

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2555 Session of
1976

INTRODUCED BY PYLES, SHELTON AND PITTS, JUNE 23, 1976

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 23, 1976

AN ACT

1 Relating to the licensing of professional sanitarians and the
2 issuance of permits to sanitarian trainees; providing for the
3 establishment of a State Board for Professional Sanitarians
4 and prescribing its authority, responsibilities and
5 functions; regulating sanitarians in general; providing for
6 biennial renewal of licenses; providing methods of
7 enforcement; and establishing penalties for violation of the
8 act.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Short Title.--This act shall be known and may be
12 cited as the "Professional Sanitarian Law."

13 Section 2. Definitions.--As used in this act:

14 "Board" means the Pennsylvania State Board for Professional
15 Sanitarians.

16 "Commissioner" means the Commissioner of Professional and
17 Occupational Affairs in the Department of State.

18 "Environmental protection and control" means the application
19 of scientific principles in investigation, consultation, and
20 education for the prevention and control of:

21 (i) hazards to man and the environment from air and water

1 pollution, solid and liquid wastes, food, milk, shelter, insects
2 and vermin; and

3 (ii) other conditions of man's surroundings which may
4 adversely affect the environment and the health, safety,
5 comfort, well-being, and prolongation of human life.

6 "License" means a document issued as evidence of
7 qualification to practice as a professional sanitarian.

8 "Professional sanitarian" means a person who has qualified
9 and is licensed in accordance with the provisions of this act.

10 "Sanitarian" means a person whose study in biological,
11 chemical, and physical sciences, sanitary sciences, public
12 health administration and humanities and whose experience
13 qualifies him to perform educational, investigational, technical
14 and supervisory duties in the field of general environmental
15 protection and control or any of its specialized programs for
16 the purpose of the protection and promotion of public health.

17 "Sanitarian trainee" means a person who possesses the
18 necessary educational qualifications as prescribed in this act
19 for licensure as a professional sanitarian, but who has not
20 completed the experience requirements in the field of
21 environmental protection and control as required for licensure.

22 Section 3. Qualifications for Licensure as a Professional
23 Sanitarian.--(a) Any person desiring to be licensed as a
24 professional sanitarian shall make application to the board on a
25 form prescribed by the board. The board shall accept such
26 application when submitted if accompanied by the required fees.

27 (b) Persons meeting the following qualifications shall be
28 eligible for licensure under this act:

29 (1) Any person who holds a baccalaureate degree from an
30 accredited college or university and who has satisfactorily

1 completed at least 45 quarter hours, or 30 semester hours of
2 academic training in the biological, chemical, physical
3 sciences, sanitary science, environmental science, public health
4 administration, and humanities; who has been employed full time
5 as a sanitarian in the field of environmental health for a
6 period not less than three years; and who has passed the
7 examination given by the board under provisions of this act. Any
8 person who holds a master's degree in sanitary science or a
9 master's degree in environmental science or public health may
10 substitute said master's degree for one year of experience
11 requirement. Any person who holds a doctor's degree in sanitary
12 science, environmental science or public health may substitute
13 said doctor's degree for two years of experience requirement.

14 (2) Any person who on or before the effective date of this
15 act is employed in Pennsylvania as a sanitarian or is performing
16 the duties of a sanitarian and has the necessary education and
17 experience shall be licensed without examination as a
18 professional sanitarian provided that application is made within
19 one year of the effective date of this act.

20 (3) Any person who on or before the effective date of this
21 act and who can provide evidence that they are Registered
22 Professional Engineers in Pennsylvania, whose experience and/or
23 education has been in the field of civil engineering, sanitary
24 engineering or environmental engineering shall be licensed
25 without examination as a Registered Professional Sanitarian
26 provided that application is made in writing.

27 Section 4. Sanitarian Trainee.--The board is authorized to
28 issue permits to sanitarian trainees provided that such permits
29 shall terminate two years after date of issue except that such
30 permits may be renewed for an additional year on appeal to the

1 board. A sanitarian trainee may qualify as a professional
2 sanitarian upon fulfillment of the requirements contained in
3 section 3(b)(1) and upon payment of the necessary fee.

4 Section 5. Examination for Licensure as a Professional
5 Sanitarian.--(a) Only persons who meet the educational and
6 experience requirements in section 3(b)(1) shall be eligible for
7 admission to the examination for licensure as a professional
8 sanitarian.

9 (b) Written examinations for licensure under this act shall
10 be prescribed by the board. Examination shall include applicable
11 subjects in the field of public health and environmental health
12 sciences and such other subjects pertinent to environmental
13 sciences as the board may prescribe.

14 Examinations shall be objective and practical in nature. The
15 assembling of the examination shall be the responsibility of the
16 board and the board may use examinations prepared by
17 Pennsylvania's colleges and universities or by recognized
18 examination agencies. The examination papers shall not disclose
19 the name of the applicant, but shall be identified by a number
20 assigned by the secretary-treasurer of the board.

