

### **Subtitle 3. Licensing.**

#### **21–301. Licensure.**

(a) Except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice as an environmental health specialist in this State.

(b) This section does not apply to:

(1) An environmental health specialist–in–training participating in an environmental health specialist–in–training program or an individual participating in an apprenticeship as provided for under § 21–305 of this subtitle;

(2) A student participating in a field experience as part of an educational program; and

(3) A qualified individual in any of the following job classifications:

(i) Industrial hygienists as defined by the American Industrial Hygiene Association;

(ii) Certified industrial hygienists and industrial hygienists in training as defined by the American Board of Industrial Hygiene;

(iii) Health planners or natural resource planners;

(iv) Building and housing inspectors;

(v) Geologists;

(vi) Chemists;

(vii) Meteorologists;

(viii) Laboratory scientists;

(ix) Professional engineers who are licensed in this State under Title 14 of the Business Occupations and Professions Article and whose normal professional activities are among the activities specified in § 21–101(i) of this title;

(x) Public health engineers and water resources engineers employed by the State or a local subdivision;

(xi) Hydrographers and hydrographic engineers;

(xii) Natural resources managers;

(xiii) Natural resources biologists;

(xiv) Program administrators, administration directors, administrators, administrative officers, and administrative specialists;

(xv) Paraprofessional personnel, aides, and technicians whose routine duties include monitoring, sampling, and recording of data;

(xvi) Persons employed by the Department of Natural Resources or related county departments who perform duties and responsibilities under the Natural Resources Article;

(xvii) Persons employed by the Department of the Environment or related county departments who perform duties and responsibilities for:

1. Erosion and sediment control, stormwater management, or oil pollution control under Title 4 of the Environment Article;

2. Motor vehicle pollution control under Title 2 of the Environment Article or Title 23 of the Transportation Article; or

3. Sewage sludge, water pollution control, or drinking water under Title 9 of the Environment Article;

(xviii) Persons employed by the Department of the Environment and classified as either:

1. A regulatory and compliance engineer or architect; or

2. An environmental compliance specialist;

(xix) Persons employed by the Division of Labor and Industry of the Maryland Department of Labor who perform duties and responsibilities under the Maryland Occupational Safety and Health Act;

(xx) Occupational safety and health technologists as defined by the American Board of Industrial Hygiene and the Board of Certified Safety Professionals;

(xxi) Safety professionals as defined by the American Society of Safety Engineers;

(xxii) Certified safety professionals and associate safety professionals as defined by the Board of Certified Safety Professionals;

(xxiii) Persons employed by industrial operations whose environmental services are performed solely for their employer; and

(xxiv) State milk safety inspectors performing duties under the National Conference on Interstate Milk Shipments and employed by the Department.

## **21–302. Applications for licensure.**

To obtain a license, an applicant shall demonstrate to the satisfaction of the Board that the applicant:

- (1) Is at least 18 years old;
- (2) Is of good moral character;
- (3) Has satisfied the education and experience requirements to qualify for examination under § 21–304 of this subtitle; and
- (4) Except as otherwise provided in this title, has successfully passed an examination as required by the Board.

## **21–303. Qualifications of applicants.**

To apply for a license, an applicant shall:

- (1) Submit an application to the Board on the form that the Board requires;
- (2) Submit an official transcript from an accredited college or university;
- (3) Submit written verification from the applicant's employer or supervisor on forms required by the Board that the applicant has successfully completed an environmental health specialist-in-training program; and
- (4) Pay to the Board the application fee set by the Board.

