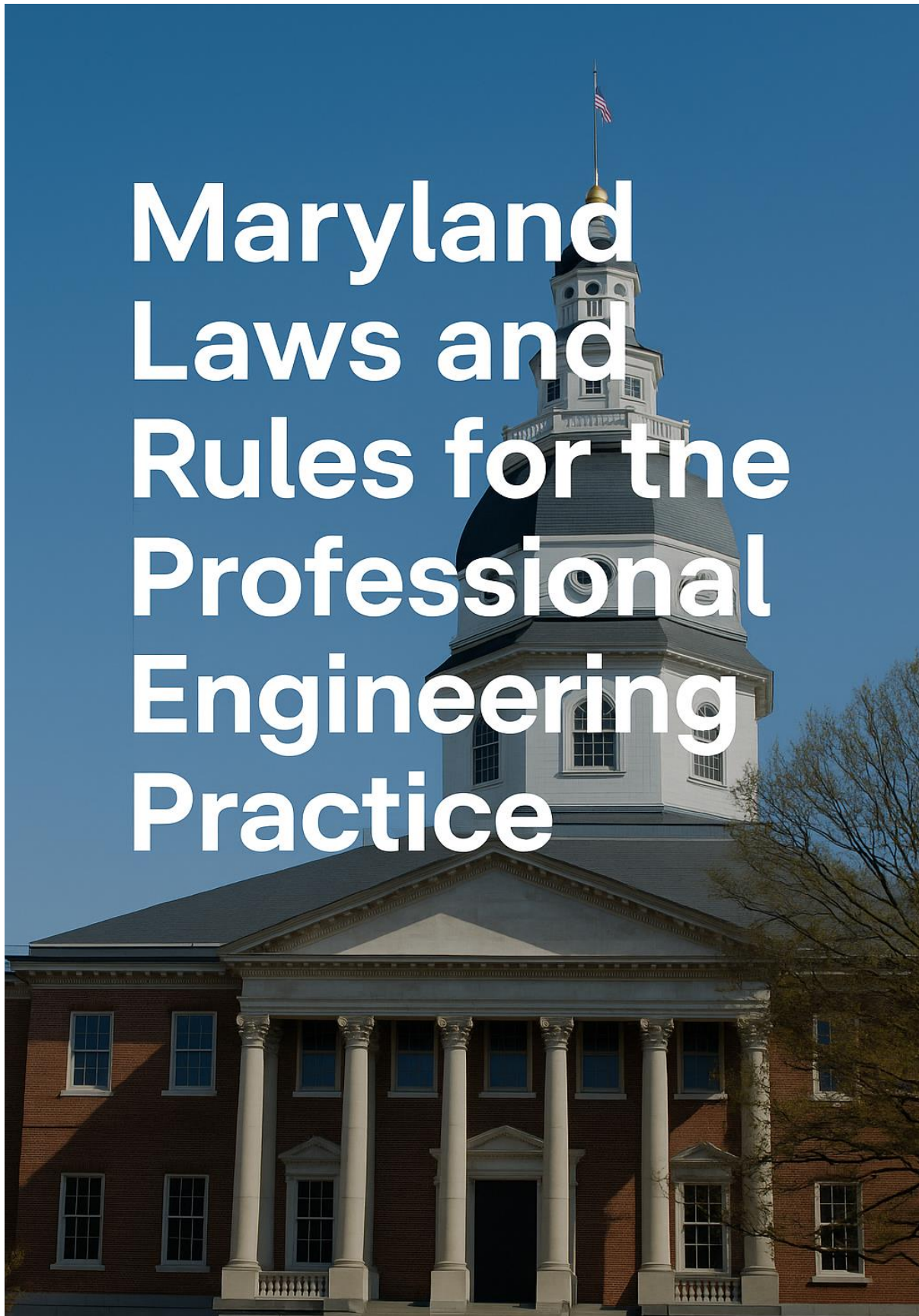


Maryland Laws and Rules for the Professional Engineering Practice



Course Description

This course provides licensed professional engineers in Maryland with a comprehensive review of the state-specific legal and regulatory framework governing the practice of engineering. Emphasizing compliance, ethics, and professional responsibility, it examines the Maryland Code, the Code of Maryland Regulations (COMAR), and the operational rules enforced by the Maryland Board for Professional Engineers.

