

# The Board of E.H.S

Recent Changes, Updates and  
What's Next

June 17, 2015

Updated June 9, 2016

# MARYLAND BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS



# Board Authority is Found Under:

Article – Health Occupations

Title 21

Environmental Health Specialists

Regulatory Authority

COMAR 10.60.01-07

# Board Members

§ 21-202. The Board consists of 9 members appointed by the Governor with the advice of the Secretary, and with the advice and consent of the Senate. All Board members shall be residents of the State of Maryland. The term of a member will be 4 years.

**Of the 9 members, 7 shall be licensed Environmental Health Specialists appointed as follows:**

- 1 shall be employed by private industry
- 1 shall be employed by the Department of the Environment
- 1 shall be employed by the Department
- 1 shall be employed by a local Health Department and be employed under the State Personnel Management System
- 1 shall be employed by a local government and not be employed under the State Personnel Management System
- 2 shall be appointments at large
- 2 shall be consumer members

The Board generally meets the first Wednesday of each month

# Board Transition

In the 2011 Sun Set Report from the Department of Legislative Services (DLS), two recommendations for the Board of Environmental Sanitarians (BES) were made.

- One was to Sun-set the BES
- The other was to transfer the BES and its operation to the Department of Health and Mental Hygiene (DHMH) under the regulatory unit for Health Occupation Boards.

DLS proffered that the DHMH infrastructure for the Health Occupation Boards would better serve the BES mission and operation. During the 2012 legislative session the Maryland General Assembly proposed and passed legislation (HB 511) to transfer the BES and change its name to the Board of Environmental Health Specialists. The transfer was effective July 1, 2012 and completed during the FY 2013.

# HB 511 – Some Important Components

- Established the Board of Environmental Health Specialists – transferring those powers from Maryland Department of the Environment
- Established authority to enforce provisions of this title including: issuing subpoenas, summon witnesses and take affidavits about matters that relate to the Board
- Established a BEHS Fund – to cover the direct and indirect costs of fulfilling duties of the Board. The Board is now required to be self sufficient

With the passage of HB 511 (July 1, 2012) and the move to DHMH's Boards and Commissions, the Board raised it's licensing fee to add staff for the many responsibilities involved with the day to day operations of the Board. The following are positions that are now working for the Board:

Executive Director (Shared Staff)

Office staff (Full Time Position)

Database administrator/Webmaster (Shared Staff)

Network Support (Shared Staff)

Regulation Legislative Coordinator & Legal Counsel (Shared Staff)

Investigator (Shared Staff)

Note: The shared staff positions are shared between more than one Board.

# Board Actions / Milestones

## **Actions taken by the Board following the transfer:**

- **Creation of the Board's Webpage**

The Board's webpage address is [www.health.maryland.gov/behs](http://www.health.maryland.gov/behs) - All licensees should visit the webpage periodically as it contains a wealth of information.

- **Creation of a master "licensing" database**

All licensees, persons holding a certificate of eligibility and persons holding an in-training certificate are in a master database with their demographic information. Any changes to the demographic information should be sent to the Board staff in writing.

- **Creation of the Continuing Education Review Committee**

The Board has created a CEU Committee to consist of a CEU Chair and two other committee persons. All training for CEU's are reviewed for approval and CEU credits unless it has been approved in the past or has been approved as a recurring training.

There is a list of Approved Courses on the webpage as well as CEU hours for each licensee.

The licensee should check the **Approved Course List** for a training. If the course name is not on the list then the licensee would complete a **Request for Training Form** (found also on the webpage), and submit along with the course content or agenda to the Board staff for processing.

- **Continuing Education Review process guidelines**

The Continuing Education Submittal/Review/Approval Process is found on the Board's webpage. Click on the continuing education tab at the top. It is advantageous for all licensees to review this process as it helps to expedite any training for CEU's that have not already been approved.

- **Creation of Sponsor and Request for Training Forms**

These forms are found on the Board's webpage on the far right under Forms. The forms only need to be used if a training taken is not listed on the Approved Course Listing. If a training is listed on the Approved Course List the licensee will only need to submit their certificate of attendance.

- **Creation of the designated e-mail address for continuing education to be submitted**

The CEU designated e-mail address is [mdh.behsceu@maryland.gov](mailto:mdh.behsceu@maryland.gov) Any continuing education requests for approval or certificates of completion can also be faxed to 410-358-5674.



