



News from Delaware's Licensing Council for Professional Engineers

Spring 2013

PRESIDENT'S MESSAGE

By Charles L. McAllister, P.E.



Well, Spring has arrived again and the Spring time functions of DAPE and Council have begun.

What do young engineers think of at Spring time? TESTING!

The usual Spring round of NCEES testing, the Fundamentals of Engineering and Principles & Practices of Engineering has taken place with a record attendance for the FE exam.

Council took on a new task this Spring which turned out to be very successful and will be repeated in the future. Ana Diaz, member of the Law Enforcement/Ethics Committee, organized a workshop for Council and the LEE Committee members in hopes of fostering a stronger understanding of each other's duties and clarifying terminology necessary to honor our main purpose: "The engineer shall hold paramount safeguarding life, health and property and promoting the public welfare in the performance of his professional duties."

The workshop was well attended as we shared thoughts about negligence/standard of care, investigation and the prosecution process. The full-day agenda was packed with fun activities as well as serious discussions based on questions we developed during the morning sessions. One of the questions discussed was: "How do we define negligence from a legal perspective?"

DAG Catherine Hickey provided us with a presentation on "Negligence and Standard of Care". Some excerpts of her session are provided here.

Negligence definitions refer to the Standard of Care: The degree of care which a reasonably prudent person would have exercised under the same or similar circumstances. Engineers are required to exercise a reasonable degree of knowledge, skill, and care as determined by the degree of skill and care ordinarily employed by engineers under similar conditions or under similar circumstances.

Under the Engineers Act the grounds for discipline of a Delaware Professional Engineer include the following in the practice of engineering:

- 1. Any gross negligence: Gross negligence involves some high degree of a failure to exercise ordinary care of judgment in a given situation. In 1990, the Delaware Supreme Court described gross negligence as: a higher level of negligence representing an **extreme** departure from the ordinary standard of care.*
- 2. Incompetence: Incompetence refers to some demonstrated lack of competence or ability to perform the professional functions.*
- 3. Misconduct: Misconduct does relate to some deviation from a fixed duty or definite rule of conduct.*

As you can imagine there were some lively discussions and a good exchange of ideas throughout the day. We look forward to repeating a similar time again next year.

For this year's program we give heartfelt thanks to Ana Diaz and Bob Hayden for all their above and beyond work in the preparation of this day. We appreciate and thank Steve Sellway for keeping things on track and acting as facilitator.

We thank all the presenters and participants who took the time to join us and to learn from each other.



Continuing Professional Competency (CPC):
Yes, It Is Coming to Delaware, and Your Comments Matter
By William D. Balascio, P.E.

As you might well imagine, we received a lot of comments on our draft guidelines published in our last newsletter. Our committee has met, reviewed all of the comments and made some revisions to the guidelines as a result – the updated guidelines are included in this edition of the newsletter. We didn't try to please everyone, but we did listen. The following is a summary of the comments and the resulting actions taken:

Comment	Action
<ul style="list-style-type: none"> Should participation in an engineering organization be allowed (such as OK Structural Engineers Assn) to count for CPC? Do we allow credit for participating in national standard setting bodies? Should acting as a reviewer in a peer-reviewed journal article be allowed for credit? Does working/volunteering for DAPE count for credit? Suggest 2PDH for technical committees where no technical work is done and more (~4PDH) for work in national standard setting organizations (AST/ACI etc) 	The committee believes such participation should be encouraged, and has raised maximum credit to 4 PDH/year/organization. This maximum can be reached if a licensee actively participates in two committees in one organization/society. See Guidelines Paragraph E 4 e for details.
<ul style="list-style-type: none"> Provide on-line course and quiz on the state Code of Practice or Ethics What will qualify for satisfying "ethics" PDH requirements? 	This committee recommends the future development of such a course. Until such a course is made available existing Internet-based courses are available.
Clarify active duty requirements	Already present - see paragraph A 2
Clarify requirements for first year CPC is implemented. Will it be pro-rated?	Already present - see paragraph A 1
Do we follow NCEES (15 hrs/yr) or align with surrounding states (12 hrs/yr)	Changed to 12 PDH/year
Should there be retired status? If so, are fees lower?	Yes, a "Retired" status will be added. Details including fees have not been determined at this time. The CPC Committee recommends no change in fees.
Do we require 1 hr Ethics or 3 hrs when local states require 1 hr?	Requirements are 3 PDH/ 2 year renewal period.