The course includes detailed coverage of licensure requirements, use of professional seals, standards of conduct, continuing professional competency, and disciplinary procedures. It is designed to fulfill Maryland's ethics and law PDH requirement and equip practitioners with the knowledge needed to maintain legal and ethical standing in their professional activities.

Learning Objectives

Upon completing this course, participants will be able to:

- Interpret key elements of Maryland's laws and regulations pertaining to engineering licensure and practice.
- Describe the structure and authority of the Maryland Board for Professional Engineers.
- Apply rules regarding the use of seals, license renewal, and continuing education.
- Recognize acts that constitute professional misconduct and understand disciplinary proceedings.
- Demonstrate ethical decision-making within the legal parameters established by Maryland law.

Target Audience

Licensed professional engineers practicing in Maryland or those seeking to understand Maryland's specific regulatory framework for engineering practice.

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Chapter 1 – Introduction to Maryland’s Regulatory Framework

Overview of Professional Engineering Regulation in Maryland

Professional engineering in Maryland is governed by a structured legal and administrative framework designed to safeguard public health, safety, and welfare. The regulatory foundation consists of statutes enacted by the Maryland General Assembly and administrative rules promulgated by the Maryland Board for Professional Engineers. These legal instruments codify the standards of practice, licensure requirements, and ethical obligations applicable to all professional engineers operating within the state.

The regulatory oversight of engineering in Maryland is rooted in the principle that engineering, by virtue of its impact on public infrastructure, environmental systems, and technological development, must be performed by competent, licensed professionals. Accordingly, the state mandates licensure, enforces continuing education, and provides a legal mechanism to discipline individuals who fail to meet these standards.

Role of the Maryland Board for Professional Engineers

The Maryland Board for Professional Engineers (the Board), under the Department of Labor’s Division of Occupational and Professional Licensing, is the primary regulatory body responsible for implementing and enforcing laws related to the practice of engineering. The Board consists of professional members and public representatives appointed by the Governor and operates under the authority granted by **Title 14 of the Business Occupations and Professions Article** of the Annotated Code of Maryland.

Key responsibilities of the Board include:

- Reviewing and approving applications for licensure
- Administering and overseeing examination procedures
- Investigating complaints and enforcing disciplinary actions
- Interpreting and updating regulations under **COMAR Title 09, Subtitle 23**
- Ensuring compliance with continuing professional competency requirements

The Board conducts regular meetings, maintains an official website with public records and guidance documents, and serves as the authoritative body for legal interpretations of engineering practice within the state.

Key Legal Sources: Annotated Code of Maryland and COMAR Title 09, Subtitle 23

Maryland engineers must understand the dual legal structure regulating their profession: statutes and regulations.

- **Annotated Code of Maryland – Business Occupations and Professions Article, Title 14**
This statute defines the practice of engineering, outlines licensure procedures, specifies the Board’s powers, and describes the legal obligations of licensed engineers. It is enacted by the legislature and reflects the general intent and authority granted to the Board.
- **Code of Maryland Regulations (COMAR) Title 09, Subtitle 23**
COMAR contains the administrative regulations adopted by the Board under its

statutory authority. Subtitle 23 provides detailed procedures and operational rules, such as license renewal timelines, application formats, disciplinary standards, and CPC requirements. Unlike statutes, these regulations can be amended more frequently and provide granular guidance.

The interplay between statute and regulation is essential to the comprehensive governance of engineering practice. While statutes establish broad requirements, regulations supply the procedural and operational detail needed for day-to-day compliance.

Enforcement and Interpretation

The enforcement of engineering law in Maryland relies on the Board's regulatory discretion and investigatory authority. When complaints are lodged or violations are suspected, the Board initiates a formal investigation process. Findings may lead to disciplinary hearings and sanctions, which can include fines, suspension, or revocation of licensure.

Interpretations of the law and regulations are typically published through official Board guidance, public meeting minutes, or legal rulings. Engineers are encouraged to regularly consult the Board's website and legal publications to stay informed about changes and updates.

