ARKANSAS STATE BOARD OF HEALTH

RULES PERTAINING TO STATE BOARD OF SANITARIANS

Promulgated under the authority of:

Act 257 of 1977
Act 582 of 1985
~~A.C.A.~~ARK. CODE ANN. § 17-43-101 et seq.

Effective Date:

SECTION 1. DEFINITIONS 3

SECTION 2. THE BOARD OF SANITARIANS..... 3

SECTION 3. POWERS 4

SECTION 4. MEETINGS..... 5

SECTION 5. SECTION 6. APPLICATION..... 5

SECTION 6. EXAMINATIONS..... 6

SECTION 7. SECTION 7. CERTIFICATE OF REGISTRATION..... 6

SECTION 8. UNIFORM SERVICE MEMBERS LICENSURE UNDER 135 OF 2021. 7

SECTION 9. FEES..... 8

SECTION 10. SUSPENSION AND REVOCATION..... 9

SECTION 11. REVOCATION OF A SUSPENDED LICENSE. 10

SECTION 12. VIOLATIONS 10

SECTION 13. COMPLAINTS, HEARINGS, AND APPEALS. 11

SECTION 14. CONTINUING EDUCATION..... 12

SECTION 1. Definitions ~~**As used in this act, unless the content requires otherwise:**~~

(A) "Automatic licensure" means granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.

~~(A)~~(B) "Contact hour" means ~~typical~~ approximately fifty (50) minute classroom instruction or its equivalent.

~~(B)~~(C) "Continuing Education Unit" means value given for participation in organized continuing education experience under reasonable sponsorship, capable direction and qualified instruction approved by the Board. One CEU is equal to ten (10) contact hours.

~~(C)~~(D) "Environmental Sanitation" means the study, art and the technique of applying scientific knowledge for the improvement of the environment of man for his health and welfare.

~~(D)~~(E) "Registered Sanitarian" means an environmental health professional educated in the field of environmental health, physical and biological sciences who meets the requirements of Section 8 (1) and 12 of this Act. Such persons may be specifically trained to organize, implement and manage environmental health programs.

~~(E)~~(F) "Sanitarian in Training" means a person who meets the educational qualifications as provided in this Act but does not meet the experience requirements of this Act for registration as a registered sanitarian.

~~(F)~~(G) "Training Sponsor" means any party responsible for providing continuing education training and/or instruction for the registered sanitarian.

(H) "Uniformed service member" means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.

(I) "Uniformed service veteran" means a former member of the United States uniformed services discharged under conditions other than dishonorable.

SECTION 2. The Board of Sanitarians

(A) There is hereby created the State Board of Sanitarians, to consist of five members who shall be appointed by the Governor.

(1) Within thirty days after the effective date of this act (March 27, 1957), the Governor shall appoint five persons as members of the Board. The Sanitarians will submit 10 names to the Governor of persons eligible to be members of the Board. Of these names, the Governor shall select five names to be the Board. Each ensuing year three

names shall be submitted by the Arkansas Society of Professional Sanitarians of qualified persons to the Governor of which one shall be chose to fill the expired term of the Board member.

(2) The term of office shall be fixed so that one member of the board will be retired each year. The term of the first board member shall be fixed so that one member will be appointed for one year, another for two years, another for three years, another for four years and another for five years. After that each member shall be appointed for a five year period except for a person who is appointed to fill out the unexpired term of another member. The term of office shall expire on June 30 of each year.

(3) The board members chosen shall be sanitarians who have been residents in the STATE OF ARKANSAS for at least one year, have had experience in the field of environmental sanitation for at least five years and are presently engaged in the field of environmental sanitation and are not less than~~t~~ 30 years of age. The board member shall hold a current certificate of registration issued by the board, except that the members first appointed shall receive certificate of registration without application or examination. The Board shall adopt and have an official seal which shall be affixed to all certificates of registration.

(4) The Governor shall fill any vacancy caused by death, resignation, or removal for the unexpired term.

(5) The Governor may remove any member of the board for misconduct, incapacity, or neglect of duty.

(6) The members of the Board shall serve without compensation but shall be reimbursed for their actual and necessary expense incurred in the performance of their duties.

~~(7) Within 60 days after the effective date of this act, the State Board of Sanitarians shall convene. The board shall hold a meeting at least once a year and at such time as the chairman of the board shall appoint.~~

~~(8) At the first meeting and annually thereafter, the board shall elect from its members appointed by the Governor, a chairman and secretary.~~

~~(9) Three members shall constitute a quorum, but no action may be taken on any questions unless at least three members are in accord.~~

SECTION 3. Powers

(A) The board shall have such authority as is reasonably necessary to administer this act.

