

### **831 KAR 2:040. Education and testing requirements and providers.**

RELATES TO: KRS Chapter 165A, 198B.706, 198B.712, 198B.722, 198B.724

STATUTORY AUTHORITY: KRS 198B.706, 198B.712(3)(c), 198B.722, 198B.724

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.706(15) requires the Kentucky Board of Home Inspectors, with the approval of the executive director of the Kentucky Real Estate Authority, to promulgate administrative regulations to carry out the effective administration and requirements of KRS 198B.700 to 198B.738. KRS 198B.706(11) and 198B.724 require the board to establish requirements for continuing education courses and providers. KRS 198B.712(3)(c) requires an applicant to complete a board-approved course of study prior to seeking licensure. This administrative regulation establishes continuing education requirements for licensees and the procedures for obtaining board approval to be a prelicensing provider and a continuing education provider.

#### **Section 1. Test Provider and Examination Approval.**

- (1) To become an approved test provider, an applicant shall submit a written proposal to the board regarding the proposed examination.
- (2) The proposal shall indicate that the examination:
  - (a) Consists of at least 200 questions;
  - (b) Draws questions from a question bank consisting of:
    1. At least 800 unique questions, if no state-specific questions are asked; or
    2. At least 650 general knowledge questions and at least 150 state-specific questions, if state-specific questions are asked;
  - (c) Contains questions reasonably calculated to evaluate the competency and aptitude of the prospective licensee to be a home inspector;
  - (d)
    1. Includes questions that cover, at a minimum, building sciences and report writing; and
    2. The exam may include questions that cover one (1) or both of the standards of practice authorized in KRS 198B.706(13);
  - (e) Indicates how a passing score is to be calculated;
  - (f) Includes details indicating how the examination will be proctored; and
  - (g) Is third-party accredited by the Buros Center for Testing, or another independent, nationally recognized examination or credential accreditation entity acceptable to the Board, as being an examination developed and administered in accordance with generally accepted standards for psychometric validity, consistent with the 2014 Standards for Educational and Psychological Testing.
- (3) The proposed examination may contain state-specific questions totaling no more than ten (10) percent of the total questions on the examination.

#### **Section 2. Education Provider Approval.**

- (1) A prelicensing course provider applicant shall submit:
  - (a) A completed Application for Pre-licensing Course Provider, form KBHI-3;
  - (b) A \$500 nonrefundable application fee;
  - (c) A copy of:
    1. The applicant's license from the Kentucky Commission on Proprietary Education, if required by KRS Chapter 165A; or
    2. Proof that the applicant is exempt from licensure;
  - (d) A syllabus of all courses that will be offered, which shall include the physical location of each laboratory and field training portion of the courses;
  - (e) A list of all course instructors and copies of their current curriculum vitae;
  - (f) A copy of all advertising material used to advertise the courses; and
  - (g) A sample of the official transcript.

- (2) A continuing education course provider applicant shall submit to the board:
  - (a) A completed Application for Continuing Education Course Provider, form KBHI-4; and
  - (b) A \$500 nonrefundable application fee.
- (3) Upon approval, the board shall assign the provider a provider number. The provider shall use the provider number in the course syllabus, all course materials, and all written advertising materials for the course.
- (4) A provider's approval shall expire every two (2) years. Each provider shall resubmit the application and fee required for initial approval no later than forty-five (45) days prior to the date of expiration.

### Section 3. Prelicensing Course Approval.

- (1) To be approved by the board, a prelicensing training course shall require a minimum of:
  - (a) Sixty-four (64) credit hours of training in the subject areas listed in subparagraphs 1 through 9 of this paragraph for at least the number of hours specified:
    1. Manufactured housing: two (2) hours;
    2. Standards of practice, KRS 198B.700 to 198B.738 and 831 KAR Chapter 2, contracts, report writing, and communications: twelve (12) hours;
    3. Exterior, roofing, insulation, and ventilation: six (6) hours;
    4. Structure and interior: nine (9) hours;
    5. Electrical and plumbing: nine (9) hours;
    6. Heating and air conditioning: six (6) hours;
    7. Field training: sixteen (16) hours, including not more than eight (8) hours in a laboratory;
    8. General residential construction: three (3) hours; and
    9. Environmental hazards, mitigation, water quality, and indoor air quality: one (1) hour;
  - (b) The completion of three (3) unpaid home inspections under the direct supervision of a Kentucky licensed home inspector with satisfactory written reports submitted to the course provider in addition to the sixteen (16) hours of field training required by paragraph (a)7. of this subsection; and
  - (c) An exit examination with a passing score to be determined by the provider.
- (2) An online prelicensing training course shall not be accepted by the board unless the applicant:
  - (a) Was enrolled in a prelicensing course on or before September 4, 2015;
  - (b) Maintained continuous enrollment; and
  - (c) Completed the prelicensing course no later than six (6) months from September 4, 2015.

