MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	03/31/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 5/16/2014

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
09	23	06	11

3. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

4. Name of Regulations Coordinator
Donnice M Turner

Telephone Number
410-230-6008

Mailing Address

500 N. Calvert Street, 4th Floor

City	State	Zip Code
Baltimore	MD	21202

Email
donniturner@dllr.state.md.us

5. Name of Person to Call About this Document
Pamela J. Edwards

Telephone No.
410-230-6262

Email Address
pam.edwards@maryland.gov

6. Check applicable items:
_ New Regulations

X- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: March 25, 2014.
_ Repeal of Existing Regulations
_ Recodification
_ Incorporation by Reference of Documents Requiring DSD Approval
_ Reproposal of Substantively Different Text:

: Md. R

(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

_ Yes **X-** No

8. Incorporation by Reference

_ Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

X- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

X- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

_ Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Milena Y. Trust, Assistant Attorney General, (telephone #410-230-6139) on March 28, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Pamela J. Edwards

Title

Executive Director

Telephone No.

410-230-6262

Date

March 28, 2014

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

09.23.06 Continuing Professional Competency Requirements

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

Notice of Proposed Action

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The Board for Professional Engineers proposes to amend Regulation .11 under COMAR 09.23.06 Continuing Professional Competency Requirements.

This action was considered by the Board for Professional Engineers at a public meeting held on January 9, 2014, notice of which was given by publication in The Daily Record on December 30, 2013.

Statement of Purpose

The purpose of this action is to amend the current regulation which has proven difficult to apply and administer. The amendments will clarify the procedures and circumstances under which a licensee may request a one-time exception from compliance with continuing professional competency requirements due to extenuating circumstances.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Board for Professional Engineers, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pam.edwards@maryland.gov, or fax to 410-333-0021. Comments will be accepted through June 16, 2014. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Engineers during a public meeting to be held on July 10, 2014, at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

State Occupational and Professional Licensing Design Boards' Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

There is no economic impact on the Department and no impact on the licensees granted an exception from compliance because they will have to take the courses at a later time.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

We anticipate no impact on course providers because licensees will have to complete the required courses at a later date.

G. Small Business Worksheet:

The intended beneficiaries are licensees. Small businesses will not suffer any economic impact.

Attached Document:

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

Chapter 06 Continuing Professional Competency Requirements

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

.11 [Extenuating Circumstances/Exceptions.] ***Exceptions from Compliance with CPC Requirements.***

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 *if:*

1. A licensee has been granted an initial license and is renewing a license for the next full term;

2. A licensee qualifies under the criteria set forth in Title 2.5, Business Regulation Article, Annotated Code of Maryland.

[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. **]**

B. 1. If a licensee is unable to comply with all or part of CPC requirements due to physical disability, illness, or other extenuating circumstances, the licensee may request the Board to grant a one-time exception from compliance ("Compliance Exception Request"), provided that the Compliance Exception Request is filed with the Board at least 60 days prior to the licensee's license expiration date.

2. If a Compliance Exception Request is based on physical disability or illness, the licensee must provide the Board with a written documentation acceptable to the Board supporting the basis for the request.

3. A Compliance Exception Request must be accompanied by a detailed proposal acceptable to the Board indicating a licensee's intended plan of compliance with CPC requirements within no later than 6 months after the license expiration date. Failure to provide the acceptable plan of compliance within the time period specified in this regulation may result in the Board's administrative dismissal of the Compliance Exception Request.

HOWARD C. HARCLERODE II
Chairman
STATE BOARD FOR PROFESSIONAL ENGINEERS