

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	EXAMINING BOARD OF
EXAMINING BOARD OF ARCHITECTS,	:	ARCHITECTS, LANDSCAPE
LANDSCAPE ARCHITECTS,	:	ARCHITECTS, PROFESSIONAL
PROFESSIONAL ENGINEERS,	:	ENGINEERS, DESIGNERS AND LAND
DESIGNERS AND LAND SURVEYORS	:	SURVEYORS ADOPTING RULES
	:	(CLEARINGHOUSE RULE 11-014)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to amend ss. A-E 1.01 (1), 1.02 (intro.) and 2.01, and to create ch. A-E 13, relating to continuing education requirements for professional engineers.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 443.015, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 443.015, Stats.

Explanation of agency authority:

Under 2007 Act 47, codified at s. 443.015, Stats., the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors is authorized to establish rules regarding continuing education (CE) requirements for purposes of renewing the credential of individuals licensed under Ch. 443, Stats.

Related statute or rule:

There are no other statutes or rules than those listed above.

Plain language analysis:

This proposed rule-making creates ch. A-E 13, Wis. Admin. Code, relating to continuing education requirements for the credential renewal of professional engineers within the jurisdiction of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, as permitted under s. 443.015, Stats. It also updates some provisions of A-E 1 and 2 to include reference to new rules added to the chapter.

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

There is no existing or proposed federal regulation.

Comparison with rules in adjacent states:

Illinois:

Thirty hours of continuing education are required for professional engineers each biennial renewal. <http://www.ilga.gov/commission/jcar/admincode/068/0680113800003250R.html>

Iowa:

Thirty hours of continuing education are required for professional engineers for each biennial renewal. <http://www.state.ia.us/government/com/prof/engineer/renewals.html>

Michigan:

There are no continuing education requirements for professional engineers. www.michigan.gov/dleg

Minnesota:

Twenty-four hours of continuing education are required for professional engineers for each biennial renewal. <http://www.aelslagid.state.mn.us/conted.html>

Summary of factual data and analytical methodologies:

The Professional Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors examined models of continuing education from the National Council for Examiners of Engineers and Surveyors, as well as from other Wisconsin regulatory boards.

In addition, the section received input from a steering committee organized by the Wisconsin Society of Professional Engineers which included representatives of 10 professional engineering societies or trade associations. The steering committee discussed the content and operation of the proposed draft for purposes of creating a continuing education program that will be beneficial to both the public and professional engineers.

The comparison information with the rules in adjacent states was obtained directly from contact with those states and a review of their rules. The comparisons to the adjacent states demonstrate that 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 report:

Data was obtained from the department of safety and professional services' credentialing renewal unit, additional information was obtained from the steering committee organized by the Wisconsin Society of Professional Engineers and research was conducted regarding the availability of continuing education credits offered via online courses, trade associations sponsored seminars and other means, as well as the costs associated therewith. The data was compared with the requirements outlined in the proposed rules, and upon review, it appears that these rules will have no significant impact on a substantial number of small businesses.

Under s. 227.137, Stats., as it existed prior to the passage of 2011 Wisconsin Act 21, the requirement for an economic impact report did not apply to the department of regulation and licensing, now the department of safety and professional services. Under s. 9355 of Act 21, this rule-making proposal is not subject to the new law, but may proceed under the former version of s. 227.137, Stats. Thus, no economic impact analysis of this proposal is required.

Anticipated costs incurred by the private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The department estimates that this rule will require staff time in the Office of Exams, Division of Board Services and Division of Professional Credentialing. The total one-time salary and fringe costs are estimated at \$12,400. The total on-going salary and fringe costs are estimated at \$11,800.

Effect on small business:

These proposed rules were reviewed by the department's Small Business Review Advisory Committee and found not to have any significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The department's regulatory review coordinator may be contacted by email at john.murray@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Kris Anderson, Paralegal, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2385; email at kristine1.anderson@wisconsin.gov.

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

Comments may be submitted to Kris Anderson, Paralegal, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to kristine1.anderson@wisconsin.gov. Comments must be received on or before April 19, 2011 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Section A-E 1.01 (1) is amended to read:

A-E 1.01 Authority. (1) The rules in chs. A-E 1 to 913 are adopted under authority in ss. 15.08 (5) (b), 227.11 and ch. 443, Stats.

