

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

RELATES TO: KRS 322.180(3), 322.190, 322.270, 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 implements the continuing professional development program mandated by KRS 322.290(15) for professional land surveyors.

Section 1. Definitions.

- (1) "Completion" means the professional land surveyor has satisfactorily met specific requirements of an offering by taking and passing a university course or attending a seminar.
- (2) "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 land surveyor's professional 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.
- (3) "CPDC" means the Continuing Professional Development Committee.
- (4) "Professional development hour" means not less than fifty (50) minutes of instruction or presentation that meets the requirements of this administrative regulation.
- (5) "Provider" means a person, school, association, company, corporation, or group who has developed a CPD activity and participates directly in the presentation.
- (6) "Sponsor" means a group, organization, or professional society, offering activities by providers.

Section 2. Continuing Professional Development Committee.

- (1) The chair of the State Board of Licensure for Professional Engineers and Land Surveyors shall appoint a Continuing Professional Development Committee and name its chair.
- (2) The CPDC shall consist of five (5) board of licensure members of which at least three (3) are professional land surveyors.
- (3) Work of the CPDC shall be considered work of the board, and compensation shall be given as provided by KRS 322.270.
- (4) The CPDC shall hold regular meetings, and a record of its action shall be maintained.
- (5) The CPDC may rule on all matters concerning continuing professional development for professional land surveyors.
 - (a) In order to be binding, a decision of the CPDC shall be ratified by the board.
 - (b) A licensee who disagrees with a decision of the CPDC may direct his or her concerns to the board for consideration at a subsequent meeting of the board.

Section 3. Program Structure.

- (1) Except as provided by Section 6(1) and (2) of this administrative regulation and subsection (3) of this section, a professional land surveyor shall complete and report to the board a minimum of eight (8) professional development hours for each calendar year, for a total of a minimum of sixteen (16) professional development hours for each reporting period.

(2) The requirement for professional development hours shall include a four (4) hour course, pre-approved by the CPDC, in standards of practice for professional land surveyors, professional ethics, and the code of professional practice and conduct, taken once every four (4) years. In the year that this course is taken, it shall count as four (4) of the required eight (8) hours.

(3) A maximum of four (4) hours in excess of the sixteen (16) professional development hours required to be earned in a reporting period may be carried forward to the next reporting period.

(4) Failure to earn the sixteen (16) professional development hours per reporting period shall make the licensee ineligible for licensure renewal.

Section 4. Criteria for Professional Development.

(1) Professional development hours may be earned by successful completion of:

- (a) College or university courses;
- (b) Seminars;
- (c) Tutorials;
- (d) In-house programs sponsored by corporations or other organizations;
- (e) Correspondence courses;
- (f) Televised or videotaped courses;
- (g) Distance learning courses;
- (h) Teaching or instructing courses, programs, or items specified in paragraphs (a) through (g) of this subsection.

1. This credit may be claimed at twice the number of hours permitted participants.

2. The credit shall not be claimed more than once for teaching or instructing the same or substantially similar course, program, or item;

(i) Making or attending approved presentations at technical or professional meetings; or

(j) Publication of papers, articles, or books related to the practice of land surveying.

(2) Activities described in subsection (1) 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;
- (e) Be offered for the number of professional development hours recommended by the program author, subject to review and acceptance or adjustment by the CPDC; and
- (f) Not include:
 - 1. In-service training;
 - 2. Orientation to specific institutional policies and practices; or
 - 3. Time used to sell or advertise a product.

(3) CPD activities shall earn credit only if substantially different from a course for which credit was claimed or granted in the current calendar year or previous two (2) calendar years.

(4) Professional development hours shall be converted as established in paragraphs (a) through (c) of this subsection.

(a) One (1) university semester hour shall equal fifteen (15) professional development hours.

(b) One (1) university quarter hour shall equal ten (10) professional development hours.

(c) One (1) continuing education unit shall equal ten (10) professional development hours.

Section 5. Approval of a Continuing Professional Development Activity. Activity approvals may be granted for sponsors, providers, or individual professional land surveyors.

