201 KAR 31:060. Code of professional conduct.

RELATES TO: KRS 322A.010, 322A.030(6), 322A.100
STATUTORY AUTHORITY: KRS 322A.030
NECESSITY, FUNCTION, AND CONFORMITY: KRS 322A.030(6) requires the board to promulgate by administrative regulation a code of professional conduct. KRS 322A.030(5) authorizes the board to promulgate administrative regulations necessary to conduct its responsibilities and duties. KRS 322A.100 authorizes the board to discipline a registered professional geologist or geologist-in-training. This administrative regulation establishes a code of professional conduct, which includes a list of grounds for disciplinary action against a registered professional geologist or geologist-in-training.

Section 1. Public Trust and Welfare.
(1) The public practice of geology requires professional ethical conduct and professional responsibility, as well as scientific knowledge on the part of the registered professional geologist or geologist-in-training.
(2) A registered professional geologist or geologist-in-training shall protect, to the fullest extent possible, the public health and welfare, and public and private property, in carrying out the public practice of geology.

Section 2. Integrity in Professional Practice.
(1) A registered professional geologist or geologist-in-training shall be guided by the highest standards of ethics, honesty, integrity, personal honor, fairness, and professional conduct when engaged in the public practice of geology.
(2) A registered professional geologist or geologist-in-training shall provide professional service only within his or her scope of competency as determined by education, training, or experience in the technical areas involved.
(3) A registered professional geologist or geologist-in-training shall:
(a) Render professional services and shall apply appropriate technical knowledge and skills consistent with the standards of the profession;
(b) Distinguish between fact and opinion in all estimates, descriptions, locations, and evaluations provided;
(c) Document all assumptions applied to estimates, descriptions, locations, and evaluations; and
(d) Base his or her professional conclusions upon empirical knowledge and commonly recognized geological principles.
(4) A registered professional geologist or geologist-in-training shall not use, issue, or provide false, misleading, or deceptive information.
(5) A registered professional geologist shall sign and seal only professional work for which he or she has direct professional knowledge for which he or she shall be responsible.

Section 3. Relationship of Registered Professional Geologists and Geologist-In-Training to Employer or Client.
(1) A registered professional geologist and geologist-in-training shall provide adequate and accurate representation of his or her credentials, qualifications, and scope of responsibilities for all previous professional and academic experience when negotiating with prospective employers or clients.
(2) A registered professional geologist and geologist-in-training shall protect the interest of his or her employer or client, and the confidentiality of information obtained from an employer or client.
(3) It shall not be a violation of subsection (2) of this section if a registered professional geologist or a geologist-in-training reports in good faith an immediate or potential danger

to the health, safety, or welfare of the public to the appropriate federal, state, or local authority.

(4) A registered professional geologist or geologist-in-training shall avoid conflict of interest with an employer or client and shall disclose the circumstances to the employer or client if a conflict exists. A registered professional geologist or geologist-in-training shall disclose to all parties:

(a) Any financial interest, compensation, or other value made to any person for the purpose of securing a contract, assignment, or engagement;

(b) Any financial or beneficial interest the registered professional geologist or geologist-in-training has in any contract or entity providing goods or services, other than services for the public practice of geology, to a project or engagement;

(c) Any financial interest, compensation, or other value from more than one (1) employer or client on the same or substantially similar project; or

(d) Any financial interest, compensation, or other value which affects the registered professional geologist's or geologist-in-training's employment or client.

(5) A registered professional geologist or geologist-in-training in the public practice of geology shall not engage in fraud or material deception in the delivery of professional services, including reimbursement or compensation.

(6) A registered professional geologist or geologist-in-training shall give reasonable notice of withdrawal of service from an employer or client except that the registered professional geologist or geologist-in-training may withdraw without reasonable notice if:

(a) The registered professional geologist or geologist-in-training fails to receive adequate compensation, or has reasonable cause to believe that compensation for services performed will not be received;

(b) The registered professional geologist or geologist-in-training knows, or has reasonable cause to believe, that continued employment will result in a violation of KRS Chapter 322A, 201 KAR Chapter 31, or otherwise be in violation of local, state, or federal law;

(c) The registered professional geologist or geologist-in-training knows, or has reasonable cause to believe, that the employer or client is in violation of local, state, or federal law or is involved in fraudulent or deceptive practices, or practices dangerous to the public health and welfare or property; or

(d) The registered professional geologist or geologist-in-training knows, or has reasonable cause to believe, that continued employment may result in sickness or injury to the registered professional geologist, geologist-in-training, or third-parties who may be affected.

Section 4. Relationship of Professional Geologists and Geologists-in-Training to Other Related Disciplines.

(1) A registered professional geologist or geologist-in-training shall:

(a) Give credit for work done by others to whom credit is due;

(b) Not plagiarize oral and written communications; and

(c) Not knowingly accept credit due another.

(2) A registered professional geologist or geologist-in-training shall engage, or advise an employer or client to engage, other experts or specialists if in the best interests of the employer or client.

(3) If a registered professional geologist or geologist-in-training has knowledge or reasonable cause to believe another person or geologist is in violation of any provision of KRS Chapter 322A or 201 KAR Chapter 31, the registered professional geologist or geologist-in-training shall file an initiating complaint pursuant to 201 KAR 31:090.

(4) A registered professional geologist shall provide adequate supervision and training to other registered professional geologists or other geologists-in-training the registered professional geologist is supervising, and make them aware of this code of professional conduct.

Section 5. Grounds for Disciplinary Action.

(1) A registered professional geologist or geologist-in-training shall not:

(a) Violate any provision of KRS Chapter 322A or 201 KAR Chapter 31 including this code of professional conduct;

(b) Issue a false, misleading, or deceptive statement or information, or make a sensational, exaggerated, or unwarranted statement while engaged in the public practice of geology;

(c) Defraud or deceive a client or employer while engaged in the practice of geology;

(d) Fail to comply with an order issued by the board;

(e) Fail to cooperate with the board by:

1. Unreasonably refusing to furnish a document or other tangible evidence requested by the board;

2. Unreasonably refusing to furnish in writing a complete explanation covering a matter contained in a complaint against the registered professional geologist or geologist-in-training filed with the board;

3. Not appearing before the board at a time and place designated by the board during the investigation of a complaint or hearing without good cause; or

4. Not properly responding to a subpoena issued by the board.

(f) Aide or abet an unregistered person or uncertified in the public practice of geology when registration or certification is required;

(g)

1. Be convicted of:

a. A felony; or

b. A misdemeanor which may impact that person's ability to engage in the public practice of geology with reasonable care and skill; and

2. A conviction shall include:

a. A finding or verdict of guilt;

b. An admission of guilt;

c. A plea of Alford or nolo contendere; or

d. The suspension or deferral of a sentence; or

(h) Engage in the public practice of geology if the registered professional geologist or geologist-in-training may be impaired by a reason of a mental, physical, or other condition that impedes his or her ability to practice competently.

(2) A registered professional geologist shall not:

(a) Fail to provide adequate supervision to persons for whom the registered professional geologist is professionally responsible; and

(b) Sign, seal, or stamp professional geological work not prepared under his or her direct professional knowledge, control or supervision.

(23 Ky.R. 213; Am. 1583; eff. 9-13-96; 32 Ky.R. 941; 1223; eff. 2-3-2006; 39 Ky.R. 2391; 40 Ky.R. 537; eff. 10-4-2013; Crt eff. 2-20-2020.)