

COMMITTEE REPORT

TO: Patrick O'Donnell
Clerk of the Legislature

FROM: Senator Sara Howard
Chair, Health and Human Services Committee

DATE: 11.13.2020

RE: Health and Human Services Committee Report and Recommendations on
Regulated Occupations within Committee Jurisdiction – Registered
Environmental Health Specialists

GENERAL INFORMATION

- I. Occupation Regulated
 - A) Registered Environmental Health Specialists

- II. Name of Occupational Board Responsible for Enforcement
 - A) Board of Registered Environmental Health Specialists

- III. Public Purpose and Assumptions Underlying License Creation
 - A) Environmental Health Specialists interpret and enforce city, state, federal, and/or other laws regarding sanitary standards in food, water supply, garbage disposal, sewage disposal, and housing maintenance. An environmental health specialist collects samples and specimens for laboratory analysis and conducts inspections of schools, hospitals, parks, motels, food establishments, and other public facilities to ensure that proper control of waste, refuse, noise, insects, hazardous substances, and products is maintained.

- IV. Number of Regulated Professionals in Nebraska
 - A) There are 67 Provisional or Registered Environmental Health Specialists certified in Nebraska.

BOARD MEMBERSHIPS AND MEETINGS

- I. Number of Members
 - A) There are six members of the Board of Registered Environmental Health Specialists.

- II. Who Appoints Members of the Board / Is Legislative Approval Required?
- A) The State Board of Health appoints members to the Board of Registered Environmental Health Specialists. Legislative approval is not required.
- III. Term Length
- A) The length of term for service on the Board of Registered Environmental Health Specialists is up to two consecutive five year terms, on a rotating basis.
- IV. Qualifications for Membership of the Board
- A) Qualifications for membership of the Board of Registered Environmental Health Specialists are found in Nebraska Revised Statutes Section [38-1307](#). Five members shall have been engaged in environmental health for at least ten years, shall have had responsible charge of work for at least five years at the time of his or her appointment, and shall be a registered environmental health specialist. One member shall be a public member.
- V. The Number of Meetings Required Per Year / Meetings Actually Held
- A) For fiscal year (FY) 2014-2015: Meetings Required – 1; Meetings Held – 1.
B) For FY 2015-2016: Meetings Required – 1; Meetings Held – 1.
C) For FY 2016-2017: Meetings Required – 1; Meetings Held – 1.
D) For FY 2017-2018: Meetings Required – 1; Meetings Held – 2.
E) For FY 2018-2019: Meetings Required – 1; Meetings Held – 0.
- VI. Annual Budget Information for the Previous Five Years
- A) The Board of Registered Environmental Health Specialists is cash-funded based upon licensure fees.
B) For FY 2014-2015: \$78
C) For FY 2015-2016: \$4
D) For FY 2016-2017: \$7,598
E) For FY 2017-2018: \$2,617
F) For FY 2018-2019: \$2,755
- VII. Statement from Occupational Board on Effectiveness of Regulations
- A) “The current level of regulation/manner of operation of the Registered Environmental Health Specialist Credential overseen by the State Board of Registered Environmental Health Specialists has been, and would continue to be, highly effective in ensuring that Registered Environmental Health Specialist (REHS) professionals practicing in the State of Nebraska provide quality, ethical service to all we serve.

“Registered Environmental Health Specialists work on the front lines of Environmental Public Health throughout the State of Nebraska. REHS professionals work at State and local health departments, hospitals and emergency management agencies, as well as in multiple roles in the private sector.

“We use our education and experience daily in making decisions, providing education, and enforcing regulations which protect human health and the natural environment upon which human life depends. Failure to ensure that Environmental Health Specialists making these decisions seek the continuing education necessary to practice competently in an increasingly fluid natural world (i.e., the emergence of COVID-19) would increase the risk of adverse health outcomes for the people of Nebraska significantly.

“The oversight provided by the board related to disciplinary actions against credential holders (when necessary) also ensures that ethical and professional standards of practice are maintained by all REHS professionals serving the people of Nebraska.”

AUTHORIZATION

- I. Statutory Authorization
 - A) Statutory authorization for the Registered Environmental Health Specialist occupation may be found in the Nebraska Revised Statutes, sections [38-1301](#) to [38-1315](#), which may be cited as the Environmental Health Specialists Practice Act. For text of the Nebraska statutes relating to the Registered Environmental Health Specialist occupation, see Appendix A.
- II. Other Authorization
 - A) Rules and regulations regarding Registered Environmental Health Specialists may be found in the Nebraska Administrative Code [Title 172, Chapter 168](#).

CREDENTIALING

- I. Number of Licenses, Certifications, or Registrations Issued In Past Five Years
 - A) There have been 31 Provisional and Registered Environmental Health Specialist certifications issued in the past five years.
- II. Number of Licenses, Certifications, or Registrations Denied in Past Five Years
 - A) No certifications have been denied in the past five years.

III. Number of Licenses, Certifications, or Registrations Revoked in Past Five Years

A) No certifications have been revoked in the past five years.

