



State Board of Sanitarian Registration Twenty-Seventh Annual Report

This report of the State Board of Sanitarian Registration covers the activities of the Board from September 3, 2003 through August 31, 2004. The financial report covers Fiscal Year 2004.

Mission Statement

The mission of the Board is to protect public health by ensuring registered sanitarians possess and maintain specialized knowledge and skills in the field of environmental health. This is accomplished by minimum education standards, examination, continuing education requirements, and the investigation of complaints filed with the Board.

Board Organization

The State Board of Sanitarian Registration consists of seven (7) members, including the Director of Health or his designated representative, the Director of the Environmental Protection Agency or his designated representative, and five (5) members appointed by the Governor with the advice and consent of the Senate. Terms of office are for three years and members are compensated for board meeting expenses.

Of the five members appointed by the Governor, at least one and not more than two must be employees of a general health district; at least one and not more than two must be employees of a city health district; and at least one and not more than two must be employed in private industry. Not more than one member may be employed by a university and not more than one member may be employed by an agency or department of state.

Board Meetings

The State Board of Sanitarian Registration conducted eight (8) Board meetings, three (3) administrative hearings regarding application denial, three (3) disciplinary hearings, and one (1) rules hearing between September 3, 2003 and August 31, 2004. These meetings and hearings were open to the public and held in Columbus at the Vern Riffe Center for Government.

Board Members and Term Expiration:

David Winfough, R.S.	Hamilton	August 15, 2006
Janet Rickabaugh, R.S.	New Richmond	August 15, 2007
Roger Suppes, R.S.	Worthington	Director's representative for the Ohio Department of Health
Gary Silverman, R.S.	Bowling Green	August 15, 2005
Duane Snyder, R.S.	Worthington	Director's representative for the Ohio Environmental Protection Agency
Linda Aller, R.S.	Lewis Center	August 15, 2005
Angela Henderson, R.S.	South Euclid	August 15, 2006

Board Staff

The Board's support staff includes Lynn Jones, executive secretary and Maryanne Macioce, intermittent clerk.

Registration Renewal

Between September 3, 2003 and August 31, 2004, 1,206 registered sanitarians renewed their certificates. Fifty one (51) applicants were granted registered sanitarian status, bringing the total of registered sanitarians to 1,257. Ninety-two (92) certificates of sanitarian-in-training were issued by the Board, bringing the total number of sanitarians-in-training to 199.

Although initial registration decreased slightly, registration renewals increased, resulting in number of registrants remaining consistent with the past five years.

<i>Registration Activity</i>	<i>9/99-8/00</i>	<i>9/00-8/01</i>	<i>9/01-8/02</i>	<i>9/02-8/31/03</i>	<i>9/03-8/31/04</i>
Registered Sanitarian Renewals	1187	1203	1178	1179	1206
Registered Sanitarian certificates granted	60	51	62	74	51
Sanitarian-in-Training Renewals	74	98	116	101	107
Sanitarian-in-Training certificates granted	139	144	94	103	92
Totals	1460	1496	1450	1457	1456

The Board converted to a Web-based licensing system in July 2003. The licensing system is used by 22 state licensing boards, and has improved efficiency by allowing applicants and registrants to track application and renewal progress on-line at *sanitarian.ohio.gov*.

Examination

The Board administered the Professional Examination Service (PES) registration examination on December 11, 2003, March 11, 2004 and July 15, 2004 at the Occupational Safety and Health facility in Pickerington Ohio.

<i>Exam</i>	<i>Date</i>	<i># of Candidates</i>	<i>Pass Point</i>	<i># Passing</i>	<i>% of Passing</i>
PES	12/11/03	62	175/250	24	39%
PES	3/11/04	54	175/250	15	28%
PES	7/15/04	58	175/250	17	29%

The examination-passing rate increased from 26% to 32% this year. Although this is a slight improvement, the high failure rate continues to be an issue of debate and review by the Board.

A primary focus of the Board is to encourage sanitarians-in-training to develop a plan of study and preparation for the examination that not only includes suggested references, but mentoring, shadowing, and the review of strengths and weaknesses in environmental health programs. In July 2004 the Board adopted an amendment to OAC Rule 4736-10-01 *Sanitarian-in-Training Extension Request*, which provides that the Board may require sanitarians-in-training who have failed the examination three or more times to submit a study plan toward passing the examination. The Board will be working on implementation of this amendment during the upcoming year.

