

Chapter 700

1967 REPLACEMENT PART

Sanitarians

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DEFINITIONS

700.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Board" means the State Board of Health.

(2) "Department" means Department of Sanitarians of the State Board of Health.

(3) "Environmental sanitation" means the art and science of applying sanitary, biological and physical science principles and knowledge to improve and control the environment and factors therein for the protection of the health and welfare of the public.

(4) "Registrant" means any person registered with the department under this chapter.

(5) "Sanitarian" means a person who by education, training and experience in the sanitary, biological and physical sciences is qualified to perform duties in environmental sanitation, including but not limited to scientific investigation, and education and counseling in environmental sanitation.

(6) "Sanitarian trainee" means a person who lacks the combination of training, education and experience required for a sanitarian registered under this chapter but who is engaged in meeting such requirements.

(7) "Science courses relating to environmental sanitation" include courses in public or community health or in sanitary, biological or physical sciences.

[Amended by 1967 c.476 §1]

REGISTRATION OF SANITARIANS AND SANITARIAN TRAINEES

700.020 Registration required. Without first complying with the provisions of this chapter, no person shall:

(1) Use or assume the title or any other designation or advertise a title or designation indicating that he is a sanitarian.

(2) Perform the duties of a sanitarian.

(3) Append after his name the title of "registered sanitarian" or the letters "R.S." unless he is a registered sanitarian under this chapter.

[Amended by 1967 c.476 §2]

700.025 Persons not required to register. The provisions of subsection (2) of ORS 700.020 do not apply to:

(1) Any person teaching, lecturing or engaging in research in environmental sanitation but only in so far as such activities are performed as part of an academic position in a college or university.

(2) Any person who is a sanitary engineer, public health engineer or registered professional engineer.

(3) Any public health officer employed pursuant to ORS chapter 431.

(4) Any person employed by a federal governmental agency but only at such times as the person is carrying out the functions of his employment.

(5) Any person who holds a doctorate in veterinary medicine.

(6) Any person employed in environmental sanitation by a local or state governmental agency who is unable to meet the qualifications required by this chapter, but only at such times as the person is carrying out the functions of his employment and only until July 1, 1969.

(7) The performances of such duties as meat inspection, produce inspection, bee inspection, grain warehouse inspection, landscaping, gardening, plumbing, septic tank or cesspool installation or insect and rodent poison application.

[1967 c.476 §4]

700.030 Qualifications of sanitarian applicant. Upon application therefor, accompanied by the fee established by the department, the department shall grant registration as a sanitarian to any applicant who performs to the satisfaction of the department in written and oral examination required by the department and furnishes evidence satisfactory to the department that he:

(1) Is a citizen of the United States of America or has applied therefor;

(2) Is of good moral character; and either

(3) Has a baccalaureate degree from an accredited college or university with at least 45 quarter hours, or the equivalent semester hours, in science courses relating to environmental sanitation and two years of experience in environmental sanitation under the supervision of a registered sanitarian or a person possessing equal qualifications, as determined by the department; or

(4) Has a graduate degree in public or community health from an accredited college or university and one year of experience in environmental sanitation under the supervision of a registered sanitarian or a person possessing equal qualifications, as determined by the department.

[Amended by 1967 c.476 §7]

700.035 Registration of sanitarian trainees. Upon application therefor, accompanied by the fee established by the department, the department shall grant registration as a sanitarian trainee to any applicant who performs to the satisfaction of the department in written and oral examination required by the department and furnishes evidence satisfactory to the department that he:

(1) Is a citizen of the United States of America or has applied therefor;

(2) Is of good moral character; and either

(3) Has a baccalaureate degree with 45 quarter hours, or the equivalent semester hours, in science courses relating to environmental sanitation from an accredited college or university; or

(4) Has at least 15 quarter hours, or the equivalent semester hours, in science courses relating to environmental sanitation from an accredited college or university and has at least five years of experience in environmental sanitation or related activities, as determined by the department, under the supervision of a sanitarian registered under this chapter or a person possessing equal qualifications, as determined by the department. [1967 c.476 §5]

700.040 [Repealed by 1967 c.476 §21]

700.050 Examination. (1) Examinations for registration shall be held at least once every year at such time and place as the department may determine.

(2) Within 30 days after the examination, the department shall notify each applicant whether he passed or failed the examination.

(3) Upon written request to the department, any applicant may discuss his performance on the examination.