(B) The chairman and secretary of the board may administer oaths and subpoena witnesses.

(C) The secretary shall keep a record of all proceedings of the board including a register of all holders of a current certificate of registration. These records shall be open to the public at all reasonable times.

(D) The board may employ and fix the compensation of such assistants, clerks, stenographers, typists and other employees, to serve at the pleasure of the board, and to acquire such office space, furniture, supplies, equipment and other such proper conveniences as may be reasonably necessary for the performance of their duties under this Act.

(E) The board shall, as a means to maintain professional competency, promulgate rules ~~and regulations~~ establishing standards for continuing education. The continuing education units shall be direct participation in a course or courses approved by the Board. The standards shall be established in a manner to assure that a variety of alternative forms of continuing education are available to Registered Sanitarians, including but not limited to academic studies, in-service education, institutes, seminars, lectures, conferences, workshops, extension courses, home study programs, articles published, scientific papers published. The standards should recognize specialized areas of endeavor. The Board may contract with another agency or association to perform part or all of the duties in establishing procedures to record and retain CEU data for all registered sanitarians in good standing.

SECTION 4. Meetings

(A) The board shall hold its regular meetings on the fourth Friday in January, April, July, and October, ~~a meeting at least once a year~~ and at such time as the chairman of the board shall appoint.

(B) ~~At the first meeting and annually thereafter, the~~ The board shall elect a chairman and secretary from its members appointed by the Governor.~~, a chairman and secretary~~

~~(A) The Board shall hold its regular meetings as follows:~~~~The fourth Friday in January, April, July, and October.~~

(C) ~~The fourth Friday in January, April, July, and October.~~ The Board shall have the power to call special meetings at such times as a quorum of the Board shall deem necessary. It may meet at such places as a majority may agree upon giving due consideration to the convenience of the Board and the applicants for examination or reciprocity.

~~(B)~~(D) Three members shall constitute a quorum, but no action may be taken on any questions unless at least three members are in accord.

SECTION 5. ~~SECTION 6.~~ Application

(A) The Board shall require all applicants for Registration to complete and execute an Application for Registration in the form furnished by the Board.

(B) The same form for application for initial registration shall also be used in applications for reinstatement of former Registered Sanitarians whose Registration has been revoked or cancelled because of (a) Order of the Board as authorized by Ark. Code Ann. § 17-43-309~~Ark. Stat. 71-1617~~, or (b) failure to pay the annual registration fee required by Ark. Code Ann. § 17-43-308~~Ark. Stat. 71-1615~~.

SECTION 6. Examinations

(A) The board shall hold examinations to test the fitness of applicants for registration at such times and places within this state as the board shall determine but shall hold at least one examination every year. The scope and examination shall be determined by the board.

(B) The board shall admit to examination any person who makes application to the secretary of the board on forms prescribed and furnished by the board, pays an application fee of twenty dollars ($20.00) to defray the expense of examination and submits evidence satisfactory to the board that he is a citizen of the United States of good moral character. The minimum requirements for admission to examination as a registered sanitarian shall be as follows:

(1) A bachelor's degree of public health or master's degree of public health ~~degree~~ with specialization in sanitary sciences from an approved school of public health; or

(2) College graduate in one of the natural sciences (biology, chemistry, physics, math, earth and/ or geology) or engineering, with a minimum of 30 semester hours or its equivalent of the above subjects, plus one year's experience in environmental sanitation or approved training courses.

(a) Any person meeting the educational qualifications of this Section, but who does not meet the experience requirements of this Section, may make application to the Board through a process prescribed by the Board for acceptance as a Sanitarian-in-training. The Board shall accept such application when submitted, if accompanied ~~buy~~by the required fee, not to exceed ten dollars ($10.00), as prescribed by the Board.

(C) Within 90 days after an application is filed with the secretary, the board shall notify the applicant whether his application for examination was accepted or rejected and if rejected, the reason therefore. One half of the application fee shall be returned to each rejected applicant.

(D) The secretary of the board shall give reasonable notice by mail of the time and place of examination to each applicant accepted for examination.

(E) Within 60 days after the examination is given, the board shall notify by mail each person who took the examination that he has passed or failed the examination.

SECTION 7. Certificate of Registration.

