

**Department of State
Division of Publications**

312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

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Effective Date: 1/26/17

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: Tennessee State Board of Architectural and Engineering Examiners
Division: Division of Regulatory Boards, Department of Commerce and Insurance
Contact Person: Benjamin Glover, Assistant General Counsel
500 James Robertson Parkway
Address: Nashville, Tennessee 37243
Phone: (615) 770-0085
Email: Benjamin.Glover@tn.gov
Agency/Board/Commission: Tennessee State Board of Architectural and Engineering Examiners

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0120-01	Registration Requirements and Procedures
Rule Number	Rule Title
Table of Contents	
0120-01-03	Individuals Registered in Other Jurisdictions
0120-01-04	Applications – General
0120-01-09	References
0120-01-11	Education & Experience Requirements – Architect
0120-01-25	Renewal of Registration

Chapter Number	Chapter Title
0120-02	Rules of Professional Conduct
Rule Number	Rule Title
0120-02-07	Misconduct
0120-02-08	Seals

0120-02-.09	Civil Penalties
0120-02-.10	Other Enforcement Actions

Chapter Number	Chapter Title
0120-04	Interior Designers
Rule Number	Rule Title
Table of Contents	
0120-04-.10	Professional Conduct
0120-04-.11	Civil Penalties
0120-04-.12	Other Enforcement Actions
0120-04-.09	Repeal

Chapter Number	Chapter Title
0120-05	Continuing Education
Rule Number	Rule Title
0120-05-.06	Types of Acceptable Continuing Education
0120-05-.07	Credits
0120-05-.11	Disallowance

Chapter 0120-01
Registration Requirements and Procedures

New

The Table of Contents is amended by changing Repealed Rule 0120-01-.03 to new rule Individuals Registered in Other Jurisdictions, so that the amended Table of Contents shall read as follows:

0120-01-.01 Definitions	0120-01-.16 Examinations - Landscape Architect
0120-01-.02 Applicability	0120-01-.17 Repealed
0120-01-.03 Individuals Registered in Other Jurisdictions	0120-01-.18 Repealed
0120-01-.04 Applications - General	0120-01-.19 Repealed
0120-01-.05 Applications - Engineer	0120-01-.20 Reexamination - Engineer
0120-01-.06 Applications - Engineer Intern	0120-01-.21 Repealed
0120-01-.07 Applications - Architect	0120-01-.22 Reexamination - Architect
0120-01-.08 Applications - Landscape Architect	0120-01-.23 Reexamination - Landscape Architect
0120-01-.09 References	0120-01-.24 Duplicate Certificates of Registration
0120-01-.10 Education and Experience Requirements - Engineer	0120-01-.25 Renewal of Registration
0120-01-.11 Education and Experience Requirements - Architect	0120-01-.26 Repealed
0120-01-.12 Education and Experience Requirements - Landscape Architect	0120-01-.27 Notification to the Board
0120-01-.13 Examinations - General	0120-01-.28 Military Applications – Spouses – Expedited Registration
0120-01-.14 Examinations - Engineer, Engineer Intern	
0120-01-.15 Examinations - Architect	

Rule 0120-01-.03 Repealed is substituted with new rule Individuals Registered in Other Jurisdictions so that the Rule reads as follows:

- (1) Unless properly registered, individuals shall not make use of the title “engineer,” “architect,” “landscape architect,” or any appellation thereof that gives the impression that the individual is an architect, engineer, or landscape architect in Tennessee. Individuals not registered in Tennessee but registered in other jurisdictions may use these titles so long as the jurisdiction in which they are registered is clearly specified so as not to mislead the public regarding their credentials. This clarification is not required on communications from an out-of-state office, provided that the individual is registered in that jurisdiction.
- (2) Individuals registered in other jurisdictions cannot offer or perform architectural, engineering, or landscape architectural services to the public in Tennessee unless they are either acting as consulting associates in accordance with T.C.A. § 62-2-103(2) or working under the responsible charge of a Tennessee registrant.

Authority T.C.A. §§ 62-2-101, 62-2-103, and 62-2-203(c).

Chapter 0120-01
Registration Requirements and Procedures

Amendments

Rule 0120-01-.04 Applications – General is amended by adding new paragraphs (4) and (5) so that the Rule, as amended, reads as follows:

- (1) Applications for registration and certification are available on the Board website and upon request from the office of the Board.
- (2) Any application submitted which lacks required information or reflects a failure to meet any requirement will be held in “pending” status until satisfactorily completed within a reasonable period of time, not to exceed five (5) years from the date of application.
- (3) Any application submitted may be withdrawn; provided, however, that the application fee will not be refunded.
- (4) An individual who was previously registered in another jurisdiction but whose registration has expired may apply in Tennessee as a new exam applicant. The Board shall decide on a case-by-case basis if it shall accept exam(s) passed in another jurisdiction.

- (5) Individuals who are currently registered in another state may apply by comity in accordance with T.C.A. § 62-2-304.

Authority: T.C.A. §§ 62-2-203(c), 62-2-301, and 62-2-304.

Rule 0120-01-.09 References is amended by deleting paragraph (3) in its entirety and replacing it with the following paragraph, so that as amended the paragraph reads as follows:

- (3) A maximum of three (3) references shall be obtained from an employer listed by the applicant. The Board prefers references from both the applicant's current employer/supervisor and a past employer/supervisor, if available.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-301(a).

Rule 0120-01-.11 Education and Experience Requirements – Architect is amended by changing the word "will" to "may" in paragraph one (1), so that as amended the paragraph reads as follows:

- (1) For purposes of evaluating the education and experience of applicants for examination and registration as an architect, the Board may utilize the "Table of Equivalents" contained in Appendix "A" to Circular of Information No. 1, published in July 1983 by the National Council of Architectural Registration Boards (NCARB), except to the extent that such document conflicts with any applicable statute.

Authority: T.C.A. §§ 62-2-203(c), 62-2-502, and 62-2-503.

Rule 0120-01-.25 Renewal of Registration is amended by amending paragraph (5) and adding a new paragraph (6) so that the rule, as amended, shall read as follows:

- (1) All certificates of registration issued to engineers, architects and landscape architects are subject to biennial renewal (every two (2) years) in accordance with the provisions of T.C.A. § 56-1-302(b).
- (2) An architect, engineer or landscape architect may renew a current, valid registration by submitting a renewal form approved by the board, the required renewal fee, and evidence of having completed the number of professional development hours (PDH's) required by rule 0120-05-.04.

