

Draft Amendments to Rules of Procedure

IDAPA 10, Title 1, Chapter 1

[Editorial Note: Preceding portions of this rule are not slated for change.]

IDAPA 10.01.01.013.03. Retired Status. Those licensees who have reached the age of sixty (60) or will do so during their current renewal period (or are totally and permanently disabled) and are retiring from practice may be listed in the retired section of the Roster, ~~upon application to the Board.~~ The biennial fee for being thus listed shall be established by the Board. Such listing does not permit a licensee to engage in the practice of engineering or land surveying. The fee for reinstatement to active practice shall be as required for delayed renewals in Section 54-1216, Idaho Code. ~~(5-8-09)~~ (____)

[Editorial Note: No further changes to the remainder of this rule.]

Rationale: When we send renewal notices we include a notification of eligibility of retired status. We have had a few licensees who have retired from practice and have expressed a desire to renew their license in “retired” status at the beginning of the renewal period during which they will turn 60 years of age, or as an alternative, have requested to have their biennial renewal fees prorated until they meet the current qualification for “retired status.” The only options available to them under the current Rule are to either let their license lapse and then request reinstatement in retired status mid-way through the renewal period, or to pay full renewal fees, even though they will retire from practice when they are eligible when they turn 60.

The contemplated amendment would allow them to retire a license at the beginning of the renewal period during which they will meet the age requirement.

[Editorial Note: Preceding portions of this rule are not slated for change.]

IDAPA 10.01.01.017.02.b. Eligibility for Examinations, Educational Requirements. An applicant who has completed a four (4) year bachelor degree program in engineering not accredited by EAC/ABET or a four (4) year bachelor degree program in engineering technology, or in a related science degree program other than engineering must have completed ~~a minimum of fifteen (15) semester credits of Engineering Science at a Sophomore and Junior level, six (6) semester credits of Engineering Design related courses at a Senior level, twelve (12) semester credits of Advanced Mathematics including Calculus and Differential Equations, and twelve (12) semester credits of basic science courses including Chemistry, calculus based Physics and other appropriate basic science courses~~ the following before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum as required by Section 54-1212(3)(b), Idaho Code, for assignment to the examination for certification as an Engineer Intern or

as required by Section 54-1212(1)(b), Idaho Code, for assignment to the examination for licensure as a professional engineer: (5-8-09) ()

(i) 32 college semester credit hours of higher mathematics and basic sciences. The credits in mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in calculus and differential equations are required. Additional courses may include linear algebra, numerical analysis, probability and statistics and advanced calculus. The credits in basic sciences must include courses in chemistry and calculus-based general physics with a minimum of a two semester (or equivalent) sequence in one or the other. Additional basic sciences courses may include life sciences (biology), earth sciences (geology, ecology), and advanced chemistry or physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements. Basic engineering science courses or sequence of courses in this area are acceptable for credit but may not be counted twice. ()

(ii) 16 college credit hours in a general education component that complements the technical content of the curriculum. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, social responsibility. No more than 6 credit hours of languages other than English or other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not. ()

(iii) 48 college credit hours of engineering science and engineering design. Courses shall be taught within the college / faculty of engineering having their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Graduate level engineering courses can be included to fulfill curricular requirements in this area. Engineering technology courses cannot be considered to meet engineering topic requirements. ()

iv. Standard, regularly scheduled courses from accredited university programs, (on campus, correspondence, video, etc.) are normally acceptable without further justification other than transcript listing. The Board may require detailed course descriptions for seminar, directed study, special problem and similar courses to insure that the above requirements are met. (7-1-93) ()

v. Graduate level engineering courses, i.e. courses which are available only to graduate students, are normally not acceptable since the Board believes graduate engineering courses may not provide the proper fundamental foundation to meet the broad requirements of professional engineering. (7-1-93) ()

[Editorial Note: No further changes to the remainder of this rule.]

[Editorial Note: Preceding portions of this rule are not slated for change.]

