

CHAPTER 7

LICENSURE OF PERSONS FOR PUBLIC HEALTH POSITIONS

Authority

N.J.S.A. 26:1A-38 et seq.

Source and Effective Date

R.1995 d.537, effective September 13, 1995.
See: 27 N.J.R. 2362(a), 27 N.J.R. 3933(b).

Executive Order No. 66(1978) Expiration Date

Chapter 7, Licensure of Persons for Public Health Positions, expires on September 13, 2000.

Historical Note

All provisions of this chapter became effective prior to September 1, 1969.

1976 Revisions: Amendments became effective January 2, 1976 as R.1976 d.1. See: 7 N.J.R. 552(a), 8 N.J.R. 65(a).

1977 Revisions: Amendments became effective March 23, 1977 as R.1977 d.102. See: 8 N.J.R. 512(b), 9 N.J.R. 173(a).

1978 Revisions: Amendments became effective July 1, 1978 as R.1978 d.24. See: 9 N.J.R. 515(b), 10 N.J.R. 62(c).

1980 Revisions: Amendments became effective September 1, 1980 as R.1980 d.317. See: 12 N.J.R. 181(c), 12 N.J.R. 467(b).

1985 Revisions: This chapter expired on April 17, 1985 and was adopted as an Emergency New Rule effective July 10, 1985 (expires September 9, 1985) pursuant to Executive Order 66(1978). See: 17 N.J.R. 1926(a). This chapter was adopted as a New Rule effective September 16, 1985 as R.1985 d.476. See: 17 N.J.R. 1503(a), 17 N.J.R. 2265(a).

1988 Revisions: Section 1.2 "Board of examiners" was repealed and a new section 1.2 "New Jersey Public Health Licensing and Examination Board" became effective June 6, 1988 as R.1988 d.236. See: 20 N.J.R. 364(a), 20 N.J.R. 1204(a).

Pursuant to Executive Order No. 66(1978), Chapter 7 was readopted as R.1990 d.502, effective September 14, 1990. See: 22 N.J.R. 1977(a), 22 N.J.R. 3545(a).

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See section annotations for specific rulemaking activity.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 8:7-1.1 Positions requiring a license
- 8:7-1.2 New Jersey Public Health Licensing and Examination Board
- 8:7-1.3 Submission of evidence of qualification
- 8:7-1.4 Examination and initial license fees
- 8:7-1.5 Determination of qualified candidates
- 8:7-1.6 Appeal procedure
- 8:7-1.7 Suspension or revocation of license
- 8:7-1.8 Examinations
- 8:7-1.9 Record keeping requirements of the Board
- 8:7-1.10 Qualifications of candidates for licensure

8:7-1.11 License issuance, renewal, and fee for renewal of health officer licenses

8:7-1.12 Complete and incomplete continuing education status

8:7-1.13 License renewal and continuing education requirements

8:7-1.14 Waiver of continuing education contact hours

8:7-1.15 Continuing education course criteria

8:7-1.16 Course, seminar, or program approval

8:7-1.17 Record of continuing education contact hours

SUBCHAPTER 1. GENERAL PROVISIONS

8:7-1.1 Positions requiring a license

(a) A license granted by the New Jersey State Department of Health is required for any person who is employed as a:

1. Health officer; or
2. Sanitary inspector, first grade.

Amended by R.1995 d.537, effective October 16, 1995.

See: 27 N.J.R. 2362(a), 27 N.J.R. 3933(b).

Eliminated positions requiring a license.

8:7-1.2 New Jersey Public Health Licensing and Examination Board

(a) There shall be established within the New Jersey Department of Health, a board of examiners to be known as the Public Health Licensing and Examination Board.

(b) On behalf of the New Jersey Public Health Council and the New Jersey Commissioner of Health, the Board shall conduct examinations for the licensing of:

1. Health Officer; and
2. Sanitary Inspector, First Grade

(c) The Public Health Council shall prescribe the qualifications necessary for the licensing of Health Officers and Sanitary Inspector, First Grade and shall prescribe the qualifications necessary for the renewal of any license permitted to remain in effect under N.J.S.A. 26:1A-41.

(d) The Board shall be composed of 11 members appointed by the Commissioner of Health as follows:

1. One of the members of the Board shall represent the Commissioner of Health. The Commissioner's representative shall be the Assistant Commissioner responsible for local health operations or shall be selected from professional staff of that unit. The individual shall serve as the Chairperson of the Board.

