
Sunset Review: Evaluation of the State Board of Environmental Sanitarians

**Presentation to the
Senate Education, Health, and
Environmental Affairs Committee**

**Department of Legislative Services
Office of Policy Analysis
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Presentation Overview

- Role of environmental sanitarians
- State Board of Environmental Sanitarians
- Objective of the 2011 sunset evaluation and research activities
- Core board functions
- Fiscal overview
- Administrative issues
- Board progress since 2001 sunset evaluation
- Comparison of National Environmental Health Association (NEHA) Registered Environmental Health Specialist/Registered Sanitarian (REHS/RS) credential to State license
- Conclusions and recommendations
- Fiscal impact of recommended actions
- Alternative

Role of Environmental Sanitarians

- Environmental sanitarians perform inspections and investigations to secure compliance with environmental and health laws and regulations to ensure that people do not become sick because of their environments
- Comprehensive responsibilities include inspections, collection and analysis of data, risk assessment, nuisance complaint investigations, education, and emergency response
- Diverse practice areas include food safety; air quality; disease investigation and prevention; animal, insect, and rodent control; lead, well, septic system, swimming pool, and campground inspections
- Most environmental sanitarians work for local health departments and State agencies
- 33 states have licensing programs, of which 20 are mandatory

State Board of Environmental Sanitarians

- Sets professional standards, licenses environmental sanitarians, regulates sanitarians-in-training, approves continuing education, receives and investigates complaints, sets and collects fees, and provides informational resources
- Nine members: seven registered environmental sanitarians and two consumers
- Located within the Water Management Administration at the Maryland Department of the Environment (MDE)
- Staffed by a part-time administrator and a part-time administrative specialist, who are shared with two other boards
- Last full sunset evaluation in 2001; preliminary evaluation in 2009

Objective of the 2011 Sunset Evaluation

This sunset evaluation explored 3 key issues:

1. Whether Maryland should continue to license environmental sanitarians;
2. If State licensure continues to be appropriate what, if any, changes are needed to increase the effectiveness and efficiency of the board; and
3. If State licensure is no longer necessary or appropriate, whether another structure is needed to protect the public

Research Activities

- Interviewed current and former board members and representatives of MDE and the Department of Health and Mental Hygiene (DHMH)
- Attended meetings of the board, the Maryland Association of County Health Officers, and the Maryland Conference of Local Environmental Health Directors
- Researched NEHA credential requirements, membership benefits, policies, and resources, including discussions with NEHA representatives
- Reviewed the 2009 report of the Long-Term Environmental Health Workforce Work Group of the Environmental Health Liaison Committee
- Surveyed county health officers
 - To ascertain the nature of employment of environmental sanitarians in the State, the role of employers in ensuring professionalism, and the purpose, duties, and operation of the board
 - Summary of responses is included as Appendix 2 to the report

Core Board Functions

Licensing

- Reviews education and experience of applicants for licensure as environmental sanitarians
- Issues certificates of eligibility and sanitarian-in-training certificates to applicants who need additional experience to qualify for licensure
- Administers professional qualifying examination three times per year
- Renews licenses, including review and approval of continuing education

Enforcement

- Emphasis on licensing; minimal enforcement
- Very few complaints; serves more as a deterrent
- No investigative staff
- Rarely imposes disciplinary sanctions

Licensing Activity

- 590 registered environmental sanitarians and 56 sanitarians-in-training in the State (as of August 2011)
 - 524 registered environmental sanitarians are employed in the public sector (89%)
 - 52 sanitarians-in-training are employed in the public sector (93%)
- Total numbers declining
 - 653 licensees in August 2008 declined to 590 in August 2011 (10% decline)
 - 94 sanitarians-in-training in August 2008 declined to 56 in August 2011 (40% decline)
- Concerns continue about recruitment and retention because of retirements, stringent prerequisites to entering field, low wages, and lack of opportunity for advancement

Registered Environmental Sanitarians and Sanitarians-in-training

August 2011

<u>Employer</u>	<u>Registered Environmental Sanitarians</u>	<u>Sanitarians-in-Training</u>
Public Sector	524	52
County Health Departments	413	23
MDE	50	1
DHMH	28	28 (seasonal)
Federal Government	20	
Other Public Sector	13	
Private Sector	32	3
Self-employed	19	1
Other	15	
Total	590	56

Licensing Prerequisites

Stringent education and training requirements

- Minimum of a bachelor's degree
- Specified science and math coursework
- Generally 1 to 2 years of relevant work experience

Complex qualifying examination

- Covers broad range of environmental health practice areas
- Switched to NEHA as examination contractor in 2009
- Pass rate remains low; often requires multiple attempts

