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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Board for Professional Soil Scientists, Wetland Professionals, and Geologists
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18 VAC145-20
<b>VAC Chapter title(s)</b>	Professional Soil Scientists Regulations
<b>Action title</b>	General Review of Professional Soil Scientists Regulations
<b>Date this document prepared</b>	September 19, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Board for Professional Soil Scientists, Wetland Professionals, and Geologists (“the Board”) proposes to amend the Professional Soil Scientists Regulations to (i) update and clarify provisions of the regulation, to include ensuring that the regulation reflects current agency procedures and practices; (ii) ensure the regulation compliments current Virginia law and is clearly written and understandable; (iii) remove requirements in the regulation that are not necessary to protect the public welfare; and (iv) reduce regulatory burdens while still protecting the public health, safety, and welfare.

This action proposes changes to (i) the requirements for initial licensure as a professional soil scientist and (ii) provisions for renewal and reinstatement of licenses, including continuing education requirements.

## Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.*

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“APA” means the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia.)

“CE” means continuing education.

“CSSE” means the Council of Soil Science Examiners.

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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This regulatory change is not the result of a mandate.

The initial impetus for this action is Executive Directive Number One (2022), which directs Executive Branch entities under the authority of the Governor “...to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.”

During review of the regulation, the Board identified certain requirements as overly burdensome to regulants and unnecessary for the protection of the health, safety, and welfare of the public. The Board has recognized these requirements and seeks to make amendments while retaining requirements that ensure minimum competency and continue to provide protection to the public.

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

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The promulgating agency is Board for Professional Soil Scientists, Wetland Professionals, and Geologists.

Section 54.1-201 of the Code of Virginia provides, in part:

- A. The powers and duties of regulatory boards shall be as follows:
  - 1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

## Purpose

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.*

The General Assembly has charged the Board with the responsibility for regulating those who engage or offer to engage in the practice of soil evaluation by requiring that such individuals obtain a license in order to engage in this occupation. Proper assessment of soils relating to composition, drainage, and stability is crucial for construction, agriculture and environmental projects. Soil scientists who lack sufficient expertise to perform soil evaluation may pose a risk to the public health, safety, and welfare. These risks include the potential for damage to persons or property and environmental damage. Additional risks include the potential of financial harm to property owners.

As mandated by the General Assembly, the Board protects the public welfare, in part, by establishing through regulation (i) the minimum qualifications of applicants for certification or licensure, provided that all qualifications are necessary to ensure either competence or integrity to engage in the profession or occupation; (ii) minimum standards to assure continued competency and to prevent deceptive or misleading practices by practitioners; and (iii) requirements to effectively administer the regulatory system administered by the Board.

As the proposed regulation was developed, the Board, in accordance with Executive Directive Number One (2022), reviewed discretionary requirements imposed on regulated parties to determine whether such requirements impose burdens that are not necessary to protect the public health, safety, and

welfare; or are not necessary to effectively administer the licensure program. The proposed amendments to the regulation reflect the Board's consideration in eliminating current requirements that the Board does not deem necessary to protect the public health, safety, and welfare, or to effectively administer the licensure program.

## Substance

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.*

The Board proposes the following substantive changes to the regulation:

1. Revising the provisions of section -60 to remove an unnecessary provision that specifies that applications and accompanying materials become property of the Board upon receipt.
2. Revising the provisions of section -60 to add a provision requiring applicants to provide a current mailing address.
3. Revising the provisions of section -91 to remove a provision that applicants may petition the Board to review a syllabus and other supporting documents of a course not listed in the section as an acceptable soil science course.

4. Revising the provisions of section -100 to remove duplicative provisions regarding requirements for licensure.
5. Revising the provisions of section -100 to streamline provisions regarding the requirement for individuals to reapply to the Board following the expiration of an applicant's examination eligibility period.
6. Revising the provisions of section -130 to provide that a licensee applying to renew or reinstate a license will not receive credit for completing CE activity with the same content more than once during the time period prior to renewal or reinstatement.
7. Revising the provisions of section -130 to remove a provision that renewal notice will be sent to a licensee's last known address of record.
8. Revising the provisions of section -140 to (i) extend the period for reinstatement of a license from one (1) year to two (2) years; and (ii) clarify provisions regarding failure to reinstate a license.
9. Revising the CE provisions in section -145 to (i) remove a requirement that CE activity involving interaction with instructors be taught by instructors who are competent in the subject matter, either by education or experience; (ii) revise provisions regarding the requirement for CE activity to have an assessment by the sponsor; and (iii) remove provisions regarding the computation of CE credit.