(4) Any applicant who fails to make a passing grade on the examination may be allowed to take the examination a second time upon payment of the fee required therefor. However, any applicant who fails the examination a second time must obtain special permission from the department to take the examination a third or subsequent time.

(5) The secretary of the department shall give reasonable notice by mail of the time and place of examination to each applicant accepted for examination.

[Amended by 1967 c.476 §8]

700.060 [Repealed by 1967 c.476 §21]

700.070 [Repealed by 1967 c.476 §21]

700.080 Fees. The department shall establish and collect fees for the examination and registration of applicants and for the renewal of registration, but not to exceed the following amounts:

(1) For examination of an applicant, the fee shall not exceed \$20.

(2) For registration of a sanitarian or sanitarian trainee, the fee shall not exceed \$10.

(3) For registration of a sanitarian or sanitarian trainee under ORS 700.090, the fee shall not exceed \$30.

(4) For timely renewal of the registration of a sanitarian or sanitarian trainee, the fee shall not exceed \$5.

(5) For renewal of the registration of a sanitarian or sanitarian trainee, upon application made prior to August 1 but after the expiration date of his registration, the fee shall not exceed \$7.50.

(6) For renewal of the registration of a sanitarian or sanitarian trainee upon application made after August 1 but within five years of the expiration date of his registration, the fee shall not exceed \$30.

[Amended by 1967 c.476 §9]

700.085 Registration without examination. Upon application therefor, accompanied by a fee of \$2.50, the department shall grant registration without written or oral examination to any applicant for registration as a sanitarian who was registered as a sanitarian under the provisions of this chapter prior to July 1, 1967. [1967 c.476 §19]

700.090 Reciprocity. Upon application therefor, accompanied by the fee established by the department, the department shall grant appropriate registration without written examination to any applicant who furnishes evidence satisfactory to the board that he meets the applicable requirements of this chapter and at the time of application under this section is registered as a sanitarian or sanitarian trainee by a national association that is recognized by the department or is registered as a sanitarian or sanitarian trainee in any other state if the requirements for such registration, including the written examination, are not lower than the requirements for registration under ORS 700.030 or ORS 700.160.

[Amended by 1967 c.476 §10]

700.100 Expiration date and renewal of registration; fees. (1) Registration issued by the department shall expire on June 30 following the date of issue.

(2) Upon application therefor, accompanied by the fee established by the department, the department shall renew the registration of a sanitarian or sanitarian trainee who makes application therefor within five years of the expiration of his registration.

(3) The department shall not renew the registration of any sanitarian or sanitarian trainee who fails to renew his registration for five successive years but shall grant registration to such a person upon his compliance with all of the requirements of ORS 700.030 or ORS 700.160.

(4) The department may renew the registration of a sanitarian or sanitarian trainee who has reached 60 years of age and is retired without the payment of a renewal fee.

(5) The department shall not grant or renew the registration of a sanitarian or sanitarian trainee whose registration has been denied, or suspended or revoked or not renewed under subsections (1) to (3) of ORS 700.110 until one year from the date of the denial of registration or of renewal or of the date of the order of suspension or revocation.

(6) The department shall not grant or renew the registration of a sanitarian or sanitarian trainee whose registration has been denied, suspended or revoked or not renewed under subsection (4) of ORS 700.110 until three years from the date of the denial of registration or of renewal or of the date of the order of suspension or revocation.
[Amended by 1967 c.476 §11]

DENIAL, SUSPENSION, REVOCATION

700.110 Grounds for denial, suspension or revocation of registration. The department may deny registration or refuse to renew or may suspend or revoke registration upon proof that the applicant or registrant:

(1) Is not of good moral character.

(2) Has been convicted of a crime involving fraud or deceit or is guilty of gross negligence, incompetency or misconduct in relation to his duties as a sanitarian.

(3) Has employed fraud or deception in applying for registration or in passing any examination required or authorized by this chapter.

(4) Has been convicted of a felony.

[Amended by 1967 c.476 §12]

700.120 Notice and hearing, procedure.

(1) Before the department may suspend, revoke or refuse to renew any registration, it shall set the matter for a hearing before the department. At least 20 days prior to

the date set for hearing, the department shall give written notice of the charges made and the date and place of the hearing to the registrant. Service of the notice may be made by personal service or by sending it by registered mail to the last-known business address of the registrant. The registrant shall have the opportunity to be heard in person and by counsel. A stenographic record of the hearing shall be kept and a transcript thereof filed with the department.

(2) The order of the department shall be made within 20 days after the termination of the hearing.

