

Document No. 4423
BOARD OF REGISTRATION FOR GEOLOGISTS
CHAPTER 131
Statutory Authority: 1976 Code Sections 40-1-70 and 40-77-60

131-01 through 131-15. Board of Registration for Geologists

Synopsis:

The South Carolina Board of Registration for Geologists is amending its regulations to conform to the current practice of biennial renewal.

The Notice of Drafting was published in the *State Register* on June 28, 2013.

Instructions:

The following sections of Chapter 131 are modified as provided below.

Text:

131-01. Definitions.

Definitions found in Section 40-77-20 apply to this chapter.

(A) "Applicant" means any person who has made application for registration.

(B) "Subordinate" means any person who assists a registered professional geologist or a registered professional engineer in the practice of geology without assuming the responsible charge of work.

(C) "Geologist-in-training" means a person who fulfills the requirements for registration as a professional geologist and has passed the fundamentals examination required for registration but has not acquired the professional work experience or passed the practical examination required for registration as a professional geologist.

(D) "Registrant" means any person currently registered as a professional geologist or geologist-in-training.

(E) "Continuing education" means participation in an organized continuing education experience under responsible sponsorship and capable direction. One (1) contact hour is a typical 50-minute classroom instructional session or its equivalent.

131-02. Officers of the Board.

At the first meeting of each calendar year, the Board shall elect from among its members a chairman, vice-chairman, and other officers as the Board determines necessary.

131-03. Meetings.

(A) The Board shall meet at least two (2) times during every calendar year and at other times upon the call of the chairman or a majority of the Board members.

(B) A majority of the members of the Board constitutes a quorum; however, if there is a vacancy on the Board, a majority of the members serving constitutes a quorum.

(C) Board members are required to attend meetings or to provide proper notice and justification of inability to do so. Unexcused absences from meetings may result in removal from the Board as provided in Section 1-3-240, South Carolina Code of Laws 1976, as amended. The Board shall make the final decisions as to an acceptable excuse for absences of Board members.

131-04. General Registration Provisions for Geologists-in-Training.

An applicant for initial registration as a geologist-in-training must:

(A)(1) be a graduate of a geologic curriculum of a minimum of thirty (30) semester hours or forty-five (45) quarter hours of geology or geophysics approved by the Board, including an earned bachelor's degree or advanced degree from an accredited college or university, or

(2) graduated in a geologic or a related science curriculum of four scholastic years or more with a minimum of thirty semester hours or forty-five quarter hours in geology or geophysics from a school or college other than those approved by the board in item (1) with a specific record of five years or more of experience in geological work of a character satisfactory to the board or passing written examinations in geologic subjects designed to measure knowledge and skill approximating that attained through graduation in an approved geologic curriculum and passing the written examinations as required in item (1); and

(B) submit an application on forms approved by the Board and the required fees, and have certified transcripts of all undergraduate or postgraduate college credits supplied directly to the Board from the school(s) or college(s); and

(C) pass a fundamentals examination approved by the Board; and

(D) be of good ethical character.

131-05. General Registration Provisions for Professional Geologists.

An applicant for initial registration as a professional geologist must:

(A) be a graduate of a geologic curriculum of a minimum of thirty (30) semester hours or forty-five (45) quarter hours of geology approved by the Board, including an earned bachelor's degree or advanced degree from an accredited college or university; and

(B) submit an application on forms approved by the Board and the required fees, and have certified transcripts of all undergraduate or postgraduate college credits supplied directly to the Board from the school(s) or college(s). A geologist-in-training applying for registration as a professional geologist is not required to submit additional copies of college transcripts; and

(C) pass a fundamentals and practical examination approved by the Board. The Board may authorize an applicant to take both the fundamentals and practical examination on the same day. The applicant must receive passing scores on both examinations taken to qualify for registration; and

(D) submit evidence of at least five (5) years of full-time professional geological work satisfactory to the Board, either as a geologist-in-training or in geologic work germane to the public practice of geology. For persons who have graduated in geology or a related science curriculum of at least four (4) years but not from a school or college approved by the Board, the work experience must consist of eight (8) years. In counting years of experience the Board may give credit, not in excess of one (1) year, for graduate degrees in geology provided such graduate degrees are not the initial degree in geology; and

(E) be of good ethical character.

131-06. Examinations.

(A) Examinations shall be held at least annually provided there are qualified applicants.

