



Tennessee State Borad of Architectural and Engineering examiners Rules, laws, and ethics

3 PDH

**Professional Development Hours (PDH) or
Continuing Education Hours (CE)
Online PDH or CE course**

RULES

**OF
STATE BOARD OF ARCHITECTURAL AND
ENGINEERING EXAMINERS**

**CHAPTER 0120-02
RULES OF PROFESSIONAL CONDUCT TABLE**

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0120-02-.01 APPLICABILITY.

- (1) The provisions of this chapter shall apply to any person registered to practice architecture, engineering or landscape architecture in this State and to any partnership or corporation engaged in the practice of architecture, engineering or landscape architecture in this State. For the purpose of this chapter, unless the context otherwise requires, the word "registrant" includes any such person, partnership or corporation.
- (2) In addition, rule 0120-02-.09 CIVIL PENALTIES, paragraphs (2) through (4), shall apply to any person required to be registered to practice architecture, engineering or landscape architecture in this State, regardless of whether such person has actually obtained registration.

Authority: T.C.A. §§ 56-1-308 and 62-2-203(c). *Administrative History:* Original rule was certified May 3, 1974. Amendment filed April 15, 1980; effective May 30, 1980. Amendment filed December 9, 1991; effective January 23, 1992.

0120-02-.02 PROPER CONDUCT OF PRACTICE.

- (1) The registrant shall at all times recognize the primary obligation to protect the safety, health and welfare of the public in the performance of the registrant's professional duties.
- (2) If the registrant becomes aware of a decision taken by an employer, client, or contractor, against the registrant's advice, which violates applicable Federal, State or Local Laws, Regulations, or Codes which may affect adversely the safety, health and welfare of the public, the registrant shall:
 - (a) Report the decision to the authority having jurisdiction charged with the enforcement of the applicable Federal, State or Local Laws, Regulations, and Codes;
 - (b) Refuse to consent to the decision; and
 - (c) In circumstances where the registrant reasonably believes that other such decisions will be taken notwithstanding the registrant's objections, terminate services with reference to the project.
- (3) A registrant possessing knowledge of a violation of T.C.A. Title 62, chapter 2, or this chapter, shall report such knowledge to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as it may require.

(Rule 0120-02-.02, continued)

- (4) The registrant shall maintain the continuing education records required by rule 0120-05-.10 for a period of four (4) years and shall furnish such records to the Board for audit verification purposes within thirty (30) days of the Board's request.
- (5) A registrant possessing knowledge of an applicant's qualifications for registration shall cooperate with the applicant and/or the Board by responding appropriately regarding those qualifications when requested to do so. A registrant shall provide timely verification of employment and/or experience earned by an applicant under the registrant's supervision if there is reasonable assurance that the facts to be verified are accurate. A registrant shall not knowingly sign any verification document that contains false or misleading information.
- (6) A registrant may not submit any information as part of a proposal for a public project to the state or any of its political subdivisions that would enable the governmental entity to evaluate the proposal on any basis other than the competence and qualifications of the registrant to provide the services required, thereby precluding participation in any system requiring a comparison of compensation. This rule shall apply only to proposals submitted to governmental entities that are prohibited by T.C.A. § 12-4-107(a) from making a selection or awarding a contract on the basis of competitive bids. Upon selection, a registrant may state compensation to a prospective client in direct negotiation where architectural, engineering, or landscape architectural services necessary to protect the public health, safety, and welfare have been defined.

Authority: T.C.A. §§ 62-2-203(c) and (d) and 62-204. *Administrative History:* Original rule certified May 3, 1974. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed December 11, 2012; effective March 11, 2013. Amendment filed November 17, 2014; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; new effective date May 1, 2015. Amendment filed September 15, 2015; effective December 14, 2015.

0120-02-.03 SERVICE IN AREAS OF COMPETENCE.

- (1) The registrant shall perform services only in areas of the registrant's competence. The registrant shall undertake to perform professional assignments only when qualified by education or experience in the specific technical field involved.
- (2) The registrant may accept an assignment requiring education or experience outside of the registrant's own field of competence, but only to the extent that such services are restricted to those phases of the project in which the registrant is qualified. All other phases of such project shall be performed by qualified associates, consultants or employees.
- (3) The registrant shall not affix the registrant's signature and/or seal to any plan or document dealing with subject matter in which the registrant lacks competence acquired through education or experience, nor to any plan or document not prepared by the registrant or under the registrant's responsibility.
- (4) In the event a question as to the competence of a registrant to perform a professional assignment in a specific technical field arises and cannot be otherwise resolved to the satisfaction of the Board of Examiners for Architects and Engineers, the Board, upon request of the registrant or by its own volition, may require the registrant to submit to whatever examination it deems appropriate.
- (5) In providing services, the registrant shall take into account all applicable Federal, State and Local building Laws and Regulations. The registrant shall not knowingly provide services resulting in violation of such laws and regulations.

