

Subtitle 2. State Board of Environmental Health Specialists.

21–201. Board established.

There is a State Board of Environmental Health Specialists in the Department.

21–201. Board established.

(a) (1) 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.

(2) Of the 9 Board members:

(i) 7 shall be licensed environmental health specialists appointed as follows:

1. 1 shall be employed by private industry;
2. 1 shall be employed by the Department of the Environment;
3. 1 shall be employed by the Department;
4. 1 shall be employed by a local health department and be employed under the State Personnel Management System;
5. 1 shall be employed by a local government and not be employed under the State Personnel Management System; and
6. 2 shall be appointed at large; and

(ii) 2 shall be consumer members.

(3) All Board members shall be residents of the State.

(b) The members appointed at large shall reasonably reflect the geographic diversity of the State.

(c) (1) The consumer members of the Board:

- (i) Shall be members of the general public;
- (ii) May not be licensed environmental health specialists;
- (iii) May not have a household member who is a licensed environmental health specialist;
- (iv) May not participate or ever have participated in a related commercial or

professional field;

(v) May not have a household member who participates in a related commercial or professional field; and

(vi) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

(2) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

(d) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(e) (1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 2012.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve more than 2 consecutive terms.

(f) For each vacancy of a licensed environmental health specialist member, the Board shall:

(1) Solicit nominations by notifying all licensed environmental health specialists of the vacancy; and

(2) Submit to the Secretary a list of at least three candidates for each vacancy.

(g) On the recommendation of the Secretary, the Governor may remove a member for incompetence, misconduct, neglect of duty, or other sufficient cause.

21-202. Membership.

(a) (1) 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.

(2) Of the 9 Board members:

(i) 7 shall be licensed environmental health specialists appointed as follows:

1. 1 shall be employed by private industry;
2. 1 shall be employed by the Department of the Environment;
3. 1 shall be employed by the Department;
4. 1 shall be employed by a local health department and be employed under the State Personnel Management System;
5. 1 shall be employed by a local government and not be employed under the State Personnel Management System; and
6. 2 shall be appointed at large; and

(ii) 2 shall be consumer members.

(3) All Board members shall be residents of the State.

(b) The members appointed at large shall reasonably reflect the geographic diversity of the State.

(c) (1) The consumer members of the Board:

(i) Shall be members of the general public;

(ii) May not be licensed environmental health specialists;

(iii) May not have a household member who is a licensed environmental health specialist;

(iv) May not participate or ever have participated in a related commercial or professional field;

(v) May not have a household member who participates in a related commercial or professional field; and

(vi) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

(2) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

(d) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(e) (1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 2012.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve more than 2 consecutive terms.

(f) For each vacancy of a licensed environmental health specialist member, the Board shall:

(1) Solicit nominations by notifying all licensed environmental health specialists of the vacancy; and

(2) Submit to the Secretary a list of at least three candidates for each vacancy.

(g) On the recommendation of the Secretary, the Governor may remove a member for incompetence, misconduct, neglect of duty, or other sufficient cause.

21–203. Officers.

(a) From among its members, the Board shall elect a chairman, a vice chairman, and a secretary once every 2 years.

(b) The Board shall determine:

(1) The manner of election of officers; and

(2) The duties of each officer.

21–204. Quorum; meeting; compensation; staff.

(a) A majority of the appointed members of the Board is a quorum to do business.

(b) The Board shall meet at least twice a year, at the times and places that the Board determines.

(c) A member of the Board:

- (1) May receive compensation as provided in the State budget; and
- (2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

- (d) The Board may employ a staff in accordance with the budget of the Board.
- (e) (1) The Board shall appoint an executive director.
- (2) The executive director shall:
 - (i) Serve at the pleasure of the Board;
 - (ii) Act as the executive officer of the Board; and
 - (iii) Carry out the powers and duties assigned by the Board.

21–205. Miscellaneous powers and duties.

- (a) In addition to the powers set forth elsewhere in this title, the Board may:
 - (1) Adopt rules, regulations, and bylaws to carry out the provisions of this title;
 - (2) Sue to enforce any provision of this title by injunction; and
 - (3) Issue subpoenas, summon witnesses, administer oaths, take affidavits, and take testimony about matters that relate to the jurisdiction of the Board.
- (b) In addition to the duties set forth elsewhere in this title, the Board shall:
 - (1) Keep a current record of all licensed environmental health specialists;
 - (2) Collect and account for fees provided under this title;
 - (3) Pay all necessary expenses of the Board in accordance with the State budget;
 - (4) Keep a complete record of its proceedings;
 - (5) File an annual report of its activities with the Governor and the Secretary that includes:
 - (i) A financial statement; and
 - (ii) A plan for special fund revenues; and

(6) Adopt an official seal.

21–206. State Board of Environmental Health Specialists Fund.

(a) The Board may set reasonable fees for the issuance and renewal of licenses and its other services.

(b) The Board shall pay any money collected under this title into the General Fund of the State.

21–207. Good faith exemption from civil liability.

A person shall have the immunity from liability described under § 5–702 of the Courts and Judicial Proceedings Article for giving information to the Board or otherwise participating in its activities.