**Working Draft**

**REGISTRATION REQUIREMENTS**

[**4695.2500**](https://www.revisor.mn.gov/rules/4695.2500) **REGISTRATION OF REGISTERED ENVIRONMENTAL HEALTH SPECIALISTS/REGISTERED SANITARIANS.**

The purpose of parts [4695.2500](https://www.revisor.mn.gov/rules/4695.2500) to ~~4695.3200~~ 4695.2965 is to establish the administrative structure, the procedures, and the requirements for the registration of those persons who are qualified to present themselves as registered environmental health specialists/registered sanitarians.

[**4695.2600**](https://www.revisor.mn.gov/rules/4695.2600) **DEFINITIONS.**

**Subpart 1. Scope.**

For the purposes of parts [4695.2500](https://www.revisor.mn.gov/rules/4695.2500) to ~~4695.3200~~ 4695.2965, the words, terms, and phrases listed in subparts 2 to ~~9~~ 10 shall have the meaning ~~given to them~~ stated herein, unless the language and context clearly indicates that a different meaning is intended.

**Subp. 2. Acceptable continuing education activity.**

"Acceptable continuing education activity" means a learning experience in which a registrant has participated~~,~~  and has demonstrated evidence of participation to be submitted to the department ~~which he/she submits to the council as part of the~~ ~~application for registration renewal, and which meets the requirements stated in parts~~ [~~4695.2500~~](https://www.revisor.mn.gov/rules/4695.2500) ~~to~~ [~~4695.3200~~](https://www.revisor.mn.gov/rules/4695.3200).

**Subp. 3. Applicant.**

"Applicant" means a person who applies ~~pursuant to parts~~ [~~4695.2500~~](https://www.revisor.mn.gov/rules/4695.2500) ~~to~~ [~~4695.3200~~](https://www.revisor.mn.gov/rules/4695.3200), either initially or on a renewal basis, to be registered as an environmental health specialist~~/~~ or sanitarian in accordance with parts 4695.2500 to 4695.2965.

**Subp. 3a. Undergraduate or graduate degree.**

"Undergraduate degree" means an academic degree awarded for the successful completion of a bachelor’s degree program of studies from a four-year college or university located in the United States of America for an undergraduate course or major equal to four years of full-time college-level study.

"Graduate degree" means an academic degree awarded for the successful completion of a program of studies from a college or university located in the United States of America offering college-level graduate degrees for course work beyond completion of an undergraduate degree.

**Subp. 4. Commissioner.**

"Commissioner" means commissioner of health.

**Subp. 5. Contact hour.**

"Contact hour" means an instructional session of ~~50~~ 60 consecutive minutes, excluding coffee breaks, registration, meals (with or without speaker), or other social activities.

**Subp. 6. Council.**

"Council" means registered environmental health specialists/registered sanitarians advisory council as referenced in parts [4695.3100](https://www.revisor.mn.gov/rules/4695.3100) to ~~4695.3200~~ 4695.2965.

**Subp. 6a. One year of experience.**

“One year of experience” means full or part-time employment that extends over a period of no fewer than 12 months and includes no fewer than 2,000 hours of performance as described in Subp. 7.

**Subp. 7. Registered ~~e~~nvironmental health specialist/registered sanitarian.**

"Registered environmental health specialist/registered sanitarian" means a person registered pursuant to these rules to plan, organize, manage, implement, and evaluate one or more program areas comprising the field of environmental health. Environmental program areas include but are not limited to~~:~~ ~~food, beverage, and lodging sanitation; housing; refuse disposal; water supply sanitation; rodent, insect, and vermin control; accident prevention; swimming pool and public bathing facility sanitation; radiation safety; air and water quality, noise pollution, and institutional and industrial hygiene. Implementation includes community education, investigation, consultation, review of construction plans, collection of samples and interpretation of laboratory data, enforcement actions, review and recommendation of policy and/or regulation~~ food protection and safety, water protection, air quality, noise, industrial and land pollution, sewage disposal, hazardous and toxic substances, solid waste management, emergency management and institutional health. Other environmental health program areas approved by the council are listed on the department webpage.

