



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

**MICHIGAN BOARD OF PROFESSIONAL ENGINEERS
RULES COMMITTEE WORK GROUP
MEETING**

**MINUTES
AUGUST 18, 2021**

The Michigan Board of Professional Engineers Rules Committee Work Group met on August 18, 2021. The meeting was held via Zoom.

CALL TO ORDER

Weston MacIntosh, Senior Policy Analyst, Boards and Committees Section, called the meeting to order at 10:06 a.m.

ATTENDANCE

Members Present: Dima S. El-Gamal, Ph.D. PE, LEEDAP
Nancy M. McClain, PE
Deveron Q. Sanders, PE
Steven Warren, PE

Members Absent: None

Staff Present: Weston MacIntosh, Senior Policy Analyst, Boards and Committees Section
Kim Moore, Department Technician, Licensing Division
Stephanie Wysack, Board Support, Boards and Committees Section

Public Present: None

WELCOME

MacIntosh stated that he would walk the Rules Committee through the draft and make sure to point out areas of concern from the last Rules Committee meeting.

RULES DISCUSSION – Professional Engineers – General Rules (A copy of the draft, pursuant to today’s discussion, is attached).

MacIntosh stated that clarifying language was added in the following rules:

R 339.16001 Definitions.

R 339.16022 Professional engineering experience; credit for work experience; credit for educational experience.

R 339.16025 Relicensure requirements.

R 339.16026 Examination requirements.

R 339.16031 Professional conduct; requirements; restrictions.

The Rules Committee agreed with the language presented in the above listed rules.

R 339.16021 Educational requirement.

MacIntosh stated that clarifying language was added to the rule.

Subdivision (c)(ii): MacIntosh stated that the word “basic” was added to clarify the science requirement.

The Rules Committee agreed with the language as presented.

R 339.16032 Professional engineer seal.

Subrule (1): MacIntosh stated that “full” was removed before “name” and “full” was added before “license number” to clarify the information needed on the seal. This change is mirrored in the respective Architects and Professional Surveyors rules as well.

The Rules Committee agreed with the language as presented.

R 339.16040 Continuing education required for renewal; certification of compliance; document retention; continuing education waiver.

MacIntosh stated that clarifying language was added to the rule.

The Rules Committee agreed with the language as presented.

MacIntosh stated that he wanted to re-review comments made by James C. McLaughlin with Kettering University.

Subrule (1): Request from McLaughlin to reduce the number of continuing education hours, per 2-year renewal, from 30 to 10.

MacIntosh provided the requirement from surrounding states, which showed that Michigan is comparable.

Sanders stated that 30 hours is sufficient as there are options available.

Discussion was held.

The Rules Committee agreed to leave the requirement at 30 hours per 2-year renewal cycle.

McClain suggested adding an ethics requirement and El-Gamal added that a requirement for diversity and inclusion in the workplace should also be added.

Sanders suggested adding them as an option at this time, not as a prescriptive/required item at this time. More discussion and time should be given and could be added in the next set of rules.

MacIntosh stated that it could not be added to R 339.16041 as that rule lays out how the requirements in R 339.16040 could be obtained.

Discussion was held.

MacIntosh suggested "Of the 30 hours, at least 2 hours of continuing education must be earned in ethics, as it relates to professional engineering."

The Rules Committee agreed to the suggested language.

R 339.16041 Acceptable continuing education; limitations.

Subdivision (1)(j): MacIntosh stated that this was added to address McLaughlin's request to obtain credit for reading a peer reviewed article.

El-Gamal suggested strengthening the language by using the term "evaluating" instead of "reading." MacIntosh suggested the term "studying."

The Rules Committee agreed with the language as presented with the suggested term change to "studying."

Moore stated that there was not an activity that covered obtaining patents as there was in the past.

MacIntosh suggested adding this as new subdivision (1)(k), giving credit for up to 10 hours per patent, with a maximum of 20 hours earned for this activity.

The Rules Committee agreed with the suggested addition.

ADJOURNMENT

MacIntosh stated that a revised draft would be put before the Board to vote on at the September 8, 2021, meeting.

MacIntosh adjourned the meeting at 11:54 a.m.

Prepared by:
Stephanie Wysack, Board Support
Bureau of Professional Licensing

August 23, 2021

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PROFESSIONAL ENGINEERS – GENERAL RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the board of professional engineers by section 308 of the occupational code, 1980 PA 299, MCL 339.308; and on the director of the department of licensing and regulatory affairs by sections 205 and 2009 of the occupational code, 1980 PA 299, MCL 339.205 and 339.2009; and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 339.16001, R 339.16021, R 339.16022, R 339.16025, R 339.16026, R 339.16031, R 339.16032, R 339.16040, and R 339.16041 of the Michigan Administrative Code are amended as follows:

PART 1. GENERAL PROVISIONS

R 339.16001 Definitions.