2. Three members of the Board shall be licensed Health Officers. Individuals will be recommended to the Commissioner of Health by the Executive Committee of the New Jersey Health Officers Association.

3. Three members of the Board shall be licensed as Sanitary Inspector, First Grade. Individuals will be recommended to the Commissioner of Health by the Executive Committee of the New Jersey Environmental Health Association.

4. One member of the Board shall be a representative of the Commissioner of the New Jersey Department of Environmental Protection.

5. One member of the Board shall be a representative of the New Jersey Department of Personnel.

6. One member of the Board shall be a health professions educator.

7. One member of the Board shall be a consumer representative.

(e) With the exception of the Chairperson, who shall serve in this capacity until replaced by the Commissioner of Health, a Board member is:

1. Appointed for a term of two years; and
2. Permitted to serve for no more than three consecutive terms.

(f) As vacancies occur, the Commissioner of Health shall appoint a person representing the constituency similar to that of the person being replaced. The replacement appointment shall be for completion of the unexpired term.

(g) For the purpose of conducting business, six members of the Board shall be required for a quorum and no actions shall be taken by the Board in the absence of a quorum.

(h) In the absence of the Chairperson at a business meeting, the members of the Board shall elect a Chairperson pro tem to direct the business of that meeting.

(i) Any action of the Board shall require a majority vote of members present. No proxy votes shall be permitted. In order to provide a timely response to issues before the Board, under special circumstances, Board members may be polled by the Chairperson via telephone.

(j) Members of the Board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(k) The Board shall keep minutes of all meetings and shall transmit the record of all transactions and recommendations to the Public Health Council and the Commissioner of Health.

(l) All business transactions of the Board shall be done with the signature of the Chairperson.

New Rule, R.1988 d.236, effective June 6, 1988.
See: 20 N.J.R. 364(a), 20 N.J.R. 1204(a).

Repealed old 1.2 Board of Examiners.
Amended by R.1995 d.537, effective October 16, 1995.

See: 27 N.J.R. 2362(a), 27 N.J.R. 3933(b).

8:7-1.3 Submission of evidence of qualification

(a) The State Commissioner of Health, in the name of the New Jersey State Department of Health, shall grant licenses only to those candidates who submit evidence of the required training and experience, are accepted for testing by the Public Health Licensing and Examination Board and/or the Commissioner of Health, and who subsequently pass examinations, indicating their fitness for the positions they seek.

(b) A person who desires to be admitted to an examination may obtain an application form from the New Jersey State Department of Health, 3635 Quakerbridge Road, CN 369, Trenton, New Jersey 08625. The application shall be filed with the department and accompanied by documentary evidence satisfying the education, training, and experience requirements for the position. Such documentary evidence shall include an evaluation of the candidates performance written by the supervisor(s) working experience.

(c) In evaluating applications for admission to examinations, the New Jersey high school equivalency certificate will be recognized as the equivalent to graduation from an accredited high school.

Amended by R.1995 d.537, effective October 16, 1995.
See: 27 N.J.R. 2362(a), 27 N.J.R. 3933(b).

8:7-1.4 Examination and initial license fees

The New Jersey State Department of Health shall collect a fee, as established by statute, from each qualified candidate for licensure prior to the examination. Such fee will be payable only after a candidate has been notified of eligibility for admission to the examination. Candidates who are successful in passing the examination will not be required to pay an additional fee for the issuance of their initial license.

8:7-1.5 Determination of qualified candidates

(a) Appropriate members of the Public Health Examining Board shall review each candidate's application for admission to the licensure examination. Based upon the qualifications of the candidate, the Board shall approve or deny such candidate entrance to the examination.

(b) The candidate and the Department of Health shall be notified within 10 days of the Board's determination. In the case of a denial the candidate shall have the opportunity to appeal the decision of the Board.

8:7-1.6 Appeal procedure

(a) Any candidate who has been denied admission to a licensure examination by the Public Health Examining Board may appeal the Board's action according to the following procedure:

1. Within 30 days of notification of denial, the candidate may request, in writing, a reconsideration of his qualifications by the Board;

2. At a regular meeting of the Board, the candidate will have the opportunity to discuss his qualifications. At the conclusion of the discussion, the Board shall vote on the candidate's appeal;

3. In the event that the Board reaffirms its denial decision, the candidate may, within 30 days, request a review of his or her case.

4. At the conclusion of the review, the Commissioner of Health shall issue a final decision.

Amended by R.1990 d.502, effective November 19, 1990.

