

CHAPTER 69 – BOARD FOR LICENSING OF SOIL SCIENTISTS

SECTION .0100 - STATUTORY AND ADMINISTRATIVE PROVISIONS

21 NCAC 69 .0101 AUTHORITY: NAME AND LOCATION OF BOARD

The "North Carolina Soil Scientist Licensing Act", G.S. 89F, establishes and authorizes the "North Carolina Board for Licensing of Soil Scientists," hereafter called the "Board." Unless otherwise directed communications shall be addressed to the North Carolina Board for Licensing of Soil Scientists at PO Box 41368, Raleigh, NC 27629-1368.

*History Note: Authority G.S. 89F-4; 89F-5;
Temporary Adoption Eff. May 15, 1996;
Eff. April 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014;
Amended Eff. January 1, 2015.*

21 NCAC 69 .0102 DUTIES OF OFFICERS

*History Note: Authority G.S. 89F-5;
Temporary Adoption Eff. May 15, 1996;
Eff. April 1, 1997;
Pursuant to G.S. 150B-21.3A, rule Expired January 1, 2015.*

21 NCAC 69 .0103 SEAL OF THE BOARD

The official seal of the Board is the Seal of the State of North Carolina.

*History Note: Authority G.S. 89F-5;
Temporary Adoption Eff. May 15, 1996;
Eff. April 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*

21 NCAC 69 .0104 FEES

Each completed application form shall be accompanied by the prescribed fee. Application fees shall not be refunded regardless of Board approval or disapproval of the application. Fees for services of the Board shall be as follows:

(1)	application for license	\$50.00
(2)	license	\$85.00
(3)	renewal of license	\$85.00
(4)	restoration of license	\$110.00
(5)	replacement of license	\$50.00
(6)	licensed soil scientist seal	\$30.00
(7)	application for corporate certificate of licensure (corporations and limited liability corporations)	\$50.00
(8)	renewal of corporate certificate of licensure	\$25.00

*History Note: Authority G.S. 55B-10; 55B-11; 57D-2-02; 89F-5; 89F-25; 150B-19;
Temporary Adoption Eff. May 15, 1996;
Eff. April 1, 1997;
Amended Eff. July 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014;
Amended Eff. January 1, 2016; January 1, 2015.*

SECTION .0200 - LICENSING OF SOIL SCIENTISTS

21 NCAC 69 .0201 APPLICATION PROCEDURE

- (a) All applicants for licensing shall furnish the following:
- (1) A legible official copy of their college transcript(s), and verification of graduation sent directly from the institution to the Board;
 - (2) A record of experience in the practice of soil science including any of the applicant's written reports, maps, published articles or other materials the Board determines are appropriate to document the applicant's experience as a soil scientist;
 - (3) Four references as defined in G.S. 89F-10(a)(1);
 - (4) Signed copy of Code of Professional Conduct;
 - (5) A notarized copy of a completed application form; and
 - (6) The application fee as prescribed in Rule .0104 of this Chapter.
- (b) Applicants for licensing under comity shall submit an application form along with the prescribed fee. The Board may require the submittal of additional information if necessary to determine if the applicant meets the requirements of G.S. 89F.
- (c) Applicants for reinstatement of an expired license shall submit a reinstatement application and the prescribed fee.
- (d) Applicants for reinstatement of a revoked or suspended license shall submit such information as necessary to determine their eligibility for reinstatement, and shall submit the prescribed fee.
- (e) Applicants who do not meet the minimum qualification for education as defined in G.S. 89F-10 but have a specific record of 15 years or more experience in the practice of soil science of a grade and character that indicates to the Board that the applicant is competent to practice soil science shall be admitted to the written examination. The applicant shall show evidence of the practicing experience. Upon passing such examination, the applicant shall be granted a license to practice soil science in this State, provided other requirements of G.S. 89F and the rules in this Chapter are met.

