

BOARDS AND COMMISSIONS

Board of Licensure for Professional Engineers and Land Surveyors (Amended at ARRS Committee)

201 KAR 18:196. Continuing professional development for professional engineers.

RELATES TO: KRS 322.180(3), 322.190, 322.290~~[(16)]~~

STATUTORY AUTHORITY: KRS 322.290~~(4)~~, (16)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290~~(4)~~ and (16) ~~require[(16)]—requires~~ the board to promulgate administrative regulations to establish~~adopt~~ a program of continuing education for professional engineers. This administrative regulation establishes requirements for the continuing professional development program mandated by KRS 322.290(16) for professional engineers.

Section 1. Definitions.

(1) "Calendar year" means a one (1) 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) ~~[(1)]~~ "Continuing professional development" or "CPD" means participation in activities, beyond the basic educational requirements, that:

- (a) Provide specific content to improve the professional engineer's competence;
- (b) Encourage acquisition of new skills and knowledge required to maintain competence;
- (c) Strengthen the professional engineer's critical inquiry and balanced judgment;
- (d) Raise the ethical standards within the professional community; and
- (e) Meet the requirements established by ~~the provisions of~~ this administrative regulation.

(4) ~~[(2)]~~ "Dual licensee" means a person licensed as both a professional engineer and a professional land surveyor.

(5) ~~[(3)]~~ "Licensee" means a person licensed as a professional engineer.

(6) ~~[(4)]~~ "Professional development hour" or "PDH" means one (1) nominal contact hour~~[not less than fifty (50) minutes]~~ 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) ~~[(5)]~~ "Reporting period" means the two (2) calendar years preceding the June 30 deadline for renewal of license.

Section 2. Program Structure.

(1) Except as ~~established~~provided in Section ~~5~~6 of this administrative regulation, a licensee shall complete a minimum of thirty (30) PDH units each reporting period.

(2) If a licensee exceeds the requirement, a maximum of fifteen (15) PDH units may be carried forward to the next reporting period.

(3) PDH units earned by a dual licensee under this administrative regulation may also be used to meet the professional land surveyor requirements under 201 KAR 18:192 if the PDH units also meet the requirements of 201 KAR 18:192~~[that administrative regulation]~~.

(4) Failure to earn the required PDH units shall constitute unprofessional conduct.

Section 3. Criteria for Professional Development.

(1) Continuing professional development activities~~[education hours]~~ applicable to the renewal of the license shall be directly related to the professional growth and development of the professional engineer.

(2) PDH units may be earned ~~upon~~^{by} 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 ~~[Correspondence, televised, videotaped, distance learning, and other short course or tutorials]~~;
 - (d) Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, ~~for~~ conferences, or educational institutions;
 - (e) Teaching or instructing activities established~~[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 engineering; ~~or~~^{and};
 - (g) Active participation in professional or technical societies as authorized in subsection (5)(g) of this section~~[Section 4(6)]~~.
- (3) ~~To~~ ~~[In order to]~~ qualify for credit, activities established~~[described]~~ in subsections (1) and (2) of this section shall:
- (a) Be relevant to the practice of engineering;
 - (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 ~~[in-service]~~ training;~~;~~
 2. Orientation ~~[orientation]~~ to specific institutional policies and practices;~~;~~ ~~or~~
 3. Time ~~[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~~[previous two (2) calendar years]~~.
- (5) PDH units shall be converted as established in paragraphs (a) through (g) of this subsection~~[follows:]~~:
- (a) Credit for college or university courses shall be based upon course credit established by the college or university.
 1. ~~[(a)]~~ One (1) university semester hour shall equal forty-five (45) PDH units.
 2. ~~[(b)]~~ 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 shall not ~~[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) ~~[(e)]~~ For teaching an activity established~~[described]~~~~[established]~~ in subsection (2)(a) through (d) of this section~~[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) ~~[(d)]~~ Each published paper, article, or book shall equal ten (10) PDH units.
 - (g) ~~[(e)]~~ Active participation in professional or technical societies~~[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.] [Determination of Credit.]~~

