Date: April 1, 2020

To: Registrants and Other Interested Parties

From: Christine Valentine, Board Administrator

Subject: Notice of Proposed Rulemaking & Hearing
NEW Proposed Rules for Continuing Education

Summary: At its last public meeting on 03/06/2020, the Oregon State Board of Geologist Examiners (OSBGE) voted to approve issuance of rulemaking notice for new proposed rules for continuing education. This package of rules is proposed to establish and define continuing education activity requirements that would apply to OSBGE registrants, specifically to Oregon Registered Geologists (RGs) and Certified Engineering Geologists (CEGs). OSBGE hereby requests public comments on the proposed rules, including whether other options should be considered that could further reduce potential economic impacts on individuals and businesses.

NEW Proposed Rules

809-025-0000 Definitions: This rule defines terms used within the rest of the rules for continuing education in Division 025 that are not used elsewhere in OSBGE rules within OAR Chapter 809.

809-025-0010 Continuing Education Requirements: This rule sets continuing education activity requirements for Oregon RGs and CEGs. These registrants would need to complete eight (8) hours of qualifying continuing education activities during each annual renewal period. Geologist-in-Training (GIT) registrants would be exempt. Registrants granted an initial registration as a RG would be exempt for the first year of registration with OSBGE.

809-025-0015 Continuing Education Activities: This rule sets criteria for and describes types of continuing education activities that could satisfy the Board’s continuing education requirements. The rule also explains how certain activities would be credited. A wide variety of activities are potentially acceptable, including structured (sponsored) and self-directed activities.

809-025-0020 Record Keeping: This rule identifies the record keeping requirements that Oregon RGs and CEGs must follow to document completion of continuing education activity requirements. These registrants would be required to keep a log summarizing continuing education activities completed as well as supporting documentation as described in the rule. These registrants would only need to submit these records to OSBGE if selected for audit. These records would need to be kept for activities completed over three annual renewal periods.

809-025-0025 Continuing Education Audit: This rule describes OSBGE auditing of registrant compliance with continuing education activity requirements. The rule addresses the documentation that a registrant would need to submit upon receipt of an audit notice from OSBGE and how that documentation would be reviewed by OSBGE. The rules also gives examples of possible audit findings.
809-025-0030 Special Considerations: This rule specifies that continuing education activities may be completed in or outside of Oregon provided the activities and associated documentation meet OSBGE requirements as defined in the Division 25 rules.

809-025-0035 Restoration of Registration: This rule sets continuing education activity requirements for restoration of registration. A registrant requesting to restore a registration that is over one-hundred seventy-nine (179) days expired (i.e., beyond the renewal date) would be required to provide proof of completion of eight (8) continuing education activity hours as part of the request for renewal.

809-025-0040 Exemptions: This rule explains when OSBGE may grant to registrants various types of exemptions to continuing education activity requirements. Exemption types of active military service, illness/disability or other extenuating circumstances, and work/travel outside the U.S. for an extended period are identified. The rule addresses the timeline and process for a registrant to request an exemption.

809-025-0045 Noncompliance: This rule summarizes violations of continuing education rules and clarifies that such violations may be deemed misconduct under Board rules.

Effective Dates: These rules have a proposed effective date of Jan. 1, 2021. This means that registrants would need to comply with the new requirements to complete continuing education activities and maintain documentation of those activities for all renewal periods starting after Jan. 1, 2021. The Board could begin to audit registrants for compliance with the continuing education activities requirements for renewals submitted where the renewal dates are Jan. 31, 2022 or later. As an example, a registrant with a renewal due by Jan. 31, 2022 could be audited for the renewal period of Feb. 1, 2021 through Jan. 31, 2022. Audits look back at compliance during the renewal year completed.

As a reminder, all OSBGE renewal dates for Board registrants are set on the last day of the month. A renewal year is counted from the first of the month following the last renewal up through the current renewal date.

How to Comment: Public comments received during the notice period will be considered by OSBGE.

- Rule Hearing: OSBGE is holding a hearing on the proposed rule amendments as follows: May 29, 2020, 10:00 AM – 11:00 AM, at the Association Center, 707 13th St. SE, Salem, OR. Verbal or written comments may be provided at the hearing. ***IMPORTANT: The hearing may be changed to a teleconference or virtual hearing depending on the status of COVID-19 restrictions on gatherings. Check the OSBGE website prior to the hearing date for updates, or contact the OSBGE office.***

- Comment Deadline: Written comments may be provided without attending the rule hearing. Comments can be sent to the OSBGE office through 11 AM on May 29, 2020. Comments can be sent by mail, e-mail, or by fax. (See top of notice for contact information.)

Additional Information: The rulemaking notice filing, which includes the text of the proposed rules as well as need and fiscal impact statements, is available at the OSBGE website (https://www.oregon.gov/osbge/Pages/default.aspx) or by contacting the OSBGE office. See also the Secretary of State’s Oregon Bulletin for April 2020 available at https://secure.sos.state.or.us/oard/displayBulletins.action.