

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

SANITARIANS REGISTRATION

REGISTRATION

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 18401, and 18413 of 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.18401, and MCL 333.18413 and Executive Reorganization Order Numbers 1996-1, 1996-2, 2003-1, and 2011-4, MCL 330.3101, 445.2001, 445.2011, and 445.2030) R 338.3901a is being added to the Code as follows:

R 338.3901 Definitions.

Rule 1. As used in these rules:

(a) "Advisory committee" means the advisory committee on sanitarians.

(b) "Code" means 1978 PA 368, MCL 333.1101.

(c) "Completed an environmental health educational program acceptable to the advisory committee" means that an applicant has completed either of the following:

(i) An undergraduate or graduate environmental health educational program approved by the advisory committee pursuant to the provisions of R 338.3903(1) or (2).

(ii) An undergraduate or graduate program at an institution approved by the advisory committee pursuant to R 338.3903(3) or (4) that includes both of the following:

(A) The equivalent of 15 semester hours in the following 3 categories with the equivalent of at least 3 semester hours in each category:

(1) Chemistry: inorganic or organic.

(2) Physics.

(3) Biology: zoology, human physiology, or ecology.

(B) The equivalent of 40 semester hours in at least 2 of the following areas:

(1) Microbiology: general, applied, environmental, immunology, or virology.

(2) Biostatistics.

(3) Epidemiology.

(4) Public health organization and administration.

(5) Environmental health: water and waste water, food protection, air quality, vector control, housing, solid/hazardous waste, institutional/occupational health and safety, occupational health, radiation health, industrial hygiene, noise control, soil science, and recreational environmental health.

(6) Internship or international study which provides exposure to the applied aspect of environmental health.

(7) Technical report writing and risk communication.

(d) "Department" means the department of community health.

History: 1982 AACCS; 1991 AACCS; 2008 AACCS.

R 338.3901a Training standards for identifying victims of human trafficking; requirements.

Rule 1a. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking registration or registered shall complete training in identifying victims of human trafficking that meets the following standards:

(a) Training content shall cover all of the following:

(i) Understanding the types and venues of human trafficking in Michigan or the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:

(i) Training offered by a nationally recognized or state-recognized, health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training obtained in an educational program that has been approved by the advisory committee for initial registration, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subrule (1)(a) of this rule and is published in a peer review journal, health care journal, or professional or scientific journal.

(c) Acceptable modalities of training may include any of the following:

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement shall include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to registration renewals beginning with the first renewal cycle after the promulgation of this rule and for initial or registrations issued 5 or more years after the promulgation of this rule.

History: 2016 AACCS.

R 338.3902 Registration by examination; requirements.

Rule 2. (1) An applicant for a sanitarian registration by examination shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy 1 of the following requirements:

(a) An applicant shall have been granted a baccalaureate degree in science from an institution that meets the accreditation standards in R 338.3903(3) and (4) and shall have completed an environmental health educational program acceptable to the advisory committee, as defined in R 338.3901(c). An applicant also shall have been employed for not less than 4,000 hours in planning, developing, or implementing systems to improve the quality of air, water, food, or other environmental factors which affect the health of the public.

(b) An applicant shall have been granted a master's degree or doctorate in a field related to environmental health practice from an institution that meets the accreditation standards in R 338.3903(2) and (3) and shall have completed an environmental health educational program acceptable to the advisory committee, as defined in R 338.3901(c). An applicant also shall have been employed for not less than 2,000 hours in planning, developing, or implementing systems to improve the quality of air, water, food, or other environmental factors which affect the health of the public.

(c) An applicant shall submit proof of successful completion of an educational and experiential training program that is substantially equivalent to that required in subdivision (a) or (b) of this subrule. To determine whether an educational and experiential training program is substantially equivalent, the department shall consider the following factors:

(i) Course syllabi and length of the educational program.

(ii) Accreditation of the educational program.

(iii) Professional experience obtained after completion of the educational program, including, but not limited to, the length of the experience as well as the quality and comprehensiveness of the experience.

(2) In addition to meeting the requirements of subdivision (a), (b), or (c) of subrule (1) of this rule, an applicant shall complete and pass the registered environmental health specialist/registered sanitarian examination developed by the national environmental health association. A passing score on the examination shall be the passing score established by the national environmental health association.

History: 1982 AACCS; 1991 AACCS; 2008 AACCS.

R 338.3903 Accreditation standards; adoption by reference.

Rule 3. (1) The advisory committee approves and adopts by reference the standards for accrediting environmental health baccalaureate programs developed and adopted by the national environmental health science and protection accreditation council, effective June 24, 2006, and entitled "Undergraduate Guidelines." The guidelines are available free of charge from The National Environmental Health Science and Protection Accreditation Council, 2632

SE 25th Ave., Suite D, Portland, OR 97202 or from the council's website at <http://ehacoffice.org> at no cost. Copies of the guidelines are available for inspection and distribution at cost from the Michigan Advisory Committee on Sanitarians, Bureau of Health

Professions, Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. The advisory committee shall deem as approved any baccalaureate program in environmental health accredited by the national environmental health science and protection accreditation council as an environmental health educational program.