**Subp. 8. Registration; registered.**

"Registration" or "registered" means ~~that an applicant has been found by the commissioner to meet~~ the commissioner has determined the applicant meets the qualifications specified in parts [4695.2500](https://www.revisor.mn.gov/rules/4695.2500) to ~~4695.3200~~ 4695.2965 to protect environmental health. Only registered persons ~~so registered~~ are permitted to use the designated titles of "registered environmental health specialist" or "registered sanitarian" or the initials “REHS”, “REHS/RS” or "R.S."

**Subp. 9. Registration examination; examination.**

"Registration examination" or “examination” means ~~the~~ an examination approved by the commissioner and administered by the commissioner or a testing agency approved by the commissioner. ~~the commissioner's designated agent. For approval the examination must meet the following criteria:~~

**~~A.~~** ~~the examination has been validated by a content validity study which consists of data showing that the examination covers a representative sample of the job tasks, work behaviors, performance skills to be performed on the job for which the applicant is to be evaluated; and/or~~

**~~B.~~** ~~the examination has been validated by a criterion related validity study which consists of empirical data demonstrating that the selection procedure is predictive of, or significantly correlated with, job performance and which has a validity coefficient significant at the .05 level of significance; and~~

**~~C.~~** ~~validity studies are based upon a review of information about the job for which the examination is to be used, which shall include but is not limited to an analysis of job tasks, work behaviors, or performance skills that are relevant to the job; and~~

**~~D.~~** ~~job tasks, work behaviors, or performance skills used as a basis for test developments and validity studies must include but are not limited to the knowledge areas in the definition of environmental health specialist/sanitarian as outlined in subpart 7; and~~

**~~E.~~** ~~the examination has been determined to be reliable utilizing the parallel forms or internal consistency methods of estimating reliability and the reliability coefficient is no less than .70; and~~

**~~F.~~** ~~the examination is revised or a new form is issued when technical advances in the field indicate the examination should be updated to acknowledge related changes in the definition of environmental health specialist/sanitarian as outlined in subpart 7. The commissioner may adopt for use at the commissioner's discretion any standardized national test which meets these criteria.~~

**Subp. 10. Self-employment or independent contracting evidence.**

“Self-employment or independent contracting evidence” means copies of work agreements or contracts indicating one year experience in one of the program areas listed in Subp. 7.

[**~~4695.2700~~**](https://www.revisor.mn.gov/rules/4695.2700) **~~INITIAL REGISTRATION.~~**

**~~Subpart 1. Application.~~**

~~All applicants for initial registration shall submit an application on a form to be prepared by the commissioner and fees as prescribed in part~~ [~~4695.2900~~](https://www.revisor.mn.gov/rules/4695.2900)~~. The information requested by the commissioner on the application shall be such so as to permit a complete evaluation of each applicant to determine whether the applicant meets the requirements for registration as specified in these rules and any applicable statutes. To clarify incomplete or ambiguous information presented in the application, the commissioner may request an applicant to submit additional information as may be necessary to determine the applicant's qualifications. In order to be registered, an applicant shall provide:~~

**~~A.~~** ~~Evidence of receiving a baccalaureate or postbaccalaureate degree in environmental health, sanitary science, sanitary engineering, or other related environmental health field which includes at least 30 semester or 45 quarter hour credits in the physical or biological sciences.~~

**~~B.~~** ~~Evidence of at least one year of supervised employment in one or more of the program areas listed in part~~ [~~4695.2600~~](https://www.revisor.mn.gov/rules/4695.2600)~~, subpart 7, definition of "environmental health specialist/sanitarian." Supervision shall be provided by an environmental health specialist or a sanitarian or a licensed health professional, or an engineer or other professional with a graduate degree in one of the physical or biological sciences, or other person whom the commissioner deems has equivalent environmental health background.~~

**~~C.~~** ~~Evidence of passing the registration examination.~~

**~~Subp. 2. Applicants without a baccalaureate.~~**

~~For a period of six months following August 1, 1979, an applicant may be registered without having received a baccalaureate or higher degree as provided in subpart 1 if the applicant:~~

