

DPH-05-011 - Continuing Education for Registered Environmental Health Specialists

Information and documentation pertaining to this regulatory proposal

Sections Affected

California Code of Regulations Title: 22
Sections: 65800 through 65808

History of Rulemaking Proceeding

Notice of Proposed Rulemaking Published: December 26, 2008
California Regulatory Notice Register 2008, No. 52-Z
Public Hearing Date: February 9, 2009
Close of 45-Day Public Comment Period: February 9, 2009
15-Day Availability of Post Hearing Changes: September 22, 2009 through October 6, 2009

Status of the Proposal

This rulemaking is complete

Inquiries regarding the substance of these regulations may be directed to:
Name: Glenn Takeoka, Chief, Environmental Management Branch
Phone: (916) 449-5661
Email: Glenn.Takeoka@cdph.ca.gov

Rulemaking Documentation

45-Day Comment Period Documentation

[Public Notice](#)
[Initial Statement of Reasons](#)
[Regulation Text](#)
[Notice of Extension](#)

Notice of Extension of Written Comment Period and Scheduled Public Hearing

15-Day Availability of Post Hearing Changes

[Notice Document](#)
[Supplement to the Statement of Reasons](#)
[Regulation Text](#)

Final Documentation

[Updated Informative Digest](#)
[Final Statement of Reasons.pdf](#)
[Approved Regulation Text](#)



MARK B HORTON, MD, MSPH
Director

State of California—Health and Human Services Agency
California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor

ACTION: Notice of Proposed Rulemaking
Title 22, California Code of Regulations

SUBJECT: Continuing Education for Registered Environmental Health Specialists,
DPH-05-011

PUBLIC PROCEEDINGS: Notice is hereby given that the California Department of Public Health (CDPH) will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW: Pursuant to California Public Health Act of 2006 (Act; S. B. 162, Section 1, Chap. 241, Stats. 2006), effective July 1, 2007, the 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 for each Registered Environmental Health Specialist (REHS) pursuant to HSC Section 106705. Upon the recommendation of the Environmental Health Specialist Registration Committee, CDPH is proposing to adopt continuing education standards for REHS. The proposed 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 REHSs 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. These regulations will be adopted into the California Code of Regulations, Title 22, Division 4, Chapter 23, Article 1, Sections 65800-65808.

The effect of these regulations will be:

- REHSs will be required to complete a minimum of 24 contact hours of approved continuing education every two years in order to apply 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 submitted by providers, as well as audit requirements, are established.
- Allowable reasons for exemptions from the continuing education requirements are established. These include serious illness and 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 more than once with the same renewal period.
- A complaint mechanism whereby a provider may appeal a decision of the accreditation agency is specified.

The proposed regulations adopt new Sections 65800, 65801, 65802, 65803, 65804, 65805, 65806, 65807 and 65808 in Title 22, Division 4, Chapter 23, Article 1, California Code of Regulations.

AUTHORITY: Sections 106610, 106705 and 131200, Health and Safety Code.

REFERENCE: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

COMMENTS: Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations and Hearings by 5 p.m. on February 9, 2009, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations and Hearings, California Department of Public Health, MS 0507, 1501 Capitol Avenue, P.O. Box 997377, Sacramento, CA 95899-7377. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440-5747; or
3. By email to regulations@cdph.ca.gov (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "DPH -05-011" in the subject line to facilitate timely identification and review of the comment).

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES: Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Glenn Takeoka of Drinking Water Branch at (916) 449-5693.

All other inquiries concerning the action described in this notice may be directed to Maureen Miyamura of the Office of Regulations and Hearings at (916) 440-7841, or to the designated backup contact person, Barbara Gallaway, at (916) 440-7689.

CONTACTS: In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH-05-011.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS: The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations and Hearings, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations and Hearings.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending and Opportunity for Public Participation, Regulations, Proposed.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email regulations@cdph.ca.gov, or write to the Office of Regulations and Hearings at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT: The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations and Hearings at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FISCAL IMPACT ESTIMATE:

- A. **Fiscal Effect on Local Government:** There is a possible impact on local government if the employer is a local government and it chooses to pay the cost of continuing education for employees. This cost is estimated at \$120.00 a year for each employee.
- B. **Fiscal Effect on State Government:** Additional expenditures of approximately \$97,000 in the current State Fiscal Year. It is anticipated that State agencies will be able to absorb these additional costs within their existing budgets and resources. There is a minor and absorbable cost impact on state government if the state chooses to pay the cost of continuing education for employees. This total cost is estimated at \$23,000 a year ($\$120 \times 191 = \$23,000$) for 191 state employees who are currently registered.
- C. **Fiscal Effect on Federal Funding of State Programs:** No fiscal impact exists because this regulation does not affect any federally funded State agency or program.
- D. **All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action:** The average cost of this regulation to an individual would be \$120.00 annually, based on cost information from continuing education courses that are currently offered.
- E. **Other Nondiscretionary Cost or Savings Imposed on Local Agencies:** None.

DETERMINATIONS: 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.

The Department has made an initial determination that the 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 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.

The Department has determined that the regulations may affect small business.

The Department has determined that the regulations will have no impact on housing costs.

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.

ADDITIONAL STATEMENTS AND COMMENTS: In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Miyoko Sawamura, Office of Regulations and Hearings, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377, voice (916) 440-7690 and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

DPH-05-011



Date:

Mark Horton, M.D., M.S.P.H.
Director

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.

PROPOSED REGULATIONS

Title 22 California Code of Regulations
Division 4. Environmental Health

Chapter 23. Continuing Education for Registered Environmental Health Specialists.

Article 1. Definitions

Adopt Section 65800 to read:

Section 65800. Accreditation Agency .

“Accreditation Agency” means an organization approved by the Department pursuant to section 65806 to evaluate and grant approval to providers of continuing education in accordance with the requirements established at section 65807.

NOTE: Authority: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65801 to read:

Section 65801. Approved Coursework.

“Approved Coursework” means continuing education courses that have been approved by an Accreditation Agency.

NOTE: Authority: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65802 to read:

Section 65802. Contact Hour.

"Contact Hour" means the actual time a REHS participates in approved coursework offered by a recognized provider, utilizing the following conversion standards:

- (a) 50-60 minutes = 1 contact hour
- (b) 0.1 continuing education unit (CEU) = 1 contact hour
- (c) 1 quarter unit = 10 contact hours
- (d) 1 semester unit = 15 contact hours

NOTE: Authority: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65803 to read:

Section 65803. Recognized Provider.

“Recognized Provider” means a provider of approved coursework that meets the provisions of section 65807 and is approved by an Accreditation Agency.

NOTE: Authority: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65804 to read:

Section 65804. REHS.

“REHS” means a registered environmental health specialist as defined in section 106615(c) of the Health and Safety Code.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Article 2. Continuing Education Requirements

Adopt Section 65805 to read:

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

(a) At the time of biennial registration renewal each REHS shall submit written documentation that he or she has completed a minimum of 24 contact hours of approved coursework within the 24 months immediately preceding the date of expiration.

(b) Each REHS shall retain certificates of completion issued by accreditation agencies or recognized providers for five years following completion of the approved coursework.

(c) A REHS may apply in writing to the Department for an exemption from the continuing education requirements. Exemptions may be granted on the basis of serious illness or military duty. A person registered as an inactive retired REHS as specified in Health and Safety Code section 106695 shall be exempt from the continuing education requirement.

(d) During the 24 months prior to his or her biennial renewal an instructor may request continuing education credit only one time per approved coursework that the instructor teaches.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code. Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65806 to read:

Section 65806. Accreditation Agencies.

(a) An individual or organization seeking approval to operate as an Accreditation Agency shall submit a written request to the Department. The request shall include documentation of the following:

- (1) The organization's name, address, telephone number, and owner name(s).
- (2) A written plan demonstrating how the agency will meet the requirements of this section and enforce the requirements of section 65807 to include: procedures for monitoring course content, education methods and the recognized providers' compliance with the approved coursework requirements stated in section 65807.
- (3) The person designated by the organization to be responsible for overseeing the administration and coordination of approved coursework and all recognized providers.
- (4) A clearly defined process for responding to complaints about recognized providers and the ability to produce specific outcomes that assure that recognized providers comply with section 65807.

(b) An approved Accreditation Agency shall have the following responsibilities:

(1) Maintain a list of the names and addresses of the persons designated as responsible for the recognized provider's continuing education program. The Accreditation Agency shall require that any change in the designated responsible person shall be reported to the Accreditation Agency within 15 days of the effective date of such change.

(2) Notify the Department of names, addresses and responsible party of each recognized provider.

(3) Re-evaluate the coursework in response to complaints concerning activities of any of its recognized providers or the approved coursework.

(4) Review a minimum sample of ten percent of all approved coursework offered by each recognized provider, but not less than one course per year, to determine compliance with this article. Report the findings of each review to the Department annually.

(5) Assure that all approved coursework offered by its recognized providers meets the continuing education requirements as set forth in section 65807.

(6) Provide attendance records of REHS participants upon request of the Department.

(c) Failure of an Accreditation Agency to enforce the requirements of this article shall constitute cause for revocation of approval by the Department. Departmental action shall be in accordance with the administrative adjudication provisions of Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code. Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65807 to read:

Section 65807. Requirements for Recognized Providers.

(a) An individual or organization seeking to provide continuing education courses as a recognized provider shall apply in writing to a Department-approved Accreditation Agency. The request shall include documentation of the following:

(1) The organization's name, address, telephone number, and owners' names.

(2) A course or teaching plan demonstrating that the course and providers meet the requirements of section 65807(c).

(3) The person designated by the organization to be responsible for overseeing the administration and coordination of continuing education courses.

(b) Upon receipt of written approval from the Accreditation Agency, a continuing education provider shall represent itself as a recognized provider.

(c) The recognized provider is responsible for assuring the educational quality of its approved coursework and shall demonstrate the ability to meet the following requirements:

(1) Topics and subject matter for approved coursework shall be pertinent to the scope of practice as described in section 106615 (e) of the Health and Safety Code for a REHS. Topics and subject matters for approved coursework shall include the following:

(A) Food protection.

(B) Solid waste management.

(C) Liquid waste management.

(D) Medical waste management.

