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Engineering Ethics for Maryland Professional Engineers

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Chapter 1

Overview of the Maryland Engineering Ethics, Laws and Rules

Maryland Board of Professional Engineers

The Maryland Board for Professional Engineers (Board) was established to regulate the practice, licensure and registration of engineers in the State of Maryland in order to safeguard life, health and property and promote the general welfare. The Board reviews applications, administers examinations, licenses qualified applicants, and regulates the professional practice of licensees throughout the state. The Board has the power to adopt rules, set standards for licensure, adopt mandatory standards of professional conduct and ethics, and investigate and discipline unauthorized, negligent, unethical or incompetent practice.

The Board consists of eight members, six of whom are engineers and two of whom are consumer members. All members are appointed by the Governor of the State of Maryland with the advice of the Secretary and with the advice and consent of the Senate. All members of the Board are appointed for a term of five years.

The Board has the authority to implement provisions of the Maryland Professional Engineers Act: Title 14, "Professional Engineers" and the Maryland Board Regulations, Title 9, Subtitle 23, "Board for Professional Engineers".

Maryland Codes (Laws)

The Maryland Codes are a collection of state laws organized by subject area into a code made up of titles and chapters. Title 14, "Professional Engineers" was created by the Maryland General Assembly in the interest of public health and safety to regulate the practice of engineering in the State of Maryland. The codes are current through legislation (which creates, amends or repeals statutory material) effective June 1, 2014. The Maryland Codes state the law followed by the history of the law which indicates when it was originally filed and subsequent effective dates of enactment.

Pertinent sections of Title 14, which relate to the engineering laws and codes of professional conduct and responsibility, are presented in Chapter 2 below.

Maryland Regulations (Rules)

The Maryland Regulations are a compilation of the rules and regulations of the Maryland regulatory agencies and it is organized by titles, subtitles and chapters with each subtitle number representing a department, commission, board or other agency. Subtitle 23 of the regulations was created to regulate the practice of engineering in the State of Maryland.

The Board regulations state the rule followed by the history of the rule which indicates when it was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. The rules were last updated on November 11, 2013.

Pertinent sections of Subtitle 23, which relate to engineering rules and codes of professional conduct and responsibility, are presented in Chapter 3 below.

Study Question 1:

List the two regulations that govern the practice of engineering in the State of Maryland.

Disciplinary Authority

The Maryland Board for Professional Engineers is charged with the duty of issuing certificates of registration to those professional engineers it has determined to be qualified. It has also the authority and responsibility to revoke or suspend these certificates when licensees are convicted with charges of gross incompetence or professional misconduct.

Disciplinary Process

Complaints may involve unethical conduct, incompetence, unlicensed practice, misrepresentation, plan stamping, or a number of other practice allegations. Monetary disputes or complaints alleging "non-performance" are usually deemed to be contractual matters over which the Board has no jurisdiction. The complaint must contain sufficient factual evidence to indicate a clear violation of the registration law.

The Board uses a common complaint form which must be completed, signed and submitted by the Complainant as anonymous complaints are not accepted. An acknowledgement letter will be sent to the Complainant with a copy to the Respondent.

Complaints are reviewed by a Complaint Committee which is comprised of two members of the Board. The Complaint Committee may refer a complaint for investigation if it is of the opinion that more information is needed to make a determination with regard to a particular complaint. If the Board determines, based on the Complaint Committee's recommendations, that a violation of the law has occurred, a hearing will be scheduled before the Board or an Administrative Law Judge. A final order can be appealed to the Circuit Court. A similar complaint process is in place for complaints related to unlicensed practice.

Several disciplinary cases, presented in Chapter 4 below, were randomly selected to further illustrate the disciplinary actions taken by the Board. In selecting these cases, different scenarios of violations are depicted along with their corresponding final decisions issued by the Board.

Chapter 2

Maryland Codes: Title 14

TITLE 14: PROFESSIONAL ENGINEERS

The following are excerpts from Title 14 of the Maryland Codes. If you wish to review the entire title, please visit the website of the Maryland Board at:

<http://www.lexisnexis.com/hottopics/mdcode/>

SUBTITLE 2. STATE BOARD FOR PROFESSIONAL ENGINEERS

§ 14-205. Code of ethics

(a) In general. -- With the advice of the established engineering societies, the Board shall adopt, by regulation, a code of ethics for practicing engineering.

(b) Distribution. -- The Board shall distribute:

(1) to each applicant for a license, a copy of the Maryland Professional Engineers Act and the Board's rules and regulations; and

(2) on each renewal of a license, to each licensee, a copy of any amendments to the Maryland Professional Engineers Act and the Board's rules and regulations that took effect during the 2-year period ending on the date of renewal.

