

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

09.13.08 Continuing Professional Competency Requirements

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

Notice of Proposed Action

[11-361-P]

The Board for Professional Land Surveyors proposes to amend Regulations **.02**, **.08** — **.11**, and **.14**, adopt new Regulations **.03**, **.05** — **.07**, **.12**, **.13**, and **.15**, amend and recodify existing Regulation **.03** to be Regulation **.04**, and repeal existing Regulations **.04** — **.07**, **.12**, and **.13** under **COMAR 09.13.08 Continuing Professional Competency Requirements**. This action was considered by the Board for Professional Land Surveyors at a public meeting held on July 6, 2011, notice of which was given by publication in 38:13 Md. R. 72 (June 17, 2011).

Statement of Purpose

The purpose of this action is to revise the continuing professional competency requirements applicable to the renewal of professional land and property line surveyor licenses. The revisions are aimed at improving, expanding, and clarifying both the content areas and the methods of delivery of educational activities contemplated by the regulations. Compliance with continuing professional competency requirements is imperative in achieving the enhanced and contemporary knowledge of those individuals who offer land surveying services, and serves a vital role in assuring the protection of health and safety of the members of the general public who utilize the services of Maryland professional land and property line surveyors.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Board for Professional Land Surveyors, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pamedwards@dllr.state.md.us, or fax to 410-230-0021. Comments will be accepted through January 31, 2012. A public hearing will be held, on February 1, 2012 at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202, at 10:30 a.m.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Land Surveyors during a public meeting to be held on March 7, 2012, at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (3) (text unchanged)

(4) “Category A/Category B [programs] *activities*” means the types of [programs] *activities* set forth in Regulation .05 of this chapter.

(5) [“College/Unit/Semester/Quarter Hour”] “*College unit/semester/quarter hour*” means the credit for a course described in §B(7) of this regulation, offered by a university, college, or community college.

(6) [“Continuing Professional Competency (CPC) Unit”] “*Continuing professional competency (CPC) unit*” means one contact hour of instruction, presentation, or other activity.

(7) — (9) (text unchanged)

[(10) “Qualifying program” means any course, seminar, workshop, technical presentation, or any other qualifying offering that meets the criteria set forth in Regulation .04 of this chapter.

(11) “Seminar” means a meeting or meetings of experienced participants or experts with an expert leader who conducts a discussion on a specific topic.

(12) “Workshop” means a meeting or meetings of general sessions and individual groups.]

(10) “*Qualifying activity*” means an activity that meets the criteria set forth in Regulation .03 of this chapter.

(11) "Seminar" means a meeting or meetings with an approved provider involving a discussion on a specific topic related to the practice of land surveying.

(12) "Workshop" means a meeting or meetings of general sessions and individual groups involving discussions of topics related to the practice of land surveying.

.03 Qualifying Activities.

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

(1) Maintain and enhance professional competency of professional land surveyors or property line surveyors; and

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

B. Qualifying activities include both Category A activities and Category B activities, as described in Regulation .05 of this chapter.

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

[.03] .04 Requirements.

A. A licensee shall complete, as a condition of a license renewal, a minimum of 24 CPC units in each individual 2-year licensing term, as follows:

(1) All 24 CPC units may be [in] earned from Category A [programs] activities; or

(2) At least 16 CPC units shall be [in] earned from Category A [programs] activities, and not more than 8 CPC units may be [in] earned from Category B [programs] activities.

B. As part of compliance with CPC requirements set forth in these regulations, a licensee shall complete, as a condition of a license renewal, a minimum of 6 CPC units in every other individual 2-year licensing term in content areas related to the [Minimum Standards of Practice or Maryland Law and Ethics. The 6 CPC units described in this section shall be in Category A programs and shall be a part of, and not in addition to, the minimum number of CPC units otherwise required for a license renewal.] 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; or

(3) Qualifying course or activity with content areas related to:

- (a) The awareness of ethical concerns and conflicts;*
- (b) An enhanced familiarity with the codes of conduct;*
- (c) An understanding of standards of practice or care; or*
- (d) Similar topics aimed at maintaining, improving, or expanding the skills set and knowledge necessary to provide surveying services in the most ethical and responsible manner.*

C. The 6 CPC units described in §B of this regulation shall be earned from Category A activities and shall be a part of, and not in addition to, the minimum number of CPC units otherwise required for a license renewal.

