

STATE BOARD FOR ENGINEERING, LAND SURVEYING AND GEOLOGY

New York State Education Department
Office of Professions

Via Webex

Thursday June 9, 2022

OPEN SESSION AGENDA

CALL TO ORDER – 9:30a

WELCOME & INTRODUCTION OF BOARD MEMBERS & GUESTS

APPROVAL OF PREVIOUS MEETING MINUTES

CHAIRMAN'S & VICE CHAIRMAN'S REPORT

EXECUTIVE SECRETARY'S REPORT

COMMITTEE REPORTS:

- A. Access to Professions
- B. Legislation
- C. Land Surveying
- D. Professional Engineering
- E. Education, Experience & Examinations
- F. Environmental
- G. Continuing Education
- H. Project Delivery Methods
- I. Geology
- J. Construction Supervision

CONTINUING BUSINESS

NEW BUSINESS

RESOLUTION FOR EXECUTIVE SESSION

ADJOURNMENT

STATE BOARD FOR ENGINEERING, LAND SURVEYING AND GEOLOGY

New York State Education Department
Office of Professions
Virtual Meeting

Draft

March 10, 2022

OPEN SESSION MINUTES

Board Members Present: Chair - M. Noviello, Vice Chair - J. Martin, D. D'Angelo, D. Franzini, B. Holbritter, W. Kelly, R. Frandina, J. Patota, L. Woods, A. Friedman

Board Member Absent: T. Mitchell

Extended Members Present: K. Giles, E. Haas

Former Members Present: H. Palmer, J. Berger

Department Personnel: R. Lopez – Acting Executive Secretary, N. Wiley - Associate in Professional Education

Guests: John Nadeau, Executive Director for the New York State Council of Professional Geologists (NYSCPG), Emily Whalen (NYSAPLS), Mark Kriss (NYSSPE)

Call to Order – Open Session

Chair Noviello called the Open Session to order at 9:31 a.m.

Welcome and Introductions of Guests and Board Members

Board Members and Guests introduced themselves.

Approval of Minutes of the Previous Meeting

On a motion by Member Martin, Seconded by Member Kelly, the minutes of the November 18, 2021 open meeting were reviewed and unanimously approved, with the correction of Member Frandina as present at the meeting.

Chair Report – Chair Noviello reported that he received state licensure statistics from NCEES. He will be checking his calendar to advise if he can make the NCEES Annual Meeting in August. Members were reminded that all communication should go through the Board office, including questions from applicants or an applicant's status. All other items to be covered under committee reports.

Vice Chair Report – Vice Chair Martin led a discussion regarding the new engineering education law. On a motion by Member Martin, Seconded by Member Friedman, the Board unanimously recommended that non-ABET accredited baccalaureate programs in engineering technology will not permit an applicant to achieve licensure in New York and that the existing licensure chart dated October 12, 2021 should remain unchanged.

Executive Secretary Report – The Acting Executive Secretary reported that the search for Executive Secretary candidates continues and asked Board members to encourage qualified candidates to apply. Interviews are scheduled for mid-March.

The Acting Executive Secretary announced the upcoming retirement of Nancy Wiley and he congratulated her on her retirement and thanked her for her service to the Board.

The Board is currently in need of one engineering Board member and should begin a search for geology Board members, with the terms for all three current geology members expiring in March 2025. Board members should send any potential candidates to the board office.

The Acting Executive Secretary discussed the State Board's statutory role in giving assistance and advice to the Department and stressed the importance of the hard work that they perform. He reminded the Board that they should not directly communicate with associations and that all communications should be coordinated through the Board office. Board members should refrain from expressing opinions or positions outside of Board meetings, and he confirmed that they cannot hold officer positions within professional associations.

COMMITTEE REPORTS

Access to the Professions – Committee Chair Patota reported that she has been asked to present and participate as a judge at a virtual science fair. Additionally, she is pursuing licensure presentations with the NYC DDC and DEC and would like to have an engineering Board member assist.

Legislation – Committee Chair Martin indicated that the committee worked on the PE education law previously discussed.

