



STATE OF WISCONSIN
Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

Mail to:
PO Box 8935
Madison WI 53708-8935

Email: dps@wisconsin.gov
Web: <http://dps.wi.gov>
Phone: 608-266-2112

Governor Scott Walker Secretary Dave Ross

**EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS AND SOIL SCIENTISTS
TELECONFERENCE
Room 121C, 1400 East. Washington Avenue, Madison, WI
Contact: Dan Williams (608) 266-2112
September 18, 2013**

Notice: The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board. A quorum of the Board will be present during the Section meetings.

AGENDA

9:00 A.M.

CALL TO ORDER – ROLL CALL

A. Adoption of Agenda(1-2)

B. Approval of Minutes-May 20, 2013(3-6)

C. Administrative Update – Discussion and Consideration

- 1) Paperless Initiative
- 2) Staff Update

D. Legislative/Administrative Rules Matters – Discussion and Consideration

- 1) Chs. GHSS 6 Continuing Education Requirements, Public Hearing Draft(7-22)

E. Informational Items

F. Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Presentations of Petition(s) for Summary Suspension
- 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 4) Presentation of Final Decisions
- 5) Disciplinary Matters
- 6) Executive Director Matters
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Class 1 Hearing(s)
- 10) Practice Matters
- 11) Legislation/Administrative Rule Matters
- 12) Liaison Report(s)
- 13) Informational Item(s)

14) Speaking Engagement(s), Travel, or Public Relation Request(s)

G. Public Comments

H. Consult with Legal Counsel

ADJOURNMENT

**EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS AND SOIL SCIENTISTS**

**MINUTES
MAY 20, 2013**

PRESENT: Kenneth Bradbury, Sue Bridson, Brenda Halminiak, Randall Hunt, Ruth Johnson, William Mode, James Robertson and Patricia Trochlell.

EXCUSED: John Hahn and Richard Beilfuss

STAFF: Dan Williams, Executive Director; and David Carlson, Communications Specialist

CALL TO ORDER

William Mode, Chair, called the meeting to order at 9:06 a.m. A quorum of eight (8) members was present.

APPROVAL OF AGENDA

MOTION: Brenda Halminiak moved, seconded by Randall Hunt, to approve the agenda. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 28, 2011

MOTION: Ruth G. Johnson moved, seconded by Kenneth Bradbury, to approve the Minutes of September 28, 2011 as published. Motion carried unanimously.

ELECTION OF OFFICERS FOR 2013

CHAIR

NOMINATION: Ruth G. Johnson nominated William Mode as Board Chair, Dan Williams called three times for other nominations for the office of Board Chair. William Mode was elected as Chair unanimously.

VICE CHAIR

NOMINATION: Randall Hunt nominated Brenda Halminiak, as Board Vice Chair, Dan Williams called three times for other nominations for the office of Board Vice Chair. Brenda Halminiak was elected as Vice Chair unanimously.

SECRETARY

NOMINATION: Brenda Halminiak nominated Randall Hunt, as Board Secretary, Dan Williams called three times for other nominations for the office of Board Secretary. Hunt was elected as Secretary unanimously.

MOTION: Randall Hunt moved, seconded by Patricia Trochlell, to acknowledge the election of officers and appointments made in the Geology and Hydrology Section meetings of 5/20/13. Motion carried unanimously.

MOTION: Brenda Halminiak moved, seconded by Bradbury, to acknowledge the election of officers by the GHSS Joint Board at today’s meeting. Motion carried unanimously.

2013 OFFICERS	
Chair	William Mode
Vice Chair	Brenda Halminiak
Secretary	Randall Hunt

MOTION: Randall Hunt moved, seconded by Kenneth Bradbury, that the Joint Board will act as a rules committee of the whole in rule-making proceedings for Continuing Education (CE) requirements and to recognize Kenneth Bradbury, Patricia Trochlell, and Brenda Halminiak as serving on the Joint Committee to facilitate the drafting of any CE related rule. Motion carried unanimously.

MOTION: Randall Hunt moved, seconded by Brenda Halminak, that in response to EO 61, the conclusion of the Board was to include the DSPTS URL, in addition to the postal service address in all Codes in order to facilitate access by small business. Motion carried unanimously.

MOTION: Randall Hunt moved, seconded by Kenneth Bradbury, to have the GHSS Joint Board Chair respond to agenda item F.4 in consultation with DSPTS staff prior to the next meeting. Motion carried unanimously.

