

COUNTY OF SUFFOLK



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DEPARTMENT OF HEALTH SERVICES

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Commissioner

June 11, 2014

**SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES
GENERAL GUIDANCE MEMORANDUM #31
PROCEDURES OF OFFICE OF WASTEWATER MANAGEMENT
FOR REPORTING PROFESSIONAL MISCONDUCT**

AUTHORITY

The Suffolk County Sanitary Code sets forth requirements for approval of water supply, sewage disposal systems for single-family residences, commercial projects, and subdivisions of property. The statutory authority for these guidelines can be found in Article 4, Article 5, Article 6, and Article 7 of the code.

Detailed specifications can be found in Standards for Approval of Plans and Construction - Sewage Disposal Systems for Single-Family Residences, Standards for Approval of Plans and Construction for Sewage Disposal Systems for Other Than Single Family Residences, also known as Commercial Standards, and Private Water Systems Standards. In addition, the Department is bound to comply with the standards set forth in the New York State Department of Health, New York State Department of Environmental Conservation and New York State Real Property.

PURPOSE

The Office of Wastewater Management has developed a new workflow within the application review process that establishes a 2 tiered review process with a goal of improving submittal quality and minimizing the total review cycle time. Design professionals should be familiar with the standards of the Department and should have the experience to ensure that submittals to the Department are of the highest quality. For instances where the quality is not in keeping with the expected standards of practice, the Department may file a professional misconduct complaint against the design professional with the New York State Office of the Professions. The purpose of this memorandum is to clarify the procedure that the Department will use to generate these referrals.

GUIDANCE

While many different actions can rise to the level of professional misconduct, the Department is particularly concerned with those that involve the preparation of plans to be submitted for review. Professionals that engage in acts of gross incompetence or gross negligence or aid an unlicensed person to perform activities requiring a license shall be subject to immediate referral to New York State Office of the Professions.

Professionals that engage in negligence or incompetence on more than one occasion may also be referred to the State for potential discipline. The Department will utilize the following procedure in these instances:

- First occurrence: the Department shall contact the design professional to discuss the lack of quality of a submission and to discuss ways to improve their submission quality.
- Second occurrence: the Department shall notify the design professional in writing of the lack of quality of the resubmission or subsequent new submission and place the professional on warning that if their quality does not improve that they will be subject to forwarding to the state for potential disciplinary action.
- Third occurrence: the Department shall notify the design professional in writing that a complaint has been filed by the Department against them for negligence or incompetence on more than one occasion.

EFFECTIVE

This document is for guidance purposes only and becomes effective for all applications received after the date of this memorandum. This document should apply in most cases, but it is not a standard and is not meant to substitute for the discretion and common sense of the review staff.

Issued by: *Signature on file*
Walter J. Hilbert, PE, Chief
Office of Wastewater Management