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## 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 twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) 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).*

<b>Agency/Board/Commission:</b>	Tennessee State Board of Architectural and Engineering Examiners
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**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
0120-01-.06	Applications – Engineer Intern
0120-01-.11	Education and Experience Requirements – Architect
0120-01-.12	Education and Experience Requirements – Landscape Architect
0120-01-.13	Examinations – General
0120-01-.21	Reexamination – Engineer Intern
0120-01-.25	Renewal of Registration
0120-01-.29	Stay of Pending Rule

Chapter Number	Chapter Title
0120-02	Rules of Professional Conduct
Rule Number	Rule Title
0120-02-.02	Proper Conduct of Practice

0120-02-.03	Service in Areas of Competence
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0120-02-.07	Misconduct

<b>Chapter Number</b>	<b>Chapter Title</b>
0120-04	Interior Designers
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0120-04-.03	Applications
0120-04-.05	Experience Requirements
0120-04-.08	Renewal of Registration
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<b>Chapter Number</b>	<b>Chapter Title</b>
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<b>Chapter Number</b>	<b>Chapter Title</b>
0120-06	Corporations, Partnerships and Firms
<b>Rule Number</b>	<b>Rule Title</b>
0120-06-.03	Disclosure Requirements

Chapter 0120-01  
Registration Requirements and Procedures

Amendments

The Table of Contents is amended by Repealing rules 0120-01-.21 Reexamination – Engineer Intern and 0120-01-.29 Stay of Pending Rule, 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 Residency Requirements	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-.06 Applications – Engineer Intern is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

An application for certification as an engineer intern shall be accompanied by a nonrefundable fee of fifteen dollars (\$15.00). An applicant who has passed the required examination and has met the other legal requirements shall receive a certificate.

Authority: T.C.A. §§ 62-2-203(c), 62-2-402, and 62-2-404.

Rule 0120-01-.11 Education and Experience Requirements – Architect is amended by deleting the text of paragraphs (3), (4), (6), (7), and (8) in their entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (1) For purposes of evaluating the education and experience of applicants for examination and registration as an architect, the Board will 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.
- (2) Accredited architecture programs. An architecture program which was accredited by the National Architectural Accrediting Board (NAAB) 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. For purposes of this paragraph, a state-supported school of architecture approved by the Tennessee Higher Education Commission is deemed to have an accredited degree curriculum.
- (3) Non-accredited architecture programs.
  - (a) For purposes of T.C.A. §§ 62-2-501(2) and 62-2-502(b), an architectural curriculum of four (4) years or more which is a non-NAAB 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 NAAB accredited program for evaluation and recommendation. If the curriculum for the degree at the time of the applicant's graduation is equivalent to NAAB accreditation requirements, the application shall be reviewed in accordance with the requirements for applicants holding architecture degrees from institutions which do not have NAAB accredited architecture programs in consideration of the factors outlined below.

- (b) In reviewing a non-accredited architectural curriculum, the Board may approve either an architectural curriculum of not less than four (4) years offered by a school of architecture as part of an architectural curriculum toward a NAAB accredited degree or its equivalent.
- (c) In reviewing applicants holding degrees from non-accredited architecture programs, whether obtained in the United States or otherwise, which are substantially equivalent to degrees from NAAB accredited programs, the Board may consider the following factors:
  - 1. Evidence of having obtained the statutory minimum acceptable practical experience in architectural work, and
  - 2. At least five (5) references from individuals having knowledge of the applicant's technical competence as an architect.
- (4) For purposes of T.C.A. § 62-2-501(3), an approved "architecture-related curriculum" is an architectural engineering or architectural engineering technology curriculum accredited by the Accreditation Board for Engineering and Technology (ABET).
- (5) Effective December 1, 1984, an applicant for the required examination for registration as an architect must have completed the Intern-Architect Development Program (IDP) of the NCARB prior to registration.
- (6) An applicant for registration by comity shall submit proof acceptable to the board of having obtained the practical experience in architectural work required by T.C.A. §§ 62-2-501 and 62-2-502.
- (7) In general, "practical experience in architectural work" consists of architectural experience which is supervised by a registered architect and meets the requirements of T.C.A. § 62-2-503. Architecture teaching with full-time faculty status in a college or university offering an approved architectural curriculum of four (4) years or more may be considered, at the discretion of the Board, as practical experience in architectural work.
- (8) The Board shall review applicants meeting the above requirements for determination of eligibility for either the Architect Registration Examination prepared by NCARB or for registration by comity.

Authority: T.C.A. §§ 62-2-203(c), 62-2-501, 62-2-502 and 62-2-503.

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 language so that, as amended, the rule 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. Landscape architecture teaching with full-time faculty status in a college or university offering an approved landscape architectural curriculum of four (4) years or more may be considered, at the discretion of the Board, as practical experience in landscape architectural work.

