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 File Date: 7/9/13

# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

<b>Agency/Board/Commission:</b>	Tennessee Board of Examiners for Land Surveyors
<b>Division:</b>	Department of Commerce and Insurance, Division of Regulatory Boards
<b>Contact Person:</b>	Robert Herndon, Assistant General Counsel
<b>Address:</b>	500 James Robertson Parkway Nashville, Tennessee 37243-1167
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

<b>ADA Contact:</b>	Don Coleman
<b>Address:</b>	Department of Commerce and Insurance 500 James Robertson Parkway Nashville, Tennessee 37243
<b>Phone:</b>	615-741-0481
<b>Email:</b>	Don.Coleman@tn.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Davy Crockett Tower, Conference Room 1-B		
Address 2:	500 James Robertson Parkway		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	10/24/13		
Hearing Time:	9:00 AM	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

**Additional Hearing Information:**

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**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0820-05	Continuing Education

<b>Rule Number</b>	<b>Rule Title</b>
0820-05-.02	Definitions
0820-05-.03	Basic Requirements
0820-05-.04	Conversion Table
0820-05-.05	Types of Acceptable Continuing Education
0820-05-.06	Inactive and Retired Registrants
0820-05-.07	Reinstatement to Active Registration
0820-05-.08	Noncompliance
0820-05-.09	Hardships and Exemptions
0820-05-.10	Reports and Records
0820-05-.12	Approval of Programs
0820-05-.13	Comity

Substance of Proposed Rules

Chapter 0820-05  
Continuing Education

Amendments

Rule 0820-05-.02 Definitions is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0820-05-.02 shall read:

Rule 0820-05-.02 Definitions

- (1) "Active" means a registered land surveyor who has complied with the continuing education requirements prescribed herein.
- (2) "Board" means the Tennessee State Board of Examiners for Land Surveyors.
- (3) "Inactive" means a registered land surveyor who has obtained inactive status from the Board pursuant to Rule 0820-05-.06 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 Tennessee.
- (4) "Professional Development Hour (PDH)" means an hour of continuing education found acceptable by the Board.
- (5) "Retired" means a registered land surveyor who has obtained retired status from the Board pursuant to TCA 62-18-128 and is not required to comply with the continuing education requirements prescribed herein. A retired registrant may not engage in the practice of land surveying in the State of Tennessee.
- (6) Ethics/Business-Related Course or Activity-A qualifying course or activity with content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care; (4) project management and risk-assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge to the licensee's field and methods of practice.
- (7) Continuing Education Unit (CEU)-Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.
- (8) College/Unit Semester/Quarter Hour-Credit for course in ABET-approved programs or other related college course approved in accordance with subsection E of this section.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d).

Rule 0820-05-.03 Basic requirements is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0820-05-.03 shall read:

Rule 0820-04-.03 Basic Requirements

- (1) Every licensee is required to obtain the equivalent of thirty (30) PDH's per biennial renewal period. These PDH's may be obtained any time during the applicable renewal period. A minimum of four (4) PDH's shall be earned by successfully completing a course or activity that has content areas focused on surveying ethics and standards of practice. If a licensee exceeds the biennial requirement in any renewal period, a maximum of fifteen (15) PDH's may be carried forward to the subsequent renewal period. PDH's may be earned as follows:
  1. Successful completion of college courses;

2. Successful completion of continuing education courses;
  3. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences.
  4. Teaching or instructing in 1 through 3 above;
  5. Authoring published papers, articles, books, or accepted licensing examination items;
  6. Active participation in professional or technical societies;
  7. Receiving a patent; or
  8. Active participation in educational outreach activities pertaining to professional licensure or the surveying profession which involve K-12 or higher education students;
- (2) A registrant seeking biennial renewal of active registration must, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained thirty (30) PDH's during the two-year period immediately preceding application for renewal (carryover hours, not exceeding fifteen (15) hours, from the next preceding renewal cycle may be included).
- (3) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for the initial one-year period of active registration; however, a new registrant is required to obtain continuing education requirements for application toward the second year of the initial licensing period, if initial licensure includes two years.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d).

Rule 0820-05-.04 Conversion table is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0820-05-.04 shall read:

Rule 0820-05-.04 Conversion Table

- (1) Conversion of other units of credit to PDH's is as follows:
- (a) 1 college or unit semester hour.....45 PDH
  - (b) 1 college or unit quarter hour.....30 PDH
  - (c) 1 continuing education unit..... 10 PDH
  - (d) 1 hour of professional development in coursework, seminars or professional or technical presentations made at meetings, conventions or conferences.....1 PDH
  - (e) Teaching any of (a) through (d) above.....PDH value times 2  
Teaching credit shall only be valid for the first offering or presentation. Full-time faculty may not claim teaching credit associated with regular duties of employment
  - (f) Publications:
    - (1) Each published peer-reviewed paper or book in the registrant's area of professional practice.....10 PDH
    - (2) Each published paper or article, other than (f)(1) above, in the registrant's area of professional practice.....5 PDH
  - (g) Active participation in professional and technical societies.....2 PDH
  - (h) Each patent obtained.....10 PDH

- (i) 1 hour of outreach activities..... 1 PDH (not to exceed 3 PDH)

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d).

