

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 100 Agency Board for Registration of Architects

Rule No. 100-X-3

Rule Title: Continuing Education

XX New; Amend; XX Repeal; Adopt by Reference

Would the absence of the rule significantly harm or endanger the public health, welfare or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of this rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have any economic impact? No
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Cynthia M Kim

Date 8/19/11

FOR APD-USE ONLY
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EDITED AND APPROVED BY _____
DOCUMENT NO. _____

BOARD FOR REGISTRATION OF ARCHITECTS
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NOTICE OF INTENDED ACTION

AGENCY NAME: Board for Registration of Architects

RULE NO. AND TITLE:

Chapter 100-X-3 Continuing Education

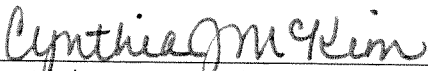
INTENDED ACTION: Repeal existing chapter and replace with new chapter.

SUBSTANCE OF PROPOSED ACTION: Adoption of NCARB model language in an effort to unify continuing education requirements among the states.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Oral or written comments should be addressed to the Board for Registration of Architects at the above address or phone number and must be received no later than October 5, 2011. A public hearing is scheduled for Wednesday, October 12, 2011, at the RSA Plaza Building, 770 Washington Avenue, 5th Floor Conference Room, Montgomery, Alabama.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: October 5, 2011.

CONTACT PERSON AT AGENCY: Cindy McKim at (334) 242-4179 or Cindy.McKim@boa.alabama.gov.



Cynthia J. McKim
Executive Director

BOARD FOR REGISTRATION OF ARCHITECTS

CHAPTER 100-X-3
CONTINUING EDUCATION - REPEALED

TABLE OF CONTENTS

100-X-3-.01	Purpose
100-X-3-.02	Scope and Exemptions
100-X-3-.03	Requirements
100-X-3-.04	Reporting
100-X-3-.05	Recordkeeping
100-X-3-.06	Audit
100-X-3-.07	Noncompliance and Sanctions

100-X-3-.01 Purpose. These rules provide for a continuing education program to insure that all registered architects remain informed of those technical and professional subjects appropriate to professional architectural practice and to safeguard life, health, and promote the public welfare.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39
History: **New Rule:** February 19, 2010.

100-X-3-.02 Scope and Exemptions.

(1) Scope. These rules shall apply to every Alabama registered architect as a condition for renewal of registration on an annual basis.

(2) Exemptions. A registrant may be exempt from participating in the continuing education program required by these rules for one of the following reasons:

(a) A first-time registrant by examination or NCARB certificate is exempt for his or her first renewal. This provision does not apply to an architect who regains registration through reinstatement.

(b) Registrant is an emeritus status architect.

(c) Registrant is a civilian who serves on active duty in the Armed Forces of the United States for a period of time exceeding ninety (90) consecutive days during the annual report period.

(d) Resident registrants of another NCARB jurisdiction, provided that same jurisdiction accepts the Alabama continuing education requirements as satisfying their continuing education requirement, and the registrant certifies by affidavit and annual report that all requirements of that jurisdiction for current continuing education compliance and registration have been met. The Board will provide a listing of states that qualify under this exemption.

(e) Hardship cases will be considered by the Board on an

individual basis.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010.

100-X-3-.03 Requirements. Each Alabama registered architect shall complete a minimum of twelve (12) continuing education hours each fiscal year. One continuing education hour (CEH) shall represent a minimum of 50 minutes of actual course time. No credit will be allowed for introductory remarks, meals, breaks, or business/administration matters related to courses of study. Topics for the twelve (12) continuing education hours shall include the study of relevant technical and professional architectural subjects related to safeguarding life, health, property, and promoting the public welfare. Hours claimed for continuing education credit must be in addition to or outside of the registrant's normal day-to-day business activities.

(1) Registrants shall complete a minimum of 8 CEH's in structured course study. Structured course study shall consist of participation in education activities presented by individuals or groups qualified by professional, practical, or academic experience to conduct courses of study, including service on a committee as an appointee of a professional architectural organization. The Board may require a detailed synopsis or report of CEHs claimed. Examples of structured study include the following:

(a) Attending professional or technical presentations at meetings, conventions, or conferences.

