

## Clearinghouse Rule 24-078

### STATE OF WISCONSIN EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS, HYDROLOGISTS AND SOIL SCIENTISTS

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	EXAMINING BOARD OF
EXAMINING BOARD OF PROFESSIONAL	:	PROFESSIONAL GEOLOGISTS,
GEOLOGISTS, HYDROLOGISTS AND	:	HYDROLOGISTS AND SOIL
SOIL SCIENTISTS	:	SCIENTISTS
	:	(CLEARINGHOUSE RULE )

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#### PROPOSED ORDER

An order of the Examining Board of Professional Geologists, Hydrologists, and Soil Scientists to **amend** GHSS 1.01, Chapter GHSS 2 (title), and GHSS 2.01; to **repeal and recreate** GHSS 1.02; and to **create** GHSS 1.05 (3) and 2.08 to 2.15 relating to Professional Development for Professional Geologists.

Analysis prepared by the Department of Safety and Professional Services.

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#### ANALYSIS

##### **Statutes interpreted:**

Sections 470.03 (2) and 470.07, Stats.

##### **Statutory authority:**

Sections 15.08 (5) (b), 227.11 (2) (a), 470.03 (1) (a), and 470.03 (2), Stats.

##### **Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides that each examining board “[s]hall 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.”

Section 227.11 (2) (a), Stats., provides that “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.”

Section 470.03 (1) (a), Stats., states that the examining board shall “Upon the advice of the professional geologist section, promulgate rules establishing requirements and

standards for the practice of professional geology by a person who is licensed as a professional geologist under this chapter, including a code of ethics that governs the practice of professional geology.

Section 470.03 (2), Stats., states that “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:**

Rule in progress GHSS 1 and 3, relating to Professional Development for Professional Hydrologists (scope statement SS 063-23).

**Plain language analysis:**

The proposed rule adds requirements for continuing education for professional geologists. Definitions and general requirements are added in ch. GHSS 1, and new continuing education and renewal requirements are added in ch. GHSS 2.

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

None.

**Comparison with rules in adjacent states:**

**Illinois:**

The Illinois Department of Financial and Professional Regulation is responsible for the licensure and regulation of professional geologists. The expiration date and renewal period are set by administrative rule [225 Illinois Combined Statutes 745]. The Illinois Administrative Code states that professional geologist licenses shall expire on March 31 of odd-numbered years and renewal may occur prior to the expiration date by payment of a fee [Illinois Administrative Code Title 68 Chapter VII Subchapter b Part 1252 Section 1252.70]. Continuing Education requirements are not included in the Illinois statutes or administrative code for professional geologists.

**Iowa:**

Iowa does not require licensure or registration of professional geologists.

**Michigan:**

Michigan does not require licensure or registration of professional geologists.

**Minnesota:**

The Minnesota Board of Architects, Engineers, Surveyors, Landscape Architects, Geoscientists, and Interior Designers is responsible for the licensure and regulation of geoscientists, among other professions. Geoscientists are required to complete at least 24 professional development hours, 2 of which must be on the topic of professional ethics per biennial renewal period [Minnesota Statutes 2022, Section 326.02 and 336.107]. The Minnesota Board currently recognizes geology and soil science as geoscience disciplines [Minnesota Administrative Rules Part 1800.3900].

**Summary of factual data and analytical methodologies:**

The proposed rule was developed by the GHSS Examining Board reviewing Wisconsin Administrative Code chapters GHSS 1 and 2 and making amendments and additions based on current professional geology practice.

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

The proposed rules were posted for a period of 30 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis are attached.

**Effect on small business:**

These proposed rules will not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted at [Jennifer.Garrett@wisconsin.gov](mailto:Jennifer.Garrett@wisconsin.gov) or (608) 266-2112.

**Agency contact person:**

Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-0989; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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

Comments may be submitted to Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received on or before the public hearing to be included in the record of rule-making proceedings.

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## TEXT OF RULE

SECTION 1. GHSS 1.01 is amended to read:

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

SECTION 2. GHSS 1.02 is repealed and recreated to read:

**GHSS 1.02 Definitions.** In chs. GHSS 1 to 5: (1) “Asynchronous” means a process of learning where instructor-student interaction is delayed over time allowing the learners to participate intermittently according to their schedule, and be geographically separate from the instructor, and includes correspondence courses, e-learning, instructional television, or online courses.

(2) “Biennium” means a 2-year period beginning August 1 of each even-numbered year.

(3) “Board” or “joint board” means the examining board of professional geologists, hydrologists, and soil scientists.

(4) “Contact hour” means 50 minutes of instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity.

(5) “Continuing education” means professional educational programs and activities on topics related to the practice or theories of practice of a professional geologist, hydrologist, or soil scientist which foster the enhancement of general or specialized knowledge, values, and practice of a professional geologist, hydrologist, or soil scientist.

(6) “Course” or “activity” means any qualifying course, program or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee’s practice of professional geology, hydrology, or soil science.