(A) Each person who passes the examination to the satisfaction of the board shall be issued a certificate of registration upon payment of a registration fee of ten dollars ($10.00)

(B) The board shall issue a certificate of registration without examination to any person who makes application on forms prescribed and furnished by the board, pays a registration fee of ten dollars and submits satisfactory proof that:

(1) ~~He is of~~ They are of good moral character.

(2) ~~He has~~They have had at least two ~~years experience~~years' experience in the field of environmental sanitation.

(3) ~~He is~~They are registered as a sanitarian in a state in which the qualifications for registration are not lower that the qualifications for registration in this state at the time he applies for registration.

(C) Each certificate of registration issued by the Board shall expire on June 30, following the date of issue. A renewal certificate may be issued:

(1) To the holder of a current certificate of registration who makes application prior to the expiration of his current certificate and pays a renewal fee of twenty dollars ($20.00), provided that ~~beginning July 1, 1986~~ satisfactory proof of complying with the Board's continuing education requirements must accompany renewal applications: and

(2) To a former registered sanitarian whose certificate has been suspended or revoked who makes application not more than 60 days after the expiration date of the last certificate issued to him and pays a renewal fee of forty dollars ($40.00) and complies with continuing education requirements.

(D) No person shall offer his service 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 of Sanitarians. A holder of a current certificate of registration may append to his name the letters, "R.S."

SECTION 8. Uniform Service Members Licensure under 135 of 2021.

(A) Applicability

(1) This Rule applies to a:

(a) uniformed service member stationed in the State of Arkansas;

(b) uniformed service veteran who resides in or establishes residency in the State of Arkansas;

(c) The spouse of (a) or (b) including a:

i. uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; or,

ii. uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

(B) Automatic Licensure

(1) Automatic Licensure shall be granted to persons listed in SECTION 8. (A) if:

(a) The person is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States; and,

(b) The person pays the licensure fee.

(2) Credit toward initial licensure

(a) Relevant and applicable uniformed service education, training, or service-issued credential shall be accepted toward initial licensure for a uniformed service member or a uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.

(3) Expiration Dates and Continuing Education

(a) A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(b) A uniformed service member or spouse shall be exempt from continuing education requirements in this Rule for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(c) Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of continuing education before renewal or grant of a subsequent license.

~~SECTION 8.~~ SECTION 9. Fees

(A) All fees or payments of any type collected by the board under this Act shall be kept in a separate fund and the board shall make a report annually to the Governor showing all receipts and disbursements of monies, and a summary of all business transacted during the year. The per diem and other expenses provided hereunder shall be paid by the Board from the fees collected by it.

(B) Fee Waiver Pursuant to Act 725 of 2021

(1) An applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:

(a) Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and

Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);

(b) Were approved for unemployment within the last twelve (12) months; or

(c) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

(2) Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.

(a) For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;

(b) For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or

(c) For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.

(3) Applicants shall attest that the documentation provided under (b) is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

~~SECTION 9.~~ SECTION 10. Suspension and Revocation.

(A) The board may refuse to renew or may suspend or revoke a certificate upon proof that the applicant is guilty of fraud, deceit, gross negligence, incompetency or misconduct in relation to his duties a sanitarian.

~~(1) Is not of good character;~~

~~(1) Is guilty of fraud, deceit, gross negligence, incompetency or misconduct in relation to his duties a sanitarian.~~

(B) Before the board may suspend, revoke or refuse to renew a certificate of registration it shall set the matter for a hearing before the board, and at least 20 days prior to the date set for hearing, it shall give written notices of the charges made and the date and place of the hearing to the accused. Service of the notice may be made by personal service or by sending it by registered mail to the last known business address of the accused. The accused shall have the opportunity to be heard in person and by counsel. ~~A stenographic record~~An audio recording of the hearing shall be kept and a transcript thereof filed with the board.

(1) The order of the board shall be made within 30 days after the termination of the hearing.

(2) Notice of the order of the board shall be given to the accused, either by personal service or by registered mail sent to the last known business address of the accused within 10 days after the order is made.

~~SECTION 10.~~ SECTION 11. Revocation of a Suspended License.

(A) If any licentiate fails for sixty days to pay the annual registration fee, it shall be the duty of the Arkansas State Board of Sanitarians without hearing or notice, to cancel and revoke his or her Registration subject to reinstatement as hereinafter set out.

(B) If the application for reinstatement be made, the Board shall consider the moral character and professional qualifications of the applicant upon notice and hearing before ordering reinstatement, and unless such showing shall thereupon be made to the Board as would entitle the applicant to the issuance of an original Registration, reinstatement shall be denied.

(C) The applicant for reinstatement shall file a written application and pay the same fees require for the issuance of an original registration.