**~~A.~~** ~~submits evidence of experience in one or more of the program areas listed in part~~ [~~4695.2600~~](https://www.revisor.mn.gov/rules/4695.2600)~~, subpart 7, definition of an "environmental health specialist" or "sanitarian" for at least the five years immediately preceding his/her application;~~

**~~B.~~** ~~submits a statement of satisfactory employment by the employer or supervisor which indicates that the applicant has performed competently in one or more of the program areas listed in the definition of environmental health specialist/sanitarian;~~

**~~C.~~** ~~submits evidence of having passed a civil service or other qualifying exam for a job classification of "environmental health specialist" or "sanitarian" or inspector or public health officer or engineer or other similar equivalent job title classification or of having successfully completed the registration exam.~~

**~~Subp. 3. Examination retakes.~~**

~~No applicant shall make more than two attempts within any 12-month period to successfully complete the registration examination.~~

**~~Subp. 4. Applicants licensed outside Minnesota.~~**

~~Persons who have attained a registration or license outside of Minnesota may be entitled to registration in Minnesota if they can provide evidence of meeting the requirements set forth in subpart 1, items A to C.~~

[**~~4695.2800~~**](https://www.revisor.mn.gov/rules/4695.2800) **~~RENEWAL REGISTRATION.~~**

**~~Subpart 1. Expiration and renewal.~~**

~~An applicant's registration shall expire biennially on his/her birthday unless it is renewed. Each applicant shall be required to renew his/her registration every two years except that following the initial registration date, an applicant shall renew his/her registration no less than 24 months and no more than 36 months if he/she is registered for the first time on a date other than his/her birthday. Every applicant shall submit a completed registration renewal application, on a form provided by the commissioner together with the renewal fee for the biennium or part thereof. The information requested by the commissioner on the registration renewal application shall be such so as to permit a complete evaluation of each application to determine whether the applicant meets the requirements for registration renewal as specified in these rules and any applicable statutes. To clarify incomplete or ambiguous information presented in the application, the commissioner or the commissioner's agent may request an applicant to submit additional information as may be necessary to determine the applicant's qualifications for renewal. Applications submitted after the applicant's birthday must be accompanied by the late fee of $10 together with all other information required by parts~~ [~~4695.2500~~](https://www.revisor.mn.gov/rules/4695.2500) ~~to~~ [~~4695.3200~~](https://www.revisor.mn.gov/rules/4695.3200)~~.~~

**~~Subp. 2. Continuing education.~~**

~~For registration renewal, each registrant shall submit evidence of successful completion of 24 contact hours of acceptable continuing education activities the content of which is related to one or more of the environmental program areas contained in part~~ [~~4695.2600~~](https://www.revisor.mn.gov/rules/4695.2600)~~, subpart 7.~~

**~~Subp. 3. Criteria for continuing education.~~**

~~A continued education activity must meet the following criteria in order for credit to be given:~~

**~~A.~~** ~~It must have a specific, written objective(s) which describe expected outcomes for the participant.~~

**~~B.~~** ~~It must be presented by knowledgeable person(s) who have reviewed the development in the subject being covered in the program within the last two years. His/her qualifications must be documented by one of the following: specialized training in the subject matter; experience in teaching the subject matter; experience in working in the subject areas.~~

**~~C.~~** ~~It must last at least one contact hour.~~

**~~D.~~** ~~It must have stated in written form what mechanism was utilized to demonstrate whether or not learning did occur. The mechanism may include, but is not limited to, a successfully completed written test or a performance component.~~

**~~E.~~** ~~It must utilize a mechanism to validate participation. This may include, but is not limited to, earned credits and/or verification of attendance. Program sponsors shall maintain attendance sheets for three years.~~

**~~Subp. 4. Council review of compliance with renewal requirements.~~**

~~The council shall review the submitted evidence and decide if the evidence demonstrates that the registrant has complied with the renewal requirements set forth in subparts 2 and 3. If the council decides that the evidence demonstrates that the registrant has so complied, the council will recommend to the commissioner that the registrant's continuing education activities should be accepted.~~

