

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on July 19, 2011 by the
Date prior to or same as filing date

Oregon Health Licensing Agency, Environmental Health Registration Board

OAR 338

Agency and Division

Administrative Rules Chapter Number

Samantha Patnode, Policy Analyst

700 Summer St. NE, Suite 320, Salem, Oregon 97301-1287

503-373-1917

Rules Coordinator

Address

Telephone

to become effective August 1, 2011. Rulemaking Notice was published in the March 2011 Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Align rules with current statutory authority, industry, agency and rulemaking standards including one year registration cycles.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: 338-010-0016, 338-010-0065, 338-010-0070

AMEND: 338-005-0020, 338-005-0030, 338-010-0015, 338-010-0017, 338-010-0025, 338-010-0030, 338-010-0033, 338-010-0038, 338-010-0050, 338-020-0030, 338-020-0050

REPEAL:338-010-0035, 338-020-0000, 338-020-0060, 338-030-0020

Stat. Auth.: ORS 676.606, 676.607, 676.615, 700.035, 700.052, 700.053, 700.080

Other Auth.:

Stats. Implemented: ORS 676.605, 676.606, 700.025, 700.030, 700.035, 700.050, 700.052, 700.053, 700.062, 700.080, 700, 100, 700.105

RULE SUMMARY

Align definitions with statutory requirements, reduce number of definitions to avoid duplication and modify for readability.

Amend fees to allow all environmental health specialists (EHS) and waste water specialist (WWS) including trainees to receive an annual registration. Environmental health specialist trainees may be qualified to renew if not employed full-time. Delete trainee extension and restoration to align with statutory requirements.

Amend application requirements for EHS including specific pathways which align with statutory requirements:

- Registration pathway 1 qualification through EHS trainee - qualifying bachelors or graduate degree
- Registration pathway 2 reciprocity
- Registration pathway 3 equivalent education & experience - bachelors degree & 3,840 hours of work experience or graduate degree in public or community health and 1920 hours of work experience

Revise application requirements for WWS including specific pathways which align with statutory requirements.

- Registration pathway 1 qualification through WWS trainee - qualifying bachelors or graduate degree
- Registration pathway 2 reciprocity
- Registration pathway 3 graduate degree and certification as a professional soil scientist

Revise application requirements for EHS trainee to align with statutory requirements by submitting proof of a bachelors degree with 45 science hours or 15 hours in science courses and five years experience. Requiring passage of a board approved examination prior to obtaining trainee registration.

Revise application requirements for WWS trainee to align with statutory requirements by submitting proof of a bachelor degree with 45 soil science hours or a graduate degree in soil science.

Amend general examination requirements including scheduling, languages, approved items available during certain examinations, computer based testing, monitoring, prohibitions and consequences.

Amend retake examinations including scheduling, and number of failed examinations allowed and procedures for retaking. For environmental health specialist applicants, additional training after failing the examination three times is not considered trainee work experience under the 3840 hours.

Amend renewal requirements with agency standards and protocols. Protocol for registration holder include renew, renew inactive registration up to 3 years, and after 3 years inactive the registrant becomes expired and must reapply. Active and inactive registrations must maintain required continuing education hours.

Revise to specify that trainee registrations may be renewed if the trainee has not been employed full-time and has not attained the required 2 years of experience or 3,840 work experience hours. Also requires that the trainee pass the National Environmental Health Association examination before the 5th renewal. Sets timelines for renewal based on original issue date.

Requires that any EHS trainees who renew their registration after August 1, 2011, be required to take and pass the Oregon laws and rules examination prior to receiving a trainee registration.

Adopt new rule to specify who is an equivalent supervisor including education and training requirements.

Adopt new rule to specify qualifying pre-registration work experience for environmental health specialists including food processing, federal work, and management of national chain restaurants. Excludes what is not considered to be qualifying work experience.

Amend continuing education based on agency protocols. Clarify auditing procedure for continuing education including consequences for providing incomplete continuing education documentation. Clarify documentation necessary if continuing education has been preapproved by the agency.

Delete investigative authority and exemptions due to redundancy and authority in statute.

Authorized Signer	Randall Everitt, Director	7/29/11
	Printed name	Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 m on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.
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