Conclusion

Understanding Maryland's legal framework for engineering practice is fundamental to lawful and ethical professional activity. The combination of statutory authority under Title 14 and detailed regulatory provisions in COMAR Title 09, Subtitle 23 ensures a robust system of accountability and professional integrity. Subsequent chapters will explore specific aspects of licensure, ethical standards, and enforcement mechanisms in detail.

Chapter 2 – Licensure Requirements and Processes

Qualifications for Licensure as a Professional Engineer

In Maryland, practicing professional engineering or offering engineering services to the public requires a valid license issued by the Maryland Board for Professional Engineers. The eligibility criteria for licensure are established by **Title 14 of the Business Occupations and Professions Article** and operationalized through **COMAR 09.23.02**.

The licensure pathway is designed to ensure that only competent individuals, possessing the necessary academic, experiential, and ethical qualifications, are authorized to practice.

To qualify for initial licensure, an applicant must generally fulfill the following:

- **Education:** Hold a degree in engineering from a program accredited by the Accreditation Board for Engineering and Technology (ABET), or meet alternative academic qualifications deemed equivalent by the Board.
- **Experience:** Accumulate a minimum of four years of progressive engineering experience under the supervision of a licensed professional engineer. Experience must demonstrate increasing responsibility and application of engineering principles.
- **Examinations:** Successfully pass the Fundamentals of Engineering (FE) exam and the Principles and Practice of Engineering (PE) exam, both administered by the National Council of Examiners for Engineering and Surveying (NCEES).

In certain cases, individuals with substantial experience but without an ABET-accredited degree may apply for licensure by providing additional documentation and undergoing a more rigorous review.

Examination and Experience Criteria

The two-stage examination process is a critical component of licensure:

- **Fundamentals of Engineering (FE):** This is typically taken shortly after graduation from an undergraduate engineering program. Passing this exam designates the individual as an Engineer-in-Training (EIT).
- **Principles and Practice of Engineering (PE):** This exam is taken after fulfilling the required years of qualifying work experience. It evaluates the candidate's ability to apply engineering knowledge in a practical setting and to exercise professional judgment.

The Board may waive examination requirements under reciprocity agreements for candidates already licensed in other jurisdictions, provided they meet or exceed Maryland's standards.

Application and Renewal Procedures

The application process for licensure involves the submission of official transcripts, verification of experience, examination scores, and references from licensed engineers. All materials must be submitted in accordance with Board guidelines, and the application is subject to Board review and approval.

- **Initial Application:** Applications are submitted through the Maryland Department of Labor's online licensing portal. A non-refundable fee accompanies each application.
- **License Renewal:** Licenses must be renewed biennially. Renewal requires the completion of continuing professional competency (CPC) credits and payment of a renewal fee. Failure to renew on time may result in expiration or disciplinary action.

Licenses are encouraged to maintain updated contact information with the Board and to monitor communications regarding renewal deadlines and documentation requirements.

Temporary Permits and Interstate Comity

Maryland permits certain out-of-state engineers to practice temporarily under specific conditions. Temporary permits may be issued for defined projects and time periods, contingent upon evidence of equivalent licensure and good standing in another U.S. jurisdiction.

- **Comity (Reciprocal Licensure):** Maryland recognizes licensure from other states through a comity process. Applicants seeking licensure by comity must submit verification of licensure, examination scores, and demonstrate compliance with Maryland's standards. Comity is not automatic; it is subject to Board approval.

The Board also participates in NCEES's Records Program, which facilitates streamlined license mobility for engineers with established licensure records.

Conclusion

Licensure as a professional engineer in Maryland is a rigorous, structured process that ensures only qualified individuals are entrusted with public engineering responsibilities. The state's system emphasizes academic preparation, supervised experience, and examination to establish competency. By maintaining high licensure standards, Maryland safeguards the public and elevates the professional stature of its engineering community.

Chapter 3 – Sealing Documents and Engineering Responsibility

Use and Security of Seals

The professional engineer's seal serves as a legal endorsement of responsibility and accuracy for engineering work performed. In Maryland, all final drawings, specifications, reports, or documents prepared or approved by a licensed engineer must be signed, dated, and sealed in accordance with **COMAR 09.23.03**.

