

Office of the Professions

Practice Guidelines

Guidelines for Professional Engineering Practice In New York State

Introduction

The New York State Education Department's Office of the Professions and the State Board for Engineering and Land Surveying have produced practice guidelines to provide useful information on good and recommended practices in the profession of engineering. While this information is **not** a substitute for an understanding of the law, rules and regulations governing the practice of engineering in New York State, it provides a useful supplement that reflects common professional practice issues and concerns. These practice guidelines can help licensed professional engineers to better understand what might lead to professional practice complaints and to take steps to eliminate or minimize those situations.

These practice guidelines have been developed in response to the questions posed most frequently to the offices of the State Board for Engineering and Land Surveying. They are intended to assist in considering appropriate professional practice in those situations which are not addressed specifically in either statute, rules or regulations. They reflect the collective experience of the members of the State Board for Engineering and Land Surveying along with input from a variety of sources, including engineering organizations and Office of the Professions' staff.

Practice guidelines are intended to provide licensees with general guidance to promote good practice and prevent instances of professional misconduct. ¹ They can also benefit licensees and consumers by broadening their understanding of the law, rules and regulations that define professional practice.

As is clarified in the March 15, 1999 memorandum from the Deputy Commissioner for the Professions, practice guidelines do not have the force of law. They are not a substitute for, nor do they have the authority of, Education Law, Regents Rules or Commissioner's Regulations. While the guidelines may be a resource in understanding good professional conduct in relation to the professional discipline process, they may not be used as the basis for a charge of or a defense against a charge of professional misconduct. A licensee can only be charged with professional misconduct if there is a violation of the Education Law or Regents Rules. Determinations of which complaints lead to professional misconduct charges are made on a case-by-case basis in accordance with Section 6510 of the Education Law.

For a full understanding of the application of practice guidelines, please review the Deputy Commissioner's March 1999 memorandum regarding the purpose and use of practice guidelines contained in this packet.

Relevant sections of Education Law are available on these pages and elsewhere on the Office of the Professions site. Part 29 of the Rules of the Board of Regents on Unprofessional Conduct is also available. You may access all New York State Law at <http://leginfo.state.ny.us> ²,

This is intended to be a working document which may evolve and expand over time. We hope you find these Practice Guidelines useful. If in doubt about the appropriateness of specific practices, you should consult the actual laws, rules or regulations.

For further information and/or clarification, please contact the New York State Board for Engineering and Land Surveying.

¹ Practice guidelines are not intended to establish a standard for the evaluation of issues in civil liability lawsuits involving claims of negligence or malpractice. The intent is to provide a frame of reference to be used with other appropriate considerations for assessment of issues relating to professional misconduct and unprofessional conduct as defined by law, rules or regulations.

Office of the Professions

Practice Guidelines

Guidelines for Professional Engineering Practice in New York State

Law, rules and regulations, not Guidelines, specify the requirements for practice and violating them constitutes professional misconduct. Not adhering to this Guideline may be interpreted as professional misconduct *only* if the conduct also violates pertinent law, rules and regulations, some citations of which are listed at the end of this Guideline.

Guideline 3: Professional Seals and Signatures

I. Meaning of Seal and Signature

The seal and signature of a licensee on a document indicates that the licensee takes professional responsibility for the work and to the best of the licensee's knowledge and ability, the work represented in the document is accurate, in conformance with applicable codes at the time of submission and has been prepared in conformance with normal and customary standards of practice and with a view to the safeguarding of life, health, property and public welfare.

II. Application of Seal and Signature

Section 7209 of Article 145 of the State Education Law requires every professional engineer to have a seal. It does not specify the type of seal to be used, with an embossing seal, rubber stamp or electronic version all being acceptable to the Department and the State Board for Engineering and Land Surveying.

Section 7209 also identifies when a professional engineer is required to sign and seal documents. In general, all plans, specifications and reports prepared by the professional engineer or by a full-time or part-time subordinate under their supervision, shall be signed and sealed when filed with public officials. In addition, whenever a document is signed and sealed, a stamp is required with appropriate wording warning that it is a violation of this law for any person to alter any document that bears the seal of a professional engineer, unless the person is acting under the direction of a licensed professional engineer. For information on changing documents sealed and signed by a professional engineer refer to Section IV below.

