



## Proposed Regulation Agency Background Document

<b>Agency name</b>	Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects
<b>Virginia Administrative Code (VAC) citation</b>	18VAC10-20
<b>Regulation title</b>	Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations
<b>Action title</b>	General Review
<b>Date this document prepared</b>	April 29, 2011

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.*

The proposed regulations are the result of a periodic review of the regulations conducted by the Board. The last general review of the regulations was conducted beginning with a NOIRA submitted on June 13, 2003. The general review became final on February 1, 2007. Since the submission of the NOIRA in 2003 for a general review, the Board has conducted six different regulatory actions, each addressing a very specific issue.

The purpose of the current proposed regulations is to focus solely on a general but comprehensive review of the existing regulations. The review eliminates duplicative language, simplifies the explanations of requirements, and ultimately produces regulations which, although they already effectively protect the health, safety, and welfare of the public, will be more easily read and understood by the public.

### Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

"ABET" means the Accreditation Board for Engineering and Technology.

"APELSCIDLA" means the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects.

"CLARB" means the Council of Landscape Architectural Registration Boards.

"NCARB" means the National Council of Architectural Registration Boards.

"NCEES" means the National Council of Examiners for Engineering and Surveying.

"NCIDQ" means the National Council for Interior Design Qualification.

## Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

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### (1) Relevant Laws

[§ 54.1-201.5](#) of the *Code of Virginia* states that the Board has the power and duty "To promulgate regulations in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ [54.1-100](#) et seq.) and 3 (§ [54.1-300](#) et seq.) of this title.

[§ 54.1-404.A](#) of the *Code of Virginia* authorizes the board as follows: "The Board shall promulgate regulations not inconsistent with this chapter governing its own organization, the professional qualifications of applicants, the requirements necessary for passing examinations in whole or in part, the proper conduct of its examinations, the implementation of exemptions from license requirements, and the proper discharge of its duties."

The imperative form of the verb "shall" is used, making the Board's authority to regulate mandatory rather than discretionary.

Executive Order 14 (2010) states, in part, "Each existing regulation in the state shall be reviewed at least once every four years by the promulgating agency unless specifically exempted from periodic review by the Governor."

### (2) Promulgating Entity

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects.

## Purpose

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.*

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Architects, professional engineers, land surveyors, certified interior designers, and landscape architects have complex requirements for licensure and certification regarding entry and professional conduct. The complexity of these requirements results from the nature of their professions. Questions often arise from both regulants and applicants in an array of situations. The Board is proposing the new language for the purpose of ensuring that these requirements are the most up-to-date for what is necessary for each profession. Further, the Board's intention is to simplify the existing regulatory language to make entry and performance requirements as clear as possible for both regulants and other members of the public.

### Substance

*Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the "Detail of changes" section.)*

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18VAC10-20-10 is amended to clarify definitions, remove unnecessary language, and add language to a definition so as to make the term applicable to both applicants as well as regulants.

18VAC10-20-17 is amended to be consistent with the definitions in section 10 as well as to remove the fixed fee for a wall certificate.

18VAC10-20-20 is amended to relocate each specific profession's exam requirements to its specific section of the regulations. Further, section 20 is amended to divide larger text into smaller, more concise text for ease of understanding the general entry requirements.

18VAC10-20-25 is amended to read more clearly as well as require that the reference be someone known to the applicant more recently than contacts from over five years ago.

18VAC10-20-35 is amended to read more clearly.

18VAC10-20-40 is amended to read more clearly by dividing the large paragraph text into smaller paragraphs for easier reading.

18VAC10-20-50 is amended to read more clearly.

18VAC10-20-55 is amended to read more clearly and clarify specifically which applicants are required to submit a TOEFL exam score with an application.

18VAC10-20-70 is amended to read more clearly.

18VAC10-20-75 is amended to read more clearly.

18VAC10-20-85 is amended to read more clearly.

18VAC10-20-87 is a new section added to affirmatively identify the expiration date of all initial licenses, certificates, and registrations. Licenses, certificates, and registrations which are renewed or reinstated currently have an established expiration date in sections 670 and 680, respectively.

18VAC10-20-90 is amended to clarify the type of application for the profession.

18VAC10-20-110 is amended to read more clearly for easier understanding of education requirements.

18VAC10-20-120 is amended to read more clearly as well as identify the most current "Handbook for Interns and Architects" which establishes experience requirements for architects.