Each licensee is required to obtain a unique seal upon licensure. The seal must include:

- The licensee's name as it appears on the license
- The legend "Licensed Professional Engineer"
- The license number issued by the Maryland Board for Professional Engineers

Engineers are responsible for ensuring that the seal is used exclusively by them, and only for work they have personally prepared or directly supervised. The use of another engineer's seal, or sealing documents without responsible charge, constitutes professional misconduct and is subject to disciplinary action.

Digital Signatures and Electronic Document Standards

With the transition to digital workflows, Maryland permits the use of electronic seals and signatures, provided they meet specific security and authenticity criteria.

COMAR permits digitally sealed documents to be legally valid when they:

- Include a secure, encrypted digital signature
- Are accompanied by an electronic image of the seal
- Are under the full control of the licensee

Documents must not be altered once they are sealed and signed. Any changes made after sealing invalidate the professional endorsement unless the modified document is re-sealed and re-signed by the responsible engineer. Engineers must ensure the authenticity and integrity of electronically submitted documents, especially in interactions with governmental agencies and regulatory authorities.

Responsibilities of the Licensee for Sealed Work

Maryland law defines "responsible charge" as the direct control and personal supervision of the engineering work being performed. A licensee must be integrally involved in the planning, direction, and review of the project elements before sealing the final documents.

Examples of unacceptable practices include:

- Sealing work solely reviewed after the fact without direct involvement
- Acting as a seal proxy for unlicensed engineers or firms
- Allowing others to use the seal without adequate oversight

In multi-disciplinary or team environments, each licensed engineer is expected to seal only those portions of the work they are qualified for and directly responsible for. Joint sealing of documents may occur, but only when each licensee has verifiably contributed to the respective portions under their discipline.

Consequences of Improper Sealing

Improper use of the professional seal is treated as a serious violation under Maryland law.

Potential consequences include:

- Administrative fines
- License suspension or revocation
- Legal liability in civil or criminal proceedings
- Public disclosure of disciplinary actions by the Board

Sealing documents outside the engineer's field of competence, or without direct professional involvement, undermines public trust and can result in reputational and financial damage. The Board rigorously investigates complaints related to seal misuse and enforces sanctions consistently.

Conclusion

The Maryland professional engineer's seal is a symbol of accountability and legal assurance. Its proper use is not merely procedural but foundational to public safety and the professional integrity of engineering practice. Engineers must exercise utmost diligence in sealing documents, whether in physical or digital form, and remain fully engaged in all aspects of the work they endorse. This chapter's guidance should be internalized as a core ethical and regulatory responsibility.

Chapter 4 – Ethical Conduct and Professional Responsibility

Maryland's Ethical Standards for Engineers

Professional engineers in Maryland are held to high ethical standards designed to protect the public and uphold the integrity of the engineering profession. These expectations are codified under **COMAR 09.23.06 – Code of Ethics**, which establishes rules of professional conduct that all licensees must follow. Ethical engineering practice in Maryland is built on three primary obligations: to the public, to clients or employers, and to the profession.

Engineers are expected to prioritize public health, safety, and welfare above all other interests. They must avoid deceptive acts, ensure objectivity, and disclose any potential conflicts of interest that may impair judgment. Ethical behavior must be evident not only in technical decisions but also in interactions with colleagues, government agencies, and the broader public.

Conflict of Interest, Competency, and Public Welfare

Maryland regulations prohibit engineers from engaging in activities that create a conflict between personal gain and professional responsibility.

Key provisions include:

- **Conflict of Interest:** Engineers must disclose all known or potential conflicts of interest to their clients or employers and must not accept compensation from more than one party for services on the same project unless fully disclosed and agreed upon by all parties.
- **Competency:** Licensees are permitted to practice only in areas where they are competent by virtue of education or experience. Accepting work outside one's field of competence violates both ethical and legal standards and can endanger public safety.
- **Protection of the Public:** If an engineer becomes aware of a situation that poses a danger to the public, they are obligated to notify appropriate authorities. Silence or inaction in the face of known hazards may constitute a breach of duty and lead to disciplinary action.

Prohibited Conduct under COMAR

COMAR 09.23.06 outlines specific behaviors that are considered unethical or unlawful. These include, but are not limited to:

- Offering or accepting bribes or kickbacks
- Falsifying qualifications, experience, or credentials
- Plagiarizing designs or technical content
- Knowingly assisting others in unlawful engineering practices
- Signing or sealing documents not prepared under the licensee's responsible charge
- Misrepresenting financial or technical data to mislead stakeholders

Violations are investigated by the Maryland Board for Professional Engineers and, if substantiated, may result in sanctions ranging from reprimands to revocation of licensure.

