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March 19, 2019

Bill Perkins, PE, Executive Director
Designer Selection Board
One Ashburton Place, Room 1004, 10th Floor
Boston, MA 02108

Dear Mr. Perkins,

I'm writing on behalf of the American Council of Engineering Companies of Massachusetts. We understand that the Designer Selection Board has some questions about the Board of Registration of Professional Engineers and Land Surveyors' regulations that permit a PE to accept work outside of his or her licensed branch of practice, but only to the extent that such services are restricted to areas of expertise for which the PE is qualified by education and experience to perform.

Here are the relevant sections of the regulations:

250 CMR 5.02 (2)(b):

(b) A Registrant may accept work outside of his or her Licensed Branch of practice only to the extent that such services are restricted to areas of expertise for which the Registrant is qualified by education and experience to perform.

250 CMR 5.02 (2)(d):

(d) In the event that a Registrant practices outside his or her Licensed Branch of practice, the Registrant must be prepared to demonstrate to the Board's satisfaction his or her competence in that additional Branch of practice. Demonstration of competence to the Board shall include at a minimum records of specific education and experience obtained by the Registrant in that additional Branch of practice.

While the Board of Registration does not issue advisory rulings as to whether a particular engineer can perform certain types of engineering work, their regulations are very clear. 250 CMR Section 5.02 Competency applies to the practice of engineering. While we cannot speak for the Board of Registration, they certainly expect all professional engineers to abide by the requirements of Section 5.02. If the Board receives information that an engineer is practicing outside his or her areas of personal competence, the PE will be required to demonstrate to the Board that he or she is competent through specific education and experience, to perform the engineering work in question. I have witnessed several discussions related to this issue over the years.

On this basis, and as a matter of professional practice, it is the strong view of ACEC/MA that a licensed mechanical engineer, for example, can sign fire protection plans, even if she/he is licensed as a mechanical engineer. And in another example, a civil engineer can sign plans that an environmental engineer could sign. There is no hierarchy of engineering licenses. It is our view and it is common industry practice that a licensed PE may have been licensed in one area and then developed great competency over time in another branch.

We recommend that a proper incorporation of the Board of Registration's regulations would be for the Designer Selection Board to review an applicant team member's provision of experience in the standard DSB application and determine whether it provides evidence of adequate experience in the requested specialty.

Please let me know if the DSB has any questions. I can be reached at agoodman@engineers.org or 617-305-4112.

Sincerely,

Signature on original
Abbie R. Goodman, Executive Director