14718, (eff 12-11-26)

CHAPTER Geo 400 CONTINUED STATUS

PART Geo 401 RENEWAL OF LICENSE

Readopt with amendment Geo 401.01 and Geo 401.02, effective 3-24-17 (Document #12152), to read as follows:

Geo 401.01 Expirations and Renewals. As provided in RSA 310:8, II, all issued licenses shall expire 2 years from the date the license was issued.

Geo 401.02 Renewal of License. Any licensee wishing to renew a license shall submit:

(a) The information required by Plc 308.06 on the "Universal Application for License Renewal", that is signed and attested to in accordance with Plc 308.08;

(b) The fee as required by Plc 1002.42;

(c) The supporting documentation identified in Plc 308.07; and

(d) Attestation or proof of having met applicable continuing competence requirements, as required by Geo 403.

Repeal Geo 401.03 and Geo 401.04, effective 3-24-17 (Document #12152), as follows:

~~Geo 401.03 Renewal Application. The applicant shall supply the following information on the application form for license renewal:~~

~~(a) The applicant's full name;~~

~~(b) The applicant's business name, address, and telephone number;~~

~~(c) The applicant's home address and telephone number;~~

~~(d) The applicant's e-mail address;~~

~~(e) The applicant's license number and expiration date;~~

~~(f) The renewal amount due and late fee if applicable;~~

~~(g) Whether it's a first time renewal;~~

~~(h) An attestation that the applicant has complied with the continuing education requirements of Geo 403;~~

~~(i) A statement indicating any disciplinary or legal judgments against the applicant for his or her services as a professional geologist;~~

~~(j) A statement indicating that the applicant has adhered to the ethical and professional standards of Geo 500;~~

~~(k) The applicant's acknowledgement that knowingly providing the board with false information, or providing information with disregard for its truth or falsity when such information is in fact false, provides a basis for disciplinary action by the board; and~~

~~(l) The applicant's signature and date.~~

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~~Geo 401.04 Denial of Renewal.~~

~~(a) Renewal shall be denied if, after notice and an opportunity for hearing, there is a finding of:~~

~~(1) Noncompliance with the continuing education requirements of Geo 403;~~

~~(2) Any unethical act for which discipline shall be imposed under Geo 500;~~

~~(3) Reasons for which an initial application would have been denied; or~~

~~(4) Failure to furnish complete or accurate information on a renewal license application.~~

~~(b) The board shall notify the applicant of any deficiencies in the renewal application within 60 days of acceptance for filing. Failure to remedy the deficiencies within 60 days shall result in denial of the renewal application. An application shall be considered on file with the board when all deficiencies are corrected.~~

Readopt with amendment and renumber Geo 401.05, effective 12-11-23 (Document #13778), as Geo 401.03, to read as follows:

Geo 401.03 Reinstatement of a License.

(a) To request reinstatement of an expired license not more than one year after the license expired, the former licensee shall complete the process for renewing a license specified in Plc 308, including demonstrating that the applicant has:

(1) Met all continuing education requirements for their license type; and

(2) Paid the fee required by Plc 1002.42.

(b) An individual whose license has lapsed, as defined by RSA 310:2, I(e), who wishes to obtain a license shall:

(1) Apply for initial licensure as provided in Plc 304; and

(2) Pay the fee required by Plc 1002.42.

Repeal Geo 401.06 and Geo 401.07, effective 3-24-17 (Document #12152), to read as follows:

~~Geo 401.06 Denial of Reinstatement. Reinstatement shall be denied if, after notice and an opportunity for hearing, the board finds:~~

~~(a) Noncompliance with the continuing education requirements of Geo 403;~~

~~(b) Any unethical act for which discipline shall be imposed under Geo 500;~~

~~(c) Reasons for which an initial application could be denied; or~~

~~(d) Failure to furnish complete or accurate information on a license reinstatement application.~~

~~Geo 401.07 Active Duty Military Inactive Status.~~

~~(a) The board shall place a professional geologist on inactive status pursuant to RSA 332-G:7, II upon receipt of:~~

~~(1) A written request; and~~

~~(2) Proof of active duty service in the Armed Forces of the United States.~~

~~(b) The board shall return a professional geologist to active status upon receipt of:~~

~~(1) Payment of the renewal fee;~~

~~(2) Proof of completion of the continuing education requirements pursuant to Geo 403; and~~

~~(3) Proof that the licensee has not been discharged from service in the Armed Forces of the United States for more than one year.~~

PART Geo 402 DISCIPLINARY MATTERS

Readopt with amendment Geo 402.01 and Geo 402.02, effective 3-24-17 (Document #12152), to read as follows:

Geo 402.01 Initiation of Disciplinary Action. If the board determines that, based on the results of an investigation, there is a reasonable basis to proceed with a disciplinary proceeding, the licensee who was investigated shall be notified and an adjudicative proceeding shall be conducted as provided in RSA 541-A, Plc 200, and applicable law.