Whatever the means of production, on all documents on which a seal is required, there shall be visible the required image, satisfying the provisions of Sections 7209, and Part 68.10 of the Regulations of the Commissioner, and which clearly and legibly shows both the professional engineer's name and license number. The documents are to be signed by the professional engineer whose name appears on the seal in such a manner that neither the name nor the number appearing on the seal is obscured in any way.

Regulations of the Commissioner - Part 68.10 describes the requirements of the seal to be used in the State of New York. For those that are licensed on or after July 1, 1984, seals used by licensed professional engineers shall be circular in shape, approximately 1 3/4 inches in diameter, bearing the legend at the top of the outer band "STATE OF NEW YORK" and at the bottom "LICENSED PROFESSIONAL ENGINEER". In the inner circle, the licensee's name is placed above the Great Seal of New York and the license number, with no other letters or numbers, is placed below the Great Seal.

III. Electronic Seal and Signature (E-Signature)

New York State allows the use of an electronic signature with the same validity and effect as the use of a signature affixed by hand. An electronic signature is an electronically generated identifier that is unique to the person using it. The Electronic Signature and Records Act (ESRA) defines what constitutes an electronic signature in New York State and describes its specific uses and limitations.

The use of electronic signatures is voluntary by both public and private entities. A state or local municipality is not required to accept electronic signatures.

ESRA does not define a specific protocol to perform electronic signatures. It does describe the security level and performance requirements associated with the exchange and validation process. Therefore, before an electronic signature is transmitted, an agreement between both parties is required to permit a valid exchange of electronic information in a compatible manner.

The NYS Office For Technology (OFT) has been designated by ESRA as the facilitator responsible to promote the use of electronic signatures and records. The NYS Law and Regulations, OFT Guidelines and other articles can be found in OFT's website <http://www.oft.state.ny.us/ecommerce> .

IV. Alterations to Work

As described in Section II above, all plans, specifications, and reports to which the seal of a professional engineer has been applied, must also be stamped with appropriate wording warning that it is a violation of this law for any person to alter a document in any way, unless acting under the direction of a licensed professional engineer. If a document bearing the seal of an engineer is altered, the altering engineer shall affix to the document their seal and the notation "altered by" followed by their signature and the date of such alteration, and a specific description of the alteration.

V. Sealing Work Prepared by Others

The Rules of the Board of Regents Part 29.1 addresses unprofessional conduct in all professions regulated by the Board of Regents, and Part 29.3 specifically addresses conduct in the design professions of engineering, architecture, land surveying and landscape architecture, with Part 29.3(a)(3) and (4) addressing the sealing of work prepared by others.

Situations where this might be considered appropriate would include, but not be limited to:

- o Construction documents prepared by an owner or his unlicensed employee, where the proposed project is to be built for the owner, not for a third party.
- o Construction documents owned by an individual, such as those purchased through the mail from an out-of-state business entity. Frequently these would be plans for a house or pre-engineered building for the purchaser's occupancy. Such documents must be reviewed by a New York professional engineer as described below and made site-specific. Depending on the condition of such documents after the review (i.e., clarity after all revisions or additions have been made), the professional engineer shall incorporate such documents into the set of documents to be submitted to the appropriate authority, and it shall be signed and sealed by the professional engineer. Before a building is built, the plans must be thoroughly reviewed and the plans sealed by a professional engineer or another authorized professional. Written documentation must be retained for a period of six years.
- o Engineering documents prepared by a corporation for franchisees, such as fast-food chains. In such case the documents shall be reviewed by a New York licensed professional engineer as described below and made site-specific. All safety-related aspects should be clarified, and all necessary site work information should be clearly provided.
- o Engineering documents for prefabricated and pre-engineered devices and structures may also be reviewed and sealed by New York licensed professional engineers. In the review process the professional engineer is responsible for verifying that the device or structure has been designed to meet or exceed the code requirements for the particular site on which the device or structure is to be used or erected. Typically the professional engineer or his/her consultants may provide the necessary site specific design work for the project.
- o In those instances where an unauthorized individual or firm has rendered engineering services in this state to a client for a project in this state, and a New York licensed professional engineer subsequently becomes aware of the fact, such professional engineer should report the incident to the Education Department such that an investigation of the unauthorized practitioner might be conducted.

