

## CHAPTER Geo 300 LICENSURE REQUIREMENTS

## PART Geo 301 APPLICATION REQUIREMENTS

Geo 301.01 Application Process.

(a) Persons wishing to become licensed as a professional geologist shall submit an application form provided by the board which contains the information specified in Geo 301.02 including the application fee specified in Geo 305.02.

(b) The board shall acknowledge receipt of an application within 60 days of acceptance for filing and shall notify the applicant of any deficiencies in the application. Failure to remedy the deficiencies within 60 days shall result in denial of the application. An application shall be considered on file with the board when all deficiencies are corrected.

(c) If the application is denied, the applicant shall be provided an opportunity to request a hearing for reconsideration pursuant to Geo 213.03 on the deficiency issues identified by the board. Any such request shall be made in writing and received by the board within 30 days of the receipt of the notification of denial.

(d) Applications which are abandoned or have had no communication by the applicant to the board for one year shall be destroyed.

Geo 301.02 Application for Licensure.

(a) Each applicant for licensure shall provide, or cause to be provided, the following on a form supplied by the board:

- (1) The applicant's name, including any names previously used;
- (2) The applicant's residence and business addresses and telephone numbers;
- (3) The applicant's date of birth, place of birth, and citizenship;
- (4) The applicant's positions, dates of employment, title, and present address of employer;
- (5) Character of employment including types of work performed and degree of responsibility;
- (6) Name and present address of someone familiar with each position;
- (7) The applicant's educational history including the names of all high school and post-secondary institutions attended, the dates of attendance

and degrees awarded and certified copies of transcripts from all post-secondary institutions attended;

(8) A listing of every state in which the applicant holds or has ever held registration/licensure as a professional geologist;

(9) Whether the registration/license is now in force and if not, the reasons why it is not in force;

(10) Whether the applicant has ever lost or been denied registration /licensure as a professional geologist or disciplined by another licensing board in any other state and if so, an explanation of the circumstances;

(11) Whether the applicant has ever taken the National Association of State Boards of Geology (ASBOG) Fundamentals of Geology examination, and if so, the location, date and grade awarded;

(12) Whether the applicant has ever taken the National Association of State Boards of Geology (ASBOG) Practice of Geology examination, and if so, the location, date and grade awarded;

(13) Whether the registration /licensure as a professional geologist was issued by examination and if so, the location, date and grade awarded;

(14) A statement indicating that the applicant has adhered to the ethical and professional standards of the profession;

(15) Whether the applicant has ever been convicted of any felony or any misdemeanor, or a violation involving geology or the practice of professional geology and if so, the name of the court, the details of the offense and the date of conviction and the sentence imposed;

(16) The names, complete addresses, occupation and business relationship with applicant of 5 references as specified in Geo 302.03;

(17) A list of current memberships in professional or scientific societies, including:

- a. Name of organization;
- b. Location;
- c. Level of membership; and
- d. Dates of memberships.

(18) The applicant's social security number required pursuant to RSA 161-B:11, VI-a; and

(19) Any additional experience information the applicant wishes to provide.

- (b) The applicant's signature under penalty of unsworn falsification.
- (c) Each applicant for licensure who is a graduate of a non United States or Canadian institution shall have his/her transcripts sent directly from the institution to World Education Services or a similar translation and authentication service which specializes in evaluating educational credentials for translation and authentication. The applicant shall request translation and authentication be sent from the translation and authentication organization directly to the board office for evaluation by the board.
- (d) Applicants shall pay the application fee specified in Geo 305.02.

## PART Geo 302 QUALIFICATIONS OF APPLICANTS

### Geo 302.01 Candidate Requirements.

- (a) Candidates for licensure shall meet the requirements established by RSA 310-A:125 before a license shall be granted. Applicants shall appear for a personal audience with the board if their records of education or experience are unclear, contradictory or incomplete. The candidate shall provide documentation of his or her work products to help determine competency.
- (b) The candidate shall have performed no misconduct as set forth in RSA 310-A:133. The board shall consider all available evidence for all candidates for licensure, prior to granting any license. Substantiated evidence of failure to adhere to the ethical standards of the profession or misconduct as set forth in RSA 310-A:133 shall result in denial of licensure to any candidate.
- (c) Qualifications shall be determined as follows:
  - (1) The candidate shall have either of the following:
    - a. A bachelor's degree in geology or a bachelor's degree in a related field and shall have 30 credit hours or 45 quarter hours in geology from an accredited 4-year college; or
    - b. A master's or doctoral degree from a graduate program from an accredited institution in geology or a related field including, but not limited to, degrees or credit hours in geochemistry, geohydrology, geomorphology, geophysics, groundwater geology, engineering geology, environmental geology, hydrogeology, hydrology, marine geology, mineralogy, mining geology, paleontology, petrography/petrology, sedimentology/stratigraphy/historical geology, or water resources studies.