## **21–304. Examinations.**

- (a) An applicant who otherwise qualifies for licensure is entitled to be examined as provided in this section.
- (b) An applicant qualifies to take the examination if the applicant:
  - (1) (i) Has graduated from an accredited college or university with a baccalaureate degree that includes:
    1. A minimum of 30 semester credit hours or the equivalent quarter credit hours of chemical, physical, biological, and environmental sciences acceptable to the Board;
    2. A course in mathematics; and
    3. Laboratory coursework as required in regulations adopted by the Board; and

(ii) Has:

1. Obtained 12 months of experience in an environmental health specialist-in-training program approved by the Board; or

2. Completed an apprenticeship approved by the Board; or

(2) Has graduated from an accredited college or university with a master's degree in public or environmental health science that includes:

(i) A minimum of 30 semester credit hours or 45 quarter credit hours of chemical, physical, biological, or environmental sciences acceptable to the Board and obtained at the baccalaureate or master's level;

(ii) A course in mathematics;

(iii) 3 months of internship approved by the Board if not previously completed; and

(iv) Laboratory coursework as required in regulations adopted by the Board.

(c) (1) This subsection does not alter the requirement that an applicant demonstrate completion of a baccalaureate or master's degree to qualify for examination.

(2) The Board may waive any of the specific course requirements for an applicant to qualify for examination in subsection (b) of this section if the Board determines that an applicant:

(i) Has obtained an equivalent number of credit hours in a course relevant to practice as an environmental health specialist; or

(ii) Has work experience that is an acceptable substitute for a course required in subsection (b) of this section.

(d) The examination required by the Board shall include a written examination in the physical, biological, and environmental sciences that relates to practices and principles of environmental health.

(e) The Board shall:

(1) Administer examinations to applicants at least once a year, at the times and places that the Board determines; or

(2) Approve an examination provider to administer the examination to applicants.

(f) If the Board administers the examination, the Board shall:

(1) Notify each qualified applicant of the time and place of the examination;

(2) Determine the subjects, scope, form, and passing score for examinations; and

(3) Use professional examinations prepared by recognized examination agencies.

(g) If a Board-approved examination provider administers the examination, the Board shall notify each qualified applicant of the registration procedure for the examination.

(h) An applicant who fails an examination may retake the examination as provided in the rules and regulations adopted by the Board.

(i) The Board may waive any examination requirement under this section if the Board recognizes the applicant as being outstanding in the field of environmental health.

## **21–305. Regulations establishing environmental health specialist-in-training program.**

The Board shall adopt regulations that include:

(1) (i) The establishment of an environmental health specialist-in-training program for applicants to obtain the necessary experience to qualify to take the examination; and

(ii) A condition that a person may not participate in an environmental health specialist-in-training program for more than 3 years, unless granted an extension by the Board;

(2) (i) The establishment of a seasonal environmental health specialist-in-training program for individuals to be temporarily employed as environmental health specialists; and

(ii) A condition that an individual may not participate in a seasonal environmental health specialist-in-training program for more than 6 months within a consecutive 12-month period; and

(3) (i) The requirements for Board approval of an apprenticeship; and

(ii) The minimum and maximum duration of an apprenticeship.

## **21–306. Waiver of examination of persons registered in other state.**

(a) Subject to subsection (b) of this section, the Board may waive any examination requirement of this title for an applicant who is licensed or registered as an environmental health specialist or its equivalent in another state.

(b) The Board may grant a waiver only if the applicant:

(1) Pays the application fee required by § 21–303 of this subtitle; and

(2) Provides adequate evidence that the applicant:

(i) Meets the qualifications otherwise required by this title;

(ii) Became licensed or registered to practice as an environmental health specialist or its equivalent in the other state after passing in that state an examination as a condition of licensure or registration; and

(iii) Has performed at least 24 months of compensated work as an environmental health specialist or its equivalent in the other state.

### **21–307. Issuance, content, and replacement of licenses.**

(a) The Board shall license and issue the appropriate licensure to any applicant who meets the requirements of this title.

(b) The Board shall include on each license that it issues:

(1) The designation “licensed environmental health specialist”;

(2) The name of the license holder;

(3) The date of issue and serial number of the license;

(4) The Board seal; and

(5) The signature of the Board’s representative.

(c) The Board shall issue a new license to replace a lost, destroyed, or mutilated license if the license holder pays a fee that is set by the Board.