(b) Attending in-house programs sponsored by corporations or other organizations.

(c) Successfully completing seminars, tutorials, short courses, on-line courses, correspondence courses, televised courses, or videotaped courses.

(d) Successfully completing college or university sponsored courses.

(e) Successfully completing courses that are awarded continuing education credits.

(f) Service on a committee as an appointee of a professional architectural organization, when the work of the committee focuses on health, safety, and welfare (HSW) topics.

(2) Registrants may complete a maximum of 4 CEH's in self-directed course study. Self-directed course study encourages flexibility of study by registrants and includes, but is not limited to, education activities such as, architecturally significant educational tours, community service, organized individual or group study of professional specialization topics, or reading specific profession-oriented books and articles. The Board may require a detailed synopsis or report of CEHs claimed. Examples of self-directed study include the

following:

- (a) Reading books or magazine articles on HSW issues or topics.
- (b) Visiting architecturally significant sites with focus on HSW issues or topics.
- (c) Viewing video or presentations on HSW issues or topics in a setting that does not allow interaction with the presenter.
- (d) Making professional or technical presentations at meetings, conventions, or conferences.
- (e) Teaching or instructing a qualified presentation (initial presentation only). Teaching credit shall not apply to full-time faculty at a college, university, or other educational institution.
- (f) Authoring published papers, articles, or books on HSW issues or topics.
- (g) Actively participating in a technical professional society or organization as an officer or committee member.
- (h) Participating in activities that contribute to the welfare of the community and are directly related to the practice of architecture (such as Habitat for Humanity, etc.)

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39
History: **New Rule:** February 16, 2010

100-X-3-.04 Reporting. The continuing education section of the Board's renewal application must be completed in full in order to process the registration renewal. The registrant must supply enough detail on the form to permit verification of the continuing education hours.

(1) Each registrant shall submit the required continuing education information, which shall include an affidavit attesting to the registrant's fulfillment of continuing education requirements during the preceding period of one fiscal year ending September 30 or date of submission of his or her renewal form. No carry-over of continuing education hours is permitted.

(2) Each affidavit shall be reviewed by the Board staff and may be subject to audit for verification of compliance with requirements. Registrants shall retain documentation of reported hours for a period of one year after submission in the event that the registrant is selected for audit. The Board may require a detailed synopsis or report for verification of CEHs claimed.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39
History: **New Rule:** February 19, 2010.

100-X-3-.05 Recordkeeping.

(1) The registrant is responsible for retaining proof of participating in continuing education activities. Supporting documents may include but are not limited to:

(a) A log showing activity claimed, sponsoring organization, location, duration, etc.

(b) Attendance certificates

(c) Signed attendance receipts

(d) Paid receipts

(e) Sponsor's list of attendees (signed by a person in responsible charge of the activity).

(2) Registrants who claim CEHs for videotaped instructional materials, reading books and magazines, and self-study courses must retain information which:

(a) Accounts for the amount of time spent completing the activity;

(b) Summarizes the content of the activity; and

(c) Relates the activity to the health, safety, and welfare of the public.

(3) These records must be retained for a period of one year from the date of the continuing education annual report. Copies must be furnished to the Board for audit purposes if requested.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39
History: **New Rule:** February 19, 2010.

100-X-3-.06 Audit. The Board will conduct an audit of renewals submitted to ensure compliance with continuing education requirements. Registrants selected for audit will be notified and required to provide documentation in support of hours claimed. Registrants who are exempt from reporting under the requirements of Rule 100-X-3-.02(2)(d) will be required to provide documentation to substantiate compliance with the continuing education requirements of their state of residence.

(a) The Board may disallow claimed credit for continuing education hours if the CEHs do not comply with the above requirements. If continuing education hours are disallowed, the registrant shall have sixty (60) calendar days after notification to substantiate the original claim or earn other continuing education credits to meet the minimum requirements.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39
History: **New Rule:** February 19, 2010.

100-X-3-.07 Non-compliance and Sanctions. Failure to fulfill the continuing education requirements or file the properly completed and signed annual report shall result in non-renewal of the architect's certificate of registration.

(1) Failure to respond to audit notification will result in a temporary suspension of registration until such time as audit requirements are met.

(2) Falsification of documentation is grounds for disciplinary action.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39.
History: New Rule: February 19, 2010.