Geo 402.02 Disciplinary Sanctions. Upon an affirmative finding that a licensee has committed professional misconduct, after notice and opportunity to be heard, the board shall take disciplinary action as allowed by RSA 310:12, I-a.

Repeal Geo 402.03 and Geo 402.04, effective 3-24-17 (Document #12152), as follows:

~~Geo 402.03 Civil Penalties.~~

~~(a) Adjudicative proceedings seeking the assessment of civil penalties shall be commenced against any person subject to such penalties under any provision of RSA 310-A when the board possesses evidence indicating that a violation has occurred.~~

~~(b) When persons subject to the board's disciplinary authority are directed to pay civil penalties in accordance with Geo 402.02 (c), such civil penalties shall be assessed in accordance with the factors stated in Geo 402.02 (c) and the following additional considerations:~~

~~(1) The cost of any investigation or hearing conducted by the board; and~~

~~(2) The licensee's ability to pay a civil penalties assessed by the board.~~

~~(c) Civil penalties shall not exceed the following amounts:~~

~~(1) When no violation of the same type has occurred within the 5 years preceding the board's notice to the respondent, the civil penalties assessed shall not exceed $200.00 per day or $1,000.00 per offense whichever is greater;~~

~~(2) When a single disciplinary infraction of the same type has occurred within the 5 years preceding the board's notice to the respondent, the civil penalties assessed shall not exceed $200.00 per day or $1,500.00 per offense whichever is greater;~~

~~(3) When more than one disciplinary infraction of the same type has occurred within the 5 years preceding the board's notice to the respondent, the civil penalties assessed shall not exceed $200.00 per day or $2,000.00 per offense whichever is greater; and~~

~~(4) In the case of continuing violations, a separate civil penalty shall be assessed for each day the violation continues, but the total amount of the civil penalties and the respondent's promptness and cooperativeness in ceasing the prohibited conduct in question shall be considered in assessing the daily civil penalty.~~

~~(d) A single course of continuing conduct shall be treated as a single violation for purposes of Geo 402.03 (c), (1), (2), and (3).~~

~~Geo 402.04 Procedures for Assessing and Collecting Civil Penalties.~~

~~(a) Payment of civil penalties shall be included among the options available for settling disciplinary allegations, and shall be included among the types of disciplinary sanctions imposed after notice and hearing.~~

~~(b) In cases where the board initially intends to limit disciplinary sanctions to a civil penalty, the board shall issue a "notice of apparent liability" describing the alleged offense, stating the amount of the assessed civil penalty, and notifying the alleged offender that he or she shall pay or compromise the civil penalties by a date certain or request that an administrative hearing be held. If a hearing is requested, the notice of apparent liability shall be withdrawn and a notice of hearing shall be issued. In such hearings, the board's disciplinary options shall not be limited to the assessment of civil penalties.~~

~~(c) Nonpayment of civil penalties by a licensee or respondent in contravention of an order, agreement, or promise to pay, shall be separate grounds for discipline by the board and a basis for denying a subsequent license or renewal application and a basis for judicial action seeking to collect civil penalties.~~

PART Geo 403 CONTINUING EDUCATION

Readopt with amendment Geo 403.01, effective 3-24-17 (Document #12152), to read as follows:

Geo 403.01 Continuing Education Requirements. Each licensee shall obtain at least 24 hours of continuing education activities during the biennial renewal period as a condition of license renewal.

Repeal Geo 403.02 and Geo 403.03, effective 3-24-17 (Document #12152), as follows:

~~Geo 403.02 Continuing Education Requirements for New Licensees. New licensees shall obtain 12 continuing education hours for their first biennial renewal period.~~

~~Geo 403.03 Requirements for Reciprocity. Licensees who are residents of jurisdictions other than New Hampshire shall meet the continuing education or equivalent requirements of their resident jurisdiction. The requirements for the State of New Hampshire shall be satisfied when a non-resident licensee provides evidence of having met the continuing education or equivalent requirements of their resident jurisdiction. If licensees reside in a jurisdiction that has no continuing education requirements, the resident shall meet the requirements of the State of New Hampshire.~~

Readopt with amendment and renumber Geo 403.04 through Geo 403.07, effective 3-24-17 (Document #12152), as Geo 403.02 through Geo 403.05 to read as follows:

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Geo 403.02 Reinstatement. In addition to the requirements set forth in Geo 401.03, an applicant for reinstatement shall obtain 12 additional hours of continuing education activity for a total of 36 hours. Additional hours shall be for the current reinstatement period only, and none of the additional hours shall be carried over into the licensee's subsequent biennial renewal period.

