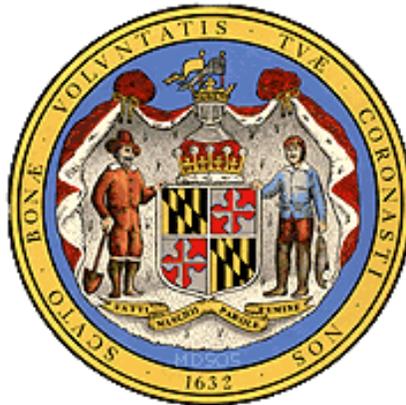


**LICENSED DESIGN PROFESSIONALS’
OVERLAPPING PRACTICE GUIDE
FOR
LOCAL GOVERNMENT OFFICIALS**



**Issued By:
Maryland Design Boards
1100 N. Eutaw Street, Room 121
Baltimore, MD 21201
410-230-6262**

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FORWARD

The State Board of Architects, the State Board for Professional Engineers, the State Board for Professional Land Surveyors, the State Board of Examiners of Landscape Architects and the State Board of Certified Interior Designers (collectively the “Design Boards”) approved this document as a tool to provide better guidance to local government officials with regard to the interpretation of certain aspects of Maryland licensing laws.

The State granted the Design Boards authority to license/certify those design professionals who practice architecture, interior design, land surveying, landscape architecture and engineering. One of the main functions of the Design Boards is to make sure that the practicing design professional performs his or her duties in accordance with the standards set by the State to safeguard the health, safety and welfare of the citizens of Maryland.

Local government officials have very much the same responsibility to protect the public welfare. However, their approach and focus is somewhat different in that they review construction documents to make sure that such documents meet the minimum requirements set by the local and state codes.

The issues surrounding permissible overlaps and cross-scope activities among various design professions are not easy to resolve. The scopes of practice for these professions overlap, leaving the local government officials with the daunting task of interpreting the State law. This reference guide has been created in an attempt to address these issues. The following pages provide the local government officials with a better understanding of the roles of design professions and offer tools and concrete steps to assist the local government officials in performance of their duties.

Individuals from the following professional societies, together with the representatives of the Design Boards and the Department of Labor, Licensing and Regulation, were participants in the Task Force that developed this document:

MBOA – Maryland Building Officials Association
AIAMD – Maryland State Chapter of the American Institute of Architects
MSS – Maryland Society of Surveyors
IIDA – International Interior Design Association
ASLAMD – Maryland Chapter American Society of Landscape Architects
ASCE – American Society of Civil Engineers

THE SUBMISSION OF PLANS AND OTHER DOCUMENTS

The Task Force acknowledges that there is an overlap among various design professions both in the area of education and practices. While it is possible that a professional of one profession may competently perform certain aspects of another profession, Maryland law and regulations place certain limitations on such activities. For example, the Code of Maryland Regulations, 09.21.01.05, Rules of Conduct, governing architects, provides in the pertinent part as follows:

“An architect shall undertake to perform professional services only when the architect, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.”

Similarly, the Code of Maryland Regulations, 09.23.03.09, Sealing Requirements, governing professional engineers, provides in the pertinent part as follows:

“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, 14-403, 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....”

The Code of Maryland Regulations, 09.13.01.04, governing professional land and property line surveyors, provides in the pertinent part as follows:

“A. A registrant may undertake or perform land surveying assignments only when qualified to do so by education or experience, or both, in the specific field of land surveying involved.

B. A registrant may affix his signature or seal to land surveying documents only if:

- (1) He is competent in the subject matter of those documents by virtue of education or experience, or both;
- (2) The documents were prepared under his direction as principal by an employee or an associate competent in the subject matter of those documents by virtue of education or experience, or both.”

