

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	

		Agency No.		Rule No.		Section No.
Utah Admin. Code Ref (R no.):	R	156	-	20a	-	
Changed to Admin. Code Ref. (R no.):	R		-		-	

1.	Agency:	Commerce/Division of Occupational and Professional Licensing			
	Room no.:				
	Building:	Heber M. Wells Building			
	Street address 1:	160 East 300 South			
	Street address 2:				
	City, state, zip:	Salt Lake City UT 84111-2316			
	Mailing address 1:	PO Box 146741			
	Mailing address 2:				
	City, state, zip:	Salt Lake City UT 84114-6741			
	Contact person(s):				
	Name:	Phone:	Fax:	E-mail:	
	Maria Skedros	801-530-6179	801-530-6511	mskedros@utah.gov	

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2.	Title of rule or section (catchline):
	Environmental Health Scientist Act Rule
3.	Type of notice:
	New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___
4.	Purpose of the rule or reason for the change:
	The Division and Environmental Health Scientist Board reviewed the rule and determined the following changes need to be made. Proposed amendments clarify the prelicensing education required for licensure. A new section is added to outline the factors that will be considered in evaluating for licensure an applicant who has criminal history.
5.	This change is a response to comments from the Administrative Rules Review Committee.
	No XXX; Yes ___
6.	Summary of the rule or change:
	Section 302 is added to define areas of consideration of good moral character as a qualification for licensure. Section 302a: proposed amendments update the areas of education requirements which qualify for licensure.
7.	Aggregate anticipated cost or savings to:
	A) State budget:
	Affected: No ___; Yes XXXX
	The Division will incur minimal costs of approximately \$50.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

B) Local government:		
Affected:	No XXXX; Yes ____	
The proposed amendments apply only to licensed environmental health scientists and environmental health scientists-in-training and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.		
C) Small businesses ("small business" means a business employing fewer than 50 persons):		
Affected:	No XXX; Yes ____	
The proposed amendments apply only to licensed environmental health scientists and environmental health scientists-in-training and applicants for licensure in those classifications. A licensed environmental health scientist is generally employed by a company or government entity rather than in an office owned by a licensee; however expansion of the opportunities for license qualification could positively impact small business. The Division is not able to determine an exact cost or saving impact due to the varying circumstances involving education requirements for licensure.		
D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):		
Affected:	No XXXX; Yes ____	
The proposed amendments apply only to licensed environmental health scientists and environmental health scientists-in-training and applicants for licensure in those classifications. The proposed amendments will expand potential opportunities for licensure to the benefit and safety of the public.		
8.	Compliance costs for affected persons:	
The proposed amendments apply only to licensed environmental health scientists and environmental health scientists-in-training and applicants for licensure in those classifications. The proposed amendments should have no increased compliance cost or impact for these persons.		
9.	A) Comments by the department head on the fiscal impact the rule may have on businesses:	
As stated in the rule analysis, this filing clarifies for prospective licensees the education that must be completed in order to qualify for licensure. In addition, it places prospective licensees on notice that their criminal history will be evaluated and may preclude licensure. Where this rule affects individuals seeking licensure, no fiscal impact to businesses is anticipated.		
B) Name and title of department head commenting on the fiscal impacts:		
Francine A. Giani, Executive Director		
10.	This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.	
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :		
	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
	Section 58-20a-101	
11.	This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i>):	
	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)		
Publisher		
Date Issued		
Issue, or version		
ISBN Number (optional)		
ISSN Number (optional)		
Cost of Incorporated Reference		
Action: Adds, updates, or removes		

(If this rule incorporates more than two items by reference, please attach additional pages)		
12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):	07/01/2015
	B) A public hearing (optional) will be held:	
	On (mm/dd/yyyy):	At (hh:mm AM/PM):
	06/10/2015	9:30 AM
		At (place):
		160 East 300 South, Conference Room 464, Salt Lake City, Utah
13.	This rule change may become effective on (mm/dd/yyyy):	
		07/08/2015
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid"); may not include the name of the agency):	
	licensing	environmental health scientist
	sanitarian	environmental health scientist-in-training
15.	Attach an RTF document containing the text of this rule change (filename):	R156-20a.pro
To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.		
AGENCY AUTHORIZATION		
Agency head or designee, and title:	Mark B. Steinagel, Director	Date (mm/dd/yyyy): 05/06/2015

R156. Commerce, Occupational and Professional Licensing.

