

**IDAPA 10 - IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

10.01.04 - RULES OF CONTINUING PROFESSIONAL DEVELOPMENT

DOCKET NO. 10-0104-1101

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1208, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Wednesday, July 13, 2011 - 9:00 a.m.

**1510 E. Watertower St.
Meridian, ID 83642**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

1. Clarify that routine job assignments are not considered qualified activities for continuing professional development purposes;
2. Allow newly licensed persons to carry forward professional development hours earned during the biennium prior to the first renewal following the issuance of the license;
3. Allow continuing professional development credit for authoring each chapter of a book;
4. Allow professional development hours for peer review of published technical or professional papers, articles or book chapters; and
5. Allow license holders who are residing outside the United States to earn the required professional development hours upon return to the United States.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

There is no impact to the state general fund or to the dedicated fund of the Board.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the [May 4, 2011 Idaho Administrative Bulletin, Vol. 11-5, Page 54](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

No materials are cited as being incorporated by reference into this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact David L. Curtis, P.E., Executive Director at dave.curtis@ipels.idaho.gov or at (208) 373-7210.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2011.

DATED this 9th day of June, 2011.

David L. Curtis, P.E., Executive Director
Board of Professional Engineers and Professional Land Surveyors
1510 E. Watertower St.
Meridian, Idaho 83642
Voice (208) 373-7210 - Fax (208) 373-7213
email: dave.curtis@ipels.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 10-0104-1101

004. DEFINITIONS.

For the purposes of these rules, the following terms are used as defined below: (7-1-99)

- 01. College Semester or Quarter Credit Hour.** Credit for college courses. (7-1-99)
- 02. Continuing Education Unit (CEU).** Unit of credit customarily used for continuing education courses. One (1) continuing education unit equals ten (10) hours of class in an approved continuing education course. (7-1-99)
- 03. Professional Development Hour (PDH).** A contact hour (minimum of fifty (50) minutes) of instruction or presentation. The common denominator for other units of credit. (7-1-99)
- 04. Activity.** Any qualifying action with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice or practices. Routine job assignments are not considered qualified activities. (5-8-09)()
- 05. Licensee.** A person who is licensed to practice as a professional engineer or professional land surveyor or both. (5-8-09)
- 06. Board.** The Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors. (5-8-09)
- 07. Documented Self-Study.** Documented study of professional/technical journals, published papers, articles, books, software or other areas of training which increase knowledge of the technology above and beyond routine job assignments. (5-8-09)
- 08. Active Participation.** Serving as an officer or committee chair at either the national, state or local (section or chapter) level. (5-8-09)

005. REQUIREMENTS.

Every Licensee is required to obtain thirty (30) PDH units during the renewal period biennium (beginning on the first day of the month following the month in which the Licensee was born). Alternatively, the licensee may choose to obtain thirty (30) PDH units cumulative during the two (2) calendar years which are closest to the renewal period biennium. If a Licensee exceeds the biennial requirement in any renewal period or earns PDHs during a period in which he is exempt, a maximum of thirty (30) PDH units may be carried forward into the subsequent renewal period. If the exemption is for the "First Renewal Period" (see Rule 009.01), then at any time in the full biennium before this first license renewal the licensee may earn up to 30 PDHs to carry forward into their second renewal period following licensure. If the licensee chooses to use the calendar year basis, PDH's in excess of thirty (30) cumulative in two (2)

years, or PDH's earned during a period in which he is exempt, can be carried forward to the next two (2) year calendar period, not to exceed thirty (30) PDH's carried forward to the next two (2) year calendar period. PDH units may be earned in the following activities, however, PDH units must come from two (2) or more activities.

