

APA-1  
11/96

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control \_\_\_\_\_ Department or Agency: Alabama Board of Licensure for Professional Geologists

Rule No.: 364-X-13

Rule Title: Expiration, And Renewal and Continuing Education

\_\_\_\_\_ New  X  Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

Would the absence of the proposed rule significantly Harm or endanger the public health, welfare, or safety?  Yes

Is there a reasonable relationship between the state's Police power and the protection of the public health, Safety, or welfare?  Yes

Is there another, less restrictive method of regulation Available that could adequately protect the public?  No

Does the proposed rule have the effect of directly or Indirectly increasing the costs of any goods or services Involved and, if so, to what degree?  No

Is the increase in cost, if any, more harmful to the public Than the harm that might result from the absence of The proposed rule?  No

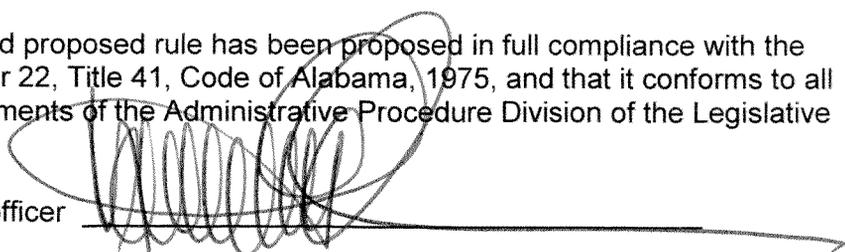
Are all facets of the rulemaking process designed solely For the purpose of, and so they have, as their primary Effect, the protection of the public?  Yes

\*\*\*\*\*  
Does the proposed rule have an economic impact?  No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

\*\*\*\*\*  
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date:  June 29, 2012

(DATE FILED)  
(STAMP)

**Alabama Board of Licensure for Professional Geologists**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Licensure for Professional Geologists

RULE NO. & TITLE: 364-X-13 Expiration, and Renewal and Continuing Education

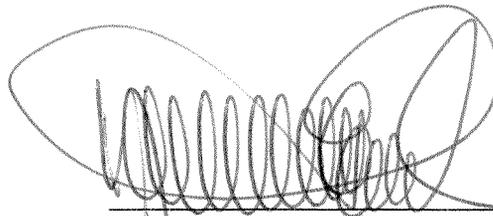
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to amend the rule to change the expiration date of licenses from September 30<sup>th</sup> to be two years from the date of the original issuance of licenses. This will ensure that licensees are provided with a full two-year period of licensure.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:30 p.m. on Tuesday, September 4, 2012. Comments should be directed to Keith E. Warren, Executive Secretary, at 2777 Zelda Road, Montgomery, AL 36106 or via electronic mail at [keith@warrenandco.com](mailto:keith@warrenandco.com) or via telephone at 334-420-7236.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Tuesday, September 4, 2012.

CONTACT PERSON AT AGENCY: Keith E. Warren  
*Executive Secretary*  
2777 Zelda Road  
Montgomery, AL 36106  
(334) 420-7236



Keith E. Warren, *Executive Secretary*  
Alabama Board of Licensure for Professional Geologists

**CHAPTER 364-X-13**  
**EXPIRATION, AND RENEWAL AND CONTINUING EDUCATION**

364-X-13-.01 Renewal

364-X-13-.02 Continuing Education

364-X-13-.03 Expirations

364-X-13-.04 Examination for Record Purposes

Stipulations with reference to expirations and renewal of Certificates of Licensure are set out in Section 34-41-12, Code of Alabama, 1975. Licenses will expire from the effective date of licensure the second year after date of award of licensure and registration.

**364-X-13-.01 Renewal.**

(1) The licensee will be mailed biennially, during the month of May, an application for renewal of licensee. This original application must be signed and returned to the Board office with the renewal fee within thirty (30) days of receipt. The licensee renewal notice will contain the Rules of Professional Conduct (Code of Ethics), Rule 364-X-14, which the licensee is required to read and by signature reaffirms agreement to abide by the Rules of Professional Conduct.

(2) The Annual Renewal Fee is set each year and it may vary from year to year. Therefore, no advance renewal fees will be accepted.

(3) No continuing education activities are required during the initial licensing period and renewal is automatic for the second two (2)-year period of licensure upon application. In order to apply for a second renewal of licensure applicants must have satisfactorily completed continuing education requirements as set forth below.

**330-X-13-.02 Continuing Education.**

(1) Purpose -- In order to safeguard life, health, and property, and to promote the public welfare, the practice of geology in Alabama requires continuing education in accordance with Section 34-41-12(c), Code of Alabama, 1975, and this Rule.

(2) Scope -- Each in state and out-of-state licensee shall be required to meet the

continuing educational requirements of these regulations for professional development as a condition for license renewal. Continuing education obtained by a licensee should maintain, improve or expand skills and knowledge obtained prior to initial licensure or develops new and relevant skills and knowledge.

(3) Definitions -- Terms used in this section are defined as follows:

(a) Professional Development Hour (PDH) -- A contact (clock) hour consisting of not less than fifty (50) minutes of instruction or presentation and which further meets the requirements of these rules.

(b) Sponsor -- An individual, organization, association, institution or other entity, which provides an educational activity, used to fulfill the continuing educational requirements of this rule.

(c) Board -- The Alabama Board of Licensure for Professional Geologists, the legal state entity having jurisdiction to license individuals to practice the profession of geology and to discipline those practitioners who violate the applicable laws or rules promulgated by the Board.

(d) Licensee -- A person licensed as a professional geologist in the State of Alabama.

(4) Requirements -- To demonstrate that a licensed professional geologist maintains an acceptable level of competency, a licensee must obtain the number of Professional Development Hours (PDH) as shown below. This requirement must be satisfied biennially during the two (2)-year period from July 1 through June 30 except for any carryover permitted.

