

CHAPTER 64E-18 STANDARDS FOR THE CERTIFICATION OF ENVIRONMENTAL HEALTH PROFESSIONALS

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64E-18.001 General Provisions.

Persons shall not perform environmental health or sanitary evaluations in a primary area unless certified by the Department of Health (henceforth referred to as department) in accordance with the provisions of this chapter.

Specific Authority 381.0011, 381.0101(4), (5) FS. Law Implemented 381.0101(1) FS. History–New 9-21-94, Amended 8-20-96, Formerly 10D-123.001, Amended 3-2-98.

64E-18.002 Definitions.

(1) Administrative position – a position responsible for planning, organizing, evaluating, or directing the work of field personnel, supervisory personnel, or other administrative environmental health professionals.

(2) Environmental Health Services – also referred to as services. These are activities, or the supervision thereof, which are a routine part of environmental health work, such as inspections, evaluations, preparation of reports, analysis of data, interpretation of data and laboratory reports, consultations with other health professionals or the public regarding results of evaluations and sampling efforts, and the recommending of prescribed courses of action to alleviate unsanitary or hazardous conditions. These services are provided based on a knowledge and understanding of technical and scientific environmental health principles.

(3) Field position – a position primarily responsible for performing evaluations and inspections, collecting samples, conducting field tests of equipment, participating in enforcement activities, and providing public information on environmental program activities. Examples of work conducted by an individual working in a field position assigned to a primary program area of food protection would be performing assessments of sanitary conditions in a food operation, or collecting and analyzing information from persons involved in a foodborne illness investigation. An example of a person performing field work in a primary program area of onsite sewage treatment and disposal would be evaluating the siting and construction of an onsite sewage treatment and disposal system for compliance with minimum state standards.

(4) Florida Environmental Health Association – a not for profit professional association located at Post Office Box 271823, Tampa, Florida 33688-1823 which provides training, testing, and educational services for environmental health professionals working in Florida.

(5) Food protection program work – activity associated with the evaluation of facilities and techniques used by individuals and companies providing foods to the public. Included would be the educational activities directed toward informing food managers and food workers in the proper application of sanitary techniques or the investigation of foodborne disease reports.

(6) Supervisor position – this position is responsible for supervision of field personnel, some of whom may or may not yet be certified in a primary area of environmental health practice.

(7) National Environmental Health Association – a not for profit professional association located at 720 South Colorado Boulevard, Suite 970, Denver, Colorado 80222 which provides training, testing, and educational services for environmental health professionals working in the United States.

(8) Onsite sewage treatment and disposal system program work – activities associated with the evaluation and site location of domestic wastewater treatment and disposal systems. Included in this activity would be site location and evaluation activities associated with the treatment and disposal of residuals created during the wastewater treatment process, and the regulation of contractors performing system construction, maintenance, and residuals disposal services.

(9) Registered Environmental Health Specialist – a person who has displayed knowledge of a primary area of environmental health and has been certified as knowledgeable by either the Florida Environmental Health Association or the National Environmental Health Association.

(10) Repeat Violation – any violation on which disciplinary action is being taken where the same individual has previously had disciplinary action taken against him or her and has received a penalty other than a letter of warning in a prior case. This definition applies regardless of the chronological relationship of the violations and regardless of whether the violations are of the same or different subsections of this rule.

64E-18.003 Requirements for Certification.

(1) Persons subject to certification – A person shall be subject to the requirements of this rule if he or she is employed or assigned to provide environmental health services in any primary environmental health program, as defined in 381.0101(2), F.S.

(2) A person seeking certification in any primary program area shall apply to the department on DH Form 4100, Application for Environmental Health Professional Certification, November 1997, incorporated by reference in this rule. An application fee shall be submitted for the first primary environmental health program in which the applicant seeks certification.

(3) A person shall be eligible for certification if they meet the following requirements:

(a) Applicants beginning work in a primary area of environmental health on or after September 21, 1994 must have a bachelor's degree from an accredited college or university with major coursework in environmental health, environmental science, or a physical or biological science. Major course work is no less than 30 semester hours or 40 quarter hours of class work in any of the following areas:

1. Chemistry
2. Biology
3. Physics or physical science
4. Health Science
5. Earth Science
6. Environmental Science
7. Epidemiology or biostatistics
8. Other areas of study which are germane to the practice of environmental health, though not necessarily based on the application of scientific methods. Examples of these would be public health law, environmental law, or health planning.