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

Rule 0120-01-.13 Examinations – General is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (1) If an applicant passes the required examination(s) and is not approved for registration, the applicant's application will be held pending. Such applicant may request to appear before the full Board at its next scheduled meeting.

- (2) An applicant's examination results may be invalidated and an applicant may be prohibited from taking the examination for a period of time as determined by the Board for violations of examination policies, procedures, and candidate agreements, including, but not limited to:
- (a) Communicating with another examinee during administration of the examination;
  - (b) Copying another examinee's answers or permitting another examinee to copy one's answers;
  - (c) Possessing unauthorized devices or materials during the examination;
  - (d) Impersonating an examinee or permitting an impersonator to take the examination on one's behalf;
  - (e) Removing any secured examination materials from the examination room;
  - (f) Unauthorized disclosure of examination questions or content;
  - (g) Failure to cooperate with the Board's or any appropriate examination authority's investigation of examination irregularities;
  - (h) Disruptive or abusive behavior; or
  - (i) Other actions that would compromise the integrity or security of the examination.
- (3) Any licensure examination taken and passed in another jurisdiction by the examinee, while the examinee is barred from taking an examination in Tennessee, will not be acceptable for licensure purposes in Tennessee.

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

Rule 0120-01-.25 Renewal of Registration is amended by deleting the text of paragraphs (1) and (5) in their entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (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	\$140.00
Architect	\$140.00
Landscape Architect	\$140.00
- (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 and paying a biennial license renewal fee of one hundred forty dollars (\$140.00).

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

Chapter 0120-01  
Registration Requirements and Procedures

Repeal

Rule 0120-01-.21 Reexamination – Engineer Intern is repealed in its entirety.

Authority: T.C.A. § 62-2-203(c).

Rule 0120-01-.29 Stay of Pending Rule is repealed in its entirety. This filing repeals the Emergency Rule 0120-01-.29 that stayed Rule 0120-01-.06 [Applications – Engineer Intern]. The Emergency Rule was filed on April 30, 2015, Rule ID 5938, Sequence Number 04-28-15. The amendment to Rule 0120-01-.06 in this filing will now be the effective rule.

Authority: T.C.A. §§ 4-5-208(a)(2) and 62-2-203(c).

Chapter 0120-02  
Rules of Professional Conduct

Amendments

Rule 0120-02-.02 Proper Conduct of Practice is amended by deleting the text of paragraphs (2), (4), (5), and (6) in their entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (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.

- (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).

Rule 0120-02-.03 Service in Areas of Competence is amended by deleting the text of paragraphs (1), (2), (3), (4), and (6) in their entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (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.
- (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) and 62-2-308.

Rule 0120-02-.04 Public Statements is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (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. § 62-2-203(c).

Rule 0120-02-.06 Acceptance of Work is amended by deleting the text of paragraphs (2) and (3) in their entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (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.
  - (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. § 62-2-203(c).

Rule 0120-02-.07 Misconduct is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (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.
- (6) The registrant may not utilize the seal of another registrant without the other registrant's knowledge and consent.

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

Chapter 0120-04  
Interior Designers

Amendments

Rule 0120-04-.03 Applications is amended by deleting the text the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) Each applicant for registration as a registered interior designer must be at least twenty-one (21) years old and must not have been convicted of any offense that bears directly on the applicant's fitness to be registered as determined by the Board. The applicant shall indicate the applicant's age and shall give a full explanation of any conviction of any offense on a form provided by the Board.
- (2) An application for registration as a registered interior designer under the provisions of T.C.A. § 62-2-904 (registration requiring examination), shall be made on a form prescribed by the Board and shall be accompanied by a nonrefundable fee of fifty-five dollars (\$55.00). The applicant shall provide the Board with NCIDQ examination verification or equivalent examination verification by submitting the following to the examination sponsor:
  - (a) An examination verification form supplied by the Board; and
  - (b) The fee, if any, charged by the examination sponsor for verification.

Authority: T.C.A. §§ 62-2-203(c), 62-2-301(a), 62-2-904, and 62-2-905.

Rule 0120-04-.05 Experience Requirements is amended by deleting the text of paragraphs (1), (2), (3), and (4) and substituting instead the following language and adding a new paragraph (5) so that, as amended, the rule in its entirety shall read:

- (1) Except as provided by T.C.A. § 62-2-905 (registration without examination), the experience requirements for an applicant for registration as a registered interior designer shall be those prescribed in T.C.A. § 62-2-904 (registration with examination).
- (2) For purposes of T.C.A. § 62-2-904(a), and this rule, "diversified interior design experience" shall mean that the applicant has been engaged in three (3) or more of the following activities of enhancing the function and quality of interior space:
  - (a) Analysis of a client's needs, goals, and life safety requirements for the interior space of a structure;
  - (b) Integration of findings with knowledge of interior design;
  - (c) Formulation of preliminary design concepts that are appropriate, functional and aesthetic;
  - (d) Development and presentation of final design recommendations through presentation media;
  - (e) Preparation of working drawings and specifications for non-load bearing interior construction, materials, finishes, space planning, furnishings, fixtures and equipment;
  - (f) Collaboration with professional services of other licensed practitioners in the technical areas of mechanical, electrical and load-bearing design required for regulatory approval;
  - (g) Preparation and administration of bids and contract documents as the client's agent; and
  - (h) Review and evaluation of design solutions during implementation and upon completion.
- (3) An applicant shall have worked at least one thousand six hundred (1,600) hours in a calendar year to obtain credit for a year's worth of diversified interior design experience under the

provisions of T.C.A. § 62-2-904(a).

