Rules Pertaining to Continuing Education for Professional Engineers

Rule 15. Continuing Education
864 IAC 1.1-15-1 Continuing education
Authority: IC 25-1-4-8; IC 25-31-1-17.5
Affected: IC 25
Sec. 1. This rule establishes the continuing education requirements for professional engineers. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-1; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

864 IAC 1.1-15-2 Definitions
Authority: IC 25-1-4-8; IC 25-31-1-17.5
Affected: IC 25-1-4-0.2; IC 25-1-4-0.5
Sec. 2. (a) As used in this rule, "biennium" means a two (2) year licensure period during which continuing education requirements must be met. It:
(1) commences on August 1 of an even-numbered year; and
(2) concludes on July 31 of the next even-numbered year.
(b) Based on IC 25-1-4-0.5 and as used in this rule, "continuing education" means an orderly process of instruction that is:
(1) approved by an approved organization (as defined in IC 25-1-4-0.2) or the board; and
(2) designed to directly enhance a professional engineer’s knowledge and skill in providing services relevant to the practice of engineering.
(c) As used in this rule, "hour of continuing education" means at least fifty (50) minutes of instruction or course contact time.
"Hours of continuing education" has the same meaning for the number of hours stated. An alternate term for an hour of continuing education that is used nationally with continuing education for professional engineers is professional development hour or PDH. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-2; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

864 IAC 1.1-15-3 Continuing education hours required
Authority: IC 25-1-4-8; IC 25-31-1-17.5
Affected: IC 25-1-4
Sec. 3. (a) Except for holders of an inactive certificate under section 9 of this rule, during each biennium a professional engineer shall complete thirty (30) hours of continuing education that meets the requirements of this rule and IC 25-1-4 in order to renew his or her professional engineer registration. This continuing education requirement first applies to the biennium of August 1, 2010, through July 31, 2012, and therefore first applies to the July 31, 2012, renewal. (b) At least one (1) hour of the continuing education required in each biennium under subsection (a) shall be in ethics applicable to the practice of professional engineering. (c) At least one (1) hour of the continuing education required in each biennium under subsection (a) shall be in Indiana statutes and rules applicable to the practice of professional engineering. (d) A professional engineer initially licensed in Indiana in the first year of a biennium shall only be required to obtain fifteen (15) hours of continuing education. A professional engineer initially licensed in Indiana in the second year of a biennium shall not be required to obtain any continuing education. (e) Up to fifteen (15) hours of continuing education may be carried over as follows: (1) Continuing education obtained after the effective date of this rule and before August 1, 2010, may be carried over to the August 1, 2010, to the July 31, 2012, biennium. (2) Continuing education obtained during a biennium beyond what is required for that biennium may be carried over to the next biennium. 

(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-3; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

864 IAC 1.1-15-4 Credit for distance learning, teaching, and college courses
Authority: IC 25-31-1-17.5
Affected: IC 25
Sec. 4. (a) Distance learning courses obtained by distance learning methods shall qualify. (b) Courses that are relevant to the professional engineer's professional skills, which are part of the curriculum of an accredited university, college, or educational institution, shall earn: (1) fifteen (15) hours of continuing education for each academic semester hour completed; or (2) ten (10) hours of continuing education for each academic quarter hour completed. (c) Teaching a course at an accredited university, college, or educational institution shall earn two (2) times the number of hours a student is allowed under subsection (b), but only for the first time the instructor teaches the course. (d) Services as an instructor or presenter at a qualified continuing education course earn one (1) hour of continuing education for each hour taught, but only for the initial instruction or presentation. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-4; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)
Sec. 5. (a) It is the professional engineer's responsibility to ensure that the course is applicable to enhancing the practice of engineering. According to IC 25-1-4-0.5, certain courses are automatically approved by being approved by an approved organization under IC 25-1-4-0.2 assuming the subject matter of the course is acceptable under this rule by being designed to directly enhance the practitioner's knowledge and skill. For any course not automatically approved, the following criteria shall be used for board approval of continuing education programs for professional engineers:

1. The continuing education course shall have a statement of objectives, which the program should achieve for its participants relating to and enhancing the practice of engineering.
2. The sponsor of continuing education courses shall provide:
   A. adequate administration, including a responsible person to coordinate and administer the program; and
   B. for the maintenance of proper records.
3. The curriculum of a continuing education course shall be thoughtfully planned and designed to explore in considerable depth one (1) subject or a closely related group of subjects related to the practice of engineering.
4. The continuing education course shall:
   A. have qualified instructors who have demonstrated competence in the subject areas;
   B. be held in adequate facilities that allow for an effective program; and
   C. employ a variety of educational methods and teaching aids that enhance the learning opportunities.
5. Appropriate methods of evaluation shall be devised and used to measure the continuing education course's effectiveness.
6. The sponsor of the continuing education course shall provide to the participants a meaningful record of attendance stating the continuing education hours involved, such as a certificate of completion.

