

201 KAR 41:070. Continuing professional education requirements.

RELATES TO: KRS 329A.025, 329A.045(11)

STATUTORY AUTHORITY: KRS 329A.025(2)(a), (3)(e), 329A.045(11)

NECESSITY, FUNCTION AND CONFORMITY: KRS 329A.025(3)(e) authorizes the board to renew licenses and require continuing professional education as a condition for renewal. KRS 329A.025(2)(a) authorizes the board to implement the provisions of KRS 329A.010 to 329A.090 through the promulgation of administrative regulations. This administrative regulation establishes the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Definitions. (1) "Approved" means recognized by the Kentucky Board of Licensure for Private Investigators.

(2) "Continuing education hour" means fifty (50) clock minutes of participating in a continuing professional education experience.

(3) "Program" means an organized learning experience:

(a) Planned and evaluated to meet behavioral objectives; and

(b) Presented in one (1) session or in a series.

(4) "Provider" means an organization approved by the Kentucky Board of Licensure for Private Investigators for providing continuing professional education programs.

Section 2. Accrual of Continuing Education Hours; Computation of Accrual. (1) A minimum of twelve (12) continuing education hours shall be accrued by each person holding licensure during the two (2) year licensure period for renewal.

(2) All hours shall be in or related to the field of private investigation.

Section 3. Methods of Acquiring Continuing Education Hours. (1) Continuing education hours applicable to the renewal of the license shall be directly related to the professional growth and development of a licensed private investigator.

(2) They shall be earned by completing any of the following educational activities:

(a) Programs not requiring board review and approval. A program provided or approved or sponsored by any of the following providers, shall be deemed to be relevant to the practice of private investigation and shall be approved without further review by the board:

1. Kentucky Professional Investigators Association (KPIA);

2. Kentucky Society of Professional Investigators (KSPI);

3. Association of Certified Fraud Examiners;

4. Association One;

5. National Fire or Arson Certification Associations;

6. State and local bar associations; and

7. Continuing education programs approved by other state licensure boards;

(b)1. A general education course, or elective designated to meet undergraduate or post-graduate degree requirements, shall be acceptable for continuing education credit if the board determines it to be relevant to the field of private investigation.

2. Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equaling twelve (12) continuing education hours; and

(c) Programs requiring board review and approval. A program from any of the following sources shall be reviewed by the board and determined whether it complies with the requirements of Section 4(2) of this administrative regulation:

1. A program, including a home study course and in-service training provided by an organi-

zation or education institution not listed in subsection (1) of this section;

2.a. A program or academic course presented by the licensee.

b. A presenter of a relevant program or academic course shall earn two (2) continuing education hours for each contact hour of instruction.

c. Credit shall not be issued for repeated instruction of the same course; or

3.a. A relevant publication in a professionally recognized or juried publication.

b. Continuing education hours shall be granted for relevant publications subject to review and approval by the board.

Section 4. Procedures for Preapproval of Continuing Education Programs. (1)(a) A continuing education provider seeking to obtain approval of a continuing education program prior to its offering shall apply to the board at least sixty (60) days in advance of the commencement of the program and shall provide the information required in Section 5 of this administrative regulation.

(b) An approved program fee shall be paid as established in 201 KAR 31:040, Section 9.

(2) A continuing education activity shall be qualified for approval if the board determines the activity:

(a) Is an organized program of learning;

(b) Pertains to subject matter relating to private investigation;

(c) Enhances the professional competence of the licensee by:

1. Refreshing the licensee's knowledge and skills; or

2. Educating on a new topic or subject; and

(d) Is conducted by a competent instructor, as documented by academic training, professional licensures or certification, or professionally recognized experience.

Section 5. Procedures for Approval of Continuing Education Programs. (1) A course that has not been preapproved by the board may be used for continuing education if approval is secured from the board by the continuing education provider.

