

HOUSE BILL 434

IN THE HOUSE

January 27, 1979

Introduced and referred to
Committee on Natural Resources.

February 5, 1979

Committee recommend bill, do
not pass.

February 7, 1979

Report adopted.

1 *HOUSE* BILL NO. *434*
2 INTRODUCED BY *Joy*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO RENAME THE BOARD OF
5 SANITARIANS AS THE BOARD OF REGISTERED PROFESSIONAL
6 SANITARIANS; TO ADD TWO PUBLIC MEMBERS TO THE BOARD; TO
7 GENERALLY REVISE THE SANITARIAN LAW; AND TO REQUIRE
8 CONTINUING EDUCATION AS A REQUIREMENT FOR RENEWAL OF A
9 REGISTERED PROFESSIONAL SANITARIAN LICENSE; AMENDING
10 SECTIONS 2-8-103, 2-15-1631, 37-40-101, 37-40-102,
11 37-40-302, 37-40-304, AND 37-40-311, MCA; REPEALING SECTIONS
12 37-40-306 AND 37-40-307, MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 2-8-103, MCA, is amended to read:

16 "2-8-103. Agencies to terminate. (1) The following
17 agencies shall terminate on July 1, 1979:

18 (a) board of abstracters, department of professional
19 and occupational licensing, created by 2-15-1643;

20 (b) board of public accountants, department of
21 professional and occupational licensing, created by
22 2-15-1641;

23 (c) board of architects, department of professional
24 and occupational licensing, created by 2-15-1651;

25 (d) state banking board, department of business

1 regulation, created by 2-15-1803;

2 (e) state electrical board, department of professional
3 and occupational licensing, created by 2-15-1654;

4 (f) board of professional engineers and land
5 surveyors, department of professional and occupational
6 licensing, created by 2-15-1653;

7 (g) office of commissioner of insurance and the
8 insurance department, state auditor's office, created by
9 2-15-1902 and 2-15-1903;

10 (h) office of the investment commissioner, state
11 auditor's office, created by 2-15-1901;

12 (i) board of landscape architects, department of
13 professional and occupational licensing, created by
14 2-15-1652;

15 (j) board of county printing, department of community
16 affairs, created by 2-15-1102;

17 (k) board of plumbers, department of professional and
18 occupational licensing, created by 2-15-1655;

19 (l) board of real estate, department of professional
20 and occupational licensing, created by 2-15-1642;

21 (m) state board of warm air heating, ventilation, and
22 air conditioning, department of professional and
23 occupational licensing, created by 2-15-1656;

24 (n) board of institutions, department of institutions,
25 created by 2-15-2303.

1 (2) The following agencies shall terminate on July 1,
2 1981:

3 (a) commission for human rights, department of labor
4 and industry, created by 2-15-1706;

5 (b) board of athletics, department of professional and
6 occupational licensing, created by 2-15-1661;

7 (c) board of barbers, department of professional and
8 occupational licensing, created by 2-15-1625;

9 (d) board of chiropractors, department of professional
10 and occupational licensing, created by 2-15-1613;

11 (e) board of cosmetologists, department of
12 professional and occupational licensing, created by
13 2-15-1626;

14 (f) board of dentists, department of professional and
15 occupational licensing, created by 2-15-1606;

16 (g) board of hearing aid dispensers, department of
17 professional and occupational licensing, created by
18 2-15-1616;

19 (h) board of massage therapists, department of
20 professional and occupational licensing, created by
21 2-15-1627;

22 (i) Montana state board of medical examiners,
23 department of professional and occupational licensing,
24 created by 2-15-1605;

25 (j) board of morticians, department of professional

1 and occupational licensing, created by 2-15-1619;

2 (k) board of nursing, department of professional and
3 occupational licensing, created by 2-15-1610;

4 (l) board of nursing home administrators, department
5 of professional and occupational licensing, created by
6 2-15-1611;

7 (m) board of optometrists, department of professional
8 and occupational licensing, created by 2-15-1612;

9 (n) board of osteopathic physicians, department of
10 professional and occupational licensing, created by
11 2-15-1607;

12 (o) board of pharmacists, department of professional
13 and occupational licensing, created by 2-15-1609;

14 (p) board of podiatry examiners, department of
15 professional and occupational licensing, created by
16 2-15-1608;

17 (q) board of psychologists, department of professional
18 and occupational licensing, created by 2-15-1617;

19 (r) board of radiologic technologists, department of
20 professional and occupational licensing, created by
21 2-15-1614;

22 (s) board of speech pathologists and audiologists,
23 department of professional and occupational licensing,
24 created by 2-15-1615;