(b) Continuing education courses may be approved by the board provided the sponsoring organization has submitted the proper documentation.
(c) The sponsor of the course is responsible for monitoring attendance in such a manner that verification of attendance throughout the entire course can be reliably assured.
(d) Notwithstanding subsections (a) and (b), continuing education courses for professional engineers approved by an approved organization under IC 25-1-4-0.2 are automatically approved. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-5; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)
864 IAC 1.1-15-6 Reporting continuing education
Authority: IC 25-31-1-17.5
Affected: IC 25
Sec. 6. (a) A licensee must sign the renewal form provided by the Indiana professional licensing agency that verifies that all continuing education requirements according to section 3 of this rule will have been met by the time of license renewal.
(b) The professional engineer shall maintain copies of certificates of completion of continuing education courses for a period of three (3) years following the end of the biennium. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-6; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

864 IAC 1.1-15-7 Continuing education audit
Authority: IC 25-1-4; IC 25-31-1-17.5
Affected: IC 25-1-4-3
Sec. 7. (a) As required by IC 25-1-4-3, the board shall conduct random audits for compliance with continuing education requirements.
(b) Action taken for noncompliance will be governed by IC 25-1-4. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-7; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

864 IAC 1.1-15-8 Request for a waiver of the continuing education requirement
Authority: IC 25-1-4; IC 25-31-1-17.5
Affected: IC 25-1-4-4
Sec. 8. (a) Under IC 25-1-4-4, a professional engineer may apply in writing for a waiver for all or part of the continuing education requirements for a biennium, seeking renewal of that license without having completed the continuing education required for renewal under this rule, by submitting the following:
(1) A statement explaining the reasons for noncompliance.
(2) A request for a waiver of the continuing education required for renewal.
(3) The renewal application and all required fees.
(b) The license holder must submit evidence to the satisfaction of the board to be granted a waiver.
(c) If the request is granted, the waiver will be effective for the current renewal period only.
(d) If the request is denied, the license holder is responsible for completing the full amount of continuing education required for license renewal.
(e) Waivers may be granted if a hardship exists. The board will determine whether a hardship exists that would have prevented the licensee from obtaining his or her continuing education, including, but not limited to, the following:
(1) For at least one (1) year during the current renewal period, the licensee was absent due to full-time service in the armed services of the United States.

(2) During the current renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered an incapacitating illness or injury. The existence of the incapacitating illness or injury must be verified by a licensed physician or psychologist with special expertise in the area of the incapacitating illness or injury. Verification of the incapacitating illness or injury must include the following:

(A) The nature and extent of the illness or injury.
(B) An explanation of how the illness or injury would hinder the licensee from completing the continuing education requirement.
(C) The:
   (i) name;
   (ii) title;
   (iii) address;
   (iv) telephone number;
   (v) professional license number; and
   (vi) original signature;

of the licensed physician or psychologist verifying the illness or injury. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-8; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

864 IAC 1.1-15-9 Inactive status
Authority: IC 25-1-4; IC 25-31-1-17.5
Affected: IC 25
Sec. 9. A professional engineer may apply to the board to renew the professional engineer's registration in an inactive status. No continuing education is required to renew inactive. An inactive professional engineer may not practice engineering while in an inactive status. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-9; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

864 IAC 1.1-15-10 Reactivation of inactive license
Authority: IC 25-1-4; IC 25-31-1-17.5
Affected: IC 25
Sec. 10. To reactivate an inactive license, a professional engineer must do the following:
(1) Apply to the board for reactivation on the application form supplied by the board.
(2) Pay the same fee required to renew an active license.
(3) Show proof of having completed thirty (30) hours of continuing education that meet the requirements of this rule within the two (2) year period immediately prior to the date the reactivation application is filed. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-10; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)
IC 25-1-4
Chapter 4. Continuing Education

IC 25-1-4-0.2
"Approved organization" defined
Sec. 0.2. As used in this chapter, "approved organization" refers to the following:

1. United States Department of Education.
2. Council on Post-Secondary Education.
3. Joint Commission on Accreditation of Hospitals.
5. Federal, state, and local government agencies.
6. A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.
7. A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title.
8. A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).
9. An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).
10. Any other organization or individual approved by the board.


IC 25-1-4-0.3 Version a
"Board" defined
Note: This version of section effective until 7-1-2010. See also following version of this section, effective 7-1-2010.
Sec. 0.3. As used in this chapter, "board" means any of the following:

1. Indiana board of accountancy (IC 25-2.1-2-1).
2. Board of registration for architects and landscape architects (IC 25-4-1-2).
3. Indiana athletic trainers board (IC 25-5.1-2-1).
4. Indiana auctioneer commission (IC 25-6.1-2-1).
5. State board of barber examiners (IC 25-7-5-1).
6. Board of chiropractic examiners (IC 25-10-1).
7. State board of cosmetology examiners (IC 25-8-3-1).
8. State board of dentistry (IC 25-14-1).
(9) Indiana dietitians certification board (IC 25-14.5-2-1).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Board of environmental health specialists (IC 25-32-1).
(12) State board of funeral and cemetery service (IC 25-15-9).
(13) Indiana state board of health facility administrators (IC 25-19-1).
(14) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
(15) Home inspectors licensing board (IC 25-20.2-3-1).
(16) Indiana hypnotist committee (IC 25-20.5-1-7).
(17) State board of registration for land surveyors (IC 25-21.5-2-1).
(18) Manufactured home installer licensing board (IC 25-23.7).
(19) Medical licensing board of Indiana (IC 25-22.5-2).
(20) Indiana state board of nursing (IC 25-23-1).
(21) Occupational therapy committee (IC 25-23.5).
(22) Indiana optometry board (IC 25-24).
(23) Indiana board of pharmacy (IC 25-26).
(24) Indiana physical therapy committee (IC 25-27-1).
(25) Physician assistant committee (IC 25-27.5).
(26) Indiana plumbing commission (IC 25-28.5-1-3).
(27) Board of podiatric medicine (IC 25-29-2-1).
(28) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(29) State psychology board (IC 25-33).
(30) Indiana real estate commission (IC 25-34.1-2).
(31) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(32) Respiratory care committee (IC 25-34.5).
(33) Behavioral health and human services licensing board (IC 25-23.6).
(34) Speech-language pathology and audiology board (IC 25-35.6-2).
(35) Indiana board of veterinary medical examiners (IC 25-38.1-2).


IC 25-1-4-0.3 Version b
"Board" defined

Note: This version of section effective 7-1-2010. See also preceding version of this section, effective until 7-1-2010.

Sec. 0.3. As used in this chapter, "board" means any of the following:
(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana athletic trainers board (IC 25-5.1-2-1).
Continuing education defined

Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction:

(1) that is approved by:

(A) an approved organization or the board for a profession or occupation other than a
real estate appraiser; or

(B) for a real estate appraiser:

(i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or

(ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and

(2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.


IC 25-1-4-0.6
"Practitioner" defined

Sec. 0.6. As used in section 3 of this chapter, "practitioner" means an individual who holds:

(1) an unlimited license, certificate, or registration;

(2) a limited or probationary license, certificate, or registration;

(3) a temporary license, certificate, registration, or permit;

(4) an intern permit; or

(5) a provisional license;

issued by the board regulating the profession in question.

As added by P.L.269-2001, SEC.3.

IC 25-1-4-0.7
Computation of designated time periods

Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

(1) a Saturday;

(2) a Sunday;

(3) a legal holiday under a state statute; or

(4) a day that the office in which the act is to be done is closed during regular business hours.

(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays,
Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

(c) A period under this chapter that begins when a person is served with a paper begins with respect to a particular person on the earlier of the date that:
   (1) the person is personally served with the notice; or
   (2) a notice for the person is deposited in the United States mail.

(d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that notice.

As added by P.L.177-2009, SEC.12.

IC 25-1-4-1
Requirement

Sec. 1. No board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may require continuing education as a condition of certification, registration, or licensure unless so specifically authorized or mandated by statute.


IC 25-1-4-2
Promotion

Sec. 2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may cooperate with members of the profession or occupation it regulates to promote continuing education within the profession or occupation.


IC 25-1-4-3
Sworn statements of compliance; retention of copies of certificates of completion; audits

Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

(1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board’s request for a compliance audit.

(b) Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to
take continuing education courses.

IC 25-1-4-3.2
Distance learning methods
Sec. 3.2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 shall require that at least one-half (1/2) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists and dentists.

IC 25-1-4-4
Hardship waiver
Sec. 4. A board, a commission, a committee, or an agency regulating a profession or an occupation under this title or under IC 16 or IC 22 may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:
(1) Service in the armed forces of the United States during a substantial part of the renewal period.
(2) An incapacitating illness or injury.
(3) Other circumstances determined by the board or agency.

IC 25-1-4-5
Failure to comply; license suspension or refusal to reinstate; penalties; reinstatement requirements
Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:
(1) Send the practitioner notice of noncompliance by certified mail to the practitioner’s last known address.
(2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).
(3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).
(b) Upon service of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:
If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of service of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars ($1,000) within twenty-one (21) days of service of the notice.

(B) Acquire, within six (6) months after service of the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

If a practitioner fails to comply with subsection (b), the board shall immediately suspend or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal to the practitioner by certified mail.

If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars ($5,000) under subsection (b)(2)(A).

The board shall:

(1) reinstate a practitioner's license; or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.


Failure to comply; denial of license renewal or reinstatement; penalties

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter or IC 25-1-8-6, if applicable, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal or reinstatement.

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but
not to exceed one thousand dollars ($1,000).

(2) Acquisition by the practitioner of the number of credit hours required to be obtained by
the practitioner during the relevant license period.

(3) The practitioner otherwise complies with this chapter.


IC 25-1-4-7
Credit hours
Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter
may not apply to the practitioner's
credit hour requirement for the license period in which the credit hours are acquired.

As added by P.L.157-2006, SEC.16.

IC 25-1-4-8
Rules
Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.157-2006, SEC.17.