

105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 803.000: CERTIFICATION OF HEALTH OFFICERS

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803.010: Purpose

The purpose of 105 CMR 803.000 is to clarify professional standards and requirements for obtaining a certificate as a Certified Health Officer, and other provisions of M.G.L. c. 111, § 27F related to certification of Health Officers within the Commonwealth of Massachusetts.

803.020: Definitions

Approved School of Public Health shall mean any school, which grants a bachelor's degree or a graduate degree in public health and which is recognized as accredited by the United States Department of Education, or any other educational institution approved by the Department.

Board of Health shall mean the appropriate and legally designated health authority of a city, town, or other legally constituted governmental unit within the Commonwealth having the usual powers and duties of the board of health or health department of a city or town.

Certified Health Officer or C.H.O shall mean a Health Officer who has been duly certified by the Department and who maintains such active certification and shall include Health Officers with active certification by the Division of Occupational Licensure as of December 31, 2022.

Contact Hour shall mean the unit of measurement of organized learning experience lasting 50 consecutive minutes.

Commissioner shall mean the Commissioner of Public Health.

Continuing Education shall mean planned learning experiences designed to augment the knowledge, skills, and attitudes of a Certified Health Officer, for improving the health of the public.

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Department shall mean the Massachusetts Department of Public Health.

Evaluation shall mean the process of determining whether Objectives have been met.

Health Officer shall mean a person with broad basic education and experience in the physical, biological, and social sciences, supplemented by specialization in the field of health administration and who is qualified to carry out public health administrative duties and enforce the laws in the field of public health.

Objective shall mean a statement that delineates a desired, specific attainable and/or measurable change in a learner's behavior.

Program shall mean seminars, educational courses, lectures, conferences, and workshops offered by Providers.

Provider shall mean professional organizations and educational institutions recognized by the Department and shall include colleges, universities, municipal, state, and federal agencies, public health organizations, and other professional associations and organizations offering Continuing Education.

803.100: General Provisions of Certification as a Health Officer

The Department shall issue a certificate of Certified Health Officer to any individual upon satisfactory completion of all applicable certification requirements. An applicant who is not eligible for certification by reciprocity pursuant to 105 CMR 803.230 must meet the education and experience requirements of 105 CMR 803.200 and satisfactorily pass the examination required by 105 CMR 803.220.

If an applicant is found qualified by the Department, the applicant shall be certified by the Department as a Certified Health Officer, with the right to use the title Certified Health Officer and the letters "C.H.O." or "CHO". No individual may assume such title or list the credentials of Certified Health Officer (C.H.O. or CHO) to indicate that the person is a currently Certified Health Officer unless so certified by the Department.

803.110: Certified Health Officers Duties and Responsibilities

Certified Health Officers provide leadership in the field of public health at the state or local level. In addition to being an administrative officer of a health department or board of health, they are responsible for evaluating health needs and taking appropriate measures to meet those health needs, including developing budgets and programs and directing the department staff to carry out their responsibilities efficiently and economically, including compliance with applicable statutes and regulations and established standards of performance.

803.200: Minimum Standards and Qualifications

(1) An applicant for certification as a Certified Health Officer must possess the following minimum education and/or experience in order to be eligible for certification:

- (a) A degree in medicine or a holder of a license to practice medicine in Massachusetts and one year of professional experience in a position requiring administrative responsibility for public health programs and completion of a course on public health law, as determined by the Department; or
- (b) A graduate degree in public health or equivalent as may be determined by the Department from an Approved School of Public Health as defined in 105 CMR 803.020 and one year of professional experience in a position requiring administrative responsibility for public health programs and completion of a course on public health law, as determined by the Department; or

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(c) A bachelor's degree with a minimum of 30 semester hours credit in public health related disciplines from an institution recognized as accredited by the United States Department of Education, or any like institution approved by the Department, plus two years of professional experience in a position requiring administrative responsibility for public health programs and completion of a course on public health law, as determined by the Department.

1. The 30 semester hours credit must be in at least two of the following disciplines:
 - a. biological, environmental, or related sciences;
 - b. public health;
 - c. public health emergency preparedness;
 - d. health promotion and disease prevention;
 - e. occupational health;
 - f. public health and environmental law;
 - g. infectious disease and surveillance;
 - h. public health administration and management;
 - i. epidemiology.
2. The 30 semester hours credit may be taken outside the applicant's bachelor's degree program but must be offered by an institution recognized as accredited by the United States Department of Education, or any like institution approved by the Department.
3. As pertains to a particular applicant, the Department shall determine whether a course meets the disciplines listed in 105 CMR 803.200(1)(c)1.
4. In making any determination set forth in 105 CMR 803.200(1)(c)3., the Department reserves its right to require an applicant to submit documentation, which may include a syllabus, explaining course content to assist the Department in determining whether a specific course qualifies. It is the applicant's responsibility to provide sufficient information regarding specific course content.