History Note: Authority G.S. 89F-5; 89F-9; 89F-10; 89F-12;
 Temporary Adoption Eff. May 15, 1996;
 Eff. April 1, 1997;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

21 NCAC 69 .0202 EXPIRATIONS AND RENEWALS OF CERTIFICATES

- (a) The annual renewal fee of fifty dollars (\$50.00) shall be payable to the Board. The Board shall send to each licensed soil scientist a form that requires the registrant to provide the Board with his business and residential address and to affix the registrant's North Carolina Licensed Soil Scientist seal thereupon. An applicant for renewal shall document continuing education as provided in Section .0300 of this Chapter. The completed forms along with the required fee shall be forwarded to the Board.
- (b) All licenses will expire on July 1. Licenses that have not been renewed by September 1st may only be renewed by filing a restoration application and submitting a restoration fee.
- (c) The Soil Scientist-in-Training certificate shall not expire and therefore does not have to be renewed.

History Note: Authority G.S. 89F-5;
 Temporary Adoption Eff. May 15, 1996;
 Eff. April 1, 1997;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

SECTION .0300 - CONTINUING PROFESSIONAL COMPETENCY

21 NCAC 69 .0301 INTRODUCTION

Every licensee shall meet the continuing professional education requirements of this Section as a condition for license renewal.

History Note: Authority G.S. 89F-5;
 Temporary Adoption Eff. May 15, 1996;
 Eff. April 1, 1997
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

21 NCAC 69 .0302 DEFINITIONS

Terms used in this Section are defined as follows:

- (1) Professional Development Hour (PDH) - One contact hour (nominal) of instruction or presentation.
- (2) College/Unit Semester/Quarter Hour - Credit assigned by a college or university for a completed course.
- (3) Course/Activity - Any course or activity with a purpose and objective that maintains, improves, or expands the skills and knowledge of the licensee.
- (4) Sponsor - Organization or individual that has supplied information on a form furnished by the Board with respect to the organization or individual's ability to provide instruction in "for credit" courses.
- (5) Renewal Period for Continuing Professional Education - The period for accumulating the required PDH units shall be three years.

History Note: *Authority G.S. 89F-5;*
 Temporary Adoption Eff. May 15, 1996;
 Eff. April 1, 1997;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16,
 2014.

21 NCAC 69 .0303 REQUIREMENTS

Every licensee shall obtain 45 PDH units during each three year period of licensing. If a licensee exceeds the required number of units in any triennial period, a maximum of 15 PDH units may be carried forward into the subsequent period. Selection of courses and activities which meet the requirements of Rule .0302(3) of this Section shall be the responsibility of the licensee. Licensees have the option of selecting courses other than those offered by sponsors. Post evaluation of courses offered by other than sponsors as defined in Rule .0302(4) of this Section may result in non-acceptance. PDH units may be earned as follows:

- (1) Completion of college courses.
- (2) Completion of continuing education courses.
- (3) Completion of correspondence, televised, videotaped, audio taped, and other short courses/tutorials.
- (4) Presenting or attending seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions or conferences.
- (5) Teaching or instructing in Items (1) through (4) of this Rule.
- (6) Authoring published papers, articles, or books.
- (7) Active participation in professional or technical societies as defined in Rule .0305 of this Section.

History Note: *Authority G.S. 89F-5;*
 Temporary Adoption Eff. May 15, 1996;
 Eff. April 1, 1997;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16,
 2014.

21 NCAC 69 .0304 UNITS

The conversion of other units of credit to PDH units is as follows:

- (1) 1 College or unit semester hour 15 PDH;
- (2) 1 College or unit quarter hour 10 PDH;
- (3) 1 Hour of professional development in course work, seminars, or professional or technical presentations made at meetings, conventions or conference 1 PDH;
- (4) For teaching in Items (1) - (4) of this Rule, PDH credits are doubled*;
- (5) Each published paper, article or book 10 PDH;
- (6) Active participation in professional and technical society as defined in Rule .0305 of this Section. (Each organization.) 2 PDH.

*Teaching credit is valid for teaching a course or seminar for the first time only.