Continuing education required for biennial license renewal

- 20 board-approved credit hours required
- Stakeholders emphasized importance of keeping current with developments in the field to protect public health
- Modification of policies under discussion

Exemptions to Licensure Requirement

- 25 statutory exemptions
- Not based on job function or duties
- More numerous in Maryland than in the nine other states that provide exemptions to mandatory licensing requirements
- Board approved a policy clarifying the board's interpretation and application of the exemption classifications in 2010
- Board has not yet revised the exemptions per recommendations in the 2001 full and 2009 preliminary evaluations
- 40% of survey respondents support revision or clarification

Minimal Enforcement Activity

- The board rarely exercises its disciplinary authority:
 - Only 7 charges filed since 2000; none from private sector
 - Only 3 cases resulted in formal discipline
 - Disciplinary issues generally handled by employers as personnel matters
- The board's records related to complaints are incomplete
- No written complaint or disciplinary policy
- Employer reporting of disciplinary actions
 - Requirement recommended in 2009 preliminary evaluation
 - Should be evaluated if board is continued

Fiscal Overview

- Board is general funded
- Biennial license renewal results in higher fee revenues in odd-numbered fiscal years
- Gap between board revenues and costs is expected to continue to increase
- General funding of the board has been appropriate
 - Environmental sanitarians serve a critical role in protecting public health
 - Significant barriers to entry into the profession already exist
 - Licensees are generally highly trained public-sector employees earning modest salaries
 - Costs borne by relatively small number of licensees

Fiscal History of State Board of Environmental Sanitarians Fiscal 2007-2012

	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>Estimated FY 2012</u>
General Fund Appropriation	\$55,615	\$60,798	\$72,085	\$73,430	\$75,531	\$78,147
Total Revenues	66,400	20,610	69,825	16,300	65,465	16,626
Total Costs	55,615	60,798	72,085	73,430	52,227	78,147
Personnel	45,936	50,193	56,156	62,265	42,629	66,928
Contractual Exam Services	4,337	5,321	6,434	5,230	4,346	5,225
Travel	2,623	1,828	3,404	3,211	1,962	3,200
Other Operating Expenses	2,719	3,456	6,091	2,724	3,290	2,794
Annual Surplus/(Gap)	10,785	(40,188)	(2,260)	(57,130)	13,538	(61,521)
Biennial Surplus/(Gap)		(\$29,403)		(\$59,390)		(\$48,283)

Notes: Total revenues include the examination service fee collected by the board as a pass-through. Indirect costs are not calculated for the board, but are incorporated in the budget for the Maryland Department of the Environment. Fiscal 2011 total costs and personnel expenses were low due to reassignment of the administrative specialist to cover a vacant position serving another board for part of the year.

Source: Department of Legislative Services, Maryland Department of the Environment

Estimated Board Revenues and Expenditures

Fiscal 2013-2016

	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
General Fund Revenues	\$68,475	\$14,250	\$69,500	\$14,250
General Fund Expenditures	80,927	84,062	87,333	90,745
Biennial Surplus/(Gap)		(\$82,264)		(\$94,328)

Note: General fund revenues are projections based on the current fee schedule and current licensing trends.

Source: Department of Legislative Services, Maryland Department of the Environment

Administrative Issues

- Orientation needed for new board members
- Underutilization of board members
- Board has not taken an active role in staff oversight
- Limited legal support
- Lack of control over website
- Insufficient recordkeeping and license tracking

Board Progress Since 2001 Sunset Evaluation

- Prior sunset evaluations identified issues and recommended that the board:
 - evaluate exemptions to licensure
 - include Code of Ethics in COMAR
 - improve recordkeeping and update license tracking system
 - consider developing guidelines for continuing education
 - develop process for handling charges and consider requiring employer reporting of disciplinary actions
- Board has made some progress:
 - submitted Code of Ethics to COMAR
 - changed examination contractors
 - revised policy for continuing education approvals
 - improved website
- Board has not been able to address other problems:
 - revision of statutory exemptions
 - recordkeeping and tracking of licenses
 - development of continuing education guidelines
 - development of complaint review process

Comparison of NEHA REHS/RS Credential to State License

- 262 Maryland licensees also held the NEHA REHS/RS credential as of September 2011
- Education, experience, and examination requirements are comparable (Exhibit 4.1, pp. 29-30)
- Continuing education required by NEHA and State
- NEHA fees are higher (Exhibit 4.2, pg. 31)
- NEHA membership has additional benefits
- NEHA credential is more portable

