

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 975 Session of  
2009

INTRODUCED BY ADOLPH, KILLION, MUSTIO, BOYD, BRENNAN, DENLINGER,  
GEIST, GINGRICH, GROVE, HARHAI, HARHART, KULA, LONGIETTI,  
MILLER, MOUL, PAYNE, REICHLEY, SCAVELLO, SIPTROTH, WATSON,  
YUDICHAK, W. KELLER AND GIBBONS, MARCH 18, 2009

AN ACT

Amending the act of May 23, 1945 (P.L.913, No.367), entitled, as amended, "An act relating to and regulating the practice of the profession of engineering, including civil engineering, mechanical engineering, electrical engineering, mining engineering and chemical engineering, the profession of land surveying and the profession of geology and constituent parts and combinations thereof as herein defined; providing for the licensing and registration of persons practicing said profession, and the certification of engineers-in-training and surveyors-in-training, and the suspension and revocation of said licenses, registrations and certifications for violation of this act; prescribing the powers and duties of the State Registration Board for Professional Engineers, Land Surveyors and Geologists; the Department of State and the courts; prescribing penalties; and repealing existing laws," ADDING DEFINITIONS, providing for continuing professional competency and education requirements.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

SECTION 1. SECTION 2 OF THE ACT OF MAY 23, 1945 (P.L.913, NO.367), KNOWN AS THE ENGINEER, LAND SURVEYOR AND GEOLOGIST REGISTRATION LAW, IS AMENDED BY ADDING SUBSECTIONS TO READ:

SECTION 2. DEFINITIONS.--AS USED IN THIS ACT--

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(O) "ACTIVITY" SHALL MEAN ANY QUALIFYING ACTIVITY WITH A CLEAR PURPOSE AND OBJECTIVE WHICH WILL MAINTAIN, IMPROVE OR EXPAND THE SKILLS AND KNOWLEDGE RELEVANT TO A LICENSEE'S PROFESSIONAL PRACTICE.

(P) "COLLEGE OR UNIT SEMESTER HOUR" OR "COLLEGE OR UNIT QUARTER HOUR" SHALL MEAN CREDIT FOR COURSES IN PROGRAMS APPROVED BY THE ACCREDITATION BOARD OF ENGINEERING AND TECHNOLOGY OR THE NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY OR OTHER RELATED COLLEGE COURSES.

(Q) "CONTINUING EDUCATION UNIT" SHALL MEAN A UNIT OF CREDIT CUSTOMARILY USED FOR CONTINUING EDUCATION COURSES.

(R) "COURSE" SHALL MEAN ANY QUALIFYING COURSE WITH A CLEAR PURPOSE AND OBJECTIVE WHICH WILL MAINTAIN, IMPROVE OR EXPAND THE SKILLS AND KNOWLEDGE RELEVANT TO A LICENSEE'S PROFESSIONAL PRACTICE.

(T) "PROFESSIONAL DEVELOPMENT HOUR" OR "PDH" SHALL MEAN FIFTY MINUTES OF INSTRUCTION OR PRESENTATION RELEVANT TO PROFESSIONAL PRACTICE OR ANY EQUIVALENT.

SECTION 3. SECTION 4.5 OF THE ACT, ADDED NOVEMBER 29, 2006 (P.L.1534, NO.170), IS AMENDED TO READ:

Section 4.5.

Continuing Professional Competency Requirements.--(a) In order to help safeguard life, health and property and to promote the public welfare, the practice of professional engineering, professional land surveying and professional geology in this Commonwealth requires continuing professional competency.

(b) Each licensee shall be required to meet the continuing professional competency requirements of this section as a condition for licensure renewal. Continuing professional

competency obtained by a licensee should maintain, improve or expand skills and knowledge obtained prior to initial licensure, INCLUDING LAW AND ETHICS APPLICABLE TO THE PROFESSION, or develop new and relevant skills and knowledge. NO CREDIT SHALL BE GIVEN FOR A COURSE IN PRACTICE BUILDING OR OFFICE MANAGEMENT.

(c) Each licensee shall be required to obtain twenty-four PDH units during the biennial renewal period. If a licensee exceeds the requirement in any renewal period, a maximum of twelve PDH units may be carried forward into the subsequent renewal period. PDH units may be earned as follows:

(1) Successful completion of college courses relevant to professional practice.

