

24.04.01 – RULES OF THE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-2808, 67-2604, 67-2614, 67-9409, and 67-9406, Idaho Code. (3-28-23)

Commented [LK1]: Updated to reflect Division Administrator authority to promulgate rules.

001. SCOPE.

These rules govern the practice of geology in Idaho. (3-28-23)

002. – 009. (RESERVED)

010. DEFINITIONS.

For the purposes of these rules, the following definitions apply: (3-28-23)

Commented [LK2]: Consider adding ASBOG to definitions portion.

01. Geologist-in-Training. ~~The interim designation given to any person who has met the academic requirements and successfully passed the fundamentals of geology portion of the professional examination but has not yet completed the requisite years of experience and passed the practices of geology examination.~~ (3-28-23)

Commented [LK3R2]: Suggested language: "ASBOG means the National Association of State Boards of Geology."

02. Registrant. ~~Any person currently registered as a professional geologist.~~ (3-28-23)

Commented [LK4]: Suggest replacing with ASBOG Model Law definition:

03. Responsible Position. ~~A position wherein a position in which a person, who has having independent control, direction, or supervision of a geological project, and investigates and interprets geological features.~~ (3-28-23)

"Geologist in Training" means an individual who has met the academic qualifications established by the Board, who has successfully passed a written examination demonstrating knowledge of the fundamentals of geology, and who has been enrolled as a Geologist-in-Training by the Board."

04. Responsible Charge. ~~Means the control and direction of geology work, requiring initiative, professional skill, independent judgment, and professional knowledge of the content of relevant documents during their preparation.~~ ~~of relevant~~ of relevant (3-28-23)

Is the Model Language accurate for this Board?

Commented [LK5]: Strike for plain meaning.

011. – 099. (RESERVED)

100. GENERAL PROVISIONS.

01. Certificates. Certificates of registration are issued to each Registrant on forms adopted by the Board. ~~Certificates must be displayed by Registrants in their place of business.~~ (3-28-23)

Commented [LK6]: Reworded for clarity and simplification.

Commented [MK7]: The Board elected to keep the phrase of relevant.

02. Seals. ~~The Board has adopted a seal for use by each Registrant. The seal may be a rubber stamp, crimp, or electronically generated image. Whenever the seal is applied, the Registrant's signature and date are also included. A signature may be handwritten or a secured digital signature. If the signature is handwritten, it will be adjacent to or across the seal. No further words or wording are required. A facsimile signature generated by any method will not be acceptable unless accompanied by a digital signature. (See "Appendix A" at end of this Chapter.)~~ (3-28-23)

Commented [LK8]: Consider eliminating because license verification is now available online.

Commented [LK9]: Can we strike this? Are there any other types of seal?

a. The seal, signature, and date must be placed on all final specifications, reports, information, and calculations, ~~whenever presented. Any such~~ A document that is not final and does not contain a seal, signature, and date will be clearly marked as "Preliminary," "Draft," or "Not for Construction," ~~or with similar words to distinguish the document from a final document.~~ (3-28-23)

Commented [MK10]: Board wanted to clarify that a digital signature must be secured.

Commented [LK11]: Suggest replacing with inserted language.

b. The seal, signature, and date must be placed on all original documents. The application of the Registrant's seal, signature, and date constitutes certification that the work ~~thereon~~ was done by the Registrant or under the Registrant's supervision. Each plan or drawing sheet is sealed and signed by the Registrant or Registrants responsible for each sheet. In the case of a business entity, each plan or drawing sheet is sealed and signed by the Registrant or Registrants involved. ~~The supervising professional geologist signs and seals the title or first sheet. Copies of electronically produced documents, listed in Paragraph 100.06.b. of these rules, distributed for informational use uses such as for bidding purposes or working copies, may be issued with the Registrant's seal and a notice that the original document is on file with the Registrant's signature and date. The words "Original Signed By:" and "Date Original Signed:" are placed adjacent to or across the seal on the electronic original. The storage location of the original document must also be provided. Only the title page of reports, specifications, and like~~ (3-28-23)

Commented [LK12]: Purpose of rule is not necessary in rule.