(B) Applicants must be approved by the Board and notified in writing for authorization to take the examination. Each qualified applicant must provide written authorization from the Board to take the examination and provide picture identification prior to entering the examination room.

(C) Applicants are required to take examinations designed to test the applicant's general geological education and to measure the applicant's practical experience and knowledge in the application of geology and the code of professional ethics.

(D) Applicants taking an examination must receive a scaled score of seventy (70) or higher to pass the examination.

(E) An examination candidate who has failed an examination may, within thirty (30) days after the date of notice of the results of the examination, appeal the results of the examination to the Board. The petition for appeal must be in writing and must state the basis upon which the appeal is made. The examination candidate may be required to pay the required fee and costs of processing the appeal to the Board and/or testing organization.

(F) The Board, in its discretion, may adjust the scoring based on the outcome of an appeal by the candidate.

(G) An applicant may apply for re-examination twice without filing a new application and shall be re-examined upon payment of the required fee. An applicant who fails the same examination for a third time shall file a new application before being re-examined. A new application may not be filed sooner than one (1) year following the date of the last re-examination.

131-07. Temporary Registration.

(A) An applicant for a temporary registration to engage in the practice of geology must:

(1) present evidence that the applicant's residence is in another state, or that the applicant has been a resident of South Carolina for six (6) months or less; and

(2) possess an active, current, and unrestricted registration under the laws of another state or territory that had requirements that were, at the date of registration, equivalent to the requirements in effect at the time of the application in South Carolina or meet the academic and experience requirements to become a professional geologist; and

(3) submit an application on a form approved by the Board, along with the required fee.

(B) The Board shall specify the duration of any temporary registrations. The term of any temporary registration may not exceed six (6) months. An applicant shall not receive more than one (1) issuance of a temporary registration to practice geology in South Carolina.

131-08. Registration by Endorsement or Reciprocity.

(A) An applicant for registration as a professional geologist by endorsement must:

(1) hold a current, active, and unrestricted license under the laws of another state or territory that had requirements that were, at the date of licensure, equivalent to the requirements in effect at the time of the application in South Carolina; and

(2) submit an application on a form approved by the Board, along with the required fees.

(B) An applicant for registration as a professional geologist by reciprocity must:

(1) hold a current, active, and unrestricted license under the laws of another state or territory with which South Carolina has entered into an agreement regarding reciprocity; and

(2) submit an application on a form approved by the Board, along with the required fees.

131-09. Appeal.

A person aggrieved by a final action of the Board denying or revoking his/her registration may appeal in accordance with Section 40-1-160 and the Administrative Procedures Act, South Carolina Code of Laws 1976, as amended.

131-10. Requirements for Renewal/Reactivation of Expired or Lapsed Registrations.

(A) All applications for renewal shall be filed with the Board prior to June thirtieth (30th) of the biennial renewal year. Renewal applications must be accompanied by the appropriate fee and a statement attesting to the required number of continuing education credits (CEC) per biennium. Registered

professional geologists who have not properly renewed their registration for failure to complete the required CEC and/or failure to submit the appropriate renewal fee must apply for late renewal during a six (6) month penalty period following the expiration date. Late renewal applications must be accompanied by documentation, if applicable, indicating completion of the required CEC's as specified in Regulation 131-11 and a fee equal to the biennial renewal fee plus fifty percent (50%) penalty fee. Registrants undergoing late renewal are not authorized to conduct the public practice of geology until their renewal is completed and the registrant receives written notice from the Board that their registration is renewed.

(B) A registrant whose registration has been expired or lapsed for five (5) years or less may reactivate the registration upon submission of an application on a form approved by the Board, along with the required fee and evidence of CEC for each biennium during which the registration was expired, not to exceed thirty-two (32) hours and the submission of a notarized statement that the registrant has not engaged in the practice of geology in this State during the time the registration was expired or lapsed.

(C) The Board may require a registrant whose registration has been expired or lapsed for more than five (5) years to apply and qualify as if never registered in this State.

131-11. Seals.

(A) Each registered professional geologist shall obtain a seal, which may be an embosser or a rubber stamp bearing the registrant's name, registration number, and the legend "Registered Professional Geologist." The seal of the registrant shall be used in accordance with this section.

(B) The seal and signature of a registrant on a document constitutes a certification that the document was prepared by the registrant or under his direct supervision, and that the registrant has reviewed the document in sufficient depth to fully coordinate and assume responsibility for materials prepared by another registrant.