(7) “Department” means the department of safety and professional services.

(8) “Extreme hardship” means an inability to devote sufficient hours to fulfilling the continuing education requirements during the applicable renewal period because of one of the following:

(a) Full-time or temporary active duty in the uniformed services of the United States of America for a period of time exceeding 120 consecutive days during a biennium, where the duty restricts participation in a continuing education program.

(b) An incapacitating medical illness or disability documented by a statement from a licensed health care provider which shows that participation in the active practice of professional geology, hydrology, or soil science and a continuing education program is not possible.

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

(d) Retirement from the occupation of professional geology, hydrology, or soil science whereby the renewal applicant no longer receives remuneration from providing professional geologic hydrologic, or soil science services.

(e) Any other extenuating circumstances approved by the board.

(9) "Licensee" means a person licensed as a professional geologist, professional hydrologist, or professional soil scientist.

(10) "Professional organization or society" means an organization or society that seeks to further the practice of professional geology, hydrology, or soil science, and the interests of licensees engaged in that profession.

(11) "Section of the board" means either the professional geologist section, the professional hydrologist section, or the professional soil scientist section.

(12) "Synchronous" means a process of learning where the student and instructor interact simultaneously in real-time, including traditional classroom events, computer conferencing, interactive video conferences or online communications where participants are logged on at the same time and communicate directly with each other.

SECTION 3. GHSS 1.05 (3) is created to read:

**GHSS 1.05 (3)** Except for as specified in s. 470.07, Stats., professional geologists shall comply with the continuing education requirements specified in ch. GHSS 2. For late renewal of a license or reinstatement of a license, further requirements for continuing education are listed in s. GHSS 2.14.

SECTION 4. Chapter GHSS 2 (title) is amended to read:

## **Chapter GHSS 2**

### **PROFESSIONAL GEOLOGIST ~~LICENSE~~ LICENSURE AND CONTINUING EDUCATION**

SECTION 5. GHSS 2.01 is amended to read:

**GHSS 2.01** Authority and purpose. This chapter is adopted under authority in ss. 15.08 (5) (b), 227.11 (2), 470.03 (1) (a), 470.03 (2), and 470.04, and 470.07 Stats. The purpose of this chapter is to interpret basic education, experience and examination requirements for licensure as a professional geologist as specified in ss. 470.04 and 470.05, Stats., and to govern biennial continuing education of professional geologists.

SECTION 6. GHSS 2.08 to 2.15 is created to read:

**GHSS 2.08 Continuing education requirements.** (1) Except as outlined in par. (a) or if granted a waiver under s. GHSS 2.13, beginning with the August 2028 biennial license renewal period, every licensee shall complete at least 24 hours of approved contact hours, pertinent to the practice of professional geology which may include scientific, technical, ethical, or relevant managerial content.

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

(b) During each biennial renewal period, each licensee shall complete a minimum of 4 continuing education contact hours in each of the following categories:

1. Programs, courses, or activities in which the licensee practices.

2. Programs, courses, or activities in the area of professional conduct and ethics including in the area of Wisconsin statutes and rules that regulate professional geologists.

(2) Approved continuing education programs and activities offered by acceptable sponsors or providers where continuing education credit may be obtained include any of the following:

(a) Successful completion of geology-related courses, presented by correspondence, internet, television, video or audio, ending with examination or other verification processes, may earn a varying number of contact hours depending on the course provider.

(b) Successful completion of a college or university course in the area of geology or ethics. One semester credit hour of course work is equivalent to 15 contact hours and one quarter credit hour of course work is equivalent to 13.5 contact hours.

(c) Successful completion of professional geology coursework or programs offering contact hours on geologic topics.

(d) Active participation and successful completion of professional geology programs, seminars, tutorials, workshops, short courses, or in-house courses.

(e) Attending program presentations at related technical or professional meetings at which at least 50 minutes is spent discussing professional geology issues or attending a

lecture on geology related issues, or both. Each approved meeting will be awarded one contact hour.

(f) Teaching or instructing courses or programs on a professional geology topic. Teaching credit is counted for teaching a course or seminar for the first time only and does not apply to faculty in the performance of their regularly assigned duties. Two contact hours will be awarded for every 50 minutes of teaching or presentation.

(g) Authoring professional geology related papers, articles, geographical maps that appear in circulated journals or trade magazines or in published geology textbooks. Credit is earned in the biennium of publication. A maximum of 16 contact hours per renewal shall be awarded for this activity.

(h) Field trips organized and run by professional or technical societies or in conjunction with meetings, conventions, or conferences shall be awarded one contact hour for each hour of duration, up to 8 contact hours per day.

(3) Continuing education requirements shall be completed within the preceding biennium and approved at the time of renewal under this section.

**GHSS 2.09 Compliance.** (1) Continuing education shall be completed within the preceding biennium. Continuing education hours earned in excess of the minimum requirements for renewal of a license may be carried forward to the next renewal period, but are limited to a maximum of 12 contact hours.