(2) The applicant shall present evidence satisfactory to the board of at least 5 years of experience in the practice of geology, of which at least 3 years must have been under the supervision of a licensed professional geologist or a geologist who otherwise meets the requirements of a licensed professional geologist as determined by the board; and

(3) The applicant shall take the fundamentals and practice of geology examinations distributed by the National Association of State Boards of Geology (ASBOG) and achieve a passing score.

Geo 302.02 Experience Requirements.

(a) Experience in the practice of geology shall be determined pursuant to RSA 310-A:125 as follows:

(1) Experience in the practice of geology shall not include routine sampling, laboratory work or geological drafting;

(2) A completed academic year of graduate study in geology may be applied either toward a year of the experience requirement up to a total maximum of 2 years, or to the education requirement of Geo 302.01 (c), but not to both; and

(3) Each completed academic year of college or graduate level teaching in geology may be applied toward one year of the experience requirement.

(b) Whenever information presented in an application for licensure or renewal is determined by the board to be incomplete, the board shall require additional information as necessary to determine if the application requirements have been met.

Geo 302.03 References Required.

(a) Each applicant for licensure shall provide the board with the names and addresses of at least 5 individuals, who shall provide references, and are not related to the applicant. At least 3 of the references shall be individuals having personal or professional knowledge of the applicant's professional geology experience. At least 3 of the references shall be licensed professional geologists as defined by RSA 310-A:118, IV, having detailed knowledge of the applicant's geology experience.

(b) The board shall use as references any individuals, whose names appear in any part of the completed application.

Geo 302.04 Information from References.

(a) Information from references shall be requested by the board on forms provided by the board as follows:

- (1) Applicant's name;
  - (2) Reference's name and address, relationship to the applicant, and status as a licensed professional geologist as defined in RSA 310-A:118, IV; and
  - (3) A brief description of the reference's knowledge of the applicant's qualifications in the practice of geology.
- (b) The reference shall sign and date the form.

Geo 302.05 Additional References. The board shall require of the applicant the names and addresses of additional references if the original information provided by the references is unclear, incomplete or contradictory.

Geo 302.06 Denial of Application. An application shall be denied if, after notice and an opportunity for hearing, there is a finding that:

- (a) The applicant, or someone acting on the applicant's behalf, has submitted false information to the board in connection with the application;
- (b) Evidence of past disciplinary action taken by another licensing body or a professional society or association, indicates the applicant cannot be relied upon to practice competently, safely and honestly, or adhere to the standards of conduct required by Geo 500;
- (c) Evidence of conviction of a felony or misdemeanor indicates the applicant cannot be relied upon to practice competently, safely and honestly, or adhere to the ethical standards required by Geo 500;
- (d) Evidence of behavior that would violate the ethical standards of Geo 500, indicates the applicant cannot be relied upon to practice competently, safely and honestly, or adhere to the ethical standards required by Geo 501.03;
- (e) The applicant failed to meet the educational and experience requirements of Geo 302; or
- (f) The applicant failed to successfully pass the examinations required per Geo 303.01.

## PART GEO 303 EXAMINATION REQUIREMENTS

Geo 303.01 Examination Requirements.

(a) The board shall hold the Fundamentals of Geology and Practice of Geology, written national examinations semi-annually each year on dates set by the National Association of State Boards of Geology (ASBOG).

(b) All applicants for licensure shall have successfully passed the National Association of State Boards of Geology (ASBOG) Fundamentals of Geology examination.

(c) All applicants for licensure shall have successfully passed the National Association of State Boards of Geology (ASBOG) Practice of Geology examination.

Geo 303.02 Re-Examinations. Candidates failing an examination shall be entitled to re-examination upon payment of the examination fee pursuant to Geo 305.02.