(5-8-09)()

- 01. **Successful Completion of College Credits.** (7-1-99)
- 02. **Successful Completion of Continuing Education Units.** (7-1-99)
- 03. **Successful Completion of Other Courses.** Correspondence, televised, videotaped, and other short courses/tutorials for which college credits or CEUs are awarded. (7-1-99)
- 04. **Attending Qualifying Seminars.** Attending qualifying seminars, inhouse courses, workshops, or technical or professional presentations made at meetings, conventions, or conferences. (7-1-99)
- 05. **Teaching or Instructing.** Teaching or instructing in Subsections 005.01 through 005.04 above, above and beyond routine job assignments. (7-1-99)
- 06. **Authoring Published Papers, Articles, or Books.** (7-1-99)
- 07. **Membership in Technical or Professional Organizations.** (7-1-99)
- 08. **Active Participation in Technical or Professional Organizations.** (7-1-99)
- 09. **Patents.** (7-1-99)
- 10. **Presentations to Technical, Professional or Civic Organizations.** (7-1-99)
- 11. **Documented Self Study.** (5-8-09)

006. UNITS.

The conversion of other units of credit to PDH (Professional Development Hour) units is as follows:

1 College semester credit hour equals	45 PDH
1 College quarter credit hour equals	30 PDH
1 Continuing Education Unit equals	10 PDH
1 Hour of attendance in course work, seminars, or technical or professional presentations made at meetings, conventions, or conferences equals	1 PDH
Teaching the above, above and beyond normal job assignments, apply multiple of 2 for teaching the first time only	
Each published technical or professional paper, article, or book <u>chapter</u> not to exceed a total of 10 PDH's per year, above and beyond normal job assignments	5 PDH per paper, article, or book <u>chapter</u>
<u>Each peer review of a published technical or professional paper, article, or book chapter not to exceed a total of 6 PDH's per year, above and beyond normal job assignments</u>	<u>3 PDH per paper, article, or book chapter</u>
Membership in technical or professional organizations (Maximum of two organizations) equals	1 PDH per year per organization
Active participation in technical or professional organizations (Maximum of two organizations) equals	1 PDH per year per organization
Each patent 5 PDH's, not to exceed per year	5 PDH
Presentations to technical, professional, or civic organizations, first presentation only, equals	2 PDH per hour of presentation

Documented self-study not to exceed	3 PDH per year at the rate of ½ PDH per hour of self-study
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(BREAK IN CONTINUITY OF SECTIONS)

009. EXEMPTIONS.

A Licensee may be exempt from the continuing professional development requirements for one (1) of the following reasons: (7-1-99)

01. First Renewal Period. New Licensees by way of examination or comity shall be exempt from compliance with these rules during the time between issuance of the license and the due date of their first renewal following the issuance of the license. (5-8-09)

02. Active Duty in the Armed Forces. A Licensee serving on active duty in the armed forces of the United States and temporarily assigned duty at a location other than their normal home station for a period of time exceeding one hundred twenty (120) consecutive days in a renewal period or the two (2) calendar year period closest to the renewal biennium shall be exempt from obtaining the professional development hours required during that renewal period or the two (2) calendar year period closest to the renewal biennium. (5-8-09)

03. Extenuating Circumstances. A Licensee experiencing physical disability, serious illness, or other extenuating circumstances accepted by the board. (7-1-99)

04. Retired and Receiving No Remuneration. A Licensee who has chosen and qualified for the “Retired” status and who further certifies that they are no longer receiving any remuneration from providing professional engineering or professional land surveying services 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, professional development hours must be earned before returning to active practice for each biennium or the two (2) calendar year period closest to the renewal biennium exempted not to exceed the requirement for two (2) bienniums or four (4) calendar years. (5-8-09)

05. Expired License. A Licensee who has chosen to allow his license to expire shall be exempt from the professional development hours required. In the event such a person elects to reactivate the license, professional development hours must be earned and documented before reinstating the license for each biennium or two (2) calendar years exempted not to exceed the requirement for two (2) bienniums or four (4) calendar years. (5-8-09)

06. Renewal Period Following Adoption of These Rules as They are Amended to Include Professional Engineers. All professional engineers shall be exempt from compliance with these rules during the time between the effective date of this subsection and the due date of their first renewal following the effective date of this subsection. (5-8-09)

07. Licensees Residing Outside the United States of America. Licensees employed and residing outside the United States may delay the time required for fulfilling the continuing professional development requirements for a maximum of two (2) biennia or four (4) calendar years until the end of the six (6) month period beginning upon their return to the United States. ()