

Chapter 700 — Sanitarians

2001 EDITION

GENERAL PROVISIONS

700.005 Purpose

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; rules for employment prior to registration

700.035 Registration of sanitarian trainees

700.050 Sanitarian examination

700.053 Qualifications of waste water sanitarian applicant; application; fee; examination

700.056 Duties allowed for waste water sanitarian; sanitarian may perform duties

700.059 Waste water sanitarian examination

700.062 Waste water sanitarian trainee registration

700.080 Fees

700.090 Reciprocity

700.100 Expiration date and renewal of registration; rules

700.105 Continuing education requirements

DISCIPLINE

700.110 Grounds for discipline

700.115 Disciplinary procedure; rules and orders; judicial review

REGISTRATION BOARD

700.210 Sanitarians Registration Board

700.220 Members' qualifications; term; removal; vacancies; compensation and expenses

700.230 Meetings; chairperson; quorum

700.240 Authority of Health Licensing Office and board; records of proceedings

700.251 Disposition of receipts

700.260 Enforcement

PENALTIES

700.992 Penalties

GENERAL PROVISIONS

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) "Agency" means the Health Licensing Office.
- (2) "Board" means the Sanitarians Registration Board.
- (3) "Certified professional soil scientist" means a person registered in good standing with the American Registry of Certified Professionals in Agronomy, Crops and Soils.
- (4) "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.
- (5) "Registrant" means any person registered with the agency under this chapter.
- (6) "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.
- (7) "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.
- (8) "Science courses relating to environmental sanitation" include courses in public or community health or in sanitary, biological or physical sciences.
- (9) "Waste water sanitarian" means a sanitarian or certified professional soil scientist practicing in the field of waste water treatment, disposal and reuse where soil is used in the final stage of the treatment process. [Amended by 1967 c.476 §1; 1971 c.650 §41; 1983 c.189 §9; 1995 c.572 §1; 1999 c.885 §34]

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 or waste water sanitarian.
- (2) Perform the duties of a sanitarian or waste water sanitarian.
- (3) Append after the name of the person the title of "registered sanitarian" or the letters "R.S." unless the person is a registered sanitarian under this chapter. [Amended by 1967 c.476 §2; 1995 c.572 §7]

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.

(7) Any employee of the Department of Environmental Quality other than an on-site waste water disposal employee.

(8) Any person employed by a local government, or its agents, while employed in a job that did not require registration under ORS 700.020 as of October 4, 1997. [1967 c.476 §4; 1991 c.563 §2; 1997 c.528 §1]

700.030 Qualifications of sanitarian applicant; rules for employment prior to registration. (1) Upon submittal of an application accompanied by the fee established by the Sanitarians Registration Board and approved by the Health Licensing Office, the board shall grant and the office shall issue registration as a sanitarian to any applicant who performs to the satisfaction of the board in written and oral examination approved by the board and furnishes evidence satisfactory to the board that the applicant:

(a) 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

(b) 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.

(2) The board shall establish by rule requirements for registration as a sanitarian when an individual's date of employment precedes attainment of registration. [Amended by 1967 c.476 §7; 1975 c.600 §1; 1983 c.189 §1; 1995 c.572 §8]

700.035 Registration of sanitarian trainees. (1) Upon submittal of an application accompanied by the fees established by the Sanitarians Registration Board and approved by the Health Licensing Office, the board shall grant and the office shall issue registration as a sanitarian trainee to any applicant who furnishes evidence satisfactory to the board that the applicant:

(a) 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

(b) 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.

(2) Registration as a sanitarian trainee shall not exceed two years' full-time employment in the environmental sanitation profession, or the equivalent hours, if employment in environmental sanitation, as defined in ORS 700.010, is less than full-time or 40 hours per week.

(3) The board shall establish by rule requirements for registration as a sanitarian trainee when an individual's date of employment precedes attainment of registration.