Sect. 29.3(a)(3) requires that when a licensee reviews work prepared by others, a thorough written evaluation of the work must be prepared and retained by the licensee for a period of not less than six years. This report shall include and address:

- o A thorough written evaluation of drawings and specifications; reports; design calculations and references to applicable codes and standards against which the work was checked.
- o The report shall identify the common name of the project; owner of the project and/or the client; the preparer of the documents; date of evaluation; documents reviewed, with listing of dates of issue.
- o Conformance with applicable codes including, but not limited to: town, city, state and federal codes; appropriate professional standards (ASME, IEEE, ASTM, etc.).

In signing and sealing work prepared by others, the licensee may correct, alter, or add to the existing documents or prepare additional documents to address items found inappropriate or missing. When the documents meet the appropriate standards, they may then be signed and sealed by the licensee. A licensee who seals and signs the documents may be seen as accepting all responsibility for the work as though the licensee had personally prepared all documents.

When the scope of review is limited work to individual aspects of the work, the licensee should indicate this by noting such on the sealed and signed documents. Refer to Section IV above – Alterations To Work.

VI. VI. Best Practices For Drawings, Specifications and Reports

On all drawings which are intended to convey engineering information and services, a title block should be provided. The title block should contain:

- o the name and location of the firm providing the engineering services;
- o the name of the project and project location;
- o the client for whom the services have been provided;
- o the date the work was completed.

In addition the title block may contain identification of those who prepared and checked the documents, as well as drawing numbers and such similar incidental items as are customary.

Similar information shall be provided on the title page of all specifications and reports

Engineers should legibly indicate their name and business address on all engineering documents. Engineering documents which are issued for preliminary or conceptual use shall clearly note the intended purpose of such documents. When elements of the project are shown on an engineering document only for information or clarification and the Engineer does not intend to accept responsibility for the elements, the engineer shall clearly note on the documents the extent of his/her responsibility.

Engineers should clearly note on any preliminary engineering documents that such documents are not in final form, but are being transmitted to the public agency for review, comments and interpretations. The documents may subsequently be revised by the engineer to reflect resolution of issues with the public agency prior to final action by the agency. Changes, revisions and modifications to a project may prompt additional document submittal for agency approval action on the same project.

Citations of Pertinent Law, Rules or Regulations:

- Education Law, section 7201 – *"definition of practice of engineering"*
- Education Law, section 7202 – *"practice of engineering and use of title "professional engineer"*
- Education Law, section 7209 – *"special provisions"*
- Education Law, section 7210 – *"certificates of authorization"*
- Regents Rules, part 29.1 – *"general provisions"* Regents Rules, part 29.3 – *"general provisions for design professions"*

Office of the Professions

Rules of the Board of Regents

Part 29, Unprofessional Conduct

Effective January 7, 2010

§ 29.1 - General provisions. | § 29.2 - General provisions for health professions. | § 29.3 - General provisions for design professions. | § 29.4 - Special provisions for the profession of medicine. | § 29.5 - Special provisions for the professions of dentistry and dental hygiene. | § 29.6 - Special provisions for the profession of veterinary medicine. | § 29.7 - Special provisions for the profession of pharmacy. | § 29.8 - Special provisions for the profession of optometry. | § 29.9 - Special provisions for the profession of ophthalmic dispensing. | § 29.10 - Special provisions for the profession of public accountancy. | § 29.11 - Special provisions for the profession of certified shorthand reporting. | § 29.12 - Special provisions for the profession of psychology. | § 29.13 - Special provisions for the profession of massage therapy. | § 29.14 - Special provisions for the profession of nursing. | § 29.15 - Special provisions for the professions of creative arts therapy, marriage and family therapy, mental health counselling, and psychoanalysis. | § 29.16 - Special provisions for the social work professions. | § 29.17. Special provisions for the profession of physical therapy.