- (4) Interior design teaching with full-time faculty status in a college or university offering an approved interior design curriculum of four (4) years or more may be considered, at the discretion of the Board, as diversified interior design experience.
- (5) Diversified interior design experience shall be demonstrated to the Board by the applicant who shall furnish the following:
  - (a) An affidavit by the applicant attesting that the applicant has engaged in the practice of interior design for the number of years for which the applicant is claiming experience; and
  - (b) A minimum of five (5) 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. References from relatives will not be considered. No reference will be considered if prepared more than two (2) years prior to the date of application.
  - (c) Three (3) such references must be registered interior designers and/or registered architects. In addition, one (1) client reference and one (1) employer reference are required. A client reference may be substituted for the employer reference if an applicant is self-employed. An employer reference or a reference from a registered interior designer or registered architect may be substituted for the client reference if the applicant is an interior design educator.
  - (d) If a reference reply is uncomplimentary, derogatory, or unfavorable of the applicant, the applicant may be required to furnish additional references. If subsequent replies are unfavorable, the applicant will be scheduled for an interview with the Board for further consideration.

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

Rule 0120-04-.08 Renewal of Registration is amended by deleting the text of paragraphs (1) and (5) in their entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (1) All certificates of registration issued to a registered interior designer are subject to biennial renewal (every two (2) years) in accordance with the provisions of T.C.A. § 56-1-302(b).
- (2) A registered interior designer 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) The fee for biennial renewal of certificates of registration for registered interior designers shall be in the amount of one hundred forty dollars (\$140.00).
- (4) The penalty for late renewal shall be in the amount of ten dollars (\$10.00) for each month or fraction of a month which elapses 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. The registrant shall renew the certificate by so notifying the Board.
  - (b) A registrant holding a retired certificate may refer to oneself as a registered interior designer, including on correspondence and business cards, provided that the word "retired" is used in conjunction with the title. Use of the title 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 return to "active" status by notifying the Board, in writing, to change to "active" status and paying a biennial registration renewal fee of one hundred forty dollars (\$140.00).

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

Rule 0120-04-.10 Professional Conduct is amended by deleting the text of paragraphs (3), (5), (8), (9), and (11)–(14) in its entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (1) The registrant shall comply with all applicable laws, regulations and codes governing the practice of interior design, and the use of the title "registered interior designer."
- (2) The registrant shall at all times recognize the primary obligation to protect the health, safety and welfare of the public in the registrant's practice of interior design.
- (3) The registrant shall perform services only in areas of the registrant's competence.
- (4) The registrant shall not engage in any form of false or misleading advertising or promotional activities including, but not limited to, implying unregistered staff members or employees of the firm are registered interior designers.
- (5) The registrant shall not divulge any confidential information about the client or the client's project, or utilize photographs or specifications of the project without the express permission of the client; provided, however, this provision shall not apply to those specifications, drawings or photographs over which the designer retains proprietary rights or the designer is required by law or in connection with an investigation by the Board to furnish.
- (6) The registrant shall be completely objective and truthful in all professional reports, statements and testimony.
- (7) The registrant shall not assist or abet improper or illegal conduct of anyone in connection with a project.
- (8) 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 practice.
- (9) 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.
- (10) The registrant shall not pay or offer to pay, either directly or indirectly, any commission, political contribution, or gift or other consideration in order to secure work, exclusive of securing salary positions through employment agencies.
- (11) 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.
  - (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.
  - (e) Projects which remain unconstructed and which are listed as credit shall be listed as "unbuilt" or by a similar designation.
- (12) 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.
- (13) 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.
- (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
  - (c) The registrant fails to comply with a lawful order of the Board.
- (15) The registrant shall not engage, or offer to engage, in the providing of 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.
- (16) Before accepting a project, a registrant shall reasonably inform the prospective client of:
- (a) The scope and nature of the project;
  - (b) The professional services relating to the interior design that will be performed and the method of compensation for those performed services; and
  - (c) All compensation that the registrant will receive in connection with the project. If the registrant accepts the project, the registrant shall not accept any compensation from any person with whom the registrant deals in connection with the project that has not been fully disclosed to the client in writing prior to acceptance of the project.
- (17) 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 his or her 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.

