201 KAR 18:196. Continuing professional development for engineers.

RELATES TO: KRS 322.180(3), 322.190, 322.290(16)
STATUTORY AUTHORITY: KRS 322.290(16)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(16) requires the board to adopt a program of continuing education for professional engineers. This administrative regulation establishes requirements for the continuing professional development program mandated by KRS 322.290(16) for professional engineers.

Section 1. Definitions. (1) "Continuing professional development" or "CPD" means participation in activities beyond the basic educational requirements that:
(a) Provide specific content to improve the professional engineer's competence;
(b) Encourage acquisition of new skills and knowledge required to maintain competence;
(c) Strengthen the professional engineer's critical inquiry and balanced judgment;
(d) Raise the ethical standards within the professional community; and
(e) Meet the requirements established by the provisions of this administrative regulation.
(2) "Dual licensee" means a person licensed as both a professional engineer and a professional land surveyor.
(3) "Licensee" means a person licensed as a professional engineer.
(4) "Professional development hour" or "PDH" means not less than fifty (50) minutes of instruction or presentation that meets the requirements of this administrative regulation.
(5) "Reporting period" means the two (2) calendar years preceding the June 30 deadline for renewal of license.

Section 2. Program Structure. (1) Except as provided in Section 6 of this administrative regulation, a licensee shall complete a minimum of thirty (30) PDH units each reporting period.
(2) If a licensee exceeds the requirement, a maximum of fifteen (15) PDH units may be carried forward to the next reporting period.
(3) PDH units earned by a dual licensee under this administrative regulation may also be used to meet the land surveyor requirements under 201 KAR 18:192 if the PDH units meet the requirements of that administrative regulation.
(4) Failure to earn the required PDH units shall constitute unprofessional conduct.

Section 3. Criteria for Professional Development. (1) Continuing education hours applicable to the renewal of the license shall be directly related to the professional growth and development of the professional engineer.
(2) PDH units may be earned by successful completion of the following activities:
(a) College courses;
(b) Continuing education courses;
(c) Correspondence, televised, videotaped, distance learning, and other short course or tutorials;
(d) Presenting or attending seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences;
(e) Teaching or instructing in paragraphs (a) through (d) of this subsection;
(f) Authoring published papers, articles, books, or accepted licensing examination items; and
(g) Active participation in professional or technical societies as authorized in Section 4(6).
(3) In order to qualify for credit, activities described in subsections (1) and (2) of this section shall:

(a) Be relevant to the practice of engineering;
(b) Contain technical, ethical, or managerial subjects;
(c) Be an organized program of learning;
(d) Be conducted by individuals with education, training, or expertise; and
(e) Not include in-service training, orientation to specific institutional policies and practices, or time used to sell or advertise a product.
(4) CPD activities shall earn credit only if substantially different from a course for which credit was granted in the previous two (2) calendar years.
(5) PDH units shall be converted as follows:
(a) One (1) university semester hour shall equal forty-five (45) PDH units.
(b) One (1) university quarter hour shall equal thirty (30) PDH units.
(c) For teaching an activity established in Section 3(2), multiply the number of PDH units earned by participants for that activity by two (2).
(d) Each published paper, article, or book shall equal ten (10) PDH units.
(e) Active participation in professional or technical society shall equal two (2) PDH units for each organization.

Section 4. Determination of Credit. (1) Credit for college or university courses shall be based upon course credit established by the college or university.
(2) Credit for qualifying seminars and workshops shall be based upon one (1) PDH for each fifty (50) minutes of instruction or presentation.
(3) Attendance at qualifying programs presented at professional or technical society meetings shall earn PDH units for the actual time of each program.
(4) Credit for correspondence, televised, videotaped, distance learning, and other short courses or tutorials shall be the equivalent PDH units recommended by the program author subject to board review.
(5) Teaching credit shall be valid for teaching a course or seminar for the first time only.
(6)(a) Credit for active participation in professional or technical societies shall require that the licensee serve as an officer or committee chair of the organization.
(b) PDH units shall not be earned until the end of each year of service is completed.

Section 5. Recordkeeping. (1) The licensee shall be responsible for maintaining records used to support PDH units claimed.
(2) Records required include:
(a) A log showing the date of the activity, sponsoring organization, location, activity title, description, presenter's name, and PDH units earned; and
(b) Attendance certification records in the form of completion certificates or other documents supporting evidence of attendance.

Section 6. Exemptions and Extensions. (1) A licensee shall be exempted from continuing professional development requirements for the calendar year in which initially licensed by the board.
(2) An individual who has selected inactive or retired status shall be exempt from the requirements of this administrative regulation.
(3) A licensee who is unable to satisfy the CPD requirement because of physical disability, illness, or other extenuating circumstance shall be exempted for the reporting period in which the disability, illness, or extenuating circumstance occurs.
(4) The board shall grant an extension of time to fulfill the CPD requirement for an extenuating circumstance.

(5) An exemption or extension request shall be made in writing with supporting documentation.

Section 7. Reinstatement. Before a license shall be reinstated by the board, a former licensee shall earn the PDH units required for each reporting period the license was revoked, suspended, or expired, up to a maximum of sixty (60) PDH units.

Section 8. Reporting. (1) On the biennial renewal form, a licensee shall certify whether or not the licensee has met the requirements of this administrative regulation.

(2) Biennial renewal forms received after September 1 shall be subject to the audit process established in Section 9 of this administrative regulation.

Section 9. Audits. (1) Compliance with the CPD requirements shall be determined through a random selection process in which a computer program shall select five (5) percent of the licensees filing biennial renewal forms on or before September 1 of that year.

(2) A licensee who is the subject of an investigation pursuant to KRS 322.190 shall be subjected to the audit requirements of this section.

(3) A licensee selected for audit shall provide the board with documentation as described in Section 5 of this administrative regulation within thirty (30) days of the board's request.

(4) If the board disallows credit due to the activity not meeting the requirements of Section 3(2) of this administrative regulation, or if the PDH units reported are less than thirty (30), the licensee shall have 180 calendar days after notification to substantiate the original claim or earn other PDH units to meet the requirement.

(5) Failure to comply with the CPD requirements shall be considered a violation of KRS 322.180(3) subjecting the licensee to disciplinary action.

(6) An audit resulting in a determination of noncompliance shall subject the licensee to an automatic audit the next reporting period and each subsequent reporting period until an audit results in a determination of compliance. (34 Ky.R. 1299; 1705; eff. 2-1-2008, 2206; 2390; eff. 6-6-2008; TAm eff. 4-4-2011.)