

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

Chapter 08 Continuing Professional Competency Requirements

**Authority: Business Occupations and Professions Article, §§15-314(f), 15-315, and 15-316,
Annotated Code of Maryland**

09.13.08.01

.01 Purpose.

The public interest requires that professional land surveyors and property line surveyors provide competent services in all areas of practice. The State legislature has determined that it is in the best interest of the public to require professional land surveyors and property line surveyors to comply with the continuing professional competency requirements as a prerequisite to the renewal of an applicable license.

09.13.08.02

.02 Definitions.

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) "Activity" means attending and completing qualifying courses, seminars, workshops, technical presentations, and other qualifying programs that meet the criteria and objectives of continuing professional competency.

(2) "Authorized provider" means an organization or individual reviewed and approved by the CPC Standards Committee.

(3) "Board" means the State Board for Professional Land Surveyors.

(4) "College credit hour" means the credit for a course described in §B(6) of this regulation, offered by a university, college, or community college.

(5) "Continuing professional competency (CPC) unit" means one contact hour of instruction, presentation, or other activity.

(6) "Course" means a qualifying offering with a clear purpose and objective to maintain, improve, or expand the skills and knowledge of licensee's field of practice.

(7) "CPC Standards Committee" means a committee as established in Regulation .09 of this chapter.

(8) "Mentor" means a professional land surveyor or a property line surveyor who assists an individual in the process of qualifying for and obtaining licensure as a professional land surveyor.

(9) "Qualifying activity" means an activity that meets the criteria set forth in Regulation .04 of this chapter.

09.13.08.03

.03 Requirements.

A. A licensee shall complete, as a condition of a license renewal in each individual 2-year renewal cycle, a minimum of 24 CPC units earned from the participation in and upon completion of qualifying activities described in Regulation .04.

B. A minimum of 4 CPC units in every individual 2-year renewal cycle shall be earned from the participation in and upon completion of qualifying activities with content areas related to the following:

(1) Minimum Standards of Practice;

(2) Legal cases, commentaries, and other related materials as they apply to the law of land boundaries in Maryland;

(3) The awareness of ethical concerns and conflicts;

(4) An enhanced familiarity with the codes of conduct;

(5) An understanding of standards of practice or care; or

(6) Similar topics aimed at maintaining, improving, or expanding the skills set and knowledge necessary to practice land surveying services or property line surveying services in the most ethical and responsible manner.

C. A licensee may carry over no more than 12 CPC units earned in excess of 24 CPC units, provided that the CPC units intended for the carryover have been earned on or before December 31, 2018. No carryover shall be permitted for any excess CPC units earned after January 1, 2019.

09.13.08.04

.04 Qualifying Activities.

In order for an activity to be considered a qualifying activity, the activity must meet the following criteria:

A. Maintain and enhance professional competency of professional land surveyors or property line surveyors; and

B. Foster improvement, advancement, and extension of professional skills and knowledge related to the practice of land surveying or property line surveying.

09.13.08.05

.05 Determination of Qualifying Activities by the Board.

The determination of whether the activity constitutes a qualifying activity is within the discretion of the Board.

09.13.08.06

.06 Nonqualifying Activities.

Activities that do not meet the criteria set forth in Regulation .04 of this chapter shall be considered to be non-qualifying activities, including, but not limited to, the following:

- A. Regular employment as professional land surveyor or property line surveyor, or expert witness;
- B. Repetitive attendance of the same programs without substantial modifications or updates;
- C. Time management techniques and strategies;
- D. Attending committee meetings or general business meetings of any organization;
- E. Other activities that, in the Board's opinion, are not directly related to the practice of land surveying or property line surveying.

09.13.08.07

.07 Sources of Credit and Determination of Units.

A. A licensee may earn the CPC units by any of the following methods:

(1) Attending and successfully completing qualifying activities in which the teaching methodology consists primarily of systematic presentation of subjects related to the practice of land or property line surveying, as such activities may from time to time be preapproved by the Board;

(2) Subject to limitations set forth in this Regulation, teaching of, lecturing or instructing on the subjects related to professional land or property line surveying in the environment described in (1) of this regulation;

(3) Serving as a mentor within the framework preapproved by the Board to an individual who is pursuing a path to licensure as a professional land surveyor;

(4) Developing examination content questions accepted for use on both national and State specific examinations; or

(5) Other appropriate methods that may from time to time be approved by the Board.