IV. Number of Licenses, Certifications, or Registrations Penalized in Past Five Years

A) No certifications have been penalized the past five years.

V. Comparison of How Other States Regulate This Occupation

A) Other states also regulate the Environmental Health Specialist profession. Many states offer credentialing through the National Environmental Health Association (NEHA), whose website with member-states' information may be found [here](#).

VI. What Is The Potential Harm if This Occupation Is No Longer Licensed, Certified, or Regulated?

A) Registered Environmental Health Specialists use their education and experience daily in making decisions, providing education, and enforcing regulations which protect human health and the natural environment. Failure to ensure that Environmental Health Specialists making these decisions seek the continuing education necessary to practice competently in an increasingly fluid natural world (i.e., the emergence of COVID-19) would increase the risk of adverse health outcomes for the people of Nebraska significantly. If the occupation were no longer regulated, it would be detrimental to the health, safety, and welfare of Nebraskans.

COMMITTEE RECOMMENDATION ON CONTINUATION, MODIFICATION, OR TERMINATION OF OCCUPATIONAL REGULATIONS

Regulated occupations under the purview of the Health and Human Services Committee are unique in that through the Nebraska Regulation of Health Professions Act (Neb. Rev. Stat. Sections 71-6201 to 71-6229), health professions which are not licensed or regulated, or health professions that wish to change their scope of practice, go through a three-stage credentialing process.

Credentialing review is a three-stage process conducted by the following review bodies in the following order:

- 1) The review of an ad hoc technical review committee appointed by the Director of the Division of Public Health;
- 2) The review of the State Board of Health;
- 3) The review of the Director of the Division of Public Health.

The three review bodies each create their own independent report on each proposal. All reports created by the review process are available to members of the Health and Human Services Committee to assist them during their review of any bills that might arise from credentialing review proposals. These reports include recommendations regarding the level of licensure of the health profession. These reports are advisory to the Legislature, and only the action of the Legislature may create changes in the regulatory status of a profession. These reports represent expert input into possible public health and safety aspects of credentialing review proposals, and the nine-month process is overseen by those with experience in the provision of health-related or medical services.

The licenses, certifications, and registrations overseen by the Board of Registered Environmental Health Specialists and Department of Health and Human Services are intended to protect the health, safety, and welfare of Nebraskans. The current regulation of the Registered Environmental Health Specialist occupation by certification is appropriate and balanced and does not need modification at this time.

APPENDIX A

STATUTES PERTAINING TO THE ENVIRONMENTAL HEALTH SPECIALISTS PRACTICE ACT

38-1301. Act, how cited.

Sections 38-1301 to 38-1315 shall be known and may be cited as the Environmental Health Specialists Practice Act.

Source: Laws 2007, LB463, § 522.

38-1302. Definitions, where found.

For purposes of the Environmental Health Specialists Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-1303 to 38-1306 apply.

Source: Laws 1963, c. 400, § 2, p. 1279; Laws 1989, LB 344, § 27; Laws 1991, LB 703, § 38; Laws 1996, LB 1044, § 666; Laws 2003, LB 242, § 116; R.S.1943, (2003), § 71-3702; Laws 2007, LB296, § 578; Laws 2007, LB463, § 523.

38-1303. Board, defined.

Board means the Board of Registered Environmental Health Specialists.

Source: Laws 2007, LB463, § 524.

38-1304. Environmental health specialist, defined.

Environmental health specialist means a person who by education and experience in the physical, biological, and sanitary sciences is qualified to carry out educational, investigational, and technical duties in the field of environmental sanitation.

Source: Laws 2007, LB463, § 525.

38-1305. Provisional environmental health specialist, defined.

Provisional environmental health specialist means a person who is qualified by education but does not have at least two full years of experience in the field of environmental sanitation and is certified in accordance with the Environmental Health Specialists Practice Act.

Source: Laws 2007, LB463, § 526.

38-1306. Registered environmental health specialist, defined.

Registered environmental health specialist means a person who has the educational requirements and has had experience in the field of environmental sanitation required by section 38-1308 and is certified in accordance with the Environmental Health Specialists Practice Act.

Source: Laws 2007, LB463, § 527.

38-1307. Board; members; qualifications; terms.

The board shall consist of six members. One member shall be a public member who meets the requirements of section 38-165. Each of the other members shall have been engaged in environmental health for at least ten years, shall have had responsible charge of work for at least five years at the time of his or her appointment, and shall be a registered environmental health specialist. At the expiration of the three-year terms of the members serving on December 1, 2008, successors shall be appointed for five-year terms.

Source: Laws 1963, c. 400, § 6, p. 1281; Laws 1969, c. 578, § 1, p. 2326; Laws 1981, LB 204, § 127; Laws 1987, LB 473, § 49; Laws 1991, LB 703, § 43; Laws 1993, LB 375, § 4; Laws 1994, LB 1223, § 46; Laws 1996, LB 1044, § 667; R.S.1943, (2003), § 71-3706; Laws 2007, LB296, § 579; Laws 2007, LB463, § 528.

