

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 1274
HOUSE BILL 964

AN ACT TO AMEND THE LAWS REGULATING SANITARIANS.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 90A of the General Statutes of North Carolina is hereby repealed.

Sec. 2. Chapter 90A of the General Statutes of North Carolina is hereby amended by adding a new Article to read as follows:

"ARTICLE 4.

"REGISTRATIONS OF SANITARIANS.

"§ 90A-50. State Board of Sanitarian Examiners. — There is hereby created a State Board of Sanitarian Examiners to register qualified sanitarians to practice within the State.

"§ 90A-51. Definitions. — The words and phrases defined below shall when used in this Article have the following meaning unless the context clearly indicates otherwise:

- (1) 'Board' means the Board of Sanitarian Examiners.
- (2) 'Sanitarian' is a public health professional qualified by education in the arts and sciences, specialized training, and acceptable environmental health field experience to effectively plan, organize, manage, execute and evaluate one or more of the many diverse elements comprising the field of environmental health.
- (3) 'Registered sanitarian' is a sanitarian registered in accordance with the provisions of this Article.
- (4) 'Sanitarian intern' is a person who possesses the necessary educational qualifications as prescribed in G.S. 90A-53(3), but who has not completed the experience and specialized training requirements in the field of public health sanitation as required for registration.
- (5) 'Certificate of registration' is a document issued as evidence of registration and qualification to practice as a sanitarian or a sanitarian intern under this Article. The certificate shall bear the designation 'registered sanitarian' or 'sanitarian intern' and show the name of the person, date of issue, serial number, seal, and signatures of the members of the board.

"§ 90A-52. Practice without certificate unlawful. — (a) In order to safeguard life, health and the environment, it shall be unlawful for any person to practice as a sanitarian in the State of North Carolina or use the title 'registered sanitarian' unless such person shall have obtained a certificate of registration from the board. No person shall offer his services as a registered sanitarian or use, assume or advertise in any way any title or description tending to convey the impression that he is a registered sanitarian unless he is the holder of a current certificate of registration issued by the board.

(b) Notwithstanding the provisions of subsection (a), a person may practice as a sanitarian intern for a period not to exceed three years provided he has obtained a temporary certificate of registration from the board.

"§ 90A-53. Qualifications and examination for registration as a sanitarian. — The board shall issue certificates to qualified persons as registered sanitarians. A certificate as a registered sanitarian shall be issued to any person upon the board's determination that such person:

- (1) has made application to the board on a form prescribed by the board;
- (2) is of good moral character;
- (3) has received a degree from a post-secondary educational institution rated as acceptable by the board with a minimum of 15 semester hours or its equivalent in the physical and /or biological sciences;
- (4) has satisfactorily completed a course in specialized instruction and training approved by the board which course shall be designed as to content and so administered as to present sufficient knowledge of the needs properly to be served by public health sanitation, the elements of good environmental health sanitation, the laws and regulations governing sanitation in environmental health and the protection of the public health;
- (5) has had at least two years' experience in the field of environmental health sanitation, or at least one year of such experience in the field of environmental health sanitation plus one year of graduate study in the sanitary sciences;
- (6) has passed an examination administered by the board designed to test for competence in the subject matters of environmental health sanitation. The examination shall be in a form prescribed by the board and may be oral, written, or both. The examination for applicants shall be held annually or more frequently as the board may by rule prescribe, at a time and place to be determined by the board. A person shall not be registered if such person fails to meet the minimum grade requirements for examination specified by the board. Failure to pass an examination shall not prohibit such person from being examined at subsequent times and places as specified by the board; and
- (7) has paid a fee set by the board not to exceed the cost of the examination.

"§ 90A-54. Qualification for registration as a sanitarian intern. — (a) A temporary certificate may be issued under requirements and conditions prescribed by the board to any person to act or serve as a sanitarian intern without meeting the full requirements of a registered sanitarian for a period not to exceed three years provided such person meets the educational requirements in G.S. 90A-53.