- (3) Fees for biennial renewal of certificates of registration shall be as follows:

Engineer	\$140
Architect	\$140
Landscape Architect	\$140

- (4) The penalty fee for late renewal shall be in the amount of ten dollars (\$10.00) for each month or fraction of a month which lapses during the six (6)-month late renewal period before payment is tendered.

- (5) Retirement Status.

(a) A registered certificate holder (over age 62) may place the registrant's certificate, if in good standing, in retirement status during the biennial license renewal cycle by filing a form designated by the Board. No fee shall be required. Such registrant shall renew the registrant's certificate by so notifying the Board.

(b) A registrant holding a retired certificate may refer to oneself as an engineer, architect, or landscape architect, including on correspondence and business cards, provided that the word "retired" is used in conjunction with the title. However, a holder of a retired certificate may not engage in or offer to engage in the practice of engineering, architecture or landscape architecture as defined by T.C.A. § 62-2-102. Practice or offer to practice in violation of this subparagraph

shall be considered to be misconduct and may subject the registrant to disciplinary action by the Board.

- (c) A registrant holding a retired certificate may not engage in any activity constituting the practice or offer to practice of engineering, architecture or landscape architecture in the State of Tennessee without first notifying the Board, in writing, as to a change to "active" status, satisfying the continuing education requirements of rule 0120-05-.08(d), and paying the biennial registration renewal fee.

(6) Inactive Status.

- (a) A registrant may place the registrant's certificate, if in good standing, in inactive status during the biennial license renewal cycle by filing a form designated by the Board. No fee shall be required to establish inactive status. The registrant with an inactive certificate is still required to pay the biennial registration renewal fee.
- (b) A registrant holding an inactive certificate shall follow the requirements pertaining to payment or non-payment of the professional privilege tax established in T.C.A. § 67-4-1701 *et. seq.*, in accordance with T. C.A. § 67-4-1702(b).
- (c) A registrant holding an inactive certificate may not engage in any activity constituting the practice or offer to practice engineering, architecture, or landscape architecture in the State of Tennessee without first notifying the Board, in writing, as to a change to "active" status and satisfying the continuing education requirements of Rule 0120-05-.08(d).

Authority: T.C.A. §§ 62-2-203(c) and (d), 62-2-307(c), 67-4-1701, and 67-4-1702.

Chapter 0120-02
Rules of Professional Conduct

Amendments

Rule 0120-02-.07 Misconduct is amended by adding subparagraph (e) to paragraph (5) so that the paragraph, as amended, shall read as follows:

- (5) A registrant may be deemed by the Board to be guilty of misconduct in the registrant's professional practice if:
 - (a) The registrant has pleaded guilty or nolo contendere to or is convicted in a court of competent jurisdiction of a felony or fails to report such action to the Board in writing within sixty (60) days of the action;
 - (b) The registrant's license or certificate of registration to practice architecture, engineering or landscape architecture in another jurisdiction is revoked, suspended or voluntarily surrendered as a result of disciplinary proceedings or the registrant fails to report such action to the Board in writing within sixty (60) days of the action;
 - (c) The registrant fails to respond to Board requests and investigations within thirty (30) days of the mailing of communications, unless an earlier response is specified; or
 - (d) The registrant fails to comply with a lawful order of the Board.
 - (e) The registrant knowingly provides false testimony or information to the Board.

Authority: T.C.A. §§ 62-2-203(c), 62-2-204, 62-2-212, and 62-2-308.

Rule 0120-02-.08 Seals is amended by modifying paragraphs (2), (4), (8), and adding a new paragraph (9), so that, as amended, paragraphs (2), (4), (8), and (9) read as follows:

- (2) The registrant shall stamp with the registrant's seal the following documents:
- (a) All original sheets of any bound or unbound set of working drawings or plans; original sheets shall include tracings or other reproducible sheets;
 - (b) The original cover or index page(s) identifying all specification pages covered; and
 - (c) The original cover or index page(s) for design calculations that are submitted for review.
- (4) When multiple registrants contribute to a project, each registrant shall sign and seal the portions of the project for which that registered consultant is responsible. When multiple registrants in responsible charge provide content on the same document, all such registrants should seal the document, and, if there is any question, a description of the areas of responsibility should be included. All registrants in responsible charge who work on a set of specifications are required to seal either the cover page of the specifications, or the cover page(s) for the section(s) of the specifications they produce.
- (8)
- (a) Subject to the requirements of this rule, rubber-stamp, embossed, transparent self-adhesive or electronically generated seals may be used. Such stamps or seals shall not include the registrant's signature or date of signature.
 - (b) Subject to the requirements of this rule, the registrant may affix an electronically generated signature and date of signature to documents. When used, electronic signatures and dates of signature shall be placed either across the face and beyond the circumference of the seal or adjacent to the seal. Documents that are signed using a digital signature must have an electronic authentication process attached to or logically associated with the electronic document. The digital signature must be:
 - 1. Unique to the individual using it;
 - 2. Capable of verification;
 - 3. Under the sole control of the individual using it; and
 - 4. Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.
- (9) All working or partially completed plans, or any drawings that are not construction documents, shall be designated "preliminary – not for construction," "for review only," "draft," or other designation clearly indicating that the drawings are not complete.

Authority: T.C.A. §§ 62-2-203(c), 62-2-306, and 62-2-307(f).

Rule 0120-02-.09 Civil Penalties is amended by modifying paragraphs (1), (2), and (4) so that the Rule, as amended, reads as follows:

- (1) With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty against such registrant for each separate violation of a statute, rule or order pertaining to the Board in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. § 62-2-306(b).....	\$500-1000
(b) T.C.A. § 62-2-308(a)(1)	\$500-1000
(c) Rule 0120-02-.02	\$500-1000
(d) Rule 0120-02-.03	\$500-1000
(e) Rule 0120-02-.04	\$500-1000
(f) Rule 0120-02-.05	\$500-1000
(g) Rule 0120-02-.06	\$500-1000
(h) Rule 0120-02-.07	\$500-1000
(i) Rule 0120-02-.08	\$500-1000

(j) Board Order \$500-1000

(2) With respect to any person required to be registered in this state as an architect, engineer or landscape architect, the Board may assess a civil penalty against such person for each separate violation of a statute in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. § 62-2-101	\$500-1000
(b) T.C.A. § 62-2-105(a)(1)	\$500-1000
(c) T.C.A. § 62-2-105(b)(1).....	\$500-1000
(d) T.C.A. § 62-2-601	\$500-1000
(e) T.C.A. § 62-2-602	\$500-1000

(3) Each day of continued violation may constitute a separate violation.