## PART GEO 304 RECIPROCITY

Geo 304.01 Reciprocity. Candidates for licensure who are licensed/registered in another state, provided that the other state's licensure/registration requirements are substantially equivalent to or more stringent than those of this state, shall apply to the board for licensure on a form provided by the board as specified in Geo 301.02 and pay the fee per Geo 305.02. Verification of licensure and examination shall be obtained by the candidate for licensure and submitted to the board directly from the verifying state for approval.

## PART Geo 305 APPLICATION/EXAMINATION/LICENSURE FEES

Geo 305.01 Fees. All fees shall be paid in the form of cash, money order, bank draft, credit card or check made payable to "Treasurer, State of New Hampshire," and shall be non-refundable.

Geo 305.02 Application/Examination/Licensure Fees. The fees shall be as follows:

(a) The application fee for licensure as a professional geologist shall be \$225.00.

(b) The fee for the fundamentals of geology examination shall be \$250.00.

(c) The fee for the practice of geology examination shall be \$250.00.

(d) The application fee for the certificate of licensure shall be \$50.00.

(e) The biennial renewal fee shall be \$150.00.

(f) If the renewal is not received by the date of expiration there shall be a

late fee of 20 percent per month.

- (g) The fee for reinstatement pursuant to Geo 401.05 shall be \$510.00.
- (h) The temporary permit fee shall be \$300.00.
- (i) The fee for verification of licensure shall be \$25.00.
- (j) The fee for replacement of a lost or mutilated certificate of licensure shall be \$50.00.
- (k) The fee for administration of examination for the fundamentals of geology examination for another jurisdiction shall be \$150.00.
- (l) The fee for administration of examination for the practice of geology examination for another jurisdiction shall be \$150.00.

#### PART Geo 306 TEMPORARY PERMIT

##### Geo 306.01 Temporary Permit.

(a) A person who is eligible to be licensed as a professional geologist in New Hampshire by reciprocity may apply for a temporary permit for a specific project in this state not to exceed an aggregate of 30 days in any one calendar year.

(b) Applicants for temporary permits shall provide, or cause to be provided, the following on a form provided by the board:

- (1) The applicant's name, including any names previously used;
  - (2) The applicant's business addresses and telephone numbers;
  - (3) State currently licensed in and license number, expiration date;
  - (4) Project title, location and brief description of the specific project in the state;
  - (5) Applicant's professional geologist stamp of jurisdiction in which applicant is licensed/registered; and
  - (6) Applicant's signature.
- (d) Applicant shall submit the application fee specified in Geo 305.02.

#### PART Geo 307 CREDENTIALS

Geo 307.01 License. An applicant for licensure as a professional geologist, who has met

satisfactorily all the requirements of RSA 310-A and who has paid all of the fees, shall be issued a license by the board. The licensee shall be issued a license authorizing the practice of geology that shall show the name of the licensee, shall have a serial number, and shall be sealed and signed by the members of the board.

Geo 307.02 Pocket Cards. Biennially, the board shall issue a pocket card upon receipt of the biennial renewal form and fee. The card shall certify that the geologist holds a license in good standing and is authorized to practice geology to the date of expiration as shown on the card.

Geo 307.03 Licensed Professional Geologist Seal/Stamp.

(a) The board shall upon issuance of a license to an applicant as a licensed geologist, require the licensee to acquire an impression type seal or rubber stamp of the design specified by these rules. This seal shall bear the licensee's name and number as shown on the license. This seal, signature of the licensee and date shall be affixed on all papers or documents involving the practice of geology prepared by the licensee issued or filed for public record.

(b) The seal shall consist of 2 concentric circles with the outer circle having a diameter of 1-5/8 inches and the inner circle diameter 1-1/4 of an inch. In the space between the circles at the top shall be the words "State of New Hampshire" and at the bottom "Professional Geologist." In the space inside the inner circle shall be the full name of the licensee above an image of a crossed geological hammer and compass. The license number shall be written so as to span the image. The word "Licensed" shall be written at the bottom following the curve of the inner circle, above the words "Professional Geologist."

(c) It shall be a violation of these rules for the licensee to stamp or seal any documents with his/her seal after his/her license has expired, been revoked or suspended. It shall be a violation of these rules for the licensee to stamp or seal any documents not prepared by him or her personally or under his/her direct supervision.

