

OSBGE PROPOSED RULE AMENDMENTS

Registration/Responsible Charge

- 809-003-0000 Definitions
- 809-030-0005 Experience Standards
- 809-030-0015 Qualifications for Geologist Practice Examination
- 809-030-0020 Qualifications for Engineering Geologist Examination
- 809-050-0000 Use of Seal
- 809-050-0010 Qualifications for Registration Without Examination

Key to Draft Language

Proposed language is shown in **underlined, bold, and red** colored font.

Language to be deleted is shown in ~~striketrough~~ font.

809-003-0000

Definitions

The definitions of terms used in ORS 672.505 to 672.991, and the rules of this OAR chapter 809, are:

- (1) "ASBOG": National Association of State Boards of Geology; an organization of state boards that regulate the public practice of geology; ASBOG prepares the national geology examinations.
- (2) "Deceit": An attempt to portray as true or valid something that is untrue or invalid.
- (3) "Equivalent of 45 quarter hours": 30 semester hours.
- (4) "Expert Opinion": An opinion tendered to a court, commission, hearings officer, or other tribunal which is considered to be expert testimony by virtue of the professional experience, training, and registration and certification of the geologist tendering the opinion.
- (5) "Falsely Impersonate": To assume without authority or with fraudulent intent the identity of another person.
- (6) "False or Forged Evidence": Untrue documents purporting to be proof, or falsely and fraudulently altered proof.
- (7) "Felony": A crime declared a felony by statute because of the punishment imposed.
- (8) "Fraud": Intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right.

{No changes to existing definitions (1) - (8). INSERT NEW DEFINITION (9)}

(9) Geological Work: For purposes of ORS 672.505(11), “geological work” means the public practice of geology as defined at ORS 672.505(7) or that would otherwise require registration or certification by the Board if not exempted under ORS 672.525 or OAR 672.535, regardless of whether the work is conducted in or outside of Oregon.

{No changes but renumber existing definitions (9) - (23) to (10) - (24).}

- ~~(9)~~**(10)** "Gross Negligence": Reckless and wanton disregard for exercising care and caution.
- ~~(10)~~**(11)** "Incompetence": Inadequacy or unsuitability for effective action. The Board shall consider incompetence in the practice of geology to include, but not be limited to instances where a geologist has been adjudicated mentally incompetent by the court; been engaged in conduct which shows a lack of ability or fitness to discharge the duties and responsibilities a geologist owes a client, employer, or the general public; or been engaged in conduct which shows a lack of knowledge, or inability, to apply the principles or skills of the profession.
- ~~(11)~~**(12)** "Misconduct": Violation of any state or federal rule or statute in the course of the practice of geology.
- ~~(12)~~**(13)** "Mutual Recognition": When one state allows a geologist who is registered in another state to perform work in that state without obtaining local registration.
- ~~(13)~~**(14)** "National examination": prepared by ASBOG and comprised of a four-hour fundamental section and a four-hour practice section.
- ~~(14)~~**(15)** "Neglect of Duty": Lack of attention to the performance or services that arise from one's position.

~~(15)~~**(16)** "Negligence": Failure by a registrant to exercise the care, skill, and diligence demonstrated by a registrant under similar circumstances in the community in which the registrant practices.

~~(16)~~**(17)** "Official Transcript": Transcript certified by the school and received under seal.

~~(17)~~**(18)** "Project": A contractually specified scope and amount of geologic work relating to a specific undertaking, such as, but not limited to, the geologic reconnaissance of an area, a geohydrologic study of an area, or an analysis of volcanic hazards from a volcano.

~~(18)~~**(19)** "Proprietary": Belonging to a client, employer or geologist.

~~(19)~~**(20)** "Public proceeding": as used in ORS 672.525(9) means a public forum where members of the public are invited to comment or testify or permitted to comment or testify.

~~(20)~~**(21)** "Reciprocity": When one state will issue a registration to a geologist because the geologist holds a registration in another state.

~~(21)~~**(22)** "Reinstatement of Registration": One-time process to bring a lapsed registration or certification to current, valid status.

