Alabama Board of Licensure for PE and LS

2016 Proposed Licensing Law Changes
Alabama PE and LS Licensing Board Members

Marc S. Barter, P.E.
Arthur Frazier Christy, P.E., P.L.S.
Charles P. Willis, P.E.
Richard G. Grace, P.E., P.L.S.

Martha Elisabeth (Liz) Hyde, P.E.
Nathan Johnson, P.E., P.L.S.
Randall D. Whorton, P.E.
Presentation Overview

- Background
- Process
- Proposed Changes
  - General
  - Practice Related
  - Certificates of Authorization
  - Enforcement and Disciplinary Process
  - Board Composition and Authorities
Background

- Last Licensing Law Revisions - 2014
  - Changes to Exam Requirements due to Computer Based Testing
    - 8 Hour Exam Required v. 6 Hour Exam Offered by NCEES
  - Board Quorum
    - Corrected Language
  - Board Composition
    - Surveyor Positions Nominated From all Societies Changed to ASPLS Society Only
The Revision Process

- Subcommittee of Board Created to Develop Revisions
  - Reviewed NCEES Model Law
  - Reviewed generic model laws of developed by licensing affiliated associations
  - Reviewed the Alabama Law as it relates to current practice
  - Reviewed the Alabama Law for format and wording and overall structure
The Revision Process

- Subcommittee Revisions Presented to Full Board
  - Full Board Reviewed Revisions
  - Discussion at Board Meeting
  - Voted to Present Revisions to Profession

2016 Proposed Licensing Law Revisions
The Revision Process

- Revised Law Presented to Licensees for Input
  - Town Hall Meetings
  - Comments Submitted in Writing
  - Written Comments & Feedback from Town Halls
  - Board Made Revisions to Proposed Law Based on Feedback & Comments
  - Final Revised Law to be Submitted to Legislature for Action in 2016
Proposed Changes - General

- Consistency
  - Changes made to assure that the Law clearly protects the public
  - Reordered, regrouped, and modified sections for consistency
  - Eliminated redundant sections
  - Clarified definitions
  - Added definitions
Changes - Practice Related

Requirements for Licensure

- Decoupled the experience requirement from examination
- Maintained requirement to only license college graduates
- Maintained requirement that applicants must pass the FE or FS respectively
- Maintained that applicants must have 4 years experience
- Maintained that applicants must pass the NCEES licensing exam for their chosen field of practice
Changes - Practice Related

- Requirements for Licensure
  - Removed barriers to allow for on-line applications
  - Granted a maximum of 3 years experience for PhD
  - Combined the application fee and the licensure fee
  - Increased the maximum allowable fee to $300 (increase of $100)
  - Adds possibility of PE licensing by discipline
  - Adds capability for having additional state exams for licensure (ethics, state laws, etc.,)
Changes - Practice Related

- Revised Definitions
  - Teaching of advanced engineering and surveying included in the practice definitions
  - Citations for expert witness and testimony within the practice of engineering are combined
  - Practice of engineering and surveying definitions broken out into subsections

- Identifies that the practices of engineering and land surveying are privileges, not rights

- Adds P.E. and P.L.S. as protected titles
Changes - Practice Related

**Renewals**

- Retired Emeritus position created – no renewal required
- Certified Interns will not be required to renew
- Deletes the requirement for the Board to “mail” the renewal notices
- Streamlines the current licensees to be active or inactive
- Licenses not renewed automatically expire
- Expired licenses can be reinstated for up to 2 years without reapplication
- Increased the maximum allowable renewal fee to $200 (increase of $50) for annual and $400 (increase of $100) if biennial
- Continuing Professional Competency changed to Continuing Professional Education
Changes – Certificates of Authorization

❖ General
  ❖ All references to CA’s, other than enforcement, moved into one section
  ❖ All entities that require a CA are referenced by the single title “firm”

❖ Firm Requirements
  ❖ Reference to CA Principal is now “Managing Agent”
  ❖ Branch responsible charge is now “Branch Resident Professional”
  ❖ Identifies that the Branch Resident Professional is to provide operational oversight, but not necessarily design oversight

❖ Requires Secretary of State to verify CA requirements are met prior to registering corporation
Changes – Enforcement and Disciplinary Process

General

- Two enforcement sections created
  - Licensees, interns, and CA’s
  - Unlicensed practice by individuals and firms
- One disciplinary process that outlines the process for both enforcement sections
Changes – Enforcement and Disciplinary Process

- **Disciplinary Process**
  - Increases maximum fine/civil penalty to $10,000 per offense
  - Provides guidelines to the Board for use when considering the amount of fine/penalty to be assessed
  - Changes that a majority vote of the deliberating board members is required for a passing vote
  - Provides for unencumbered gubernatorial intervention when there is an insufficient number of Board members to conduct hearing.
Changes – Enforcement and Disciplinary Process

Disciplinary Process

- Adds the capability for the Board to issue cease and desist orders
- Provides avenue to force compliance of orders through the court system
- Individuals in violation of cease and desist orders not eligible to apply for licensure for 1 year
- Reissuance of revoked license for a felony criminal conviction will now be by majority vote versus the unanimous vote previously required
Changes – Board Composition and Authorities

- **Public Members**
  - Adds 2 public members bringing the Board to 9 members
  - Governor appointed without input from the engineering and land surveying communities
  - Public members must be 40 years of age or older
Changes – Board Composition and Authorities

- **Licensed Board Members**
  - Must have 12 years of experience as licensed professionals

- **All Board Members**
  - US Citizens
  - Alabama residents for a minimum of 6 months
  - Two-term limit
  - Staggered terms with no more than 2 members rotating off in a given year
Changes – Board Composition and Authorities

- Board reserve funds increased from 25% to 33% of budget
- Per diem for serving on the Board set by the Board
- E-mail addresses recognized as not being releasable to the public
Questions & Comments?
Rick Huett, Assistant Executive Director
AL Board of Licensure for PE and LS
PO Box 304451
Montgomery, AL 36130-4451
rick.huett@bels.Alabama.gov