25 (t) board of veterinarians, department of professional

1 and occupational licensing, created by 2-15-1618;
 2 (u) board of veterans' affairs, department of social
 3 and rehabilitation services, created by 2-15-2202.
 4 (3) The following units of state government shall
 5 terminate on July 1, 1983:
 6 (a) board of aeronautics, department of community
 7 affairs, created by 2-15-1103;
 8 (b) state board of hail insurance, department of
 9 agriculture, created by 2-15-3003;
 10 (c) board of horseracing, department of professional
 11 and occupational licensing, created by 2-15-1662;
 12 (d) board of livestock, department of livestock,
 13 created by 2-15-3102;
 14 (e) board of milk control, department of business
 15 regulation, created by 2-15-1802;
 16 (f) board of oil and gas conservation, department of
 17 natural resources and conservation, created by 2-15-3303;
 18 (g) Montana outfitters council, department of fish and
 19 game, created by 2-15-3403;
 20 (h) public service commission, department of public
 21 service regulation, created by 69-1-102;
 22 (i) board of registered professional sanitarians,
 23 department of professional and occupational licensing,
 24 created by 2-15-1631;
 25 (j) board of water and wastewater operators,

1 department of health and environmental sciences, created by
 2 2-15-2105;
 3 (k) board of water well contractors, department of
 4 professional and occupational licensing, created by
 5 2-15-1632."

6 Section 2. Section 2-15-1631, MCA, is amended to read:
 7 "2-15-1631. Board of registered professional
 8 sanitarians. (1) There is a board of registered professional
 9 sanitarians.

10 (2) The board shall consist of three five members
 11 appointed by the governor. Each member shall be a resident
 12 of this state ~~and a registered sanitarian~~. Three members
 13 shall be registered professional sanitarians registered
 14 under 37-40-302 and two members shall be public members.
 15 Each registered professional sanitarian member shall have a
 16 minimum of 3 years of experience practicing as a registered
 17 professional sanitarian in the state of Montana.

18 (3) Members Registered professional sanitarian members
 19 shall serve for 3-year terms. One term shall expire on July
 20 1 of each year. One public member shall be appointed to
 21 serve 1 year and one public member shall be appointed to
 22 serve 2 years. After initial appointments, each public
 23 member shall serve 2-year terms. Public member terms expire
 24 on July 1 of each respective year."

25 Section 3. Section 37-40-101, MCA, is amended to read:

1 *37-40-101. Definitions. Unless the context requires
2 otherwise, as used in this chapter, the following
3 definitions apply:

4 (1) "Board" means the board of registered professional
5 sanitarians provided for in 2-15-1631.

6 (2) "Department" means the department of professional
7 and occupational licensing provided for in Title 2, chapter
8 15, part 16.

9 (3) ~~"Registered sanitarian" means a sanitarian~~
10 ~~licensed under this chapter.~~ "Environmental health science"
11 means the aspect of public health science that is concerned
12 with those forms of life, substances, forces, and conditions
13 in the surroundings of humans that may exert an influence on
14 human health and well-being.

15 (4) ~~"Sanitarian" "Registered professional sanitarian",~~
16 within the meaning and intent of this chapter, shall mean a
17 person who, by reason of his special knowledge and use of
18 the physical, biological, and chemical sciences and the
19 principles and methods of public health ~~acquired by~~
20 ~~professional education and practical experience through~~
21 ~~inspection, educational, and/or enforcement duties,~~ is
22 qualified to practice the profession of sanitarian and who
23 has been duly registered and licensed as a registered
24 professional sanitarian.

25 (5) "Practice the profession of sanitarian" means

1 planning, policy development, problem solving, inspectional,
2 educational, or enforcement duties in the field of
3 environmental ~~sanitation~~ health science.

4 (6) ~~"Sanitarian-in-training" means a person who~~
5 ~~complies with minimum standards for registration and holds a~~
6 ~~probationary certificate."~~

7 Section 4. Section 37-40-102, MCA, is amended to read:

8 *37-40-102. Exemptions. Any person whose work involves
9 the practice of the profession of sanitarian who is not
10 covered by another licensing act or a job classification
11 with equivalent required qualifications must be licensed
12 under 37-40-302. Persons exempt from the requirements of
13 this chapter, ~~unless practicing the profession of~~
14 ~~sanitarians~~ are:

15 (1) any person teaching, lecturing, or engaging in
16 research in environmental ~~sanitation~~ health science, but
17 only insofar as such activities are performed as part of an
18 academic position in a college or university;

19 (2) any person who is a sanitary engineer, public
20 health engineer, registered professional engineer, or
21 engineer-in-training;

22 (3) any public health officer employed pursuant to
23 50-2-116; and

24 (4) any person employed by a federal governmental
25 agency, but only at such times as the person is carrying out

1 the functions of his employment."

2 Section 5. Section 37-40-302, MCA, is amended to read:

3 "37-40-302. Application -- examination -- certificate.

4 (1) A person wishing to practice the profession of
5 sanitarian may, prior to beginning practice, apply to the
6 department for registration on a form prescribed by the
7 board.

