



State of Nevada
Board of Registered Environmental Health Specialists

6160 Mae Anne Ave., Suite 3, Reno, NV 89523
(775) 746-9423 / Fax (775) 746-4105
www.nvrehs.org Email board@nvrehs.org

**NOTICE OF HEARING
INTENT TO ACT UPON A REGULATION**

Notice of Hearing for the Adoption of
LCB No. R017-17
of the
Board of Registered Environmental Health Specialists

The Board of Registered Environmental Health Specialists will hold a Public Hearing at 10:00 a.m. on Monday, September 11, 2017. The Hearing will be teleconferenced with public access at the following location:

Board of Registered Environmental Health Specialists
Administrative Office
6160 Mae Anne Avenue, Suite 3
Reno, Nevada 89523

Teleconference:
1-888-273-3658 Access Code: 8751529

The purpose of the hearing is to receive comments from all interested parties regarding the adoption of regulations that pertain to R017-17, Chapter 625A of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

LCB File No. R017-17

1. The need and purpose of the proposed regulation is to protect the public health, safety and welfare by ensuring that only qualified and competent environmental health specialists and trainees are registered to practice in the state.

The proposed regulation will provide clarity for the public, individuals and registrants by establishing provisions relating to complaints filed against persons who hold a certificate of registration as an environmental health specialist or environmental health specialist trainee; providing that witnesses who participate in any proceeding before the Board of Registered Environmental Health Specialists are entitled to certain payment and reimbursement from the Board; establishing provisions relating to petitions filed with the Board; and providing other matters properly relating thereto.

2. Estimated economic effect of regulations on business and the public

a. Adverse and beneficial effects

The adoption of these regulations should have no adverse economic effect on business, the public or environmental health. The benefits of these regulations are that the public and the practitioners will be provided clarity in NAC 625A.

b. Immediate and long-term effects

The immediate and long-term effects of the regulations proposed in R017-17 will be clarity and consistency in regulation and registration of environmental health specialists and environmental health specialist trainees in Nevada.

3. Cost for enforcement of the regulations

There are no additional costs involved in enforcing the proposed regulations.

4. Overlap or duplication of other state or local governmental agencies or federal regulation

The proposed regulations do not overlap or duplicate any regulation of other state or local governmental entities or federal regulation.

5. Regulation required by federal law - Not applicable

6. More stringent than federal regulations - The Board is not aware of any similar federal regulations of the same activity in which the state regulations are more stringent.

7. New or increases in existing fees - The proposed regulation does not include new or increases in existing fees. The proposed regulation does establish in regulation the fees and amounts authorized by NRS 625A.130 for the application, registration, renewal of registrations and the amount charged for reexamination of an applicant.

Persons wishing to comment on the proposed action of the Board of Registered Environmental Health Specialists may appear at the scheduled public hearing or address their comments, data, views or arguments in written form to the Board of Registered Environmental Health Specialists, 6160 Mae Anne Ave., Suite 3, Reno, Nevada 89523. The Board of Registered Environmental Health Specialists must receive all written submissions on or before September 8, 2017. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Registered Environmental Health Specialists may proceed immediately to action upon any written submissions.

A copy of this notice and the regulations to be adopted, R017-17, will be on file at the Nevada State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted, R049-16, will be available from the Board of Registered Environmental Health Specialists, 6160 Mae Anne Ave., Suite 3, Reno, Nevada 89523, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. The proposed regulations are also available for review and download on the Board website www.nvrehs.org.

Upon adoption of any regulations, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This **Notice of Hearing and Intent to Act Upon Regulation** has been provided to or posted at the following locations:

Carson City Library, 900 North Roop Street, Carson City, NV 89701
Lincoln County Library, 63 Main Street Pioche, NV 89043
Churchill County Library, 553 South Main Street, Fallon, NV 89406
Lyon County Library System, 20 Nevin Way, Yerington, NV 89447
Las Vegas-Clark County Library District Headquarters, 833 Las Vegas Blvd. North, Las Vegas, NV 89101
Mineral County Public Library, PO Box 1390, Hawthorne, NV 89415
Douglas County Public Library, 1625 Library Lane, Minden, NV 89423
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419
Elko County Library, 720 Court Street, Elko, NV 89801
Storey County Treasurer & Clerks Office, Drawer D, Virginia City, NV 89440
Esmeralda County Library, Corner of Crook & 4th Street, PO Box 430, Goldfield, NV 89013
Tonopah Public Library, PO Box 449, Tonopah, NV 89049
Eureka County Library, 10190 Monroe Street, Eureka, NV 89316
Humboldt County Library, 85 East 5th Street, Winnemucca, NV 89445
Washoe County Library System, 301 South Center Street, Reno, Nevada 89049
White Pine County Library, 950 Campton Street, Ely, NV 89301
Battle Mountain Branch Library, 625 South Broad Street, Battle Mountain, NV 89820

Office of the Attorney General, 100 North Carson Street, Carson City, NV 8701
Office of the Attorney General, 5420 Kietzke Lane, Ste 202, Reno, NV 89502
Nevada Division of Public & Behavioral Health, 727 Fairview Drive, Suite D, Carson City, NV 89701
Board of Registered Environmental Health Specialists, 6160 Mae Anne Ave Suite 3, Reno NV 89523
Grant Sawyer State Office Building, 555 E. Washington Ave #3900, Las Vegas, NV 89101
Washoe County District Health Department, 1001 East 9th Street, Reno, NV 89501
Southern Nevada Health District, 280 S. Decatur Blvd., Las Vegas, NV 89107

Dated: August 9, 2017

**PROPOSED REGULATION OF THE BOARD
OF REGISTERED ENVIRONMENTAL
HEALTH SPECIALISTS**

LCB File No. R017-17

July 13, 2017

EXPLANATION – Matter in *italics* is new; matter in brackets [omitted material] is material to be omitted.