IDAPA 10.01.01.019.01.b Licensees Or Certificate Holders Of Other States And Boards. An applicant who was originally licensed in another jurisdiction after June 30, 1996 and who has completed a four (4) year bachelor degree program in engineering not accredited by EAC/ABET or a four (4) year bachelor degree program in engineering technology, or in a related science degree program other than engineering must have completed the following a minimum of fifteen (15) semester credits of Engineering Science at a Sophomore and Junior level, six (6) semester credits of Engineering Design related courses at a Senior level, twelve (12) semester credits of Advanced Mathematics including Calculus and Differential Equations, and twelve (12) semester credits of basic science courses including Chemistry, calculus-based Physics and other appropriate basic science courses before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum as required by Section 54-1212(1)(b), Idaho Code: ;

(3-30-07)()

(i) 32 college semester credit hours of higher mathematics and basic sciences. The credits in mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in calculus and differential equations are required. Additional courses may include linear algebra, numerical analysis, probability and statistics and advanced calculus. The credits in basic sciences must include courses in chemistry and calculus-based general physics with a minimum of a two semester (or equivalent) sequence in one or the other. Additional basic sciences courses may include life sciences (biology), earth sciences (geology, ecology), and advanced chemistry or physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements. Basic engineering science courses or sequence of courses in this area are acceptable for credit but may not be counted twice. ()

(ii) 16 college credit hours in a general education component that complements the technical content of the curriculum. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, social responsibility. No more than 6 credit hours of languages other than English or other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not. ()

(iii) 48 college credit hours of engineering science and engineering design. Courses shall be taught within the college / faculty of engineering having their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Graduate level engineering courses can be included to fulfill curricular requirements in this area. Engineering

technology courses cannot be considered to meet engineering topic requirements. ()

[Editorial Note: No further changes to the remainder of this rule.]

Rationale: The Board often struggles with the evaluation of educational credentials of applicants for exam as well as comity when that applicants education is not accredited by EAC/ABET. Since approximately the mid-1990's the Board has used the rule which requires a minimum number of college credits in the areas of engineering science, engineering design, mathematics, and basic science. The National Council of Examiners for Engineering and Surveying (NCEES) has now developed a standard which is similar to that used for many years by the Idaho Board, but goes beyond it to require a minimum number of credits in general education. The Board proposes adopting the NCEES Standard.

[Editorial Note: Preceding portions of this rule are not slated for change.]

IDAPA 10.01.01.016.6. APPLICATION FOR LICENSURE OR CERTIFICATION.

Minimum Standards -- References. An applicant may not be admitted to the examination until satisfactory replies have been received from a minimum of five (5) of his references for professional engineers or land surveyors ~~and three (3) references for engineer interns and land surveyor interns.~~ It shall be the responsibility of each applicant to furnish their references with the forms prescribed by the Board. (5-8-09) ()

[Editorial Note: No further changes to the remainder of this rule.]

Rationale: The statutory requirement that applicants for assignment to the FE and FS exams for certification as an Engineer Intern or a Land Surveyor Intern have three references was removed in House Bill No. 478 in 2010. Since a rule cannot take precedence over a statute, the rule needs to be amended to eliminate the need for references for these applicants.

[Editorial Note: Preceding portions of this rule are not slated for change.]

IDAPA 10.01.01.016.03 APPLICATION FOR LICENSURE OR CERTIFICATION.

03. Dates of Submittal and Experience Cutoff Date. Applications for the Spring and Fall examination, respectively, must be received by the Executive Director or postmarked by January 10 or August 1 of any year. Examinations may be given in various formats and different submittal dates apply depending on the examination format. For examinations administered once or twice a year in the Spring and Fall, there is an examination assignment cutoff date that varies depending on the actual date of the examination. For examinations administered once or twice a year in the Spring and Fall, receipt of the applications after January 10 for the Spring exam or after August 1 for the Fall exam, may not provide sufficient time for required credentials to arrive at the Board

office prior to the exam assignment cutoff date. If this occurs, the applicant will be assigned to a later examination if all requirements are met. For examinations administered in a computer-based format during testing windows, there is no deadline for submittal of the application and the applicant, if assigned to the exam, will be allowed to test during the current testing window, if open on the date of the letter notifying of assignment, or during the next two (2) available testing windows. Failure to test during these periods will void the assignment. For examinations administered continuously in a computer-based format, there is no deadline for submittal of the application and the applicant, if assigned to the exam, will be allowed to test during a nine (9) month period beginning on the date of the letter notifying of assignment. Failure to test during this period will void the assignment. In order for the Board to be able to verify experience, only experience up to the date of submittal of the application will be considered as valid. Experience anticipated between the date of the application submittal and the date of the examination or issuance of license or certificate will not be considered. For students, the application filing date for the Fundamentals of Engineering and the Fundamentals of Surveying examination may be extended at the discretion of the Board.

~~(5-8-09)~~ ()

[Editorial Note: No further changes to the remainder of this rule.]

Rationale: NCEES will be administering the FE and FS examinations in computer-based format beginning approximately January of 2014. These exams will be given during “windows” which will likely allow testing two out of every three months. The current rule assumes only twice a year administration of the exams, so it needs to be changed to accommodate the change in exam format and administration schedule.

