

HEALTH

PUBLIC HEALTH SERVICES BRANCH

OFFICE OF LOCAL PUBLIC HEALTH

Licensure of Persons for Public Health Positions

Notice of Readoption with Technical Changes: N.J.A.C. 8:7

Authorized By: Judith M. Persichilli, R.N., B.S.N., M.A., Commissioner, Department of Health, in consultation with the Public Health Council.

Authority: N.J.S.A. 26:1A-38 through 43.

Effective Date: _____, 2021, Readoption;
_____, 2021, Technical changes.

New Expiration Date: _____, 2028.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the Commissioner of the Department of Health (Department) hereby readopts N.J.A.C. 8:7 21 Licensure of Persons for Public Health Positions, with technical changes.

N.J.A.C. 8:7 was to expire September 13, 2020. Pursuant to Executive Orders Nos. 127 (Governor Murphy, 2020) and 244 (Governor Murphy, 2021), and P.L. 2021, c. 103 (approved June 4, 2021), any chapter of the New Jersey Administrative Code that would otherwise have expired during the public health emergency, which was originally declared in Executive Order No. 103 (Governor Murphy, 2020), is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, and this notice of readoption is timely filed.

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N.J.A.C. 8:7 consists of one subchapter containing general provisions.

The Department is developing rulemaking to update N.J.A.C. 8:7 to conform to national best practices and core competencies for licensure of persons in public health positions, and will process that rulemaking in the ordinary course. However, that rulemaking will not be concluded before the existing rules would have expired but for this readoption. Therefore, subject to the technical changes described below, the Commissioner has determined that, until the rulemaking that is in development can be concluded, the existing rules remain necessary, adequate, reasonable, efficient, understandable, and responsive to the purposes for which they were promulgated, and should be readopted.

The Department is making technical changes throughout the chapter to reflect the change in the name of the Department pursuant to N.J.S.A. 26:1A-2.1 and the name of the New Jersey Health Officers Association to the New Jersey Association of City and County Health Officials; to reflect the abolishment of the Department of Personnel and the establishment of the New Jersey Civil Service Commission pursuant to P.L. 2008, c.29 (approved June 30, 2008); to update contact information and an informational website link; to provide an internet link to a publication to which the chapter refers, and to correct grammatical errors.

Full text of the technical changes follows (additions indicated in boldface, **thus**; deletions indicated in brackets, [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

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8:7-1.1 Positions requiring a license

(a) A license granted by the New Jersey Department of Health [and Senior Services]

(Department) is required for any person who is employed as a:

1. -2. (No change.)

(b) In accordance with N.J.S.A. 26:3-20 through 24, unless otherwise suspended or revoked, the licenses specified in (c) below shall remain in effect until the holder thereof does not renew the license within two years from the date of its expiration, or the Commissioner of Health [and Senior Services] **(Commissioner)** does not renew the license, whichever occurs first.

(c) (No change.)

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

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

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

1.-2. (No change.)

(c) (No change.)

(d) The Board shall be composed of 11 members appointed by the Commissioner [of Health and Senior Services] as follows:

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1. One of the members of the Board shall represent the Commissioner [of Health and Senior Services]. The Commissioner's representative shall be the Senior 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 and Senior Services] by the Executive Committee of the New Jersey **Association of City and County Health [Officers Association] Officials** and shall meet the qualifications for licensure in N.J.A.C. 8:7-1.10 [which] **that** would apply to applicants for initial licensure.

3. Three members of the Board shall be licensed registered environmental health specialists. Individuals will be recommended to the Commissioner [of Health and Senior Services] by the Executive Committee of the New Jersey Environmental Health Association and shall meet the current qualifications for licensure in N.J.A.C. 8:7-1.10 [which] **that** would apply to applicants for initial licensure.

4. (No change.)

5. One member of the Board shall be a representative of the [Commissioner] **Chairperson and Chief Executive Officer** of the New Jersey [Department of Personnel] **Civil Service Commission**.

6.-7. (No change.)

(e) With the exception of the Chairperson, who shall serve in this capacity until replaced by the Commissioner [of Health and Senior Services], a Board member shall be:

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1.-2. (No change.)

(f) As vacancies occur, the Commissioner [of Health and Senior Services] 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)-(j) (No change.)

(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 and Senior Services].

(l) (No change.)

8:7-1.3 Submission of evidence of qualification; application for examination

(a) The Commissioner [of Health and Senior Services], in the name of the [New Jersey] Department [of Health and Senior Services], 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 Senior Services], 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 **Office of Local Public Health**, New Jersey Department of Health [and Senior Services], PO Box 360, Trenton, [New Jersey] **NJ 08625-0360, (609) 292-4993, and see <https://www.nj.gov/health/lh/professionals/licensing> for latest**

information. Applicants shall provide all identifying information required on the form,

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including name, address, telephone number and the license for which they are applying. 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) under which working experience was acquired.

8:7-1.4 Application, examination and initial license fees

(a) The [New Jersey] Department [of Health and Senior Services] shall collect fees, as authorized by statute, from each candidate for licensure prior to the examination.

(b)-(c) (No change.)

8:7-1.5 Determination of qualified candidates

(a) (No change.)

(b) The candidate and the Department [of Health and Senior Services] 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 or licensee denied active license status in accordance with N.J.A.C. 8:7-1.12 may appeal the Board's action according to the following procedure:

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1.-3. (No change.)

4. In the case of a candidate, at the conclusion of the review, the Commissioner [of Health and Senior Services] shall issue a final decision.

5. (No change.)

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 registered environmental health specialists, heretofore issued by the [New Jersey] Department [of Health and Senior Services], 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) (No change.)