Similarly, the Code of Maryland Regulations, 09.28.02.03, governing landscape architects, provides in the pertinent part as follows:

“A. A licensee may undertake or perform landscape architectural assignments only when qualified to do so by education or experience, or both. If the competence of a licensee to perform an assignment is questioned, the Board either upon request of the licensee, or by its own motion, may require the licensee to submit to a formal or informal inquiry by or on behalf of the Board.

B. A licensee may sign or seal landscape architectural documents only if:

- (1) Licensee is competent in the subject matter of those documents by virtue of education or experience, or both; or
- (2) Documents were prepared under the licensee’s direction as principal by an individual competent in the subject matter of those documents by virtue of education or experience, or both.”

Finally, the Code of Maryland Regulations, 09.18.02.06, governing certified interior designers, provides in the pertinent part as follows:

“A. A certificate holder may sign and seal plans, specifications, drawings, reports, or any other interior design documents that are required to be signed and sealed under Business Occupations and Professions Article, 8-403, Annotated Code of Maryland, only if the following requirements are met:

- (1) The certificate holder is competent in the subject matter of the documents by reason of education or experience or both....”

These paragraphs and similar examples in the other professional licensing laws require that all professionals practice within their respective areas of knowledge and expertise.

As an example, a professional engineer who has an expertise in electrical engineering (but not in structural engineering) is not legally qualified to seal any aspects of projects involving structural engineering; yet there is no indication of this restriction on his or her seal or license. Conversely, the electrical professional engineer may have a project involving a power upgrade to a building that increases the number of required exits from the service entry room from one to two. Certainly, the professional engineer

should be allowed to detail and specify the door if it is within that professional engineer’s knowledge and experience. It would be an arbitrary restriction to assert that since the

professional engineer does not have an architectural seal, he or she can not detail and specify the door.

Likewise, an architect may have a project that involves some structural, electrical and HVAC work. The training, examination and practice of the specific architect may qualify him or her to design these systems and therefore place their architectural seal on them.

The question is then not as narrow as “Who has which seal?”, but also “Who has the appropriate experience and education to use their seal on the subject documents?”

The local government officials in the various jurisdictions in the State of Maryland are responsible for determining that the construction documents adequately describe a building project which, when completed, will meet the applicable codes and protect the public health, safety and welfare. While the local government officials are reasonable in relying to a certain degree on the respective professional seal affixed to the construction documents, they have to keep in mind that they serve as a safety check point. The typical experience is that there will be comments made by the local government official, which will result in corrections or discussions with the design professional.

The following procedure is suggested to local government officials when they are presented with a set of multi-disciplined construction documents, and it appears to the local government official that the design professional who has sealed the construction documents may not be qualified in the subject area.

A. Review the submissions sealed by a licensed design professional without respect to the appropriateness of a particular seal. Following the review, contact the design professional whose seal appears on the construction documents and request an opportunity for review of the appropriateness of the seal applied in the specific case. As a result of such review, changes to the documents and/or the involvement of another design professional may result.

B. If a local government official is not satisfied with the results of this process, he or she could refer the individual to the appropriate Design Boards for review of his or her qualifications by filing with the appropriate Design Boards the Request for Determination on the form attached as Exhibit A.

The Design Boards will create various advisory panels that will consist of, as needed, two professional Board members from each of the Design Boards involved in a particular overlap inquiry, and one consumer member from any of the remaining three non-involved Design Boards. The advisory panel will review the inquiry, gather such additional information as it may deem necessary, and will submit its findings to the local government official, the design professional, and the relevant Design Boards.

While it is not the responsibility of the local government official to determine the professional’s credentials, the local government official may suspend further processing of the permit application until the matter is resolved. The Boards suggest that the official

makes a reasonable attempt to work with the design professional before initiating a disciplinary process.

This method of review and challenge will preserve the rights of those professionals qualified to work in an expanded scope area while protecting the health, safety and welfare of the citizens of the State of Maryland.

Note: Exhibit B contains relevant excerpts from the Annotated Code of Maryland, as well as a list of helpful phone numbers.