Reporting Misconduct

Engineers are encouraged, and in some cases obligated, to report violations of the law or the Code of Ethics to the Board. The reporting process includes submitting a written complaint, supported by documentation or testimony, which initiates an investigation by the Board.

While reporting can have professional and legal implications, it is a necessary mechanism to maintain the integrity of the engineering profession. The Board ensures confidentiality during preliminary investigations and provides due process to all parties involved.

In addition to regulatory channels, engineers should foster a workplace culture that promotes ethical discussion, peer accountability, and transparency. Mentorship and continuing education can play a crucial role in reinforcing ethical standards across generations of practitioners.

Conclusion

Ethics in engineering is not limited to compliance—it is a proactive and continuous commitment to professionalism, honesty, and public service. Maryland's legal and regulatory structure reinforces these values by setting enforceable standards for ethical conduct. Engineers must consistently exercise judgment that reflects not only technical expertise but also moral clarity. The ethical obligations discussed in this chapter are essential to the legal right to practice and the societal privilege of trust.

Chapter 5 – Continuing Professional Competency (CPC)

Maryland CPC Requirements

In Maryland, continuing professional competency (CPC) is a mandatory requirement for the renewal of a professional engineer's license. The purpose of CPC is to ensure that licensed engineers remain technically proficient and informed about developments in engineering practice, laws, and ethics.

These requirements are established under **COMAR 09.23.08** and apply to all actively practicing licensees.

Each professional engineer must complete **16 Professional Development Hours (PDH)** during each two-year licensing cycle. At least **1 PDH must be in ethics, laws, or regulations relevant to engineering practice in Maryland**. The remaining PDHs may be earned through a variety of acceptable educational activities as defined by the Board.

Acceptable Activities and PDH Credits

Professional Development Hours may be earned from several qualifying activities, provided they are relevant to the practice of engineering and enhance the licensee's knowledge or skill.

The Board recognizes the following categories:

- **College or University Courses:** Academic courses taken for credit, with each semester hour equating to 45 PDHs.
- **Continuing Education Courses or Seminars:** Participation in structured, non-academic programs, including online offerings, provided they are led by qualified instructors and offer proof of attendance.
- **Teaching or Lecturing:** Instructing a course or seminar for the first time may earn PDHs, though repeat teaching is not creditable.
- **Authoring Published Papers or Articles:** Technical or professional publications may qualify based on documented effort and relevance.
- **Patents:** The award of a patent relevant to engineering may be credited as a PDH-earning activity.
- **Self-directed Study:** Limited PDHs may be claimed for structured self-study when accompanied by a completion certificate and assessment.

All PDH activities must be relevant to the practice of engineering and fall within technical, managerial, or regulatory subject areas. Recreational or non-professional content does not qualify.

Documentation and Record-Keeping

Engineers are required to retain evidence of compliance with CPC requirements for a minimum of **four years**.

Satisfactory documentation includes:

- Certificates of completion or transcripts
- Course syllabi or agendas
- Published papers or patent documentation

- Proof of registration and attendance for seminars or conferences

The Maryland Board may conduct random audits to verify compliance. If a licensee is selected for audit, they must produce the requested documentation within the time frame specified by the Board. Failure to provide sufficient documentation may result in disciplinary action, including denial of license renewal.

Exemptions and Audits

Certain individuals may be exempt from CPC requirements under specific conditions, including:

- **New Licensees:** Those licensed for the first time by examination are exempt from CPC requirements during their initial renewal cycle.
- **Inactive or Retired Status:** Licensees who are not actively practicing may request inactive status. However, CPC requirements must be met prior to reactivation of the license.
- **Hardship Waivers:** The Board may consider waiver requests in cases of illness, military service, or other extraordinary circumstances.

Licensees are responsible for understanding and complying with all applicable CPC regulations, regardless of exemption or waiver status. The Board provides guidance through its official website and periodic updates to COMAR provisions.

