

**RULES
OF
TENNESSEE STATE BOARD OF ARCHITECTURAL AND
ENGINEERING EXAMINERS**

**CHAPTER 0120-04
INTERIOR DESIGNERS**

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0120-04-.01 DEFINITIONS.

- (1) NCIDQ shall mean the National Council for Interior Design Qualification.
- (2) BOARD shall mean the Tennessee State Board of Architectural and Engineering Examiners.
- (3) REGISTRANT shall mean a registered interior designer.

Authority: T.C.A. § 62-2-203(c). **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993.

0120-04-.02 APPLICABILITY.

- (1) Unless otherwise indicated, the provisions of this chapter shall apply to all applicants for registration as registered interior designers and all registered interior designers.
- (2) Rule 0120-04-.11 Civil Penalties, paragraphs (2) through (4), shall apply to any person required to be registered to use the title "registered interior designer."

Authority: T.C.A. § 62-2-203(c). **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed March 9, 2011; effective June 7, 2011.

0120-04-.03 APPLICATIONS.

- (1) Each applicant for registration as a registered interior designer must be at least twenty-one (21) years old and must not have been convicted of any offense that bears directly on the applicant's fitness to be registered as determined by the Board. The applicant shall indicate the applicant's age and shall give a full explanation of any conviction of any offense on a form provided by the Board.
- (2) An application for registration as a registered interior designer under the provisions of T.C.A. § 62-2-904 (registration requiring examination), shall be made on a form prescribed by the Board and shall be accompanied by a nonrefundable fee of fifty-five dollars (\$55.00). The applicant shall provide the Board with NCIDQ examination verification or equivalent examination verification by submitting the following to the examination sponsor:
 - (a) An examination verification form supplied by the Board; and

(Rule 0120-04-.03, continued)

- (b) The fee, if any, charged by the examination sponsor for verification.

Authority: T.C.A. §§ 62-2-203(c), 62-2-301(a), 62-2-904, and 62-2-905. **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed September 15, 2015; effective December 14, 2015.

0120-04-.04 EDUCATION REQUIREMENTS.

- (1) Except as provided by T.C.A. § 62-2-905 (registration without examination), the education requirements for an applicant for registration as a registered interior designer shall be those prescribed in T.C.A. § 62-2-904(a).
- (2) The education requirements shall be completed by the applicant prior to submitting an application to the Board.
- (3) A nonaccredited interior design curriculum shall be referred at the applicant's expense to a person or entity approved by the Board and qualified to evaluate substantial equivalency to a Council for Interior Design Accreditation (formerly the Foundation for Interior Design Education Research) accredited program for evaluation and recommendation. Nonaccredited interior design degrees that were awarded within two (2) academic years prior to accreditation may be approved by the Board as being satisfactory.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-904(a). **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed September 11, 2009; effective December 10, 2009.

0120-04-.05 EXPERIENCE REQUIREMENTS.

- (1) Except as provided by T.C.A. § 62-2-905 (registration without examination), the experience requirements for an applicant for registration as a registered interior designer shall be those prescribed in T.C.A. § 62-2-904 (registration with examination).
- (2) For purposes of T.C.A. § 62-2-904(a), and this rule, "diversified interior design experience" shall mean that the applicant has been engaged in three (3) or more of the following activities of enhancing the function and quality of interior space:
 - (a) Analysis of a client's needs, goals, and life safety requirements for the interior space of a structure;
 - (b) Integration of findings with knowledge of interior design;
 - (c) Formulation of preliminary design concepts that are appropriate, functional and aesthetic;
 - (d) Development and presentation of final design recommendations through presentation media;
 - (e) Preparation of working drawings and specifications for non-load bearing interior construction, materials, finishes, space planning, furnishings, fixtures and equipment;
 - (f) Collaboration with professional services of other licensed practitioners in the technical areas of mechanical, electrical and load-bearing design required for regulatory approval;

(Rule 0120-04-.05, continued)

