H.B. No. 269 By Carness

A BILL
TO BE ENTITLED

AN ACT relating to professional sanitarians; providing for a procedure for Registration of Professional Sanitarians; and prescribing its powers, duties and functions; dealing with qualifications, appointment, removal, compensation and expenses of members thereof; providing for registration of professional sanitarians and sanitarians in training, and for issuance, renewal, revocation, and reinstatement of certificates of registration, and fixing fees therefor; providing for expenditure of funds collected under provisions of the Act and fixing purposes for which such funds may be used; prohibiting use of the title or designation of "sanitarian" in any public or private employment in this State unless the person employed is registered hereunder; Exempting Physicians, Dentists, Engineers and Doctor of Veterinary medicine, who are duly licensed by another State Licensing Agency; and providing a penalty for violation; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Purpose. In order to safeguard life, health and property, and to establish and protect the professional status of those persons whose duties in environmental sanitation call for knowlege of the physical, the biological and the social sciences, there is hereby established a program for the Registration for Professional Sanitarians. It shall be the duty of the State Board of Health to carry out the provisions on this Act.

Sec. 2. As used in this Act:

(a) The term "field of sanitation" means the study, art, and technique of applying scientific knowledge for the improvement of the environment of man for his health and welfare.

(b) The term "sanitarian" means a person trained in the field of sanitary science to carry out educational and inspectional duties in the field of environmental sanitation.

(c) The term "Board" means the State Board of Health.

Sec. 3. Payment of Administrative Costs. The cost of administering this Act shall be paid from funds appropriated to the State Department of Health.

Sec. 4. Audit; Annual Report. The funds collected under this Act and all appropriations to the Board shall be subject to audit by the State Auditor. The Board shall preserve a copy of all annual reports and State Audit reports issued with respect to this Act.

Sec. 5. Record of Proceedings; Register of Application. The Board shall keep a record of all proceedings with respect to this Act, and a register of all applications for registration, which register shall show: (a) the place of residence, name and age of each applicant; (b) the name and address of employer or business connection of each applicant; (c) the date of the application; (d) complete information on educational and experience qualifications; (e) the action of the Board; (f) the serial number of the certificate of registration issued to the applicant; (g) the date on which the Board reviewed and acted on the application; (h) such other information as may be deemed necessary by the Board.

Sec. 6. Certificates of Registration; Eligibility for Registration. The Board, upon application on the form prescribed by it, and upon the payment of a fee of Ten Dollars ($10.00), shall issue a certificate of registration as a professional sanitarian to any person who has the qualifications stipulated under the provisions of this Act, and who submits evidence by passing a written examination prescribed by the Board satisfactory to the Board that the applicant is qualified under the provisions of this Act. In evaluating the evidence submitted to it, the Board shall carefully consider the applicant's knowledge and understanding of the principles of sanitation, the physical, biological, and social sciences, provided that:

(a) Any person, who, within six (6) months after the effective date of this Act, submits under oath evidence satisfactory to the Board that he has been a resident of the State of Texas for at least one (1) year immediately preceding the date of application, and that he was employed in the field of sanitation for a period of one (1) year prior to the effective date of this Act may be registered as a professional sanitarian.

(b) Any person, other than those covered under paragraph (a), who after the effective date of this Act applies for registration shall have had not less than one (1) year of full-time experience in the field of sanitation and shall have completed training in the basic sciences and/or public health to the extent deemed necessary by the Board in order to effectively serve as a registered sanitarian. The educational requirements set forth by the Board shall not be at variance with the definition for Sanitarian set forth by the Position Classification Act of 1961. Other qualifications may be established by the Board in accordance with the rules and regulations adopted under this Act. Persons employed in the field of sanitation who meet all qualifications for registration as a professional sanitarian, except the qualifications of experience, shall, upon the approval by the Board and after payment of a fee of Five Dollars ($5.00) and by passing a written examination prescribed by the Board, be granted a certificate of Sanitarian in Training. This certificate shall remain in effect unless revoked by the Board for a period not to exceed one (1) year after date of issue.

Sec. 7. Renewal of Certificates; Fee; Delinquency and Reinstatement. Every professional sanitarian registered under the provisions of this Act who desires to continue in the field of sanitation shall annually pay to the Board a fee to be fixed by the Board for the annual renewal of each license, but the fee for renewal of license shall not be fixed in excess of Ten Dollars ($10.00). Certificates of registration revoked for failure to pay renewal fees shall be reinstated under the rules and regulations of the Board.

Sec. 8. Suspension or Revocation of Certification; Refusing Registration. The Board shall have the power to suspend or revoke the certificate of registration of any registrant for the practice of any fraud or deceit in obtaining registration, or any gross negligence, incompetency, or misconduct in the practice of professional sanitation. The Board may refuse to issue a certificate to any one whose certificate or license to engage in sanitation or in any other profession has been revoked, in this State or elsewhere, on the ground of unprofessional conduct, fraud, deceit, negligence, or misconduct in the practice of his profession; and it may also refuse to issue a certificate to anyone upon satisfactory proof that he has been guilty of any of these charges in the practice of sanitation or any other profession. No such suspension or revocation of a certificate or refusal to register shall be permitted until at such time as a hearing is held and the person affected given the opportunity to answer the charges that may have been filed against him with the Board.

Sec. 9. Deposit of Fees. Upon and after the effective date of this Act, all moneys derived from fees, assessments, or charges under this Act shall be paid by the Board into the State Treasury for safekeeping, and shall by the State Treasurer be placed in the General Revenue fund of the State of Texas.

Sec. 10. Advisory Board. The Board shall appoint a Sanitarian Advisory Committee to assist in the establishing of rules and regulations under this Act, said Advisory Committee to consist of not over five (5) members. The Sanitarian Advisory Committee shall meet at the request of the Board, and the State Comptroller is authorized to pay travel expenses of the Sanitarian Advisory Committee at the same rate paid regular employees of the State when such expenses have been approved by the Board, but for not over four (4) meetings in any one (1) State fiscal year.

Sec. 11. Reciprocity. Agreements for reciprocity with those states having a registered Sanitarian's Act may be entered into by the Board under such rules and regulations as the Board may prescribe.

Sec. 12. Exemptions. Those persons such as Physicians, Dentists, Engineers, and Doctors of Veterinary Medicine, who are duly licensed by another official State Licensing agency, who by nature of their employment or duties might be construed to come under the provisions of this Act, shall be exempt from the provisions of this Act.

Sec. 13. Offeasee. After six (6) months from the effective date of this Act, no person engaging or offering to engage in work in the field of sanitation, in this State shall represent himself to be a sanitarian, or use any title containing the word "sanitarian," unless he is a registrant in good standing with the Board, either as a registered professional sanitarian or as a sanitarian in training. Any person who violates any provisions of this Section shall be guilty of a misdemeanor and shall be fined not less than Ten Dollars ($10.00) nor more than Two Hundred Dollars ($200.00).

Sec. 14. If any provision of this Act or the application thereof to any person or circumstances if held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 15. The need of prescribing the qualifications, duties and functions of professional sanitarians in order to render the necessary services for the preservation of the public health and safety creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

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State Affairs