

Clearinghouse Rule 09-080

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF
EXAMINING BOARD OF ARCHITECTS, : ARCHITECTS, LANDSCAPE
LANDSCAPE ARCHITECTS, : ARCHITECTS, PROFESSIONAL
PROFESSIONAL ENGINEERS, : ENGINEERS, DESIGNERS AND LAND
DESIGNERS AND LAND SURVEYORS : SURVEYORS ADOPTING RULES
: (CLEARINGHOUSE RULE 09-)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to create ch. A-E 12, relating to continuing education for architects.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Section 443.015, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (1) and 443.015, Stats.

Explanation for agency authority:

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors may approve and adopt rules proposed by any section of the board.

Related statute or rule:

There are no other statutes or rules other than those listed above.

Plain language analysis:

This proposed rule-making order creates continuing education requirements for renewal of a credential for architects within the jurisdiction of the Examining Board of Architects,

Landscape Architects, Professional Engineers, Designers and Land Surveyors as permitted by s. 443.015, Stats., as created by 2007 Wisconsin Act 47.

Summary of, and comparison with, existing or proposed federal regulation:

There is no existing or proposed federal regulation.

Comparison with rules in adjacent states:

Illinois:

Continuing education requirements for architects are 24 hours for each biennial renewal. www.idfpr.com

Iowa:

Architect continuing education requirements are 24 hours for each biennial renewal. www.state.ia.us/government/com/prof/architect/home.html

Michigan:

There are no continuing education requirements for architects. www.michigan.gov/dleg

Minnesota:

Architects require 24 hours of continuing education for each biennial renewal. www.aelslagid.state.mn.us

Summary of factual data and analytical methodologies:

The Architect Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors examined models of continuing education from neighboring states, national organizations related to their profession, including input from the National Council of Architecture Regulatory Boards, the American Institute of Architects and AIA Wisconsin, a Society of the American Institute of Architects.

The comparison information with the rules in adjacent states was obtained directly from contact with those states and a review of their rules. The comparison to the adjacent states demonstrates that the proposed rules are substantially consistent with the rules in those states.

Analysis and supporting documents used to determine effect on small business or in preparation of economic report:

Data was obtained from the Department of Regulation and Licensing's Credentialing Division Renewal Unit and research was conducted regarding the availability of

continuing education credits offered via online courses, trade association sponsored seminars and other means, as well as the costs associated therewith. That data was compared with the requirements outlined in the proposed rules and based thereon, appears that these rules will have no significant impact on a substantial number of small businesses.

Section 227.137, Stats., requires an “agency” to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an “agency” in this section.

Anticipated costs incurred by the private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The department estimates that this rule will require staff time in the Office of Exams. The total one-time salary and fringe costs are estimated at \$7,680. The total on-going salary and fringe costs are estimated at \$12,800.

Effect on small business:

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at hector.colon@wisconsin.gov, or by calling 608-266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0495; email at pamela.haack@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email to pamela.haack@wisconsin.gov. Comments must be received on or before October 23, 2009, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Ch. A-E 12 is created to read:

CHAPTER A-E 12
CONTINUING EDUCATION FOR ARCHITECTS

A-E 12.01 Authority and purpose. The rules in this chapter are adopted by the examining board of architects, landscape architects, professional engineers, designers and land surveyors pursuant to ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern the biennial continuing education requirements for architect registrants.

A-E 12.02 Definitions. As used in this chapter:

(1) “Biennium” means a 2-year period beginning August 1 of each even-numbered year.

(2) “Contact hour” means 50 minutes of instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity. A minimum of at least one contact hour is required for recordkeeping purposes.

(3) “Continuing education” means professional educational activity designed to advance the professional skills and knowledge of a registrant in the practice of architecture for the improvement of the public health, safety and welfare.

(4) “Health, safety and welfare” or “HSW” means technical and professional subjects which safeguard the public’s health, safety and welfare including building design, landscape design, environmental or land use analysis, life safety, architectural programming, site planning, site and soil analysis, plant material, accessibility, structural systems consideration, lateral forces, building codes, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration, energy conservation, zoning and governance policies and procedures, sustainability, mold mitigation, and the impact of design on human physiology and neurology.

A-E 12.03 Continuing education requirements. (1) (a) Beginning in the August 2012 biennial registration period, unless granted an exemption under s. A-E 12.08, every registrant shall complete at least 24 contact hours of continuing education, of which 16 contact hours shall be in HSW topics pertinent to the practice of architecture.

(b) The continuing education hours shall be in each of the following categories:

1. Programs, courses or activities in subjects involving HSW.

2. Programs, courses or activities in the area of state statutes, rules and ordinances that regulate architects or the practice of architecture.

3. Programs, courses or activities in the area of professional conduct and ethics.

(2) Continuing education offered by approved providers shall include the following:

(a) Structured educational activities in which the teaching methodology, either synchronous or asynchronous learning, consists primarily of the systemic presentation of information by qualified individuals or organizations which present identifiable technical and professional subjects in a planned manner.

(b) Successful completion of a college or university course in the area of architecture, related sciences and ethics. One semester credit hour of college course work is equivalent to 15 contact hours. One quarter credit hour of college course work is equivalent to 10 contact hours.

(c) Seminars, tutorials, monographs, lectures, presentations, workshops, short courses or in-house courses in person or via distance education by computer, video or telephone.

(d) Attending technical or professional membership meetings at which at least one contact hour is spent discussing architecture issues, attending a lecture on architecture-related issues, or both. Each qualified meeting will be awarded one contact hour.