(a) The licensed professional geologist must earn a minimum of thirty (30) PDH per biennial period, except for the carryover permitted. The number of professional development hours, which may be carried forward into the next biennial period, shall not exceed fifteen (15).

(5) Activities -- Continuing educational activities, which satisfy the professional development requirements, shall include, but not be limited to:

- (a) successfully completing or auditing college or university sponsored courses,
- (b) successfully completing courses which are awarded continuing educational units (CEU),
- (c) attending seminars, tutorial, short courses, correspondence courses, televised courses or videotaped courses,
- (d) attending in-house programs sponsored by corporations or other organizations,
- (e) teaching or instructing as described in (a) through (d) above,
- (f) authoring published papers, articles, or books,
- (g) making presentations at technical meetings,
- (h) attending program presentations or field trips at related technical or professional meetings.

All of such activities as described in (a) through (h) above must be relevant to the practice of geology and may include both technical or managerial content. Participation in any claimed PDH activity must be accompanied by the prescribed documentation as established by the Board.

- (6) Criteria -- Continuing educational activities must meet the following criteria:
  - (a) there is a clear purpose and objective for each activity, which will maintain, improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.
  - (b) the content of each presentation is well organized and presented in a sequential manner.

(c) there is evidence of preplanning which should 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 education or experience.

(e) there is a provision for individual participant registration, which will include information required for record keeping and reporting.

(7) Units -- The conversion to PDH units from other units is as follows:

One (1) University semester hour of credit .....fifteen (15) PDH  
One (1) University quarter hour of credit .....ten (10) PDH  
One (1) Continuing Educational Unit (CEU) .....ten (10) PDH  
One (1) Hour of acceptable professional  
activities .....one (1) PDH

(8) Credits -- Professional Development Hours (PDH) of credit for qualifying courses successfully completed which offer semester hour, quarter hour, or CEU credit is as specified above. All other activities permit the earning of one (1) PDH of credit for each contact hour as defined in 364-X-13-.02(3)(a), with the following exceptions:

(a) auditing of university or college courses permit PDH credit of 1/3 that shown in (7) above.

(b) teaching or instructing qualifying courses or seminars or making presentations at technical meetings can earn PDH credit at twice that of participants.

(c) authorship of papers, articles, books, or other published works cannot be claimed until actually published. Credit earned will equal preparation time spent not to exceed twenty-five (25) PDH's per publication.

(d) the Board does not encourage meeting continuing educational requirements through correspondence courses. Correspondence course PDH's

may be acceptable; however, the registrant should submit supporting documentation to the Board to demonstrate high quality education from the course, preferably before attempting the course.

(9) Exemptions -- A licensee may be exempt from the professional development educational requirements for one of the following reasons:

(a) new licensees by way of examination or reciprocity shall be exempt for their first renewal period.

(b) non-career military licensees serving on active duty in the armed forces of the United States may be exempted at the discretion of the Board upon application of the licensee from obtaining the professional development hours required during the biennial period.

(c) a licensee employed as a professional geologist and assigned to duty outside the United States may be exempted from obtaining the professional development hours required during that biennial period upon application of the licensee.

(d) licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may be exempt. Supporting documentation must be furnished to the Board.

(e) licensees who list their occupation as Retired/Inactive on the Board-approved renewal form and who certify that they are not currently practicing geology shall be exempt from the professional development hours required. In the event such a person elects to return to active practice of professional geology, professional development hours must be earned for the exempted period not to exceed the requirement for two (2) years before the person returns to active practice.

(10) Reciprocity -- Continuing educational requirements may be met without completing the entire renewal form if a licensee resides in another state which is listed by the Alabama Board as having continuing educational requirements equivalent and acceptable to the Alabama Board and the licensee certifies in the appropriate section that all continuing educational and licensure requirements for that state have been met.

(11) Forms -- All renewal applications will require the completion of a continuing education form specified by the Board outlining PDH credit claimed. The licensee must supply sufficient detail on the form to permit audit verification, must certify and sign the continuing education form, and submit it with the renewal application and fee.

(12) Records -- The responsibility of maintaining records, which can be used to support credits claimed, is the responsibility of the licensee. Records required include but are not limited to: (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned; (2) attendance verification records in the form of completion certificates, signed attendance receipts, paid receipts, a copy of a listing of attendees signed by a person in responsible charge, or other documents supporting evidence of attendance. These records must be maintained for a period of three (3) years and copies must be furnished to the Board for audit verification purposes if requested.

(13) Disallowance -- If the Board disallows claimed PDH credit, the licensee shall have 180 days after notification to substantiate the original claim or to earn other credit to meet the minimum requirement.

(14) Failure to Comply -- If a licensee fails to furnish the required continuing education form, properly completed and/or signed, the right to practice as a Licensed Professional Geologist in the State of Alabama will expire on September 30th of the renewal year as specified in Section 364-X-13-.03.

**364-X-13-.03 Expirations.** The right to practice as a Licensed Professional Geologist expires two years from the date of issuance ~~September 30~~ of the renewal year unless renewed. The right to renew without penalty is sixty days past the expiration date. ~~expires July 1 of the renewal year.~~ The license will be renewed or restored assuming the licensee meets all other statutory requirements in existence at the time of renewal or restoration. The penalty or restoration fee(s) will be set by a resolution of the Board.

**364-X-13-.04 Examination for Record Purposes.**

(1) Any geologist licensed by this Board may take for record purposes the examination upon payment of a fee as established by the Board.

(2) Failure to pass the examination will in no way affect current licensure.

Author: Thornton L. Neathery

Effective date: June 4, 1996

(Auth: Section 34-41-11, Code of Alabama, 1975)