18VAC10-20-130 is amended to read more clearly including clarification of the purpose of providing a reference.

18VAC10-20-140 is amended to read more clearly.

18VAC10-20-150 is amended to read more clearly.

18VAC10-20-160 is amended to clarify the definition of "Related science curriculum".

18VAC10-20-170 is amended to clarify the type of application for the profession.

18VAC10-20-190 is amended to read more clearly as well as establish the standard by which coursework will be determined to be equivalent to a degree with ABET accreditation.

18VAC10-20-200 is amended to read more clearly.

18VAC10-20-210 is amended to read more clearly as well as establish the standard by which coursework will be determined to be equivalent to a degree with ABET accreditation.

18VAC10-20-215 is amended to read more clearly.

18VAC10-20-220 is amended to read more clearly including clarification of the purpose of providing a reference.

18VAC10-20-230 is amended to read more clearly including clarification of which degrees may be considered to be approved by the Board.

18VAC10-20-240 is amended to read more clearly by implementing the use of a table to more easily distinguish qualifying from non-qualifying experience based on a category. The table format is similar to tables used in sections 190 and 210 of the current regulations.

18VAC10-20-260 is amended to read more clearly. In addition, language specific to the exam deadline is relocated here from section 20. Further, additional language is added requiring that applicants, who do not pass the exam within three years from their approval, must demonstrate proof of educational activities to be eligible for the exam once again.

18VAC10-20-270 is amended to read more clearly.

18VAC10-20-280 is amended to clarify the type of application for the profession.

18VAC10-20-295 is amended to clarify the definitions of the two types of surveying experience and make them consistent as applicable to the type of surveying.

18VAC10-20-300 is amended to read more clearly by simplifying the language and structuring each paragraph to be consistent with each other when detailing requirements. Further, the experience requirement is reduced for those applicants with a Board-approved undergraduate degree in a field unrelated to surveying.

18VAC10-20-310 is amended to read more clearly as well as remove obsolete language pertaining to entry requirements for surveyor photogrammetrists under an expired "grandfather" provision.

18VAC10-20-320 is amended to read more clearly.

18VAC10-20-330 is amended to read more clearly.

18VAC10-20-340 is amended to read more clearly as well as clarify which individuals must verify an applicant's experience.

18VAC10-20-350 is amended to read more clearly. In addition, language specific to the exam deadline is relocated here from section 20. Further, additional language is added requiring that applicants, who do not pass the exam within three years from their approval, must demonstrate proof of educational activities to be eligible for the exam once again.

18VAC10-20-360 is amended to read more clearly. Further, language is added to clarify licensure requirements for surveyor photogrammetrists applying via comity. The new language addresses the requirements for those applicants licensed in other states before, during, and after the Board's period for grandfathering.

18VAC10-20-370 is amended to read more clearly as well as remove duplicative language pertaining to the sealing and signing requirement.

18VAC10-20-380 is amended to read more clearly.

18VAC10-20-382 is amended to read more clearly.

18VAC10-20-390 is amended to read more clearly.

18VAC10-20-395 is amended to address the proper citations of the Board's regulations.

18VAC10-20-400 is amended to clarify the type of application for the profession.

18VAC10-20-420 is amended to read more clearly. Further, due to the complexity in calculating eligibility, examples are provided to help individuals understand the application of the Board's calculations regarding education and experience credits.

18VAC10-20-425 is added to further determine an applicant's competence and integrity to practice landscape architecture, previously a certification, now a licensed profession. The requirement for references already exists in the current regulations for architects and professional engineers.

18VAC10-20-430 is amended to read more clearly.

18VAC10-20-440 is amended to read more clearly.

18VAC10-20-450 is amended to read more clearly.

18VAC10-20-460 is amended to read more clearly by dividing the large paragraph definition into concise, individual components. The definition of "Diversified experience" is amended.

18VAC10-20-470 is amended to clarify the type of application for the profession.

18VAC10-20-490 is amended to read more clearly. Further, a requirement, previously contained in a definition from section 460, is relocated here.

18VAC10-20-495 is added as the result of relocating the exam language from section 20 to this section.

18VAC10-20-505 is amended to read more clearly.

18VAC10-20-510 is amended to add a definition to eliminate confusion between a Board-issued registration and a certificate of registration issued by the Virginia State Corporation Commission.