Comparison of Current Maryland Licensure Fees to NEHA REHS/RS Credential Fees

<u>Fee</u>	<u>Maryland</u>	<u>NEHA (Member/Nonmember)</u>	<u>Difference in Cost of NEHA Credential</u>
Membership	N/A	\$95/year	\$95/year or \$190 for biennial cycle
Initial Application	\$50	\$55/\$85	\$5/\$35
Initial License	\$50	N/A	(\$50)
Renewal	\$100	\$125/\$325	\$25/\$225
Exam	\$125	\$135/\$235	\$10/\$110
License by Reciprocity	\$50	\$95/\$155	\$45/\$105

Source: Department of Legislative Services, National Environmental Health Association

Conclusions

- Environmental sanitarians perform critical public health functions
- Minimum standards are necessary to ensure environmental sanitarians obtain adequate professional qualifications
- Continuing education is vital to preserving high level of professionalism
- Regulation of environmental sanitarians continues to be appropriate to protect public health
- Education, experience, and examination prerequisites for NEHA REHS/RS credential are comparable to current prerequisites for State license
- NEHA REHS/RS credential is nationally recognized and already held by many State licensees
- NEHA REHS/RS credential is an appropriate substitute for State license
- Board conducts minimal enforcement

Summary of Recommendations

- **Repeal board and State license requirement** (Rec. 1, pg. 35)
- **Substitute requirement that individuals performing environmental sanitation duties obtain NEHA REHS/RS credential as a condition of employment** (Rec. 1, page 35)
 - Except if individual held valid State license on or after July 1, 2010
 - Employer to verify necessary credential obtained by employee
- **Redefine the profession as environmental health specialist** (Rec. 1, page 35)
- **DHMH, in consultation with stakeholders, should evaluate statutory exemptions and report to General Assembly** (Rec. 3, page 36)
- **Require 20 credit hours of continuing education biennially** (Rec. 4, page 37)
 - Tracked by NEHA
 - Employee must provide proof of credit hour completion to employers
 - Employer obligation to confirm credit hour completion by employees
 - No credential renewal required

Recommendations to Aid in the Transition to the NEHA Credential Requirement

- **Current licensees to be grandfathered (Rec. 1, pg. 35)**
- **Sanitarians-in-training who obtain license before enactment date to be grandfathered (Rec. 1, pg. 35)**
- **MDE should provide DHMH with the board's files (Rec. 2, pg. 36)**
- **DHMH should maintain list of State licensees (Rec. 2, pg. 36)**

Fiscal Impact of Recommended Action

- Impact on general fund
 - Loss of biennial fee revenues to general fund of approximately \$82,000
 - Personnel costs continue because staff are shared with two other boards at MDE and likely to be retained on a full-time basis
 - Savings possible only if personnel time redirected and alternatively funded
 - Minimal net savings from elimination of other operating costs
- Impact on individual environmental sanitarians
 - Higher initial costs
 - \$225 to obtain State license
 - \$285 to \$320 to obtain NEHA credential
 - License renewal costs eliminated
 - Up to \$150 biennial cost to track continuing education credit hours
 - Lower costs for individuals who currently maintain both State license and NEHA credential

Alternative – Transfer Board to DHMH

- Recommended by the Long-Term Environmental Health Workforce Work Group of the Environmental Health Liaison Committee (2009 report)
- Proposed in House Bill 989 of 2011
- Majority of survey respondents and individuals interviewed by DLS favor DHMH location
 - Shared public health mission
 - Majority of licensees employed by DHMH and local health departments
 - Staff could be dedicated exclusively to board
 - Shared resources available to health occupations boards

Alternative – Transfer Board to DHMH (Cont.)

- If the General Assembly decides to maintain a State-run licensing program for environmental sanitarians, the General Assembly should:
 - Transfer the board to DHMH, effective July 1, 2012
 - Extend the termination date of the board by four years
 - Rename the board the State Board of Environmental Health Specialists
 - To effect the transfer and improve the effectiveness of the board, take the additional measures described on pages 39-40 of the report
 - Retain general funding for the board

Fiscal Impact of Transferring Board to DHMH

Estimated Board Revenues and Expenditures at DHMH

	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
General Fund Revenues	\$68,475	\$14,250	\$69,500	\$14,250
Total Board Expenditures	60,395	57,790	59,212	60,688
Biennial Surplus/(Gap)		(35,460)		(36,150)

Additional Expenditures and Net Impact on General Fund

Continued MDE Personnel Expenditures	69,873	72,947	76,157	79,508
Annual Net Impact on General Fund	(\$61,793)	(\$116,487)	(\$65,869)	(\$125,946)