- (18) The registrant shall maintain the continuing education records required by rule 0120-05-10 Records 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.

Authority: T.C.A. § 62-2-203(c).

Chapter 0120-05  
Continuing Education

Amendments

Rule 0120-05-.08 Exemptions is amended by deleting the text of subparagraphs (1)(b), (1)(c), and (1)(d) in their entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (1) A registrant may be exempt from continuing 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.
  - (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.

Authority: T.C.A. § 62-2-203(d).

Rule 0120-05-.13 Reciprocity is amended by deleting the text of paragraph (1) in its entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (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).

Chapter 0120-06  
Corporations, Partnerships and Firms

Amendments

Rule 0120-06-.03 Disclosure Requirements is amended by deleting the text of paragraph (2) in its entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (1) Corporations, partnerships and firms offering architectural, engineering and landscape architectural services to the public must comply with the provisions of T.C.A. §§ 62-2-601 and 62-2-602.
- (2) An individual registrant practicing in the registrant's own name as a sole proprietorship shall not be required to submit a disclosure form.

Authority: T.C.A. § 62-2-203(c).

\* 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				
Wilson Borden	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 April 9, 2015, 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: 9-2-15

Signature: Ellery

Name of Officer: Ellery Richardson

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: 9/2/15

Notary Public Signature: Margaret Williams

My commission expires on: 11/6/17

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  
Herbert H. Slatery III  
Attorney General and Reporter

9/9/2015  
Date

Department of State Use Only

Filed with the Department of State on: 9/15/15

Effective on: 12/14/15

Tre Hargett

Tre Hargett  
Secretary of State

RECEIVED

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SECRETARY OF STATE  
PUBLICATIONS



## 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;**

Businesses will not have any anticipated costs associated with these rules.

**(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 reporting, recordkeeping, or administrative costs for small businesses associated with these rules.

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

These rules have no projected impact on small businesses or consumers.

**(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 rule changes are mainly cosmetic. The more substantive changes help licensees by helping professors obtain licensure and decreasing the engineer intern fee. These rules also decrease registration fees of engineer interns from fifty dollars (\$50.00) to fifteen (\$15.00). There are no less burdensome, intrusive, or costly methods to achieve the purpose of the rule.

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

There are no known federal or state counterparts to this rule.

**(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.**

This rule does not require small businesses to change their operations. Therefore, there is no need for an exemption.

### **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)

These rules are not expected to have any significant impact on 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;

Many of the changes in this rule are cosmetic, such as changing male pronouns to neutral nouns and deleting and changing a few procedural rules regarding examinations that are outdated. There are a few substantive changes. One allows professors to use their teaching experience to count towards their practical experience requirements. Another rule decreases the engineer intern application fee from fifty to fifteen dollars. A third rule changes the qualified based selections rule minimally to prohibit submitting improper information. There are a few other minor language changes, but the substance of the rules have not significantly changed.

- (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;

N/A

- (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 most directly affected by these rules. The Board has not heard from associations or other entities concerning this rule.

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

N/A

- (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;

This rule has a minimal expected impact on state or local government revenues or expenditures. Although there is a fee decrease for engineer intern applications, the amount of engineer intern applications would not be enough to significantly impact the Board's expected revenues.

- (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, 5<sup>th</sup> Floor  
Nashville, TN 37243  
(615) 741-3221

Ellery Richardson, Assistant General Counsel  
500 James Robertson Parkway  
Davy Crockett Tower, 5<sup>th</sup> 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

Ellery Richardson, 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, 5<sup>th</sup> Floor  
Nashville, TN 37243  
(615) 741-3221  
[John.Cothon@tn.gov](mailto:John.Cothon@tn.gov)

Ellery Richardson, Assistant General Counsel  
500 James Robertson Parkway  
Davy Crockett Tower, 5<sup>th</sup> Floor  
Nashville, TN 37243  
(615) 741-3072  
[Ellery.Richardson@tn.gov](mailto:Ellery.Richardson@tn.gov)

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

N/A

# Proposed Rules – Redline

## Tennessee Board of Architectural and Engineering Examiners

### Chapter 0120-01 Registration Requirements and Procedures

#### Amendments

The Table of Contents is amended by Repealing rules 0120-01-.21 Reexamination – Engineer Intern and 0120-01-.29 Stay of Pending Rule, 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 Residency Requirements	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 <u>Repealed</u>
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-.06 Applications – Engineer Intern is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

An application for certification as an engineer intern shall be accompanied by a nonrefundable fee of fifteen dollars (\$15.00). The application and fee must be submitted each time an applicant sits for the required examination. An applicant shall receive a certificate upon passing who has passed the required examination and meeting has met the other legal requirements shall receive a certificate.

Authority: T.C.A. §§ 62-2-203(c), 62-2-402, and 62-2-404.