Study Question 2:

The Board will only furnish you with a copy of the amendments to the engineering laws and rules upon your written request. True or False?

HISTORY: An. Code 1957, art. 75 1/2, § 8; 1989, ch. 3, § 1; 1994, ch. 21.

§ 14-206. Investigative and enforcement powers

(a) Investigative staff. -- Subject to the State budget, the Board may employ an investigative staff to:

(1) investigate a complaint; and

(2) perform any other related duty, as assigned by the Board.

(b) Subpoena power.

(1) The Board may issue a subpoena for the attendance of a witness to testify or the production of evidence in connection with:

(i) any disciplinary action under § 14-317 of this title; or

(ii) any proceeding brought for an alleged violation of this title.

(2) A subpoena shall be signed by the chairman of the Board and sealed with the seal of the Board.

(3) If a person fails to comply with a subpoena issued under this subsection, on petition of the Board, a circuit court may compel compliance with the subpoena.

(c) Injunctive power.

(1) The Board may sue in the name of the State to enforce any provision of this title by injunction.

(2) In seeking an injunction under this subsection, the Board is not required to:

(i) post bond; or

(ii) allege or prove either that:

1. an adequate remedy at law does not exist; or

2. substantial or irreparable damage would result from the continued violation of the provision.

(3) A member of the Board may not be held personally liable for any action taken under this subsection in good faith and with reasonable grounds.

HISTORY: An. Code 1957, art. 75 1/2, § 8; 1989, ch. 3, § 1; ch. 632, § 3.

§ 14-208. Miscellaneous powers and duties

(a) Powers.

(1) In addition to any powers set forth elsewhere, the Board may adopt:

(i) any bylaw for the conduct of the proceedings of the Board; and

(ii) any regulation to carry out this title, subject to the limitation under paragraph (2) of this subsection.

(2) The Board may not adopt any regulation that would restrict or otherwise would affect competitive bidding for engineering services.

(b) Duties. -- In addition to any duties set forth elsewhere, the Board shall:

(1) administer this title;

(2) adopt a seal;

(3) keep a record of its proceedings; and

(4) keep a file on each applicant for:

(i) a license; and

(ii) certification under § 14-310 of this title.

HISTORY: An. Code 1957, art. 75 1/2, §§ 3, 8, 10; 1989, ch. 3, § 1.

SUBTITLE 5. PROHIBITED ACTS; PENALTIES

§ 14-501. Practicing without license

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice engineering in the State unless licensed by the Board.

HISTORY: An. Code 1957, art. 75 1/2, §§ 1, 18; 1989, ch. 3, § 1.

§ 14-502. Misrepresentation

Unless authorized under this title to practice engineering without the supervision required under § 14-303 of this title, a person may not represent to the public, by use of a title, including "engineer", "professional engineer", "licensed engineer", or "registered engineer", by use of the term "engineering" in the name of the person's business activity, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice engineering in this State.

HISTORY: An. Code 1957, art. 75 1/2, §§ 1, 2, 18, 19; 1989, ch. 3, § 1.

§ 14-503. Using license of another; impersonating professional engineer

A person may not:

- (1) use or attempt to use the license of another individual; or
- (2) impersonate another individual who holds a license.

HISTORY: An. Code 1957, art. 75 1/2, § 18; 1989, ch. 3, § 1.

§ 14-504. Endorsement of documents

(a) Unauthorized persons. -- Other than a professional engineer who obtains a seal as authorized under this title, a person may not use or attempt to use a seal.

(b) Revoked, suspended, or expired license. -- While the license of an individual is suspended, revoked, or expired, a person may not endorse a document, as provided under § 14-402 of this title, with the name or seal of the individual.

HISTORY: An. Code 1957, art. 75 1/2, §§ 15, 18; 1989, ch. 3, § 1.

§ 14-505. Giving false information to Board

A person may not give false information to the Board in an attempt to obtain a license.

HISTORY: An. Code 1957, art. 75 1/2, § 18; 1989, ch. 3, § 1.

§ 14-506. Prohibited activities while license suspended or revoked

(a) In general. -- Except as otherwise provided under this section, an individual whose license has been suspended or revoked under § 14-317 of this title may not practice engineering in any manner as:

- (1) an associate, agent, employee, or other subordinate of a professional engineer; or
- (2) a principal, associate, agent, employee, or other subordinate of a corporation or partnership that provides engineering services.

(b) Exceptions. -- The prohibition set forth under subsection (a) of this section does not apply to an individual while practicing engineering:

- (1) as an officer or employee of the federal government, as provided under § 14-301(b)(1) of this title;
- (2) as an employee of a regulated utility company, as provided under § 14-301(b)(2) of this title; or
- (3) as an officer or employee of a corporation, subject to the conditions provided under § 14-302 of this title.

