

INITIAL STATEMENT OF REASONS
CONTINUING EDUCATION FOR
REGISTERED ENVIRONMENTAL HEALTH SPECIALISTS

Pursuant to California Public Health Act of 2006 (Act; S. B. 162, Section 1, Chap. 241, Stats. 2006), effective July 1, 2007, the California Department of Public Health (CDPH), has authority to adopt the subject regulations.

The CDPH administers a registration program for environmental health specialists under California Health and Safety Code (HSC) Sections 106600 - 106735. CDPH is authorized to develop regulations establishing the requirements and standards for continuing education of persons meeting the requirements of a Registered Environmental Health Specialist (REHS) pursuant to HSC Section 106705. Upon the recommendation of the Environmental Health Specialist Registration Committee (EHSRC), CDPH is proposing to adopt continuing education standards for REHSs. The regulations will require a minimum of 24 contact hours of continuing education as a condition for the biennial registration renewal for REHSs. REHSs are employed by private industry, state and local organizations to monitor and enforce environmental and public health laws and regulations. Continuing education will assist in maintaining the competency of the REHS in the dynamic field of environmental health. The California Environmental Health Association, California Conference of Directors of Environmental Health, California Conference of Local Health Officers, and members of the environmental health community have identified continuing education as a key element in the development of competent and effective environmental health professionals. Upon approval by the Office of Administrative Law, the regulations will be published in the California Code of Regulations, Title 22, Division 4, Chapter 23, Sections 65800-65808.

The effect of these regulations would be that:

- REHSs will be required to complete a minimum of 24 contact hours of approved continuing education every two years in order to complete application for biennial environmental health specialist registration renewal. Contact hour time requirement and equivalent conversions are established.
- Organizations may apply to become continuing education Accreditation Agencies.
- Cause for revocation of approval of an Accreditation Agency is established.
- Acceptable topics and subject matter for continuing education are established.
- Criteria for continuing education courses and requirements for recognized providers are established.
- A requirement for continuing education providers to furnish certificates of completion for students is established. Information to be displayed on the certificates is established.
- Criteria for approval of coursework by recognized providers, as well as audit requirements, are established.
- Allowable exemptions from the continuing education requirements are established. These include serious illness or military service.

- Instructors may receive continuing education credit for each course they teach during the renewal period. Instructors will not be granted credit for the same course or other courses with substantially the same content during the renewal period.

California Code of Regulations, Title 22, Division 4, Chapter 23, Sections 65800-65808.

Sections 65800 – 65804 Definitions

These sections provide definitions of terms used in the body of the regulations, thereby providing for uniform interpretation of the text of the regulations. New Sections 65800 through 65804 are proposed for adoption because their definitions will provide clarity as to their specific uses and meanings in these regulations.

Section 65800 Accreditation Agency

This section addresses the basic concept of an Accreditation Agency. “Accreditation Agency” must be defined as it is used in the regulations. CDPH does not have the resources needed to ensure content and quality of all of the individual courses potentially eligible for designation as approved coursework. It is therefore necessary to limit the meaning of Accreditation Agencies to only those entities that can fulfill this function on behalf of CDPH. These agencies will retain this designation as long as they meet the minimum standards outlined. CDPH will provide oversight of their practices to ensure compliance. This oversight will require CDPH resources, but these will not be as extensive as if CDPH assumed the accreditation role. An Accreditation Agency must be able to demonstrate the resources necessary to measure the content and effectiveness of continuing education courses in meeting instructional objectives, evaluate and measure the competency of trainers, verify attendance, and perform other responsibilities as described.

Section 65801 Approved Coursework

“Approved Coursework” means continuing education courses that have been approved by an Accreditation Agency. The definition and concept of Approved Coursework are necessary as resources are limited and only those courses meeting the specified criteria in Section 65807 shall be captured by this definition. The coursework must be organized and delivered to comply with accepted practice for adult education programs and to provide the most effective delivery of material. Coursework must be relevant to the scope of practice for an REHS. Eligible coursework includes topics in food protection, solid waste management, liquid waste management, medical waste management, water supply, housing and institutions, bathing places, vector control, hazardous materials management, underground tanks, air sanitation, safety and accident prevention, land development and use, disaster sanitation, electromagnetic radiation, milk and dairy products, noise control, occupational health, rabies and animal disease control, recreational health, bioterrorism, emergency preparedness, lead

poisoning, cardiopulmonary resuscitation, epidemiology and communicable diseases, public health, and environmental health administration and management.