(3) Notice of the order of the department shall be given to the registrant, either by personal service or by registered mail sent to the last-known business address of the registrant within 10 days after the order is made.

[Amended by 1967 c.476 §13]

700.130 Judicial review. (1) The registrant whose registration has been suspended or revoked or to whom renewal has been denied by the department may obtain a review of the order of the department under ORS 700.120 by filing a written petition for review with the circuit court in the county in which he resides within 30 days after service of the notice required in subsection (3) of ORS 700.120.

(2) The review shall be conducted by the court as a suit in equity.

[Amended by 1967 c.476 §14]

DEPARTMENT OF SANITARIANS

700.210 Department of Sanitarians.

There hereby is established under the administration of the State Board of Health a department to be known as the Department of Sanitarians to consist of five members to be appointed by the board, one of whom shall be the Director of the Division of Sanitation and Engineering appointed by the State Board of Health.

[Amended by 1967 c.424 §6]

700.220 Department members, qualifications, term, removal, vacancies, compensation.

(1) The members appointed by the board shall be appointed from among the residents of this state and shall have the following qualifications and terms of office:

(a) One shall be a physician licensed to practice medicine or surgery by the State Board of Medical Examiners and certified by the American Board of Preventive Medicine and Public Health.

(b) Three shall be sanitarians, registered under this chapter, not more than one from any congressional district, and each of whom has had at least four years of experience in environmental sanitation.

(2) Each successor to the members first appointed by the board shall hold office for a term of three years to commence on July 1 following the expiration of the term of his predecessor.

(3) Any vacancy among the four members appointed by the board shall be filled for the unexpired term by appointment by the board.

(4) Any member of the department may be removed by the board for misconduct, incapacity or neglect of duty or inability to serve.

(5) The members of the department shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties from the Sanitarian's Registration Account.

[Amended by 1967 c.476 §15]

700.230 Department meetings and organization. (1) The department shall hold a meeting at least once each year.

(2) The department shall annually elect a chairman from its members.

(3) Three members shall constitute a quorum but no action may be taken on any question unless three members are in accord.

700.240 Authority of board and department; records of proceedings. (1) The board has such authority as is reasonably necessary to administer this chapter, including the authority to adopt rules pursuant to ORS chapter 183.

(2) The chairman and secretary of the department each has authority to administer oaths and subpoena witnesses.

(3) The secretary shall keep a record of all proceedings of the department including a register of all registrants. These records shall at reasonable times be open to the public.

(4) When the department is satisfied that an applicant for registration under this chapter has complied with all of the requirements thereof, it shall have issued to such applicant an appropriate certificate evidencing his registration under this chapter.

[Amended by 1967 c.476 §16]

700.250 Disposition of department receipts; Sanitarian's Registration Account, appropriation. All fees and other moneys

received by the department shall be deposited in the General Fund in the State Treasury to the credit of an account to be known as the Sanitarian's Registration Account, which account hereby is appropriated for the purposes of this chapter. All expenses of the department incurred in administering the provisions of this chapter shall be paid in the manner provided by law out of the Sanitarian's Registration Account.

700.260 Enforcement of chapter. (1) If, in the opinion of the department, any person is engaged in an activity that is a violation of any provision of this chapter or any rules promulgated by the department, the department may institute in the name of the State of Oregon a suit to restrain the activity or any further or continued violation.

(2) The Attorney General or the district attorney for the county in which the proceedings is to be brought shall assist the department in carrying out its power under this section.

[1967 c.476 §17]

MISCELLANEOUS

700.310 Supervision required for trainees; waiver; title. (1) A sanitarian trainee engaged in activities in environmental sanitation must be employed under the direct personal supervision of a sanitarian registered under this chapter or a person possessing equal qualifications as determined by the department, such supervision to be not less than 16 hours in any 40-hour period. The department may waive the requirement of supervision in cases of emergency or where a sanitarian registered under this chapter or other qualified person is available on call to advise the sanitarian trainee in carrying out his duties in environmental sanitation.

(2) Subject to the rules of the department, a sanitarian trainee may append after his name the title "sanitarian."

[1967 c.476 §6]

PENALTIES

700.990 Penalties. Violation of any provision of ORS 700.020 is punishable, upon conviction, by a fine of not more than \$200, or by imprisonment in the county jail for not more than 60 days, or both.

[1967 c.476 §18]

OCCUPATIONS AND PROFESSIONS

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on December 1, 1967.

Robert W. Lundy
Legislative Counsel

CHAPTERS 701 TO 705

[Reserved for expansion]