Land Surveying – Committee Chair Holbriter reported on the following activities:

- The committee met on January 25th to review exam challenges from the October 2021 NYS LS exam.
- Committee Chair Holbriter requested that the committee meet to work solely on Minimum Technical Standards (MTS) in early April. The Active Executive Secretary circulated the AIA standard Owner/Land Surveyor agreement that may be of use to the committee members in its work on the MTS document.

Professional Engineering – The Acting Executive Secretary advised the Board that the Regents will be reviewing the education regulations at their April meeting for emergency action. Once finalized, he will circulate the draft regulations to ensure that they address the four pathways as

identified on the licensure chart dated October 12, 2021. A rapid response to the draft will be required.

Education, Experience & Examinations – The committee continues to review and provide recommendations to the Board and the Department on proposed engineering, land surveying and geology programs. The committee will hold meetings in between Board meetings to review documents and responses that PEPR receives from the institutions. Geology Board members will be asked to join the committee to review any geology program proposals. The committee's report will be covered in Executive Session.

Environmental – Committee Chair Patota reported that there is no legislation that affects the three professions.

Continuing Education – Member Woods reported that the changes to the CE requirements for engineering and land surveying and implementation of the CE requirement for geology became effective January 1, 2022. The continuing education (CE) sponsor application has been amended to include professional geologists. CE FAQs for geologists have been posted to SED website. The other professions' FAQs will be updated soon.

Project Delivery Methods – Committee Chair D'Angelo reported that he would like the committee to meet soon to discuss this topic. He is not aware of any pending legislation but reported that there are some issues happening on the federal level that will need to be monitored. The current budget proposal from the Executive proposes a straight five-year extender to the Investment Infrastructure Act.

Geology Committee – Committee Chair Kelly reported that the ASBOG meeting will be held in Albany the first week of April. Geology members will be participating in the event. Member Patota reported that efforts are underway to develop Practice Guidelines for Geology, using engineering and land surveying as a guide and assistance from Board members will be needed.

Construction Supervision Committee - Committee Chair D'Angelo reported that he will try to schedule a meeting prior to the June 2022 Board meeting.

CONTINUING BUSINESS

Budget, Staff, Technology Update – The Acting Executive Secretary reported on the Executive budget proposal, which contains language to move most of the health professions out of the Department and into DOH, while maintaining the design/business professions and a handful of health professions in the Department. The Department spoke at the legislative budget hearings on why the professions should remain in place and strongly opposes the effort.

NCEES – The Acting Executive Secretary reported that the Annual Meeting will be held August 23-26. NCEES member boards, including New York, will meet to conduct Council business. He asked that Board members check their calendars should they wish to attend if Chair Noviello cannot do so.

NEW BUSINESS

- New York State Department of State Part 1203 Rule – new requirements for design professionals to include in their drawings when submitting to code enforcement officials as of the end of 2022 were presented.
- The next meeting is tentatively scheduled for Thursday, June 9, 2022 at 9:30 in Albany.

RESOLUTION FOR EXECUTIVE SESSION – On a motion by Member Patota and seconded by Member Martin, pursuant to Section 95 of the Open Meetings Law, the Board voted to move into Executive Session to consider examination, education, experience, and disciplinary matters at 11:08 am.

ADJOURNMENT – On a motion by Member Mitchell, seconded by Member Martin, the meeting was adjourned at 2:40 pm.

Respectfully submitted,

Robert Lopez, RA
Acting Executive Secretary



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: Professional Practice Committee
FROM: Sarah S. Benson *Sarah S. Benson*
SUBJECT: Proposed Repeal of Section 68.1 and Addition of a New Section 68.1 and Amendment of Section 68.3 of the Regulations of the Commissioner of Education Relating to the Licensure Requirements for Professional Engineers
DATE: March 31, 2022
AUTHORIZATION(S): *Tom M. B. Bell*
SUMMARY

Issue for Decision

Should the Board of Regents repeal section 68.1 and add a new section 68.1 and amend 68.3 of the Regulations of the Commissioner of Education relating to the licensure requirements for professional engineers?

Reason for Consideration

Required by State statute (Chapter 465 of the Laws of 2021).

