

Misc. Docket No. 96- 9209

ORDER OF THE SUPREME COURT

AUTHORIZES THE COURT REPORTERS CERTIFICATION BOARD TO
ADOPT RULES GOVERNING CONTINUING PROFESSIONAL EDUCATION
FOR PERSONS CERTIFIED AS COURT REPORTERS

IT IS ORDERED by the Supreme Court of Texas that the Court Reporters Certification Board is authorized to adopt rules governing continuing professional education for persons certified as court reporters according to Texas Government Code, Section 52.015.

IT IS FURTHER ORDERED that these rules become effective January 1, 1997.

SIGNED this 10th day of September, 1996.

Thomas R. Phillips
Thomas R. Phillips, Chief Justice

Raul A. Gonzalez
Raul A. Gonzalez, Justice

Nathan L. Hecht
Nathan L. Hecht, Justice

John Cornyn
John Cornyn, Justice

Craig Enoch
Craig Enoch, Justice

Rose Spector
Rose Spector, Justice

Priscilla R. Owen
Priscilla R. Owen, Justice

James A. Baker
James A. Baker, Justice

Greg Abbott
Greg Abbott, Justice

CONTINUING EDUCATION RULES FOR COURT REPORTERS

(a) Continuing Education (CE) Requirements

- (1) Beginning with the December 31, 1998, renewal and every renewal after that, every registrant who applies for renewal of a certification as a certified shorthand reporter (CSR) shall complete during the renewal period 20 continuing education (CE) credits relevant to the practice of shorthand reporting.
- (2) A renewal period is the 24 months preceding December 31 of each renewal year.
- (3) A CE credit means a minimum of 30 minutes of actual clock time spent by a registrant in actual attendance at and completion of an approved CE activity. Each CE activity must be at least 60 minutes in length and 2 CE credits subject to Board approval. Some CE activity may receive less credit based on the content on the material. After completion of the initial 60 minutes of CE activity, credit may be given in one-half hour increments.
- (4) Approved CE activity must have been completed in the biennium immediately preceding the certification renewal. Additional CE credit earned may not be used for subsequent renewal periods.
- (5) A candidate certified by examination shall be exempt from the CE requirement for issuance of the initial certification.
- (6) Shorthand reporters certified in Texas but residing and practicing in other states shall comply with the CE requirements set forth in this section.

(b) How to Acquire CE Credits

- (1) CE credits may be earned from:
 - (A) Verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program, activity or course ("program") presented by a continuing education sponsor in subsection (c) below.

- (B) Verified attendance at a program that is of general information value to shorthand reporters but does not directly relate to the reporter's ability to produce an accurate and timely transcript including:
- (i) A mandatory minimum of 5 credits during a renewal period for such programs which include: professionalism, including knowledge and application of standards of professional responsibility, impartiality, Texas rules and regulations; and
 - (ii) A mandatory maximum of 5 credits during a renewal period for such programs that include: public relations, office procedures, record-keeping, personal tax management, planning for retirement or maintaining individual reporter's health and emotional adjustment, ability to listen, to concentrate, to communicate and to cope.
- (C) Verified personal preparation of educational presentations pertaining to the profession of court reporting and serving as an instructor, speaker or panel member at a Board approved CE seminar will be allowed as CE credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Credits for preparation time shall not be allowed for repetitious presentations. No more than 5 credits can be earned under this category in any one renewal period.
- (D) Writing articles pertaining to the profession of court reporting and published in a state or nationally recognized professional journal of court reporting or law. No more than 5 credits can be earned under this category in any one renewal period. Credits

will not be allowed for the same article published in more than one publication.

- (2) Courses successfully completed with a grade of "C" or better or a "Pass" on a pass/fail system that are a part of the curriculum of a university, college or other educational institution that leads to an academic degree (e.g., associate, bachelor's, master's or doctorate degree) directly related to the Certified Shorthand Reporter's knowledge, ability or competence to perform his/her duties as described in subsection (c)(3)(i-viii). One semester of course work is equivalent to 8 credits of CE, one trimester of course work is equivalent to 7 credits of CE and one quarter of course work is equivalent to 5 credits of CE.

(c) CE Sponsors and Programs

- (1) Sponsor, as used in this Section, shall mean the following:
 - (A) National Court Reporters Association;
 - (B) The Texas Court Reporters Association or any court reporters association whose course or program has been approved for CE credits under the guidelines of the National Court Reporters Association or has been approved by the Court Reporters Certification Board (hereinafter "Board");
 - (C) Any computer users group whose program or course has been approved for CE credits under the guidelines of the National Court Reporters Association;
 - (D) A city, county, state or federal judicial body responsible for coordination and presentation of CE courses or programs for its employees;
 - (E) A university or college course or adult education program that contributes directly to the Certified Shorthand Reporter's knowledge, ability or competence to perform his/her duties; and
 - (F) Any other school, college or university, state

agency, or any other person, firm or association that has been approved and authorized by the Court Reporters Certification Board to coordinate and present CE courses and programs in conjunction with this section.