Rule 1. (1) As used in these rules:

~~(a) "Act" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.~~

~~(b)~~ (a) "Board" means the Michigan board of professional engineers created under section 2002 of the ~~act~~, **code**, MCL 339.2002.

(b) "**Code**" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.

(c) "Continuing education" means an instructional course or activity designed to bring licensees up to date on a particular area of knowledge or skills relevant to a licensee's area of professional practice.

(d) "Course" means any qualifying activity with a clear purpose and ~~objective goal~~ that will ~~maintain~~, **keep**, improve, or expand the skills and knowledge relevant to the licensee's area of professional practice.

(e) "Department" means the Michigan department of licensing and regulatory affairs.

(2) ~~Terms~~ **A term** defined in the ~~act~~ **has code has** the same ~~meanings~~ **meaning** when used in these rules.

PART 2. LICENSURE

R 339.16021 Educational requirement.

Rule 21. An applicant for licensure shall ~~submit~~ **provide** to the department 1 of the following to satisfy the educational requirement under the ~~act~~ **code**:

(a) Transcripts verifying that ~~he or she~~ **the applicant** received a baccalaureate degree or higher degree in engineering from a program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET) or the Canadian Engineering Accreditation Board (CEAB).

(b) Transcripts verifying that ~~he or she~~ **the applicant** received a master's degree or doctorate in engineering from a school and program with an EAC/ABET-accredited or a CEAB-accredited baccalaureate degree program that is in the same engineering discipline as ~~his or her~~ **the applicant's** master's degree or doctorate.

(c) A credentials evaluation from the National Council of Examiners for Engineering and Surveying (NCEES) that verifies all of the following:

(i) The applicant for licensure received either of the following:

(A) A baccalaureate degree in engineering from a non-United States-based program.

(B) A master's degree or doctorate in engineering from a non-EAC/ABET-accredited program.

(ii) The applicant for licensure completed not less than 32 college semester credit hours in the areas of mathematics and **basic** science.

(iii) The applicant for licensure completed not less than 48 college semester credit hours in engineering science or engineering design courses that satisfy the course requirements established under the NCEES Engineering Education Standard.

(d) A credentials evaluation that verifies ~~he or she~~ **the applicant** received a baccalaureate degree in engineering from an educational program that is substantially equivalent to an EAC/ABET-accredited baccalaureate degree program in engineering. The credentials evaluation must be generated by a company that is a current member of the National Association of Credential Evaluation Services (NACES).

R 339.16022 Professional engineering experience; credit for work experience; credit for educational experience.

Rule 22. (1) ~~Pursuant to~~ **Under** section 2004(2)(a) of the ~~act~~ **code**, MCL 339.2004(2)(a), an applicant for professional engineer licensure shall document at least 8 years of professional experience in engineering work, including not more than 5 years of education granted under subrule (4) of this rule. An applicant shall satisfy the requirements of this rule to receive credit for professional experience.

(2) An applicant for licensure shall ~~submit~~ **provide** either of the following to the department to receive credit for professional experience in engineering work:

(a) Proof acceptable to the department verifying that ~~he or she~~ **the applicant** has obtained not less than 4 years of experience practicing as a licensed or registered professional engineer in another state.

(b) All of the following:

(i) The dates of performing engineering work that qualifies as professional experience under subrule (3) of this rule.

(ii) The supervising individual's name and license or registration number and the state in which the supervising individual is licensed or registered as a professional engineer.

(iii) Documentation from the supervising individual attesting to the work experience, dates of work, and supervision.

(3) Engineering work that satisfies all of the following requirements qualifies as professional experience:

(a) The work involves the use of engineering principles and data.

(b) The work is in the form of consultation, investigation, evaluation, planning, design, or review of materials or completed phases of work in the construction, alteration, or repair in connection with a public or private utility, structure, building, machine, equipment, process, work, or project.

(c) The work is performed while under the direction of a professional engineer licensed in Michigan or licensed or registered in another state.

(4) The department shall grant not more than 5 years of professional experience credit to an applicant holding a degree that satisfies the requirements under R 339.16021. Credit shall be limited to the following amounts:

(a) Not more than 4 years of professional experience for a baccalaureate degree in engineering. Experience shall be granted for only 1 baccalaureate degree.

(b) Not more than 1 year of professional experience for a post-baccalaureate degree in engineering. Experience shall be granted for only 1 post-baccalaureate degree.

