

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code § 47-2853.10(a)(12) (2015 Repl.)), and Mayor's Order 2000-70, dated May 2, 2000, hereby adopts the following amendments to Chapter 15 (Professional Engineers and Land Surveyors) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking creates continuing education requirements for applicants seeking to renew or reinstate a license approved by the Board of Professional Engineering and establishes standards and administrative procedures for the approval of continuing education programs. In adopting this requirement, which is in conformity with similar standards established by neighboring jurisdictions, the District seeks to ensure that its licensed professional engineers and land surveyors maintain professional and ethical competence in their respective fields.

A Notice of Proposed Rulemaking was published into the *D.C. Register* on December 7, 2018 at 65 DCR 013374. Two comments were received during the comment period opposing this rulemaking. The commenters believe the continuing education requirements are burdensome. The Board of Professional Engineering considered these comments and determined that the value of having continuing education requirements outweighed any potential burden on licensees. No changes have been made to the text of the proposed rules as published with that notice.

These rules were adopted as final on April 25, 2019 and shall take effect upon publication of this notice in the *D.C. Register*.

Chapter 15, PROFESSIONAL ENGINEERS AND LAND SURVEYORS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

New Sections 1526 - 1528 are added to read as follows:

1526 CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL OR REINSTATEMENT OF A LICENSE

1526.1 This section shall apply to all applicants for the renewal or reinstatement of a license to practice as a land surveyor or professional engineer, except those applicants seeking first renewal of a license granted by examination.

1526.2 An applicant for renewal of a license to practice as a land surveyor shall attest to having completed no less than twelve (12) hours of acceptable continuing professional education during the term of the license, to include the following:

- (a) No less than eight (8) hours of surveying education specific to the District of Columbia; and

- (b) At least one (1) hour on the subject of professional ethics.
- 1526.3 An applicant for renewal of a license to practice as a professional engineer shall attest to having completed no less than twenty (20) hours of acceptable continuing professional education, to include at least one (1) hour on the subject of professional ethics, during the term of the license.
- 1526.4 An applicant for reinstatement of an expired license or renewal of an inactive license to practice as a land surveyor shall attest to having completed, no more than two (2) years prior to the date of application, at least six (6) hours of credit in approved continuing education programs for each year the license was expired or inactive, up to a maximum of twenty-four (24) hours, and shall include the following:
- (a) No less than eight (8) hours of surveying education specific to the District of Columbia; and
- (b) At least one (1) hour on the subject of professional ethics.
- 1526.5 An applicant for reinstatement of an expired license or renewal of an inactive license to practice as a professional engineer shall attest to having completed ten (10) hours of credit in approved continuing education programs for each year the license was expired or inactive, up to a maximum of forty (40) hours, and shall include no less than one (1) hour on the subject of professional ethics. To be creditable, courses shall not have been completed more than two (2) years prior to the date of application.
- 1526.6 An applicant under this section shall report the completion of required continuing education credits by submitting with the renewal or reinstatement application the following information with respect to each program:
- (a) The name of the sponsor of the program;
- (b) The name of the program and a description of the subject matter covered;
- (c) The dates on which the applicant attended the program; and
- (d) The hours of credit claimed.
- 1526.7 A continuing education credit shall be valid only if it is part of a program approved by the Board in accordance with § 1527 of this chapter. Licensees are responsible for ensuring that continuing education courses taken to satisfy the Board's renewal or reinstatement requirements are approved by the Board.