(2) The Department may, in its discretion, grant credit to an applicant for education received at an institution outside of the United States if the applicant submits proof satisfactory to the Department that such foreign education is substantially equivalent to that provided in an institution recognized as accredited by the United States Department of Education or otherwise approved by the Department.

(3) Notwithstanding the requirements set forth in 105 CMR 803.200(1), the Department may, in its discretion, determine that an applicant who has passed the examination as required in 105 CMR 803.220 and completed a course on public health law that is satisfactory to the Department, meets the minimum education and/or experience in order to be eligible for certification as a Certified Health Officer.

803.210: Application for Certification

(1) Filing Procedure. An individual who desires to be certified as a Certified Health Officer and who meets the standards and qualifications specified in 105 CMR 803.200 shall complete an application on a form to be prescribed and furnished by the Department.

(2) Documentary Evidence. An application shall include proof of satisfactory completion of the education, training, and experience to meet the requirements for certification and proof of having passed such examination as approved or administered by the Department. The application shall include an examination as specified in 105 CMR 803.220. Said application form shall be filled out completely and shall be accompanied by the following:

- (a) Official transcripts, or other official documentation satisfactory to the Department, verifying that the applicant meets the educational requirements specified in 105 CMR 803.200; and
- (b) Work affidavit signed by employer(s) and submitted on a form prescribed and provided by the Department, or other written documentation satisfactory to the Department verifying that the applicant meets the experience requirements specified in 105 CMR 803.200(1)(c), if applicable; and
- (c) A copy of the applicant's government issued identification that includes that applicant's full name and photograph; and
- (d) Any and all additional documentation which may be requested in writing by the Department; and

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(e) The required certification fee set forth in 801 CMR 4.00: *Rates*. All fees submitted in conjunction with an application for certification shall be non-refundable.

(3) Review of Applications. The Department shall notify an applicant in writing of any deficiencies in their application and any additional information requested by the Department. If the requested additional information is not received by the Department within 90 calendar days from the date of said written notice, the application shall be considered denied by the Department. An applicant or Certified Health Officer shall keep their up-to-date mailing address on file with the Department.

803.220: Examination

(1) An applicant for certification as a Certified Health Officer shall be required to pass an examination as determined by the Department.

(2) The Department shall approve a written examination to be administered at least annually to individuals who have applied for certification as Certified Health Officers. The written examination shall test an applicant's reasonable and appropriate capability to perform duties and functions of a Certified Health Officer, and shall be sufficiently thorough to test the applicant's fitness to perform those duties and functions. The Department, or its designee, shall give each applicant reasonable advance written notice as to when and where to appear for the examination, including for online examinations, and shall provide each applicant with their examination results.

(3) Passing Scores. The passing score for the examination shall be determined by the Department, or its designee, and shall be sufficient to demonstrate the applicant's proficiency with the subject matter tested.

803.230: Certification by Reciprocity

The Department may issue a certificate without examination and by reciprocity to any Health Officer who holds a current license, certification, or registration issued by another state or jurisdiction, provided that:

(1) The requirements for that license, certification, or registration are, as determined by the Department, at least equivalent to those of 105 CMR 803.000; and

(2) The applicant's license, certification, or registration in any other jurisdiction has not been revoked, suspended, or otherwise encumbered as a result of formal disciplinary proceedings instituted by the government agency responsible for licensure, certification, or registration of Health Officers in that jurisdiction.

803.300: Establishment of Continuing Education Requirements

(1) As a condition for renewal of certification, a Certified Health Officer shall complete no less than 12 Contact Hours of Continuing Education during each one-year period between certification renewals.

(2) A Certified Health Officer seeking renewal of certification shall attest they have completed the number of Continuing Education Contact Hours required by 105 CMR 803.300 during the one-year period between certification renewals.

(3) The Department may grant an extension of the time for completing such Continuing Education to a Certified Health Officer upon submission by the Certified Health Officer of satisfactory proof of extenuating circumstances preventing the Certified Health Officer from completing the required Continuing Education within the calendar year.

