

Proposed Rule
LSA Document #09-788

DIGEST

Adds [864 IAC 1.1-15](#) to establish the requirements for continuing education. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[864 IAC 1.1-15](#)

SECTION 1. [864 IAC 1.1-15](#) IS ADDED TO READ AS FOLLOWS:

Rule 15. Continuing Education

[864 IAC 1.1-15-1](#) Continuing education

Authority: [IC 25-1-4-8](#); [IC 25-31-1-17.5](#)

Affected: [IC 25](#)

Sec. 1. This rule establishes the continuing education requirements for professional engineers.

(State Board of Registration for Professional Engineers; [864 IAC 1.1-15-1](#))

[864 IAC 1.1-15-2](#) Definitions

Authority: [IC 25-1-4-8](#); [IC 25-31-1-17.5](#)

Affected: [IC 25-1-4-0.2](#); [IC 25-1-4-0.5](#)

Sec. 2. (a) As used in this rule, "biennium" means a two (2) year licensure period during which continuing education requirements must be met. It:

- (1) commences on August 1 of an even-numbered year; and
- (2) concludes on July 31 of the next even-numbered year.

(b) Based on [IC 25-1-4-0.5](#) and as used in this rule, "continuing education" means an orderly process of instruction that is:

- (1) approved by an approved organization (as defined in [IC 25-1-4-0.2](#)) or the board; and
- (2) designed to directly enhance a professional engineer's knowledge and skill in providing services relevant to the practice of engineering.

(c) As used in this rule, "hour of continuing education" means at least fifty (50) minutes of instruction or course contact time. "Hours of continuing education" has the same meaning for the number of hours stated. An alternate term for an hour of continuing education that is used nationally with continuing education for professional engineers is professional development hour or PDH.

(State Board of Registration for Professional Engineers; [864 IAC 1.1-15-2](#))

[864 IAC 1.1-15-3](#) Continuing education hours required

Authority: [IC 25-1-4-8](#); [IC 25-31-1-17.5](#)

Affected: [IC 25-1-4](#)

Sec. 3. (a) Except for holders of an inactive certificate under section 9 of this rule, during each

biennium a professional engineer shall complete thirty (30) hours of continuing education that meets the requirements of this rule and [IC 25-1-4](#) in order to renew his or her professional engineer registration. This continuing education requirement first applies to the biennium of August 1, 2010, through July 31, 2012, and therefore first applies to the July 31, 2012, renewal.

(b) At least one (1) hour of the continuing education required in each biennium under subsection (a) shall be in ethics applicable to the practice of professional engineering.

(c) At least one (1) hour of the continuing education required in each biennium under subsection (a) shall be in Indiana statutes and rules applicable to the practice of professional engineering.

(d) A professional engineer initially licensed in Indiana in the first year of a biennium shall only be required to obtain fifteen (15) hours of continuing education. A professional engineer initially licensed in Indiana in the second year of a biennium shall not be required to obtain any continuing education.

(e) Up to fifteen (15) hours of continuing education may be carried over as follows:

(1) Continuing education obtained after the effective date of this rule and before August 1, 2010, may be carried over to the August 1, 2010, to the July 31, 2012, biennium.

(2) Continuing education obtained during a biennium beyond what is required for that biennium may be carried over to the next biennium.

(State Board of Registration for Professional Engineers; [864 IAC 1.1-15-3](#))

[864 IAC 1.1-15-4](#) Credit for distance learning, teaching, and college courses

Authority: [IC 25-31-1-17.5](#)

Affected: [IC 25](#)

Sec. 4. (a) Distance learning courses obtained by distance learning methods shall qualify.

(b) Courses that are relevant to the professional engineer's professional skills, which are part of the curriculum of an accredited university, college, or educational institution, shall earn:

(1) fifteen (15) hours of continuing education for each academic semester hour completed; or

(2) ten (10) hours of continuing education for each academic quarter hour completed.

(c) Teaching a course at an accredited university, college, or educational institution shall earn two (2) times the number of hours a student is allowed under subsection (b), but only for the first time the instructor teaches the course.

(d) Services as an instructor or presenter at a qualified continuing education course earn one (1) hour of continuing education for each hour taught, but only for the initial instruction or presentation.

(State Board of Registration for Professional Engineers; [864 IAC 1.1-15-4](#))

[864 IAC 1.1-15-5](#) Approval of continuing education programs

Authority: [IC 25-1-4](#); [IC 25-31-1-17.5](#)

Affected: [IC 25-1-4-0.2](#); [IC 25-1-4-0.5](#)

Sec. 5. (a) It is the professional engineer's responsibility to ensure that the course is applicable to enhancing the practice of engineering. According to [IC 25-1-4-0.5](#), certain courses are automatically approved by being approved by an approved organization under [IC 25-1-4-0.2](#) assuming the subject matter of the course is acceptable under this rule by being designed to directly enhance the practitioner's knowledge and skill. For any course not automatically approved, the following criteria shall be used for board approval of continuing education programs for professional engineers:

- (1) The continuing education course shall have a statement of objectives, which the program should achieve for its participants relating to and enhancing the practice of engineering.
- (2) The sponsor of continuing education courses shall provide:
 - (A) adequate administration, including a responsible person to coordinate and administer the program; and
 - (B) for the maintenance of proper records.
- (3) The curriculum of a continuing education course shall be thoughtfully planned and designed to explore in considerable depth one (1) subject or a closely related group of subjects related to the practice of engineering.
- (4) The continuing education course shall:
 - (A) have qualified instructors who have demonstrated competence in the subject areas;
 - (B) be held in adequate facilities that allow for an effective program; and
 - (C) employ a variety of educational methods and teaching aids that enhance the learning opportunities.
- (5) Appropriate methods of evaluation shall be devised and used to measure the continuing education course's effectiveness.
- (6) The sponsor of the continuing education course shall provide to the participants a meaningful record of attendance stating the continuing education hours involved, such as a certificate of completion.

