

## BOARDS AND COMMISSIONS

### Board of Licensure for Professional Engineers and Land Surveyors (Amendment)

#### 201 KAR 18:192. Continuing professional development for professional land surveyors

RELATES TO: KRS 322.180(3), 322.190, 322.290(15)

STATUTORY AUTHORITY: KRS 322.290(4), (15)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(15) requires the board to adopt a program of continuing education for professional land surveyors. This administrative regulation establishes requirements for the continuing professional development program mandated by KRS 322.290(15) for professional land surveyors.

#### Section 1. Definitions.

- (1) "Calendar year" means a one-year period of time beginning on January 1 and ending on December 31.
- (2) "Contact hour" means a minimum of fifty (50) minutes of instruction or presentation.
- (3) "Continuing professional development" or "CPD" means participation in activities, beyond the basic educational requirements, that:
  - (a) Provide specific content planned and evaluated to improve the professional land surveyor's competence;
  - (b) Encourage acquisition of new skills and knowledge required to maintain competence;
  - (c) Strengthen the professional land surveyor's critical inquiry and balanced judgment;
  - (d) Raise the ethical standards within the professional community; and
  - (e) Meet the requirements established by this administrative regulation.
- (4) "Dual Licensee" means a person licensed as both a professional land surveyor and a professional engineer.
- (5) "Licensee" means a person licensed as a professional land surveyor.
- (6) "Professional development hour" or "PDH" means one (1) nominal contact hour of instruction or presentation that meets the requirements of this administrative regulation.
- (7) "Provider" means a person, school, association, company, corporation, or group who has developed a CPD activity and participates directly in the presentation.
- (8) "Reporting period" means the two (2) calendar years preceding the June 30 deadline for renewal of license.
- (9) "Surveying Committee" means the Surveying Committee of the State Board of Licensure for Professional Engineers and Land Surveyors.

#### Section 2. Program Structure.

- (1) Except as provided in Section 5 of this administrative regulation, a licensee shall complete a minimum of sixteen (16) PDH units each reporting period.
- (2) The requirement for continuing professional development shall include a four (4) PDH course, pre-approved by the Surveying Committee, in standards of practice for professional land surveyors, professional ethics, and the code of professional practice and conduct, taken once every four (4) years. This course shall count as four (4) of the required sixteen (16) PDH for the reporting period in which it is taken.
- (3) If a licensee exceeds the requirement, a maximum of eight (8) PDH units may be carried forward to the next reporting period.
- (4) PDH units earned by a dual licensee under this administrative regulation may also be used to meet the professional engineer requirements under 201 KAR 18:196 if the PDH units also meet the requirements of 201 KAR 18:196.
- (5) Failure to earn the required PDH units shall constitute unprofessional conduct.

### Section 3. Criteria for Professional Development.

- (1) Continuing professional development activities applicable to the renewal of the license shall be directly related to the professional growth and development of the professional land surveyor.
- (2) PDH units may be earned upon successful completion of the following activities:
  - (a) College or university courses;
  - (b) Continuing education courses;
  - (c) Short courses, tutorials, webinars, and distance-education courses offered as face-to-face programs, live internet-based programs, archived prerecorded programs, or archived correspondence programs;
  - (d) Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions;
  - (e) Teaching or instructing activities specified in paragraphs (a) through (d) of this subsection;
  - (f) Authoring published papers, articles, books, or accepted licensing examination items related to the practice of land surveying; or
  - (g) Active participation in professional or technical societies as authorized in subsection (5)(g) of this section.
- (3) To qualify for credit, activities described in subsections (1) and (2) of this section shall:
  - (a) Be relevant to the practice of land surveying;
  - (b) Contain technical, ethical, or managerial subjects;
  - (c) Be an organized program of learning;
  - (d) Be conducted by individuals with education, training, or expertise; and
  - (e) Not include:
    1. In-service training;
    2. Orientation to specific institutional policies and practices; or
    3. Time used to sell or advertise a product; or
    4. Self-study.
- (4) CPD activities shall earn credit only if substantially different from a course for which credit was claimed or granted in the current reporting period.
- (5) PDH units shall be converted as follows:
  - (a) Credit for college or university courses shall be based upon course credit established by the college or university.
    1. One (1) university semester hour shall equal forty-five (45) PDH units.
    2. One (1) university quarter hour shall equal thirty (30) PDH units.
  - (b) One (1) continuing education unit shall equal ten (10) PDH units.
  - (c) One (1) nominal contact hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences shall equal one (1) PDH unit. The total number of hours allowed for an activity cannot exceed the actual number of clock hours.
  - (d) Credit for correspondence, televised, videotaped, distance learning, and other short courses or tutorials shall be the equivalent PDH units recommended by the program author subject to board review.
  - (e) For teaching an activity described in paragraphs (a) through (d) of Section 3(2), multiply the number of PDH units earned by participants for that activity by two (2). Teaching credit shall only be valid for the first time the activity is taught.
  - (f) Each published paper, article, or book shall equal ten (10) PDH units.
  - (g) Active participation in a professional or technical society shall equal two (2) PDH units for each organization.