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(4) Any Certified Health Officer who is unable to complete the required number of Continuing Education Contact Hours shall not have their certification renewed until they submit evidence satisfactory to the Department that they have completed all required Continuing Education Contact Hours and paid all required fees.

(5) If a particular Continuing Education activity is undertaken by a Certified Health Officer in good faith, but Continuing Education credit for that activity is denied or disapproved by the Department, the Certified Health Officer so affected may be given up to one year from the date of the Department's decision to correct the deficiency. Verification of completion of an acceptable substitute activity shall be submitted to the Department within 60 calendar days of its completion.

(6) A Certified Health Officer shall not be required to complete any Continuing Education in the calendar year in which they obtain their initial certification as a Certified Health Officer.

803.310: Standards for Continuing Education

A Continuing Education activity may be used to satisfy the Continuing Education requirements set forth in 105 CMR 803.300 only if it contributes directly to the professional competence of a Certified Health Officer and meets all of the applicable standards set forth in 105 CMR 803.310.

(1) Amount of Credit Earned.

(a) 50 consecutive clock minutes is equivalent to one Contact Hour.

(b) A Certified Health Officer is required to complete a total of 12 Contact Hours for each calendar year.

(2) Provider Standards.

(a) Learner Objectives shall be written and be the basis for determining content, learning experience, teaching methodologies, and Evaluation.

(b) Subject matter description shall include learner Objectives, content, time allotment, teaching methods, faculty, and Evaluation format.

(c) Learning experiences and teaching methods should be appropriate to achieve the Objectives of the Program.

(d) Principles of adult education should be used in the design of the Program.

(e) Time allotted for each activity should be sufficient for the learner to meet the Objectives of the Program.

(f) Facilities and educational resources should be adequate to implement the Programs.

(g) Faculty should possess knowledge of the principles of adult education and should provide documentation to the Provider/learner illustrating competency in the content of the planned learning experience.

(3) Evaluation. Provision must be made for evaluating the participant's attainment of the stated learner Objectives or outcomes. Participants must be given the opportunity to evaluate faculty, learning experiences, instructional methods, facilities, and educational resources used for the Programs.

(4) Records. Records of completed Programs shall be kept by the Provider for a period of four years. Records should include content, Objectives, outline of offering, faculty qualifications, teaching methods and materials, Evaluation tools and data, and a list of participants.

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(5) Subject Matter.

(a) Appropriate subject matter for Continuing Education purposes shall include, but shall not be limited to, one or more of the following:

1. Public health management, administration, and leadership;
2. Social, economic, political, or legal aspects of public health;
3. Public health science and practice;
4. Public health education;
5. Research in public health;
6. Public health and consumer education;
7. Health and racial equity;
8. Emergency preparedness;
9. Community health and disease prevention;
10. Subject matter which improves competency and is not specified on this list.

(b) Effective January 1, 2023, a minimum of six Contact Hours of each certification period shall pertain to subject matters in public health administration, management, or leadership.

(6) Methods of Obtaining Contact Hours. Continuing Education Contact Hours shall be obtained as follows:

(a) By attending workshops, lectures, and seminars in accordance with 105 CMR 803.300 and 105 CMR 803.310; or

(b) By completing an academic course within the framework of a curriculum that leads to an academic degree in public health or any course within that curriculum necessary to an individual's professional growth and development as a Certified Health Officer; or

(c) By completing a self-study or correspondence course. The course should:

1. be developed by a professional group such as an educational corporation or professional association;
2. follow logical sequence;
3. involve the learner by requiring active response to module materials and providing feedback;
4. contain a test to indicate progress and verify completion of module; and
5. supply a bibliography for continued study; or

(d) By teaching a particular academic course, seminar series, or workshop in the field of public health for the first time; or

(e) By delivering a paper or lecture in the field of public health; or

(f) By publishing an article in a peer-reviewed professional or scientific journal or a book in the field of public health.

(7) As provided in 105 CMR 803.310(6), first time teaching of an academic course, seminar series, workshop, or publishing of a book may be considered for up to nine Contact Hours; a published article may be considered the equivalent of up to five Contact Hours; and a lecture or paper may be considered the equivalent of up to three Contact Hours.

(8) Employee orientation or in-service training presentations concerning standard operating procedures specific to the employing agency or entity shall not be accepted for Continuing Education purposes.