Comment	Action
<ul style="list-style-type: none"> • ..., what standards will be followed to ensure the companies and institutions issuing PDH's are competent and qualified to do so? • Will [my company] be allowed to issue PDH certificates to its own employees for in-house training courses? I have the same questions regarding CEU credits. Will DAPE require proof that those individuals and companies issuing CEU's are authorized through the International Association of Continuing Education and Training (IACET)? If [my company] can become IACET accredited, can we issue CEUs to our own employees for courses led by IACET accredited instructors? • Request to sanction course by PDHEngineer.com for credit • List "approved" courses on DAPE web site 	<ul style="list-style-type: none"> • DAPE doesn't plan on having standards or pre-approving companies that may give PDHs. We are relying on the integrity of the registrant to only list activities that have the intent of improving their professional skills and competency. • [Your company] could certainly issue PDHs for in-house training courses, and that would be perfectly acceptable to DAPE. No proof of IACET will be required for CEUs for DAPE, but we wouldn't want to discourage [your company] from becoming authorized – that sounds worthwhile. • DAPE will not qualify, sanction or approve courses. (See Paragraph D 4)
Will DAPE allow "cross-discipline" training to count (eg., surveyor/engineer)?	See Paragraphs D 4 & E 1
Does DAPE require "exclusive" requirements for DE?	No! – Courses used to fulfill the requirements of another state may be used to fulfill DAPE requirements.
Will e-Portfolios be required (Yes/No?) or will paper be ok. Concerns about internet security	ePortfolios will not be required. As an alternative, check out the free PDH tracking software available through the American Council of Engineering Consultants (ACEC): https://www.rcep.net
Extend probationary period to longer (60-90 days) when engineer has complied with CPC in good faith.	Probationary period changed to 90 days.
What to do about expatriate engineers? What to do about renewal of license when they can't take courses where they are stationed?	Many Internet-based courses are available. Alternately licensee can go to Inactive status.
Request to simplify requirement to just 30 PDH per year	No change taken.
Request to eliminate "carryover"	No change taken.
What does "qualified course" mean? Do courses need preapproval?	See paragraph D 4.
Does DAPE require verification of attendance or is it on the honor system?	Verification should be kept if available (i.e. agenda, sign-in sheet).

In addition, due to record keeping considerations Method 2, Project Experience Based CPC has been removed from the guidelines. If you liked this approach, there is one workable solution if you would like credit for unique project-based experience – turn it into a seminar that you present in front of a technical society or work group. As the presenter you would be given double credit as outlined in the guidelines. In my mind that is a winning scenario; more available course content, lower cost of CPC for both the presenter and the attendees and enhanced personal reputation.

As part of the open comment period for the draft guidelines, I continue to invite your feedback on any section of the guidelines.

2013 PROPOSED LAW REVISIONS

This legislative session DAPE is proposing several revisions to the Delaware Professional Engineer's Act. Upon the successful passage of this legislation and approval by the Governor, the following changes will be made:

Expiration and renewals -- PE licenses and Certificates of Authorization will expire on June 30th. Renewal information will be sent out 60 days prior to expiration, but there will no longer be a grace period.

Continued Professional Competency -- CPC requirements will be instituted and required by the first full renewal cycle after legislation is passed (2014-2016). CPC guidelines are included in this newsletter.

Retired Status -- Creates a retired status for those members who are no longer practicing, but may utilize "P.E. (ret.)" in any signature, upon payment of biennial fees. Retired status exempts members from meeting CPC requirements, but does not provide for reinstatement once placed on retired status.

Electronic Voting -- Adds electronic voting option for annual Council elections and bylaws revisions.

Examinations -- Eliminates the reference to 8-hour written examinations to comply with computer-based testing, which will be implemented in January 2014.

Reapplications -- Clarifies education requirement of six college-level semester credit hours that are preapproved for those with four failures of the PE exam. Or, documentation of progressive engineering experience showing better preparedness for future exams.

We'll keep you posted as to our progress. . .

CERTIFICATE OF AUTHORIZATION RENEWALS

All current Certificates of Authorization will expire on **June 30, 2013**. Renewal information was recently mailed to 1,126 firms currently holding Certificates of Authorization.

Delaware Code Title 24, Chapter 28, §2821 requires all firms offering or providing engineering services in Delaware to obtain a Certificate of Authorization. A licensee who practices under a name other than the licensee's name is also required to obtain a Certificate of Authorization.

DAPE's proactive enforcement efforts have assisted many firms to come into compliance with the law. Building and permitting officials throughout the state are routinely accessing our records to confirm eligibility to submit plans.

Unlicensed practice is pursued vigorously. Make sure your firm is in compliance with the law!

