

2007

**OPERATIVE DECEMBER 1, 2008**

**STATE OF NEBRASKA**

**STATUTES RELATING TO  
ENVIRONMENTAL HEALTH SPECIALISTS PRACTICE ACT**



Department of Health and Human Services  
Division of Public Health  
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## STATUTES PERTAINING TO ENVIRONMENTAL HEALTH SPECIALISTS PRACTICE ACT

**38-1301. Act, how cited.** Sections 38-1301 to 38-1315 shall be known and may be cited as the Environmental Health Specialists Practice Act.

Source: Laws 2007, LB463, § 522. Operative date December 1, 2008.

**38-1302. Definitions, where found.** For purposes of the Environmental Health Specialists Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-1303 to 38-1306 apply.

Source: Laws 1963, c. 400, § 2, p. 1279; Laws 1989, LB 344, § 27; Laws 1991, LB 703, § 38; Laws 1996, LB 1044, § 666; Laws 2003, LB 242, § 116; R.S.1943, (2003), § 71-3702; Laws 2007, LB296, § 578; Laws 2007, LB463, § 523. The changes made by LB 296 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

**38-1303. Board, defined.** Board means the Board of Registered Environmental Health Specialists.

Source: Laws 2007, LB463, § 524. Operative date December 1, 2008.

**38-1304. Environmental health specialist, defined.** Environmental health specialist means a person who by education and experience in the physical, biological, and sanitary sciences is qualified to carry out educational, investigational, and technical duties in the field of environmental sanitation.

Source: Laws 2007, LB463, § 525. Operative date December 1, 2008.

**38-1305. Provisional environmental health specialist, defined.** Provisional environmental health specialist means a person who is qualified by education but does not have at least two full years of experience in the field of environmental sanitation and is certified in accordance with the Environmental Health Specialists Practice Act.

Source: Laws 2007, LB463, § 526. Operative date December 1, 2008.

**38-1306. Registered environmental health specialist, defined.** Registered environmental health specialist means a person who has the educational requirements and has had experience in the field of environmental sanitation required by section 38-1308 and is certified in accordance with the Environmental Health Specialists Practice Act.

Source: Laws 2007, LB463, § 527. Operative date December 1, 2008.

**38-1307. Board; members; qualifications; terms.** The board shall consist of six members. One member shall be a public member who meets the requirements of section 38-165. Each of the other members shall have been engaged in environmental health for at least ten years, shall have had responsible charge of work for at least five years at the time of his or her appointment, and shall be a registered environmental health specialist. At the expiration of the three-year terms of the members serving on December 1, 2008, successors shall be appointed for five-year terms.

Source: Laws 1963, c. 400, § 6, p. 1281; Laws 1969, c. 578, § 1, p. 2326; Laws 1981, LB 204, § 127; Laws 1987, LB 473, § 49; Laws 1991, LB 703, § 43; Laws 1993, LB 375, § 4; Laws 1994, LB 1223, § 46; Laws 1996, LB 1044, § 667; R.S.1943, (2003), § 71-3706; Laws 2007, LB296, § 579; Laws 2007, LB463, § 528. The changes made by LB 296 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

**38-1308. Certification; qualifications; exception; term.** A person shall be eligible for certification as an environmental health specialist if he or she has graduated with a baccalaureate or higher degree from an accredited college or university, has satisfactorily completed at least forty-five quarter hours or thirty semester hours of academic work in the basic natural sciences, has been employed full time as an environmental health specialist for a period not less than two years, and has passed an examination approved by the board, except that a person holding a degree higher than a baccalaureate degree who has satisfactorily completed at least forty-five quarter hours or thirty semester hours of academic work in the basic natural sciences may qualify when employed as an environmental health specialist for a period of not less than one year.

Source: Laws 1963, c. 400, § 3, p. 1279; Laws 1989, LB 344, § 28; Laws 1991, LB 703, § 39; Laws 1997, LB 752, § 182; Laws 2003, LB 242, § 117; R.S.1943, (2003), § 71-3703; Laws 2007, LB463, § 529. Operative date December 1, 2008.

**38-1309. Provisional environmental health specialist.** Any person meeting the educational qualifications of section 38-1308 but who does not meet the experience requirements of such section may make application for certification as a provisional environmental health specialist.

Source: Laws 1963, c. 400, § 4, p. 1280; Laws 1989, LB 344, § 29; Laws 1991, LB 703, § 40; Laws 2003, LB 242, § 118; R.S.1943, (2003), § 71-3704; Laws 2007, LB463, § 530. Operative date December 1, 2008.

