental health specialist or environmental health specialist trainee or the holder of such a ~~[certificate]~~ **registration** shall:

(a) Include the social security number of the applicant in the application submitted to the Board.

(b) Submit to the Board annually ~~[through its Secretary,]~~ the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance of the ~~[certificate of]~~ registration; or

(b) A separate form prescribed by the Board.

3. A ~~[certificate of]~~ registration as an environmental health specialist or environmental health specialist trainee may not be issued by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 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.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 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, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 26. NRS 625A.110 is hereby amended to read as follows:

625A.110 1. Except as otherwise provided in this section, to be eligible for a ~~[certificate of]~~ registration as an environmental health specialist, an applicant:

(a) Must:

(1) Possess a baccalaureate or higher degree from an institution of higher education approved by the Board;

(2) Have satisfactorily completed at least 45 quarter hours or 30 semester hours of academic work in basic science courses, including biology, chemistry, physics, geology, sanitary engineering or environmental engineering;

(3) Have passed the ~~[written]~~ examination pursuant to NRS 625A.120; and

(4) Have at least 2 years of experience approved by the Board in 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;

(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; or

(d) Must possess training or experience obtained during service in the military forces of this State or the United States which the Board determines is equivalent to at least 2 years of experience in the practice of environmental health and have passed the ~~written~~ examination pursuant to NRS 625A.120.

2. ~~Except as otherwise provided in this subsection, the~~ The Board ~~shall~~ *may* issue a ~~certificate of~~ registration as an environmental health specialist to a person who ~~is~~ *has* not ~~qualified under~~ *passed the examination required pursuant to* subsection 1 *but otherwise meets the requirements of that subsection if* ~~the Board determines to its satisfaction that~~ the person:

(a) ~~Was actively engaged in the practice of environmental health in this State on July 1, 2005; and~~ *Holds a current credential as a registered environmental health specialist with the National Environmental Health Association; or*

(b) ~~Has completed at least 2 years of successful experience in 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, 2007.~~ *Has passed an examination for registration, certification or licensure to practice environmental health in the District of Columbia or any state or territory of the United States whose examination for that registration, certification or licensure is determined by the Board to be substantially similar to the examination described in NRS 625A.120.*

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~~ *endorsement* if the person ~~is registered as~~ :

(a) ~~An~~ *Holds a current credential as a registered* environmental health specialist with the National Environmental Health Association; or

(b) ~~An~~ *Holds a valid and unrestricted registration, certification or license as an* environmental health specialist, environmental health scientist or registered sanitarian in ~~another jurisdiction recognized by the Board as having~~ *the District of Columbia or any state or territory of the United States whose* requirements for that registration ~~which~~ , *certification or licensure* are substantially similar to the requirements for the issuance of a ~~certificate of~~ registration as an environmental health specialist in this State.

Sec. 27. NRS 625A.115 is hereby amended to read as follows:

625A.115 1. ~~A person is eligible to engage in the practice of environmental health as an environmental health specialist trainee if the person possesses a baccalaureate or higher degree which includes the satisfactory completion of at least 45 quarter hours, or 30 semester hours, of academic work in basic science courses, including biology, chemistry, physics, geology, sanitary engineering or environmental engineering, from an institution of higher education approved by the Board.~~

~~2.~~ To engage in the practice of environmental health as an environmental health specialist trainee, a person ~~is~~ :

~~(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~~ *must* file with the Board an application for a ~~certificate of~~ *provisional* 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] in a position in which he or she receives training [program.~~

~~3. Except as otherwise provided in this subsection, the certificate of] in environmental health.~~

2. Upon application and payment of the fees required pursuant to NRS 625A.130, the Board may issue a provisional registration as an environmental health specialist trainee to a person who:

(a) Meets the educational requirements for registration as an environmental health specialist set forth in subsection 1 of NRS 625A.110;

(b) Is employed in a position in which he or she receives training in environmental health under the direct supervision of a registered environmental health specialist; and

(c) Is in the process of obtaining the 2 years of experience in the practice of environmental health required for eligibility for registration as an environmental health specialist pursuant to subsection 1 of NRS 625A.110.

3. A provisional registration of a person as an environmental health specialist trainee expires ~~[3 years]~~ 1 year 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.]~~ registration was issued. A provisional registration may be renewed not more than twice.

