

RECEIVED

APPROVED AND SIGNED BY THE GOVERNOR

9 MAR 27 P11:41

Date 3-27-79

Time 8:20 A.M.

OFFICE OF THE CLERK
OFFICE OF THE CLERK
WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1979

— ● —

ENROLLED

HOUSE BILL No. 1103

(By Mr. Speaker, Mr. Lee)

— ● —

Passed March 10, 1979

In Effect July 1, 1979 Passage



No. 1103

ENROLLED

H. B. 1103

(By MR. SPEAKER, MR. SEE)

[Passed March 10, 1979; in effect July 1, 1979.]

AN ACT to amend and reenact article seventeen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, relating to providing for a board of registration for sanitarians and prescribing its functions, qualifications, appointment, compensation and expenses of members; registration of sanitarians and sanitarians-in-training; certificates of registration; fees; revocation; expenditures of funds; and penalty.

Be it enacted by the Legislature of West Virginia:

That article seventeen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 17. SANITARIANS.

§30-17-1. State board of registration.

1 There is hereby created a board of registration to register
2 qualified sanitarians whose duties in public health and enviro-
3 nmental sanitation require a knowledge of physical, biological,
4 cal, and sanitary sciences or environmental health, and com-
5 munity hygiene and whose professional pursuits and duties are
6 necessary to the promotion of life, health, and well-being of
7 the community.

§30-17-2. Definitions.

1 The words and phrases defined below shall when used in this

2 article, have the following meaning unless the context clearly
3 indicates otherwise:

4 (a) "Board" means the board of registration for sanitarians
5 hereby created.

6 (b) "Sanitarian" means a public health professional unique-
7 ly qualified by education in the arts and sciences, specialized
8 training, and credible field experience to assist in the enforce-
9 ment of public health laws and environmental sanitation regu-
10 lations, and to effectively plan, organize, manage, evaluate and
11 execute one or more of the many diverse disciplines com-
12 prising the field of public health and environmental sanitation.

13 (c) "Registered sanitarian" means a sanitarian registered in
14 accordance with the provisions of this article.

15 (d) "Sanitarian-in-training" means a person who possesses
16 the necessary educational qualifications as prescribed in this
17 article for registration as a professional sanitarian, but who has
18 not completed the experience requirements in the fields of
19 environmental sanitation as required for registration.

20 (e) "Certificates of registration" means a document issued as
21 evidence of registration and qualification to practice as a sani-
22 tarian or a sanitarian-in-training under this article, and bearing
23 the designation "registered sanitarian" or "sanitarian-in-
24 training" and showing the name of the person, date of issue,
25 serial number, seal and signatures of the members of the board
26 hereby authorized to grant such certificates.

§30-17-3. Registration of sanitarians required.

1 On and after the first day of July, one thousand nine hun-
2 dred seventy-seven, no person shall perform or offer to per-
3 form the duties of a sanitarian in this state without first ap-
4 plying for and obtaining from the state board of registration
5 for sanitarians a certificate of registration as a sanitarian or a
6 sanitarian-in-training.

§30-17-4. Qualifications for registration.

1 Any person desiring to be registered as a sanitarian may
2 make application to the board on a form prescribed by the
3 board. The board shall accept such application when sub-

mitted if accompanied by the required fees. Persons meeting the following qualifications shall be eligible for registration under this article:

(a) Graduate with a baccalaureate or higher degree from an accredited college or university, successfully completed a sanitarians' training course of two hundred fifty to three hundred hours approved by the board of registration, employed full time as a sanitarian in an official health department for a period of not less than four years, and has passed an examination given and conducted by the board under the provisions of this article.

(b) A baccalaureate degree in chemistry, biology, physical science or agriculture may be substituted for one year of the required experience.

(c) A baccalaureate degree in environmental health, sanitary science or community hygiene may be substituted for two years of the required experience.

(d) A master's degree in public health, environmental science, sanitary science or community hygiene may be substituted for three of the required years of experience.

(e) Any person who on or before the first day of July, one thousand nine hundred seventy-nine, has been registered as a sanitarian in the state of West Virginia.

§30-17-5. Qualifications for registration as a sanitarian-in-training.

Any person meeting the educational qualifications of section four, subdivisions (a), (b), (c), (d) of this article, but who does not meet the experience requirements of said section may make application to the board on a form prescribed by the board for registration as a sanitarian-in-training. The board shall accept such application when submitted, if accompanied by the required fees.

§30-17-6. Examination for registration as a sanitarian.

(a) On and after the first day of July, one thousand nine hundred seventy-nine, only persons who meet the education and experience requirements in section four, subdivisions (a),

4 (b), (c), (d) of this article, shall be eligible for admission to
5 examination for registration as a sanitarian.

6 (b) Examination for the registration of sanitarians-in-train-
7 ing may be required by the discretion of the board.