§ 29.1 General provisions.

- a. Unprofessional conduct shall be the conduct prohibited by this section. The provisions of these rules applicable to a particular profession may define additional acts or omissions as unprofessional conduct and may establish exceptions to these general prohibitions.
- b. Unprofessional conduct in the practice of any profession licensed, certified or registered pursuant to title VIII of the Education Law, except for cases involving those professions licensed, certified or registered pursuant to the provisions of Article 131 or 131-B of such law in which a statement of charges of professional misconduct was not served on or before July 26, 1991, the effective date of Chapter 606 of the Laws of 1991, shall include:
 1. willful or grossly negligent failure to comply with substantial provisions of Federal, State or local laws, rules or regulations governing the practice of the profession;
 2. exercising undue influence on the patient or client, including the promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party;
 3. directly or indirectly offering, giving, soliciting, or receiving or agreeing to receive, any fee or other consideration to or from a third party for the referral of a patient or client or in connection with the performance of professional services;
 4. permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice the same profession, or a legally authorized trainee practicing under the supervision of a licensed practitioner. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services used by a professional licensee constitutes a percentage of, or is otherwise dependent upon, the income or receipts of the licensee from such practice, except as otherwise provided by law with respect to a facility licensed pursuant to Article 28 of the Public Health Law or Article 13 of the Mental Hygiene Law;
 5. conduct in the practice of a profession which evidences moral unfitness to practice the profession;
 6. willfully making or filing a false report, or failing to file a report required by law or by the Education Department, or willfully impeding or obstructing such filing, or inducing another person to do so;

7. failing to make available to a patient or client, upon request, copies of documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client;
8. revealing of personally identifiable facts, data or information obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law;
9. practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform, or performing without adequate supervision professional services which the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;
10. delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience or by licensure, to perform them;
11. performing professional services which have not been duly authorized by the patient or client or his or her legal representative;
12. advertising or soliciting for patronage that is not in the public interest:
 - i. Advertising or soliciting not in the public interest shall include, but not be limited to, advertising or soliciting that:
 - a. is false, fraudulent, deceptive or misleading;
 - b. guarantees any service;
 - c. makes any claim relating to professional services or products or the cost or price therefore which cannot be substantiated by the licensee, who shall have the burden of proof;
 - d. makes claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof; or
 - e. offers bonuses or inducements in any form other than a discount or reduction in an established fee or price for a professional service or product.
 - ii. The following shall be deemed appropriate means of informing the public of the availability of professional services:
 - a. informational advertising not contrary to the foregoing prohibitions; and
 - b. the advertising in a newspaper, periodical or professional directory or on radio or television of fixed prices, or a stated range of prices, for specified routine professional services, provided that if there is an additional charge for related services which are an integral part of the overall service being provided by the licensee, the advertisement shall so state, and provided further that the advertisement indicates the period of time for which the advertised prices shall be in effect.
 - iii.
 - a. all licensees placing advertisements shall maintain, or cause to be maintained, an exact copy of each advertisement, transcript, tape or videotape thereof as appropriate for the medium used, for a period of one year after its last appearance. This copy shall be made available for inspection upon demand of the Education Department;
 - b. a licensee shall not compensate or give anything of value to representatives of the press, radio, television or other communications media in anticipation of or in return for professional publicity in a news item;
 - iv. Testimonials, demonstrations, dramatizations, or other portrayals of professional practice are permissible provided that they otherwise comply with the rules of professional conduct and further provided that the following conditions are satisfied:
 - a. the patient or client expressly authorizes the portrayal in writing;

- b. appropriate disclosure is included to prevent any misleading information or imagery as to the identity of the patient or client;
 - c. reasonable disclaimers are included as to any statements made or results achieved in a particular matter;
 - d. the use of fictional situations or characters may be used if no testimonials are included; and
 - e. fictional client testimonials are not permitted;
13. failing to respond within 30 days to written communications from the Education Department or the Department of Health and to make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct. The period of 30 days shall commence on the date when such communication was delivered personally to the licensee. If the communication is sent from either department by registered or certified mail, with return receipt requested, to the address appearing in the last registration, the period of 30 days shall commence on the date of delivery to the licensee, as indicated by the return receipt;
14. violating any term of probation or condition or limitation imposed on the licensee by the Board of Regents pursuant to Education Law, Section 6511.