MOTION: Randall Hunt moved, seconded by Patricia Trochlell, to acknowledge that the GHSS Joint Board has reviewed the Position Statements for the Joint Board and all three Sections and approves them with the modification to the hyperlink for Ch. 470.025. Motion carried unanimously.

MOTION: Randall Hunt moved, seconded by Brenda Halminiak, to authorize DSPTS to contact the Chair of the appropriate GHSS Section when enforcement action is needed, and

to authorize the Chair or his/her delegate to make decisions on behalf of the Section in all screening matters. Motion carried unanimously.

MOTION: James Robertson moved, seconded by Sue Bridson, that the Joint Board, on behalf of the Geologists Section, designates Brenda Halminiak as the official delegate for the 2013 ASBOG Annual Meeting. Motion carried unanimously.

MOTION: Randall Hunt moved, seconded by Kenneth Bradbury, to direct the Chair or designee to update the Wisconsin section of AIPG on progress made towards continuing education requirements. Further, the Chair designates Brenda Halminiak to provide the update. Motion carried unanimously.

ADJOURNMENT

MOTION: Ruth G. Johnson moved, seconded by Randall Hunt, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 12:16 p.m.

Page intentionally left blank

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Jean MacCubbin		2) Date When Request Submitted: 9/6/2013 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: GHSS			
4) Meeting Date: 20130918	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative-Administrative Rules Chs. GHSS 6 Cont. Educ. Requirements, Public Hearing Draft	
7) Place Item in: <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Review and Discuss the Public Hearing Draft for Cont. Educ. Requirements; Approve Draft and Establish Future Meeting for Public Hearing NOTE: Workgroup met twice with staff in drafting rules and reviewed current draft for presentation and discussion.			
11) Authorization			
Jean M. MacCubbin		9/6/2013	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
JOINT BOARD OF PROFESSIONAL GEOLOGISTS, HYDROLOGISTS AND
SOIL SCIENTISTS

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE :
JOINT BOARD OF PROFESSIONAL : NOTICE OF PUBLIC HEARING
GEOLOGISTS, HYDROLOGISTS :
AND SOIL SCIENTISTS :
: (CR)

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Joint Board of Professional Geologists, Hydrologists and Soil Scientists in ss. 15.08 (5) (b), 227.11 (2) and 470.03 (2), Stats., and interpreting s. 15.405 (2m), Wis. Stats., the Joint Board of Professional Geologists, Hydrologists and Soil Scientists will hold a public hearing at the time and place indicated below to consider an order to amend GHSS 1.01, 1.02, 2.05 (title), 3.05 (title) and 4.05 (title); repeal and recreate GHSS 1.05; and create GHSS 1.055 and ch. GHSS 6, relating to continuing education requirements for professional geologists, hydrologists and soil scientists.

Hearing Date, Time and Location

Date: November 20, 2013
Time: 9:00 a.m.
Location: 1400 East Washington Avenue *
Room 121
Madison, Wisconsin

* Enter at 55 North Dickenson Street

APPEARANCES AT THE HEARING:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8935, Madison, Wisconsin 53708-8935. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: 15.405 (2m), Stats.

Statutory authority: 15.08 (5) (b), 227.11 (2) and 470.03 (2), Stats.

Explanation of agency authority:

The Examining Board of Professional Geologists, Hydrologist and Soil Scientists is established and provided authority as given ch. 470, Stats.

15.08 (5) (b), Stats.: reads “Shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

227.11 (2), Stats., reads: “Rule-making authority is expressly conferred as follows: (a) Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation. All of the following apply to the promulgation of a rule interpreting the provisions of a statute enforced or administered by an agency:...”

470.03 (2), Stats., reads: “Upon the advice of the appropriate section of the examining board, the examining board may promulgate rules that establish continuing education requirements that a person must satisfy to be eligible to renew a license that is issued under this chapter.”

Related statute or rule: chs. GHSS 1 to 5

Plain language analysis:

This proposed rule-making order creates a new chapter, ch. GHSS 6, for continuing education requirements for licensed professional geologists, professional hydrologists and professional soil scientists within the jurisdiction of the Joint Board of Professional Geologists, Hydrologists and Soil Scientists as permitted in s. 470.03 (2), Stats. A scope statement to create continuing education (CE) requirements was approved and published in 2000; in 2013 the Joint Board convened a group of a representative from each section to work with department staff to create these rules.