(b) All applicants must submit the necessary exhibits and fees as described in (4) below.

(4) Completed applications for certification must be received by the department's Bureau of Environmental Health Programs at least 60 days prior to examination. In order to be complete, the application must have all spaces correctly completed, be signed by the applicant, include a money order or sufficiently funded check in the correct amount as specified in 64E-18.010(1)(a) and if employed on or after September 21, 1994, shall include official copies of transcripts from the colleges or universities from which the applicant graduated.

(5) Within 30 days of receipt of the completed application by the department, the applicant shall be notified as to whether he or she meets the general requirements of this rule and is eligible for certification.

(a) If eligible for certification, the department shall notify the applicant of the schedule for classes and program examinations.

(b) If an applicant is determined to be ineligible for certification, the department shall provide the applicant with a letter of denial, giving the reasons for the determination.

(6) Applicants seeking certification in the Onsite Sewage Treatment and Disposal System Program must:

(a) successfully complete 30 hours of department approved pre-certification course work. At a minimum this course work shall include training and testing on soil classification, system design and theory, system material and construction standards, and regulatory requirements, and;

(b) successfully pass an examination administered by the department. Minimum passing score shall be a 70 percent correct response to all questions comprising the exam.

(7) Applicants seeking certification in the Food Protection Program must successfully pass an examination administered by the department. Minimum passing score shall be a 70 percent correct response to all questions comprising the exam.

(8) No more than 4 consecutive hours will be allowed to complete the written portion of an examination.

(9) Applicants with special needs which would place them at a disadvantage when being administered a standard written multiple choice exam may request the administration of a special exam. Requests for the administration of such a special examination must be made in writing to the department at least 45 days in advance of the exam date. The request must provide details as to the physical limitations of the applicant which would warrant the administration of a special exam, and the reasonable accommodation requested.

(10) Examinations shall be monitored and graded by the department.

(11) The department shall notify the applicant of examination results no later than 30 days after the examination date.

(12) If an applicant fails to achieve a passing score on the examination, the applicant will be notified of the failure, the right to re-apply to take the examination, and that he or she is being denied certification because of failure to achieve a passing score on the examination. Applicants who fail the examination may request to review their examination results by making application for such a review to the department within 15 days of the date of notification of examination results.

(13) The department shall inform applicants receiving a passing score of their status and provide necessary instructions for receiving certification.

(14) Examination results are valid for a period of 2 years from the date of examination.

(15) Persons seeking certification who maintain a current registration with the Florida Environmental Health Association or the National Environmental Health Association as either a Registered Environmental Health Specialist or a Registered Sanitarian are considered certified but must obtain a certificate from the department if they provide environmental health services in a primary environmental health program. The department shall issue a certificate upon receipt of proof that the applicant maintains a current registration with either of these organizations and upon receipt of a completed Application for Environmental Health Professional Certification.

Specific Authority 381.0011, 381.0101(4), (5) FS. Law Implemented 381.0101 FS. History--New 9-21-94, Amended 8-20-96, Formerly 10D-123.003, Amended 3-2-98.

64E-18.004 Issuance of Certificates and Renewals.

(1) Upon receipt of the required fee, the department shall issue a certificate to each applicant who meets the requirements of Section 381.0101(5), F.S., and Rule 64E-18.003, F.A.C.

(2) All certificates expire on September 30th of odd numbered years.

(3) Certificates shall be renewed only after information has been provided to the department that the environmental health professional has successfully completed, within the previous 24-month period, 24 contact hours of continuing education relating to public health and environmental health principles for each program area in which they maintain certification. Contact hours will be prorated on a semi-annual basis. Such information shall be accompanied by necessary renewal fees and a completed DH Form 4101, Application for Renewal of Environmental Health Professional Certification, November 1997, incorporated by reference in this rule.

(4) An application for renewal must be postmarked on or before the close of business on September 30th of the expiration year of the certificate. If that date falls on a weekend or holiday, the date of expiration shall be the first working day after the expiration date on the certificate. If a certificate holder does not file a renewal application prior to the expiration date of the certificate, the certificate will expire. Environmental health professionals shall not provide services in a primary environmental health program with a revoked, suspended, or expired certificate.