CHAPTER Geo 400 CONTINUED STATUS

PART Geo 401 RENEWAL OF LICENSE

Geo 401.01 Expirations and Renewals. Pursuant to RSA 310A:132, licenses shall be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. The board shall notify each professional geologist 2 months prior to expiration of his/her license.

Geo 401.02 Renewal of License. Any licensee wishing to renew a license shall submit:

- (a) The renewal application supplied by the board;
- (b) The fee specified in Geo 305.02 (e); and

- (c) The late fee of 20 percent per month if the renewal is not received by the date of expiration.

Geo 401.03 Renewal Application. The applicant shall supply the following information on the application form for license renewal:

- (a) The applicant's full name;
- (b) The applicant's business address and telephone number;
- (c) The applicant's home address and telephone number;
- (d) Documentation that the applicant has complied with the continuing education requirements of Geo 403;
- (e) A statement indicating any disciplinary or legal action brought against the applicant for his/her services as a professional geologist;
- (f) A statement indicating that the applicant has adhered to the ethical and professional standards of Geo 500;
- (g) A representation that the applicant acknowledges that the provision of false information in the application recklessly provided is a basis for disciplinary action by the board; and
- (h) The applicant's signature and date.

Geo 401.04 Denial of Renewal.

- (a) Renewal shall be denied if, after notice and an opportunity for hearing, there is a finding of:
  - (1) Noncompliance with the continuing education requirements of Geo 403;
  - (2) Any unethical act for which discipline shall be imposed under Geo 500;
  - (3) Reasons for which an initial application would have been denied; or
  - (4) Failure to furnish complete or accurate information on a renewal license application.
- (b) The board shall notify the applicant of any deficiencies in the renewal application within 60 days of acceptance for filing. Failure to remedy the deficiencies within 60 days shall result in denial of the renewal application. An application shall be considered on file with the board when all deficiencies are corrected.

Geo 401.05 Reinstatement. A professional geologist whose license to practice geology in this state has been allowed to lapse for a period of 12 months or more shall:

(a) File a reinstatement application with the board that shall include at least the following:

- (1) The applicant's full name;
- (2) The applicant's business address and telephone number;
- (3) The applicant's home address and telephone number;
- (4) Documentation that the applicant has complied with the continuing education requirements of Geo 403;
- (5) A statement indicating any disciplinary or legal action brought against the applicant for his/her services as a professional geologist;
- (6) A statement indicating that the applicant has adhered to the ethical and professional standards of Geo 500;
- (7) A representation that the applicant acknowledges that the provision of false information in the application is a basis for disciplinary action by the board;
- (8) The names, complete addresses, occupation and business relationship with applicant of 3 references from licensed professional geologists as defined by RSA 310-A:118, IV; and
- (9) The applicant's signature and date.

(b) Applicants shall submit the application and reinstatement fees as specified in Geo 305.02.

Geo 401.06 Denial of Reinstatement. Reinstatement shall be denied if, after notice and an opportunity for hearing, the board finds:

- (a) Noncompliance with the continuing education requirements of Geo 403;
- (b) Any unethical act for which discipline shall be imposed under Geo 500;
- (c) Reasons for which an initial application could be denied; or
- (d) Failure to furnish complete or accurate information on a license reinstatement application.

PART Geo 402 DISCIPLINARY MATTERS

Geo 402.01 Initiation of Disciplinary Action. The board shall undertake misconduct investigations, settlements of misconduct allegations, or disciplinary hearings, when warranted, in response to information which reasonably suggests that a licensee has engaged in professional misconduct.

Geo 402.02 Disciplinary Sanctions.

(a) The board shall impose disciplinary sanctions only:

- (1) After prior notice and an opportunity to be heard; or
- (2) Pursuant to a mutually agreed upon settlement or consent decree.

(b) When the board receives notice that a licensee has been subjected to disciplinary action related to professional conduct by the licensing authority of another jurisdiction, where the license was not reinstated, the board shall issue an order directing the licensee to demonstrate why reciprocal discipline should not be imposed in New Hampshire after considering the presence of aggravating or mitigating circumstances.

(c) After a finding that misconduct has occurred, the board shall impose one or more of the disciplinary sanctions authorized by RSA 310-A:133 and RSA-135, V after considering the presence of aggravating or mitigating circumstances.