- (1) Approval of activities shall be valid for a specified approval period or until alteration of the activity is approved by the CPDC.
- (2) Failure to notify the CPDC of a change in an activity, including a change in the instructor, may render approval of the activity null and void.
- (3) Prior to approval, an activity shall not be advertised as approved for Kentucky professional land surveyors but may be advertised that the activity has been "submitted for consideration."
- (4) If prior or post approval is desired, a written request for approval of the activity shall be submitted to and received by the CPDC on the Continuing Professional Development Course Approval Form at least forty-five (45) days prior to the meeting date of the CPDC at which the request will be considered.
- (5) All requests for approval of an activity shall be accompanied by:
 - (a) A detailed outline and objectives;
 - (b) A time outline including registration, introductions, welcomes, breaks, and meals;
 - (c) Handouts or reference materials needed to evaluate the activity; and
 - (d) A resume for each instructor or speaker in the activity.
- (6) The CPDC or board may send a representative to monitor an activity.
 - (a) The provider or sponsor shall waive all fees for the CPDC or board representative.
 - (b) Approval for the activity may be withdrawn for subsequent iterations of the activity, if significant variation is observed from the approved activity.
- (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 a CPD activity for credit without prior, written approval from the board.
- (9) If a provider fails to obtain prior approval, a professional land surveyor may request credit for an activity by making a written request for post approval to the CPDC and including in that request, the items listed in subsection (5) of this section.
- (10) Upon approval, an activity shall receive a CPD number, which shall be used to identify the activity.
- (11) If an activity is not approved by the CPDC, the requestor shall be sent notice of nonapproval within two (2) weeks of its decision. This decision shall be presented to the board at its next meeting for consideration of ratification.

Section 6. Exemptions and Extensions. A professional land surveyor may be exempted from the requirements of this administrative regulation by submitting a written request to the CPDC with supporting documentation for the exemption if a requirement established in this section is met.

- (1) A professional land surveyor shall be exempted for the reporting period containing the calendar year in which he or she is initially licensed by the board.
- (2) A professional land surveyor who cannot satisfy the CPD requirement because of physical disability, illness, or other extenuating circumstance may be exempted for the calendar year in which the disability, illness, or extenuating circumstance occurs. The CPDC may grant an extension of time to fulfill the yearly CPD requirement for an extenuating circumstance.
- (3) An exemption or extension request shall be made in writing for each calendar year, and the exemption or extension shall only be valid for that calendar year.

Section 7. Reinstatement. Before a license is reinstated by the board under 201 KAR 18:115, a former professional land surveyor shall earn the continuing professional development hours required for each year the license was revoked, suspended, or expired, up to a maximum of thirty-two (32) professional development hours.

Section 8. Reporting.

- (1) A professional land surveyor shall certify whether or not he or she has complied with the requirements of this administrative regulation on the Electronic License Renewal Application, available at www.kyboels.ky.gov.
- (2) Biennial renewal forms received after September 1 shall be subject to the audit process in Section 9 of this administrative regulation.

Section 9. Audits.

- (1) Compliance with the annual CPD requirements shall be determined through an audit process.
- (2) Professional land surveyors shall be audited through a random selection process or as the result of information provided to the board.
- (3) Individuals selected for audit shall within thirty (30) days of the board's request, provide the board with documentation of the CPD activities claimed for the renewal period. Appropriate documentation shall include:
 - (a) Verification records in the form of transcripts, completion certificates, or other documents supporting evidence of participation; or
 - (b) Information regarding seminar or course content, instructors, and sponsoring organizations.
- (4) Individual licensees shall maintain verification records and documentation for audit purposes for the current reporting period and at least the two (2) previous reporting periods.
- (5) If continuing professional development credit is disallowed, a professional land surveyor shall have 180 calendar days after notification to substantiate the original claim or earn other credit to meet the requirement.
- (6) Failure to comply with the CPD requirements shall be considered a violation of KRS 322.180(3) subjecting the professional land surveyor to disciplinary action.
- (7) An audit resulting in a determination of noncompliance shall subject the professional land surveyor to an automatic audit the next reporting period and each subsequent reporting period until an audit results in a determination of compliance.
- (8) A professional land surveyor who is under investigation pursuant to KRS 322.190 shall be subject to the audit requirements of this section.

Section 10. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Continuing Professional Development Course Approval Form", November 1999, State Board of Licensure for Professional Engineers and Land Surveyors; and
 - (b) "Electronic License Renewal Application", 2012.
 - (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.
- (26 Ky.R. 1460; 1678; eff. 2-24-2000; 33 Ky.R. 856; 1284; eff. 12-1-2006; 38 Ky.R. 654; 894; eff. 12-2-2011; 39 Ky.R. 530; 948; eff. 12-7-2012; 40 Ky.R. 2593; 41 Ky.R. 15; eff. 8-1-2014; Crt eff. 2-14-2020.)