803.320: Verification of Continuing Education

- (1) At the time of renewal of the certification, the Certified Health Officer may be required to file a form received from the Department with the renewal application listing information about all activities undertaken to fulfill Continuing Education requirements, including course names, dates, number of hours, signature of Certified Health Officer, and names of institutions or Programs providing the Continuing Education.
- (2) The Department has the authority to request that the Certified Health Officer verify any Continuing Education activity which was undertaken not more than three years prior to the date of the last renewal of the individual's certification.
- (3) The Certified Health Officer requested to submit verification of a qualifying course, Program, lecture, workshop or conference shall submit a written statement (or photocopy) which shall include the following information:
 - (a) name of school, institution, or organization which conducted or sponsored the course, Program, lecture, workshop, or conference;
 - (b) location of the course, Program, lecture, workshop, or conference;
 - (c) title and authorized number of the course, Program, lecture, workshop or conference;
 - (d) learning Objectives;
 - (e) dates of attendance;
 - (f) hours claimed;
 - (g) name and signature of authorized representative of the school, institution, or organization which conducted or sponsored the course, Program, workshop, or conference; and
 - (h) such other information as the Department may reasonably require.
- (4) Institutions or Programs providing Continuing Education Programs are expected to retain in their files all materials related to presentation of Programs for Continuing Education including, information listed in 105 CMR 803.320(3)(a) through (h), for a period of four years following such presentation.

803.400: Renewal of Certification

- (1) An individual's certification as a Certified Health Officer shall expire at the end of each calendar year and may be renewed on or before January 15th of the following year; provided, however, that an individual seeking such renewal shall provide evidence of such Continuing Education as the Department shall require by regulation specified in 105 CMR 803.300.
- (2) An individual's request for certification renewal shall be accompanied by the applicable renewal fee set forth in 801 CMR 4.00: *Rates*.

803.410: Lapse of Certification

- (1) If a Certified Health Officer allows their certification to lapse, but attempts to renew the certification within three years from the date of its expiration, said Certified Health Officer may obtain renewal of their certification by submitting to the Department the renewal application, together with the required evidence of Continuing Education for the current renewal period and each missed renewal period, the appropriate fee for the current renewal period and all missed renewal periods, and any late fee as may be established by 801 CMR 4.00: *Rates*.
- (2) If a Certified Health Officer allows their certification to lapse and does not attempt to renew it within three years from the date of its expiration, the Certified Health Officer shall be treated as though they were applying for initial certification and shall be required to take and pass the examination for initial certification and pay all applicable fees.

803.500: Investigation of Complaints

The Department shall review all complaints and determine whether the allegations require a formal investigation.

(1) If the Department finds an investigation is not required because the alleged act or practice does not violate 105 CMR 803.000 or any administrative requirement, protocol, or order of the Department pursuant thereto, the Department shall notify the complainant of this finding and the reasons on which it is based.

(2) If the Department finds an investigation is required, because the alleged act or practice may violate 105 CMR 803.000 or an administrative requirements, protocol, or order of the Department pursuant thereto, the Department shall investigate.

(3) If the Department finds the act or practice constitutes such a violation, the Department shall apply an enforcement procedure(s), provided in 105 CMR 803.520 through 803.560, as is appropriate to remedy the situation and the Department shall notify the complainant of its actions in this matter.

(4) Investigation of complaints may lead to enforcement actions, including an advisory letter, a letter of deficiency, or a letter of reprimand; a cease-and-desist order; a correction order, as set forth in 105 CMR 803.530; or a revocation, suspension, or refusal to renew a certification, or a modification of a certification by the Department. The Department may specify in any such enforcement action taken against a Certified Health Officer a requirement to undergo and successfully complete remedial training, in accordance with terms set out in the enforcement action.

(5) Nothing in 105 CMR 803.500 shall limit the Department's ability to resolve a pending complaint by any other action, including but not limited to the imposition of a fine as permitted by law.

803.510: Deficiencies

(1) A deficiency means there is a violation of 105 CMR 803.000 or an administrative requirement, protocol, or order of the Department. The Department may find a deficiency exists based upon information received by the Department, such as information received through the complaint procedure, as set forth in 105 CMR 803.500.

(2) A deficiency may result in the following enforcement action:

- (a) an advisory letter, a letter of deficiency, a notice of serious deficiency, a cease-and-desist order, or a letter of reprimand;
- (b) a request to submit a written plan of correction as set forth in 105 CMR 803.520;
- (c) a correction order as set forth in 105 CMR 803.530; or
- (d) a denial, suspension, revocation, or refusal to renew a certification.