(d) The following shall be considered aggravating circumstances:

- (1) The seriousness of the offense;
- (2) The licensee's prior disciplinary record;
- (3) The licensee's state of mind at the time of the offense;
- (4) The licensee's lack of willingness to cooperate with the board; and
- (5) The potential harm to public health and safety.

(e) The following shall be considered mitigating circumstances:

- (1) The absence of a prior disciplinary record;
- (2) The licensee's state of mind at the time of the offense;
- (3) The licensee's acknowledgement of his or her wrongdoing; and
- (4) The licensee's willingness to cooperate with the board.

(f) Copies of board orders imposing disciplinary sanctions and copies of all settlement agreements or consent decrees shall be sent to the licensing body of each state in which the licensee is licensed and to such other entities, organizations, associations, or boards as are required to be notified under applicable state or federal law.

Geo 402.03 Civil Penalties

(a) Adjudicative proceedings seeking the assessment of civil penalties shall be commenced against any person subject to such penalties under any provision of RSA 310-A when the board possesses evidence indicating that a violation has occurred.

(b) When persons subject to the board's disciplinary authority are directed to pay civil penalties in accordance with Geo 402.02 (c), such civil penalties shall be assessed in accordance with the factors stated in Geo 402.02 (c) and the following additional considerations:

- (1) The cost of any investigation or hearing conducted by the board; and
- (2) The licensee's ability to pay a civil penalties assessed by the board.

(c) Civil penalties shall not exceed the following amounts:

- (1) When no violation of the same type has occurred within the 5 years preceding the board's notice to the respondent, the civil penalties assessed shall not exceed \$200.00 per day or \$1,000.00 per offense whichever is greater;
- (2) When a single disciplinary infraction of the same type has occurred within the 5 years preceding the board's notice to the respondent, the civil penalties assessed shall not exceed \$200.00 per day or \$1,500.00 per offense whichever is greater;
- (3) When more than one disciplinary infraction of the same type has occurred within the 5 years preceding the board's notice to the respondent, the civil penalties assessed shall not exceed \$200.00 per day or \$2,000.00 per offense whichever is greater; and
- (4) In the case of continuing violations, a separate civil penalty shall be assessed for each day the violation continues, but the total amount of the civil penalties and the respondent's promptness and cooperativeness in ceasing the prohibited conduct in question shall be considered in assessing the daily civil penalty

(d) A single course of continuing conduct shall be treated as a single violation for purposes of Geo 402.03 (c), (1), (2) and (3).

Geo 402.04 Procedures for Assessing and Collecting Civil Penalties.

(a) Payment of civil penalties shall be included among the options available for settling disciplinary allegations, and shall be included among the types of disciplinary sanctions imposed after notice and hearing.

(b) In cases where the board initially intends to limit disciplinary sanctions to a civil penalty, the board shall issue a “notice of apparent liability” describing the alleged offense, stating the amount of the assessed civil penalty, and notifying the alleged offender that he or she shall pay or compromise the civil penalties by a date certain or request that an administrative hearing be held. If a hearing is requested, the notice of apparent liability shall be withdrawn and a notice of hearing shall be issued. In such hearings, the board’s disciplinary options shall not be limited to the assessment of civil penalties.

(c) Nonpayment of civil penalties by a licensee or respondent in contravention of an order, agreement or promise to pay, shall be separate grounds for discipline by the board and a basis for denying a subsequent license or renewal application and a basis for judicial action seeking to collect civil penalties.

PART GEO 403 CONTINUING EDUCATION

Geo 403.01 Continuing Education Requirements

(a) A renewal application shall not be accepted for filing unless the licensee indicates on the renewal application, and under penalty of unsworn falsification, that he/she has completed the minimum required hours of approved continuing education required by 403.01 (b) and lists the specific basis for each credit.

(b) Each licensee shall obtain at least 24 hours of continuing education activities during the biennial renewal period as a condition of license renewal.

Geo 403.02 Continuing Education Requirements for New Licensees. New licensees shall obtain 12 continuing education hours for their first biennial renewal period.

