

**PUBLIC PROTECTION CABINET**  
**Department of Professional Licensing**  
**Board of Registration for Professional Geologists**  
**(Amendment)**

**201 KAR 31:040. Applications and examinations.**

RELATES TO: KRS 322A.030(3), (4), 322A.040(1)(c), 322A.045

STATUTORY AUTHORITY: KRS 322A.030(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322A.040(1)(c) requires administrative regulations governing the examination of applicants for registration. KRS 322A.045 requires the board to promulgate an administrative regulation governing the examination for an applicant for certification as a geologist-in-training. This administrative regulation establishes requirements concerning examinations.

Section 1. General Requirements.

(1) The board shall furnish to applicants pertinent instructions ~~and establish the examination schedule~~ which shall include: arranging to take the required examination(s), the place, the time, and the final date by which the board shall have received the applicant's materials.

(2) An applicant for examination shall submit a complete application and pay the application ~~and examination~~ fees required by 201 KAR 31:010 ~~to the board when filing the application~~. Once the application has been approved by the board, the applicant shall arrange ~~be scheduled~~ to take the examination at the next regularly scheduled date.

(3) ~~[If an applicant fails to appear for the scheduled examination and presents a valid reason in writing no later than thirty (30) days after the missed examination date for missing the examination, such as illness or death in the immediate family, the examination may be deferred until the next scheduled date upon payment of a twenty-five (25) dollar fee.]~~

~~[(4)] [If an applicant fails to appear for or to complete the examination without a valid reason, the applicant shall forfeit all examination fees paid.]~~

~~[(5)] [If an applicant fails to appear for a second scheduled examination, without presenting a valid reason in writing such as illness or death in the immediate family, the application shall be terminated on the date of the examination, and the applicant shall be denied registration on the basis of failure of the examination by default. The applicant shall not engage in the public practice of geology or otherwise violate KRS 322A.090(2).]~~

~~[(6)] An applicant who fails to complete the application and examination process within one (1) year of the date of filing of the application shall file a new application and pay the fees required by 201 KAR 31:010 in order to be eligible for registration or certification unless the applicant has obtained a deferral under subsection (3) of this section.~~

Section 2. Examination for Registration.

(1) An applicant for registration shall submit to an examination composed of the Fundamentals of Geology (FG) and the Practice of Geology (PG) developed and owned by the National Association of State Boards of Geology (ASBOG®). The applicant shall obtain a scaled score equal to passage of seventy (70) percent on both the Fundamentals of Geology (FG) and the Practice of Geology (PG) examinations.

(2) ~~[An applicant shall provide a current, government issued, photographic identification when taking the examination.]~~

~~[(3)]~~ If an applicant for registration fails one (1) or both of the examinations, the applicant may, with payment of the required fee, be rescheduled to take the examination at the next regularly scheduled examination date. An applicant who fails one (1) of the examinations shall be required to retake only the examination on which the applicant failed to achieve a passing scaled score.

~~[(4)] [If the applicant is practicing under a temporary permit, the applicant may continue to practice under the supervision of a registered geologist until achieving a passing score on the examination or until sixty (60) days after the second examination offered after the applicant has been approved for registration.]~~

Section 3. Examination for Certification as a Geologist-in-Training. An applicant for certification as a Geologist-in-Training shall:

- (1) Submit to an examination composed of the Fundamentals of Geology (FG) developed and owned by the National Association of State Boards of Geology (ASBOG®);
- (2) Obtain a scaled score equal to passage of seventy (70) percent; and
- (3) Not take this examination prior to the applicant's final semester or quarter from an accredited college or university.

Section 4. Release of information. A registered geologist or certified geologist-in-training shall complete and submit the Authorization for Release of Records form to the Board to release a copy of his or her licensing or examination records to a third party.

Section 5. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) "Application for Registration as a Professional Geologist", 10-10-2022; ~~and [7-10-2013, is incorporated by reference.]~~
  - (b) "Authorization for Release of Records", 10-10-2022.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright laws, at the Kentucky Board of Registration for Professional Geologists, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601 ~~[911 Leewood Drive, Frankfort, Kentucky 40601]~~, (502) 892-4261 ~~[564-3296]~~, Monday through Friday, 8 a.m. to 5:00 p.m.

*JEREMY SYLVESTER, Board Counsel*

APPROVED BY AGENCY: October 13, 2022

FILED WITH LRC: October 13, 2022 at 3:15 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 10:00 a.m. on December 21, 2022, at the Public Protection Cabinet, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on December 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Zachary M. Zimmerer, Assistant Attorney General, Kentucky Office of the Attorney General, Office of Civil and Environmental Law, 700 Capital Avenue, Suite 118, 502-696-5300, 502-564-2894, email [Zachary.Zimmerer@ky.gov](mailto:Zachary.Zimmerer@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person: Zachary M. Zimmerer**

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation establishes requirements concerning applications and examinations.

