

State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION
Division of Design Professionals
1511 Pontiac Avenue, Bldg. 68-69
Cranston, Rhode Island 02920

Public Notice of Proposed Rule-Making

Pursuant to the provisions of the Administrative Procedures Act, Chapter 42-35 of the General Laws, the Department of Business Regulation hereby gives notice of its intent to repeal the Regulations Regarding Continuing Education Requirements for Professional Land Surveyors promulgated by the Rhode Island State Board of Registration for Professional Land Surveyors.

The purpose of this repeal is to incorporate the continuing education requirements into the proposed Rules and Regulations for the Professional Land Surveying in the State of Rhode Island.

A copy of the regulation proposed to be repealed is available for public inspection at www.dbr.ri.gov, in person at Department of Business Regulation, 1511 Pontiac Avenue, Cranston, Rhode Island 02920, or by emailing jenna.algee@dbr.ri.gov or by calling Jenna Algee, Esq. at (401) 462 9593.

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by October 13, 2015 to Jenna Algee, Esq., Department of Business Regulation, 1511 Pontiac Avenue, Bldg. 68-1, Cranston, RI 02920, (401) 462 9593, jenna.algee@dbr.ri.gov. A public hearing to consider the proposed amendment shall be held on October 13, 2015 at 1:00 p.m. at 1511 Pontiac Avenue, Cranston, Rhode Island 02920 at which time and place all persons interested therein will be heard.

All are welcome at the Rhode Island Department of Business Regulation ("DBR"). If any reasonable accommodation is needed to ensure equal access, service or participation, please contact DBR at 401-462-9551, RI Relay at 7-1-1, or email directorofficeinquiry@dbr.ri.gov at least three (3) business days prior to the hearing.

Macky McCleary
Director, Department of Business Regulation

Date posted: September 10, 2015

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Concise Summary of Proposed Non-Technical Changes

In accordance with the Administrative Procedures Act, Section 42-35-3(a)(1) of the General Laws of Rhode Island, the following is a concise summary of proposed non-technical changes that would be accomplished by the proposed repeal the Regulations Regarding Continuing Education Requirements for Professional Land Surveyors promulgated by the Rhode Island State Board of Registration for Professional Land Surveyors.

The purpose of this repeal is to incorporate the continuing education requirements into the proposed Rules and Regulations for the Professional Land Surveying in the State of Rhode Island.

~~RHODE ISLAND STATE BOARD OF REGISTRATION FOR
PROFESSIONAL LAND SURVEYORS~~

~~Louis Federici, PLS, Chairman Joseph
W. Frisella, PLS, PE, Vice Chairman
Alfred W. DiOrio, PLS, Secretary
David R. Sheldon, PLS
James J. Reddington, Jr.~~

~~REGULATIONS REGARDING
CONTINUING EDUCATION REQUIREMENTS FOR
PROFESSIONAL LAND SURVEYORS~~

~~Effective February 26, 2001~~

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~~I.—PURPOSE AND SCOPE. In order to safeguard life, health, and property, and to promote the public welfare, the practice of Professional Land Surveying in Rhode Island requires continuing education in accordance with this document. The Rhode Island State Board of Registration for Professional Land Surveyors is authorized pursuant to RIGL 5-8.1-4(b)(1) to establish continuing education requirements and standards as it deems appropriate, and in furtherance thereof promulgates the within rules and regulations concerning continuing education (the “CE Regulations”).~~

~~Each in-state and out of state registrant shall be required to meet the continuing educational requirements of these CE Regulations for professional development as a condition for registration renewal. Continuing education should maintain and develop new and relevant skills and knowledge.~~

~~As of July 1, 2003 all applicants for renewal for registration shall satisfy these minimum requirements.~~

~~II.—DEFINITIONS.~~

- ~~1.—As used in these CE Regulations, “Active” means a registered land surveyor authorized to currently practice land surveying by the Board and who has complied with the continuing education requirements prescribed herein.~~
- ~~2.—As used in these CE Regulations, “Board” means the Rhode Island State Board of Registration for Professional Land Surveyors.~~
- ~~3.—As used in these CE Regulations, “Inactive” means a registered land surveyor who has obtained inactive status from the Board and is not required to comply with the continuing education requirements prescribed herein. An Inactive Registrant may not engage in the practice of land surveying in the State of Rhode Island.~~
- ~~4.—As used in these CE Regulations, “Professional Development Hour (PDH)” means 50 minutes of in-class instruction or 50 minutes of participation in other forms of continuing education, in each case found acceptable by the Board.~~
- ~~5.—As used in these CE Regulations, “Biennium” means a period of two years, commencing on July 1st and terminating on June 30th.~~
- ~~6.—As used in these CE Regulations, “Registrant” means a land surveyor currently registered with the Board as further defined in RIGL 5-8.1-2(14).~~
- ~~7.—As used in these CE Regulations, “NCEES” means the National Council of Examiners for Engineering and Surveying.~~

~~8. As used in these CE Regulations, "Sponsor" means a person or entity providing a technical meeting, seminar, tutorial, short course, correspondence course, college/university course or other activity constituting continuing education hereunder and approved by the Board.~~