(b) Continuing education courses may be approved by the board provided the sponsoring organization has submitted the proper documentation.

(c) The sponsor of the course is responsible for monitoring attendance in such a manner that verification of attendance throughout the entire course can be reliably assured.

(d) Notwithstanding subsections (a) and (b), continuing education courses for professional engineers approved by an approved organization under [IC 25-1-4-0.2](#) are automatically approved.

(State Board of Registration for Professional Engineers; [864 IAC 1.1-15-5](#))

[864 IAC 1.1-15-6](#) Reporting continuing education

Authority: [IC 25-31-1-17.5](#)

Affected: [IC 25](#)

Sec. 6. (a) A licensee must sign the renewal form provided by the Indiana professional licensing agency that verifies that all continuing education requirements according to section 3 of this rule will have been met by the time of license renewal.

(b) The professional engineer shall maintain copies of certificates of completion of continuing education courses for a period of three (3) years following the end of the biennium.

(State Board of Registration for Professional Engineers; [864 IAC 1.1-15-6](#))

[864 IAC 1.1-15-7](#) Continuing education audit

Authority: [IC 25-1-4](#); [IC 25-31-1-17.5](#)

Affected: [IC 25-1-4-3](#)

Sec. 7. (a) As required by [IC 25-1-4-3](#), the board shall conduct random audits for compliance with continuing education requirements.

(b) Action taken for noncompliance will be governed by [IC 25-1-4](#).

(State Board of Registration for Professional Engineers; [864 IAC 1.1-15-7](#))

[864 IAC 1.1-15-8](#) Request for a waiver of the continuing education requirement

Authority: [IC 25-1-4](#); [IC 25-31-1-17.5](#)

Affected: [IC 25-1-4-4](#)

Sec. 8. (a) Under [IC 25-1-4-4](#), a professional engineer may apply in writing for a waiver for all or part of the continuing education requirements for a biennium, seeking renewal of that license without having completed the continuing education required for renewal under this rule, by submitting the following:

- (1) A statement explaining the reasons for noncompliance.
- (2) A request for a waiver of the continuing education required for renewal.
- (3) The renewal application and all required fees.

(b) The license holder must submit evidence to the satisfaction of the board to be granted a waiver.

(c) If the request is granted, the waiver will be effective for the current renewal period only.

(d) If the request is denied, the license holder is responsible for completing the full amount of continuing education required for license renewal.

(e) Waivers may be granted if a hardship exists. The board will determine whether a hardship exists that would have prevented the licensee from obtaining his or her continuing education, including, but not limited to, the following:

- (1) For at least one (1) year during the current renewal period, the licensee was absent due to full-time service in the armed services of the United States.
- (2) During the current renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered an incapacitating illness or injury. The existence of the incapacitating illness or injury must be verified by a licensed physician or psychologist with special expertise in the area of the incapacitating illness or injury. Verification of the incapacitating illness or injury must include the following:
 - (A) The nature and extent of the illness or injury.
 - (B) An explanation of how the illness or injury would hinder the licensee from completing the continuing education requirement.
 - (C) The:
 - (i) name;
 - (ii) title;
 - (iii) address;
 - (iv) telephone number;
 - (v) professional license number; and
 - (vi) original signature;

of the licensed physician or psychologist verifying the illness or injury.

(State Board of Registration for Professional Engineers; [864 IAC 1.1-15-8](#))

[864 IAC 1.1-15-9](#) Inactive status

Authority: [IC 25-1-4](#); [IC 25-31-1-17.5](#)

Affected: [IC 25](#)

Sec. 9. A professional engineer may apply to the board to renew the professional engineer's registration in an inactive status. No continuing education is required to renew inactive. An inactive professional engineer may not practice engineering while in an inactive status.

(State Board of Registration for Professional Engineers; [864 IAC 1.1-15-9](#))

[864 IAC 1.1-15-10](#) Reactivation of inactive license

Authority: [IC 25-1-4](#); [IC 25-31-1-17.5](#)

Affected: [IC 25](#)

Sec. 10. To reactivate an inactive license, a professional engineer must do the following:

(1) Apply to the board for reactivation on the application form supplied by the board.

(2) Pay the same fee required to renew an active license.

(3) Show proof of having completed thirty (30) hours of continuing education that meet the requirements of this rule within the two (2) year period immediately prior to the date the reactivation application is filed.

(State Board of Registration for Professional Engineers; [864 IAC 1.1-15-10](#))

[Notice of Public Hearing](#)

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