(Rule 0120-02-.03, continued)

- (6) Incompetence. The following acts or omissions, among others, may be deemed to be "incompetence" pursuant to T.C.A. § 62-2-308(a)(1)(B), and to be cause for denial, suspension or revocation of a certificate of registration to practice architecture, engineering or landscape architecture and/or the imposition of any other lawful discipline:
- (a) Malpractice. Incompetence includes, but is not limited to, recklessness, or excessive errors, omissions or building failures in the registrant's record of professional practice.
 - (b) Disability. Incompetence includes, but is not limited to, mental or physical disability or addiction to alcohol or drugs which leads to the impairment of the registrant's ability to exercise due skill and care in providing professional services so as to endanger the health, safety and welfare of the public.

Authority: T.C.A. §§ 62-2-203(c), 62-2-204, 62-2-308, and Public Acts of 1979, Chapter 263. **Administrative History:** Original rule certified May 3, 1974. Amendment filed July 27, 1977; effective August 26, 1977. Amendment filed April 15, 1980; effective May 30, 1980. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed February 26, 1999; May 12, 1999. Amendment filed September 15, 2015; effective December 14, 2015.

0120-02-.04 PUBLIC STATEMENTS.

- (1) The registrant shall be completely objective and truthful in all professional reports, statements or testimony. The registrant shall include all relevant and pertinent information in such reports, statements or testimony.
- (2) The registrant, when serving as an expert or technical witness before any court, commission or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the registrant's testimony.
- (3) The registrant will issue no statements, criticisms or arguments on professional matters connected with public policy which are inspired or paid for by an interested party or parties, unless the registrant has prefaced the registrant's comments by explicitly identifying the registrant, by disclosing the identity of the party or parties on whose behalf the registrant is speaking, and by revealing the existence of any pecuniary interest the registrant may have in the instant matter.

Authority: T.C.A. §§ 62-2-204 and 62-2-203(c). **Administrative History:** Original rule certified May 3, 1974. Amendment filed July 27, 1977; effective August 26, 1977. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed September 15, 2015; effective December 14, 2015.

0120-02-.05 CONFLICTS OF INTEREST.

- (1) The registrant shall conscientiously strive to avoid conflicts of interest with his or her employer or client; but, when such conflict is unavoidable, the registrant shall forthwith disclose the circumstances to his or her employer or client in writing.
- (2) The registrant shall avoid all known conflicts of interest with his or her employer or client, and shall promptly inform his or her employer or client in writing of any business association, interests or circumstances which could influence the registrant's judgment or the quality of the registrant's services.
- (3) The registrant shall not accept compensation (financial or otherwise) from more than one (1) party for services on or pertaining to the same project unless the circumstances are agreed to in writing by all interested parties prior to the acceptance of any such compensation.

(Rule 0120-02-.05, continued)

- (4) The registrant shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.
- (5) When in public service as a member, advisor or employee of a governmental body or department, the registrant shall not participate in considerations or actions with respect to services provided by the registrant or the registrant's organization in private professional practices.
- (6) The registrant shall not solicit or accept any contract from a governmental body on which the registrant, or a principal or officer of the registrant's organization, serves as a member.
- (7) When acting as the interpreter of construction contract documents and the judge of construction contract performance, the registrant shall render decisions impartially, favoring neither party to the construction contract.

Authority: T.C.A. §§ 36-5-706, 62-2-203(c), 62-2-308, and 67-4-1704. *Administrative History:* Original rule certified May 3, 1974. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed March 9, 2007; effective May 23, 2007. Amendments filed September 16, 2008; effective November 30, 2008. Amendment filed November 7, 2015; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; new effective date May 1, 2015.

0120-02-.06 ACCEPTANCE OF WORK.