~~(22)~~**(23)** "Related Geological Science": A course of study that includes at least 36 quarter hours, or the equivalent, in geological subjects taken in the third or fourth year or in graduate courses.

~~(23)~~**(24)** "Renewal of Registration": Annual process to maintain the current status of a valid registration or certification.

{INSERT NEW DEFINITION (25), (26), and (27)}

(25) "Responsible Charge": This means in responsible charge of work as defined in ORS 672.505(11) and under these rules.

(26) "Seal": The term seal means the same thing as to stamp as used within OAR Chapter 809.

(27) Supervision of Geological Work: For purposes of ORS 672.505(11), "supervision" means oversight by an individual who is fully responsible, accountable and liable for the geological work and where the individual is:

(a) registered as a geologist in Oregon;

(b) certified as an engineering geologist in Oregon;

(c) registered as a geologist in another jurisdiction with licensing requirements comparable to Oregon; or

(d) in charge of the geological work in a situation or another jurisdiction that does not require licensure.

{No changes but renumber existing definitions (24) – (26) to (28) – (30).}

~~(24)~~**(28)** "Third or Fourth Year": Upper division college classes.

~~(25)~~**(29)** "Threat to the Public Health, Welfare, or Property": A threat of geologic nature such as, but not limited to, induced or imminent instability of a slope, exacerbation of or continuation of a high rate of erosion, flood hazard or land subsidence, ongoing or potential contamination of

underground or surface waters. Also a potential threat which would be induced by an action taken in ignorance of, or without regard to geologic conditions such as construction of residences or other structures intended for habitation in areas prone to landslides, mudflows, volcanic eruption, tsunamis, or earthquakes without proper mitigation measures, or construction of dams or other waterworks, bridges, power plants or other critical facilities without exhaustive investigation of potential geologic hazards and incorporation of approved mitigation measures into their design.

~~(26)~~**(30)** "Year of Study": 36 quarter hours or 24 semester hours.

Stat. Auth.: ORS 183, 192 & 672

Stats. Implemented: ORS 183.341, 183.355, 183, 192 & 672

Hist.: GE 1-1984, f. & ef. 2-1-84; GE 3-1984, f. & ef. 12-4-84; GE 4-1984, f. & ef. 12-18-84;

GE 1-1985, f. & ef. 7-1-85; BGE 2-1999, f. & cert. ef. 11-8-99; BGE 2-2002, f. & cert. ef. 4-15-02; BGE 9-2004, f & cert. ef. 10-19-04; BGE 3-2006, f. & cert. ef. 11-13-06

809-030-0005

Experience Standards

To determine if an applicant's experience meets the required qualifications, the Board may use the following standards:

- (1) The diversity and complexity of the applicant's work.
- (2) Whether the work was routine in nature, requiring a minimum of knowledge or experience.
- (3) The amount of time the applicant was **in** responsible ~~for or in~~ charge of geologic work.
- (4) Whether reports prepared principally by the applicant demonstrate the applicant's knowledge to perform geologic work.

Stat. Auth.: ORS 183, ORS 192 & ORS 672

Stats. Implemented:

Hist.: GE 2-1978, f. & ef. 7-28-78; GE 1-1981, f. & ef. 8-3-81; GE 1-1982, f. & ef. 5-14-82; GE 1-1984, f. & ef. 2-1-84

Qualifications for Geologist Practice Examination and Geologist Registration

(1) To qualify to take the geologist examination, an applicant must have a minimum of seven years of geology experience computed as follows:

(a) Two years of experience are granted for an undergraduate degree in geology or a related geological science **with a minimum of 45 quarter hours of geology coursework**; or two years of experience are granted to applicants without a degree who have a minimum of 45 quarter hours **of geology coursework** including 36 **quarter hours** upper division or graduate course hours leading to a geology major. These two years' experience must be included in the seven-year minimum.

(b) One year of experience, up to a maximum of three years, is granted for each year of **full-time equivalent** graduate study in geology or a related geological science.

(c) Credit shall not exceed four years for the undergraduate geology or geological science degree or specific coursework plus graduate study.

