

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 497

(Delegate Hammen)(Chair, Health and Government
Operations Committee)

Health and Government Operations

Education, Health, and Environmental Affairs

Health Occupations - State Board of Environmental Health Specialists - Sunset
Extension and Revisions

This bill extends the termination date for the State Board of Environmental Health Specialists (BEHS) by 10 years to July 1, 2027, and requires a preliminary evaluation of the board be conducted by December 15, 2023. BEHS must include a financial statement and a plan for special fund revenues in its annual report as well as monitor and work with the Long Term Environmental Health Workforce Work Group regarding recruitment and retention and statutory licensing exemptions. BEHS must also take specified actions and submit a follow-up report on implementation of those required actions to specified committees of the General Assembly by January 1, 2017.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: Special fund revenues and expenditures for BEHS are maintained beyond FY 2017. The FY 2017 budget includes a \$116,075 special fund appropriation for BEHS; estimated special fund revenues are \$118,175. BEHS can undertake the required actions and submit the required reports with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: BEHS must assist the Long Term Environmental Health Workforce Work Group to institute any statutory or regulatory changes necessary to implement work group recommendations and distribute information to licensees in a timely manner.

By January 1, 2017, BEHS must (1) adopt regulations that include a list of automatically approved continuing education unit (CEU) providers and a deadline by which CEUs that are not automatically approved must be submitted to the board for approval; (2) review and update the list of preapproved CEUs and providers on its website in a user-friendly format; (3) make a summary of the CEU process available through its website and email the summary to licensees; (4) evaluate whether to implement an audit-based CEU review system; (5) implement an online CEU process; (6) overhaul the board's website to include specified information; and (7) establish a method to improve the accuracy of licensee contact information.

Current Law/Background:

State Board of Environmental Health Specialists: BEHS was created in 1969 to ensure that individuals practicing in Maryland as environmental health specialists meet minimum professional standards. The nine-member board regulates licensed environmental health specialists as well as environmental health specialists in training (SITs, individuals who meet the educational requirements for licensure but are obtaining relevant supervised experience); oversees approval of certificates of eligibility for obtaining employment (for those individuals who meet the educational requirements for licensure and are ready to begin obtaining relevant supervised experience but have not yet begun); approves continuing education courses for licensees; and occasionally imposes disciplinary sanctions. In October 2015, there were 528 licensed environmental health specialists and 84 SITs in the State. Nearly all of these individuals are employed in the public sector (including federal, State, and local government).

Maryland Program Evaluation Act: BEHS is among approximately 70 regulatory entities and activities currently subject to periodic evaluation under the Maryland Program Evaluation Act (§ 8-401 *et seq.* of the State Government Article), which establishes a process better known as “sunset review” because most of the agencies subject to review are also subject to termination. BEHS is currently scheduled to terminate on July 1, 2017.

The Department of Legislative Services (DLS) conducted a full sunset evaluation of BEHS in 2015, the fifth such full evaluation of the board, [*Sunset Review: Evaluation of the State Board of Environmental Health Specialists*](#). DLS found that environmental health specialists serve an invaluable function in enforcing compliance with federal, State, and local health and environmental laws and, thus, some form of credentialing should be

maintained to preserve the high standard of professionalism among environmental health specialists and to protect public health. However, as was concluded in the 2011 sunset evaluation of the board, DLS found that a State-administered licensing program remains unnecessary and provides limited value beyond alternative national credentials. DLS recommended that the State repeal the board and instead require environmental health specialists to obtain and maintain the National Environmental Health Association (NEHA) registered environmental health specialist/registered sanitarian credential as a condition of employment.

BEHS Licensing Process: Licensure as an environmental health specialist requires an applicant to meet minimum education and training requirements. If an applicant meets one of the three statutory combinations of required education and experience, the applicant is eligible to take the qualifying exam (currently the NEHA exam). If the applicant passes the exam and pays the requisite fees, BEHS issues the applicant a license. Alternatively, BEHS may waive the exam requirement if the board recognizes the applicant as being outstanding in the field of environmental health. BEHS may also waive the exam requirement for an applicant who is licensed or registered as an environmental health specialist (or its equivalent) in another state and meets certain additional criteria.

BEHS Environmental Health Specialist-in-Training Program: If an applicant for licensure meets the education requirements but does not demonstrate sufficient experience in the field of environmental health, BEHS issues the applicant a certificate of eligibility (COE), which the applicant may present to prospective employers as proof of the applicant's eligibility to be employed as an SIT. A COE is valid for 12 months and may be renewed on request.

Once the applicant has found employment, the applicant and the applicant's employer complete the application for an environmental health specialist-in-training certificate (SITC). If BEHS approves the applicant's employment and sponsor, BEHS issues the applicant an SITC. This certificate allows the applicant to temporarily work in the State as an environmental health specialist in order to accumulate enough experience to qualify to take the exam required for licensure. An SITC is valid for up to three years. On request, BEHS may extend an SITC by up to six months.

BEHS Continuing Education Requirements: Environmental health specialists must renew their licenses every two years. All licenses must be renewed by July 1 of odd-numbered years. Before the expiration date, licensees must submit to BEHS their renewal application, renewal fee, and verification of the completion of at least 20 hours of board-approved continuing education during the previous two years.

Additional Information

Prior Introductions: None.

Cross File: SB 200 (Senator Conway)(Chair, Education, Health, and Environmental Affairs Committee) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Association of County Health Officers, Department of Health and Mental Hygiene, Department of Legislative Services

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