- (1) The registrant shall not offer to pay, either directly or indirectly, any commission, political contribution, or a gift or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.
- (2) The registrant shall not falsify or permit misrepresentation of the registrant's or the registrant's associates' academic or professional qualifications to a prospective or existing client or employer. The registrant shall not misrepresent or exaggerate the registrant's degree of responsibility in or for the subject matter of present or prior assignments.
 - (a) It shall be the responsibility of each registrant to clearly and appropriately state prior professional experience of the registrant and/or the firm the registrant is representing in presenting qualifications to prospective clients, both public and private. If a registrant uses visual representations of prior projects or experience, all registrants whose seal appears on plans, specifications and/or contract documents must be clearly identified.
 - (b) A registrant who has been an employee of another design firm may not claim unconditional credit for projects contracted for in the name of the previous employer. The registrant shall indicate, next to the listing for each project, that individual experience gained in connection with the project was acquired as an employee. Additionally, the registrant shall provide the time frame in which the project was performed, identify the previous design firm, and describe the nature and extent of the registrant's participation in the project.
 - (c) A registrant who was formerly a principal in a firm may legitimately make additional claims provided the registrant discloses the nature of ownership in the previous design firm (e.g., stockholder, director or officer) and identifies with specificity the registrant's responsibilities for that project.
 - (d) A registrant who presents a project that has received awards recognition must comply with the requirements of this rule with regard to project presentation to the public and prospective clients.

(Rule 0120-02-.06, continued)

- (e) Projects which remain unconstructed and which are listed as credit shall be listed as "unbuilt" or by a similar designation.
- (3) The registrant shall not request, propose, or accept a professional commission on a contingent basis under circumstances in which the registrant's professional judgment may be compromised.

Authority: T.C.A. §§ 62-204 and 62-2-203(c). *Administrative History:* Original rule certified May 3, 1974. Amendment filed July 27, 1977; effective August 26, 1977. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed September 15, 2015; effective December 14, 2015.

0120-02-.07 MISCONDUCT.

- (1) The registrant shall not knowingly associate with, or permit the use of the registrant's name or firm name in, a business venture by any person or firm which the registrant knows, or has reason to believe, is engaging in business or professional practice of a fraudulent or dishonest nature.
- (2) The registrant shall not furnish limited services in such a manner as to enable unregistered persons to evade:
 - (a) Federal, State and Local building laws and regulations, including building permit requirements; or
 - (b) Registration requirements of T.C.A. Title 62, chapter 2.
- (3) The registrant may not take over, review, revise, or sign or seal drawings or revisions thereof when such plans are begun by persons not properly registered and qualified; or do any other act to enable either such persons or the project owners, directly or indirectly, to evade the registration requirements of T.C.A. Title 62, Chapter 2.
- (4) The registrant may not make or promise to make contributions of money for the purpose of securing a commission or influencing the engagement or employment of the registrant for a project.
- (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.
- (6) The registrant may not utilize the seal of another registrant without the other registrant's knowledge and consent.

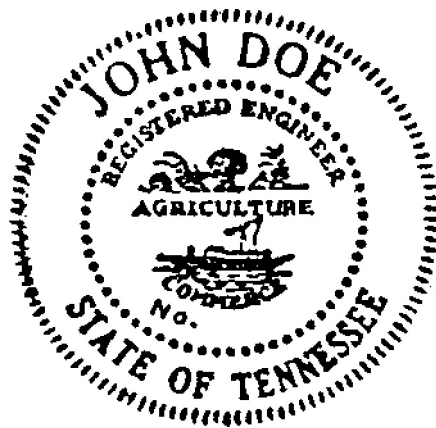
(Rule 0120-02-.07, continued)

Authority: T.C.A. §§ 62-2-203(c), 62-2-204, 62-2-212, and 62-2-308. **Administrative History:** Original rule certified May 3, 1974. Amendment filed April 15, 1980; effective May 30, 1980. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed December 11, 2012; effective March 11, 2013. Amendment filed November 17, 2014; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; effective May 1, 2015. Amendment filed September 15, 2015; effective December 14, 2015. Amendments filed October 28, 2016; effective January 26, 2017.

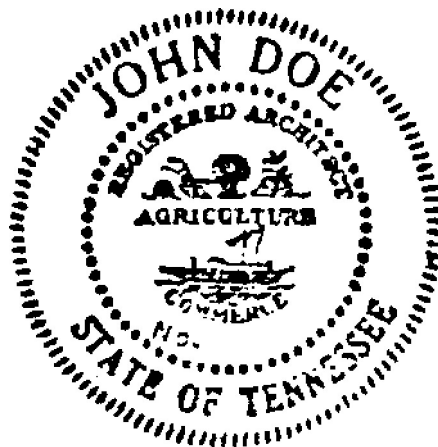
0120-02-08 SEALS.