Conclusion

Continuing professional competency is both a regulatory requirement and a professional obligation. It ensures that engineers remain current in their practice and capable of addressing the evolving demands of public infrastructure, safety, and innovation.

By adhering to Maryland's CPC framework, engineers affirm their commitment to lifelong learning and to the principles that underlie responsible licensure.

Chapter 6 – Disciplinary Actions and Legal Enforcement

Grounds for Disciplinary Action

The Maryland Board for Professional Engineers is authorized to take disciplinary action against licensees who violate the **Business Occupations and Professions Article, Title 14** or associated regulations under **COMAR 09.23**. The purpose of enforcement is to maintain public confidence in the engineering profession and to protect the health, safety, and welfare of Maryland citizens.

Disciplinary action may be initiated for a wide range of offenses, including but not limited to:

- Fraud, deceit, or misrepresentation in obtaining a license
- Gross negligence, incompetence, or misconduct in professional practice
- Use of another's seal or allowing misuse of one's own seal
- Failure to maintain required continuing education
- Conviction of a felony or any crime involving moral turpitude
- Practicing without an active, valid license
- Aiding or abetting unlicensed practice
- Failure to report hazardous conditions or professional violations

Each of these violations, whether technical or ethical in nature, undermines the professional standards required by the state and subjects the licensee to investigation and potential sanctions.

Investigation and Hearing Procedures

When the Board receives a formal complaint or initiates an internal review, it follows a structured legal process governed by the Maryland Administrative Procedure Act.

The steps typically include:

1. **Initial Review:** Complaints are screened to determine whether they fall under the Board's jurisdiction.
2. **Investigation:** If jurisdiction exists, the Board may assign investigators or staff to collect relevant facts, interview witnesses, and obtain documentation.
3. **Informal Conference:** In some cases, the Board may attempt to resolve the matter through informal proceedings or stipulations.
4. **Formal Charges:** If a violation appears substantiated, the Board issues formal charges and schedules a hearing before an administrative law judge (ALJ).
5. **Hearing and Decision:** The ALJ conducts the hearing and issues a proposed decision. The final decision rests with the Board, which may adopt, modify, or reject the recommendation.

Licensees have the right to legal representation throughout the process and may appeal adverse decisions to the appropriate civil courts.

Types of Sanctions Imposed

Depending on the severity of the violation, the Board may impose any combination of the following penalties:

- **Reprimand:** A formal censure placed on the licensee's record

- **Fines:** Monetary penalties, typically not exceeding \$5,000 per violation
- **Probation:** Conditional continuation of licensure under monitoring or remedial terms
- **Suspension:** Temporary revocation of the right to practice engineering
- **Revocation:** Permanent loss of licensure in Maryland

In addition to these administrative penalties, a licensee may face civil liability or criminal prosecution where applicable.

The Board also reports disciplinary actions to national databases such as the **NCEES Enforcement Exchange**, which may affect an engineer's licensure status in other jurisdictions.

Case Examples from Maryland Enforcement History

Maryland publishes selected disciplinary decisions as a public record and as a deterrent to misconduct.

These examples illustrate the range of issues addressed by the Board:

- **Improper Use of Seal:** An engineer sealed structural plans without having prepared or reviewed them. The Board imposed a fine and a one-year suspension.
- **Failure to Complete CPC:** A licensee falsely attested to completing CPC credits. Upon audit, the deficiency was discovered, resulting in a fine and mandatory course remediation.
- **Unlicensed Practice:** An individual continued to offer engineering services after license expiration. The Board issued a cease-and-desist order and levied a fine.

These cases demonstrate the Board's active enforcement and commitment to professional accountability.

Conclusion

Disciplinary enforcement is a cornerstone of Maryland's regulatory approach to professional engineering. Through fair, due-process-oriented procedures, the Board ensures that practitioners are held to consistent legal and ethical standards. All engineers must remain vigilant in complying with the rules of licensure and conduct, not only to avoid sanctions, but to preserve the public's trust and the profession's reputation.

Chapter 7 – Emerging Issues and Legal Updates

Recent Changes to Maryland Engineering Law

Maryland periodically revises its engineering statutes and regulations to align with technological advancements, ethical standards, and public policy goals. In recent years, notable updates have included the expansion of provisions for **digital signatures**, adjustments to **continuing professional competency (CPC)** exemptions, and increased transparency in **disciplinary reporting**.