- (E) Water supply.
- (F) Housing and institutions.
- (G) Bathing places.
- (H) Vector control.
- (I) Hazardous materials management.
- (J) Underground tanks.
- (K) Air sanitation.
- (L) Safety and accident prevention.
- (M) Land development and use.
- (N) Disaster sanitation.
- (O) Electromagnetic radiation.
- (P) Milk and dairy products.
- (Q) Noise control.
- (R) Occupational health.
- (S) Rabies and animal disease control.
- (T) Recreational health.
- (U) Bioterrorism.
- (V) Emergency preparedness.
- (W) Lead poisoning.
- (X) Cardiopulmonary resuscitation.
- (Y) Epidemiology and communicable diseases.
- (Z) Public health.
- (AA) Environmental health administration and management.

(2) Approved coursework shall have written educational goals and specific learning objectives.

(3) Speakers and instructors shall have education, training, and/or experience in the topics and subject matter listed in subsection (c)(1).

(4) Approved coursework shall have a syllabus that provides a general outline of the course. The syllabus shall contain at a minimum, the instructional objectives for each course and a summary containing the main points for each topic.

(5) All approved coursework shall identify and document the functions of each speaker or instructor.

(6) Promotional materials and advertisements shall include sufficient information to determine:

(A) the educational goals and specific learning objectives of the approved coursework.

(B) the intended audience.

(C) the speakers, instructors and their credentials.

(D) the number of continuing education contact hours.

(E) the name of the Accreditation Agency and recognized provider.

(d) Recognized providers shall evaluate the effectiveness of their approved coursework to determine whether the objectives required under section 65807(c) were met. This evaluation shall include a written evaluation by the participants, and/or pre- and post-examination(s).

(e) The recognized provider shall be required to maintain attendance records of approved coursework for five years following completion of the coursework.

(1) For live programs, acceptable documentation of participation includes attendance rosters, sign-in sheets, completed program evaluation forms, or signed verification forms.

(2) For home study, web based training and other mediated instructional approaches, acceptable documentation of participation includes the use of a post-testing procedure in which a pre-established proficiency level exists and

certificates are awarded only upon attainment of the pre-specified minimum proficiency level.

(f) All recognized providers shall furnish certificates of completion to all successful participants. The certificate shall contain the name of the participant and name of the provider, title of the course, number of contact hours, date of completion, course expiration date, course number and the name of the Accreditation Agency.

(g) All coursework shall be approved at least 15 days prior to the course being offered. The proposed course shall be submitted to the Accreditation Agency for a determination that the coursework meets the requirements set forth in this section. A recognized provider's approved coursework shall be valid and accepted for three years following the initial presentation.

(h) Failure of a recognized provider to meet one or more of the requirements set forth in this section shall constitute cause for revocation of approval by the Accreditation Agency. The Department shall have the final authority in cases of dispute regarding revocation. Departmental action shall be in accordance with the administrative adjudication provisions of Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code. Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65808 to read:

Section 65808. Provider Audit Requirements.

(a) Upon request by the Department, the Accreditation Agency shall review selected approved coursework offerings. Within 15 days of receipt of written notification from the Accreditation Agency, the recognized provider shall submit all material requested by the Accreditation Agency to review the approved coursework. The materials shall include the name of the recognized provider, the course description and syllabus, educational goals and specific learning objectives, contact hours, evaluation method, promotional materials and advertisements, name and credentials of the speaker(s) or instructor(s), and past course evaluations and/or summary of pre and post examinations. The material shall be evaluated by the Accreditation Agency to determine whether the program meets the requirements in section 65807(c).

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code. Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.



MARK B HORTON, MD, MSPH
Director

State of California—Health and Human Services Agency
California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor

**NOTICE OF EXTENSION OF WRITTEN COMMENT PERIOD
AND SCHEDULED PUBLIC HEARING
REGARDING DPH-05-011, CONTINUING EDUCATION FOR
REGISTERED ENVIRONMENTAL HEALTH SPECIALISTS**

Notice is hereby given that the California Department of Public Health is extending the period for submission of written comments regarding proposed regulations DPH-05-011, Continuing Education for Registered Environmental Health Specialists, to 5:00 p.m. on February 9, 2009, which is hereby designated as the close of the written comment period. In addition, a public hearing has been scheduled for 10:00 a.m. on February 9, 2009, in Room 72.165 at 1500 Capitol Avenue, Sacramento, CA.

All other information contained in the public notice for DPH-05-011, which was previously published on December 26, 2008, in the California Regulatory Notice Register 2008, No. 52-Z remains unchanged.

Inquiries concerning the action described in this notice may be directed to Maureen Miyamura of the Office of Regulations at (916) 440-7841. In any such inquiries, please identify the action by using the Department regulation control number DPH-05-011.



MARK B HORTON, MD, MSPH
Director

State of California—Health and Human Services Agency
California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor

**NOTICE OF PUBLIC AVAILABILITY OF A CHANGE TO
PROPOSED REGULATIONS REGARDING
Title 22
Continuing Education for Registered Environmental Health Specialists,
DPH-05-011**

Pursuant to Government Code section 11346.8(c), notice is hereby given that the Department has changed the text of the proposed regulations regarding Continuing Education for Registered Environmental Health Specialists (DPH-05-011) and is making the changed text available for public comment prior to adoption, amendment or repeal of the resulting regulations. A copy of the proposed text with the change clearly indicated is attached. This notice document, the proposed text, and the supplement to the statement of reasons are also posted on the Department's Internet Web site at www.cdph.ca.gov/services/DPOPP/regs/Pages/DPH-05-011.aspx.

CONTACTS: In any inquiries or written comments, please identify the action by using the Department regulation control number, DPH-05-011.

COMMENTS: In order to be considered, comments regarding the change must be received by the Office of Regulations and Hearings beginning September 22, 2009, through 5 p.m., October 6, 2009, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. *Please note: comments should be limited to the current change only (identified by double underline). Comments not related to the changed language in section 65805(a) will not be given consideration.*

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations and Hearings, California Department of Public Health, MS 0507, 1501 Capitol Avenue, P.O. Box 997377, Sacramento, CA 95899-7377. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440-5747; or

3. By email to regulations@cdph.ca.gov (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "DPH-05-011" in the subject line to facilitate timely identification and review of the comment).

INQUIRIES: Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Glenn Takeoka, Chief, Environmental Management Branch, at (916) 449-5661.

All other inquiries concerning the action described in this notice may be directed to Marylyn Willis, Office of Regulations and Hearings, at (916) 440-7807, or to the designated backup contact person, Barbara Gallaway, at (916) 440-7689.

Upon request, this document will be made available in Braille, large print, and audiocassette or computer disk. To obtain a copy in one of these alternate formats, please call or write: Marylyn Willis, Office of Regulations and Hearings, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377, voice (916) 440-7807, and/or California Relay at 711/1-800-735-2929.

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

DPH-05-011

Dated: *September 15, 2009*



Mark B Horton, MD, MSPH
Director

METHODOLOGY FOR SHOWING THE CHANGES
TO PROPOSED AMENDMENTS

Changes to the amendments to California Code of Regulations, Title 22, as originally presented in the 45-day Public Notice, are now being made available for a 15-day review and comment. These proposed changes are contained in the attached document and are indicated as follows:

All text originally presented in the 45-day Public Notice is shown in single underline.

The only change now proposed is language added to section 65805(a), and it is shown in double underline.

SUPPLEMENT TO THE STATEMENT OF REASONS

Title 22, California Code of Regulations, Division 4, Chapter 23 Continuing Education for Registered Environmental Health Specialists

The California Department of Public Health has initiated additional changes to these proposed regulations, as discussed below.

Section 65805(a). Upon reconsideration, the Department addressed points made by commenters as to the implementation of the continuing education 24 contact hour biennial requirement. The changes to the text provide when each REHS shall begin accruing his or her 24 contact hours of continuing education and the assurance that each REHSs is guaranteed the full 24 months specified for accruing his or her 24 contact hours of continuing education.

Chapter 23. Continuing Education for Registered Environmental Health Specialists.

Article 1. Definitions

Adopt Section 65800 to read:

Section 65800. Accreditation Agency.

“Accreditation Agency” means an organization approved by the Department pursuant to section 65806 to evaluate and grant approval to providers of continuing education in accordance with the requirements established at section 65807.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65801 to read:

Section 65801. Approved Coursework.

“Approved Coursework” means continuing education courses that have been approved by an Accreditation Agency.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65802 to read:

Section 65802. Contact Hour.

"Contact Hour" means the actual time a REHS participates in approved coursework offered by a recognized provider, utilizing the following conversion standards:

- (a) 50-60 minutes = 1 contact hour.
- (b) 0.1 continuing education unit (CEU) = 1 contact hour.
- (c) 1 quarter unit = 10 contact hours.
- (d) 1 semester unit = 15 contact hours.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65803 to read:

Section 65803. Recognized Provider.

“Recognized Provider” means a provider of approved coursework that meets the provisions of section 65807 and is approved by an Accreditation Agency.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65804 to read:

Section 65804. REHS.

“REHS” means a registered environmental health specialist as defined in section 106615(c) of the Health and Safety Code.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Article 2. Continuing Education Requirements

Adopt Section 65805 to read:

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

(a) At the time of biennial registration renewal each REHS shall submit written documentation that he or she has completed a minimum of 24 contact hours of approved coursework within the 24 months immediately preceding the date of expiration. The first 24 month period during which an REHS shall complete the contact hours shall begin on the first day that occurs: after this section initially becomes effective; and 24 months prior to the next expiration date of the certificate.

(b) Each REHS shall retain certificates of completion issued by accreditation agencies or recognized providers for five years following completion of the approved coursework.

(c) A REHS may apply in writing to the Department for an exemption from the continuing education requirements. Exemptions may be granted on the basis of serious illness or military duty. A person registered as an inactive retired REHS as specified in Health and Safety Code section 106695 shall be exempt from the continuing education requirement.

(d) During the 24 months prior to his or her biennial renewal an instructor may request continuing education credit only one time per approved coursework that the instructor teaches.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code. Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65806 to read:

Section 65806. Accreditation Agencies.

(a) An individual or organization seeking approval to operate as an Accreditation Agency shall submit a written request to the Department. The request shall include documentation of the following:

(1) The organization's name, address, telephone number, and owner name(s).