(2) The advisory committee approves and adopts by reference the standards for accrediting environmental health graduate programs developed and adopted by the national environmental health science and protection accreditation council, effective August 1, 2006, and entitled "Guidelines for Accreditation of Environmental Health Science and Protection Master's Graduate Programs." The guidelines are available free of charge from The National Environmental Health Science and Protection Accreditation Council, 2632 SE 25th Ave., Suite D, Portland, OR 97202 or from the council's website at <http://ehacoffice.org> at no cost. Copies of the guidelines are available for inspection and distribution at cost from the Michigan Advisory Committee on Sanitarians, Bureau of Health Professions, Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(3) The advisory committee adopts by reference the recognition standards and criteria of the council for higher education accreditation (chea), effective January 2006, and the procedures and criteria for recognizing postsecondary accrediting agencies of the U.S. department of education, effective July 1, 2000, as contained in Title 34, Part 602 of the Code of Federal Regulations. Copies of the standards and criteria of the council for higher education accreditation and the U.S. department of education are available for inspection and distribution at cost from the Michigan Advisory Committee on

Sanitarians, Bureau of Health Professions, Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. The chea recognition standards also may be obtained from the Council for Higher Education Accreditation, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council's website at <http://www.chea.org> at no cost. The federal recognition criteria may be obtained from the U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20006 or from the department's website at <http://www.ed.gov> at no cost.

(4) The advisory committee adopts by reference the following standards of the following postsecondary accrediting organizations, which may be obtained from the individual accrediting organization at the identified cost. Copies of these standards also are available for inspection and distribution at cost from the Michigan Advisory Committee on Sanitarians, Bureau of Health Professions, Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909:

(a) The standards of the Middle States Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, in the document entitled "Characteristics of Excellence in Higher Education: Eligibility Requirements and Standards for Accreditation," 2004 edition, which is available free of charge

on the association's website at <http://www.msche.org> or for purchase at a cost of \$7.40 as of the time of adoption of these rules.

(b) The standards of the New England Association of Schools and Colleges, Inc., Commission on Institutions of Higher Education, 209 Burlington Road, Bedford, MA 07130, in the document entitled "Standards for Accreditation," 2005 edition, which is available free of charge on the association's website at <http://www.neasc.org>.

(c) The standards of the North Central Association of Colleges and Schools, The Higher Learning Commission, 30 North LaSalle Street, Suite 2400, Chicago, IL 60602, in the document entitled "Handbook of Accreditation," third edition, which is available for purchase through the association's website at <http://www.ncahigherlearningcommission.org> at a cost of \$30.00 as of the time of adoption of these rules.

(d) The standards of the Northwest Association of Schools, Colleges, and Universities, the Commission on Colleges and Universities, 8060 165th Avenue NE, Suite 100, Redmond, WA 98052, in the document entitled "Accreditation Handbook," 2003 edition, which is available for purchase through the association's website at <http://www.nwccu.org> at a cost of \$20.00 as of the time of adoption of these rules.

(e) The standards of the Southern Association of Colleges and Schools, Commission on Colleges, 1866 Southern Lane, Decatur, GA 30033, in the document entitled "Principles of Accreditation: Foundation for Quality Enhancement", copyright 2004, which is available free of charge on the association's website at <http://www.sacscoc.org> or for purchase at a cost of \$12.00 for members and \$24.00 for nonmembers as of the time of adoption of these rules.

(f) The standards of the Western Association of Schools and Colleges, the Accrediting Commission for Senior Colleges and Universities, 985 Atlantic Avenue, Suite 100, Alameda, CA 94501, in the document entitled "Handbook of Accreditation," January 2001, which is available free of charge on the commission's website at <http://www.wascweb.org> or for purchase at a cost of \$15.00 for member institutions and \$20.00 for nonmember institutions as of the time of adoption of these rules.

(g) The standards of the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges, 10 Commercial Blvd., Suite 204, Novato, CA 94949, in the document entitled "Accreditation Reference Book," August 2005, which is available free of charge on the commission's website at <http://www.accjc.org>.

History: 1982 AACCS; 1991 AACCS; 2008 AACCS.

R 338.3904 Rescinded.

History: 1982 AACCS; 1991 AACCS.

R 338.3905 Examination; eligibility requirements.

Rule 5. (1) As of January 1, 2005, the department adopts the registered environmental health specialist/registered sanitarian examination

developed by the national environmental health association. A passing score on the examination shall be the passing score established by the national environmental health association.

(2) To be eligible for the examination, an applicant shall meet the requirements in either of the following:

(a) An applicant shall have been granted a baccalaureate degree in science that meets the criteria in R 338.3901(c)(i) or (c)(ii)(A) and (B) from an institution that meets the accreditation standards in R 338.3903(1), (3) and (4). An applicant also shall have been employed for not less than 4,000

hours in planning, developing, or implementing systems to improve the quality of air, water, food, or other environmental factors which affect the health of the public.

