

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	DEPARTMENT OF SAFETY AND
DEPARTMENT OF SAFETY AND	:	PROFESSIONAL SERVICES
PROFESSIONAL SERVICES	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 19-065)

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 440.071, 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. The rule also removes the requirement that the department consult with the advisory committee regarding investigations of applicants, as the advisory committee is no longer active.

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 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 applicant 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.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No

comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

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: The

deadline for comments was June 7, 2019.

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 as a sanitarian shall submit all of the following:

- (1) A completed application on the form supplied by the department.
- (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 s. SPS 175.025. The transcript must be sent by the educational institution to the department.
- (5) Verification of the work experience requirement in s. 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:

- (1) 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.

- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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 fee~~ to 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:

SPS 176.01 (2) Notice of eligibility to take the national examination shall be provided to each applicant ~~by the department 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)