B. A licensee may earn the applicable number of CPC units in accordance with the following conversion schedule:

(1) 1 college credit hour — 5 CPC units;

(2) 1 contact hour of professional development work, or professional or technical presentations made at meetings, conventions, or conferences — 1 CPC unit;

(3) Board approved mentoring activities — 3 CPC units;

(4) Developing of examination content questions — 4 CPC units; and

(5) Subject to exclusions set forth in this Regulation, teaching of, lecturing or instructing on land surveying and related subjects, subject to the following limitations:

(a) For the first time presentation, a presenter may claim credit for the activity that is equivalent to two times the number of CPC units awarded by the Board for the activity; and

(b) Unless the presentation had been substantially modified and updated for the subsequent presentations or is being presented to a different group of recipients, a presenter may claim only the same number of CPC credits as awarded by the Board to the recipients of the qualifying activity.

09.13.08.08

.08 Determination of Units' Value by the Board.

The final determination with regard to the value, sources, and number of credits is within the discretion of the Board.

09.13.08.09

.09 Approval of Providers.

A. Responsibility for Providers' Approval.

(1) The Board shall select and establish a committee to approve providers of the CPC units (the "CPC Standards Committee").

(2) The CPC Standards Committee shall consist of the following individuals:

(a) A professional land or property line surveyor serving on the Board; and

(b) A consumer member serving on the Board.

(3) In addition to the individuals referred to in §A(2) of this regulation, the CPC Standards Committee may also include any or all of the following individuals:

(a) A professional land surveyor;

(b) A property line surveyor; or

(c) An educator from a higher education institution or a community college familiar with the land surveying or property line surveying curriculum.

(4) The Board shall assign the responsibility of reviewing and approving the providers to the CPC Standards Committee. To the extent feasible and necessary, the CPC Standards Committee shall establish guidelines and procedures for approval of providers in accordance with the objectives stated in this chapter.

B. Providers' Eligibility.

(1) The following are considered to be preapproved providers without any further action by the Committee:

- (a) National, regional, or State accredited academic institutions;
- (b) National, State, or regional land surveying organizations; and
- (c) Other entities that may from time to time become preapproved by the Board.

(2) The individuals or entities, including, but not limited to, professional firms conducting in-house presentations, may be approved by the Board to become approved providers upon application and approval by the CPC Standards Committee.

(3) During the application process, the Committee will determine the suitability of the provider to serve as an approved provider.

(4) The provider shall submit general information that will enable the CPC Standards Committee to evaluate the provider's qualifications. At a minimum, the CPC Standards Committee requires the following information to be submitted with each application for approval:

- (a) The sample course outline detailing the content of activity to be offered;
- (b) The number of CPC units to be awarded for each course; and
- (c) The identity and qualifications of the course instructors.

(5) In order to be eligible to become the approved provider, the provider must offer the activity that meets the criteria for a qualifying activity set forth in Regulation .04.

C. Review and Audit of Providers. The Board may require the approved provider to document the CPC activities for audit by the Board at any time after the first presentation of the activity. Documentation shall include registration and attendance records, stated purpose, content, presentation, time and length of the activity, and participants' evaluations.

D. Suspension and Revocation.

(1) The CPC Standards Committee, with the Board's concurrence, may suspend or revoke approval of a provider if, in the judgment of the Board, the intent of Business Occupations and Professions Article, §15-314(f), Annotated Code of Maryland, is no longer served.

(2) An individual or organization whose provider's privilege has been suspended or revoked by the CPC Standards Committee may appeal the denial to the Board for a hearing within 30 days after the CPC Standards Committee notifies the individual or organization of the denial.

E. Roster of approved providers. The Board shall maintain and make available to licensees, as often as it considers appropriate, a roster of approved providers.

09.13.08.10

.10 Record Keeping.

A. Responsibility to Maintain Records.

(1) The responsibility of maintaining records to be used to support the continuing professional competency credit claim is the responsibility of each licensee.