- (g) Preparation and administration of bids and contract documents as the client's agent; and
 - (h) Review and evaluation of design solutions during implementation and upon completion.
- (3) An applicant shall have worked at least one thousand six hundred (1,600) hours in a calendar year to obtain credit for a year's worth of diversified interior design experience under the provisions of T.C.A. § 62-2-904(a).
- (4) Interior design teaching with full-time faculty status in a college or university offering an approved interior design curriculum of four (4) years or more may be considered, at the discretion of the Board, as diversified interior design experience.
- (5) Diversified interior design experience shall be demonstrated to the Board by the applicant who shall furnish the following:
- (a) An affidavit by the applicant attesting that the applicant has engaged in the practice of interior design for the number of years for which the applicant is claiming experience; and
 - (b) A minimum of five (5) references, on forms supplied by the Board, certifying that the applicant has provided interior design services for the period of experience claimed by the applicant. References from relatives will not be considered. No reference will be considered if prepared more than two (2) years prior to the date of application.
 - (c) Three (3) such references must be registered interior designers and/or registered architects. In addition, one (1) client reference and one (1) employer reference are required. A client reference may be substituted for the employer reference if an applicant is self-employed. An employer reference or a reference from a registered interior designer or registered architect may be substituted for the client reference if the applicant is an interior design educator.
 - (d) If a reference reply is uncomplimentary, derogatory, or unfavorable of the applicant, the applicant may be required to furnish additional references. If subsequent replies are unfavorable, the applicant will be scheduled for an interview with the Board for further consideration.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-904(a). **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed November 17, 2014; effective February 15, 2015. A stay of the effective date was filed; new effective date May 1, 2015. Amendment filed September 15, 2015; effective December 14, 2015.

0120-04-.06 INITIAL REGISTRATION.

- (1) An initial certificate of registration shall be issued upon:
- (a) The Board's determination that all the applicable prerequisites for registration have been met; and
 - (b) The payment of application fees and other costs, if any, and the payment of an initial certificate of registration fee of one hundred forty dollars (\$140.00) which shall be valid for two (2) years.

Authority: T.C.A. §§ 56-1-302(b), 62-2-203(c), 62-2-307, and 62-2-904(b)(4). **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed March 13, 1997; effective May 27, 1997.

0120-04-.07 DUPLICATE CERTIFICATES OF REGISTRATION.

- (1) Upon written request from a registered interior designer, accompanied by a fee of twenty-five dollars (\$25.00), a new certificate of registration to replace any lost, destroyed or mutilated certificate will be issued.
- (2) All replacement certificates issued pursuant to this rule will be marked "duplicate."

Authority: T.C.A. §§ 62-2-203(c) and 62-2-305. **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993.

0120-04-.08 RENEWAL OF REGISTRATION.

- (1) All certificates of registration issued to a registered interior designer are subject to biennial renewal (every two (2) years) in accordance with the provisions of T.C.A. § 56-1-302(b).
- (2) A registered interior designer may renew a current, valid registration by submitting a renewal form approved by the board, the required renewal fee, and evidence of having completed the number of professional development hours (PDH's) required by rule 0120-05-.04.
- (3) The fee for biennial renewal of certificates of registration for registered interior designers shall be in the amount of one hundred forty dollars (\$140.00).
- (4) The penalty for late renewal shall be in the amount of ten dollars (\$10.00) for each month or fraction of a month which elapses during the six (6)-month late renewal period before payment is tendered.
- (5) Retirement Status.
 - (a) A registered certificate holder (over age 62) may place his certificate, if in good standing, in retirement status during the biennial license renewal cycle by filing a form designated by the Board. No fee shall be required. Such registrant shall renew his certificate by so notifying the Board.
 - (b) A registrant holding a retired certificate may refer to oneself as a registered interior designer, including on correspondence and business cards, provided that the word "retired" is used in conjunction with the title. Use of the title in violation of this subparagraph shall be considered to be misconduct and may subject the registrant to disciplinary action by the Board.
 - (c) A registrant holding a retired certificate may return to "active" status by notifying the Board, in writing, to change to "active" status and paying a biennial registration renewal fee of one hundred forty dollars (\$140.00).

Authority: T.C.A. §§ 62-2-203(c) and (d) and 62-2-307(c) and (f). **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed December 11, 2012; effective March 11, 2013. Amendment filed September 15, 2015; effective December 14, 2015.

0120-04-.09 REPEALED.