EXHIBIT A

REQUEST FOR ADVISORY OPINION



**MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION
1100 N. EUTAW STREET, ROOM 121
BALTIMORE, MD 21201
(410) 230-6262**

REQUEST FOR ADVISORY OPINION

This form is to be used by local government officials to request a determination of whether or not a licensed design professional is working within his or her scope of practice in accordance with the Maryland law and regulations. Please enclose one set of plans for review.

SECTION I. - SUBMITTER'S INFORMATION

County/Town _____ Date _____

Office/Department _____

Address _____

City _____ State _____ Zip _____

Contact Person _____ Phone _____

E-mail _____

SECTION II. - LICENSED DESIGN PROFESSIONAL'S INFORMATION

Name: _____

License Number: _____

Profession: _____

SECTION III. - PROJECT INFORMATION

Professional's or Firm's Name _____

Address _____

City _____ State _____ Zip _____

Project Name, Address & Description _____

SECTION IV.

A. Basis of Request - Describe the work done by the licensed design professional that is in question. Attach additional pages if necessary.

B. This inquiry relates to: (Check all boxes that you believe may be involved in the inquiry.)

- State Board of Architects
- State Board for Professional Engineers
- State Board for Professional Land Surveyors
- State Board of Examiners of Landscape Architects
- State Board of Certified Interior Designers

Submit To:
Professional Licensing Boards
1100 N. Eutaw Street, Rm 121
Baltimore, MD 21201

FOR OFFICE USE:

Date Received _____

File No. _____

EXHIBIT B

**EXCERPTS FROM THE BUSINESS OCCUPATIONS AND PROFESSIONS
ARTICLE, ANNOTATED CODE OF MARYLAND. PLEASE CONSULT THE
FULL DOCUMENT FOR THE ENTIRE TITLES.**

ARCHITECTS

§3-101.

(a) In this title the following words have the meanings indicated.

(b) "Architect" means an individual who practices architecture.

(c) "Board" means, unless the context requires otherwise, the State Board of Architects.

(d) "Code official" means a public official responsible for the review of building permit documents or the issuance of building permits.

(e) "Contact hour" means a minimum of 50 minutes of actual class time for each 60-minute hour.

(f) "Design coordination" means the review and coordination of services provided by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of this article.

(g) "License" means, unless the context requires otherwise, a license issued by the Board to practice architecture.

(h) "License fee" means, as applicable, the fee paid in connection with the issuance and renewal of a license and the issuance of a reciprocal license.

(i) "Licensed architect" means, unless the context requires otherwise, an architect who is licensed by the Board to practice architecture.

(j) "Permit" means, unless the context requires otherwise, a permit issued by the Board to allow a partnership or corporation to operate a business through which an individual may practice architecture.

(k) "Permit fee" means, as applicable, the fee paid in connection with the issuance and renewal of a permit.

(l) (1) "Practice architecture" means to provide any service or creative work:

(i) in regard to an addition to, alteration of, or construction of a building or an integral part of a building; and

(ii) that requires education, training, and experience in architecture.

(2) "Practice architecture" includes:

(i) architectural design and preparation of related documents;

(ii) consultation;

(iii) design coordination;

(iv) evaluation;

(v) investigation; and

(vi) planning.

(m) "Public use" means the use of a building or other structure for the primary purpose of human use or habitation.

(n) "Residential use" means the use of a building or other structure as a dwelling.

§3-103.

(a) Except as otherwise provided in this section, all architectural documents prepared in connection with the addition, alteration, construction, or design of a building, an integral part of a building, or a group of buildings which are intended for public use or residential use shall be signed, sealed, and dated by a licensed architect in accordance with § 3-501 of this title.

(b) A licensed architect may perform design coordination for a project or portion of a project provided that the licensed architect:

(1) holds a current license issued by the Board;

and

(2) has adequate experience in, and understanding of, achieving the purpose of the project or portion of the project being coordinated.