(4) In determining the amount of civil penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:

- (a) Whether the amount imposed will be a substantial economic deterrent to the violation;
- (b) The circumstances leading to the violation;
- (c) The severity of the violation and the risk of harm to the public;
- (d) The economic benefits gained by the violator as a result of non-compliance;
- (e) The interest of the public;
- (f) Prior disciplinary action in any jurisdiction or repeated violations; and
- (g) Self-reporting of the offense, cooperation with the Board's investigation, and any corrective action taken.

Authority: T.C.A. §§ 56-1-308, 62-2-105, 62-2-106, and 62-2-203(c).

Rule 0120-02-.10 Other Enforcement Actions is amended by deleting the Rule in its entirety and replacing it with the following language, so that as amended the Rule reads as follows:

With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, take enforcement action against any registrant who is a respondent in a disciplinary case. Other enforcement actions may include, but are not limited to, the following:

- (1) Passage of a laws and rules examination with a minimum passing score of 80%;
- (2) Completion of additional, Board-assigned continuing education hours (with appropriate documentation required); or
- (3) Assignment of a probationary period with peer review of all technical work, accompanied by reporting requirements from the reviewer.

Authority: T.C.A. §§ 62-2-106 and 62-2-203(c).

Chapter 0120-04
Interior Designers

Amendments

The Table of Contents is amended by deleting it in its entirety and substituting, instead, the following language, so that the amended Table of Contents shall read as follows:

0120-04-.01 Definitions	0120-04-.08 Renewal of Registration
0120-04-.02 Applicability	0120-04-.09 Repealed
0120-04-.03 Applications	0120-04-.10 Professional Conduct
0120-04-.04 Education Requirements	0120-04-.11 Civil Penalties
0120-04-.05 Experience Requirements	0120-04-.12 Other Enforcement Actions
0120-04-.06 Initial Registration	0120-04-.13 Notification to the Board
0120-04-.07 Duplicate Certificates of Registration	

Rule 0120-04-.10 Professional Conduct is amended by adding subparagraph (e) to paragraph (14) so that. As amended, the paragraph reads as follows:

- (14) The registrant may be deemed by the board to be guilty of misconduct if:
- (a) The registrant has pleaded guilty or nolo contendere to or is convicted in a court of competent jurisdiction of a felony or fails to report such action to the Board in writing within sixty (60) days of the action;
 - (b) The registrant's license or certificate of interior design title is revoked, suspended or voluntarily surrendered as a result of disciplinary proceedings in another jurisdiction or the registrant fails to report such action to the Board in writing within sixty (60) days of the action;
 - (c) The registrant fails to respond to Board requests and investigations within thirty (30) days of the mailing of communications, unless an earlier response is specified;
 - (d) The registrant fails to comply with a lawful order of the Board; or
 - (e) The registrant provides false testimony or information to the Board.

Authority: T.C.A. §§ 62-2-105 and 62-2-203(c).

Rule 0120-04-.11 Civil Penalties is amended by modifying paragraphs (1), (2), and (4) so that the Rule, as amended, reads as follows:

- (1) With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty against such registrant for each separate violation of a statute, rule or order pertaining to the Board in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. § 62-2-308(a)(1)	\$500-1000
(b) Rule 0120-04-.10	\$500-1000
(c) Board Order	\$500-1000

- (2) With respect to any person required to be registered in this state to use the title "registered interior designer," the Board may assess a civil penalty against such person for each separate violation of a statute in accordance with the following schedule:

Violation	Penalty
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(a)	T.C.A. § 62-2-101	\$500-1000
(b)	T.C.A. § 62-2-105(a)(1)	\$500-1000
(c)	T.C.A. § 62-2-105(b)(1)	\$500-1000
(d)	T.C.A. § 62-2-903	\$500-1000

- (3) Each day of continued violation may constitute a separate violation.
- (4) In determining the amount of civil penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:
- (a) Whether the amount imposed will be a substantial economic deterrent to the violation;
 - (b) The circumstances leading to the violation;
 - (c) The severity of the violation and the risk of harm to the public;
 - (d) The economic benefits gained by the violator as a result of non-compliance;
 - (e) The interest of the public;
 - (f) Prior disciplinary action in any jurisdiction or repeated violations; and
 - (g) Self-reporting of the offense, cooperation with the Board's investigation, and any corrective action taken.

Authority: T.C.A. §§ 56-1-308, 62-2-105, 62-2-106, and 62-2-203(c).

Rule 0120-04-.12 Other Enforcement Actions is amended by deleting the Rule in its entirety and substituting instead the following language, so that the Rule, as amended, reads as follows:

With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, take enforcement action against any registrant who is a respondent in a disciplinary case. Other enforcement actions may include, but are not limited to, the following:

- (1) Passage of a laws and rules examination with a minimum passing score of 80%; or
- (2) Completion of additional, Board-assigned continuing education hours (with appropriate documentation required).

Authority: T.C.A. §§ 62-2-106 and 62-2-203(c).

Chapter 0120-04
Interior Designers

Repeals

Rule 0120-04-.09 Registration Without Examination is Repealed.

Authority: T.C.A. §§ 62-2-105.

Chapter 0120-05
Continuing Education

Amendments

Rule 0120-05-.06 Types of Acceptable Continuing Education is amended by modifying paragraph (2) so that, as amended, the paragraph shall read:

- (2) Continuing education activities for which credit may be given by the Board include, but are not limited to the following:
- (a) Successful completion or monitoring of college or university sponsored courses;
 - (b) Successful completion of courses which are awarded continuing education units (CEU's);
 - (c) Attendance at structured seminars, tutorials, short courses, correspondence courses, televised courses, Internet courses, or videotaped courses;
 - (d) Attendance at in-house educational programs sponsored by corporations or other organizations;
 - (e) Teaching or instructing as described in (a) through (d) above, unless teaching or instructing is the registrant's regular employment;
 - (f) Authoring published papers, articles, books, or accepted licensing examination items;
 - (g) Making presentations at technical meetings;
 - (h) Attendance at program presentations at related technical or professional meetings where program content is comprised of at least one (1) PDH;
 - (i) Attendance at Board meetings and professional society legislative events, and active participation in a technical/professional society or organization, or a technical or professional public board, as an officer or committee member;
 - (j) Active participation in educational outreach activities involving K-12 or higher education students;
 - (k) Patents granted; and
 - (l) All such activities as described in (a) through (k) above must be relevant to the practice of architecture, engineering, landscape architecture or interior design as determined by the Board and may include technical, ethical or managerial content.

