



State of Nevada
Board of Environmental Health Specialists

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NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for the Adoption of
LCB No. R067-21
of the
Board of Environmental Health Specialists**

The Board of Environmental Health Specialists will hold a Public Hearing at 10:00 a.m. on Monday, February 28, 2022 at the Board Administrative Office, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523 with ZOOM access at:

<https://us06web.zoom.us/j/86828557860?pwd=TVVHdUk3TUxxQUpxM3pDcGc3YjdSdz09>

Meeting ID: **868 2855 7860**
Passcode: **905467**

Audio Access Only:
1-720-707-2699

The purpose of the hearing is to receive comments from all interested parties regarding the adoption of regulations that pertain to LCB file No. R067-21, Chapter 625A of the Nevada Administrative Code.

A REGULATION relating to environmental health specialists; specifying the time periods in which an environmental health specialist trainee may apply to the Board of Environmental Health Specialists to take the national examination for credentialing as an environmental health specialist; revising the list of entities which provide training programs in the practice of environmental health whose training programs are deemed to be approved by the Board; revising certain fees charged for obtaining and renewing standard and provisional registrations to practice environmental health; and providing other matters properly relating thereto.

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

LCB File No. R067-19

1. Need and purpose of the proposed regulations or amendments

The need 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 purpose of the adopted regulation is to provide clarity for the public, individuals and licensees through regulations.

2. How to obtain the approved or revised text of regulations prepared by LCB

Individuals may obtain a copy of the proposed regulations by writing to the Board of Environmental Health, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523; or by calling the Board office at 775-746-9423. The proposed regulations are also available for review and download on the Board website www.nvrehs.org.

3. Methods used in determining the impact on a small business

The agency solicited comments from all licensees and stakeholders; no comments were received. The Board used reasonable judgement to determine there will be no impact on small businesses due to the nature of the regulatory changes.

4. 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 by providing concise information on the requirements for examination, approved training programs and fees for registration to practice environmental health in the State of Nevada.

b. Immediate and long-term effects

The immediate and long-term effects of the regulations proposed in LCB File No. R067-21 will be clarity and consistency in regulation and registration of environmental health specialists and environmental health specialist trainees in Nevada.

5. Cost for enforcement of the regulations

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

6. 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.

7. Regulation required by federal law - Not applicable

8. 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 regulation increases fees for initial registration and renewal of registration as authorized in NRS 625A.130. The fees remain below the maximum thresholds established in NRS 625A.130 and have been set in an amount as to reimburse the Board for the cost of carrying out the provisions of NRS 625A. The increase will result in approximately \$6,000 in additional revenue per fiscal year.

Persons wishing to comment on the proposed action of the Board of 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 Environmental Health Specialists, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523. The Board of Environmental Health Specialists must receive all written submissions on or before February 25, 2022. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Environmental Health Specialists may proceed immediately to action upon any written submissions.

A copy of this notice and the regulations to be adopted, LCB File No. R067-21, 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, LCB File No. R067-21, will be available from the Board of Environmental Health Specialists, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523, for inspection and copying by members of the public during business hours and will be available on the Board website www.nvrehs.org. 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.

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** has been posted at the following websites:

<https://www.leg.state.nv.us/App/Notice/A/> - Nevada Legislature Administrative Notices

<https://notice.nv.gov/> - State of Nevada Public Notices

<http://www.leg.state.nv.us/register/> - State of Nevada Register of Administrative Regulations

This **Notice of Hearing** has been posted at the following locations:

Board of Environmental Health Specialists, 6170 Mae Anne Ave Suite 1, Reno NV 89523

Nevada Division of Public & Behavioral Health, 727 Fairview Drive, Suite D,

Carson City, NV 89701

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: **January 20, 2022**

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

LCB File No. R067-21

December 16, 2021

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

AUTHORITY: § 1, NRS 625A.057 and 625A.120; § 2, NRS 625A.057 and 625A.115; § 3, NRS 625A.057 and 625A.130.

