

IC 25-17.6

ARTICLE 17.6. PROFESSIONAL GEOLOGISTS

IC 25-17.6-1

Chapter 1. Definitions

IC 25-17.6-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.161-1996, SEC.2.

IC 25-17.6-1-2

"Board"

Sec. 2. "Board" refers to the Indiana board of licensure for professional geologists established in IC 25-17.6-2.
As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.2.

IC 25-17.6-1-3

Repealed

(As added by P.L.161-1996, SEC.2. Repealed by P.L.17-1999, SEC.35.)

IC 25-17.6-1-4

Repealed

(As added by P.L.161-1996, SEC.2. Repealed by P.L.17-1999, SEC.35.)

IC 25-17.6-1-5

"Geological Sciences"

Sec. 5. "Geological Sciences" means: The science that deals with the dynamics, interaction, structure, physics and history of Earth including the rocks, unconsolidated deposits, fossils, minerals, fluids, and gases of which it is composed, the physical, chemical, and biological processes and changes acting upon the Earth, the hazards that may be presented by the forces of earth processes and dynamics, or the benefit from the extraction, injection, treatment, or processing of the materials comprising the Earth.

IC 25-17.6-1-6

"Geologist"

Sec. 6. "Geologist" means a person who is qualified by the person's knowledge of the principles of geology acquired by:

- (1) professional education culminating in a baccalaureate or an advanced degree in the geological sciences from an accredited college or university ; and
- (2) practical experience in the geological Sciences.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-1-7

"Geology"

Sec. 7. "Geology" means a science that has the following characteristics:

- (1) Treats the earth as a whole.
- (2) Includes the:
 - (A) investigation;
 - (B) analysis;
 - (C) classification; and
 - (D) location;

of the rocks and other materials that compose the ~~earth's crust~~ earth, as they relate to geologic processes.

- (3) Involves the study and applied use of knowledge of:

- (A) rocks, unconsolidated deposits, fossils, minerals, fluids, and gases ~~rocks, unconsolidated deposits, fossils, minerals, gases, and liquids or other earth materials~~ composing and contained on and within the ~~earth's crust~~ earth; and
- (B) geologic materials and processes including the chemistry, physics, and mathematics related to those materials and processes;
- (C) natural geologic materials and processes affected by human activities;
- (D) the acquisition, preparation, and interpretations of graphical and other depictions of earth materials and processes.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-1-7.3

"License"

Sec. 7.3. "License" means a document issued by the board to permit a person to engage in an activity regulated under this article. As added by P.L.17-1999, SEC.3.

IC 25-17.6-1-7.5

"Licensed professional geologist"

Sec. 7.5. "Licensed professional geologist" means a person who is licensed ~~as a geologist~~ under this article.

As added by P.L.17-1999, SEC.4.

IC 25-17.6-1-8

"Public practice of geology"

Sec. 8. (a) "Public practice of geology" means the performance of **work or service to or for the public and acceptance of responsibility for the aspects of such work** in connection with the geological description, interpretation, location, ~~or~~ evaluation, or recommendations pertaining to ~~of the~~ Geological Sciences:

- (1) **rocks, unconsolidated deposits, fossils, minerals, gases, and liquids or other earth materials geological materials, liquids, and gases;** and
- (2) the natural **and human** processes and **hazards** acting upon them.

(b) The term includes, **but is not limited to,** geological:

- (1) consulting;
- (2) investigating **and exploring;**
- (3) evaluating **and interpreting;**
- (4) ~~designing and modeling; and~~
- (5) **planning, analyzing, predicting, interpreting, and addressing factors related to earth materials and processes, and the geological sciences;**
- (6) **classifying and analyzing;**
- (7) **sampling;**
- (8) **extracting and injecting;**
- (9) **mapping, including the preparation and supervision of geological studies, maps, and cross sections, but excluding the public practice of land surveying as defined by IC 25-21.5-1-7; and**
- (10) **researching.**

IC 25-17.6-1-9

"State geologist"

Sec. 9. "State geologist" means the person in charge of the Indiana Geological Survey established by IC 21-47-2.

As added by P.L.161-1996, SEC.2. Amended by P.L.2-2007, SEC.323.

IC 25-17.6-1-

10 "Survey"

Sec. 10. "Survey" refers to the Indiana Geological Survey established by IC 21-47-2.

As added by P.L.161-1996, SEC.2. Amended by P.L.2-2007, SEC.324.

IC 25-17.6-2

Chapter 2. Indiana Board of Licensure for Professional Geologists

IC 25-17.6-2-1

Establishment; administration

Sec. 1. (a) The Indiana board of licensure for professional geologists is established.