REQUEST FOR TRAINING APPROVAL BY TRAINING SPONSOR

Print Form

**Training Organization / Sponsor Information**

This Request for Training Approval by Training Sponsor is for training organizations who wish to submit their training to the Board of Environmental Health Specialists (EHS) for approval . Once approved, this request will be valid for the 2-year cycle when submitted.

Organization Name Requesting  
Training Approval \_\_\_\_\_

Contact \_\_\_\_\_

Telephone \_\_\_\_\_ Email Address \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Date of Request \_\_\_\_\_

Course Name \_\_\_\_\_

Training Location \_\_\_\_\_

\*Number of hours trained (remove time for breaks and lunch)

Total Training Hours \* \_\_\_\_\_

Date & Times of Training \_\_\_\_\_

Will the program be repeated? \_\_\_\_\_

What proof will your organization provides the EHS with of successful completion of this training?

Certificate \_\_\_\_\_

CEUs: Clock Hours (or equivalent CEU's) \_\_\_\_\_

Others: (please explain)

**In order to determine if your course is applicable for Environmental Health Specialist's continuing education hours, please provide the following information. Attach copies.**

Advertising description of the training \_\_\_\_\_

Learning objectives/ learning outcomes \_\_\_\_\_

Trainer's Name \_\_\_\_\_

Trainer's Bio / Credentials \_\_\_\_\_

Agenda- attach agenda with topics covered \_\_\_\_\_

**Determine the Applicability of course /training to EHS Certification**

"Practice as an environmental health specialist" means, as a major component of employment, to apply academic principles, methods and procedures of the environmental, physical, biological, and health sciences to the inspections and investigations necessary to collect and analyze data and to make decisions necessary to secure compliance with federal, State, and local health and environmental laws and regulations specifically relating to control of the public health aspects of the environment. The environmental health specialist is required to obtain 20 clock hours of approved training for licensure renewal and submit proof to the board of said acquisition.

Check the appropriate topic matter this course is applicable to:

**Topics Approved for EHS Continuing Education Hours**

- The manufacture, preparation, handling, distribution, or sale of food and milk
- Water supply and treatment
- Wastewater treatment and disposal
- Solid waste management and disposal
- Vector Control
- Insect and rodent control
- Air Quality
- Noise Control
- Product Safety
- Recreational sanitation
- Institutional and residential sanitation
- Other Explain

**BOARD ACTION**

Review Date

All information provided (If not, return to applicant)

Approved For  Clock Hours

Disapproved

Reason for Disapproval

**REQUEST FOR TRAINING APPROVAL BY ENVIRONMENTAL HEALTH SPECIALIST FOR TRAINING  
COMPLETED**

**Fill in & Print Form**

This Request for Training Approval is for Environmental Health Specialists (EHS) who wish to submit training they have attended to the Board of Environmental Health Specialists for approval towards their 20 clock hours of Board Approved Training. Once approved, this request will be valid for the current renewal.

EHS Name \_\_\_\_\_ EHS Number \_\_\_\_\_

Telephone \_\_\_\_\_ Email Address \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Date of Request \_\_\_\_\_

Course Name \_\_\_\_\_

Training Organization or Sponsor \_\_\_\_\_

Date & Time of Training \_\_\_\_\_

\*Number of hours trained (remove time for breaks and lunch)

Total Training Hours \* \_\_\_\_\_

Attach documentation proving you successfully completed this training and list it here.

Certificate \_\_\_\_\_

CEUs: Clock Hours (or equivalent CEU's) \_\_\_\_\_

Others: (please explain)

Training Location \_\_\_\_\_

If online provide Name of Agency \_\_\_\_\_

& Agency's web site \_\_\_\_\_

**In order to determine if your course is applicable for Environmental Health Specialist's continuing education hours, please provide the following information. Attach copies.**

Advertising description of the training \_\_\_\_\_

Learning objectives/ outcomes \_\_\_\_\_

Trainer's Name \_\_\_\_\_

Attach agenda with topics covered \_\_\_\_\_

**Determine the Applicability of course /training to EHS Certification**

"Practice as an environmental health specialist" means, as a major component of employment, to apply academic principles, methods and procedures of the environmental, physical, biological, and health sciences to the inspections and investigations necessary to collect and analyze data and to make decisions necessary to secure compliance with federal, State, and local health and environmental laws and regulations specifically relating to control of the public health aspects of the environment. The environmental health specialist is required to obtain 20 clock hours of approved training for licensure renewal and submit proof to the board of said acquisition.