18VAC10-20-515 is a new section added to clarify which businesses must apply to the Board for a registration.

18VAC10-20-520 is amended to clarify the type of application for the business. The reinstatement fee information is relocated to section 680 with all other reinstatement information.

18VAC10-20-530 is amended to read more clearly. Further, language taken directly from [§13.1-549](#) of the *Code of Virginia* is removed and replaced with a citation reference.

18VAC10-20-540 is repealed because its requirements are relocated to new section 515 and current section 770.

18VAC10-20-550 is amended to read more clearly.

18VAC10-20-560 is amended to read more clearly.

18VAC10-20-570 is amended to add a definition to eliminate confusion between a Board-issued registration and a certificate of registration issued by the Virginia State Corporation Commission.

18VAC10-20-575 is a new section added to clarify which businesses must apply to the Board for a registration.

18VAC10-20-580 is amended to clarify the type of application for the business. The reinstatement fee information is relocated to section 680 with all other reinstatement information.

18VAC10-20-590 is amended to read more clearly. Further, language taken directly from [§13.1-1111](#) of the *Code of Virginia* is removed and replaced with a citation reference.

18VAC10-20-600 is repealed because its requirements are contained in new section 575 and current section 770.

18VAC10-20-610 is amended to read more clearly.

18VAC10-20-620 is amended to read more clearly.

18VAC10-20-627 is a new section added to clarify which businesses must apply to the Board for a registration.

18VAC10-20-630 is amended to clarify the type of application for a business. The reinstatement fee information is relocated to section 680 with all other reinstatement information.

18VAC10-20-640 is amended to read more clearly.

18VAC10-20-650 is amended to remove the term "certified" because landscape architects are now licensed.

18VAC10-20-660 is amended to read more clearly.

18VAC10-20-670 is amended to read more clearly. Language is added to establish a regulant's rights under the Administrative Process Act. Additional language is added authorizing the Board to withhold renewal, reinstatement, examination, or other services for regulants who fail to pay penalties or other fees owed to the Board.

18VAC10-20-680 is amended to read more clearly. Language is added to establish a regulant's rights under the Administrative Process Act. Additional language is added authorizing the Board to withhold renewal, reinstatement, examination, or other services for regulants who fail to pay penalties or other fees owed to the Board.

18VAC10-20-683 is amended to read more clearly.

18VAC10-20-687 is amended to remove an improper citation reference to section 683.

18VAC10-20-690 is amended to read more clearly.

18VAC10-20-700 is amended to read more clearly.

18VAC10-20-710 is amended to read more clearly.

18VAC10-20-720 is amended to read more clearly.

18VAC10-20-730 is amended to read more clearly.

18VAC10-20-740 is amended to read more clearly. Language containing requirements from the definition of "direct control and personal supervision" is relocated here from section 10 of the regulations.

18VAC10-20-750 is amended to read more clearly by eliminating duplicative language.

18VAC10-20-760 is amended to read more clearly. Language is also added to clarify which documents must be sealed for a project involving multiple professionals performing work on different aspects of the project. Obsolete language is removed.

18VAC10-20-770 is amended to read more clearly. Language is relocated here from sections 540 and 600.

18VAC10-20-780 is amended to read more clearly.

18VAC10-20-790 is amended to read more clearly. Language is added clarifying the Board's authority to sanction regulants for failing to maintain good moral character (as defined in section 10). Duplicative language is removed.

**Issues**

- Please identify the issues associated with the proposed regulatory action, including:*
- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
  - 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
  - 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

*If the regulatory action poses no disadvantages to the public or the Commonwealth, please indicate.*

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1) The primary advantage to the public is that buildings and site plans will continue to be developed by minimally competent professionals. Further, regulants and applicants within the various industries of these professions will be able read the Board's regulations with greater clarity and understanding. The added clarity of the language in the proposed regulations will facilitate a quicker and more efficient process for applicants and regulants by enhancing their understanding of their individual requirements.

Further, consumers in the public, as well as regulators from related agencies, will have a better understanding of the requirements of these professionals which will also allow them to conduct their business with greater efficiency.

2) The primary advantage to the Commonwealth will be the continued successful regulation of minimally competent individuals working as architects, professional engineers, land surveyors, certified interior designers, and landscape architects throughout Virginia. No disadvantage has been identified.

