

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 39 ENGINEERING AND SURVEYING PRACTITIONERS
PART 2 CONTINUING PROFESSIONAL DEVELOPMENT

16.39.2.1 ISSUING AGENCY: State Board of Licensure for Professional Engineers and Professional Surveyors, 2550 Cerrillos Road, Santa Fe, NM 87505, telephone no. (505) 476-4565.
[16.39.2.1 NMAC - Rp, 16 NMAC 39.2.1, 12/01/2001; A, 7/01/2006; A, 7/1/2015]

16.39.2.2 SCOPE: Provisions for Part 2 apply to any person licensed as a professional engineer or a professional surveyor, or to anyone applying for licensure as a professional engineer or a professional surveyor in New Mexico.
[16.39.2.2 NMAC - Rp, 16 NMAC 39.2.2, 12/01/2001]

16.39.2.3 STATUTORY AUTHORITY: Subsection B of Section 61-23-10 NMSA 1978 prescribes that the board shall adopt and promulgate rules of professional responsibility for professional engineers and professional surveyors that are not exclusive to the practice of engineering or exclusive to the practice of surveying. 16.39.2 NMAC applies to both engineering and surveying. Sections 61-23-24.1 and 61-23-27.12, NMSA 1978 prescribe that "the board shall implement and conduct a professional development program. Compliance and exceptions shall be established by the regulations and rules of procedure (Title 16, Chapter 39 of the New Mexico Administrative Code) of the board."
[16.39.2.3 NMAC - Rp, 16 NMAC 39.2.3, 12/01/2001; A, 7/01/2006; A, 12/28/2017]

16.39.2.4 DURATION: Permanent.
[16.39.2.4 NMAC - Rp, 16 NMAC 39.2.4, 12/01/2001]

16.39.2.5 EFFECTIVE DATE: December 1, 2001, unless a later date is cited at the end of a section or paragraph.
[16.39.2.5 NMAC - Rp, 16 NMAC 39.2.5, 12/01/2001]

16.39.2.6 OBJECTIVE: The objective of Part 2 of Chapter 39 is to clearly define requirements of a professional development program for the renewal of professional engineer and surveyor licenses.
[16.39.2.6 NMAC - Rp, 16 NMAC 39.2.6, 12/01/2001]

16.39.2.7 DEFINITIONS:

- A.** Professional development hour (PDH) - a contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit.
- B.** Continuing education unit (CEU) - unit of credit customarily used for continuing education courses. One continuing education unit equals 10 contact hours in approved continuing education course.
- C.** College/unit semester/quarter hour - credit for course in ABET approved programs or other related college course approved in accordance with Subsection E of 16.39.2.8 NMAC.
- D.** Course/activity - any qualifying course or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice. Regular duties are not considered qualified activities.
- E.** Dual licensee - a person who is licensed as both a professional engineer and a professional surveyor.
- F.** Ethics/business-related course or activity - any qualifying course or activity with content areas related to:
 - (1) the awareness of ethical concerns and conflicts;
 - (2) an enhanced familiarity with the codes of conduct;
 - (3) an understanding of standards of practice or care; or
 - (4) project management and risk-assessment management.

[16.39.2.7 NMAC - Rp, 16 NMAC 39.2.7, 12/01/2001; A, 7/01/2006; A, 7/1/2015; A, 12/28/2017]

16.39.2.8 CONTINUING PROFESSIONAL DEVELOPMENT - REQUIREMENTS:
The purpose of the continuing professional development requirement is to enhance the continuing level of professional development of professional engineers and professional surveyors.

A. Introduction - Every licensee shall meet the continuing professional development requirements of these regulations for professional development as a condition for license renewal.

B. Failure to meet requirements - Submission of professional development hours (PDHs) shall be made concurrently with license renewal. Failure to meet the PDH requirements will result in the rejection of renewal.

C. Requirements - each licensee is required to obtain 30 professional development hours (PDH) units during a biennium at least two of which shall be in ethics/business-related. If a licensee exceeds the biennial requirement in any biennial cycle, a maximum of 15 PDH units may be carried forward into the subsequent biennium in accordance with what has been previously reported to the board. PDH units may be earned from participation in qualifying activities as follows:

- (1) successful completion of college courses relevant to engineering and surveying;
- (2) successful completion of short courses, tutorials, webinar or distance-education courses offered for self-study, independent study or group study through synchronous or asynchronous delivery method such as live, correspondence, archival or the internet;
- (3) presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions;
- (4) teaching or instructing in Paragraphs (1) through (3) of Subsection D of 16.39.2.8 NMAC;
- (5) authoring published papers, articles, books, or accepted licensing examination items;
- (6) active participation in professional or technical societies;
- (7) patents;
- (8) active participation in educational outreach activities, pertaining to professional licensure or the surveying/engineering professions, as a speaker, instructor, presenter or panelist.

