

Clearinghouse Rule 19-065

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF SAFETY AND
 : PROFESSIONAL SERVICES
DEPARTMENT OF SAFETY AND : ADOPTING RULES
PROFESSIONAL SERVICES : (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Department of Safety and Professional Services to repeal SPS 175.01, 175.03, 175.04, and 176.01 (3); to amend SPS 175.05 (1) and (2) and 176.01 (2); to repeal and recreate SPS 175.02; and to create SPS 175.025 relating to registered sanitarian examination requirements.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 440.98 (2) and 440.98 (5), Stats.

Statutory authority: Sections 440.98 (2), and 440.98 (5), Stats.

Explanation of agency authority:

Section 440.98 (2), Stats. provides: “In order to safeguard life, health and property, to promote public welfare and to establish the status of those persons whose duties in environmental sanitation call for knowledge of the natural sciences, the department may establish minimum standards and qualifications for the registration of sanitarians.”

Section 440.98 (5), Stats. provides: “Except as provided in s. 440.12 or 440.13, the department shall register as a sanitarian any person who satisfies the conditions in sub. (6) and who has presented evidence satisfactory to the department that sanitarian registration standards and qualifications of the department, as established by rule, have been met.”

Related statute or rule:

None

Plain language analysis:

2013 Wisconsin Act 114 prohibits the Department of Safety and Professional Services or a credentialing board from requiring a person to complete any postsecondary education before the person is eligible to take an examination for a credential. The current rule

requires sanitarian applicants to submit evidence of completion of educational requirements in order to receive Department approval to sit for the exam. The proposed rule will revise the rules to specify the requirements for registration rather than the requirements for examination. This will allow the applicant to complete the registration requirements in any order, including allowing an applicant to take an examination prior to the completion of the education requirements.

Summary of, and comparison with, existing or proposed federal regulation:

None

Comparison with rules in adjacent states:

Illinois:

Applicants for licensure as an environmental health practitioner must pass an approved examination and meet one of the following qualifications: (1) A bachelor's degree approved approved by the National Environmental Health Science and Protection Accreditation Council for environmental health curricula; (2) A bachelor's degree with a minimum of 30 approved semester hours of basic sciences and 12 months of full-time work experience; or (3) A master's degree in public health or environmental health science including a minimum of 30 approved semester hours of basic sciences.

Illinois law, similar to Wisconsin law, requires an applicant to meet these requirements prior to being registered as an environmental health practitioner, not prior to sitting for the exam.

Iowa:

The state of Iowa does not regulate sanitarians.

Michigan:

To be eligible for examination an application must complete one of the following: (1) A baccalaureate degree in science and 4,000 hours of experience or (2) A master's degree or doctorate in a field related to environmental health practice and 2,000 hours of experience.

Michigan rules require applicants for the sanitarian registration to complete education and experience requirements prior to examination.

Minnesota:

Applicants for initial registration must provide evidence of: (1) Receiving a baccalaureate or postbaccalaureate degree in environmental health, sanitary science, sanitary engineering, or other related environmental health field which includes at least 30

semester or 45 quarter hour credits in the physical or biological sciences; (2) Evidence of at least one year of supervised employment in one or more of the program areas listed in the definition of "environmental health specialist/sanitarian."; and (3) Evidence of passing an approved registration examination. The order in which these requirements must be completed is not specified in rule.

Summary of factual data and analytical methodologies:

The proposed rule incorporates rule changes to chs. SPS 175 and 176 as affected by the enactment of 2013 Wisconsin Act 114.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the hearing scheduled for 2:00 PM on June 7, 2019 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. SPS 175.01 is repealed.

SECTION 2. SPS 175.02 is repealed and recreated to read:

SPS 175.02 Application for registration. An applicant for registration shall submit all of the following:

- (1) A completed application.
- (2) Required fee under s. 440.03 (9) (a), Stats.
- (3) Evidence of passage of the examination required under ch. SPS 176.