(5) Those persons seeking certification under 381.0101(5)(a)2., F.S., must apply on DH Form 4100, Application for Environmental Health Professional Certification. The application must be completed in full and submitted to the department. Applications are available through the county health departments or the Bureau of Environmental Health Programs.

Specific Authority 381.0011, 381.0101(4), (5) FS. Law Implemented 381.0101 FS. History--New 9-21-94, Amended 8-20-96, Formerly 10D-123.004, Amended 3-2-98.

64E-18.005 Notifications of Changes.

A certificate holder shall notify the department within 60 days of any change in name or address from that which appears on their current certificate.

Specific Authority 381.0011, 381.0101(4), (5) FS. Law Implemented 381.0101(5) FS. History--New 9-21-94, Formerly 10D-123.005.

64E-18.006 Suspension, Revocation, or Denial of Certifications.

(1) Certifications shall be suspended or denied in accordance with the provisions of this rule upon a showing that the individual has:

- (a) Violated any of the provisions of this chapter.
- (b) Obtained certification by means of fraud, misrepresentation, or concealment of material facts.
- (c) Been found guilty of gross misconduct in the pursuit of his or her profession.

(2) The department shall deny a certification if it determines that an applicant does not meet all requirements as set forth in this rule or has knowingly violated provisions of Chapters 500, F.S. or 381, F.S., or Chapters 64E-11, F.A.C. or 64E-6, F.A.C., relating to their provision of primary environmental health services.

(3) Any person aggrieved by a notice from the department that it intends to deny, revoke or suspend a certificate shall be entitled to appeal the intended action of the department to the Environmental Health Professionals Advisory Board, created by 381.0101(4), F.S., after a written notice of the department's intended action has been received. The aggrieved party may also request a formal or informal hearing pursuant to Chapter 120, F.S., should the department pursue such action.

Specific Authority 381.0011, 381.0101(4), (5) FS. Law Implemented 381.0101(4), (5), (8) FS. History--New 9-21-94, Amended 8-20-96, Formerly 10D-123.006, Amended 3-2-98.

64E-18.007 Standards of Practice.

(1) It shall be the responsibility of persons certified under this rule to see that work for which they are responsible and work which has been performed by them or under their supervision is carried out in conformance with the requirements of Chapters 500, F.S. 386, F.S. or 381, F.S., and Chapters 64E-6, F.A.C or 64E-11, F.A.C.

(2) The following actions by a person included under this rule shall be deemed unethical and subject to penalties as set forth in Section 64E-18.008, F.A.C.:

(a) Knowingly authorizing or approving the construction, installation, repair, use, or operation of a facility, structure, or device which does not meet environmental health or sanitary standards set forth in Chapters 500, F.S., 386, F.S. or 381, F.S., or Chapters 64E-6 or 64E-11, F.A.C., as they are applicable to the facility, the structure, or the device.

(b) Falsifying or providing written or verbal reports of inspections and evaluations which do not reflect the conditions observed or violations found at a site or within a facility.

(c) Allowing the continued existence of a sanitary nuisance without initiating efforts to obtain corrections.

(d) Directing a coworker or subordinate to violate rules and standards relating to the provision of environmental health services as set forth in Chapters 500, F.S., 386, F.S. or 381, F.S., or Chapters 64E-6, F.A.C. or 64E-11, F.A.C.

(e) Providing services in a primary environmental health program without obtaining a certificate from the department.

(f) Providing services with an expired or inactive certificate.

(g) Aiding or abetting evasion of Chapter 381, Chapter 489 Part III, Chapter 386, Chapter 500, F.S., or Chapter 64E-6 or Chapter 64E-11, F.A.C., promulgated thereunder.

(h) Obtaining certification through fraud, misrepresentation, or concealment of material facts.

(i) Gross negligence, incompetence, or misconduct which:

1. Causes no monetary or other harm to an individual or the public, or physical harm to any person.

2. Causes monetary or other harm to an individual or the public, or physical harm to any person.

Specific Authority 381.0011, 381.0101(4), (5) FS. Law Implemented 381.0101(3), (4), (5), (8) FS. History—New 9-21-94, Amended 8-20-96, Formerly 10D-123.007, Amended 3-2-98.