(d) One year of experience is granted for each year spent working under the supervision of **an Oregon registered geologist, Oregon certified engineering geologist, or a geologist who, in the determination of the Board, was providing supervision in responsible charge**; however, a minimum of three years of such experience must be completed before any credit is granted.

(e) One year of experience is granted for each year spent in responsible charge; however, a minimum of five years in responsible charge must be completed before any credit is granted.

(f) Geology faculty may acquire the seven years experience in accordance with the following criteria:

(A) Meet the requirements of OAR 809-030-0015(1)(a); and

(B) Five years experience is granted for geologic work conducted in responsible charge as professional faculty activities conducted other than teaching or administrative duties. Such duties may include, but are not limited to, the following:

(i) geologic report preparation;

(ii) publication and the preparation for publication of published geologic work;

(iii) geologic field or laboratory data collection; or

(iv) geologic data analysis or interpretation.

(C) Geologic experience must be documented and calculated as a percentage of non-teaching full-time experience such as follows:

- (i) experience documented by the preparation of geology reports or publications; and
 - (ii) geologic experience verified by the Board.
- (D) Post-baccalaureate research in geology or a related geological science may be granted for in responsible charge experience, at the discretion of the Board.
- (g) Duplicate credit will not be given for experience and education gained concurrently.
 - (h) Experience of less than one month will not be recognized.

(2) Applicants for the **ASBOG** geologist practice examination must:

- (a) Be registered as a GIT in Oregon; or
- (b) Apply to take the ASBOG fundamental examination on the same day **as the practice examination**; or
- (c) Provide to the Board proof of having passed the ASBOG fundamental examination.

(3) To qualify for registration as a geologist, an applicant must meet the following requirements:

(a) Pass the ASBOG fundamental and practice examinations;

(b) Submit a complete application on forms provided by the Board;

(c) Submit applicable fees as per OAR 809-010-0001.

Stat. Auth.: ORS 183, 192, 670.310 & 672.555

Stats. Implemented: ORS 672.555

Hist.: GE 1-1984, f. & ef. 2-1-84; GE 1-1992, f. & cert. ef. 6-10-92; BGE 1-2002, f. & cert. ef. 2-6-02; BGE 7-2004, f. & cert. ef. 8-5-04

809-030-0020

Qualifications for Engineering Geologist Examination and Certification as an Engineering Geologist

(1) To qualify to take the certification examination as an engineering geologist, the applicant must:

(a)~~(1)~~ Be registered as a geologist, or have met the qualifications and passed the geologist examination.

(b)~~(2)~~ Meet one of the following experience requirements:

(A)~~(a)~~ Three years' experience under the direct supervision of an Oregon, California, or Washington certified engineering geologist or an engineering geologist who, in the determination of the Board, was providing supervision in responsible charge. Engineering geology experience used to meet geologist qualifications may be used; ~~or~~

(B)~~(b)~~ Five years' experience in responsible charge of engineering geological projects. Engineering geology experience used to meet geologist qualifications may be used; or

(C) A minimum of 5 years work experience from a combination of (A) and (B). Engineering geology experience used to meet geologist qualifications may be used.

(2) To qualify for certification as an engineering geologist, an applicant must meet the following requirements:

(a) Receive registration as geologist from the Board;

(b) Pass a certification examination approved by the Board for engineering geologists as per OAR 809-005-0000 and OAR 809-040-0008;

(c) Submit a complete application on forms provided by the Board;

(d) Submit applicable fees as per OAR 809-010-0001.

Stat. Auth.: ORS 183, ORS 192 & ORS 672

Stats. Implemented:

Hist.: GE 1-1984, f. & ef. 2-1-84

809-050-0000

Use of Seal

A facsimile of a registrant's seal shall be affixed to final geology products ~~in the course of~~ **created in** the public practice of geology.

(1) A Registered Geologist shall use a seal bearing the Registered Geologist's name, certificate number, and registration title, as shown in Exhibit 1 of this rule. The Registered Geologist seal must be at least 1.5 inches in diameter from point to point. A Registered Geologist may use an electronic seal that meets these requirements.