(4) A sanitarian trainee shall be supervised by 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; 1995 c.572 §9]

700.040 [Repealed by 1967 c.476 §21]

700.050 Sanitarian examination. (1) Examinations for registration shall be held at least once every year at such time and place as the Health Licensing Office may determine. The examination shall be sufficiently thorough to determine the qualifications, fitness and ability of the applicant to practice as a sanitarian and may be in the form of written, oral or practical demonstrations of skill. The examination shall cover at least the subject areas listed in ORS 700.010 (6) and the laws and rules of the agency.

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

(3) Upon written request to the agency, 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 required fee. The agency, in consultation with the Sanitarians Registration Board, may require the applicant to undergo additional training as determined by the board before taking the examination a third or subsequent time.

(5) The agency 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; 1995 c.572 §10; 1999 c.885 §35]

700.053 Qualifications of waste water sanitarian applicant; application; fee; examination. (1) An applicant for registration as a waste water sanitarian shall submit an application in the manner required by the Sanitarians Registration Board. The application shall be on a form approved by the board, include proof satisfactory to the board that the applicant meets the education and experience requirements under subsection (3) of this section and include any application fee established by the board and approved by the Health Licensing Office.

(2) Upon receipt of an application for registration complying with subsection (1) of this section, successfully completing the oral examination required under subsection (5) of this section and passing the examination required under subsection (6) of this section, the board shall grant the applicant registration as a waste water sanitarian.

(3) An applicant for registration as a waste water sanitarian is required to have:

(a) A baccalaureate degree from an accredited college or university, including at least 45 quarter hours or 30 semester hours or a combination thereof in college or university soil science courses and two years of practice in waste water treatment, disposal and reuse within this state supervised by a sanitarian registered under this chapter or by an equally qualified person as determined by the board;

(b) A graduate degree in soil science from an accredited college or university and one year of practice in waste water treatment, disposal and reuse within this state supervised by a sanitarian registered under this chapter or by an equally qualified person as determined by the board; or

(c) A graduate degree in soil science from an accredited college or university and current registration as a certified professional soil scientist.

(4) Soil science schooling obtained 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 soil science course requirement under subsection (3)(a) of this section. The board may use any system it considers reliable in assigning credit for relevant schooling under this subsection, including but not limited to assigning credit in conformance with the "Guide to Evaluation of Educational Experience in the Armed Forces" published by the American Council on Education.

(5) The board may, at its discretion, conduct an oral examination of candidates for registration as waste water sanitarians. The oral examination may be on any matter pertaining to the fitness of the applicant to be registered as a waste water sanitarian, but shall not duplicate matters covered on the examination required under subsection (6) of this section.

(6) Every applicant for registration as a waste water sanitarian shall be given a written or practical examination prepared by the board and designed to test the technical competence of the applicant in all major areas of waste water sanitation. [1995 c.572 §3]

700.056 Duties allowed for waste water sanitarian; sanitarian may perform duties. (1) A person who is registered as a waste water sanitarian under ORS 700.053 shall not perform the duties of a sanitarian, except that the person may:

(a) Evaluate soils for subsurface or surface disposal of waste water or for the land application of sludge; and

(b) Based on the soil evaluation, determine the appropriate design of systems that use soil in the final stage of the waste water treatment process.

(2) This section does not prohibit a sanitarian from performing the duties of a waste water sanitarian. [1995 c.572 §4]

700.059 Waste water sanitarian examination. (1) Examinations for registration as a waste water sanitarian shall be held at least once every year at such time and place as the Sanitarians Registration Board may determine. The board shall determine the content of the examination, utilizing such advisory committees as the board deems necessary.

(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 Health Licensing Office shall give reasonable notice by mail of the time and place of examination to each applicant accepted for examination. [1995 c.572 §5]

700.060 [Repealed by 1967 c.476 §21]

700.062 Waste water sanitarian trainee registration. (1) Upon application therefor, accompanied by the fee established by the Sanitarians Registration Board, the board shall grant registration as a waste water sanitarian trainee to any applicant who furnishes evidence satisfactory to the board that the applicant:

(a) Has a baccalaureate degree from an accredited college or university, including at least 45 quarter hours or 30 semester hours or a combination thereof in college or university soil science courses; or

(b) Has a graduate degree in soil science from an accredited college or university.