(c) The suspension or revocation of a license shall be effected by a notice in writing of the suspension or revocation, designating the effective date thereof, and in the case of suspension, the term of the suspension, which notice may be served upon the licensee personally or by mailing the same by registered mail addressed to the licensee at the licensee's home address. The Commissioner [of Health and Senior Services] shall file a copy of the notice of suspension or revocation of license with the local board of health.

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8:7-1.8 Examinations

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

(b) (No change.)

8:7-1.9 Recordkeeping 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 and Senior Services].

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.-2. (No change.)

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 or her community. In addition to being the chief executive officer of a local health department, he or she 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,

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economically and in accordance with accepted policies and practices as defined [by the New Jersey Department of Health and Senior Services and Public Health Council] in N.J.A.C. 8:52, [Recognized] Public Health [Activities and Minimum] **Practice** Standards of Performance for Local Boards of Health in New Jersey.

Applicants are examined relative to these essential activities.

(b) Registered environmental health specialist qualifications are as follows:

1.-2. (No change.)

3. Successful completion of a field training course approved as such by the [New Jersey] Department [of Health and Senior Services]. Full-time employment for a minimum period of one year in a local health agency (under the supervision of either licensed health officer or registered environmental health specialist), as defined in N.J.A.C. 8:52, [Recognized] Public Health [Activities and Minimum] **Practice** Standards of Performance for Local Boards of Health in New Jersey, 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 registered environmental health specialist license should know:

i. The registered environmental health specialist 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 and in accordance with N.J.A.C. 8:52, [Recognized] Public Health [Activities and Minimum] **Practice**

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Standards of Performance for Local **Boards of Health** [Departments] in New Jersey. Applicants are examined relative to these indicated activities.

8:7-1.11 License issuance, renewal, and fees for licenses

(a) (No change.)

(b) All licenses shall expire on December 31 of each year and may be renewed upon payment of a fee as authorized by N.J.S.A. 26:1A-42. The annual license renewal fee of \$ 50.00 shall be submitted to the Department with the application sent to all licensees by the Department [of Health and Senior Services] and shall include evidence of completed continuing education in accordance with N.J.A.C. 8:7-1.13(c) for health officers and registered environmental health specialists.

1. License renewal applications shall be completed and submitted to the Department [of Health and Senior Services] by December 1 for the subsequent licensing year. Applications received after December 1 shall be assessed a \$25.00 late fee in addition to the license fee.

(c)-(e) (No change.)

8:7-1.13 License renewal and continuing education requirements

(a) By the end of each annual licensing period, each person employed as a health officer or registered environmental health specialist shall meet the requirements for an active license. Persons failing to meet the requirements of an active license will be issued written notice, which may be served upon the licensee personally or by

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registered mail, a copy of which shall be filed with the employer with further notice to advise the Department [of Health and Senior Services] of its intent and the means by which it shall resolve the matter.

1. (No change.)

(b)-(d) (No change.)

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 or registered environmental health specialist's completion of continuing education, **may** waive all or part of the requirement for the licensing period. All such requests to the Public Health Council by the health officer or registered environmental health specialist shall be in writing and shall be accompanied by written documentation supporting the reasons for the request.

(b) (No change.)

8:7-1.15 Continuing education course criteria

(a)-(b) (No change.)

(c) Course, seminar and program sponsors shall use The Public Health Workforce: An Agenda for the 21st Century, U.S. Department of Health and Human Services, 1997 **(available at <https://permanent.fdlp.gov/lps46996/pubhlth.pdf> or upon request to the Office of Local Public Health)**, and, specifically, "Appendix E: Competencies for

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Providing Essential Public Health Services,” incorporated by reference herein, as a central focus and foundation for curriculum development for all continuing education programs for which approval is being sought. Sponsors shall integrate the appropriate competencies outlined in said Appendix E into the curriculum of all programs.

[1. The text of Appendix E can be obtained/downloaded from the U.S. Department of Health and Human Services, Office of Community Support, Tel. 301-468-5960 or from the N.J. Department of Health and Senior Services web site, www.state.nj.us/health.]

8:7-1.16 Course, seminar, or program approval; application fee

(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 or registered environmental health specialists may be approved by the Public Health Council, in accordance with this chapter.

1. Any course, seminar, or program **that is** 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 or [by] the National Environmental Health, Science and Protection Accreditation Council, which fulfills the requirements [as] set forth at N.J.A.C. 8:7-1.15 [shall be exempted] **is exempt** from securing approval from the Public Health Council. The Public Health Council shall[, however,] determine the number of

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continuing education contact hours [which] **that** will be assigned to the course, seminar, or program.

2. The annual meetings of the New Jersey **Association of City and County Health [Officers Association] Officials**, New Jersey Environmental Health Association, South Jersey's Sanitarians' Association, New Jersey Public Health Association, American Public Health Association, and National Environmental Health Association, upon approval of the Public Health Council and in accordance with this section, may be used in partial fulfillment of the requirement for continuing education.

(b)-(d) (No change.)

(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 shall 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 Officer[s] license and a New Jersey Registered Environmental Health Specialist license" on the course announcement and the record of attendance.

1. (No change.)

(f)-(h) (No change.)

8:7-1.18 Continuing education advisory committee

(a) The [New Jersey] Department [of Health and Senior Services] shall convene a continuing education advisory committee, which shall provide advice[.]; examine trends,

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policies, **and** innovations; review needs assessment; and assist in the development of other pertinent activities regarding continuing education for public health professionals.

(b) The committee shall provide specific advice to the [Public Health Licensing and Examination] Board on issues regarding the ongoing process of the development of the continuing education rules and programs for health officers and registered environmental health specialists, as needed.

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