(2) Completion of continuing education courses relevant to professional practice.

(3) Completion of correspondence, televised, videotaped and other short courses or tutorials relevant to professional practice.

(4) Completion of seminars, employer-sponsored courses, workshops or professional or technical presentations made at meetings, conventions or conferences relevant to professional practice.

(5) Teaching, presenting or instructing in any of the activities listed in clauses (1), (2), (3) and (4).

(6) Authoring published papers, articles or books relevant to professional practice.

(7) Obtaining patents relevant to professional practice.

(d) (1) Except as provided in clause (2), units of other types of credit shall be converted to PDH units as follows:

(i) One college or unit semester hour shall equal forty-five PDH units.

(ii) One college or unit quarter hour shall equal thirty PDH units.

(iii) One continuing education unit shall equal ten PDH units.

(iv) One hour of professional development in course work, seminars or professional, technical presentations made at meetings, employer-sponsored courses, conventions or conferences shall equal one PDH unit.

(v) Each published paper, article or book shall equal ten PDH units.

(vi) Each patent obtained shall equal ten PDH units.

(2) Teaching any of the activities listed in clause (1)(i), (ii), (iii) and (iv) shall equal double the amount of PDH units provided for in those subclauses. Teaching credit shall be awarded for teaching a course or seminar but shall not be awarded to full-time faculty members in the performance of their duties at their employing institutions.

(e) The board shall not require courses to be preapproved. The board may preapprove course providers.

THE BOARD SHALL HAVE FINAL AUTHORITY REGARDING APPROVAL OF COURSES, CREDIT, PDH VALUE FOR COURSES AND OTHER METHODS OF EARNING CREDIT. CREDIT DETERMINATION FOR ACTIVITIES LISTED IN SUBSECTION (D) (1) (V) AND (VI) SHALL BE THE RESPONSIBILITY OF THE LICENSEE. THE BOARD SHALL ACCEPT CREDITS EARNED IN OTHER JURISDICTIONS IF THE ACTIVITY OTHERWISE COMPLIES WITH THIS SECTION.

(F) The licensee shall be responsible for maintaining records to be used to support credits claimed. Required records shall include all of the following:

(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 or other documents supporting evidence of attendance.

(G) (1) A licensee may be exempt from the requirements of this section for any of the following reasons:

(I) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding one hundred twenty consecutive days in a year shall be exempt from obtaining the professional development hours required during that year.

(II) A LICENSEE 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.

(2) AN INDIVIDUAL APPLYING FOR INITIAL LICENSURE AND REGISTRATION SHALL BE EXEMPT FROM THE REQUIREMENT SET FORTH IN SUBSECTION (A) FOR THE LICENSURE PERIOD IMMEDIATELY FOLLOWING INITIAL LICENSURE AND REGISTRATION.

(H) AS PART OF THE PROCESS TO REACTIVATE A LICENSE, A LICENSEE MUST OBTAIN ALL DELINQUENT PDH UNITS, EXCEPT THAT UNDER NO CIRCUMSTANCE SHALL A LICENSEE BE REQUIRED TO OBTAIN MORE THAN THE BIENNIAL RENEWAL REQUIREMENT.

Section ~~2~~ 4. Section 6 of the act, amended December 16, 1992 (P.L.1151, No.151), is amended to read:

SECTION 5. A LICENSEE SHALL BEGIN TO COMPLY WITH THE CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS SET FORTH IN SECTION 4.5 OF THE ACT DURING THE 2009-2011 BIENNIAL RENEWAL CYCLE. THE BOARD MAY FIRST DENY RENEWAL FOR THE 2011-2013

BIENNIAL RENEWAL PERIOD TO A LICENSEE WHO HAS FAILED TO COMPLY WITH THE CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS FOR THE 2009-2011 BIENNIAL RENEWAL PERIOD.

SECTION 6. THE BOARD SHALL PROMULGATE REGULATIONS NECESSARY TO IMPLEMENT THIS ACT WITHIN 18 MONTHS OF THE EFFECTIVE DATE OF THIS SECTION.

Section 4 7. This act shall take effect in 60 days.