- (2) Entities seeking approval as CE sponsors or applicants seeking CE credit earned in other jurisdictions, shall file an application on the forms provided by the Board. Along with the application, the sponsor shall submit a list of proposed programs including the description, location, date and time of the programs. The sponsor shall certify on the application the following:
- (A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) below and all other criteria in this section;
 - (B) That the sponsor will be responsible for verifying attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
 - (C) That the sponsor (excluding the National Court Reporters Association) shall furnish to the Board a list of participants specifying the provider; title, date, and location of program; number of CE credits; and provider grades, if applicable. The list of participants forwarded to the Board by the sponsor shall be in alphabetical order by last name and include each participant's certified shorthand reporter (CSR) number.
 - (D) That upon request by the Board, the sponsor will submit evidence as is necessary to establish compliance with this section. Evidence may include course materials such as target audience, program planning, materials, content, objectives, outline of instructor qualifications, teaching methods and materials, evaluation tools and summary, a list of participants and original participant written evaluations. Evidence shall be required when the Board has reason to believe that there is not full compliance with this requirement and that the

information is necessary to ensure compliance.

- (3) All programs shall:
- (A) Contribute to the advancement, extension and enhancement of the professional skills and knowledge of the individual registrant in the practice of shorthand reporting;
 - (B) Include one or more of the following subjects directly related to the shorthand reporter's ability to produce accurate and timely transcripts;
 - (i) English, including grammar, punctuation, general principles, spelling, vocabulary, etymology, usage, semantics, regional and minority dialects or colloquialisms, English history, transcript styles;
 - (ii) Medical, including Greek and Latin derivatives, homonyms, abbreviations, surgical procedures, pharmacy, anatomy and physiology, specialized medical fields, (e.g., neurology, dentistry, radiology, gastroenterology), with emphasis on terminology and techniques or concepts likely to be encountered during litigation;
 - (iii) Legal, including terminology, research techniques, presentations on the various subdivisions of law (e.g., criminal torts, domestic relations, corporate, admiralty, patent, environmental) and procedural law (e.g., depositions, trials, administrative proceedings) presentations by legal specialists or experts in the field, history of the American/world legal system;

- (iv) Technical subjects presented by experts with emphasis on terminology and concepts encountered by the shorthand reporter during litigation (e.g., accident reconstruction, chemistry, construction, geology, insurance, maritime, aerospace, products liability, industrial and environmental pollution);
- (v) Technology related to new developments in the field of reporting (e.g., computer technology, computer techniques, video, telecommunications, equipment maintenance);
- (vi) General litigation procedures as they relate to court, deposition and administrative proceedings (e.g., reporting depositions, court hearings, arbitrations, conventions and the court reporter's responsibility with regard to these proceedings, marking exhibits, reading back, going on and off the record, review of statutes, rules related to the reporter);
- (vii) Transcript preparation, including indexing of witnesses, exhibits, formats, dictating, editing and scoping, reference libraries and research techniques, proofreading; and
- (viii) Public relations, management, including financial and personnel, equipment maintenance, office procedures, record-keeping, personal tax management, planning for retirement or changing careers within

reporting, maintaining individual reporter's health and emotional adjustment, time and stress management;

- (C) Be relevant to the needs of the shorthand reporters and also to the reporting service needs of the users;
 - (D) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - (E) Specify for whom the program is primarily designed, the course objectives, course content and teaching methods to be used; and
 - (F) Suggest, subject to Board approval, the number of CE credits that may be applied to fulfilling the Texas CE requirements for renewal of the certification of a certified shorthand reporter.
- (4) Each CE program shall provide a mechanism for evaluation of the program by the participants. The evaluation may be completed on-site immediately following the program or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- (5) An approved sponsor may subcontract with individuals and organizations to provide approved programs.
- (6) Continuing education credits may be awarded for home study courses and correspondence courses, provided they are courses administered by approved sponsors.
- (7) To maintain approval as a sponsor, each sponsor shall submit to the Board by May 31 of each year a sponsor renewal application and a list of courses and programs to be offered in the next 12 months. The list shall include a brief description, location, date and time of each course given.

- (8) **Certificate of Attendance.** It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - (A) The name, address and CE sponsor number of the sponsor;
 - (B) The name, address and CSR number of the participant;
 - (C) A brief statement of the subject matter;
 - (D) The number of hours and/or CE credits attended in each program;
 - (E) The date and place of the program; and
 - (F) The signature of the sponsor.
 - (9) The sponsor shall maintain attendance records for not less than 5 years.
 - (10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
 - (11) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Board, after notice to the sponsor, may refuse to accept CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Board receives assurances of compliance of this section.
 - (12) Notwithstanding any other provision of this section, the Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this section.
- (d) **Activities Not Qualifying for CE Credit**
- (1) Certain activities that shall not be considered acceptable for continuing education credits include, but shall not be limited to, the following:

- (A) Attendance or participation at professional or association business meetings, conferences, general sessions, elections, policymaking sessions or program orientation;
- (B) Serving on committees or councils or as officers in a professional organization;
- (C) Entertainment and recreation;
- (D) Tours, visiting exhibits;
- (E) Any function for which the registrant receives remuneration as part of his/her regular employment;
- (F) In-house training on office equipment;
- (G) Courses with a main thrust of teaching nonverbal skills (e.g., golf, tennis, dancing, basket-weaving);
- (H) Any activity completed before the first renewal period for which the renewal applicant is required to obtain CE credit; and
- (I) Education required by the Board as part of a disciplinary action.