Rule 0120-01-.11 Education and Experience Requirements – Architect is amended by deleting the text of paragraphs (3), (4), (6), (7), and (8) in their entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (1) For purposes of evaluating the education and experience of applicants for examination and registration as an architect, the Board will 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.
- (2) Accredited architecture programs. An architecture program which was accredited by the National Architectural Accrediting Board (NAAB) 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. For purposes of this paragraph, a state-supported school of architecture approved by the Tennessee Higher Education Commission is deemed to have an accredited degree curriculum.
- (3) ~~(a) Nonaccredited architecture programs. For purposes of T.C.A. §§ 62-2-501(2) and 62-2-502(b), an architectural curriculum of four (4) years or more which is a non-NAAB 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 NAAB accredited program for evaluation and recommendation. If the curriculum for the degree at the time of the applicant's graduation is~~

~~equivalent to NAAB accreditation requirements, the application shall be reviewed in accordance with the requirements for applicants holding architecture degrees from institutions which do not have NAAB accredited architecture programs in consideration of the factors outlined below.~~

(3) Non-accredited architecture programs.

(a) For purposes of T.C.A. §§ 62-2-501(2) and 62-2-502(b), an architectural curriculum of four (4) years or more which is a non-NAAB 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 NAAB accredited program for evaluation and recommendation. If the curriculum for the degree at the time of the applicant's graduation is equivalent to NAAB accreditation requirements, the application shall be reviewed in accordance with the requirements for applicants holding architecture degrees from institutions which do not have NAAB accredited architecture programs in consideration of the factors outlined below.

(b) In reviewing a non-accredited architectural curriculum, the Board may approve either an architectural curriculum of not less than four (4) years offered by a school of architecture as part of an architectural curriculum toward a NAAB accredited degree or its equivalent.

(c) In reviewing applicants holding degrees from non-accredited architecture programs, whether obtained in the United States or otherwise, which are substantially equivalent to degrees from NAAB accredited programs, the Board may consider the following factors:

1. Evidence of having obtained the statutory minimum acceptable practical experience in architectural work, and
2. At least five (5) references from individuals having knowledge of the applicant's technical competence as an architect.

(4) ~~For purposes of T.C.A. Tenn. Code Ann. § 62-2-501(3), an approved "architecture-related curriculum" is an architectural engineering or architectural engineering technology curriculum accredited by the Accreditation Board for Engineering and Technology (ABET).~~

(5) Effective December 1, 1984, an applicant for the required examination for registration as an architect must have completed the Intern-Architect Development Program (IDP) of the NCARB prior to registration.

(6) An applicant for registration by comity shall submit proof acceptable to the board of having obtained the practical experience in architectural work required by ~~T.C.A. Tenn. Code Ann. §§ 62-2-501 and 62-2-502.~~

(7) In general, "practical experience in architectural work" consists of architectural experience which is supervised by a registered architect and meets the requirements of ~~T.C.A. Tenn. Code Ann § 62-2-503. Architecture teaching with full-time faculty status in a college or university offering an approved architectural curriculum of four (4) years or more may be considered, at the discretion of the Board, as practical experience in architectural work.~~

(8) ~~The Board shall review a~~ Applicants meeting the above requirements shall be reviewed by the Board for determination of eligibility for either the Architect Registration Examination prepared by the National Council of Architectural Registration Boards (NCARB) or for registration by comity.

Authority: T.C.A. §§ 62-2-203(c), 62-2-501, 62-2-502 and 62-2-503.

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 language so that, as amended, the rule 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. Landscape architecture teaching with full-time faculty status in a

college or university offering an approved landscape architectural curriculum of four (4) years or more may be considered, at the discretion of the Board, as practical experience in landscape architectural work.

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

Rule 0120-01-.13 Examinations – General is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- ~~(1) Failure of an applicant to turn in a paper on every section of an examination for which the applicant is scheduled will result in failure of the entire examination, unless the applicant presents evidence satisfactory to the Board justifying such incompleteness.~~
- (21) If an applicant passes the required examination(s) and is not approved for registration, his the applicant's application will be held pending. Such applicant may request to appear before the full Board at its next scheduled meeting.
- (32) An applicant's examination results may be invalidated and an applicant may be prohibited from taking the examination for a period of time as determined by the Board for violations of examination policies, procedures, and candidate agreements, including, but not limited to:
  - (a) \_\_\_ Communicating with another examinee during administration of the examination;
  - (b) \_\_\_ Copying another examinee's answers or permitting another examinee to copy one's answers;
  - (c) \_\_\_ Possessing unauthorized devices or materials during the examination;
  - (d) \_\_\_ Impersonating an examinee or permitting an impersonator to take the examination on one's behalf;
  - (e) \_\_\_ Removing any secured examination materials from the examination room;
  - (f) \_\_\_ Unauthorized disclosure of examination questions or content;
  - (g) \_\_\_ Failure to cooperate with the Board's or any appropriate examination authority's investigation of examination irregularities;
  - (h) \_\_\_ Disruptive or abusive behavior; or
  - (i) \_\_\_ Other actions that would compromise the integrity or security of the examination.
- (3) Any licensure examination taken and passed in another jurisdiction by the examinee, while the examinee is barred from taking an examination in Tennessee, will not be acceptable for licensure purposes in Tennessee.