Check the appropriate topic matter this course is applicable to:

**Topics Approved for EHS Continuing Education Hours**

- The manufacture, preparation, handling, distribution, or sale of food and milk
- Water supply and treatment
- Wastewater treatment and disposal
- Solid waste management and disposal
- Vector Control
- Insect and rodent control
- Air Quality
- Noise Control
- Product Safety
- Recreational sanitation
- Institutional and residential sanitation
- Other Explain

**BOARD ACTION**

Review Date

All information provided (If not, return to applicant)

Approved For  Clock Hours

Disapproved

Reason for Disapproval

# **HB 556 State Board of EHS - Revisions**

Passed April 2015 – Effective October 2015

Repeals, Re-enacts and Amends Various Provisions of  
Article – Health Occupations Section 21

- Administrative Changes (§ 21-203 and § 21-204)
- Obtaining and Applying for a License (§ 21-302 and § 21-303)
- Expanded the Number of Laboratory Courses Acceptable for Educational Requirements (GIS and Soil Science)
- Allow for a Potential Reduction in In-training Time to Sit for the Exam with a Minimum 12 Months and Written Support from the Director
- Notification by the Licensee to the Board Within 60 Days of Change of Address

# **The Journey to Licensure**

## **Certificate of Eligibility**

- The application and minimum requirements are found on the Board's webpage under the licensing tab.
- Applicants need to complete the application and send it to the Board staff along with the application fee of \$100.00. Submit an official transcript from an accredited college or university attended.
- The Board staff will review the application and official transcript - if the minimum requirements have been met (see § 21-304 for educational requirements), the Board will issue a Certificate of Eligibility (COE).
- The C.O.E. expires 12 months after the issuance date (10.60.02.05) and may be renewed at 12 month increments if the certificate holder submits a request for renewal and pays the renewal fee.

## **E.H.S. In-training Certificate**

- When hired, the applicant should immediately have their supervisor complete the reverse side of their COE and return it to the Board staff.

# The Journey Continues

- An In-training Certificate is issued with an In-training period of 12 or 24 months based upon the number of approved science credits included on the official transcript.
- The In-training Certificate will have three dates on it:
  1. The applicants hire date (issue date)
  2. The expiration date of the certificate (3 years out from the issue date)
  3. The eligible to sit for the National NEHA Exam date; this will be after the determined In-training period has been completed.

## Sitting for the Exam

- When the In-training period is complete, have their supervisor complete the reverse side of the certificate and send it in to the Board staff. Once the completed In-training Certificate has been received, the Board staff will send the employee an application to sit for the next scheduled National NEHA Exam.
- The Board staff administers and proctors the exam three times a year (usually April, August and December).
- On-line examination is also available directly through NEHA.

# The Journey Ends – Licensure Begins

## Licensure

- Once you have passed the NEHA Exam (either through the scheduled Board exam dates or via on-line), submit any required documentation (which for on-line will include “The Score Report” and the NEHA Certificate of Registration) and pay the required fees to The Board.
- A license is issued with a expiration date specified on the license
- A license may be renewed for a 2 year period if the licensee:
  - Is entitled to be licensed
  - Pays to The Board the renewal fee set by The Board
  - Submits a renewal application
  - Submits proof that during the prior 2 year period, the licensee has acquired 20 hours of approved training in environmental health or other equivalent education as approved by The Board



# What's Next

## Further regulatory updates to COMAR (10.60.02 Licensing Procedures)

- Addresses Inactive or non-renewed status and reactivation (10.60.02.08-10)
- Describes criteria for a temporary employee including conversion to a permanent employee (10.60.05 Certificates)
- Other miscellaneous changes

## Summer/Fall 2015 into 2016 – Sunset Review Follow-up

- DLS review of Board's progress since 2011
- Seeking approval for another 10 year cycle

