
BOARD OF SANITARIANS RULES

AS OF JUNE 30, 2021

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DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 216

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Subchapter 1

Organizational Rules

24.216.101 BOARD ORGANIZATION (1) The Board of Sanitarians hereby adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title. (History: 37-40-203, MCA; IMP, 2-4-201, MCA; NEW, Eff. 2/4/75; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1499.)

Subchapter 2

Procedural Rules

24.216.201 PROCEDURAL RULES (1) The Board of Sanitarians hereby adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in chapter 2 of this title. (History: 37-40-203, MCA; IMP, 2-4-201, MCA; NEW, Eff. 2/4/75; AMD, Eff. 12/4/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1499.)

24.216.202 PUBLIC PARTICIPATION RULES (1) The Board of Sanitarians hereby adopts and incorporates by this reference the public participation rules of the Department of Commerce as listed in chapter 2 of this title. (History: 37-40-203, MCA; IMP, 2-3-103, MCA; NEW, Eff. 2/4/75; AMD, Eff. 12/4/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1499.)

Subchapter 3 reserved

Subchapter 4

General Rules

24.216.401 BOARD MEETINGS (REPEALED) (History: 37-40-203, MCA; IMP, 37-40-201, MCA; NEW, Eff. 2/4/75; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1996 MAR p. 1965, Eff. 7/19/96; TRANS, from Commerce, 2002 MAR p. 1499; REP, 2018 MAR p. 2054, Eff. 10/20/18.)

24.216.402 FEE SCHEDULE

- | | |
|---|-------|
| (1) Application fee | \$200 |
| (2) Renewal | 270 |
| (3) Inactive renewal | 135 |
| (4) Sanitarian-in-training application fee | 200 |
| (5) Additional standardized fees are specified in ARM 24.101.403. | |

(6) All fees are nonrefundable. (History: 37-1-134, 37-40-203, MCA; IMP, 37-1-134, 37-1-141, 37-40-301, 37-40-302, MCA; NEW, 1985 MAR p. 1239, Eff. 8/30/85; AMD, 1990 MAR p. 225, Eff. 1/26/90; AMD, 1992 MAR p. 1613, Eff. 7/31/92; AMD, 1996 MAR p. 1965, Eff. 7/19/96; AMD, 1997 MAR p. 1578, Eff. 9/9/97; AMD, 1999 MAR p. 2248, Eff. 10/8/99; TRANS, from Commerce, 2002 MAR p. 1499; AMD, 2005 MAR p. 382, Eff. 3/18/05; AMD, 2006 MAR p. 1051, Eff. 4/21/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2007 MAR p. 1817, Eff. 11/9/07; AMD, 2009 MAR p. 455, Eff. 5/1/09; AMD, 2011 MAR p. 749, Eff. 5/13/11; AMD, 2015 MAR p. 584, Eff. 5/15/15; AMD, 2018 MAR p. 2054, Eff. 10/20/18.)

24.216.403 SEAL OF THE BOARD (REPEALED) (History: 37-40-203, MCA; IMP, 37-40-203, MCA; NEW, Eff. 2/4/75; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1996 MAR p. 1965, Eff. 7/19/96; TRANS, from Commerce, 2002 MAR p. 1499; REP, 2018 MAR p. 2054, Eff. 10/20/18.)

Subchapter 5

Licensing

24.216.501 APPLICATIONS (REPEALED) (History: 37-40-203, MCA; IMP, 37-40-301, 37-40-302, MCA; NEW, 1996 MAR p. 1965, Eff. 7/19/96; TRANS, from Commerce, 2002 MAR p. 1499; AMD, 2011 MAR p. 749, Eff. 5/13/11; REP, 2018 MAR p. 2054, Eff. 10/20/18.)

24.216.502 MINIMUM STANDARDS FOR SANITARIANS AND SANITARIANS-IN-TRAINING (1) The board may accept graduation from an accredited college or university with a bachelor's degree, and including a minimum of 45 quarter or 30 semester hours in the physical and biological sciences, including courses in chemistry, biology, and at least one general microbiology course as an equivalent qualification of a bachelor's degree in environmental health as required by 37-40-302, MCA. "General microbiology course" means an accredited course that focuses on the basic concepts of microbiology and the activities of bacteria, viruses, and other microorganisms, and their impact on humans. Courses that focus primarily on cellular biochemistry, cellular genetics, and intracellular functions are not general microbiology courses for the purpose of this rule.