(2) A written plan demonstrating how the agency will meet the requirements of this section and enforce the requirements of section 65807 to include: procedures for monitoring course content, education methods and the recognized providers' compliance with the approved coursework requirements stated in section 65807.

(3) The person designated by the organization to be responsible for overseeing the administration and coordination of approved coursework and all recognized providers.

(4) A clearly defined process for responding to complaints about recognized providers and the ability to produce specific outcomes that assure that recognized providers comply with section 65807.

(b) An approved Accreditation Agency shall have the following responsibilities:

(1) Maintain a list of the names and addresses of the persons designated as responsible for the recognized provider's continuing education program. The Accreditation Agency shall require that any change in the designated responsible person shall be reported to the Accreditation Agency within 15 days of the effective date of such change.

(2) Notify the Department of names, addresses and responsible party of each recognized provider.

(3) Re-evaluate the coursework in response to complaints concerning activities of any of its recognized providers or the approved coursework.

(4) Review a minimum sample of ten percent of all approved coursework offered by each recognized provider, but not less than one course per year, to determine compliance with this article. Report the findings of each review to the Department annually.

(5) Assure that all approved coursework offered by its recognized providers meets the continuing education requirements as set forth in section 65807.

(6) Provide attendance records of REHS participants upon request of the Department.

(c) Failure of an Accreditation Agency to enforce the requirements of this article shall constitute cause for revocation of approval by the Department. Departmental action shall be in accordance with the administrative adjudication provisions of Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code. Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65807 to read:

Section 65807. Requirements for Recognized Providers.

(a) An individual or organization seeking to provide continuing education courses as a recognized provider shall apply in writing to a Department-approved Accreditation Agency. The request shall include documentation of the following:

(1) The organization's name, address, telephone number, and owners' names.

(2) A course or teaching plan demonstrating that the course and providers meet the requirements of section 65807(c).

(3) The person designated by the organization to be responsible for overseeing the administration and coordination of continuing education courses.

(b) Upon receipt of written approval from the Accreditation Agency, a continuing education provider shall represent itself as a recognized provider.

(c) The recognized provider is responsible for assuring the educational quality of its approved coursework and shall demonstrate the ability to meet the following requirements:

(1) Topics and subject matter for approved coursework shall be pertinent to the scope of practice as described in section 106615 (e) of the Health and Safety Code for a REHS. Topics and subject matters for approved coursework shall include the following:

(A) Food protection.

(B) Solid waste management.

(C) Liquid waste management.

(D) Medical waste management.

(E) Water supply.

(F) Housing and institutions.

(G) Bathing places.

(H) Vector control.

(I) Hazardous materials management.

(J) Underground tanks.

(K) Air sanitation.

(L) Safety and accident prevention.

(M) Land development and use.

(N) Disaster sanitation.

(O) Electromagnetic radiation.

(P) Milk and dairy products.

(Q) Noise control.

(R) Occupational health.

(S) Rabies and animal disease control.

(T) Recreational health.

(U) Bioterrorism.

(V) Emergency preparedness.

(W) Lead poisoning.

(X) Cardiopulmonary resuscitation.

(Y) Epidemiology and communicable diseases.

(Z) Public health.

(AA) Environmental health administration and management.

(2) Approved coursework shall have written educational goals and specific learning objectives.

(3) Speakers and instructors shall have education, training, and/or experience in the topics and subject matter listed in subsection (c)(1).

(4) Approved coursework shall have a syllabus that provides a general outline of the course. The syllabus shall contain at a minimum, the instructional objectives for each course and a summary containing the main points for each topic.

(5) All approved coursework shall identify and document the functions of each speaker or instructor.

(6) Promotional materials and advertisements shall include sufficient information to determine:

(A) the educational goals and specific learning objectives of the approved coursework.

(B) the intended audience.

(C) the speakers, instructors and their credentials.

(D) the number of continuing education contact hours.

(E) the name of the Accreditation Agency and recognized provider.

(d) Recognized providers shall evaluate the effectiveness of their approved coursework to determine whether the objectives required under section 65807(c) were met. This evaluation shall include a written evaluation by the participants, and/or pre- and post-examination(s).

(e) The recognized provider shall be required to maintain attendance records of approved coursework for five years following completion of the coursework.

(1) For live programs, acceptable documentation of participation includes attendance rosters, sign-in sheets, completed program evaluation forms, or signed verification forms.

(2) For home study, web based training and other mediated instructional approaches, acceptable documentation of participation includes the use of a post-testing procedure in which a pre-established proficiency level exists and certificates are awarded only upon attainment of the pre-specified minimum proficiency level.

(f) All recognized providers shall furnish certificates of completion to all successful participants. The certificate shall contain the name of the participant and name of the provider, title of the course, number of contact hours, date of completion, course expiration date, course number and the name of the Accreditation Agency.

(g) All coursework shall be approved at least 15 days prior to the course being offered. The proposed course shall be submitted to the Accreditation Agency for a determination that the coursework meets the requirements set forth in this section. A recognized provider's approved coursework shall be valid and accepted for three years following the initial presentation.

(h) Failure of a recognized provider to meet one or more of the requirements set forth in this section shall constitute cause for revocation of approval by the Accreditation Agency. The Department shall have the final authority in cases of dispute regarding revocation. Departmental action shall be in accordance with the administrative adjudication provisions of Chapter 4.5 (commencing with Section 11400) and Chapter 5

(commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65808 to read:

Section 65808. Provider Audit Requirements.

(a) Upon request by the Department, the Accreditation Agency shall review selected approved coursework offerings. Within 15 days of receipt of written notification from the Accreditation Agency, the recognized provider shall submit all material requested by the Accreditation Agency to review the approved coursework. The materials shall include the name of the recognized provider, the course description and syllabus, educational goals and specific learning objectives, contact hours, evaluation method, promotional materials and advertisements, name and credentials of the speaker(s) or instructor(s), and past course evaluations and/or summary of pre and post examinations. The material shall be evaluated by the Accreditation Agency to determine whether the program meets the requirements in section 65807(c).

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code. Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

UPDATED INFORMATIVE DIGEST

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Informative Digest/Policy Statement Overview as published in the Notice of Proposed Regulatory Action, except for the following modification:

A change was made to the regulation text after the close of the 45-Day public comment period. This change was noticed for a 15-Day Availability period, beginning September 22, 2009, and ending October 6, 2009, for which no comments were received.

Final Statement of Reasons (FSOR)

Title 22, California Code of Regulations, Division 4, Chapter 23. Continuing Education for Registered Environmental Health Specialists

This FSOR supersedes the FSOR as submitted in OAL file # 2009-0730-02S.

The information contained in the Initial Statement of Reasons (ISOR) at the time of the Public Notice remains unchanged, with the exception of the following modification:

Section 65805(a). The proposed regulation as originally noticed to the public (ISOR, page 4) established the requirement that persons applying for renewal as an REHS must have completed at least 24 hours of continuing education during the two years prior to renewal. Comments received during the 45-day public notice period requested that the implementation date for the new requirement be specified, and that the regulations specify that the requirement would not be in effect for partial biennial registration periods (FSOR, page 14). The Department initially responded to these comments by stating in the response that each individual would be allowed the specified two full years, and that the two-year period would not begin until the REHS's first renewal following adoption of the regulations. Upon reconsideration, the Department directly addressed these requests by adding language to the text in this subsection to specify the implementation date for the continuing education requirement. This change was noticed for a 15-Day Availability, which began September 22, 2009, and ended October 6, 2009, and for which no comments were received.

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.

Alternatives Considered

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

Impact on Business

The Department has made a determination that the 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.

Summary of Comments Received and Department Response

Addendum 1 – List of Commenters, Period Ending February 9, 2009

Addendum 2 – Responses to Comments, Period Ending February 9, 2009

Addendum 1
List of Commenters, Period Ending February 9, 2009

#	NAME	TITLE	ORGANIZATION
1	RAMSEY, VICKI (LETTER), (E-MAIL)	SENIOR EHS	PLACER COUNTY ENVIRONMENTAL HEALTH
2	OSSAI, JOSEPH	ENVIRONMENTAL HEALTH INSPECTOR, HOUSING	CITY AND COUNTY OF SAN FRANCISCO, DPH, EH SECTION
3	HAWKINS, VINCENT	ENVIRONMENTAL HEALTH SPECIALIST	MARIN COUNTY ENVIRONMENTAL HEALTH SERVICES
4	CALLOW, SCOTT	SR DRINKING WATER /WELL DRILLING SPECIALIST	MARIN COUNTY ENVIRONMENTAL HEALTH SERVICES
5	SMITH-COOKE, DEBORAH	ENVIRONMENTAL HEALTH SPECIALIST	SAN LUIS OBISPO COUNTY ENVIRONMENTAL HEALTH
6	BARNTHOUSE, LAURA	ENVIRON RISK/COMMUNITY OUTREACH SPEC	SONOMA COUNTY, DEPT. OF HEALTH SERVICES, EH DIVISION
7	BUONOMO, HEATHER	SOUTHWEST CHAPTER PRESIDENT	CALIFORNIA ENVIRONMENTAL HEALTH ASSOCIATION
8	KRENZ, MATTHEW	ENVIRONMENTAL HEALTH SPECIALIST	MONTEREY COUNTY HEALTH DEPT., ENVIRONMENTAL HEALTH DIVISION
9	LYON, RICHARD	ENVIRONMENTAL HEALTH SPECIALIST	SOLANO COUNTY ENVIRONMENTAL HEALTH DIVISION
10	MCCAULEY, PHILLIP	ENVIRONMENTAL HEALTH SPECIALIST	SANTA CRUZ COUNTY, ENVIRONMENTAL HEALTH
11	WINKLER, KEITH	DEPUTY HEALTH DIRECTOR FOR EH SERVICES	KINGS COUNTY ENVIRONMENTAL HEALTH SERVICES
12	AVERA, DANIEL	DIVISION CHIEF, ENVIRONMENTAL HEALTH SERV.	SAN BERNARDINO COUNTY, ENVIRONMENTAL HEALTH
13	FORD, TRACEY	PRESIDENT	CALIFORNIA ENVIRONMENTAL HEALTH ASSOCIATION
14	ROSSO, STEVE	ENVIRONMENTAL HEALTH SPECIALIST	MARIN COUNTY, ENVIRONMENTAL HEALTH SERVICES
15	VENTER, ROBERT L.	ENVIRONMENTAL HEALTH SPECIALIST	SAN DIEGO COUNTY
16	BARNETT, MARCY	REHS	CALIFORNIA ENVIRONMENTAL HEALTH ASSOCIATION
17	FILLMORE, TIM	ENVIRONMENTAL HEALTH SPECIALIST	SANTA CRUZ COUNTY HEALTH SERVICES AGENCY
18	HOBBERLIN, JULIE	ENVIRONMENTAL HEALTH SPECIALIST	ORANGE COUNTY HEALTH CARE AGENCY
19	UMEMOTO, DAWN	ENVIRONMENTAL HEALTH SPECIALIST	ORANGE COUNTY HEALTH CARE AGENCY
20	WONG, DARRYL C. F.	CEHA CONTINUING EDUCATION CHAIR	CALIFORNIA ENVIRONMENTAL HEALTH ASSOCIATION
21	WETZEL, MICHAEL	ENVIRONMENTAL HEALTH SPECIALIST III	SAN BERNARDINO COUNTY, ENVIRONMENTAL HEALTH
22	HALLADIN, MARGARET	ENVIRONMENTAL HEALTH SPECIALIST III	MARIN COUNTY ENVIRONMENTAL HEALTH SERVICES
23	MILLER, ROB	SUPERVISING REHS	SAN BERNARDINO COUNTY, DEPARTMENT OF PUBLIC HEALTH
24	YORKEY, DARRYL	PRESIDENT ELECT 2008-09; ADJUNCT PROFESSOR	CEHA; SAN DIEGO STATE UNIVERSITY, GRADUATE SCHOOL OF PUBLIC HEALTH
25	HARRISON, RICHARD	SENIOR ENVIRONMENTAL HEALTH SPECIALIST	SANTA CLARA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH
26	HARTMAN, KATHRYN S.	ENVIRONMENTAL HEALTH SPECIALIST III	SAN DIEGO COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH
27	BROWN, LAWRENCE A.	ENVIRONMENTAL HEALTH SPECIALIST	KING COUNTY (WASHINGTON)
28	ST. JOHN-HARDER, MELISSA	COMPLIANCE SPECIALIST	GOLDER ASSOCIATES
29	POZZEBON, LEWIS	PRESIDENT	CALIFORNIA CONFERENCE OF DIRECTORS OF ENVIRONMENTAL HEALTH (CCDEH)
30	LEANOS, SAL	EHS IV	VENTURA COUNTY
31	NEWCOMB, LARRY	REHS	JAYHAWK CONSULTANTS