History Note: *Authority G.S. 89F-5;*
 Temporary Adoption Eff. May 15, 1996;
 Eff. April 1, 1997;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

21 NCAC 69 .0305 DETERMINATION OF CREDIT

The Board for Licensing of Soil Scientists shall have final authority with respect to approval of courses, sponsors, credit, PDH value for courses, and other methods of earning credit. PDH credits are not earned until the activity is completed or until the end of each year of service is completed. The following criteria shall be used in determining PDH credits:

- (1) Credit for college or community college courses shall be based upon course credit established by the college.
- (2) Credit for seminars and workshops, shall be based on one PDH unit for each hour of attendance.
- (3) Attendance at programs presented at professional and technical society meetings shall earn PDH units for the actual time of each program with a maximum of 15 for a given meeting.
- (4) Credit determination for published papers, articles and books is the responsibility of the licensee with final approval by the Board.
- (5) Credit for active participation in professional and technical societies (limited to 2 PDH per organization), requires that a licensee serve as an officer or member of a committee of the organization. PDH credits shall not be earned until the end of each year of service is completed. Credit is not granted for organization membership alone.

*History Note: Authority G.S. 89F-5;
Temporary Adoption Eff. May 15, 1996;
Eff. April 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*

21 NCAC 69 .0306 RECORDKEEPING

- (a) Each licensee shall maintain records to be used to support credits claimed. Records required include:
- (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, or other documents supporting evidence of attendance.
- (b) These records shall be maintained for a period of three years and copies may be requested by the Board for audit verification purposes.

*History Note: Authority G.S. 89F-5;
Temporary Adoption Eff. May 15, 1996;
Eff. April 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*

21 NCAC 69 .0307 EXEMPTIONS

A licensee shall be granted leniency from the continuing 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 a period of time exceeding 120 consecutive days in a year shall be granted a grace period (equivalent to time served) for obtaining the continuing professional education hours required for that renewal period.
- (2) Licensees experiencing physical disability (as defined in G.S. 168A), illness, or other circumstances beyond the control of the licensee as reviewed and approved by the Board may be granted leniency in the time for acquiring continuing educational credits. Supporting documentation shall be furnished to the Board.
- (3) Licensees who list their occupation as "Inactive" on the renewal form and who further certify that they are no longer receiving any remuneration from providing professional soil services shall be exempt from the continuing professional education hours required. In the event such a person elects to return to active soil science practice, professional development hours shall be earned in accordance with the requirements of Rule .0308 in this Section before returning to active practice.

*History Note: Authority G.S. 89F-5;
Temporary Adoption Eff. May 15, 1996;
Eff. April 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*

21 NCAC 69 .0308 REINSTATEMENT

A licensee may bring an inactive license to active status by obtaining all delinquent PDH units and paying the restoration fee. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required.

*History Note: Authority G.S. 89F-5;
Temporary Adoption Eff. May 15, 1996;
Eff. April 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*

SECTION .0400 - STANDARDS OF PROFESSIONAL CONDUCT

21 NCAC 69 .0401 CODE OF PROFESSIONAL CONDUCT

(a) A soil scientist shall conduct his practice in order to protect the public health, safety, life and welfare. The soil scientist shall at all time recognize his primary obligation to protect the life, safety, health, and welfare of the public in the performance of his professional duties.

(b) A soil scientist shall perform his services only in areas of his competence and:

- (1) shall undertake to perform assignments only when qualified by education or experience in the specific technical field of soil science involved.
- (2) shall not affix his signature or seal to any document dealing with subject matter to which he lacks competence by virtue of education or experience, nor to any such plan or document not prepared under his direct supervisory control except that the soil scientist may affix his seal and signature to documents depicting the work of two or more professionals provided he designates by note under his seal the specific subject matter for which he is responsible.

(c) A soil scientist shall issue public statements only in an objective and truthful manner and:

- (1) shall be completely objective and truthful in all professional reports, statements or testimony. He shall include 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, shall express an opinion only when it is founded upon knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon conviction of the accuracy and propriety of his testimony.
- (3) shall issue no statements, criticisms, or arguments on soil science matters connected with public policy which are inspired or paid for by an interested party, or parties unless he has prefaced his comment by identifying himself, by disclosing the identities of the parties on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he may have in the instant matters.
- (4) shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another soil scientist, nor shall he criticize another soil scientist's work in public. If he believes that another soil scientist is guilty of misconduct or illegal practice, he shall present such information to the North Carolina Board for Licensing of Soil Scientists.