### **Issues**

*Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

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The primary advantages to the public and regulated community include providing clarification to provisions of the regulations, ensuring the regulations complement Virginia law and reflect current agency procedures, and reducing regulatory burdens by removing requirements that are not necessary to protect the health, safety, and welfare of the public.

There are no identifiable disadvantages to the public or the Commonwealth. It is not anticipated that the regulatory change will create any substantial disadvantages to the regulated community.

### **Requirements More Restrictive than Federal**

*Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.*

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There are no applicable federal requirements.

### **Agencies, Localities, and Other Entities Particularly Affected**

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local*

*governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

**Other State Agencies Particularly Affected**

No other state agencies are particularly affected by the regulatory change.

**Localities Particularly Affected**

No other localities are particularly affected by the regulatory change.

**Other Entities Particularly Affected**

No other entities are particularly affected by the regulatory change.

**Economic Impact**

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.*

**Summary:**

Per Executive Order, the Soil Scientists section of the Board for Professional Soil Scientists, Wetland Professionals and Geologists conducted a general regulatory review of the Professional Soil Scientists Regulations. The regulation provides for the licensure of professional soil scientists. This action proposes changes to (i) the requirements for initial licensure as a professional soil scientist and (ii) provisions for renewal and reinstatement of licenses, including continuing education requirements. There is no direct economic or fiscal impact to other state agencies.

**Impact on State Agencies**

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including:                  a) fund source / fund detail;                  b) delineation of one-time versus on-going expenditures; and                  c) whether any costs or revenue loss can be absorbed within existing resources.</p>	<p>There are no savings and no changes to costs, fees, or revenues of DPOR resulting from this regulatory change.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There are no savings and no changes to costs, fees, or revenues of other state agencies resulting from this regulatory change.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>A benefit of this regulatory change is to better clarify regulations as well as eliminating unnecessary requirements or reducing the burden of requirements.</p>

**Impact on Localities**

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.*

Projected costs, savings, fees, or revenues resulting from the regulatory change.	There are no savings and no changes to costs, fees, or revenues of localities resulting from this regulatory change.
Benefits the regulatory change is designed to produce.	A benefit of this regulatory change is to better clarify regulations as well as eliminating unnecessary requirements or reducing the burden of requirements.

**Impact on Other Entities**

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.*

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	No entities should be negatively affected by this change. The change better clarify regulations as well as eliminating unnecessary requirements or reducing the burden of requirements.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	As of September 9, 2024, there are 81 professional soil scientists in Virginia. Professional soil scientists' licenses are issued to individuals, not business entities, however, many professional soil scientists are likely to be owners or employees of business entities that meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	No projected cost for this regulatory change for individuals, businesses, or other entities.
Benefits the regulatory change is designed to produce.	A benefit of this regulatory change is to better clarify regulations as well as eliminating unnecessary requirements or reducing the burden of requirements.

**Alternatives to Regulation**

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

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Professional soil scientist licenses are issued to individuals. However, individuals who are licensed may be owners or employees of business entities that may fall within the meaning of "small business" as defined in § 2.2-4007.1 of the Code of Virginia. No less intrusive or less costly alternatives to achieve the purpose of the regulatory change were identified.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

### **Regulatory Flexibility Analysis**

*Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.*

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Professional soil scientist licenses are issued to individuals. However, individuals who are licensed may be owners or employees of business entities that may fall within the meaning of "small business" as defined in § 2.2-4007.1 of the Code of Virginia.

As mandated by the General Assembly, the Board protects the public health, safety, and welfare, in part, by establishing through regulation the minimum qualifications for entry into the profession and minimum standards to assure continued competency.

These proposed amendments do not pose an unreasonable administrative or financial burden. The enabling statutes establishing the licensing program covered by this regulation provides no exemption for small businesses; therefore, there are no such exemptions contained in the proposed change.