## Revisiting Classifications/Exemptions

# The Update Begins

- Further regulatory updates to COMAR (10.60.02 Licensing Procedures) including:
  1. Addresses Inactive or non-renewed status and reactivation (10.60.02.08-10)
  2. Describes criteria for a temporary employee including conversion to a permanent employee (10.60.05 Certificates)
  3. Other miscellaneous changes

All were adopted effective November 9, 2015 (see Vol. 42 Issue 22, page 1379 of the October 30, 2015 Maryland Register) with Notice of Proposed Action August 21, 2015 (42:17:1126-1131)

# The “Infamous” Sunset Review Follow-up

As part of the 2011 review by Department of Legislative Services (DLS) and legislative outcome, DLS was tasked to perform a follow-up review of the Board and its move to DHMH, which they began in the summer of 2015.

The review entailed:

- Assessing Board progress on items identified as needing improvement in the 2011 review
- Attending a Board meeting
- Conducting surveys of EHS and Environmental Health Directors
- Interviewing Board members to solicit information and opinions on the direction and progress, along with a current assessment of Board strengths & weaknesses
- Analyzing licensing, complaint and financial data of the Board
- Compiling an official Report for the State Legislature (due out in December 2015)



**Survey said – some Unhappy E.H.S's**

Though supportive of the Board, a majority of EHS's expressed frustration with the CEU process.

DLS took note ..... and it almost cost us!

# Different Review, Same Report Story

- DLS releases the Exposure Draft Sunset Review Evaluation Report on 12/3/2015
- Similar to the 2011 Sunset Report, DLS proposed repealing (sun-setting) the Board and transferring licensing / credentialing requirements to NEHA.

EHS profession would be maintained in Maryland but with REHS/RS  
DLS viewed educational requirements similar (24 vs. 20) with both  
using the NEHA exam

Management of CEU process considered more efficient with NEHA  
Though progress made on a number of fronts, not fast enough  
Sunset would occur July 1, 2017 (corresponding to what was in  
statute)

# The Legislative Session

- January 14, 2016, DLS presents their findings and recommendations to the Health and Government Operations Committee and the Senate Education, Health, and Environmental Affairs Committee during Workshop Sessions
- The Board and Env. Health Directors present testimony acknowledging some issues but positive progress on most fronts and argue against the DLS recommendation to sunset the Board
- Few questions from the House; none from the Senate

# The Senate Speaks First

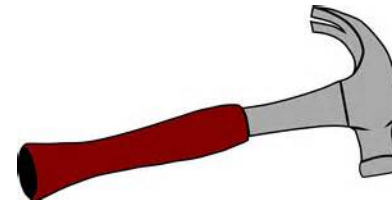
- SB 200 “Health Occupations-Environmental Health Specialists-Regulation” is introduced January 20<sup>th</sup> by Committee Chair
  - Bill would repeal the Board of EHS and transfer credentialing to NEHA
  - Authorizes EHS’s to practice but with NEHA credentials and following NEHA CEU requirements and experience timelines
  - DHMH to work with NEHA to enable EHS’s licensed in Maryland to obtain the REHS/RS through reciprocity

# The House Follows Suit

- HB 497 is introduced as the companion bill to SB 200 on February 1<sup>st</sup>

## Hearings are Held

- First in the Senate – on Feb. 3<sup>rd</sup>  
Where we are reminded by the Chair that even if SB 200 goes away, you are still sunset July 1, 2017!
- Then in the House – on Feb. 9<sup>th</sup>







## **The Troops are Rallied !**

MACo, MACHO, The Board and Environmental Health Directors ban together in united opposition

# Critical Differences are Identified

## **The Board of EHS Process**

- Graduate from an accredited college with sufficient science credits; apply to The Board for a C.O.E.
- Upon hire, receive an In-Training Certificate with 12 or 24 months of training to prepare for the NEHA Licensing Exam.
- Within 3 years of hire, take and pass the NEHA exam, pay applicable fee and receive a license to practice as an EHS.

## **The NEHA Way**

- Whether a member or non-member, pay that fee applicable application and testing location fees and take exam.
- Upon passing, submit transcripts with an approved science degree and seek employment
- Upon hire, have 3 years to complete 2 years of training to receive NEHA License

# Then Came the Turning Point - Reciprocity

- Draft legislation instructed DHMH to work with NEHA to ensure a conversion of existing licensed EHS staff to NEHA Credentialing.
- One “slight problem” – no one asked NEHA if they would agree!