2013 COUNCIL ELECTION

In accordance with the bylaws, ballots will be mailed to the eligible DAPE membership by June 15th for electing Council members in the following seats:

Chemical Engineering
Government Employment
"Other" Engineering
Sussex County (to fill remaining 3 years of term)*

The DAPE Council consists of 15 members. Twelve are elected by the membership representing the constituencies of civil, electrical, mechanical, chemical, private consulting, education, government, industry, "other", Kent County, New Castle County and Sussex County. The Governor appoints three public members to the board, representing each of Delaware's respective counties.

Terms of Council seats are four years, serving a maximum of two consecutive terms.

*Council member resigned seat after serving one year.

So, what does an engineer do when not engineering

By Robert A. Chagnon



Well, when not tending to my wife's honey-do lists, catching up with the garden, going to church or DAPE related committee meetings, writing newsletter articles, sharing some quality time with our three children and six grandchildren, I hide out in my workshop.

What do I make? I make what all woodworkers make – sawdust, and plenty of it. I am a woodworker, but I qualify that by saying that “I only make things the mistakes to which I can hide with caulk and paint.”

Outside of my immediate and extended family, I repair all of the broken, Early American vintage type wooden toys that the kids end up breaking while playing at the Winterthur Museum's “Touch-It” room. That's something I do as a Winterthur volunteer and thoroughly enjoy it. As a resident of the retirement community Cokesbury Village (although not retired), I volunteer my time as the custodian of Cokesbury Village's resident woodshop, which involves the purchase of needed supplies, the layout and organization of the shop and joining in with other resident woodworkers in making and repairing items that are needed by the residents and non-profit community organizations.

Editorial note: A recent local newspaper article featured the Cokesbury Village woodworkers who spent six weeks building cases for the Mary Campbell Center, a nonprofit home for children and young adults with special needs. The cases will let the residents show off the crafts they create.

My woodworking actually started out as a young kid helping my maternal grandfather after school and summers as his helper. He was an independent carpenter. I learned how to use tools properly by watching him. It also taught me how buildings went together by taking them apart. Back in those days, we didn't demolish stuff with a wrecking ball, we took them apart piece-by-piece. Everything was salvaged and re-used. I must have spent a gazillion hours pulling nails out of the wood joists and studs. I not only pulled them out, I also straightened them so they could be used again. Now that's recycling to the nth degree.

I could go on and on, but I have to get back to my engineering!

(If you would like to share with our readership your activities outside of engineering, please send submissions, including photos, to office @dape.org.)



NCEES NEWS
Computer-Based Testing Is Almost Here!

With just one paper and pencil FE exam to go, computer-based testing will be upon us. Beginning in November 2013, examinees will be able to reserve a seat at an approved Pearson Vue testing center to take the 6-hour Fundamentals of Engineering examination.

The PE exam will continue to be offered twice per year in the pencil and paper format. Conversion of the PE exam to CBT will begin in 2015 at the earliest. With 25 different PE exams (17 disciplines), each exam will need to be reviewed to determine what will be needed to convert to CBT.

The first available CBT seating will be Thursday, January 2, 2014. There will be four testing windows for the FE exam annually. Each window lasting two months, with a month between them. Candidates may take the CBT exam one time per testing window and no more than three times in a 12-month period.

Other changes include examinees will be required to pay NCEES directly for all exam fees. Exams will continue to be closed book. Supplied reference material will be electronic and will be available on the NCEES website. Examinees will bring and use one of the NCEES-approved calculators.

States are still determining how they wish their examinees to register for CBT. Upon the successful passage of the exam, individuals will need to apply directly to their state for certification as an Engineer Intern.

Converting the exams to a computer-based format will allow greater scheduling flexibility for candidates, more uniformity in testing conditions, and enhanced security for exam content.



PROCTORS WE HAVE THE VERY BEST!

For the April, 2013 exam administration we had a record number of examinees. As we typically do, the call for proctors was placed, and immediately we were able to begin assembling our proctors' roster. We had veterans, as well as rookies. But we assembled the best proctoring team ever.

Can't thank you all enough for your vigilance, and the time spent assisting with the exam check-in and administration process.

PE Proctors: FE Proctors:

Joe Volk
Doug Seavey
Bill Brockenbrough
Matt Lichtenstein
Harry How
George Harding
Bob Leitsch
Randal Coleman

Will Mather
Paul Gerard
Carmine Balascio
Don Bridge
Ryan O'Donoghue
Joe Jakubowski
Nicholas Ward
Kate Smagala
John Traynor
B.J. Song
George Nagese
Ken Buddenbohn
Ted Robinson
Mike Ellis
Hap Ryan
Anthony Madonna
Charlie McAllister
Bob Leitsch

We had several proctors who proctored more than one session. Thank you again for all your efforts and giving of your time so freely. We really couldn't have done it without you!

