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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

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ENROLLED

Com. Sub. for

HOUSE BILL No. *4656*

(By ~~Delegate~~ *Mr. Speaker, Mr. Chambers*
and Delegate Richard

— ● —

Passed *March 6,* 1992

In Effect *July 1, 1992* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4656

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE RICHARDS)

[Passed March 6, 1992; in effect July 1, 1992.]

AN ACT to amend and reenact sections three, four, five, six, seven, eight, nine, eleven, twelve, thirteen, fourteen and fifteen, article seventeen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the board of registration for sanitarians and its functions; stating qualifications, appointment, compensation and expenses of members; providing for registration of sanitarians and sanitarians-in-training; certificates of registration; fees; revocation; expenditures of funds; and criminal penalty.

Be it enacted by the Legislature of West Virginia:

That sections three, four, five, six, seven, eight, nine, eleven, twelve, thirteen, fourteen and fifteen, article seventeen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 17. SANITARIANS.

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

1 On and after the first day of July, one thousand nine
2 hundred ninety-two, no person shall perform or offer to
3 perform the duties of a sanitarian in this state without
4 first applying for and obtaining from the state board of
5 registration for sanitarians a certificate of registration
6 as a sanitarian or a sanitarian-in-training.

§30-17-4. Qualifications for registration.

1 Any person desiring to be registered as a sanitarian
2 may make application to the board on a form prescribed
3 by the board. The board shall accept such application
4 when submitted if accompanied by the required fees.
5 Persons meeting the following qualifications shall be
6 eligible for registration under this article:

7 (a) Graduate with a baccalaureate or higher degree
8 from an accredited college or university.

9 (b) Successfully completed a sanitarian's training
10 course of a minimum of three hundred hours approved
11 by the board of registration within twelve months of
12 hire, employed as a sanitarian in an official health
13 department or allied agency for a period of not less than
14 two years, and has passed an examination given and
15 conducted by the board under the provisions of this
16 article.

17 (c) A master's or higher degree in public health,
18 environmental science, sanitary science, community
19 hygiene or other science field as approved by the board
20 of registration may be substituted for one of the
21 required years of experience.

22 (d) Any person who on or before the first day of July,
23 one thousand nine hundred ninety-two, has been
24 registered as a sanitarian in the state of West Virginia.

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

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

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

1 (a) On and after the first day of July, one thousand
2 nine hundred ninety-two, only persons who meet the
3 education and experience requirements in section four,
4 subdivisions (a), (b) and (c) of this article, shall be
5 eligible for admission to examination for registration as

6 a sanitarian.

7 (b) Examination for the registration of sanitarians-in-
8 training may be required by the discretion of the board.

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

24 (d) A person shall not be registered if he or she fails
25 to meet the minimum grade requirements for examina-
26 tion specified by the board. If an applicant fails to meet
27 such minimum grade requirements in his or her first
28 examination, he or she may be reexamined at any time
29 and place specified by the board for the administration
30 of such examination and upon resubmitting his or her
31 application accompanied by the prescribed fees.

32 (e) The board shall hold at least one meeting each year
33 to review and evaluate applications for registration as
34 sanitarians and sanitarians-in-training, conduct exami-
35 nations, review and approve all bills, prepare and
36 approve reports, and transact all other business as may
37 be necessary to carry out the provisions of this article.

38 (f) The board shall issue certificates of registration to
39 which the official seal of the board has been affixed, and
40 shall annually issue numbered identification cards to
41 applicants who have been found qualified as sanitarians
42 and sanitarians-in-training.

43 (g) The board may hold hearings for the purpose of
44 administrative adjudication of such matters as may
45 properly come before it, make the necessary determina-
46 tions in conjunction therewith and issue such orders as

47 may be consistent with the findings. The board may
48 designate one or more of its members as a hearing
49 agent. Such agent or representative shall conduct such
50 hearings in the manner provided by law.

51 (h) Three members of the board shall constitute a
52 quorum and special meetings of the board shall be
53 called by the chairperson upon written request of any
54 two members of the board, or upon a written request
55 signed by ten registered sanitarians.

56 (i) All board meetings shall be open to the public with
57 the exception of the executive board sessions.

58 (j) The chairperson of the board shall receive and
59 account for all money received from the operation of this
60 article.

61 (k) The examination papers and records pertaining
62 thereto shall be filed with the board and retained for
63 at least one year.

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

1 A board for the registration and examination of
2 sanitarians and sanitarians-in-training is hereby estab-
3 lished to be known as the board of registration for
4 sanitarians. The board shall consist of the commissioner
5 of the bureau of public health, who shall be a nonvoting,
6 ex officio member and secretary of the board, and five
7 registered sanitarians to be appointed by the governor,
8 by and with the advice and consent of the Senate. Each
9 member appointed by the governor shall have been
10 engaged in active practice as a registered sanitarian in
11 this state for at least five years prior to his or her
12 appointment, and except in the case of the original
13 members of the board, shall have been registered in this
14 state as a registered sanitarian.