R156-20a. Environmental Health Scientist Act Rule.

R156-20a-302. Good Moral Character - Disqualifying Convictions.

(1) When reviewing an application to determine the good moral character of an applicant as set forth in Section 58-20a-302 and whether the applicant has been involved in unprofessional conduct as set forth in Subsection 58-1-501(2)(c), the Division and the Board shall consider the applicant's criminal record as follows:

(a) A criminal conviction for a sex offense as defined in Title 76, Chapter 5, Part 4 and Chapter 5a, and Title 76, Chapter 10, Part 12 and 13, may disqualify an applicant from becoming licensed.

(b) Other criminal history is relevant, including as to the following:

(i) crimes against a person as defined in Title 76, Chapter 5, Parts 1, 2 and 3;

(ii) crimes against property as defined in Title 76, Chapter 6, Parts 1 through 6;

(iii) any offense involving controlled dangerous substances;
or

(iv) conspiracy to commit or any attempt to commit any of the above offenses.

(2) An applicant who has a criminal conviction for a felony crime of violence may be considered ineligible for licensure for a period of seven years from the termination of parole, probation, judicial proceeding or date of incident, whichever is later.

(3) An applicant who has a criminal conviction for a felony involving a controlled substance may be considered ineligible for licensure for a period of five years from the termination of parole, probation, judicial proceeding or date of incident, whichever is later.

(4) An applicant who has a criminal conviction for any misdemeanor crime of violence or the use of a controlled substance may be considered ineligible for licensure for a period of three years from the termination of parole, probation, judicial proceeding or date of incident, whichever is later.

(5) Each application for licensure or renewal of licensure shall be considered in accordance with the requirements of Section R156-1-302.

(6) A person whose moral character is subject to review under this Section R156-20a-302 is not guaranteed licensure after allowing a specified period of time to pass after conviction.

R156-20a-302a. Qualifications for Licensure - Education Requirements.

In accordance with Subsections 58-20a-302(1)(d), (2)(d) and (3)(d), an applicant shall satisfy the education requirement as follows:

(1) submit evidence of a bachelor's or master's degree from an

environmental health program accredited by the National Environmental Health Science and Protection Accreditation Council (EHAC); or

(2) submit evidence of a bachelor's or master's degree from an accredited program in a college or university with major study in one of the following:

- (a) agronomy;
- (b) biology;
- (c) botany;
- (d) chemistry;
- (e) civil engineering;
- ~~(f) environmental health;~~
- ~~(g) environmental science;~~
- ~~(h) environmental studies;~~
- ~~(i) geology;~~
- ~~(j) microbiology;~~
- ~~(k) physics;~~
- ~~(l) physiology;~~
- ~~(m) public health science;~~
- ~~(n) sanitary engineering;~~
- ~~(o) science-based public health;~~
- ~~(p) sustainability studies; or~~
- ~~(q) zoology; or~~

(3) submit evidence of a bachelor's or master's degree from an accredited program in a college or university including:

- (a) a college or university level algebra or math course; and
- (b) 30 semester hours or 45 quarter hours from at least three of the areas of study listed in Subsection (2).

KEY: licensing, environmental health scientist, sanitarian, environmental health scientist-in-training

Date of Enactment or Last Substantive Amendment: ~~[September 11, 2012]~~2015

Notice of Continuation: July 6, 2010

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-20a-101