Statistics reflect that even though the overall passing rate on the examination is low, less than two per cent of the state's sanitarians have been prevented from practice due to their performance on the examination. This statistic is based upon the number of cease and desist orders issued by the Board over the last five years and provides direct information about the number of individuals who wanted to practice, but were prevented from doing so because of their lack of performance in passing the examination within five years.

The Board has strongly encouraged the Professional Examination Service to undertake a total review and revision of the registration examination. The Board still accepts a candidate's score who takes the National Environmental Health (NEHA) examination either through NEHA or another state, as long as the candidate obtains a score of at least seventy percent.

The Board reviewed a proposal submitted by a sanitarian-in-training, regarding the registration examination passing point, utilizing a *Combined Highest Composite Score*, which is recognized and used by the NCAA for determining student/athlete eligibility, and also used at various universities for admission purposes. The Board concluded after research and review that the method did not meet the intent of a professional examination as part of a system of professional certification. Although the Board did not adopt the proposal, the sanitarian-in-training was commended for his initiative.

The Examination Committee reviewed ninety-six (96) applications for sanitarian-in-training registration. Ninety-two (92) sanitarian-in-training certificates were granted. Fifty-one (51) applications for registered sanitarian were reviewed, and all (51) were granted registered sanitarian status.

Administrative hearings are conducted for all applicants denied registration, regardless of whether the applicant responds to the opportunity for hearing notice. The Board conducted three (3) hearings on proposed denials, and affirmed denial on all subsequent to hearing.

The Board reviewed and granted twenty-two (22) sanitarian-in-training extension requests. Extension requests increased 20% over last year. Although the Board has the authority to grant extensions to sanitarians-in-training who furnish sufficient cause for not applying for registered sanitarian registration within three years, **Section 4736.15 of the Revised Code limits a sanitarian-in-training from engaging in the practice of environmental health beyond five-years.**

The Board is currently amending the *Clarification of Experience/Practice Timelines Policy* to address sanitarians-in-training who engage in the practice of environmental health for part of the year, or part-time.

Public Relations

- During August 2003 the Board's website was enhanced to include license verification and easy access to information about registration status—even during renewal. The Board's Website, *sanitarian.ohio.gov* averaged 60 visits per day. Accessible information also includes, approved continuing education, laws and rules, policies, applications, forms, Board meeting minutes, examination overview and dates.
- Board members and the executive secretary attended meetings with the Ohio Environmental Health Association's Sanitarian Registration Promotion Committee to provide data and statistics in an effort to increase examination scores.
- During November 2003 Board members and the executive secretary attended the Boards and Commissions Seminar sponsored by the Governor's Office. The training emphasized Ohio's ethics law and the responsibilities of gubernatorial appointees.
- Board members and the executive secretary staffed an exhibit booth at the Ohio Environmental Health Association meeting in April 2004 to disseminate material and answer questions.
- Angela Henderson and Lynn Jones gave a presentation at the August 13, 2004 Ohio Department of Health Quality Assurance Conference.
- The executive secretary participates in an ad-hoc group of Ohio Regulatory Boards. The purpose of the group is to share common concerns and improve services through a collective effort, including the implementation of the new licensing system, technical support, and the review of legislation that affects all regulatory boards.

Compliance, Investigation and Enforcement

Pursuant to Section 4736.13 of the Revised Code, the Board may deny, refuse to renew, revoke, or suspend a certificate of registration, following an adjudication hearing held pursuant to Chapter 119 of the Revised Code, for unprofessional conduct, the practice of fraud or deceit in obtaining a certificate of registration, dereliction of duty, incompetence in the practice of environmental health science, or for other good and sufficient cause. The Board can also enter into consent agreements in lieu of adjudication hearings.

The Board closed three investigations that were carried over from last year with the following actions:

- 1 - Revocation – falsification & forgery
- 1 - 14 day suspension – Neglect of duty
- 1 - 14 day suspension – unethical conduct

The Board received three complaints between September 3, 2003 and August 31, 2004, which resulted in the following actions:

- 1 - Revocation – Felony convictions
- 1 - Cease and desist – Unauthorized practice of environmental health
- 1 – Investigation ongoing

Laws and Rules

The practice of environmental health, defined in Section 4736.01 of the Revised Code, was amended as a result of the recent legislation:

House Bill 6: Bioterrorism (Section 3707.33 of the Revised Code was replaced with 3707.08). HB 6 was signed by the Governor on November 13, 2003 and became effective on February 12, 2004.