~~III. BASIC REQUIREMENTS.~~

~~1. Commencing on July 1, 2003, and each Biennium thereafter, a Registrant seeking renewal of active registration must, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained Twenty (20) PDH's during the Biennium immediately preceding application for renewal.~~

~~2. A new Registrant is not required to satisfy the continuing education requirements prescribed herein until the registration renewal occurring on the Three (3) year anniversary of his or her date of initial registration.~~

~~3. A maximum of Five (5) PDHs may be carried over with full credit to the next Biennium.~~

~~IV. CONVERSION TABLE. Conversions from the other measures of continuing education activities to PDH's is as follows:~~

~~(a) Fifty (50) minutes of approved and acceptable professional seminar activity 1 PDH~~

~~(b) One (1) semester credit of approved and acceptable college/university course work 5 PDH~~

~~(c) Fifty (50) minutes of approved and acceptable professional activity pursuant to Section V 1 PDH~~

~~V. TYPES OF ACCEPTABLE CONTINUING EDUCATION/APPROVAL OF PROGRAMS FOR REGISTRANTS.~~

~~1. Continuing education activities for which PDH credits may be considered for approval by the Board include: college and university courses which directly relate to the practice of land surveying as determined by the Board successfully completed with a grade of "C" or better, or the equivalent, and those portions of technical meetings, seminars, tutorials, short courses and correspondence course that are directly related to the practice of land surveying as determined by the Board.~~

~~4. The Board will grant credit for only such continuing education activities that the Board determines to satisfy the following criteria:~~

~~(a) There is clear purpose and objectivity for each activity;~~

~~(b) The content of each presentation is well organized and presented~~

~~in a sequential manner, and the content thereof is sufficiently advanced in nature as pertaining to the practice of land surveying;~~

~~(c) — There is evidence of pre planning which may include the opportunity for input by the target group to be served;~~

~~(d) — The presentation will be made by persons who are well qualified by reason of education or experience; and~~

~~(e) — There is provision for individual participant registration which will include information required for record keeping and reporting.~~

~~3. — The Board will grant no credit to a Registrant for a course, technical meeting, seminar, tutorial, short course, or correspondence course repeated by that Registrant within Two (2) years (if credit was originally granted), unless, in the Board's opinion, there is a substantial change in the content of such course, technical meeting, or the subject matter warrants award of additional credit.~~

~~4. — Other activities which may be used to satisfy continuing education requirements in the Board's discretion are:~~

~~(a) — Approved programs conducted by corporations, government agencies or other organizations;~~

~~(b) — Authorship of published papers, articles or books; and~~

~~(c) — First-time preparation for and presentation at technical meetings, short courses or seminars;~~

~~(d) — The preparation for and presentation of approved credit courses at Board approved educational institutions.~~

~~5. — PDH credits will be awarded for memberships and service in societies and associations as follows:~~

~~(a) — Verified membership in a Rhode Island land surveying society or association recognized as having valid, objective, and independent existence by the Board shall receive 4 PDH's per year, with a maximum of 8 PDH's per biennium, provided that the Registrant attend at least 50% (fifty percent) of the organization's meetings; or 1 PDH per year with a maximum of 2 PDH's per Biennium for membership in such organization without meeting said 50% attendance requirement;~~

~~(b) — Verified membership and participation in any other national, regional or state land surveying society or association recognized as having valid, objective and independent existence by the Board shall~~

~~receive 2 PDH's per year, with a maximum of 4 PDH's per Biennium;~~

~~(c) — Serving as an officer, director, or committee chairperson in any national, regional or state land surveying society or association recognized as having valid, objective and independent existence by the Board shall receive 2 PDH's per year, not to exceed 6 PDH's per Biennium;~~

~~(d) — Serving on a State Board of Licensure for Land Surveyors shall receive 4 PDH's per year, with a maximum of 8 PDH's per Biennium;~~

~~(e) — Serving as a chairperson, vice chairperson, or secretary of a State Board of Licensure for Land Surveyors shall receive 1 PDH per year, with a maximum 2 PDH's per Biennium;~~

~~6. — A Registrant seeking to take a course or program which has not been previously approved by the Board may apply in writing to the Board for pre approval or post approval of the course or program offering. Any such request for pre approval shall require that the applicable course materials and information (as further described in Section XII) be provided to the Board no less than Sixty (60) days prior to the date of such course or program. Any such request for post approval shall require that all applicable course materials and information as well as proof of attendance be provided to the Board within Ninety (90) days of the date of such course or program. Failure of the Board to act on such written application within Ninety (90) days of receipt by the Board shall constitute approval of such course or program as submitted.~~

~~7. — All activities submitted to the Board for PDH's are subject to approval by the Board in its discretion.~~

~~8. — The Board may seek advice and consultation concerning its determination of acceptable continuing education activities from the Rhode Island Society of Professional Land Surveyors, from educational institutions offering courses or programs concerning land surveying, and from such other sources as the Board may from time to time determine.~~

~~VI. — INACTIVE REGISTRANTS.~~

~~1. — A registered land surveyor may request, in writing, to be placed on the Board's Inactive role, thereby obtaining inactive status.~~

