

Idaho Board of Registration for Professional Geologists

- Steven L. Derricott, P.G., Marsing – Chair
- Dale Osterman, P.G., P.E., Boise County
- Donna R. Welch, Boise – Public Member
- Dr. Mickey E. Gunter, P.G., Ph.D., Moscow
- Thomas F. Mullen, P.G., Coeur d'Alene

Board/Commission Composition: The Board consists of five (5) members: four (4) licensed geologists, and one (1) public member. The Board is comprised of members representing at least three (3) of the following categories: academic geologists, government geologists, salaried company geologists, and independent or consultant geologists. Board members serve a term of five (5) years. [Idaho Code § 54-2803](#).

Operating costs per registrant: \$60.18. This number represents the dollar amount required annually to serve each applicant or registrant based on the average number of registrants and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal, and investigative services.

Total number of current certificates of registration in Idaho on May 19, 2018: **573**.

For the Idaho Board of Registration for Professional Geologists, the **shortest time** from complete application to a certificate of registration being issued was the **same day**. The **longest time** from complete application to a certificate of registration being issued was **2 days**. Of all certificates of registration issued, **91.3 percent** were issued the **same day**. The **average time** from complete application to a certificate of registration being issued was **0.1 days**. The Board issued **23 certificates of registration** between May 19, 2017 and May 19, 2018.

Note: All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. [Idaho Code § 74-204](#).

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A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal

		Statute Title 54, Chapter 28	Rule IDAPA 14.01.01	<i>*Policy</i>	Application	Basis to Deny Issuance or Renewal	Fees
Professional Geologist	Issuance for Initial Certificate of Registration	I.C. § 54-2812	IDAPA 14.01.01.200	*	FG Exam Application PG Exam and Endorsement Application Reference Form	I.C. § 54-2812 I.C. § 54-2819	\$100 Application Fee \$20 Original License Fee \$200 Exam Fee (FG) \$250 Exam Fee (PG)
	Renewal Requirements	I.C. § 54-2816	IDAPA 14.01.01.160	*		I.C. § 54-2819 I.C. § 67-2614	\$60 Renewal Fee (\$30 for registrants over 70 years of age)
Geologist in Training	Issuance for Initial Certificate of Registration	N/A	IDAPA 14.01.01.400	*	Application	I.C. § 54-2812 I.C. § 54-2819	\$100 Application Fee \$20 Original Licensee Fee
	Renewal Requirements	N/A	N/A	*		N/A	N/A

**All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.*

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		Statute Title 54, Chapter 28	Rule IDAPA 14.01.01	<i>*Policy</i>	Application	Basis to Deny Issuance or Renewal	Fees
Professional Geologist Temporary	Issuance for Initial License	I.C. § 54-2822(b)	N/A	*	Application	I.C. § 54-2822(b)	N/A
	Renewal Requirements	N/A	N/A	*	N/A		N/A

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B. Applications and Renewals Denied, May 19, 2017-May 19, 2018

Refusal to Issue Initial License [Total Number: 0]

	Basis in Statute and/or Rule	Summary of Factual Basis
	None	

Refusal to Renew License [Total Number: 0]

	Basis in Statute and/or Rule	Summary of Factual Basis
	None	

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C. Disciplinary Actions for the Last Five (5) Years**

The Idaho Board of Registration for Professional Geologists received **3 complaints** from Fiscal Year 2013 through May 19, 2018. During this time frame, **2 complaints were closed** by the Board with no disciplinary action and **1 resulted in disciplinary action**.

***The detail provided below is only for disciplinary action closed between May 19, 2017 and May 19, 2018. Cases are not always closed within the same fiscal year they are opened, and sometimes multiple complaints are included in one disciplinary action. The Board's full [disciplinary action information](#) is available online.*

Case No.	Date of Final Action	Action Taken	Basis in Statute or Rule	Summary of Factual Basis
GEO-2017-1	1/22/2018	Consent Order	I.C. § 54-2819(l)(e) ; § 54-2819(d) ; and § 54-2819(l)(d) IDAPA 14.01.01.200.01.a and Appendix B, Provisions 1 and 2 .	Gross negligence.

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D. Changes or Attempted Changes in Last Five (5) Years to Eliminate Barriers to Entry

Law and Rule

Date	Law and Rule	Summary
2013	Docket No. 14-0101-1301	The Board clarified its rules to better define the term “responsible charge,” ensuring a geologist would know when he/she may seal work prepared by someone else.
2015	House Bill 81	<p>This bill accomplished the following:</p> <ul style="list-style-type: none"> • It allows a geology student to take the Fundamentals of Geology (FG) examination while still in college. • It provides that the Board can clarify by rule its examination process, including the approved examination, passing score and eligibility to take the examinations prior to graduation. <p>Impact: These changes eliminate barriers to registration and provide a benefit by allowing college students to complete the FG examination requirement early.</p>
2016	Docket No. 14-0101-1501	<p>Implements House Bill 81 and provides the opportunity for college seniors who 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, to be eligible to take the Fundamentals of Geology (FG) examination immediately preceding the date of graduation.</p> <p>This rule also modernized and updated language in several sections.</p>
2016	Docket No. 14-0101-1502	<p>The 2015 Idaho Legislature passed House Bill 117, which amended Idaho Code § 67-2614. The Board and the Legislature approved the Board’s rules to incorporate the changes.</p> <p>Impact: For those whose licenses have been expired for less than five (5) years, it eliminated the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person’s competency when reviewing applications.</p>

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Policy

Date	Policy	Summary
2018	Limits time an application waits for Board review	The Board adopted a policy that when completed applications are received that require board review, the staff will contact the Board Chair to attempt to schedule a meeting so applications do not sit and that a meeting may be scheduled to consider them.

