

815 KAR 2:020. Continuing education course and provider approval.

RELATES TO: KRS 198B.090, 198B.095, 198B.4009, 198B.4023, 198B.4025, 198B.6504, 198B.6409, 198B.654, 198B.664, 198B.684, 227.570, 227.590, 227A.040, 227A.100, 318.054, 318.130

STATUTORY AUTHORITY: KRS 198B.090(1)(a), 198B.095(1), 198B.4009(3), 198B.4025(3), 198B.6409(5), 198B.654(1), 198B.684, 227.570(4), 227.590(1), 227A.040(8), 227A.100(7), 318.054, 318.130

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.090(1)(a) requires the department to create and administer a certification program for building inspectors. KRS 198B.095(1) authorizes the department to promulgate administrative regulations to create a building inspectors training program. KRS 198B.4009(3) authorizes the department to promulgate administrative regulations necessary to implement the provisions of KRS 198B.400 through 198B.540. KRS 198B.4025(3) authorizes the department to promulgate an administrative regulation to establish requirements for approval of continuing education programs. KRS 198B.6409 requires the department to promulgate an administrative regulation to establish requirements for approval of continuing education programs and continuing education courses for certified fire sprinkler inspectors. KRS 198B.654(1) requires the department to promulgate administrative regulations necessary to enforce the provisions of KRS 198B.650 through 198B.689. KRS 198B.684 authorizes the department to promulgate an administrative regulation to establish requirements for approval of continuing education courses and providers. KRS 227.590(1) requires the department to make and enforce administrative regulations to implement KRS 227.550 through 227.660. KRS 227.570(3) requires the department to establish the standards for the certified installer seal program. KRS 227A.040(8) authorizes the department to promulgate administrative regulations to establish procedures to govern the licensure of electricians and electrical contractors. KRS 227A.100(7) requires the department to promulgate an administrative regulation to establish requirements relating to continuing education, including program content and qualifications of providers. KRS 318.054 authorizes the department to adopt continuing education requirements for plumbers. This administrative regulation establishes the requirements for approval of continuing education courses and providers.

Section 1. Requirements for Continuing Education Provider Approval. (1) A continuing education course provider shall be registered with the department.

(2) A course provider may be one of the following:

(a) Any individual, company, or organization approved by the department;

(b) A course provider of elevator continuing education may be an organization listed in KRS 198B.4025(3); or

(c) A course provider of electrical continuing education may be an organization listed in KRS 227A.100(7).

(3) Application.

(a) Each continuing education course provider shall apply to the department by submitting a completed Form HBC CE-1, Application for Course Provider Approval.

(b) A course provider that intends to offer courses covering material applicable to more than one of building inspectors, elevators, fire sprinklers, HVAC, certified installers, electrical, or plumbing shall submit one application to register with the department.

(4) The department shall maintain a list of current approved continuing education providers.

(5) A course provider shall report to the department any change in the registration information within ten (10) days of the change taking effect.

(6) Course provider registration shall be valid for two (2) years from the date of issuance.

(7) Renewal.

(a) A course provider shall renew its registration with the department prior to expiration of the course provider registration.

(b) A course provider shall submit an updated Form HBC CE-1 to the department for renewal.

(8) Inactive course provider.

(a) If a course provider does not hold at least one (1) class annually, then the course provider's approval shall be marked as inactive by the department.

(b) A course provider whose approval is inactive shall reapply to the department by submitting a completed Form HBC CE-1 before offering a course.

(9) Revocation. The department may revoke a course provider's approval if the department determines that the course provider:

(a) Obtains, or attempts to obtain, registration of course approval through fraud, false statements, or misrepresentation;

(b) Does not provide complete and accurate information either in the initial registration or in notification of changes to information;

(c) Advertises a continuing education course as being approved by the department prior to receiving approval;

(d) Engages in fraudulent or deceptive business practices; or

(e) Fails to comply with the requirements of this administrative regulation.

(10) A course provider may request a hearing pursuant to KRS Chapter 13B to challenge a denial or a revocation of the course provider's registration.

Section 2. Requirements for Continuing Education Course Approval. (1) Each continuing education course shall be approved by the department.

(2) Only an approved course provider registered with the department shall provide continuing education courses.

(3) Application. Each course provider shall submit a completed Form HBC CE-2, Application for Continuing Education Course Approval at least thirty (30) business days prior to the proposed new course's first class date.

(4) Course information changes.

(a) A course provider shall submit any change in course information within ten (10) days of the intended change taking effect.

(b) All course information changes shall be approved by the department before the changes may take effect.

(c) If a course change affects a class that is already scheduled, the course provider shall notify all licensees or certificate holders that have registered for the class.

(5) Class schedule. A course provider shall submit a class schedule for an approved course at least ten (10) days before the class date. The class schedule shall include the following:

(a) Times and dates that classes will be offered;

(b) The location where classes will be offered; and

(c) Availability of the class to the public.

Section 3. Online Continuing Education. (1) Online continuing education courses shall:

(a) Be provided by a continuing education provider registered with the department;

(b) Except as established in subparagraph 3. of this subsection, include personal security questions, consisting of:

1. One (1) random security question at each log-in; and

2. Remaining security questions at intervals not to exceed twenty (20) minutes.

3. Online continuing education programs with alternative assurances of user involvement shall not comply with interval security questions.

(c) Allow course participants access to the course for a minimum of thirty (30) days following receipt of payment for the course;

(d) Make the course certificate of completion available online for twelve (12) months to any licensee who completes an online course;

(e) Retain a record of all course applications and completions for a minimum of three (3) years; and

(f) Be capable of storing course content questions as follows:

1. Stored content questions shall equal 150 percent of the content questions required; and

2. Duplicate questions shall not be permitted.

(2) A minimum of four (4) content questions, chosen randomly from stored content questions, shall be answered during each twenty (20) minutes of continuing education programming.

(3) Notification of correct and incorrect answers prior to completion of the online course and issuance of a certificate of completion shall not be permitted.

Section 4. Continuing Education Course Records. (1) Each registered course provider shall establish and maintain the following records for each approved course for three (3) years:

(a) Certificates of completion as provided in subsection (2) of this section;

(b) An attendance sign-in and sign-out sheet; and

(c) A course syllabus.

(2) Certificates of completion.

(a) Each registered course provider shall issue a certificate of completion for each participant who enrolled and completed an approved continuing education course.

(b) Certificates of completion shall contain the following individual participant's information:

1. Name;

2. License number or numbers;

3. Date of attendance; and

4. Course, or courses, completed.

(c) The course provider shall submit a certificate of completion:

1. Electronically to the department; or

2. By hard copy provided to the licensee or certificate holder.

Section 5. Reschedule and Cancellations. (1) If a course provider cancels a course, the course provider shall notify the department and persons registered for the course at least five (5) business days prior to the cancellation, unless conditions exist that would preclude a five (5) business day notification of cancellation.

Section 6. Course Audits. (1) Records requested in writing by the department shall be delivered to the department within ten (10) business days of the requesting date.

(2) Representatives of the department may attend an approved continuing education course at no charge to ensure that the course meets the stated objectives provided by the course provider and that the course complies with this administrative regulation.

Section 7. Incorporated by Reference. (1) The following material is incorporated by reference:

(a) "Form HBC CE-1, Application for Course Provider Approval," May 2020; and

(b) "Form HBC CE-2, Application for Continuing Education Course Approval," May 2020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at <http://dhbc.ky.gov>. (45 Ky.R. 876, 1530; eff. 1-4-2019; TAm eff. 5-29-2020.)