Proposed Handling

The proposed amendment will be presented to the Professional Practice Committee for recommendation and to the Full Board for adoption as an emergency action at the April 2022 meeting of the Board of Regents. A copy of the proposed rule (Attachment A) and a statement of facts and circumstances justifying emergency action (Attachment B) are attached.

Procedural History

A Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on April 27, 2022 for a 60-day public comment period. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Chapter 465 of the Laws of 2021 (Chapter 465), effective April 6, 2022, amended provisions of the Education Law regarding engineering. Generally, it updates engineering licensure requirements to reflect modern practice requirements and promote uniformity for the profession.

Chapter 465 phases out the existing “all-experience” pathway, which permitted candidates with 12 years of working experience to obtain licensure without any formal education. To ensure a smooth transition for pipeline candidates, Chapter 465 permits persons currently seeking licensure under this pathway to submit a licensure application with the appropriate fee to the Department by April 6, 2024 (two years after the effective date) to preserve their potential ability to qualify for licensure based on such experience.

Chapter 465 also removes the requirement that students wait until they are within 20 credit hours of graduation to take the fundamentals of engineering examination. At a national level, most students are now permitted to sit for this examination at any point in their college careers. Chapter 465 conforms to this practice and affords the Commissioner the authority to establish an alternative timeframe.

Chapter 465 additionally:

- permits persons with substantially equivalent educational credentials to sit for the professional engineering examination, provided that all other requirements for licensure are satisfied;
- changes “intern engineer” to “engineer in training”;
- authorizes the Department to waive the education requirement for applicants who have 15 years of lawful practice, typically in another state and possess established and recognized standing in the profession; and
- makes technical changes regarding examination fees.

Proposed Amendments

The proposed amendment repeals the current section 68.1 of the Commissioner’s regulations and adds a new section 68.1 that:

- eliminates the all-experience pathway to licensure after a two-year legacy period;
- requires completion of a bachelor’s degree in engineering from an Engineering Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET) accredited program or the substantial equivalent and four years of engineering experience acceptable to the State Board for Engineering, Land Surveying and Geology (State Board);
- requires completion of a bachelor’s degree in engineering technology from an Engineering Technology Accreditation Commission/Accreditation Board for

Engineering and Technology (ETAC/ABET) accredited program and six years of engineering experience acceptable to the State Board;

- requires completion of a bachelor's degree in engineering or engineering technology that meets the education standard of an accrediting agency acceptable to the Department and six years of experience acceptable to the State Board; or a bachelor's degree in science related to engineering, engineering technology, or architecture and a masters or doctoral degree in engineering that contains a minimum of 24 semester hours of engineering acceptable to the Department in consultation with the State Board and six years of experience acceptable to the State Board.

Additionally, the proposed amendment to subdivision (b) of section 68.3 of the Commissioner's regulations amends a licensure candidate's entry point to the fundamentals of engineering examination by requiring:

- enrollment in an EAC/ABET accredited program in engineering or the substantial equivalent;
- enrollment in an ETAC/ABET accredited engineering technology program;
- completion of a bachelor's degree in engineering from a professional program in engineering determined by the Department to be the substantial equivalent of a registered or accredited engineering program; or
- completion of a bachelor's degree in science related to engineering, engineering technology, or architecture and completion of a masters or doctoral degree in engineering that contains a minimum of 24 semester hours of engineering acceptable to the Department in consultation with the State Board.

Finally, the proposed amendment to subdivision (b) of section 68.3 of the Commissioner's regulations requires an applicant for admission to the principles and practice of engineering examination to have completed the education and experience requirements as set forth in sections 68.1 and 68.2 of the Commissioner's regulations.

Related Regents Item

Not applicable.

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That Section 68.1 of the Regulations of the Commissioner of Education be repealed and a new Section 68.1 of the Regulations of the Commissioner of Education be added and Section 68.3 of the Regulations of the Commissioner of Education be amended, as submitted, effective April 12, 2022, as an emergency action, upon a finding by the Board of Regents that such an action is necessary for the preservation of the public health and general welfare in order to timely implement the requirements of Chapter 465 of the Laws 2021, which became effective April 6, 2022.