AUTHORITY: §§1-6, NRS 625A.080.

A REGULATION relating to environmental health specialists; establishing provisions relating to complaints filed against persons who hold a certificate of registration as an environmental health specialist or environmental health specialist trainee; providing that witnesses who participate in any proceeding before the Board of Registered Environmental Health Specialists are entitled to certain payment and reimbursement from the Board; establishing provisions relating to petitions filed with the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Registered Environmental Health Specialists to adopt such regulations as are necessary to enable it to carry out the provisions of law relating to environmental health specialists and environmental health specialist trainees. (NRS 625A.080)

Section 2 of this regulation authorizes any person who believes that a person who holds a certificate of registration as an environmental health specialist or environmental health specialist trainee has violated certain provisions of law or regulations to file a complaint with the Board.

Section 2 also sets forth certain requirements concerning the contents and filing of such a complaint.

Section 3 of this regulation authorizes the Board to require any environmental health specialist who provided certain relevant supervision or training to an environmental health specialist trainee against whom a complaint has been filed to accompany the environmental health specialist trainee to any proceeding held by the Board that concerns the complaint.

Section 4 of this regulation provides that: (1) a witness who participates in any proceeding held by the Board is entitled to be paid a certain fee and be reimbursed for mileage traveled; and (2) the Board will pay such costs.

Sections 5 and 6 of this regulation establish provisions relating to petitions filed with the Board.

Section 1. Chapter 625A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. 1. *Any person who believes that a person who holds a certificate of registration as an environmental health specialist or environmental health specialist trainee has violated a provision of this chapter or chapter 625A of NRS may file a complaint with the Board on a form provided by the Board.*

2. The Board may, on its own, initiate a complaint against a person who holds a certificate of registration as an environmental health specialist or environmental health specialist trainee if the Board believes that the person has violated a provision of this chapter or chapter 625A of NRS.

3. A complaint filed against a person pursuant to this section must, without limitation:

- (a) Identify one or more grounds for disciplinary action against the person; and*
- (b) Set forth a statement of facts that contains sufficient detail to enable the Board to understand the allegations.*

4. Upon receipt of a complaint filed against a person pursuant to this section, the Chair of the Board or a person designated by the Chair who is employed pursuant to NRS 625A.055 shall:

(a) In consultation with an attorney employed pursuant to NRS 625A.055, review the complaint and determine whether the complaint has merit and therefore warrants an investigation; and

(b) Present to the Board any such complaint determined to have merit.

Sec. 3. *During any proceeding held by the Board concerning a complaint filed against an environmental health specialist trainee pursuant to section 2 of this regulation, the Board may require any environmental health specialist who provided to the environmental health specialist trainee supervision or training relating to the allegations contained in the complaint to accompany the environmental health specialist trainee to the proceeding.*

Sec. 4. 1. *A witness who participates in any proceeding held by the Board is entitled to be paid:*

(a) A fee in the same amount set forth in paragraph (a) of subsection 1 of NRS 50.225 for each day's attendance; and

(b) At the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax for each mile necessarily and actually traveled from and returning to the place of residence by the shortest and most practical route.

2. The payment to which a witness is entitled pursuant to subsection 1 will be paid by the Board.

Sec. 5. 1. *The Board may act on its own motion. Any other request for the adoption, amendment or repeal of a regulation of the Board or for a formal hearing before the Board must be filed with the Board as a petition.*

2. Any interested person may file a petition with the Board for the adoption, amendment or repeal of a regulation of the Board or for a formal hearing before the Board.

3. A petition filed with the Board pursuant to this section must:

(a) Be in writing;

(b) Be addressed to the Chair of the Board;

(c) Contain:

(1) The full name and mailing address of the petitioner;

(2) If the petitioner is proposing the adoption of a new regulation, the body or substance of the proposed regulation and the supporting facts and arguments for the adoption thereof;

(3) If the petitioner is proposing the amendment or repeal of an existing regulation, the specific section of the Nevada Administrative Code that the petitioner is proposing to amend or repeal and the supporting facts and arguments for the amendment or repeal thereof;

(4) If the petitioner is requesting a formal hearing before the Board, the relevant facts supporting the request; and

(5) A statement that the petition is being made in accordance with all applicable provisions of the Nevada Revised Statutes and the Nevada Administrative Code; and

(d) Be signed by the petitioner and contain a statement that the petitioner acknowledges that by signing the petition:

(1) He or she has read the petition; and

(2) To the best of his or her knowledge, information and belief, the statements made in the petition are true.

4. A person who files a petition pursuant to this section must file the original petition and two legible copies with the Board. The Board may, if appropriate, direct that a copy of the petition be made available to any other person who the Board determines might be affected by the petition.

Sec. 6. *1. A person may file, and the Board will consider, a petition for a declaratory order or an advisory opinion concerning the applicability of any relevant statutory provision or any regulation or decision of the Board.*

2. A petition for a declaratory order or an advisory opinion must be filed with the Board in the same manner as a petition for the adoption, amendment or repeal of a regulation pursuant to section 5 of this regulation.