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File Date: \_\_\_\_\_

# Notice of Rulemaking Hearing – **Redline**

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Tennessee State Board of Architectural and Engineering Examiners
<b>Division:</b>	Department of Commerce and Insurance Regulatory Boards Division
<b>Contact Person:</b>	Maria P. Bush
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*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	Don Coleman
<b>Address:</b>	500 James Robertson Parkway, Nashville, TN 37243
<b>Phone:</b>	615-741-6500
<b>Email:</b>	Don.Coleman@tn.gov

**Hearing Location:**

Address 1:	500 James Robertson Parkway		
Address 2:	Conference Room 1A		
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	August 6, 2020		
Hearing Time:	11:00 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Alternate Hearing Option (Only If the In-Person Hearing is Prohibited by Executive Order)**

<b>Method 1:</b>	<p>If physical congregating in groups of 10 or more persons is prohibited by Executive Order or social distancing phase-in guidance issued by Governor Lee, then the hearing will not be held at the location above but will, instead, be held electronically by WebEx at the same date and time provided above. In that event, you may join by going to this link:</p> <p><a href="https://tngov.webex.com/webappng/sites/tngov/meeting/download/0a577fff2f374a2aadf59bf244a3e4e2?siteurl=tngov&amp;MTID=m884cd42ffc335dd9ac0b8a35e920b00c">https://tngov.webex.com/webappng/sites/tngov/meeting/download/0a577fff2f374a2aadf59bf244a3e4e2?siteurl=tngov&amp;MTID=m884cd42ffc335dd9ac0b8a35e920b00c</a></p> <p><b>Meeting number (access code): 161 138 1754</b> <b>Meeting password: tyHw33dxvn9</b></p>
<b>Method 2:</b>	<p><b>Join by phone:</b> <b>1-415-655-0003</b></p> <p><b>Access code: 161 138 1754</b></p>

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

- Amendment
- New
- Repeal

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

Chapter Number	Chapter Title
0120-05	Continuing Education
Rule Number	Rule Title
0120-05-.04	Basic Requirements
0120-05-.06	Types of Acceptable Continuing Education
0120-05-.07	Credits
0120-05-.08	Exemptions
0120-05-.14	Alternative Continuing Professional Development Option For Architects and Registered Interior Designers

Rules of Tennessee Board of Architectural and Engineering Examiners  
Chapter 0120-05  
Continuing Education

Amendment

0120-05-.04 BASIC REQUIREMENTS is amended by deleting the text of the rule in its entirety and substituting the following instead so that, as amended, the rule shall read:

~~(1) A registrant seeking biennial renewal for the first time after initial registration shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDH's the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDH's claimed shall address health, safety and welfare issues and technical competency.~~

~~(2) A registrant seeking biennial renewal for each two (2)-year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty four (24) PDH's the two (2) years immediately preceding application for renewal (carryover hours, not exceeding twelve (12) hours, from the preceding renewal period may be included). At least thirteen (13) of the PDH's claimed shall address health, safety and welfare issues and technical competency.~~

~~(3) 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.~~

~~(4) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDH's (thirteen (13) of which shall address health, safety and welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.~~

(1) Basic Requirements-Architects

(a) A registered architect seeking biennial renewal for the first time shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDHs the two (2) years immediately following initial registration and immediately preceding application for renewal. All twelve (12) PDHs must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities.

(b) A registrant seeking biennial renewal for each two (2)-year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty-four

(24) PDHs the two (2) years immediately preceding application for renewal. All twenty-four (24) PDHs must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be carried over to a future renewal period.

- (c) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.
- (d) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs during the twenty-four (24) months immediately preceding reapplication. All twenty-four (24) PDHs must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities.
- (e) As an alternative to the requirements listed in 0120-05-.04(1)(a)-(d), a registered architect may meet the continuing education requirement by obtaining twelve (12) PDHs per calendar year, all twelve (12) of which shall be completed in Health, Safety, and Welfare subjects acquired in structured educational activities. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be credited to a future calendar year.
- (f) For purposes of this rule, a structured educational activity is one in which at least seventy-five percent (75%) of an activity's content and instructional time must be devoted to Health, Safety, and Welfare subjects related to the practice of architecture, including courses of study or other activities under the areas identified as Health, Safety and Welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.
- (g) For purposes of this rule, Health, Safety, and Welfare subjects are technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.
  - 1. Building Systems: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection
  - 2. Construction Contract Administration: Contracts, Bidding, Contract Negotiations
  - 3. Construction Documents: Drawings, Specifications, Delivery Methods
  - 4. Design: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures
  - 5. Environmental: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation
  - 6. Legal: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to Protect Owners and Public
  - 7. Materials and Methods: Construction Systems, Products, Finishes, Furnishings, Equipment
  - 8. Pre-Design: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying
  - 9. Preservation: Historic, Reuse, Adaptation