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

Rule 0120-01-.25 Renewal of Registration is amended by deleting the text of paragraphs (1) and (5) in their entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (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. Tenn. Code Ann. § 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	\$140.00
Architect	\$140.00
Landscape Architect	\$140.00

(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) (a) A registered certificate holder (over age 62) may place his their 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 his their certificate by so notifying the Board.~~

(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 himself 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 and paying a biennial license renewal fee of one hundred forty dollars (\$140.00).

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

Chapter 0120-01  
Registration Requirements and Procedures

Repeal

Rule 0120-01-.21 Reexamination – Engineer Intern is repealed in its entirety.

~~The "Fundamentals of Engineering" examination is graded as a whole. A candidate for certification as an engineer intern who fails the examination must retake the examination in its entirety.~~

Authority: T.C.A. § 62-2-203(c).

Rule 0120-01-.29 Stay of Pending Rule is repealed in its entirety. This filing repeals the Emergency Rule 0120-01-.29 that stayed Rule 0120-01-.06 [Applications – Engineer Intern]. The Emergency Rule was filed on April 30, 2015, Rule ID 5938, Sequence Number 04-28-15. The amendment to Rule 0120-01-.06 in this filing will now be the effective rule.

Authority: T.C.A. §§ 4-5-208(a)(2) and 62-2-203(c).

Chapter 0120-02  
Rules of Professional Conduct



## Amendments

Rule 0120-02-.02 Proper Conduct of Practice is amended by deleting the text of paragraphs (2), (4), (5), and (6) in their entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (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, ~~and Regulations, or Codes~~ which may affect adversely ~~the public health or safety~~ the safety, health and welfare of the public, the registrant shall:
  - (a) Report the decision to the ~~local building inspector or other public official~~ authority having jurisdiction charged with the enforcement of the applicable Federal, State or Local Laws, ~~and 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.
- (4) The registrant shall maintain the continuing education records required by rule 0120-05-.10 "Records" 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 ~~his or her~~ 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 enter into a contract for professional services on any basis other than direct negotiation with any governmental entity that is prohibited by T.C.A. § 12-4-106(a)(2)(A) from making a selection or awarding a contract on the basis of competitive bids, thereby precluding participation in any system requiring a comparison of compensation. 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. 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).

Rule 0120-02-.03 Service in Areas of Competence is amended by deleting the text of paragraphs (1), (2), (3), (4), and (6) in their entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (1) The registrant shall perform ~~his~~ the registrant's services only in areas of ~~his~~ 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 ~~his~~ the registrant's own field of competence, but only to the extent that ~~his~~ such services are restricted to those phases of the project in which ~~he~~ 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 ~~his~~ the registrant's signature and/or seal to any plan or document dealing with subject matter in which ~~he~~ the registrant lacks competence acquired through education or experience, nor to any plan or document not prepared by ~~him~~ the registrant or under ~~his~~ 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 ~~him~~ 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.
- (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) and 62-2-308.

Rule 0120-02-.04 Public Statements is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (1) The registrant shall be completely objective and truthful in all professional reports, statements or testimony. ~~He~~ 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 ~~his~~ 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 ~~he~~ the registrant has prefaced ~~his~~ the registrant's comments by explicitly identifying ~~himself~~ the registrant, by disclosing the identity of the party or parties on whose behalf ~~he~~ the

registrant is speaking, and by revealing the existence of any pecuniary interest he the registrant may have in the instant matter.

Authority: T.C.A. § 62-2-203(c).

Rule 0120-02-.06 Acceptance of Work is amended by deleting the text of paragraphs (2) and (3) in their entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (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 his or his associates' academic or professional qualifications. He shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, associates, joint ventures or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work. 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.
  - (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 his the registrant's professional judgment may be compromised.

Authority: T.C.A. § 62-2-203(c).

Rule 0120-02-.07 Misconduct is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) The registrant shall not knowingly associate with, or permit the use of ~~his or her~~ 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 has been delinquent in the payment of the professional privilege tax pursuant to T.C.A. §§ 67-4-1702 – 67-4-1704;~~
  - ~~(d)~~ 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
  - ~~(e)~~ The registrant fails to comply with a lawful order of the Board.
- (6) The registrant may not utilize the seal of another registrant without the other registrant's knowledge and consent.

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

Chapter 0120-04  
Interior Designers

Amendments

Rule 0120-04-.03 Applications is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) Each ~~application~~ applicant for registration as a registered interior designer must be at least twenty-one (21) years old and must not have been convicted of any offense that bears directly on the applicant's fitness to be registered as determined by the Board. The applicant shall indicate ~~his or her~~ the applicant's age and shall give a full explanation of any conviction of any offense on a form provided by the Board.