(2) A Certified Engineering Geologist shall use a seal bearing the Certified Engineering Geologist's name, certificate number, and registration title, as shown in Exhibit 2 of this rule. The Certified Engineering Geologist seal must be at least 1.5 inches in diameter from point to point. A Certified Engineering Geologist may use an electronic seal that meets these requirements.

(3) Draft geology or specialty geology products or documents clearly marked as draft do not require a geologist's seal.

(4) If a ~~bound~~ **stand-alone** report is sealed by the registrant ~~in responsible charge of~~ **responsible for** the work, **then individual work products prepared by the registrant and compiled in the report, for example** geology figures, maps, ~~plates,~~ **and** logs, ~~and products bound within that final report or document~~ do not need to be individually sealed. ~~A geology~~ **The geology** products within ~~that~~ a stand-alone report ~~that is~~ not prepared by the registrant **that seals the** responsible ~~for that bound~~ report shall be individually sealed by the registrant **(s)** who prepared ~~that geology~~ **those** products.

(5) ~~Unbound~~ **F**final geology **work** products **not included in a compiled report, such as** ~~including~~ boring logs, shall be individually sealed; **and** signed; ~~and dated.~~

(6) ~~Any~~ registrant who seals and signs a final version of a geology product **must be in** **responsible charge** ~~takes full responsibility~~ for the geology content of that product.

[ED. NOTE: Exhibits referenced are available from the agency.]

Stat. Auth.: ORS 183, 192 & 672

Stats. Implemented: ORS 672.605

Hist.: GE 1-1984, f. & ef. 2-1-84; BGE 2-2002, f. & cert. ef. 4-15-02; BGE 8-2004, f. & cert. ef. 8-5-04; BGE 2-2006, f. & cert. ef. 6-26-06

809-050-0010

Qualifications for Cooperative Registration ~~Without Examination (Cooperative)~~ or Temporary Permits

(1) To qualify for cooperative registration as a geologist, the applicant shall:

(a) Hold a ~~current~~, valid registration, obtained by passing the ~~national~~ ASBOG examination, from a state, territory or possession of the United States or the District of Columbia, as verified by the Administrator;

(b) Meet the education, experience, and exam requirements of OAR 809-030-0015 (1), including passing the ASBOG practice examination and demonstrating a minimum of seven years qualifying geology experience;

(c) ~~(b)~~ Apply for registration on forms provided by the Board; and

(d) ~~(c)~~ Submit the required fee(s) as per OAR 809-010-0001.

(2) To qualify for cooperative certification as an engineering geologist, the applicant shall:

(a) first receive cooperative registration as geologist from the Board;

(b) provide evidence of passing a certification examination approved by the Board for engineering geologists as per OAR 809-005-0000, 809-030-0020, and 809-040-0008;

(c) submit a complete application on forms provided by the Board; and

(d) submit applicable fees as per OAR 809-010-0001.

~~(2) The Administrator shall obtain verification of current registration/certification from the approved jurisdiction before issuing an Oregon registration/certification.~~

(3) To qualify for a 60-day temporary permits to engage in the public practice of geology, N
non-registrants must:

(a) wishing to practice under the 60-day window provision must submit an application on a form provided by the Board;

(b) pay appropriate application fees as per OAR 809-010-0001;

(c) not reside in Oregon or have an established place of business in Oregon;

(d) hold a current registration or certification to practice geology from another state, territory or possession of the United States or the District of Columbia, as verified by the Administrator; and

(e) explain how work will be limited to one period of 60 consecutive days in the calendar year.

Stat. Auth.: ORS 183, 192 & 672

Stats. Implemented:

Hist.: GE 1-1984, f. & ef. 2-1-84; GE 2-1986, f. & ef. 3-5-86; GE 3-1986, f. & ef. 7-15-86; GE 1-1990, f. & cert. ef. 10-2-90; BGE 1-2000, f. & cert. ef. 8-3-00; BGE 2-2002, f. & cert. ef. 4-15-02; BGE 2-2005, f. & cert. ef. 9-28-05