3) The Board, housed within the Department of Professional and Occupational Regulation (DPOR), has frequent interactions with the Department of Housing and Community Development (DHCD), VDOT, the SCC, the Virginia Society of Professional Engineers (VSPE), the American Council of Engineering Companies (ACEC), the American Institute of Architects (AIA), the Virginia Association of Surveyors (VAS), the American Society of Landscape Architects (ASLA), as well as numerous other local government agencies, national and local organizations, colleges and universities. Interaction with these agencies and organizations often requires information contained in the regulations. The clarification of the proposed language will facilitate greater understanding of the Board's requirements for all involved.

**Requirements more restrictive than federal**

*Please identify and describe any requirements of the proposal, which are more restrictive than applicable federal requirements. Include a rationale for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.*

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No federal requirements have been identified.

**Localities particularly affected**

*Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.*

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No localities have been identified as being particularly affected.

**Public participation**

*Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.*

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In addition to any other comments, the board/agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so via the Regulatory Townhall website, [www.townhall.virginia.gov](http://www.townhall.virginia.gov), or by mail, email or fax to:



Kate Nosbisch, Executive Director  
 9960 Mayland Dr., Suite 400  
 Richmond, VA 23233  
 apelscidla@dpor.virginia.gov  
 (866) 465-6206 (Fax)

Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last date of the public comment period.

A public hearing will be held and notice of the public hearing may appear on the Virginia Regulatory Town Hall website ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) and the Commonwealth Calendar. Both oral and written comments may be submitted at that time.

**Economic impact**

*Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirements create the anticipated economic impact.*

**Summary:**

The current regulations for the APELSCIDLA Board are being revised to provide clarity in various sections of the regulations and other changes. The changes include a requirement that Landscape Architect applicants provide three references, a requirement that engineer and surveyor applicants provide proof of education before reapplying for exam eligibility, and a specification of who may sign a surveyor professional statement. No fiscal impact is expected as a result of these changes.

All costs incurred in support of board activities and regulatory operations are paid by the department and funded through fees paid by applicants and licensees. All boards within the Department of Professional and Occupational Regulation must operate within the Code provisions of the Callahan Act (54.1-113), and the general provisions of 54.1-201. Each regulatory program's revenues must be adequate to support both its direct costs and a proportional share of agency operating costs. The department allocates costs to its regulatory programs based on consistent, equitable, and cost-effective methodologies. The board has no other source of income.

**Fiscal Impact:**

	FY 2011	FY 2012	FY2013	FY2014
Fund	NGF (0900)	NGF (0900)	NGF (0900)	NGF (0900)
Program/Service Area	560 46	560 46	560 46	560 46

Impact of Regulatory Changes:				
One-Time Costs	0	0	0	0
Ongoing Costs	0	0	0	0

Total Fiscal Impact	0	0	0	0
FTE	0.00	0.00	0.00	0.00

**Description of Costs:**

One-Time: No one-time costs are expected as a result of this regulatory change.

Ongoing: No ongoing costs are expected as a result of this regulatory change.

**Cost to Localities:** No change anticipated.

**Description of Individuals, Businesses, or Other Entities Impacted:** The revised regulations apply to all APELSCIDLA Board licensees and applicants.

**Estimated Number of Regulants:** There are approximately 36,000 individual regulants and 3,300 business regulants.

**Projected Cost to Regulants:** There is no anticipated additional cost to the regulants.

**Alternatives**

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.*

No viable alternative has been identified. A complete review was necessary to study the regulations on a micro level to ensure that entry and performance requirements were current with today's standards of practice for each profession. After a review was completed for each profession-specific requirement, the regulations were studied on a macro level to ensure consistent language in similarly themed areas of the regulations by implementing the simplest form of text to achieve the most clarity for all affected members of the public.