1. Credit for active participation in professional or technical societies shall require that the licensee serve as an officer or committee chair of the organization.
2. PDH units shall not be earned until the end of each year of service is completed.

#### Section 4. Recordkeeping.

- (1) The licensee shall be responsible for maintaining records used to support PDH units claimed.
- (2) Records required include:
  - (a) A log showing the date of the activity, provider, location, activity title, description, presenter's name, and PDH units earned; and
  - (b) Attendance certification records in the form of completion certificates or other documents supporting evidence of attendance.

#### Section 5. Exemptions and Extensions.

- (1) A licensee shall be exempted from continuing professional development requirements for the calendar year in which the licensee is initially licensed by the board. If the licensee is initially licensed in the first calendar year of the reporting period, the number of PDH units required for that reporting period shall be eight (8) PDH units.
- (2) A licensee who is on active duty in the Armed Forces of the United States shall be exempted from continuing professional development requirements for those years in which the licensee was on active duty.
- (3) An individual who has selected inactive or retired status shall be exempted from continuing professional development requirements.
- (4) A licensee who is unable to satisfy the CPD requirement because of physical disability, illness, or other extenuating circumstance may be granted an extension for the calendar year in which the disability, illness, or extenuating circumstance occurs.
- (5) The board may grant an extension of time to fulfill the CPD requirement for an extenuating circumstance.
- (6) An exemption or extension request shall be made in writing, with supporting documentation, to the board during the calendar year in which the exemption or extension is requested, and the exemption or extension shall only be valid for that calendar year.

Section 6. Reinstatement. Before a license is reinstated by the board under 201 KAR 18:115, a former licensee shall earn the PDH units required for each reporting period the license was revoked, suspended, expired, or in inactive or retired status up to a maximum of thirty-two (32) PDH units.

Section 7. Reporting. A licensee shall certify whether or not the licensee has complied with the requirements of this administrative regulation during the biennial renewal of license. The failure to truthfully report compliance with this administrative regulation shall constitute unprofessional conduct.

#### Section 8. Audits.

- (1) Compliance with the CPD requirements shall be determined through an audit process.
- (2) Four (4) percent of licensees who have completed their biennial renewals before September 1 of their renewal year shall be selected for audit through a random selection process.
- (3) All licensees who complete their biennial renewals on or after September 1 of their renewal year shall be subjected to the audit process.
- (4) A licensee who is the subject of an investigation pursuant to KRS 322.190 shall be subjected to the audit process.
- (5) A licensee selected for audit shall provide the board with documentation as described in Section 4 of this administrative regulation within thirty (30) days of the board's request.

(6) If continuing professional development credit is disallowed, the licensee shall have sixty (60) calendar days after notification to substantiate the original claim or earn other PDH units to meet the requirement.

(7) Failure to comply with the CPD requirements shall constitute a violation of KRS 322.180 subjecting the licensee to disciplinary action.

(8) An audit resulting in a determination of noncompliance shall subject the licensee to an automatic audit for the next reporting period and each subsequent reporting period until an audit results in a determination of compliance.

#### Section 9. Approval for a Standards of Practice, Professional Ethics, and Code of Professional Practice and Conduct course.

(1) The Surveying Committee shall pre-approve instructors for a four (4) PDH course in standards of practice for professional land surveyors, professional ethics, and the code of professional practice and conduct.

(2) Approval of the course shall be valid for three (3) years.

(3) Failure to notify the board of a change in the course, including a change in the instructor, may render approval of the course null and void.

(4) A written request for approval of the course shall be submitted to and received by the board at least sixty (60) days prior to the meeting date of the Surveying Committee at which the request will be considered.

(5) All requests for approval of the course shall be accompanied by:

(a) A detailed outline and objectives;

(b) A time outline including registration, introductions, welcomes, breaks, and meals;

(c) All presentation materials, handouts, and reference materials; and

(d) A resume for instructor.

(6) The board may send a representative to monitor live presentations of the course.

(a) The provider shall notify the board at least sixty (60) days prior to providing a live presentation of the course.

(b) The provider shall waive all fees for the board representative and reimburse costs, if any, of attending the course.

(c) Approval for the course may be withdrawn for subsequent iterations of the course if significant variation is observed from the approved course.

(7) An evaluation form shall be made available for participants at each presentation.

(8) An individual under disciplinary action from the board or a business entity with a principal who is under disciplinary action from the board shall not present the course without prior, written approval from the board.

(9) Upon approval, an activity shall receive a CPD number, which shall be used to identify the course.

(10) If a course is not approved by the Surveying Committee, the requestor shall be sent notice of disapproval within two (2) weeks of its decision. This decision shall be presented to the board at its next meeting for consideration of ratification.

*KYLE L. ELLIOTT, Executive Director*

APPROVED BY AGENCY: October 27, 2023

FILED WITH LRC: June 27, 2024 at 10:55 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 24, 2024, at 2:00 p.m., Eastern Standard Time, at the Kentucky Engineering Center, 160 Democrat Drive Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) 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 September 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Kyle L. Elliott, Executive Director, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive Frankfort, Kentucky 40601, phone (502) 573-2680, fax (502) 573-6687, email [kyle.elliott@ky.gov](mailto:kyle.elliott@ky.gov).