D. Units - the conversion of other units of credit to PDH units is as follows:

- (1) One college or unit semester..... 45 PDH;
- (2) One college or unit quarter hour..... 30 PDH;
- (3) One continuing education unit..... 10 PDH;
- (4) One hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences..... 1 PDH;
- (5) for teaching, apply multiple of two (teaching credit is valid for teaching a course or seminar for the first time only; teaching credit does not apply to full-time faculty);
- (6) Publications:
 - (a) each published peer-reviewed paper or book in the licensee's area of professional practice..... 10 PDH;
 - (b) each published paper or article other than Subparagraph (a) of Paragraph (6) of Subsection E of 16.39.2.8 NMAC in the licensee's area of professional practice..... 5 PDH;
- (7) active participation in professional and technical societies (each organization) 2 PDH;
- (8) each patent..... 10 PDH;
- (9) One hour of outreach activity..... 1 PDH (max 6 PDH/biennium).

E. Determination of credit - the board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit:

- (1) credit for college or community college approved courses will be based upon course credit established by the college;
- (2) credit for qualifying seminars, workshops, professional conventions, and courses/activities may be recommended by the professional societies;
- (3) additional criteria for credit determination shall be included in the board policy.

F. Record keeping - each licensee is responsible for maintaining records that support credits claimed is the responsibility of the licensee. Records required include but are not limited to:

- (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned;
- (2) attendance verification records in the form of completion certificates, paid receipts or other documents supporting evidence of attendance;
- (3) proof of membership in a technical organization issuing a publication as a part of its membership fee;
- (4) a log indicating the medium used for a technical review, the subject of the review, the author or sponsoring organization, the date the review was conducted, a brief written summary of the contents of the

reviewed material and the time spent on the review;

(5) the organization sponsoring a civic or community activity, the date and location of the activity, the subject of the activity and the licensee's involvement in the activity. These records must be maintained for a period of three years and copies may be requested by the board for audit verification purposes.

G. Exemptions - a licensee may be exempt from the professional development educational requirements for One of the following reasons:

(1) new licensees by way of examination or comity/endorsement shall be exempt for the first year directly following the issuance of their license; PDH requirements will be prorated for any remaining portion of the licensing period beyond One year from the date of initial licensure;

(2) 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 calendar year may be exempt from obtaining the professional development hours required during that year; supporting documentation shall be furnished to the board;

(3) 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;

(4) licensees who have been approved for "retired status" by the board shall be exempt from the professional development hours required; in the event such a person elects to return to active practice of professional engineering or professional surveying, professional development hours must be earned before returning to active practice for the preceding biennial cycle.

H. Reinstatement - a licensee may bring a lapsed license to active status by obtaining all delinquent PDH units outstanding from the last biennium and complying with all other reinstatement requirements in the Engineering and Surveying Practice Act and the board's rules and regulations; however, if the total number required to become current exceeds 30, then 30 shall be the maximum number required.

I. Comity/out-of-jurisdiction resident - licensees who are residents of other jurisdictions shall meet the continuing professional development requirements of this board. These requirements may be deemed satisfied when a non-resident licensee provides evidence of having met requirements for another state engineering/surveying licensing board that are equal to or exceed the requirements of this board.

J. Dual licensees - the number of PDH units required shall remain the same for persons who hold a dual license as a professional engineer and professional surveyor; for persons who hold a dual license, half of the PDH units shall be in each profession.

K. Forms - all renewal applications will require the number of earned PDH units. The licensee must sign the renewal application, and submit with the appropriate fee.

[16.39.2.8 NMAC - Rp, 16 NMAC 39.2.8, 12/1/2001; A, 7/1/2006; A, 7/1/2015; A, 1/1/2016; A, 12/28/2017; A, 12/16/2022]

HISTORY OF 16.39.2 NMAC:

Pre-NMAC History: The material in this part is derived from that previously filed with the state records center and archives under:

Rule No. 100.11 Regulations and Procedure - Continuing Professional Development - Mandatory Program, filed 10-28-94; Rule No. 100.11 Regulations and Rules of Procedure - Continuing Professional Development - Mandatory Program, filed 10-18-95.

History of Repealed Material:

16 NMAC 39.2 Professional Development, filed 10-16-1998, repealed (effective 12/01/01). Replaced by 16.39.2 NMAC, filed 10-16-01 (effective 12/01/01).

Other History:

Rule No. 100.11, Regulations and Rules of Procedure - Continuing Professional Development - Mandatory Program (filed 10-18-95) renumbered, reformatted and replaced by 16 NMAC 39.2, Continuing Professional Development - Mandatory Program, effective 04-15-1998.

16 NMAC 39.2, Continuing Professional Development - Mandatory Program (filed 03-31-1998) renumbered, reformatted and replaced by 16.39.2 NMAC, Continuing Professional Development - Mandatory Program, effective 12/01/01.