

**Department of State**  
**Division of Publications**  
 312 Rosa L. Parks, 8th Floor Snodgrass Tower  
 Nashville, TN 37243  
 Phone: 615.741.2650  
 Fax: 615.741.5133  
 Email: sos.information@state.tn.us

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# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Tennessee State Board of Architectural and Engineering Examiners
<b>Division:</b>	Department of Commerce and Insurance, Regulatory Boards Division
<b>Contact Person:</b>	John Cothron
<b>Address:</b>	State Board of Architectural and Engineering Examiners 500 James Robertson Parkway Nashville, Tennessee 37243
<b>Phone:</b>	(615) 741-3221
<b>Email:</b>	john.cothron@tn.gov

*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	Don Coleman
<b>Address:</b>	Department of Commerce and Insurance 500 James Robertson Parkway, 5 <sup>th</sup> Floor Nashville, Tennessee 37243
<b>Phone:</b>	(615) 741-0481
<b>Email:</b>	don.coleman@tn.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Andrew Johnson Tower, 2nd Floor Conference Room		
Address 2:	710 James Robertson Parkway		
City:	Nashville		
Zip:	37243		
Hearing Date :	02/19/09		
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> _X_ <input type="checkbox"/> _CST	<input type="checkbox"/> _EST

**Additional Hearing Information:**

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**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables)

<b>Chapter Number</b>	<b>Chapter Title</b>
0120-01	Registration Requirements and Procedures
<b>Rule Number</b>	<b>Rule Title</b>
0120-01-.10	Education and Experience Requirements – Engineer
0120-01-.12	Education and Experience Requirements – Landscape Architect

<b>Chapter Number</b>	<b>Chapter Title</b>
0120-02	Rules of Professional Conduct
<b>Rule Number</b>	<b>Rule Title</b>
0120-02-.02	Proper Conduct of Practice
0120-02-.08	Seals

<b>Chapter Number</b>	<b>Chapter Title</b>
0120-04	Interior Designers
<b>Rule Number</b>	<b>Rule Title</b>
0120-04-.04	Education Requirements
0120-04-.10	Professional Conduct

<b>Chapter Number</b>	<b>Chapter Title</b>
0120-05	Continuing Education
<b>Rule Number</b>	<b>Rule Title</b>
0120-05-.02	Definitions
0120-05-.06	Types of Acceptable Continuing Education
0120-05-.07	Credits
0120-05-.08	Exemptions

## Substance of Proposed Rules

### Chapter 0120-01 Registration Requirements and Procedures

#### Amendments

Rule 0120-01-.10 Education and Experience Requirements – Engineer is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0120-01-.10 shall read:

- (1) (a) Accredited engineering programs. An engineering curriculum of four (4) years or more which was accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) (or its predecessor) at the time of graduation, or graduation was not more than two (2) academic years prior to accreditation, may be approved by the Board as being satisfactory.
- (b) Nonaccredited engineering programs. An engineering curriculum of four (4) years or more which is a non-ABET accredited program shall be referred at the applicant's expense to a person or entity approved by the Board and qualified to evaluate equivalency to an ABET accredited engineering program for evaluation and recommendation. If the curriculum for the degree at the time of the applicant's graduation is substantially equivalent to ABET accreditation requirements, the application shall be reviewed in accordance with the requirements for applicants holding engineering degrees from institutions which do not have ABET accredited engineering programs in consideration of the factors outlined below.
- (c) In reviewing applicants holding degrees from nonaccredited engineering programs, whether obtained in the United States or otherwise, which are substantially equivalent to degrees from ABET accredited programs, the Board may consider the following factors:
  1. Evidence of having obtained the statutory minimum acceptable progressive professional experience of a grade and character which indicates to the Board that the applicant may be competent to practice engineering; and

2. At least five (5) references from individuals having knowledge of the applicant's technical competence as an engineer on projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering.