The primary focus of this rule is the creation of a new chapter, ch. GHSS 6, Continuing Education. This chapter is drafted to be effective for the biennial renewal period beginning August 2014 and running through the end of July 2016; it does not apply to newly licensed individuals during this first biennial renewal period.

Licensees may accumulate the required 24 CEUS, continuing education units, over the 2-year period through a variety of providers and professional development activities. Also included are definitions pertinent to CE requirements, providers and professional development activities.

Licenses are expected to track their CEUs on a form designed for such purpose, although the submittal of the form is not required when certifying at time of renewal. Upon a random audit, the selected licensees shall submit such form and associated documentation to verify compliance to ch. GHSS 6.

The rule also recognizes the need for postponements or waivers to the rule for active military service and other specific circumstances. The handling of late renewals and reciprocity are also included in the rule.

SECTIONS 1. and 2. These sections are redrafted to recognize the new chapter and the first biennial renewal period for which the CE rules apply.

SECTION 3. This section is created to provide the options available to licensees who fail to renew and adding that continuing education requirements are now in place.

SECTION 4. This section amends subsection titles in each chapter, chs. GHSS 2 to 4, to clarify that these education requirements are for pre-licensure not continuing education.

SECTION 5. This section comprises the newly created chapter, ch. GHSS 6, Continuing Education.

SECTION 6. This section specifies the date the rules become effective (July 1, 2014), which aligns with the department's mailing of renewal notices and CE information.

Summary of, and comparison with, existing or proposed federal regulation:

An Internet-based search of the U.S. Code and Federal Register found that there is no existing or proposed federal regulation relating to continuing education for these professions.

Comparison with rules in adjacent states:

An Internet-based search of professional licenses and any requirements for continuing education revealed the following:

Illinois: Geologists— The state licenses professional geologists, but has no continuing education requirements, part 1252 professional geologist licensing act.

[<http://www.idfpr.com/profs/info/Geology.asp>]

Hydrologists-- This state does not license this profession.

Soil Scientists-- This state does not license this profession.

Iowa: Geologists— This state does not license this profession.

Hydrologists-- This state of Iowa licenses groundwater professionals (much like hydrologists), but does not require any continuing education.

Soil Scientists-- This state does not license this profession.

Michigan: Geologists-- This state does not license this profession.

Hydrologists-- This state does not license this profession.

Soil Scientists-- This state does not license this profession.

Minnesota: Geologists-- This state licenses and requires 24 (professional development) hours every two years for renewal for licensed geologists. [<http://mn.gov/aelslag/>]

Hydrologists-- This state does not license this profession.

Soil Scientists-- This state licenses and requires 24 (professional development) hours every two years for renewal for licensed soil scientists.
[<http://mn.gov/aelslag/>]

Summary of factual data and analytical methodologies:

The Joint Board of Professional Geologists, Hydrologists and Soil Scientists authorized one member of each section to contribute to this rule-making project. With staff, they examined models of continuing education from various states and national organizations related to their respective professions, as well as from other regulatory boards aligned with the department.

The comparison information with the rules in adjacent states was obtained directly from administrative rules of those states when available through and Internet-based search. Reviewing rules of the two states having similar licenses and continuing education requirements, the proposed rules are substantially consistent with the rules in those states.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

Staff researched fees for various continuing education offerings, mostly provided or sponsored by UW Madison, School of Engineering Professional Development [SOURCE: <http://epdweb.engr.wisc.edu/index.lasso>] and determined the following:

Course offerings fees*:

<u>Offering</u>	<u>Min. Hours/Cost</u>	<u>Max. Hours/Cost</u>
Classroom:	1 Hr./\$49	21 Hrs./\$1195
Online:	2 Hrs./\$149	20 Hrs./\$225

*Note: (local, no travel or lodging included)

Research was conducted regarding the availability of continuing education credits offered via online courses, trade association sponsored seminars and other means, as well as the costs associated therewith. That data was then compared with the requirements outlined in the proposed rules and based thereon, appears that these rules will have no significant impact on a substantial number of small businesses.

Fiscal estimate and Economic Impact Analysis:

~~The Fiscal Estimate and Economic Impact Analysis is attached.~~

The department estimates that this rule will require staff time in the Office of Education and Exams and the Division of Professional Credentialing. The total one-time salary and

fringe costs are estimated at ~~\$7,685~~. The total on-going annual salary and fringe costs are estimated at ~~\$3,683~~.