**Regulatory flexibility analysis**

*Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

The proposed changes do not include any new compliance or reporting requirements, schedules or deadlines for compliance or reporting requirements, or standards affecting small businesses.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.*

#	REGULATION #	SUMMARY OF COMMENT(S)	AGENCY RESPONSE
	COMMENTOR'S NAME		
1	<b>18 VAC 10-20-780, Professional required at each place of business</b>	<p>Any legal entity or professional maintaining a place of business from which the entity or professional offers or provides architectural, engineering, land surveying, landscape architectural, or certified interior design services in Virginia shall name for each profession offered or practiced at each place of business <u>at least one</u> resident, responsible person. The named resident, responsible person must hold a current valid Virginia license or certificate in the profession being offered or practiced.</p> <p>Each named professional shall have <u>knowledge and competency in the area</u> of the work being offered or practiced at the place of business for which he is named. Each named professional shall be responsible for only one location at a time. A named professional may be responsible for more than one location provided that he is resident at the place of business during a majority of the hours of operation at each location.</p> <p>Reason=====</p> <p>There are several arguments for modifying this sentence. First, here in the Commonwealth of Virginia, professional engineers are not licensed by engineering discipline; and, thus, it is only necessary for firms to identify one engineer as the "resident, responsible person" for engineering services as each place of business. However, for a firm that offers and provides engineering services in multiple engineering disciplines, no single person is likely to be competent in every field of</p>	The Board will consider these comments in its review.
	Craig S. Moore, VSPE		

#	REGULATION #	SUMMARY OF COMMENT(S)	AGENCY RESPONSE
	COMMENTOR'S NAME		
		<p>engineering services offered and provided by the firm. Thus, for such firms, no single professional engineer can assume responsibility for exercising "direct control and personal supervision of the work being offered or practiced at the place of business for which he is named." And, even if a firm were to choose to identify a Virginia licensed professional engineer within every engineering discipline offered and provided by the firm, for a large firm it is likely to be similar impossible for a single individual to exercise direct control and personal supervision over all work within the office as there may well be numerous projects underway at any given time within the firm.</p> <p>With the modification of the first sentence in the second paragraph of 18 VAC 10-20-780, this provision would be left to say that "[a]ny legal entity or professional maintaining a place of business from which the entity or professional offer or provides [professional] services in Virginia shall name for each profession offered or practiced at each place of business a resident, responsible person." Note that the terms "resident" and "responsible person" are also defined terms (see 18 VAC 10-20-10, Definitions). This accomplishes the goal of 18 VAC 10-20-780, which is to prevent an entity or professional from operating a "satellite office" from which the entity or professional offers or provides services, but for which there is no licensed person present in the office to ensure that the firm does not offer or provide services for which the firm is not qualified to offer or provide from that location.</p>	
2	<b>Registration versus Licensure</b>	<p>18VAC10-20-670. Expiration and renewal.</p> <p>Strike "license" from paragraph A, such that it reads, "If the certificate or registration has expired for six months or more, but less than five years, the regulant shall be required to submit a reinstatement application, which shall be evaluated by the board to determine if the applicant meets the renewal requirements. In addition, a</p>	<p>Response to 18VAC10-20-670 and 680.</p> <p>§54.1-411 refers to businesses and not individuals. §54.1-404 mandates that the Board establish requirements for licensure; this includes the renewal of licensure.</p> <p>Response to 18VAC10-</p>

#	REGULATION #	SUMMARY OF COMMENT(S)	AGENCY RESPONSE
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		<p>reinstatement fee equal to the regular renewal fee plus \$100 shall be required. In addition, individual license holders applying for reinstatement are required to provide evidence of compliance with the continuing education requirements as contained in this chapter.”</p> <p>18VAC10-20-680. Reinstatement. Strike “license” from paragraph A, such that it reads, “If the certificate or registration has expired for six months or more, but less than five years, the regulant shall be required to submit a reinstatement application, which shall be evaluated by the board to determine if the applicant meets the renewal requirements. In addition, a reinstatement fee equal to the regular renewal fee plus \$100 shall be required. In addition, individual license holders applying for reinstatement are required to provide evidence of compliance with the continuing education requirements as contained in this chapter.”</p> <p>Strike “license” from paragraph B and add clarification about registration see brackets, such that it reads, “If the certificate or registration has expired for five years or more, an application for reinstatement shall be required, which shall be evaluated by the board to determine if the applicant remains qualified to be a regulant of the board, and a reinstatement fee equal to the regular renewal fee plus \$250 shall be submitted. In addition, the board may require an individual applicant to submit to an examination. In addition, individual license holders applying for reinstatement [for registration] are required to provide evidence of compliance with the continuing education requirements as contained in this chapter.”</p> <p>Virginia Code §54.1-411.C.1. requires the Board to adopt regulations governing the registration of persons and provide procedural requirements to obtain and renew registration on a periodic basis. This section does not discuss licensure renewal regulations.</p>	<p>20-683. Although the license is valid for the life of the holder, it must remain current. To remain current, the license must be renewed with the Board which also requires the 16 hours of continuing education as established by 54.1-404 of the Code.</p>
	Craig S. Moore, VSPE	<p>18VAC10-20-683. Continuing</p>	