- (2) An application for registration as a registered interior designer under the provisions of T.C.A. § 62-2-904 (registration requiring examination), shall be made on a form prescribed by the Board and shall be accompanied by a nonrefundable fee of fifty-five dollars (\$55.00). The applicant shall provide the Board with NCIDQ examination verification or equivalent examination verification by submitting the following to the examination sponsor:
  - (a) An examination verification form supplied by the Board; and
  - (b) The fee, if any, charged by the examination sponsor for verification.

Authority: T.C.A. §§ 62-2-203(c), 62-2-301(a), 62-2-904, and 62-2-905.

Rule 0120-04-.05 Experience Requirements is amended by deleting the text of paragraphs (1), (2), (3), and (4) and substituting instead the following language and adding a new paragraph (5) so that, as amended, the rule in its entirety shall read:

- (1) Except as provided by T.C.A. § 62-2-905, (registration without examination), the experience requirements for an applicant for registration as a registered interior designer shall be those prescribed in T.C.A. § 62-2-904 (registration with examination).
- (2) For purposes of T.C.A. § 62-2-904(a), and this rule, "diversified interior design experience" shall mean that the applicant has been engaged in three (3) or more of the following activities of enhancing the function and quality of interior space:
  - (a) Analysis of a client's needs, goals, and life safety requirements for the interior space of a structure;
  - (b) Integration of findings with knowledge of interior design;
  - (c) Formulation of preliminary design concepts that are appropriate, functional and aesthetic;
  - (d) Development and presentation of final design recommendations through presentation media;
  - (e) Preparation of working drawings and specifications for non-load bearing interior construction, materials, finishes, space planning, furnishings, fixtures and equipment;
  - (f) Collaboration with professional services of other licensed practitioners in the technical areas of mechanical, electrical and load-bearing design required for regulatory approval;
  - (g) Preparation and administration of bids and contract documents as the client's agent; and
  - (h) Review and evaluation of design solutions during implementation and upon completion.
- (3) An applicant shall have worked at least one thousand six hundred (1,600) hours in a calendar year to obtain credit for a year's worth of diversified interior design experience under the provisions of T.C.A. § 62-2-904(a).
- (4) Interior design teaching with full-time faculty status in a college or university offering an approved interior design curriculum of four (4) years or more may be considered, at the discretion of the Board, as diversified interior design experience.
- (5) Diversified interior design experience shall be demonstrated to the Board by the applicant who shall furnish the following:
  - (a) An affidavit by the applicant attesting that the applicant has engaged in the practice of interior design for the number of years for which the applicant is claiming experience; and
  - (b) A minimum of five (5) 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. References from relatives will not be considered. No reference will be considered if prepared more than two (2) years prior to the date of application.

- (c) Three (3) such references must be registered interior designers and/or registered architects. In addition, one (1) client reference and one (1) employer reference are required. A client reference may be substituted for the employer reference if an applicant is self-employed. An employer reference or a reference from a registered interior designer or registered architect may be substituted for the client reference if the applicant is an interior design educator.
- (d) If a reference reply is uncomplimentary, derogatory, or unfavorable of the applicant, the applicant may be required to furnish additional references. If subsequent replies are unfavorable, the applicant will be scheduled for an interview with the Board for further consideration.

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

Rule 0120-04-.08 Renewal of Registration is amended by deleting the text of paragraphs (1) and (5) in their entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (1) All certificates of registration issued to a registered interior designer are subject to biennial renewal (every two (2) years) in accordance with the provisions of T.C.A. §\_56-1-302(b).
- (2) A registered interior designer 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) The fee for biennial renewal of certificates of registration for registered interior designers shall be in the amount of one hundred forty dollars (\$140.00).
- (4) The penalty for late renewal shall be in the amount of ten dollars (\$10.00) for each month or fraction of a month which elapses during the six (6)-month late renewal period before payment is tendered.
- ~~(5) (a) A registered certificate holder (over age 62) may place his their 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 his their certificate by so notifying the Board.~~
- (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. The registrant shall renew the certificate by so notifying the Board.
  - (b) A registrant holding a retired certificate may refer to himself oneself as a registered interior designer, including on correspondence and business cards, provided that the word "retired" is used in conjunction with the title. Use of the title 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 return to "active" status by notifying the Board, in writing, ~~as to a~~ change to "active" status and paying a biennial registration renewal fee of one hundred forty dollars (\$140.00).