§ 29.2 General provisions for health professions.

- a. Unprofessional conduct shall also include, in the professions of: acupuncture, athletic training, audiology, certified dental assisting, chiropractic, creative arts therapy, dental hygiene, dentistry, dietetics/nutrition, licensed practical nursing, marriage and family therapy, massage therapy, medicine, mental health counseling, midwifery, occupational therapy, ophthalmic dispensing, optometry, pharmacy, physical therapist assistant, physical therapy, physician assistant, podiatry, psychoanalysis, psychology, registered professional nursing, respiratory therapy, respiratory therapy technician, social work, specialist assistant, occupational therapy assistant, speech-language pathology, except for cases involving those professions licensed, certified or registered pursuant to the provisions of Article 131 or 131-B of the Education Law in which a statement of charges of professional misconduct was not served on or before July 26, 1991, the effective date of Chapter 606 of the Laws of 1991:
- 1. abandoning or neglecting a patient or client under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a professional employment by a group practice, hospital, clinic or other health care facility, without reasonable notice and under circumstances which seriously impair the delivery of professional care to patients or clients;
 - 2. willfully harassing, abusing or intimidating a patient either physically or verbally;
 - 3. failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient. Unless otherwise provided by law, all patient records must be retained for at least six years. Obstetrical records and records of minor patients must be retained for at least six years, and until one year after the minor patient reaches the age of 21 years;
 - 4. using the word "Doctor" in offering to perform professional services without also indicating the profession in which the licensee holds a doctorate;
 - 5. failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed professional;
 - 6. guaranteeing that satisfaction or a cure will result from the performance of professional services;
 - 7. ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient;
 - 8. claiming or using any secret or special method of treatment which the licensee refuses to divulge to the State Board for the profession;
 - 9. failing to wear an identifying badge, which shall be conspicuously displayed and legible, indicating the practitioner's name and professional title authorized pursuant to the Education Law, while practicing as an employee or operator of a hospital, clinic, group practice or multiprofessional

- b. Unprofessional conduct shall also include, in those professions specified in Section 18 of the Public Health Law and in the professions of acupuncture, creative arts therapy, marriage and family therapy, massage therapy, mental health counseling, and psychoanalysis, failing to provide access by qualified persons to patient information in accordance with the standards set forth in Section 18 of the Public Health Law. In the professions of acupuncture, creative arts therapy, marriage and family therapy, massage therapy, mental health counseling, and psychoanalysis, qualified persons may appeal the denial of access to patient information in the manner set forth in Section 18 of the Public Health Law to a record access committee appointed by the executive secretary of the appropriate State Board. Such record access review committees shall consist of not less than three, nor more than five members of the appropriate State Board.

§ 29.3 General provisions for design professions.