#	REGULATION #	SUMMARY OF COMMENT(S)	AGENCY RESPONSE
	COMMENTOR'S NAME		
		<p>education requirements for renewal or reinstatement.</p> <p>Section 18VAC10-20-683 seems to conflict with the Virginia Code §54.1-405 in regards to “A license shall be valid during the life of the holder unless revoked or suspended by the Board.” This issue may require more than changes to the Regulations because Virginia Code §54.1-404.2 states, “... Such regulations shall require the completion of the equivalent of 16 hours per biennium of Board-approved continuing education activities as a prerequisite to the renewal or reinstatement of a license...”, which seems to contain confusing or conflicting information with Virginia Code §54.1-405.</p>	
3	<b>Business Registrations of State Entities</b>	<p>Code of Virginia § 54.1-406. License required.</p> <p>It seems the Board should adopt regulations governing the registration of state agencies and political subdivisions practices architecture, engineering, or land surveying based on §54.1-406.C. and §54.1-402.1, which states the chief administrative officer shall have the responsibility to determine engineering, architecture, and land surveying positions which have responsible charge of these practices.</p>	<p>Response to § 54.1-406. License required. 54.1-406.C of the Code refers to 54.1-411 which authorizes the Board to adopt regulations for businesses but not state or government organizations. 54.1-402.1 pertains to individuals working for the Commonwealth, not organizations.</p>
	Craig S. Moore, VSPE	<p>Based on Virginia Code §54.1-402.1, it seems even functions/tasks that are listed as exemptions in sections §54.1-401 and §54.1-402 but are still the practice of architecture, engineering, or surveying, should have positions designated as responsible charge. Should the Board evaluate how the positions could be designated as responsible charge along with developing a procedure for business registration of these entities?</p> <p>Virginia Code §54.1-402.1. State and local government employees; license exemptions for persons employed prior to March 8, 1992.</p>	

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	COMMENTOR'S NAME		
		<p>The last paragraph of §54.1-402.1. states, “ The chief administrative officer of any agency of the Commonwealth or political subdivision thereof employing persons engaged in the practice of engineering, architecture, or land surveying as regular, full-time, salaried employees shall have the authority and responsibility to determine the engineering, architecture, and land surveying positions which have responsible charge of engineering, architectural, or land surveying decisions.”</p> <p>Given this section of Virginia Code, the chief administrative officer has the responsibility to designate positions practicing engineering, architecture, or land surveying as responsible charge even if the practice is exempt under §54.1-401 or §54.1-402. Since state employees or employees of political subdivisions practicing engineering, architecture, or land surveying have the potential to impact the health and safety of the public at large, it appears the General Assembly wanted to make sure - regardless of licensure requirements and exemptions - a person was accountable for the work and that person knew he or she was accountable for the work because the position would be designated as responsible charge.</p>	
4	<b>18 VAC 10-20-10, Definitions</b>	<p><b>Definitions</b>                      18 VAC 10-20-10, Definitions                      Update the list of words and terms defined by Virginia Code § 54.1-400, to include the term “Residential wastewater” and “responsible charge”.                      Does the term “professional” need to be defined in 18 VAC 10-20-10?                      Does the term “regulant” need to be defined in 18 VAC 10-20-10?                      Does the term “incidental” need to be defined in 18 VAC 10-20-10? I have had professionals state that regardless as who was in direct control and personal supervision of the work that a single person could</p>	<p>Response to 18VAC10-20-10.                      The Board will consider the concept of “Responsible charge” in its definition of “direct control and personal supervision”. Adding the term “residential wastewater” is unnecessary as no sections of the regulations require it; the definition in the Code is sufficient.                      The Board will consider the applicability of “professional” and</p>

