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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 809  
BOARD OF GEOLOGIST EXAMINERS

**FILED**

12/08/2023 11:13 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amendments to Address Changes in Post Examination Services, Remove Obsolete Provisions, and Housekeeping Updates

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/06/2024 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.*

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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: 02/06/2024

TIME: 9:30 AM - 10:00 AM

OFFICER: Christine Valentine

HEARING LOCATION

ADDRESS: OSBGE (Virtual Hearing), 1500 Liberty St. SE, Suite 210, Salem, OR 97302

SPECIAL INSTRUCTIONS:

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

REMOTE MEETING DETAILS

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

PHONE NUMBER: 253-215-8782

CONFERENCE ID: 82699438348

SPECIAL INSTRUCTIONS:

Passcode 838405. Alternative phone #669-444-9171. 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)

Amendments are needed to address changes in availability of certain post examination services and to remove obsolete provisions from rules.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Board rules and communications from the national Association of State Boards of Geology (ASBOG). Available via the Board office.

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

The proposed amendments are not anticipated to have any effect on racial equity. The amendments are needed to address changes in post examination services provided by ASBOG, the national examination provider. Some candidates could be impacted by no longer having access to these services, however, the Board has seen very low interest in these services over the last decade so does not anticipate much impact.

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FISCAL AND ECONOMIC IMPACT:

No fiscal or economic impact anticipated. Amendments to the fee rule do not increase any fees or add any new fees. No costs for implementation expected.

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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) No economic impacts on state agencies, local governments, or members of the public. The amendments will only apply to individuals taking examinations in the future.

(2) No economic impacts on small businesses.

(a) The amendments do not apply to small businesses or any other businesses.

(b) No expected reporting, recordkeeping, or administrative activities or costs on any businesses.

(c) No expected costs for professional services, equipment, supplies, labor, or administration to comply with the amended rules.

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

Some Board members and members of the Board's Rules Advisory Committee have experience working for or running small businesses. These members were given the opportunity to review and help shape the proposed amendments. Proposed amendments were discussed during public meetings of the Board.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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RULES PROPOSED:

809-010-0001, 809-040-0021, 809-040-0023

AMEND: 809-010-0001

RULE SUMMARY: Rule sets fees for various Board services and registrations. Amendments are needed due to changes in proctored review services.

CHANGES TO RULE:

809-010-0001

Fees ¶¶

Fees, as established by the Board of Geologist Examiners, are:¶¶

(1) Examinations¶¶

(a) ASBOG examination and associated testing fees - Candidates are responsible for paying these fees during the examination registration process. These fees are not paid to the Board.¶¶

(b) Engineering geologist examination - \$310.00.¶¶

(c) ~~Manual rescoring or proctored review:¶¶~~

- (A) For ASBOG manual rescoring request only – an amount equal to the actual cost charged by ASBOG and the ASBOG testing vendor for this service;¶
- (B) For ASBOG proctored review request only – an amount equal to the actual cost charged by ASBOG and the ASBOG testing vendor for this service; and ¶
- (C) In addition to (A) & (B) and for all engineering geologist examination-related requests, an amount payable to the Board for Proctored review of engineering geologist examination - \$50.00 to \$100.00 based on the actual administrative costs of providing the service, including any costs for staff or Board member time, copies, postage, and other processing costs, up to a maximum of \$100.00 payable to the Board per request. ¶
- ~~(d) Examination administration fee and e. ¶~~
- (d) Examination resubmittal fee - \$50.00 each. ¶
- (2) Registration and Renewal ¶
- (a) Geologist-in-Training initial registration and annual renewal - \$75.00. ¶
- (b) Registered Geologist initial registration and annual renewal - \$240.00. For a Geologist-in-Training issued an initial geologist registration, a prorated fee is refunded at the time of the initial issuance of registration to account for the remaining time period covered by the last annual registration fee paid for Geologist-in-Training registration. ¶
- (c) Certified Engineering Geologist initial certification and annual renewal - \$190.00. Engineering Geologist must have a current geologist registration. For a Certified Engineering Geologist, the initial certification fee for the specialty registration is prorated to set the renewal date concurrent with the registrant's existing geologist registration. ¶
- (d) Duplicate or replacement of lost, destroyed, or mutilated registration card or wall certificate - \$25.00. ¶
- (e) Restoration (late) fee if received: ¶
- (A) One to ninety days after due date: \$40.00; ¶
- (B) Ninety-one to one-hundred seventy-nine days after due date: \$75.00; ¶
- (C) Over one-hundred seventy-nine days after due date: \$150.00. ¶
- (f) Renewal of Registered Geologist registration, if registrant is 70 years of age or over by renewal date - \$45.00. ¶
- (g) Renewal of Certified Engineering Geologist registration, if registrant is 70 years of age or over by renewal date - \$45.00. ¶
- (3) Miscellaneous ¶
- (a) Application Fees: The following application fees apply, except for the application fee for examination resubmittal is addressed in (1)(d) of this rule. ¶
- (A) Application fee for ASBOG Fundamentals of Geology examination - \$100.00 ¶
- (B) Application fee for Geologist-in-Training registration - \$100.00 ¶
- (C) Application fee for Practice of Geology or Engineering Geologist examination - \$155.00 ¶
- (D) Application for Registered Geologist, Certified Engineering Geologist, or Temporary Military Spouse Registration - \$155.00 ¶
- (b) Temporary Permit Fee - \$100.00. This fee is to accompany any notification per 672.545(3)(b). ¶
- (c) Temporary Military Spouse Registration Fee - \$155.00. This fee is for a two-year authorization issued under OAR 809-050-0015 and is in addition to the application fee in (3) of this rule. ¶
- (d) File Maintenance Fee - \$25.00 per request. This fee is to cover maintaining examination files for passing candidates who do not register in Oregon. ¶
- (e) Fee for a list of all active registrants - \$50.00.
- Statutory/Other Authority: ORS 182.466(4), ORS 670.310(1), ORS 672.705
- Statutes/Other Implemented: ORS 672.705