Draft Amendments to Rules of Professional Responsibility

IDAPA 10, Title 1, Chapter 2

[Editorial Note: Preceding portions of this rule are not slated for change.]

IDAPA 10.01.02.011. RULE AND STATUTE VIOLATIONS.

01. Affidavits for Rule and Statute Violations. Any person who believes that a Licensee or Certificate Holder by his actions, or failure to properly act, is guilty of fraud, deceit, negligence, incompetence, misconduct, or violation of these rules, or any applicable statute, may file a written affidavit with the Executive Director of the Board which shall be sworn to or affirmed under penalty of perjury, signed and in which the alleged rule and statute violations shall be clearly set forth and that the applicable Licensee or Certificate Holder, or both, should be considered for the appropriate disciplinary action by the Board. Following the receipt of such affidavit, the Board may investigate, hold hearings and adjudicate the charges. ~~Proceedings shall be exempt from all statutes of limitations.~~ The Board will not accept an affidavit more than four (4) years after discovery of the matter by the complainant. (3-29-10) (____)

[Editorial Note: No further changes to the remainder of this rule.]

Rationale: Nearly all actions have a statute of limitations after which the person is no longer liable for the action. The existing rule would appear to attempt to trump statutes if they apply to the matter at hand. The amendment simply imposes a four year time limit on action by the Board following discovery of the matter.

[Editorial Note: Preceding portions of this rule are not slated for change.]

IDAPA 10.01.02.005.04. Obligation to Communicate Discovery of Discrepancy. Except as provided in the Idaho Rules of Civil Procedure 26(b)(4)(B), if a Licensee or Certificate Holder, during the course of his work, discovers a material discrepancy, error, or omission in the work of another Licensee or Certificate Holder, which may impact the health, property and welfare of the public, the discoverer shall make a reasonable effort to inform, ~~in writing,~~ the Licensee or Certificate Holder whose work is believed to contain the discrepancy, error or omission. Such communication shall reference specific codes, standards or physical laws which are believed to be violated and identification of documents which are believed to contain the discrepancies. The Licensee or Certificate Holder whose work is believed to contain the discrepancy shall respond ~~in writing~~ within ~~sixty twenty~~ (620) calendar days to any question about his work raised by another Licensee or Certificate Holder. In the event a response is not received within twenty (20) days, the discoverer may notify the Licensee or Certificate Holder in writing. Failure to respond (with supportable evidence) on the part of the Licensee or Certificate Holder

whose work is believed to contain the discrepancy shall be considered a violation of these rules and may subject the Licensee or Certificate Holder to disciplinary action by the Board. The discoverer ~~shall~~ may notify the Board in the event a supportable response ~~satisfactory~~ to the discoverer is not obtained within ~~sixty (60)~~ a second twenty (20) days.
(5-8-09) ()

[Editorial Note: No further changes to the remainder of this rule.]

Rationale: A person is required to respond to the filing of a lawsuit within 20 days of its filing so it seems inconsistent that this rule would allow 60 days for a licensee to respond to an expression of concern about his work from another licensee. The Board believes that 20 days is sufficient to provide a response.

The current rule requires notification by the discoverer in writing which may set the tone for an adversarial relationship. The proposed amendments allow notification without it having to be in writing, followed by the optional notification in writing and the optional notification to the Board of having not received a supportable response.

Draft Amendments to Rules of Continuing Professional Development

IDAPA 10, Title 1, Chapter 4

IDAPA 10.01.04.004. Definitions. For the purposes of these rules, the following terms are used as defined below: (7-1-99)

- 01. College Semester or Quarter Credit Hour.** Credit for college courses. (7-1-99)
- 02. Continuing Education Unit (CEU).** Unit of credit customarily used for continuing education courses. One (1) continuing education unit equals ten (10) hours of class in an approved continuing education course. (7-1-99)
- 03. Professional Development Hour (PDH).** A contact hour (minimum of fifty (50) minutes) of instruction or presentation. The common denominator for other units of credit. (7-1-99)
- 04. Activity.** Any qualifying action with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice or practices. Routine job assignments are not considered qualified activities. (~~5-8-09~~) ()
- 05. Licensee.** A person who is licensed to practice as a professional engineer or professional land surveyor or both (5-8-09)
- 06. Board.** The Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors. (5-8-09)
- 07. Documented Self-Study.** Documented study of professional/technical journals, published papers, articles, books, software or other areas of training which increase knowledge of the technology above and beyond routine job assignments.(5-8-09)
- 08. Active Participation.** Serving as an officer or committee chair at either the national, state or local (section or chapter) level. (5-8-09)

Rationale: The amendment is necessary to clarify that the intent of continuing professional development is that it be activities outside normal or routine job assignments. This is already clear in the definition of "Documented Self-Study" and in the statement under the "Teaching or Instructing" activity under "Requirements" but not generally stated to apply to all activities.