Addendum 1
List of Commenters, Period Ending February 9, 2009

#	NAME	TITLE	ORGANIZATION
32	MESAGNO, DAVID	REHS	SONOMA COUNTY
33	THOMAS, SANDER	REHS	EL DORADO COOUNTY
34	GARCIA, GRACIELA	ENVIRONMENTAL HEALTH SPECIALIST IV	VENTURA COUNTY ENVIRONMENTAL HEALTH DEPARTMENT
35	MERRIFIELD, RICK	DIRECTOR	SANTA BARBARA COUNTY ENVIRONMENTAL HEALTH SERVICES
36	BYRNE, MIKE	REHS	VENTURA COUNTY
37	HUFF, ELIZABETH	REHS	VENTURA COUNTY
38	KIRSCHMAN, WILLIAM	REHS	PLACER COUNTY
39	BROWN, RICHARD	REHS	PLACER COUNTY
40	ECHOLS, RALPH	REHS	PLACER COUNTY
41	ELLIS, DANELLE	REHS	PLACER COUNTY
42	FOSTER, WILLIAM	REHS	PLACER COUNTY
43	GANAPATHY, MOHAN	REHS	PLACER COUNTY
44	JONES, BRIAN	REHS	PLACER COUNTY
45	LINDBLOOM, MARC	REHS	LINDBLOOM SEPTIC DESIGN, INC.
46	LINDBLOOM, DAVID	REHS	LINDBLOOM SEPTIC DESIGN, INC.
47	LINEBERRY, VIRGINIA	REHS	PLACER COUNTY
48	RATN, LAURA	REHS	PLACER COUNTY
49	CASO, MICHAEL	REHS	PLACER COUNTY
50	KIRSCHMAN, DEBORAH	REHS	PLACER COUNTY
51	GEREKE, DIANE	REHS	PLACER COUNTY
52	ESTOLAS, LEMUEL	REHS	PLACER COUNTY
53	VENTURA, RONNY	ENVIRONMENTAL HEALTH SPECIALIST IV	VENTURA COUNTY
54	HOLLOWAY, SHARI	EHS IV	VENTURA COUNTY
55	SIREN, REBECCA (WRITTEN TESTIMONY)	OPERATIONS MANAGER, WATER QUALITY	GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
56	POZZEBON, LEWIS	HEALTH OFFICER / DIRECTOR	CITY OF VERNON
57	SIREN, REBECCA (ORAL TESTIMONY)	OPERATIONS MANAGER WATER QUALITY	GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
58	RAMSEY, VICKI (ORAL TESTIMONY)	SENIOR EHS	PLACER COUNTY ENVIRONMENTAL HEALTH

Addendum 2 Responses to Comments, Period Ending February 9, 2009

The Department solicited written comments on the proposed regulation package, DPH-05-011, and received 56 letters or emails (WT). The Department received a request for a public hearing on January 15, 2009. A public hearing was held on February 9, 2009, and two people presented oral testimony (OT).

General Support for Proposed Regulations:

Comment: Many comments were received in support for DPH-05-011 Continuing Education Requirements for Registered Environmental Health Specialists (REHSs). The comments stated that a mandatory continuing education requirement for all REHSs in California is important in maintaining the highest of standards in the profession and ensuring continued professionalism in the field. They also stated that continuing education will reinforce the key role environmental health plays in public health protection and providing the outstanding public and environmental health service all people in California expect. The California Environmental Health Association (CEHA), California Conference of Local Health Officers (CCLHO), California Conference of Directors of Environmental Health (CCDEH), and Environmental Health Specialist Registration Committee (EHSRC) support the efforts of the California Department of Public Health (CDPH) to establish continuing education requirements for REHSs.

Commenter: 3(WT), 4(WT), 5(WT), 6(WT), 7(WT), 8(WT), 9(WT), 10(WT), 11(WT), 12(WT), 13(WT), 14(WT), 15(WT), 16(WT), 17(WT), 18(WT), 19(WT), 20(WT), 21(WT), 22(WT), 23(WT), 24(WT), 25(WT), 26(WT), 28(WT), 29(WT), 35(WT), 56(WT)

Response: The California Department of Public Health (CDPH) appreciates the expression of support for the proposed continuing education regulations for registered environmental health specialists.

General Opposition to Proposed Regulations:

Comment: Mandating continuing education has been opposed by the majority of REHSs in the past.

Commenter: 37(WT)

Response: The California Environmental Health Association (CEHA), California Conference of Directors of Environmental Health (CCDEH), California Conference of Local Health Officers (CCLHO), 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. No changes will be made to the proposed regulations.

Comment: The comments period set by the Department was unfairly set up. The information was provided to some of the REHSs by the directors of the different jurisdictions. What happened to those REHSs that work for private industry; those that are on leave of absence for an illness or to care for a child; or those that are retired? No effort was made to make them aware of what is being proposed and that will directly affect them. The contact information is required as part of the biennial registration; therefore, it would have been an easy process to send the information to all REHSs. In order to truly determine that REHSs in general agree that continuing education will benefit the profession, all REHSs must be aware of what is being proposed and all must have an opportunity to provide their input. It was inappropriate and may not have even met legal mandates to only distribute the Notice of Proposed rulemaking, Title 22, California Code of regulation to CCLHO, CCDEH and an assortment of "interested persons" but not all REHSs. The public notice was inadequate.

Commenter: 34(WT), 37(WT), 54(WT), 57(OT)

Response: The comment period for rulemaking was based on requirements of the Administrative Procedure Act and conducted in accordance with the requirements of Government Code, Title 2, Section 11346.4(a). The law does not require the public notice to be sent to all REHSs. The Department complied with Section 11346.4(a) because it mailed the notice to all the people identified in that subdivision, when required, and to those who it elected to send it to when it had discretion to do so. The Department complied with Section 11346.1(a)(1) because it mailed the notice to all those who filed a request for notice of regulatory actions with the Department. A copy of the rulemaking notification was sent to all Directors of Environmental Health, all Local Health Officers, CEHA and other interested parties, such as a local chapter of CEHA. Pursuant to Government Code, Title 2, Section 11346.4(a)(4), it was determined that this distribution was adequate and reasonable for the notice of proposed rulemaking. The rulemaking notification was also listed in the California Regulatory Notice Register and posted on the program's webpage on December 26, 2008.

In addition, CEHA notified members of the organization regarding the continuing education rulemaking process and also posted the Department web links with the rulemaking documents for members to review. The Department has been working with the Environmental Health Specialist Registration Committee (EHSRC), CEHA, CCDEH, CCLHO, and other individuals on the continuing education regulations since 1995 when the law was amended to give the Department the authority to adopt regulations. These groups fully represent the profession. The private sector is represented on the EHSRC Committee. These regulations have no impact on retired REHSs. Since that time, the

Department has made numerous presentations to CCDEH, CEHA and other interested parties, such as San Diego County, Orange County, Riverside County, San Bernardino County, Ventura County, and San Luis Obispo County, regarding the proposal for continuing education regulations. Based on feedback from represented groups and individuals, the Department has amended the proposed package several times. In 2004 the EHSRC made a recommendation for the Department to adopt the proposed regulations. A draft of the proposed regulations has been posted on the program's webpage since 2005. No changes to the proposed regulations are necessary based on these comments.

Comment: I am not in support of DPH-05-011 Continuing Education Requirements for REHSs unless the number of required units is reduced. Four to five units per year is reasonable. I feel the amount of continuing education units as proposed is totally unrealistic. Quality, not quantity, is a better goal. We who strive to be above the norm in the knowledge and performance of our profession read and study. The amount of continuing education should be reduced so as to allow balance in our life apart from the office.