8 (c) Examination for registration of sanitarians under this
9 article, shall be administered not less than once each calendar
10 year, in the state at such times and places as may be specified
11 from time to time by the board. Such examination may be
12 written, oral, or both, and shall include applicable subjects in
13 the field of environmental sanitation as it relates to public
14 health and such other subjects pertinent to the qualifications
15 of sanitarians such as, the board may prescribe, physical,
16 biological and sanitary sciences or environmental health and
17 community hygiene. The examination shall be objective and
18 of practical character. The examination papers shall not dis-
19 close the name of any applicant, but shall be identified by a
20 number assigned by the secretary of the board.

21 (d) A person shall not be registered if he fails to meet the
22 minimum grade requirements for examination specified by
23 the board. If an applicant fails to meet such minimum grade
24 requirements in his first examination, he may be reexamined
25 at any time and place specified by the board for the adminis-
26 tration of such examination and upon resubmitting his appli-
27 cation accompanied by the prescribed fees.

28 (c) The board shall hold at least one meeting each year
29 to review and evaluate applications for registration as sanitar-
30 ians and sanitarians-in-training, conduct examinations, review
31 and approve all bills, prepare and approve reports, and trans-
32 act all other business as may be necessary to carry out the
33 provisions of this article.

34 (d) The board shall issue certificates of registration to which
35 the official seal of the board has been affixed, and shall an-
36 nually issue numbered identification cards to applicants who
37 have been found qualified as sanitarians and sanitarians-in-
38 training.

39 (e) The board may hold hearings for the purpose of admin-
40 istrative adjudication of such matters as may properly come

41 before it, make the necessary determinations in conjunction
42 therewith and issue such orders as may be consistent with the
43 findings. The board may designate one or more of its members
44 as a hearing agent. Such agent or representative shall conduct
45 such hearings in the manner provided by law.

46 (f) Three members of the board shall constitute a quorum
47 and special meetings of the board shall be called by the sec-
48 retary upon written request of any two members of the board,
49 or upon a written request signed by ten registered sanitarians.

50 (g) All board meetings shall be open to any registered
51 sanitarian with the exception of the executive board sessions.

52 (h) The secretary of the board shall receive and account
53 for all money received from the operation of this article.

54 (i) The examination papers and records pertaining thereto
55 shall be filed with the board and retained for at least one year.

§30-17-7. Board of registration for sanitarians.

1 A board for the registration and examination of sanitarians
2 and sanitarians-in-training is hereby established to be known
3 as the board of registration for sanitarians. The board shall
4 consist of the state director of health, who shall be a member
5 ex officio and secretary of the board, and four registered sani-
6 tarians to be appointed by the governor, by and with the
7 advice and consent of the Senate. Each member appointed by
8 the governor shall have been engaged in active practice as a
9 registered sanitarian in this state for at least five years prior
10 to his appointment, and except in the case of the original mem-
11 bers of the board, shall have been registered in this state as a
12 registered sanitarian.

§30-17-8. Terms of office.

1 On or before the first day of July, one thousand nine
2 hundred seventy-nine, the governor shall name the four original
3 appointive board members for terms of one, two, three and four
4 years respectively, beginning on that date. Thereafter each
5 appointment shall be for a term of four years, except that an
6 appointment to fill a vacancy shall be for the unexpired
7 term. The governor, with the concurrence of the board, may

- 8 remove an appointive board member for misconduct in office,
- 9 incompetency, conflict of interest, neglect of duty or other
- 10 sufficient cause after due notice and hearing, if requested.

§30-17-9. Board organization; duties of the board, officers, compensation, seal and meetings.

- 1 (a) The members of the board shall, as soon as appointed,
- 2 organize and annually thereafter in the month of July, elect
- 3 from their number ~~of~~ chairman and vice chairman.

- OK
CAR
E.N.
- 4 (b) The board shall make such rules and regulations as
 - 5 are necessary to carry out the provisions of this article.

- 6 (c) Funds collected under the provision^a of this article
- 7 shall be used exclusively to pay compensation and expenses
- 8 of the board and to administer the provisions of this article.

- 9 (d) The board may at such times as it deems necessary
- 10 employ such administrative employees or other persons as may
- 11 be necessary to carry out the provisions of this article.

§30-17-10. Record of proceedings; register of applications; register of registered sanitarians and sanitarians-in-training.

- 1 (a) The board shall keep a record of its proceedings.

- 2 (b) The board shall maintain a register of all applications
- 3 for registration, which shall show:

- 4 (1) The place of residence, name and age of each applicant;

- 5 (2) The date of application;

- 6 (3) Complete information of education and experience
- 7 qualifications;

- 8 (4) The action taken by the board;

- 9 (5) The serial number of the certificate of registration and
- 10 identification card issued to the applicant;

- 11 (6) The date on which the board reviewed and acted upon
- 12 the application; and

- 13 (7) Such other pertinent information as may be deemed
- 14 necessary by the board.

