



S.B. 150

125th General Assembly
(As Introduced)

Sens. Coughlin, Blessing

BILL SUMMARY

- Increases from \$16 to \$20 the annual renewal of registration fee for professional engineers and professional surveyors.
- For registration renewals of professional engineers and professional surveyors beginning with calendar year 2008, implements continuing professional development requirements.
- Authorizes the State Board of Examiners of Architects to adopt rules pertaining to continuing education requirements for architects who hold a certificate of qualification under state law.

CONTENT AND OPERATION

Professional engineers and surveyors

Renewal of registration: in general

Existing law. Under current law, registered professional engineers and professional surveyors must renew their registrations annually and generally pay a fee of \$16 for the renewal of registration. If the renewal is not completed within the year in which it is required, a registrant has a right to renew within the grace period of the following 12 months, but the fee to renew during the 12-month grace period generally must be increased 50%.¹ The State Board of Registration for Professional Engineers and Surveyors, upon request, may waive the payment of

¹ A registration may be renewed at any time prior to its "date of expiration," which is December 31. Thus, the required time for renewal is by December 31 of the year preceding the year for which renewal of registration is sought: e.g., by December 31, 2003, for a 2004 registration renewal.

renewal fees for a registrant during the period when the registrant is on active duty in the United States armed services. (Sec. 4733.15(A).)

Under current law, if a registrant fails to renew registration within the required time or thereafter within the 12-month grace period, renewal and reinstatement may be effected under rules adopted by the Board regarding requirements for reexamination or reapplication, and reinstatement penalty fees. (Sec. 4733.15(C).)

Change proposed by the bill. Under the bill, the annual \$16 renewal fee is increased to \$20 (sec. 4733.15(A)).

Continuing professional development requirements

In general. Under current law, there are no continuing education or continuing professional development requirements for professional engineers and professional surveyors. Under the bill, "continuing professional development" generally will be required for each registrant for renewal for calendar year 2008 and each subsequent calendar year. Each registrant renewing for a calendar year generally must have completed, within the preceding calendar year, at least 15 hours of continuing professional development. A registrant is exempt, however, from this requirement during the first calendar year of registration, and the Board may waive completion of this requirement for a registrant who is away on active duty in the United States armed services. (Sec. 4733.15(A) and 4733.151(A) and (D).)

The bill does not require the Board to pre-approve coursework or activities that may satisfy the professional development requirement. Instead, it specifies that coursework or activities dealing with technical, ethical, or managerial topics relevant to the practice of engineering or surveying will suffice. And, it permits a registrant to earn continuing professional development hours by completing or teaching university or college level coursework, attending seminars, workshops, or conferences, authoring relevant published papers, articles, or books, receiving patent awards, or actively participating in professional or technical societies serving the engineering or surveying professions. The bill also sets forth equivalent hours of credit for that coursework and activities (explained below). (Sec. 4733.151(B).)

If a person is registered as both a professional engineer and professional surveyor at least five of the 15 required hours must be engineering-related coursework or activities and at least another five of them must be surveying-related coursework or activities. The bill authorizes a registrant who completes more than 15 hours of continuing professional development to carry forward to the next calendar year a maximum of 15 of the excess hours. (Sec. 4733.151(C) and (E).)

For renewals of registration for calendar year 2008 and thereafter, a registrant generally must pay the \$20 renewal fee and "demonstrate" completion of the 15-hour continuing professional development requirement (see **COMMENT 1**). But, the bill authorizes the Board to require a registrant who has not renewed within the required time and fails to renew during the following 12-month grace period to complete up to 30 hours of continuing professional development as an additional condition of renewal and reinstatement if the registrant seeks renewal and reinstatement on or after January 1, 2009 (see **COMMENT 2**). (Sec. 4733.15(A) and (C).)

Records maintenance. Under the bill, a registrant is required to maintain, for a three-year period, records to demonstrate completion of the continuing professional development requirements. The records must include (1) a log specifying the type of coursework or activity, its location and duration along with the instructor's name, and the number of hours earned, and (2) certificates of completion or other evidence verifying attendance. The records may be audited at any time by the Board (see **COMMENT 3**), and, if the Board discovers that a registrant failed to complete coursework or activities, it must notify the registrant of the deficiencies and allow six months from the date of notice for the registrant to rectify the deficiencies and provide the Board with evidence of satisfactory completion of the required hours. If the registrant fails to provide that evidence, the Board may revoke or suspend the registration after offering an administrative hearing under the Administrative Procedure Act. (Sec. 4733.151(F) and (G).)

Equivalent hours. The bill establishes equivalent hours of continuing professional development (CPD) credit for amounts of time spent on coursework or activities.

Credit for university or college level coursework must be based on the credit established by the university or college. One semester hour will be the equivalent of 45 hours of CPD, and one quarter hour will be the equivalent of 30 hours of CPD. (Sec. 4733.151(B).)

Credit for seminars, workshops, or conferences offering continuing education units must be based on the units awarded by the organization presenting the seminar, workshop, or conference. A registrant may earn ten CPD hours for each continuing education unit awarded. Each hour of attendance at a seminar, workshop, or conference for which no continuing education units are offered will be the equivalent of one CPD hour. (Sec. 4733.151(B).)

Under the bill, a registrant may earn two CPD hours for each year of service as an officer or active committee member of a professional or technical society, ten CPD hours for authoring relevant published papers, articles, or books, and ten CPD hours for each patent award (sec. 4733.151(B)).



Continuing education requirements for architects

Under current law, the State Board of Examiners of Architects adopts rules and regulations governing certified architects. The rules may pertain to standards of education, service, conduct, and practice to be followed in the practice of the architecture profession. (Sec. 4703.02.)

The bill authorizes the Board to adopt rules pertaining to the satisfactory completion of continuing education requirements and provides that applicants for renewal of their certificates of qualification must demonstrate satisfactory completion of any applicable continuing education requirements the Board may adopt (secs. 4703.02 and 4703.13(A)).

COMMENT

1. Although the bill uses the term "demonstrate" in conjunction with the completion of continuing professional development hours by professional engineers and professional surveyors, it appears that a registrant may not actually have to show completion unless the State Board of Registration for Professional Engineers and Surveyors conducts an audit of the registrant's records.

2. The 30-hour CPD requirement for professional engineers and professional surveyors is the same number of hours that a registrant would have been required to complete under the bill had the registrant timely renewed; for example, 15 CPD hours would have been required in 2007 for a timely renewal for calendar year 2008, and 15 CPD hours would have been required in 2008 for a timely renewal for calendar year 2009.

3. Although a professional engineer's or professional surveyor's CPD records *may* be audited, there is no requirement that the State Board of Registration for Professional Engineers and Surveyors do so. In addition, it is not clear what would trigger an audit by the Board. And, although the Board may conduct an audit at any time, it is possible that if one is conducted after the three-year period in which a registrant is required to maintain records, there may be no records for a given year to audit after that time. In that case, the Board apparently could not take disciplinary action to revoke or suspend the registration for failure to satisfy the CPD requirement as otherwise authorized by the bill.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced s0150-i-125.doc/kl	11-12-03	p. 1160

