Chapter 700

1977 REPLACEMENT PART

Sanitarians

DEFINITIONS

700.010 Definitions

REGISTRATION OF SANITARIANS AND SANITARIAN TRAINEES

700.020 Registration required
700.025 Persons not required to register
700.030 Qualifications of sanitarian applicant
700.035 Registration of sanitarian trainees
700.050 Examination
700.080 Fees
700.085 Registration without examination
700.090 Reciprocity
700.100 Expiration date and renewal of registration

DENIAL, SUSPENSION, REVOCATION

700.110 Grounds for denial, suspension or revocation of registration
700.115 Registration denial procedure; promulgation, review of rules and orders

REGISTRATION BOARD

700.210 Sanitarians Registration Board; confirmation
700.220 Board members, qualifications, term, removal, vacancies, compensation and expenses
700.230 Meetings; chairman; quorum
700.240 Authority of board; records of proceedings
700.251 Disposition of receipts
700.260 Enforcement

MISCELLANEOUS

700.310 Supervision required for trainees; waiver; title

PENALTIES

700.990 Penalties

CROSS REFERENCES

Administrative procedures governing state agencies, Ch 183
Engineering, land surveying law, applicability, 672.060
Legislative review of need for agency, 182.615

700.030

Waiver of educational requirement for admission to examination, 670.010

700.100

Military and naval personnel relieved from payment of fees, 408.450

700.110

Denial, suspension or revocation of license prohibited solely because of criminal conviction, 670.280

700.210

State agencies generally, Ch. 182

700.220

Limitation on travel allowances, 292.250

Note: Section 30, chapter 842, Oregon Laws 1977, is operative July 1, 1984, and provides:

Sec. 30. ORS 700.010, 700.020, 700.025, 700.030, 700.035, 700.050, 700.080, 700.085, 700.090, 700.100, 700.110, 700.115, 700.210, 700.220, 700.230, 700.240, 700.251, 700.260, 700.310 and 700.990 relating to sanitarians are repealed.

DEFINITIONS

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

(1) "Board" means the Sanitarians Registration Board.

(2) "Division" means the Health Division.

(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 board 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; 1971 c.650 §41]

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 board, the board shall grant registration as a sanitarian to any applicant who performs to the satisfaction of the board in written and oral examination required by the board and furnishes evidence satisfactory to the board that he:

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

(2) 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 board. Accumulated schooling relevant

to environmental sanitation gained while serving in the United States Public Health Service or a branch of the Armed Forces of the United States may be credited toward the educational requirement as evaluated by the current edition of the "Guide to Evaluation of Educational Experience in the Armed Forces," by the American Council on Education; or

(3) 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 board.

[Amended by 1967 c.476 §7; 1975 c 600 §1]

700.035 Registration of sanitarian trainees. Upon application therefor, accompanied by the fee established by the board, the board shall grant registration as a sanitarian trainee to any applicant who performs to the satisfaction of the board in written and oral examination required by the board and furnishes evidence satisfactory to the board 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 board, under the supervision of a sanitarian registered under this chapter or a person possessing equal qualifications, as determined by the board.

[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 board may determine.

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

(3) Upon written request to the board, 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 board to take the examination a third or subsequent time.

(5) The secretary of the board 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 board shall establish and collect fees, but not to exceed the following amounts:

(1) For examination of an applicant, the fee shall not exceed $30.

(2) For registration of a sanitarian or sanitarian trainee, the fee shall not exceed $20.

(3) For registration of a sanitarian or sanitarian trainee under ORS 700.090, the fee shall not exceed $50.

(4) For timely renewal of the registration of a sanitarian or sanitarian trainee, the fee shall not exceed $20.

(5) Inactive registration may be granted a registrant not performing the duties of a sanitarian. For an inactive registration, the fee shall be $10 plus all fees for late registration as provided in subsection (7) of this section.

(6) For renewal of the registration of a registrant, who has obtained an inactive registration, the fee shall not exceed $45 and shall renew the registration until the following June 30.

(7) For renewal of the registration of a sanitarian or sanitarian trainee, who has not been granted inactive registration, the fee shall be the fee for timely renewal and a penalty not to exceed $5 for each calendar month, or part thereof, after the expiration date of his registration.

(8) For replacement or duplicate certificates, the fee shall not exceed $10 for each certificate.

[Amended by 1967 c 476 §9; 1975 c.526 §11]

700.085 Registration without examination. Upon application therefor, accompanied by a fee of $2.50, the board 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 board, the board 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 board 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 700.035.
[Amended by 1967 c.476 §10]

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

(2) Upon application therefor, accompanied by the fee established by the board, the board 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 board 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 700.035.

(4) The board 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 board 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 board 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 board 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]

700.115 Registration denial procedure; promulgation, review of rules and orders. (1) Where the board proposes to refuse to issue or renew a registration, or proposes to revoke or suspend a registration, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided by ORS 183.310 to 183.500.
[1971 c.734 §168; 1973 c.829 §70]

700.120 [Amended by 1967 c.476 §13, repealed by 1971 c.734 §21]

700.130 [Amended by 1967 c.476 §14; repealed by 1973 c 829 §71]

REGISTRATION BOARD

700.210 Sanitarians Registration Board; confirmation. There is established within the Health Division a board to be known as the Sanitarians Registration Board to consist of five members to be appointed by the Governor. All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.
[Amended by 1967 c.424 §6; 1971 c.650 §42; 1973 c.792 §47]

700.220 Board members, qualifications, term, removal, vacancies, compensation and expenses. (1) The members appointed by the Governor 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) Four 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 Governor 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 Governor shall be filled for the unexpired term by appointment by the Governor.

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

(5) The members of the board are entitled to compensation and expenses as provided in ORS 292.495, to be paid from the Sanitarian's Registration Account.
[Amended by 1967 c.476 §15; 1969 c.314 §100; 1971 c.650 §43]

700.230 Meetings; chairman; quorum. (1) The board shall hold a meeting at least once each year.

(2) The board 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; 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 board each has authority to administer oaths and subpena witnesses.

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

(4) When the board 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 [Repealed by 1973 c.427 §38 (700.251 enacted in lieu of 700.250)]

700.251 Disposition of receipts. All moneys received by the Health Division under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Division Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of this chapter.
[1973 c.427 §39 (enacted in lieu of 700.250)]

700.260 Enforcement. (1) If, in the opinion of the board, any person is engaged in an activity that is a violation of any provision of this chapter or any rules promulgated by the board, the board 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 board 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 board, such supervision to be not less than 16 hours in any 40-hour period. The board 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 board, 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]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1977.

Thomas G. Clifford
Legislative Counsel