(c) This title does not limit the right of:

(1) a construction contractor to administer construction contracts;

(2) a developer, builder, or contractor to provide design services related to the developer's, builder's, or contractor's own construction of new or existing single-family or two-family dwellings, or structures ancillary to them, or farm buildings;

(3) a certified interior designer or other individual to provide interior design services as that term is defined in Title 8 of this article; or

(4) an individual to prepare plans, drawings, and other documents in connection with the addition, alteration, construction, design, or repair of a single-family dwelling and appurtenances that are for the personal use of that individual or a member of the immediate family of that individual.

(d) (1) A person may not be required to employ a licensed architect in connection with the alteration or repair of an existing building or structure in a municipal corporation if the alteration or repair:

(i) does not exceed \$5,000 in estimated costs, including labor and materials;

(ii) is limited to:

1. interior alterations or repairs;
2. storefronts or facades;
3. fixtures, cabinetwork or furniture;

or

4. exterior stairways, landings, decks, and ramps; and

(iii) does not adversely affect the structural system of the building, including foundations, footings, walls, floors, roofs, bearing partitions, beams, columns, joists, or the mechanical, electrical, or plumbing systems.

(2) Any work performed under this subsection shall be in compliance with the Americans with Disabilities Act and the Maryland Building Performance Standards set forth in Title 12, Subtitle 5 of the Public Safety Article.

(3) The exclusion provided for in this subsection shall be used only once per building or structure in a 12-month period.

(4) A building permit issued under this subsection:

(i) shall contain an affidavit signed by the person who has submitted the permit stating that the repair or alteration is in compliance with this subsection; and

(ii) may not be amended or revised in any way to cause the alteration or repair to exceed \$5,000 in total costs, including labor and materials.

(5) Any building permit issued under this subsection that contains technical submissions that fail to

conform to the requirements of this subsection shall be invalid.

(e) Notwithstanding the provisions of subsection (d) of this section, a code official may require that architectural documents for alterations or repairs of existing buildings or structures be signed and sealed by a licensed architect if the code official determines that the signature and seal of a licensed architect is necessary to provide conformity with the Maryland Building Performance Standards or to otherwise provide for the health and safety of the public.

PROFESSIONAL ENGINEERS

§14-101.

(a) In this title the following words have the meanings indicated.

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

(c) "Design coordination" means the review and coordination of services provided by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of this article.

(d) "License" means, unless the context requires otherwise, a license issued by the Board to practice engineering.

(e) "License fee" means, as applicable, the fee paid in connection with the issuance and renewal of a license and the issuance of a reciprocal license.

(f) (1) "Practice engineering" means to provide any service or creative work the performance of which requires education, training, and experience in the application of:

- (i) special knowledge of the mathematical, physical, and engineering sciences; and
- (ii) the principles and methods of engineering analysis and design.

(2) In regard to a building or other structure, machine, equipment, process, works, system, project, or public or private utility, "practice engineering" includes:

- (i) consultation;
- (ii) design;
- (iii) evaluation;
- (iv) inspection of construction to ensure compliance with specifications and drawings;
- (v) investigation;
- (vi) planning; and
- (vii) design coordination.

(3) "Practice engineering" does not include the exclusive and sole performance of nontechnical management activities.

(g) "Professional engineer" means, unless the context requires otherwise, an engineer who is licensed by the Board to practice engineering.

(h) (1) "Responsible charge" means direct control and personal supervision of engineering that requires initiative, professional skill, and independent judgment.

(2) "Responsible charge" includes responsible engineering teaching.

§14-103.

(a) All engineering documents prepared in connection with the alteration, construction, design, or repair of a building, structure, building engineering system and its components, machine, equipment, process, works, subsystem, project, public or private utility, or facility in the built or economic environment where the skills of a professional engineer are required, shall be signed, sealed, and dated by the professional engineer who prepared or approved the documents.

(b) A professional engineer may perform design coordination for a project or portion of a project provided that the professional engineer:

(1) holds a current license issued by the Board;
and

(2) has adequate experience in, and understanding of, achieving the purpose of the project or portion of the project being coordinated.