Additional Barriers Eliminated/Opportunities Provided

Date	Barriers/Opportunities	Summary
2017	Implemented Idaho Code for military service and added it to the Board's website	<p>I.C. § 67-2620 For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration. Boards may also expedite applications, including military spouse applications.</p> <p>I.C. § 67-2602A Additionally, if a licensee already holds an active Idaho license and is on active duty in the United States Armed Forces, that license will remain active without renewing it for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</p>
2012	Exam locations	<p>The Board added the option to proctor the Association of State Boards of Geology (ASBOG) examinations in Boise, Moscow, and other locations around the state. Prior to this change the exams were only given in Boise.</p> <p>Impact: By offering it in other locations around the state, it saves examinees travel time and expense.</p>

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Additional Barriers Eliminated/Opportunities Provided (continued)

Date	Barriers/Opportunities	Summary
2008	Docket No. 14-0101-0701	The Board proposed and the Legislature adopted a rule providing that a seal be a rubber stamp, crimp, or electronically generated image. Previously, the seal had to be added to the original document and transmitted in hard copy.
2002	House Bill 420a	This bill removes members of the Idaho Board of Registration for Professional Geologists from the Public Employee Retirement System of Idaho (PERSI) by changing the payment they receive from compensation to an honorarium under I.C. § 59-509 .
1971	As far back as 1971	Temporary Practice: <ul style="list-style-type: none">• The Idaho Professional Geology Act includes provisions for qualified non-resident geologists to practice in Idaho for an aggregate of no more than 30 days per year.• Geologists who are licensed in another state, upon submission of a complete application, may practice in Idaho until their application can be reviewed by the Board.

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E. Assessment of Public Interest

In order to safeguard life, health, and property, and to promote the public welfare, the practice of geology in this state is hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person to practice, or offer to practice, geology for others in this state, as defined in the provisions of this chapter, or to use in connection with his name or otherwise assume, or advertise any title or description tending to convey the impression that he is a geologist, unless such person has been duly registered or is otherwise exempted under the provisions of this chapter. The right to engage in the practice of geology shall be deemed a personal right, based on the qualifications of the individual as evidenced by the certificate of registration, and shall not be transferable. (I.C. [§ 54-2801](#))

Registration was, in the beginning, brought about to protect the public and provide the public with geology professionals that have a verifiable level of expertise. Having reports signed by a “person in responsible charge” protects the public and puts the professional on notice that they must provide project guidance if they are stamping a report. Registered Geologists assure the public of their health, safety and welfare by providing reasoned input in minimizing potential danger from geologic hazards during construction projects; alerting the public to potential danger in areas of seismic risk; defining impacts of human activities and natural occurrences on aquifers, recharge areas and other water resources; and outlining steps in geohazard mitigation for features such as: fault zones, landslides, and unstable foundation areas.

Early identification and planned avoidance of these and other geohazards have a positive impact on public safety and reduce long-term project costs.

F. Recommendations for Improvement, Modification, or Elimination of Requirements

1. Continue to encourage the public comment generated by the Licensing Freedom Act through the renewal process or otherwise as needed.
2. Review the Board's laws, rules and processes with regard to mutual recognition and endorsement.

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Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the Idaho Board of Registration for Professional Geologists respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

- ✓ Objectives of Executive Order
 - ✓ Protect the public. (*I.C. [§ 54-2801](#)*)
 - ✓ Portability of licensure. (*I.C. [§ 54-2822](#) and [§ 54-2812](#)*)
 - ✓ Eliminate barriers to entry to work. (*IDAPA [14.01.01.400](#), *Geologist in Training*; [14.01.01.300.01.c](#), *early exam*; *additional testing sites*)*
 - ✓ Do away with unnecessary regulation. (*In addition to providing for early examination, [Docket No. 14-0101-1501](#) updated and modernized many sections of the Board's rules*)
 - ✓ Modernize licensure and regulatory requirements. (*Electronic seal was provided for in 2008*)

- ✓ Comprehensive Review - consider some of the issues raised in the background material, such as,
 - ✓ Telework – Idaho has recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. (*The use of an electronic seal was added in 2008*)
 - ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, or to test. (*IDAPA [14.01.01.300.01.c](#) allows for early examination; additional testing sites*)
 - ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? (*I.C. [§ 54-2819\(1\)\(c\)](#) gives the Board the ability to consider relevance to the practice of Geology*)
 - ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays? (*IDAPA [14.01.01.300.01.c](#); early examination*)
 - ✓ CE Hardship – Is there an allowance for extenuating circumstances? (*This Board does not require CE*)
 - ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? (*IDAPA [14.01.01.400](#), *Geologist in Training*; I.C. [§ 54-2822\(b\)](#), *temporary permit*; *completed application acts as a temporary permit*)*