

HOUSE BILL NO. 28

INTRODUCED BY HANSEN  
BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE HOUSE

DECEMBER 23, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
JANUARY 4, 1993	FIRST READING.
JANUARY 6, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 8, 1993	PRINTING REPORT.  SECOND READING, DO PASS.
JANUARY 11, 1993	ENGROSSING REPORT.  THIRD READING, PASSED. AYES, 89; NOES, 10.  TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 13, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY.  FIRST READING.
JANUARY 22, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
JANUARY 23, 1993	SECOND READING, CONCURRED IN.
JANUARY 25, 1993	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.  RETURNED TO HOUSE.

IN THE HOUSE

JANUARY 26, 1993	RECEIVED FROM SENATE.  SENT TO ENROLLING.  REPORTED CORRECTLY ENROLLED.
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## 1 HOUSE BILL NO. 28

2 INTRODUCED BY HANSEN

3 BY REQUEST OF THE DEPARTMENT OF COMMERCE

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE  
6 REQUIREMENT THAT A SANITARIAN LICENSEE SUBMIT TO AN ORAL  
7 INTERVIEW OR EXAMINATION; AUTHORIZING THE ISSUANCE OF A  
8 LICENSE TO A SANITARIAN WHO IS REGISTERED WITH THE NATIONAL  
9 ENVIRONMENTAL HEALTH ASSOCIATION; AND AMENDING SECTIONS  
10 37-40-302, 37-40-303, AND 37-40-311, MCA."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 37-40-302, MCA, is amended to read:

14 "37-40-302. Application -- examination -- certificate.

15 (1) A person wishing to practice the profession of  
16 sanitarian may apply to the department for registration on a  
17 form prescribed by the board.

18 (2) An applicant must possess a minimum of a bachelor's  
19 degree in environmental health or its equivalent from an  
20 accredited university or college and must pass a written  
21 examination and an oral interview given at a time and place  
22 set by the board. The board shall establish procedures for  
23 examination and determination of passing scores by rule.

24 (3) If the applicant meets the board's standards and  
25 passes the examination prescribed by the board, the

1 department shall issue a certificate of registration upon  
2 payment of the required fee.

3 (4) Holders of current certificates ~~shall--be~~ are  
4 entitled to append to their name the initials "R.S."."

5 Section 2. Section 37-40-303, MCA, is amended to read:

6 "37-40-303. Licensing sanitarians from other states or  
7 with national registration. The department may issue a  
8 license without examination to a person who applies to the  
9 department, pays a fee prescribed by the board, and submits  
10 satisfactory proof to the board that the person:

11 (1) is of good moral character;

12 (2) is registered or licensed as a sanitarian in  
13 another state or is registered with the national  
14 environmental health association; and

15 (3) has met the same qualifications for licensure as  
16 applicants registered by examination under this chapter."

17 Section 3. Section 37-40-311, MCA, is amended to read:

18 "37-40-311. Suspension or revocation of license. (1)

19 The board may suspend or revoke a license, put a licensee on  
20 probation, reprimand a licensee, or refuse to issue or renew  
21 a license for the following reasons:

22 (a) unprofessional conduct as defined by rule of the  
23 board;

24 (b) fraud and deceit in obtaining a license;

25 (c) negligence, incompetency, or misconduct in the

1 practice as a sanitarian; or

2 (d) the conviction of a crime involving moral  
3 turpitude.

4 (2) Any A person may bring charges of violating  
5 standards of conduct. The board may deny, suspend, or revoke  
6 a license or place a licensee on probation, or reprimand a  
7 licensee after a hearing held under the provisions of the  
8 Montana Administrative Procedure Act.

9 (3) The board may require a registrant to take a  
10 written ~~or--oral~~ examination, ~~--or--both~~, in a proceeding to  
11 reprimand or to revoke, suspend, or refuse to renew a  
12 license.

13 (4) If, after a hearing, a majority of the board votes  
14 in favor of sustaining the charges, the board shall  
15 reprimand or place the sanitarian on probation or suspend,  
16 deny, refuse to renew, or revoke the certificate of  
17 registration of the professional sanitarian.

18 (5) The board, for reasons it considers sufficient, may  
19 reissue a certificate of registration to a person whose  
20 certificate has been revoked if a majority of the members of  
21 the board vote in favor of the reissuance. A new certificate  
22 of registration, to replace a certificate revoked, lost,  
23 destroyed, or mutilated, may be issued by the department,  
24 subject to the rules of the board."

-End-

APPROVED BY COMM. ON BUSINESS  
AND ECONOMIC DEVELOPMENT

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A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE  
REQUIREMENT THAT A SANITARIAN LICENSEE SUBMIT TO AN ORAL  
INTERVIEW OR EXAMINATION; ~~AUTHORIZING THE ISSUANCE OF A~~  
~~LICENSE TO A SANITARIAN WHO IS REGISTERED WITH THE NATIONAL~~  
~~ENVIRONMENTAL HEALTH ASSOCIATION; AND AMENDING SECTIONS~~  
SECTION 37-40-302, 37-40-303, AND 37-40-311, MCA."

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**Section 1.** Section 37-40-302, MCA, is amended to read:

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form prescribed by the board.

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degree in environmental health or its equivalent from an  
accredited university or college and must pass a written  
examination and an oral interview given at a time and place  
set by the board. The board shall establish procedures for  
examination and determination of passing scores by rule.

(3) If the applicant meets the board's standards and  
passes the examination prescribed by the board, the

department shall issue a certificate of registration upon  
payment of the required fee.