Geo 403.03 Requirements for Reciprocity Licensees Licensees who are residents of jurisdictions other than New Hampshire shall meet the continuing education or equivalent requirements of their resident jurisdiction. The requirements for the State of New Hampshire shall be satisfied when a non-resident licensee provides evidence of having met the continuing education or equivalent requirements of their resident jurisdiction. If licensees reside in a jurisdiction that has no continuing education requirements, the resident shall meet the requirements of the State of New Hampshire.

Geo 403.04 Reinstatement. In addition to the requirements set forth in Geo 401.05, an applicant for reinstatement shall obtain 12 additional hours of continuing education activity for a total of 36. Additional hours shall be for the current reinstatement

period only, none shall be carried over into the licensee's subsequent biennial renewal period.

Geo 403.05 Continuing Education Requirements. Continuing education activities shall meet the following criteria:

(a) Continuing education activities shall be relevant to the practice of geology or no credit shall be awarded. Such continuing education activities may include technical, ethical, or managerial content;

(b) The content of each activity shall be well organized and presented in a sequential manner;

(c) The activity shall be led by persons who are qualified by education or experience and monitored by the sponsoring organization; and

(d) There is a provision for individual participant registration which shall include information required for record keeping and reporting.

Geo 403.06 Continuing Education Activity Hours. Hours for continuing education activities shall be awarded as follows:

(a) A maximum of 2 continuing education hours per year shall apply to activity on a state or national board of licensure;

(b) Courses/programs awarded one or more college semester credit hours, with a passing grade where grades are issued, shall equal 15 continuing education hours per credit hour based on course credit established by the college or university;

(c) Courses/programs awarded one or more college quarter hours, with a passing grade where grades are issued, shall equal 10 continuing education hours per credit hour based on course credit established by the college or university;

(d) Courses/programs awarded one or more continuing education units by the course sponsor, with a passing grade where grades are issued, shall equal 10 continuing education hours per CEU;

(e) One hour of credit shall be awarded for each hour of continuing education in course work, seminars, or professional technical presentations made at meetings, conventions, or conferences for each hour of attendance;

(f) Field trips organized and run by professional and/or technical societies or in conjunction with meetings, conventions, or conferences shall be awarded one continuing education hour for each hour of duration, up to 8 continuing education hours per day.

(g) Teaching or instructing qualifying courses or seminars or

making presentations at technical meetings shall earn continuing education hours at a rate twice that of participants. Teaching credit shall be valid for teaching a course or seminar for the first time only. Teaching credit shall not apply to full-time faculty teaching courses that are part of their normal teaching load;

(h) Each professional journal article, published paper, published geological map, or published geology text book shall equal 16 continuing education hours;

(i) Active participation in professional or technical societies shall equal one continuing education hour per year and shall require that the licensee serve as an officer and/or actively participate in a committee of the organization. Continuing education hours shall not be earned until each year of service is completed and shall be limited to 2 continuing education hours per organization, with a maximum of 4 continuing education hours per renewal period; and

(j) Continuing education hours shall not be awarded for any repeat activity attended or completed.

Geo 403.07 Record Keeping.

(a) Maintaining records to be used to support continuing education hours claimed shall be the responsibility of the licensee.

(b) Records shall contain at least the following documentation:

(1) A log showing:

- a. The type of activity claimed;
- b. Sponsoring organization;
- c. Address;
- d. Contact information;
- e. Location;
- f. Instructor's or speaker's name and title;
- g. Number of continuing education hours earned; and

(2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance such as:

- a. Signed attendance receipts;
- b. Paid receipts; and
- c. A copy of a listing of attendees signed by a person responsible for course or program or the course or program provider.

(c) The licensee shall retain attendance verification records for a period of at least 3 years. Such documentation shall be made available to the board for random audit and/or

verification purposes. Documentation shall support continuing education hours claimed. Failure to provide documentation for audit verification shall result in disciplinary action.

(d) Not less than 5 percent of the licensees shall be randomly selected each year by the board for compliance with Geo 403.01.

Geo 403.08 Exemptions. A licensee shall be exempt from the continuing education requirements as follows:

(a) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining 12 of the continuing education hours required; and

(b) Licensees experiencing disability, illness, or other extenuating circumstances which would prevent the licensee from completing the required continuing education hours shall apply in writing to the board for specific exemption. Relevant supporting documentation shall be furnished to the board when necessary for a fair and informed determination by the board.