(4) An original official transcript evidencing completion of the education requirement in SPS 175.025. The transcript must be sent by the educational institution to the department.

(5) Verification of the work experience requirement in SPS 175.025, which shall include a detailed description of the position held, length of employment, duties of the position, and number of hours worked per year in the field of environmental health. This verification shall be submitted by the applicant's work supervisor for each position used to meet the work experience requirement.

SECTION 3. SPS 175.025 is created to read:

SPS 175.025 Required Education and Work Experience. An applicant for registration must have completed one of the following combinations of education and work experience:

(a) A baccalaureate or higher degree in environmental health from an accredited college or university with at least 30 semester or 45 quarter hour academic credits in environmental, physical, biological, chemical, or environmental health areas and one year of full-time equivalent employment in the field of environmental health.

(b) A baccalaureate or higher degree in physical or biological sciences from an accredited college or university with at least 30 semester or 45 quarter hour academic credits in environmental, physical, biological, chemical, or environmental health areas and 2 years of full-time equivalent employment in the field of environmental health.

(c) A baccalaureate or higher degree from an accredited college or university and 4 years of full-time equivalent employment in the field of environmental health.

(d) An associate degree from an accredited college, community college or technical institute in environmental, physical, biological or chemical sciences, and 5 years of full-time equivalent employment in the field of environmental health.

(e) An associate degree from an accredited college, community college or technical institute and 8 years of full-time equivalent employment in the field of environmental health.

SECTION 4. SPS 175.03 is repealed.

SECTION 5. SPS 175.04 is repealed.

SECTION 6. SPS 175.05 (1) and (2) are amended to read:

SPS 175.05 (1) An applicant shall submit a completed application for ~~examination~~ registration and the application fees prior to the scheduled review of applications by the department. ~~The department application procedures and application fees policies in ch. SPS 4 shall apply to the review and processing of applications for examination.~~

(2) The department, ~~in consultation with the advisory committee,~~ shall make an investigation as it deems necessary to determine if the applicant shall ~~be admitted to the examination for~~ receive a certificate of registration and may request additional documentation prior to approving an application.

SECTION 7. SPS 176.01 (2) is amended to read:

(2) Notice of eligibility to take the national examination shall be provided to each applicant ~~with a completed and approved application on file.~~ The notice of eligibility shall be presented by the applicant to gain ~~attendance~~ admittance to the examination site.

SECTION 8. SPS 176.01 (3) is repealed.

SECTION 9. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected		2. Date May 6, 2019	
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) SPS 175 and 176			
4. Subject Registered Sanitarian Examination Requirements			
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		6. Chapter 20, Stats. Appropriations Affected	
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget			
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)			
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0			
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
11. Policy Problem Addressed by the Rule 2013 Wisconsin Act 114 prohibits the Department of Safety and Professional Services or a credentialing board from requiring a person to complete any postsecondary education before the person is eligible to take an examination for a credential. The current rule requires sanitarian applicants to submit evidence of completion of educational requirements in order to receive Department approval to sit for the exam. The proposed rule will revise the rules to specify the requirements for registration rather than the requirements for examination. This will allow the applicant to complete the registration requirements in any order, including allowing an applicant to take an examination prior to the completion of the education requirements.			
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.			
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of the EIA.			
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.			
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The rule will bring SPS 175 and 176 into compliance with statutory requirements in light of 2013 Wisconsin Act 114. If			

the rule is not implemented, SPS 175 and 176 will remain out of compliance with state law.

16. Long Range Implications of Implementing the Rule

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

The long range implications of implementing the rule are to ensure that the requirements enumerated by SPS 175 and 176 for the registered sanitarian credential are in compliance with current state law.

17. Compare With Approaches Being Used by Federal Government

The federal government does not register sanitarians.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

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19. Contact Name

Jon Derenne, Administrative Rules Coordinator

20. Contact Phone Number

(608) 266-0955

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements

Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No
