CHAPTER 43-43
ENVIRONMENTAL HEALTH PRACTITIONERS

43-43-01. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Advisory board" means the following or their appointed agents: state health officer or designee as chairperson, the commissioner of the North Dakota department of agriculture, and the president of the North Dakota environmental health association. The state health officer or designee shall appoint one agent of a district or local health unit environmental health practitioner and one consumer.
2. "Environmental health practitioner" means a person who, by environmental health science education and experience, is qualified and licensed under this chapter to practice environmental health.
3. "Practice of environmental health" means any service or work, such as consultation, investigation, evaluation, surveys, and inspections in the environmental program areas of food, beverage, housing, and lodging sanitation.

43-43-02. Licensure required.

No person may engage in the practice of environmental health, nor use the title "environmental health practitioner" or the initials "E.H.P." or otherwise hold out as able to engage in the practice of environmental health unless the person is licensed pursuant to this chapter.

43-43-03. Advisory board duties and compensation.

The advisory board shall meet at the request of the state health officer or designee to assist in implementation of duties as defined in section 43-43-04. The advisory board must be reimbursed for any necessary expenses, but shall serve without further compensation except as may be authorized and fixed by the department of health and human services by rule.

43-43-04. Powers and duties of department of health and human services.

The department of health and human services shall adopt rules consistent with and necessary for the implementation and enforcement of this chapter, including rules concerning the:

1. Qualifications and requirements for licensure under this chapter.
2. Application for licensure and renewal of license.
3. Licensure.
4. Fees that may not exceed fifty dollars for licensure fees.
5. Scope of practice.
6. Ethical standards of conduct.
7. Continuing competency and education requirements.
8. Grievances and complaints.
9. Reimbursement of advisory board expenses.
10. Emergency exemptions as to requirements for licensure under this chapter.
11. Qualifications and requirements for specialty licenses or credentials within the scope of practice of an environmental health practitioner, including specialty licenses or credentials for limited practice areas.

43-43-05. Exception from requirements.

The department of health and human services must license all persons actually engaged in the practice of environmental health in this state upon receipt of proof of a bona fide practice in this state; however, the applicant must file an application and present such proof prior to July 1, 1986, or become subject to licensure requirements of this chapter.

43-43-06. Environmental health practitioner licensure fee administration fund.

There must be maintained in the state treasury a special fund to be known as the environmental health practitioner licensure fee administrative fund. All money deposited or paid into this fund must be continuously available to the department of health and human services for reimbursement to the advisory board, and may not lapse at any time or be transferred to any other fund. The fund must consist of any money collected by the department of health and human services in accordance with section 43-43-04.

43-43-07. Denial, suspension, revocation of license.

The department of health and human services may refuse to issue or renew a license or may suspend or revoke a license when the licensee or applicant for license has engaged in unprofessional conduct. Unprofessional conduct includes:

1. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.
2. Engaging in unprofessional conduct, as defined by the rules adopted by the department of health and human services, or violating the code of ethics adopted by the department of health and human services.
3. Conviction of an offense, as defined by section 12.1-01-04, determined by the department of health and human services to have a direct bearing on the person's ability to serve the public in the capacity of a licensed environmental health practitioner; or the department of health and human services determines that such applicant or licensee, following conviction of any offense, is not sufficiently rehabilitated under section 12.1-33-02.1.
4. Violation of any order or rule adopted by the department of health and human services.
5. Violation of this chapter.

The person may apply to the department of health and human services for reinstatement after one year from the date of revocation of a license. The department of health and human services may accept or reject an application for reinstatement, or may require conditions and an examination for reinstatement.

43-43-08. Penalty.

Any person who violates this chapter is guilty of a class B misdemeanor.