WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

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ENROLLED

Com. Sub. for

HOUSE BILL No. HB 56

(By Delegate
Mr. Speaker, Mr. Chamberlain,
and Delegate Richard)

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Passed __________ March 6, __________ 1992

In Effect __________ July 1, 1992, __________ Passage
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 hundred ninety-two, no person shall perform or offer to perform the duties of a sanitarian in this state without first applying for and obtaining from the state board of registration for sanitarians a certificate of registration as a sanitarian or a sanitarian-in-training.
§30-17-4. Qualifications for registration.

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

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

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

(d) Any person who on or before the first day of July, one thousand nine hundred ninety-two, 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) and (c), 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 ninety-two, only persons who meet the education and experience requirements in section four, subdivisions (a), (b) and (c) of this article, shall be eligible for admission to examination for registration as
(b) Examination for the registration of sanitarians-in-training may be required by the discretion of the board.

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

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

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

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

(g) The board may hold hearings for the purpose of administrative adjudication of such matters as may properly come before it, make the necessary determinations in conjunction therewith and issue such orders as
may be consistent with the findings. The board may designate one or more of its members as a hearing agent. Such agent or representative shall conduct such hearings in the manner provided by law.

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

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

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

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

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

A board for the registration and examination of sanitarians and sanitarians-in-training is hereby established to be known as the board of registration for sanitarians. The board shall consist of the commissioner of the bureau of public health, who shall be a nonvoting, ex officio member and secretary of the board, and five registered sanitarians to be appointed by the governor, by and with the advice and consent of the Senate. Each member appointed by the governor shall have been engaged in active practice as a registered sanitary in this state for at least five years prior to his or her appointment, and except in the case of the original members of the board, shall have been registered in this state as a registered sanitary.

§30-17-8. Terms of office.

On or before the first day of July, one thousand nine hundred ninety-two, the governor shall name the five original appointive board members for terms of one, two, three, four and five years respectively, beginning on that date. Thereafter each appointment shall be for a term of five years, except that an appointment to fill a vacancy shall be for the unexpired term. The gover-
nor, with the concurrence of the board, may remove an
appointive board member for misconduct in office,
incompetency, conflict of interest, neglect of duty or
other sufficient cause after due notice and hearing, if
requested.

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

(a) The members of the board shall, as soon as
appointed, organize and annually thereafter in the
month of July, elect from their number a chairperson
and vice chairperson.

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

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

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

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

The board shall prescribe and provide an application
form for use of all applicants. Applicants for registra-
tion as sanitarians shall deposit a fee of twenty dollars,
and applicants for registration as sanitarians-in-
training shall deposit a fee of twenty dollars, at the time
of making application for registration. The board may
also assess an additional fee for the cost of the exam-
ination when deemed necessary. Should the board deny
the issuance of a certificate to any applicant, the initial
fee deposited shall be retained as a fee for processing
and evaluating the application.

All sanitarians and sanitarians-in-training registered
under the provisions of this article may renew their
certificates by paying the board an annual renewal fee
of twenty dollars and proof of fifteen hours of continuing
education hours. These hours are to be earned annually
and the courses approved by the board (excluding
retirees of an official health department). Said fee and
proof of educational hours shall be due and payable on
or before the first day of July for which a renewal
certificate for the current year shall be issued. All
certificates shall expire on the renewal date unless
renewed prior to such date. Registrations expired for
failure to pay renewal fees may be reinstated only upon
the payment of all lapsed renewal fees up to five years
and submit to training approved by the board if in
excess of five years.

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

The board shall have the power to suspend or revoke,
after due notice and proper hearing, a certificate of
registration when the holder is found guilty of unpro-
fessional conduct, the practice of fraud or deceit in
obtaining a certificate of registration, dereliction of
duty, conflict of interest, incompetence in the practice
of environmental sanitation, malfeasance or misfeasance
in office, any criminal, infamous, dishonest, immoral or
notoriously disgraceful conduct, drug addiction or
habitual use of intoxicants to excess, any acts which
furnish reasonable grounds for belief by the board that
the certificate holder may be subject to coercion,
influence or pressure which may cause him or her to act
contrary to the best interest of the profession, 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 or her. The person
charged shall be entitled to be represented at the
hearing and present evidence in his or her 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 or her 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) and (c) 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 or her name.

§30-17-15. Violation; penalty.

It shall be unlawful for any person to represent himself or herself 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.

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

A person who violates the provisions of this article is, upon conviction thereof, guilty of a misdemeanor, and shall be punished by a fine not to exceed two hundred dollars, or imprisoned for not more than thirty days, or both fined and imprisoned. Magistrates have concurrent jurisdiction with circuit courts to enforce the provisions of this article. In addition, the board is authorized and empowered to apply to any court having equity powers, or to the judge thereof in vacation, for an injunction to restrain any violation of the provisions of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect July 1, 1992.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 24th day of March, 1992.

Governor
PRESENTED TO THE
GOVERNOR
Date 5/19/92
Time 2:47 PM