(D) Any person practicing as a Registered Sanitarian while his or her Registration is suspended, or after it has been cancelled pursuant to the foregoing provisions shall be subject to the penalties prescribed by law.

~~SECTION 11.~~ SECTION 12. Violations

(A) The board shall have power to determine all matters within its jurisdiction, subject to review of the Circuit Court or at the option of the aggrieved party, by the Circuit Court of the County in which he resides.

(B) Any person who violates any provisions of ~~this Act~~ ~~A.C.A.~~Ark. Code Ann. § 17-43-101, et seq., shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less ~~that~~than fifty dollars nor more than two hundred dollars or by imprisonment not exceeding three months, or by both fine and imprisonment, and each day of such violation shall constitute a separate offense.

~~SECTION 22. Emergency. It has been found and declared by the General Assembly of Arkansas that there is presently no agency in this State authorized to register Sanitarians, that there are no established qualifications for Sanitarians in this State, and that a system for registration and qualification of Sanitarians is necessary to protect the dignity of that profession and to protect the public from the practice of such profession by persons who are inexperienced and unqualified to practice. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health and safety shall take effect and be in full force from the date of its approval.~~

~~SECTION 12.~~ SECTION 13. Complaints, Hearings, and Appeals.

(A) Any person may file a complaint with the Board against any person having a license to practice as a Registered Sanitarian in this state charging him with:

(1) Failure to have the necessary qualifications as set out in Ark. Code Ann. § 17-43-303~~Ark. State. 71-1608 of this Act,~~ ; and

(2) With the commission of any of the offenses enumerated and described as unprofessional conduct in Ark. Code Ann. § 17-43-309~~Ark. Stat. 71-1617~~.

(B) The said complaint shall set forth a specification of charges in sufficient detail that the person so accused shall have full and complete disclosure to him of any:

(1) alleged acts of misconduct;

(2) impropriety, or

(3) lack of qualifications.

(C) When such complaint is filed, the Secretary of the Board shall mail a copy thereof to the person so accused by registered mail, at his last address of record with a written notice of the time and place of the hearing thereon advising him that he may be present in person and by counsel if he so desires, to offer evidence and be heard in his defense.

(D) The time fixed for such hearing shall not be less than 20 days from the date of the mailing of the notice.

(E) At the time and place fixed for a hearing before the Board, the Board shall receive evidence upon the subject under consideration and shall accord the person against whom charges are preferred a full and fair opportunity to be heard in his defense.

(F) The Board shall not be bound by strict or technical rules of evidence, but shall consider all evidence fully and fairly, provided however, that all oral testimony considered by the Board must be under oath.

(G) If the person so charged be found not guilty of these things and matters with which he is charged the Board shall dismiss the charges or complaint, but should such person be found guilty, the Board shall:

(1) revoke his license;

(2) suspend his license for a period not to exceed one year; or,

(3) grant him probation under terms and conditions to be determined by it for the best interest of the person so charged and the people of the State of Arkansas.

(H) Appeal may be had by either of the parties from the decision of the Board in the manner now provided by law.

(I) All evidence considered by the Board shall be reduced to writing and available for the purpose of appeal or certiorari to any of the parties of said hearing.

(J) Nothing herein shall be construed so as to deprive any person of his rights without full, fair and impartial hearing.

(K) The words "license" and "registration" are synonymous in these ~~regulations~~Rules.

~~SECTION 13.~~ SECTION 14. ~~SECTION 15.~~ Continuing Education

(A) All registered Sanitarians shall be required biennially to complete a continuing education program in subjects relating to practices of the profession. The number of CEU's shall be determined by the Board, but shall not be less than two (2) continuing education units every two (2) years.

(1) A maximum of one-half (1/2) the number of required continuing education units in a two (2) year period may be carried forward to meet continuing education requirements for the following two (2) year period. Any continuing education units completed prior to July 1, 1986, cannot be used to meet the requirements of this Regulation.

(B) Hours of Continuing Education Required:

(1) ~~In the period July 1, 1986, to July 1, 1988, and all subsequent biennium's, all~~ All registered sanitarians shall complete the requirements as established under SECTION 14. (A) ~~Section 15(B) of this regulation~~ to be eligible to apply for renewal of their registered sanitarian certificate.

(2) A new registrant will be required to complete a prorated number of the biennial requirements of contact hours based from the date of the registration.

(C) Continuing Education Courses:

(1) A course of study or program of instruction offered to meet the education requirements for renewal of the certificate of registration shall be in the following areas with the final determination being made by the Board.