(2) A person meeting the minimum standards for licensure, with the exception of approved microbiology credits, may be approved as a sanitarian-in-training, but must satisfactorily complete the microbiology course during the one-year sanitarian-in-training permit period provided for in 37-40-101(6), MCA. (History: 37-1-131, 37-40-203, MCA; IMP, 37-40-302, MCA; NEW, Eff. 2/4/75; AMD, 1980 MAR p. 661, Eff. 2/29/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 290, Eff. 2/12/82; AMD, 1985 MAR p. 1239, Eff. 8/30/85; AMD, 1990 MAR p. 224, Eff. 1/26/90; AMD, 1992 MAR p. 1613, Eff. 7/31/92; AMD, 1994 MAR p. 952, Eff. 4/15/94; AMD, 1996 MAR p. 1965, Eff. 7/19/96; AMD, 1998 MAR p. 1497, Eff. 6/12/98; TRANS, from Commerce, 2002 MAR p. 1499; AMD, 2005 MAR p. 382, Eff. 3/18/05; AMD, 2007 MAR p. 1817, Eff. 11/9/07; AMD, 2011 MAR p. 749, Eff. 5/13/11; AMD, 2014 MAR p. 975, Eff. 5/9/14.)

24.216.503 EXAMINATION (1) Except as provided in (3), all applicants must pass the National Environmental Health Association (NEHA) examination prior to licensure. Examination candidates are responsible for complying with any requirements of the testing agency.

(2) Applicants who fail the examination must meet the standards for reexamination set by NEHA.

(3) A sanitarian-in-training is subject to examination rules set forth in ARM 24.216.506. (History: 37-1-131, 37-40-203, MCA; IMP, 37-1-131, 37-40-302, MCA; NEW, 1996 MAR p. 1965, Eff. 7/19/96; AMD, 1999 MAR p. 278, Eff. 2/12/99; TRANS, from Commerce, 2002 MAR p. 1499; AMD, 2007 MAR p. 1817, Eff. 11/9/07; AMD, 2011 MAR p. 749, Eff. 5/13/11; AMD, 2014 MAR p. 975, Eff. 5/9/14; AMD, 2018 MAR p. 2054, Eff. 10/20/18.)

Rules 24.216.504 and 24.216.505 reserved

24.216.506 SANITARIAN-IN-TRAINING (1) On a form prescribed by the board, an applicant shall apply for and the board may issue a sanitarian-in-training permit to an applicant who meets the minimum educational requirements for a registered sanitarian under 37-40-301 and 37-40-302, MCA, and ARM 24.216.502. A person who has not completed an approved general microbiology course, but who otherwise meets the minimum standards for licensure, may be approved as a sanitarian-in-training.

(2) A sanitarian-in-training must work under the supervision of a licensed sanitarian. As part of the application, an applicant for sanitarian-in-training shall include a plan of supervision, signed by the supervising sanitarian.

(a) The plan of supervision shall include:

- (i) the estimated start and end date of supervision;
- (ii) number of hours of supervision and/or training to be provided per month;
- (iii) method of maintaining contact and supervision, including an alternate supervisor in cases of unavailability of designated supervisor; and
- (iv) an affirmation that the supervision and/or training must be conducted pursuant to practicing the profession of a sanitarian, as defined in 37-40-101(3), MCA.

(b) A record of supervision must be maintained by the sanitarian-in-training and submitted to the board at the end of the supervision relationship. The record of supervision must include:

- (i) dates of supervision and/or training;
- (ii) content summary, reflecting the training and supervision the sanitarian-in-training received regarding practicing the profession of a sanitarian as defined in 37-40-101(3), MCA; and
- (iii) attestation of the record by the supervising sanitarian. Falsification or misrepresentation of the record of supervision shall be considered unprofessional conduct and may result in discipline of the supervisor's license.

(3) "Supervision," for purposes of this rule, means the availability of a licensed sanitarian for purposes of immediate communication and consultation on a weekly and as-needed basis as identified in the approved plan of supervision.

(4) A sanitarian-in-training permit is valid for a period of one year. A sanitarian-in-training who meets all the minimum standards for licensure is eligible to take the examination. (History: 37-1-131, 37-40-203, MCA; IMP, 37-1-131, 37-40-101, 37-40-203, MCA; NEW, 1992 MAR p. 1613, Eff. 7/31/92; AMD, 1996 MAR p. 2578, Eff. 7/19/96; AMD, 1999 MAR p. 278, Eff. 2/12/99; TRANS, from Commerce, 2002 MAR p. 1499; AMD, 2009 MAR p. 455, Eff. 5/1/09; AMD and TRANS, from 24.216.2103, 2011 MAR p. 749, Eff. 5/13/11; AMD, 2018 MAR p. 2054, Eff. 10/20/18.)

Rule 24.216.507 reserved

24.216.508 MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education for consideration toward the requirements for licensure as registered sanitarians and sanitarians-in-training.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as registered sanitarians and sanitarians-in-training. At a minimum, satisfactory evidence shall include:

- (a) a copy of the applicant's military discharge document (DD 214);
- (b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and
- (c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements. (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 975, Eff. 5/9/14.)