Geo 403.03 Continuing Education Requirements. Continuing education activities shall meet the following criteria:

(a) Continuing education activities shall be relevant to the practice of geology, or no credit shall be awarded. Such continuing education activities may include technical, ethical, or managerial content;

(b) The content of each activity shall be well organized and presented in a sequential manner;

(c) The activity shall be led by persons who are qualified by education or experience and monitored by the sponsoring organization; and

(d) The activity provides for individual participant registration, which shall include information required for record keeping and reporting.

Geo 403.04 Continuing Education Activity Hours. Hours for continuing education activities shall be awarded as follows:

(a) A maximum of 2 continuing education hours per year shall apply to activity on a state or national board of licensure;

(b) Courses or programs awarded one or more college semester credit hours, with a passing grade where grades are issued, shall equal 15 continuing education hours per credit hour based on course credit established by the college or university;

(c) Courses or programs awarded one or more college quarter hours, with a passing grade where grades are issued, shall equal 10 continuing education hours per credit hour based on course credit established by the college or university;

(d) Courses or programs awarded one or more continuing education hours by the course sponsor, with a passing grade where grades are issued, shall equal 10 continuing education hours per continuing education hour;

(e) One hour of credit shall be awarded for each hour of continuing education in course work, seminars, or professional technical presentations made at meetings, conventions, or conferences for each hour of attendance;

(f) Field trips organized and run by professional or technical societies or in conjunction with meetings, conventions, or conferences shall be awarded one continuing education hour for each hour of duration, up to 8 continuing education hours per day;

(g) Teaching or instructing qualifying courses or seminars or making presentations at technical meetings shall earn continuing education hours at a rate twice that of participants. Teaching credit shall be valid for teaching a course or seminar for the first time only. Teaching credit shall not apply to full-time faculty teaching courses that are part of their normal teaching load;

(h) Each professional journal article, published paper, published geological map, or published geology text book shall equal 16 continuing education hours;

(i) Active participation in professional or technical societies shall equal one continuing education hour per year and shall require that the licensee serve as an officer or actively participate in a committee of the organization. Continuing education hours shall not be earned until each year of service is completed and shall be limited to 2 continuing education hours per organization, with a maximum total of 4 continuing education hours for participation in professional and technical societies per renewal period; and

(j) Continuing education hours shall not be awarded for any repeat activity attended or completed.

Geo 403.05 Record Keeping.

(a) The licensee shall be responsible for maintaining records to support claimed continuing education hours.

(b) Attendance verification records shall be in the form of completion certificates or other documents supporting evidence of attendance such as:

(1) Signed attendance receipts;

(2) Paid receipts; or

(3) A copy of a listing of attendees signed by a person responsible for course or program or the course or program provider.

(c) The licensee shall retain attendance verification records for a period of at least 3 years.

(d) All licensees shall comply with OPLC audits to determine continuing education compliance in accordance with Plc 308.04(d).

Repeal Geo 403.08 through Geo 403.10, effective 3-24-17 (Document #12152), as follows:

~~Geo 403.08 Exemptions. A licensee shall be exempt from the continuing education requirements as follows:~~

~~(a) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining 12 of the continuing education hours required; and~~

~~(b) Licensees experiencing disability, illness, or other extenuating circumstances which would prevent the licensee from completing the required continuing education hours shall apply in writing to the board for specific exemption. Relevant supporting documentation shall be furnished to the board when necessary for a fair and informed determination by the board.~~

~~Geo 403.09 Waiver of Education Deadline. A licensee may request waiver of continuing education deadlines as follows:~~

~~(a) A petition requesting a waiver shall be filed at least 30 days before the expiration of the biennial continuing education period in question;~~

~~(b) Late filing shall be justified by a showing of good cause that includes serious accident, illness, or other circumstances beyond the control of the licensee which actually prevents the licensee from satisfying the continuing education requirements;~~

~~(c) Relevant supporting documentation from the licensee's physician or medical professional shall be furnished to the board when necessary for a fair and informed determination by the board; and~~

~~(d) A waiver petition shall include a specific timetable for completing specific courses, which will meet the petitioner's continuing education unit deficiency.~~

~~Geo 403.10 Noncompliance. Failure to complete continuing education requirements in a timely fashion, or failure to submit documentation which establishes that said requirements were so completed, shall after notice and opportunity for hearing, result in disciplinary action pursuant to Geo 402.02 unless a waiver petition has been timely filed and duly granted by the board.~~

APPENDIX I

Rule	Specific State Statute the Rule Implements
Geo 401	RSA 310:8, II; RSA 310-A:121, I(d); RSA 310-A:132
Geo 402	RSA 310-A:121, I(e); RSA 310-A:133
Geo 403	RSA 310-A:121, I(d); RSA 310-A:127; RSA 310-A:132