(1) The design of the registrant's seal required by T.C.A. § 62-2-306, shall be as follows:

(a) Engineer:

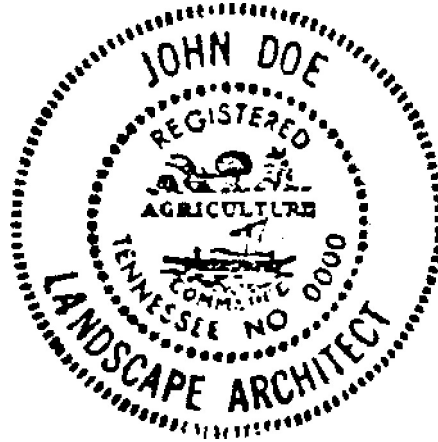


(b) Architect:



(c) Landscape Architect:

(Rule 0120-02-.08, continued)



- (2) Registrants 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 or reports that are submitted for review.
 - (d) When an engineer must seal, sign and date engineering specifications, drawings, plans, or calculations for digitally generated seals and signatures under the provisions of T.C.A. § 62-2-306(b), an index sheet for engineering specifications and calculations may be used. The index sheet must be signed, sealed and dated by those professional engineers in responsible charge of the production and preparation of each section of the engineering specifications or calculations, with sufficient information on each index sheet to identify every portion of the specifications or calculations for which each professional engineer is responsible. In addition, the index sheet shall include at a minimum:
 - 1. The name and license number of each engineer in responsible charge of the production of any portion of the calculations or specifications; and
 - 2. Identification of the project.
- (3) The registrant shall superimpose his signature (not a rubber stamp) and date of signature across the face and beyond the circumference of the seal on documents listed above.
- (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, except as specified in 2(d) above, of the specifications, drawings, or plans or the cover page(s) for the section(s) of the specifications they produce.
- (5) (a) No registrant shall affix his or her seal or signature to sketches, working drawings, specifications or other documents developed by others not under the registrant's

(Rule 0120-02-.08, continued)

responsible charge and not subject to the authority of that registrant in critical professional judgments.

- (b) In circumstances where a registrant can no longer provide services on a project (such as death, retirement, disability, contract termination, etc.), a successor registrant may perform work on a set of plans originally prepared by another registrant. If the plans are incomplete (are at a stage prior to submittal to a reviewing official), the successor registrant may not seal the set of drawings prepared by the original registrant; rather, the successor registrant must take all steps necessary to ensure that the drawings were prepared under his or her responsible charge before sealing them. If the plans are complete and have been submitted to a reviewing official, the successor registrant may prepare and seal addenda sheets or document and seal changes to the original sheets if revisions are necessary.
- (6) (a) Responsible Charge. Plans, specifications, drawings, reports or other documents will be deemed to have been prepared under the responsible charge of a registrant only when:
1. The client requesting preparation of such plans, specifications, drawings, reports or other documents makes the request directly to the registrant, or to the registrant's employee at the time initial client contact is made, so long as the registrant has the right to control and direct the employee in the material details of how the work is to be performed;
 2. The registrant supervises and is involved in the preparation of the plans, specifications, drawings, reports or other documents and has input into and full knowledge of their preparation prior to their completion;
 3. The registrant reviews the final plans, specifications, drawings, reports or other documents; and
 4. The registrant has the authority to, and does, make any necessary and appropriate changes to the final plans, specifications, drawings, reports or other documents; and
 5. Contributions of information or pre-drawn detail items or detail units that are incidental to and intended to be integrated into a registrant's technical submissions are from trusted sources (including, but not limited to, manufacturers, installers, consultants, owners, or contractors), are subject to appropriate review, and are then coordinated and integrated into the design by the registrant.
- (b) Except as provided by Rule 0120-02-.08(5)(b), any changes made to the final plans, specifications, drawings, reports or other documents after final revision and sealing by the registrant are prohibited by any person other than the registrant, including but not limited to owners/clients, contractors, subcontractors, other design professionals, or any of their agents, employees or assigns.
- (c) Mere review of work prepared by another person, even if that person is the registrant's employee, does not constitute responsible charge unless the registrant has met the criteria set out above.
- (d) The intent of the definition of responsible charge may be met if all provisions of the definition are met using remote electronic or other communication means.