21 (c) If the applicant fails in the examination to meet the
22 minimum passing grade set forth by the board, he shall not be
23 licensed. However, an applicant may be reexamined at a time and
24 place specified by the board upon resubmitting his application
25 accompanied by the necessary fees.

26 (d) Examinations shall be administered by the board not less
27 than once each calendar year at such time and place in
28 Pennsylvania as may be directed by the board.

29 (e) Examination papers and records pertaining thereto shall
30 be filed with the secretary-treasurer of the board and retained

1 for at least two years.

2 Section 6. State Board for Professional Sanitarians.--(a)
3 There is hereby created in the Department of State a
4 departmental administrative board for registered professional
5 sanitarians whose professional duties and pursuits are necessary
6 to the promotion and preservation of the environment and life,
7 health and welfare of Pennsylvania citizens.

8 (b) Except as hereinafter provided, such board shall be
9 subject to the act of April 9, 1929 (P.L.177, No.175), known as
10 "The Administrative Code of 1929," particularly as its
11 provisions relate to the Commissioner of Professional and
12 Occupational Affairs and his powers and duties.

13 Section 7. Board Membership.--The Board for Professional
14 Sanitarians shall consist of seven persons and the commissioner,
15 ex officio. They shall be sanitarians eligible for licensure
16 under this act and shall be appointed by the Governor by and
17 with the advice and consent of the Senate. Four years, after the
18 effective date of this act, all sanitarians appointed to the
19 board shall be professional sanitarians licensed under this act.

20 Section 8. Term of Office of Board Members.--Of the board
21 members first appointed by the Governor, one shall be appointed
22 for a term of one year, two shall be appointed for a term of two
23 years, two shall be appointed for a term of three years, and two
24 shall be appointed for a term of four years. Thereafter, the
25 term of office for each board member shall be four years.
26 Vacancies shall be filled by appointment for unexpired terms as
27 originally appointed. The Governor may remove any member of the
28 board for misconduct in office, incompetency, neglect of duty or
29 other sufficient cause after due notice and a hearing.

30 Section 9. Board Organization, Officers, Duties, Expenses

1 and Meetings.--(a) The members of the board shall, within 60
2 days after the effective date of this act, organize and annually
3 thereafter in the month determined by the commissioner, elect
4 from their number a chairman and vice-chairman. The board shall
5 designate a secretary-treasurer.

6 (b) The board shall adopt and use a seal for the
7 authentication of its orders, licenses, permits and records and
8 it shall have supervision of the enforcement of the provisions
9 of this act and possess the necessary authority to fulfill its
10 duties as prescribed in this act. The board shall have authority
11 to employ on a full or part-time basis such employees as may be
12 necessary to maintain records pertinent to the examination and
13 licensure of sanitarians or to assist in any manner in the
14 performance of duties as required under the act. It shall also
15 have authority to employ professional personnel on a full or
16 part-time basis to carry out the provisions of this act. The
17 board may hold hearings for the adjudication of such matters as
18 may properly come before it, make the necessary determinations
19 in conjunction therewith and issue such orders as are consistent
20 with the findings. The board may establish the procedures for
21 conducting examinations and for obtaining the licenses and
22 permits required by this act and methods by which the
23 qualifications of an applicant shall be evaluated. The board
24 shall adopt reasonable rules and regulations to carry out and
25 enforce the provisions of this act.

26 (c) The board shall issue a license or permit upon the
27 payment of the fee prescribed in this act to any applicant who
28 has satisfactorily met all requirements of this act. Such
29 license or permit shall be in effect for the period of time
30 specified in section 13.

1 (d) The board shall meet at least once a year to transact
2 necessary business. Special meetings of the board may be called
3 by the chairman, or shall be called upon written request of any
4 three members of the board. Four members of the board shall
5 constitute a quorum. Board members shall not receive salaries;
6 however, each board member shall be entitled to receive
7 compensation for travel and subsistence for each day he is
8 engaged in the performance of the official duties of the board.
9 Such expenses shall be paid by the board under the direction of
10 the commissioner, at the same rate and subject to the same
11 conditions as expenses of State employees. Annually as of a date
12 to be determined by the commissioner, the board shall submit to
13 the Governor a report of its transactions of the preceding year.

14 (e) The secretary-treasurer of the board shall keep a true
15 and complete record of all proceedings of the board, and shall
16 perform such other duties as may be assigned to him by the
17 board.

18 Section 10. Fees.--The fee for an applicant for licensure as
19 a Registered Professional Sanitarian, including examination, and
20 for examination for certification, or both, as a sanitarian
21 trainee, shall be fixed by the board in accordance with existing
22 law. All persons now qualified and engaged in practice as a
23 sanitarian, or shall hereafter be licensed by the board, shall
24 register biennially, with the board and pay for each biennial
25 registration a fee as fixed by the board. All fees collected
26 under the provisions of this act shall be received by the board
27 and shall be paid into the State Treasury through the Department
28 of Revenue for the use of the General Fund of the Commonwealth.

