

2762

RECEIVED

**Comments on the May 2, 2009 proposed rulemaking on continuing education requirements for engineers, geologists and land surveyors compiled by the PE/PG - S APR 21 2009
Coordinating Committee on Professional Practices**

INDEPENDENT REGULATORY
COMMISSION

- Definitions: In reference to the term "CEU - Continuing Education Unit". Will this method of measuring credit hours be utilized as currently used in professional development courses?

37.17.

- Will the biennial fee be raised or is the \$100.00 fee only for Cont Ed course approval.

37.18.

- According to § 37.18. Reactivation of licensure status, if you don't apply for renewal, you can apply for reactivation without penalty upon obtaining the previous renewal period's quota of continuing ed. Where as in § 37.111(d), if you apply for renewal as required and are found deficient in continuing ed you are subject to punitive actions by the Board

37.19.

- The biannual renewal period is set up to run from one odd-numbered year to the next odd-numbered year. If someone were to receive their professional certification in an even-numbered year that person would only have one year elapse before the end of that current biannual renewal period. Does that mean that the person would have to complete 24 hours of course work in the one year remaining of the biannual renewal period that they started in? If so, this would seem to produce a heavy burden of course work on such a person, requiring them to complete the amount of training in one year that other already established PE/PG s would have two years to complete. Perhaps the proposed rulemaking should be modified as follows:
 - People that are granted a PE/PG license in an even number year would only have to complete 12 hours of course credit for the one year remaining in the biannual renewal period. This reduced course load would only apply to the initial bi-annual renewal period that the newly licensed PE/PG is granted their license. In all subsequent biannual renewal periods the full 24 hours of course credit would be applied.
- Upon finalization of these regulations, it appears that all licensees will be required to complete continuing education during the Sept. 1, 2009, through August 31, 2011, biennial renewal period. I would recommend a staggered approach be added to the regulations to avoid overwhelming the Board in

August of 2011 with renewals from all licensees. This could be accomplished by requiring half of the licensees be captured in an even-numbered year renewal cycle with the appropriate reduction in hours of continuing education for the first cycle (i.e. 2009 to 2010 cycle needing 12 hours, then 2010 to 2012 cycle return to the 24 hour requirement).

37.111(a) –

- Consider addressing carry-over hours from a previous biennial period.

37.111(b)

- HB 975 also included a holdover provision for using "excess" continuing education hours earned in one renewal period in the subsequent renewal period. § 37.111(b) should be modified to include a similar provision

37.111(c) (1) –

- Consider during the initial biennial renewal period, to reduce the required credit hours to allow for licensees to become familiarized with the new requirements and to allow for the Board plan and adapt to the new requirements.

37.111(d)

- The rationale of assessing civil penalties for those not completing the required continuing education is perplexing.. Their penalty is that they cannot receive their license and practice their craft until they satisfy the CE requirements. The impetus to take CE should be to increase your knowledge and keep your license current, not because you are afraid of being fined.
- The proposed civil penalty for first time offenders is \$50 per hour of deficiency, not to exceed \$1,000. (Note that the fees are also in the bulletin for comment.) And, for any subsequent continuing education offense by the same licensee the Board apparently would initiate an undefined "formal action." It would seem that license deactivation would be sufficient "stick" to enforce compliance with the continuing education regulations rather than including a punitive action. Obviously punitive actions would still be available to the Board for any licensee that continued providing board regulated activities after license deactivation

37.111(e) –

- Is there a retirement exemption (ie. will retired PGs who want to maintain their licensure be allowed a waiver of the Continuing Ed requirements)?

37.113.

- The proposed rulemaking uses the language continuing education credits. It appears that this is referring to the number of qualified class hours that a PE/PG licensee can legitimately apply to the continuing education requirements. Some college institutions and firms that supply training offer units of instruction with official Continuing Education Units – commonly referred to as CEUs. It appears that what the licensing board considers a “continuing education credit” is not formally tied to the CEUs offered by many training institutions. If that is the case, then there may not be any problem in the language of the current proposed rulemaking in this respect. However, if there is supposed to be a relationship between formal CEU’s and what the board is considering to be continuing education credits, this would have to be spelled out more clearly.
- The new regulations define an hour of continuing education as "Sixty minutes of actual instruction in an approved course of continuing education." It would have been preferable had they also included the more definitive language present in House Bill, HB 975 concerning distribution of continuing education "hours" as they relate to college semester credits, quarter credits, and continuing education credits, etc
- Preparing and presenting a paper to a group of your peers at a recognized conference event should be an acceptable way to earn CE units. A one hour presentation would be 1 CEU. You could only receive credit for the first presentation of a particular topic and the topic of course would have to be engineering related.

37.113(d) –

- Teaching a Continuing Ed course should include additional credit beyond simply attending the course. Provide the instructors an incentive and reward to teach an “approved” course, such as additional Continuing Ed. Credits. A provision should also be included for full-time faculty members that regularly teach courses as outlined in

37.113(e)

- The Continuing Ed requirements should encourage active publication as a benefit to the individual PGs.