(Rule 0120-02-.08, continued)

- (7) No registrant shall affix his seal or signature to documents having titles or identities excluding the registrant's name unless:
 - (a) Such documents were indeed developed by the registrant or under the registrant's responsible charge; and
 - (b) The registrant has exercised full authority to determine their development.
- (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, 62-2-306(d), and 62-2-307(f). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed June 9, 1981; effective July 24, 1981. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed March 9, 2011; effective June 7, 2011. Amendments filed December 11, 2012; effective March 11, 2013. Amendment filed November 17, 2014; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; effective May 1, 2015. Amendments filed October 28, 2016; effective January 26, 2017. Amendments filed July 25, 2018; effective October 23, 2018.

0120-02-.09 CIVIL PENALTIES.

- (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 |

(Rule 0120-02-.09, continued)

| | | |
|-----|-----------------------|------------|
| (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). **Administrative History:** Original rule filed January 29, 1987; effective March 15, 1987. Amendment filed December 9, 1991; effective January 23, 1992. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed January March, 2011; effective June 7, 2011. Amendments filed October 28, 2016; effective January 26, 2017.

0120-02-.10 OTHER ENFORCEMENT ACTIONS.

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 laws and rule 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.

(Rule 0120-02-.09, continued)

Authority: T.C.A. §§ 62-2-106 and 62-2-203(c). **Administrative History:** Original rule filed December 11, 2012; effective March 11, 2013. Amendments filed October 28, 2016; effective January 26, 2017.

**RULES
OF
THE DEPARTMENT OF COMMERCE AND INSURANCE TENNESSEE
STATE BOARD OF
ARCHITECTURAL AND ENGINEERING EXAMINERS

CHAPTER 0120-05
CONTINUING EDUCATION**

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0120-05-.01 PURPOSE. The Tennessee State Board of Architectural and Engineering Examiners is authorized by Tenn. Code Ann. § 62-2-203(d) (Acts 1995, Public Chapter 129), to establish continuing education requirements and standards for architects, engineers, landscape architects and registered interior designers in order to safeguard life, health and property and to promote the public welfare. The purposes of this chapter are to prescribe the basic continuing education requirements for present and future architects, engineers, landscape architects and registered interior designers and to establish standards by which continuing education programs will be evaluated for the awarding of credit.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

0120-05-.02 DEFINITIONS.

- (1) “ACTIVE” means a registered architect, engineer, landscape architect or registered interior designer who has complied with the continuing education requirements described herein.
- (2) “BOARD” means the Tennessee State Board of Architectural and Engineering Examiners.
- (3) “INACTIVE” means a registered architect, engineer, landscape architect or registered interior designer who has obtained inactive status from the Board and is not required to comply with the continuing education requirements prescribed herein. An inactive registrant may not engage in the practice of architecture, engineering, landscape architecture or use the title “registered interior designer” in the State of Tennessee.

(Rule 0120-02-.09, continued)

- (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.
- (5) “REGISTRANT” means a person licensed by the Board as an architect, engineer, landscape architect or registered interior designer.
- (6) “SPONSOR” means an individual, organization, association, institution or other entity which provides an educational activity for the purpose of fulfilling the continuing education requirements of these rules.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed September 11, 2009; effective December 10, 2009.

0120-05-.03 CONTINUING EDUCATION REVIEW.

- (1) The Board may review and may approve sponsors and programs as being relevant to the practice of the represented profession. The Board shall establish a format for documentation needed to comply with these rules. The Board shall also adopt guidelines for auditing continuing education credits claimed. The Chairman of the Board shall, for each represented profession, appoint one (1) member of the Board who is a member of the represented profession to serve as the chairman of any committee appointed to review continuing education.

Authority: T.C.A. § 62-2-203(d). Administrative History: Original rule filed April 25, 1997; effective July 9, 1997.

0120-05-.04 BASIC REQUIREMENTS.

- (1) Basic Requirements-Architects
 - (a) A registered architect seeking biennial renewal for the first time shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDHs the two (2) years immediately following initial registration and immediately preceding application for renewal. All twelve (12) PDHs must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities.
 - (b) A registered architect seeking biennial renewal for each two (2)-year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty-four (24) PDHs the two (2) years immediately preceding application for renewal. All twenty-four (24) PDHs must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be carried over to a future renewal period.
 - (c) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education in this rule.
 - (d) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs during the twenty-four (24) months immediately preceding reapplication. All twenty-four (24) PDHs must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities.
 - (e) As an alternative to the requirements listed in 0120-05-.04(1)(a)-(d), a registered architect may meet the continuing education requirement by obtaining twelve (12) PDHs per calendar year, all twelve (12) of which shall be completed in Health, Safety, and Welfare subjects acquired in structured educational activities. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be credited to a future calendar year.
 - (f) For purposes of this rule, a structured educational activity is one (1) in which at least seventy-five percent (75%) of an activity's content and instructional time must be devoted to Health, Safety, and Welfare subjects related to the practice of architecture,

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including courses of study or other activities under the areas identified as Health, Safety and Welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.