### Section 4. Continuing Education Course Approval.

- (1) To offer a continuing education course, an approved continuing education provider shall submit to the board at least thirty (30) days prior to the next regularly scheduled board meeting:
  - (a) A completed Application for Continuing Education Course, form KBHI-5;
  - (b) An official course curriculum and description;
  - (c) A copy of the course agenda indicating hours of education and breaks;
  - (d) The number of continuing education hours requested;
  - (e) A list of all course instructors and copies of their current curriculum vitae; and
  - (f) An official certificate of completion.
- (2) To receive approval, each course shall be in hourly increments from one (1) to six (6) hours.

- (a) One (1) hour of continuing education shall be allowed for each fifty (50) minutes of actual instruction; and
- (b) The board may approve a course for hours different than the provider's request based on the education and experience of the licensed home inspector board members.
- (3) The board shall approve continuing education courses that:
  - (a) Contribute to the competence of licensees;
  - (b) Contain sufficient educational content to improve the quality of licensee performance; and
  - (c) Comply with this administrative regulation.
- (4) If the continuing education course is an online course, the course:
  - (a) Shall not satisfy the continuing education requirements established in Section 11(3)(a) and (b) of this administrative regulation;
  - (b) May satisfy the continuing education requirements established in Section 11(3)(c) of this administrative regulation; and
  - (c) Shall contain an explanation or provide proof that the continuing education provider has an attendance verification process.
- (5) Upon approval, the board shall assign the course a number. The course provider shall use the course number in the course syllabus, all course materials, and all written advertising materials for the course.
- (6) Prelicensing and continuing education course approval shall be valid for two (2) years from date of issue if no substantial change is made in the course and the board has not imposed discipline upon the provider or its instructors.
- (7) Substantial changes, such as a change in the agenda, published course description, or instructor, made in any course shall require a new approval of that course.
- (8) A provider shall apply for course approval no later than forty-five (45) days prior to the date of expiration of the original course approval.

Section 5. Denial of Application. Unless a denial is being considered pursuant to 831 KAR 2:030, a course that has been denied may be resubmitted to the board after adopting the suggested modifications provided by the board.

#### Section 6. Required Records.

- (1) Each provider shall maintain with respect to each course:
  - (a) The time, date, and location of each course completed;
  - (b) The name, address, and qualifications of each instructor who teaches any portion of the course and if each instructor has been approved by the board;
  - (c) The name and address of each person who registered for the course;
  - (d) The course syllabus used for each course; and
  - (e) The course evaluations.
- (2) The provider shall issue to each person who successfully completes an approved course, a certificate of completion containing:
  - (a) The name of the attendee;
  - (b) The name of the provider;
  - (c) The course name;
  - (d) The course number;
  - (e) The date of the course; and
  - (f) The total number of continuing education hours successfully completed in each subject covered by the course.
- (3) Each provider shall maintain its records for at least three (3) years after the completion of each course. These records shall be submitted to the board or its agents upon request.

#### Section 7. Qualifications of Course Instructors.

- (1) Each course instructor shall be qualified, by education or experience, to teach the course, or parts of a course, to which the instructor is assigned.
- (2) Any person with a four (4) year college degree or graduate degree, with at least two (2) years of work experience in that field, shall be qualified to teach a prelicensing or continuing education course in that person's field of study.
- (3) To qualify as an instructor based on experience, an individual shall:
  - (a) Be licensed and have actively practiced for at least five (5) years as a home inspector; or
  - (b) Have five (5) years of experience in a related field of home inspection or the building sciences.
- (4)
  - (a) A licensee whose license is suspended as a result of board discipline shall not teach or serve as a course instructor during the time the license is suspended.
  - (b) A licensee whose license has been revoked as a result of board discipline shall not teach or serve as a course instructor after the license has been revoked.
- (5) A course provider may request prior approval by the board regarding the qualifications of a particular instructor for a particular course.

#### Section 8. Course Syllabus.

- (1) Each course shall have a course syllabus that identifies:
  - (a) The name of the course;
  - (b) The name and address of the provider;
  - (c) A description or outline of the contents of the course; and
  - (d) The location of each course component.
- (2) Each person who registers for a course shall be given the course syllabus prior to the beginning of the course.

#### Section 9. Course Advertising.

- (1) A provider shall not advertise a course as approved until the approval is granted by the board.
- (2) A provider shall not include any false or misleading information regarding the contents, instructors, location of classrooms or laboratory courses, or number of continuing education hours of any course approved under this administrative regulation.