Commenter: 31 (WT)

Response: Continuing education is measured in contact hours, not units. Section 65802 shows how contact hours will be awarded when a course is measured in units. A minimum of 24 contact hours was recommended by the EHSRC as a condition of the biennial registration renewal for 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. NEHA has established a national standard for continuing education of 24 hours every two years. Arizona, Florida, Georgia, Nebraska, Nevada, Oregon and Oklahoma all have REHS continuing education programs (equivalent to requiring 24 hours every two years) to ensure the ongoing competency of persons registered as REHSs. No changes will be made to the proposed regulations.

Comment: I request that the Department initially implement the proposed continuing education requirements as a voluntary requirement for 5 years and use this time period to determine if these requirements are truly necessary.

Commenter: 54(WT)

Response: Regulations are, by definition, requirements, and so the regulations could not be drafted as a voluntary requirement. The Department has determined that these

regulations are necessary, and CEHA, CCDEH, CCLHO 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, so a trial period is not needed. Health and Safety Code Section 106705 gives CDPH, upon recommendation by the EHSRC, authority to require and set up standards for continuing education for professionals in the rapidly changing and expanding field of environmental health. The Department chose to require standards because the absence of continuing education requirements limits the ability of State and local health jurisdictions to provide adequate public health services since their staff is not required to be current with the latest environmental health issues, trends and technologies. NEHA has established a national standard for continuing education of 24 hours every two years. Arizona, Florida, Georgia, Nebraska, Nevada, Oregon and Oklahoma all have REHS continuing education programs (equivalent to requiring 24 hours every two years) to ensure the ongoing competency of persons registered as REHSs. No changes will be made to the proposed regulations.

Comment: We will end up with less opportunity for training with this mandatory system. We will have a lot of providers who are not willing to go through the accreditation process. I would rather see voluntary continuing education.

Commenter: 57(OT)

Response: CEHA, CCDEH, CCLHO 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. CDPH has already received requests from several education providers seeking approval to offer continuing education courses for REHSs including NEHA, CEHA, California State University Northridge (CSUN), TUI University, California Integrated Waste Management Board (CIWMB), American Water Works Association (AWWA), Environmental Health Institute (EHI), the federal Food and Drug Administration (FDA) and some county environmental health offices. An REHS can ask to have any continuing education course reviewed by an Accreditation Agency (AA). The program currently does not have AAs in place, but anticipates approving many AAs and having a variety of approved courses available for REHSs. All REHSs will be allowed the full two years to complete 24 contact hours of continuing education once the requirement is implemented. The two year period does not begin to run until the REHS's first renewal following adoption of the regulations. No changes will be made to the proposed regulations.

Comment: The approval process that is proposed for continuing education will actually increase the cost of continuing education for REHSs because of the cost that would be imposed by the Accreditation Agency and Recognized Provider.

Commenter: 58(OT)

Response: Many organizations offer continuing education as a means to promote professionalism and guaranteed skills in environmental health. There are many existing course offerings that a registered professional can take to meet the new mandatory requirement. There are a number of providers who have a potential to be approved that offer free continuing education coursework. The CIWMB and FDA offer free continuing education coursework with grants to pay for travel and other per diem costs to local health agencies. In addition, through NEHA, an individual is able to complete continuing education courses that are currently offered nationwide. It is expected that the regulations will result in the availability of a variety of courses, some free, some less expensive than others, on-line courses and on-the-job training courses, to give REHSs a wide range to choose from. No changes will be made to the proposed regulations.

Comment: Considering the current economy and the State's budget crisis, now is not the time to implement continuing education requirements for the REHS. Implementation of these regulations will result in increased expenses. The cost of continuing education will be a heavy burden for many REHSs and impose a financial burden on them, the State of California, and local agencies that choose to compensate staff for costs. This will add more hardships to the State, local jurisdictions and REHSs and is an economic blow to them as well as to the public. Tracking CEUs will be costly to State government. Government agencies and private industry will not benefit. There will be a new cost and drain on resources to implement and monitor these regulations. The fiscal impact on local government does not consider the new increased bureaucratic overview or other costs of the continuing education program.

Commenter: 1(Letter), 27(WT), 30(WT), 32(WT), 34(WT), 36(WT), 37(WT), 38(WT), 39(WT), 40(WT), 41(WT), 42(WT), 43(WT), 44(WT), 45(WT), 46(WT), 47(WT), 48(WT), 49(WT), 50(WT), 51(WT), 52(WT), 55(WT), 56(WT), 58(OT)

Response: The state of the economy is beyond the scope of this rulemaking process; however, the burden on the REHS will be alleviated by the variety of courses the program plans to have available. It is anticipated that there will be some free courses, some less expensive courses, on-line courses and on-the-job training courses, to give REHSs a wide range to choose from. No changes will be made to the proposed regulations.

Comment: There appears to be no objective evidence that technical incompetency is common in the profession and the process to deal with professional incompetence is already in place. There has not been any supported study showing that there is incompetency amongst REHSs in general and that continuing education is needed. The need for mandatory continuing education for the REHS has not been established.

Commenter: 1(Letter), 27(WT), 30(WT), 34(WT), 37(WT), 38(WT), 39(WT), 40(WT), 41(WT), 42(WT), 43(WT), 44(WT), 45(WT), 46(WT), 47(WT), 48(WT), 49(WT), 50(WT), 51(WT), 52(WT), 55(WT), 57(OT), 58(OT)

Response: Health and Safety Code Section 106705 gives the Registration Program the authority to require and set up standards for continuing education for professionals in the rapidly changing and expanding field of environmental health. The absence of continuing education requirements limits the ability of State and local health jurisdictions to provide adequate public health services because their staff is not required to be current with the latest environmental health issues, trends and technologies. CCDEH, an affiliate of CCLHO, CEHA, an organization for REHSs, and the membership of the profession have identified continuing education as a critical need for all environmental health professionals. Continuing education has already been identified as an important requirement for other professions such as physicians, nurses, pharmacists and attorneys. The REHS program works to protect the health of the citizens of California by solving complex environmental health issues and enforcing statutes, codes and local ordinances relevant to environmental health requirements. The practice of environmental health is recognized as the first line of public health defense against diseases as well as issues that threaten the quality of life within a community. Continuing education is necessary to ensure REHSs are knowledgeable about the most current environmental health trends/issues related to food safety, medical waste disposal, waterborne diseases, recreational health, air quality, solid waste disposal, water quality, housing, bioterrorism and emergency preparedness.

Continuing education establishes the professional credential of the REHS. Mandatory routine, recent and relevant training is a hallmark of professionalism. NEHA has established a national standard for continuing education of 24 hours required every two years. Arizona, Florida, Georgia, Nebraska, Nevada, Oregon and Oklahoma all have REHS continuing education programs (equivalent to requiring 24 hours every two years) to ensure the ongoing competency of persons registered as REHSs. No changes will be made to the proposed regulations.

Comment: Mandating continuing education will make recruitment into the profession more difficult.

Commenter: 34(WT), 36(WT), 37(WT)

Response: The purpose of continuing education requirements is to strengthen and enhance the profession. Other states, such as Georgia, Nebraska, Nevada, New Jersey, and Minnesota, also have registered environmental health specialists. In these states decreased recruitment has not been cited. No changes will be made to the proposed regulations.

Comment: The public will not benefit from these regulations as valuable time and resources would be taken away from inspectors that should be in the field.

Commenter: 36(WT)

Response: Continuing education has already been identified as an important requirement for other professions such as physicians, nurses, pharmacists, and attorneys. The public has an expectation that individuals responsible for environmental health inspection activities in the field have the technical knowledge to ensure public health and safety. An REHS works to protect the health of the citizens of California by solving complex environmental health issues and enforcing statutes, codes and local ordinances relevant to new and evolving environmental health requirements. No changes will be made to the proposed regulations.

Comment: There is no need to mandate education for those individuals who are currently working in the related fields of environmental health. As an REHS I look forward to promoting the growth of our program not hindering it. These regulations are completely unnecessary as REHSs are already pursuing continuing education.

Commenter: 37(WT), 53(WT)

Response: The proposed regulations will establish a mandatory continuing education requirement for all registered REHSs. NEHA has established a national standard for continuing education in environmental health of 24 hours required every two years. Arizona, Florida, Georgia, Nebraska, Nevada, Oregon and Oklahoma all have REHS continuing education programs (equivalent to requiring 24 hours every two years) to ensure the ongoing competency of persons registered as REHSs. There is an expectation by the public that all professionals meet a minimum level of competence based on education, experience and continuing education requirements. As subject matter experts environmental health professionals are often asked to describe their credentials and continuing education requirements for registration during technical meetings and while testifying at judicial proceedings. CEHA, CCDEH, CCLHO, 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. No changes will be made to the proposed regulations.

Comment: Many REHSs hold other professional certifications, such as water treatment certificates or vector control licenses which require continuing education units (CEUs) to renew. Many agencies do not pay the CEUs for the non-REHS certifications. If CEUs are required for the REHS we will have to significantly spend more work and personal time on acquiring units for both professional licenses and the REHS.

Commenter: 30(WT)

Response: It is anticipated that existing continuing education programs approved for other professional licenses in the environmental health field will be allowed to meet the proposed continuing education requirements for REHSs. Very few REHSs have multiple continuing education requirements for other professional certifications. No changes will be made to the proposed regulations.

Fiscal Impact Estimate and Determinations:

Comment: In the Fiscal Impact on State Government, include wording that acknowledges funding for the program that was derived from increased REHS fees implemented several years ago.

Commenter: 29(WT), 56(WT)

Response: This comment is beyond the scope of this rulemaking process because these regulations do not alter the funding that the program currently receives. No changes will be made to the fiscal impact statement.

Comment: Page 10 in the Initial Statement of Reasons states, "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." This amount appears to be way underestimated with the current registration cost for most conferences easily double or triple this amount (travel expenses not included). A cost analysis detailing how this figure was reached is requested for several scenarios, typifying the differing areas of the state where REHSs reside and work. A more rigorous financial analysis is necessary. CDPH has drastically underestimated the cost of this mandate.