See: 22 N.J.R. 1977(a), 22 N.J.R. 3545(a).

Candidate given 30 days to request a review.

8:7-1.7 Suspension or revocation of license

(a) Any license issued in accordance with the provisions of P.L. 1947, c.177 (N.J.S.A. 26:1A-41) and the rules governing the licensing of health officers and sanitary inspector, first grade, heretofore issued by the New Jersey State Department of Health, may be suspended or revoked for any of the causes as defined in Section 43 of P.L. 1947, c.177 (N.J.S.A. 26:1A-43).

(b) Upon written charges alleging any such violation, act or happening being filed by the Commissioner or by the local board of health within whose territory or jurisdiction such violation, act or happening occurred, the licensee shall be entitled to a hearing pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.A.C. 1:1.

New Rule, R.1990 d.502, effective November 19, 1990.

See: 22 N.J.R. 1977(a), 22 N.J.R. 3545(a).

Amended by R.1995 d.537, effective October 16, 1995.

See: 27 N.J.R. 2362(a), 27 N.J.R. 3933(b).

8:7-1.8 Examinations

(a) The New Jersey State Department of Health shall schedule examinations for the licensure of persons for public health positions at least twice a year.

(b) Examinations shall be prepared, conducted and scored in accordance with the department's standard operating procedures with the advice of the Public Health Examining Board.

(c) If any qualified candidate fails an examination for a particular type of license two times, such candidate shall not be permitted entrance to the next examination for that type of license until, and unless, the candidate submits evidence, to the Board of further formal training and supervised experience specifically in those areas in which the candidate was deficient. The board in its discretion, may accept the additional evidence or require the candidate to postpone taking the licensure examination for a period of one year from the date of the last examination. During the one year

waiting period the candidate shall be required by the Board to either obtain further training and experience under the supervision of a person licensed for the position for which the candidate seeks licensure, or obtain further educational training and experience through formal courses at an accredited institution of higher education or through recognized professional or governmental bodies. At the conclusion of the one-year period, the candidate shall furnish the Board with a written report from his supervisor or from the educational institution, attesting to the completion of the additional training and experience and may then make application to gain admission to the licensure examination.

Recodified by R.1990 d.502, effective November 19, 1990.

See: 22 N.J.R. 1977(a), 22 N.J.R. 3545(a).

Amended by R.1995 d.537, effective October 16, 1995.

See: 27 N.J.R. 2362(a), 27 N.J.R. 3933(b).

8:7-1.9 Record keeping requirements of the Board

The Public Health Examining Board shall keep minutes of its meetings and shall transmit the record of all its transactions and recommendations to the Commissioner of Health.

Recodified by R.1990 d.502, effective November 19, 1990.

See: 22 N.J.R. 1977(a), 22 N.J.R. 3545(a).

8:7-1.10 Qualifications of candidates for licensure

(a) Regarding the qualifications of health officer candidates, applicants shall meet one of the following qualifications:

1. Diplomate of the American Board of Preventive Medicine or complete eligibility therefor;

2. Degree of doctor or master from an accredited college or university program in a health-related field recognized as such by the Department of Education such as medicine, osteopathy, veterinary medicine, public health, environmental science, health administration, social work, nursing or health education. The core course work for the degree shall include or be supplemented by at least three credits in each of the following: planning, administration, environmental science, social science and epidemiology; and

i. Unless otherwise exempted by statute, satisfactory completion of two years full-time employment in a position providing administrative experience in at least three of the five existing recognized public health activities as specified in N.J.A.C. 8:51.

3. What a candidate for health officer license should know:

i. The health officer is expected to provide leadership in the field of public health in his community. In addition to being the administrative officer of a local health department, he is responsible for evaluating the health problems of his community, planning appropriate activities to meet their health problems, developing

necessary budget procedures to cover these activities, and directing the department's staff so as to carry out the activities efficiently and economically. These activities are covered in "Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey". Applicants are examined relative to these essential activities.

(b) Sanitary inspector, first grade, qualifications are as follows:

1. A baccalaureate degree from an accredited college or university recognized as such by the Department of Education, with a minimum of 32 credits in the biological sciences, physical sciences, environmental sciences, and mathematics; and

2. Successful completion of a course in the environment and public health conducted by an accredited college or university recognized as such by the Department of Education. This course must be equivalent to that offered by Rutgers—The State University; and

3. Successful completion of a field training course approved as such by the New Jersey State Department of Health. Full-time employment for a minimum period of one year in a local health agency (under the supervision of either licensed health officer or sanitary inspector, first grade), as defined in "Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey," N.J.A.C. 8:52, will be accepted in lieu of the field training course only if an approved field training course is not available.