- (g) For purposes of this rule, Health, Safety, and Welfare subjects are technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.
1. Building Systems: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection
 2. Construction Contract Administration: Contracts, Bidding, Contract Negotiations
 3. Construction Documents: Drawings, Specifications, Delivery Methods
 4. Design: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures
 5. Environmental: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation
 6. Legal: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to Protect Owners and Public
 7. Materials and Methods: Construction Systems, Products, Finishes, Furnishings, Equipment
 8. Pre-Design: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying
 9. Preservation: Historic, Reuse, Adaptation
- (2) Basic Requirements - Engineers
- (a) A registered engineer seeking biennial renewal for the first time after initial registration shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDHs the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDHs claimed shall address Health, Safety and Welfare issues and technical competency.
 - (b) A registered engineer seeking biennial renewal for each two (2)-year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty-four (24) PDHs the two (2) years immediately preceding application for renewal. At least thirteen (13) of the PDHs claimed shall address Health, Safety and Welfare issues and technical competency. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be carried over to a future renewal period.
 - (c) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.

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- (d) Individuals reapplying for registrations shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs (thirteen (13) of which shall address Health, Safety and Welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.
 - (e) As an alternative to the requirements listed in 0120-05-.04(2)(a)-(d), a registered engineer may meet the continuing education requirement by obtaining twelve (12) PDHs per calendar year, at least seven (7) of which shall address Health, Safety and Welfare issues and technical competency. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be credited to a future calendar year.
- (3) Basic Requirements - Landscape Architects
- (a) A registered landscape architect seeking biennial renewal for the first time after initial registration shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDHs the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDHs claimed shall address Health, Safety and Welfare issues and technical competency.
 - (b) A registered landscape architect seeking biennial renewal for each two (2)-year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty-four (24) PDHs the two (2) years immediately preceding application for renewal. At least thirteen (13) of the PDHs claimed shall address Health, Safety and Welfare issues and technical competency. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be carried over to a future renewal period.
 - (c) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education in this rule.
 - (d) Individuals reapplying for registrations shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs (thirteen (13) of which shall address Health, Safety and Welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.
 - (e) As an alternative to the requirements listed in 0120-05-.04(3)(a)-(d), a registered landscape architect may meet the continuing education requirement by obtaining twelve (12) PDHs per calendar year, at least seven (7) of which shall address Health, Safety and Welfare issues and technical competency. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be credited to a future calendar year.
- (4) Basic Requirement - Registered Interior Designers
- (a) A registered interior designer seeking biennial renewal for the first time after initial registration shall, as a prerequisite to renewal, submit satisfactory evidence to the

(Rule 0120-05-.04, continued)

Board of having obtained twelve (12) PDHs the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDHs claimed shall address Health, Safety and Welfare issues and technical competency.

- (b) A registered interior designer seeking biennial renewal for each two (2)-year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty-four (24) PDHs the two (2) years immediately preceding application for renewal (carryover hours, not exceeding twelve (12) hours, from the preceding renewal period may be included). At least thirteen (13) of the PDHs claimed shall address Health, Safety and Welfare issues and technical competency.
- (c) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education in this rule.
- (d) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs (thirteen (13) of which shall address Health, Safety and Welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.
- (e) As an alternative to the requirements listed in 0120-05-.04(4)(a)-(d), a registered interior designer may meet the continuing education requirement by obtaining twelve (12) PDHs per calendar year, at least seven (7) of which must be completed in Health, Safety, and Welfare and technical competency subjects acquired in structured educational activities. The remainder of the PDHs claimed may address general knowledge subjects relevant to the practice of interior design. Up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed.
 - 1. For purposes of this paragraph, a structured educational activity is one in which at least seventy-five percent (75%) of an activity's content and instructional time must be devoted to Health, Safety, and Welfare subjects related to the practice of interior design, including courses of study or other activities under the areas identified as Health, Safety and Welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.
 - 2. For purposes of this paragraph, Health, Safety, and Welfare subjects are technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.
 - (i) Health/Safety—Include topics related to protection of the public or the environment. Such topics may include, but are not limited to:
 - (I) Building and Life Safety Codes, regulations and standards of practice
 - (II) Building regulations
 - (III) Products or designs implemented to protect the public or the environment