Authority: T.C.A. § 62-2-203(d).

Rule 0120-05-.07 Credits is amended by deleting the Rule in its entirety and substituting instead the following language, so that the Rule, as amended, reads as follows:

- (1) Professional Development Hours of credit for qualifying courses successfully completed which offer semester hour, quarter hour, or CEU credit are as specified above. All other activities will be credited one (1) PDH for each contact hour with the following exceptions:
- (a) Monitoring of university or college courses will be credited at one-third (1/3) the above-stated conversion table.
 - (b) Teaching or instructing qualifying courses or seminars will be credited at twice the PDH's earned by a participating student and may be claimed for credit only once.
 - (c) Authorship of papers, articles, or books cannot be claimed until actually published. A maximum of ten (10) PDH's per biennium may be claimed for each published peer-reviewed paper, article, or book. A maximum of five (5) PDH's per biennium may be claimed for each published paper, article, or book that is not peer-reviewed.
 - (d) Correspondence course PDH's may be considered acceptable to the Board, but the registrant shall submit, upon request, supporting documentation to demonstrate high quality course content.

- (e) A maximum of eight (8) PDH's per biennium may be claimed for attendance at Board meetings and professional society legislative events, and active participation in technical/professional societies or organizations, or technical or professional public boards, as an officer or committee member.
- (f) A maximum of four (4) PDH's per biennium may be claimed for active participation in educational outreach activities involving K-12 or higher education students.
- (g) A maximum of ten (10) PDH's per biennium may be claimed for each patent.
- (h) A maximum of five (5) PDH's per biennium may be claimed for writing accepted licensing examination items.

Authority: T.C.A. § 62-2-203(d).

Rule 0120-05-.11 Disallowance is amended by deleting paragraph (1) and substituting instead the following language:

- (1) If the Board disallows claimed PDH credits, the registrant shall have ninety (90) days after notification to either substantiate the original claim or earn other credit to meet the minimum requirements.

Authority: T.C.A. § 62-2-203(d).

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Richard D. Thompson, RA	X				
Robert G. Campbell, Jr., PE	X				
Susan K. Ballard, RID	X				
Susan Hadley Maynor	X				
Harold P. Balthrop, Jr., PE	X				
Philip K. S. Lim, PE	X				
Paul W. Lockwood, RLA	X				
Jerome Headley, RA	X				
Frank W. Wagster, RA	X				

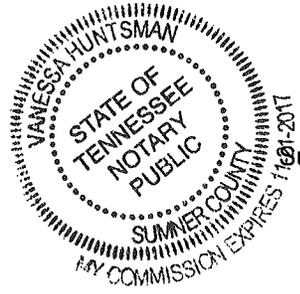
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Board of Architectural and Engineering Examiners on February 11, 2016, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 9/21/2016

Signature: [Handwritten Signature]

Name of Officer: Benjamin Glone

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: 09/21/2016

Notary Public Signature: Vanessa Huntsman

My commission expires on: 11/21/2017

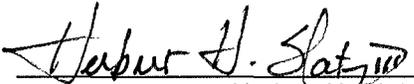
Rule of the Board of Architectural and Engineering Examiners
Chapter 0120-01 Registration Requirements and Procedures
Rule 0120-01-.03 Individuals Registered in Other Jurisdictions
Rule 0120-01-.04 Applications – General
Rule 0120-01-.09 References
Rule 0120-01-.11 Education & Experience Requirements – Architect
Rule 0120-01-.25 Renewal of Registration

Chapter 0120-02 Rules of Professional Conduct
Rule 0120-02-.07 Misconduct
Rule 0120-02-.08 Seals
Rule 0120-02-.09 Civil Penalties
Rule 0120-02-.10 Other Enforcement Actions

Chapter 0120-04 Interior Designers
Rule 0120-04-.09 Repeal
Rule 0120-04-.10 Professional Conduct
Rule 0120-04-.11 Civil Penalties
Rule 0120-04-.12 Other Enforcement Actions

Chapter 0120-05 Continuing Education
Rule 0120-05-.06 Types of Acceptable Continuing Education
Rule 0120-05-.07 Credits
Rule 0120-05-.11 Disallowance

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.



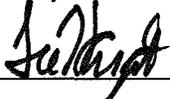
Herbert H. Slatery III
Attorney General and Reporter
10/19/2016

Date

Department of State Use Only

Filed with the Department of State on: 10/28/16

Effective on: 1/26/17



Tre Hargett
Secretary of State

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PUBLICATIONS
RDA 1693

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule;

These amendments would impact small businesses that are run and/or owned by Board licensed individuals.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

There are no projected administrative costs as a result of these amendments.

(3) A statement of the probable effect on small businesses and consumers;

There is no expected adverse impact on small businesses as a result of these amendments.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business;

The Board knows of no other alternative method to achieve the goals exhibited by these rules.

(5) A comparison of the proposed rule with any federal and state counterparts;

There are no federal counterparts to the issues addressed by these rules.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

The effect of making an exemption from these rules would place Board licensed individuals who run or own small businesses at an unfairly advantageous place in comparison to those other Board licensed individuals working for larger companies.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The Board of Architectural and Engineering Examiners licenses only individuals and foresees no financial impact on any local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The rules clarify certain procedures: the correct use of the title engineer if an individual is registered in another jurisdiction or if an individual was previously registered in another jurisdiction; inactive status; what are included as original sheets in working plans; how to designate on plans when multiple registrants work on a project; electronic seals clarification; and how to designate preliminary plans or drafts.