(a) Credit and non-credit college courses offered by an accredited educational institution of higher learning approved by the Board. A one (1) hour course is considered the equivalent of ten (10) contact hours. Such courses shall be related to the functions of a sanitarian. This will normally be given broad interpretation, but the registered sanitarian may be required to explain and document the relevance of a particular course to the Board.

(b) Attendance at the annual conference of professional, public health organizations such as Arkansas Society of Professional Sanitarians, Public Health Association, etc., may count toward the continuing education requirements. For prior approval, the conference program should be submitted to the Board sixty (60) days in

advance of the meeting. Attendance at the conference shall be certified by an officer of the organization or the conference moderator.

(c) Completion of CEU's awarded by an institution of higher learning, State or National Association approved to award CEU's. These will be approved by the Board if the subject area is related to the functions of the registered sanitarian.

(d) Credit may be given for the completion of correspondence courses when related to the registered sanitarian's function provided that approval is given by the Board. The application must contain an outline of the course content, identity of the sponsor, and certification that the applicant satisfactorily completed the course.

(e) Credit may be given for the completion of workshops, courses, and seminars for registered sanitarians sponsored by governmental agencies or industry that have been approved by the Board. Attendance shall be certified by the sponsor.

(f) Completion of any other type of continuing education program that a registered sanitarian may utilize to stay abreast of the profession. These programs may be approved either prior to the beginning of the program or on an individual basis after completion of the program. Some examples ~~are:~~include, but are not limited to, extension courses, articles published, scientific paper published, course preparation, and special areas of endeavor.

(D) Requirements for Approval of Continuing Education Courses:

(1) Credit or non-credit college courses offered by an accredited educational institution of higher learning and approved by the Board are exempt from this section.

(2) Any training sponsor may request Board approval of their training program to be accepted as CEU's for registered sanitarians.

(3) The following information must be submitted to the Board on a form prescribed and furnished by the Board.

(a) Name, address and telephone number of the training sponsor.

(b) Name of educational coordinator.

(c) A resume of the instructional staff.

(d) Information indicating that the type of training offered meets the requirements in Section 3 of this Regulation.

(e) A description of the course, instructional material and the benefits of the course to be derived.

(4) After initial approval by the Board, each course shall continue to be approved unless the course is altered or fails to meet the requirements of this Regulation.

(5) The Board shall act on all requests for approval of a course within ninety (90) days of receipt of the prescribed forms.

(E) Submission of Continuing Education Documentation:

(1) Proof of attendance of continuing education courses and or other substantiating documentation shall be submitted by the registered sanitarian within sixty (60) days from the completion of the course. All documentation will be recorded on forms prescribed by the Board and returned to the registered sanitarian.

(2) It shall be the sole responsibility of the registered sanitarian to assure that required evidence of meeting continuing education requirements is submitted to the Board on forms prescribed and furnished by the Board.

(3) The board shall notify all registered sanitarians who have not provided the board documentation of minimum completion of continuing education requirements 180 days prior to renewal date each biennium.

(F) Attendance at Continuing Education Courses Not Previously Approved by the Board:

(1) An applicant who wishes to receive credit for attendance at a continuing education course, which has not been previously approved by the Board, shall make application to the Board.

(2) Requests for course approval shall be submitted to the Board within sixty (60) days of completion of course.

(3) For the Board to consider the request, the applicant shall submit adequate documentation to the Board on a form provided by the Board.

(4) The Board shall act on all requests received from applicants within ninety (90) days of receipt.

(G) List of Approved Courses:

(1) Annually, ~~beginning after July 1, 1986,~~ the Board shall mail to each registered sanitarian a list of approved courses applying toward the continuing education requirements of this Regulation.

(2) The secretary shall, upon request of a registered sanitarian, provide a list of any additional courses that the Board has approved since the most recent mailing.

(H) Exemptions from Continuing Education Requirements:

(1) Non-Resident/Non-Practicing: Those who are not residents of Arkansas and / or those who do not practice in Arkansas will be exempt from continuing education requirements until such time as they begin to practice in Arkansas.

(2) The ~~CEU~~ continuing education requirements will not be ~~retroactive, but~~retroactive but shall be applicable beginning with the first date of practice in the State.

(3) All other requests for exemption shall be submitted to the Board for review in accordance with ~~A.C.A.~~Ark. Code Ann. § 17-43-~~2~~101 et seq. ~~Section 10 of Act 281 of 1957 as amended by Act 257 of 1977 and Act 582 of 1985.~~