(2) A licensee who fails to meet the continuing education requirements by the renewal date, as specified in s. 470.07, Stats., may not engage in the practice of professional geology until the license is renewed based upon proof of compliance with the continuing education requirements.

**GHSS 2.10 Standards for approval.** (1) To be approved for credit, a continuing education program shall meet all of the following criteria:

(a) The program includes instruction in an organized method of learning contributing directly to the professional competency of the licensee and pertains to subject matters which integrally relate to the practice of the profession.

(b) The program is conducted by individuals who have specialized education, training, or experience and are considered qualified concerning the subject matter of the program.

(c) The program provides proof of attendance or certificate of completion, which may include course completion examination, by the licensees and fulfills pre-established goals and objectives.

(2) The section may approve sponsors or providers for continuing education programs and activities including the following:

- (a) Courses sponsored by a technical or professional society or similar organization devoted to geologic sciences and education.
- (b) Accredited colleges, universities, or other educational institutions and schools of higher education.
- (c) Courses sponsored by a governmental unit.
- (d) Courses from any other provider approved by the section or its designee.
- (3) The section or its designee may make recommendations as to approval of courses, credit, contact hour value for courses, and other methods of earning credit.
- (4) Credit for college or technical school courses approved by a section shall be based upon course credit established by the college or technical school.

**GHSS 2.11 Certificate of completion, proof of attendance.** (1) Each licensee shall certify on the renewal application their full compliance with the continuing education requirements set forth in this chapter.

- (2) The section may require additional evidence demonstrating compliance with the continuing education requirements, including a certificate of attendance or documentation of completion or credit for the courses completed.
- (3) If there appears to be a lack of compliance with the continuing education requirements, the section shall notify a licensee in writing and request submission of evidence of compliance 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.
- (5) A licensee may be subject to discipline by the board for failure to comply with subs. (2) to (4).

**GHSS 2.12 Recordkeeping.** It shall be the responsibility of the licensee to maintain records of continuing education hours for at least 2 biennia from the date on the certificate or statement of attendance is signed. A minimum of at least one contact hour is required for recordkeeping purposes, with increments of one-quarter contact hour allowed thereafter. The recordkeeping shall include all of the following:

- (1) The name and address of the sponsor or provider.
- (2) The title of the program or activity and a brief statement of the subject matter.



(3) Printed program schedules, registration confirmations or receipts, certificates of attendance or completion, examination scores, or other proof of participation.

(4) The number of hours attended by program or activity and the date and place of the program or activity.

**GHSS 2.13 Waiver of continuing education.** (1) 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 individually on its merits, and the section may grant a postponement, partial waiver, or total waiver as deemed appropriate in the circumstances.

(2) A renewal applicant seeking renewal of license 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 waiver of the requirements. The request for a waiver shall be made prior to the renewal date. Extreme hardship shall be determined on an individual basis by the geologist section. If the geologist section finds from the affidavit or any other evidence submitted that extreme hardship has been shown, the geologist section shall waive enforcement of the continuing education requirements for the applicable renewal period.

(3) A renewal applicant who requests a waiver of the continuing education requirements for extreme hardship shall file a renewal application along with the required registration fee and submit an affidavit which describes the circumstances of the hardship and provide any supporting documentation. The request for a waiver shall be submitted prior to the renewal date.

(4) A licensee who receives a waiver for continuing education on the basis of extreme hardship due to an incapacitating disability, medical illness, active military duty or other extenuating circumstance may be required to complete continuing education upon his or her return to the active practice of professional geology as determined necessary by the section to ensure the ability of the licensee to practice professional geology in a safe and competent manner.

**GHSS 2.14 Late renewal.** (1) Continuing education hours shall apply only to the biennium in which the hours are acquired. A licensee who applies for renewal after the renewal date specified in s. 440.08 (2) (a), Stats., shall submit proof to the section that the licensee has completed at least 24 continuing education hours during the 2 years immediately preceding the date of application for renewal and meet the requirements for late renewal specified in s. 440.08 (2) (a), Stats.

(2) Continuing education hours submitted to satisfy this requirement for late renewal shall not be used to satisfy continuing education requirements for a subsequent renewal.

(3) Subs. (1) and (2) pertain to a licensee applying for renewal of their license less than 5 years after its expiration, as stated in s. GHSS 1.05 (1). A licensee who applies for

renewal more than 5 years after the expiration date must still comply with subs. (1) and (2), and go through the process for reinstatement as described in s. 440.08 (3) (b), Stats., and ss. GHSS 1.05 (2) (a) and (b).

**GHSS 2.15 Reciprocity.** An applicant for licensure from another state or jurisdiction who applies for license to practice as a professional geologist shall, in addition to the information required under s. GHSS 2.03 submit proof of completion of continuing education obtained in another jurisdiction within the 2 years prior to application.

SECTION 7. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro), Stats.

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(END OF TEXT OF RULE)

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