

# MONTANA BOARD OF SANITARIANS Newsletter



February 2017

## IN THIS ISSUE:

- ◆ License & Board Financial Data
- ◆ What Happens When a Complaint is Filed Against a Licensed Sanitarian?
- ◆ How to Apply for an In-Active Sanitarian License
- ◆ Board Webpage Information
- ◆ How to Apply to be on the Board of Sanitarians

## Licensing Data

SANITARIAN LICENSES	2016	2017
ACTIVE	137	131
INACTIVE	23	26
SIT	7	8
TOTAL	167	165

## Board Financial Data\*

	Revenue	Expenditures
FY 2016 Budget	45,445.00	35,280.81
FY 2016 Actuals	42,920.57	31,987.30
FY 2017 Budget	41,460.00	38,410.00

\* Intended to build reserve for rule revision or legal action.



## BOARD MEMBERSHIP

Susan Brueggeman RS  
Presiding Officer

Gene Townsend  
Public Representative

Eugene Pizzini  
Public Representative

Megan Bullock RS

Stephanie Jean Ler RS



Executive Officer  
Steve Gallus

## Board of Sanitarians Webpage & Email

[http://bsd.dli.mt.gov/license/bsd\\_boards/san\\_board/board\\_page.asp](http://bsd.dli.mt.gov/license/bsd_boards/san_board/board_page.asp)

[dlibsdsan@mt.gov](mailto:dlibsdsan@mt.gov)

The Board of Sanitarians website has been updated and contains much useful information including MCAs, ARMs, meeting agenda, written summary minutes, full audio minutes, forms, contact information, board member information, application to serve on the board, fees for services, licensing information & much more!

*Please use the current forms available on the website.*

# DEFINITIONS OF OUR PROFESSION

## MCA 37-40-101

- 3) Practice the profession of sanitarian means:
- (a) giving advice on or enforcing compliance with state and local regulations applicable to local government jurisdictions and programs concerning food service, food processing, public accommodations, trailer courts, campgrounds, day-care centers, schools, swimming pools and spas, air pollution, solid and hazardous waste collection and disposal, sewage treatment and disposal, vector control, underground storage tanks, drinking water, land subdivision;
  - (b) cooperating with government agencies on matters of public and environmental health, including epidemiological investigations and emergency response to investigations; and
  - (c) providing educational and training programs in environmental standards and public health.

## Interested in Serving on the Montana Board of Sanitarians?



### Current Board Member Terms: Registered Sanitarians

Susan K. Brueggeman, R.S.	Expires	07/01/2017
Stephanie Ler, R.S.	Expires	07/01/2019
Megan Bullock, R.S.	Expires	07/01/2018

### Public Representatives

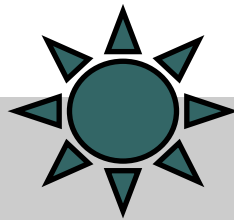
Gene Townsend	Expires	07/01/2017
Eugene Pizzini	Expires	07/01/2017

### Terms are 3-years per MCA 2-15-1751

**MCA 2-15-1751. Board of sanitarians.** (1) There is a board of sanitarians. (2) The board consists of five members appointed by the governor with the consent of the senate. Each member must be a resident of this state, and three of the members must be registered sanitarians. Two members must be from the public but not sanitarians and shall represent the interests of the public at large. Each sanitarian member must have a minimum of 3 years of experience practicing as a sanitarian in the state of Montana. (3) Members shall serve staggered 3-year terms that expire on July 1 of a given year. (4) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

### To apply for appointment to the board:

<http://svc.mt.gov/gov/boards/docs/Application-for-Appointment.pdf>



## INACTIVE STATUS

To change to **In-Active Status**, a licensed sanitarian must contact the Department of Labor and Industry and request the change in writing or by email.

**NOTE:** This change cannot be done on-line as part of the normal renewal. So, when you get your RENEWAL notice, respond promptly in writing that you want to change to INACTIVE status to prevent any late fees.

24.216.2104 INACTIVE STATUS AND CONVERSION FROM INACTIVE TO ACTIVE STATUS (1) A licensee may place the license on inactive status by either indicating on the renewal form or by informing the board office, in writing, that an inactive status license is desired. It is the sole responsibility of the inactive licensee to keep the board informed as to any change of address during the period of time the license remains on inactive status. Inactive licensees must pay the renewal fee annually to maintain license status.

(2) A licensee may not practice as a sanitarian in the state of Montana while the license is on inactive status.

(3) To convert an inactive status license to active status, an applicant shall complete an application and must:

- (a) signify to the board, in writing, that upon issuance of the active license, the applicant intends to be an active practitioner in the state of Montana; and
- (b) present satisfactory evidence that the applicant has attended 15 hours of continuing education within the last two years prior to reactivation, which comply with the continuing education rules of the board. (History: 37-1-319, 37-40-203, MCA; IMP, 37-1-319, MCA; NEW, 2011 MAR p. 749, Eff. 5/13/11.)

**TIP FOR  
ON-LINE  
RS OR SIT  
APPLICATION**

As you make application on-line, you can save your filled application form.

The application is in sections. Once a section is completed, it can be saved. This allows you to complete a section and then later provide the additional information to complete another section without losing your work.

**SB 390  
Interim  
Committee Result**

Some sanitarians followed the work of the 2015 Economic Affairs interim Committee. One goal of this effort was to gain general fund monies to offset the cost of sanitarian registration. The committee did not act on this request. The committee did address the topic of the DLI having oversight supervision of all licensing board. Among other things, this provides legal immunity for board members. There are concerns that this may provide less autonomy for boards.