Commented [LK13]: Strike?

Commented [LK14]: Examples or non-exhaustive lists do not have legal significance.

documents need bear the seal, signature, and date of the Registrant. (3-28-23)
 e. The seal and signature may be used by the Registrant only when the work being stamped was under the Registrant's responsible charge responsibility. Upon sealing, the Registrant takes full professional responsibility for that work. After the fact ratification by the sealing of documents relating to work that was not performed by the Registrant but by an unregistered subordinate or other unregistered individual and without thorough technical review throughout the project by the sealing Registrant is prohibited. (3-28-23)

Commented [LK15]: What is "like documents"?

Commented [LK16]: Duplicative of 54-2815.

d. In the event a Registrant in responsible charge of a project leaves employment, is transferred, is promoted, becomes incapacitated, dies, or is otherwise not available to seal, sign, and date final documents, the duty of responsible charge for the project is accomplished by successor Registrant, by becoming familiar with and reviewing, in detail, and retaining the project documents to date. Subsequent work on the project must clearly and accurately reflect the successor Registrant's responsible charge. The successor Registrant must seal, sign, and date all work products. ~~in conformance with Section 54-2815, Idaho Code.~~ (3-28-23)

Commented [LK17]: A non-exhaustive list does not have any legal significance.

Commented [LK18]: Standard of care is not required in rule. Would this be the common practice of a professional in this circumstance?

03. ~~Address Change.~~ Each Applicant and Registrant must notify the Board within sixty (60) days of any and all changes of address, giving both old and new address. (3-28-23)

Commented [LK19]: Is this necessary in rule? Wouldn't the successor to the project do this anyway?

Commented [LK20]: Duplicative of statute.

101. – 149. (RESERVED)

150. FEES.

Commented [LK21]: Duplicative of 67-2614. Applicants must report all address changes immediately to the Division.

Commented [LK22]: Move to section 500- fees

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$100
Initial Certificate	\$20
Annual Renewal	\$60
Annual Renewal for Registrants Seventy (70) Years of Age or Older	One-half (1/2) of the current renewal fee
Reinstatement	\$200, per Section 54-2816, Idaho Code is as provided in Section 67-2614, Idaho Code
Duplicate Certificate	\$20
Examination	Set by ASBOG

Commented [LK23]: This Code section does not set a fee.

Commented [LK24R23]: Maximum fee for reinstatement by statute shall not exceed \$200. Idaho Code 54-2816.

Commented [MK25R23]: Board wanted to specify \$200 in table and include statutory reference.

Commented [LK26]: Unnecessary language?

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151. – 199. (RESERVED)

200. APPLICATION PROCEDURES.

01. Applications. Applications for registration must be: (3-28-23)

a. On forms prescribed by the Board and accompanied by official transcripts, reference statements, and a signed code of ethics; (3-28-23)

b. Received by the Board, if for registration by examination, not less than ninety (90) days prior to the date of examination; (3-28-23)

c. Subscribed and certified to by the Applicant under penalty of perjury as provided for by state law; and (3-28-23)

~~d. Incomplete applications will not be accepted by the Board and will be returned to the Applicant with a statement of the reason for return. (3-28-23)~~

~~02. Dates. The date of application is the date it is delivered in person to the Board office or, if mailed, the date shown by post office cancellation mark. Qualifying education and experience of the Applicant, for examination and registration, is computed from the date of application as described above. (3-28-23)~~

~~03. References. Statements from personal references in Responsible Positions concerning the Applicant's technical ability and personal character, will be received, as prescribed by the Act, prior to any action by the Board to approve an Application. Each statement must reflect in a positive way the technical and ethical merits of the Applicant. Applicants for the Fundamentals of Geology examination may fulfill this requirement with reference statements from geologists in Responsible Positions familiar with the ability and character of the Applicant as demonstrated in an academic setting. (3-28-23)~~

~~04. Lack of Activity. If an applicant fails to respond to a Board request or an application has lacked activity for twelve (12) consecutive months, the application on file with the Board will be deemed denied and will be terminated upon a thirty (30) day written notice, unless good cause is demonstrated to the Board. (3-28-23)~~