- (d) Applicants meeting the above requirements shall be reviewed by the Board for determination of eligibility for either the Fundamentals of Engineering examination or the Principles and Practice of Engineering examination or for registration by comity.
  - (e) An engineering technology program, whether four (4) or two (2) years in length, is not considered by the Board to be an acceptable curriculum.
  - (f) Master's degree programs. A master's degree program in engineering which was either accredited by the EAC of the ABET (or its predecessor) at the time of graduation, or graduation was not more than two (2) academic years prior to accreditation, or which was offered by an institution with an undergraduate engineering program in the same discipline which was either accredited by the EAC of the ABET (or its predecessor) at the time of graduation, or graduation was not more than two (2) academic years prior to accreditation, may be approved by the Board as being satisfactory. Applicants meeting this requirement shall be reviewed by the Board for determination of eligibility for the Principles and Practice of Engineering examination or for registration by comity.
  - (g) Programs taught strictly by distance education or correspondence, or that allow credit for work experience and experiential learning (with the exception of cooperative education programs), or which are not part of an institution that is accredited or recognized as a degree-granting institution of higher learning within a national territory or in the United States, are not considered by the Board to be acceptable curricula.
- (2) In general, "progressive experience in the practice of engineering" consists of engineering experience which is supervised by a registered professional engineer. The Board may grant toward experience requirements for registration as an engineer one (1) year of credit for graduation with a Master's degree (or higher) in engineering from an approved curriculum or up to one (1) year of qualified experience obtained in an established cooperative education program, which is carried out within the framework of an approved engineering curriculum, and which has been approved by the Board. At least one (1) year of engineering experience must be completed in the United States. Unless otherwise noted above, an applicant's engineering experience must be obtained after graduation and prior to the date of application.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-401.

Rule 0120-01-.12 Education and Experience Requirements – Landscape Architect is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0120-01-.12 shall read:

The education and experience requirements for applicants for registration as a landscape architect shall be those prescribed in T.C.A. §§ 62-2-801; 62-2-802 and 62-2-803. All practical experience requirements must be completed prior to registration.

Authority: T.C.A. §§ 62-2-203(c), 62-2-801, 62-2-802, and 62-2-803.

#### Chapter 0120-02 Rules of Professional Conduct

Rule 0120-02-.02 Proper Conduct of Practice is amended by adding the following as a new paragraph (5):

- (5) A registrant possessing knowledge of an applicant's qualifications for registration shall respond in writing to the Board regarding those qualifications when requested to do so by the Board.

Authority: T.C.A. § 62-2-203(c).

Paragraph (2) of rule 0120-02-.08 Seals is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that, as amended, paragraph (2) of rule 0120-02-.08 shall read:

- (2) The registrant shall stamp with his seal the following documents:
  - (a) All original sheets of any bound or unbound set of working drawings or plans;
  - (b) The original cover or index page(s) identifying all specification pages covered; and
  - (c) Design calculations that are submitted for review.

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

Chapter 0120-04  
Interior Designers

Rule 0120-04-.04 Education Requirements is amended by adding the following as a new paragraph (3):

- (3) A nonaccredited interior design curriculum shall be referred at the applicant's expense to a person or entity approved by the Board and qualified to evaluate substantial equivalency to a Council for Interior Design Accreditation (formerly the Foundation for Interior Design Education Research) accredited program for evaluation and recommendation. Nonaccredited interior design degrees that were awarded within two (2) academic years prior to accreditation may be approved by the Board as being satisfactory.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-904(a).

Rule 0120-04-.10 Professional Conduct is amended by adding the following as a new paragraph (17):

- (17) A registrant possessing knowledge of an applicant's qualifications for registration shall respond in writing to the Board regarding those qualifications when requested to do so by the Board.

Authority: T.C.A. § 62-2-203(c).

Chapter 0120-05  
Continuing Education

Paragraph (4) of rule 0120-05-.02 Definitions is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that, as amended, paragraph (4) of rule 0120-05-.02 shall read:

- (4) "Professional Development Hour (PDH)" means a contact (clock) hour consisting of not less than fifty (50) minutes of instruction or presentation acceptable to the Board. Registrants will not receive credit for activities less than one (1) PDH in duration.

Authority: T.C.A. § 62-2-203(d).

Paragraph (2) of rule 0120-05-.06 Types of Acceptable Continuing Education is amended by adding the following as a new subparagraph (i) and by renumbering the following subparagraph accordingly:

- (2) (i) Active participation in a technical/professional society or organization, or a public board, as an officer or committee member.

Authority: T.C.A. § 62-2-203(d).

Paragraph (1) of rule 0120-05-.07 Credits is amended by adding the following as a new subparagraph (e):

- (1) (e) A maximum of eight (8) PDH's per biennium may be claimed for active participation in technical/professional societies or organizations, or public boards, as an officer or committee member.

Authority: T.C.A. § 62-2-203(d).

Subparagraph (d) of paragraph (1) of rule 0120-05-.08 Exemptions is amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that, as amended, subparagraph (d) of paragraph (1) of rule 0120-05-.08 shall read:

- (1) (d) A registrant who lists his or her occupation as "Retired" or "inactive" on the Board-approved renewal form and who further certifies that he or she is no longer practicing shall be exempt from the Professional Development Hours required. In the event such a person elects to return to active practice, PDH's must be earned for each year exempt, not to exceed the annual requirement for two (2) years before the person returns to active practice. Inactive or retired registrants returning to active practice must report PDH's earned within no more than two (2) years of the request to reactivate.

Authority: T.C.A. § 62-2-203(d).