HISTORY: An. Code 1957, art. 75 1/2, § 17A; 1989, ch. 3, § 1.

§ 14-507. Practicing while not qualified

An individual who is authorized to practice engineering may not practice or offer to practice engineering in those areas of engineering in which the individual is not competent to practice.

HISTORY: An. Code 1957, art. 75 1/2, § 18; 1989, ch. 3, § 1.

§ 14-508. Criminal and civil penalties

(a) Criminal penalty. -- A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 6 months or both.

(b) Civil penalty

(1) The Board may impose on a person who violates any provision of this title a penalty not exceeding \$ 5,000 for each violation.

(2) In setting the amount of the penalty, the Board shall consider:

- (i) the seriousness of the violation;
- (ii) the harm caused by the violation;
- (iii) the good faith of the violator;
- (iv) any history of previous violations by the violator; and
- (v) any other relevant factors.

(3) The Board shall pay any penalty collected under this subsection into the General Fund of the State.

HISTORY: An. Code 1957, art. 75 1/2, § 18; 1989, ch. 3, § 1; 1996, ch. 523; 2001, ch. 187.

Study Question 3:

What is the maximum criminal penalty the board can serve you with, if you were found in violation of Title 14-508(a)?

Chapter 3

Maryland Regulations - Title 9, Subtitle 23

TITLE 9, SUBTITLE 23: BOARD FOR PROFESSIONAL ENGINEERS

The following are excerpts from Title 9, Subtitle 23 of the Maryland Regulations. If you wish to review the entire subtitle, please visit the website of the Maryland Board at:

http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=09.23.*

CHAPTER 03. CODE OF ETHICS AUTHORITY

09.23.03.01. 01 Responsibility to the Public

A licensee shall make every reasonable effort to protect the safety, health, property, and welfare of the public. If the licensee's professional judgment is overruled under circumstances when the safety, health, property, or welfare of the public is endangered, the licensee shall inform the employer or client of the possible consequences.

09.23.03.02. 02 Public Statements, Reports, and Testimony

A. A licensee making public statements on engineering questions shall disclose when the licensee is being compensated for making the statement.

B. A licensee may express publicly a professional opinion on an engineering subject only when that opinion is founded upon adequate knowledge of the material facts and a background of technical competence in the subject matter.

C. In any professional report, statement, or testimony, a licensee may not be untruthful, deceptive, or misleading.

09.23.03.03. 03 Competency for Assignments Undertaken or Approved

A. In practicing engineering, a licensee shall act with reasonable care and competence, and shall apply the technical knowledge and skills which are ordinarily applied by professional engineers of good standing, practicing in the same field of engineering.

B. A licensee may undertake to perform engineering assignments only when qualified to do so by education or experience, or both, in the specific field of engineering involved.

09.23.03.04. 04 Conflicts of Interest

A. A licensee shall make every effort to avoid conflicts of interest with the employer or client. Whenever conflicts of interest appear unavoidable, however, the licensee shall disclose promptly and fully all the circumstances to the employer or client.

B. A licensee shall inform promptly an employer or client of any business association, interest, or circumstances which may influence the judgment or the quality of services rendered to the employer or client.

C. A licensee may not accept compensation, financial or other, from more than one party for services pertaining to a project unless full disclosure is made by the licensee to all interested parties.

D. A licensee may not solicit or accept financial or other valuable consideration from any material or equipment supplier for specifying the supplier's products, except when the licensee is a previously announced employee or agent of the supplier.

Study Question 4:

Is it appropriate for the licensee to accept gratuity from an equipment supplier for specifying the supplier's product?

E. When acting as the interpreter of engineering documents and the judge of performance under the documents, a licensee shall render decisions impartially, not favoring either party to the documents.

09.23.03.05. 05 Full Disclosure

A. A licensee shall accurately represent to a prospective or existing client or employer the licensee's qualifications and the scope of the licensee's responsibility in connection with work for which the licensee is claiming credit.

B. A licensee may not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with the licensee's application for licensure or renewal of licensure.

09.23.03.06. 06 Compliance with Laws

A. In the conduct of the licensee's engineering practice, the licensee may not knowingly violate any state or federal criminal laws.

B. A licensee shall comply with the licensing laws and regulations governing the licensee's professional practice in this or any other jurisdiction in which the licensee practices engineering.

09.23.03.07. 07 Professional Conduct

A. A licensee may not either offer or make any payment or gift to a government official, whether elected or appointed, with the intent of influencing the official's judgment in connection with a prospective or existing project in which the licensee is interested.