Section 65802 Contact Hour

The equivalent value of unit credits is presented for comparison and clarification. Continuing education units (CEUs) and contact hours are recognized standards for participation in relevant continuing and in-service education. The CEU is defined by the International Association for Continuing Education and Training. The CEU was created to provide a standard unit of measure, to quantify continuing adult education and training activities, and serve the diversity of providers, activities, and purposes in adult education. CEUs are commonly used by individuals to supply an employer or prospective employer with information on continuing education and training experiences, and to provide documentation to registration boards, certification boards, or professional organizations.

A “contact hour” is defined as 50-60 minutes of actual class time. One contact hour is equivalent to 0.1 CEU. One CEU is awarded for 10 contact hours of instruction, one quarter unit equals 10 contact hours, and one semester unit equals 15 contact hours. One quarter unit is an institutional standard awarded for one hour of instruction per week for 10 weeks, and one semester unit is an institutional standard granted for one hour of instruction per week for 15 weeks. A CEU may be earned at a post-secondary education level institution, i.e. quarter and semester units, or at seminars, training sessions, or educational conferences offered by recognized providers. Listing multiple equivalents to the “contact hour” provides an REHS a broader choice of continuing education from community education organizations, internet offerings.

Section 65803 Recognized Provider

“Recognized Provider” means the person or entity offering the actual continuing education courses or approved coursework. It is necessary to define Recognized Provider to establish minimum requirements for persons/entities wishing to be continuing education/approved coursework providers. A formal recognition is needed to ensure accountability as well as quality of course content. Oversight of Recognized Providers is provided by the Accreditation Agency thereby reducing the resource requirements on CDPH. Defining Recognized Provider also enables participants’ assurance that completion of courses from these providers will fulfill the continuing education requirements.

Section 65804 REHS

The term “Registered Environmental Health Specialist” refers to an individual who must meet the continuing education requirement. This phrase is identified as the acronym REHS for the purposes of the regulation for brevity and consistency. The definition of Registered Environmental Health Specialist is found in HSC Section 106615(c) and, therefore, it is not necessary to repeat the definition in these regulations.

Section 65805. Continuing Education Requirement for Renewal of Environmental Health Specialist Registration.

Subsection (a): The REHS, once registered, is not currently required to maintain a level of competency for continued registration. Section 65805 establishes the requirement that persons applying for renewal as an REHS must have completed at least 24 hours of continuing education activities during the two years prior to renewal. This regulation is necessary to maintain and enhance the competency of the REHSs.

The EHSRC reviewed continuing education options and recommended 24 hours of continuing education activities each biennial registration period as the best option for maintaining and enhancing the competency of the REHS. The recommendation was determined to be achievable for all REHSs and provides maintenance of a minimum level of competency in the field of environmental health. The National Environmental Health Association has established a national standard for continuing education of 24 hours every two years. Arizona, Florida, Georgia, Nebraska, Nevada, Oregon and Oklahoma all have REHSs continuing education programs (equivalent to 24 hours every two years) to ensure the ongoing competency of persons registered as REHSs.

Subsection (b): This section also requires the REHS to retain approved coursework certificates for a period of five years subsequent to completion of each approved coursework. This retention period is required for an Accreditation Agency or CDPH to audit the continuing education records. Requiring the applicant to maintain certificates of completed approved coursework, thus demonstrating compliance, is a simple, cost effective method of enforceable oversight by CDPH. A period of five years was selected to allow CDPH sufficient time to verify compliance with the continuing education requirement through an audit of records. This period is useful in fostering voluntary compliance since it implies that an audit may be performed on any of the past four years as well as the most recent year, and that a pattern of compliance can also be determined.