AMEND: 809-040-0021

RULE SUMMARY: The Board must amend this rule due to changes in the ASBOG examination processes which will no longer provide for manual rescoring or for the Board to provide proctored reviews for ASBOG examinations.

CHANGES TO RULE:

809-040-0021

Proctored Review and Manual Rescoring for Engineering Geologist Examination ¶

(1) Candidates who do not pass an examination or examination section the engineering geologist examination may request post examination review as described in this rule. ¶

(2) For purposes of this rule, a "manual rescoring" occurs when the accuracy of national examination results that had been scored by machine are checked by hand. This option only applies to the national examination. ¶

(3) For purposes of this rule, a "proctored review" occurs when a candidate who took an examination is provided an opportunity to review what questions on the examination were answered correctly and incorrectly. ¶

(4) Only one proctored review and one manual rescoring is allowed for each candidate per examination or examination section administration. ¶

(5) Fees: Candidates must pay the fees charged by the Board for the costs of these services for manual rescoring or proctored review. Separate fees for rescoring and proctored review services are charged by the Board providing this service in accordance with the Board's fee rule, OAR 809-010-0001. ¶

(6) Procedures: ¶

(a) When manual rescoring or proctored review is requested for the national examination or examination section, the Board follows the ASBOG procedures described in the ASBOG Professional Geologists Candidate Handbook (2022), and the requirements of this rule (809-040-0021) apply. ¶

(b) When a proctored review is requested for the engineering geologist examination, the requirements of this rule (809-040-0021) apply. ¶

(c) Any written request for manual rescoring or proctored review and all A written request for a proctored review and the associated fees must be received by the Board office no later than 130 days after the Board's release of the examination score to the candidate unless otherwise authorized in writing by the Board Administrator or a designee of the Board, which decision is within the sole discretion of the Board Administrator or designee.

Statutory/Other Authority: ORS 672.555, 672.575, ORS 182.466(4), 670.310(1), 672.565, ORS 672.705

Statutes/Other Implemented: ORS 672.705, ORS 672.555 to 672.575

AMEND: 809-040-0023

RULE SUMMARY: Rule addresses procedures for withdrawal from or resubmittal for examination. Amendments are needed to clarify requirements and remove obsolete provisions.

CHANGES TO RULE:

809-040-0023

Withdrawal from Examination or Rescheduling Examination ¶

(1) A candidate can request in writing to withdraw an application to take an examination but forfeits the application fee paid to the Board. ¶

(2) For application withdrawal, the following restrictions also apply:¶

(a) For the engineering geologist examination, the examination fee paid to the Board is refundable only when authorized and approved by the Board or its designee in its sole discretion under OAR 809-040-0030. ¶

~~(b) For the national examination, the candidate is subject to the policies of the ASBOG testing vendor for withdrawing from examination, including any restrictions on refund of examination fees paid via the testing vendor and any processing fee charged by the test vendor. The only exception to this is as follows:¶~~

~~(A) Candidates approved by the Board for the October 2022 examination administration can request in writing to withdraw up until the day of the examination administration, and the Board will refund the examination fee(s) paid to the Board minus an administrative processing fee set in OAR 809-010-0001. ¶~~

~~(B) Written requests for refunds received after the deadline in (A) ma~~Any refund will be of the examination fee only, as the application fee is non-refundable. A written request for refund is required. If such request is received after the examination administration date, the refund may only be approved by the Board or its designee, acting in its sole discretion, if the candidate provides adequate information explaining the failure to show and reason for not timely requesting to withdraw under (A). Any approved refund amount shall not include the amount of the~~from the administration. ¶~~

~~(b) For the national examination, the candidate is subject to the policies of the ASBOG testing vendor for withdrawing from examination, including any restrictions on refundable administrative processing fee in OAR 809-010-0001- of examination fees paid via the testing vendor and any processing fee charged by the test vendor.~~ ¶

(3) After Board approval is granted to take an examination or examination section, a candidate may request rescheduling to a later examination administration or request to retake a failed examination via a resubmittal application. The candidate's resubmittal application for purposes of rescheduling or retaking examination must be received in the Board office by the Board's resubmittal application deadline in OAR 809-040-0001(3). The examination resubmittal fee set in OAR 809-010-0001 applies.

Statutory/Other Authority: ORS 182.466(4), 670.310(1), 672.555, 672.585, ORS 672.705

Statutes/Other Implemented: ORS 672.705, ORS 672.555 to 672.585