(e) Teaching or instructing an architectural course in the area of architecture, related sciences or professional ethics. One semester credit hour of teaching course work is equivalent to 15 contact hours. One quarter credit hour of teaching course work is equivalent to 10 contact hours. Teaching credit:

1. Shall not apply to full-time faculty at a college, university or educational institution.

2. Shall be valid for the initial presentation only and shall be claimed for credit only once.

3. Is valid for teaching a course or seminar for the first time.

4. Does not apply to faculty in the performance of their regularly assigned duties.

(f) Serving as a member of a professional board, commission, committee of the state or its political subdivisions related to architectural matters, including planning commissions, building code advisory boards, urban renewal boards,

code study committees or regulatory boards. A maximum of 2 contact hours shall be awarded per year.

A-E 12.04 Compliance. (1) Continuing education hours shall be completed within the preceding biennium. Continuing education hours earned in excess of the minimum requirements for renewal of registration may be carried forward to the next renewal period but is limited to a maximum of 4 contact hours.

(2) A registrant who fails to meet the continuing education hours by the renewal date, as specified in s. 440.08 (2) (a) 13., Stats., may not engage in the practice of architecture until the registration is renewed based upon proof of compliance with the continuing education requirements.

(3) A registrant who has a lapsed registration shall complete the minimum number of hours of continuing education required during the current biennium prior to renewal of the registration. Additional hours of continuing education may be required depending on the circumstances of the lapse and commensurate with continuing competency.

A-E 12.05 Standards for approval. (1) To be approved for credit, a continuing education program shall meet all of the following criteria:

(a) The program includes instruction in an organized method of learning contributing directly to the professional competency of the registrant and pertains to subject matters which integrally relate to the practice of the profession.

(b) The program is conducted by individuals who have specialized education, training or experience and are considered qualified concerning the subject matter of the program.

(c) The program provides proof of attendance or certificates of completion, including course completion examinations, and fulfills pre-established goals and objectives.

(2) The architect section may approve providers for continuing education programs including the following:

(a) American institute of architects.

(b) Constructions specifications institute.

(c) National council of architectural registration boards.

(d) National accredited architecture boards.

(e) Accredited colleges, universities or other educational institutions and schools of architecture.

(f) Other technical or professional societies or similar organizations devoted to architectural education, design or construction technology education.

A-E 12.06 Certificate of completion, proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The architect section may require additional evidence demonstrating compliance with the continuing education requirements including a certificate of attendance or documentation of completion or credit for the courses completed. The registrant may use the American institute of architects continuing education service to document and record continuing education requirements.

(3) The architect section may conduct a random audit of its registrants on a biennial basis for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise produce evidence of compliance.

(4) If there appears to be a lack of compliance with the continuing education requirements, the architect section shall notify a registrant in writing and request submission of evidence of compliance within 30 days of the notice. If the architect section determines that continuing education is deficient, the registrant shall have 6 months from the date of the notice to acquire additional hours to satisfy the next renewal period.

(5) The architect section may require a registrant to appear for an interview to address any deficiency or lack of compliance with the continuing education requirements.

A-E 12.07 Recordkeeping. It shall be the responsibility of the registrant to maintain records of continuing education hours for at least 4 years from the date the certificate or statement of attendance is signed. The recordkeeping shall include all of the following:

(1) The name and address of the sponsor or provider.

(2) A brief statement of the subject matter.

(3) Printed program schedules, registration receipts, certificates of attendance, or other proof of participation.

(4) The number of hours attended in each program and the date and place of the program.

A-E 12.08 Exemption. (1) A registrant who holds a registration for less than 12 months from the date of initial registration or since the date of the last renewal shall not be required to report continuing education hours for the first renewal of registration.

(2) A registrant who holds a registration for more than 12 months from the date of initial registration or since the date of the last renewal shall be required to report 8 contact hours of continuing education for the first renewal of registration.

(3) A registrant seeking renewal of a registration demonstrating that compliance with the continuing education requirements shall create an undue hardship, shall file a renewal application along with the required fee, an affidavit which describes the undue hardship, supporting evidence and a request for an exemption from the requirements. The request for exemption shall be made prior to the renewal date.

(4) In this section, extreme hardship means an inability to devote sufficient hours to fulfilling the continuing education requirements during the applicable renewal period because of one of the following:

(a) Full-time or temporary active duty in the uniformed services of the United States for a period of time exceeding 120 consecutive days during a renewal period, where the duty restricts participation in a continuing education program.

(b) An incapacitating disability or medical illness documented by a statement from a licensed physician which shows that participation in active practice and a continuing education program was not possible. A registrant who receives an exemption for a disability or illness and later seeks to reenter practice shall complete the continuing education requirements for each year of inactive practice, not to exceed 16 contact hours.

(c) Any other similar extenuating circumstances.

(5) If the architect section finds from the affidavit or any other evidence submitted that undue hardship has been shown for granting an exemption, the registrant shall be permitted to renew the registration without completing the continuing education requirements for the applicable renewal period.

(6) A registrant shall be deemed to be in good standing until a final decision on the request for exemption has been made.

A-E 12.09 Reciprocity. An applicant for registration from another state or jurisdiction who applies for registration to practice architecture under s. A-E 3.06, shall submit proof of completion of continuing education obtained in another state or jurisdiction within the 2 years prior to application, including those recognized by the national council of architectural registration boards, union of international architects or royal institute of British architects. The completion of continuing education in another

state or jurisdiction shall be deemed to satisfy the continuing education in this state provided that the other state or jurisdiction accepts the Wisconsin continuing education requirements as satisfying their continuing education requirements and those requirements are equal to or greater than the requirements in this state.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____ Agency _____
Chairperson
Examining Board of Architects, Landscape
Architects, Professional Engineers,
Designers and Land Surveyors

A-E 12 CR09- (Continuing education-architects) Draft to CH 9-10-09