**(b) The necessity of this administrative regulation:**

This administrative regulation is necessary to inform prospective applicants of the procedure for applying for and taking the required examinations for registration and certification.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

KRS 322A.040(1)(c) requires administrative regulations governing the examination of applicants for registration. KRS 322A.045 requires the board to promulgate an administrative regulation governing the examination for an applicant for certification as a geologist-in-training. This administrative regulation establishes requirements concerning applications and examinations.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This administrative regulation informs prospective applicants of the procedure for applying for and taking the required examinations for registration and certification.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

This amendment removes outdated application and examination instructions and modernizes the Board's application and examination procedures to be consistent with the National Association of State Boards of Geology, the Board's testing provider.

**(b) The necessity of the amendment to this administrative regulation:**

This amendment is necessary to update the Board's application and examination procedures to be consistent with the National Association of State Boards of Geology, the Board's testing provider.

**(c) How the amendment conforms to the content of the authorizing statutes:**

KRS 322A.040(1)(c) requires administrative regulations governing the examination of applicants for registration. KRS 322A.045 requires the board to promulgate an administrative regulation governing the examination for an applicant for certification as a geologist-in-training. This administrative regulation establishes requirements concerning applications and examinations.

**(d) How the amendment will assist in the effective administration of the statutes:**

This administrative regulation establishes requirements concerning applications and examinations.

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

Sections 1 through 3 only apply to prospective applicants. Annually, the Board anticipates receiving 58 new applications. Section 4 would apply to any registrant or

certificate holder who wishes to have his or her information released to another entity. The Board currently licenses 1195 individuals who could potentially seek to use this form. (4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: New applicants will be required to follow the examination instructions provided by the National Association of State Boards of Geology, the Board's testing provider. Regulated individuals seeking to have the Board release licensing records will be required to use the new records release form.

**(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:**

New applicants will be required to follow the examination instructions provided by the National Association of State Boards of Geology, the Board's testing provider. Regulated individuals seeking to have the Board release licensing records will be required to use the new records release form.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

There are no costs associated with complying with this administrative regulation amendment.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

Current registrants and certificate holders will have a means to request release of official licensing records. Prospective applicants will have the benefit of directly arranging for testing with the National Association of State Boards of Geology, the Board's testing provider.

**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

There is no cost associated with implementing this administrative regulation.

**(b) On a continuing basis:**

There is no continuing cost associated with implementing this administrative regulation.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:**

The Board is funded exclusively through license application and renewal fees. The Board will fund any implementation and enforcement costs through its application and renewal fees.

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

No increase in fees or funding will be necessary to implement the changes in this administrative regulation.

**(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

This administrative regulation does not establish or increase existing fees.

**(9) TIERING: Is tiering applied?**

. No. Tiering is not applied.

## FISCAL NOTE

**(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?**

No units, parts, or divisions of state or local government will be impacted by this administrative regulation beyond the Board itself.

**(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS 322A.030, 322A.040, and 322A.045.

**(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.**

There will be no effect on the expenditures of state or local government in the first full year this administrative regulation is in effect.

**(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?**

This administrative regulation will not generate any revenue for the state or local government for the first year this administrative regulation is in effect.

**(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?**

This administrative regulation will not generate any revenue for the state or local government for the subsequent years this administrative regulation is in effect.

**(c) How much will it cost to administer this program for the first year?**

There is no cost to administer this program for the first year.

**(d) How much will it cost to administer this program for subsequent years?**

There is no cost to administer this program for subsequent years.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Revenues (+/-):0**

**Expenditures (+/-):0**

**Other Explanation:**

**(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.**

There is no expected cost savings for regulated entities during the first full year this regulation is to be in effect.

**(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?**

There is no expected cost savings for regulated entities during the first full year this regulation is to be in effect.

**(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?**

There is no expected cost savings for regulated entities for subsequent years.

**(c) How much will it cost the regulated entities for the first year?**

There is no cost to the regulated entities for the first year.

**(d) How much will it cost the regulated entities for subsequent years?**

There is no cost to the regulated entities for subsequent years.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Cost Savings (+/-):0**

**Expenditures (+/-):0**

**Other Explanation:**

**(5) Explain whether this administrative regulation will have a major economic impact, as defined below.**

This administrative regulation will not have a major economic impact.