~~If the council decides that the evidence does not demonstrate that the registrant has complied with subparts 2 and 3, the council will so inform the applicant who will then have an opportunity to submit additional evidence, decide if it demonstrates that the registrant has complied with subparts 2 and 3, and recommend to the commissioner that the registrant's continuing education activities should or should not be accepted. The commissioner will then make the final decision regarding the acceptability of the registrant's continuing education activities.~~

**~~Subp. 5. Expiration for more than two years.~~**

~~Applicants who have permitted their registrations to expire for more than two years may regain their registration when they successfully complete the registration examination, complete continuing education requirements, and submit the required renewal forms and fees.~~

[**4695.2900**](https://www.revisor.mn.gov/rules/4695.2900) **APPLICATION FEES.**

Non-refundable fees to be submitted with initial or renewal applications shall be as follows:

**A.** Initial application fee, $45 ~~plus examination fees~~.

**B.** Biennial renewal application fee, $45.

**C.** Penalty for late submission of renewal application, $10, if not renewed by designated renewal date.

**4695.2910 REGISTERED ENVIRONMENTAL HEALTH SPECIALIST/REGISTERED SANITARIAN ADVISORY COUNCIL MEMBERSHIP.**

The council shall consist of seven members appointed by the commissioner as follows:

**A.** two public members as defined in [Minnesota Statutes, section 214.02](https://www.revisor.mn.gov/statutes/cite/214.02);

**B.** one educator or a representative from a regulated industry for which registered

environmental health specialists/registered sanitarians are charged with enforcement of the

regulation; and

**C.** four registered environmental health specialists/registered sanitarians representative of county, municipal, and state agencies that reflect the distribution of registered environmental health specialists/registered sanitarians among these employers at the time of appointment.

**4695.2920 COUNCIL ORGANIZATION, DUTIES, AND RESPONSIBILITIES.**

**Subpart 1. Organization and administration.** The council in part 4695.2910 shall be organized and administered under both [Minnesota Statutes, section 15.059](https://www.revisor.mn.gov/statutes/cite/15.059), and the commissioner's policies relating to advisory councils.

**Subp. 2. Duties. The council shall:**

**A**. elect a chair and vice chair every two years or as necessary;

**B**. advise the commissioner regarding registered environmental health

specialist/registered sanitarian registration standards;

**C.** provide recommendations to the commissioner on the enforcement of the registered environmental health specialist/registered sanitarian rules;

**D.** provide for the dissemination of information regarding registered environmental

health specialist/registered sanitarian standards;

**E.** review applications and approve or disapprove applicants for initial registration; and

**F.** recommend revisions to parts 4695.2500 to 4695.2965 and participate in the rule revision process.

**4695.2930 INITIAL or RESIPROCITY REGISTRATION.**

**Subpart 1. Application.** For applications for initial registration or reciprocity, the applicant shall provide the information in items A - C.

**A.** All applicants for initial registration or reciprocity shall submit an application on a form provided by the department.

**B.** The information requested in the application form must include all information necessary to permit a complete evaluation of each applicant to determine whether the applicant meets the requirements for registration specified in parts 4695.2500 to 4695.2965 and any applicable statutes or laws; and

**C.** pay application fee as designated in part. 4695.2900.

**Subp. 2. General requirements.** An applicant for registration must show:

**A.** evidence of receiving an undergraduate or graduate degree meeting the requirements in

subpart 3. An official copy of applicant’s transcripts must be provided. An applicant who received an undergraduate or graduate degree required in subpart 3 in another country shall provide an evaluation of the applicant's education prepared by a professional education evaluation service acceptable to the council; and

**B.** evidence of at least one year of experience, in one or more of the program areas listed in part 4695.2600, subpart 7, under the definition of "registered environmental health specialist/registered sanitarian”. An applicant providing evidence of one year experience acquired through self-employment or independent contracting shall provide copies of work agreements or contracts. Experience will only be counted after the degree is acquired. An unpaid internship or experience prior to the degree if not for college credit will be counted; and