64E-18.008 Disciplinary Guidelines.

(1) The following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this rule.

(a) Knowingly authorizing or approving the construction, installation, repair, use, or operation of a facility, structure, or device which does not meet health and sanitary standards as set forth in Chapters 500, 386, or 381, F.S., or Chapters 64E-6 or 64E-11, F.A.C., as they are applicable to the facility, the structure, or the device. First violation, letter of warning; second violation, \$250 fine; repeat violation, 90 day suspension.

(b) Falsifying or providing written or verbal reports of inspections and evaluations which do not reflect the actual conditions observed or violations found at a site or within a facility. First violation, letter of warning; second violation, \$250 fine; repeat violation, 30 day suspension.

(c) Allowing the continued existence of a sanitary nuisance without initiating efforts to obtain corrections. First violation, letter of warning; second violation, \$250 fine; repeat violation, 30 day suspension.

(d) Directing a subordinate or coworker to violate rules and standards of the department relative to the provision of environmental health services as set forth in Chapters 500, 386, or 381, F.S., or Chapters 64E-6 or 64E-11, F.A.C. First violation, letter of warning; second violation, \$250 fine; repeat violation, \$500 fine and 90 day suspension.

(e) Providing primary environmental health services without obtaining certification from the department, offering to provide primary environmental health services without maintaining a current certification. First violation, letter of warning; second violation, \$250 fine; repeat violation, \$500 fine.

(f) Providing primary environmental health services with an expired or inactive certificate. First violation, letter of warning; second violation, \$250 fine; repeat violation, \$500 fine.

(g) Aiding or abetting evasion of Chapter 381, Chapter 386, Chapter 489 Part III, Chapter 500 F.S., Chapter 64E-6 or 64E-11, F.A.C., promulgated thereunder. First violation, letter of warning; second violation, \$250 fine; repeat violation, \$500 fine and 90 day suspension.

(h) Obtaining a certificate through fraud, misrepresentation, or concealment of material facts. Revocation.

(2) Circumstances which will be considered for the purposes of mitigation or aggravation of a penalty shall include the following:

(a) Monetary or other damage to the public or an individual, in any way associated with the violation, which damage the certified professional has not relieved, as of the time the penalty is to be assessed.

(b) The severity of the offense.

(c) The danger to the public.

(d) The number of repetitions of the offense.

(e) The number of complaints filed against the individual.

(f) The length of time the environmental health professional has practiced.

(g) The actual damage, physical or otherwise, to the individual or the public.

(h) Any efforts at rehabilitation.

(3) Where several of the above violations shall occur in one or several cases being considered together, the penalties shall normally be cumulative and consecutive.

(4) Probation may also be assessed in any case where it is in the interests of the public, to require the individual to serve a probationary period. Failure to comply with the terms and conditions of the probation shall be prima facie evidence of misconduct.

Specific Authority 381.0011, 381.0101(4), (5) FS. Law Implemented 381.0012, 381.0061(1), 381.0101(3), (4), (5), (8) FS. History–New 9-21-94, Amended 8-20-96, Formerly 10D-123.008, Amended 3-2-98.

64E-18.0091 Grandfathering.

Persons employed in a primary area of environmental health prior to September 21, 1994, and formerly exempted are now considered certified in the program areas and levels at which they were previously exempted. If a person changes to another position type within a primary program area, any certification issued under this section in the primary program area is void within six months of such change and certification through examination must be obtained.

Specific Authority 381.0011, 381.0101(4), (5) FS. Law Implemented 381.0101(7) FS. History–New 3-2-98.

64E-18.010 Fees.

(1) The following schedule of fees is hereby established. The fees listed below are required to accompany applications for certification, initial certificate issuance, application for certificate renewal, and application to renew an inactive certificate:

- (a) Application for certification including initial examination. \$25
- (b) Initial certification. \$25
- (c) Additional program certifications. \$10
- (d) Renewal of certification. \$25

(2) The fee listed in (1)(b) is for the biennial period, and shall be pro-rated to a half-period fee if certification is initially granted during the second year of the biennial period.

Specific Authority 381.0011, 381.0101(4), (5) FS. Law Implemented 381.0101(7) FS. History–New 9-21-94, Amended 8-20-96, Formerly 10D-123.011, Amended 3-2-98.