



STATE OF MARYLAND

DHMH

Department of Health and Mental Hygiene

Larry Hogan, Governor – Boyd Rutherford, Lt. Governor – Van Mitchell, Secretary

MARYLAND BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

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December 14, 2016

The Honorable Lawrence J. Hogan
Governor
The Jeffrey Building
16 Francis Street
Annapolis, Maryland 21401-1781

Dear Governor Hogan:

Enclosed is the Board of Environmental Health Specialists FY 2016 Annual Report as required by Article – Health Occupations §21-205(5). A copy of this report has been sent to Van Mitchell, Secretary, Department of Health and Mental Hygiene.

If you desire additional information, please do not hesitate to contact the Board at (410) 764-3512.

Sincerely,

Robert Sheesley, EHS
Board Chairperson

Enclosure

BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

ANNUAL REPORT July 2015 -- June 2016

The State Board of Environmental Health Specialists (the "Board") operates under the provisions of Title 21 of the Health Occupations Article of the Annotated Code of Maryland. The Board is the licensing authority of environmental health specialists in the State of Maryland. The Board is mandated to protect the public by regulating the practice of environmental health work in Maryland, by licensing qualified environmental health specialists, establishing fees, maintaining a current roster of all licensees, administering licensing examinations, enforcing current statutes and regulations, adopting new regulations to carry out provisions of the Title, suggesting new changes to the Title to keep abreast of trends and practice issues, adopting standards of practice for environmental health work, verifying credentials, issuing licenses, establishing requirements for and verifying completion of continuing education, investigating complaints based on alleged violations of regulations and statutes, formal and informal disciplining of licensees, creating committees as deemed appropriate to advise the Board. The program is 100 percent special funded. The fund is supported exclusively by revenues generated by licensing fees. The Board consists of nine members appointed by the Governor with the advice of the Secretary and the advice and consent of the Senate. Seven members of the Board are licensed environmental health specialists and two members represent the public.

BOARD MEMBERS:

Robert Sheesley, EHS, Board Chair
Bert Nixon, EHS, Board Vice Chair
Veronica Moore, EHS, Board Secretary
Jay Prager, EHS
Linda Rudie, EHS
Karen Brandt, Public Member
Mary Veal, Public Member
Yvonne Deloatch, EHS
Amy Parrish, EHS

STAFF:

James T. Merrow, Acting Executive Director
Donna Zickefoose, Board Staff
Ari Elbaum, AAG, Board Counsel

The Board's staff is responsible for the day-to-day activities of the Board and the coordination of administrative activities with other government agencies. In addition to the above staff, the Board shares its financial, information technology and investigative staff with the other Health Occupation Boards under the Department of Health and Mental Hygiene.

BOARD MEETINGS:

The Board conducts public meetings on the first Wednesday of the month throughout the year. The dates, times, and place of meetings are published in the Maryland Register and posted on the Board's website.

MISSION:

The Mission of the Board of Environmental Health Specialists is to protect the citizens of Maryland and to promote quality public health care by licensing environmental health specialists, setting standards for their practice through regulations, legislation, and receiving and resolving complaints from the public.

REVENUE REPORT: -- Special Fund (F.Y. 2016)

<u>Category of fees</u>	<u>Fee</u>	<u>Revenue</u>
Application Fee	\$ 100	\$ 11,300.00
Certificate of Eligibility	50	900.00
License Fee	75	1,875.00
Renewal Fee	200	7,125.00
Late Renewal	50	450.00
License Verification	50	0.00
Reinstatement	300/500	1,300.00
Certificate Extension	50	0.00
Examination (fees set by vendor)		5,250.00
Roster	50	0.00
Inactive Status	25	0.00
Seasonal Extension	25	25.00
Total Revenue		<u>\$28,225.00</u>

EXPENDITURE REPORT:

Appropriation	\$106,780.00
Expenditures	<u>\$77,646.00</u>
Balance	\$29,134.00

NUMBER OF LICENSES:

June 30, 2016:	
Licensed environmental health specialists	552
Individuals in training	99
Individuals eligibility for in training employment	309
Seasonal in training	16

LEGISLATION:

During the 2016 General Assembly the legislature passed and the Governor signed Senate Bill 200 (Chapter 359) that provided for expanding the scope of the Annual Report to include a financial statement and a plan for special fund revenues. The legislation extended the Board's statute date from July 1, 2017 to July 1, 2027.