~~201. - 299. (RESERVED)~~

300. EXAMINATIONS.

Except as otherwise provided in statute, every Applicant for registration as a professional geologist shall take and pass the ASBOG Fundamentals of Geology and Practice of Geology Examinations. Applicants who have completed the educational requirements of Idaho Code 54-2812 may be eligible to take the Fundamentals of Geology examination prior to graduation, complete professional examination for registration as a professional geologist. (3-28-23)

~~01. Fundamentals of Geology. The written examination is the Fundamentals of Geology examination provided by ASBOG. To be eligible to take the Fundamentals of Geology examination, an Applicant must have completed thirty (30) semester units or equivalent quarter units in courses in geological science leading to a degree in the geological sciences of which at least twenty-four (24) units are in third or fourth year, and/or graduate courses. Applicants who can satisfy to the Board that they will have completed the required coursework and number of units and will be graduating at the end of the spring, summer or fall terms of any given year, may be eligible for examination immediately preceding the date of graduation. (3-28-23)~~

~~02. Practice of Geology. The written examination is the Practice of Geology examination provided by ASBOG. To be eligible to take the Practice of Geology examination an Applicant must have satisfied the education requirements as set forth in Section 54-2812, Idaho Code. (3-28-23)~~

03. Authorization. (3-28-23)

~~a. The Board shall notify each Applicant in writing of the acceptance or rejection of his Application and, if rejected, the reason for the rejection. (3-28-23)~~

~~b. Not less than ninety (90) days prior to the examination date, the Applicant shall give written notice to the Board of his intent to take the examination, and shall submit all applicable testing fees in full. (3-28-23)~~

~~Not less than thirty (30) days prior to the examination date, the Board shall notify each Applicant in writing of the acceptance or rejection of his Application and, if rejected, the reason for the rejection. (3-28-23)~~

~~c. Not less than thirty (30) days prior to the examination date, the Board shall give written notice to each Applicant that has previously given written notice and has paid his examination fees, of the date, time, and location(s) of the examination. (3-28-23)~~

~~04. Reexamination. An Applicant failing their first examination may apply for reexamination without filing a new Application and shall be entitled to such reexamination on payment of the reexamination fee. Provided, however, that it shall be unlawful for an Applicant failing any examination to practice professional geology under the appropriate provisions of the Act. (3-28-23)~~

Commented [LK27]: Duplicative of 54-2812(1)(f).

Commented [LK28]: Duplicative of statute, 67-2604(1)(m)

Commented [LK29]: Suggest removing entire section. 54-2813 states, "applications for registrations shall be on forms prescribed in a furnished by the Board." This language is unnecessary.

Commented [MK30]: Inserted at Board request.

Commented [LK31]: Educational requirements are already in statute. Suggest deleting and combining as written in sentence above.

Commented [LK32]: Is this needed in rule? Denials would have to go through the Board anyway.

Commented [LK33]: Is this correct or do testing fees go to ASBOG?

Commented [LK34R33]: If testing fees are paid to ASBOG, written notice of intent should also be unnecessary.

Commented [MK35R33]: Remove fee reference per Board.

Commented [LK36]: Is this needed in rule? Denials would have to go through the Board anyway.

Commented [MK37R36]: Board elected to combine sub-sections a & b.

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Commented [LK38]: Isn't this done through ASBOG? 1. All candidates uploaded to the Prometric Registration Portal will receive an email from registrations@isoqualitytesting.com (Prometric/Iso-Quality Testing (IQT)) approximately 45 days in advance of the scheduled exam, providing instruction on how to complete registration, pay for the examinations and seat fee, and select a testing location.

Commented [LK39]: Does this language add anything meaningful? Suggest striking.

Commented [LK40]: Duplicative of statute.

~~05. — Time and Place. The Board shall make all arrangements necessary to provide sufficient help to conduct examinations and to provide adequate facilities at such locations throughout the state as may be required to accommodate the number of Applicants to be examined upon the dates prescribed by ASBOG. (3-28-23)~~

Commented [LK41]: Strike- this is done through ASBOG.

