

APA PROPOSED REGULATION SUBMISSION PACKAGE
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND LANDSCAPE ARCHITECTS

REVISIONS TO EXISTING REGULATIONS

(i) The Basis of the Regulation

§§ 54.1-404 and 54.1-411.C of the Code of Virginia require the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects to develop and administer a regulatory system to regulate individuals and businesses in Virginia who practice architecture, professional engineering, land surveying, landscape architecture and interior design.

(ii) The Purpose of the Regulation

The Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects is revising its existing regulations so they are easier to understand and use to facilitate compliance to better protect the public's health, safety and welfare.

(iii) The Substance of the Regulation

A summary of each of the changes follows:

VAC #	SUMMARY
18 VAC 10-20-110	Adjust the regulations as needed as the date that the professional degree becomes mandatory (January 1, 1998) will have passed when these regulations ultimately become effective.
18 VAC 10-20-120 & TABLE I	Clarify the requirement for all exam candidates to have completed NCARB's Intern Development Program.
18 VAC 10-20-140	Clarify those portions as needed for the implementation of the computerized examination.
18 VAC 10-20-150.B	Clarify status of Canadian provinces.
18 VAC 10-20-160	Clarify the definition of "Approved engineering technology curriculum."
18 VAC 10-20-170 & 280 (Fee Schedules in Parts IV and V)	Clarify the fee schedule to clearly indicate the amount of fee due for comity applicants (this is not a new fee - we are just clarifying to the applicants the fee that has always been, and continues to be, due for a comity application). Currently, the fee entitled "Principles of Engineering Application" applies to applicants who are applying by examination or comity. However, this has not been clear to the comity applicants so we decided to clarify the regulation as to the amount of their fee to make the regulations easier to understand and use.
18 VAC 10-20-190 through 215	Reconfigure the FE and PE examination sections to make them easier to understand, utilize and apply.
18 VAC 10-20-160, 200 and 210	Clarify what is an EIT.

VAC #	SUMMARY
18 VAC 10-20-190.1	Requirements for Fundamentals of Engineering (FE) exam. Change to allow applicants to be approved for the FE examination if they are within 12 months of completion of undergraduate degree requirements from an ABET accredited curriculum; or within six months of completion of graduate degree requirements which are ABET accredited or ABET accredited at the undergraduate level from the same institution at which the graduate degree is being sought.
18 VAC 10-20-190.3	Requirements for engineer-in-training (EIT) designation. Clarify to match the Section's application of this regulation in allowing a candidate holding a foreign or non-approved four year undergraduate engineering or engineering technology degree and a Master's degree that is ABET accredited or ABET accredited at the undergraduate level at the same institution to sit for the FE examination without any experience.
18 VAC 10-20-230	Clarify the Board's basis for rejecting education evaluations.
18 VAC 10-20-250	Clarification of PE Section application of this regulation to graduates of US colleges and universities.
18 VAC 10-20-260	Minor wording changes to subsections A, B, C and I.
18 VAC 10-20-270	Clarify that the standards to be met by comity applicants are those standards that were in place in Virginia at the time the comity applicant became originally licensed.
18 VAC 10-20-300.1 through 300.6	Clarify what is an LSIT.
18 VAC 10-20-300	Add "LSIT" behind the title of the section and in the first sentence of the section (Land Surveyor In Training).
18 VAC 10-20-300 through 310 - Part V – Land Surveyor Qualifications.	Reduce experience requirements as recommended by the Section when it reviewed its regulations under Executive Order #15.
18 VAC 10-20-300.1	Requirements for land surveyor-in-training. Modify to allow undergraduates in an approved surveying or surveying technology program who are within 12 months of graduating to sit for the LSIT examination during their senior year.
18 VAC 10-20-300, 310, 320 & 350	Requirements for a licensed land surveyor (A & B). Remove the minimum passing scores and number of hours to allow the Land Surveyor Section the flexibility to change the examinations as needed.
18 VAC 10-20-330	Clarify the Board's basis for rejecting education evaluations.
18 VAC 10-20-350.D	The title, "Grading," was removed as it was not applicable.
18 VAC 10-20-360	Licensure by comity – clarify language to make it easier for applicants to understand the requirements with which they must comply.
18 VAC 10-20-440.F	Delete the word "disciplinary" to more accurately reflect the Board's authority in dealing with applicants.
B-2.1 of TABLE II	Clarification of the amount of experience needed for an applicant who has no education credits.
18 VAC 10-20-490.1	Delete the option for "other professional programs" to satisfy the education requirements to become a certified Interior Designer.
18 VAC 10-20-490.2	Delete the use of the "diversified experience" in this regulation as it is not appropriate as it is included in the Definition section of Part VII of the regulations. In addition, delete the option for self-employment experience to count as acceptable experience in 490.2 as this was acceptable during the grandfather period which has now expired.
18 VAC 10-20-500	References - delete this section as a reference is being obtained when work experience is verified.
18 VAC 10-20-530.F, 590.E, and 640.F	Clarify that assumed, fictitious, trading as, or doing business as names are required to be disclosed on the application for registration.

