

West Virginia State Board of Sanitarians

Regulatory Review Report

Due November 1, 2018

Series 1

Rules of Procedure for Contested Case Hearing and Declaratory Rulings

Description: This rule establishes the general procedure for conducting contested case hearings and the issuance of declaratory rulings in accordance with WV Code 29A-4-1. The rule includes definitions, requirements for requesting a hearing and how it is to be set up with proper notifications. It requires a transcript of Reported Testimony and Evidence and Submission of Proposed Findings of Fact and Conclusion of Law. It also sets up the Appointment of the Hearing Examiner or Administrative Law Judge. It also sets up Conferences and Informal Disposition of Cases. Includes procedures for Depositions and Subpoenas and Orders. It also gives procedures for issuing Declaratory Rulings and Appeals.

According to the records available the rule was first promulgated on May 6, 1982, with modifications on May 30, 2011.

Determination: The Board has reviewed this rule and has decided that no revisions are required at this time.

Reasons: The Board has determined that the procedures for conducting hearings has not changed since the last revision and therefore do not require the revision of this rule.

West Virginia State Board of Sanitarians

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Due November 1, 2018

Series 2 Procedure for The Investigation and Resolution of Complaints

Description: This rule specifies the procedure for the investigation and resolution of complaints against Sanitarians-In-Training, Sanitarians, and Registered Sanitarians. This rule should be read in conjunction with the provisions of WV Code 30-1-1 and 30-17-1, et seq. This rule sets up definitions and the filing of a complaint. It sets up procedures for the investigation of the complaint and the Disposition of Complaints. It also sets up Notice of Hearing and Conducting the Hearing. It also sets up the penalties and Appeals process.

According to the records available the rule was first promulgated on February 1, 2001 and was revised on May 30, 2011.

Determination: The Board has reviewed this rule and has decided that no revisions are required at this time.

Reasons: The Board has determined that the procedures for the Investigation and Resolution of Complaints has not changed since the last revision and therefore do not require the revision of this rule.

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Due November 1, 2018

Series 4

Description: This rule sets forth standards for the regulation and conduct of members, records, applications and examination for persons employed as Public Health Sanitarians. The rule sets up definitions and Standards and requirements for a permit, certificate or license. It sets up reciprocity requirements as well as who is exempt from having to obtain a permit, certificate, or license. It also sets up standards for Approval of Courses and the procedures for giving an examination. It states who is qualified to use the title "Registered Sanitarian" and to use the abbreviation "RS" after his or her name. It also sets procedures for suspension or revocation of Permits, Certificates and Licenses. It sets the procedure for Administrative Due Process.

According to the records available the rule was promulgated June 24, 2011. It was revised April 30, 2014 and again May 16, 2017. Prior to the promulgation of this rule the Board was based on the law itself and set policies to clarify any needed items. The 2011 rule was promulgated to formalize the policies that had previously been enacted by the Board.

Determination: The Board has reviewed this rule and has decided that no revisions are required at this time.

Reasons: The Board has determined that the procedure has not changed since the last revision and therefore do not require the revision of this rule.