See LC390 I

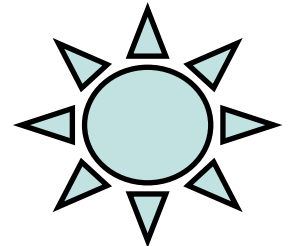
**What Happens When a Person Files a Complaint Against a Licensed Sanitarian?**

Perhaps the most difficult part of serving on the Board of Sanitarians is dealing with complaints that arise against our licensed colleagues.

Most sanitarians are not aware that the Board of Sanitarians occasionally deals with such complaints. This lack of awareness is due to two factors: such complaints are not common and the complaints are confidential so the Board cannot discuss them outside the Department of Labor (DLI) hearing process.

The following types of complaints may be filed:

- Unprofessional conduct by a licensee;
- Unprofessional conduct by a license applicant;
- Unlicensed practice of the profession or occupation.



**The procedure when a complaint is received by the Department of Labor and Industry against a licensed sanitarian:**

1. Complaint is received by DLI.
2. DLI Compliance Officer sends a letter acknowledging receipt to complainant and a letter requesting a response to the licensed sanitarian including a copy of the complaint and any supporting documents.
3. Licensed sanitarian may send a letter of response to DLI Compliance Officer addressing the complaint. The Complainant is not entitled to a copy of this letter.
4. DLI Compliance Officer notifies both parties of any meeting during which the complaint will be discussed.
  - Closed Meeting** - During a Closed Meeting only the Licensee, the Complainant, and/or attorneys for either can be in attendance. Minutes of Closed Meetings are not public documents.
  - Open Meeting** - A public meeting which anyone can attend. The minutes of Open meetings are public documents and made available online via the specific Board's webpage. (Adjudication Panel meetings are usually open.)
  - Individuals** may attend a meeting in person or by telephone.
5. Complaints remain confidential unless a Notice of Proposed Board Action is issued, which is a public document along with all subsequent legal filings.
6. The complaint and response (if any) are submitted to the Screening Panel members. The Screening Panel meeting is not a hearing, but rather a committee meeting to review and discuss the complaint and response to determine if disciplinary action is warranted.
  - Screening Panel** - A committee comprised of members of the Board. The Screening Panel's function is to determine the preliminary action(s) to take on a complaint. Possible preliminary actions include dismissal, investigation, or a finding of Reasonable Cause
7. If the Screening Panel dismisses a complaint, the complaint can be dismissed with or without prejudice (see definitions below).
  - Dismissal With Prejudice** - The complaint is dismissed and cannot be considered by the Screening Panel in the future.
  - Dismissal Without Prejudice** - The complaint is dismissed but may be considered by the Screening Panel in the future if there are ever allegations of a similar nature.
8. Only a member of the Screening Panel can request an investigation of a complaint. If an investigation is requested by the Screening Panel, the case is assigned to an investigator who may request an interview with the Licensee, the Complainant, and/or other individuals. Upon completion of the investigation, a written report is submitted to the Screening Panel, which will then determine if there is Reasonable Cause to proceed with disciplinary action.

CONTINUED ON PAGE 4

## DEFINITIONS OF OUR PROFESSION

### MCA 37-40-101

**(5) Sanitarian means:** a person who, by reason of the person's special knowledge of the physical, biological, and chemical sciences and the principles and methods of public health acquired by professional education and practical experience through inspectional, educational, or enforcement duties, is qualified to practice the profession of sanitarian.



*Thank you for your service to the public health and safety of the people of Montana!*

### What Happens When a Person Files a Complaint Against a Licensed Sanitarian?

CONTINUED FROM PAGE 3

9. f Reasonable Cause is found, the Department Counsel issues a Notice of Proposed Board Action (Notice) to the Licensee. Once a Notice is issued, it is public information. A proposed Stipulation may be included with the Notice.
  - Reasonable Cause** - A finding by the Screening Panel that evidence exists that a violation of statutes and rules has occurred which warrants proceeding with disciplinary action.
  - Notice** - A legal document from the Department's Legal Counsel which sets forth the Department's factual assertions, the statutes or rules relied upon, and advising the licensee of the right to a hearing.
  - Stipulation** - A tentative agreement for settlement of the case. A Stipulation is not finalized until approved by the Adjudication Panel.
10. The Licensee may either sign the Stipulation or contest the proposed action by requesting an administrative Hearing (a legal process before a Hearing Examiner). If the Licensee wishes to request a hearing, written request must be received within twenty (20) days from receipt of the Notice. Failure to either sign a Stipulation or request a hearing within twenty (20) days may result in the issuing of a Final Order of Default against the licensee.
  - Default** - the licensee's acceptance of the disciplinary action demonstrated by failing to participate in the process
11. The Adjudication Panel reviews the record to determine appropriate sanctions. A Final Order is issued by the Adjudication Panel, completing the complaint process.
  - Adjudication Panel** - A committee comprised of members of the Board who are NOT on the Screening Panel. The Adjudication Panel determines the final outcome of a case.

**Current license status and information regarding disciplinary action(s) against a licensee can be accessed online at: <https://ebiz.mt.gov/pol/>**

A PDF of the complete list of ethical standards for sanitarians is available on the Board of Sanitarians webpage under the EDUCATION tab.



### Tracking Your Professional Licensing Application

When an applicant applies on-line via <https://ebiztst.mt.gov/POL/> they will register for a username and password. They may track the progress of their application by logging in at the same location.



### PREVIOUS NEWSLETTER TOPICS

The **February 2016** newsletter is available on the Board of Sanitarians website. Here are the topics covered in that newsletter:

- ◆ Why Professional Licensing?
- ◆ History of Montana's Sanitarian Registration
- ◆ CEU Tips
- ◆ Board Webpage Information
- ◆ SIT Supervision
- ◆ Value of Professional Ethical Standards
- Evaluating a Potential Employee's Educational Transcript