(b) An applicant shall have been granted a master's or doctorate degree in a field related to environmental health practice that meets criteria in R 338.3901(c)(i) or (c)(ii)(A) and (B) from an institution that meets the accreditation standards in R 338.3903(2), (3) and (4). An applicant also shall have been employed for not less than 2,000 hours in planning, developing, or implementing systems to improve the quality of air, water, food, or other environmental factors which affect the health of the public.

History: 1982 AACCS; 1991 AACCS; 2008 AACCS.

R 338.3906 Registration by endorsement.

Rule 6. (1) An applicant for a Michigan registration by endorsement shall submit a completed application on a form provided by the department,

together with the requisite fee. In addition to meeting the other requirements of the code and administrative rules promulgated pursuant to the code, an applicant shall satisfy the educational and experiential requirements, as specified in R 338.3902(1)(a), (1)(b), or (1)(c) and satisfy the requirements of this rule.

(2) An applicant who was first licensed in another state will be presumed to have met the requirements of sections 16186(1)(a) and (b) of the code, if he or she meets all of the following requirements:

(a) Verifies that he or she has been registered or licensed for a minimum of 3 of the last 4 years before the date of filing an application for registration as a sanitarian in Michigan. An applicant may submit either of the following as verification:

(i) Documentation of having been employed in another state as a registered or licensed sanitarian for the period of time specified under subdivision (a) of this subrule.

(ii) Documentation on the status of a registration or a license from all other states in which the applicant currently holds or has ever held registration or licensure. This shall include showing proof, on a form supplied by the department, of having no record of final or pending disciplinary action in all other states where the applicant currently holds or has ever held a registration or license.

(b) Passed the registered environmental health specialist/registered sanitarian examination developed by the national

environmental health association with a passing score recommended by the national environmental health association. An applicant who completed the registration of

sanitarians environmental health proficiency examination developed by the professional examination service before January 1, 2005 shall have passed the examination with a converted score of not less than 75.

History: 1982 AACCS; 1991 AACCS; 2008 AACCS.

R 338.3906a Application for sanitarian re-registration; requirements.

Rule 6a. An applicant for re-registration as a sanitarian shall comply with either of the following:

(a) If the registration was lapsed for less than 3 years, the applicant shall submit a completed application on a form provided by the department together with the requisite fee.

(b) If the registration was lapsed for 3 or more years, the applicant shall do all of the following:

(i) Submit a completed application on a form provided by the department together with the requisite fee.

(ii) Retake the registered environmental health specialist/registered sanitarian examination developed by the national environmental health association.

(iii) Pass the examination with a passing score recommended by the national environmental health association.

History: 2008 AACCS.

R 338.3907 Rescinded.

History: 1982 AACCS; 1991 AACCS.

R 338.3908 Rescinded.

History: 1982 AACCS; 2008 AACCS; 2014 AACCS.

R 338.3909 Rescission.

Rule 9. The rules of the board of sanitarians, being R 325.1401 to R 325.1412 of the Michigan Administrative Code, appearing on pages 1800 to 1802 of the 1979 Michigan Administrative Code, are rescinded.

History: 1982 AACCS.

R 338.3910 Prohibited conduct.

Rule 10. (1) In addition to the conflict of interest provisions of section 18413(1) of the code, a registered sanitarian shall not engage in conduct prohibited by this rule, which includes, but is not limited to, the following acts or omissions:

(a) Refusing to provide professional service to a person because of the person's race, creed, color, national origin, age, sex, sexual orientation, disability, or any basis proscribed by law.

(b) Engaging in harassment or unfair discrimination based on a person's race, creed, color, national origin, age, sex, sexual orientation, disability, or any basis proscribed by law.

(c) Involvement in a conflict of interest that interferes with the exercise of professional discretion or makes a client's interests secondary.

(d) Taking on a professional role when personal, scientific, professional, legal, financial, or other relationships could impair the exercise of professional discretion or make the interests of a client or interest group secondary to those of the registered sanitarian.

(e) Taking advantage of any professional relationship or exploiting others to further the registered sanitarian's personal, religious, political and/or business/financial interests.

(f) Involvement in a professional relationship with a current or former client and/or his or her immediate family in which there is a risk of exploitation or harm to the client.

(g) Soliciting or engaging in a sexual relationship with a current client that results in a conflict of interest.

(h) Failing to inform a client or interest group of his or her obligations and options in regard to environmental and public health issues.

(i) Failing to advise a client or interest group of applicable standards and statutes when rendering advice as a registered sanitarian.

(j) Offering professional consultation or taking professional action in a manner that will endanger the public health or the environment.

(2) As used in subdivisions (c), (d), (f), (g), (h), and (i) of subrule (1), "client" means an individual for whom sanitarian services are rendered by a sanitarian registered under Part 184 of the Public Health Code and covered by these rules.

History: 2008 AACCS.