SURVEYORS

§15-101.

(a) In this title the following words have the meanings indicated.

(b) "Board" means the State Board for Professional Land Surveyors.

(c) "Design coordination" means the review and coordination of services provided by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of this article.

(d) "Land surveyor" means an individual who practices land surveying.

(e) (1) "License" means, unless the context requires otherwise, a license issued by the Board to practice:

- (i) land surveying; or
- (ii) property line surveying.

(2) "License" includes, unless the context requires otherwise:

- (i) a license to practice land surveying; and
- (ii) a license to practice property line surveying.

(f) "License fee" means, as applicable, the fee paid in connection with the issuance and renewal of a license and the issuance of a limited license, temporary license, and reciprocal license.

(g) "Licensed property line surveyor" means, unless the context requires otherwise, a property line surveyor who is licensed by the Board to practice property line surveying.

(h) "Permit" means, unless the context requires otherwise, a permit issued by the Board to allow a corporation or partnership to operate a business through which an individual may practice land surveying or property line surveying.

(i) "Permit fee" means, as applicable, the fee paid in connection with the issuance and renewal of a permit.

(j) (1) "Practice land surveying" means any service, work, documentation, or practice, the performance or preparation of which requires the application of special knowledge of the principles of mathematics, the related

physical and applied sciences, and the requirements of the relevant law, as applied to:

(i) measuring, platting, and locating lines, angles, elevations, natural or artificial features in the air, on the surface of the earth, in underground work, and on the beds of bodies of water for the purpose of determining and reporting positions, topography, areas, and volumes;

(ii) the platting or replatting, establishing or reestablishing, locating or relocating, or setting or resetting the monumentation for boundaries of real property, easements, or rights-of-way;

(iii) platting, layout, and preparation of surveys, plats, plans, and drawings, including:

1. site plans;
2. subdivision plans;
3. subdivision plats;
4. condominium plats;
5. right-of-way and easement plats; and
6. other recordable plats;

(iv) conducting horizontal and vertical control surveys, layout or stake-out of proposed construction, and the preparation and platting of as-constructed surveys;

(v) utilizing measurement devices or systems, such as aerial photogrammetry, global positioning systems, land information systems, geographic information systems, or similar technology for evaluation or location of boundaries of real property, easements, or rights-of-way; and

(vi) in conjunction with the site development or subdivision of land, the preparation and design of plans for the following projects, provided that such preparation and design are in accordance with design manuals, details, and standards accepted by the State or local authority:

1. road and street grades;
2. sediment and erosion control measures;
3. nonpressurized closed storm drainage and stormwater management systems; and
4. open conduit storm drainage and stormwater management systems.

(2) "Practice land surveying" does not include the design, preparation, or specifications for:

(i) community water or wastewater treatment collection or distribution systems;

(ii) community pumping or lift stations; or

(iii) geotechnical or structural design components of sediment control or stormwater management ponds or basins.

(k) (1) "Practice property line surveying" means to practice land surveying, except for the services excluded under paragraph (2) of this subsection.

(2) "Practice property line surveying" does not include the performance of the services described in subsection (j) (1) (vi) of this section.

(l) "Professional land surveyor" means, unless the context requires otherwise, a land surveyor who is licensed by the Board to practice land surveying.

(m) "Property line surveyor" means an individual who practices property line surveying.

(n) "Responsible charge" means direct control and personal direction of the investigation, design, construction, or operation of land surveying work that requires initiative, professional skill, and independent judgment.

LANDSCAPE ARCHITECTS

§9-101.

(a) In this title the following words have the meanings indicated.

(b) "Board" means the State Board of Examiners of Landscape Architects.

(c) "Design coordination" means the review and coordination of services provided by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of this article.

(d) "Landscape architect" means an individual who practices landscape architecture.