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- (IV) Product performance standards and topics including, but not limited to, energy efficiency, acoustics, indoor air quality, lighting, or fire and life-safety systems
 - (ii) Welfare—Includes topics that enhance the social, psychological, financial and physical well-being of individuals and the environment. Such topics include, but are not limited to:
 - (I) Social
 - (II) Psychological
 - (III) Financial
 - (IV) Business practices
 - (V) Ethics
 - (VI) Space design
 - (VII) Budgets and estimating
 - (VIII) Construction administration
 - (IX) Environmental and sustainability issues
 - (X) Finish materials and methods of construction detailing
 - (XI) Special needs populations
 - (iii) Topics that do not qualify as Health, Safety, and Welfare include, but are not limited to, computer software training and general business practices, firm marketing, personnel, and management issues.
3. A general knowledge PDH is one where the PDH covers general knowledge regarding interior design practice and process and where less than seventy-five percent (75%) of the PDH content covers Health, Safety, Welfare, barrier free design or sustainability. The subject of a general knowledge PDH may include, but is not limited to, the five (5) phases of design, including programming, schematic design, design development, construction documents and contract administration.

Authority: T.C.A. § 62-2-203(d). Administrative History: Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed May 20, 2004; effective August 3, 2004. Repeal and new rule filed March 14, 2005; effective May 28, 2005. Amendments filed October 29, 2020; effective January 27, 2021.

0120-05-.05 CONVERSION TABLE.

- (1) Conversions from other units of continuing education to PDHs are as follows:
 - (a) One (1) university semester hour of credit 15PDH
 - (b) One (1) university quarter hour of credit 10PDH
 - (c) One (1) Continuing Education Unit 10PDH

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(d) One (1) hour acceptable professional development education 1 PDH

*Authority: T.C.A. § 62-2-203(d). Administrative History: Original rule filed April 25, 1997; effective July 9, 1997.***0120-05-.06 TYPES OF ACCEPTABLE PROFESSIONAL DEVELOPMENT CONTINUING EDUCATION.**

- (1) The Board will grant PDH credit for only such professional development continuing education activities that satisfy the following criteria:
 - (a) There is clear purpose and objective for each activity which will maintain, improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.
 - (b) The content of each presentation is well-organized and presented in a sequential manner.
 - (c) There is evidence of pre-planning.
 - (d) The presentation will be made by persons who are well-qualified by education or experience.
- (2) Continuing education activities for which PDH 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 (CEUs);
 - (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

(Rule 0120-05-.06, continued)

- (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 unless otherwise noted.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed May 20, 2004; effective August 3, 2004. However; Stay of effective date to subparagraph (c) of paragraph (2) filed by the House and Senate Government Operations Committee of the Tennessee General Assembly on July 30, 2004; new effective date October 2, 2004. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed December 11, 2012; effective March 11, 2013. Amendments filed October 28, 2016; effective January 26, 2017. Amendments filed October 29, 2020; effective January 27, 2021.

0120-05-.07 CREDITS.

- (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 professional continuing education 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 PDHs 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) PDHs per biennium may be claimed for each published peer- reviewed paper, article, or book. A maximum of five (5) PDHs per biennium may be claimed for each published paper, article, or book that is not peer-reviewed.
 - (d) Correspondence course PDHs 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) PDHs 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) PDHs 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) PDHs per biennium may be claimed for each patent.
 - (h) A maximum of five (5) PDHs per biennium may be claimed for writing accepted licensing examination items.
- (2) PDHs may be acquired at any location. If the continuing education provider prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the registrant's time for PDH purposes irrespective of actual time spent on the activity.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed December 11, 2012; effective March 11, 2013.

(Rule 0120-05-.07, continued)

Amendments filed October 28, 2016; effective January 26, 2017. Amendments filed October 29, 2020; effective January 27, 2021.

0120-05-.08 EXEMPTIONS.