(2) Soil science schooling obtained 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 soil science course requirement under this section. The board may use any system it considers reliable in assigning credit for relevant schooling under this subsection, including but not limited to assigning credit in conformance with the "Guide to Evaluation of Educational Experience in the Armed Forces" published by the American Council on Education. [1995 c.572 §6]

700.070 [Repealed by 1967 c.476 §21]

700.080 Fees. (1) The Sanitarians Registration Board, subject to the approval of the Health Licensing Office, 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:

(a) Application.

(b) Examination of an applicant.

(c) Registration of a sanitarian, sanitarian trainee, waste water sanitarian trainee or waste water sanitarian.

(d) Reciprocity registration of a sanitarian, sanitarian trainee, waste water sanitarian trainee or waste water sanitarian.

(e) Timely renewal of the registration of a sanitarian, sanitarian trainee, waste water sanitarian trainee or waste water sanitarian.

(f) Restoration of an expired registration.

(g) Late renewal of the registration or delinquency fee of a sanitarian, sanitarian trainee, waste water sanitarian trainee or waste water sanitarian.

(h) Replacement or duplicate certificate of registration.

(2) Subject to prior approval of the Oregon Department of Administrative Services 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 Sanitarians Registration 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. [Amended by 1967 c.476 §9; 1975 c.526 §11; 1983 c.222 §1; 1995 c.572 §11]

700.082 [1983 c.222 §2; 1985 c.565 §117a; 1991 c.703 §37; repealed by 1995 c.572 §25]

700.085 [1967 c.476 §19; repealed by 1995 c.572 §25]

700.090 Reciprocity. Upon application therefor, accompanied by the fee established by the Sanitarians Registration Board, the Health Licensing Office 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, sanitarian trainee, waste water sanitarian trainee or waste water sanitarian by a national association that is recognized by the board or is registered as a sanitarian, sanitarian trainee, waste water sanitarian trainee or waste water sanitarian 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 and 700.035 or under ORS 700.053 and 700.062. [Amended by 1967 c.476 §10; 1995 c.572 §12]

700.100 Expiration date and renewal of registration; rules. (1)(a) Registrations issued under this chapter shall expire one year from the date of issuance, unless renewed on or before the expiration date by payment of the required renewal fee and submission of satisfactory evidence of completion of continuing education courses as specified by the Sanitarians Registration Board by rule and compliance with all other requirements for renewal prescribed by the Health Licensing Office in consultation with the Sanitarians Registration Board.

(b) Notwithstanding paragraph (a) of this subsection, the office may vary the renewal date of a registration by giving the applicant written notice of the renewal date being assigned and by making prorated adjustments to the renewal fee.

(2) A registration that has not been renewed before the expiration date may be renewed within one year of the expiration date if the sanitarian, sanitarian trainee, waste water sanitarian trainee or waste water sanitarian submits an application for renewal and pays the renewal fee and a delinquency fee for each calendar month following expiration, provides satisfactory evidence in the application of completion of continuing education requirements and complies with all other requirements for renewal prescribed by the Health Licensing Office in consultation with the Sanitarians Registration Board.

(3) A registration that has not been renewed for more than one year and less than three years after the expiration date may be renewed if the sanitarian, sanitarian trainee, waste water sanitarian trainee or waste water sanitarian submits an application for renewal and pays the renewal fee and a one-time restoration fee, submits satisfactory evidence in the application of completion of continuing education requirements and complies with all other requirements for renewal prescribed by the Health Licensing Office in consultation with the Sanitarians Registration Board.

(4) The Health Licensing Office shall not renew the registration of any sanitarian, sanitarian trainee, waste water sanitarian trainee or waste water sanitarian who fails to renew registration for three successive years but shall grant registration to such a person upon compliance with all of the requirements of ORS 700.030 or 700.035.