REGULATIONS:

During the reporting period July 1, 2015 through June 30, 2016 the Board promulgated regulations that:

- 1) Clarify who can be an environmental health sponsor;
- 2) Repeal a definition and define certain new terms;
- 3) Authorize the Board to waive an examination under certain circumstances;
- 4) Authorize the Board to reduce the 24 month length of approved training time for an environmental health specialist-in-training provided certain conditions are met;
- 5) Set new experience requirements for an environmental health specialist-in-training program;
- 6) Prohibit the Board from taking additional action on an incomplete application for licensure and require the Board to notify the applicant for certain additional information within a certain period of time;
- 7) Require the Board to post examination dates on its website;
- 8) Prohibit the Board from renewing an environmental health specialist-in-training certificate after it has been extended by the Board;
- 9) Repeal certificates of eligibility for supervised training;
- 10) Authorize the Board to renew an environmental health specialist-in-training certificate for a temporary employee for a period of 24 months;
- 11) Establish a process for a temporary employee who is being converted to or hired as a permanent employee to maintain their certificate;
- 12) Repeal the reinstatement process and establish inactive status for licensees who apply and meet certain conditions, require the Board to make a certain notification to licensees placed on inactive status, and authorize the Board to reactivate a license under certain circumstances;
- 13) Require the Board to place a licensee on non-renewed status for no longer than 4 years if the licensee fails to renew the license, require the Board to send a certain notification to the licensee, and authorize the Board to reactivate a license under certain circumstances;
- 14) Authorize the Board to reactivate a license that was on inactive or non-renewed status after the inactive or non-renewed status expired under certain circumstances;
- 15) Establish that a Board-approved training course may be an online course or may include authoring a paper published in a peer-reviewed journal; and
- 16) Repeal certain fees and establish new fees.

PLAN FOR SPECIAL FUND REVENUES:

Background:

In FY 2013, based on recommendations from the Department of Legislative Services' (DLS) 2011 sunset review report, the legislature transferred the Board of Environmental Sanitarians from the Maryland Department of Environment (MDE) to the Department of Health and Mental Hygiene (DHMH) and renamed the Board as the Board of Environmental Health Specialists. At that time the Board's fund source went from General Fund to Special Fund. The funding change was made in spite of the recommendation of DLS to maintain the Board's General Fund status.

Direct Staffing:

Prior to the Board's transfer, MDE staffing consisted of 4 hours per week for administrative support and 20 hours per week for an administrative specialist's time. Under DHMH, there is a loaned Executive Director and a 40 hour per week Administrative Officer.

Fund Balance:

The Board's fund balances are as follows:

FY 2016	\$ 24,760
FY 2017	\$ 27,380
FY 2018	\$(22,604)

Fees, Revenues and Funding Sources:

The Board revenue structure is that all licensees are renewed every two years. This leads to a revenue imbalance between the odd fiscal years and the even fiscal years. The Board generates more revenue in the odd fiscal years.

Currently all health occupations boards are prohibited from increasing fees or instituting additional fees. Even if the Board could increase its fees it would not be practical for this licensing base. The typical licensees are highly trained public-sector employees who earn modest salaries. Unlike other health care providers that typically work in a private practice and can adjust the revenues to make up for increased licensing fees, these licensees have little or no discretion on setting their salaries. The Board believes that a significant fee increase could result in fewer individuals entering the profession.

In June of 2016, the Board proposed that the DHMH submit a request to the Governor's Office for legislation that would change the Board's funding back to the General Fund category as it was under MDE. DHMH turned the proposal down, stating that "this proposal is unworkable for a number of reasons. While we appreciate that the Board wants to try not to raise fees, they can't solve their budget crisis by moving to a new budget category to avoid some of their current obligations. Furthermore, I don't think they can characterize the proposal as having no impact on other agencies, when it would eliminate their obligation to pay rent to DGS and indirect cost to DHMH."

If the Board does not obtain an additional funding source it will be insolvent in FY 2019. The legislation extending the Board's statute date from July 1, 2017 to July 1, 2027 must now be reconciled with the financial viability of the Board to carry out its mission.