**38-1310. Registered environmental health specialist; provisional environmental health specialist; certification; term; renewal; continuing competency requirements.** (1) Certification as a registered environmental health specialist shall expire biennially. Certification as a provisional environmental health specialist shall be valid for one year and may be renewed for two additional one-year periods. In no case shall certification for a provisional environmental health specialist exceed a three-year period.

(2) Each registered environmental health specialist in active practice in the state shall complete continuing competency activities as approved by the board and adopted and promulgated by the department in rules and regulations as a prerequisite for the registrant's next subsequent biennial renewal. Continuing education is sufficient to meet continuing competency requirements. The requirements may also include, but not be limited to, one or more of the continuing competency activities listed in section 38-145 which a registered environmental health specialist may select as an alternative to continuing education.

Source: Laws 1963, c. 400, § 10, p. 1283; Laws 1969, c. 578, § 4, p. 2328; Laws 1983, LB 542, § 3; Laws 1986, LB 926, § 61; Laws 1988, LB 1100, § 145; Laws 1991, LB 703, § 47; Laws 1994, LB 1210, § 122; Laws 1994, LB 1223, § 49; Laws 1997, LB 307, § 189; Laws 2002, LB 1021, § 80; Laws 2003, LB 242, § 121; R.S.1943, (2003), § 71-3710; Laws 2007, LB463, § 531. Operative date December 1, 2008.

**38-1311. Registered environmental health specialist; application for certification; continuing competency requirements.** An applicant for certification as a registered environmental health specialist who has met the education and examination requirements in section 38-1308, who passed the examination more than three years prior to the time of application for certification, and who is not practicing at the time of application for certification shall present proof satisfactory to the department that he or she has within the three years immediately preceding the application for certification completed continuing competency requirements approved by the board pursuant to section 38-145.

Source: Laws 2007, LB463, § 532. Operative date December 1, 2008.

**38-1312. Registered environmental health specialist; reciprocity; continuing competency requirements.** An applicant for certification as a registered environmental health specialist who has met the standards set by the board pursuant to section 38-126 for a license based on licensure in another jurisdiction but is not practicing at the time of application for certification shall present proof satisfactory to the department that he or she has within the three years immediately preceding the application for certification completed continuing competency requirements approved by the board pursuant to section 38-145.

Source: Laws 2007, LB463, § 533. Operative date December 1, 2008.

**38-1313. Fees.** The department shall establish and collect fees for credentialing under the Environmental Health Specialists Practice Act as provided in sections 38-151 to 38-157.

Source: Laws 2007, LB463, § 534. Operative date December 1, 2008.

**38-1314. Title or abbreviation; use; when.** Only a person who holds a valid current certificate for use in this state shall have the right and privilege of using the title Registered Environmental Health Specialist and to use the abbreviation R.E.H.S. after his or her name.

Source: Laws 1963, c. 400, § 13, p. 1285; Laws 1991, LB 703, § 48; R.S.1943, (2003), § 71-3713; Laws 2007, LB463, § 535. Operative date December 1, 2008.

**38-1315. Certified environmental health specialist; misrepresentation; unlawful.** It shall be unlawful for any person to represent himself or herself as a registered environmental health specialist without being duly certified and the holder of a currently valid certificate issued by the department. An individual holding a certificate of registration as a registered environmental health specialist on December 1, 2008, shall be deemed to be certified as a registered environmental health specialist on such date. An individual holding a certificate of registration as a trainee on December 1, 2008, shall be deemed to be certified as a provisional environmental health specialist on such date.

Source: Laws 1963, c. 400, § 14, p. 1285; Laws 1991, LB 703, § 49; R.S.1943, (2003), § 71-3714; Laws 2007, LB463, § 536. Operative date December 1, 2008.

**71-3701. Transferred** to section 71-3705.01.

**71-3702. Transferred** to section 38-1302.

**71-3703. Transferred** to section 38-1308.

**71-3704. Transferred** to section 38-1309.

**71-3705. Repealed.** Laws 2007, LB 463, § 1319.

**71-3705.01. Repealed.** Laws 2007, LB 463, § 1319.

- 71-3706. Transferred to section 38-1307.**
- 71-3707. Repealed. Laws 2007, LB 463, § 1319.**
- 71-3708. Repealed. Laws 2007, LB 463, § 1319.**
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- 71-3711. Repealed. Laws 2007, LB 463, § 1319.**
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