Timetable for Implementation

If adopted as an emergency rule at the April 2022 Regents meeting, the emergency rule will become effective April 12, 2022. It is anticipated that the proposed amendment will be presented to the Board of Regents for permanent adoption at the September 2022 Regents meeting, after the publication in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. Because the emergency action will expire before the September 2022 Regents meeting, it is anticipated that two additional emergency actions will be presented at the June and July 2022 meetings. If adopted at the September meeting, the proposed rule will become effective as a permanent rule on September 28, 2022.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6506, 6507, 7201, 7206 of the Education Law and Chapter 465 of the Laws of 2021

1. Section 68.1 of the Regulations of the Commissioner of Education is REPEALED and a new section 68.1 is added, to read as follows:

68.1 Professional study and experience requirements for professional engineering.

(a) Definition. As used in this section, an acceptable accrediting agency shall mean an organization accepted by the department as a reliable authority for the purpose of accrediting at the postsecondary level and which applies its criteria for granting accreditation in a fair, consistent, and nondiscriminatory manner.

(b) Licensure requirement. To meet the professional education and experience requirements for licensure as a professional engineer in this State, the applicant shall submit evidence of:

(1) graduation, including receipt of the bachelor's degree in engineering, from a professional program in engineering registered by the department, accredited by an acceptable accrediting agency, or determined by the department to be the substantial equivalent of a registered or accredited program; and

(2) completion of a minimum of four years of professional engineering work experience that meets the requirements of section 68.2 of this Part; or

(3) graduation, including receipt of the bachelor's degree in engineering technology, from an engineering technology program registered by the department or accredited by an acceptable accrediting agency; or

(4) graduation, including receipt of the bachelor's degree in engineering, from a professional program in engineering determined by the department to be the substantial equivalent of a registered or accredited engineering program; or

(5) graduation, including receipt of the bachelor of science degree, in a field related to engineering, engineering technology, or architecture as determined to be acceptable by the department, and graduation, including receipt of a master's or doctoral degree from a professional program in engineering determined by the department to be the substantial equivalent of a registered or accredited engineering program and that contains 24 graduate-level semester hours of engineering; and

(6) completion of a minimum of six years of professional engineering work experience that meets the requirements of section 68.2.

(7) For applicants that meet the requirements of paragraphs (1), (3), or (4) of this subdivision, the department shall accept graduation, including receipt of a master's or doctoral degree from a professional program in engineering determined by the department to be the substantial equivalent of a registered or accredited engineering program and that contains 24 graduate-level semester hours of engineering in lieu of not more than one year of work experience set forth in (b)(2) or (b)(6) of this section.

(c) Special provisions. As an alternative to the education/experience credit requirements in subdivision (b) of this section, for applicants who seek licensure and

submit an application, with the required fee, to the department prior to April 6, 2024, the following education/experience credit requirements shall apply:

(1) Prior to licensure the applicant must accrue 12 years of acceptable education/experience credit. One year of education/experience credit may be earned for each year of work experience acceptable to the State Board for Engineering, Land Surveying and Geology pursuant to section 68.2 of this Part. Two years of education/experience credit may be earned for each year of professional engineering education obtained in a program leading to a bachelor's degree in engineering and accredited by an acceptable accrediting agency, as defined in subdivision (a) of this section, which specializes in the fields of engineering or in a program equivalent to such an accredited professional engineering program.

(2) Education/experience credits may also be proportionally earned for various levels and types of postsecondary education which, while not entirely the study of professional engineering, contain important elements/content of such study. Such postsecondary education should demonstrate the following:

(i) that it contains important elements/content of the study of professional engineering, such as mathematics, physics, chemistry, physical and applied sciences, design, and properties of materials;

(ii) that it is in an appropriate subject relevant to the field of professional engineering, such as mathematics, physics, chemistry, physical and applied sciences, design, and properties of materials;

(iii) that it is at an appropriate level of study that would, at a minimum, be the material equivalent of study at an undergraduate level; and

(iv) that it is part of a program accredited by an acceptable accrediting agency pursuant to subdivision (a) of this section or part of a program equivalent to such an accredited program.

(3) In accordance with the provisions of subdivision (c) of this section, the department shall accept evidence of completion of a master's or doctoral degree in engineering in lieu of not more than one year of acceptable education/experience credit.

