

Chapter 700

1991 EDITION

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OCCUPATIONS AND PROFESSIONS

GENERALLY

700.005 Purpose. Recognizing that to regulate our environment for protection of the public's health is not a natural right of any person but is a privilege granted by legislative authority, it is necessary in the interests of the health, safety and welfare of the people of this state to provide for the granting of that privilege and the regulation of its use, to the end that the public is protected from unauthorized or unqualified persons and from unprofessional conduct by persons registered to practice under this chapter. [1983 c.189 §13]

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

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

(2) "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.

(3) "Registrant" means any person registered with the board under this chapter.

(4) "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.

(5) "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.

(6) "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; 1983 c.189 §9]

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 the person is a sanitarian.

(2) Perform the duties of a sanitarian.

(3) Append after the name of the person the title of "registered sanitarian" or the letters "R.S." unless the person is a regis-

tered sanitarian under this chapter. [Amended by 1967 c.476 §2]

700.025 Persons not required to register. The provisions of ORS 700.020 (2) 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 431.035 to 431.530 and 431.705 to 431.990.

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

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

(6) 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; 1991 c.563 §2]

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 the applicant:

(1) 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

(2) 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 deter-

mined by the board. [Amended by 1967 c.476 §7; 1975 c.600 §1; 1983 c.189 §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 the applicant:

(1) 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

(2) 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; 1983 c.189 §2]

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. The board shall determine the type of examinations to be administered including, but not limited to, written, oral or practical examinations.

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

(3) Upon written request to the board, any applicant may discuss 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; 1983 c.189 §3]

700.060 [Repealed by 1967 c.476 §21]

700.070 [Repealed by 1967 c.476 §21]

700.080 Fees. The board shall by rule establish and collect fees determined by the board as necessary for the administration of

this chapter. The fees shall be for the following purposes:

(1) For examination of an applicant.

(2) For registration of a sanitarian or sanitarian trainee.

(3) For registration of a sanitarian or sanitarian trainee under ORS 700.090.

(4) For timely renewal of the registration of a sanitarian or sanitarian trainee.

(5) Inactive registration may be granted a registrant not performing the duties of a sanitarian.

(6) For timely renewal of inactive registration.

(7) For late renewal of the registration of a sanitarian or sanitarian trainee or inactive registration of a sanitarian, the fee shall be the fee for timely renewal and a penalty for each calendar month, or part thereof, after the expiration date of the late registration.

(8) For replacement or duplicate certificates.

(9) For the test in lieu of education requirements provided in ORS 700.035. [Amended by 1967 c.476 §9; 1975 c.526 §11; 1983 c.222 §1]

700.082 How fees determined. Subject to prior approval of the Executive Department and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this chapter shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the board's budget, as the budget may be modified by the Emergency Board. [1983 c.222 §2; 1985 c.565 §117a; 1991 c.703 §37]

Note: ORS 700.082 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 700 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further information.

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 the applicant 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 shall be valid for two years.

(2) Registration shall expire on June 30 of the second year after the date of issuance.

(3) Upon initial registration, the board may adjust the date of issuance or fees to comply with subsections (1) and (2) of this section.

(4) The board shall renew the registration of a sanitarian or sanitarian trainee if the sanitarian or sanitarian trainee:

(a) Submits an application for renewal and pays the fees established by the board within five years after expiration of the registration; and

(b) Provides evidence in the application of completion of the continuing education requirements established by the board under ORS 700.105.

(5) The board shall not renew the registration of any sanitarian or sanitarian trainee who fails to renew registration for five successive years but shall grant registration to such a person upon compliance with all of the requirements of ORS 700.030 or 700.035.

(6) 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 ORS 700.110 (1) or (2) 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. [Amended by 1967 c.476 §11; 1983 c.189 §4]

700.105 Continuing education requirements. The board may adopt rules establishing continuing education requirements that an applicant must meet to obtain renewal of registration as a sanitarian or sanitarian trainee. [1983 c.189 §11]

DISCIPLINE

700.110 Grounds for discipline. The board may deny registration or refuse to renew or may suspend or revoke registration upon proof that the applicant or registrant:

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

(2) Has employed fraud or deception in applying for registration or in passing any examination required or authorized by this chapter. [Amended by 1967 c.476 §12; 1983 c.189 §5]

700.115 Disciplinary procedure; rules and orders; judicial review. (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 183.550.

(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 183.550. [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 a board to be known as the Sanitarians Registration Board to consist of seven 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 171.562 and 171.565. [Amended by 1967 c.424 §6; 1971 c.650 §42; 1973 c.792 §47; 1983 c.189 §6]

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 Board of Medical Examiners for the State of Oregon 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.

(c) One shall be a representative of the food or food and alcoholic beverage retail industry.

(d) One shall be a public member.

(2) Each successor to the members first appointed by the Governor and each successor to the members first appointed by the Governor under paragraphs (c) and (d) of subsection (1) of this section shall hold office for a term of three years to commence on July 1 following the expiration of the term of a predecessor.

(3) Any vacancy among the seven 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; 1983 c.189 §7; 1987 c.158 §147]

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) Four members shall constitute a quorum but no action may be taken on any question unless four members are in accord. [Amended by 1983 c.189 §8]

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 183.310 to 183.550.

(2) The chairman and secretary of the board each has authority to administer oaths and subpoena 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 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 the duties of the trainee in environmental sanitation.

(2) Subject to the rules of the board, a sanitarian trainee may append after the name of the trainee 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]