§30-17-8. Terms of office.

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

8 nor, with the concurrence of the board, may remove an
 9 appointive board member for misconduct in office,
 10 incompetency, conflict of interest, neglect of duty or
 11 other sufficient cause after due notice and hearing, if
 12 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
 2 appointed, organize and annually thereafter in the
 3 month of July, elect from their number a chairperson
 4 and vice chairperson.

5 (b) The board shall make such rules as are necessary
 6 to carry out the provisions of this article.

7 (c) Funds collected under the provisions of this article
 8 shall be used exclusively to pay compensation and
 9 expenses of the board and to administer the provisions
 10 of this article.

11 (d) The board may at such times as it deems necessary
 12 employ such administrative employees or other persons
 13 as may be necessary to carry out the provisions of this
 14 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 registra-
 3 tion as sanitarians shall deposit a fee of twenty dollars,
 4 and applicants for registration as sanitarians-in-
 5 training shall deposit a fee of twenty dollars, at the time
 6 of making application for registration. The board may
 7 also assess an additional fee for the cost of the exam-
 8 ination when deemed necessary. Should the board deny
 9 the issuance of a certificate to any applicant, the initial
 10 fee deposited shall be retained as a fee for processing
 11 and evaluating the application.

12 All sanitarians and sanitarians-in-training registered
 13 under the provisions of this article may renew their
 14 certificates by paying the board an annual renewal fee
 15 of twenty dollars and proof of fifteen hours of continuing
 16 education hours. These hours are to be earned annually
 17 and the courses approved by the board (excluding
 18 retirees of an official health department). Said fee and

19 proof of educational hours shall be due and payable on
20 or before the first day of July for which a renewal
21 certificate for the current year shall be issued. All
22 certificates shall expire on the renewal date unless
23 renewed prior to such date. Registrations expired for
24 failure to pay renewal fees may be reinstated only upon
25 the payment of all lapsed renewal fees up to five years
26 and submit to training approved by the board if in
27 excess of five years.

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

1 The board shall have the power to suspend or revoke,
2 after due notice and proper hearing, a certificate of
3 registration when the holder is found guilty of unpro-
4 fessional conduct, the practice of fraud or deceit in
5 obtaining a certificate of registration, dereliction of
6 duty, conflict of interest, incompetence in the practice
7 of environmental sanitation, malfeasance or misfeasance
8 in office, any criminal, infamous, dishonest, immoral or
9 notoriously disgraceful conduct, drug addiction or
10 habitual use of intoxicants to excess, any acts which
11 furnish reasonable grounds for belief by the board that
12 the certificate holder may be subject to coercion,
13 influence or pressure which may cause him or her to act
14 contrary to the best interest of the profession, or for
15 other good and sufficient cause. Notice of hearing in
16 writing shall be given not less than thirty days prior to
17 the date of the hearing, designating the time and place
18 of hearing and providing the certificate holder with a
19 copy of the charges against him or her. The person
20 charged shall be entitled to be represented at the
21 hearing and present evidence in his or her defense.
22 Every order of the board causing the suspension or
23 revocation of a certificate of registration shall be
24 predicated on findings based upon the record of hearing;
25 the determination of the board may be reviewed by a
26 court only to determine whether the board abused its
27 discretion or exceeded its jurisdiction.

§30-17-13. Reciprocity.

1 The board shall, upon application therefor, and upon
2 payment of a fee of twenty dollars, issue a certificate of
3 registration as a sanitarian to any person who holds a
4 certificate of registration issued to him or her by the

5 proper authority of any state, or territory, or possession
6 of the United States, or any country: *Provided*, That the
7 requirements for the registration of sanitarians under
8 which the certificate was issued do not conflict with the
9 provisions of this article and at the time said certificate
10 was granted were of a standard not lower than those
11 specified in section four, subdivisions (a), (b) and (c) of
12 this article.

§30-17-14. Use of title.

1 Only a person who has qualified as a registered
2 sanitarian and who holds a valid current registration
3 certificate for use in this state shall have the right and
4 privilege of using the title, "registered sanitarian" and
5 to use the abbreviation, "R.S." after his or her name.

§30-17-15. Violation; penalty.

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

6 On and after the first day of July, one thousand nine
7 hundred ninety-two, each person practicing as a
8 sanitarian shall hold a valid certificate as a registered
9 sanitarian or sanitarian-in-training.

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

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

Donner Heck

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect July 1, 1992.

Samuel Edwards

Clerk of the Senate

Donald L. Dripp

Clerk of the House of Delegates

Kurt Burdette

President of the Senate

Robert C. Cole

Speaker of the House of Delegates

The within *is approved* this the *2nd*
day of *March*, 1992.

Gaston Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/92

Time 2:47 pm