Authority: T.C.A. §§ 62-2-105, 62-2-203(c), and 62-2-905. **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed July 19, 2002; effective October 2, 2002. Repeal filed October 28, 2016; effective January 26, 2017.

0120-04-.10 PROFESSIONAL CONDUCT.

- (1) The registrant shall comply with all applicable laws, regulations and codes governing the practice of interior design, and the use of the title "registered interior designer."
- (2) The registrant shall at all times recognize the primary obligation to protect the health, safety and welfare of the public in the registrant's practice of interior design.
- (3) The registrant shall perform services only in areas of the registrant's competence.
- (4) The registrant shall not engage in any form of false or misleading advertising or promotional activities including, but not limited to, implying unregistered staff members or employees of the firm are registered interior designers.
- (5) The registrant shall not divulge any confidential information about the client or the client's project, or utilize photographs or specifications of the project without the express permission of the client; provided, however, this provision shall not apply to those specifications, drawings or photographs over which the designer retains proprietary rights or the designer is required by law or in connection with an investigation by the Board to furnish.
- (6) The registrant shall be completely objective and truthful in all professional reports, statements and testimony.
- (7) The registrant shall not assist or abet improper or illegal conduct of anyone in connection with a project.
- (8) When in public service as a member, advisor, or employee of a governmental body or department, the registrant shall not participate in considerations or actions with respect to services provided by the registrant or the registrant's organization in private professional practice.
- (9) The registrant shall not solicit or accept any contract from a governmental body on which the registrant, or a principal or officer of the registrant's organization, serves as a member.
- (10) The registrant shall not pay or offer to pay, either directly or indirectly, any commission, political contribution, or gift or other consideration in order to secure work, exclusive of securing salary positions through employment agencies.
- (11) The registrant shall not falsify or permit misrepresentation of the registrant's or the registrant's associates' academic or professional qualifications to a prospective or existing client or employer. The registrant shall not misrepresent or exaggerate the registrant's degree of responsibility in or for the subject matter of present or prior assignments.
 - (a) It shall be the responsibility of each registrant to clearly and appropriately state prior professional experience of the registrant and/or the firm the registrant is representing in presenting qualifications to prospective clients, both public and private.
 - (b) A registrant who has been an employee of another design firm may not claim unconditional credit for projects contracted for in the name of the previous employer. The registrant shall indicate, next to the listing for each project, that individual experience gained in connection with the project was acquired as an employee. Additionally, the registrant shall provide the time frame in which the project was performed, identify the previous design firm, and describe the nature and extent of the registrant's participation in the project.

(Rule 0120-04-.10, continued)

- (c) A registrant who was formerly a principal in a firm may legitimately make additional claims provided the registrant discloses the nature of ownership in the previous design firm (e.g., stockholder, director or officer) and identifies with specificity the registrant's responsibilities for that project.
 - (d) A registrant who presents a project that has received awards recognition must comply with the requirements of this rule with regard to project presentation to the public and prospective clients.
 - (e) Projects which remain unconstructed and which are listed as credit shall be listed as "unbuilt" or by a similar designation.
- (12) The registrant shall not request, propose or accept a professional commission on a contingent basis under circumstances in which the registrant's professional judgment may be compromised.
- (13) The registrant shall not knowingly associate with, or permit the use of the registrant's name or firm name in, a business venture by any person or firm which the registrant knows, or has reason to believe, is engaging in business or professional practice of a fraudulent or dishonest nature.
- (14) The registrant may be deemed by the board to be guilty of misconduct if:
- (a) The registrant has pleaded guilty or nolo contendere to or is convicted in a court of competent jurisdiction of a felony or fails to report such action to the Board in writing within sixty (60) days of the action;
 - (b) The registrant's license or certificate of interior design title is revoked, suspended or voluntarily surrendered as a result of disciplinary proceedings in another jurisdiction or the registrant fails to report such action to the Board in writing within sixty (60) days of the action;
 - (c) The registrant fails to respond to Board requests and investigations within thirty (30) days of the mailing of communications, unless an earlier response is specified;
 - (d) The registrant fails to comply with a lawful order of the Board; or.
 - (e) The registrant provides false testimony or information to the Board.
- (15) The registrant shall not engage, or offer to engage, in the providing of services specified by law to require other licensed professionals, such as the design of mechanical, plumbing, electrical and load-bearing structural systems, except for specification of fixtures and their location within interior spaces.
- (16) Before accepting a project, a registrant shall reasonably inform the prospective client of:
- (a) The scope and nature of the project;
 - (b) The professional services relating to the interior design that will be performed and the method of compensation for those performed services; and
 - (c) All compensation that the registrant will receive in connection with the project. If the registrant accepts the project, the registrant shall not accept any compensation from any person with whom the registrant deals in connection with the project that has not been fully disclosed to the client in writing prior to acceptance of the project.