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

Rule 0120-04-.10 Professional Conduct is amended by deleting the text of paragraphs (3), (5), (8), (9), and (11)–(14) in its entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (1) The registrant shall comply with all applicable laws, regulations and codes governing the practice of interior design, and the use of the title "registered interior designer."
- (2) The registrant shall at all times recognize the primary obligation to protect the health, safety and welfare of the public in the registrant's practice of interior design.
- (3) The registrant shall perform his services only in areas of his the registrant's competence.
- (4) The registrant shall not engage in any form of false or misleading advertising or promotional activities including, but not limited to, implying unregistered staff members or employees of the firm are registered interior designers.
- (5) The registrant shall not divulge any confidential information about the client or the client's project, or utilize photographs or specifications of the project without the express permission of the client. P; provided, however, this provision shall not apply to those specifications, drawings or photographs over which the designer retains proprietary rights or the designer is required by law or in connection with an investigation by the Board to furnish.
- (6) The registrant shall be completely objective and truthful in all professional reports, statements and testimony.
- (7) The registrant shall not assist or abet improper or illegal conduct of anyone in connection with a project.
- (8) 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 ~~him~~ the registrant or ~~his~~ the registrant's organization in private professional practice.
- (9) The registrant shall not solicit or accept any contract from a governmental body on which he the registrant, or a principal or officer of his the registrant's organization, serves as a member.
- (10) The registrant shall not pay or offer to pay, either directly or indirectly, any commission, political contribution, or gift or other consideration in order to secure work, exclusive of securing salary positions through employment agencies.
- (11) ~~The registrant shall not falsify or permit misrepresentation of his or his associate's academic or professional qualifications. The registrant shall not misrepresent or exaggerate registrant's degree of responsibility in or for the present or prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, associates, or joint ventures, or his or their past accomplishments with the intent and purpose of enhancing the registrant's qualifications and work. The registrant shall not falsify or permit misrepresentation of the registrant's or the registrant's associates' academic or professional qualifications as 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.
  - (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.
- (e) Projects which remain unconstructed and which are listed as credit shall be listed as "unbuilt" or by a similar designation.
- (12) The registrant shall not request, propose or accept a professional commission on a contingent basis under circumstances in which ~~his~~the registrant's professional judgment may be compromised.
- (13) The registrant shall not knowingly associate with, or permit the use of ~~his~~ the registrant's name or firm name in, a business venture by any person or firm which he ~~the registrant~~ knows, or has reason to believe, is engaging in business or professional practice of a fraudulent or dishonest nature.
- (14) The registrant may be deemed by the board to be guilty of misconduct if:
- (a) ~~He~~ 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) ~~His~~ 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 ~~he~~ the registrant fails to report such action to the Board in writing within sixty (60) days of the action;
- (c) ~~He~~ 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
- (c) ~~He~~ The registrant fails to comply with a lawful order of the Board.
- (15) The registrant shall not engage, or offer to engage, in the providing of 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.
- (16) Before accepting a project, a registrant shall reasonably inform the prospective client of:
- (a) The scope and nature of the project;
- (b) The professional services relating to the interior design that will be performed and the method of compensation for those performed services; and
- (c) All compensation that the registrant will receive in connection with the project. If the registrant accepts the project, the registrant shall not accept any compensation from any person with whom the registrant deals in connection with the project that has not been fully disclosed to the client in writing prior to acceptance of the project.
- (17) 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 his or her 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.



- (18) The registrant shall maintain the continuing education records required by rule 0120-05-.10 Records 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.

Authority: T.C.A. § 62-2-203(c).

Chapter 0120-05  
Continuing Education

Amendments

Rule 0120-05-.08 Exemptions is amended by deleting the text of subparagraphs (1)(b), (1)(c) and (1)(d) in their entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (1) A registrant may be exempt from continuing 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.
  - (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 ~~Professional Development Hours~~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 ~~Professional Development Hours~~PDH required during that year.
  - (d) A registrant who lists ~~his or her~~ the registrant's occupation as "~~R~~etired" or "inactive" on the Board-approved renewal form and who further certifies that ~~he or she is~~ they are no longer practicing shall be exempt from the ~~Professional Development Hours~~PDH 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).

Rule 0120-05-.13 Reciprocity is amended by deleting the text of paragraph (1) in its entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (1) If a registrant resides in or has ~~his or her~~ 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 ~~his or her~~ 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 ~~his or her~~ the registrant's home jurisdiction must be provided at the Board's request. If the registrant is exempt from the continuing education requirements in ~~his or her~~ the registrant's home jurisdiction, the registrant must meet the requirements of Tennessee unless ~~he or she~~ 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).

Chapter 0120-06  
Corporations, Partnerships and Firms

Amendments

Rule 0120-06-.03 Disclosure Requirements is amended by deleting the text of paragraph (2) in its entirety and substituting instead the following language so that, as amended, the rule in its entirety shall read:

- (1) Corporations, partnerships and firms offering architectural, engineering and landscape architectural services to the public must comply with the provisions of T.C.A. §§ 62-2-601 and 62-2-602.
- (2) An individual registrant practicing in ~~his or her~~ the registrant's own name as a sole proprietorship shall not be required to submit a disclosure form.

Authority: T.C.A. § 62-2-203(c).