

POLICY FOR COMITY APPLICANTS WITH NON-U.S. LICENSES

November 8, 2016

AUTHORITY

Idaho Code 54-1219 identifies the authority of the Board to issue a comity license to any applicant from a foreign country. Specific conditions in the statute require or allow:

1. The applicant holds a professional engineering or land surveying license in another country.
2. The foreign country will issue, without examination and upon substantially the same condition, a comity license to those licensed in Idaho.
3. The Board may waive prescriptive credentials in education and examination for licensees in good standing possessing eight (8) or more years of licensed experience.
4. The licensing system, in the opinion of the Board, maintains substantially equivalent professional standards as required under Title 54, Chapter 12, Idaho Code.
5. The Board may postpone acting on an application if disciplinary or criminal action related to the applicant's practice has been taken or is pending.

Idaho Code 54-1212 identifies the authority of the Board to issue a license by examination to any applicant. The statute requires that applicants be Idaho residents for their initial license which basically precludes any non-resident applicant from being licensed by examination.

Rules include IDAPA 10-0101-019 – Rules of Procedure for comity applicants. Specific rule sections applicable to applicants from other countries are as follows:

1. IDAPA 10-0101-019.02 relates to countries or jurisdictions with a Board approved license process. This rule allows the Board to determine the license process used by another country or jurisdiction is substantially equivalent to that required by 54-1219, Idaho Code. It specifically offers applicants with eight (8) or more years of licensed practice to apply and be considered for a waiver of prescriptive education and examination credentials if they are in good standing with the licensing organization in their country. The Board typically uses this provision to waive the examinations for licensure if the country has demonstrated and the Board has approved their licensing process to be substantially equivalent to Idaho's requirements. To be considered substantially equivalent, the licensing process must be instituted by a bona fide organization that includes requirements of:
 - a. Experience
 - b. Education
 - c. Testing
 - d. Code of Professional Responsibility (ethics)
 - e. Regulation of licensees including ability to take disciplinary action and

- f. The willingness, availability, and capacity of a foreign Board to release information to the Idaho Board in English.
2. IDAPA 10-0101-019.03 relates to countries or jurisdictions that do not have a Board approved license process. Applicants from those counties must demonstrate they meet all the Idaho Board's education, examination, and experience requirements.
3. IDAPA 10-0101-019.04 relates to unique international expertise. The Board may waive the requirements of IDAPA 10-0101-019c.03 above if an applicant licensed in another country possesses unique technical expertise and meets the requirements of Idaho Code 54-1219. This means an international technical expert applicant having practiced with a professional engineering license for eight (8) or more years and is in good standing with the licensing authority in their country may apply without the Board first approving the licensure process used in that country.

DEFINITIONS

1. **IDAPA** means the Idaho Administrative Procedures Act.
2. **Board** means an organization authorized by law established to regulate the practice of professional engineering or professional land surveying. In some countries the term used may be council, commission, association, or other similar title.
3. **Comity** means the informal voluntary recognition of a license credential issued by another jurisdiction or country.
4. **Disciplinary Action** means any final written decision or settlement taken against an individual by a licensing board based upon a violation of the board's laws and rules.
5. **Engineer** means a person who is qualified to practice engineering by reason of special knowledge and use of mathematical, physical and engineering sciences, and the principles and methods of engineering analysis and design, acquired by professional education and engineering experience.
6. **Land Surveyor** means a specialist in the technique of measuring land, educated in the basic principles of mathematics, the related physical and applied sciences, and knowledgeable of the relevant requirements of law for adequate evidence requisite to surveying of real property.
7. **License** means a permission granted by the Board to practice professional engineering or professional land surveying.
8. **Professional Engineer or Professional Land Surveyor** means a person who has been duly licensed by the Board.

POLICY

It is the policy of the Idaho Board to consider applicants from non-U.S. jurisdictions according to requirements of the laws and rules of the Board.

1. The Board has determined that the licensure process used in Canada specific to individual provinces is substantially equivalent to that required by Idaho law. As such, Canadian applicants will be evaluated under the requirements of IDAPA 10-0101.019.02.
2. The Board has determined that the licensure process used in United Kingdom (UK) is substantially equivalent to that required by Idaho law. As such, UK applicants will be evaluated under the requirements of IDAPA 10-0101.019.02. It is also determined that UK applicants, to be considered under the provisions of IDAPA 10-0101.019.02 must have received their initial license in the UK and not by comity or reciprocity with another country.
3. All information related to ethical and competent engineering practice, including references and other application information must, in the opinion of the Idaho Board, indicate a person is qualified for licensure. All application information must be in English.
4. Applicants from Canada or the UK must possess a professional engineer license credential for eight (8) or more years and be in good standing with licensing organization in the respective country or jurisdiction as independently verified by the applicable licensing organization. If an applicant has taken (written) and passed the National Council of Examiners for Engineering and Surveying (NCEES) fundamentals of engineering (FE) and the professional engineering (PE) examinations, the applicant may be licensed with four (4) or more years engineering experience, if otherwise qualified by the Idaho Board. These examinations are developed as U.S. standard examinations and are offered in the U.S. and in some foreign countries including Canada.
5. Applicants must have a bachelor of science, masters of science or Ph.D. engineering degree credential accredited by organizations signatory to the Washington Accord (which include the Canadian Engineering Accreditation Board and the UK Engineering Council), or receive a non-deficient credential evaluation from the National Council of Examiners for Engineering and Surveying NCEES or be otherwise approved by the Idaho Board.
6. All comity applicants from countries other than Canada or the UK or otherwise do not meet the requirements in items 3 through 5 above will apply under the provisions of IDAPA 10-0101.019.03 or 10-0101.019.04.
7. The Idaho Board will not license by examination any applicant from another country who does not meet the residency requirements of 54-1212, Idaho Code.