

## Chapter 06 Continuing Professional Competency Requirements

**Authority: Business Occupations and Professions Article, §14-314, Annotated Code of Maryland**

### **.01 Purpose.**

The public interest requires that professional engineers provide competent services in all areas of practice. The State legislature has determined that it is in the best interest of the public to require professional engineers to comply with the continuing professional competency requirements as a prerequisite to the renewal of a license.

### **.02 Definitions.**

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) "Activity" means attending and completing any qualifying courses, seminars, workshops, technical presentations, and other qualifying programs with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice. Regular duties in the course of employment are not considered qualified activities.

(2) "Authorized provider" means an organization or individual reviewed and approved by the Board.

(3) "Board" means the State Board for Professional Engineers.

(4) "Category A/Category B programs" means the types of programs set forth in Regulation .04 of this chapter.

(5) "College unit/semester/quarter hour" means the credit for a course described in §B(1) of this regulation, offered by a university, college, or community college.

(6) "Continuing education unit (CEU)" means a unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class time in an approved continuing education course.

(7) "Dual Licensee" means a person who is licensed as both a professional engineer and a professional land or property line surveyor.

(8) "NCEES" means the National Council of Examiners for Engineering and Surveying.

(9) "Professional Development Hour (PDH)" means a contact hour (nominal) of instruction or presentation and is the common denominator for other units of credit.

(10) "Qualifying program" means any course, seminar, workshop, technical presentation, or other qualifying offering that meets the criteria set forth in Regulation .04 of this chapter.

(11) "Reporting period" means a 2-year licensing period immediately preceding a current individual licensing term.

(12) "Self-directed activity" means an activity that does not involve a face-to-face direct learning experience. The self-directed activity may include, but is not limited to, correspondence courses, online courses, and televised, videotaped, or audiotaped presentations and shall provide for, in addition to the requirements in Regulation .04 of this chapter, clear outcome measures in the form of a narrative, test, report, study, research paper, or any other appropriate form or method.

(13) "Seminar" means a meeting or meetings of experienced participants or experts with an expert leader who conducts a discussion on a specific topic.

(14) "Workshop" means a meeting or meetings of general sessions and individual groups.

### **.03 Requirements.**

A. A licensee shall complete at least 24 PDH units during each reporting period with a:

(1) Minimum of 18 PDH units in Category A programs, including a minimum of 1 PDH unit in content areas related to the standards of practice or care, laws and regulations applicable to the practice of engineering in Maryland, or professional engineering ethics; and

(2) Maximum of 6 PDH units in Category B programs.

B. A maximum of 12 PDH units earned in excess of 24 PDH units that are required for a license renewal during the licensing term can be carried forward to apply as credit toward the next individual licensing term.

### **.04 Programs.**

A. Programs shall meet at least the following criteria in order to be considered qualifying programs:

(1) Maintain and enhance professional competency of professional engineers; and

(2) Foster improvement, advancement, and extension of professional skills and knowledge related to the practice of engineering.

B. Qualifying programs may fall into one or more of the following categories:

(1) Category A programs shall have content areas that focus on the following issues:

(a) Technical, research, analytical, or design aspects of engineering;

(b) Laws and regulations applicable to the practice of engineering in Maryland;

(c) Engineering-related computer hardware and software topics;

(d) Standards of practice or care;

(e) Professional engineering ethics;

(f) Project management, risk assessment and management, or emergency and disaster management; or

(g) Similar topics aimed to maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice; or

(2) Category B programs shall have content areas that focus on the following issues:

(a) Business or government administration; or

(b) Development of traits, skills, or behavioral patterns geared towards improved communications skills, oral and written skills, personal management skills, or other similar programs which contain a clear purpose of improving a licensee's methods of practice or operations or advancing professionally related skills and practices as applicable to the practice of engineering.

C. Qualifying programs shall be formally organized and classified as:

(1) University, college, and community college courses;

(2) Professional workshops;

- (3) Seminars;
- (4) Self-directed; or
- (5) Technical presentations.

D. Qualifying programs may be presented by the following methods:

- (1) Live;
- (2) Televised;
- (3) Videotaped;
- (4) Audiotaped;
- (5) Online; or
- (6) Through other appropriate formats approved by the Board.

## **.05 Sources of Credit.**

A. A licensee may earn PDH units by the following methods:

- (1) Attendance and successful completion of structured educational programs in which the teaching methodology consists primarily of systematic presentation of subjects related to the practice of engineering, and which programs are:
  - (a) Offered by pre-approved or other authorized providers;
  - (b) Have a stated purpose and defined content areas; and
  - (c) Have a clearly stated duration.
- (2) Serving as a single or first author of an original paper on engineering subject matters published in magazines, journals, professional proceedings, or other similar publications intended for professional use and distribution;
- (3) Serving as a single or first author of an original published book on engineering subject matters that exhibits excellence in scholarship and has a significant impact and influence on the direction of engineering;
- (4) Subject to limitations set forth in Regulation .07 of this chapter, active participation in an engineering professional or technical society;
- (5) Obtaining a patent;
- (6) Teaching of an engineering subject as identified in Regulation .04B(1) of this chapter;
- (7) Developing examination questions accepted for use on NCEES examinations; or
- (8) Other appropriate methods.