(b) Any person meeting the educational requirements of G.S. 90A-53(3) may make application to the board on a form prescribed by the board for temporary registration as a sanitarian intern. The board shall accept such application when submitted upon the payment of a fee set by the board not to exceed thirty-five dollars (\$35.00).

"§ 90A-55. State Board of Sanitarian Examiners; appointment and term of office. — (a) Board membership. The board shall consist of nine members: the Secretary of Human Resources, or his duly authorized representative; one public-spirited citizen, one environmental sanitation educator from an accredited college or university, one local health director, a representative of the Environmental Health Section, North Carolina Division of Health Services; and four practicing sanitarians who qualify by education and experience for registration under this Article, three of whom will represent the Western, Piedmont, and Eastern Regions of the State as described more specifically in the rules and regulations adopted by the board.

(b) Term of office. Each member of the State Board of Sanitarian Examiners shall be appointed by the Governor for a term of four years. Members of the board serving on the effective date of this Article shall serve until the expiration of the terms for which they were appointed. As the term of each current member expires, the Governor shall appoint a successor

in accordance with the provisions of this section. If a vacancy occurs on the board for any other reason than the expiration of a member's term, the Governor shall appoint a successor for the remainder of the unexpired term. No person shall serve as a member of the board for more than two consecutive four-year terms.

(c) The Environmental Health Section, North Carolina Public Health Association, Inc., shall submit a recommended list of board member candidates to the Governor for his consideration in appointments.

(d) The Governor may remove an appointee member for misconduct in office, incompetency, neglect of duty, or other sufficient cause.

"§ 90A-56. Compensation of board members; expenses; employees. — Members of the board shall receive thirty-five dollars (\$35.00) per day for each day actually spent in the performance of duties required by this Chapter, plus all necessary travel expenses in an amount not to exceed that authorized under G.S. 138-6(a), (1), (2), and (3) for officers and employees of State departments. The board may employ necessary personnel for the performance of its functions and fix the compensation therefor, within the limits of funds available to the board. The total expenses of the administration of this Article shall not exceed the total income therefrom and none of the expenses of said board or the compensation or expenses of any officer thereof or any employee shall ever be paid or payable out of the treasury of the State of North Carolina; and neither the board nor any officer or employee thereof shall have any power or authority to make or incur any expense, debt, or other financial obligation binding upon the State of North Carolina.

"§ 90A-57. Election of officers; meetings; regulations. — (a) The board shall annually elect a chairman, vice-chairman and a secretary from among its membership. The officers may serve more than one term. The board shall meet annually in the City of Raleigh, at a time set by the board, and it may hold additional meetings and conduct business at any place in the State. Five members of the board shall constitute a quorum to do business. The board may designate any member to conduct any proceeding, hearing, or investigation necessary to its purpose, but any final action requires a quorum of the board. The board is authorized to adopt such rules and regulations as may be necessary for the efficient operation of the board.

(b) The board shall have an official seal and each member shall be empowered to administer oaths in taking of testimony upon any matters pertaining to the function of the board.

"§ 90A-58. Applicability of G.S. 93B. — The board shall be subject to the provisions of Chapter 93B of the General Statutes of North Carolina.

"§ 90A-59. Record of proceedings; register of application; register of registered sanitarians and sanitarian interns. — (a) The board shall keep a record of its proceedings.

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

- (1) the place of residence, name and age of each applicant;
- (2) the name and address of the employer of each applicant;
- (3) the date of application;
- (4) complete information of educational and experience qualifications;
- (5) the action taken by the board;
- (6) the serial number of the certificate of registration issued to the applicant;
- (7) the date on which the board reviewed and acted upon the application; and
- (8) such other pertinent information as may be deemed necessary by the board.

(c) The board shall maintain a current registry of all sanitarians and sanitarian interns in the State of North Carolina that have been registered in accordance with the provisions of this Article.