House Bill 368: Separate Regulatory Program for Recreational Vehicle Parks (Section 3729 was added to the definition of the practice of environmental health). HB 368 was signed by the Governor on July 14, 2004 and became effective on October 13, 2004.

These amendments were non-substantive and enacted to provide that programs originally defined as the practice of environmental health continue to be defined accordingly.

Pursuant to Revised Code 119.032 state agencies are required to review each of their rules every five years and determine whether or not to continue without change, amend, or rescind their rules. This past year the Board accomplished the review of the last 19 rules amplifying the sanitarian registration laws. Six (6) rules were deemed accurate and remained unchanged. A public hearing was conducted on June 3, 2004 to receive testimony and comments regarding amendments to the remaining (13) thirteen rules. Notification of the Board’s intention to amend the rules was sent to directors of environmental health and point people at the Ohio Department of Agriculture, Ohio Department of Health, Ohio Environmental Protection Agency, and the various professional associations. The notice of hearing, proposed rules, and fiscal analysis/summary were also posted at the *Register of Ohio* at <http://www.registerofohio.state.oh.us> A summary of the amendments is as follows:

Rule Number	Title of Rule & Summary of Amendments
4736-1-01	Definitions Updated the rule with gender-neutral references.
4736-7-01	Application Form Deleted language that is no longer applicable.
4736-7-02	Application Fee Incorrect application fee amounts - deleted. Language was added to define that application fees are prescribed in Section 4736.12 of the Revised Code.

4736-8-01	Requirements for Registration Updated the rule with gender-neutral references.
4736-9-03	Passing Score Included additional language “point zero” to the term seventy percent; thus providing a concise definition of the passing score on the registration examination.
4736-10-01	Sanitarian-in-Training Extension Request Language was added to provide that the Board may require sanitarians-in-training who have failed the registration examination three or more times to submit a study plan toward passing the examination.
4736-11-03	Hours of Continuing Education Required Added language to define that a continuing education waiver will be granted based upon “a registered sanitarian’s or a sanitarian-in-training’s” certified illness or disability; thus providing a concise definition of continuing education waiver eligibility.
4736-11-04	Types of Continuing Education Courses Included “bioterrorism” as an approved subject matter for continuing education.
4736-11-05	Registration and Approval of Training Agency The statement “Training agencies approved by the Board prior to July 1, 2001 are exempt from the initial application fee” was deleted because it is no longer applicable.
4736-11-08	List of Approved Courses Amendments included the deletion of language that is no longer applicable and the inclusion of the Board’s current website address.
4736-11-09	Reinstatement Added language that provides further clarification of the requirements for reinstatement of registered sanitarians and sanitarians-in-training.
4736-12-01	Annual Renewal Incorrect application fee amounts were deleted. Language was added to define that renewal fees are prescribed in Section 4736.12 of the Revised Code.
4736-13-01	Revocation The definition of unprofessional conduct was updated to include misdemeanors in the course or scope of the practice of environmental health. The amendments also provide that complaints must be submitted with a reasonable time frame.

The amendments became effective on August 1, 2004. A complete set of the updated laws and rules is available by contacting the Board office, or accessing the Board's website at *sanitarian.ohio.gov*.

The Board sought legal advise regarding an interpretation of Section 4736.10 of the Ohio Revised Code and individuals who have let their sanitarian-in-training registration lapse, then reapplied for a new sanitarian-in-training registration rather than renew the registration. The legal opinion provided that sanitarians-in-training whose registrations have lapsed should not be permitted to re-apply for a new sanitarian-in-training registration immediately after certificate expiration. It was further suggested by legal counsel that the reinstatement rule be updated with this clarification. Rule 4736-11-09 *Reinstatement* was subsequently updated, and made effective on August 1, 2004.

Continuing Education

Training agency renewal notices were issued in November 2003. Ninety-three (93) out of (102) approved training agencies renewed their status.

Three former approved agencies were granted approved status again:

- Belmont Technical College
- Columbus Health Department
- Stark County Health Department

Four new agencies were granted approved training agency status:

- Athens City-County Health Department
- Bowling Green State University – Health & Human Services
- Ohio Compost Association, Inc.
- Warren County Combined Health District

The Continuing Education Committee and executive secretary reviewed 1,421 continuing education requests submitted by registered sanitarians, sanitarians-in-training, and training agencies. This was a 10% increase in the number of submissions over 2003.