(d) A soil scientist shall avoid conflicts of interest and:

- (1) shall promptly inform his employer or client of any business association, interest, or circumstances, which could influence his judgment or the quality of his services.
- (2) shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products without full disclosure.
- (3) shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his client or employer in connection with work for which he is responsible.
- (4) when in public service as a member, advisor, or employee of a governmental body or department, the soil scientist shall abstain from voting on matters involving services provided by him or his organization in private soil science practices.

- (5) shall not solicit or accept a contract from a governmental body on which a principal or officer of his organization serves as a member without full disclosure to affected parties.
 - (6) shall not attempt to supplant another soil scientist in a particular employment after becoming aware that the other has been selected for the employment.
- (e) A soil scientist shall solicit or accept work only on the basis of his qualifications and:
- (1) shall compete for professional employment on the basis of qualification and competence for proper accomplishment of the work. He shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered.
 - (2) shall not falsify or permit misrepresentation of his, or his associates', academic professional qualification. He shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, joint ventures, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work.
 - (3) shall not knowingly associate with or permit the use of his name or firm name in a business venture by any person or firm which he knows, or has reasons to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.
 - (4) if the soil scientist has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or of the North Carolina Soil Scientist Licensing Act, he shall present such information to the Board and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.
- (f) A soil scientist whose professional registration is revoked or suspended by another jurisdiction, shall be subject to disciplines by the Board if the registrant's actions violate G.S. 89F or the rules in this Chapter. Conviction of a felony without restoration of civil rights, or the revocation or suspension of the license of a soil scientist by another jurisdiction, if for a cause which in the State of North Carolina would constitute a violation of G.S. 89F or of these Rules, shall be grounds for a charge of violation of the rules in this Chapter.

*History Note: Authority G.S. 89F-17;
 Temporary Adoption Eff. May 15, 1996;
 Eff. April 1, 1997;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*

21 NCAC 69 .0402 RULES OF CONDUCT OF ADVERTISING

- (a) A soil scientist shall not make misleading, deceptive or false statements or claims about his professional qualifications, experience or performance in his brochures, correspondence, listings or other public communications.
- (b) The prohibitions listed in Paragraph (a) of this Rule include, but are not limited to, the use of statements containing a material misrepresentation of fact or omitting a material fact necessary to keep the statement from being misleading; statements intended or likely to create an unjustified expectation; statements containing prediction of future success; or statements containing an opinion as to the quality of services.
- (c) Consistent with the foregoing, a soil scientist may advertise for recruitment of personnel.
- (d) Consistent with the foregoing, a soil scientist may prepare articles for the lay or technical press. Such articles shall not imply credit to the author for work performed by others.

*History Note: Authority G.S. 89F-17;
 Temporary Adoption Eff. May 15, 1996;
 Eff. April 1, 1997;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*

SECTION .0500 - DISCIPLINARY ACTION AND PROCEDURE

21 NCAC 69 .0501 IMPROPER PRACTICE BY LICENSEE

- (a) Duty of the Board. When the Board becomes aware of a complaint, it shall send a "letter of inquiry" to the soil scientist involved and to the complainant. The soil scientist shall reply to this and any other inquiry of the Board within

30 calendar days. Failure to respond shall constitute violation of the rules in this Chapter. After receiving and considering the response from the soil scientist, the Board may send additional letters of inquiry to the soil scientist and other persons involved.

(b) Findings of the Board. Upon consideration of responses to inquiries, the Board shall determine what action shall be taken:

- (1) if the Board determines that no disciplinary action is necessary, all parties previously contacted shall be so informed;
- (2) if the Board determines that the infraction is deemed minor, then the licensee may be offered a "letter of warning". This "letter of warning" shall note the licensee's acceptance of such action by the Board and shall specify the Board's cause for concern. Other persons previously contacted shall be informed that the Board has acted upon the matter;
- (3) if the Board determines that a formal hearing should be held, G.S. 150B is applicable;
- (4) if the Board determines that another person involved is licensed by the State, relevant information shall be sent by letter to the respective professional board.

History Note: Authority G.S. 89F-5; 89F-18; 89F-20; 89F-22;
Temporary Adoption Eff. May 15, 1996;
Eff. April 1, 1997;
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