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ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 809
BOARD OF GEOLOGIST EXAMINERS

FILED

09/28/2023 11:25 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: CORRECTED HEARING LOCATION: Updates - Calculation of Education Credit for Examination and Registration, Plus Housekeeping Changes

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/08/2023 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Christine Valentine
503-566-2837
osbge.info@bgeolab.oregon.gov

707 13th St. SE
Suite 114
Salem, OR 97301

Filed By:
Christine Valentine
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/08/2023

TIME: 9:30 AM - 10:00 AM

OFFICER: Christine Valentine

HEARING LOCATION

ADDRESS: OSBGE Office, 1500 Liberty St. SE, Suite 210, Salem, OR 97302

SPECIAL INSTRUCTIONS:

HEARING LOCATION CORRECTED. Office moving 11/1/2023.

To make it easier for the public to participate, this hearing is also being held virtually.

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 253-215-8782

CONFERENCE ID: 89851738199

SPECIAL INSTRUCTIONS:

Passcode is 201306. This virtual hearing will be closed early if there are no attendees. The Board advises those interested in attending to join at the start of the hearing.

NEED FOR THE RULE(S)

The Board wants to ensure the rules addressing calculation of education credit are clear for the benefit of candidates for examination and applicants for the Registered Geologist (RG) license. Other housekeeping updates are included to improve rule language.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Board meeting packets, staff analysis, past applications, existing statutes and rules addressing minimum standards for examination and registration.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

No impact on racial equity is anticipated. By enhancing the clarity of these rules, the Board will be making the pathway to examination and licensure more clear for all potential candidates and applicants. The Board is not seeking to make the standards more stringent or exclusive.

FISCAL AND ECONOMIC IMPACT:

No fiscal or economic impact anticipated.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The Board does not anticipate any fiscal impact on state agencies, local governments, or the public. The proposed amendments apply only to candidates for the Practice of Geology examination and applicants for Registered Geologist (RG). The proposed changes are intended to clarify education standards, not increase those standards. No increased costs for those individuals.

(2)(a) These rule amendments do not apply to small businesses. See (1).

(2)(b) The Board does not anticipate any impacts related to reporting, record-keeping, or other administrative activities as a result of the proposed rule amendments.

(2)(c) The Board does not anticipate any costs to professional services, equipment supplies, labor or administration as a result of the proposed rule amendments.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The proposed rule amendments were discussed by the Board at quarterly board meetings in 2023. Some Board members have experience working with or for small businesses. In addition, the Board engaged its Rules Advisory Committee, and members of that committee also have similar experience. All these meetings were noticed and open to the public.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

809-003-0000, 809-030-0015

AMEND: 809-003-0000

RULE SUMMARY: Defines various terms used with the Board's administrative rules.

CHANGES TO RULE:

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 and which prepares the national standardized competency examination for candidates seeking registration as professional geologists.¶¶

(2) "Candidate": An individual who has applied to the Board for approval to take an examination or who has been approved by the Board to take an examination.¶¶

(3) "Deceit": An attempt to portray as true or valid something that is untrue or invalid.¶¶

(4) "Equivalent-of"; 45 quarter hours": equals 30 semester hours, using the ratio of 1.5 quarter hours to 1 semester hour.¶¶

(5) "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.¶¶

(6) "Falsely Impersonate": To assume without authority or with fraudulent intent the identity of another person.¶¶

(7) "False or Forged Evidence": Untrue documents purporting to be proof, or falsely and fraudulently altered proof.¶¶

(8) "Felony": A crime declared a felony by statute because of the punishment imposed.¶¶

(9) "Fraud": Intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right.¶¶

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

(11) "Gross Negligence": Reckless and wanton disregard for exercising care and caution.¶¶

(12) "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.¶¶

(13) "Misconduct": Violation of any state or federal rule or statute in the course of the practice of geology.¶¶

~~(14) "Mutual Recognition": When one state allows a geologist who is registered in another state to perform work in that state without obtaining local registration.¶¶~~

~~(15) "National examination": national standardized competency examination for professional geologists prepared by ASBOG and comprised of a four-hour fundamental section and a four-hour practical section.¶¶~~

~~(16) "Neglect of Duty": Lack of attention to the performance or services that arise from one's position.¶¶~~

~~(17) "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.¶¶~~

~~(18) "Official Transcript": Transcript certified by the school and received under seal accredited college or university and received by the Board under seal or the equivalent via mail delivery or from the accredited college or university or official transcript service by electronic delivery.¶¶~~

~~(19) "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.¶¶~~

~~(20) "Proprietary": Belonging to a client, employer or geologist.¶¶~~

~~(21) "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.¶¶~~

~~(22) "Reciprocity": When one state will issue a registration to a geologist because the geologist holds a registration in another state.¶¶~~

~~(23) "Reinstatement of Registration": One-time pProcess to bring a lapsed registration or certification to current, valid to active status.¶¶~~