- (1) A registrant may be exempt from continuing professional development education requirements for any of the following reasons:
 - (a) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education for professional development.
 - (b) A non-career military registrant serving on active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the PDH required during that year.
 - (c) A registrant employed as an architect, engineer, landscape architect or registered interior designer and assigned to duty outside the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the PDH required during that year.
 - (d) A registrant who lists the registrant's occupation as "retired" or "inactive" on the Board-approved renewal form and who further certifies that they are no longer practicing shall be exempt from the PDH required. In the event such a person elects to return to active practice, PDH 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 earned within no more than two (2) years of the request to reactivate.
 - (e) A registrant experiencing physical disability, a serious medical condition, or other extenuating circumstances may apply for an exemption or an extension of time to obtain the credits, subject to the review and approval of the Board. Supporting documentation must be furnished to the Board, and the Board reserves the right to deny requests lacking adequate documentation or justification. Registrants granted an exemption or extension may still be subject to disciplinary action for violations of this chapter that occurred outside the period of exemption or extension.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed May 20, 2004; effective August 3, 2004. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed September 15, 2015; effective December 14, 2015. Amendments filed October 29, 2020; effective January 27, 2021.

0120-05-.09 CERTIFICATION.

- (1) A registrant seeking renewal shall complete the certification on the renewal form and indicate the number of PDHs claimed for the renewal period. If applicable, the registrant shall also indicate the number of carryover PDHs claimed for the renewal period. Upon completion of the certification, the registrant shall complete the renewal form and submit the appropriate fee.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

0120-05-.10 RECORDS.

- (1) Each registrant is responsible for maintaining records which may be used to support credits claimed.
- (2) Required records include but are not limited to the following:
 - (a) A log showing the type(s) of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, description of the activity and PDH credit(s) earned; and
 - (b) A transcript or completion certificate or at least two (2) of the following types of documentation: attendance verification records in the form of signed attendance receipts, paid receipts, a copy of a listing of participants signed by a person in responsible charge, or other documents supporting evidence of attendance.
- (3) Records must be maintained for a period of four (4) years, and copies must be furnished to the Board for audit verification purposes within thirty (30) days of the Board's request.
- (4) Any registrant who fails to comply with the requirements of this rule may be deemed by the Board to have violated rule 0120-02-.02 [Proper Conduct of Practice] or rule 0120-04-.10 [Professional Conduct].

Authority: T.C.A. §§ 62-2-203(c) and (d) and 62-2-308. **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed May 20, 2004; effective August 3, 2004. Amendment filed March 9, 2011; effective June 7, 2011.

0120-05-.11 DISALLOWANCE.

- (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). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendments filed October 28, 2016; effective January 26, 2017.

0120-05-.12 NONCOMPLIANCE.

- (1) Unless a request for inactive or retired status is made, any registrant failing to furnish the required certification during the renewal period, properly completed and signed, shall not be granted renewal of registration by the Board.
- (2) Certificates of registration shall be subject to late renewal for six (6) months following their expiration date by payment of the renewal fee, plus a late penalty as set by the Board, along with a properly completed and signed renewal form indicating that all continuing education requirements for the renewal period have been completed. The applicant for late renewal of certification may not offer to engage in the practice of or engage in the practice of architecture, engineering or landscape architecture, or use the title "registered interior designer," until all late renewal requirements have been met.
- (3) Any person wishing to renew a certificate later than six (6) months after its expiration shall reapply for registration.

Authority: T.C.A. §§ 62-2-203(d), 62-2-307, and 63-2-308(a)(1)(E). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed July 19, 2002; effective October 2, 2002.

0120-05-.13RECIPROCITY.

- (1) If a registrant resides in or has principal place of business in a state or territory of the United States, or another country, that has established mandatory continuing education requirements for architects, engineers, landscape architects or interior designers, and that registrant has met the continuing education requirements of the registrant's home jurisdiction and is in good standing in that jurisdiction, then that registrant shall be deemed to have met the continuing education requirements of Tennessee. Documentation that the registrant is in good standing in the registrant's home jurisdiction must be provided at the Board's request. If the registrant is exempt from the continuing education requirements in the registrant's home jurisdiction, the registrant must meet the requirements of Tennessee unless the registrant qualifies for an exemption in Tennessee.
- (2) This rule shall apply only to the acceptance of professional development hours for continuing education and shall not be construed to apply to the registration by comity of architect, engineer, landscape architect or interior designer applicants from another state, territory of the United States or country.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed February 26, 1999; effective May 12, 1999. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed September 15, 2015; effective December 14, 2015.

0120-05-.14REPEALED.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed November 11, 2014; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; new effective date May 1, 2015. Repeal filed October 29, 2020; effective January 27, 2021