29 Section 11. Record of Proceedings.--(a) The board shall keep
30 a record of its proceedings and a register of all applications

1 for licensure.

2 (b) The records of the board shall be prima facie evidence
3 of the proceedings of the board as set forth therein, and a
4 transcript thereof, duly certified by the chairman and attested
5 to by the secretary-treasurer of the board, under its seal,
6 shall be admissible in evidence with the same force and effect
7 as if the original were produced.

8 Section 12. Roster of Licensed Professional Sanitarians and
9 Sanitarian Trainees.--The board shall maintain a current roster
10 of all sanitarians in the Commonwealth of Pennsylvania, who have
11 been licensed or issued a permit in accordance with the
12 provisions of this act.

13 Section 13. Application, Fees, and Renewals.--The board
14 shall prescribe and provide an application form for the use of
15 all applicants. The applicants shall submit a fee of \$25 at the
16 time of making application for license and such fee shall not be
17 refundable. The board shall assess an examination fee when an
18 examination is deemed necessary, but shall not exceed the actual
19 cost of examination. A sanitarian licensed under the provisions
20 of this act may renew his license biennially by paying the board
21 a renewal fee of \$25. Said fee shall be due and payable on or
22 before the last day of the month of June of the biennium during
23 which the current license was issued. All licenses shall expire
24 two years after the last day of the month of June and shall be
25 invalid from that date, unless renewed. It shall be the duty of
26 the secretary-treasurer of the board to notify by mail every
27 person licensed hereunder, of the date of the expiration of his
28 license and the amount of the required fee for its renewal for
29 two years. Such notice shall be mailed at least one month in
30 advance of the date of expiration of such license. If the

1 license is not renewed within two years after the aforementioned
2 expiration date reinstatement shall be in accordance with new
3 application procedures and such other rules as may be adopted by
4 the board.

5 Section 14. Suspension or Revocation of Licenses or
6 Permits.--The board shall suspend or revoke, after due notice
7 and proper hearing, a license or permit when the holder is found
8 guilty of unprofessional conduct, the practice of fraud or
9 deceit in obtaining a license or permit, dereliction of duty, or
10 incompetence in the practice or environmental protection and
11 control.

12 Section 15. Reciprocity.--The board may, upon application
13 therefor, and upon payment of a fee to be determined by the
14 commissioner, issue a license as a professional sanitarian to
15 any person who holds a certificate of registration or license
16 issued to him by the proper authority of any state, territory,
17 or possession of the United States, or any country, if the
18 requirements for the licensure or registration of professional
19 sanitarians under which the certificate or license was issued do
20 not conflict with the provisions of this act and such standards
21 and requirements of the licensing or registering authority are
22 not lower than those specified in section 3(b)(1) and are to be
23 submitted by the applicant along with his application.

24 Section 16. License or Permit Required; Use of Title;
25 Violation and Penalty.--(a) Within two years after the effective
26 date of this act no person shall engage in the practice nor be
27 employed as a sanitarian or sanitarian trainee unless he has
28 been issued a license or permit under this act. An applicant may
29 be provisionally employed to practice until the first meeting of
30 the board, and at which time it will be determined if a license

1 or permit will be issued. After such date neither the
2 Commonwealth of Pennsylvania nor any of its political
3 subdivisions nor any person, firm or corporation shall employ as
4 a sanitarian, sanitarian trainee or a person to perform the
5 functions and duties of a sanitarian or sanitarian trainee
6 unless licensed or otherwise authorized by the board except as
7 noted in this section.

8 (b) The provisions of this act shall not apply either
9 directly or indirectly by intent or purpose or bar the practice
10 of any other profession, licensed by the Commonwealth to perform
11 a function or service which relates or encompasses any aspect of
12 environmental protection and control within the scope of their
13 professional licensure.

14 (c) Classes of employees such as sanitarian aids,
15 inspectors, technicians, and similar employees may perform some
16 of the duties of sanitarian as defined herein if working under
17 the supervision of a licensed professional sanitarian or as
18 provided under subsection (b).

19 (d) Only a person holding a valid license issued by the
20 board shall have the right and privilege of using the title
21 "Registered Professional Sanitarian" and to use the abbreviation
22 R.P.S. or other words or letters to indicate that he is a
23 licensed professional sanitarian of the Commonwealth of
24 Pennsylvania. Any person using such title or abbreviation
25 without having received from the Board of Professional
26 Sanitarians of Pennsylvania a license, or whose license is
27 expired or shall have been suspended or revoked by the board,
28 shall be deemed guilty of a misdemeanor and shall upon
29 conviction be fined in a sum not less than \$200 nor more than
30 \$500. Each day a violation continues shall constitute a separate

1 offense. For a second offense and each subsequent offense, such
2 person shall be fined a sum not to exceed \$1,000. To these fines
3 may be added imprisonment for any determinate period not to
4 exceed six months.