R 339.16025 Relicensure requirements.

Rule 25. (1) An applicant whose license has lapsed for less than 3 years after the expiration date of the last license may be relicensed under section 411(3) of the ~~aet~~, **code**, MCL 339.411(3), by satisfying all of the following requirements:

(a) ~~Submitting~~ **Providing** a completed application on a form provided by the department.

(b) Paying the required fee to the department.

(c) ~~Submitting~~ **Providing** proof to the department verifying that ~~he or she~~ **the applicant** has completed 15 hours of continuing education in activities approved under R 339.16041 during the 12 months immediately preceding the date of filing the relicensure application. If the department determines that the amount of continuing education hours ~~submitted~~ **provided** with the application is deficient, the applicant has 1 year from the date of filing the application to provide proof of completing the deficient hours.

(2) An applicant whose license has lapsed for 3 years or more after the expiration date of the last license may be relicensed under section 411(4) of the ~~aet~~, **code**, MCL 339.411(4), by satisfying all of the following requirements:

(a) ~~Submitting~~ **Providing** a completed application on a form provided by the department.

(b) Paying the required fee to the department.

(c) Establishing that ~~he or she~~ **the applicant** has met all of the requirements for initial licensure under the ~~aet~~ **code** and these rules.

(d) ~~Submitting~~ **Providing** proof to the department verifying that ~~he or she~~ **the applicant** has completed 30 hours of continuing education in activities approved under R

339.16041 during the 24 months immediately preceding the date of filing the relicensure application. If the department determines that the amount of continuing education hours ~~submitted~~ **provided** with the application is deficient, the applicant has 1 year from the date of filing the application to provide proof of completing the deficient hours.

R 339.16026 Examination requirements.

Rule 26. An applicant for professional engineer licensure shall ~~submit~~ **provide** to the department both of the following to satisfy the examination requirements under the ~~act~~:
code:

(a) Verification that ~~he or she~~ **the applicant** achieved a passing score as determined by NCEES on either of the following examinations:

(i) The NCEES Principals and Practice of Engineering examination.

(ii) Both components of the NCEES Structural Engineering examination, known as SE-I and SE-II.

(b) Verification of either of the following:

(i) ~~He or she~~ **The applicant** achieved a passing score as determined by NCEES on the NCEES Fundamentals of Engineering examination.

(ii) ~~He or she~~ **The applicant** received a doctorate in engineering from a school and program with an EAC/ABET-accredited or a CEAB-accredited baccalaureate degree program that is in the same engineering discipline as ~~his or her~~ **the applicant's** doctorate in engineering.

PART 3. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.16031 Professional conduct; requirements; restrictions.

Rule 31. (1) A licensee shall ~~comply with~~ **follow** all ~~of~~ the rules of conduct under this part.

(2) A licensee shall do all ~~of~~ the following:

(a) If ~~he or she~~ **the licensee** is the person in responsible charge, ~~he or she~~ **the licensee** shall notify ~~his or her~~ **the licensee's** employer or client, and any other appropriate authority when ~~his or her~~ **the licensee's** judgment is overruled under circumstances that endanger life or property.

(b) If ~~he or she~~ **the licensee** is not the person in responsible charge, ~~he or she~~ **the licensee** shall notify the person in responsible charge when ~~his or her~~ **the licensee's** judgment is overruled under circumstances that endanger life or property.

(c) Participate in phases of a project in which ~~he or she~~ **the licensee** is competent.

(d) Undertake assignments in which ~~he or she~~ **the licensee** is qualified by education or experience in the specific technical field involved.

(e) Complete, sign, seal, or approve engineering documents that conform with the law and applicable professional standards.

(f) Be objective and truthful in professional reports, statements, or testimony and include all relevant and pertinent information in these reports, statements, or testimony.

(g) Disclose to an employer, client, or public body on which ~~he or she~~ **the licensee** serves all known or potential conflicts of interest that could influence or appear to influence ~~his or her~~ **the licensee's** judgment or the quality of ~~his or her~~ **the licensee's** services.

(3) A licensee shall not do any of the following:

(a) Disclose confidential information obtained in a professional capacity without the prior consent of the client or employer, unless authorized or required by law or these rules.

(b) Partner, practice, or offer to practice with any person or firm or assist any person or firm that ~~he or she~~ **the licensee** knows is engaged in fraudulent or dishonest business or professional practices or the unlawful practice of professional engineering.

(c) Falsify ~~his or her~~ **the licensee's** qualifications or the qualifications of ~~his or her~~ **the licensee's** associates or permit misrepresentations of ~~his or her~~ **the licensee's** qualifications or the qualifications of ~~his or her~~ **the licensee's** associates.

