

Subtitle 2. State Board of Environmental Health Specialists.

**§21–201. Board established.**

There is a State Board of Environmental Health Specialists in the Department.

**§21–202. Membership.**

(a) (1) The Board consists of 9 members appointed by the Governor with the advice of the Secretary, and with the advice and consent of the Senate.

(2) Of the 9 Board members:

(i) 7 shall be licensed environmental health specialists appointed as follows:

1. 1 shall be employed by private industry;
2. 1 shall be employed by the Department of the Environment;
3. 1 shall be employed by the Department;
4. 1 shall be employed by a local health department and be employed under the State Personnel Management System;
5. 1 shall be employed by a local government and not be employed under the State Personnel Management System; and
6. 2 shall be appointed at large; and

(ii) 2 shall be consumer members.

(3) All Board members shall be residents of the State.

(b) The members appointed at large shall reasonably reflect the geographic diversity of the State.

(c) (1) The consumer members of the Board:

- (i) Shall be members of the general public;
- (ii) May not be licensed environmental health specialists;
- (iii) May not have a household member who is a licensed environmental health specialist;
- (iv) May not participate or ever have participated in a related commercial or professional field;
- (v) May not have a household member who participates in a related commercial or professional field; and
- (vi) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

(2) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

(d) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

- (e) (1) The term of a member is 4 years.
- (2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 2012.
- (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
- (4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (5) A member may not serve more than 2 consecutive terms.
- (f) For each vacancy of a licensed environmental health specialist member, the Board shall:
  - (1) Solicit nominations by notifying all licensed environmental health specialists of the vacancy; and
  - (2) Submit to the Secretary a list of at least three candidates for each vacancy.
- (g) On the recommendation of the Secretary, the Governor may remove a member for incompetence, misconduct, neglect of duty, or other sufficient cause.

**§21–203. Officers.**

- (a) From among its members, the Board annually shall elect a chairman, a vice chairman, and a secretary.
- (b) The Board shall determine:
  - (1) The manner of election of officers; and
  - (2) The duties of each officer.

**§21–204. Quorum.**

- (a) A majority of the Board is a quorum.
- (b) The Board shall meet at least twice a year, at the times and places that the Board determines.
- (c) A member of the Board:
  - (1) May receive compensation as provided in the State budget; and
  - (2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (d) The Board may employ a staff in accordance with the budget of the Board.

**§21–205. Miscellaneous powers and duties.**

- (a) In addition to the powers set forth elsewhere in this title, the Board may:
  - (1) Adopt rules, regulations, and bylaws to carry out the provisions of this title;

(2) Sue to enforce any provision of this title by injunction; and  
(3) Issue subpoenas, summon witnesses, administer oaths, take affidavits, and take testimony about matters that relate to the jurisdiction of the Board.

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

- (1) Keep a current record of all licensed environmental health specialists;  
(2) Collect and account for fees provided under this title;  
(3) Pay all necessary expenses of the Board in accordance with the State budget;  
(4) Keep a complete record of its proceedings;  
(5) File an annual report of its activities, including a financial statement, with the Governor and the Secretary; and  
(6) Adopt an official seal.

**§21–206. State Board of Environmental Health Specialists Fund – Establishment of fees; list of fees; disposition of funds.**

(a) In this section, “Fund” means the State Board of Environmental Health Specialists Fund.

(b) There is a State Board of Environmental Health Specialists Fund.

(c) (1) The Board may set reasonable fees for the issuance and renewal of licenses and its other services.

(2) The fees charged shall be set so as to approximate the cost of maintaining the Board.

(3) Funds to cover the compensation and expenses of the Board members shall be generated by fees set under this section.

(d) (1) The Board shall remit all fees collected under this title to the Comptroller.

(2) The Comptroller shall distribute the fees to the Fund.

(e) (1) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided under this article.

(2) The Fund is a continuing, nonlapsing fund and is not subject to § 7–302 of the State Finance and Procurement Article.

(3) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this article.

(4) No other State money may be used to support the Fund.

(f) (1) A designee of the Board shall administer the Fund.

(2) Money in the Fund may be expended only for any lawful purpose authorized under this article.

(g) The legislative auditor shall audit the accounts and transactions of the Fund as provided in § 2–1220 of the State Government Article.

**§21–207. Good faith exemption from civil liability.**

A person shall have the immunity from liability described under § 5–702 of the Courts and Judicial Proceedings Article for giving information to the Board or otherwise participating in its activities.