### **21–308. Scope of licensure.**

Licensure authorizes an individual to practice as an environmental health specialist while the license is in effect.

### **21–309. Terms and renewal of license.**

(a) A license expires on the date specified on the license, unless it is renewed for a 2–year term as provided in this section.

(b) At least 1 month before the license expires, the Board shall send to the licensee, by first–class mail or electronic means to the last known address or electronic mail address of the

licensee, a renewal notice that states:

- (1) The date on which the current license expires;
- (2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires;
- (3) The amount of the renewal fee; and
- (4) The hours of approved training required for renewal of licensure.

(c) Before the license expires, the licensee may renew it for an additional 2-year term, if the licensee:

- (1) Otherwise is entitled to be licensed;
- (2) Pays to the Board the renewal fee set by the Board;
- (3) Submits to the Board a renewal application on the form that the Board requires; and
- (4) Submits to the Board proof that during the previous 2-year period, the licensee has acquired 20 hours of approved training in environmental health or other equivalent education as approved by the Board.

(d) The renewal license shall bear the same serial number assigned to the licensee at the time of the original registration or licensure.

(e) A licensee shall notify the Board of any change in the address of the licensee within 60 days after the change occurs.

#### **21–310. Inactive or Non-renewed Status; reactivation.**

(a) (1) The Board shall place a licensed environmental health specialist on inactive status for a period not to exceed 4 years if the licensed environmental health specialist:

- (i) Submits to the Board a written application for inactive status on a form the Board requires; and
- (ii) Pays to the Board the inactive status fee set by the Board.

(2) The Board shall provide to a licensed environmental health specialist who is placed on inactive status written notification of:

- (i) The date the license has expired or will expire;
- (ii) The date the licensed environmental health specialist's inactive status

became effective;

(iii) The date the licensed environmental health specialist's inactive status expires; and

(iv) The consequences of not reactivating the license before the inactive status expires.

(3) The Board shall reactivate the license of a licensed environmental health specialist who is on inactive status if the licensed environmental health specialist:

(i) Applies to the Board for reactivation of the license before the inactive status expires;

(ii) Complies with the license renewal requirements that are in effect when the licensed environmental health specialist applies for reactivation;

(iii) Has completed the number of credit hours of approved continuing education set by the Board; and

(iv) Pays to the Board the reactivation processing fee set by the Board.

(b) (1) The Board shall place a licensed environmental health specialist on nonrenewed status for a period not to exceed 4 years if the licensed environmental health specialist failed to renew the license for any reason.

(2) The Board shall provide to a licensed environmental health specialist who is placed on nonrenewed status written notification of:

(i) The date the license expired;

(ii) The date the licensed environmental health specialist's nonrenewed status became effective;

(iii) The date the licensed environmental health specialist's nonrenewed status expires; and

(iv) The consequences of not reactivating the license before the nonrenewed status expires.

(3) The Board shall reactivate the license of a licensed environmental health specialist who is placed on nonrenewed status if the licensed environmental health specialist:

(i) Applies to the Board for reactivation of the license before the nonrenewed status expires;

- (ii) Complies with the license renewal requirements that are in effect when the individual applies for reactivation;
- (iii) Has completed the number of credit hours of approved continuing education set by the Board; and
- (iv) Pays to the Board the reactivation processing fee set by the Board.

(c) Notwithstanding subsection (a) or (b) of this section, the Board shall reactivate the license of a licensed environmental health specialist who was placed on inactive or nonrenewed status if the licensed environmental health specialist:

- (1) Applies to the Board for reactivation after the inactive or nonrenewed status expired;
- (2) Pays to the Board the reactivation processing fee set by the Board and any other fees required by the Board;
- (3) Provides any documentation required by the Board on the form the Board requires; and
- (4) Passes the examination, if any, that is required by the Board in regulation.