(4) Holders of current certificates shall ~~be~~ are  
entitled to append to their name the initials "R.S."."

**Section 2.** ~~Section 37-40-303, MCA, is amended to read:~~

~~"37-40-303. Licensing sanitarians from other states or~~  
~~with national registration. The department may issue a~~  
~~license without examination to a person who applies to the~~  
~~department, pays a fee prescribed by the board, and submits~~  
~~satisfactory proof to the board that the person:~~

~~(1) is of good moral character;~~

~~(2) is registered or licensed as a sanitarian in~~  
~~another state or is registered with the national~~  
~~environmental health association; and~~

~~(3) has met the same qualifications for licensure as~~  
~~applicants registered by examination under this chapter."~~

**Section 3.** ~~Section 37-40-311, MCA, is amended to read:~~

~~"37-40-311. Suspension or revocation of license. (1)~~  
~~The board may suspend or revoke a license, put a licensee on~~  
~~probation, reprimand a licensee, or refuse to issue or renew~~  
~~a license for the following reasons:~~

~~(a) unprofessional conduct as defined by rule of the~~  
~~board;~~

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

~~(c) negligence, incompetency, or misconduct in the~~

1 practice-as-a-sanitarian,-or

2 {d}--the--conviction--of---a---crime---involving---moral  
3 turpitude-

4 {2}--Any A person--may--bring--charges--of--violating  
5 standards-of-conduct,-The-board-may-deny,-suspend,-or-revoke  
6 a-license-or-place-a-licensee-on-probation,-or--reprimand--a  
7 licensee--after--a--hearing-held-under-the-provisions-of-the  
8 Montana-Administrative-Procedure-Act-

9 {3}--The-board--may--require--a--registrant--to--take--a  
10 written--or--oral--examination,-or-both,-in-a-proceeding-to  
11 reprimand-or-to-revoke,-suspend,-or--refuse--to--renew--a  
12 licenser

13 {4}--If,-after-a-hearing,-a-majority-of-the-board-votes  
14 in--favor--of--sustaining--the--charges,-the--board---shall  
15 reprimand--or--place-the-sanitarian-on-probation-or-suspend,  
16 deny,-refuse--to--renew,-or--revoke--the--certificate---of  
17 registration-of-the-professional-sanitarian-

18 {5}--The-board,-for-reasons-it-considers-sufficient,-may  
19 reissue--a--certificate--of--registration--to-a-person-whose  
20 certificate-has-been-revoked-if-a-majority-of-the-members-of  
21 the-board-vote-in-favor-of-the-reissuance.-A-new-certificate  
22 of-registration,-to-replace--a--certificate--revoked,-lost,  
23 destroyed,-or--mutilated,-may-be-issued-by-the-department,  
24 subject-to-the-rules-of-the-board;"

-End-

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(3) If the applicant meets the board's standards and passes the examination prescribed by the board, the

department shall issue a certificate of registration upon payment of the required fee.

(4) Holders of current certificates shall be are entitled to append to their name the initials "R.S."."

**Section 2.** ~~Section 37-40-303, MCA, is amended to read:~~

~~"37-40-303. Licensing sanitarians from other states or with national registration. The department may issue a license without examination to a person who applies to the department, pays a fee prescribed by the board, and submits satisfactory proof to the board that the person:~~

~~(1) is of good moral character;~~

~~(2) is registered or licensed as a sanitarian in another state or is registered with the national environmental health association; and~~

~~(3) has met the same qualifications for licensure as applicants registered by examination under this chapter."~~

**Section 3.** ~~Section 37-40-311, MCA, is amended to read:~~

~~"37-40-311. Suspension or revocation of license. (1) The board may suspend or revoke a license, put a licensee on probation, reprimand a licensee, or refuse to issue or renew a license for the following reasons:~~

~~(a) unprofessional conduct as defined by rule of the board;~~

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

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practice-as-a-sanitarian,-or

{d}-the-conviction-of-a-crime-involving-moral  
turpitude;

{2}-Any A person-may-bring-charges-of-violating  
standards-of-conduct.-The-board-may-deny,-suspend,-or-revoke  
a-license-or-place-a-licensee-on-probation,-or-reprimand-a  
licensee-after-a-hearing-held-under-the-provisions-of-the  
Montana-Administrative-Procedure-Act;

{3}-The-board-may-require-a-registrant-to-take-a  
written-or-oral-examination,-or-both,-in-a-proceeding-to  
reprimand-or-to-revoke,-suspend,-or-refuse-to-renew-a  
license;

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reprimand-or-place-the-sanitarian-on-probation-or-suspend,  
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destroyed,-or-mutilated,-may-be-issued-by-the-department,  
subject-to-the-rules-of-the-board.\*

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{1}--is--of--good--moral--character;

{2}--is--registered--or--licensed--as--a--sanitarian--in another--state or--is--registered--with--the--national environmental--health--association; and

{3}--has--met--the--same--qualifications--for--licensure--as applicants--registered--by--examination--under--this--chapter."

**Section 3.**--Section 37-40-311, MCA, is amended to read:--

"37-40-311.--Suspension or revocation--of--license.--{1} The--board--may--suspend--or--revoke--a--license,--put--a--licensee--on probation,--reprimand--a--licensee,--or--refuse--to--issue--or--renew a--license--for--the--following--reasons:

{a}--unprofessional--conduct--as--defined--by--rule--of--the board;

{b}--fraud--and--deceit--in--obtaining--a--license;

{c}--negligence,--incompetency,--or--misconduct--in--the





1 practice-as-a-sanitarian; or

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