Among the most impactful legislative updates:

- **Digital Seals and Electronic Submissions:** In response to digital transformation in design and documentation, Maryland revised COMAR provisions to explicitly permit secure, encrypted digital seals and signatures. This has streamlined permitting and approval processes, particularly in public infrastructure projects.
- **CPC Audits and Enforcement Expansion:** Amendments to COMAR 09.23.08 have enhanced the Board's authority to conduct audits and enforce CPC non-compliance. Licensees must now maintain more precise records and provide documentation within shorter timeframes if selected for audit.
- **Ethics and Equity Provisions:** Updates have clarified the scope of ethical obligations, particularly regarding the reporting of unsafe practices, diversity in team leadership, and professional responsibility in public communication.

Engineers are advised to review **Board newsletters, meeting minutes, and notices of proposed regulatory changes** to stay abreast of evolving requirements.

Anticipated Regulatory Developments

Several areas are under active consideration for regulatory development or legislative amendment:

- **AI and Engineering Judgment:** The Board is evaluating how to address the integration of artificial intelligence and machine learning tools in engineering practice, especially in design validation, load prediction, and geotechnical modeling. Future regulations may address the limits of delegation to non-human tools and the need for human verification.
- **Sustainability and Environmental Accountability:** Engineers may soon face additional regulatory duties regarding **climate resilience, sustainable design practices**, and **stormwater compliance**. These updates would likely align Maryland with national engineering sustainability frameworks, including ASCE's infrastructure resilience policies.
- **Professional Transparency Standards:** Maryland is exploring requirements for **license visibility** in public-facing documentation and digital communications. These rules would require engineers to clearly disclose licensure status and disciplinary history when marketing services to the public.
- **Public Procurement Reforms:** Amendments to procurement law and Board rules are being discussed to enhance ethical standards in state-funded engineering projects. Emphasis may be placed on fair bidding processes, disclosure of subcontractor credentials, and safeguards against conflicts of interest.

Role of Engineers in Public Infrastructure and Environmental Compliance

Maryland engineers play a central role in projects that impact public health and the environment, including transportation networks, water and wastewater systems, and green infrastructure initiatives.

New legislative mandates now require licensed engineers to be more actively involved in:

- **Environmental permitting processes**
- **Floodplain and stormwater modeling**
- **Risk assessment and mitigation for climate-sensitive assets**

Failure to consider environmental impacts or noncompliance with emerging design standards could subject engineers to civil liability or professional discipline.

The Board encourages ongoing education in topics such as:

- Resilient infrastructure design
- Environmental impact assessment (EIA)
- Regulatory compliance in coastal and flood-prone regions

Conclusion

As Maryland's built and natural environments evolve, so too must the legal framework governing professional engineering. Emerging issues such as digital practice, environmental responsibility, and regulatory modernization will continue to shape the scope of engineering licensure and accountability. Engineers must remain not only technically competent but also legally literate—prepared to respond to changing expectations while safeguarding public interest.

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- Annotated Code of Maryland – Business Occupations and Professions Article, Title 14
Statutory framework governing the licensing and regulation of professional engineers in Maryland
- Code of Maryland Regulations (COMAR) Title 09, Subtitle 23
Regulatory provisions issued by the Maryland Board for Professional Engineers, covering licensure, conduct, seals, and CPC requirements
- National Society of Professional Engineers (NSPE)
Code of Ethics for Engineers and related professional conduct guidance
- National Council of Examiners for Engineering and Surveying (NCEES)
Licensure standards, interstate comity procedures, FE and PE examination administration, and CPC tracking systems
- American Society of Civil Engineers (ASCE)
Ethical guidance and policy positions on infrastructure resilience, sustainability, and public welfare responsibilities
- Federal Emergency Management Agency (FEMA)
Guidelines for floodplain engineering, risk mitigation, and environmental hazard compliance in infrastructure projects
- Maryland Department of the Environment (MDE)
Regulatory and technical standards for environmental permitting, stormwater management, and engineering compliance within Maryland
- U.S. Department of Labor
Administrative policies and research on professional licensure, occupational mobility, and regulatory practices

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