B. A licensee may not earn credits for such activities as:

- (1) Regular employment as a professional engineer or expert witness;

- (2) Marketing or business development or sales;
- (3) Equipment demonstrations or trade show displays;
- (4) Time management techniques and strategies;
- (5) Computer-aided drafting;
- (6) Repetitive attendance of the same course or activity without substantial modifications or updates;
- (7) Attending committee meetings or general business meetings of any organization;
- (8) Conversational language courses for personal use;
- (9) Executive coaching;
- (10) Basic computer software, including, but not limited to, Excel, Word, Outlook, and similar basic computer software; or
- (11) Any other topics not relevant to the practice of engineering.

### **.06 Determination of the Value of a Unit.**

The conversion of other units of credit to PDH units is as follows:

- A. 1 college or unit semester hour—45 PDH units;
- B. 1 college or unit quarter hour—30 PDH units; and
- C. 1 continuing education unit—10 PDH units

### **.07 Determination of Credits.**

A. A licensee is eligible to earn PDH units only upon attendance and successful completion of the appropriate program. The number of PDH units earned is per each individual licensing term.

B. Credit for university, college, or community college courses shall be given when taken for credit and will be based upon the course credit value established by the institution of higher education. An audited class is not acceptable for purposes of receiving a credit.

C. Each published paper or article on an engineering subject as identified in Regulation .04 of this chapter is equal to 5 PDH units.

D. Each published book on an engineering subject is equal to 24 PDH units.

E. Except for full-time faculty, teaching of engineering and related subjects is subject to the following limitations:

(1) For the first-time presentation, a presenter may claim credit for the program that is equivalent to two times the number of PDH units awarded by the Board for the program; and

(2) Unless a presentation has been substantially modified and updated for a subsequent presentation, a presenter may not claim credit for repeat presentations of the same material.

F. Credit for participation in engineering, professional, or technical societies as an officer or an active participant in a committee of the organization is equal to 1 PDH unit in Category B program. The credit is not considered earned until the end of each year of service is completed and is limited to 1 PDH unit regardless of the number of engineering, professional, or technical societies that a licensee may be serving at one time.

G. Work related to the development and submission of examination questions subject to the following limitations:

- (1) Questions accepted for use on NCEES examinations—2 PDH units per accepted question, up to 6 PDH units per year.
- (2) Attendance and participation in exam development committee meetings—up to 8 PDH units per year.

H. Obtaining a patent is equal to 10 PDH units.

I. The final determinations of value, appropriate category, and other matters related to the PDH units are the responsibility of the licensee, subject to review and approval by the Board.

## **.08 Authorizations of Providers/Other Presenters.**

A. The Board will review and if appropriate, approve the providers of the CPC credits and PDH units.

B. Providers' Eligibility/Other Presenters.

(1) The following providers are considered to be preauthorized providers without any further action by the Board:

- (a) National (ABET/EAC), regional, or State accredited academic institutions;
- (b) National, State, or regional engineering professional or technical societies or organizations;
- (c) National Council of Examiners for Engineering and Surveying;
- (d) American Council of Engineering Companies;
- (e) International Association for Continuing Education and Training; and
- (f) Entities that are currently certified as approved providers of CPC credits and PDH units by pre-authorized providers;
- (g) Other entities that may from time to time become approved by the Board.

(2) The Board may allow appropriate credits for the attendance and participation in a technical activity or presentation by companies or organizations, whether or not approved by the Board under this regulation, if:

- (a) The activity or presentation is consistent with Regulation .04B(1) of this chapter; and
- (b) A licensee maintains required documentation in accordance with Regulation .09 of this chapter, including a test, narrative, or other appropriate outcome measure.

(3) Approval of Providers.

(a) The individuals or entities that are not considered to be pre-approved providers, including, but not limited to, professional firms conducting in-house presentations, may be approved by the Board to become authorized providers upon application and approval by the Board.

(b) During the application process, the Board will evaluate the suitability of the provider to serve as an approved provider.

(c) The provider shall submit general information that will enable the Board to evaluate the provider's qualifications. At a minimum, the Board requires the following information to be submitted with each application for approval:

- (i) The types and descriptions of proposed or existing courses intended to be offered;
- (ii) The number of PDH units to be awarded for each course;
- (iii) The identity and qualifications of the course instructors;
- (iv) The explanation and sample of outcome measures for any self-directed programs that may be offered; and
- (v) The sample course outlines detailing the content of activity to be offered.