2. Section 68.3 of the Regulations of the Commissioner of Education is amended, as follows:

68.3 Licensing examinations for engineering.

(a) ...

(1) ...

(2) ...

(b) [Applications for admission to licensing examination, including all required fees, shall be completed and filed not less than 90 days prior to the examination date.

An applicant for admission to the fundamentals of engineering examination shall have earned six education/experience credits as defined in section 68.1 of this Part. An applicant for admission to the principles and practice of engineering examination shall have earned 12 education/experience units.] Admission to examinations.

(1) To meet the requirements for admission to the fundamentals of engineering examination, an applicant shall either:

(i) be enrolled in a professional program in engineering registered by the department, or accredited by an acceptable accrediting agency as defined in subdivision (a) of section 68.1 of this Part, or determined by the department to be the

substantial equivalent of a registered or accredited program that leads to a bachelor's degree in engineering; or

(ii) be enrolled in a professional program in engineering technology registered by the department or accredited by an acceptable accrediting agency that leads to a bachelor's degree in engineering technology; or

(iii) have met the education requirements of section 68.1(b)(4) or (5).

(2) To meet the professional education and experience requirements for admission to the principles and practice of engineering examination, an applicant shall have met the requirements in sections 68.1 and 68.2 of this Part.

Attachment B

8 NYCRR §§ 68.1 and 68.3

STATEMENT OF FACTS AND CIRCUMSTANCES

WHICH NECESSITATE EMERGENCY ACTION

The proposed rule is necessary to implement Chapter 465 of the Laws of 2021 (Chapter 465), which became effective April 6, 2022. This proposed rule conforms the Commissioner's regulations to Chapter 465, which amends the Education Law, among other things, by updating the professional engineer licensure requirements to reflect modern practice requirements and promote uniformity for the profession. Chapter 465 updates the engineering licensure requirements by removing the provision allowing for a substitution of 12 years working experience for a bachelor's degree or higher in engineering. Instead, Chapter 465 permits persons seeking licensure as a professional engineer pursuant to the current 12-year experience pathway to submit a licensure application with the appropriate fee to the Department within two years of the effective date of the statute in order to preserve their potential ability to qualify for licensure based on such experience. Chapter 465 further permits persons with substantially equivalent educational credentials, in accordance with the Commissioner's regulations, to sit for the professional engineering examination, provided that all other requirements for licensure are satisfied.

Chapter 465 also changes references from an "intern engineer" to "engineer in training" and permits students in engineering and engineering technology programs approved by the Commissioner to sit for the fundamentals of engineering examination in accordance with the Commissioner's regulations. Currently, students must wait until

they are within 20 credit hours of graduation to take this examination. However, nationally, most students are now permitted sit for this examination much earlier in their college careers. Chapter 465 eliminates the current examination timeframe and vests the Commissioner with the discretion to establish an alternative timeframe to assist students as they approach completion of their undergraduate degree programs.

Additionally, Chapter 465 makes some technical amendments relating to examination fees.

Finally, Chapter 465 authorizes the Department to waive the education requirement for applicants who have 15 years of lawful practice, typically in another state, and possess established and recognized standing in the profession.

Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for adoption, after expiration of the required 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the September 12-13, 2022 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date for the proposed rule, if adopted at the September meeting, would be September 28, 2022, the date the Notice of Adoption would be published in the State Register. However, Chapter 465 became effective April 6, 2022.

Therefore, emergency action is necessary at the April 2022 meeting for the preservation of the public health and general welfare in order to enable the State Education Department to timely implement the requirements of Chapter 465, which, among other things, updates the licensure requirements for professional engineers to help ensure the health, safety and welfare of the public, as professional engineers are

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responsible for the design and implementation of critical infrastructure throughout New York.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the September 12-13, 2022 Regents meeting, which is the first scheduled meeting after the expiration of the 60-day public comment period prescribed in SAPA for State agency rule makings.

Board of Engineering, Land Surveying and Geology

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Chapters 1-203

Education

§ 6507. Administration by the education department. 1. The commissioner and the department shall administer the admission to and the practice of the professions.