803.520: Plan of Correction

(1) The Department may require any Certified Health Officer pursuant to 105 CMR 803.510(2)(b) to submit a written plan of correction for each existing deficiency.

(2) The Certified Health Officer shall specify in the plan of correction the manner in which the deficiency shall be corrected and the date by which the deficiency shall be corrected.

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- (3) The plan of correction shall be submitted to the Department no later than ten calendar days after written notice of deficiency and request by the Department for submission of such plan, or sooner as determined by the Department if deficiencies threaten health and safety.
- (4) The Department shall approve or deny the plan of correction within ten calendar days of receipt of the plan. Failure to respond to a submitted plan of correction within ten calendar days of receipt shall be deemed an acceptance of the plan of correction.
- (5) Failure to timely submit an acceptable plan of correction or failure to timely correct the deficiency in accordance with the plan of correction are grounds for further enforcement action including suspension or revocation of a certification.

803.530: Correction Orders

The Department may order any Certified Health Officer pursuant to 105 CMR 803.510(2)(c) to correct a deficiency by issuing a correction order. Each correction order shall contain the following:

- (1) A description of the deficiency or deficiencies;
- (2) The period within which the deficiency must be corrected, which shall be reasonable under the circumstances. In the case of a deficiency that endangers the public health or safety, the Department or its agent may suspend a certification effective immediately, provided the Certified Health Officer affected shall be promptly afforded an opportunity for an adjudicatory proceeding pursuant to 105 CMR 803.600.
- (3) The provisions of the applicable statutes and regulations relied on in citing the deficiency.
- (4) Except for immediate suspension orders, an affected Certified Health Officer may file a written request with the Department for administrative reconsideration of the order or any portion thereof within seven calendar days of the date of the correction order. Such request shall contain sufficient information to allow the Department to adequately reconsider the issuance of the order. Failure of the Department to act upon the written request within seven calendar days of the filing of the request shall be deemed a denial of the request.
- (5) If the Department makes a finding in writing that the Certified Health Officer has made a good faith effort to correct the deficiency within the period prescribed for correction and that the correction cannot be completed by the prescribed date, the Department may permit the affected Certified Health Officer to file or amend a plan of correction set forth in 105 CMR 803.520.

803.540: Denial of Certification

- (1) If an application for certification is denied on the basis of disputed facts, the denied applicant may request in writing an adjudicatory hearing within 14 calendar days of the notice of denial, provided the applicant submits written evidence, which the applicant would offer at a hearing sufficient to support the applicant's factual allegations.
- (2) If an application for certification is denied by the Department on the basis of facts over which there is no material dispute, the applicant shall be notified in writing of the reasons for the denial. Any applicant aggrieved by a denial on the basis of undisputed facts is not entitled to an adjudicatory hearing but may seek judicial review under M.G.L. c. 30A, § 14.

803.550: Suspension of Certification

(1) The Commissioner may suspend a certification without a hearing if the Commissioner finds public health or safety is endangered. Written notice of the reasons for the suspension shall promptly be issued by the Department. The affected person shall also be notified in writing of the right to an adjudicatory hearing and shall be promptly afforded an opportunity for a hearing provided a written request for a hearing is submitted within 14 calendar days of issuance of notification of suspension.

(2) After hearing or waiver thereof, the Department may modify a certification, or suspend, revoke or refuse to renew a certification.

803.560: Revocation or Refusal to Renew Certification

(1) If the Department initiates action to revoke or refuse to renew a certification, the affected person shall be notified in writing of the reasons for the Department's action and of the affected person's right to an adjudicatory proceeding.

(2) Written request for a hearing must be submitted within 14 calendar days of issuance of notification of Department action.

(3) After hearing or waiver thereof, the Department may modify a certification, or suspend, revoke or refuse to renew a certification.

803.570: Nonexclusivity of Enforcement Procedures

None of the enforcement procedures contained in 105 CMR 803.000 are mutually exclusive. Any enforcement procedures may be invoked simultaneously if the situation so requires.

803.600: Adjudicatory Proceedings

(1) All adjudicatory proceedings will be conducted in accordance with M.G.L. c. 30A and 801 CMR 1.00: *Standard Adjudicatory Rules of Practice and Procedure*.