Initial Regulatory Flexibility Analysis or Summary:

HERE

Environmental Assessment/Statement: [if required]

Not required.

Agency contact person:

Jean MacCubbin, Program Manager, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0955; email at Jean.MacCubbin@Wisconsin.Gov; or contact by 711 relay telecommunications.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Jean MacCubbin, Program Manager, Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Jean.MacCubbin@wisconsin.gov. Comments must be received at or before the public hearing to be held on **November 20, 2013** to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. GHSS 1.01 and 1.02 are amended to read:

GHSS 1.01 Purpose. The purpose of this chapter is to specify general requirements and procedures which apply to all ~~3~~ three sections of the board. Requirements specific to professional geologists, professional hydrologists and professional soil scientists are specified in chs. GHSS 2, 3 and 4. Rules of professional conduct for all licensees are specified in ch. GHSS 5. Requirements for continuing education at renewal for all licensees are specified in ch. GHSS 6.

GHSS 1.02 Definitions. In chs. GHSS 1 to ~~5~~6:

SECTION 2. GHSS 1.05 is repealed and recreated to read:

GHSS 1.05 License renewal. (1) Renewal fees and established renewal dates shall be as specified in ss. 440.08 (2) (a), and 440.03 (9) (a), Stats., and s. GHSS 6.10.

(2) Beginning with the 2014 biennium renewal period, all licensees shall certify compliance with the continuing education requirements in ch. GHSS 6 and ss. 470.03 (2) and 470.07, Stats.

SECTION 3. GHSS 1.055 is created to read:

GHSS 1.055 Failure to renew. (1) If a licensee who fails to renew by the established renewal date applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee specified in s. 440.08 (3), Stats. and evidence of successful completion of continuing education requirements as specified in ch. GHSS 6.

Note: Fees are periodically adjusted as per s. 440.05, Stats., and are found on the department's webpage at: <http://dsps.wi.gov/Licenses-Permits/Credentialing>.

(2) (a) If a licensee who fails to renew by the established renewal date applies for renewal of the license more than 5 years after its expiration, the joint board shall determine whether the applicant is competent to practice under the license in this state. The inquiry shall include a review of the applicant's practice and successful completion of continuing education credits within the previous 5 years, if any, in other licensing jurisdictions.

(b) After the inquiry, the board may impose any reasonable conditions on reinstatement of the license as the board deems appropriate, including a requirement that the applicant complete any current requirement for original licensure and complying with the continuing education requirements in ch. GHSS 6.

SECTION 4. GHSS 2.05 (title), GHSS 3.05 (title), and GHSS 4.05 (title) are amended to read:

GHSS 2.05 ~~Education~~ Pre-license education requirements.

GHSS 3.05 ~~Education~~ Pre-license education requirements.

GHSS 4.05 ~~Education~~ Pre-license education requirements.

SECTION 5. GHSS 6 is created to read:

Chapter GHSS 6 CONTINUING EDUCATION

GHSS 6.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2), 470.03 (2), 470.07, and 440.08, Stats., to govern the biennial continuing education requirements of professional geology, professional hydrology, and professional soil science.

GHSS 6.02 Definitions. In addition to definitions specified in s. GHSS 1.02, in this chapter:

(1) "Acceptable provider or sponsor" means a professional organization or society or its successor organization, an educational institution listed by an accrediting agency approved by the U.S. department of education, or a regulatory agency which provides services to, or regulates the practice of, professional geology, professional hydrology or professional soil science.

Note: Providers or sponsors may not discriminate against anyone on the basis of sex, race, color, sexual orientation as defined in s. 111.32 (13m), Stats., handicap, religion, age, physical disability, or national origin in their educational programs.

(2) "Biennium" or "biennial renewal period" means a 2-year period beginning August 1 of each even-numbered year.

(3) "Certificate of completion" or "evidence of attendance" means paper or electronic copy generated by the sponsor or provider for each professional development activity and that at a minimum includes the name of the licensee, the name of the sponsor or provider, the completion date and location of activity, the activity title and type, and hours of duration.

(4) "Continuing education" means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of a professional geology, professional hydrology or professional soil science, and for improvement of the safety and welfare of the public.

(5) "Continuing education unit" or "CEU" means a period of no less than 50 minutes of actual instruction time or participation spent by the licensee in actual attendance or completion of an acceptable professional development activity. One (1) CEU may be claimed for each 50 minutes of actual instruction time.