Commenter: 1(Letter), 27(WT), 35(WT), 38(WT), 39(WT), 40(WT), 41(WT), 42(WT), 43(WT), 44(WT), 45(WT), 46(WT), 47(WT), 48(WT), 49(WT), 50(WT), 51(WT), 52(WT), 54(WT), 55(WT), 58(OT)

Response: A variety of courses was used to get an average cost per contact hour. The Department conducted a survey of continuing education providers and developed

the annual cost. Free courses, as well as web-based training, workshops and courses, government/agency training, home-study and self-study courses, and college courses were considered and it is anticipated they will be available to different areas within the state. As an example, the FDA offers free continuing education coursework on line and the CIWMB offers free continuing education coursework with grants to local health agencies to pay for travel and other per diem costs to local health agencies. In addition, an individual with membership in NEHA is able to complete continuing education courses through the organization nationwide.

Section 65800. Definitions:

Comment: The term "Department" should be defined in the regulations.

Commenter: 1(E-Mail)

Response: It is not necessary to define the term Department in the proposed regulations. The term Department is defined in California Health and Safety Code Section 131052 (8)(F) to be the Department of Public Health, the department that registers REHSs. Therefore, no amendments to the proposed regulation will be made.

Comment: We need language that protects the REHS classification by including language that defines an REHS as a "qualified professional". Over the years, people from the engineering, building inspection and geologist communities have tried to eliminate the work that we have done professionally for decades by specifically and strategically defining "qualified professional" narrowly. Such attempts to change the language would outlaw some people from performing their jobs, even with 30 years of experience in the field. This has been a pattern and the EHS profession is now dealing with this problem currently with AB885, the statewide septic system regulations, and the newly adopted greywater regulations in the building code.

Commenter: 4(WT)

Response: This comment is beyond the scope of this rulemaking process as it deals only with the adoption of continuing education for REHSs. No changes will be made to the proposed regulations.

Section 65802. Contact Hour:

Comment: The language of this section should be modified to read 1.0 continuing education unit (CEU) = 1 contact hour. This is the accounting system used by virtually all other professional accreditation organizations, including the California Board of

Registered Nurses and the California Medical Association. The accounting under this system provides clarity and is much easier for the accrediting organization, the CEU providers, and the students.

Commenter: 6(WT), 22(WT)

Response: A "contact hour" is defined as 50-60 minutes of actual class time. The regulations provide a means for translating CEUs into contact hours for those providers that award contact hours, by making one contact hour equivalent to 0.1 CEU. One CEU is awarded for 10 contact hours of instruction. This is the same accounting system used by the California Board of Registered Nursing for continuing education requirements. Physician CEUs are required and monitored by the Medical Board of California, not the California Medical Association. No changes will be made to the proposed regulations.

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

Comment: The contact hours should be increased to 32 contact hours every 2 years to strengthen the knowledge and application of REHSs in the field.

Commenter: 21(WT)

Response: A minimum of 24 contact hours of continuing education as a condition for the biennial registration renewal for REHSs has been recommended by the EHSRC. NEHA has established a national standard for continuing education in environmental health of 24 hours every two years. Arizona, Florida, Georgia, Nebraska, Nevada, Oregon and Oklahoma all have REHS continuing education programs (equivalent to 24 hours every two years) to ensure the ongoing competency of persons registered as REHSs. No changes will be made to the proposed regulations.

Comment: The 240 required hours is going to be difficult to achieve, particularly at first. This may be more feasible after a couple of years when a sufficient inventory of classes has been established.

Commenter: 23(WT)

Response: REHSs will be required to complete 24, not 240, contact hours of continuing education as a condition for the biennial registration renewal for REHSs. 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. No changes will be made to the proposed regulations.

Comment: In my experience with the water industry, it is very tough to get 24 units in a three-year period, much less a two-year period. We're going to find that REHSs will be taking the same classes over and over to fulfill their continuing education requirement.

Commenter: 57(OT)

Response: The regulations propose a requirement of 24 contact hours and not 24 units. It is anticipated that existing continuing education approved for other professional licenses will also be approved for REHS CEUs. The program anticipates having a wide variety of courses available for REHSs to choose from. It is expected that on-line training, journal reviews, or book reviews will be approved for continuing education credits. No changes will be made to the proposed regulations.

Comment: The implementation date should be specified. I would like to request that the start date be chosen with enough time for the employees to meet their obligations. A full two years should be available to complete the CEU requirement. The regulations should specify that the CEU requirement will not be in effect for a partial biennial registration period.

Commenter: 1(Letter), 4(WT), 38(WT), 39(WT), 40(WT), 41(WT), 42(WT), 43(WT), 44(WT), 45(WT), 46(WT), 47(WT), 48(WT), 49(WT), 50(WT), 51(WT), 52(WT), 55(WT), 58(OT)

Response: The biennial registration renewal will contain information regarding when 24 hours need to be completed, and each individual will be allowed the specified two full years to obtain the required contact hours. The two year period does not begin until the REHS's first renewal following adoption of the regulations. No changes will be made to the proposed regulations. (See page 1 for reconsideration of this issue.)

Comment: Section 65808 (a) would require registrants to provide "written documentation" that 24 hours of approved coursework has been completed within the previous 24 months at the time of registration renewal. The regulation should specify what type of documentation would be acceptable, i.e. is a copy of the certificate of completion the only acceptable documentation?

Commenter: 29(WT), 56(WT)

Response: Yes, a certificate of completion will be acceptable proof of course completion. The documentation requirement is found in Section 65805 (a), not Section 65808 (a), of the proposed regulations. As specified in Section 65807 (f), all recognized providers shall furnish certificates of completion to all successful participants. The certificate shall contain the name of the participant and name of the provider, title of the

course, number of contact hours, date of completion, course expiration date, course number and the name of the Accreditation Agency. The Department may also review selected continuing education provider enrollment lists to verify attendance. At the time of the biennial renewal, REHSs will be required to list all of their completed courses. They must keep copies of certificates and documentation of completed courses for five years, as random audits will be conducted after each biennial renewal cycle. No changes will be made to the proposed regulations.

Comment: If the Accreditation Agency and all the providers are in California, it will become an extreme burden to meet the continuing education requirements, thus resulting in the loss of registration that I have held for close to 36 years. The loss of registration will impact my ability to return to California to work as an Environmental Health Specialist without extreme burden. Page 9 under Alternatives in the Initial Statement of Reasons (ISOR) document (10/15/08) states, "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." This letter is notice that it appears that the current regulation as written will cause an extreme burden and that alternatives to remedy my situation were not considered.

Commenter: 27(WT)

Response: It is anticipated that there will be courses available that registrants in other states can take. It is not unreasonable to expect REHSs who are licensed in California to take continuing education courses in California. However, it is expected that there will be a variety of national and on-line courses, journal reviews or book reviews that REHSs can choose from to fulfill their 24 contact hour requirement, no matter where they live. The REHS program's goal is to safeguard the public health of persons in California. No changes will be made to the proposed regulations.

Comment: I would like to see language that protects the employee from being delisted if they cannot receive time to participate from their employers, since the majority of training offered is scheduled during the workday. Some management in other counties responds to training requests negatively, making training virtually impossible to attend.

Commenter: 4(WT)

Response: This comment is beyond the scope of the regulations as the Department does not regulate employers, but only REHSs. Nevertheless, there will be different types of courses available to accommodate all types of work schedules. It is expected that there will be a variety of national and on-line courses, journal reviews or book

reviews that REHSs can choose from to fulfill their 24 contact hour requirement. No changes will be made to the proposed regulations.

Comment: Subsection 65805 (c) is not clear if Environmental Health Specialists on Family Medical Leave Act (FMLA) time-off would be eligible for exemption. This exemption should be included and the definition more inclusive of other life events.

Commenter: 29(WT), 56(WT)

Response: REHSs may seek exemption from the continuing education requirements for registration renewal on the grounds of serious illness or military service by applying to the Department in writing. The process of requiring written requests for exemption provides the Department with documentation of the request. The Department will review each request to determine if it qualifies for exemption from the continuing education requirement. No changes will be made to the proposed regulations.

Comment: DPH-05-011 provides vague information on what would be approved for continuing education credits. Will on-line training, journal reviews, or book reviews be approved for continuing education credits? Different states allow book reviews, video review and computer based trainings to account for continuing education credits for renewal of their REHS certification. This needs to be clearly specified so that we can get a better grasp of how feasible it would be to complete the 24 contact hours. There needs to be flexibility in allowing various methods and channels to complete the 24 contact hours. How would certain seminars and training courses be assigned contact hours and would some of these be worth no contact hours at all?

Commenter: 34(WT), 53(WT)

Response: Section 65807(c) lists the requirements for a course to be eligible for continuing education credit. The program currently does not have AAs in place, but anticipates approving many AAs and having a variety of approved courses available for REHSs. It is expected that there will be on-line courses, journal reviews, or book reviews that REHSs can take. The program anticipates that there will be courses of various costs, including free courses, to give REHSs a wide range to choose from. No changes will be made to the proposed regulations.

Comment: The regulations should insure that approved CEU training must be affordable; available in a large number of locations throughout the state, including rural areas; of high quality; on a variety of topics/specialties; have sufficient opportunities and frequent offerings; have a sufficient number of home study, web-based training and teleconference options.

Commenter: 1(Letter), 35(WT), 57(OT), 58(OT)

Response: There is no requirement that the courses be affordable, but, in fact, the cost for sample courses ranges from free to \$30.00 per contact hour. It is expected that free and other on-line training, journal reviews, or book reviews will be approved for continuing education credits. The program anticipates that there will be courses of various costs, including free courses, to give REHSs a wide range to choose from. CDPH has already received requests from several education providers seeking approval to offer continuing education courses for REHSs, including NEHA, CEHA, California State University Northridge (CSUN), TUI University, California Integrated Waste Management Board (CIWMB), American Water Works Association (AWWA), Environmental Health Institute (EHI), the federal Food and Drug Administration (FDA) and some county environmental health offices. There is nothing to prevent an REHS from recommending that a provider become accredited. No changes will be made to the proposed regulations.

Comment: Training programs, such as those provided through FDA, United States Department of Agriculture (USDA), CEHA, NEHA, Southern California Gas Company, and California Environmental Protection Agency (CalEPA) are well attended and provide excellent presentations at an affordable cost, sometimes even for free. If continuing education credits are mandated, the cost for these training seminars would most likely go up due to the higher demand and may become too expensive for many to attend.

Commenter: 34(WT)

Response: Based on existing continuing education in multiple fields, the program anticipates that there will be a wide variety of courses available for REHSs to choose from, at a wide range of costs, including free and inexpensive courses. Many of the online courses are free and the program anticipates online courses will be offered at no cost. This was verified during the Department's survey of training providers. Expensive courses may not be well attended, and there will always be a demand for courses that are less expensive. No changes will be made to the proposed regulations.