- a. Unprofessional conduct shall also include, in the professions of architecture and landscape architecture, engineering and land surveying:
1. being associated in a professional capacity with any project or practice known to the licensee to be fraudulent or dishonest in character, or not reporting knowledge of such fraudulence or dishonesty to the Education Department;
 2. failing to report in writing to the owner or to the owner's designated agent any unauthorized or improperly authorized substantial disregard by any contractor of plans or specifications for construction or fabrication, when professional observation or supervision of the work is provided for in the agreement between the owner and the design professional or when supervision of the work is under the control of the design professional;
 3. certifying by affixing the licensee's signature and seal to documents for which the professional services have not been performed by, or thoroughly reviewed by, the licensee; or failing to prepare and retain a written evaluation of the professional services represented by such documents in accordance with the following requirements:
 - I. a licensee who signs and seals documents not prepared by the licensee or by an employee under the licensee's direct supervision shall prepare, and retain for a period of not less than six years, a thorough written evaluation of the professional services represented by the documents, including but not limited to drawings, specifications, reports, design calculations and references to applicable codes and standards. Such written evaluation shall clearly identify the project and the documents to which it relates, the source of the documents and the name of the person or organization for which the written evaluation was conducted, and the date of the evaluation, and the seal and signature of the licensee shall also be affixed thereto; and
 - II. nothing in this paragraph shall be construed as authorizing the practice of a design profession in this State by persons other than those authorized to practice pursuant to the provisions of Article 145, 147 or 148 of the Education Law;
 4. failure by a licensee to maintain for at least six years all preliminary and final plans, documents, computations, records and professional evaluations prepared by the licensee, or the licensee's employees, relating to work to which the licensee has affixed his seal and signature;
 5. having a substantial financial interest, without the knowledge and approval of the client or employer, in any products or in the bids or earnings of any contractor, manufacturer or supplier on work for which the professional has responsibility;
 6. permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, subcontractor or consultant. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment, or personnel services used by a professional licensee constitutes a percentage of or is otherwise dependent upon the income or receipts of the licensee from such practice. This provision shall apply in lieu of Section 29.1(b)(4) of this Part;
 7. accepting any form of compensation from more than one party for services on the same project without fully disclosing the circumstances and receiving approval from all interested parties;

8. participating as a member, advisor or employee or a government body in those actions or deliberations which pertain to services provided by the practitioner or his or her organization for such government body; or
9. in the profession of land surveying, the revision, alteration, or update of any existing boundary survey without adequate confirmation of relevant boundary lines and monuments. To be adequate, such confirmation shall include a reasonable field verification and shall be sufficiently extensive to reasonably ensure the accuracy of the revision, alteration, or update, as appropriate to the circumstances of the revision, alteration, or update.

b. Unprofessional conduct shall not be construed to include:

1. the employment, with the knowledge of the client, of qualified consultants to perform work in which the consultant has special expertise. This provision shall apply in conjunction with Section 29.1(b)(9) of this Part; and
2. participation as a delegator, or delegatee in delegating or accepting delegation, through an intermediate entity not authorized to provide professional design services, of specifically defined work involving the performance of a design function requiring a professional license, under the following terms, conditions and limitations:
 - i. such specifically defined design work shall be limited to project components ancillary to the main components of the project;
 - ii. the delegator shall specify in writing to the delegatee all parameters which the design must satisfy;
 - iii. the design function shall be required to be performed in accordance with performance specifications established by the delegator;
 - iv. the delegatee shall be required to be licensed or otherwise legally authorized to perform the design work involved and shall be required to sign and certify any design prepared;
 - v. the delegator shall be required to review and approve the design submitted by the delegatee for conformance with the established specifications and parameters and such determination shall be in writing; and
 - vi. the delegator shall be required to determine that the design prepared by the delegatee conforms to the overall project design and can be integrated into such design and such determination shall be in writing.

3. As used in paragraph (2) of this subdivision:

- i. Delegator means a primary design team or team of design professionals which may be composed of professional engineers, land surveyors, architects and landscape architects acting either alone or in combination, licensed and registered in accordance with Articles 145, 147 or 148 of the Education Law, and authorized to provide the services being delegated.
- ii. Intermediate entity means a person or entity, typically a contractor or subcontractor, responsible for performing the work under the contract for construction.
- iii. Delegatee means a design professional, licensed and registered in accordance with Articles 145, 147 or 148 of the Education Law, who is employed or retained by the intermediate entity to produce design work in compliance with the performance requirements and parameters specified by a delegator.
- iv. Certify means a written statement by a licensee confirming responsibility for the work and attesting that the work prepared meets the specifications (as well as conforming to governing codes applicable at the time the work was prepared), and conforms to prevailing standards of practice.

§ 29.4 Special provisions for the profession of medicine.

- a. Unprofessional conduct in the practice of medicine shall include all conduct prohibited by Sections 29.1 and 29.2 of this Part except as provided in this section, and shall also include the following:
 1. knowingly or willfully performing a complete or partial autopsy on a deceased person without lawful authority;