(2) A licensee shall maintain the records for a period of at least 4 years from the date of completion of the qualifying activity.

B. Documentation referred to in §A(2) of this regulation, includes, but is not limited to, the following:

- (1) Certificates of participation;
- (2) Transcripts, if appropriate;
- (3) Reprints of publications;
- (4) Proof of presentations;
- (5) Title and description of the activity;
- (6) Dates attended;
- (7) Presenter's name; or
- (8) Any other appropriate information.

C. Upon the Board's request, approved providers shall electronically transmit to the Board records of attendance, completion of a qualifying activity, and any other pertinent information requested by the Board.

09.13.08.11

.11 Reporting Requirements for License Renewal.

A. A licensee shall attest to the satisfactory completion of the CPC requirements prior to the licensee's individual license renewal for the following 2-year cycle. The licensee shall provide the attestation in connection with the renewal application and shall pay appropriate renewal fees.

B. The Board at its discretion may audit randomly selected licensees to ascertain compliance with CPC requirements.

C. Licensees who are audited shall provide any additional documentation required by the Board to complete the audit.

09.13.08.12

.12 Extenuating Circumstances/Exceptions.

A. Exemptions. Notwithstanding other requirements set forth in this chapter, a licensee who is granted an initial license may renew a license for the next full term without complying with the CPC requirements if:

- (1) The licensee has been granted an initial license and is renewing a license for the next full term; and

(2) The licensee qualifies under the criteria set forth in Business Regulation Article, Title 2.5, Annotated Code of Maryland.

B. Compliance Exception Request.

(1) If a licensee is unable to comply with all or part of CPC requirements due to physical disability, illness, or other extenuating circumstances, the licensee may request the Board grant a one-time exception from compliance (Compliance Exception Request), provided that the Compliance Exception Request is filed with the Board at least 60 days prior to the licensee's license expiration date.

(2) If a Compliance Exception Request is based on physical disability or illness, the licensee must provide the Board with written documentation acceptable to the Board supporting the basis for the request.

(3) A Compliance Exception Request must be accompanied by a detailed proposal acceptable to the Board indicating the licensee's intended plan of compliance with CPC requirements within no later than 6 months after the license expiration date. Failure to provide the acceptable plan of compliance within the time period specified in this regulation may result in the Board's administrative dismissal of the Compliance Exception Request.

09.13.08.13

.13 Failure to Meet the CPC Requirements.

In the event a licensee fails to comply with the CPC requirements set forth in this chapter, the Board, subject to the hearing provisions of Business Occupations and Professions Article, §15-319, Annotated Code of Maryland, may take any and all available disciplinary actions under Business Occupations and Professions Article, §15-317, Annotated Code of Maryland.

09.13.08.14

.14 Reinstatement of License.

A licensee who wishes to reinstate a license shall fulfill past due CPC requirements for the previous CPC reporting periods up to 48 CPC units and pay all applicable fees.

09.13.08.15

.15 Reactivation of Retired Status License.

An individual who elects to receive a retired status license shall be exempt from the compliance with the CPC requirements. In the event such individual elects to have the license reactivated, the individual shall fulfill past due CPC requirements up to 48 CPC units and pay all applicable fees.

09.13.08.16

.16 Dual Licensees.

A licensee who maintains current licenses in the State of Maryland both as a professional land or property line surveyor and as a professional engineer shall comply with the CPC requirements set forth in COMAR 09.23.06 applicable to licensed professional engineers, except that a minimum of 1/3 of the units earned shall be gained from the qualifying programs on a land surveying subject as set forth in Regulations .03 and .04 of this chapter.

09.13.08.17

.17 CPC Units Earned in Other States.

The Board will accept CPC units earned for activities completed in other jurisdictions, provided that:

- A. The activities and programs are consistent and comply with the requisite criteria set forth in this chapter;
- B. Licensee provides evidence of attending and completing a qualifying activity in another state, together with applicable number of CPC units earned; and
- C. Licensee otherwise fulfills all other applicable license renewal requirements in the State of Maryland.

09.13.08.9999

Administrative History

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