Section 65806. Accreditation Agencies:

Comment: There should be a mechanism to insure that there are Accreditation Agencies approved and functioning prior to implementation. How will registration renewals be processed in the event these agencies have not been established by the date of implementation? Likewise, it must be verified that a sufficient number of Recognized Providers exist prior to implementation.

Commenter: 1(Letter), 38(WT), 39(WT), 40(WT), 41(WT), 42(WT), 43(WT), 44(WT), 45(WT), 46(WT), 47(WT), 48(WT), 49(WT), 50(WT), 51(WT), 52(WT), 55(WT), 58(OT)

Response: The Department is soliciting Accreditation Agencies to begin the implementation process for the continuing education regulations. Information has been sent out to people who provide training so that a sufficient number of Accreditation Agencies will be available when the regulations are approved. There are many professional training organizations that can serve as providers of continuing education for the profession. A number of the organizations have reviewed the proposed regulations and have contacted the Department about becoming an Accreditation Agency or Recognized Provider. The program currently does not have AAs in place, but we anticipate approving many AAs and having a variety of approved courses available for REHSs. Again, all REHSs will be allowed the full two years to complete 24 contact hours of continuing education following adoption of the regulations. No changes will be made to the proposed regulations.

Comment: A time limit for processing requests for approval as an Accreditation Agency is missing and should be imposed. A complete application for approval as an Accreditation Agency should be processed by the Department within thirty days.

Commenter: 1(Letter), 1(E-Mail), 38(WT), 39(WT), 40(WT), 41(WT), 42(WT), 43(WT), 44(WT), 45(WT), 46(WT), 47(WT), 48(WT), 49(WT), 50(WT), 51(WT), 52(WT), 55(WT), 58(OT)

Response: It is not necessary to establish an application processing time requirement in regulation. There are no provisions in law that require the Department to establish a regulatory time limit on the processing of requests for approval as an Accreditation Agency. The Department is placing a high priority on completing the application review and approval process of Accreditation Agencies. No changes will be made to the proposed regulations.

Comment: An Accreditation Agency should have a time limit to process requests for coursework approval from a recognized provider. A reasonable time limit would be 15 days.

Commenter: 1(Letter), 38(WT), 39(WT), 40(WT), 41(WT), 42(WT), 43(WT), 44(WT), 45(WT), 46(WT), 47(WT), 48(WT), 49(WT), 50(WT), 51(WT), 52(WT), 55(WT)

Response: It is not necessary to establish a time requirement for coursework approval in regulation. Section 64807(g) of this regulation states that all coursework shall be approved at least 15 days prior to the course being offered. No changes will be made to the proposed regulations.

Comment: The Department should maintain a current list of Accreditation Agencies, with contact information, on the Department website.

Commenter: 1(E-Mail)

Response: The Environmental Health Specialist Registration Program will establish a website link with each Accreditation Agency.

Comment: The Accreditation Agency should maintain a current list of Recognized Providers and approved coursework. There should be a provision for notification/ listing/posting of approved and revoked Accreditation Agencies, Recognized Providers and coursework. This list should be available to REHSs via phone and website.

Commenter: 1(Letter), 1(E-Mail), 38(WT), 39(WT), 40(WT), 41(WT), 42(WT), 43(WT), 44(WT), 45(WT), 46(WT), 47(WT), 48(WT), 49(WT), 50(WT), 51(WT), 52(WT), 55(WT), 58(OT)

Response: Each Accreditation Agency is expected to have a current list of Recognized Providers and approved coursework on its website. No changes will be made to the proposed regulations.

Comment: The Department should have a clearly defined process for responding to complaints regarding Accreditation Agencies. A process for responding to concerns/complaints regarding Accreditation Agencies should be required.

Commenter: 1(Letter), 1(E-Mail), 38(WT), 39(WT), 40(WT), 41(WT), 42(WT), 43(WT), 44(WT), 45(WT), 46(WT), 47(WT), 48(WT), 49(WT), 50(WT), 51(WT), 52(WT), 55(WT), 58(OT)

Response: As regulations are intended to govern the activities of regulated entities, not the Department, there is no need for the Department to include in the regulations a process for responding to complaints regarding Accreditation Agencies. The Department routinely accepts complaints regarding various classes of persons that it regulates, without the process being described in law or regulation. The Department will welcome complaints regarding Accreditation Agencies, and plans to have a complaint form and information on the complaint filing process available on the REHS website at www.cdph.ca.gov/certlic/occupations/Pages/REHS.aspx. No changes will be made to the proposed regulations.

Comment: REHSs must be able to take coursework from certain Department preapproved sources, without going through the formal Accreditation Agency/Recognized Provider approval. Source examples that should receive such automatic Department approval: accredited educational institutions, UC Extension courses, training sponsored by governmental agencies such as the CIWMB and the SWQCB, RWQCB, NEHA classes, NSF, etc. In the event there is not an approved Accreditation Agency, the Department must serve as the Accreditation Agency, with the same requirements and timeframes.

Commenter: 1(E-Mail)

Response: CDPH has already received requests from several education providers seeking approval to offer continuing education courses for REHSs, including NEHA, CEHA, California State University Northridge (CSUN), TUI University, California Integrated Waste Management Board (CIWMB), American Water Works Association (AWWA), Environmental Health Institute (EHI), the federal Food and Drug Administration (FDA) and some county environmental health offices. The Accreditation Agencies are tasked with the responsibility to make sure that coursework meets the subject matter requirements of the regulations. It is anticipated that the Accreditation Agencies will approve many types of courses. The Department chose the process for approval of Accreditation Agencies because utilizing Accreditation Agencies is expected to minimize the amount of resources committed by the Department. No changes will be made to the proposed regulations.

Comment: The regulations should include a petition process for CDPH to consider the approval of coursework that Environmental Health Specialists attend and is valid environmental health training, but has not received Accreditation Agency approval. A model can be found in the pharmacy board regulations.

Commenter: 29(WT), 56(WT)

Response: It is anticipated that several Accreditation Agencies will approve providers that meet the requirement of the proposed regulations. The Department believes that there is no need for the Department to establish an additional approval structure for continuing education coursework in the regulations because the Accreditation Agency will be able to promptly approve providers. No changes will be made to the proposed regulations.

Comment: The Accreditation Agency concept is too restrictive and narrow and will discourage agencies from pursuing applications. There should be multiple approval agencies. Agencies that operate similar course approval programs and national training programs should have reciprocity to approve REHS CEUs. For failsafe purposes, the

Department should also be included as an Approval Agency. It is also recommended that accredited educational institutes, universities, colleges, and associations with established and approved environmental degree/certificate programs be deemed by the Department as "Accreditation Agencies" employing "Recognized Providers".

Commenter: 29(WT), 35(WT), 56(WT)

Response: The Accreditation Agency concept is modeled after the Board of Pharmacy and CDPH Laboratory Field Services Branch which use a similar continuing education model. CDPH has already received requests from several education providers seeking approval to offer continuing education courses for REHSs, including NEHA, CEHA, California State University Northridge (CSUN), TUI University, California Integrated Waste Management Board (CIWMB), American Water Works Association (AWWA), Environmental Health Institute (EHI), the federal Food and Drug Administration (FDA) and some county environmental health offices. Utilizing Accreditation Agencies is expected to minimize the amount of resources committed by the Department. In order to maintain consistency and fairness, each Accreditation Agency must meet the same approval criteria. No changes will be made to the proposed regulations.

Section 65807. Requirements for Recognized Providers:

Comment: Prior to implementation of the CEU requirement, the Department needs to insure that there are an adequate number of Recognized Providers throughout the state (and willing to travel throughout the state).

Commenter: 1(Letter), 1(E-Mail), 38(WT), 39(WT), 40(WT), 41(WT), 42(WT), 43(WT), 44(WT), 45(WT), 46(WT), 47(WT), 48(WT), 49(WT), 50(WT), 51(WT), 52(WT), 55(WT)

Response: The program currently does not have Accreditation Agencies (AAs) in place, but anticipates approving many AAs that will offer a variety of approved courses for REHSs to choose from through Recognized Providers. It is expected that Recognized Providers will be available in various regions of the state. It is expected that on-line training, journal reviews, or book reviews will be approved for continuing education credits. There is nothing to prevent an REHS from recommending that a provider become accredited. All REHSs will be allowed a full two years to complete 24 contact hours of continuing education after the regulations are adopted. No changes will be made to the proposed regulations.

Comment: The field of environmental health is continually changing and expanding. The list of topics and subject matter for approved coursework should be expanded to include other areas of environmental health. The phrase "includes, but is not limited to" as found in the scope of practice in environmental health as set forth in Health and

Safety Code, Section 106615(e), should be inserted in Section 65807(c)(1). Owing to the multi-disciplinary nature of environmental health work, REHSs often partake of educational opportunities that are not aimed exclusively or primarily at the REHS. It would seem that not all traditional providers would undertake the burden of seeking approval for their coursework. These regulations would then diminish the number and range of continuing education activities available to the REHS. Subject areas such as engineering, computer science, social work, environmental law, techniques of investigation and enforcement, professional ethics, aboveground tanks, risk communication, cultural competence, nanotechnology, GIS, and Spanish language should be included in the list of topics.

Commenter: 1(Letter), 2(WT), 11(WT), 27(WT), 29(WT), 33(WT), 38(WT), 39(WT), 40(WT), 41(WT), 42(WT), 43(WT), 44(WT), 45(WT), 46(WT), 47(WT), 48(WT), 49(WT), 50(WT), 51(WT), 52(WT), 55(WT), 56(WT)

Response: Section 65807(c) merely provides that certain subjects shall be considered appropriate topics and does not limit the subject matter to the listed topics for approved coursework, as long as they are pertinent to the scope of practice as defined in Health and Safety Code Section 106615(e). No changes will be made to the proposed regulations.

Comment: Section 65807 (g) "All coursework shall be approved at least fifteen days prior to the course being offered." Define "being offered". Does this mean when the coursework occurs or when course registration begins?

Commenter: 1(E-Mail)

Response: "Being offered" is when course registration begins. No changes will be made to the proposed regulations.