**C.** evidence of passing an approved registration examination.

**Subp. 3. Three tracks for initial registration.** An applicant for initial registration may qualify in one of the following three ways:

**A. track 1**: The applicant shall provide:

**(1)** an official copy of their college transcripts indicating that they received an undergraduate or graduate degree in environmental health, engineering, or other related environmental health field which includes at least 30 semester hours or 45 quarter hour credits in the physical or biological sciences; and

**(2)** evidence on a form provided by the department that the applicant has completed at least one year of experience, self-employment, or independent contracting in one or more of the environmental health program areas listed in part 4695.2600, subpart 7; and

**(3)** evidence of passing an approved registration examination; or

**B. track 2:**

The applicant shall provide:

**(1)** An official copy of their college transcripts indicating that they received any undergraduate or graduate degree which includes at least 30 semester hours or 45 quarter hour credits in the physical or biological sciences; and

**(2)** evidence on a form provided by the department that the applicant has completed one year of experience in one or more of the program areas listed in part 4695.2600, subpart 7; and

**(3)** evidence that applicant’s one-year experience was provided by a registered environmental health specialist/registered sanitarian. A copy of the applicant’s supervisor credential is required; and

**(4)** evidence of passing an approved registration examination; or

**C. track 3:**

A person who has attained a registration or license outside of Minnesota may be entitled to registration in Minnesota if they can provide the following:

**(1)** that the applicant has complied with the requirements in item A, subitems (1), (2), and (3); or

**(2)** that the applicant has complied with the requirements in item B, subitems (1), (2), (3), and (4).

**4695.2935 DEPARTMENT ACTIONS ON APPLICATIONS FOR INITIAL, RENEWAL OR RECIPROCITY REGISTRATION.**

**Subpart 1. Notice.** The department shall notify the applicant of its decision.

**Subp. 2. Nonapproval notice.** The department shall inform the applicant of the reason(s) for nonapproval.

* 1. **RENEWAL REGISTRATION.**

**Subpart 1. Application for renewal.** For applications for renewal of registration, the applicant shall provide the evidence in this subpart, items A to C.

1. An applicant for renewal of registration shall submit an application on a form provided by the department. The information requested in the application form must include all information necessary to permit a complete evaluation of each applicant to determine whether the applicant meets the requirements for renewal specified in parts 4695.2500 to 4695.2965 and any applicable statutes or laws.
2. An applicant for renewal of registration shall submit acceptable continuing education activity requirements to include fulfilling a minimum of 24 acceptable continuing education activity hours listed in subp. 6; and
3. An applicant for renewal registration shall submit the applicable biennial renewal fee of $45 as designated in part 4695.2900.

**Subp 2.** **Late Renewal Registration Reinstatement Within Six Months of Expiration.** A late renewal registration reinstatement request made ***within six months of the expiration*** ***date*** shall meet the requirements of renewal registration reinstatement as provided in this subpart, items A to C.

1. All applicants for renewal of a late registration made within six months of expiration shall submit an application on a form provided by the department. The information requested in the application form must include all information necessary to permit a complete evaluation of each applicant to determine whether the applicant meets the requirements for renewal specified in parts 4695.2500 to 4695.2965 and any applicable statutes or laws;
2. satisfy all prior acceptable continuing education activity requirements to include fulfilling a minimum of 24 acceptable continuing education activity hours listed in subp. 6; and
3. pay the $45 biennial renewal fee, and the $10 late fee for a total of $55 as designated in part 4695.2900.

**Subp 3. Late Renewal Registration Reinstatement After Six Months of the Expiration Date and Prior to Two Years After the Expiration Date.** A late renewal registration reinstatement request made **after six months of the expiration date and prior to two years after the expiration date** shall meet the requirements of renewal registration reinstatement as provided in this subpart, items A to C.

1. All applicants for renewal of a late registration made after six months of expiration and prior to two years after the expiration date shall submit an application on a form provided by the department. The information requested in the application form must include all information necessary to permit a complete evaluation of each applicant to determine whether the applicant meets the requirements for renewal specified in parts 4695.2500 to 4695.2965 and any applicable statutes or laws:
2. satisfy all prior acceptable continuing education activity requirements to include fulfilling a minimum of 24 acceptable continuing education activity hours listed in subp. 6; and
3. pay double the $45 biennial renewal fee, and the $10 late fee for a total of $100 as designated in part 4695.2900.