Rules 24.216.509 and 24.216.510 reserved

24.216.511 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

24.216.512 APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

Subchapters 6 through 20 reserved

Subchapter 21

Renewals and Continuing Education

24.216.2101 RENEWAL (REPEALED) (History: 37-1-141, 37-40-203, MCA; IMP, 37-1-141, MCA; NEW, 1996 MAR p. 1965, Eff. 7/19/96; TRANS, from Commerce, 2002 MAR p. 1499; AMD, 2006 MAR p. 1583, Eff. 7/1/06; REP, 2018 MAR p. 2054, Eff. 10/20/18.)

24.216.2102 CONTINUING EDUCATION (1) Continuing education is that education obtained after registration of a sanitarian, which is in addition to the educational requirements set by statute for licensure. Continuing education must be related to the practice of the profession of a sanitarian.

(2) A licensee must affirm on the licensee's license renewal form that the licensee has obtained a minimum of 15 clock hours (50 to 60 minutes per hour) or 1.5 continuing education units with the licensee's renewal form each odd-numbered year.

(3) It is the responsibility of the licensee to maintain records of all affirmed continuing education hours or credits and to provide documentation of compliance if so requested during a random audit. A random audit will be conducted on a biennial basis.

(4) Credit for continuing education shall not be carried over to a subsequent reporting period.

(5) Credit for any continuing education courses, workshops, seminars, educational conferences, and other programs is subject to approval by the board.

(6) The following continuing education programs are approved by the board for continuing education credit:

(a) Workshops, seminars, educational conferences, and course work related to the practice of a registered sanitarian sponsored by the National Environmental Health Association, Montana Environmental Health Association, Montana Department of Environmental Quality, Centers for Disease Control, Food and Drug Administration, and Montana Department of Public Health and Human Services; and

(b) Accreditation and refresher courses in specialized programs (i.e., UST licensure, asbestos accreditation, FDA standardization, etc.) sponsored by the Environmental Protection Agency or state agencies.

(7) Any continuing education which has been obtained in another state that meets the continuing education requirements of that state may be approved for credit by the board. (History: 37-1-319, 37-40-203, MCA; IMP, 37-1-306, 37-40-203, MCA; NEW, 1992 MAR p. 1613, Eff. 7/31/92; AMD, 1998 MAR p. 1718, Eff. 6/12/98; TRANS, from Commerce, 2002 MAR p. 1499; AMD, 2011 MAR p. 749, Eff. 5/13/11; AMD, 2018 MAR p. 2054, Eff. 10/20/18.)

24.216.2103 SANITARIAN-IN-TRAINING (TRANSFERRED) (History: 37-1-319, 37-40-203, MCA; IMP, 37-1-305, 37-40-101, 37-40-203, 37-40-301, 37-40-302, MCA; NEW, 1992 MAR p. 1613, Eff. 7/31/92; AMD, 1996 MAR p. 2578, Eff. 7/19/96; AMD, 1999 MAR p. 278, Eff. 2/12/99; TRANS, from Commerce, 2002 MAR p. 1499; AMD, 2009 MAR p. 455, Eff. 5/1/09; AMD and TRANS, to 24.216.506, 2011 MAR p. 749, Eff. 5/13/11.)

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 use the initials R.S. or 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, 37-40-301, 37-40-302, MCA; NEW, 2011 MAR p. 749, Eff. 5/13/11; AMD, 2018 MAR p. 2054, Eff. 10/20/18.)

Subchapter 22 reserved

Subchapter 23

Unprofessional Conduct

24.216.2301 UNPROFESSIONAL CONDUCT (1) For the purpose of implementing the provisions of 37-1-307, MCA, and in addition to the provisions of 37-1-316, MCA, the following is defined as unprofessional conduct:

- (a) failure to comply with the provisions of Title 37, chapter 40, MCA, or any rule promulgated thereunder;
- (b) failure to uphold Montana laws, rules and regulations pertaining to environmental and public health;
- (c) obtaining other financial compensation for professional services than the compensation provided by the employment contract;
- (d) failure to properly supervise a sanitarian-in-training in accordance with ARM 24.216.506;
- (e) failure to provide proof of licensure upon request;
- (f) falsification or misrepresentation of the record of supervision of a sanitarian-in-training by the supervising sanitarian. (History: 37-1-319, 37-40-203, MCA; IMP, 37-1-316, 37-1-319, 37-40-203, MCA; NEW, Eff. 2/4/75; AMD, 1980 MAR p. 661, Eff. 2/29/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 290, Eff. 2/12/82; AMD, 1985 MAR p. 1239, Eff. 8/30/85; AMD, 1996 MAR p. 1965, Eff. 7/19/96; TRANS, from Commerce, 2002 MAR p. 1499; AMD, 2018 MAR p. 2054, Eff. 10/20/18.)