4. 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]~~ provisional 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]~~ provisional registration as an environmental health specialist trainee expires.

5. The Board may adopt regulations providing for the manner in which a provisional registration as an environmental health specialist trainee may be converted to a registration as an environmental health specialist.

Sec. 28. NRS 625A.120 is hereby amended to read as follows:

625A.120 ~~[1.]~~ 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 who applies for a ~~[certificate of]~~ registration as an environmental health specialist and who is otherwise qualified for the issuance of the ~~[certificate]~~ registration must ~~[appear personally and]~~ pass the ~~[written]~~ national examination ~~[certified] for credentialing as a registered environmental health specialist offered~~ by the National Environmental Health Association, ~~[for an equivalent examination prepared by the Board.~~

~~2. The examination must be administered by the Board not less than once each year at such time and place in this State as the Board specifies.~~

~~3. The name of the applicant must not appear on the examination, and the applicant must be identified by a number assigned by the Secretary of the Board.~~

~~4. All examinations and the records pertaining to them must be filed with the Secretary of the Board and retained for at least 5 years.~~

~~5. If an applicant fails the examination, the applicant may be reexamined upon resubmission of an application accompanied by the required fee.]~~

Sec. 29. NRS 625A.125 is hereby amended to read as follows:

625A.125 1. Upon denial of an application for a ~~[certificate of]~~ registration, the Board shall give the person written notice of its decision mailed to the person at

his or her last known address by certified mail, return receipt requested. The notice must:

- (a) State the reason for the denial; and
 - (b) Inform the person that he or she 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.

Sec. 30. NRS 625A.130 is hereby amended to read as follows:

~~625A.130 1. Each applicant for a certificate of registration as an environmental health specialist or environmental health 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 must pay a fee set by the Board not to exceed \$200 for each reexamination.~~

~~3. Each 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 the person is initially 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 registration as an environmental health specialist or environmental health specialist trainee and the person fails to pay the annual fee for the certificate of registration within 60 days after it is due or submit all information required to complete the annual registration, the person's certificate of registration is automatically suspended. The Board must notify the person that the certificate of registration has been suspended pursuant to this subsection. It may be reinstated pursuant to regulations adopted by the Board.]~~

1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

<i>Initial application fee</i>	<i>\$250</i>
<i>Registration fee</i>	<i>(\$100)</i> <i>150</i>
<i>Temporary registration fee</i>	<i>(\$50)</i> <i>75</i>
<i>Fee for the renewal of a registration</i>	<i>(\$100)</i> <i>150</i>
<i>Fee for the late renewal of a registration</i>	<i>100</i>
<i>Fee for the reinstatement of an expired registration</i>	<i>(\$200)</i> <i>250</i>

2. All fees are payable in advance and not refundable.

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 shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the registration.

4. Except as otherwise provided in subsection 3, the fees must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter.

Sec. 31. NRS 625A.150 is hereby amended to read as follows:

625A.150 1. The Board shall adopt regulations requiring participation in a program of continuing education as a prerequisite for the renewal of a ~~certificate of~~ registration as an environmental health specialist.

2. The Board may exempt an environmental health specialist from the requirements for continuing education if he or she is able to show good cause why the requirements could not be met. ~~[The exemption may not be granted to a person more than once in any 6 year period.]~~

3. An environmental health specialist who submits evidence satisfactory to the Board that he or she has retired and is no longer engaged in the practice of environmental health is exempt from the requirements for continuing education established pursuant to this section.

Sec. 32. NRS 625A.160 is hereby amended to read as follows:

625A.160 The grounds for initiating disciplinary action under this chapter are:

1. Unprofessional conduct;

2. Conviction of a felony relating to the practice of environmental health or any offense involving moral turpitude;

3. The suspension or revocation of a ~~[certificate]~~ *registration, certification* or license as an environmental health specialist by any other jurisdiction; or

4. Failure to meet the requirements for continuing education.

Sec. 33. NRS 625A.165 is hereby amended to read as follows:

625A.165 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a ~~[certificate of]~~ registration as an environmental health specialist or 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 complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 34. 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]~~ registration;