SECTION 2. Section A-E 1.02 (intro.) is amended to read:

A-E 1.02 Definitions. In chs. A-E 1 to 913:

SECTION 3. Section A-E 2.01 is amended to read:

A-E 2.01 Purpose. The purpose of rules in this chapter is to specify general requirements and procedures which apply to persons credentialed by any section of the board. Requirements specific to architects, landscape architects, professional engineers, designers or land surveyors are specified in chs. A-E 3, 4, 5, 6, 7, ~~and~~ 9, 10, 11, 12 and 13. Rules of professional conduct for all registrants or permit holders are specified in ch. A-E 8.

SECTION 4. Chapter A-E 13 is created to read:

Chapter A-E 13

CONTINUING EDUCATION FOR PROFESSIONAL ENGINEERS

A-E 13.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern biennial continuing education for professional engineer registrants.

A-E 13.02 Definitions. As used in this chapter:

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

(2) "College semester hour" means receiving credit for completing a regularly offered course in a school or college of engineering accredited by the EAC/ABET that has testing with a passing grade required and has provisions for additional out-of-class study requirements. Credit for college approved courses will be based upon course credit established

by the college. One “college semester hour” equals 45 PDHs. Monitoring or auditing courses that do not require regular testing with a passing grade will only count the actual class contact hours.

(3) “College quarter hour” means receiving credit for completing a regularly offered course in a school or college of engineering accredited by the EAC/ABET that has testing with a passing grade required and has provisions for additional out-of-class study requirements. Credit for college approved courses will be based upon course credit established by the college. One “college quarter hour” equals 30 PDHs. Monitoring or auditing courses that do not require regular testing with a passing grade will only count the actual class contact hours.

(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 registrant in the practice of professional engineering. Regular duties are not considered qualifying activities.

(5) “Continuing education unit” or “CEU” means a unit of credit customarily used for continuing education courses. One “continuing education unit” equals 10 PDHs.

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

(7) “EAC/ABET” means the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology.

(8) “Professional development hour” or “PDH” means a period of 50 minutes of actual instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity. “PDHs” 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 “PDH” credit. “PDHs” shall not exceed the actual contact clock hours of actual attendance.

A-E 13.03 Continuing education requirements. (1) (a) Beginning in the biennial registration period commencing August 1, 2012 and ending July 31, 2014, unless granted a waiver under s. A-E 13.08, every registrant shall complete at least 30 hours of approved PDHs or equivalent continuing education units, pertinent to the practice of professional engineering, except that between initial registration and the first renewal period, a new registrant shall not be required to comply with the continuing education requirements for the first renewal of registration.

(b) During each biennial registration period, the registrant shall complete a minimum of 2 PDHs in the area of professional conduct and ethics.

(c) During each biennial registration period, credit for a minimum of 13 PDHs shall be obtained via courses where the registrant interacts in real time in a traditional classroom setting, computer conferencing or, interactive video conference where participants are

present in the same room or logged in at the same time and can communicate directly with each other and ask questions of the instructor.

(d) If a registrant obtains more than 30 PDHs in a biennium, a maximum of 15 of the excess PDHs may be used toward the continuing education requirement in the next biennium. Excess credits cannot be used to satisfy the requirements of par. (b) or (c).

(2) Continuing education may be obtained through any of the following means:

(a) Completing courses taken at a school or college of engineering accredited by the EAC/ABET.

(b) Completing short courses or tutorials and distance education courses offered through correspondence, DVDs, or the internet.

(c) Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences.

(d) Teaching or instructing in pars. (a) to (c). PDHs may only be counted for the initial offering or presentation of a course or program. Full-time faculty may not claim PDHs for teaching done as part of their regular duties. For teaching in pars. (a) to (d), multiply the PDHs earned by a factor of 2.

(e) Authoring published papers, articles, or books in the registrant's area of professional practice that has been published in book form or in circulated journals or trade magazines. Five PDHs will be granted in the biennium in which each publication occurred. For peer reviewed papers, articles, or books in the registrant's area of professional practice, 10 PDHs will be granted in the biennium in which each publication occurred.

(f) Actively participating in professional and technical societies. A maximum of 2 PDHs will be awarded for active participation as an officer or committee member in any one society in any one year. A maximum of 4 PDHs may be obtained under this paragraph in any biennium. PDHs are not earned until the end of each year of service is completed.

(g) Attainment of a patent relevant to the registrant's area of professional practice. Ten PDHs will be awarded for each patent.

(3) Except as provided in s. A-E 13.08, a professional engineer who fails to meet the continuing education requirements by the renewal date, as specified in s. 440.08 (2) (a) 35., Stats., may not engage in the practice of professional engineering until the registration is renewed in accordance with ss. A-E 2.05 and 13.10.