**Subp. 4. Late Renewal Registration After Two Years of Expiration.** No late renewal registration reinstatement request can be made after two years of the registration expiration date. To reattain registration, the applicant must meet all criteria of applying as an initial applicant to include:

* + 1. Fulfilling all requirements of subpart 4695.2930 INITIAL REGISTRATION;
    2. reattain approval by the REHS/RS Advisory Council to retake an approved registration examination, and;
    3. pay $45 initial application fee as designated in part 4695.2900;
    4. provide evidence of passing an approved registration examination. Any examination evidence used to obtain prior registration(s) cannot be used.

**Subp 5. Expired renewal**. Once the individual’s registration has expired, that person must discontinue representing oneself as registered environmental health specialist, or registered sanitarian, or use the initials REHS/RS, REHS, or RS. until registration is reattained.

**Subp. 6. Continuing education.** For registration renewal, each registrant applicant shall submit evidence of successful completion of 24 contact hours of acceptable continuing activities.

**A.** The content of the educational activities must be related to one or more of the environmental program areas in part 4695.2600, subpart 7.

**B.** The renewal applicant shall submit a certificate of completion for any continuing education activity that received preapproved contact hours by the department.

**C.** For those activities that did not receive preapproved contact hours by the department, the renewal applicant shall submit a brief written description of the knowledge obtained in the continuing education activity, an agenda with times included, and the transcript, grade card, or certificate of completion along with the renewal application.

**D.** The acceptable continuing education activity requirement must be satisfied with acceptable continuing education activity hours completed within the two years immediately prior to renewal and may not include any acceptable continuing education activity hours that had previously been used to renew the registration.

**Subp. 7. Criteria for acceptable continuing education activity.** A continuing education activity must meet the following criteria for contact hour credit to be given:

**A.** it must have specific, written objectives that describe expected outcomes for the participant;

**B.** it must be presented by knowledgeable persons or organizations. Qualifications must be

documented by one of the following ways:

**(1)** specialized training in the subject matter;

**(2)** experience in teaching the subject matter; or

**(3)** experience in working in the subject areas;

**C.** it must last at least one contact hour;

**D.** it must use a mechanism to validate participation, such as earned credits or CEU and/or verification of attendance.; and

**E.** Continuing education activities in areas of computer science, management, program administration, interpersonal and human relation skills are limited to six hours total per renewal.

**F**. Learning experiences in areas that are not related to environmental health, staff meetings, business meetings, and social activities do not meet the requirements for continuing education credit.

**Subp. 8. Continuing Education Program sponsors.**

**A**. A program sponsor may submit an application in advance for approval of a continuing education activity. The application must indicate compliance with the requirements of subpart 3.

**B.** A program sponsor must retain attendance records for three years.

**4695.2955 TERMS AND EXEMPTIONS.**

**Subpart 1. Terms.**

**A.**  All registrations issued are valid for two years.

1. The request for a renewal or renewal reinstatement of registration must be made before the expiration date of the current registration.
2. All registrants who obtained registration prior to the effective date of this rule, for a period of one renewal cycle, the expiration date of that registration will be extended to the first day of the month following that expiration date.

**Subp. 2 Exemptions.**

A registration holder is exempt from the continuing education requirements who has experienced during the biennial renewal a serious illness, injury, or other extenuating circumstances, or who has been called to active duty in the military services for a period exceeding 120 consecutive days, as reviewed and approved by the council, and where such activities restrict compliance with the continuing education requirements, as supported by documentation furnished to the Council.

**4695.2960 PROFESSIONAL CONDUCT.**

**A.** A registrant shall always recognize the primary obligation to protect the health, safety, and welfare of the public in the performance of professional duties, shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by registrants of good standing, practicing in the same locality.

**B**. Disciplinary action may be taken against any individual registered as a registered environmental health specialist /registered sanitarian under the provisions of Minnesota rule 4695.2500 to 4695.2965.