(Rule 0120-04-.10, continued)

- (17) A registrant possessing knowledge of an applicant’s qualifications for registration shall cooperate with the applicant and/or the Board by responding appropriately regarding those qualifications when requested to do so. A registrant shall provide timely verification of employment and/or experience earned by an applicant under his or her supervision if there is reasonable assurance that the facts to be verified are accurate. A registrant shall not knowingly sign any verification document that contains false or misleading information.
- (18) The registrant shall maintain the continuing education records required by rule 0120-05-10 Records for a period of four (4) years and shall furnish such records to the Board for audit verification purposes within thirty (30) days of the Board’s request.

Authority: T.C.A. §§ 62-2-105 and 62-2-203(c). **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed September 16, 2008; effective November 30, 2008. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed December 11, 2012; effective March 11, 2013. Amendment filed November 17, 2014; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; new effective date May 1, 2015. Amendment filed September 15, 2015; effective December 14, 2015. Amendments filed October 28, 2016; effective January 26, 2017.

0120-04-.11 CIVIL PENALTIES.

- (1) With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty against such registrant for each separate violation of a statute, rule or order pertaining to the Board in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. § 62-2-308(a)(1)	\$500-1000
(b) Rule 0120-04-.10	\$500-1000
(c) Board Order	\$500-1000

- (2) With respect to any person required to be registered in this state to use the title “registered interior designer,” the Board may assess a civil penalty against such person for each separate violation of a statute in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. § 62-2-101	\$500-1000
(b) T.C.A. § 62-2-105(a)(1)	\$500-1000
(c) T.C.A. § 62-2-105(b)(1)	\$500-1000
(d) T.C.A. § 62-2-903	\$500-1000

- (3) Each day of continued violation may constitute a separate violation.
- (4) In determining the amount of civil penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:
 - (a) Whether the amount imposed will be a substantial economic deterrent to the violation;
 - (b) The circumstances leading to the violation;
 - (c) The severity of the violation and the risk of harm to the public;
 - (d) The economic benefits gained by the violator as a result of non-compliance;

(Rule 0120-04-.11, continued)

- (e) The interest of the public;
- (f) Prior disciplinary action in any jurisdiction or repeated violations; and
- (g) Self-reporting of the offense, cooperation with the Board's investigation, and any corrective action taken.

Authority: T.C.A. §§ 56-1-308, 62-2-105, 62-2-106, and 62-2-203(c). **Administrative History:** Original rule filed March 9, 2011; effective June 7, 2011. Amendments filed October 28, 2016; effective January 26, 2017.

0120-04-.12 OTHER ENFORCEMENT ACTIONS.

With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, take enforcement action against any registrant who is a respondent in a disciplinary case. Other enforcement actions may include, but are not limited to, the following:

- (1) Passage of a laws and rules examination with a minimum passing score of 80%; or
- (2) Completion of additional, Board-assigned continuing education hours (with appropriate documentation required).

Authority: T.C.A. §§ 62-2-106 and 62-2-203(c). **Administrative History:** Original rule filed December 11, 2012; effective March 11, 2013. Amendments filed October 28, 2016; effective January 26, 2017.

0120-04-.13 NOTIFICATION TO THE BOARD

A registrant or applicant for registration shall notify the Board in writing within thirty (30) calendar days of any change of name, mailing address, e-mail address, or phone number. Registrants and applicants are encouraged to notify the Board of a change of employment.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-207. **Administrative History:** Original rule filed November 17, 2014; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; new effective date May 1, 2015.