(d) Misrepresent or exaggerate ~~his or her~~ **the licensee's** experience or qualifications.

(e) Knowingly make statements containing a material misrepresentation of fact or omitting a material fact or knowingly make statements that deceive the public.

(f) Attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensed professional engineers.

(g) Give or offer to give, directly or indirectly, to a client, potential client, the agent of a client, or the agent of a potential client, a commission, contribution, gift, or other valuable consideration to secure or retain engineering work. This restriction does not include payments to an employment agency for securing employment or employees for salaried positions.

(h) Solicit or accept a compensation, contribution, gift, or other valuable consideration, directly or indirectly, from more than 1 party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

(i) Solicit or accept a commission, contribution, gift, or other valuable consideration, directly or indirectly, from other parties dealing with ~~his or her~~ **the licensee's** clients or employers, or from outside agents who have no dealings with ~~his or her~~ **the licensee's** client or employer, in connection with the work for which ~~he or she~~ **the licensee** is responsible, unless the circumstances are fully disclosed and agreed to by all interested parties.

(j) Solicit or accept a commission, contribution, gift, or other valuable consideration, directly or indirectly, ~~under circumstances in which~~ **when** ~~his or her~~ **the licensee's** judgment may be compromised.

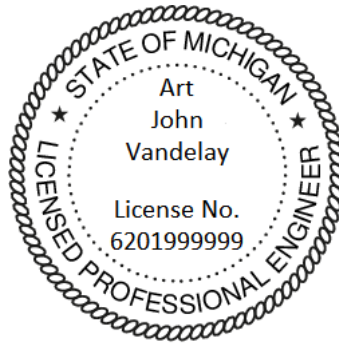
(k) Complete, sign, seal, or approve engineering documents that do not conform with the law or applicable professional standards.

(4) Work for which the licensee is responsible, the procedures followed, and the decisions made by persons under the licensee's supervision must be subject to sustained review and approval by the licensee.

Rule 32. (1) Effective 2 years after the promulgation of this rule, the seal of a professional engineer must include the licensee's ~~full~~ name and **full** license number, as shown on ~~his or her~~ **the licensee's** state-issued professional engineer license, and indicate "State of Michigan" and "Licensed Professional Engineer" in the legend surrounding the seal. The seal must have a design substantially ~~similar~~ **equivalent** to figure 32 below.

(2) A licensee's seal shall be used by the licensee whose name appears on the seal for as long as the license ~~remains~~ **still is** in effect. A licensee is responsible for the security of ~~his or her~~ **the licensee's** seal.

FIGURE 32



PART 4. LICENSE RENEWAL AND CONTINUING EDUCATION

R 339.16040 Continuing education required for renewal; certification of compliance; document retention; continuing education waiver.

Rule 40. (1) An applicant for license renewal who has been licensed during the 2-year period immediately preceding the expiration date of the license shall obtain not less than 30 hours of continuing education in activities approved under R 339.16041 during the 2-year period immediately preceding the expiration date of the license. **Of the 30 hours, at least 2 hours of continuing education must be earned in ethics, as it relates to professional engineering.**

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with this rule and R 339.16041.

(3) A licensee shall ~~retain~~ **keep** documentation of satisfying the requirements of this rule and R 339.16041 for a period of 4 years from the date of filing the application for license renewal.

(4) A licensee is subject to audit under this part and may ~~be required~~ **have to submit provide** documentation as described by R 339.16041 upon request of the department.

(5) A request for a continuing education waiver ~~pursuant to~~ **under** section 204(2) of the ~~act,~~ **code**, MCL 339.204(2), must be received by the department before the expiration date of the license.

R 339.16041 Acceptable continuing education; limitations.

Rule 41. (1) The department shall grant credit for in-person or online continuing education hours that satisfy the requirements in the following chart:

| Activity Code | Activity and Proof Required | Number of Continuing Education Hours Granted for Activity |
|---------------|--|--|
| (a) | <p>Completing a continuing education program or activity related to professional engineering that is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • Another state’s board of engineers. • A professional engineering association, organization, or society. • NCEES. • ABET. <p>If audited, a licensee shall submit provide documentation or certificate of completion showing the licensee’s name, total continuing education credits earned, sponsor name and contact information, program title, and the date the program was held or completed.</p> | <p>The number of continuing education hours approved by the approving entity are granted for this activity.</p> |
| (b) | <p>Passing an academic course related to professional engineering offered by a college or university that offers a baccalaureate degree or higher degree in an engineering program that is accredited by EAC/ABET or CEAB.</p> <p>If audited, a licensee shall submit provide a copy of the transcript showing the number of credit hours of the academic courses related to professional engineering.</p> | <p>Fifteen continuing education hours are granted for each semester credit or 10 continuing education hours are granted for each quarter credit.</p> |
| (c) | <p>Attending a seminar, in-house course, workshop, or professional or technical presentation related to professional engineering.</p> <p>If audited, the licensee shall submit provide a copy of the presentation notice or advertisement showing the date of the presentation, the licensee’s name listed as a presenter or attendee, and the name of the organization that approved or offered the presentation.</p> | <p>One continuing education hour is granted for every 50 minutes attending the activity.</p> |

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| (d) | <p>Teaching, instructing, or presenting a subject related to professional engineering.</p> <p>If audited, a license shall submit provide documentation by the college or university confirming the licensee as the teacher, instructor, or presenter of the academic course, the dates of the course or presentation, the number of classroom hours spent teaching, instructing, or presenting, and the course title.</p> | <p>Two continuing education hours are granted for every 50 minutes of teaching, instruction or presenting.</p> <p>A maximum of 12 continuing education hours are granted for this activity during each renewal period.</p> |
| (e) | <p>Publication of a peer-reviewed paper, article, or book related to professional engineering.</p> <p>If audited, the licensee shall submit provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p> | <p>Six continuing education hours are granted for this activity.</p> <p>Credit is not granted for multiple publications of the same peer-review paper, article, or book.</p> <p>A maximum of 18 continuing education hours are granted for this activity during each renewal period.</p> |
| (f) | <p>Serving as a voting member on a state or national committee, board, council, or association related to professional engineering. To receive credit, a licensee must participate take part in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</p> <p>If audited, a licensee shall submit provide documentation satisfactory to the department verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association and provide verification of the licensee's status as a voting member on the committee, board, council, or association.</p> | <p>Three continuing education hours are granted for the year in which the licensee serves as a member.</p> <p>A maximum of 6 continuing education hours are granted for this activity during each renewal period.</p> |
| (g) | <p>Attending a Michigan board of professional engineers meeting. To receive credit, the licensee shall obtain a form provided by the department from a department employee present at the meeting and have that employee complete, sign, and date the form. The</p> | <p>One continuing education hour is granted for each meeting attended.</p> <p>A maximum of 6 continuing education hour</p> |

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| | <p>licensee shall present a valid government-issued photo identification to the department employee for verification.</p> <p>If audited, the licensee shall submit provide a copy of the form completed, signed, and dated by the department employee who was present at the meeting.</p> | <p>are granted for this activity during each renewal period.</p> |
| (h) | <p>Serving as a school-sponsored mentor to an engineering student in a school-sponsored program. To receive credit, this activity must not be part of the licensee's regular job description.</p> <p>If audited, the licensee shall submit provide a letter from an authorized official from the school verifying the licensee's role and the number of mentoring hours the licensee provided.</p> | <p>Four continuing education hours are granted for this activity.</p> <p>A maximum of 8 continuing education hours are granted for this activity during each renewal period.</p> |
| (i) | <p>Participating in a company-sponsored or hosted seminar or training that is designed to enhance professional development in the licensee's area of professional practice.</p> <p>If audited, a licensee shall submit provide documentation or a certificate of completion issued by the company presenting the seminar or training showing the licensee's name, company name, subject of seminar or training, and the date on which the seminar or training was held.</p> | <p>One continuing education hour is granted for every 50 minutes of the seminar or training.</p> |
| (j) | <p>Studying an article related to professional engineering published in a peer review journal or professional or scientific journal that expands the licensee's knowledge of the professional engineering field.</p> <p>If audited, a licensee shall provide the title of the article, author, publication name of the peer review journal or professional or scientific journal, and date, volume, and issue of publication, as applicable, as well as date read.</p> | <p>Two continuing education hours are granted for each article studied.</p> <p>A maximum of 4 continuing education hours are granted for this activity during each renewal period.</p> |
| (k) | <p>Obtaining a patent related to professional engineering.</p> | <p>Ten continuing education hours are granted for each patent.</p> |

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| | If audited, a licensee shall provide a copy of the patent grant letters showing the licensee as the author of the patent and the date in which the patent was issued. | A maximum of 20 continuing education hours are granted for this activity during each renewal period. |
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(2) Continuing education hours are not granted for a program or activity that has substantially the same content of a program or activity for which the applicant has already earned continuing education hours during the renewal period.

(3) Not more than 12 continuing education hours shall be earned during a 24-hour period.