BOARD FOR REGISTRATION OF ARCHITECTS

CHAPTER 100-X-3
CONTINUING EDUCATION - NEW CHAPTER

TABLE OF CONTENTS

100-X-3-.01	Purpose
100-X-3-.02	Scope and Exemptions
100-X-3-.03	Requirements
100-X-3-.04	Reporting
100-X-3-.05	Recordkeeping
100-X-3-.06	Audit
100-X-3-.07	Noncompliance and Sanctions

100-X-3-.01 Purpose. These rules provide for a post-licensure continuing education program that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public's health, safety, and welfare.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History:

100-X-3-.02 Scope and Exemptions.

(1) Scope. These rules shall apply to every Alabama registered architect as a condition for renewal of registration on an annual basis.

(2) Exemptions. A registrant may be exempt from participating in the continuing education program required by these rules for one of the following reasons:

(a) A first-time registrant by examination or NCARB certificate is exempt for his or her first renewal. This provision does not apply to an architect who regains registration through reinstatement.

(b) Registrant is an emeritus status architect.

(c) Registrant is a civilian who serves on active duty in the Armed Forces of the United States for a period of time exceeding ninety (90) consecutive days during the annual report period.

(d) Hardship cases will be considered by the Board on an individual basis and must be received by the Board by September 1.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History:

100-X-3-.03 Requirements. Each Alabama registered architect shall complete a minimum of twelve (12) structured continuing education hours each calendar year. One continuing education hour (CEH) shall represent a minimum of 50 minutes of actual contact time. At least 75 percent of the content and instructional time must be devoted to health, safety, and welfare subjects related to the practice of architecture, including those enumerated below, and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.

(1) Topics for the twelve (12) structured continuing education hours shall include the study of technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

(a) Legal: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to protect Owners and the Public

(b) Building Systems: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection

(c) Environmental: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation

(d) Occupant Comfort: Air Quality, Lighting, Acoustics, Ergonomics

(e) Materials and Methods: Construction Systems, Products, Finishes, Furnishings, Equipment

(f) Preservation: Historic, Reuse, Adaptation

(g) Pre-design: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying

(h) Design: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures

(i) Construction Documents: Drawings, Specifications, Delivery Methods

(j) Construction Contract Administration: Contracts, Bidding, Contract Negotiations

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39
History:

100-X-3-.04 Reporting. The continuing education section of the Board's renewal application must be completed in full in order to process the registration renewal. The registrant must supply enough detail on the form to permit verification of the continuing education hours.

(1) Unless exempted as provided in 100-X-3-.02, each registrant shall submit the required continuing education information, which shall include an affidavit attesting to the registrant's fulfillment of continuing education requirements during the preceding calendar year. No

carry-over of continuing education hours is permitted. Failure to comply with these requirements shall result in non-renewal of the architect's registration.

(2) Each affidavit shall be reviewed by the Board staff and may be subject to audit for verification of compliance with requirements.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39
History:

100-X-3-.05 Recordkeeping.

(1) The registrant is responsible for retaining documentation of continuing education activities.

(2) These records must be retained for a period of one year from the date of the continuing education annual report. Copies must be furnished to the Board for audit purposes if requested.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39
History:

100-X-3-.06 Audit.

(1) The Board will conduct an audit of renewals submitted to ensure compliance with continuing education requirements. Registrants selected for audit will be notified and required to provide documentation in support of hours claimed.

(2) The Board may disallow claimed credit for continuing education hours if the CEHs do not comply with the above requirements. If continuing education hours are disallowed, the registrant shall have sixty (60) calendar days after notification to substantiate the original claim or provide proof of other continuing education hours to meet the minimum requirements. Continuing education hours submitted to remedy a disallowance shall not be used for registration renewal purposes.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39
History:

100-X-3-.07 Non-compliance and Sanctions. Failure to fulfill the continuing education requirements or file the properly completed and signed annual report shall result in non-renewal of the architect's certificate of registration.

(1) Failure to respond to audit notification will result in a temporary suspension of registration until such time as audit requirements are met.

(2) Falsification of documentation or willful disregard of these requirements may result in disciplinary action.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39.
History: New Rule: February 19, 2010.