B. A licensee may not either offer or make any gifts, other than gifts of nominal value including, for example, reasonable entertainment and hospitality, with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the licensee is interested.

C. A licensee may not engage in conduct involving fraud or wanton disregard of the rights of others.

D. A licensee may not assist the application for licensure of a person known by the licensee to be unqualified in respect to education, training, experience, or character.

E. A licensee possessing knowledge of a violation of this chapter by another licensee shall report this knowledge to the Board.

09.23.03.09. 09 Signing and Sealing Requirements

A. A licensee may sign and seal plans, specifications, drawings, reports, or other documents that are required to be signed and sealed pursuant to the Business Occupations and Professions Article, §14-4A-02, Annotated Code of Maryland, only if the following requirements are met:

- (1) The licensee is competent in the subject matter of those documents by virtue of education or experience, or both; and
- (2) The licensee either:
 - (a) Personally prepared the documents, or
 - (b) Approved the documents.

B. Definition. For purposes of §A(2)(b) of this regulation, the term "approved" means that the licensee satisfied the following criteria:

- (1) Had technical knowledge and responsible control over the content of technical submissions during their preparation; and
- (2) Performed substantive review and had authority to make revisions with regard to the preparation of submissions described in this regulation.

C. A licensee may complete, correct, revise, or add to the work performed by another licensee when engaged to do so by a client, if the following requirements are met:

- (1) The client furnishes the documentation of the work submitted to the client by the first licensee;
- (2) The first licensee, if still engaged in a business of providing engineering services, is notified in writing by the second licensee of the engagement referred to in this section immediately upon acceptance of the engagement; and
- (3) The second licensee signs, seals, and is responsible for the completions, corrections, revisions, or additions that the second licensee made.

D. Nothing in §C of this regulation is intended to relieve the first licensee from any liability that the first licensee is deemed to assume for work performed by the first licensee pursuant to the requirements set forth in this regulation.

Study Question 5:

According to the Maryland Board, what does "original signature" mean?

E. Original Signature.

- (1) A licensee who prepared or approved documents in accordance with the criteria set forth in this regulation shall place the licensee's original signature and date of the signature on the documents required to be signed and sealed pursuant to Business Occupations and Professions Article, §14-4A-02, Annotated Code of Maryland.
- (2) For the purposes of this regulation, the term "original signature" means:
 - (a) A handwritten signature in permanent ink; or
 - (b) A digital signature, which satisfies the following requirements:
 - (i) It contains identification unique to a licensee using it, such as the licensee's name and license number;
 - (ii) It is under the exclusive control of the licensee using it;
 - (iii) It cannot be repudiated and is independently verifiable; and
 - (iv) It is linked to the document in such a manner that any subsequent modifications to the document after the digital signature was appended to it will result in the document no longer being prepared or approved by the licensee.

F. Nothing in this regulation is intended to modify any of the requirements applicable to professional certifications or titleblocks more specifically set forth in Regulation .10 of this chapter.

09.23.03.11. 11 Failure to Respond

A. An applicant or licensee shall respond in writing to a written communication from the Board within 30 days of the date of mailing.

B. The Board shall send a written communication by first-class mail to the last known address furnished to the Board by an applicant or licensee.

C. It is a responsibility of an applicant or licensee to notify the Board in writing if there has been a change in applicant's or licensee's address.

D. Failure to respond as required by this regulation may be considered by the Board to be a violation of Business Occupations and Professions Article, §14-317(a)(1)(vi), Annotated Code of Maryland.

Administrative History Effective date: June 11, 1975 (2:13 Md. R. 929).

Regulations .01, .04, .05, and .07 amended effective December 29, 1978 (5:26 Md. R. 1922).

Originally promulgated as COMAR 09.23.01.10. Re-codified effective January 23, 1981 (8:2 Md. R. 111)

Regulation .04D adopted effective September 7, 1987 (14:18 Md. R. 1965)

Chapter revised effective September 28, 1992 (19:19 Md. R. 1705).

Regulations .02–06 repealed and new Regulations .02–10 adopted effective December 29, 1997 (24:26 Md. R. 1757)

Regulation .03B amended effective March 1, 2004 (31:4 Md. R. 314)

Regulation .10D,E adopted effective July 2, 2007 (34:13 Md. R. 1151)

Regulation .11 adopted effective October 20, 2008 (35:21 Md. R. 1824)

Regulation .09 amended effective September 1, 2014 (41:17 Md. R. 970)

Regulation .09E amended effective July 16, 2018 (45:14 Md. R. 696)

Regulation .11 amended effective December 17, 2018 (45:25 Md. R. 1205)

**CHAPTER 06 CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS
AUTHORITY**

09.23.06.01. 01 Purpose

The public interest requires that professional engineers provide competent services in all areas of practice. The State legislature has determined that it is in the best interest of the public to require professional engineers to comply with the continuing professional competency requirements as a prerequisite to the renewal of a license.