These rules also update the continuing education rules to allow credit for patents and authoring accepted licensing exam questions; it decreases the amount of time to earn continuing education credit after a deficiency is discovered from six months to three months; changes some civil penalties and adds aggravating and mitigating factors to consider, and repeals an interior design grandfathering rule that no longer applies.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

There is no known federal or state law or regulation mandating promulgation of these rules.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Registrants will be affected by these rules. Representatives of the professional societies for architects, engineers, interior designers, and landscape architects were present during the discussion of the rules at the board meetings and did not voice any objections or concerns either in the board meeting or after.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

There are no known opinions of the Attorney General and Reporter or any judicial ruling that directly relates to these rules.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There is an estimated minimal fiscal impact for the promulgation of these rules.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

John Cothron, Executive Director
500 James Robertson Parkway
Davy Crockett Tower, 5th Floor
Nashville, TN 37243
(615) 741-3221

Benjamin Glover, Assistant General Counsel
500 James Robertson Parkway
Davy Crockett Tower, 5th Floor
Nashville, TN 37243
(615) 741-3072

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

John Cothron, Executive Director, Board of Architectural and Engineering Examiners
Benjamin Glover, Assistant General Counsel

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

John Cothron, Executive Director
500 James Robertson Parkway
Davy Crockett Tower, 5th Floor
Nashville, TN 37243
(615) 741-3221
John.Cothron@tn.gov

Benjamin Glover, Assistant General Counsel
500 James Robertson Parkway
Davy Crockett Tower, 5th Floor
Nashville, TN 37243
(615) 741-3072
Benjamin.Glover@tn.gov

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

There is no known additional relevant information.

Redline – 2016 Proposed Rules

Tennessee Board of Architectural and Engineering Examiners

Chapter 0120-01 Registration Requirements and Procedures

New

The Table of Contents is amended by changing Repealed Rule 0120-01-.03 to new rule Individuals Registered in Other Jurisdictions, so that the amended Table of Contents shall read as follows:

0120-01-.01 Definitions	0120-01-.16 Examinations - Landscape Architect
0120-01-.02 Applicability	0120-01-.17 Repealed
0120-01-.03 Repealed <u>Individuals Registered in Other Jurisdictions</u>	0120-01-.18 Repealed
0120-01-.04 Applications - General	0120-01-.19 Repealed
0120-01-.05 Applications - Engineer	0120-01-.20 Reexamination - Engineer
0120-01-.06 Applications - Engineer Intern	0120-01-.21 Repealed
0120-01-.07 Applications - Architect	0120-01-.22 Reexamination - Architect
0120-01-.08 Applications - Landscape Architect	0120-01-.23 Reexamination - Landscape Architect
0120-01-.09 References	0120-01-.24 Duplicate Certificates of Registration
0120-01-.10 Education and Experience Requirements - Engineer	0120-01-.25 Renewal of Registration
0120-01-.11 Education and Experience Requirements - Architect	0120-01-.26 Repealed
0120-01-.12 Education and Experience Requirements - Landscape Architect	0120-01-.27 Notification to the Board
0120-01-.13 Examinations - General	0120-01-.28 Military Applications – Spouses – Expedited Registration
0120-01-.14 Examinations - Engineer, Engineer Intern	
0120-01-.15 Examinations - Architect	

Rule 0120-01-.03 Repealed is substituted with new rule Individuals Registered in Other Jurisdictions so that the Rule reads as follows:

- (1) Unless properly registered, individuals shall not make use of the title “engineer,” “architect,” “landscape architect,” or any appellation thereof that gives the impression that the individual is an architect, engineer, or landscape architect in Tennessee. Individuals not registered in Tennessee but registered in other jurisdictions may use these titles so long as the jurisdiction in which they are registered is clearly specified so as not to mislead the public regarding their credentials. This clarification is not required on communications from an out-of-state office, provided that the individual is registered in that jurisdiction.
- (2) Individuals registered in other jurisdictions cannot offer or perform architectural, engineering, or landscape architectural services to the public in Tennessee unless they are either acting as consulting associates in accordance with T.C.A. § 62-2-103(2) or working under the responsible charge of a Tennessee registrant.

Authority T.C.A. §§ 62-2-101, 62-2-103, and 62-2-203(c).

Chapter 0120-01 Registration Requirements and Procedures

Amendments

Rule 0120-01-.04 Applications – General is amended by adding new paragraphs (4) and (5) so that the Rule, as amended, reads as follows:

- (1) Applications for registration and certification are available on the Board website and upon request from the office of the Board.
- (2) Any application submitted which lacks required information or reflects a failure to meet any requirement will be held in "pending" status until satisfactorily completed within a reasonable period of time, not to exceed five (5) years from the date of application.
- (3) Any application submitted may be withdrawn; provided, however, that the application fee will not be refunded.
- (4) An individual who was previously registered in another jurisdiction but whose registration has expired may apply in Tennessee as a new exam applicant. The Board will decide on a case-by-case basis if it will accept exam(s) passed in another jurisdiction.
- (5) Individuals who are currently registered in another state may apply by comity in accordance with T.C.A. § 62-2-304.

Authority: T.C.A. §§ 62-2-203(c), 62-2-301, and 62-2-304.

Rule 0120-01-.09 References is amended by deleting paragraph (3) in its entirety and replacing it with the following paragraph, so that as amended the paragraph reads as follows:

- (3) A maximum of three (3) references shall be obtained from ~~the~~an employer listed by the applicant. ~~References are required—The Board prefers references~~ from both the applicant's current employer/supervisor and a past employer/supervisor, ~~(if available-applicable)~~.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-301(a).

Rule 0120-01-.11 Education and Experience Requirements – Architect is amended by changing the word "will" to "may" in paragraph one (1), so that as amended the paragraph reads as follows:

- (1) For purposes of evaluating the education and experience of applicants for examination and registration as an architect, the Board ~~will~~may utilize the "Table of Equivalents" contained in Appendix "A" to Circular of Information No. 1, published in July 1983 by the National Council of Architectural Registration Boards (NCARB), except to the extent that such document conflicts with any applicable statute.

Authority: T.C.A. §§ 62-2-203(c), 62-2-502, and 62-2-503.

Rule 0120-01-.25 Renewal of Registration is amended by amending paragraph (5) and adding a new paragraph (6) so that the rule, as amended, shall read as follows:

- (1) All certificates of registration issued to engineers, architects and landscape architects are subject to biennial renewal (every two (2) years) in accordance with the provisions of T.C.A. § 56-1-302(b).
- (2) An architect, engineer or landscape architect may renew a current, valid registration by submitting a renewal form approved by the board, the required renewal fee, and evidence of having completed the number of professional development hours (PDH's) required by rule 0120-05-.04.
- (3) Fees for biennial renewal of certificates of registration shall be as follows:

Engineer	\$140
Architect	\$140
Landscape Architect	\$140

- (4) The penalty fee for late renewal shall be in the amount of ten dollars (\$10.00) for each month or fraction of a month which lapses during the six (6)-month late renewal period before payment is tendered.
- (5) Retirement Status.
- (a) A registered certificate holder (over age 62) may place the registrant's certificate, if in good standing, in retirement status during the biennial license renewal cycle by filing a form designated by the Board. No fee shall be required. Such registrant shall renew the registrant's certificate by so notifying the Board.
- (b) A registrant holding a retired certificate may refer to oneself as an engineer, architect, or landscape architect, including on correspondence and business cards, provided that the word "retired" is used in conjunction with the title. However, a holder of a retired certificate may not engage in or offer to engage in the practice of engineering, architecture or landscape architecture as defined by T.C.A. § 62-2-102. Practice or offer to practice in violation of this subparagraph shall be considered to be misconduct and may subject the registrant to disciplinary action by the Board.
- (c) A registrant holding a retired certificate may not engage in any activity constituting the practice or offer to practice of engineering, architecture or landscape architecture in the State of Tennessee without first notifying the Board, in writing, as to a change to "active" status, satisfying the continuing education requirements of rule 0120-05-.08(d), and paying the a biennial license registration renewal fee of one hundred forty dollars (\$140.00).