#### Section 10. Complaints and Disciplinary Action Against a Prelicensing Provider or Continuing Educational Provider.

- (1) A complaint against an approved provider shall be notarized and filed on the Complaint Form, form KBHI-7, which is incorporated by reference in 831 KAR 2:030.
- (2) The board may deny, suspend, probate, or revoke the registration of any prelicensing course provider or continuing educational provider for:
  - (a) Obtaining or attempting to obtain registration or approval through fraud, deceit, false statement, or misrepresentation;
  - (b) Failing to timely provide complete and accurate information in registration materials;
  - (c) Falsifying any records, including attendance, regarding courses conducted;
  - (d) Failing to maintain, or provide to the board upon request, any required records regarding courses;
  - (e) Failing to take attendance at any approved course; or
  - (f) Failing to comply with any other duty established for providers in this administrative regulation.
- (3) The board shall issue written notice of disciplinary action by certified mail sent to the prelicensing course or continuing educational provider's address on file with the board and inform the provider:

- (a) Of the disciplinary action being taken by the board;
- (b) Of the specific reason for the board's action, including:
  - 1. The statutory or regulatory violation; and
  - 2. The factual basis on which the disciplinary action is based; and
- (c) That the provider may request an administrative hearing on the board's proposed disciplinary action by written request to the board, postmarked or delivered no more than ten (10) calendar days following the date of the board's notice.
- (4) If the request for an administrative hearing is not timely filed, the notice of disciplinary action shall be effective upon the expiration of the time for the licensee to request an administrative hearing.
- (5) A provider whose approval has been revoked shall not be approved for two (2) years from the date of revocation.

Section 11. Continuing Education for Licensees.

- (1) The continuing education requirements of this section shall apply only to those licensees who will have been licensed at least twelve (12) months at license renewal.
- (2)
  - (a) Each licensee who renews a license in an odd year shall have at least fourteen (14) hours of continuing education per license year.
  - (b) Each licensee who renews a license during an even year shall have at least twenty-eight (28) hours of continuing education during the license biennial period.
- (3) Satisfaction of the educational requirements in Section 11(2)(a) and (b) shall consist of a minimum of:
  - (a) Three (3) hours in KRS 198B.700 to 198B.738 and 831 KAR Chapter 2;
  - (b) Three (3) hours in report writing; and
  - (c)
    - 1. Eight (8) hours in elective courses.
    - 2. Elective courses may be technical or non-technical in subject matter.
    - 3. Technical courses include identification and determination, as applicable within the standards of practice.
    - 4. For a licensee satisfying the education requirement in Section 11(2)(a), non-technical courses shall be limited to three (3) hours of instruction for credit.
    - 5. For a licensee satisfying the education requirement in Section 11(2)(b), non-technical courses shall be limited to six (6) hours of instruction for credit.
- (4) An approved preclicensing course shall satisfy the initial fourteen (14) hour continuing education requirement.
- (5) The continuing education courses established in subsection (3)(a) and (b) of this section shall be completed face-to-face. An online continuing education course shall not satisfy the continuing education requirement for each respective category.
- (6) A maximum of three (3) hours per license year shall be awarded for teaching part of a home inspection continuing education course as applied to the appropriate content area established in subsection (3)(a) through (c) of this section.
- (7) A maximum of three (3) hours per license year shall be awarded to a board member who is licensed and who has attended not less than eighty (80) percent of the board meetings each license year. The hours awarded shall apply to the content area established in subsection (3)(a) of this section.
- (8) A licensee shall not receive credit for the same continuing education course during a licensure period.

Section 12. Continuing Education Requirements for Inactive Licensees Returning to Active Status. An inactive licensee who wishes to reactivate his or her license shall complete either:

- (1) Fourteen (14) hours of continuing education consistent with Sections 11 (3) and 11 (8) of this administrative regulation for each year that the license has been inactive; or
- (2) A board approved sixty-four (64) hour prelicensing training course.

Section 13. Incorporation by Reference.

- (1) The following material is incorporated by reference:

- (a) "Application for Continuing Education Course Provider", Form KBHI-4, 9/2018;
- (b) "Application for Continuing Education Course", Form KBHI-5, 12/2018; and
- (c) "Application for Pre-Licensing Course Provider", Form KBHI-3, 12/2018.

- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Home Inspectors, 656 Chamberlin Avenue, Suite B, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(32 Ky.R. 2405; 33 Ky.R. 781; eff. 10-6-2006; 41 Ky.R. 628; 1791; eff. 3-6-2015; 42 Ky.R. 2269, 2894; eff. 7-1-2016; 45 Ky.R. 1099; 2121; 2681; eff. 4-5-2019; Recodified from 815 KAR 6:040, 4-18-2019.)