Subsection (c): REHSs may seek exemption from the continuing education requirements for registration renewal on the grounds of emergency or hardship by applying to CDPH in writing, setting forth the reasons why such exemption should be granted. Exemptions may be granted for serious illness or military service. REHSs should not be penalized for circumstances beyond their control that would not allow them to fulfill coursework requirements. The process of requiring written requests provides CDPH with documentation of the request. Because they are not working in a job requiring registration as an environmental health specialist, inactive retired REHSs, as described in HSC Section 106695, are exempt from the continuing education requirement.

Subsection (d): In conformance with Subsection (a) instructors may request continuing education credit (one time only in the renewal period) for classes they teach. Instructors, who also happen to be REHSs, may receive continuing education credit for

developing and presenting a course one time, but will not receive any further credit for the same or similar course if it is presented more than once during the renewal period. This requirement allows the instructor to benefit from the knowledge gained in researching and preparing the course content. The application of these course credits is limited to once per course per biennial registration, as it is not anticipated that the course content would incur significant change resulting in added information within that timeframe.

Section 65806. Accreditation Agencies

Subsection (a): CDPH will rely on the Accreditation Agencies to ensure that continuing education provided by recognized providers meets the goal of maintaining the technical competency of the REHS workforce. This section establishes the requirements to be met by each organization approved as an Accreditation Agency. The required information is used to assess the applicant organization's ability to identify competent recognized providers, monitor the content of their presentations and ensure accurate record keeping.

Subsection (a)(1): Identifies the applicant organizations and provides contact information in the event CDPH needs additional recognized provider, approved coursework or REHS participation information.

Subsection (a)(2): A specific plan is needed to demonstrate that the applicant organization has the procedures in place to verify, monitor and evaluate the potential recognized providers. Written procedures are necessary for CDPH to adequately evaluate the capacity of the applicant organization to accredit recognized providers. This section makes it specific that the applicant organization shall have a written plan in place for the approval process of a provider's submitted coursework.

Subsection (a)(3): Identifies contact person with knowledge of the coursework approval process within the applicant organization to whom CDPH may address requests for additional information.

Subsection (a)(4): A clearly defined process or procedure that identifies the steps involved to produce a specific outcome will ensure that complaints regarding recognized providers are responded to promptly, impartially and thoroughly.

Subsection (b): The concept of Accreditation Agency was adopted to reduce the expense and workload of CDPH by identifying outside organizations that will evaluate and monitor providers of continuing education. Subsections (1) – (6) specify the monitoring responsibilities delegated to the Accreditation Agency.

Subsection (b)(1): A comprehensive list of current contact information of recognized providers is essential to manage a statewide continuing education program.

Subsection (b)(2): Accreditation Agencies will be required to notify CDPH of all contact information of recognized providers, eliminating the need for CDPH to separately solicit contact information from recognized providers.

Subsection (b)(3): Complaints regarding recognized providers or approved coursework are the first signs that the provider or course is failing to meet the needs of the REHS workforce. Prompt reassessment of the coursework in response to such complaints is essential in correcting of any shortcomings and maintaining a quality continuing education program.

Subsection (b)(4): By virtue of approving a provider, the Accreditation Agency must also provide quality control of the courses being offered. A formal review of 10 percent of the approved coursework presented by each Recognized Provider will demonstrate whether or not the content and quality of the courses meet the stated objectives.

Subsection (b)(5): As the organization approving the continuing education courses for REHS, it is the Accreditation Agency's responsibility to approve only those courses that meet the approved coursework requirements established by the CDPH.

Subsection (b)(6): As a conduit between the recognized provider and CDPH, the Accreditation Agency is responsible to provide attendance records gathered from the recognized provider as needed by CDPH. CDPH may need the attendance records to verify that an REHS participated in a specific approved coursework event.

Subsection (c): CDPH depends on the Accreditation Agency to evaluate and monitor continuing education providers and their coursework. A failure on the part of the Accreditation Agency jeopardizes the continuing education program by reducing or eliminating oversight. This subsection establishes that approval of an Accreditation Agency shall be revoked for failure to meet the requirements of the regulations. To maintain a program of relevant continuing education, CDPH must be able to take disciplinary action in the event that the Accreditation Agency does not meet the prescribed requirements. Any disciplinary action must be conducted in accordance with Government Code Section 11400 et seq. and Government Code Section 11500 et seq. The reader is directed to the statute rather than restating the provisions in the regulations.