38-1308. Certification; qualifications; exception; term.

A person shall be eligible for certification as an environmental health specialist if he or she has graduated with a baccalaureate or higher degree from an accredited college or university, has satisfactorily completed at least forty-five quarter hours or thirty semester hours of academic work in the basic natural sciences, has been employed full time as an environmental health specialist for a period not less than two years, and has passed an examination approved by the board, except that a person holding a degree higher than a baccalaureate degree who has satisfactorily completed at least forty-five quarter hours or thirty semester hours of academic work in the basic natural sciences may qualify when employed as an environmental health specialist for a period of not less than one year.

Source: Laws 1963, c. 400, § 3, p. 1279; Laws 1989, LB 344, § 28; Laws 1991, LB 703, § 39; Laws 1997, LB 752, § 182; Laws 2003, LB 242, § 117; R.S.1943, (2003), § 71-3703; Laws 2007, LB463, § 529.

38-1309. Provisional environmental health specialist.

Any person meeting the educational qualifications of section 38-1308 but who does not meet the experience requirements of such section may make application for certification as a provisional environmental health specialist.

Source: Laws 1963, c. 400, § 4, p. 1280; Laws 1989, LB 344, § 29; Laws 1991, LB 703, § 40; Laws 2003, LB 242, § 118; R.S.1943, (2003), § 71-3704; Laws 2007, LB463, § 530.

38-1310. Registered environmental health specialist; provisional environmental health specialist; certification; term; renewal; continuing competency requirements.

(1) Certification as a registered environmental health specialist shall expire biennially. Certification as a provisional environmental health specialist shall be valid for one year

and may be renewed for two additional one-year periods. In no case shall certification for a provisional environmental health specialist exceed a three-year period.

(2) Each registered environmental health specialist in active practice in the state shall complete continuing competency activities as approved by the board and adopted and promulgated by the department in rules and regulations as a prerequisite for the registrant's next subsequent biennial renewal. Continuing education is sufficient to meet continuing competency requirements. The requirements may also include, but not be limited to, one or more of the continuing competency activities listed in section 38-145 which a registered environmental health specialist may select as an alternative to continuing education.

Source: Laws 1963, c. 400, § 10, p. 1283; Laws 1969, c. 578, § 4, p. 2328; Laws 1983, LB 542, § 3; Laws 1986, LB 926, § 61; Laws 1988, LB 1100, § 145; Laws 1991, LB 703, § 47; Laws 1994, LB 1210, § 122; Laws 1994, LB 1223, § 49; Laws 1997, LB 307, § 189; Laws 2002, LB 1021, § 80; Laws 2003, LB 242, § 121; R.S.1943, (2003), § 71-3710; Laws 2007, LB463, § 531.

38-1311. Registered environmental health specialist; application for certification; continuing competency requirements.

An applicant for certification as a registered environmental health specialist who has met the education and examination requirements in section 38-1308, who passed the examination more than three years prior to the time of application for certification, and who is not practicing at the time of application for certification shall present proof satisfactory to the department that he or she has within the three years immediately preceding the application for certification completed continuing competency requirements approved by the board pursuant to section 38-145.

Source: Laws 2007, LB463, § 532.

38-1312. Registered environmental health specialist; reciprocity; continuing competency requirements; military spouse; temporary certification.

(1) An applicant for certification as a registered environmental health specialist who has met the standards set by the board pursuant to section 38-126 for certification based on a credential in another jurisdiction but is not practicing at the time of application for certification shall present proof satisfactory to the department that he or she has within the three years immediately preceding the application for certification completed continuing competency requirements approved by the board pursuant to section 38-145.

(2) An applicant who is a military spouse may apply for temporary certification as provided in section 38-129.01.

Source: Laws 2007, LB463, § 533; Laws 2017, LB88, § 50.

38-1313. Fees.

The department shall establish and collect fees for credentialing under the Environmental Health Specialists Practice Act as provided in sections 38-151 to 38-157.

Source: Laws 2007, LB463, § 534.

38-1314. Title or abbreviation; use; when.

Only a person who holds a valid current certificate for use in this state shall have the right and privilege of using the title Registered Environmental Health Specialist and to use the abbreviation R.E.H.S. after his or her name.

Source: Laws 1963, c. 400, § 13, p. 1285; Laws 1991, LB 703, § 48; R.S.1943, (2003), § 71-3713; Laws 2007, LB463, § 535.

38-1315. Certified environmental health specialist; misrepresentation; unlawful.

It shall be unlawful for any person to represent himself or herself as a registered environmental health specialist without being duly certified and the holder of a currently valid certificate issued by the department. An individual holding a certificate of registration as a registered environmental health specialist on December 1, 2008, shall be deemed to be certified as a registered environmental health specialist on such date. An individual holding a certificate of registration as a trainee on December 1, 2008, shall be deemed to be certified as a provisional environmental health specialist on such date.

Source: Laws 1963, c. 400, § 14, p. 1285; Laws 1991, LB 703, § 49; R.S.1943, (2003), § 71-3714; Laws 2007, LB463, § 536.