A closer look at NEHA’s long standing protocols suggested that NEHA would not change just to suit the needs of Maryland

Some of these potential challenges were referenced in the DLS Evaluation Report

Anecdotal evidence from some potentially impacted affirmed that eligibility for reciprocity through NEHA would not be available

# What We Learned

- First the Good News
  - Staff taking and passing the NEHA REHS/RS exam beginning in August 2009 with a passing rate of 70%, then 68%, then after July 13, 2014, a score of 650 or higher) would automatically qualify for reciprocity
  - Staff that took advantage of the “window of opportunity” from July 1, 2009 – June 30, 2010 (a caveat for the Board switching to NEHA as the exam contractor for the State) to obtain the NEHA credentialing AND maintained their credential, have reciprocity
  - Staff taking the PES exam prior to December 31, 1997 and receiving a passing score of 70% or better, would be eligible for reciprocity

# More of What We Learned

- The Not So Good News
  - Staff originally “grandfathered” when The Board was first conceived (around 1985), and who had not taken advantage of the “Window of Opportunity”, or did take advantage and let their credential lapse, would not be eligible for reciprocity and have to take the NEHA exam
  - Staff that took and passed the PES exam between January 1, 1998 and July 1, 2009 would not be eligible for reciprocity since they did not take the exam required by NEHA during that time period
  - Staff who took advantage of the “Window of Opportunity” (July 1, 2009 through June 30, 2010) but let their credential lapse anytime during that period to now, would have to re-take the exam
  - When canvassing the various counties, it appeared that somewhere between 175-200 Licensed EHS’s would not qualify for reciprocity



## **Many EHS's Were Now in Limbo or Feeling Trapped**

The implications for those facing loss of reciprocity would be challenging both individually and for the workforce at large

# Re-Enter the House

- The full impact of SB 200 / HB 497 began to be understood by some members of the Health and Government Operations Committee whereby an amended version (State Board of Environmental Health Specialists – Sunset Extension and Revisions) was introduced on March 1, 2016
  - Extends the Board until July 1, 2027
  - Requires DLS to evaluate the Board by December 2026
  - Requires the Board to adopt regulations regarding CEU's and to overhaul / update the Board's website
  - Requires the Board to monitor and assist the “Long Term Environmental Health Workforce” activities and recommendations
  - File Annual Report with the Governor & Secretary that includes a Financial Statement and plan for Special Fund Reserves

# The Senate Again Delivers a Curveball

- Senate Education, Health, and Environmental Affairs Committee proposes their own amendments to SB 200.....  
Overall, Not Good!
  - Extends the Board till July 1, 2022
  - Requires DLS to evaluate the Board by December 2021
  - Adds “Section 3”
    - Requires the Board to develop a plan for prospective licensees to better align current requirements with the requirements of NEHA
    - Figure out ways to overcome any obstacles to obtaining the NEHA credential
    - Submit draft legislation by 11/1/2016 showing how the Board would align with NEHA



# Divine Intervention?

- On March 29, 2016, the Senate Chair testifies before the House Health and Government Operations Committee on the Amended SB 200
- During that testimony, the Chair “unexpectedly” decides that she is fine with the amended House version and accepts the 10 years, the “Study Language” (which did not include Section 3)
- The House Chair restates (just to be sure) that she is OK with the proposed changes in the House version. She concurs

# Something Only a Legislator Understands

## Senate Actions

- 4/4/16 - Senate Committee Votes Favorably on HB 497 with Amendments
- 4/5/16 - Report is Adopted
- 4/6/16 - Third Reading Passed with Amendments (46 - 0)
- 4/8/16 - House Concurs with Senate Amendments (including a 2023 timeline for the next DLS review)  
Passes the House (137 - 0)

## House Actions

- 4/6/16 - House Committee Votes Favorably on SB 200 with Amendments; Report Adopted
- 4/7/16 - Third Reading Passed with Amendments (138 - 0)
- 4/9/16 - Senate Concurs with House Amendments; Third Reading Passed (46 - 0)



## **Success at Last!**

5/10/16 - Governor Signs Legislation  
(Officially Extending The Board) into Law