(C) When sealing of documents is required by statute, other authority or contract, an imprint of the registrant's valid seal shall appear, along with his signature and date, on the cover page of geologic reports or other geologic documents bound in book form as well as on each sheet of unbound geologic drawings, cross sections, or maps prepared by or under the responsible charge or direct supervision of the registrant whenever these documents are relevant to public welfare or the safeguard of life, health, property and the environment, pursuant to Section 40-77-290, South Carolina Code of Laws 1976, as amended.

(D) Additions, deletions, or other revisions to sealed documents shall not be made unless such changes are sealed, dated, and signed by the registrant who made the revisions or under whose direction and control said revisions were made.

131-12. Continuing Professional Competency.

(A) Professionals licensed to practice geology are required to demonstrate a continuing development of professional competency. Each registrant shall submit a continuing education report on a form approved by the Board as a condition of renewal.

(B) Continuing Education Requirements.

(1) Every registrant is required to obtain thirty-two (32) contact hours for each biennium of registration.

(2) If a registrant exceeds the biennial requirements in any renewal period, a maximum of eight (8) contact hours may be carried forward into the ensuing renewal period.

(C) Determination of Credit.

(1) Continuing education credit shall be in accordance with Continuing Education Guidelines as approved by the Board.

(2) Upon request, the Board may require proof of attendance of successful completion of continuing education credits. Final approval of continuing education credits shall be at the discretion of the Board.

(D) Record Keeping.

(1) The responsibility for maintaining records used to support credits claimed is that of the registrant. Records required to substantiate continuing education activities may include, but are not limited to:

- (a) dates of attendance; and
- (b) number of actual contact hours certified by the registrant; and
- (c) copies of registration receipts attached to continuing education submission form; and/or
- (d) appropriate proof of course completion.

(2) For additional credit as course instructor or trip leader, written proof that the event was conducted as described must be provided. Each continuing education event must have separate documentation.

(E) Exceptions.

(1) A registrant may apply for an exemption from or reduction of the continuing education requirement by submitting a request in writing to the Board, including a statement of the grounds upon which a reduction or exemption should be granted, along with the requested reduction or exemption. The Board may grant exemptions or reductions in the following cases:

(a) if the registrant is serving on temporary active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a year, in which case the registrant shall be required to present evidence of sixteen (16) hours of continuing education; or

(b) if the registrant is experiencing illness, physical disability, or other extenuating circumstances.

131-13. Fees.

(1) All fees required shall be transmitted by money order, bank draft, or a check made payable to the Board. No fees are refundable.

(A) Application Fees

- (1) Geologist-in-Training \$ 75.00
- (2) Professional Geologist \$400.00

(B) Renewal Fees

- (1) Professional Geologist \$300.00
- (2) Late Renewal from July 1-December 31 Renewal plus fifty (50%) percent penalty fee
- (3) Reactivation of Registration \$300.00 plus renewal fee

(C) Replacement Certificate \$ 10.00

(D) Examination Appeal \$ 50.00 + actual costs charged by testing organization

(E) Roster fee \$ 10.00

(F) Temporary Registration \$300.00

131-14. Code of Ethics for Professional Geologists and Geologists-in-Training.

(A) General Obligations.

(1) Registrants shall be guided by the highest standards of person integrity and professional conduct.

(2) Registrants shall pursue honesty, integrity, loyalty, fairness, impartiality, candor, fidelity to trust, inviolability of confidence, and honorable conduct as a way of life.

(B) Obligations to the Public.

(1) Registrants shall uphold the public health, safety, and welfare in the performance of professional services, and avoid even the appearance of impropriety.

(2) Registrants shall observe and comply with the requirements and intent of all applicable laws, codes, and regulations.

(3) Registrants shall not knowingly participate in any illegal activity, or knowingly permit the publication of his or her reports, maps, or other documents for illegal purpose.

(4) Registrants shall neither offer nor make any illegal payment, gift, or other valuable consideration to a public official for the purpose of influencing a decision by such official; nor shall a registrant accept

any payment, gift, or other valuable consideration which would appear to influence a decision made on behalf of the public by the registrant acting in a position of public trust.

(5) Registrants who are aware of decisions or actions by an employer, client, or colleague which violates any law or regulation, the registrant shall advise against such action, and when such violation appears to materially affect the public health, safety, or welfare, shall advise the appropriate public officials, including but not limited to, the Board of Registration, responsible for the enforcement of such law or regulation.

(6) Registrants shall be accurate, truthful, and candid in all communications with the public.