A REGULATION relating to environmental health specialists; specifying the time periods in which an environmental health specialist trainee may apply to the Board of Environmental Health Specialists to take the national examination for credentialing as an environmental health specialist; revising the list of entities which provide training programs in the practice of environmental health whose training programs are deemed to be approved by the Board; revising certain fees charged for obtaining and renewing standard and provisional registrations to practice environmental health; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Environmental Health Specialists to adopt regulations: (1) establishing standards of practice for registered environmental health specialists and environmental health specialist trainees; and (2) that are necessary to enable the Board to carry out the provisions of law related to environmental health specialists and environmental health specialist trainees. (NRS 625A.057)

Existing regulations authorize an environmental health specialist trainee to apply to the Board to take the national examination required for becoming an environmental health specialist. Existing regulations also permit an environmental health specialist trainee who does not achieve a passing score upon completion of the national examination to apply to the Board to retake the examination. (Section 3 of LCB File No. R075-19) **Section 1** of this regulation specifies that: (1) an environmental health specialist trainee who has at least 18 months of experience approved by the Board in the practice of environmental health may apply to the Board to take the national examination; and (2) an environmental health specialist trainee who does not achieve a passing score upon completion of the national examination may apply to the Board to retake the exam not sooner than 30 days after the date of the previous examination.

Existing regulations require that the employment in which an environmental health specialist trainee receives training be part of a training program that is approved by the Board. (NAC 625A.013) Existing regulations also: (1) require an employer providing such a training program to submit to the Board a description of the training program and any other information related to the training program the Board may require; and (2) provides that a training program is

not required to submit such information and is deemed to be approved by the Board if the training program is provided by certain health districts, the Department of Health and Human Services, a division of the Department of Health and Human Services, the Department of Taxation or the State Department of Agriculture. (Section 4 of LCB File No. R075-19) **Section 2** of this regulation replaces the Department of Taxation with the Cannabis Compliance Board in the list of providers whose training programs are deemed to be approved by the Board of Environmental Health Specialists.

Section 3 of this regulation revises the registration and renewal fees that the Board charges for standard and provisional registrations to practice environmental health.

Section 1. Section 3 of LCB File No. R075-19 is hereby amended to read as follows:

Sec. 3. 1. An environmental health specialist trainee who *has at least 18 months of experience approved by the Board in the practice of environmental health and who* wants to take the national examination for credentialing as a registered environmental health specialist offered by the National Environmental Health Association must apply to the Board to take the examination.

2. If an environmental health specialist trainee does not achieve a passing score upon completion of the national examination, he or she may apply to the Board to retake the examination ~~1~~ *not sooner than 30 days after the date of the previous examination.*

3. The Board will accept a report of the score of an environmental health specialist trainee on the national examination from the National Environmental Health Association.

Sec. 2. Section 4 of LCB File No. R075-19 is hereby amended to read as follows:

Sec. 4. 1. A training program described in NAC 625A.013 must be approved by the Board. Except as otherwise provided in subsection 2, to be approved by the Board, the employer providing the training program must submit to the Board a description of the training program and any other information related to the training program the Board may require.

2. A training program is not required to submit the information described in subsection 1 and shall be deemed to be approved by the Board if the training program is provided by:

- (a) A health district created pursuant to NRS 439.362 or 439.370;
- (b) The Department of Health and Human Services;
- (c) A division of the Department of Health and Human Services;
- (d) The ~~Department of Taxation;~~ *Cannabis Compliance Board*; or
- (e) The State Department of Agriculture.

3. A training program may consist of any combination of academic coursework, on-site training and work experience approved by the Board.

4. The Board will maintain a list of all employers that offer training programs that are approved by the Board pursuant to this section.

Sec. 3. Section 9 of LCB File No. R075-19 is hereby amended to read as follows:

Sec. 9. 1. Except as otherwise provided in this subsections 2 and 3, the Board will charge and collect the following fees:

(a) Application fee for:

- (1) A standard registration.....\$250
- (2) A temporary registration.....250
- (3) A provisional registration150

(b) Registration fee for:

- (1) A standard registration.....~~[\$100]~~ *\$125*
- (2) A temporary registration.....50
- (3) A provisional registration~~[75]~~ *125*

(c) Renewal fee for:

- (1) An active standard registration~~[\$100]~~ *\$125*
- (2) An inactive standard registration50

(3) A temporary registration.....	75
(4) A provisional registration	100 125
(d) Late renewal fee	\$100
(e) Reinstatement fee.....	\$250

2. If an environmental health specialist trainee with a provisional license applies to convert his or her provisional registration to a standard registration, the application fee is \$100.

3. If an applicant for registration is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will collect one-half of the initial application and registration fees established pursuant to subsections 1 and 2, as applicable.