

Self-Reporting Discipline in Other Jurisdictions

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When a Maine professional engineer has been disciplined in another jurisdiction, the engineer has a duty to notify the Maine Board of Professional Engineers within 30 days of that discipline.

Licensees shall notify the Board of any discipline in any other jurisdiction within 30 days of final action. Rules, Board of Professional Engineers, Ch. 2, § 5(4).

(It should be noted that self-reporting is required upon the imposition of discipline, not the filing of a complaint.)

The rules also require self-reporting if the engineer is convicted of a crime in another jurisdiction.

Licensees shall notify the Board of any criminal conviction within 30 days of final adjudication. Rules, Board of Professional Engineers, Ch. 2, § 5(3).

There exists a certain reluctance against self-reporting since self-reporting can result in discipline from other Boards. There are no exceptions for self-reporting. Self-reporting is mandatory for any discipline imposed by a licensing Board in another jurisdiction.

It is not unusual for a professional engineer that is licensed in multiple jurisdictions, to be disciplined multiple times for the same act. For example, a licensed engineer is fined \$500 in a state where the offense occurred. The engineer self-reports the discipline in the other jurisdictions in which they are licensed. Upon receipt of the self-report in another jurisdiction, the engineer receives a higher fine for the same offense even though the offense had not occurred in that jurisdiction. Fair or not, such events are common.

The intent and willingness to impose discipline against the self-reporting engineer depends on the Board in a particular state where the engineer is licensed.

The Maine Board of Professional Engineers (Board) has imposed additional discipline on the self-reporting engineer but does not impose the discipline automatically and without deliberation.

The Board will not discipline the self-reporting engineer if the violation that occurred in the other state would not be a violation under Maine law or rules. For example, many jurisdictions will require engineers that practice or offer to practice engineering in a state to not only be licensed as professional engineers but also have a certificate of authorization (COA) to practice. A properly licensed engineer that provides services without operating under a current COA for that state will be disciplined by the Board in that state. Since Maine does not require a COA for offering engineering services, Maine will decline to discipline the self-reporting engineer in this circumstance. However, the self-reporting engineer that fails to self-report to the Maine Board within the prescribed 30 days will be in violation of the rules and may be disciplined for that infraction.

Another example is the professional engineer that practices in a state that has discipline specific professional engineering licenses and is disciplined for practicing engineering

competently but outside the discipline specified on their professional engineer's licenses (e.g., the licensed civil engineer that was not a licensed structural engineer yet designed a bridge). Maine would likely decline to discipline the self-reporting engineer under these circumstances. Maine does not have discipline specific professional engineer licenses. A professional engineer in Maine can practice in any engineering discipline they are competent to practice. Accordingly, had the self-reporting engineer performed the same actions in Maine they would not be in violation of Maine law and would not have been disciplined.

The Maine Board is less likely to discipline the self-reporting engineer if the infraction, while also a possible Maine infraction, had not harmed a Maine citizen, will not likely harm a Maine citizen, and has already been perceived to be adequately disciplined by another Board for the infraction.

For example, assume another jurisdiction's board has fined an engineer \$200 for failing to complete sufficient professional development hours for license renewal in that state. That state has an annual license renewal as opposed to Maine's biannual license renewal. The self-reporting engineer has another year to complete Maine's continuing education requirements before license renewal occurs in Maine. The Maine Board may very well decide that a fine of \$200 is sufficient penalty for the infraction so long as the self-reporting engineer will have completed Maine's continuing education requirements in time for license renewal in Maine.

There are situations where the Maine Board would likely discipline the self-reporting engineer.

Assume a self-reporting engineer has informed the Maine Board that their engineer's license has been revoked in another state for issuing design plans that were in part false and in part deficient to the extent the plans would jeopardize the public's safety (in fact the self-reporting engineer is starting to suffer dementia but has not stopped professional practice). In this case, the Maine Board would also consider revoking the engineer's license to avoid the risk of harm to Maine citizens.

The Board will consider, on a case by case basis, what actions to take when an engineer self-reports discipline in another state. Additional discipline should not be presumed. The Maine Board attempts to make a fair, reasoned, and rational analysis of all self-reported disciplines imposed by other state licensing boards.