

EFFECTIVE
05/23/2020

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 168

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 168 CERTIFICATION OF A REGISTERED ENVIRONMENTAL
HEALTH SPECIALIST

001. SCOPE AND AUTHORITY. These regulations govern the certification of registered environmental health specialists under Nebraska Revised Statutes (Neb. Rev. Stat.) §§ 38-1301 to 38-1315 of the Registered Environmental Health Specialists Practice Act and the Uniform Credentialing Act (UCA).

002. DEFINITIONS. Definitions set out in the Registered Environmental Health Specialists Practice Act, the Uniform Credentialing Act, 172 Nebraska Administrative Code (NAC) 10 and the following apply to this chapter.

002.01 ACCREDITED COLLEGE OR UNIVERSITY. An accredited college or university is a post-secondary school accredited by a regional accrediting institution.

002.02 CERTIFICATION EXAMINATION. The certification examination is The National Environmental Health Association's Registered Environmental Health Specialist or Registered Sanitarian Examination.

002.03 PROVIDER. A provider is an individual or sponsoring organization that presents continuing education programs to certificate holders.

003. CERTIFICATION REQUIREMENTS. To obtain a certification, the applicant must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the requirements of Neb. Rev. Stat. §§ 38-1301 to 38-1315, 172 NAC 10 and this chapter. All applicants must submit the following:

003.01 EDUCATION. An official transcript, directly from the issuing institution, verifying completion of a baccalaureate degree or higher from an accredited college or university.

003.02 EXAMINATION. Documentation of successful completion of the certification examination developed and administered by the National Environmental Health Association with a score of 68% or above.

003.03 EXPERIENCE. Documentation of successful completion of full-time employment as an environmental health specialist for a period of not less than 2 years with a baccalaureate degree or a period of not less than 1 year with a degree higher than a baccalaureate degree.

003.04 PASSED EXAMINATION BUT NOT PRACTICING. An applicant that passed the certification examination but is not currently practicing as an environmental health specialist must present documentation to the Department of completing 24 hours of continuing education as set out in this chapter, that were obtained within the 3 years immediately preceding the application for certification.

003.05 CREDENTIALIED IN ANOTHER JURSDICTION BUT IS NOT PRACTICING. An applicant that has met the standards for certification under this chapter who holds a credential in another jurisdiction and who is not practicing at the time of application for certification must present documentation to the Department of completing 24 hours of continuing education as set out in this chapter, that were obtained within the three years immediately preceding the application for certification.

003.06 PROVISIONAL CREDENTIAL. An applicant who has met the education requirements outlined in 003.01, may be issued a provisional environmental health specialist credential.

004. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The certificate holder must meet the requirements set out in 172 NAC 10. Provisional environmental health specialist credentials will expire one year from the date of issuance and may be renewed for two one-year periods, not to exceed a three year period. A certificate expires on December 31st of each even-numbered year.

005. CONTINUING COMPETENCY REQUIREMENTS. On or before December 31st of each even-numbered year, individuals holding an active Registered Environmental Health Specialist certification in the State of Nebraska must complete at least 24 hours of acceptable continuing education hours during the preceding 24-month period.

005.01 ACCEPTABLE CONTINUING EDUCATION. The board does not pre-approve continuing education programs in advance. In order for continuing education programs or activities to be accepted for renewal or reinstatement of a certification, the continuing education programs or activities must relate to environmental health and it may focus on research, documentation, management, or education and must be open to all certificate holders.

005.01(A) CONTINUING EDUCATION HOUR CALCULATIONS. The following provides the hour calculations for acceptable continuing education. Each program must be at least 50 minutes in length. 1 hour of continuing education credit will be awarded for each 50 minutes of attendance. Credit will not be awarded for non-working breaks or meals.

005.01(A)(i) STATE AND NATIONAL ASSOCIATION MEETINGS. Attendance as State and National Association meetings is acceptable continuing education. This includes, but is not limited to, meetings of the Nebraska or other state environmental health associations or the National Environmental Health Association.

005.01(A)(ii) WORKSHOPS, SEMINARS, OR CONFERENCES. Attendance at workshops, seminars, or conferences is acceptable continuing education. This includes monitored videotapes and in-service programs where the content of the continuing education program or activity relates to environmental health.