(e) **Certification of Compliance with CE Requirements** Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.

(f) **Compliance Verification**

- (1) If there appears to be a lack of compliance, the Board may request additional information from applicants to verify compliance with the continuing education requirements.
- (2) Within 30 days following notification of lack of compliance, the applicant shall submit evidence (e.g., certificate of attendance or other approved documentation) to verify compliance with continuing education requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of

compliance. These records verifying CE compliance shall be maintained by the renewal applicant for a minimum of two consecutive renewal periods or four years.

- (3) The Board shall notify the licensee of the results of the compliance verification and the change of the licensee's status to inactive for individuals determined to be non-compliant.
- (4) Failure to notify the Board of a current mailing address will not absolve the licensee from the verification audit process.
- (5) CE compliance verification shall be automatic for a renewal applicant who has been found non-compliant in an immediately preceding renewal period.

(g) Appeals

- (1) Any individual who wishes to appeal a determination of non-compliance with continuing education requirements must submit a letter of appeals within 15 days of notification of the compliance verification results or request a hearing before the Board as specified in Rule VII. of the *Standards and Rules for Certification of Certified Shorthand Reporters*.
- (2) The status of an individual who appeals a determination of non-compliance shall be deemed in good standing until a final decision is made by the Board.
- (3) The decision of the Board after the appeal shall be considered final and binding.

(h) Disciplinary Action for Non-Compliance.

- (1) Failure to maintain required records, falsifying records, or intentionally misrepresenting programs for continuing education may provide grounds for disciplinary action in accordance with Texas Government Code, Sec. 52.027.
- (2) Licensees found non-compliant 120 days after the certification expiration date may be referred to the Board for possible disciplinary action.

- (3) The Board may revoke or suspend a certification or issue a reprimand after notice and opportunity for a hearing.
 - (4) The notice shall be mailed to the registered address of the shorthand reporter not later than the 30th day before the date the hearing is scheduled.
- (i) **Continuing Education Earned in Other Jurisdictions.** If an applicant has earned CE credits offered in another state or territory not given by an approved sponsor for which the applicant will be claiming credit toward full compliance in Texas, the applicant shall submit an individual program approval request form within 90 days of completion of the CE program and prior to expiration of the certification. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section. Applicants may seek individual program approval prior to the participation in the program as set forth in subsection (c)(2) of this section.
 - (j) **Delinquent Renewals.** If a renewal applicant allows his or her certification to expire on January 1, the Board may renew a delinquent certification if, not later than the 120th day after the date of expiration, the applicant shows proof of 20 credits of CE activity. This applies whether the renewal applicant has been delinquent for one day or longer.
 - (k) **Filing Timeliness.** For the purpose of determining whether a renewal application form is timely filed, the renewal form shall be deemed submitted when actually delivered at the office of the Board or when postmarked as having been mailed prior to midnight on the expiration date.
 - (l) **Reinstatement of Nonrenewed or Inactive Certifications.** The Board may reinstate a nonrenewed or inactive certification that has been expired for more than 120 days upon satisfactory evidence of compliance with the CE requirements, to be determined by the Board, and conditional upon the applicant successfully fulfilling the requirements under Texas Government Code, Sec. 52.026(e).
 - (m) **Waiver of CE Requirements**
 - (1) Any renewal applicant seeking renewal of a certification as a certified shorthand reporter without having fully complied with these CE requirements shall file with the Board a renewal application form along with the required fee set forth in Rule VI.C. of the *Standards and Rules for Certification of Certified*

Shorthand Reporters as promulgated by the Texas Supreme Court, a notarized statement setting forth the facts concerning non-compliance and request a waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Board, upon the recommendation of the Continuing Education (CE) Committee or its designee, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Board shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

- (A) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable renewal period because of:
 - (i) Full-time service in the armed forces of the United States during a substantial part of the renewal period;
 - (ii) An incapacitating illness documented by a statement from a currently licensed physician;
 - (iii) A physical inability to travel to the sites of approved programs documented by a statement from a currently licensed physician;
 - (iv) Being retired from practice and not performing any reporting services; or
 - (v) Any other similar extenuating circumstances.

- (2) Any renewal applicant who, prior to the expiration date of the certification, submits a request for a waiver, in whole or in part, pursuant to the provisions of this section, shall be deemed in good standing until the final decision on the application is made by the Board.