Note: "CEUs" should be rounded down to the nearest half hour and reported in increments of half hour with no activity of under a half hour being acceptable as qualifying for "CEU" credit. "CEUs" shall not exceed the actual contact clock hours of actual attendance.

(6) "Professional development activities" means organized educational courses, programs and activities on topics related to the practice or theories of practice of

professional geology, professional hydrology or professional soil science, and which foster the enhancement of general or specialized knowledge, values and practice of professional geology, professional hydrology or professional soil science.

(7) “Professional organization or society” means an organization, society or institution that seeks to further the practice of professional geology, professional hydrology or professional soil science, the interests of licensees engaged in those professions, and the public interests related to these professions.

(8) “Regulatory agency” means any local, state or federal public authority or governmental unit exercising authority and performing functions established by legislative act in order to set standards in a specific field of activity or operations.

(9) “Successful completion” means that the licensee has received documentation or a passing grade indicating that the professional development activity requirements were met and the document contains the necessary information as specified in s. GHSS 6.31 for the purposes of recordkeeping.

Note: Other means of proof of attendance may be suitable for determining successful completion. See also s. GHSS 6.02 (3).

GHSS 6.10 Continuing education requirements. Unless granted a postponement or waiver under s. GHSS 6.50 all licensees under chs. GHSS 1 to 5 shall participate in learning and professional development activities having a clear purpose and objective that will maintain improve or expand the skills and knowledge relevant to the practice of professional geology, professional hydrology or professional soil science. Continuing education requirements shall be completed within the preceding biennium and certified at the time of license renewal.

(1) Following the August 2014 biennial registration period, unless granted a postponement or waiver under s. GHSS 6.50, every licensee shall complete at least 24 CEUs per biennium of qualified continuing education units, pertinent to the practice of professional geology, professional hydrology or professional soil science provided or sponsored by acceptable providers or sponsors under s. GHSS 6.40.

(a) Between the initial license period and the first renewal period, a new licensee shall not be required to comply with the continuing education requirements herein.

(b) During each biennial registration period, each licensee may apply no more than 4 CEUs of the total number required in the area of OSHA - HAZWOPER initial or refresher training.

Note: Occupational Safety and Health Administration's (OSHA's) Directorate of Enforcement Programs (DEP) training is required by the Hazardous Waste Operations and Emergency Response (HAZWOPER) standard, 29 CFR 1910.120.

(c) During each biennial registration period, each licensee shall complete a minimum of 2 CEUs of the total number required in the area of professional conduct and ethics.

(d) During each biennial registration period, each licensee may apply no more than 4 CEUs of the total number required in the area of general professional development, which may include financial, personal or meeting management.

GHSS 6.20 Criteria for credit. To be qualified for credit, a professional development activity provided or sponsored by an acceptable provider or sponsor shall meet all of the following criteria:

(1) Includes instruction in an organized method of learning contributing directly to the professional competency of the licensee and pertains to subject matters that integrally relate to the practice of professional geology, professional hydrology or professional soil science.

(2) Conducted by individuals who have specialized education, training or experience and are considered qualified in the subject matter of the program.

(3) Provides proof of attendance by the licensee and fulfills pre-established goals and objectives.

GHSS 6.21 Qualified professional development activities. Qualified continuing education activities pertinent to the practice of professional geology, professional hydrology or professional soil science offered by acceptable providers or sponsors where CEU credit may be obtained include any of the following:

(1) COLLEGE AND UNIVERSITY COURSES. Successful completion of a college or university course in the area of professional geology, professional hydrology or professional soil science. One semester credit hour of course work is equivalent to 10 CEUs and one quarter credit hour of course work is equivalent to 5 CEUs. When courses are audited, CEUs shall be at one-half the equivalent for semester or quarter credit hours.

(2) PROFESSIONAL PROGRAMS AND ACTIVITIES. Unless otherwise specified in provider program materials, successful completion of professional geology, professional hydrology or professional soil science course programs offering continuing education units shall be based on one CEU for each 50 minutes of actual instruction time.

(3) PROFESSIONAL MEETINGS. Attendance at and active participation in professional meetings, including technical programs and tours, seminars, tutorials, poster sessions, workshops, panel sessions, short courses, or in-house courses, shall be eligible for CEUs. Attendance at one whole day of a professional meeting shall be eligible for a maximum of 4 CEUs. Attendance at trade shows or vendor exhibits, plenary sessions or motivational speakers shall not be eligible for CEUs.