~~2. — An Inactive Registrant will be permitted to retain that Registrant's original certificate of registration without submitting proof of complying with the continuing education requirements prescribed herein.~~

~~3. — An Inactive Registrant may not engage in the practice of land surveying in the State of Rhode Island. Any practice or offer to practice land surveying in the State of Rhode Island by an Inactive Registrant shall constitute misconduct and~~

~~shall be cause for revocation or suspension of certificate by the Board, or such other remedies as are provided by RIGL Chapter 5-8.1.~~

~~VII. REINSTATEMENT TO ACTIVE REGISTRATION.~~

~~1. An Inactive Registrant seeking to reinstate an Inactive registration of one (1) year or more must submit a request, in writing, to the Board accompanied by the required fee and must satisfy one (1) of the following requirements:~~

~~(a) Satisfaction of One Half (1/2) the Biennium PDH requirements multiplied by the number of the years of Inactive status up to a maximum of Forty-Five (45) PDH's subject to review and approval by the Board; or~~

~~(b) Successful completion of the NCEES examination of Principles and Practice of Land Surveying within one (1) year immediately prior to application for reinstatement.~~

~~2. An Inactive Registrant seeking to reinstate an Inactive registration of less than One (1) year must meet One Half (1/2) the Biennium PDH requirement.~~

~~VIII. NONCOMPLIANCE. Unless a request for Inactive status is made, any Registrant failing to furnish the required continuing education form prepared and/or adopted by the Board, properly completed and signed, shall not be granted renewal of registration by the Board and shall lose the right to practice land surveying in the State of Rhode Island upon the expiration of registration.~~

~~IX. HARDSHIPS. Notwithstanding any other provisions of these CE Regulations to the contrary, the Board may exempt a Registrant from complying with all or part of the continuing education requirements herein for a given year in the following cases:~~

~~(a) A Registrant affected by physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board on a case by case basis; provided that adequate supporting documentation is furnished to the Board; or~~

~~(b) A non-career military Registrant serving on active duty in the armed forces of the United States for a period of One Hundred Twenty (120) consecutive days in a calendar year; provided that the adequate supporting documentation is furnished to the Board.~~

~~X. REPORTS AND RECORDS.~~

~~1. At the time of application for registration renewal, each Registrant shall report, on a form provided by the Board, the continuing education activities undertaken during the preceding Biennium along with appropriate supporting~~

~~documents concerning attendance and/or participation. Solely for purposes of the registration renewal period commencing on July 1, 2003, the Board shall also accept continuing education activities complying with the provisions of these CE Regulations earned during the period from July 1, 2000 through June 30, 2001.~~

- ~~2. All Registrants shall maintain a file, in which records of continuing education activities are kept, including dates, subjects, duration of programs, printed program schedules, registration receipts or other proof of participation, and other appropriate documentation, for a period of Four (4) years after the date of the program or activity.~~

~~XI. SPONSORS. Any Sponsor that offers an organized continuing education program contemplated by these CE Regulations for which credit will be requested from the Board, shall keep a record of attendees at each session and shall furnish the Board a copy of said record of attendees within Ninety (90) days of the conclusion of the program.~~

~~XII. APPROVAL OF PROGRAMS FOR SPONSORS.~~

- ~~1. Pre approval of any program intended to be offered by a Sponsor may be granted to the Sponsor if the following information is submitted to the Board no less than Sixty (60) days prior to the date of such course or program:~~

~~(a) Instructors and their qualifications; and~~

~~(b) Synopsis of course material.~~

~~(c) Such other information as the Board may request and as is contemplated under Section V(2) of these CE Regulations.~~

- ~~2. Upon completion of any approved course, the Sponsor shall submit to the Board the record of attendees and the time, place, and schedule of activities within Ninety (90) days of the date of such course or program.~~

~~XIII. AUDITS. The Board may conduct audits of continuing education activities and Registrants' participation therein in its discretion. Should deficiencies be discovered, Registrants will be notified of the same and have Six (6) months to correct the deficiencies, except where such audits reveal fraudulent misrepresentations to have been made by a Registrant.~~

~~XIV. RECIPROCITY. The Board will deem a Registrant to have met the continuing education requirements provided herein if such Registrant, when making annual renewal of Rhode Island registration, certifies in writing the following:~~

~~(a) The Registrant resides in another state or territory which has been recognized by the Board as having continuing education requirements both equivalent to the within CE Regulations and acceptable to the~~

~~Board.~~

~~(b) — The Registrant has currently satisfied all continuing education and registration requirements of that state or territory. Otherwise, a Registrant residing in another state or territory must satisfy the requirements specified in these CE Regulations.~~

~~XV. HEARINGS AND APPEALS. Any Registrant or other person or entity aggrieved by operation of these CE Regulations, subject to and in accordance with the requirements of RIGL Chapter 42-35 concerning administrative procedures specifically including the prerequisites thereof for contested cases, may request a hearing on said matter before the Board. Any person aggrieved by any decision or ruling of the Board related thereto may appeal therefrom in accordance with and subject to the requirements of said RIGL Chapter 42-35.~~