

APA-1
6/93

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 330 Department or Agency Board of Licensure for Professional Engineers & Land Surveyors
Rule No. 330-X-13.01
Rule Title: Renewals
 New; XX Amend: Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, safety, or welfare? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975 and that it conforms to all applicable filing requirements of the Administrative Procedures Division of the Legislative Reference Service.

Signature of certifying officer: Regina A. Ding
Date 4/17/12

APA-2

ALABAMA STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 330-X-13-.01 Renewals
330-X-13-.02 Continuing Professional Competency

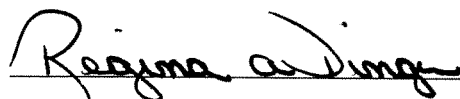
INTENDED ACTION: Amend

SUBSTANCE OF AMENDMENT: The Board proposes to amend existing rules to update the renewal process for individual licenses and intern certifications by allowing for online or paper renewals and clarifies what is acceptable for professional development hours.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held only if requested by an interested party. A written request should be submitted to the agency contact person listed below. Interested persons may present their views in writing to the Alabama Board of Licensure for Professional Engineers and Land Surveyors, 100 N. Union Street, Suite 382, Post Office Box 304451, Montgomery, Alabama 36130-4451.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written comments concerning these changes must be received by the Alabama Board of Licensure for Professional Engineers and Land Surveyors no later than June 6, 2012.

CONTACT PERSON AT AGENCY: Regina A. Dinger, Executive Director; Alabama Board of Licensure for Professional Engineers and Land Surveyors; P.O. Box 304451, Montgomery, AL 36130-4451; (334) 242-5568.



Regina A. Dinger, Executive Director
Alabama State Board of Licensure for
Professional Engineers and Land Surveyors

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

CHAPTER 330-X-13

EXPIRATIONS, LAPSES, RENEWALS, AND CONTINUING PROFESSIONAL COMPETENCY

- 330-X-13.01 Renewals
- 330-X-13.02 Continuing Professional Competency

330-X-13-.01 Renewals.

(1) All licenses and lapse on December 31 of a specified year. Each licensee will be mailed a renewal notification no later than two months prior to the date the license lapses. Renewal may be accomplished online or by submission of a paper renewal form. The renewal form must be signed and returned to the Board office with the renewal fee. ~~The license renewal notice will contain references to the five Canons of the Rules of Professional Conduct (Code of Ethics), Rule 330-X-14.~~ The licensee's signature on the renewal form reaffirms agreement to abide by the Rules of Professional Conduct (Code of Ethics), Rule 330-X-14.

(2) ~~All intern certifications become delinquent on December 31. Each active intern A renewal notification for certification renewal will be mailed a renewal notification no later than two months prior to the date the certification becomes delinquent. to certified engineer interns and land surveyor interns annually, no later than the end of October. All certifications lapse on December 31.~~ Renewal may be accomplished online or by submission of a paper renewal form.

(3) The renewal fees are set each year by the Board. No renewal fees will be accepted prior to the mailing of the renewal forms notifications.

(4) Reinstatement fees for lapsed licenses and certifications are set each year by the Board.

(5) The responsibility for the timely renewal rests solely with the individual. Failure to receive notice of renewal does not relieve you of your duty to renew on time.

Author: Board

Statutory Authority: Section 34-11-8; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: December 19, 1984, August 17, 1992, October 28, 1998, June 4, 2003, January 19, 2005, and October 3, 2005.

330-X-13-.02 Continuing Professional Competency

(1) Purpose - In order to help safeguard life, health, and property, and to promote the public welfare, the practices of professional engineering and land surveying in Alabama require continuing professional competency in accordance with Code of Alabama 1975 Section 34-11-8 (a)(2) and this Rule.

(2) Scope - Each in-state and out-of-state licensee shall be required to meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal. Continuing professional competency obtained by a licensee should maintain, improve, or expand skills and knowledge obtained prior to initial licensure or develop new and relevant skills and knowledge. Regular duties are not considered qualified activities.

(3) Definitions - Terms used in this section are defined as follows:

(a) Professional Development Hour (PDH) - A contact (clock) hour consisting of not less than 50 minutes of instruction or presentation and which further meets the requirements of these rules.