(4) DISTANCE LEARNING. Successfully completing online, correspondence, televised, videotaped, webinars, or other short courses or tutorials shall be based on one CEU for each 50 minutes of program time or as defined in provider program materials. No CEUs shall be claimed for exam time.

(5) **TEACHING AND INSTRUCTING.** Teaching or instructing courses or programs on a technical subject matter related to the practice of professional geology, professional hydrology or professional soil science may be counted for the first time teaching a course or seminar and shall not apply to faculty in the performance of their regularly assigned duties. Two CEUs shall be awarded for every 50 minutes of teaching or presentation, with a maximum of 20 CEUs per biennium. No CEUs shall be awarded for grading or writing exams.

(6) **AUTHORING AND PRESENTING.** The primary author or primary co-author of a peer-reviewed publication shall earn 4 CEUs per publication; credit shall be awarded in the biennium of the publication for a maximum of 8 CEUs per biennium. Authoring or presenting a poster or oral session at a professional meeting shall be eligible for a maximum 2 CEUs per occurrence.

(7) **PROFESSIONAL BOARDS AND BOARD OFFICERS.** Serving on a board or being a board officer of a professional organization related to the practice of professional geology, professional hydrology or professional soil science shall be eligible for CEU credit. A maximum of 2 CEUs per biennium shall apply.

GHSS 6.30 Recordkeeping. It shall be the responsibility of the licensee to maintain records of continuing education or an accounting of CEUs earned for at least 5 years from the date of documentation of completion.

(1) Each licensee shall maintain records of earned CEUs, proof of completion, and proof of compliance to ch. GHSS 6 on a form prepared and approved by the board as specified in s. GHSS 6.31.

(2) For each professional development activity successfully completed by a licensee, the licensee shall maintain a certificate of completion that may be subject to audit to prove compliance with continuing education requirements in this chapter.

(3) Each licensee shall retain or otherwise produce evidence of compliance as specified herein.

GHSS 6.31 Tracking continuing education. Beginning with the 2014 biennium renewal period, each licensee shall certify at renewal that the continuing education requirements of this chapter have been met. The continuing education tracking form prepared for and approved by the joint board shall be used by all licensees to maintain an up-to-date accounting of CEUs earned in each biennium.

Note: For online renewal information and the Continuing Education Tracking Form for licensed professional geologists, professional hydrologists, and professional soil scientists, see: <http://dsps.wi.gov/Licenses-Permits/Credentialing/Business-Professions/>

GHSS 6.40 Acceptable providers and sponsors. In fulfilling their continuing education requirements, licensees shall choose providers or sponsors of professional development activities based on the following criteria: The provider or sponsor:

(1) Is a regulatory agency that regulates the practice of professional geology, professional hydrology, or professional soil science.

(2) Is recognized as or by a local, state, regional, national or international professional organization related to geology, hydrology or soil science or their related specialties.

(3) Exhibits experience in developing and administering educational programs or courses relating to the practice of professional geology, professional hydrology, professional soil science or a related specialty area therein.

(4) Exhibits experience in providing or sponsoring curriculum specific to professional geology, professional hydrology, professional soil science or their related specialty areas.

(5) Offers instructors or presenters knowledgeable in the subject area and evaluates the methods of instruction.

(6) Ensures that all professional development activities, including the distance learning programs and on-line courses, will sufficiently cover the required subjects in the time allotted.

(7) Provides a certificate of completion, documentation of attendance or other verification of credit that includes pertinent information as specified in s. GHSS 6.02 (3).

GHSS 6.50 Postponement or waiver of continuing education. A licensee may apply to the section for a postponement or waiver of the requirements of this chapter on grounds of prolonged illness or disability, or on other grounds constituting extreme hardship. The section shall consider each application for postponement or waiver individually on its merits, and the section may grant a renewal applicant a postponement, partial waiver or total waiver as deemed appropriate in the circumstances.

(1) A renewal applicant seeking renewal of registration without having fully complied with the continuing education requirements shall file a renewal application along with the required fee, and a statement setting forth the facts concerning non-compliance and requesting a postponement or waiver of the requirements. The request for postponement or waiver shall be submitted prior to the renewal date. Extreme hardship shall be determined on an individual basis by the section. If the section finds from the affidavit or any other evidence submitted that extreme hardship has been shown, the section shall postpone or waive enforcement of the continuing education requirements for the applicable biennium.