(6) Inactive Status.

- (a) A registrant may place the registrant's certificate, if in good standing, in inactive status during the biennial license renewal cycle by filing a form designated by the Board. No fee shall be required to establish inactive status. The registrant with an inactive certificate is still required to pay the biennial registration renewal fee.
- (b) A registrant holding an inactive certificate shall follow the requirements pertaining to payment or non-payment of the professional privilege tax established in T.C.A. § 67-4-1701 et. seq., in accordance with T.C.A. § 67-4-1702(b).
- (c) A registrant holding an inactive certificate may not engage in any activity constituting the practice or offer to practice engineering, architecture, or landscape architecture in the State of Tennessee without first notifying the Board, in writing, as to a change to "active" status and satisfying the continuing education requirements of Rule 0120-05-.08(d).

Authority: T.C.A. §§ 62-2-203(c) and (d), and 62-2-307(c), 67-4-1701, and 67-4-1702.

Chapter 0120-02
Rules of Professional Conduct

Amendments

Rule 0120-02-.07 Misconduct is amended by adding subparagraph (e) to paragraph (5) so that the paragraph, as amended, shall read as follows:

- (5) A registrant may be deemed by the Board to be guilty of misconduct in the registrant's professional practice if:
 - (a) The registrant has pleaded guilty or nolo contendere to or is convicted in a court of competent jurisdiction of a felony or fails to report such action to the Board in writing within sixty (60) days of the action;
 - (b) The registrant's license or certificate of registration to practice architecture, engineering or landscape architecture in another jurisdiction is revoked, suspended or voluntarily surrendered as a result of disciplinary proceedings or the registrant fails to report such action to the Board in writing within sixty (60) days of the action;
 - (c) The registrant fails to respond to Board requests and investigations within thirty (30) days of the mailing of communications, unless an earlier response is specified; or
 - (d) The registrant fails to comply with a lawful order of the Board.
 - (e) The registrant provides false testimony or information to the Board.

Authority: T.C.A. §§ 62-2-203(c), 62-2-204, 62-2-212, and 62-2-308.

Rule 0120-02-.08 Seals is amended by modifying paragraphs (2), (4), (8), and adding a new paragraph (9), so that, as amended, paragraphs (2), (4), (8), and (9) read as follows:

- (2) The registrant shall stamp with the registrant's ~~his~~ seal the following documents:
 - (a) All original sheets of any bound or unbound set of working drawings or plans; original sheets shall include tracings or other reproducible sheets;
 - (b) The original cover or index page(s) identifying all specification pages covered; and
 - (c) The original cover or index page(s) for D-design calculations that are submitted for review.
- (4) ~~Any portions of working drawings, plans, reports or other design documents prepared by registered consultants shall bear the seal and signature of the consultant responsible therefor. When multiple registrants contribute to a project, each registrant shall sign and seal the portions of the project for which that registered consultant is responsible. When multiple registrants in responsible charge provide content on the same document, all such registrants should seal the document, and, if there is any question, a description of the areas of responsibility should be included. All registrants in responsible charge who work on a set of specifications are required to seal either the cover page of the specifications, or the cover page(s) for the section(s) of the specifications they produce.~~
- (8)
 - (a) Subject to the requirements of this rule, rubber-stamp, embossed, transparent self-adhesive or electronically generated seals may be used. Such stamps or seals shall not include the registrant's signature or date of signature.

- (b) Subject to the requirements of this rule, the registrant may affix an electronically generated signature and date of signature to documents. When used, e ~~Electronic signatures and dates of signature are not required to~~ shall be placed either across the face and beyond the circumference of the seal, ~~but must be placed or~~ adjacent to the seal. Documents that are signed using a digital signature must have an electronic authentication process attached to or logically associated with the electronic document. The digital signature must be:
1. Unique to the individual using it;
 2. Capable of verification;
 3. Under the sole control of the individual using it; and
 4. Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed

(9) All working or partially completed plans, or any drawings that are not construction documents, shall be designated "preliminary – not for construction," "for review only," "draft," or other designation clearly indicating that the drawings are not complete.

Authority: T.C.A. §§ 62-2-203(c), 62-2-306, ~~62-2-306(d)~~, and 62-2-307(f).

Rule 0120-02-.09 Civil Penalties is amended by modifying paragraphs (1), (2), and (4) so that the Rule, as amended, reads as follows:

- (1) With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty against such registrant for each separate violation of a statute, rule or order pertaining to the Board in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. § 62-2-306(b).....	\$250-1000 <u>\$500-1000</u>
(b) T.C.A. § 62-2-308(a)(1)	250-1000 <u>\$500-1000</u>
(c) Rule 0120-02-.02	400-1000 <u>\$500-1000</u>
(d) Rule 0120-02-.03	\$500-1000
(e) Rule 0120-02-.04	50-1000 <u>\$500-1000</u>
(f) Rule 0120-02-.05	\$500-1000
(g) Rule 0120-02-.06	250-1000 <u>\$500-1000</u>
(h) Rule 0120-02-.07	\$500-1000
(i) Rule 0120-02-.08	100-1000 <u>\$500-1000</u>
(j) Board Order	100-1000 <u>\$500-1000</u>

- (2) With respect to any person required to be registered in this state as an architect, engineer or landscape architect, the Board may assess a civil penalty against such person for each separate violation of a statute in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. § 62-2-101	\$100-1000 <u>\$500-1000</u>
(b) T.C.A. § 62-2-105(a)(1)	\$500-1000
(c) T.C.A. § 62-2-105(b)(1).....	\$500-1000
(d) T.C.A. § 62-2-601	\$500-1000
(e) T.C.A. § 62-2-602	\$500-1000

- (3) Each day of continued violation may constitute a separate violation.
- (4) In determining the amount of civil penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:

- (a) Whether the amount imposed will be a substantial economic deterrent to the violation;
- (b) The circumstances leading to the violation;
- (c) The severity of the violation and the risk of harm to the public;
- (d) The economic benefits gained by the violator as a result of non-compliance; and
- (e) The interest of the public;
- (f) Prior disciplinary action in any jurisdiction or repeated violations; and
- (g) Self-reporting of the offense, cooperation with the Board's investigation, and any corrective action taken.