DATES TO REMEMBER:



- June 1: PE application deadline
for October, 2013 exam
- June 15: Council election ballots mailed
- June 30: Firm Certificates of
Authorization expire
- July 15: Election ballots returned
- August 15: FE application deadline
for final FE paper exam
in October, 2013

The DAPE website (www.dape.org)
is available at your convenience to
update contact information, check
the PE and C/A rosters, etc.

Council Executive Committee

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GUIDELINES FOR MAINTAINING CONTINUING PROFESSIONAL COMPETENCY (CPC)

(Approved by Council of Delaware Association of Professional Engineers, #####, ##, 2013)

PREAMBLE

In order to safeguard life, health and property, and to promote the public welfare, through a high standard of integrity, skills, and practice in the profession of engineering, the following Guidelines for Maintaining Continuing Professional Competence (CPC) are promulgated by the Council of the Delaware Association of Professional Engineers in accordance with the Delaware Professional Engineers' Act, Title 24, Chapter 28 of the Delaware Code. These CPC Guidelines shall be binding on every person holding a certificate of registration as a Professional Engineer in the State of Delaware.

Regular exposure to active technical practice, participation in technical, professional and ethical training, and participation in professional and technical societies assures that professional engineers are exposed to new ideas and keep their skills current. The requirement that all practicing professional engineers must participate in such activities is meant to further safeguard the health, safety and welfare of the public from outdated or ineffective engineering knowledge caused by infrequent practice.

- A. Exemptions – with the following exceptions, all persons licensed under the Delaware Professional Engineers' Act must maintain their professional competency in the practice of engineering through one of the methods outlined in this document:
1. New licensees by way of examination or comity shall be exempt for their first renewal period.
 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 year shall be exempt from the requirements during that renewal period.
 3. Licensees experiencing physical disability, illness, or other extenuating circumstances may apply for an exemption or an extension of time to obtain the credits, subject to the review and approval of the Council. Supporting documentation must be furnished to the Council.
 4. Licensees who list their occupation as "Retired" or "Inactive" on the Council-approved renewal form and who further certify that they are no longer receiving any remuneration from providing professional engineering services shall be exempt from the requirements. In the event such an individual elects to return to active practice of professional engineering, PDHs must be earned before returning to active practice for each year exempted, not to exceed the annual requirement for 2 years.
- B. Reinstatement - a licensee may bring an inactive license to active status by completing all delinquent CPC requirements as outlined in this document. However, this shall not exceed the requirements for the normal two year renewal period.

- C. Requirements for Renewal - to renew a license, an applicant must meet the requirements stated herein. The applicant must supply sufficient detail in the recordkeeping medium described below to permit audit verification and detail any backup documentation. The initial period for meeting the requirements described herein will be the first full renewal period following enactment of the associated revision of the law unless one is a first time licensee (see subsection A.1).
- D. Definitions - terms used in this section are defined as follows:
1. Professional Development Hour (PDH)—A contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit.
 2. Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals a one (1) credit hour class in an approved continuing education course; which equals 10 PDHs.
 3. College/Unit Semester/Quarter Hour—Credit for course in ABET-approved programs or other related college course approved in accordance with subsection E of this section.
 4. Qualified Course/Activity—any course, seminar or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the professional practice of engineering. Regular duties are not considered qualified activities.
 5. Dual Licensee—A person who is licensed as both a professional engineer and a professional surveyor.
- E. Requirements - every licensee is required to obtain the equivalent of 12 PDHs per year (or 12 PDHs obtained anytime during the renewal period.)
1. Of the 24 PDHs earned during the biennial renewal period: no less than 3 PDH and no more than 6 PDH shall be related to professional ethics, and no more than 9 PDH shall be related to business or project management. The balance shall be related to the licensee's area of technical practice. For dual licensees in both engineering and surveying, up to 12 PDHs may be related to the technical practice of surveying.
 2. If a licensee exceeds the annual requirement in any renewal period, a maximum of 15 PDHs may be carried forward into the subsequent renewal period. Credits earned during the 12 months prior to enactment of the associated revision to the law may be applied under this provision.
- PDHs may be earned as follows:
- a. Successful completion of qualified college courses
 - b. Successful completion of qualified continuing education courses
 - c. Successful completion of qualified short courses/tutorials and distance-education courses offered through correspondence, television, videotapes, or the Internet
 - d. Attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences
 - e. Presenting, teaching or instructing in a through d above
 - f. Authoring published papers, articles, books, or accepted licensing examination items
 - g. Active participation in professional or technical societies
 - h. Receipt of Patents
 - i. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions which involve K–12 or higher education students
3. Units - the conversion of other units of credit to PDHs is as follows:
- | | |
|---|---------|
| a. 1 college or unit semester hour | 45 PDHs |
| b. 1 college or unit quarter hour | 30 PDHs |
| c. 1 continuing education unit (CEU)..... | 10 PDHs |
| d. 1 hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences | 1 PDH |