IDAPA 10.01.04.005.REQUIREMENTS. Every Licensee is required to obtain thirty (30) PDH units during the renewal period biennium (beginning on the first day of the month following the month in which the Licensee was born). Alternatively, the licensee may choose to obtain thirty (30) PDH units cumulative during the two (2) calendar years which are closest to the renewal period biennium. If a Licensee exceeds the biennial requirement in any renewal period or earns PDH's during a period in which he is exempt, a maximum of thirty (30) PDH units may be carried forward into the subsequent renewal period. If the exemption is for the "First Renewal Period" (see Rule 009.01), then at any time in the full biennium before this first license renewal the licensee may earn up to 30

PDHs to carry forward into their second renewal period following licensure. If the licensee chooses to use the calendar year basis, PDH's in excess of thirty (30) cumulative in two (2) years, or PDH's earned during a period in which he is exempt, can be carried forward to the next two (2) year calendar period, not to exceed thirty (30) PDH's carried forward to the next two (2) year calendar period. PDH units may be earned in the following activities, however, PDH units must come from two (2) or more activities.

~~(5-8-09)~~ ()

- 01. Successful Completion of College Credits.** (7-1-99)
- 02. Successful Completion of Continuing Education Units.** (7-1-99)
- 03. Successful Completion of Other Courses.** Correspondence, televised, videotaped, and other short courses/tutorials for which college credits or CEU's are awarded. (7-1-99)
- 04. Attending Qualifying Seminars.** Attending qualifying seminars, in-house courses, workshops, or technical or professional presentations made at meetings, conventions, or conferences. (7-1-99)
- 05. Teaching or Instructing.** Teaching or instructing in Subsections 005.01 through 005.04 above, above and beyond routine job assignments. (7-1-99)
- 06. Authoring Published Papers, Articles, or Books.** (7-1-99)
- 07. Membership in Technical or Professional Organizations.** (7-1-99)
- 08. Active Participation in Technical or Professional Organizations.** (7-1-99)
- 09. Patents.** (7-1-99)
- 10. Presentations to Technical, Professional or Civic Organizations.** (7-1-99)
- 11. Documented Self Study.** (5-8-09)

006. Units.

The conversion of other units of credit to PDH (Professional Development Hour) units is as follows:

1 College semester credit hour equals	45 PDH
1 College quarter credit hour equals	30 PDH
1 Continuing Education Unit equals	10 PDH
1 Hour of attendance in course work, seminars, or technical or professional presentations made at meetings, conventions, or conferences equals	1 PDH
Teaching the above, above and beyond normal job assignments, apply multiple of 2 for teaching the first time only	
Each published technical or professional paper, article or book not to exceed a total of 10 PDH's per year, above and beyond normal job assignments	5 PDH per paper, article or book
<u>Each peer review of a published technical or professional paper, article or book not to exceed a total of 6 PDH's per year, above and beyond normal job assignments</u>	<u>3 PDH per paper, article or book</u>
Membership in technical or professional organizations (Maximum of two organizations) equals	1 PDH per year per organization
Active participation in technical or professional organizations (Maximum of two organizations) equals	1 PDH per year per organization
Each patent not to exceed per year	5 PDH
Presentations to technical, professional or civic organizations, first presentation only, equals	2 PDH per hour of presentation
Documented self-study not to exceed	3 PDH per year at the rate of ½ PDH per hour of self-study

(5-8-09) ()

Rationale: By allowing new licensees to carry forward the professional development hours earned during the biennium prior to obtaining the license they are not discouraged from participating in continuing professional development before which it is required.

University faculty often conduct reviews of professional articles prepared for publication by their peers. This work is outside their normal job assignments and should qualify as continuing professional development.

009. EXEMPTIONS.

A Licensee may be exempt from the continuing professional development requirements for one (1) of the following reasons: (7-1-99)

[Editorial Note: No changes are suggested for the first six subsections of this rule.]

07. Licensees Residing Outside the United States of America. Licensees employed and residing outside the United States may delay the time required for fulfilling the continuing professional development requirements for a maximum of two (2) biennia or four (4) calendar years until the end of the six (6) month period beginning upon their return to the United States. ()

Rationale: Licensees who are members of the United States Armed Forces or employed by contractors in war zones often have a difficult time accessing continuing professional development opportunities. This rule amendment would provide for individuals in those circumstances to obtain their continuing professional development upon return to the United States.