(5) The Health Licensing Office shall not grant or renew the registration of a sanitarian, sanitarian trainee, waste water sanitarian trainee or waste water sanitarian whose registration has been denied, suspended, revoked or not renewed under ORS 700.110 (1) or (2) until one year after the date of the denial of registration or renewal or one year after the date of the order of suspension or revocation. [Amended by 1967 c.476 §11; 1983 c.189 §4; 1995 c.572 §13; 1997 c.249 §212; 2001 c.274 §2]

700.105 Continuing education requirements. The Health Licensing Office, subject to the approval of the Sanitarians Registration Board, may adopt rules establishing continuing education requirements that an applicant must meet to obtain renewal of registration as a sanitarian, sanitarian trainee, waste water sanitarian trainee or waste water sanitarian. [1983 c.189 §11; 1995 c.572 §14]

DISCIPLINE

700.110 Grounds for discipline. The Health Licensing Office may deny registration or refuse to renew or may suspend or revoke registration or place the registrant on probation for a period of time specified by the office 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 waste water sanitarian;

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

(3) Has used intoxicating liquor, drugs or other substances to the extent that, in the course of acting as a sanitarian, sanitarian trainee, waste water sanitarian trainee or waste water sanitarian, the registrant presents an unreasonable risk of harm to the person or property of others or to the registrant, or used substances that impaired the registrant's ability to perform in a professional manner;

(4) Has used any advertising statements of a nature that would deceive or mislead the public or that are untruthful;
or

(5) Has violated any provision of this chapter or rules adopted by the office. [Amended by 1967 c.476 §12; 1983 c.189 §5; 1995 c.572 §15]

700.115 Disciplinary procedure; rules and orders; judicial review. (1) The Health Licensing Office shall investigate complaints made regarding the practice of environmental sanitation. When the office proposes to refuse to issue or renew a registration, or proposes to revoke or suspend a registration or place a registrant on probation, 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; 1995 c.572 §16]

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. There is established a board to be known as the Sanitarians Registration Board to consist of seven members to be appointed by the Governor. [Amended by 1967 c.424 §6; 1971 c.650 §42; 1973 c.792 §47; 1983 c.189 §6; 1997 c.632 §13]

700.220 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 subsection (1)(c) and (d) 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 Sanitarians Registration 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 Sanitarians Registration Account. [Amended by 1967 c.476 §15; 1969 c.314 §100; 1971 c.650 §43; 1983 c.189 §7; 1987 c.158 §147; 1997 c.249 §213]

700.230 Meetings; chairperson; quorum. (1) The Sanitarians Registration Board shall hold a meeting at least once each year.

(2) The board shall annually elect a chairperson 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 Health Licensing Office and board; records of proceedings. (1) The Health Licensing Office, in consultation with the Sanitarians Registration 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 office has authority to administer oaths and subpoena witnesses.

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

(4) When the office 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; 1995 c.572 §17]

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 Licensing Office under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Licensing Office 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); 1999 c.885 §36]

700.260 Enforcement. (1) If, in the opinion of the Sanitarians Registration Board, any person is engaged in or has taken steps to engage in an activity that is a violation of any provision of this chapter or any rules promulgated by the Health Licensing Office, the board may, without bond, institute in the name of the State of Oregon a suit to restrain the activity or any further or continued violation.

(2) A court may issue an injunction under this section. An injunction issued under this section does not relieve a person from any other prosecution or enforcement action taken for violation of this chapter.

(3) The Attorney General or the district attorney for the county in which the proceedings are to be brought may assist the board in carrying out its power under this section. [1967 c.476 §17; 1995 c.79 §352; 1995 c.572 §18; 1997 c.249 §214]

700.310 [1967 c.476 §6; repealed by 1995 c.572 §25]

PENALTIES

700.990 [1967 c.476 §18; repealed by 1995 c.572 §25]

700.992 Penalties. (1) In addition to any other penalty provided by law, the Health Licensing Office may impose a civil penalty for violation of ORS 700.020, 700.035 (4), 700.110 and any rule adopted thereto. The civil penalty may not exceed \$5,000 for each violation. The office may take any other disciplinary action that it finds proper, including but not limited to assessment of costs of the disciplinary proceedings.

(2) Civil penalties under this section shall be imposed in the manner provided by ORS 183.090.

(3) Moneys received by the Health Licensing Office under this section shall be deposited and accounted for as provided in ORS 700.251 and used only for the administration and enforcement of this chapter. [1995 c.572 §20]