Section 65807. Requirements for Recognized Providers

Subsection (a): Continuing education providers that wish to become recognized providers for REHSs are required to apply to a CDPH approved Accreditation Agency. The approval of providers and coursework is necessary to identify coursework pertinent to the REHS scope of work and the providers who are competent to train and educate the REHS workforce. Coursework approved prior to presentation helps to ensure that the educational objectives and the training needs of California's REHSs are met.

Subsection (a)(1): Identifies the applicant organization and provides basic contact information should additional communication with the applicant organization be sought.

Subsection (a)(2): A plan is needed to demonstrate that the recognized provider has the knowledge, experience and capacity to present pertinent information to adult learners in an effective manner and without influence by commercial interests.

Subsection (a)(3): Specifies the responsible party within the continuing education program. This would provide the Accreditation Agency with a specific contact person who has direct knowledge of the administration of the coursework.

Subsection (b): REHSs need a means to identify recognized providers that meet the requirements of Section 65807 so they can be assured that completion of approved coursework will result in meeting their continuing education requirements for registration.

Subsection (c)(1): The work of REHSs requires the application of scientific knowledge, legal requirements and the ability to communicate effectively. REHSs must be able to evaluate various conditions from food handling at the retail level to the proper siting of a sanitary landfill or drinking water well and determine the potential human health effects. The list of topics and subject matter (Subsections (c)(1)(A) through AA)) suitable for continuing education credit are all elements in the field of environmental health. While not an exclusive list, this topical information is necessary to indicate topics and subject matter appropriate to this workforce category.

Subsection (c)(2): Written educational goals and specific learning objectives are needed so that the REHS can choose approved coursework that are relevant to their job duties and responsibilities.

Subsection (c)(3): Relevant education, training or experience is necessary to ensure that presenters are fully qualified to teach approved coursework. REHSs should be confident that approved coursework is taught by qualified instructors.

Subsection (c)(4): A course syllabus is a standard measure of instructional content which allows the REHS to identify the approved coursework that will target and deliver the educational goals and objectives valuable to the practice of the profession. Resources are limited and the course must benefit the participant and also the organization for which the participant works.

Subsection (c)(5): When two or more presenters are involved in approved coursework their separate roles and responsibilities are described in order for the Accreditation Agency to determine that the responsibilities are consistent with demonstration of instructor education, training and/or experience documentation required in (c)(3), thus ensuring that the approved coursework is taught by fully qualified instructors.

Subsection (c)(6): To ensure that the REHS can choose approved coursework that is relevant to their job duties and responsibilities promotional material and advertisements need to provide the information in Subsections (c)(6)(A) through (E).

Subsection (c)(6)(A): The goals and learning objectives are the primary criteria used to determine the suitability of approved coursework.

Subsection (c)(6)(B): Describing the intended audience helps the REHS assess the level of detail and preparation necessary to successfully complete the approved coursework.

Subsection (c)(6)(C): The identity and credentials of the speakers help the REHS gain a perspective on the focus of the approved coursework.

Subsection (c)(6)(D): The REHS needs to know how much credit they will accrue in order to ensure they meet the minimum contact hours required by the regulation.

Subsection (c)(6)(E): The name of the recognized provider and Accreditation Agencies are needed for follow up or if a complaint is filed.

Subsection (d): In order to evaluate the effectiveness of any instructional presentation the participants need to provide their input. This subsection requires that the recognized providers collect approved coursework evaluations or pre- and post-exams to measure strengths and weaknesses of the presentation. Recognized Web-based and home study courses have established methods to verify approved coursework completion and proficiency. Use of a post-testing procedure in which a pre-established proficiency level is established and certificates are awarded only upon attainment of the pre-specified minimum proficiency level is common. Proof of completion is typically provided by a certificate of completion given to the participant by the recognized provider. Accreditation Agencies also can use the approved coursework evaluations and results from pre- and post-testing in their formal review of recognized providers.