09.23.06.02. 02 Definitions

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) "Activity" means attending and completing any qualifying courses, seminars, workshops, technical presentations, and other qualifying programs with a clear purpose and objective

that will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice. Regular duties in the course of employment are not considered qualified activities.

(2) "Authorized provider" means an organization or individual reviewed and approved by the Board.

(3) "Board" means the State Board for Professional Engineers.

(4) "Dual Licensee" means a person who is licensed as both a professional engineer and a professional land or property line surveyor.

(5) "NCEES" means the National Council of Examiners for Engineering and Surveying.

(6) "Professional Development Hour (PDH)" means a contact hour (nominal) of instruction or presentation and is the common denominator for other units of credit.

(7) "Qualifying program" means any course, seminar, workshop, technical presentation, or other qualifying offering that meets the criteria set forth in Regulation .04 of this chapter.

(8) "Reporting period" means a 2-year licensing period immediately preceding a current individual licensing term.

(9) "Self-directed activity" means an activity that does not involve a face-to-face direct learning experience. The self-directed activity may include, but is not limited to, correspondence courses, online courses, and televised, videotaped, or audiotaped presentations and shall provide for, in addition to the requirements in Regulation .04 of this chapter, clear outcome measures in the form of a narrative, test, report, study, research paper, or any other appropriate form or method.

09.23.06.03. 03 Requirements

A. A licensee shall complete a minimum of 16 PDH units earned from the participation in and completion of qualifying programs described in Regulation .04 of this chapter as a condition of license renewal in each individual biennial licensing term.

B. A minimum of 1 PDH unit in each individual biennial licensing term shall be earned from the participation in and the completion of qualifying programs with content areas related to the following:

- (1) The awareness of ethical concerns and conflicts related to the practice of engineering;
- (2) An enhanced familiarity with the code of conduct for professional engineers;
- (3) An understanding of standards of practice or care related to the practice of engineering; or
- (4) Laws and regulations applicable to the practice of engineering in Maryland.

Study Question 6:

How many PDH units in professional engineering ethics is the licensee required to complete each reporting period?

C. A maximum of 8 PDH units earned in excess of 16 units that are required for a license renewal during the licensing term can be carried forward to apply as credit toward the next individual licensing term.

09.23.06.04. 04 Qualifying Programs

A. Programs shall meet at least the following criteria in order to be considered qualifying programs:

- (1) Maintain and enhance professional competency of professional engineers; and
- (2) Foster improvement, advancement, and extension of professional skills and knowledge related to the practice of engineering.

B. Qualifying programs shall have the following content areas:

- (1) Technical, research, analytical, or design aspects of engineering;
- (2) Laws and regulations applicable to the practice of engineering in Maryland;
- (3) Engineering-related computer hardware and software topics;
- (4) Standards of practice or care;
- (5) Professional engineering ethics;
- (6) Project management, risk assessment and management, or emergency and disaster management; or
- (7) Similar topics aimed to maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice.

C. The determination of whether the activity constitutes a qualifying activity is within the discretion of the Board.

09.23.06.05. 05 Sources of Credit

A. A licensee may earn PDH units by any of the following methods:

- (1) Attending and successfully completing qualifying programs in which the teaching methodology consists primarily of systematic presentation of subjects related to the practice of engineering, and which programs are:
 - (a) Offered by pre-approved or other authorized providers;
 - (b) Have a stated purpose and defined content areas; and
 - (c) Have a clearly stated duration.
- (2) Serving as a single or first author of an original paper on engineering subject matters published in magazines, journals, professional proceedings, or other similar publications intended for professional use and distribution;
- (3) Serving as a single or first author of an original published book on engineering subject matters that exhibits excellence in scholarship and has a significant impact and influence on the direction of engineering;
- (4) Subject to limitations set forth in Regulation .06 of this chapter, active participation in an engineering professional or technical society;
- (5) Obtaining a patent;
- (6) Subject to limitations set forth in this Regulation .05, teaching or lecturing of a qualified program, as described in Regulation .04 of this chapter;
- (7) Developing examination questions accepted for use on NCEES examinations; or
- (8) Other appropriate methods approved by the Board.