~~(24) "Related Geological Science": A course of study that includes at least 3645 quarter hours; or the equivalent, in geological subjects taken in the third or fourth year or in graduate coursecluding 36 quarter hours or the equivalent, of upper division courses, in geological subjects.¶¶~~

~~(25) "Renewal of Registration": Annual process to maintain the current status of a valid registration or certification.¶¶~~

~~(26) "Responsible Charge": This means in responsible charge of work as defined in ORS 672.505(11) and under these rules.¶¶~~

~~(27) "Seal": The term seal means the same thing as to stamp as used within OAR Chapter 809.¶¶~~

~~(28) "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 with the Board;¶¶~~

~~(b) Certified as an engineering geologist in Oregon by the Board, where required pursuant to ORS 672.505(3) and 672.565;¶¶~~

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

(d) In charge of the geological work in a situation that does not require registration ~~from~~with the Board or, if done outside of Oregon, ~~from~~with another geologist licensure board;.¶¶

(e) A Board approved supervisor under OAR 809-030-0022.¶¶

~~(29) "Third or Fourth Year": Upper division college classes.¶¶~~

~~(308) "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.¶¶~~

~~(31) "Year of Study": 36 quarter hours or 24 semester hours~~(29) "Upper Division": Geology courses successfully completed at an accredited college or university and determined by the Board to be other than introductory-level courses. These courses will generally include those completed in the third and fourth year of a bachelor's degree program in the geologic sciences but may also include other courses taken at the undergraduate level. Graduate-level geology courses are considered upper division.¶¶

~~(30) "Year of Study": For purposes of calculating a year of education credit for post-baccalaureate studies, 22.5 quarter hours or the equivalent of successfully completed graduate-level geology coursework.~~

Statutory/Other Authority: ORS 672.515, 672.545, 672.555, 672.565, 672.585, 672.595, 672.605

Statutes/Other Implemented: ORS 672.505 - 672.705

RULE SUMMARY: Sets minimum standards to qualify to sit for the Practice of Geology section of the ASBOG examination and for the Registered Geologist (RG) license.

CHANGES TO RULE:

809-030-0015

Qualifications for Geologist Practice Examination and Geologist Registration ¶¶

- (1) To qualify to take the geologist practice section of the national examination, a candidate must have a minimum of 7 years of geology experience computed as follows:¶¶
- (a) The Board requires a minimum of 2 years of education experience and will grant 2 years of education experience credit to either:¶¶
- (A) A candidate with an undergraduate degree in geology or a related geological science with a minimum of 45 quarter hours or the equivalent of geology coursework; successfully completed at an accredited college or university, including 36 quarter hours or the equivalent of upper division coursework; or¶¶
- (B) A candidate without an undergraduate degree in geology or a related geologic science but who has successfully completed a minimum of 45 quarter hours or the equivalent of geology coursework at an accredited college or university, including 36 quarter hours or the equivalent of upper division ~~or graduate~~ coursework.¶¶
- (b) The Board will grant ~~1 an additional year~~ of education experience credit, up to a maximum of ~~32~~ years total, for each year of ~~full-time equivalent graduate study~~ study at the post-baccalaureate level, as defined at OAR 809-003-0000(30) in geology or a related geological science.¶¶
- (c) Education experience credit shall not exceed 4 years in total for the undergraduate and graduate coursework completed by the candidate.¶¶
- (d) The Board will grant 1 year of work experience credit 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 3 years of such experience must be completed before any credit is granted.¶¶
- (e) The Board will grant 1 year of work experience credit for each year working in responsible charge in a jurisdiction other than Oregon or working in Oregon in a manner exempt under ORS 672.535(1) or (2); however, a minimum of 5 years in responsible charge must be completed before any credit is granted.¶¶
- (f) Geology faculty may acquire the 7 years of geology experience in accordance with the following criteria:¶¶
- (A) Meet the minimum education experience requirements of OAR 809-030-0015(1)(a); and¶¶
- (B) Demonstrate 5 years of experience from 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) Candidates for the practice section of the national examination must:¶¶
- (a) Be registered as a Geologist-in-Training (GIT) in Oregon; or¶¶
- (b) Apply to take the fundamentals section of the national examination on the same day as the practice section of the national examination; or¶¶
- (c) Provide to the Board acceptable proof of having passed the fundamentals section of the national examination.¶¶
- (3) To qualify for registration as a geologist, an applicant must meet the following requirements:¶¶
- (a) Passed the fundamentals and practice sections of the national examination. An applicant who passed sections of the national examination in another jurisdiction must provide official documentation of examination scores to the Board and also must demonstrate qualifying education and work experience as defined in (1) of this rule.¶¶
- (b) Submitted a complete application on forms provided by the Board;¶¶
- (c) Submitted applicable fees as per OAR 809-010-0001.

Statutory/Other Authority: ORS 670.310, ORS 672.555, 672.575, 672.585, 672.595

Statutes/Other Implemented: ORS 672.555, 672.575