(2) Basic Requirements-Engineers

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

(3) Basic Requirements-Landscape Architects

- (a) A registered landscape architect seeking biennial renewal for the first time after initial registration shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDHs the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDHs claimed shall address health, safety and welfare issues and technical competency.
- (b) A registrant seeking biennial renewal for each two (2)-year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty-four (24) PDHs the two (2) years immediately preceding application for renewal. At least thirteen (13) of the PDHs claimed shall address health, safety and welfare issues and technical competency. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be carried over to a future renewal period.
- (c) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.
- (d) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs (thirteen (13) of which shall

address health, safety and welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.

(e) As an alternative to the requirements listed 0120-05-.04(3)(a)-(d), a registered landscape architect may meet the continuing education requirement by obtaining twelve (12) PDHs per calendar year, at least seven (7) of which shall address health, safety and welfare issues and technical competency. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be credited to a future calendar year.

#### (4) Basic Requirement-Registered Interior Designers

(a) A registered interior designer seeking biennial renewal for the first time after initial registration shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDHs the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDHs claimed shall address health, safety and welfare issues and technical competency.

(b) A registrant seeking biennial renewal for each two (2)-year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty-four (24) PDHs the two (2) years immediately preceding application for renewal (carryover hours, not exceeding twelve (12) hours, from the preceding renewal period may be included). At least thirteen (13) of the PDHs claimed shall address health, safety and welfare issues and technical competency.

(c) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.

(d) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs (thirteen (13) of which shall address health, safety and welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.

(e) As an alternative to the requirements listed in 0120-05-.04(4)(a)-(d), a registered interior designer may meet the continuing education requirement by obtaining twelve (12) PDHs per calendar year, at least seven (7) of which must be completed in Health, Safety, and Welfare and technical competency subjects acquired in structured educational activities. The remainder of the PDHs claimed may address general knowledge subjects relevant to the practice of interior design. Up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed.

1. For purposes of this paragraph, a structured educational activity is one in which at least seventy-five percent (75%) of an activity's content and instructional time must be devoted to Health, Safety, and Welfare subjects related to the practice of interior design, including courses of study or other activities under the areas identified as Health, Safety and Welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.

2. For purposes of this paragraph, Health, Safety, and Welfare subjects are technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

(i) Health/Safety—Includes topics related to protection of the public or the environment. Such topics include:

- (I) Building and Life Safety Codes, regulations and standards of practice
- (II) Building regulations
- (III) Products or designs implemented to protect the public or the environment
- (IV) Product performance standards and topics including, but not limited to, energy efficiency, acoustics, indoor air quality, lighting, or fire and life-safety systems
- (ii) Welfare—Includes topics that enhance the social, psychological, financial and physical well-being of individuals and the environment. Such topics include, but are not limited to:
  - (I) Social
  - (II) Psychological
  - (III) Financial
  - (IV) Business practices
  - (V) Ethics
  - (VI) Space design
  - (VII) Budgets and estimating
  - (VIII) Construction administration
  - (IX) Environmental and sustainability issues
  - (X) Finish materials and methods of construction detailing
  - (XI) Special needs populations
- (iii) Topics that do not qualify as Health, Safety, and Welfare include, but are not limited to, computer software training and general business practices, firm marketing, personnel, and management issues.

3. A general knowledge PDH is one where the PDH covers general knowledge regarding interior design practice and process and where less than seventy-five percent (75%) of the PDH content covers health, safety, welfare, barrier free design or sustainability. The subject of a general knowledge PDH may include, but is not limited to, the five (5) phases of design, including programming, schematic design, design development, construction documents and contract administration.