B. A licensee may not earn credits for such activities as:

- (1) Regular employment as a professional engineer, full-time faculty member, or expert witness;
- (2) Marketing or business development or sales;
- (3) Equipment demonstrations or trade show displays;
- (4) Time management techniques and strategies;
- (5) Computer-aided drafting;
- (6) Repetitive attendance of the same course or activity;
- (7) Attending committee meetings or general business meetings of any organization;
- (8) Conversational language courses for personal use;
- (9) Executive coaching;
- (10) Basic computer software, including, but not limited to, Excel, Word, Outlook, and similar basic computer software; or
- (11) Any other topics not relevant to the practice of engineering.

09.23.06.06. 06 Value of Units

A. PDH units are earned or converted from other units of credit as follows:

- (1) 1 college or unit semester hour — 45 PDH units;
- (2) 1 college or unit quarter hour — 30 PDH units;
- (3) 1 continuing education unit — 10 PDH units;
- (4) Each published paper or article on an engineering subject as identified in Regulation .04 of this chapter — 5 PDH units;
- (5) Each published book on an engineering subject — 24 PDH units;
- (6) Teaching of engineering and related subjects on a part-time basis, provided that:
 - (a) The presenter may claim credit for the first-time presentation of the qualifying program; and
 - (b) The presenter may claim up to 2 times the number of PDH units awarded by the Board for the same program;
- (7) Participation in engineering, professional or technical societies, regardless of the number of organizations a licensee may be serving on simultaneously, as an officer, provided that the credit is not considered earned until the end of each year of service completed — 1 PDH unit;
- (8) Work related to the development and submission of examination questions subject to the following limitations:
 - (a) Questions accepted for use on NCEES examinations — 2 PDH units per accepted question, up to 4 PDH units per year; and
 - (b) Attendance and participation in NCEES exam development committee meetings — up to 6 PDH units per year; and
- (9) Obtaining a patent — 8 PDH units.

B. The final determinations of value and other matters related to the PDH units are the responsibility of the licensee, subject to review and approval by the Board.

09.23.06.07. 07 Authorizations of Providers/Other Presenters

A. The Board will review and, if appropriate, approve the providers of the qualifying programs.

B. Providers' Eligibility/Other Presenters.

- (1) The following providers are considered to be preauthorized providers without any further action by the Board:
 - (a) National (ABET/EAC), regional, or State accredited academic institutions;
 - (b) National, State, or regional engineering professional or technical societies or organizations;
 - (c) NCEES;
 - (d) American Council of Engineering Companies;
 - (e) International Association for Continuing Education and Training;
 - (f) Entities that are currently certified as approved providers by preauthorized providers; and
 - (g) Other entities that may from time to time become approved by the Board.
- (2) In order to be eligible to become an approved provider, the provider must offer the qualifying activity that meets the criteria set forth in Regulation .04 of this chapter.
- (3) The Board may allow appropriate credits for the attendance and participation in a technical activity or presentation by companies or organizations, whether or not approved by the Board under this regulation, if:
 - (a) The activity or presentation is consistent with Regulation .04 of this chapter; and

(b) A licensee maintains required documentation in accordance with Regulation .08 of this chapter, including a test or other appropriate outcome measure acceptable to the Board.

(4) Approval of Providers.

(a) The individuals or entities that are not considered to be pre-approved providers, including, but not limited to, professional firms conducting in-house presentations, may be approved by the Board to become authorized providers upon application and approval by the Board.

(b) During the application process, the Board will evaluate the suitability of the provider to serve as an approved provider.

(c) The provider shall submit general information that will enable the Board to evaluate the provider's qualifications. At a minimum, the Board requires the following information to be submitted with each application for approval:

(i) The types and descriptions of proposed or existing courses intended to be offered;

(ii) The number of PDH units to be awarded for each course;

(iii) The identity and qualifications of the course instructors;

(iv) The explanation and sample of outcome measures for any self-directed programs that may be offered; and

(v) The sample course outlines detailing the content of activity to be offered.

(d) The Board may suspend or revoke authorization as a provider if, in the judgment of the Board, the intent of Business Occupations and Professions Article, §14-314(f), Annotated Code of Maryland, is no longer served.

(e) An individual or organization whose provider's privilege has been suspended or revoked may appeal to the Board for a hearing, within 30 days after notification of the action by the Board.

(f) The Board may require approved providers to document the CPC activities for audit by the Board at any time within the 6-year period after the first presentation of the programs. Documentation shall include registration and attendance records, stated purpose, content, presentation, time and length of the activity, and participant evaluations.

C. The Board shall maintain and make available to licensees, as often as it considers appropriate, a roster of approved providers.

09.23.06.08. 08 Record Keeping

A. Responsibility to Maintain Records.

(1) The responsibility of maintaining records to be used to support the continuing professional competency credit claim is the responsibility of each licensee.

(2) A licensee shall maintain the records for a period of at least 4 years from the date of completion of the qualifying program.