VAC #	SUMMARY
18 VAC 10-20-560.B	Clarify wording as to what happens when the responsible licensee is no longer at the entity. Clarification that a PC may continue to offer/practice a professional service if the director or shareholder qualified to offer/practice such service leaves provided the PC has appropriately licensed or certified employee who is competent.
18 VAC 10-20-570	Definition of "member" modified to track the statute.
18 VAC 10-20-590.C.2	Revise regulation to follow current statutes relating to PLLC's.
18 VAC 10-20-590.F	Clearly state that a branch registration is required for any additional locations of a PLLC - this was implied in the regulations before, so this change now clearly states the Board's requirement.
18 VAC 10-20-640.B	Eliminate the requirement that 2/3 of the general partners in a partnership offering professional services be licensed as there is no other ownership restrictions in this section for other business types.
18 VAC 10-20-680.E	Reinstatement - add wording clearly stating that reinstatement reaches back.
18 VAC 10-20-730.A	Clarify the ability of licensed regulants of the Board to practice the certified professions without holding the certificate and without calling themselves certified.
18 VAC 10-20-740.B	Included other appropriate references to the Code of Virginia.
18 VAC 10-20-795	Part XII - Standards of Practice and Conduct - add a section requiring individuals to notify the Board of any change of address within 30 days.
18 VAC 10-20-760.B	Use of seal - add the Board's clarification of the term "final documents" and clarify that the seals contained in the regulations may not be to scale.
18 VAC 10-20-780	Licensee required at each place of business. Change to permit a licensee to supervise more than one place of business provided that professional services are only offered and/or practiced when the licensee is present and exercising supervision and control of work in each profession being practiced.

(iv) The Issues of the Regulation

The Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects considered the specific needs of the regulated individuals/entities in this state along with the protection of the public who utilize these services. The advantage of these changes is that the regulations will be clearer and easier to understand and use thereby ensuring that regulants may comply with the regulations thereby protecting the public by allowing the regulants to comply with the Board's regulations. The few disadvantages that these changes will have (the changes to 18 VAC 10-20-120/TABLE I and 18 VAC 10-20-490) are necessary.

As to the change to 18 VAC 10-20-120/TABLE I, the proposal is to clarify that the National Council of Architectural Registration Boards (NCARB) Intern-architect Development Program (IDP) is required for all architecture examination candidates. When the APELSLA Board revised its regulations in 1991/92, it was the APELSLA Board's intent that this program be required of all candidates (as evidenced by the wording of §3.4.B at that time - "The Intern-architect Development Program (IDP) shall be required of all applicants on or after January 1, 1993."); however, when the regulations were revised in 1994, the revisions were not correctly affected and the result was ambiguous wording in the regulations. Even though this change was not correctly implemented in 1994, §3.4.B of the 1994 regulations and 18 VAC 10-20-120.B of the current regulations still states, "The Intern-architect Development Program (IDP) shall be required of all applicants." In addition, approximately 37 other states require this program for licensure which will impede Virginia candidates from obtaining licenses in other

states unless the Virginia candidates are required to complete the same program. It is much easier to start this program while an individual is still in school, and complete the program shortly after graduation, than to have to go back and complete the program at a later date when previous employers have moved, retired or are otherwise unavailable. Further, it is less expensive for an applicant to start this program while they are still in school than to start after they have entered the workforce.

As to the change to 18 VAC 10-20-490.1, the Board has the discretion to accept other educational programs for entrance into the Interior Designer certification program. This discretion was needed during the grandfather portion of this regulatory program. However, as the number of approved schools has increased and most of the individuals who were eligible under this provision were, or had the opportunity to become, certified during the grandfather period, this provision is no longer needed. As to the change to 18 VAC 10-20-490.2, the Board was able to accept self-study during the grandfather period which has now passed. As the grandfather period is now over, and certified interior designers now exist in Virginia for potential applicants to work with and gain the necessary experience, this requirement is no longer needed.

(v) Economic Impact Analysis

The Board's regulations apply to 24,550 licensed/certified individuals and 1,948 registered entities and branch offices. There are no other localities, businesses, or other entities particularly affected by the proposed revisions. The proposed revisions are not expected to affect employment in any of the regulated professions, nor are they expected to impact the use and value of private property nor are they expected to add any additional costs to the regulated individuals and entities to implement or comply with the revisions. The only costs associated with revising the existing regulations is the cost of printing and mailing the revised regulations to all existing regulants; estimated to be approximately \$28,685 (printing costs = 30,000 X \$0.70 = \$21,000; mailing costs = 26,500 X \$0.29 = \$7,685).