[C.] D. (text unchanged)

.05 Categories of Qualifying Activities.

A. Category A Activities.

(1) Category A activities are those activities that meet the criteria and objectives set forth in the Regulation .03 of this chapter.

(2) Category A activities shall:

(a) Be formally organized and structured as follows:

(i) University, college, and community college courses;

(ii) Professional workshops related to the practice of land surveying;

(iii) Seminars related to the practice of land surveying;

(iv) Technical presentations related to the practice of land surveying; and

(v) Other similar structured educational activities in which the teaching methodology consists primarily of systematic presentation of subjects related to the practice of land surveying, as such activities may from time to time be preapproved by the Board.

(b) Provide for clear outcome measures in the form of a test, report, study, research paper, or other appropriate form or method acceptable to the Board;

(c) Have content areas that include at least one of the following:

(i) Issues related to COMAR 09.13.06;

(ii) Issues related to COMAR 09.13.07;

(iii) Issues related to business, ethics, and professional practices, as related to the practice of land surveying or property line surveying; or

(iv) Other appropriate issues or content areas acceptable to the Board; and

(d) Be presented through one or more of the following modalities;

(i) Live;

(ii) Televised;

(iii) Videotaped;

(iv) Audiotaped;

(v) On line; or

(vi) Through other appropriate format acceptable to the Board.

B. Category B Activities.

(1) Category B activities are those activities that meet the criteria and objectives set forth in the Regulation .03 of this regulation. Category B activities shall be organized as either structured educational activities or unstructured educational activities.

(2) Structured educational Category B activities shall:

(a) Be formally organized and structured as follows:

(i) University, college, and community college courses;

(ii) Professional workshops related to the practice of land surveying;

(iii) Seminars related to the practice of land surveying;

(iv) Technical presentations related to the practice of land surveying; or

(v) Other similar structured educational activities in which the teaching methodology consists primarily of systematic presentation of subjects related to the practice of land surveying, as such activities may from time to time be preapproved by the Board; and

(b) Have at least one content area that focuses on the following:

(i) Development of oral and written skills aimed at improving licensee's methods of practice or operations as a professional land surveyor or a property line surveyor;

(ii) Development of business skills, traits, and patterns aimed at ensuring the delivery of ethical and competent land surveying or property line surveying services; or

(iii) Other appropriate issues or content areas acceptable to the Board.

(3) Unstructured educational Category B activities may include the following :

(a) Teaching of land surveying and related subject matters;

(b) Mentoring activities;

(c) Serving as a single or first author of an original paper on the land surveying subject matter published in peer- reviewed journals or textbooks of distinction in their field;

(d) Serving as a single or first author of an original published book on a land surveying subject matter that exhibits excellence in scholarship and has a significant impact or influence on the directions of the land surveying; or

(e) Other unstructured or nontraditional activities that may from time to time be preapproved by the Board.

C. The determination of the appropriate category of the activities is within the sole discretion of the Board.

.06 Nonqualifying Activities

A licensee may not earn credits for activities that do not meet the criteria set forth in the Regulation .03 of this chapter, including, but not limited to, the following activities:

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 nonqualifying activities that are not directly related to the practice of land surveying.

.07 Sources of Credit and Determination of Units' Value.

A. A licensee may earn the applicable number of CPC units in the appropriate category of activities in accordance with the following schedule:

(1) 1 college or unit semester hour --- 15 CPC units;

(2) 1 college or unit quarter hour --- 10 CPC units;

(3) 1 continuing education unit --- 10 CPC units;

(4) 1 contact hour of professional development in course work seminars, or professional or technical presentations made at meetings, conventions, or conferences --- 1 CPC unit;

(5) Subject to criteria set forth in Regulation .05 of this chapter, original published paper on the land surveying subject matter --- up to 2 CPC units;

(6) Subject to criteria set forth in Regulation .05 of this chapter, original published book on the land surveying subject --- up to 8 CPC units;

(7) Mentoring --- 3 CPC units; and

(8) Except for regular employment, teaching of 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, a presenter may not claim credits for repeat presentations of the same material.