(2) The following information shall be submitted for board review of a program:

(a) A published course or seminar description;

(b) The name and qualifications of the instructor;

(c) A copy of the program agenda indicating hours of education, coffee, and lunch breaks;

(d) Number of continuing education hours requested;

(e) Official certificate of completion or college transcript from the sponsoring agency or college;

(f) Application for continuing education credits approval; and

(g) Approval will be for one (1) year from date of approval.

Section 6. Responsibilities and Reporting Requirements of Licensees. (1)(a) During the license renewal period, the board shall require up to fifteen (15) percent of all licensees to furnish documentation of the completion of the appropriate number of continuing education hours.

(b) All copies of documentation submitted to the board shall be returned to the licensee upon completion of the audit process via regular U.S. mail, first class, postage prepaid.

(c) Verification of continuing education hours shall not otherwise be reported to the board.

(2) A licensee shall:

(a) Be responsible for obtaining required continuing education hours;

(b) Identify continuing education needs and seek activities that meets those needs;

(c) Seek ways to integrate new knowledge, skills, and activities;

- (d) Select approved activities by which to earn continuing education hours;
 - (e) Submit to the board, if applicable, a request for approval for continuing education activities not approved as required in Section 3(2)(b) of this administrative regulation;
 - (f) Document attendance, participation in, and successful completion of continuing education activity;
 - (g) Maintain records of continuing education hours for five (5) years from the date of the offering of the continuing education activity; and
 - (h) If applicable, submit information from a continuing education course that has not been preapproved by providing to the board for review the information specified in Section 5(2) of this administrative regulation.
- (3) The following items may be used to document continuing education activity:
- (a) Transcript;
 - (b) Certificate;
 - (c) Affidavit signed by the instructor;
 - (d) Receipt for the fee paid to the sponsor; or
 - (e) Written summary of experiences that are not formally or officially documented otherwise.
- (4) Failure to comply with the provisions of this administrative regulation shall constitute a violation of KRS Chapter 329A and shall result in:
- (a) Refusal to renew licensure;
 - (b) Suspension of licensure; or
 - (c) Revocation of licensure.

Section 7. Carry-over of Continuing Education Hours Prohibited. Continuing education hours earned in excess of those required under Section 2 of this administrative regulation shall not be carried over into the immediately following licensure renewal period.

Section 8. Appeal of Denial of Continuing Education Hours. (1) If an application for approval of continuing education hours is denied, the licensee shall have the right to appeal the board's decision.

- (2) An appeal shall be:
- (a) In writing;
 - (b) Received by the board within thirty (30) days after the date of the decision denying approval of continuing education hours; and
 - (c) Conducted in accordance with KRS Chapter 13B.

Section 9. Waiver or Extensions of Continuing Education. (1) On application, the board may grant a waiver or extension of the continuing education requirements or an extension of time within which to fulfill the requirements in the following cases:

- (a) Medical disability of the licensee;
 - (b) Illness of the licensee or an immediate family member;
 - (c) Death or serious injury of an immediate family member; or
 - (d) Active military duty.
- (2) A written request for waiver or extension of time involving medical disability or illness shall be:
- (a) Submitted by the licensee; and
 - (b) Accompanied by a verifying document signed by a licensed physician.
- (3) A waiver of or extension of time within which to fulfill the minimum continuing education requirements shall not exceed one (1) year.
- (4) If the medical disability or illness upon which a waiver or extension has been granted

continues beyond the period of the waiver or extension, the licensee shall reapply for the waiver or extension.

Section 10. Continuing Education Requirements for Reinstatement or Reactivation of Licensure. (1) A person requesting reinstatement or reactivation of licensure shall submit evidence of receiving twelve (12) hours of continuing education within the two (2) year period immediately preceding the date that reinstatement or reactivation is requested

(2) The continuing education hours received in compliance with this section shall be in addition to the continuing education requirements established in Section 2 of this administrative regulation and shall not be used to comply with the requirements of that section.

Section 11. Proof of continuing education shall be required for all licensure cycles beginning in 2008. (32 Ky.R. 2390; 33 Ky.R. 728; eff. 10-6-2006; 35 Ky.R. 626; 1445; eff. 1-5-2009.)