06. Scores. An Applicant for registration by examination must successfully pass both the Fundamentals of Geology examination and the Practice of Geology examination. ~~The passing score is determined by ASBOG. An Applicant who has passed only the Fundamentals of Geology examination is eligible to receive a certificate as a Geologist-in-Training. An applicant who has passed the Practice of Geology is eligible for application as professional geologist. (3-28-23)~~

~~a. Every Applicant receiving a scaled score of seventy (70) or more, as determined by ASBOG, on the Fundamentals of Geology examination shall be deemed to have passed the examination, is thereby eligible to receive certification as a Geologist-in-Training. (3-28-23)~~

Commented [LK42]: Elsewhere in rule chapter, we are removing set passing scores and allowing the testing provider to set the score. This limits our legal liability because if our required score was higher than the testing provider's, it would be very difficult to defend a decision to deny licensure.

~~b. Every Applicant receiving a scaled score of seventy (70) or more, as determined by ASBOG, on the Practice of Geology examination shall be deemed to have passed such examination and will be registered as a professional geologist. (3-28-23)~~

~~c. Every Applicant receiving a scaled score of less than seventy (70), as determined by ASBOG, on either the Fundamentals of Geology examination or the Practice of Geology examination, is deemed to have failed such examination. Every Applicant having failed will have his Application denied without prejudice, but will be allowed to retake the failed examination in accordance with Subsection 300.04 of these rules. (3-28-23)~~

Commented [LK43]: This is a legal term that is being used incorrectly in rule. What is the intent of this language? Does it mean that the denial does not have to report it to a national reporting agency? This needs to be clarified.

~~07. Re-Score or Review of Examination. (3-28-23)~~

Commented [LK44]: Will need to be reordered.

~~a. An Applicant who fails to obtain a passing grade in any portion of the written examination may request a rescore or review of his examination papers, at such times, locations, and under such circumstances as may be designated by the Board, ASBOG, or both. (3-28-23)~~

Commented [LK45]: Is this paragraph necessary?

~~b. When a review is requested and authorized, at the time of review, no one other than the examinee or his attorney and a representative of the Board will have access to such examination papers. (3-28-23)~~

Commented [LK46]: We need to check with ASBOG whether this is permitted since this is ASBOG's proprietary information.

301. — 399. (RESERVED)

400. GEOLOGIST IN TRAINING.

An Applicant who has passed the Fundamentals of Geology examination ~~and satisfied the education requirements set forth in Subsection 300.01 of these rules,~~ will receive a certificate of completion designating the Applicant as a Geologist-in-Training. ~~A Geologist in Training may not practice without supervision and certification is limited to ten (10) years. (3-28-23)~~

Commented [MK47R46]: Because test is administered by a third party, that entity is responsible for any rescore or review.

Commented [LK48]: Will need to be reordered.

~~01. Supervised Practice. The possession of a Geologist-in-Training certificate by an Applicant does not entitle the Applicant to practice professional geology without supervision. (3-28-23)~~

Commented [LK49]: The educational requirements are a condition to sit for the Fundamentals of Geology examination so is this rule necessary.

~~02. Limitation. Designation as a Geologist in Training is limited to a period not to exceed ten (10) years. If after ten (10) years the Geologist-in-Training has not met all requirements for registration as a professional geologist, the Geologist-in-Training certification is withdrawn and the Applicant must re-apply for registration. (3-28-23)~~

Commented [MK50]: Per board request, include reference to statute for geologist in training.

Commented [LK51]: Is there a purpose in limiting Geologist-In-Training to 10 years?

Commented [LK52]: Suggest striking as unnecessary language.

401. — 999. (RESERVED)

Commented [LK53]: Suggest combining subsections into rule as written above.

APPENDIX A -- AS REFERENCED IN SECTION 24.04.01.100.06.b.



SEAL OF REGISTERED PROFESSIONAL GEOLOGIST
Diameter of Outer Ring: 1 1/2 Inches
Diameter of Inner Ring: 1 Inch