(b) The board shall administer this article.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.5.

IC 25-17.6-2-2

Qualification

Sec. 2. Each member of the board shall be:

(1) a resident of Indiana; and

(2) appointed by the governor, with the exception of the state geologist.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-2-3

Members

Sec. 3. The board shall consist of the following members:

(1) The state geologist.

(2) Three (3) members who are licensed professional geologists.

(3) One (1) member who represents the public at large.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.6.

IC 25-17.6-2-4

Terms

Sec. 4. (a) Each board member shall serve a term of four (4) years.

(b) A board member may serve until the member's successor is appointed and qualified under this chapter.

(c) A board member may not serve more than two (2) consecutive terms.

(d) The Board shall establish a schedule of staggered terms, whereas Board members avoid filling all successor positions simultaneously.

IC 25-17.6-2-5

Removal; vacancy

Sec. 5. (a) The governor may remove a board member for cause.

(b) A vacancy in the membership of the board shall be filled for the unexpired term by the governor.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-2-6

Quorum

Sec. 6. Three (3) members of the board constitute a quorum.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-2-7

Immunity from civil liability

Sec. 7. Board members are immune from civil liability for any action taken in the performance of the board's powers and duties under this article.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-2-8

Chairman; secretary

Sec. 8. The board shall elect ~~from its members~~ a chairman and secretary each year; **the chairman shall be a member of the board.**

As added by P.L.161-1996, SEC.2.

IC 25-17.6-2-9

Appointment

Sec. 9. (a) At least thirty (30) days before making the annual appointment to the board, the governor shall receive a list of not more than three (3) nominations for the appointment from a joint committee of the survey and representatives of professional organizations representing professional geologists in Indiana.

(b) Members appointed to the board shall be selected from the list submitted to the governor by the joint committee under subsection (a).

As added by P.L.161-1996, SEC.2.

IC 25-17.6-2-10

Reimbursement of expenses

Sec. 10. Each board member is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided under IC 4-13-1-4 and the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-3

Chapter 3. Duties and Powers of the Board

IC 25-17.6-3-1

Meetings; cost of survey

Sec. 1. (a) The board shall meet:

- (1) at least ~~one (1) time~~ **two times** each calendar year; and
- (2) at other times considered necessary by:

- (A) the chairman; or
- (B) a quorum of the board;

upon being given at least ten (10) days notice.

(b) Each year the board shall:

- (1) determine the cost incurred by the survey in administering the program for the licensure of professional geologists under this article; and
- (2) if necessary, adjust the amount of the:
 - (A) licensure fee charged under IC 25-17.6-4-7; and
 - (B) renewal fee charged under IC 25-17.6-5-2; to ensure that the program is

self-supporting.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.7.

IC 25-17.6-3-2

Qualifications of applicants for ~~certification~~ **licensure**

Sec. 2. (a) The board shall pass upon the qualifications of applicants for licensure.

(b) The board shall:

- (1) require from an applicant for licensure evidence of the applicant's qualifications; and
- (2) judge an applicant on evidence of the applicant's professional competency and integrity under rules adopted by the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.8.

IC 25-17.6-3-3

Code of professional conduct

Sec. 3. (a) The board may by rule adopt or amend a code of professional conduct for licensed professional geologists.

(b) If the board adopts or amends a code of professional conduct under subsection (a), the board shall mail a copy of the code and any amendments to the code to all persons listed on the roster described in section 10 of this chapter.

(c) A mailing under this section constitutes service for the purposes of this article.
As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.9.

IC 25-17.6-3-4

Investigation of misconduct

Sec. 4. The board may investigate:

- (1) a suspected violation by a licensed professional geologist of:
 - (A) the code of conduct adopted under section 3 of this chapter; or
 - (B) other rules of the board concerning professional competency and integrity of licensed professional geologists; or
- (2) other grounds for action against a licensed professional geologist under IC 25-17.6-8.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.10.

IC 25-17.6-3-5

Complaint to condition, suspend, or revoke ~~registration~~ licensure

Sec. 5. (a) The board may file a proposed complaint to condition, suspend, or revoke the license of a Licensed professional geologist.

(b) The recipient of a proposed complaint may either:

- (1) agree to the terms of the proposed complaint; or
- (2) request, within ~~twenty (20)~~ thirty (30) days of receiving the proposed complaint, an informal review of the proposed complaint before the board.

(c) **Following notification of complaint, failure** by a licensed professional geologist to request an informal review **within the timeframe stated in subsection (b)(2)** constitutes an agreement to the terms of the proposed complaint.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.11.