4. What a candidate for sanitary inspector, first grade license, should know:

i. The sanitary inspector is responsible for making inspections, compiling proper records of such inspections, informing operators of establishments of violations, the sanitary basis thereof, methods of abating such violations, and securing evidence that may be necessary for legal action. Such inspections shall be in all environmental sanitation activities, particularly those indicated in the "Recognized Public Health Activities and Minimum Standards of Performance for Local Health Departments in New Jersey". Applicants are examined relative to these indicated activities.

Recodified by R.1990 d.502, effective November 19, 1990.
See: 22 N.J.R. 1977(a), 22 N.J.R. 3545(a).
Amended by R.1995 d.537, effective October 16, 1995.
See: 27 N.J.R. 2362(a), 27 N.J.R. 3933(b).

8:7-1.11 License issuance, renewal, and fee for renewal of health officer licenses

(a) All initial licenses granted by the Commissioner in accordance with N.J.A.C. 8:7-1.3 shall not fall under the requirements of this section.

(b) All licenses shall expire on December 31 of each year and may be renewed upon payment of a fee as established by N.J.S.A. 26:1A-42.

(c) Notation shall be made on renewed licenses denoting complete or incomplete continuing education status, based on whether the applicant has fulfilled the continuing education requirements set forth in this chapter.

New Rule, R.1997 d.515, effective December 1, 1997.
See: 29 N.J.R. 3789(a), 29 N.J.R. 5076(a).

8:7-1.12 Complete and incomplete continuing education status

(a) The requirements set forth under N.J.A.C. 8:7-1.12 through 1.17 shall apply to all individuals eligible to serve as a health officer in the State of New Jersey, except where the rule provides for exemption or waiver.

1. Complete continuing education status shall be issued for a license that has been renewed in accordance with the continuing education requirements set forth in this chapter.

2. Incomplete continuing education status shall be issued for a license that has been renewed without fulfillment of the following:

i. The continuing education requirements set forth in this chapter, or

ii. A waiver granted in accordance with N.J.A.C. 8:7-1.14.

New Rule, R.1997 d.515, effective December 1, 1997.
See: 29 N.J.R. 3789(a), 29 N.J.R. 5076(a).

8:7-1.13 License renewal and continuing education requirements

(a) By the end of each annual licensing period, each health officer shall, as a condition of complete continuing education status, successfully acquire 15 contact hours of approved continuing education.

(b) Each health officer shall be permitted to carry over up to five excess continuing education contact hours from one licensing period to the next.

(c) Each health officer shall submit to the Public Health Council verification of accumulated continuing education contact hours. Verification materials shall include evidence of the successful completion of an approved course, seminar, or program, in the form of a certificate or similar formal record of attendance certified by the approved sponsor.

New Rule, R.1997 d.515, effective December 1, 1997.
See: 29 N.J.R. 3789(a), 29 N.J.R. 5076(a).

8:7-1.14 Waiver of continuing education contact hours

(a) The Public Health Council, may, for good cause, such as serious illness or accident involving self or family and determined by the Council to have prevented a health officer's completion of continuing education, waive all or part of the rule for the licensing period. All such requests to the Public Health Council by the health officer shall be in writing and shall be accompanied by written documentation supporting the reasons for the request.

(b) Waivers shall be granted for one licensure period at a time. If the situation for which the waiver is granted continues, the health officer shall reapply in writing to the Public Health Council.

New Rule, R.1997 d.515, effective December 1, 1997.
See: 29 N.J.R. 3789(a), 29 N.J.R. 5076(a).

8:7-1.15 Continuing education course criteria

(a) Continuing education courses eligible for contact hours under this subchapter shall include:

1. Courses, seminars, or programs focusing on professional competency and ethics, as well as legal aspects relating to the practice of public health, environmental health, and sanitation;
2. Courses, seminars, or programs in public health, health care, health education, environmental science, health planning, epidemiology;
3. Courses, seminars, or programs in public health administration, environmental health, communicable diseases, maternal and child health, and chronic diseases; and
4. Courses, seminars, or programs designed to acquaint health officers with the utilization and application of new techniques, policy, and developments relating to public health, environmental health, and sanitation.

(b) Any course, seminar, or program shall seek approval under the rule by the Public Health Council pursuant to the procedures set forth at N.J.A.C. 8:7-1.16 for assignment of health officer continuing education contact hours, regardless of accreditation by other professional associations, societies, and/or organizations.