- ~~[(1)] [Credit for college or university courses shall be based upon course credit established by the college or university.]~~
- ~~[(2)] [Credit for qualifying seminars and workshops shall be based upon one (1) PDH for each fifty (50) minutes of instruction or presentation.]~~
- ~~[(3)] [Attendance at qualifying programs presented at professional or technical society meetings shall earn PDH units for the actual time of each program.]~~
- ~~[(4)] [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.]~~
- ~~[(5)] [Teaching credit shall be valid for teaching a course or seminar for the first time only.]~~
- ~~[(6)]~~
 - ~~[(a)] [Credit for active participation in professional or technical societies shall require that the licensee serve as an officer or committee chair of the organization.]~~
 - ~~[(b)] [PDH units shall not be earned until the end of each year of service is completed.]~~

Section 4. [Section 5.] 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~~[sponsoring organization]~~, 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. [Section 6.] 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 a 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 fifteen (15) 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) A licensee who was licensed prior to January 1, 1972, and has kept the license in good standing since becoming licensed, shall be exempted from continuing professional development requirements.
- (4) ~~[(2)]~~ **A former licensee** ~~[An individual]~~ who has selected inactive or retired status shall be exempted~~[exempt]~~ from continuing professional development~~[the]~~ requirements~~[of this administrative regulation]~~.
- (5) ~~[(3)]~~ A licensee who is unable to satisfy the CPD requirement because of physical disability, illness, or other extenuating circumstance shall~~[may]~~~~[shall]~~ be granted an extension~~[exempted]~~ for the reporting period in which the disability, illness, or extenuating circumstance occurs.
- (6) ~~[(4)]~~ ~~*[The board may]*~~ ~~[shall]~~ ~~*[grant an extension of time to fulfill the CPD requirement for an extenuating circumstance.]*~~
- ~~[(7)]~~ ~~[(5)]~~ 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~~ exemption or extension shall only be valid for that calendar year.

Section 6. ~~[Section 7.]~~ Reinstatement. Before a license shall be 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, ~~for~~ expired, or in inactive or retired status up to a maximum of sixty (60) PDH units.

Section 7. ~~[Section 8.]~~ Reporting.

~~[(1)]~~ ~~A [On the biennial renewal form, a]~~ licensee shall certify on the Online Individual Renewal – Professional Engineer form whether or not the licensee has complied with~~[met]~~ 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.

~~[(2)]~~ ~~[Biennial renewal forms received after September 1 shall be subject to the audit process established in Section 9 of this administrative regulation.]~~

Section 8. ~~[Section 9.]~~ Audits.

(1) Compliance with the CPD requirements shall be determined through an audit process. ~~[a random selection process in which a computer program shall select five (5) percent of the licensees filing biennial renewal forms on or before September 1 of that year.]~~

(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 audited ~~[subjected to the audit process]~~.

(4) ~~[(2)]~~ A licensee who is the subject of an investigation pursuant to KRS 322.190 shall be audited~~[subjected to the audit process]~~~~[requirements of this section].~~

(5) ~~[(3)]~~ A licensee selected for audit shall provide the board with documentation as established~~[described]~~ in Section 4~~[5]~~ of this administrative regulation within thirty (30) days of the board's request.

(6) ~~[(4)]~~ If continuing professional development~~[the board disallows]~~ credit is disallowed~~[due to the activity not meeting the requirements of Section 3(2) of this administrative regulation, or if the PDH units reported are less than thirty (30)]~~, the licensee shall have sixty (60)~~[180]~~ calendar days after notification to substantiate the original claim or earn other PDH units to meet the requirement.

(7) ~~[(5)]~~ Failure to comply with the CPD requirements shall constitute~~[be considered]~~ a violation of KRS 322.180~~(3)~~~~[(3)]~~~~[subjecting the licensee to disciplinary action]~~.

(8) ~~[(6)]~~ If a licensee fails to comply with the CPD requirements, the licensee shall automatically be audited ~~[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. Incorporation by Reference.

(1) "Online Individual Renewal – Professional Engineer", October 2024, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained at kyboels.ky.gov

(34 Ky.R. 1299; 1705; eff. 2-1-2008, 2206; 2390; eff. 6-6-2008; TAm eff. 4-4-2011; Crt eff. 2-14-2020; Ky.R. 51 368, 1093; eff. 3-4-2025.)

FILED WITH LRC: November 13, 2024

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.