(b) Sponsor - An individual, organization, association, institution, or other entity which provides an educational activity for the purpose of fulfilling the continuing professional competency requirements of this rule.

(4) Requirements - To demonstrate that a licensed professional engineer or professional land surveyor maintains an acceptable level of competency, a licensee must obtain the number of Professional Development Hours (PDH) per renewal period as shown below. The requirement must be satisfied during the current renewal period. Professional development hours must not be anticipated and cannot be used for more than one renewal period. PDH credits may include:

a. The carryover permitted,

b. PDH earned during the previous renewal period after the date of submitting the previous renewal to the Board office,

c. PDH earned during current year, and

d. PDH earned in the following renewal period if renewing after renewal deadline.

~~except (1) for the carryover permitted, (2) PDH earned during the previous renewal period after the date of submitting the previous renewal to the Board office and (3) PDH earned in the following renewal period. Professional development hours must not be anticipated and cannot be used for more than one renewal period.~~

(a) A licensed professional engineer or licensed professional land surveyor must earn a minimum of fifteen PDH per annual renewal period or thirty if biennial renewal period except for the carryover permitted. The number of professional development hours which may be carried forward into the next renewal period shall not exceed fifteen whether on an annual or biennial period.

(b) A licensee who has both a professional engineer's license and a professional land surveyor's license can cross claim PDH's when course material is applicable to both licenses.

(c) All professional land surveyors are required to earn a minimum of six PDH credits on Standards for Practice for Surveying in the State of Alabama every four years. All new professional land surveyor licensees must complete this requirement within 24 months of becoming a licensed surveyor. Credit will be given for courses taken within 24 months of obtaining licensure. Credit for these courses/seminars will count toward the annual or biennial PDH requirements.

(5) Activities — Continuing professional competency activities which satisfy the professional development requirement shall include, but not be limited to:

(a) Successfully completing or auditing college or university sponsored courses,

- (b) Successfully completing courses which are awarded continuing educational units (CEU),
- (c) Successfully completing tutorials, short courses, correspondence courses, televised courses, internet courses, or videotaped courses,
- (d) Attending seminars, in-house programs, workshops, or professional or technical presentations made at meetings, conventions, or conferences,.
- (e) Teaching, presenting, or instructing as described in (a) through (d) above,
- (f) Authoring published papers, articles, books, or accepted licensing examination items, and
- (g) Receiving a United States patent.
- (h) Actively participating in professional or technical societies as defined in 330-X-13.02(8)(f).
- (i) Serving the Board as a Technical Advisor as defined in 330-X-13.02(8)(g).

All of such activities as described in (a) through ~~(g)~~ (i) above must be relevant to the practice of engineering or land surveying and may include technical, ethical, or managerial content. The Board does not preapprove or endorse any CPC activities. It is the responsibility of each licensee to assure that all PDH credits claimed meet the requirements as specified in 330-X-13.02.

(6) Criteria - Continuing professional competency activities must meet the following criteria:

- (a) There is a clear purpose and objective for each activity which will maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.
- (b) The content of each presentation is well organized and presented in a sequential manner.
- (c) There is evidence of preplanning which should include the opportunity for input by the target group to be served.
- (d) The presentation will be made by persons who are well qualified by education or experience.
- (e) There is a provision for individual participant registration which will include information required for record keeping and reporting.

(7) Units - The conversion to PDH units from other units is as follows:

1 University semester hour of credit...	45 PDH
1 University quarter hour of credit...	30 PDH
1 Continuing Educational Unit (CEU).	10 PDH
1 Hour of acceptable professional development education ...	1 PDH

Active participation in professional and technical society (each organization maximum 2 PDH per organization not to exceed 8 PDH total)

(8) Credits – The Board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit. Credit for qualifying courses successfully completed which offer PDHs based on semester hours, quarter hours, or CEUs is

as specified above. All other activities permit the earning of one PDH credit for each contact hour with the following exceptions:

(a) Successful auditing of university or college courses permits PDH credit of 1/3 that shown in (7) above.

(b) Teaching or instructing qualifying courses or seminars or making presentations at technical meetings can earn PDH credit at twice that of participants. For non faculty - Teaching credit is valid only for the first offering of the course/presentation. Full-time faculty may not claim teaching credit associated with their regular duties.

