

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

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 24-078)

PROPOSED ORDER

An order of the Examining Board of Professional Geologists, Hydrologists, and Soil Scientists to **amend** GHSS 1.01, 1.05 (1), Chapter GHSS 2 (title), 2.01, 2.02 Note, and 2.03 (10) Note; to **repeal and recreate** GHSS 1.02; and to **create** GHSS 1.045, 1.05 (2) (c), and 2.08 to 2.14 relating to Professional Development for Professional Geologists.

Analysis prepared by the Department of Safety and Professional Services.

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 “[e]ach 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 “[u]pon 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 “[u]pon 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 (Clearinghouse Rule 24-079).

Plain language analysis:

The proposed rule creates requirements for continuing education for professional geologists. Definitions and general requirements are added in ch. GHSS 1, and specifics of new continuing education and renewal requirements are added in ch. GHSS 2. In each biennium, professional geologists will be required to complete 24 approved continuing education contact hours. The content of the courses must be substantially related to the practice of professional geology. A wide variety of courses and activities are allowed. The professional geologist section may grant exceptions to the continuing education requirements in the event of extreme hardship for a licensee.

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 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.

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 courses, programs, or 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 or section of 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 1.045 is created to read:

GHSS 1.045 Continuing education for professional geologists. Professional geologists shall comply with the continuing education requirements specified in ch. GHSS 2.

SECTION 4. GHSS 1.05 (1) is amended to read:

GHSS 1.05 Failure to renew a license. (1) If a licensee who fails to renew his or her license by the established renewal date applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon approval of the renewal application and payment of the renewal fee specified in s. 440.08 (3), Stats.

SECTION 5. GHSS 1.05 (2) (c) is created to read:

GHSS 1.05 (2) (c) For late renewal or reinstatement of a professional geologist license, further requirements for continuing education are listed in s. GHSS 2.14.

SECTION 6. Chapter GHSS 2 (title) is amended to read:

Chapter GHSS 2

PROFESSIONAL GEOLOGIST ~~LICENSE~~ LICENSURE AND CONTINUING EDUCATION

SECTION 7. 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 8. GHSS 2.02 Note is amended to read:

Note: ~~Applications~~ Instructions for applications are available ~~upon request to the Professional Geologist Section of the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ on the department's website at <http://dsps.wi.gov>.

SECTION 9. GHSS 2.03 (10) Note is amended to read:

Note: Application forms, including the "Supervised Geologic Experience" form and the "Peer Evaluation" form are available ~~upon request to the Professional Geologist Section of the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708 8935; phone (608) 266 2112 or available for download from the department webpage: on the department's website at <http://dsps.wi.gov>.~~

SECTION 10. GHSS 2.08 to 2.14 are created to read:

GHSS 2.08 Continuing education requirements. (1) INITIAL APPLICABILITY.

Continuing education requirements will begin in the renewal period that starts on August 1, 2026 and ends on August 1, 2028, as specified in s. 440.08 (2) (a) 63u., Stats. Renewal applications due on August 1, 2028 will require continuing education.

(2) GENERAL REQUIREMENTS. Except as outlined in sub. (3) or (6), or if granted a waiver under s. GHSS 2.13, every licensee shall complete at least 24 hours of approved contact hours each biennium. The contact hours shall be pertinent to the practice of professional geology, which may include scientific, technical, ethical, or relevant managerial content. A minimum of 1 of the total 24 continuing education contact hours shall be for recordkeeping, under s. GHSS 2.12.

(3) NEW LICENSEES. Between the date of initial licensure and the following renewal date specified in s. 440.08 (2) (a) 63u., Stats., a new licensee shall not be required to comply with the continuing education requirements. A new licensee is required to comply with continuing education requirements beginning in the licensee's first full biennium.

(4) CONTENT OF CONTINUING EDUCATION. During each biennial renewal period, each licensee shall complete a minimum of 4 of the total 24 continuing education contact hours in each of the following categories:

(a) Courses or activities in which the licensee practices.