37.114(1), (2) and (3).

- These individuals should not receive Continuing Ed. credit to teach their normal load classes, even though the classes are “approved”.

37.114.

- The number of affected registrants and anticipated courses to comply with the rulemaking are staggering. Many of the categories described in this section are quite broad. More detail is needed on what can be considered a

"preapproved" course. Will companion policy or guidelines be released to help inform registrants and providers? For example - "courses offered by accredited colleges or universities that are designed for continuing education" - does this include community colleges?? Most community colleges are designed for continuing education but don't have accreditation by ABET (which is required for engineering schools). Also - "courses offered by agencies of the various state governments" - This does not even refer to technical coursework or not. Also, is there any differentiation between internal training and training offered to the public by state agencies?

37.114 –

- Consider approval of Continuing Ed credit for:
 - Serving as an officer in a professional geological or related society.
 - Mentoring individuals preparing for licensure.
 - Providing community service (for example I voluntarily served on a municipal committee responsible for developing standards for construction in hillside areas).
 - Participating in field trips sponsored by Board recognized organizations.
 - Providing elementary, secondary and university-level presentations in geology encouraging young scientists to enter the Earth Science field.

- In addition to providing a licensee improved skills and knowledge in the geology field, the new Continuing Ed. Requirements should provide an avenue for professional development. Professional development includes activities outside the classroom, therefore the Board should consider activities outlined above as worthy of Continuing Ed. credit.

- Could on-line classes that the state could make available for the staff to take, be a part of the solution or get credit from the board as an approved method?

- Many excellent courses are now offered over the internet and there does not appear to be provisions for a provider to offer appropriate content courses in this manner. I would recommend providing language to the regulations that internet coursework may qualify as long as the necessary items be submitted by the provider and approved by the Board.

37.115.(g)

- Deals with procedures by which a licensee can seek to have a course they attended be reviewed by the licensing board for inclusion in the list of approved training. The language states that the \$100 fee for reviewing the course will only be charged once, even if multiple people have submitted forms to have the course reviewed for inclusion in the list of approved training. The language is not exactly clear which licensee or licensees will be charged this fee. Is it only the licensee that submitted the first application for

this course? Would the cost of this fee be charged on a proportional basis to all of the licensee's that submitted application forms for this course? The language of the proposed rulemaking could be clearer on this point.

- The language of Section 37.115.(g) does not explain what would happen if a licensee applied for a training course to be included in the list of approved training classes but the training class was still under review by the licensing board at the time the biannual renewal period ended. Would the course count toward the total credit hours that the licensee could claim during that biannual renewal period or would credits only be counted for classes that were formally approved during the biannual renewal period? What would happen if the class which is being reviewed for inclusion is finally approved, but at a point in time after the biannual renewal period in which the application form was originally submitted? Would the licensee get credit for that training in the next biannual renewal period? If not, would the credit for attending the class be given for the original biannual review period in which the form was first submitted? (If that were the case, it would be practically speaking be too late for the purposes of the licensee. If the licensee were required to attend other approved training during the previous biannual review period in order to achieve the needed 24 credit hours of training to make up for the class credits that were still under review, then having those credits finally approved would not help the licensee in satisfying the minimum requirements for continuing education during that biannual renewal period.)
- If the licensee can only count course training which has been approved during a given biannual review period toward meeting the 24 hour continuing education requirements, and if the approval process for adding new training classes through application by the licensee takes a long period of time (6 months or longer), then this could have the effect of discouraging licensees from submitting applications to get training classes reviewed and added to the list of approved training classes. If it took six months or longer before a training application could be approved, a licensee would not know if they submitted their application during the last year of a given biannual review period if the application would be approved (or denied) before the end of the biannual review period. This would mean that the licensee could not be certain that they could count the credit hours earned by the training class toward meeting their 24 hour continuing education requirement, or whether submitting the application form and \$100 application fee would be a wasted effort toward meeting the 24 hour requirement for than biannual review period.
- One possible way to partially address this problem might be to allow classes that are added to the list of approved training classes through applications made by licensees to be applied to the continuing education of the licensees that applied for the class in the biannual review period in which the class is

finally approved. Even if a licensee could not count on a given training class to count toward the biannual review period in which the class was taken, the licensee would still get credit for attending the class in the next biannual review period. In this way the licensee would be assured that by attending the training class the licensee would accrue education credit hours that the licensee could actually use toward meeting the PG continuing education requirements (providing the training is finally listed as an approved training course). This would give some incentive for licensees to apply to add training classes during the last year of a given biannual review period.

- There doesn't seem to be any provision for grandfathering courses that were already taken in anticipation of the CEU requirement, perhaps this should be considered, especially those courses the Department had developed and offered to staff and the public, and meet the requirements and definition. Course work to be included/grandfathered would include those courses taken during the timeframe of the proposed requirement for CEU's until final regulation and count toward meeting the 2009- 2011 requirements.
- The board should provide a Web-based list of Board approved courses available to PE 's and PG's to utilize.