Geo 403.09 Waiver of Continuing Education Deadline. A licensee may request waiver of continuing education deadlines provided that a petition to that effect is filed at least 30 days before the expiration of the biennial continuing education period in question, or that late filing is justified by a showing of good cause. Good cause shall include accident, illness or other extenuating circumstances beyond the control of the licensee which actually prevents the licensee from satisfying the continuing education requirements. No waiver petition shall be granted which does not propose a specific timetable for completing specific activities that will eliminate the petitioner's continuing education deficiency.

Geo 403.10 Noncompliance. Failure to complete continuing education requirements in a timely fashion, or failure to submit documentation which establishes that said requirements were so completed, shall after notice and opportunity for hearing, result in disciplinary action pursuant to Geo 402.02 unless a waiver petition has been timely filed and duly granted by the board.

## CHAPTER Geo 500 ETHICAL STANDARDS AND LICENSE SURRENDER

### PART Geo 501 ETHICAL STANDARDS

#### Geo 501.01 Purpose and Scope.

(a) In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity in the professional practice of geology the following rules of professional conduct are promulgated in accordance with RSA 310-A.

(b) These rules shall be binding upon every person holding a license as a professional geologist in this state.

Geo 501.02 Obligation To Obey

(a) Violation of these ethical standards shall result in disciplinary sanctions. Conduct proscribed by these ethical standards, when performed by a candidate for licensure as a professional geologist in this state, or during a prior period of licensure, shall result in denying a license application.

(b) All persons licensed under RSA 310-A shall be considered to have knowledge of the existence of these rules of professional conduct, and shall be deemed to be familiar with their several provisions. Such knowledge shall encompass the understanding that the practice of the profession of geology is a privilege, as opposed to a right, and the licensed professional geologist shall be forthright and candid in the licensee's statements or written response to the board or its representatives on matters pertaining to professional conduct.

(c) Licensees shall submit only truthful and correct information in any application or other document filed with or statement made to the board.

(d) Licensees shall inform the board of a principle business/home address to which all official board communications should be directed, and also of all addresses where he/she is practicing. The establishment of a business/home address or the change or abandonment of a business/home address shall be reported to the board within 30 days.

Geo 501.03 Standards of Conduct.

(a) The licensed professional geologist shall hold paramount the safety, health and welfare of the public.

(b) The licensed professional geologist shall:

- (1) Perform his/her services only in areas of his/her competence;
- (2) Issue statements only in an objective and truthful manner;
- (3) Act for each employer or client as faithful agents or trustees;
- (4) Not engage in deceptive acts;
- (5) Conduct himself/herself honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession;

(6) Undertake to perform geology assignments only when qualified by education or experience in the specific technical field of professional geology involved;

(7) Accept an assignment requiring education or experience outside of his/her own field of competence, but only to the extent that his/her services are restricted to those phases of the project in which he/she is qualified. All other phases of such project shall be performed by qualified persons;

(8) Not affix his/her signature or seal to any plan or document dealing with subject matter for which he/she lacks competence by virtue of education or experience, nor to any such plan or document not prepared under his/her direct supervisory control, however he/she may affix his/her seal and signature to drawings and documents depicting the work of 2 or more professionals provided he/she designates by a note under his/her seal the specific subject matter for which he/she is responsible; and

(9) Exercise direct supervisory control, responsible charge which requires a licensee or employee to carry out all client contracts, provide internal and external financial control, oversee employee training and exercise control and supervision over all jobs requirements to include research, planning, design, field supervision and work product review. A licensee shall not contract with a non-licensed individual to provide these professional services.

(c) The licensed professional geologist shall issue public statements only in an objective and truthful manner.

(d) The licensed professional geologists shall:

(1) Be objective and truthful in all professional reports, statements or testimony, and include all relevant and pertinent information in such reports, statements or testimony;

(2) When serving as an expert or technical witness before any court, commission, or other tribunal, express an expert opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his/her testimony;

(3) Issue no statements, criticisms, or arguments on geological issues connected with public policy which are influenced or paid for by an interested party, or parties, unless he/she has prefaced his/her comment by explicitly identifying him/herself by disclosing the identities of the party

or parties on whose behalf he/she is speaking, and by revealing the existence of any pecuniary interest he/she may have in the instant matters;

(4) Not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another geologist and

(5) If he/she believes that another licensed professional geologist is guilty of misconduct or illegal practice, he shall present such information to the board.