(c) Authorship of papers, articles, or books cannot be claimed until actually published. Receipt of a US patent cannot be claimed until the patent is actually awarded. Credit earned will equal preparation time spent not to exceed 10 PDH per publication or patent.

(d) The Board does not encourage meeting continuing professional competency requirements through correspondence, video, audio, or on-line courses. Course PDH may be acceptable, if the licensee can demonstrate high quality education from the course, if requested. A correspondence, video, audio, or on-line course must require the participant to show evidence of achievement and completion and/or a final graded test.

(e) The Board will not accept self study, regular employment including repetitive teaching of the same course without updating course material, service club meetings, equipment demonstrations, membership on Boards or Committees, enrollment without attending the course, conversational language courses for personal use, and other activities not relevant to engineering or land surveying and not educational in nature.

(f) Credit for active participation in professional and technical societies (limited to 2 PDH per organization, but a maximum of 8 PDH total), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDH may not be earned/claimed until the licensee has completed the service year.

(g) Credit for service to the Board as a Technical Advisor may be earned on an hourly basis not to exceed 10 PDH per year.

(9) Exemptions — A licensee may be exempt from the professional development educational requirements for one of the following reasons:

(a) A noncareer military licensee serving on active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the professional development hours required during that year.

(b) A licensee employed as a professional engineer or professional land surveyor and assigned to duty outside the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the professional development hours required during that year.

(c) A licensee who has experienced during the past year a serious illness or injury of a nature and duration which has prohibited completing continuing professional competency requirements this past renewal period may be exempted in order to give the licensee sufficient time to recuperate and begin to earn the necessary professional development hours for the next

renewal period. Supporting documentation such as a letter from a physician must be furnished to the Board. ~~This exemption, not to exceed one renewal period, is granted as specified by the Board.~~

(d) Licensees who list their occupation as Retired or Inactive on the Board approved renewal form and who certify that they are not currently practicing engineering or land surveying shall be exempt from the professional development hours required. In the event such a person elects to return to active practice of professional engineering or professional land surveying, to include reinstating a lapsed license, professional development hours must be earned for each year exempted not to exceed the annual requirement for two years before the person returns to active practice. The hours required for reinstatement are to bring the license to active status. When the reinstated license renewal is due, the licensee will also be required to obtain the professional development hours for the renewal period.

(10) New Licensees. A new licensee is awarded 15 PDHs towards their first renewal.

(11) Forms - All renewal applications will require the ~~certification that the continuing education requirement has been met~~ listing of the PDH credit claimed unless the licensee is exempt from the continuing education requirement. ~~The licensee who is required to take the Standards of Practice for Surveying Course will list the Standards of Practice for Surveying Course taken during the renewal cycle.~~ The licensee must certify and sign the renewal application.

(12) Records - The responsibility of maintaining records which can be used to support credits claimed is the responsibility of the licensee. Records required include but are not limited to (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned; and (2) attendance verification records in the form of completion certificates, signed attendance receipts, paid receipts, a copy of a listing of attendees signed by the sponsoring organization, or other documents supporting evidence of attendance. These records must be maintained for a period of four years and copies must be furnished, if requested, to the Board for audit verification purposes. These records should not be furnished with the renewal application.

(13) Disallowance - If the Board disallows claimed PDH credit after the renewal has been processed, the licensee shall have 180 days after notification to substantiate the original claim or to earn other credit to meet the minimum requirement.

(14) Audit - The Board will conduct a random audit of renewals submitted for compliance with the continuing education requirements.

(a) Those licensees selected for audit will be notified and will be required to provide the documents as outlined in subsection (12) above.

(b) Failure to respond within 60 days of audit notification will result in a temporary suspension of the license and the license will remain suspended until such time as the audit requirements are met.

(c) Falsification of documentation is grounds for disciplinary action.

Author: Board

Statutory Authority: Section 34-11-8; Section 34-11-35, Code of Alabama 1975

Effective Date: August 17, 1992. Amended: October 18, 1994, October 28, 1998, July 23, 2002, June 4, 2003, January 19, 2005, October 3, 2005 and January 29, 2008.