Authority: T.C.A. §§ 56-1-308, 62-2-105, 62-2-106, and 62-2-203(c).

Rule 0120-02-.10 Other Enforcement Actions is amended by deleting the Rule in its entirety and replacing it with the following language, so that as amended the Rule reads as follows:

With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, take enforcement action against any registrant who is a respondent in a disciplinary case. Other enforcement actions may include, but are not limited to, the following:

- (1) Passage of a laws and rules examination with a minimum passing score of 80%;
- (2) Completion of additional, Board-assigned continuing education hours (with appropriate documentation required); or
- (3) Assignment of a probationary period with peer review of all technical work, accompanied by reporting requirements from the reviewer.

Authority: T.C.A. §§ 62-2-106 and 62-2-203(c).

Chapter 0120-04 Interior Designers

Amendments

The Table of Contents is amended by deleting it in its entirety and substituting, instead, the following language, so that the amended Table of Contents shall read as follows:

0120-04-.01 Definitions	0120-04-.08 Renewal of Registration
0120-04-.02 Applicability	0120-04-.09 <u>Registration Without Examination Repealed</u>
0120-04-.03 Applications	0120-04-.10 Professional Conduct
0120-04-.04 Education Requirements	0120-04-.11 Civil Penalties
0120-04-.05 Experience Requirements	0120-04-.12 Other Enforcement Actions
0120-04-.06 Initial Registration	0120-04-.13 Notification to the Board
0120-04-.07 Duplicate Certificates of Registration	

Rule 0120-04-.10 Professional Conduct is amended by adding subparagraph (e) to paragraph (14) so that. As amended, the paragraph reads as follows:

- (14) The registrant may be deemed by the board to be guilty of misconduct if:
- (a) The registrant has pleaded guilty or nolo contendere to or is convicted in a court of competent jurisdiction of a felony or fails to report such action to the Board in writing within sixty (60) days of the action;
 - (b) The registrant's license or certificate of interior design title is revoked, suspended or voluntarily surrendered as a result of disciplinary proceedings in another jurisdiction or the registrant fails to report such action to the Board in writing within sixty (60) days of the action;
 - (c) The registrant fails to respond to Board requests and investigations within thirty (30) days of the mailing of communications, unless an earlier response is specified; or
 - (d) The registrant fails to comply with a lawful order of the Board; or
 - (e) The registrant knowingly provides false testimony or information to the Board.

Authority: T.C.A. §§ 62-2-105 and 62-2-203(c).

Rule 0120-04-.11 Civil Penalties is amended by modifying paragraphs (1), (2), and (4) so that the Rule, as amended, reads as follows:

- (1) With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty against such registrant for each separate violation of a statute, rule or order pertaining to the Board in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. § 62-2-308(a)(1)	\$500-\$1,000
(b) Rule 0120-04-.10	\$500-1,000
(c) Board Order	100-1,000 <u>\$500-1000</u>

- (2) With respect to any person required to be registered in this state to use the title "registered interior designer," the Board may assess a civil penalty against such person for each separate violation of a statute in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. § 62-2-101	\$100-1000 <u>\$500-1000</u>
(b) T.C.A. § 62-2-105(a)(1)	500-1,000
(c) T.C.A. § 62-2-105(b)(1)	500-1,000
(d) T.C.A. § 62-2-903	500-1,000

- (3) Each day of continued violation may constitute a separate violation.
- (4) In determining the amount of civil penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:
- (a) Whether the amount imposed will be a substantial economic deterrent to the violation;
 - (b) The circumstances leading to the violation;
 - (c) The severity of the violation and the risk of harm to the public;

- (d) The economic benefits gained by the violator as a result of non-compliance; and
- (e) The interest of the public;
- (f) Prior disciplinary action in any jurisdiction or repeated violations; and
- (g) Self-reporting of the offense, cooperation with the Board's investigation, and any corrective action taken.

Authority: T.C.A. §§ 56-1-308, 62-2-105, 62-2-106, and 62-2-203(c).

Rule 0120-04-.12 Other Enforcement Actions is amended by deleting the Rule in its entirety and substituting instead the following language, so that the Rule, as amended, reads as follows:

With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, take enforcement action against any registrant who is a respondent in a disciplinary case. Other enforcement actions may include, but are not limited to, the following:

- (1) Passage of a laws and rules examination with a minimum passing score of 80%; or
- (2) Completion of additional, Board-assigned continuing education hours (with appropriate documentation required).

Authority: T.C.A. §§ 62-2-106 and 62-2-203(c).

Repeals

Rule 0120-04-.09 Registration Without Examination is Repealed:

0120-04-.09 REGISTRATION WITHOUT EXAMINATION- Repealed.

- ~~(1) The education and experience requirements for an applicant for registration as a registered interior designer without examination shall be those prescribed in T.C.A. §62-2-905.~~
- ~~(2) For purposes of T.C.A. §62-2-905, an applicant shall be deemed to have "satisfactory interior design experience" if, for each year the applicant claims credit, the applicant has worked a minimum of one thousand six hundred (1,600) hours performing interior design services. For purposes of this rule, "satisfactory interior design experience" shall mean design services which do not necessarily require performance by an architect, including consultations, studies, drawings and specifications in connection with reflected ceiling plans, space utilization, furnishings or the fabrication of non-structural elements within the surrounding interior spaces of buildings, but specifically excluding the services specified by law to require other licensed professionals, such as the design of mechanical, plumbing, electrical and load bearing structural systems, except for specification of fixtures and their location within interior spaces.~~
- ~~(3) Satisfactory interior design experience shall be demonstrated to the Board by the applicant who shall provide the following:

 - ~~(a) An affidavit by the applicant attesting that the applicant has used or been identified by the title "interior designer" and has engaged in the practice of interior design for the number of years for which the applicant is claiming experience;~~
 - ~~(b) Three (3) references, on forms supplied by the Board, certifying that the applicant has provided interior design services for the period of experience claimed by the applicant; such references to be submitted from the following:~~~~