## **21–311. Record of applications**

- (a) The Board shall keep a current record of each application for licensure.
- (b) The record shall include:
  - (1) The name, residence address, and age of each applicant;
  - (2) The name and address of the applicant's employer;
  - (3) The date of the application;
  - (4) Complete information on the education and experience qualifications of each applicant;
  - (5) The date the Board reviewed and acted on the application;
  - (6) The action taken by the Board on the application;
  - (7) The serial number of any registration or license issued to the applicant; and
  - (8) Any other information that the Board considers necessary.

## **21–312. Code of ethics; denials, reprimands, suspensions, and revocations; charges**

- (a) The Board shall adopt a code of ethics designed to protect the public's interest.
- (b) Subject to the hearing provisions of § 21–313 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may deny any applicant licensure, reprimand any licensee, or place any individual who is licensed on probation, or suspend or revoke a license, if the applicant or licensee:
  - (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or license holder or another;
  - (2) Fraudulently or deceptively uses a license;
  - (3) Knowingly violates any provision of this title, or any rule or regulation adopted under this title;
  - (4) Commits any gross negligence, misfeasance, malfeasance, incompetence, or misconduct while performing the duties of an environmental health specialist;
  - (5) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
  - (6) Provides professional services while:
    - (i) Under the influence of alcohol; or
    - (ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;
  - (7) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
  - (8) Willfully makes or files a false report or record while performing the duties of an environmental health specialist;
  - (9) Willfully fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
  - (10) Submits a false statement to collect a fee;
  - (11) Promotes the sale of land, devices, appliances, or goods provided for a person in such a manner as to exploit the person for financial gain of the licensed environmental health specialist;

- (12) Willfully alters a sample, specimen, or any test procedure to cause the results upon analysis to represent a false finding;
- (13) Violates any rule or regulation adopted by the Board;
- (14) Uses or promotes or causes the use of any misleading, deceiving, or untruthful advertising matter, promotional literature, or testimonial;
- (15) Is professionally, physically, or mentally incompetent; or
- (16) Fails to cooperate with a lawful investigation conducted by the Board.

(c) Except as provided in subsection (d) of this section, any person, including a Board employee, may make a written, specific charge of a violation under this section, if the person:

- (1) Swears to the charge; and
- (2) Files the charge with the Board secretary.

(d) (1) If a licensed environmental health specialist knows of an action or condition that might be grounds for action under subsection (b) of this section, the licensed environmental health specialist shall report the action or condition to the Board.

(2) An individual shall have the immunity from liability described under § 5-702 of the Courts Article for making a report as required by this subsection.

## **21-313. Hearings**

- (a) (1) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 21-312 of this subtitle, it shall give the individual against whom this action is contemplated an opportunity for a hearing before the Board.
- (2) A hearing shall be held within a reasonable time not to exceed 6 months after charges have been brought.
- (b) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.
- (c) The individual may be represented at the hearing by counsel.
- (d) Over the signature of an officer or the administrator of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.
- (e) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.
- (f) If, after due notice, the individual against whom the action is contemplated fails or

refuses to appear, the Board may hear and determine the matter.

(g) (1) The Board shall maintain a record of all disciplinary matters that includes:

- (i) The date the matter was referred to the Board;
- (ii) A detailed description of the specific allegations;
- (iii) A copy of any written evidence reviewed by the Board in evaluating the matter; and
- (iv) A written summary of the final action of the Board including the date of the action and the basis for the action.

(2) The Board shall maintain an electronic database of all disciplinary matters considered by the Board that is searchable, at a minimum, by:

- (i) The date of the Board's final action;
- (ii) The name of the affected licensee; and
- (iii) The type of final action taken by the Board, including no action.

#### **21–314. Judicial review**

Except as provided in this section for an action under § 21–312 of this subtitle, any person aggrieved by a final decision of the Board in a contested case, as defined in § 10–202 of the State Government Article, may take an appeal as allowed in §§ 10–222 and 10–223 of the State Government Article.

#### **21–315. Reinstatement of revoked license**

The Board, on the affirmative vote of a majority of its full appointed membership, may reinstate the license of an individual whose license has been revoked.