IC 25-17.6-3-6

Charges of fraud, deceit, gross negligence, or misconduct

Sec. 6. (a) Any person or organization may present charges of fraud, deceit, gross negligence, or misconduct against a licensed professional geologist.

(b) A charge under subsection (a) shall be:

- (1) in writing;

- (2) sworn to by the person or the officer of the organization making the charges;
and
- (3) filed with the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.12.

IC 25-17.6-3-7

Review of charges

Sec. 7. (a) The board shall consider:

- (1) a request for review under section 5; or
- (2) charges under section 6; of this chapter during a meeting.

(b) The board may compel a Licensed professional geologist, **in writing via certified mail to the most current contact information provided by the Licensed professional geologists to the survey**, to respond to any matters **in writing** about a proposed complaint or charges.

(c) The board may by rule establish procedures for the conduct of its review under this section, including the subpoena of witnesses and documents.

(d) A review under this section shall be conducted in an informal manner. However, the board shall keep a record of the proceeding.

(e) As soon as possible following the meeting, the board shall render a determination and either:

- (1) terminate its review; or
- (2) issue a determination under IC 4-21.5-3-6 to condition, suspend, or revoke the license of the Licensed professional geologist.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.13.

IC 25-17.6-3-8

Compliance with or administrative review of determination

Sec. 8. A Licensed professional geologist who receives a determination under section 7 of this chapter shall either:

- (1) comply with its terms; or
- (2) request administrative review under IC 25-17.6-9.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.14.

IC 25-17.6-3-9

Legal assistance

Sec. 9. (a) The attorney general shall act as legal adviser to the board and provide any legal assistance necessary to carry out this article.

- (b) The board may employ private counsel at the expense of the board.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-3-10

Survey; publication of roster

Sec. 10. (a) The survey shall publish each year a roster showing the names and places of business of all Licensed professional geologists.

(b) Copies of the roster described in subsection (a) shall be:

- (1) made available to each person licensed;
- (2) placed on file at the survey; and
- (3) furnished to the public upon request.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.15.

IC 25-17.6-3-11

Survey; offices and staff

Sec. 11. The survey shall:

- (1) establish and maintain necessary offices in Indiana;
- (2) employ staff as necessary, including staff for the board; and
- (3) prescribe the duties and compensation of all staff employed under subdivision (2).

As added by P.L.161-1996, SEC.2.

IC 25-17.6-3-12

Rules

Sec. 12. The board may adopt rules under IC 4-22-2 consistent with this article and reasonably required for the conduct of the board's responsibilities and duties.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-4

Chapter 4. Requirements for Certification

IC 25-17.6-4-1

Course work; experience; passing score on examination

Sec. 1. To qualify for licensure, an applicant must meet all of the following requirements:

- (1) Successful completion of at least thirty (30) semester hours or forty-five (45) quarter hours of course work ~~culminating in a baccalaureate or advanced degree with a major focus of study in geology-geological sciences in geology, culminating in a baccalaureate or advanced degree in geology, geophysics, geochemistry, geological engineering, or geotechnical engineering~~ from an accredited college or university. At the discretion of the board, courses dealing with applied geological science that are given under the auspices of an academic department other than geology may be considered toward the fulfillment of this requirement.
- (2) Experience in professional geological work consisting of one
 - (1) of the following:
 - (A) Five (5) years of teaching geology as a faculty member at the college or university level.
 - (B) Five (5) years of geological research by an applicant at the college or university level ~~at an accredited institution~~ college or university.
 - (C) Five (5) years of geological work performed under the supervision of, or in collaboration with, a Licensed professional geologist.
 - (D) Seven (7) years of geological work that is acceptable to the board.
 - (3) A passing score on an examination required by the board that has been designed to demonstrate that the applicant has the necessary knowledge and skill to exercise the responsibilities of the public practice of geology.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.16.

IC 25-17.6-4-2

Years of experience; credits toward

Sec. 2. In counting years of experience under section 1(2) of this chapter, the board may give one (1) year of credit each for a master's degree or doctoral degree in ~~geological sciences-geology, geophysics, hydrogeology, geochemistry, geological engineering, or geotechnical engineering.~~

As added by P.L.161-1996, SEC.2.

IC 25-17.6-4-3

Credit subject to evaluation and approval by board

Sec. 3. Credit toward the experience and education requirements described in this chapter is subject to evaluation and approval by the board.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-4-4

Documentation of competency and integrity

Sec. 4. The board may require documentation of competency and integrity.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-4-5

Licensure in different state

Sec. 5. Upon application, licensure may be provided to a person who is licensed ~~or certified~~ as a geologist in a state that has standards for licensure or certification ~~at least~~ **substantially** equal to those for licensure under this chapter, as determined by the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.17.