Review of this regulation was initiated based on Executive Directive Number One (2022). Amendments to the regulation proposed under this action are intended to reduce regulatory burdens imposed upon licensees. There are no other alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the goals of this regulatory action.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

### **Periodic Review and Small Business Impact Review Report of Findings**

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to the*

*which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

This action is not being used to conduct a periodic review or small business impact review.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency’s response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.*

No comments were received following publication of the NOIRA stage.

Commenter	Comment	Agency response
N/A	N/A	N/A

**Public Participation**

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.*

The Board for Professional Soil Scientists, Wetland Professionals, and Geologists is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency’s regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>.

Comments may also be submitted by mail, email or fax to:

Kate Nosbisch  
 Executive Director  
 9960 Mayland Drive  
 Perimeter Center, Suite 400  
 Richmond, VA 23233  
 BPSSandWP@dpor.virginia.gov  
 (866) 465-6206 (fax)

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.



## Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

**Table 1: Changes to Existing VAC Chapter(s)**

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
20-60	N/A	<p>This section provides for general requirements for licensure as a professional soil scientist.</p> <p>Applicants for licensure must meet the requirements established in Chapter 22 of Title 54.1 of the Code of Virginia. These requirements include:</p> <ul style="list-style-type: none"> <li>• Be at least 18 years of age or older;</li> <li>• Be of good moral character;</li> <li>• Meet educational and experience requirements established by the Board;</li> <li>• Achieve an acceptable examination score on an examination in the principles and practice of soil evaluation; and</li> <li>• Satisfy one of the following criteria:                             <ul style="list-style-type: none"> <li>○ Hold a bachelor's degree from an accredited institution of higher education in a soils curriculum approved by the Board and have four</li> </ul> </li> </ul>	<p>The provision specifying that applications and accompanying materials become property of the Board is removed. This provision is unnecessary.</p> <p>A provision requiring applicants to provide a current mailing address is added. This requirement is necessary to effectively administer the licensure program and ensure that the Board is able to send notices and correspondence to applicants and licensees.</p>

		<p>(4) years of experience in soil evaluation;</p> <ul style="list-style-type: none"> <li>○ Hold a bachelor's degree in one of the natural sciences and have at least five (5) years of experience in soil evaluation;</li> <li>○ Have a record of at least eight (8) years of experience in soil evaluation; or</li> <li>○ Have at least four (4) years of experience in soil science research or as a teach of soils curriculum in an accredited institution of higher education which offers an approve four-year program, and at least two (2) years of soil evaluation experience.</li> </ul> <p>The section provides that all applications and accompanying materials become property of the Board upon receipt by the Board.</p> <p>The section also provides that the Board may make further inquiries and investigations with respect to an applicant's qualifications and documentation to confirm or amplify information supplied.</p> <p>The section further provides that applicants who do not meet the requirements of the regulation may be approved following consideration by the Board in accordance with the provisions of the APA.</p>	
20-91	N/A	This section provides for core course requirements for course work or a degree core to be considered a degree in	The section is revised to remove the provision that applicants may petition the Board to review a syllabus and other supporting documents of a course not

		<p>a soil science curriculum or a related natural science degree.</p> <p>The section provides that a minimum of 15 semester hours in any of several topics, or equivalent topics, specified by the section are required for course work or a degree core to be considered a degree in a soil science curriculum or a related natural science degree.</p> <p>The section specifies 33 course topics that are acceptable.</p> <p>The section also provides that applicants may petition the Board to review the syllabus and other supporting documents of a course not listed in the section for academic credit. The course must contain content that enhances the applicants' knowledge in the study of soils. Applicants must demonstrate course equivalency in order to receive academic credit. Petitions to the Board for review must be in writing.</p>	<p>listed in the section. The Board determined this provision is unnecessary since the courses listed in the section are standard courses.</p>
20-100	N/A	<p>This section provides for license examination requirements.</p> <p>The section provides that all applicants are required to pass all parts of the CSEE-prepared examination.</p> <p>Applicants must meet all other requirements established in Chapter 22 of Title 54.1 of the Code of Virginia in order to be granted approval to sit for the examination.</p> <p>Completed applications must be received by the Board no less than 60 days prior to the</p>	<p>The section is revised to remove the provision that specifies applicants must meet all other requirements of Chapter 22 of Title 54.1 of the Code of Virginia. These provisions are duplicative of provisions in section -60 which already require applicants to meet the requirements established in statute.</p> <p>Subsection E of the section, which provides that applicants must reapply to become examination eligible again, is removed. A provision is added to subsection D to provide that applicants who do not pass the examination within the three-year eligibility period must reapply as a new applicant. This change streamlines the provisions in the regulation.</p>

