

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

201 KAR 31:050. Renewals.

RELATES TO: KRS 322A.060, 322A.070

STATUTORY AUTHORITY: KRS 322A.030(5), 322A.060, 322A.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322A.060 establishes conditions for the renewal, suspension, and revocation of certificates of registration. KRS 322A.070 authorizes the board to determine the initial and expiration dates for certificates of certification. KRS 322A.030(5) authorizes the board to promulgate administrative regulations required to perform its duties. This administrative regulation establishes procedures for the renewal of certificates of registration and certification.

Section 1. Registration and Certification Renewals.

(1) A registered professional geologist or certified geologist-in-training shall before October 1 of each odd numbered year:

(a) Complete and file the Registration and Certification Renewal and Reinstatement form; ~~File a completed renewal application using the:~~

~~[1.] [Application for Renewal as a Professional Geologist; or]~~

~~[2.] [Application for Renewal as a Geologist-in-Training;]~~ and

(b) Pay to the board the renewal fee established by 201 KAR 31:010, Section 3~~((1))~~.

(2)

(a) A certificate of registration that is not renewed before October 1 of each odd numbered year shall expire as provided by KRS 322A.060(1).

(b) A certificate for a geologist-in-training that is not renewed before October 1 of each odd numbered year shall expire as provided by KRS 322A.070.

Section 2. Late Renewals. A ninety (90) day grace period shall be allowed beginning October 1 of each odd numbered year, during which a registered professional geologist or certified geologist-in-training may:

(1) Continue to practice; and

(2) Renew his or her certificate of registration or certification by filing a completed Registration and Certification Renewal and Reinstatement form~~[renewal application]~~ and by paying the renewal fee as provided by 201 KAR 31:010, Section 3~~((1))~~.

Section 3. Suspension for non-renewal.

(1) A certificate of registration or certification that is not renewed on or before December 29 of each odd numbered year shall be suspended for non-renewal.

(2) Upon suspension, the registered professional geologist or certified geologist-in-training shall:

(a) Not practice geology in Kentucky;

(b) Be notified by the Board at the last known address available to the board of the suspension; and

(c) Be instructed to cease and desist the public practice of geology in Kentucky.

Section 4. Reinstatement. After the ninety (90) day grace period and before the end of two (2) years, a professional geologist or geologist-in-training suspended for failure to renew may have his or her certificate of registration or certification reinstated upon:

(1) Payment of the reinstatement fee as provided by 201 KAR 31:010, Section 3~~((3))~~;

(2) Completion of the Registration and Certification Renewal and Reinstatement form ~~[;]~~

- ~~[(a)] [Application for Reinstatement as a Professional Geologist; or]~~
~~[(b)] [Application for Reinstatement as a Geologist-in-Training];~~ and
(3) Documentation of employment and description of job duties from the time of suspension until the date of the renewal application.

Section 5. Inactive renewals and reactivation.

- (1) A person who renews his or her registration or certification as inactive shall complete and submit Registration and Certification Renewal and Reinstatement form and remit the fee in 201 KAR 31:010, Section 3.
(2) A person may maintain an inactive registration or certification indefinitely if he or she pays the required biennial inactive renewal fees when due
(3) A person with a registration or certification that is inactive shall not engage in the practice of geology and shall at all times be bound by the Board's Code of Conduct in 201 KAR 31:060, the provisions of KRS Chapter 322A, and any other administrative regulation promulgated by the Board.
(4) To reactivate a registration or certification, an inactive registrant or certificate holder shall complete and submit the Registration and Certification Renewal and Reinstatement form and remit the fee in 201 KAR 31:010, Section 3.

Section 6. Incorporation by Reference.

- (1) The "Registration and Certification Renewal and Reinstatement form", 10-10-2022, is incorporated by reference. [The following material is incorporated by reference:]
~~[(a)] ["Application for Renewal as a Professional Geologist", July 10, 2013;]~~
~~[(b)] ["Application for Renewal as a Geologist-in-Training", July 10, 2013;]~~
~~[(c)] ["Application for Reinstatement as a Professional Geologist", July 10, 2013; and]~~
~~[(d)] ["Application for Reinstatement as a Geologist-in-Training", July 10, 2013.]~~
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Registration for Professional Geologists, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601~~[911 Leawood 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.

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 procedures for the renewal of certificates of registration and certification.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to establish procedures for the renewal of certificates of registration and certification.

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

KRS 322A.060 establishes conditions for the renewal, suspension, and revocation of certificates of registration. KRS 322A.070 authorizes the board to determine the initial and expiration dates for certificates of certification. KRS 322A.030(5) authorizes the board to promulgate administrative regulations required to perform its duties.

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

This administrative regulation establishes procedures for the renewal of certificates of 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 streamlines the required renewal and reinstatement forms, converting four forms into one, and introduces a new renewal option for existing registrants and certificate holders.

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

This amendment is necessary to update existing forms used by the Board and to make available an inactive renewal option.

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

KRS 322A.060 establishes conditions for the renewal, suspension, and revocation of certificates of registration. KRS 322A.070 authorizes the board to determine the initial and expiration dates for certificates of certification. KRS 322A.030(5) authorizes the board to promulgate administrative regulations required to perform its duties.

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

This administrative regulation establishes procedures for the renewal of certificates of registration and certification.

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

The Board only regulates individuals. No businesses, organizations, or state and local governments will be affected by this administrative regulation. The Board currently has 1194 registrants and certification holders. The Board annually anticipates 58 new applications. (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: The individuals identified in question (3) will be able to take advantage, should they choose, of a new renewal option for inactive registration status. Additionally, the forms required to renew or reinstate a registration or certification will be modified and consolidated.

(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:

The individuals identified in question (3) will be required to use new forms to renew or reinstate a registration or certification.

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

There is no cost associated with complying with this amendment.

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

The individuals identified in question (3) will benefit from this amendment because their license renewal and reinstatement process will be streamlined. Additionally, the individuals identified in question (3) may take advantage of a new registration renewal option.

(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.060, 322A.070.

(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.