



**Sub. H.B. 322**

125th General Assembly  
(As Passed by the General Assembly)

**Reps. Widener, Hollister, Kilbane, Taylor, Otterman, Allen, Barrett, Book, Carmichael, Chandler, Cirelli, Collier, Daniels, C. Evans, Flowers, Hoops, Key, Olman, S. Patton, Schlichter, Setzer, J. Stewart, Webster**

**Sens. Coughlin, Miller**

**Effective date: \***

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**ACT SUMMARY**

- Requires professional engineers and surveyors to complete the continuing professional development requirements the act establishes in order to renew a certificate of registration.
- Increases the registration renewal fee for professional engineers and surveyors from \$16 to \$20.
- Allows the State Board of Registration for Professional Engineers and Surveyors to waive continuing professional development requirements for registrants serving in the active military.
- Sets forth ways in which engineers and surveyors may satisfy continuing professional development requirements and establishes the amount of credit that may be earned for different activities.
- Requires that engineers and surveyors maintain a log of continuing professional development activities and permits the State Board to audit a person's log at any time and establishes sanctions for a person who is discovered to have not completed requirements.

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

- Modifies certain criteria for the qualifications of the designated professional responsible for decisions of an engineering or surveying company.
- Permits the State Board of Examiners of Architects and the State Board of Landscape Architect Examiners to adopt rules pertaining to continuing education requirements for architects and landscape architects, respectively and specifies the types of coursework and activities the boards must include in those rules if they adopt them.
- Requires architects and landscape architects to complete any continuing education requirements the respective licensing board of each profession establishes in order to renew a certificate of qualification.

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## **CONTENT AND OPERATION**

### **Continuing professional development for professional engineers and surveyors**

#### **Continuing education requirements and renewal fees**

To renew a professional engineer or professional surveyor certificate of qualification with the State Board of Registration of Professional Engineers and Surveyors under continuing law, an engineer or surveyor must renew in accordance with the standard license renewal procedures of Chapter 4745. of the Revised Code. Prior law did not require a person seeking registration renewal to complete any continuing education or professional development requirements. The act, however, requires that each registrant for renewal, beginning in calendar year 2008, complete, within the preceding calendar year, at least 15 hours of continuing professional development.

Former law required registrants to pay a renewal fee of \$16 to the Treasurer of State. The act increases the renewal fee to \$20. (R.C. 4733.15(A).)

#### **Waiver for military on active duty**

Under continuing law, the Board may waive the renewal fees when a person is on active duty in connection with any branch of the armed forces of the United States. The act enables the Board also to waive the completion of continuing professional development requirements for persons on active duty. (R.C. 4733.15(B).)

### **Sanctions for failure to renew registration**

Continuing law permits the Board to establish procedures and sanctions when a person fails to renew a registration in a timely manner. The act authorizes the Board to require a person who fails to renew registration to complete those hours of continuing professional development required from the act's effective date as a condition of renewal and reinstatement if the person seeks renewal and reinstatement on or after January 1, 2009. (R.C. 4733.15(C).)

### **Means of earning credit**

The act permits the continuing professional development requirement to be met in a variety of ways. The requirement may be satisfied by completing or teaching college or university level courses; taking courses or participating in activities dealing with technical, ethical, or managerial topics relevant to the practice of engineering or surveying; 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. (R.C. 4733.151(B).)

### **Amount of credit for activities**

Under the act, credit for university or college level coursework is based on the credit the university or college establishes with one semester hour being the equivalent of 45 hours of continuing professional development and one quarter hour of crediting being the equivalent of 30 hours of continuing professional development.

Credit for seminars, workshops, or conferences offering continuing education units are awarded on the units the organization presenting the seminar, workshop, or conference awards. A registrant may earn ten continuing professional development hours for each continuing education unit awarded. Each hour of attendance at a seminar, workshop, or conference for which no continuing education unit is offered is the equivalent of one continuing professional development hour.

A registrant may earn two continuing professional development hours for each year of service as an officer or active committee member of a professional or technical society or association that represents registrants or entities composed of registrants. Registrants may earn ten continuing professional development hours for authoring relevant published papers, articles, and books, and ten hours for each published paper, article, or book. A registrant may earn ten continuing professional development hours for each patent award. (R.C. 4733.151(B).)

### **Requirements for dual registration**

The act requires that persons registered as both a professional engineer and a professional surveyor complete at least five of the 15 required hours in engineering-related coursework or activities and at least five of the 15 hours in surveying-related coursework or activities. (R.C. 4733.151(C).)

### **Exemption and carryover**

Under the act, a person is exempt from the continuing professional development requirement during the first calendar year of registration. The act also allows a person who completes more than 15 hours of approved coursework or activities in any calendar year to carry forward to the next calendar year a maximum of 15 of the excess hours. (R.C. 4733.151(D) and (E).)