2. In administering, the commissioner may:

a. Promulgate regulations, except that no regulations shall be promulgated concerning article 131-A of this chapter;

b. Conduct investigations;

c. Issue subpoenas;

d. Grant immunity from prosecution in accordance with section 50.20 of the criminal procedure law to anyone subpoenaed in any investigation or hearing conducted pursuant to this title; and

e. Excuse, for cause acceptable to the commissioner, the failure to register with the department. Such excuse shall validate and authorize such practitioner's right to practice pending registration.

3. The department assisted by the board for each profession, shall:

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, licensed master social worker, licensed clinical social worker, licensed creative arts therapist, licensed marriage and family therapist, licensed mental health counselor, licensed psychoanalyst, dental hygienist, licensed behavior analyst, or certified behavior analyst shall, in addition to all the other licensure, certification or permit requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Such coursework or training may also include information regarding the physical and behavioral indicators of the abuse of individuals with mental retardation and other developmental disabilities and voluntary reporting of abused or neglected adults to the office for people with developmental disabilities or the local adult protective services unit. Each applicant shall provide the department with documentation showing that he or she has completed the required training. The department shall provide an exemption from the child abuse and maltreatment training requirements to any applicant who requests such an exemption and who shows, to the department's satisfaction, that there would be no need because of the nature of his or her practice for him or her to complete such training;

b. Review qualifications in connection with licensing requirements; and

c. Provide for licensing examinations and reexaminations.

4. The department shall:

a. Register or approve educational programs designed for the purpose of providing professional preparation which meet standards established by the department.

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b. Issue licenses, registrations, and limited permits to qualified applicants;

c. (i) Issue a certificate of authority to a qualified professional service corporation being organized under section fifteen hundred three of the business corporation law or to a university faculty practice corporation being organized under section fourteen hundred twelve of the not-for-profit corporation law on payment of a fee of ninety dollars, (ii) require such corporations to file a certified copy of each certificate of incorporation and amendment thereto within thirty days after the filing of such certificate or amendment on payment of a fee of twenty dollars, (iii) require such corporations to file a triennial statement required by section fifteen hundred fourteen of the business corporation law on payment of a fee of one hundred five dollars.

d. Revoke limited permits on the recommendation of the committee on professional conduct for the profession concerned, except for limited permits issued to physicians, physician's assistants and specialist's assistants which shall be subject to sections two hundred thirty, two hundred thirty-a, two hundred thirty-b and two hundred thirty-c of the public health law;

e. Maintain public records of licenses issued and retain in its files identifying data concerning each person to whom a license has been issued;

e-1. Compile and make available to the New York city department of buildings in electronic form: (i) a list of all architects and professional engineers currently licensed by and registered with the department; (ii) a list of all architects and professional engineers who currently hold limited permits issued by the department, together with the conditions and limitations applicable to each such limited permit; and (iii) a list of all architects and professional engineers whose licenses have been revoked or suspended by the board of regents of the state of New York or who are currently on probation, together with the date of revocation or the date and duration of suspension or probation, as applicable. The New York city department of buildings shall not accept plans or other documents submitted in connection with applications for work permits under articles ten through seventeen of subchapter one of chapter one of title twenty-seven of the administrative code of the city of New York by any person representing that he or she is an architect or professional engineer without verifying, by means of such lists, that such person meets the qualifications established by law to practice as an architect or professional engineer in New York state.

f. Collect the fees prescribed by this title or otherwise provided by law;

g. Prepare an annual report for the legislature, the governor and other executive offices, the state boards for the professions, professional societies, consumer agencies and other interested persons. Such report shall include but not be limited to a description and analysis of the administrative procedures and operations of the department based upon a statistical summary relating to (i) new licensure, (ii) discipline, (iii) complaint, investigation, and hearing backlog, (iv) budget, and (v) the state boards for the professions. Information provided shall be enumerated by profession; and

h. Establish an administrative unit which shall be responsible for the investigation, prosecution and determination of alleged violations of professional conduct.