New Rule, R.1997 d.515, effective December 1, 1997.
See: 29 N.J.R. 3789(a), 29 N.J.R. 5076(a).

8:7-1.16 Course, seminar, or program approval

(a) Any course of study that addresses the content areas specified at N.J.A.C. 8:7-1.15(a) offered by an educational institution, association, professional society, person, or organization and used by applicants for the purpose of continuing education and licensure in this State as health officers and/or for license renewal may be approved by the Public Health Council, in accordance with this chapter.

1. Any course, seminar, or program sponsored by the New Jersey Department of Health and Senior Services, the New Jersey Department of Environmental Protection, or a school or program accredited by the Council on Education for Public Health which fulfills the requirements as set forth at N.J.A.C. 8:7-1.15 shall be exempted from securing approval from the Public Health Council. The Public Health Council shall, however, determine the number of continuing education contact hours which will be assigned to the course, seminar, or program.

2. The annual meeting of the New Jersey Health Officers Association, upon approval of the Public Health Council, may be used in partial fulfillment of the requirement for continuing education.

(b) Any person or organization desiring approval of a health or health-related course, seminar, or program offered shall apply to the Public Health Council through written application. Each application shall be submitted at least 60 days prior to the first session in the name of the person or organization by a person authorized to do so. The application shall contain the following minimum information:

1. The name of the course, seminar, or program and its primary learning objectives;
2. The time, date, and place of the course, seminar, or program;
3. Name of the lecturer(s) and his or her credentials;
4. An outline showing the course, seminar, or program content broken down by session and time schedule;
5. A description of any written materials to be used;
6. A projected schedule for the times the course, seminar, or program will be offered in a year and the dates of the presentation;
7. A statement that the institution shall notify the Public Health Council if the course, seminar, or program is withdrawn or changed;
8. A statement that the sponsor shall provide attendance verification documents for all attendees who request them. Each sponsor shall have a proctor who shall attest to the attendance of each attendee;
9. A statement that the institution shall maintain such records as are required by this section; and
10. A description of the method of evaluation.

(c) The Public Health Council reserves the right to undertake such reviews as may be necessary to verify the accuracy of an application or conformity with this chapter. The sponsor, by submitting the application, expressly agrees to cooperate in such reviews.

(d) Continuing education contact hours may be awarded by the Public Health Council upon review of the application and any supporting materials pursuant to the following schedule:

1. One hour of lecture or small group exercises equals one contact hour;

2. One hour of field or laboratory work equals one-half contact hour; and

3. All recertification courses of three or more hours shall equal three contact hours; all recertification courses which equal less than three hours shall equal the actual time of the course.

(e) All sponsors shall secure approval of the Public Health Council prior to representing that the course, seminar, or program fulfills the requirements of this subsection. The sponsor may include the statement "This course (seminar or program) is approved by the Public Health Council for ___ continuing education contact hours toward the renewal of a New Jersey health officers license."

(f) Approval by the Public Health Council of a course, seminar, or program shall be considered valid for one year from the date of approval, provided that the items identified at and N.J.A.C. 8:7-1.16(b) remain unchanged during the one-year time period.

(g) The Public Health Council shall review all courses, seminars, or programs. Upon evidence that the courses, seminars, or programs fail to meet the criteria set forth in N.J.A.C. 8:7-1.15(a) and/or in the sponsor's application as required in N.J.A.C. 8:7-1.16(b), the course shall not be granted approved status and the sponsor shall be required to reapply for approval.

(h) A list of approved courses shall be available upon request from the Public Health Council.

New Rule, R.1997 d.515, effective December 1, 1997.
See: 29 N.J.R. 3789(a), 29 N.J.R. 5076(a).

8:7-1.17 Record of continuing education contact hours

(a) A health officer shall maintain documentation of course, seminar, or program attendance.

(b) A health officer shall submit to the Public Health Council verification of accumulated continuing education contact hours. Verification material shall include evidence of the successful completion of an approved course, seminar, or program, in the form of a certificate or similar formal record of attendance certified by the sponsor.

(c) A health officer shall complete the license renewal forms by including continuing education information for all the approved courses, seminars, or programs which the applicant completed, as well as the number of continuing education contact hours earned, for the licensure renewal period in question.

New Rule, R.1997 d.515, effective December 1, 1997.
See: 29 N.J.R. 3789(a), 29 N.J.R. 5076(a).