8 (2) An applicant must meet who makes application for
9 registration and meets minimum standards set by the board
10 and must pass an examination given at a time and place set
11 by the board, but not to exceed 1 year past the date of
12 issuance of the, upon payment of the registration fee, shall
13 be issued a probationary certificate described in subsection
14 (3) below. A holder of a probationary certificate shall be
15 known as a sanitarian-in-training.

16 (3) Upon application for registration and payment of
17 the registration fee, a probationary certificate shall be
18 issued. The sanitarian-in-training shall work under the
19 direct supervision of a registered professional sanitarian.
20 The sanitarian-in-training must pass an examination given at
21 a time and place set by the board, not exceeding 1 year from
22 the date of issuance of the probationary certificate. The
23 board shall review the experience and educational progress
24 of the sanitarian-in-training within 6 months of the date of
25 issuance of the probationary certificate.

1 (4) If the applicant meets the board's standards and
2 passes the examination prescribed by the board, the
3 department shall issue a certificate of registration upon
4 payment of the required fee.

5 (5) Holder A holder of a current certificates
6 certificate shall be entitled to append "registered
7 professional sanitarian" or the initials "R.P.S." to their
8 his name the initials "R.S."

9 Section 6. Section 37-40-304, MCA, is amended to read:

10 "37-40-304. Fees -- renewal. (1) An applicant for a
11 license shall pay a fee set by the board in an amount
12 commensurate with examination and administrative costs.

13 (2) A registered professional sanitarian may renew his
14 license by paying an annual fee set by the board, not to
15 exceed ~~\$10~~ \$20.

16 (3) Renewal fees are due July 1 of the renewal year.
17 If the renewal fee is not paid, the license expires.
18 Licenses which have lapsed for failure to pay renewal fees
19 may be reissued under rules adopted by the board."

20 Section 7. Section 37-40-311, MCA, is amended to read:

21 "37-40-311. Suspension or revocation, or other
22 disciplinary action on a of license -- procedure. (1) The
23 board may suspend, or revoke, reprimand, or refuse to renew
24 a license or take other disciplinary actions for the
25 following reasons:

1 ~~(1)(a) unprofessional conduct in violation of rules~~
2 ~~adopted by the board;~~

3 ~~(2)(b) fraud and or deceit in obtaining a license;~~

4 ~~(3)(c) gross negligence, incompetency, or misconduct~~
5 ~~in the practice of the profession of sanitarian; or~~

6 ~~(4)(d) the conviction of a crime involving moral~~
7 ~~turpitude or a felony.~~

8 ~~(2) Any person may make charges of unprofessional~~
9 ~~conduct, fraud, deceit, gross negligence, incompetency, or~~
10 ~~misconduct against a registrant. The charges shall be made~~
11 ~~by affidavit subscribed and sworn to by the person making~~
12 ~~them and filed with the department. The charges, unless~~
13 ~~dismissed by the board as unfounded or trivial, shall be~~
14 ~~heard by the board within 3 months after the date on which~~
15 ~~they are filed.~~

16 ~~(3) The board may require a registrant to take a~~
17 ~~written or oral examination, or both, as a disciplinary~~
18 ~~action when charges have been filed.~~

19 ~~(4) If, after a hearing, three or more members of the~~
20 ~~board vote in favor of sustaining the charges, the board may~~
21 ~~issue an order providing for appropriate disciplinary action~~
22 ~~as provided by this section. The board may reissue a~~
23 ~~certificate of registration to a person whose certificate~~
24 ~~has been revoked if at least four members vote in favor of~~
25 ~~the reissuance. A new certificate of registration to replace~~

1 ~~a certificate revoked, lost, destroyed, or mutilated may be~~
2 ~~issued by the department, subject to the rules of the~~
3 ~~board."~~

4 NEW SECTION. Section 8. Continuing education
5 required. (1) After July 1, 1980, no sanitarian license may
6 be renewed unless the sanitarian has certified upon a form
7 prescribed by the board that he has obtained the number of
8 hours of approved continuing education required by the
9 board.

10 (2) Upon adequate demonstration of good cause by the
11 sanitarian for having failed to obtain the required number
12 of continuing education hours through attendance of
13 regularly accredited programs, the board shall renew the
14 license of a sanitarian who has completed an alternative
15 program of compliance prescribed by the board. Alternative
16 programs shall insure competency essentially equivalent to
17 that gained through regularly accredited continuing
18 education programs and may include home study courses,
19 examinations, or any other program prescribed by the board.

20 (3) The board shall adopt rules for the proper
21 administration of the continuing education provisions of
22 this chapter, including but not limited to:

23 (a) determining accredited programs;

24 (b) establishing the number of hours of continuing
25 education required for license renewal; and

1 (c) establishing alternative methods of fulfilling
2 continuing education requirements as provided for in
3 subsection (1).

4 Section 9. Codification. Section 8 is intended to be
5 codified as an integral part of Title 37, chapter 40, part
6 3, and the provisions of that part apply to section 8.

7 Section 10. Repealer. Sections 37-40-306 and
8 37-40-307, MCA, are repealed.

-End-