- ~~1. Interior designers who have passed the NCIDQ examination;~~
 - ~~2. Registered architects; and/or~~
 - ~~3. Professional members of any of the professional organizations specified under paragraph (3)(c)1. of this rule; and~~
- ~~(c) Documentation of the interior design experience claimed by using any one (1) of the two (2) methods enumerated below:~~
- ~~1. Providing certification of active professional membership in one (1) of the following professional organizations which require six (6) years education and experience substantially similar to the education and experience required by T.C.A. §62-2-905:~~
 - ~~(i) American Society of Interior Designers;~~
 - ~~(ii) Institute of Business Designers;~~
 - ~~(iii) Interior Design Society; or~~
 - ~~(iv) Any other professional interior design organization that requires successful completion of the NCIDQ Examination or its equivalent or the experience requirements of T.C.A. §62-2-905; or~~
 - ~~2. Furnishing documentation of the number of years of interior design experience claimed as set forth below:~~
 - ~~(i) Verification by the employer for each year worked under an interior designer who holds active professional membership in any of the professional organizations specified in paragraph (3)(c)1. of this rule, or a registered architect; and/or~~
 - ~~(ii) A combination of no less than three (3) of the following documents per year as proof of experience:~~
 - ~~(I) Tax returns listing occupation as interior designer or Schedule C listing business as interior design;~~
 - ~~(II) Affidavits from clients, attesting to the interior design services provided and when the applicant provided such services;~~
 - ~~(III) Business licenses; or~~
 - ~~(IV) Tax identification numbers issued prior to January 1, 1988; and/or~~
 - ~~(iii) Equivalent proof as determined by the Board.~~
- ~~(4) Notwithstanding any provision to the contrary, no more than one (1) year of credit for satisfactory design experience shall be given for interior design-related sales experience.~~
- ~~(5) Notwithstanding any other provision to the contrary, an applicant claiming experience for the teaching of interior design may use such experience to qualify for registration without examination, pursuant to the provisions of T.C.A. §62-2-905(2).~~
- ~~(a) Any combination totaling six (6) years of satisfactory interior design experience, as defined in this rule, and experience being regularly engaged in the teaching of interior design, such~~

~~teaching experience being part of a program leading to a degree at an accredited institution recognized by the Board shall meet the requirements of T.C.A. §62-2-905(2).~~

~~(b) To demonstrate satisfactory interior design experience, the applicant shall do so in the manner provided above by this rule. To demonstrate teaching experience, the applicant shall submit an affidavit by the applicant and a statement from an accredited institution stating the number of years the applicant was regularly engaged in the teaching of interior design.~~

~~(c) "Regularly engaged" shall mean a full-time teaching position in which no less than twelve (12) credit hours per semester or the equivalent hours per quarter are taught for each semester or quarter of a year.~~

Authority: ~~T.C.A. §§ 62-2-203(c) and 62-2-905.~~

Chapter 0120-05
Continuing Education

Amendments

Rule 0120-05-.06 Types of Acceptable Continuing Education is amended by modifying paragraph (2) so that, as amended, the paragraph shall read:

- (2) Continuing education activities for which credit may be given by the Board include, but are not limited to the following:
- (a) Successful completion or monitoring of college or university sponsored courses;
 - (b) Successful completion of courses which are awarded continuing education units (CEU's);
 - (c) Attendance at structured seminars, tutorials, short courses, correspondence courses, televised courses, Internet courses, or videotaped courses;
 - (d) Attendance at in-house educational programs sponsored by corporations or other organizations;
 - (e) Teaching or instructing as described in (a) through (d) above, unless teaching or instructing is the registrant's regular employment;
 - (f) Authoring published papers, articles, or books, or accepted licensing examination items;
 - (g) Making presentations at technical meetings;
 - (h) Attendance at program presentations at related technical or professional meetings where program content is comprised of at least one (1) PDH;
 - (i) Attendance at Board meetings and professional society legislative events, and active participation in a technical/professional society or organization, or a technical or professional public board, as an officer or committee member;
 - (j) Active participation in educational outreach activities involving K-12 or higher education students; and,
 - (k) Patents granted; and,

- (k) All such activities as described in (a) through (j) above must be relevant to the practice of architecture, engineering, landscape architecture or interior design as determined by the Board and may include technical, ethical or managerial content.

Authority: T.C.A. § 62-2-203(d).

Rule 0120-05-.07 Credits is amended by deleting the Rule in its entirety and substituting instead the following language, so that the Rule, as amended, reads as follows:

- (1) Professional Development Hours of credit for qualifying courses successfully completed which offer semester hour, quarter hour, or CEU credit are as specified above. All other activities will be credited one (1) PDH for each contact hour with the following exceptions:
- (a) Monitoring of university or college courses will be credited at one-third (1/3) the above-stated conversion table.
 - (b) Teaching or instructing qualifying courses or seminars will be credited at twice the PDH's earned by a participating student and may be claimed for credit only once.
 - (c) Authorship of papers, articles, or books cannot be claimed until actually published. ~~Credit earned will equal preparation time spent not to exceed twenty five (25) PDH's per publication. A maximum of ten (10) PDH's per biennium may be claimed for each published peer-reviewed paper, article, or book. A maximum of five (5) PDH's per biennium may be claimed for each published paper, article, or book that is not peer-reviewed.~~
 - (d) Correspondence course PDH's may be considered acceptable to the Board, but the registrant shall submit, upon request, supporting documentation to demonstrate high quality course content.
 - (e) A maximum of eight (8) PDH's per biennium may be claimed for attendance at Board meetings and professional society legislative events, and active participation in technical/professional societies or organizations, or technical or professional public boards, as an officer or committee member.
 - (f) A maximum of four (4) PDH's per biennium may be claimed for active participation in educational outreach activities involving K-12 or higher education students.
 - (g) A maximum of ten (10) PDH's per biennium may be claimed for each patent.
 - (h) A maximum of five (5) PDH's per biennium may be claimed for writing accepted licensing examination items.

Authority: T.C.A. § 62-2-203(d).

Rule 0120-05-.11 Disallowance is amended by deleting paragraph (1) and substituting instead the following language:

- (1) If the Board disallows claimed PDH credits, the registrant shall ~~within one hundred eighty (180) have ninety (90) days after notification of same to either~~ substantiate the original claim or earn other credit to meet the minimum requirements.

Authority: T.C.A. § 62-2-203(d).