5. Where an application is submitted for licensure or a limited permit in any profession regulated by this title and the commissioner determines that while engaged in practice in another jurisdiction: (i)

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the applicant has been subject to disciplinary action by a duly authorized professional disciplinary agency of such other jurisdiction, where the conduct upon which the disciplinary action was based would, if committed in New York state, constitute practicing the profession beyond its authorized scope, with gross incompetence, with gross negligence on a particular occasion, or with negligence or incompetence on more than one occasion under the laws of New York state, or (ii) the applicant has voluntarily or otherwise surrendered his or her professional license in another jurisdiction after a disciplinary action was instituted by a duly authorized professional disciplinary agency of such other jurisdiction based on conduct that would, if committed in New York state, constitute practicing the profession beyond its authorized scope, with gross incompetence, with gross negligence on a particular occasion, or with negligence or incompetence on more than one occasion under the laws of New York state, the department shall evaluate the conduct and the commissioner may deny licensure or issuance of a limited permit to the applicant based on such conduct.

6. The commissioner and the department shall perform any other functions necessary to implement this title.

Board of Engineering, Land Surveying and Geology

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Chapters 1-203

Education

§ 6508. Assistance by state boards for the professions. 1. A board for each profession shall be appointed by the board of regents on the recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing, practice, and conduct. The composition of each board shall be as prescribed in the article relating to each profession. Within each board a committee on licensing may be appointed by the board chairman.

Except as provided in paragraph (a) of this subdivision, the membership of each professional licensing board shall be increased by one member, and each such board shall have at least one public representative who shall be selected by the board of regents from the general public.

a. The membership of the professional licensing boards created under sections sixty-five hundred twenty-three, sixty-eight hundred four, sixty-nine hundred three, and seventy-four hundred three of this chapter shall be increased by two members, and each such board shall have at least two public representatives, who shall be selected by the board of regents from the general public.

b. For the purposes of this title, a "public representative" shall be a person who is a consumer of services provided by those licensed or otherwise supervised or regulated by the boards created hereunder, and shall not be, nor within five years immediately preceding appointment have been:

(i) a licensee or person otherwise subject to the supervision or regulation of the board to which appointed; or

(ii) a person maintaining a contractual relationship with a licensee of such board, which would constitute more than two percentum of the practice or business of any such licensee, or an officer, director, or representative of such person or group of persons.

2. Each board, or its committee on licensing, shall select or prepare examinations, may conduct oral and practical examinations and reexaminations, shall fix passing grades, and assist the department in other licensing matters as prescribed by the board of regents.

3. Each board shall conduct disciplinary proceedings as prescribed in this article and shall assist in other professional conduct matters as prescribed by the board of regents.

4. Members of each board shall be appointed by the board of regents for five-year terms except that the terms of those first appointed shall be arranged so that as nearly as possible an equal number shall terminate annually. A vacancy occurring during a term shall be filled by an appointment by the board of regents for the unexpired term. Each state professional association or society may nominate one or more candidates for each appointment to be made to the board for its profession, but the board of regents shall not be required to appoint candidates so nominated. Former members of a board may be re-appointed by the board of regents, on the recommendation of the commissioner, to serve as members of the board solely for the purposes of disciplinary proceedings, proceedings relating to the moral character of an applicant for licensure, and proceedings relating to applications for the restoration of a professional license. In addition, each board shall establish a roster of auxiliary members from candidates nominated by professional associations or societies for appointment by the board of regents, on the recommendation of the commissioner, to serve as members of the board solely for the purposes of disciplinary proceedings, proceedings relating to the moral character of an applicant for licensure, and proceedings relating to applications for the restoration of a professional license.

Board of Engineering, Land Surveying and Geology

5. Each member of a board shall receive a certificate of appointment, shall before beginning his term of office file a constitutional oath of office with the secretary of state, shall receive up to one hundred dollars as prescribed by the board of regents for each day devoted to board work, and shall be reimbursed for his necessary expenses. Any member may be removed from a board by the board of regents for misconduct, incapacity or neglect of duty.

6. Each board shall elect from its members a chairman and vice-chairman annually, shall meet upon call of the chairman or the department, and may adopt bylaws consistent with this title and approved by the board of regents. A quorum for the transaction of business by the board shall be a majority of members but not less than five members.

7. An executive secretary to each board shall be appointed by the board of regents on recommendation of the commissioner. Such executive secretary shall not be a member of the board, shall hold office at the pleasure of, and shall have the powers, duties and annual salary prescribed by the board of regents.