**Authority:** T.C.A. § 62-2-203(d).

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

- (1) The Board will grant credit for only such continuing education activities that satisfy the following criteria:

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

**Authority:** T.C.A. § 62-2-203(d).

0120-05-.07 Credits is amended by adding new paragraph (2), which shall read:

- (1) Professional Development Hours of credit for qualifying courses successfully completed which offer semester hour, quarter hour, or CEU credit are as specified above. All other activities will be credited one (1) PDH for each contact hour with the following exceptions:
  - (a) Monitoring of university or college courses will be credited at one-third (1/3) the above-stated conversion table.
  - (b) Teaching or instructing qualifying courses or seminars will be credited at twice the PDH's earned by a participating student and may be claimed for credit only once.

- (c) Authorship of papers, articles, or books cannot be claimed until actually published. A maximum of ten (10) PDH's per biennium may be claimed for each published peer-reviewed paper, article, or book. A maximum of five (5) PDH's per biennium may be claimed for each published paper, article, or book that is not peer-reviewed.
  - (d) Correspondence course PDH's may be considered acceptable to the Board, but the registrant shall submit, upon request, supporting documentation to demonstrate high quality course content.
  - (e) A maximum of eight (8) PDH's per biennium may be claimed for attendance at Board meetings and professional society legislative events, and active participation in technical/professional societies or organizations, or technical or professional public boards, as an officer or committee member.
  - (f) A maximum of four (4) PDH's per biennium may be claimed for active participation in educational outreach activities involving K-12 or higher education students.
  - (g) A maximum of ten (10) PDH's per biennium may be claimed for each patent.
  - (h) A maximum of five (5) PDH's per biennium may be claimed for writing accepted licensing examination items.
- (2) [PDHs may be acquired at any location. If the continuing education provider prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the registrant's time for PDH purposes irrespective of actual time spent on the activity.](#)

**Authority:** T.C.A. § 62-2-203(d).

0120-05-.08 Exemptions is amended by adding the following language as new subparagraph (1)(e):

- (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.
  - (e) [A registrant experiencing physical disability, a serious medical condition, or other extenuating circumstances may apply for an exemption or an extension of time to obtain the credits, subject to the review and approval of the Board. Supporting documentation must be furnished to the Board, and the Board reserves the right to deny requests lacking adequate documentation or justification. Registrants granted an exemption or extension may still be subject to disciplinary action for violations of this chapter that occurred outside the period of exemption or extension.](#)

**Authority:** T.C.A. § 62-2-203(d).

Rules of Tennessee Board of Architectural and Engineering Examiners  
Chapter 0120-05  
Continuing Education

0120-05-.14 Alternative Continuing Professional Development Option for Architects and registered Interior Designers is Repealed.

~~(1) As an alternative to the requirements of Rule 0120-05-.04 Basic Requirements, a registered architect or registered interior designer may meet the continuing education requirement for renewal by obtaining twelve (12) Continuing Education Hours (CEH) per calendar year. All twelve (12) Continuing Education Hours must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities. Continuing Education Hours may be acquired at any location. Excess Continuing Education Hours may not be credited to a future calendar year.~~

~~(2) For the purposes of this rule, CEH means one continuous instructional hour (no less than 50 minutes of contact) spent in structured educational activities intended to increase or update the architect's or registered interior designer's knowledge and competence in Health, Safety, and Welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the architect's or registered interior designer's time for Continuing Education Hour purposes irrespective of actual time spent on the activity. Registrants will not receive credit for activities less than one (1) CEH in duration.~~

~~(3) For purposes of this rule, a structured educational activity is one (1) in which at least seventy-five percent (75%) of an activity's content and instructional time must be devoted to Health, Safety, and Welfare subjects related to the practice of architecture or interior design, including courses of study or other activities under the areas identified as Health, Safety and Welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.~~

~~(4) For purposes of this rule, health, safety, and welfare subjects are technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.~~

~~Building Systems: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection~~

~~Construction Contract Administration: Contracts, Bidding, Contract Negotiations~~

~~Construction Documents: Drawings, Specifications, Delivery Methods~~

~~Design: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures~~

~~Environmental: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation~~

~~Legal: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to Protect Owners and Public~~

~~Materials and Methods: Construction Systems, Products, Finishes, Furnishings, Equipment~~

~~Pre-Design: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying~~

~~Preservation: Historic, Reuse, Adaptation~~

**Authority:** T.C.A. § 62-2-203(d)

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: June 16, 2020

Signature: *Maria P. Bush*

Name of Officer: Maria P. Bush

Title of Officer: Associate General Counsel

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Filed with the Department of State on: \_\_\_\_\_

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Tre Hargett  
Secretary of State