(e) "License" means, unless the context requires otherwise, a license issued by the Board to practice landscape architecture.

(f) "License fee" means, as applicable, the fee paid in connection with the issuance and renewal of a license or the issuance of a reciprocal license.

(g) "Licensed landscape architect" means a landscape architect who is licensed by the Board to practice landscape architecture.

(h) "Permit" means a permit issued by the Board to allow a partnership or corporation to operate a business through which an individual may practice landscape architecture.

(i) "Permit fee" means, as applicable, the fee paid in connection with the issuance and renewal of a permit.

(j) (1) "Practice landscape architecture" means:

(i) to provide any service or creative work in the analysis or design of land and natural resources that requires training and experience in the application of the biological, physical, mathematical, and social sciences; and

(ii) to perform design coordination of a project or portion of a project provided that the licensed landscape architect holds a current license issued by the Board and has adequate education and experience in, and understanding of, the project or portion of the project being coordinated.

(2) "Practice landscape architecture" includes:

(i) consultation, research, analysis, assessment, selection, and allocation of land and natural resources;

(ii) development of graphic, written, digital, and other appropriate criteria to govern the planning and design of land development and construction programs, including:

1. preparation, review, and analysis of master plans, site plans, and land development plans;

2. reconnaissance, planning, design, and preparation of construction documents;

3. construction, observation, administration, and project management;

4. preservation, restoration, conservation, reclamation, rehabilitation, and management of land and natural resources;

5. preparation of feasibility and site selection studies, environmental studies, and cost estimate reports; and

6. design and analysis of grading and drainage, irrigation, erosion and sediment control systems, and pedestrian and vehicular circulation systems; and

(iii) in conjunction with site plan preparation, the performance of the following:

1. determining a grade;

2. determining drainage; and

3. preparing and designing stormwater drainage systems provided that the preparation and design:

A. are in accordance with design manuals, details, and standards accepted by the State or local authorities; and

B. do not require a hydraulic or structural design of system components.

(k) "Responsible charge" means direct control and personal supervision of landscape architecture services that requires initiative, professional skill, and independent judgment.

CERTIFIED INTERIOR DESIGNERS

§8-101.

(a) In this title the following words have the meanings indicated.

(b) "Board" means the State Board of Certified Interior Designers.

(c) "Certificate" means a certificate issued by the Board to use the title "certified interior designer".

(d) "Certificate fee" means, as applicable, the fee paid in connection with the issuance and renewal of a certificate and issuance of a reciprocal certificate.

(e) "Certified interior design services" means interior design services provided by a certified interior designer.

(f) "Certified interior designer" means an interior designer who is certified by the Board.

(g) "Design coordination" means the review and coordination of services provided by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of this article.

(h) "Interior design services" means rendering or offering to render services for a fee or other valuable consideration, in the preparation and administration of interior design documents (including drawings, schedules and specifications) which pertain to the planning and design of interior spaces including furnishings, layouts, fixtures, cabinetry, lighting fixtures, finishes, materials, and interior construction not materially related to or materially affecting the building systems, all of which shall comply with applicable laws, codes, regulations, and standards. The scope of work described herein shall not be construed as authorizing the planning and design of engineering and architectural interior construction as related to the building systems, including structural, electrical, plumbing, heating, ventilating, air conditioning or mechanical systems and shall not be construed as authorizing the practice of architecture or engineering as defined in Title 3 or Title 14 of this article. The interior design plans as described above are not to be construed as those architectural plans which may be required to be filed with any county or municipality.

(i) "Public use" means the use of a building or other structure for the primary purpose of human use or habitation.

(j) "Residential use" means the use of a building or other structure as a dwelling.

Phone Numbers for the Design Boards

- 1. Architects: 410-230-6261**
- 2. Professional Engineers 410-230-6260**
- 3. Professional Land Surveyors 410-230-6256**
- 4. Landscape Architects 410-230-6256**
- 5. Certified Interior Designers 410-230-6261**