Subsection (e): Attendance records are needed by CDPH to confirm that REHSs have met the required 24 contact hours of continuing education every two years. Since REHSs are required to maintain certificates of completion for five years, attendance records also need to be maintained for five years for use in the event of disputes. Five-year retention of records was based on the number of years an REHS must provide proof of continuing education and to cover all possible situations where a check of the Accreditation Agencies or recognized providers files would be required.

Subsection (e)(1)(2): These subsections specify the types of attendance records that can be accepted for personal participation and correspondence or Web-based learning. The types of attendance documentation specified, in addition to the statements from the person seeking renewal of registration, provide validation from approved providers of successful completion of approved coursework.

Subsection (f): Certificates of completion need to be issued by the recognized provider. Successful participants use the certificates of completion to prove completion of required continuing education. CDPH uses the certificates of completion to document, on a random basis, REHS compliance with continuing education regulations. This subsection also specifies minimum information necessary to grant continuing education credit.

Subsection (g): This subsection is needed to ensure that all approved coursework offered by recognized providers have been approved by an Accreditation Agency. A 15-day window is specified to ensure that the attendee knows, prior to taking the course, that the CEUs are applicable to the registration renewal requirements for REHSs. This coursework will also be valid and acceptable for three years. This provision is necessary so that coursework can be accrued over the two-year renewal period. Approved coursework taken in good faith shall be valid for a three-year period to ensure that all participants are credited appropriately.

Subsection (h): The approved coursework offered by recognized providers in California meets the continuing education requirements. Participants need to be assured that coursework taken from a recognized provider in California will count toward their continuing education requirement. They need to be able to take approved coursework with confidence. This subsection allows for the revocation of approval by the Accreditation Agency when a recognized provider fails to meet the responsibilities stated in regulation. Any departmental action on the appeal of a proposed disciplinary action must be conducted in accordance with Government Code Section 11400 et seq. and Government Code Section 11500 et seq. The reader is directed to the statute rather than restating the provisions in the regulations.

Section 65808 Provider Audit Requirements

As circumstances dictate, CDPH shall require the Accreditation Agency to review certain approved coursework to ensure that the specified approved coursework is pertinent to environmental health and is taught in an effective manner. The Accreditation Agency also needs to be able to determine that the advertising and promotional materials are accurate and the number of contact hours credited are consistent with similar training events. This subsection also specifies the documentation needed to complete the review.

STATEMENTS OF DETERMINATIONS

ALTERNATIVES CONSIDERED

The Department of Public Health (Department) has determined that no reasonable alternative considered by the Department, or otherwise identified and brought to the attention of the Department, would be more effective and less burdensome to affected private persons than this proposed action.

LOCAL MANDATE DETERMINATION

The Department has determined that the proposed regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code, nor are there other non-discretionary costs imposed.

ECONOMIC IMPACT STATEMENT

The Department has made an initial determination that the proposed regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the proposed regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

DETERMINATION WHETHER REGULATION AFFECTS SMALL BUSINESS

The Department has determined that the proposed regulations may affect small businesses.

COST IMPACT DETERMINATION ON REPRESENTATIVE PRIVATE PERSONS AND BUSINESSES TO COMPLY WITH THE REGULATION

The average cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action is estimated to be \$120.00 per employee annually.

HOUSING COST IMPACT STATEMENT

The Department has determined that the proposed regulations will not affect housing costs.

REPORTING REQUIREMENT

The proposed regulations require Accreditation Agencies to annually report the findings of approved coursework sample reviews to the Department. It is necessary for the health, safety, or welfare of the people of the state that the regulations apply to business.

DOCUMENTS RELIED UPON

1. The minutes from the EHSRC meeting dated October 7, 2004 validate references to the recommendations to propose adoption of the continuing education standards for REHSs in the Informative Digest on page 1 of the Notice of Proposed Rulemaking and page 1 of the Initial Statement of Reasons.
2. In the Informative Digest on page 1 of the Notice of Proposed Rulemaking and on page 1 the Initial Statement of Reasons, the reference to the identification by various organizations of continuing education as a key element in the development of competent and effective environmental health professionals is validated by correspondence from each of the organizations.
3. On page 4 of the Initial Statement of Reasons, the recommendation referenced to require 24 hours of continuing education units from each REHS every two years is validated by the minutes from the August 29, 2005 EHSRC meeting.