

SOUTH DAKOTA STATE BOARD OF TECHNICAL PROFESSIONS
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CHAPTER 20:38:23
CONTINUING PROFESSIONAL DEVELOPMENT

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20:38:23:01. Definitions. Terms used in this chapter mean:

- (1) "Contact hour," a minimum of 50 minutes of presentation or participation;
- (2) "Continuing education unit" or "CEU," a unit of credit customarily used for continuing education courses which equals 10 contact hours of class in a qualified continuing education course;
- (3) "Dual licensee," a person who is licensed in two professions regulated by the board; and
- (4) "Professional development hour" or "PDH," a contact hour in a qualifying continuing education activity; the common denominator for other units of credit.

20:38:23:02. Forms. A licensee applying for a license renewal shall verify under the penalties of perjury that all information submitted by the licensee are true and correct. A licensee who submits a renewal form by use of the internet shall also agree that submission of the renewal form serves as the licensee's signature and verification of the information on the renewal form. The licensee must supply sufficient detail to permit audit verification if notified by the board of an audit.

20:38:23:03. Qualifying activities. Any licensed person must obtain 30 PDH during the two years preceding renewal to meet the continuing professional development requirements as a condition for license renewal. At least 20 PDH must be in technical subjects that lead to further professional development in the registrant's profession. Technical subjects include design; environmental analysis; programming and planning; structural systems; lateral forces; mechanical, electrical, plumbing, and acoustical systems; construction methods; construction observation; site and soils analyses and design; accessibility; building codes; selection of building materials; and surveying methods and techniques. The board may accept a maximum of 10 PDH units in professional management subjects such as total quality process, computer courses, or ethics. Up to 15 hours above the 30 hours required for a biennium may be credited toward the requirement for the next biennium. A PDH must be obtained in qualifying activities related to the licensee's profession. A qualifying activity is any course or activity with a clear purpose and objective which maintains, improves, or expands the skills and knowledge relevant to the licensee's field of practice. Qualifying activities may be earned in any jurisdiction.

20:38:23:04. Sources of PDH units. Sources of PDH units are as follows:

- (1) Successful completion of college courses;
- (2) Successful completion of continuing education courses;
- (3) Successful completion of correspondence, televised, videotaped, audio taped, Internet, and other short courses or tutorials with verifiable passing scores from examinations;
- (4) Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences;
- (5) Teaching or instructing in qualifying activities listed in subdivision (1) to (4), inclusive, of this section;
- (6) Writing published papers, articles, or books;
- (7) Active participation in professional or technical societies;
- (8) Patents; and
- (9) Self-study activities, including Internet courses, books, or articles, or video/audio tapes, if such activities include testing or examination with formal, recorded passing scores.

20:38:23:05. Determination of PDH credit. The board is the final authority on approval of courses, credit, PDH value for courses, and other methods of earning credit. The board may not preapprove courses for PDH credit. Credit is determined as follows:

- (1) Credit for college or community college courses is based on course credit established by the college;
- (2) Credit for qualifying seminars and workshops is based on one PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional or technical society meetings earns PDH units for the actual time of each program according to the following:

Program Time	PDH Credit
0 to 29 minutes	no credit
30 to 49 minutes	0.5 PDH
50 to 79 minutes	1.0 PDH
80 to 109 minutes	1.5 PDH
Greater than 109 minutes	Actual time rounded to the nearest half hour

(3) Credit determination for activities listed in subdivisions 20:38:23:04(6) and (8) is the responsibility of the licensee, subject to review by the board.

20:38:23:06. Conversion of units. The conversion of other units of continuing education credit to PDH units is as follows:

- (1) One college semester hour, 45 PDH;
- (2) One college quarter hour, 30 PDH;
- (3) One continuing education unit, 10 PDH;
- (4) Program time of professional development in course work, seminars, or professional or technical presentations made at meetings, conventions, or conferences, as specified in 20:38:23:05 (2);
- (5) One hour of teaching, 2 PDH;
- (6) Each published paper, article, or book, 10 PDH;
- (7) Active participation in each professional organization or technical society, 2 PDH for each renewal period, maximum 6 PDH;
- (8) Each patent, 10 PDH.

Teaching credit allowed in subdivision (5) of this section is valid for teaching a course or seminar for the first time only. Teaching credit does not apply to full-time faculty.

20:38:23:07. Record keeping. The licensee shall maintain records to support professional development credits claimed. Sufficient records must be maintained for audit purposes for three years after the date of renewal. The records shall include the PDH credits earned in the two years prior to the date of renewal and, in the case of carryover PDH credit, shall include the years when the carryover PDH was earned. The board may request copies for audit verification purposes. A licensee shall keep the following records:

- (1) A log showing the type of activity claimed, sponsoring organization, location, duration, instructors or speaker's name, and PDH credits earned;
- (2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; or
- (3) Records as maintained by professional repositories, such as the Council of Landscape Registration Architectural Boards (CLARB), the Professional Development Registry for Engineers and Surveyors (PDRES), or the American Institute of Architects (AIA).

20:38:23:08. Reinstatement. A former licensee may reinstate an expired license within three years after expiration by obtaining all delinquent PDH units for the inactive years up to a maximum of 30 PDH units. A former dual licensee may reinstate an expired registration by obtaining 30 PDH units biennially, at least one-third of which must be obtained in each profession. The expiration date of the registration for the second profession for reinstatement purposes is the same expiration date as the registration for the first profession.

20:38:23:09. Exemptions. A licensee may be exempt from the professional development educational requirements for one of the following reasons:

- (1) A licensee serving on temporary active duty in the armed forces of the United States for more than 120 consecutive days a year is exempt from obtaining the professional development hours required during that year. Supporting documentation must be furnished to the board;
- (2) Licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board;
- (3) Licensees who are retired and no longer receiving any remuneration for providing professional services are exempt from the requirements for professional development hours. If such a person elects to return to active practice, the person must earn 15 PDH units for each year exempted before returning to active practice, up to a maximum of 30 PDH units.

20:38:23:10. Professional development hours by comity. A licensee seeking comity shall certify to being licensed in and to meeting the continuing education requirements of his or her state of residency which must include mandatory continuing education requirements. The licensee must have met the requirements in the other state within 13 months immediately preceding renewal in this state.

20:38:23:11. Dual licensees. A person licensed in more than one profession regulated by the board must obtain 30 PDH units biennially, at least one-third of which must be obtained in each profession.

20:38:23:12. Audits. The board may select a random number of renewals to audit for compliance. Each licensee selected for audit shall submit detailed information and documentation for the PDH activities claimed. The board may also audit based on complaints or charges against a licensee. Failure to respond within 45 days of an audit notification may result in disciplinary action. Falsification of documentation is grounds for disciplinary action.

20:38:23:13. Compliance. If the audit indicates a failure to comply with professional development requirements, the licensee has 90 calendar days after receipt of written notice to further reinforce the claim of PDH credits or to acquire sufficient PDH credit to meet the requirements. The board may take into consideration hardship or extenuating circumstances in allowing correction of deficiencies, but the deadline may not be extended more than one year.