(b) Courses or activities in the area of professional conduct and ethics, which may include the area of Wisconsin statutes and rules that regulate professional geologists.

(5) TYPES OF COURSES AND ACTIVITIES. Continuing education credit may be obtained from any of the following courses or activities that are offered by acceptable sponsors or providers under s. GHSS 2.10 (2):

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

(b) Successful completion of a college or university course in the area of geology or ethics.

(c) Successful completion of professional geology courses or activities 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 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.

(f) Teaching courses, activities, 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.

(g) Authoring professional geology related papers, articles, or geographical maps that appear in circulated journals, trade magazines, or in published geology textbooks. Credit is earned in the biennium of publication. A maximum of 16 contact hours per renewal period 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. These shall be awarded one contact hour for every 50 minutes of duration, up to 8 contact hours per day.

(6) CARRYOVER ALLOWED. 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.

GHSS 2.09 Compliance. 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 verification of compliance with the continuing education requirements.

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

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

(c) The course or activity provides proof of attendance or certificate of completion.

(2) The professional geologist section may approve sponsors or providers for continuing education courses and activities, including the following:

(a) Technical or professional societies or similar organizations devoted to geologic sciences and education.

(b) Accredited colleges, universities, or other educational institutions and schools of higher education.

(c) Governmental units.

(d) Any other provider approved by the professional geologist section or its designee.

(3) The professional geologist section or its designee may approve courses, credits, contact hour value for courses, and other methods of earning credit.

(4) Contact hour credit for college or technical school courses approved by the professional geologist section shall be based on the definition of contact hour in s. GHSS 1.02 (4).

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

(2) The professional geologist section may require additional evidence demonstrating compliance with the continuing education requirements, including a certificate of completion, proof of attendance, or documentation of completion or credit for the courses or activities completed.

(3) A licensee may be subject to discipline by the board for failure to comply with sub. (2).

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 which the course or activity is completed. A minimum of at least one contact hour per biennium is required for recordkeeping purposes, with increments of one-quarter contact hour allowed thereafter. The recordkeeping may include any of the following:

(1) The name and address of the sponsor or provider.

(2) The title of the course or activity and a brief statement of the subject matter.

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

(4) The number of contact hours attended for each course or activity and the date and place of the course or activity.

GHSS 2.13 Waiver of continuing education. (1) A licensee may apply to the professional geologist section for a postponement or waiver of the continuing education requirements of this chapter on grounds of prolonged illness or disability, or on other grounds constituting extreme hardship. The professional geologist 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 a license without having fully complied with the continuing education requirements shall file a renewal application, the required fee, a statement setting forth the facts concerning noncompliance, any supporting documentation, and a request for a waiver of the requirements. These materials shall be submitted prior to the renewal date. If the professional geologist section finds from the statement or any other evidence submitted that extreme hardship has been shown, the section may grant a postponement, partial waiver, or total waiver of the continuing education requirements for the applicable renewal period.

(3) A licensee who receives a waiver for continuing education may be required to complete continuing education upon or before the licensee's return to the active practice of professional geology as determined necessary by the professional geologist section to ensure the ability of the licensee to practice professional geology in a safe and competent manner.

GHSS 2.14 Late renewal. (1) A licensee who applies for renewal after the renewal date specified in s. 440.08 (2) (a) 63u., Stats., shall verify to the professional geologist section that the licensee has completed continuing education that meets the requirements of this chapter and shall meet the requirements for late renewal specified in s. 440.08 (3), 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) Subsections (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 shall still comply with subs. (1) and (2) and meet the requirements for reinstatement as described in s. 440.08 (3), Stats., and ss. GHSS 1.05 (2) (a) and (b).

SECTION 11. 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.

(END OF TEXT OF RULE)

This Proposed Order of the Examining Board of Professional Geologists, Hydrologists, and Soil Scientists is approved for submission to the Governor and Legislature.

Dated _____

Chair