(e) The licensed professional geologist shall avoid conflicts of interest.

(f) The licensed professional geologist shall:

(1) Promptly inform his employer or client of any business associations, interests, or circumstances, which could influence his/her judgment, or the quality of his/her services;

(2) Not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties;

(3) Not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products;

(4) Not solicit or accept financial or other valuable considerations, directly or indirectly, from contractors, their agents, or other parties dealing with his/her client or employer in connection with work for which he/she is responsible;

(5) When in public service as a member, advisor, or employee of a governmental body or department, not participate in considerations or actions with respect to services provided by him/her or his/her organization in the private practice of the profession of geology; and

(6) Not solicit or accept a geological contract from a governmental body on which a principal or officer of his/her organization serves as a member.

(g) The licensed professional geologist shall solicit or accept work only on the basis of his/her qualifications.

(h) The licensed professional geologist shall:

(1) Not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies;

(2) Compete for employment on the basis of professional qualification and competence to perform the work and shall not solicit or submit proposals for professional services containing false, fraudulent, misleading, deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered;

(3) Not falsify or permit misrepresentation of his/her, or his/her associates' academic or professional qualifications, or misrepresent his/her degree of responsibility in or for the subject matter of prior assignments; and

(4) Not distribute brochures or other presentations incident to the solicitation of employment which shall misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or his/her or their past accomplishments with the intent and purpose of enhancing his/her qualifications and his/her work.

(i) The licensed professional geologist shall perform his/her services in an ethical and lawful manner.

(j) The licensed professional geologist shall:

(1) Not knowingly associate with or permit the use of his/her name in a business venture by any person or firm which he/she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature;

(2) If he/she has knowledge or reason to believe that another licensed professional geologist may be in violation of any of these provisions or provisions of RSA 310-A, present such information to the board in writing and cooperate with the board in furnishing such further information or assistance as may be required by the board; and

(3) Cooperate with investigations and requests for information from the board and the board's representatives.

#### PART Geo 502 VOLUNTARY LICENSE SURRENDER

Geo 502.01 Procedure for Surrendering a License. Any person holding a license may voluntarily surrender that license by returning it to the board accompanied by a signed letter stating that he/she intends to surrender his/her license.

Geo 502.02 Effect of Voluntary License Surrender.

(a) A licensee who voluntarily surrenders a license shall retain no right or privilege of

a New Hampshire licensee unless such a right or privilege is expressly preserved in the board order or settlement agreement authorizing the voluntary surrender. Subject to such possible preservations, a person who reapplies for licensure in New Hampshire after a voluntary surrender shall have the burden of proving compliance with all of the requirements then in effect for new applicants and professional character requirements.

(b) Non-renewal of a license shall not preclude the board from investigating or completing a disciplinary proceeding based upon the licensee's professional conduct while the license was still in effect. Nor shall surrender of a license preclude the board from investigating disciplinary proceedings not expressly referenced in the voluntary surrender order or settlement agreement. Such investigations and proceedings shall be handled in the same manner as other disciplinary investigations and proceedings.

Geo 502.03 Voluntary Surrender When Misconduct Allegations are Pending.

(a) A licensee who wishes to surrender his or her license as part of a settlement of pending misconduct allegations shall make a written settlement offer to the board before the close of the record in a disciplinary hearing.

(b) Any settlement agreement reached under (a), above, shall include the following concessions:

(1) That the license surrender has occurred in settlement of pending disciplinary charges; and

(2) That the pending disciplinary allegations shall be fully resolved prior to any future application filed by the licensee in New Hampshire.

(c) The board shall decline to accept a settlement agreement under (a), above, if the board believes the licensee has unreasonably declined to disclose material information concerning the alleged misconduct or has refused to stipulate to the truth of specific material facts concerning the alleged misconduct which would be necessary to protect the public interest in the event the licensee subsequently reapplies for a license.

(d) A licensee's stipulation of facts shall be exempt from public disclosure to the extent permitted by RSA 91-A and if the public portion of the settlement agreement or surrender document expressly states that a separate, confidential stipulation of facts is on file with the board.

(e) The fact of license surrender and the terms of any settlement agreement pertaining thereto shall be distributed to all relevant licensing authorities and professional societies in the same manner as a final decision containing specific finding of professional misconduct.