Rule 0820-05-.05 Types of acceptable continuing education is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0820-05-.05 shall read:

Rule 0820-05-.05 Types of Acceptable Continuing Education

- (1) Continuing education activities for which credit may be given by the board include college and university courses which are awarded continuing education units (CEU's), and those portions of technical meetings, seminars, tutorials, short courses and correspondence courses that are related to practice of land surveying.
- (2) The Board will grant credit for only such continuing education activities that 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;
  - (c) There is evidence of pre-planning 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 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 or tutorial repeated by the registrant within three (3) 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, seminar or tutorial of the complexity of the subject matter warrants award of additional credit.
- (4) All activities submitted to the board for continuing education credit are subject to approval by the Board.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d).

Rule 0820-05-.06 Inactive registrants is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0820-05-.06 shall read:

Rule 0820-05-.06 Inactive and Retired Registrants

- (1) A registered land surveyor may request in writing to be placed on the Board's inactive or retired roll, thereby obtaining inactive or retired status.
- (2) An inactive or retired registrant will be permitted to retain that registrant's original certificate of registration by paying the fee for registration without submitting proof of complying with the continuing education requirements prescribed herein.
- (3) An inactive or retired registrant may not engage in the practice of land surveying in the State of Tennessee. Any practice or offer to practice land surveying in the State of Tennessee by an inactive or retired registrant shall constitute misconduct for the purpose of Tennessee Code Annotated, Section 62-18-116(a)(1)(B) (grounds for revocation or suspension of certificate by the Board.)

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d).

Rule 0820-05-.07 Reinstatement to active registration is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0820-05-.07 shall read:

Rule 0820-5-.07 Reinstatement to Active Registration

- (1) An inactive or retired registrant seeking to reinstate an inactive registration of one (1) year or more must submit a request in writing to the Board with a fee of twenty-five dollars (\$25.00) and must satisfy one (1) of the following requirements:
  - (a) Satisfaction of the biennial PDH requirement multiplied by the number of years of inactive or retired status up to a maximum of thirty (30) PDH's; or
  - (b) Successful completion of the Tennessee State Specific Land Surveying examination within one (1) year immediately prior to application for reinstatement.
- (2) An inactive or retired registrant seeking to reinstate an inactive or retired registration of less than two (2) years must meet the biennial PDH requirement.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-119(d).

Rule 0820-05-.08 Noncompliance is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0820-05-.08 shall read:

Rule 0820-05-.08 Noncompliance

Unless a request for inactive or retired status is made, any registrant failing to furnish the required continuing education form, 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 Tennessee upon the expiration of registration.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d).

Rule 0820-05-.09 Hardships is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0820-05-.09 shall read:

Rule 0820-05-.09 Hardships and Exemptions

- (1) Notwithstanding any other provision of this Chapter to the contrary, the Board may exempt a registrant from complying with all or part of the continuing education requirements 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; 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.
  - (c) Those who are 65 years of age or older who also have 25 or more years of active registration; provided that adequate supporting documentation is furnished to the Board.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d).

Rule 0820-05-.10 Reports and records is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0820-05-.10 shall read:

Rule 0820-05-.10 Reports and Records

- (1) Each registrant shall report, on a form provided by the Board, the continuing education activities undertaken during the preceding year.
- (2) The registrant shall maintain a file in which records of the 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 three (3) years after the date of the program or activity.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d).

Rule 0820-05-.12 Approval of programs is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0820-05-.12 shall read:

Rule 0820-05-.12 Approval of Programs

- (1) Approval of any program may be granted to a sponsoring organization or individual if the following information is submitted to the Board:
  - (a) Instructors and their qualifications; and
  - (b) Synopsis of course material.
- (2) No sponsor may provide any continuing education course(s) without prior approval from the Board.
- (3) Upon completion of the approved course the sponsor shall submit to the Board the record of attendees as provided in Rule 0820-05-.11 above and time, place and schedule of activities.
- (4) The Board may appoint an advisory committee to assist the Board in evaluating continuing education programs to determine the allowable credit to be awarded.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d).

Rule 0820-05-.14 Comity is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0820-05-.14 shall read:

Rule 0820-05-.14 Comity

- (1) The Board will deem a registrant to have met the continuing education requirements provided herein if such registrant, when making submission of continuing education toward renewal of Tennessee registration, certifies in writing the following:
  - (a) The registrant resides in another state or territory which has been recognized by the Tennessee Board and shall satisfy all continuing education requirements for renewal in Tennessee.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d).

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: July 9, 2013

Signature: [Handwritten Signature]

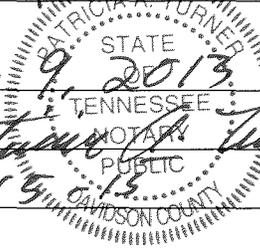
Name of Officer: ROBERT E. HERNDON

Title of Officer: ASSISTANT GENERAL COUNSEL

Subscribed and sworn to before me on: July 9, 2013

Notary Public Signature: [Handwritten Signature]

My commission expires on: 5-15-15



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Filed with the Department of State on: 7/9/13

[Handwritten Signature]  
Tre Hargett  
Secretary of State  
RDA

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