005.01(A)(iii) UNIVERSITY OR COLLEGE SPONSORED COURSES. The credential holder must provide documentation of successfully completing the course. 1 semester hour is equivalent to 15 contact hours. 1 quarter hour is equivalent to 3.75 contact hours.

005.01(A)(iv) FORMAL SELF-STUDY. Formal self-study is acceptable continuing education and includes, but is not limited to, videotapes, internet courses, and correspondence courses. Certificate holders may complete a maximum of 12 hours of continuing education by formal self-study each renewal period. The formal self-study program must have a testing mechanism.

005.01(A)(v) MANAGEMENT COURSES. An environmental health specialist may complete a maximum of 6 hours of continuing education utilizing management courses each renewal period.

005.01(A)(vi) PROFESSIONAL DEVELOPMENT COURSES. Professional Development courses are acceptable continuing education if the course includes the topics of quality improvement and communication. An environmental health specialist may complete a maximum of 4 hours of continuing education utilizing professional development courses each renewal period.

005.01(A)(vii) NATIONALLY RECOGNIZED SPECIALTY CERTIFICATIONS OR REGISTRATION. A credential holder will earn 24 contact hours of continuing education each renewal period for successful completion of a nationally recognized specialty certification. These include Certified Food Safety Professional (CFSP), National Environmental Health Association's (NEHA) Registered Environmental Health Specialist or Registered Sanitarian (REHS or RS), Registered Hazardous Substances Professional (RHSP), and Registered Hazardous Substances Specialist (RHSS). Documentation must include a copy of the credential holder's current certification.

005.01(A)(viii) SCIENTIFIC PRESENTATION. A certificate holder acting as an essayist or a lecturer to certified environmental health specialists will be awarded 1 hour of continuing education credit for each continuing education hour of scientific presentation at workshops, seminars, in-service training, conferences, or guest lectures which relate to environmental health. A certificate holder may receive continuing education credit for only the initial presentation during a renewal period, with a maximum of 4 hours of continuing education credit for presentations in a renewal period.

005.02 NON-ACCEPTABLE CONTINUING EDUCATION. Continuing education credit will not be awarded for programs where the content does not relate to environmental health, including but not limited to:

- (A) Stress management;
- (B) Environmental health on-the-job training; and
- (C) Environmental health orientation programs, including orientation to new policies, procedures, equipment, forms, responsibilities, services, etc.

006. UNPROFESSIONAL CONDUCT. Unprofessional conduct is set out in Neb. Rev. Stat. § 38-179 and this chapter.

006.01 PROFESSIONAL RELATIONSHIPS. Commission of any of the following acts constitutes unprofessional conduct:

- (A) Exploiting a client for financial gain or sexual favors;
- (B) Performing or agreeing to perform environmental health services that have been requested when the services are known to be contraindicated or unjustified;
- (C) Performing or agreeing to perform procedures that are outside of the environmental health specialist's scope of practice;
- (D) Verbally or physically abusing clients;
- (E) Falsification or unauthorized destruction of client records;
- (F) Delegating to other personnel, who are not trained or qualified, those services for which the skills and expertise of a registered environmental health specialist are required;
- (G) Filing a false report or record in the practice of environmental health. This includes but is not limited to collection or billing of a fee or other similar activity to obtain payment; and
- (H) Providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from the services, devices, appliances, or products.

006.02 ENGAGING IN SEXUAL MISCONDUCT. Engaging in sexual harassment of clients is unprofessional conduct. Sexual harassment includes, but is not limited to, making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature which results in:

- (A) Providing or denying service to a client;
- (B) Creating an intimidating, hostile, or offensive environment for the client; and
- (C) Providing favorable reports or modifying reports for sexual favors.

006.04 SUPERVISION. Failure to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a registered environmental health specialist constitutes unprofessional conduct.

006.05 COMPLY WITH DEPARTMENT INVESTIGATION. Failure of an applicant or certificate holder who is the subject of a pre-licensure or disciplinary investigation to furnish the Board or its investigator with requested information or requested documents constitutes unprofessional conduct.

007. REINSTATEMENT. The applicant must meet the requirements set out in 172 NAC 10.

008. FEES. Fees are set out in 172 NAC 2.