- e. For teaching in a through d above, apply multiple of 2. Teaching credit is valid for the first offering or presentation or subsequent substantial revisions made to maintain the relevance and currency of the offering (qualifying subsequent offerings apply a multiple of 1). Full-time faculty may not claim teaching credit associated with regular duties.
- f. Publications
 - Each published peer-reviewed paper or book in the licensee's area of professional practice 10 PDHs
 - Each published paper or article in the licensee's area of professional practice 5 PDHs
- g. Active participation in professional or technical society and/or subcommittee thereof – subject to the limitations detailed in section 4 e below 2 PDHs
- h. Each patent received 10 PDHs
- i. 1 hour of outreach activities (as described in 2i above)..... 1 PDH (not to exceed 4 PDHs)
4. Determination of Credit - the Council has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.
 - a. Credit for college or community college approved courses will be based upon course credit established by the college.
 - b. Credit for qualifying seminars and workshops will be based on 1 PDH for each hour of attendance.
 - c. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDHs for the actual time of each program.
 - d. Credit determination for activities in subsections 3.f and 3.h is the responsibility of the licensee (subject to review as required by the Council).
 - e. Credit for activity in subsection 3.g, active participation in professional and technical society or distinct subcommittee with a technical charge (limited to 2 PDHs per committee seat, maximum of 4 PDH per organization per year), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDHs are not earned until the end of each year of service is completed.
- F. Recordkeeping - the licensee is responsible for maintaining records to be used to support credits claimed. 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 PDHs earned.
 2. Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.
 3. Summary description of courses taught & updated, publications and patents, professional and technical society and outreach activities shall be provided in sufficient detail to allow evaluation by the Council for the PDHs claimed.

Licensees shall retain their CPC records for a minimum of three years.

Council, or through appointed Committee, will conduct a random biennial audit which may require up to 5% of the licensees involved to produce evidence of their CPC activities. In addition, such documentation may be required if a complaint is lodged against a licensee. If the records of any audited licensee indicate a deficiency in CPC activities, that licensee will be subject to the actions described in paragraph G below and will be subject to more frequent audits than would be expected due to the 5% random audit sample.

Licensees that do not renew their licenses on-time shall be subject to automatic audit.

Records may be stored in electronic format and held in the sole possession of the licensee such that they may be forwarded to DAPE upon request.

Alternatively, records may be kept in an ePortfolio with accessibility controlled by the licensee. Upon request the licensee shall provide access to their ePortfolio.

DAPE encourages the use of ePortfolios, as they can be of benefit to the licensee, serving as an on-line professional resume and a general support for and demonstration of lifelong learning.

- G. Noncompliance – audited licensees that are found not in compliance will be notified of a Proposal to Deny (PTD) License and instructed to contact the DAPE office to schedule a hearing. Actions that may occur as result of that hearing include:
 - 1. First Offenders – penalties may include additional educational requirements, fines and suspension of license.
 - 2. Repeat offenders - penalties may include the above penalties as well as revocation of license. License will remain in effect and all penalties will be stayed until decision by the hearing committee is rendered and approved by Council.
- H. Corrective Action Plans – licensees that believe they will be deficient in CPC credits at the renewal date shall be provided the option of submitting a corrective action plan (CAP) to DAPE. This CAP must be approved prior to the renewal date and shall include a detailed list of courses or activities that will be completed no more than 30 days past the date of renewal. All licensees submitting a CAP will be audited.
- I. Statement of Compliance – all licensees will be asked to verify compliance with CPC at time of renewal. Falsely claiming compliance is an ethical violation in the absence of a good-faith effort to adhere to CPC, and such a violation will be considered by the hearing committee during the assessment of penalties. Licensees with deficiencies are encouraged to respond ethically and either submit a CAP, request Inactive or Retired status or state why they should be exempt as described in paragraph A above.
- J. Comity/Out-of-Jurisdiction Resident - Licensees who are residents of jurisdictions other than Delaware shall meet the CPC requirements of their resident jurisdiction. If the licensee resides in a jurisdiction that has no continuing professional competency (CPC) requirement, or the licensee is exempt from the CPC requirement in the licensee's resident jurisdiction, the licensee must meet the requirements of Delaware.

(08May2013-Rev)