

R156. Commerce, Occupational and Professional Licensing.

R156-20b. Environmental Health Scientist Act Rule.

R156-20b-101. Title.

This rule is known as the "Environmental Health Scientist Act Rule."

R156-20b-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 20b, as used in Title 58, Chapters 1 and 20b or this rule:

(1) "Distance learning" means the acquisition of knowledge and skills through information and instruction encompassing all technologies and other forms of learning at a distance, including internet, audio/visual recordings, mail or other correspondence.

(2) "Qualified professional continuing education," as used in this rule, means professional continuing education that meets the standards set forth in Section R156-20b-304.

(3) "Unprofessional conduct," as defined in Title 58 Chapters 1 and 20b, is further defined, in accordance with Subsection 58-1-203(1) (e), in Section R156-20b-502.

R156-20b-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1) (a) to enable the Division to administer Title 58, Chapter 20b.

R156-20b-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-20b-302. Good Moral Character - Disqualifying Convictions.

(1) When reviewing an application to determine the good moral character of an applicant as set forth in Section 58-20b-302 and whether the applicant has been involved in unprofessional conduct as set forth in Subsection 58-1-501(2) (c), the Division and the Board shall consider the applicant's criminal record as follows:

(a) A criminal conviction for a sex offense as defined in Title 76, Chapter 5, Part 4 and Chapter 5a, and Title 76, Chapter 10, Part 12 and 13, may disqualify an applicant from becoming licensed.

(b) Other criminal history is relevant, including as to the following:

(i) crimes against a person as defined in Title 76, Chapter 5, Parts 1, 2 and 3;

(ii) crimes against property as defined in Title 76, Chapter 6, Parts 1 through 6;

(iii) any offense involving controlled dangerous substances;
or

(iv) conspiracy to commit or any attempt to commit any of the above offenses.

(2) An applicant who has a criminal conviction for a felony crime of violence may be considered ineligible for licensure for a period of seven years from the termination of parole, probation, judicial proceeding or date of incident, whichever is later.

(3) An applicant who has a criminal conviction for a felony involving a controlled substance may be considered ineligible for

licensure for a period of five years from the termination of parole, probation, judicial proceeding or date of incident, whichever is later.

(4) An applicant who has a criminal conviction for any misdemeanor crime of violence or the use of a controlled substance may be considered ineligible for licensure for a period of three years from the termination of parole, probation, judicial proceeding or date of incident, whichever is later.

(5) Each application for licensure or renewal of licensure shall be considered in accordance with the requirements of Section R156-1-302.

(6) A person whose moral character is subject to review under this Section R156-20b-302 is not guaranteed licensure after allowing a specified period of time to pass after conviction.

R156-20b-302a. Qualifications for Licensure - Education Requirements.

In accordance with Subsections 58-20b-102(1)(b) and 58-20b-302(1)(d) and (2)(d), an applicant for licensure shall satisfy the education requirement as follows:

(1) The applicant shall submit evidence of a bachelor's degree or higher from:

(a) an environmental health program accredited by the National Environmental Health Science and Protection Accreditation Council (EHAC);

(b) an accredited program with major study in one of the following:

- (i) agronomy;
- (ii) biology;
- (iii) botany;
- (iv) chemistry;
- (v) civil engineering;
- (vi) environmental health;
- (vii) environmental science;
- (viii) environmental studies;
- (ix) geology;
- (x) microbiology;
- (xi) physics;
- (xii) physiology;
- (xiii) sanitary engineering;
- (xiv) sustainability studies;
- (xv) zoology; or
- (xvi) coursework approved by the Division in collaboration with the Board; or

(c) an accredited program that includes:

(i) a college or university level algebra or math course; and
(ii) 30 semester hours or 45 quarter hours from at least three of the areas of study listed in Subsection (1)(b).

(2) If the applicant's degree was earned at an institution, college, or university not accredited by the Department of Education or the Council for Higher Education Accreditation (such as in a foreign country), the applicant shall submit evidence of the education's equivalency to Department of Education-accredited programs, as determined by:

(a) Academic Evaluation Services, Inc;
(b) Josef Silny and Associates, Inc.; or
(c) a credentialing agency approved by the Division in collaboration with the Board.

(3) An applicant may satisfy deficiencies in coursework by completion of additional hours of approved coursework at an institution, college, or university accredited by the Department of Education or the Council for Higher Education Accreditation, as approved by the Division in collaboration with the Board.

R156-20b-302b. Qualifications for Licensure - Examination Requirement.

(1) In accordance with Subsection 58-20b-302(1)(e), an applicant shall satisfy the examination requirement by submitting evidence of having passed the National Environmental Health Association Registered Environmental Health Specialist/Registered Sanitarian (REHS/RS) Examination or the National Environmental Health Association Registered Environmental Health Specialist/Registered Sanitarian-in-training Examination.

(2) An applicant may take either examination identified in Subsection (1) upon completion of the education requirements listed in Section R156-20b-302a.

R156-20b-302c. Qualifications for Licensure - Supervision Requirements.

In accordance with Subsections 58-1-203(1)(b) and 58-20b-302(3)(f), an applicant when licensed as an environmental health scientist-in-training shall practice under the general supervision of a supervising licensed environmental health scientist for a minimum of six months, except for an applicant who has completed an environmental health science program accredited by EHAC as set forth in Subsection R156-20b-302a(1).

R156-20b-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1)(a), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 20b is established by rule in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

R156-20b-304. Professional Continuing Education.

(1) In accordance with Section 58-20b-304, during each two year period commencing June 1 of each odd numbered year, an environmental health scientist or environmental health scientist-in-training shall be required to complete not less than 30 hours of qualified professional continuing education directly related to the licensee's professional practice.

(2) The required number of hours of professional continuing education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.

(3) Qualified professional continuing education under this section shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a environmental health scientist;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training, and experience; and

(e) have associated with it a competent method of registration of individuals who actually completed the professional education program and records of that registration and completion are available for review.

(4) Credit shall be recognized for professional continuing education on an hour for hour basis as a student completed in blocks of time of not less than 50 minutes in formally established classroom courses, distance learning, seminars, lectures, labs, or specific environmental conferences approved, taught or sponsored by:

(a) Utah Environmental Health Association;

(b) Bureau of Environmental Services;

(c) Utah Department of Environmental Quality;

(d) Bureau of Epidemiology;

(e) State Food Program;

(f) National Environmental Health Association;

(g) Food and Drug Administration;

(h) Center for Disease Control and Prevention;

(i) any local, state or federal agency; and

(j) a college or university which provides courses in or related to environmental health science.

(5) A maximum of 15 hours of credit may be recognized for a person who teaches continuing professional education on an hour for hour basis completed in block of time of not less than 50 minutes in formally established classroom courses, seminars, lectures, conferences which meet the requirements in Subsections (3) and (4).

(6) A licensee is responsible for maintaining competent records of completed qualified professional continuing education for a period of four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified continuing professional education to demonstrate it meets the requirements under this section.

(7) If properly documented that a licensee is engaged in full time activities or is subjected to circumstances which prevent that licensee from meeting the continuing professional education requirements established under this section, the licensee may be excused from the requirement for a period of up to three years. However, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

R156-20b-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) failing to comply with the professional continuing education requirements in Section R156-20b-304; and

(2) failing to provide general supervision as defined in Subsection 58-20b-102(2).

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