15 (c) The board shall maintain a current registry of all
16 sanitarians and sanitarians-in-training in the state of West
17 Virginia that have been registered in accordance with the
18 provisions of this article.

§30-17-11. Application; fees; renewals, etc.

1 The board shall prescribe and provide an application
2 form for use of all applicants. Applicants for registration
3 as sanitarians shall deposit a fee of twenty dollars, and appli-
4 cants for registration as sanitarians-in-training shall deposit
5 a fee of ten dollars, at the time of making application for
6 registration. The board may also assess an additional fee for
7 the cost of the examination when deemed necessary. Should the
8 board deny the issuance of a certificate to any applicant, the
9 initial fee deposited shall be retained as a fee for processing and
10 evaluating the application.

11 A sanitarian registered under the provisions of this article
12 may renew his certificate by paying the board an annual re-
13 newal fee of ten dollars. Said fee shall be due and payable
14 on or before the first day of July for which a renewal certif-
15 icate for the current year shall be issued. All certificates shall
16 expire on the renewal date unless renewed prior to such date.
17 Registrations expired for failure to pay renewal fees may be
18 reinstated only upon the payment of all lapsed renewal fees:
19 *Provided*, That the payment of such lapsed renewal fees
20 shall not apply to any sanitarian who has not been a prac-
21 ticing sanitarian in this state for five or more years.

§30-17-12. Suspension or revocation of registration.

1 The board shall have the power to suspend or revoke, after
2 due notice and proper hearing, a certificate of registration
3 when the holder is found guilty of unprofessional conduct, the
4 practice of fraud or deceit in obtaining a certificate of regis-
5 tration, dereliction of duty, conflict of interest, incompetence
6 in the practice of environmental sanitation, malfeasance or
7 misfeasance in office, any criminal, infamous, dishonest, im-
8 moral or notoriously disgraceful conduct, drug addiction or
9 habitual use of intoxicants to excess, any acts which furnish
10 reasonable grounds for belief by the board that the certificate

holder may be subject to coercion, influence or pressure which may cause him to act contrary to the best interest of the professions, or for other good and sufficient cause. Notice of hearing in writing shall be given not less than thirty days prior to the date of the hearing, designating the time and place of hearing and providing the certificate holder with a copy of the charges against him. The person charged shall be entitled to be represented at the hearing and present evidence in his defense. Every order of the board causing the suspension or revocation of a certificate of registration shall be predicated on findings based upon the record of hearing; the determination of the board may be reviewed by a court only to determine whether the board abused its discretion or exceeded its jurisdiction.

§30-17-13. Reciprocity.

The board shall, upon application therefor, and upon payment of a fee of twenty dollars, issue a certificate of registration as a sanitarian to any person who holds a certificate of registration issued to him by the proper authority of any state, or territory, or possession of the United States, or any country: *Provided*, That the requirements for the registration of sanitarians under which the certificate was issued do not conflict with the provisions of this article and at the time said certificate was granted were of a standard not lower than those specified in section four, subdivisions (a), (b), (c), (d) of this article.

§30-17-14. Use of title.

Only a person who has qualified as a registered sanitarian and who holds a valid current registration certificate for use in this state shall have the right and privilege of using the title, "registered sanitarian" and to use the abbreviation, "r.s." after his name.

§30-17-15. Violation; penalty.

It shall be unlawful for any person to represent himself as, or perform duties of a registered sanitarian without being duly registered and the holder of a currently valid certificate of registration issued by the board.

5 On and after the first day of July, one thousand nine hun-
6 dred seventy-nine, each person practicing as a sanitarian shall
7 hold a valid certificate as a registered sanitarian or sanitarian-
8 in-training.

9 A person who violates the provisions of this article is,
10 upon conviction thereof, guilty of a misdemeanor, and shall
11 be punished by a fine not to exceed two hundred dollars, or
12 imprisoned for not more than thirty days, or both. Magis-
13 trates shall have concurrent jurisdiction with circuit courts
14 to enforce the provisions of this article. In addition, the board
15 is authorized and empowered to apply to any court having
16 equity powers, or to the judge thereof in vacation, for an in-
17 junction to restrain any violation of the provisions of this
18 ~~section.~~ *article* .

Enr. H. B. 1103]

10 19 MAR 27 P11:41

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Tavis
Chairman Senate Committee

Clarence C. Chuston
Chairman House Committee

Originated in the House.

Takes effect July 1, 1979.

J. C. Dillon, Jr.
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. C. Brothman
President of the Senate

Hyde M. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *27*
day of *March*, 1979.

John R. Ralston
Governor



C-641

RECEIVED

MAR 20 3 04 PM '79

OFFICE OF THE GOVERNOR