A-E 13.04 Examples of qualifying activities. The following are examples of qualifying activities:

(1) Completing or attending courses, seminars, instruction, in-house programs, or training of engineering content related to the registrant's practice of professional engineering.

(2) Attending technical or professional society meetings when an engineering topic is presented as a principal part of the program.

(3) Teaching a course for the first time or teaching a course previously taught if substantial time was spent in updating material.

(4) Attending webinar courses where attendance is verified and program material meets the requirements.

(5) Completing correspondence courses on an engineering topic where lessons are prepared and returned for correction, grading, or both, and where testing at the end of the course is required.

A-E 13.05 Standards for approval. (1) To be approved for PDHs, 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 registrant and pertaining 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 fulfills pre-established goals and objectives.

(d) The program provides attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

(2) The professional engineer section has final authority with respect to acceptance of activities, courses, credit, PDH value for courses, and other methods of earning PDHs, except the following are examples of accepted providers for continuing education programs:

(a) Colleges, universities or other EAC/ABET approved educational institutions approved by the professional engineer section.

(b) Continuing education courses meeting all the requirements of the International Association for Continuing Education and Training.

(c) Technical or professional societies or organizations as approved by the professional engineer section or its designee.

(d) Other providers as approved by the professional engineer section or its designee.

A-E 13.06 Certificate of completion; proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The professional engineer section may conduct a random audit of its registrants on a biennial basis for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise produce evidence of compliance.

(3) If a request for evidence of compliance is requested by the professional engineer section or its designee, the registrant shall submit the requested information or documentation within 30 days of receiving the written notice. Failure to do so will result in denial of registrant's application for renewal.

A-E 13.07 Recordkeeping. (1) A registrant shall maintain records of their continuing education units and PDHs earned for a minimum of the 3 most recent biennia on a form approved by the professional engineer section.

(2) Records required include but are not limited to attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

(3) If a continuing education course was awarded CEUs, the CEUs shall be converted by the applicant or registrant to PDHs for recordkeeping purposes.

A-E 13.08 Waiver of continuing education. (1) A renewal applicant who is unable to fully comply with the continuing education requirements due to extreme hardship may submit a written request for a waiver. The professional engineer section, or its designee, will review the request, and in its sole discretion, may grant a full or partial waiver, or extension of time to comply with the requirements.

(2) In this section, "extreme hardship" means an inability to fulfill the continuing education requirements during the applicable renewal period because of one of the following:

(a) Full-time service in the uniformed services of the United States for a period of at least one year during the biennium.

(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 a licensed physician.

(d) Any other extenuating circumstances acceptable to the professional engineer section.

(3) A renewal applicant may not receive a waiver under sub. (2) (b) or (c) for 2 consecutive biennia.

(4) A renewal applicant who has maintained an active Wisconsin license for a minimum of 30 consecutive years may, at the discretion of the professional engineer section or its designee, receive a waiver upon request and certification that the applicant has retired from the profession and is no longer receiving remuneration for providing professional engineering services.

(5) A renewal applicant who receives a waiver under sub. (4) may not engage in the practice of professional engineering until he or she meets the requirements of s. A-E 13.10.

(6) A renewal applicant, who prior to the expiration date of the license submits a request for a waiver, pays the renewal fee and provides a statement setting forth the facts concerning noncompliance and the basis of the request, shall be deemed to be in good standing until the final decision on the application is issued by the professional engineer section. If a finding of extreme hardship is not determined, an applicant may not engage in the practice of professional engineering until he or she meets the requirements of s. A-E 13.10.

A-E 13.09 Comity. An applicant for registration from another state who applies for registration to practice professional engineering under s. A-E 4.09 (2), shall submit proof of completion of 30 PDHs of qualifying continuing education that complies with the requirements of s. A-E 13 within the 2 year period prior to their application.

A-E 13.10 Late renewal. A renewal applicant who has failed to renew his or her credential by the established renewal date shall obtain all required PDHs and submit a record with information as specified under s. A-E 13.07 prior to the registrant's registration being renewed. If the total delinquent PDHs exceed 60 for all renewal periods since their last renewal, then 60 shall be the maximum required for late renewal. An applicant who has failed to be registered for a period greater than 5 years shall be subject to the provisions of s. A-E 2.05 (2).

(END OF TEXT OF RULE)

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.

Dated _____

Agency _____

Chairperson
Examining Board of Architects, Landscape
Architects, Professional Engineers,

Designers and Land Surveyors

A-E 13 CR11-014 (Continuing education-professional engineers) Order for adoption 11-15-11