



**Sub. H.B. 322\***

125th General Assembly

(As Reported by S. Insurance, Commerce and Labor)

**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**

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**BILL SUMMARY**

- Requires professional engineers and surveyors to complete the continuing professional development requirements the bill establishes in order to renew a certificate of registration.
- Increases the renewal fee 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.
- Modifies certain criteria for the qualifications of the designated professional responsible for decisions of an engineering or surveying company.

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*\* This analysis was prepared before the report of the Senate Insurance, Commerce and Labor Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

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## CONTENT AND OPERATION

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

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

Current law does not require a person seeking registration renewal to complete any continuing education or professional development requirements. The bill 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. (R.C. 4733.151(A).)

To renew a professional engineer or professional surveyor certificate of qualification with the State Board of Registration of Professional Engineers and Surveyors under current law, an engineer or surveyor must renew in accordance with the standard license renewal procedures of Chapter 4745. of the Revised Code and pay a renewal fee of \$16 to the Treasurer of State. The bill adds the requirement that the engineer or surveyor also must complete the continuing professional development requirements the bill establishes. It also increases the renewal fee to \$20. (R.C. 4733.15(A).)

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

Under current law, the state 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 bill 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*

Current law permits the board to establish procedures and sanctions when a person fails to renew a registration in a timely manner. The bill authorizes the board to require a person who fails to renew registration to complete "those hours of continuing professional development required from the effective date of this section" as a condition of renewal and reinstatement if the person seeks renewal and reinstatement on or after January 1, 2009. (See **COMMENT 1.**) (R.C. 4733.15(C).)

#### *Means of earning credit*

The bill does not establish a formal program of continuing professional development for engineers and surveyors but instead permits the requirement to be met in a variety of ways. The requirement may be satisfied by taking or teaching

college or university courses, 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 bill, 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 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 bill provides 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 bill, a person is exempt from the continuing professional development requirement during the first calendar year of registration. The bill 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 bill does not require any state agency including the State Board of Registration for Professional Engineers and Surveyors to maintain continuing professional development records for architects and surveyors but instead requires each individual registrant to maintain personal records 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. (See COMMENT 2.) (R.C. 4733.151(F).)

### **Possibility of audit**

The bill does not establish any specific method for auditing individual professional development records but 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 bill directs the board to notify the person of the deficiencies and 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 bill, 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 bill'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 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(G).)

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

Under current 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. In the case of a corporation holding a certificate of authorization, at least one of the persons so designated must be a director of the corporation.

The bill requires that the decision-making professional be a *full-time* partner, manager, member, officer, or director. The bill also eliminates the requirement that for corporations holding a certificate of authorization, at least one of the persons so designated be a director of the corporation. (Sec. 4733.16(D).)

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## COMMENT

1. The meaning of the clause "those hours of continuing professional development required from the effective date of this section" may be unclear. Because the bill requires 15 hours of continuing professional development per year, it seems that this language could be interpreted to allow the State Board of Registration for Professional Engineers and Surveyors to require a registrant to complete 15 hours for each year after 2008 that lapses until the registrant seeks renewal and reinstatement.

2. Although the bill allows a registrant to be credited for continuing professional development hours for a variety of activities (see "Means of earning credit" above), it requires records to be kept for only some of the activities for which a registrant may be credited with hours. For example, a certificate might not be issued for service in a professional association or for authoring articles or receiving a patent award. There also may be situations where there is no "evidence of attendance" readily available for these means of obtaining credit.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	11-06-03	p. 1053
Reported, H. Homeland Security, Engineering, & Architectural Design	01-21-04	p. 1503
Passed House (85-7)	01-27-04	p. 1559
Reported, S. Insurance, Commerce & Labor	---	---

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