		<p>examination date. Otherwise, applicants may be deferred to the next examination administration.</p> <p>Applicants who are approved for the license examination have a three-year period of eligibility from the date of approval. Applicants who have not passed the examination at the end of the three-year period are no longer eligible.</p> <p>To become eligible for examination again, applicants must reapply to the Board and meet all entry requirements current at the time of reapplication. Upon approval by the Board, applicants will become examination eligible for another three-year period.</p> <p>Board-approved applicants must pass the Fundamentals in Soil Science part of the license examination before being admitted to the Professional Practices in Soil Science part of the examination.</p> <p>Applicants will be notified by the Board of whether they passed or failed the examination. Applicants may not review the examination. Examination scores are final and not subject to change.</p>	
20-120	N/A	<p>The section provides for the expiration of licenses.</p> <p>Licenses issued under the regulation expire two years from the last day of the month they were issued, as indicated on the license.</p>	A minor stylistic change is made to remove unnecessary language.
20-130	N/A	This section provides the procedures for renewal of licenses.	The section is revised to add a provision stipulating that a licensee applying for renewal or reinstatement will not receive credit for completing CE activity with the

	<p>The section provides that the Board will send a renewal notice to a licensee at the licensee's last know address of record at least 30 days prior to the expiration of the license.</p> <p>A licensee's failure to receive a renewal notice does not relieve the licensee of the obligation to renew.</p> <p>Licensees are required to keep the Board informed of their current mailing address. Changes of address must be reported in writing to the Board within 30 days of the change.</p> <p>A licensee must provide proof of satisfactory completion of CE, along with payment of the required renewal fee, in order to renew a license. Proof of completion of CE must meet the requirements established in section -145 of the regulation.</p> <p>If the renewal fee and proof of completion of CE are not received by the Board within 30 days following the license expiration date, a licensee must pay a late renewal fee of \$25 in addition to the regular renewal fee.</p> <p>Upon receipt of required fee and proof of CE completion, a licensee is renewed for an additional two years.</p> <p>A license that is not renewed within six months after its expiration is no longer eligible for renewal and must be reinstated.</p> <p>The date the renewal fee and documented proof of completion of CE are received by the Board or its agent will determine whether</p>	<p>same content more than once during the time period prior to the renewal or reinstatement. This provision reflects current agency practice regarding acceptance of CE credit.</p> <p>The provisions regarding sending of a renewal notice are revised to remove the provision that notice will be sent to the last known address of record.</p>
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		<p>a late renewal fee, a reinstatement fee, or reapplication is required.</p> <p>The section provides that a license suspended by Board order may not be renewed until the period of suspension has ended and all terms and conditions of the Board's order have been met. Individuals renewing licenses within 30 days after suspension is lifted will not be required to pay a late fee.</p> <p>A revoked license may not be renewed. An individual whose license has been revoked must file a new application and obtain Board approval to obtain a license. The required license examination may not be waived.</p>	
20-140	N/A	<p>This section provides for reinstatement of licenses.</p> <p>The section provides that if the renewal fee, late renewal fee, and documented proof of CE completion are not received within six months following the license expiration date, the licensee must pay a reinstatement fee. The reinstatement fee includes the regular renewal fee, plus the reinstatement fee.</p> <p>If the reinstatement fee and documented proof of CE completion are not received by the Board within one (1) year following the license expiration date, the individual is considered no longer a license holder. To become relicensed, the individual must apply as a new applicant and meet all current education, experience, and examination requirements.</p>	<p>The section is revised to increase the reinstatement period from one (1) year to two (2) years. This change is made to reduce the regulatory burden on individuals by allowing for additional time to reinstate an expired license.</p> <p>The section is revised to clarify that an individual that fails to complete reinstatement requirements within the required timeframe is no longer eligible for reinstatement. Individuals with an expired license, such as those who would seek to reinstate a license, are already considered unlicensed.</p>