- 1526.8 An applicant for the renewal of a license who fails to complete the continuing education requirements by or before the expiration date may renew the license within sixty (60) days after expiration by completing the outstanding hours and by paying the required late fee. Any hours obtained after licensure expiration and claimed for late renewal shall not be creditable for the next renewal period. Upon renewal, the Board shall deem the applicant to have possessed a valid license during the period between the expiration of the license and its renewal.
- 1526.9 If an applicant for the renewal of a license fails to complete the continuing education requirements within sixty (60) days after the expiration of the applicant's license, the license shall be deemed to have lapsed on the date of expiration, and the applicant shall be required to apply for reinstatement of the expired license pursuant to § 3308 of this title.
- 1526.10 The Board may grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to complete continuing education requirements was for good cause. For purposes of this subsection, "good cause" includes proof of the following:
- (a) Serious and protracted illness of the applicant, who submits a doctor's statement verifying the illness;
 - (b) The death or serious and protracted illness of a member of the applicant's immediate family, which death or illness resulted in the applicant's inability to complete the continuing education requirements within the specified time. For the purposes of this subsection, the term "immediate family" means the applicant's spouse and any parent, brother, sister, or child of the applicant and the spouse of any such parent, brother, sister, or child; or
 - (c) Active military service.
- 1526.11 An extension granted under this section shall not relieve an applicant from complying with the continuing education requirement for the next renewal period.

1527 APPROVED CONTINUING EDUCATION PROGRAMS

- 1527.1 The Board, in its sole discretion, may approve continuing education programs or activities that contribute to the growth of an applicant in professional competence in the practices of land surveying and professional engineering and which meet the other requirements of this section.
- 1527.2 A continuing education program shall be deemed approved by the Board if the offering is approved, provided or sponsored by one of the following:

- (a) National Society of Professional Engineers (NSPE), American Society of Civil Engineers (ASCE), and any other recognized national or state society of professional engineers;
- (b) District of Columbia Association of Land Surveyors (DCALS) and any other recognized national or state society of land surveyors;
- (c) National Council of Examiners for Engineering and Surveying (NCEES);
- (d) A licensing board of another jurisdiction that regulates the practice of land surveying or professional engineering;
- (e) Federal or state agencies offering training in land surveying or professional engineering; and
- (f) Accredited colleges and universities offering training in land surveying or professional engineering.

1527.3 The Board may grant up to six (6) hours of continuing education credits for each of the following activities, if consistent with the requirements of § 1527.1:

- (a) Completion of an undergraduate or graduate course given at an accredited college or university;
- (b) Performing the initial development, substantial updating, or the initial teaching of a conference program or an academic course;
- (c) Authoring or editing a published book, a published chapter in a book, or a published article in a professional journal or other nationally recognized publication; or
- (d) Serving on a committee or task force that addresses technical and regulatory issues related to the professional practice of land surveying or professional engineering.

1528 CONTINUING EDUCATION: RECORDKEEPING AND AUDIT REQUIREMENTS

1528.1 A licensee shall be responsible for documenting his or her completion of the required continuing education, and shall bear the burden of providing satisfactory proof of completion and establishing that any program or activity for which credit is claimed merits approval in accordance with § 1527.

1528.2 A licensee shall retain course documentation for four (4) years after completing a continuing education program or activity for which credit is claimed. Acceptable documentation shall include, but is not limited to, the following:

- (a) A certificate of successful completion from the sponsor or provider which includes the following information:
 - (1) The name of the sponsor of the program;
 - (2) The name of the program and a description of the subject matter covered;
 - (3) The dates on which the licensee attended the program; and
 - (4) The hours of credit earned; and
- (b) A copy of the course outline prepared by the course sponsor;
- (c) In the case of courses taken at accredited universities and colleges, proof of satisfactory completion of the course;
- (d) In the case of licensees claiming credit for publication of a technical paper, article, or book, satisfactory proof of its publication; or
- (e) Other comparable proof deemed satisfactory by the Board.

1528.3 The Board may, as it deems appropriate, conduct an audit of active licensees to determine compliance with the continuing education requirements.

1528.4 Upon notification by the Board that a licensee has been selected for an audit, the licensee shall submit proof of his or her compliance with the continuing education requirements in accordance with § 1526 within thirty (30) days of receipt of the notice.

1528.5 A licensee who fails to provide proof of continuing education compliance during an audit may be subject to another audit in the subsequent licensure term.

1528.6 If the Board determines that the licensee has not met his or her continuing education requirement in accordance § 1526, the Board may either grant an additional period of time in which the deficiencies can be cured, or impose disciplinary action in accordance with the Act.