2. ~~[Habitual drunkenness or addiction to the use of a controlled substance;]~~
Conduct that is harmful to the public health or safety;

3. Engaging in any conduct in his or her 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.

Sec. 35. NRS 625A.180 is hereby amended to read as follows:

625A.180 1. If the Board finds after notice and a hearing as required by law, or after providing an opportunity for such a hearing, that disciplinary *or other* action is necessary, ~~[the Board may]~~ *, in the case of an applicant, refuse to issue a registration, and in all other cases,* by order:

1 (a) Place the environmental health specialist or environmental health specialist
2 trainee on probation for a specified period or until further order of the Board;

3 (b) Administer a public reprimand; ~~{or}~~

4 (c) Suspend or revoke his or her ~~{certificate of}~~ registration ~~{,}~~;

5 *(d) Refuse to renew his or her registration;*

6 *(e) Impose a civil penalty not to exceed \$5,000 for each act constituting*
7 *grounds for disciplinary action; or*

8 *(f) Impose any combination of the disciplinary actions described in*
9 *paragraphs (a) to (e), inclusive.*

10 2. If the order places an environmental health specialist or environmental
11 health specialist trainee on probation, the Board may impose such limitations or
12 conditions upon his or her professional activities as the Board finds consistent to
13 protect the public health.

14 3. The Board shall not administer a private reprimand.

15 4. An order that imposes discipline and the findings of fact and conclusions of
16 law supporting that order are public records.

17 **Sec. 36.** NRS 625A.900 is hereby amended to read as follows:

18 625A.900 1. ~~{On and after July 1, 2007, a}~~ A person shall not engage in the
19 practice of environmental health in this State unless the person holds a ~~{certificate~~
20 ~~{of}~~ registration as an environmental health specialist *issued by the Board pursuant*
21 *to NRS 625A.110, a temporary registration issued by the Board pursuant to*
22 *section 10 of this act or a provisional registration as* an environmental health
23 specialist trainee issued by the Board pursuant to ~~{this chapter.}~~ **NRS 625A.115.**

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

26 3. *In addition to any other penalty prescribed by law, if the Board*
27 *determines that a person has violated the provisions of subsection 1, the Board*
28 *may:*

29 *(a) Issue and serve on the person an order to cease and desist until the*
30 *person obtains from the Board the proper registration or otherwise demonstrates*
31 *that he or she is no longer in violation of subsection 1. An order to cease and*
32 *desist must include a telephone number with which the person may contact the*
33 *Board.*

34 *(b) Assess against the person an administrative fine of not more than \$5,000.*

35 *(c) Impose any combination of the penalties set forth in paragraphs (a) and*
36 *(b).*

37 **Sec. 37.** NRS 625A.910 is hereby amended to read as follows:

38 625A.910 1. A person shall not use the title “registered environmental
39 health specialist,” “environmental health specialist,” “registered sanitarian” or
40 “sanitarian,” or the abbreviation “R.E.H.S.,” “E.H.S.” or “R.S.” after his or her
41 name, unless the person holds a ~~{certificate of}~~ registration as an environmental
42 health specialist issued by the Board pursuant to ~~{this chapter.}~~ **NRS 625A.110.**

43 2. A person shall not use the title “environmental health specialist trainee,” or
44 any abbreviation or letters after his or her name that would suggest that the person
45 is an environmental health specialist trainee, unless the person holds a ~~{certificate~~
46 ~~{of}~~ *provisional* registration as an environmental health specialist trainee issued by
47 the Board pursuant to ~~{this chapter.}~~ **NRS 625A.115.**

48 3. Any person who violates any provision of this section is guilty of a
49 misdemeanor.

50 **Sec. 38.** NRS 625A.010, 625A.023, 625A.070, 625A.080, 625A.090 and
51 625A.140 are hereby repealed.

52 **Sec. 39.** This act becomes effective on July 1, 2019.

LEADLINES OF REPEALED SECTIONS

- 625A.010 Purpose of registration; certificate revocable.
625A.023 “Certificate of registration” and “certificate” defined.
625A.070 Biennial reports: Contents; distribution of copies.
625A.080 Records of proceedings; annual audits; seal; regulations.
625A.090 Maintenance of register of applicants and holders of
certificates.
625A.140 Contents of certificate.