Finance

The Board is funded by license and application fees deposited into the Occupational Licensing and Regulatory Fund. This fund consists of application and renewal fees from twenty-two professional licensing boards. Each board in the fund is required to generate sufficient revenue to meet its own budgeted expenses, and to pay for collective project costs, such as the Web-based licensing system.

Legislation passed in 2002, which permitted the transfer of revenue from the Occupational Licensing and Regulatory Fund to the General Revenue Fund to help balance the state’s budget. This action resulted in a 4 million dollar transfer during Fiscal Year 2003, and a 2 million dollar transfer during Fiscal Year 2004. All boards in the fund, regardless of whether they had reserve balances or not, were assessed portions of the transfers. The Board’s total assessment was \$17,998. The Board ardently appealed both assessments to no avail.

Budget considerations for Fiscal Year 2006 and 2007 are underway. The Board's primary objective during the budget process is to fulfill its mission at a continued funding level, operate within its financial resources, and restore the Board’s status in the Occupational Licensing and Regulator Fund to a positive revenue balance.

The following financial report includes a summary of Fiscal Year 2004 posted expenditures, including expenditures incurred and paid with prior fiscal year (FY 2003) appropriation, but posted as payments during FY 2004. The financial report also includes expenditures for the budget fiscal year (FY 2004), and encumbered fund totals for expenses incurred during the budget fiscal year (FY 2004) that will be posted as payments during the subsequent fiscal year (FY 2005).

Revenue receipts for Fiscal Year 2004 totaled \$133,127. The Board was appropriated (received spending authority) for \$124,892. Posted Fiscal Year 2004 expenditures totaled \$124,726.50.

This method of reporting is consistent with generally accepted accounting standards for governmental agencies.

INCOME AND EXPENSE STATEMENT FISCAL YEAR 2004

INCOME

# Paying Fee		Fee Amount		
1210	Registered Sanitarian Renewal Fees	\$ 69	\$	83,490
24	Registered Sanitarian Renewal Fees	\$ 61		1,464
120	Sanitarian-in-Training Renewal Fees	\$ 69		8,280
5	Registered Sanitarian Application Fees	\$ 150		750
111	Sanitarian-in-Training Application Fees	\$ 75		8,325
44	Advancement to Registered Sanitarian Application Fees	\$ 75		3,300
210	Examination Fees	\$ 110		23,100

95	Training Agency Renewal Fees	\$	25	2,375
	10 Training Agency Application Fees	\$	50	500
	55 Renewal Late Fees	\$	25	1,375
	Labels, Roster, Public Records			168
TOTAL				\$ 133,127

EXPENSES

PAYROLL 100 ACCOUNT

OBJECT CODE

	10 Payroll and Fringe Benefits	\$		88,170.14
	14 Board Member Travel Expenses			2,509.21
	15 Hearing Costs			765.00
	13 Seminars			150.00
Total				\$ 91,594.35

MAINTENANCE 200 ACCOUNT

	21 Supplies and Materials	\$		1,005.84
	23 Travel			100.80
	27 Office Rental			4,407.84
	28 Design Typesetting & Art			400.15
	28 Printing & Copying			1,660.11
	29 Central Service Agency			2,381.39
	29 Telephone Lines and Usage			565.64
	29 Central Mail Service			3,009.97
	29 Technical Support			1,942.26
	29 Computer Usage			688.41
	29 Examinations			15,030.00
	29 Ethics Commission			320.00
	29 Board Meeting Costs			558.12
	29 Risk Management			100.00
	29 Misc. (Courier, Subpoenas, Fidelity Bond)			73.84
Total				\$ 32,244.37

EQUIPMENT

	37 Computer Hardware	\$		545.58
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PRIOR YEAR (FY2003) ENCUMBERED EXPENDITURES

	14 Board Member Travel Expenses	\$		187.52
	28 Printing-Envelopes			154.68
Total				\$ 342.20

TOTAL EXPENSES - POSTED FISCAL YEAR 2004

				\$ 124,726.50
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FISCAL YEAR 2004 APPROPRIATION

				\$ 124,892.00
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EXPENSES FOR BUDGET FISCAL YEAR 2004

				\$ 124,384.30
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FISCAL YEAR 2004 ENCUMBERED FUNDS

	29 Central Mail Service	\$		410.67
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TOTAL EXPENSES FOR BUDGET FISCAL YEAR 2004

				\$ 124,794.97
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TOTAL APPROPRIATION LAPSED

				\$ 97.00
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