B. The final determination of value, sources, and number of credits is within the sole discretion of the Board.

.08 Determination of Credits.

A. A licensee is eligible [for] to earn CPC units only upon attendance and successful completion of the appropriate [program] activity.

[B.] (proposed for repeal)

[C.] B. Credit for university, college, or community college-approved courses shall be based upon course credit established by the institution of higher education. An audited class is acceptable only for purposes of receiving a credit as a Category B activity.

[D.] C. The final determinations of value, appropriate category, and other matters related to the CPC units are the responsibility of the licensee, subject to review [as required] and approval by the Board.

.09 Authorizations of Providers.

A. Responsibility for Authorizing Providers.

(1) (text unchanged)

(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:

[(c)] (a) (text unchanged)

[(d)] (b) A property line surveyor; [and] *or*

[(e)] (c) (text unchanged)

[(3)] (4) The Board shall assign the responsibility of reviewing and approving the providers to the CPC Standards Committee. The Committee shall establish guidelines and procedures for approval of authorized providers in accordance with the objectives stated in [Regulations .04A and .05 of] this chapter.

[(4) The CPC Standards Committee shall submit quarterly reports to the Board containing the list of authorized providers approved by the Committee in the previous calendar quarter, together with any other information requested by the Board.]

(5) To the extent feasible and necessary, the CPC Standards Committee shall submit quarterly reports to the Board containing the list of authorized providers approved by the Committee in the previous calendar quarter, together with any other information requested by the Board.

B. Providers' Eligibility.

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

(a) National, regional, or State accredited academic institutions; [and]

(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 following entities may be approved by the CPC Standards Committee to become authorized providers upon application and approval by the CPC Standards Committee:

(a) Professional firms conducting in-house presentations; and

(b) Other authorized providers.

(3) Individuals or organizations which have been denied authorized provider status by the Committee may appeal the denial to the Board within 30 days after the CPC Standards Committee notifies the individual or organization of the denial.]

(2) The individuals or entities that are not considered to be preapproved providers, 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 Committee to evaluate the provider's qualifications. At a minimum, the Committee requires the following information to be submitted with each application for approval:

(a) The types and descriptions of proposed or existing courses intended to be offered;

(b) The number of CPC units to be awarded for each course;

(c) The identity and qualifications of the course instructors;

(d) The explanation and sample of outcome measures; and

(e) The sample course outlines detailing the content of activity to be offered.

[C.] — [D.] (proposed for repeal)

C. Suspension and Revocation.

(1) The Committee, with the Board's concurrence, may suspend or revoke authorization as 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 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.

D. Documentation.

The Board may require approved providers to document the CPC activities for audit by the Board at any time within the 6-year period after the first presentation of the programs. Documentation shall include registration and attendance records, stated purpose, content, presentation, time and length of the activity, and participant evaluations.

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.

.10 Record Keeping.

A. Responsibility to Maintain Records.

(1) (text unchanged)

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

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

(1) — (4) (text unchanged)

(5) [Title/description] *Title and description* of the activity;

(6) — (8) (text unchanged)

.11 Reporting Requirements for License Renewal.

A. [A licensee shall complete a form approved by the Board attesting to the satisfactory completion of the CPC requirements by the last day of the month preceding the month in which the licensee's individual license is to be renewed for the following 2-year cycle. The licensee shall submit the form along with the renewal application and appropriate fees.] *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 [up to 10 percent of] randomly selected licensees to ascertain compliance with CPC requirements.

C. (text unchanged)

.12 Extenuating Circumstances/Exceptions.

A. 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.

B. A licensee who due to physical disability, illness, military duty, or other extenuating circumstances is unable to comply with the CPC requirements prior to the license expiration date shall to the extent feasible so notify the Board prior to the license expiration date. If at a later date a licensee whose license lapsed because of extenuating circumstances wishes to

reinstate the license, the licensee shall fulfill all past due CPC requirements for the previous CPC reporting periods, subject to the maximum amount of required credits as set forth in Regulation .14 of this chapter.

.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.

.14 Reinstatement of License.

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

.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.

JOHN V. METTEE, III
Chair
Board for Professional Land Surveyors