(d) The Board may suspend or revoke authorization as a provider if, in the judgment of the Board, the intent of Business Occupations and Professions Article, §14-314(f), Annotated Code of Maryland, is no longer served.

(e) An individual or organization whose provider's privilege has been suspended or revoked may appeal to the Board for a hearing, within 30 days after notification of the action by the Board.

(f) The Board may require approved providers to document the CPC activities for audit by the Board at any time within the 6-year period after the first presentation of the programs. Documentation shall include registration and attendance records, stated purpose, content, presentation, time and length of the activity, and participant evaluations.

C. The Board shall maintain and make available to licensees, as often as it considers appropriate, a roster of approved providers.

## **.09 Record Keeping.**

A. Responsibility to Maintain Records.

(1) The responsibility of maintaining records to be used to support the continuing professional competency credit claim is the responsibility of each licensee.

(2) A licensee shall maintain the records for a period of at least 4 years from the date of completion of the qualifying program.

B. Documentation referred to in §A(2) of this regulation, includes, but is not limited to, the following:

- (1) Certificates of participation;
- (2) Transcripts, if appropriate;
- (3) Reprints of publications;
- (4) Proof of presentations;
- (5) Title and description of the activity;
- (6) Dates attended;
- (7) Presenter's name;
- (8) Other appropriate information, such as a narrative describing the knowledge gained; and
- (9) Materials required for self-directed continuing education programs.

## **.10 Reporting Requirements for License Renewal.**

A. A licensee shall attest on the license renewal form to the fact that the licensee has completed all applicable CPC requirements set forth in this chapter by the last day of the month preceding the month in which the licensee's individual license is to be renewed for the following 2-year licensing term.

B. The Board at its discretion may audit randomly selected licensees to ascertain compliance with CPC requirements.

C. Licensees who are audited shall provide any additional documentation required by the Board to complete the audit.

## **.11 Extenuating Circumstances/Exceptions.**

A. Notwithstanding other requirements set forth in this chapter, a licensee who is granted an initial license may renew a license for the next full term without complying with the CPC requirements.

B. A licensee who, due to physical disability, illness, military duty, or other extenuating circumstances, is unable to comply with the CPC requirements prior to the license expiration date shall to the extent feasible so notify the Board prior to the license expiration date. If at a later date a licensee whose license lapsed due to noncompliance with the CPC requirements wishes to reinstate the license, the licensee shall fulfill all past due CPC requirements for the previous CPC reporting periods, subject to the maximum amount of required credits as set forth in Regulation .13 of this chapter. The Board may consider waiving, if the extenuating circumstances so warrant, all or part of applicable reinstatement fees and a portion of the required number of PDH units.

## **.12 Failure to Meet the CPC Requirements.**

In the event a licensee fails to comply with the CPC requirements set forth in this chapter, the Board, subject to the hearing provisions of Business Occupations and Professions Article, §14–319, Annotated Code of Maryland, may take any and all available disciplinary actions under Business Occupations and Professions Article, §14–317, Annotated Code of Maryland.

## **.13 Reinstatement of License.**

A licensee who wishes to reinstate a license after failing to complete the CPC requirements shall fulfill past due CPC requirements for the immediately preceding CPC reporting periods up to 48 PDH units and pay all applicable fees.

## **.14 Retired Status.**

An individual who elected to receive retired status license shall be exempt from the compliance with the CPC requirements. In the event such individual elects to have the license reactivated, the individual shall fulfill past due CPC requirements up to 48 PDH units.

## **.15 Dual Licensees.**

A licensee who maintains current licenses in the State of Maryland both as a professional engineer and as a professional land or property line surveyor shall comply with the CPC requirements set forth in COMAR 09.13.08 applicable to licensed professional land or property line surveyors, except that a minimum of 1/3 of the units earned shall be gained from the qualifying programs on an engineering subject as set forth in Regulation .04 of this chapter.

## **.16 PDH Units Earned in Other States.**

The Board will accept PDH units earned for activities completed in other jurisdictions, provided that the activities and programs are consistent with and comply with the requisite criteria set forth in this chapter and the licensee otherwise fulfills all other applicable license renewal requirements of this chapter.

## **.17 Effective Dates.**

The following phase-in provisions apply to the respective license renewal dates:

- A. If a license expires on or before September 30, 2012, a licensee is not required to fulfill the CPC requirements.
- B. If a license expires between October 1, 2012, and September 30, 2013, a licensee is required to fulfill 50 percent of the CPC requirements as provided in this chapter.
- C. If a license expires on or after October 1, 2013, a licensee is required to fulfill the full CPC requirements as provided in this chapter.
- D. The Board may consider, for the purposes of compliance with the CPC requirements of this chapter, PDH units or CEUs earned on or after October 1, 2010.

### ***Administrative History***

**Effective date: July 11, 2011 (38:14 Md. R. 789)**