B. Documentation referred to in §A(2) of this regulation, includes, but is not limited to, the following:

(1) Certificates of participation;

(2) Transcripts, if appropriate;

(3) Reprints of publications;

(4) Proof of presentations;

(5) Title and description of the activity;

(6) Dates and times attended;

(7) Presenter's name; and

(8) Any other information that may be required by the Board.

Study Question 7:

Who is responsible for maintaining the CPC records and for how many years?

09.23.06.09. 09 Reporting Requirements for License Renewal

A. A licensee shall attest on the license renewal form to the fact that the licensee has completed all applicable CPC requirements set forth in this chapter before the licensee's license expiration date.

B. The Board at its discretion may audit licensees to ascertain compliance with CPC requirements.

C. Licensees who are audited shall provide any additional documentation required by the Board to complete the audit.

09.23.06.10. 10 Exceptions from Compliance with CPC Requirements

A. Notwithstanding other requirements set forth in this chapter, a licensee who is granted an initial license may renew a license for the next full term without complying with the CPC requirements if:

(1) The licensee has been granted an initial license and is renewing a license for the next full term; and

(2) The licensee qualifies under the criteria set forth in Title 2.5, Business Regulation Article, Annotated Code of Maryland.

B. Compliance Exception Request.

(1) If a licensee is unable to comply with all or part of CPC requirements due to physical disability, illness, or other extenuating circumstances, the licensee may request the Board or the Board's administrative designee grant a one-time exception from compliance (Compliance Exception Request), provided that the Compliance Exception Request is filed with the Board or the Board's administrative designee at least 30 days prior to the licensee's license expiration date.

(2) If a Compliance Exception Request is based on physical disability or illness, the licensee must provide the Board or the Board's designee with written documentation acceptable to the Board supporting the basis for the request.

(3) A Compliance Exception Request must be accompanied by a detailed proposal acceptable to the Board indicating the licensee's intended plan of compliance with CPC requirements within no later than 6 months after the license expiration date. Failure to provide the acceptable plan of compliance within the time period specified in this regulation may result in the Board's administrative dismissal of the Compliance Exception Request.

09.23.06.11. 11 Failure to Meet the CPC Requirements

In the event a licensee fails to comply with the CPC requirements set forth in this chapter, the Board, subject to the hearing provisions of Business Occupations and Professions Article, §14–319, Annotated Code of Maryland, may take any and all available disciplinary actions under Business Occupations and Professions Article, §14–317, Annotated Code of Maryland.

09.23.06.12. 12 Reinstatement of License

A licensee who wishes to reinstate a license shall fulfill at least 16 PDH units by attending and successfully completing one or more qualifying programs described in Regulations .03 and .04 of this chapter for the immediately preceding CPC reporting period and pay all applicable fees.

09.23.06.13. 13 Retired Status

An individual who elected to receive retired status license shall be exempt from the compliance with the CPC requirements. In the event such individual elects to have the

license reactivated, the individual shall fulfill at least 16 PDH units by attending and successfully completing one or more qualifying programs described in Regulations .03 and .04 of this chapter.

09.23.06.14. 14 Dual Licensees

A licensee who maintains current licenses in the State of Maryland both as a professional engineer and as a professional land or property line surveyor shall fulfill at least 8 PDH units that satisfy the CPC requirements set forth in COMAR 09.13.08 applicable to licensed professional land or property line surveyors, and at least 8 PDH units that satisfy the CPC requirements of this chapter.

Administrative History:

Effective date: July 11, 2011 (38:14 Md. R. 789).

Regulation .11 amended effective August 18, 2014 (41:16 Md. R. 945)

Chapter revised effective January 15, 2018 (45:1 Md. R. 13)

Chapter 4

Ethical and Disciplinary Case Studies

As explained in Chapters 2 and 3, we, as Professional Engineers, are expected to take reasonable precautions or care in the practice of our engineering profession as we must hold paramount the safety, health and welfare of the public. So, what happens when we fall short of our professional responsibilities for which we were entrusted by the public when we earned our honorable title of “Professional Engineer”?

The following disciplinary cases were extracted from the “Complaints” web page of the Maryland State Board for Professional Engineers. In selecting these cases, different scenarios of violations are depicted along with their corresponding final decisions issued by the Maryland Board.

CASE. NO. 12-PE-19

ACTION DATE: August 8, 2019

Following the Respondent’s license renewal application, the Board initiated a random audit and requested that the Respondent provide documentation for the PDH units he certified that he had completed. However, the Respondent failed to submit the required evidence of compliance with the continuing competency requirements, despite having several opportunities to do so.

The Board ordered that the Respondent violated Md. Business Occupations & Professions Article Sections 14-314(f) and COMAR 09.23.06.03.