Comment: What does "other mediated instructional approaches" mean?

Commenter: 1(E-Mail)

Response: Other mediated instructional approaches refers to continuing education courses taken outside of a classroom setting where teaching is done through media, such as television, computer, DVD. It is expected that on-line training, journal reviews, or book reviews will be approved for continuing education credits. CDPH has already received requests from several education providers seeking approval to offer continuing education courses for REHSs including NEHA, CEHA, California State University Northridge (CSUN), TUI University, California Integrated Waste Management Board (CIWMB), American Water Works Association (AWWA), Environmental Health Institute

(EHI), the federal Food and Drug Administration (FDA) and some county environmental health offices. Some of these organizations approve these types of training courses. No changes will be made to the proposed regulations.

Comment: Recognized Providers should inform all REHSs prior to the coursework if the Accreditation Agency's approval or the Recognized Provider's approval has been revoked and should be required to provide a full refund to REHS registrants if cancellation is required prior to the training.

Commenter: 1(E-Mail)

Comment: In the event that an Accreditation Agency's or Recognized Provider's approval is revoked, the revocation should not affect coursework that has already been completed by an REHS. There should be a provision for notification/listing/posting of revocations of Accreditation Agencies and Recognized Providers or coursework approvals.

Commenter: 1(Letter), 1(E-Mail), 38(WT), 39(WT), 40(WT), 41(WT), 42(WT), 43(WT), 44(WT), 45(WT), 46(WT), 47(WT), 48(WT), 49(WT), 50(WT), 51(WT), 52(WT), 55(WT)

Response: Section 65807(g) states that a Recognized Provider's approved coursework shall be valid and accepted for three years following the initial presentation. There is nothing in the regulations that states completed coursework will be affected if an AA or RP is later revoked. No changes will be made to the proposed regulations.

Chapter 23. Continuing Education for Registered Environmental Health Specialists.

Article 1. Definitions

Adopt Section 65800 to read:

Section 65800. Accreditation Agency.

“Accreditation Agency” means an organization approved by the Department pursuant to section 65806 to evaluate and grant approval to providers of continuing education in accordance with the requirements established at section 65807.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65801 to read:

Section 65801. Approved Coursework.

“Approved Coursework” means continuing education courses that have been approved by an Accreditation Agency.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65802 to read:

Section 65802. Contact Hour.

"Contact Hour" means the actual time a REHS participates in approved coursework offered by a recognized provider, utilizing the following conversion standards:

- (a) 50-60 minutes = 1 contact hour.
- (b) 0.1 continuing education unit (CEU) = 1 contact hour.
- (c) 1 quarter unit = 10 contact hours.
- (d) 1 semester unit = 15 contact hours.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65803 to read:

Section 65803. Recognized Provider.

“Recognized Provider” means a provider of approved coursework that meets the provisions of section 65807 and is approved by an Accreditation Agency.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65804 to read:

Section 65804. REHS.

"REHS" means a registered environmental health specialist as defined in section 106615(c) of the Health and Safety Code.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Article 2. Continuing Education Requirements

Adopt Section 65805 to read:

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

(a) At the time of biennial registration renewal each REHS shall submit written documentation that he or she has completed a minimum of 24 contact hours of approved coursework within the 24 months immediately preceding the date of expiration. The first 24 month period during which an REHS shall complete the contact hours shall begin on the first day that occurs: after this section initially becomes effective; and 24 months prior to the next expiration date of the certificate.

(b) Each REHS shall retain certificates of completion issued by accreditation agencies or recognized providers for five years following completion of the approved coursework.

(c) A REHS may apply in writing to the Department for an exemption from the continuing education requirements. Exemptions may be granted on the basis of serious illness or military duty. A person registered as an inactive retired REHS as specified in Health and Safety Code section 106695 shall be exempt from the continuing education requirement.

(d) During the 24 months prior to his or her biennial renewal an instructor may request continuing education credit only one time per approved coursework that the instructor teaches.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code. Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65806 to read:

Section 65806. Accreditation Agencies.

(a) An individual or organization seeking approval to operate as an Accreditation Agency shall submit a written request to the Department. The request shall include documentation of the following:

- (1) The organization's name, address, telephone number, and owner name(s).
- (2) A written plan demonstrating how the agency will meet the requirements of this section and enforce the requirements of section 65807 to include: procedures for monitoring course content, education methods and the recognized providers' compliance with the approved coursework requirements stated in section 65807.

(3) The person designated by the organization to be responsible for overseeing the administration and coordination of approved coursework and all recognized providers.

(4) A clearly defined process for responding to complaints about recognized providers and the ability to produce specific outcomes that assure that recognized providers comply with section 65807.

(b) An approved Accreditation Agency shall have the following responsibilities:

(1) Maintain a list of the names and addresses of the persons designated as responsible for the recognized provider's continuing education program. The Accreditation Agency shall require that any change in the designated responsible person shall be reported to the Accreditation Agency within 15 days of the effective date of such change.

(2) Notify the Department of names, addresses and responsible party of each recognized provider.

(3) Re-evaluate the coursework in response to complaints concerning activities of any of its recognized providers or the approved coursework.

(4) Review a minimum sample of ten percent of all approved coursework offered by each recognized provider, but not less than one course per year, to determine compliance with this article. Report the findings of each review to the Department annually.

(5) Assure that all approved coursework offered by its recognized providers meets the continuing education requirements as set forth in section 65807.

(6) Provide attendance records of REHS participants upon request of the Department.

(c) Failure of an Accreditation Agency to enforce the requirements of this article shall constitute cause for revocation of approval by the Department. Departmental action shall be in accordance with the administrative adjudication provisions of Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code. Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65807 to read:

Section 65807. Requirements for Recognized Providers.

(a) An individual or organization seeking to provide continuing education courses as a recognized provider shall apply in writing to a Department-approved Accreditation Agency. The request shall include documentation of the following:

(1) The organization's name, address, telephone number, and owners' names.

(2) A course or teaching plan demonstrating that the course and providers meet the requirements of section 65807(c).

(3) The person designated by the organization to be responsible for overseeing the administration and coordination of continuing education courses.

(b) Upon receipt of written approval from the Accreditation Agency, a continuing education provider shall represent itself as a recognized provider.

(c) The recognized provider is responsible for assuring the educational quality of its approved coursework and shall demonstrate the ability to meet the following requirements:

(1) Topics and subject matter for approved coursework shall be pertinent to the scope of practice as described in section 106615 (e) of the Health and Safety Code for a REHS. Topics and subject matters for approved coursework shall include the following:

(A) Food protection.

(B) Solid waste management.

(C) Liquid waste management.

(D) Medical waste management.

(E) Water supply.

(F) Housing and institutions.

(G) Bathing places.

(H) Vector control.

(I) Hazardous materials management.

(J) Underground tanks.

(K) Air sanitation.

(L) Safety and accident prevention.

(M) Land development and use.

(N) Disaster sanitation.

(O) Electromagnetic radiation.

(P) Milk and dairy products.

(Q) Noise control.

(R) Occupational health.

(S) Rabies and animal disease control.

(T) Recreational health.

(U) Bioterrorism.

(V) Emergency preparedness.

(W) Lead poisoning.

(X) Cardiopulmonary resuscitation.

(Y) Epidemiology and communicable diseases.

(Z) Public health.

(AA) Environmental health administration and management.

(2) Approved coursework shall have written educational goals and specific learning objectives.

(3) Speakers and instructors shall have education, training, and/or experience in the topics and subject matter listed in subsection (c)(1).

(4) Approved coursework shall have a syllabus that provides a general outline of the course. The syllabus shall contain at a minimum, the instructional objectives for each course and a summary containing the main points for each topic.

(5) All approved coursework shall identify and document the functions of each speaker or instructor.

(6) Promotional materials and advertisements shall include sufficient information to determine:

(A) the educational goals and specific learning objectives of the approved coursework.

(B) the intended audience.

(C) the speakers, instructors and their credentials.

(D) the number of continuing education contact hours.

(E) the name of the Accreditation Agency and recognized provider.

(d) Recognized providers shall evaluate the effectiveness of their approved coursework to determine whether the objectives required under section 65807(c) were met. This evaluation shall include a written evaluation by the participants, and/or pre- and post-examination(s).

(e) The recognized provider shall be required to maintain attendance records of approved coursework for five years following completion of the coursework.

(1) For live programs, acceptable documentation of participation includes attendance rosters, sign-in sheets, completed program evaluation forms, or signed verification forms.

(2) For home study, web based training and other mediated instructional approaches, acceptable documentation of participation includes the use of a post-testing procedure in which a pre-established proficiency level exists and certificates are awarded only upon attainment of the pre-specified minimum proficiency level.

(f) All recognized providers shall furnish certificates of completion to all successful participants. The certificate shall contain the name of the participant and name of the provider, title of the course, number of contact hours, date of completion, course expiration date, course number and the name of the Accreditation Agency.

(g) All coursework shall be approved at least 15 days prior to the course being offered. The proposed course shall be submitted to the Accreditation Agency for a determination that the coursework meets the requirements set forth in this section. A recognized provider's approved coursework shall be valid and accepted for three years following the initial presentation.

(h) Failure of a recognized provider to meet one or more of the requirements set forth in this section shall constitute cause for revocation of approval by the Accreditation Agency. The Department shall have the final authority in cases of dispute regarding revocation. Departmental action shall be in accordance with the administrative adjudication provisions of Chapter 4.5 (commencing with Section 11400) and Chapter 5

(commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code.
Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 65808 to read:

Section 65808. Provider Audit Requirements.

(a) Upon request by the Department, the Accreditation Agency shall review selected approved coursework offerings. Within 15 days of receipt of written notification from the Accreditation Agency, the recognized provider shall submit all material requested by the Accreditation Agency to review the approved coursework. The materials shall include the name of the recognized provider, the course description and syllabus, educational goals and specific learning objectives, contact hours, evaluation method, promotional materials and advertisements, name and credentials of the speaker(s) or instructor(s), and past course evaluations and/or summary of pre and post examinations. The material shall be evaluated by the Accreditation Agency to determine whether the program meets the requirements in section 65807(c).

NOTE: Authority cited: Sections 106610, 106705 and 131200, Health and Safety Code. Reference: Sections 106705, 131050, 131051 and 131052, Health and Safety Code.