**4695.2965 DISCIPLINARY ACTIONS.**

**Subpart 1. Investigation of a complaint.**

If any registered environmental health specialist/registered sanitarian violates any provision of parts 4695.2500 to 4695.2965, proceedings may be instituted to impose disciplinary actions in accordance with the provisions of this part.

**A.** The council may initiate an investigation upon receipt of a written complaint that alleges or implies the existence of a grounds for denial of registration, denial of renewal registration, or the need for disciplinary action as specified in this part.

**B.** The council shall investigate all complaints. The council may request the registrant or applicant to appear in person before the council to determine the merits of the complaint.

**C.** Following an investigation of a complaint, the council may make a recommendation or advise the commissioner as to what disciplinary action in item D should be taken.

**D.** The council may recommend or advise the commissioner to refuse to grant or renew a registration, may suspend, or revoke a registration, or use any reasonable lesser remedy against a registrant or applicant for any of the reasons in subpart 2.

**E.** Disciplinary actions shall comply with the provisions of the Administrative Procedure Act in [Minnesota Statutes, chapter 14](https://www.revisor.mn.gov/statutes/cite/14).

**Subp. 2. Grounds for disciplinary action. The grounds for disciplinary action include:**

**A**. submission of false or misleading information or credentials in order to obtain or renew

registration;

**B**. incompetency, negligence, or inappropriate conduct in the performance of environmentalhealth duties or related functions.

**C**. Acting dishonestly or fraudulently in the performance of professional duties as a registered environmental health specialist/registered sanitarian;

**D**. representing oneself as a registered environmental health specialist/ registered sanitarian or using the initials REHS/RS, REHS or RS when the credential is expired, revoked, or suspended.

**E**. Failure to cooperate in a timely manner with investigators acting under the provisions of this chapter, including but not limited to failure to supply investigators with requested documents or information within 30 calendar days of the request;

**F**. A finding by the council that the registrant, after having his or her registration placed on probationary status, has violated the terms of probation;

**G**. Accepting compensation in any form, other than normal pay, for the performance of professional duties as a registered environmental health specialist/registered sanitarian, including but not limited to accepting gifts from any individual, firm, company, or group that is subject to inspection, review, or other regulatory or statutory oversight by the agency at which the registrant is employed;

**H**. Soliciting compensation for the registrant’s professional services by means of false or misleading advertising, including but not limited to soliciting bribes;

**I**. Any sanction, suspension, or disciplinary action taken against the registrant in this State or another jurisdiction arising out of any occupational or professional misconduct;

**J**. Court found guilty arising out of any occupational or professional misconduct

**K**. Having been convicted of any felony under the laws of any jurisdiction of the United States that, if convicted in this State, would be considered a felony;

**L**. Having been convicted under the laws of any jurisdiction of the United States, of any misdemeanor of which an essential element is dishonesty or of any crime that is directly related to the professional practice of Minnesota registered environmental health specialists/registered sanitarians;

**M**. Discipline by another jurisdiction of the United States or of a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in these rules;

**N**. Failure to notify the council of any criminal conviction within 30 calendar days after the date of conviction or failing to provide a copy of the judgment of conviction to the council.

**Subp. 3. Appeals.**

**A.** Applicant or registrant may appeal the council's decision to the commissioner.

**B.** The commissioner's decision may be appealed in accordance with the Administrative Procedure Act in [Minnesota Statutes, chapter 14](https://www.revisor.mn.gov/statutes/cite/14).

**Subp. 4. Revocation or suspension.** Upon revocation or suspension, the registrant shall return the applicant's registration certificates to the department.

**Subp. 5. Reregistration after revocation or suspension.** A registrant who has had registration revoked or suspended shall not be entitled to apply for reregistration until at least one year or longer as determined by the council or the commissioner.

**Subp. 6. Reinstatement from disciplinary action.** A suspended or revoked registration may be reinstated upon fulfillment of the terms of suspension or revocation; provided, however, that all requirements of the rules for registration renewal, if applicable, are met prior to reinstatement as in 4695.2940.