(2) The Commissioner shall designate a presiding officer to conduct a hearing and render a tentative decision, containing findings of fact and rulings of law. If the presiding officer finds any single ground for denial, revocation, suspension, or refusal to renew any certification, the presiding officer shall render a decision affirming the action initiated by the Department.

803.610: Grounds for Denial of Certification

(1) The Department may deny certification on any of the following grounds:

- (a) Failure to conform to the application requirements of 105 CMR 803.210, 105 CMR 803.220, and 105 CMR 803.230;
- (b) Any actions or omissions which would indicate the health or safety of the public would be at risk should certification be granted;
- (c) Any previous violation of 105 CMR 803.000; or
- (d) Any attempt to serve as a Certified Health Officer or to obtain certification through fraud, deceit, or knowing submission of inaccurate data or omission of a material fact.

(2) Conditions for reapplication shall be specified by the Department at the time of the denial of certification.

803.620: Grounds for Suspension, Revocation of Certification, or Refusal to Renew Certification

The Department may suspend or revoke certification of any Certified Health Officer on the following grounds:

- (1) Failing to meet Continuing Education requirements set forth in 105 CMR 803.300 and 105 CMR 803.310 for renewal of certification;
- (2) Failing to exercise reasonable care, judgment, knowledge, or ability in the performance of duties or to perform those duties within the scope of their training and certification.
- (3) Gross misconduct in the exercise of duties;
- (4) Committing a criminal offense relating to the performance of a Certified Health Officer's duties including any conviction related to controlled substances violations;
- (5) Any condition or action that endangers the health or safety of the public;
- (6) Refusing to surrender a certification in violation of 105 CMR 803.550 or 105 CMR 803.560;
- (7) Failing to submit a plan of correction when required by the Department in accordance with 105 CMR 803.510(2)(b);
- (8) Failing to comply with a Department-approved plan of correction pursuant to 105 CMR 803.520;
- (9) Failing to comply with a Department-issued correction order pursuant to 105 CMR 803.530;
- (10) Knowingly making a false statement or omitting a material fact, orally or in an application or other document filed with or obtained by the Department or any other entity relating to certification pursuant to 105 CMR 803.000;
- (11) Having been disciplined in Massachusetts or another jurisdiction (state, United States, or foreign) by a governmental licensing or certification authority, or by the National Board of Public Health Examiners, against a Certified Health Officer (C.H.O.) or other certification or license held by the Certified Health Officer, for acts or conduct substantially similar to that which would constitute grounds for discipline by the Department;
- (12) Falsifying reports of Continuing Education courses, seminars, workshops, or completed Contact Hours;
- (13) Failing to meet reporting obligations in accordance with 105 CMR 803.630; or
- (14) Any violation of 105 CMR 803.000.

803.630: Reporting Obligations of Certified Health Officers

- (1) Each Certified Health Officer shall file a written report with any local board of health with which they provide services relating to such certification, and with the Department within five calendar days of the following:

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- (a) The Certified Health Officer's conviction of a misdemeanor or felony in Massachusetts or any other state, the United States, or a foreign country (including a guilty plea, *nolo contendere* or admission to sufficient facts), other than a minor traffic violation for which less than \$1,000 was assessed. The following traffic violations are not minor and must be reported: conviction for driving under the influence, reckless driving, driving to endanger, and motor vehicle homicide;
- (b) Loss or suspension of the Certified Health Officer's driver's license;
- (c) Disciplinary action taken by another governmental licensing jurisdiction (state, United States, or foreign) or the National Board of Public Health Examiners against a Certified Health Officer (C.H.O.) or other certification or license held by a Certified Health Officer.

(2) Each Certified Health Officer shall file a written report with any local board of health with which they provide services relating to such certification within five calendar days of notice of proposed Department disciplinary action or final Department action against the Certified Health Officer, or other Department response to identified deficiency, cease-and-desist order, letter of deficiency, notice of serious deficiency, advisory letter, or correction order against the Certified Health Officer.

(3) The Department shall review and assess the information received under 105 CMR 803.630(1) in accordance with procedures established in a written policy. Any Department action to deny, suspend, revoke, or refuse to renew a certification, under 105 CMR 803.620 shall proceed in accordance with 105 CMR 803.540 through 105 CMR 803.570 as applicable to the Department action taken.

803.700: Severability

If any rule contained in 105 CMR 803.000 is found to be unconstitutional or invalid by a Court of competent jurisdiction, the validity of the remaining rules will not be so affected.

REGULATORY AUTHORITY

105 CMR 803.000: M.G.L. c. 111, § 27F.