(d) These records shall be public records as defined in Chapter 132 of the General Statutes of North Carolina.

"§ 90A-60. Rating of educational institutions. — For the purpose of determining the qualifications of applicants for certification and registration under this Article, the board may accept the ratings of educational institutions as issued by accrediting bodies acceptable to the board.

"§ 90A-61. Certification and registration of persons practicing as sanitarians on the effective date of this act; temporary provisions. — (a) Any person who submits to the board under oath evidence that such person was practicing as a sanitarian (as defined in G.S. 90A-51(2) of this Article) or registered sanitarian (as defined in G.S. 90A-51(3) of this Article) in the State of North Carolina on the effective date of this Article shall be certified as a registered sanitarian.

(b) If any person described under subsection (a) does not make application and pay the appropriate fee to the board within six months from the effective date of this Article, he must then satisfy all the requirements of G.S. 90A-53 in order to obtain a certificate of registration.

(c) Within three years from the effective date of this Article every person specified in subsection (a) who has not satisfied the requirements for a certificate of registration listed in subsection (a) shall thereafter satisfy all the requirements listed in G.S. 90A-53 in order to obtain a certificate of registration.

"§ 90A-62. Certification and registration of sanitarians certified in other states. — The board may, without examination, grant a certificate as a registered sanitarian to any person who at the time of application, is certified as a registered sanitarian by a similar board of another state, district or territory whose standards are acceptable to the board but not lower than those required by this Article. A fee to be determined by the board and not to exceed thirty-five dollars (\$35.00) shall be paid by the applicant to the board for the issuance of a certificate under the provisions of this section.

"§ 90A-63. Renewal of certificates. — (a) A certificate as a registered sanitarian or sanitarian intern issued pursuant to the provisions of this Article will expire on the 31st day of December of the current year and must be renewed annually on or before the first day of January. Each application for renewal must be accompanied by a renewal fee to be determined by the board, but not to exceed thirty-five dollars (\$35.00). The board is authorized to charge an extra five dollar late renewal fee for renewals made after the first day of January of each year.

(b) Registrations expired for failure to pay renewal fees may be reinstated under the rules and regulations adopted by the board.

"§ 90A-64. Suspensions and revocations of certificates. — (a) The board shall have the power to refuse to grant, or may suspend or revoke, any certificate issued under provisions of this Article for any of the causes hereafter enumerated:

- (1) fraud, deceit, or perjury in obtaining registration under the provisions of this Article;
- (2) addiction to narcotics;
- (3) drunkenness on duty;
- (4) defrauding the public or attempting to do so;
- (5) failing to renew certificate as required;
- (6) dishonesty;
- (7) incompetency;
- (8) inexcusable neglect of duty;
- (9) guilty of any unprofessional or dishonorable conduct unworthy of and affecting the practice of his profession.

(b) The procedure to be followed by the board when refusing to allow an applicant to take an examination, or revoking or suspending a certificate issued under the provisions of this Article, shall be in accordance with the provisions of Chapter 150A of the General Statutes of North Carolina.

"§ 90A-65. **Representing oneself as a registered sanitarian.** — A holder of a current certificate of registration may append to his name the letters, 'R. S.'

"§ 90A-66. **Violations; penalty, injunction.** — Any person violating any of the provisions of this Article or of the rules and regulations adopted by the board shall be guilty of a misdemeanor and punishable in the discretion of the court. The board may appear in its own name in the Superior Courts in an action for injunctive relief to prevent violation of this Article and the Superior Courts shall have power to grant such injunctions regardless of whether criminal prosecution has been or may be instituted as a result of such violations. Actions under this section shall be commenced in the judicial district in which the respondent resides or has his principal place of business or in which the alleged acts occurred."

Sec. 3. Severability Clause. If any part of the act is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remaining portions of the act.

Sec. 4. This act shall become effective October 1, 1982.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.