(2) In this section, extreme hardship means an inability to devote sufficient hours to fulfilling the continuing education requirements during the applicable biennium because of at least one of the following:

(a) A member or spouse of a member of the military service in the uniformed services of the United States of America and on active military duty for a period of at least one year during the applicable biennium, as provided in s. 321.60 (4), Stats.

Note: Section 321.60 (4), Stats, reads: “If a service member's license or the license of a service member's spouse is renewed or extended under sub. (3) no more than 180 days before the next date that the license would normally expire, the licensing agency, or supreme court if it agrees, shall allow the service member or spouse, as appropriate, to renew or extend the license without complying with any continuing education or training requirements if complying with such requirement in the period before the license expires would cause the service member or spouse, as appropriate, undue hardship. If a service member's license or the license of a service member's spouse is renewed or extended under this subsection, the licensing agency or supreme court may require the service member or spouse, as appropriate, to comply with any continuing education or training requirements within a reasonable time after receipt of the license.”

(b) An incapacitating illness documented by a statement from a licensed physician.

(c) A physical inability to travel to the sites of approved programs documented by statement from a licensed physician.

(d) Any other extenuating circumstance deemed by the section to represent extreme hardship.

(3) A renewal applicant who prior to the expiration date of the license submits a request for a postponement or waiver shall be deemed to be in good standing until the final decision by the section on the application for a postponement or waiver.

GHSS 6.60 Random audit. Each section may conduct a random audit of its licensees on a biennial basis to assure compliance with the continuing education requirements of this chapter. Each section shall determine a percent of the renewals that comprise a random audit.

(1) Licensees selected in a random audit shall be contacted to provide information to the section within 30 days of the request. At a minimum, the licensee shall submit the completed continuing education tracking form and, for each entry, satisfactory evidence of attendance or successful completion as specified in ss. GHSS 6.30 and 6.31.

(2) After conducting a random audit as specified in sub. (1), the section may require additional evidence demonstrating compliance with the continuing education requirements, including a certificate of completion or documentation of attendance, or other verification of credit for the professional development activities successfully completed.

(3) If there appears to be a lack of compliance with the continuing education requirements or material misstatement on an application for renewal, the section shall so notify the licensee in writing and request submission of evidence of compliance to be submitted within 30 days of the notice.

(4) The section may require a licensee to appear for an interview to address any deficiency or lack of compliance with the continuing education requirements under this chapter. Upon investigation and interview, the section may schedule a disciplinary proceeding.

Note: For more information, see disciplinary proceedings and actions as specified in ss. GHSS 2.03 and 470.08 (2) (a), Stats.

GHSS 6.70 Late renewal. Continuing education units shall apply only to the biennium in which the CEUs are obtained. A licensee who applies for renewal after the renewal date specified in s. 440.08 (2), Stats., shall submit proof to the section that the licensee has completed at least the continuing education requirements in this chapter during the 2 years immediately preceding the date of application for renewal and shall meet the requirements for late renewal specified in s. 440.05 (1), Stats.

GHSS 6.80 Reciprocity. After the biennium ending July 2016, an applicant for registration from another state who applies for registration to practice as a professional geologist, professional hydrologist or professional soil scientist under chs. GHSS 1 to 6 shall submit proof of completion of continuing education obtained in another jurisdiction within the two years prior to application.

SECTION 6. EFFECTIVE DATE. The rules adopted in this order shall take effect on **August 1, 2014** following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

COPIES OF RULE

Copies of this proposed rule are available upon request to Jean MacCubbin, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935, by email at JeanMacCubbin@wisconsin.gov or on our website at <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>.

File: 165-GHSS 1 to 6 CE requirements public hearing notice

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
CONTINUING EDUCATION TRACKING FORM
PROFESSIONAL GEOLOGISTS, HYDROLOGISTS AND SOIL SCIENTISTS 2014-2016 BIENNIUM CONTINUING EDUCATION RECORD

Chapter GHSS 6 Continuing education requirements for professional geologists, professional hydrologists and professional soil scientists.

Copy various code text when finalized.

Guidelines for completing the tracking form to ensure accurate totals and current status:

- 1) For each row entry, the CEUs earned (columns a. to d.) will automatically calculate totals at the bottom of the page in row e. This provides licensees with their current CEU status.
- 2) For each row entry relating to columns a., b. and c., licensees should be aware of the minimum or maximum CEUs allowed by topic.