(7) Registrants shall not knowingly engage in false or deceptive advertising, or make false, misleading, or deceptive representations or claims in regard to the profession of geology or which concern his or her own professional qualifications or abilities or those of other professional geologists.

(8) Registrants shall not issue false statements or false information which the registrant knows to be false or misleading, even though directed to do so by an employer or client.

(9) Registrants shall avoid making sensational, exaggerated, and unwarranted statements that may mislead or deceive members of the public or any public body.

(10) Registrants should participate as citizens and as professionals in public affairs.

(11) Registrants acting in a position of public trust shall exercise authority impartially, and shall not seek to use authority for personal profit or to secure any competitive advantage.

(12) Registrants should promote public awareness of the effects of geology and geological processes on the quality of life.

(C) Obligations to Employers and Clients.

(1) Registrants shall serve their employers and clients faithfully and competently within their overall professional and ethical obligations.

(2) Registrants shall disclose to a prospective employer or client the existence of any owned or controlled mineral or other interest which may, either directly or indirectly, have a pertinent bearing on such employment.

(3) Registrants having or expecting to have a beneficial interest in a property on which the registrant reports shall state in the report the fact of the existence of such interest or expected interest.

(4) Registrants employed or retained by one (1) employer or client shall not accept, without that employer's or client's written consent, an engagement by another if the interests of the two (2) are in any manner conflicting.

(5) Registrants shall not accept referral fees from any person to whom an employer or client is referred; however, nothing herein shall prohibit a registrant from being compensated by the employer or client for consultation, or for other services actually performed.

(6) Registrants shall not offer or pay referral fees to any person who refers an employer or client to the registrant; however nothing herein shall prohibit a registrant from compensating the person giving the referral for consultation, or for other services actually performed.

(7) Registrants should protect, to the fullest extent possible, the interest of his employer or client to a standard that is consistent with public health, safety, and welfare and the registrant's legal, professional, and ethical obligations.

(8) Registrants shall not use, directly or indirectly, any confidential information obtained from or in the course of performing services for an employer or client in any way which is adverse or detrimental to the interests of the employer or client, except with the prior consent of the employer or client or when disclosure is required by law.

(9) Registrants who have made an investigation for an employer or client shall not seek to profit economically from the information gained without written permission of the employer or client, unless it is clear that there can no longer be a conflict of interest with the original employer or client.

(10) Registrants shall not use his or her employer's or client's resources for private gain without the prior knowledge and consent of his or her employer or client.

(11) Registrants shall serve their employers and clients competently.

(12) Registrants shall perform professional services or issue professional advice which is only within the scope of the education and experience of the registrant and the registrant's professional associates, consultants, or employees, and shall advise the employer or client if any professional advice is outside of the professional geologist's personal expertise.

(13) Registrants shall not give a professional opinion or submit a report without being as thoroughly informed as might be reasonably expected, considering the purpose for which the opinion or report is requested.

(14) Registrants shall engage, or advise an employer or client to engage, and cooperate with other experts and specialists whenever the employer's or client's interests would be best served by such service.

(15) Registrants shall serve their employers and clients diligently and perform their services in a timely manner.

(16) Registrants who find that obligations to an employer or client conflict with professional or ethical standards shall have such objectionable conditions corrected or resign.

(D) Obligations to Professional Colleagues.

(1) Registrants shall respect the rights, interests, and contributions of their professional colleagues.

(2) Registrants shall give due credit for work done by others in the course of a professional assignment, and shall not knowingly accept credit due another.

(3) Registrants shall not plagiarize another in oral and written communications, or use materials prepared by others without appropriate attribution.

(E) Obligations to the Profession.

(1) Registrants shall continually strive to improve the profession of geology so that it may be of ever increasing benefit to society.

(2) Registrants shall strive to improve their professional knowledge and skills.

(3) Registrants shall cooperate with others in the profession and encourage the dissemination of geological knowledge.

(4) Registrants shall work toward the improvement of standards of geological education, research, training, and practice.

(5) Registrants shall uphold these standards by precept and example and also encourage by counsel and advice to other registrants, their adherence to such standards.

(6) Registrants who have knowledge of a violation of these rules by another registrant shall notify the Board of such violation.

131-15. Complaints.

Complaints shall be filed and processed in accordance with Chapter 1 of Title 40 and the Administrative Procedures Act, South Carolina Code of Laws 1976, as amended.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for the promulgation of these regulations.

Statement of Rationale:

These regulations are updated to conform to biennial renewal in the Board's practice act.