**REPEALER.** Minnesota Rules, parts 4695.2700; 4695.2800; 4695.3000; 4695.3100; and

4695.3200, are repealed.

**Subp. 8. Continuing Education Program sponsors.**

**A**. A program sponsor may submit an application in advance for approval of a continuing education activity. The application must indicate compliance with the requirements of subpart 3.

**B.** A program sponsor must retain attendance records for three years.

**4695.2955 TERMS AND EXEMPTIONS.**

**Subpart 1. Terms.**

**A.**  All registrations issued are valid for two years.

1. The request for a renewal or renewal reinstatement of registration must be made before the expiration date of the current registration.
2. All registrants who obtained registration prior to the effective date of this rule, for a period of one renewal cycle, the expiration date of that registration will be extended to the first day of the month following that expiration date.

**[4695.3000](https://www.revisor.mn.gov/rules/4695.3000) DISCIPLINARY ACTIONS.**

**Subpart 1. Investigation upon complaint.**

Upon receipt of a complaint or other communication, whether oral or written, which alleges or implies the existence of a ground for denial of registration or disciplinary action as specified in subpart 2 the commissioner or council may initiate an investigation.

Prior to any disciplinary action a written complaint shall be obtained from a complaining party. In so doing, the council may request the registrant to appear before them to determine the merits of the situation in question. In each case, the council shall make a recommendation to the commissioner as to whether proceedings under the Administrative Procedure Act would be appropriate and should be initiated.

**Subp. 2. Refusal to grant or renew registration.**

The commissioner may refuse to grant or renew a registration, suspend or revoke a registration, or use any reasonable lesser remedy against a registrant for any of the following reasons:

**A.** submission of false or misleading information or credentials in order to obtain or renew registration;

**B.** failure to meet the requirements for initial or renewal registration; or

**C.** incompetency, negligence, or inappropriate conduct in the performance or environmental health duties or related functions.

**Subp. 3. Compliance with the Administrative Procedure Act.**

Disciplinary actions shall comply with the provisions of the Administrative Procedure Act, Minnesota Statutes, chapter 14.

**Subp. 4. Revocation or suspension.**

Upon revocation or suspension, the registrant shall return to the commissioner his/her registration and current renewal certificates.

**Subp. 5. Reregistration after revocation.**

A registrant who has had his/her registration revoked shall not be entitled to apply for reregistration until at least one year following the effective date of the revocation or such longer period of time specified by the commissioner.

**Subp. 6. Reinstatement.**

A suspended registration may be reinstated upon fulfillment of the terms of suspension; provided, however, that all requirements of the rules for registration renewal, if applicable, shall be met prior to reinstatement.

**ENVIRONMENTAL HEALTH SPECIALIST/SANITARIAN  
ADVISORY COUNCIL**

[**4695.3100**](https://www.revisor.mn.gov/rules/4695.3100) **MEMBERSHIP.**

The council shall consist of seven members appointed by the commissioner as follows:

**A.** two public members as defined in Minnesota Statutes, section [214.02](https://www.revisor.mn.gov/statutes/cite/214.02);

**B.** one educator or a representative from a regulated industry for which environmental health specialists/sanitarians are charged with enforcement of the regulation;

**C.** four environmental health specialists/sanitarians representative of county, municipal, and state agencies which reflect the distribution of environmental health specialists/sanitarians among these employers at the time of appointment.

[**4695.3200**](https://www.revisor.mn.gov/rules/4695.3200) **ORGANIZATION, DUTIES, AND RESPONSIBILITIES.**

The council shall be organized and administered under the provisions of Minnesota Statutes, section [15.059](https://www.revisor.mn.gov/statutes/cite/15.059), and the commissioner's policies relating to advisory councils. The council shall:

**A.** advise the commissioner regarding environmental health specialist/sanitarian registration standards;

**B.** advise the commissioner on enforcement of the environmental health specialist/sanitarian rules;

**C.** provide for the dissemination of information regarding environmental health specialist/sanitarian registration standards; and

**D.** review applications and recommend applicants for registration or registration renewal.

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