IC 25-17.6-4-6

Administrative review of determination

Sec. 6. A person seeking licensure as a Licensed professional geologist who is aggrieved by a determination of the board under this chapter may request administrative review under IC 25-17.6-9.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.18.

IC 25-17.6-4-7

Application fee; deposit in fund

Sec. 7. (a) An applicant for licensure shall pay a nonrefundable fee established by regulation of the board.

(b) All fees paid to and collected by the board under this section and IC 25-17.6-5 shall be deposited in a fund under the jurisdiction of the board.

(c) The survey shall be:

(1) designated to collect and disburse funds represented by the fees described in subsection (b); and

(2) required to execute a bond, with corporate surety, in an amount to be determined by the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.19.

IC 25-17.6-5

Chapter 5. Renewal of ~~Certificates~~ Licensure

IC 25-17.6-5-1

Expiration of license

Sec. 1. A license issued under IC 25-17.6-4 expires three (3) years after it is issued, at a time and date designated by the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.20.

IC 25-17.6-5-2

Notification of expiration and renewal fee

Sec. 2. The board shall notify each person licensed under this article of the:

- (1) date of expiration of the person's license; and
- (2) amount of the renewal fee established by the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.21.

IC 25-17.6-5-3

Failure to pay renewal fee

Sec. 3. If a person fails to pay the renewal fee within ninety (90) days after the expiration date established by the board under this chapter, the person's:

- (1) license shall be suspended; and
- (2) name shall be deleted from the roster described in IC 25-17.6-3-10;

until the renewal fee is paid.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.22.

IC 25-17.6-5-4

Revocation of license for failure to pay renewal fee; recertification Sec. 4. (a) If a person fails to pay the renewal fee for two (2) consecutive years, that person's license shall be revoked and may not be renewed.

- (b) If a person whose license has been revoked under subsection (a) desires to be relicensed, the person:
- (1) must submit an application to the board; and
 - (2) shall be considered as a new applicant.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.23.

IC 25-17.6-5-5

Continuing Education

Sec. 5. The board shall establish, administer, and implement rules for the requirements of continuing education in the field of geological sciences which shall be mandated as a condition of licensure renewal. The following renewal requirements shall apply:

- (a) The Licensed professional geologist shall provide the board with a sworn statement executed by the Licensed professional geologist that fulfillment of the required continuing education criteria has been achieved.
- (b) The Licensed professional geologist shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The Licensed professional geologist shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.
- (c) Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but not more than ten percent (10%) of the Licensed professional geologists required to complete continuing education courses.
- (d) The board may grant an applicant a waiver from the continuing education requirements for the renewal period if the applicant meets one (1) of the following conditions:
 - a. Was not able to fulfill the requirement due to a hardship that resulted from any of the following:
 - i. Service in the armed forces of the United States during a substantial part of the renewal period;
 - ii. An incapacitating illness; or
 - iii. Other circumstances determined by the board.
 - b. Has certified to the board, in writing, that the applicant will remain inactive until all continuing education requirements are met.
- (e) An individual granted a waiver under subsection (d) may not solely perform or be signatory to any act, report, or investigation that requires a Licensed professional geologist, until the individual has fulfilled the same continuing education requirements needed to reactivate an inactive license. Such performance will result in disciplinary action from the board.

IC 25-17.6-6

Chapter 6. Use of Seal or Stamp by Geologist

IC 25-17.6-6-1

Issuance of license by board

Sec. 1. (a) The board shall, upon payment of the licensure fee, issue a license to an applicant who in the opinion of the board has satisfactorily met all the requirements for licensure under IC 25-17.6-4.

(b) Each license shall show the full name of the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.24.

IC 25-17.6-6-2

Entitlement to rights and privileges

Sec. 2. The issuance of a license by the board is prima facie evidence that the person named on the license is entitled to all the rights and privileges of a Licensed professional geologist while the license remains in force.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.25.

IC 25-17.6-6-3

Seal or stamp

Sec. 3. Each geologist may, upon licensure, obtain and use a seal or stamp of licensure of a design authorized by the board, containing the geologist's name and license number and the legend "Professional Geologist".

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.26.

IC 25-17.6-6-4

Replacement license

Sec. 4. A replacement license may be issued to replace a license that has been lost, destroyed, or mutilated, subject to the rules of the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.27.

IC 25-17.6-6-5

No affixation of signature, stamp, or seal after suspension or revocation of license

Sec. 5. A geologist may not affix the geologist's signature, stamp, or seal, or certify any report or other geological document after the geologist's license has been suspended or revoked, unless the license has been renewed or reissued.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.28.