

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) requires 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 and accepted 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) "Preapproved" means a program approved pursuant to Section 3 or Section 5 of this administrative regulation.

(4) "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.

(5) "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.

(2) All hours shall be directly related to the field of private investigation and promote the professional growth and development of a licensed private investigator.

Section 3. Programs Not Requiring Board Review and Approval. A program provided, officially approved, or sponsored by any of the following providers shall be preapproved and 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;

(7) Continuing education programs approved by other state licensure boards;

(8) Institute of Police Technology and Management (IPTM);

(9) Northwestern University Center for Public Safety;

(10) United States Department of Transportation Federal Motor Carrier Safety Administration (FMCSA);

(11) Michigan State University Department of Civil and Environmental Engineering;

(12) University of Kentucky Transportation Cabinet;

(13) University of Tulsa Continuing Education for Science and Engineering;

(14) Texas A&M Transportation Institute;

(15) Crash Data Group Event Data Recording Summit;

- (16) Society of Automotive Engineers (SAE);
- (17) National Society of Professional Insurance Investigators (NSPII);
- (18) International Association of Special Investigation Units (IASIU); and
- (19) National Association of Legal Investigators (NALI).

Section 4. Programs Requiring Board Review and Approval. The board shall review the following programs to determine whether these satisfy the requirements of this administrative regulation:

- (1) A general education course, or elective designated to meet undergraduate or postgraduate degree requirements, shall equal twelve (12) continuing education hours per one (1) hour of academic credit if the board determines it to be relevant to the field of private investigation;
- (2) A program, including a home study course and in-service training provided by an organization or education institution not listed in Section 3 of this administrative regulation; or
- (3) A program or academic course presented by the licensee.
 - (a) The presenting licensee shall earn two (2) continuing education hours for each contact hour of instruction.
 - (b) Credit shall not be issued for repeated instruction of the same course.

Section 5. Procedures for Preapproval of Continuing Education Programs. (1)(a) A continuing education provider seeking preapproval of a continuing education program shall apply to the board at least sixty (60) days in advance of the commencement of the program by submitting a completed Application for Approval for Providers to Offer Continuing Education and shall provide the information required in Section 6 of this administrative regulation.

- (b) An approved program fee shall be paid as established in 201 KAR 41:040, Section 9.
- (2) A continuing education program shall be preapproved if the board determines the program:
 - (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 certifications, or professionally recognized experience.
- (3) A licensee shall not be required to request approval for a continuing education program preapproved pursuant to Section 3 of this administrative regulation.

Section 6. Procedures for a Licensee to Request Approval of Continuing Education Programs. (1) A licensee shall request board approval for continuing education hours for a program described in Section 4 of this administrative regulation by submitting the following information for the board to review:

- (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; and
 - (f) A completed Licensee Application for Approval of Continuing Education Hours.
- (2) The licensee shall redeem continuing education hours approved by the board pursuant to subsection (1) of this section at the time of the licensee's next license renewal, reinstated-

ment, or reactivation application following the date of approval. The licensee shall submit a copy of the board's decision approving the continuing education hours.

Section 7. Responsibilities and Reporting Requirements of Licensees. (1) Each licensee shall submit proof he or she completed the appropriate number of continuing education hours at the time the licensee submits his or her application for renewal, reinstatement, or reactivation of licensure.

(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 preapproved programs to earn continuing education hours;
- (e) Submit to the board, if applicable, a request for approval for continuing education hours that have not been preapproved pursuant to Section 5 of this administrative regulation;
- (f) Document attendance, participation in, and successful completion of continuing education programs; and
- (g) Maintain records of continuing education hours for two (2) years from the date of the offering of the continuing education program.

(3) The following items may be used to document attendance at continuing education programs:

- (a) Transcript;
- (b) Certificate;
- (c) Affidavit signed by the instructor or provider; or
- (d) Receipt for the fee paid to the provider.

(4) Failure to comply with the provisions of this administrative regulation shall constitute a violation of KRS Chapter 329A and may result in:

- (a) Refusal to renew, reinstate, or reactivate licensure;
- (b) Suspension of licensure; or
- (c) Revocation of licensure.

Section 8. 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 any subsequent licensure renewal period.

Section 9. Appeal of Denial of Continuing Education Hours. (1) If an application for approval of continuing education hours submitted pursuant to Section 6 of this administrative regulation is denied, the licensee may appeal the board's decision.

(2) A notice to appeal shall be:

- (a) Submitted in writing and signed by the appellant;
- (b) Received by the board within thirty (30) days of the decision denying approval of continuing education hours; and
- (c) Conducted in accordance with KRS Chapter 13B.

Section 10. Waiver or Extensions of Time for Completion of Continuing Education. (1) The board may grant a licensee a waiver or an extension of time to complete the continuing education requirements in the following cases:

- (a) Serious injury or 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;

- (d) Active military duty;
- (e) Undue hardship; or
- (f) Similar extenuating circumstance that precludes the licensee's completion of the requirements.

(2) To request a waiver or extension of time to complete the continuing education requirements pursuant to this section, a licensee shall:

(a) Submit the request in writing, signed by the requesting licensee; and

(b)1. Provide a verifying document signed by a licensed physician, or proper military personnel, if applicable; or

2. Documentation to support the waiver.

(3) A waiver of or extension of time to complete the minimum continuing education requirements shall not exceed one (1) year.

(4) If the medical disability, illness, active military duty, or circumstance upon which a waiver or extension of time has been granted continues beyond the period of the waiver or extension of time, the licensee shall reapply for the waiver or extension of time.

Section 11. Continuing Education Requirements for Reinstatement or Reactivation of Licensure. 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.

Section 12. Effective Date for the Submission of Continuing Education Hours. Licensees shall submit proof of continuing education hours obtained in the previous two (2) years at the time of their first license renewal, reinstatement, or reactivation on or after January 1, 2021, and each subsequent renewal period thereafter.

Section 13. Incorporation by Reference. (1) The following forms are incorporated by reference:

(a) "Application for Approval for Providers to Offer Continuing Education," May, 2019; and

(b) "Licensee Application for Approval of Continuing Education Hours," May, 2019.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Private Investigators, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (32 Ky.R. 2390; 33 Ky.R. 728; eff. 10-6-2006; 35 Ky.R. 626; 1445; eff. 1-5-2009; 45 Ky.R. 3483; 46 Ky.R. 425; eff. 9-6-2019; Crt eff. 12-11-2019.)