Consequently, the professional engineer’s license held by the Respondent was revoked.

CASE. NO. 03-PE-19

ACTION DATE: March 14, 2019

During the license renewal process, and in response to the audit initiated by the Board, the Respondent provided documentation for PDHs that were all rejected since they were completed outside of the specified license term.

The Board stated that the Respondent violated COMAR 09.23.06.03(A).

The respondent was ordered to pay a civil monetary penalty in the amount of \$1,500.00, and was further ordered not to use the specified PDHs for any future license renewal applications.

CASE. NO. 16-PE-31 and 17-PE-27

ACTION DATE: September 12, 2018

The Respondent signed and sealed engineering documents and calculations that have been completed by another person who was not a licensed professional engineer.

The Board stated that the Respondent violated the provisions of COMAR 09.23.03.09A of the MD Regulations.

The Respondent was fined \$2,500.00 for violating the provisions, and was ordered to complete additional 3 hours of CPC in the area of professional engineering ethics.

CASE. NO. 18-PE-05

ACTION DATE: February 7, 2018

The Respondent practiced engineering without possessing a professional engineer's license; misrepresented to the public that he was a licensed engineer, and used the seal of another licensee.

The Respondent violated sections 14-501, 14-502 and 14-504(a) of the Business Occupations and Professions Article. Consequently, the Respondent was fined a total of \$15,000.00 for the violations.

Study Question 8:

Practicing engineering without a license is a violation of which Section of the Maryland Annotated Code?

CASE. NO. 16-PE-24

ACTION DATE: July 21, 2017

The Respondent signed and submitted a project report without performing appropriate inspections based on industry standards.

The Respondent violated Section 14-317(a)(1)(vi) of the Maryland Code and 09.23.03.03A of the MD Regulations for gross negligence.

Consequently, The Respondent was fined \$7,500.00, his Professional Engineer's license was suspended for four months, and he was ordered to take an additional 6 PDHs in the area of engineering ethics.

Appendix A

Answers to Study Questions

Study Question 1:

List the regulations that govern the practice of engineering in the state of Maryland:

- Title 14: Professional Engineers
- Title 9, Subtitle 23: Maryland Board for Professional Engineers

Study Question 2:

The Board will only furnish you with a copy of the amendments to the engineering laws and rules upon your written request. True or False?

False. "The Board shall distribute.....on each renewal of a license, to each licensee, a copy of any amendments to the Maryland Professional Engineers Act and the Board's rules and regulations that took effect during the 2-year period ending on the date of renewal."

Study Question 3:

What is the maximum criminal penalty can the board serve you with, if you were found in violation of Title 14-508(a)?

"A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 6 months or both."

Study Question 4:

Is it appropriate for the licensee to accept gratuity from an equipment supplier for specifying the supplier's product?

"A licensee may not solicit or accept financial or other valuable consideration from any material or equipment supplier for specifying the supplier's products, except when the licensee is a previously announced employee or agent of the supplier."

Study Question 5:

According to the Maryland Board, what does "original signature mean?

For the purposes of this regulation, the term "original signature" means:

- (a) A handwritten signature in permanent ink; or

- (b) A digital signature, which satisfies the following requirements:
- (i) It contains identification unique to a licensee using it, such as the licensee's name and license number;
 - (ii) It is under the exclusive control of the licensee using it;
 - (iii) It cannot be repudiated and is independently verifiable; and
 - (iv) It is linked to the document in such a manner that the digital signature is invalidated if any data in the document is modified.

Study Question 6:

How many PDH units in professional engineering ethics is the licensee required to complete each reporting period?

"A minimum of 1 PDH unit in each individual biennial licensing term shall be earned from the participation in and the completion of qualifying programs"

Study Question 7:

Who is responsible for maintaining the CPC records and for how many years?

"A licensee shall maintain the records for a period of at least 4 years from the date of completion of the qualifying program."

Study Question 8:

Practicing engineering without a license is a violation of which Section of the Maryland Annotated Code?

It is a violation of Section 14-501 which requires a person to be authorized by the Board to engage in the practice of engineering before using the title "Professional Engineer" in the State of Maryland.

Appendix B

References

Maryland Board for Professional Engineers
<http://www.dllr.state.md.us/license/pe/>

Maryland Board Disciplinary Process
<http://www.dllr.state.md.us/license/pe/pecomp.shtml>

Maryland Codes, Title 14 (Laws)
<http://www.lexisnexis.com/hottopics/mdcode/>

Maryland Regulations, Title 9, Subtitle 23 (Rules)
http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=09.23.*

Maryland Board Disciplinary Actions
<http://www.dllr.state.md.us/license/pe/pedisc.shtml>