### **Individual to maintain records**

The act requires each individual registrant to maintain personal records to demonstrate completion of the continuing professional development requirements for three calendar years after the year in which certification of the completion of the requirements is obtained by the registrant. The individual must keep records that 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 continuing professional development hours earned;

(2) Certificates of completion or other evidence verifying attendance. (R.C. 4733.151(F).)

### **Possibility of audit**

The act permits the State Board of Registration for Professional Engineers and Surveyors to audit a person's records at any time. If the Board discovers that a person has failed to complete the requisite coursework or activities, the act directs the Board to: (1) notify the person of the deficiencies, (2) allow six months from the date of the notice to rectify the deficiencies and to provide the Board with evidence of satisfactory completion of the continuing professional development requirements. In the case of the Board disputing the content of any credit hours or coursework, the act, however, specifies that the Board must presume as a matter of law that any credit hours submitted by a registrant, or any coursework or activity submitted for approval complies with the act's requirements if submitted and a statement signed by a current registrant not otherwise participating in the event, affirms that the material is relevant to the registrant's practice and will assist the registrant's development in the profession. If the person fails to timely provide the

evidence, the Board may revoke or suspend the registration after offering an adjudication hearing in accordance with the Administrative Procedure Act. (R.C. 4733.151(B) and (G).)

**Designated decision-making professional for engineering and surveying companies**

Under continuing law, each firm, partnership, association, limited liability company, or corporation through which professional engineering or professional surveying services are offered or provided must designate one or more partners, managers, members, officers, or directors as being responsible for and in responsible charge of the professional engineering or professional surveying activities and decisions, and those designated persons must be registered in Ohio. The act requires that the decision-making professional be a *full-time* partner, manager, member, officer, or director. Also, the act eliminates a requirement that, in the case of a corporation holding a certificate of authorization, at least one of the persons so designated be a director of the corporation, as under former law. (R.C. 4733.16(D).)

**Continuing education for architects and landscape architects**

The State Board of Examiners of Architects has authority under continuing law to adopt and enforce rules governing the standards of education, service, conduct, and practice to be followed in the practice of the profession of architecture in the state, and the State Board of Landscape Architect Examiners has the same authority relative to the practice of landscape architecture. The act grants both of these boards explicit authority to adopt rules pertaining to the satisfactory completion of continuing education requirements relative to their respective professions. (R.C. 4703.02 and 4703.33.)

Under continuing law, an architect or landscape architect may renew a certificate of qualification in accordance with the standard license renewal procedures in Chapter 4745. of the Revised Code by applying for renewal and paying the renewal fee to the State Board of Examiners of Architects or the State Board of Landscape Architect Examiners, as appropriate. The act adds the requirement that the registrant demonstrate satisfactory completion of any applicable continuing education requirements adopted by the State Board of Examiners of Architects or the State Board of Landscape Architect Examiners, as appropriate. (R.C. 4703.13 and 4703.36.)

The act requires both boards, if they adopt rules pertaining to continuing education requirements, to specify in those rules that the continuing education requirements may be satisfied by coursework or activities dealing with technical, ethical, or managerial topics relevant to the practice of architecture or landscape

architecture, as appropriate, and that a registrant may earn continuing professional education hours by: (1) completing or teaching university or college level coursework, (2) attending seminars, workshops, or conferences, (3) authoring relevant published papers, articles, or books, (4) receiving patent awards, (5) actively participating in professional or technical societies serving their respective professions, or actively participating in any other activity deemed relevant by the appropriate board. In adopting such rules, the act requires the State Board of Examiners of Architects to, in general, follow model continuing education recommendations established by the National Council of Architectural Registration Boards or a similar successor organization. Correspondingly, the State Board of Landscape Architect Examiners in adopting such rules must, in general, follow model continuing education recommendations established by the Council of Landscape Architectural Registration Boards or a similar successor organization. (R.C. 4703.02 and 4703.33.)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	11-06-03	p. 1153
Reported, H. Homeland Security, Engineering, & Architectural Design	01-21-04	p. 1503
Passed House (85-7)	01-27-04	pp. 1559-1561
Reported, S. Insurance, Commerce & Labor	05-12-04	p. 1893
Passed Senate (27-5)	05-18-04	pp. 1923-1924
House refused to concur in Senate amendments (13-85)	05-26-04	pp. 1997-1998
Senate requested a Conference Committee	11-16-04	p. 2277
House acceded to request for a Conference Committee	11-17-04	p. 2287
House agreed to Conference Committee report (83-4)	12-01-04	pp. 2326-2330
Senate agreed to Conference Committee report (27-1)	12-01-04	pp. 2350-2353

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