<p>20-145</p>	<p>N/A</p>	<p>This section provides for CE requirements for renewal of licenses.</p> <p>The section provides that licensees must complete eight (8) hours of CE per year for renewal or reinstatement of a license. CE must be completed pursuant to the provisions of the section.</p> <p>CE must be completed during the time prior to renewal or reinstatement of a license and is only valid for that renewal or reinstatement.</p> <p>The section provides the standards by which CE activities completed by a licensee are acceptable to the Board. The activity must:</p> <ul style="list-style-type: none"> <li>• Consist of content and subject matter directly related to the practice of soil science;</li> <li>• Have a clear purpose and objective that will maintain, improve, or expand skills and knowledge relevant to the practice of soil science and may be in areas related to business practices that have demonstrated relevance to the practice of soil science;</li> <li>• Be taught by instructors who are competent in the subject matter, either by education or experience, for those activities involving interaction with an instructor;</li> <li>• Contain an assessment at the conclusion of the activity that verifies the licensee has successfully achieved the purpose and objective for any self-directed activity; and</li> </ul>	<p>The standards for CE activities are revised to:</p> <ul style="list-style-type: none"> <li>• Remove the requirement that CE activity be taught by instructors who are competent in the subject matter, either by education or experience, for those activities involving interaction with an instructor. This requirement is unnecessarily burdensome on licensees, who would not be able to make a determination to fulfill this requirement.</li> <li>• Revise the provisions regarding the requirement for a CE activity to have an assessment by the activity sponsor.</li> </ul> <p>The provisions in the section pertaining to computation of CE credit are removed. These provisions are unnecessary.</p>
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		<ul style="list-style-type: none"> <li>• Result in documentation that verifies the licensee’s successful completion of the activity.</li> </ul> <p>The section further provides how CE credit will be computed.</p> <ul style="list-style-type: none"> <li>• Fifty contact minutes is equal to one hour of CE. For activities that are less than 50 minutes, those segments will be totaled for computation of the CE activity.</li> <li>• The number of hours required to successfully complete any CE activity must have been predetermined by the sponsor. A licensee cannot claim more credit for any CE activity than was predetermined by the sponsor at the time the activity was completed.</li> <li>• A licensee may not receive credit for CE activity that was not completed in its entirety and not credit will be given for partial completion of a CE activity.</li> <li>• A licensee applying for renewal or reinstatement will not receive credit for completing a CE activity with the same content more than once during the period prior to the renewal or reinstatement.</li> </ul>	
20-160	N/A	<p>This section provides for standards of professional conduct for a licensed soil scientist.</p> <p>The section provides that a licensed professional soil scientist is prohibited from:</p>	<p>Minor stylistic changes are made to removed gendered terms.</p>



		<ul style="list-style-type: none"> <li>• Submitting any false statements, making any misrepresentations; or failing to disclose facts requested concerning any application for initial licensure, license renewal, or reinstatement.</li> <li>• Engaging in any fraud, deceit, or misrepresentation in advertising, soliciting, or in providing professional services.</li> <li>• Knowingly signing, stamping, or sealing plans, drawings, blueprints, surveys, reports, specifications, maps, or other documents not prepared or reviewed and approved by the licensee;</li> <li>• Knowingly representing a client or employer on a project on which the licensee represents or has represented another client or employer without making full disclosure to the client or employer; and</li> <li>• Knowingly misrepresenting factual information in expressing a professional opinion.</li> </ul> <p>The section also provides that a licensed professional soil scientist must:</p> <ul style="list-style-type: none"> <li>• Express a professional opinion only when it is founded on adequate knowledge of established facts at issue and is based on a background of technical competence in the subject matter;</li> <li>• Immediately notify the client or employer and</li> </ul>	
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		<p>the appropriate regulatory agency if the licensee's professional judgment is overruled and not adhered to when advising appropriate parties of any circumstances of a substantial threat to the public health, safety, and welfare; and</p> <ul style="list-style-type: none"><li>• Exercise reasonable care when rendering professional services and apply the technical knowledge, skill, and terminology ordinarily applied by practice soil scientists.</li></ul>	
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