#	REGULATION #	SUMMARY OF COMMENT(S)	AGENCY RESPONSE
	COMMENTOR'S NAME		
		sign and seal the work because it was "incidental" to his work.	<p>"regulant" as defined.</p> <p>"Incidental" will not be defined in the Board's regulations as it is a term that is ultimately a question of fact to be determined on a case by case basis. This was the opinion of the Attorney General in 1972.</p>
	Craig S. Moore, VSPE.		
5	<b>18VAC10-20-382: Topographic Surveys</b>	<p>18VAC10-20-382, Minimum standards and procedures for surveys determining topography; field procedures; office procedures. The section on Minimum standards and procedures for land boundary surveying practice, 18VAC10-20-370.D.w., specifically requires a "professional's seal, signature and date." The section on Minimum standards and procedures for surveys determining the location of physical improvements; field procedures; office procedures, 18VAC10-20-380.C.17, specifically requires a "professional's seal, signature and date." The section on Minimum standards and procedures for surveys determining topography; field procedures; office procedures, 18VAC10-20-382, does NOT specifically require a "professional's seal, signature and date". This creates confusion even though 18VAC10-20-760 requires all work to contain a seal, signature and date. Professionals believe that 18VAC10-20-382.B.11 negates the requirements to have a seal, signature and date from the professional responsible for the topographic survey. It would help clarify the situation if the regulations were to add 18VAC10-20-382.B.12 that states, "Professional's seal, signature and date."</p> <p>Is it the intent of the Board that 18VAC10-20-382.B.11 shall appear on all documents containing topographic data? For example, should the construction drawing (construction sheet) containing topographic data have the statement from 18VAC10-20-382.B.11? Should 18VAC10-20-</p>	<p>Response to 18VAC10-20-382. The requirement of the seal is mentioned in subsection A of 18VAC10-20-382. To be consistent and clear, the Board will consider adding the explicit requirement of a seal, signature and date to this section of the regulations.</p> <p>Response to 18VAC10-20-382.B11 The Board has already recommended changing the statement from ("Name of Surveyor or Surveyor Photogrammetrist") to "(Professional)".</p> <p>Topographic surveys, including those offered by clearing houses, must meet the requirements of 18VAC10-20-382.B.11.</p>
	Craig S. Moore, VSPE		



#	REGULATION #	SUMMARY OF COMMENT(S)	AGENCY RESPONSE
	COMMENTOR'S NAME		
		<p>382.B.11 be revised, such that “(Name of Surveyor or Surveyor Photogrammetrist”) is changed to “(Professional)”?</p> <p>How should topographic data offered through “clearing houses” include the statement 18VAC10-20-382.B.11? For example, VITA/VGIN provides topographic data to localities and surveying/engineering firms for use in designs. Should the surveyor or surveyor photogrammetrist who prepared the work for VITA/VGIN be providing the statement included in 18VAC10-20-382.B.11 to each entity using/purchasing the information? Are localities and surveying/engineering firms allowed to use this survey information in their designs? Is it the expectation or could the regulations be changed such that the surveyor or surveyor photogrammetrist provide a signed and sealed letter that could be included in the use of the information? For example, the signed and sealed letter could be included as part of the design/construction documents.</p> <p>How can a locality take advantage of the aerial mapping, USGS topographic quad sheets, and LIDAR data without the need to have the firm using data redo (verify) the work? For example, let's same a PSA wishes to have a waterline designed and installed. For a waterline design, 5 to 10 foot contours may be sufficient and variations in the topographic from the information shown on the construction drawings do not have a significant impact on the final function of the project. How can the designer use this information and still meet the regulations? Or another situation could be the installing a waterline, water tank, and road that must tie-in to an existing road. In this case, the design may be included to use the aerial mapping from the locality to design the waterline route and then perform a detailed topographic survey where the two roads meet. How can this method of working with data be appropriately handled and still comply</p>	

#	REGULATION #	SUMMARY OF COMMENT(S)	AGENCY RESPONSE
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		with the regulations (18VAC10-20-760).  Is the expectation that the design professional using the topographic data perform spot checks and performs visual observations such that the he or she feels confident the information is accurate enough for his or her design?	
6	<b>Virginia Code § 54.1-400</b> Craig S. Moore, VSPE	The following is a recommended change to COV the Board may wish to pursue in the future. <b><u>Code of Virginia, 1950, as amended</u></b> Amend Virginia Code § 54.1-400 to read, in pertinent part, as follows: "Responsible charge' means the direct control and supervision of the practice of architecture, professional engineering, <del>or</del> land surveying, interior design, or landscape architecture." (This definition, apparently, dates back to before (certified) interior designers and landscape architects were regulated by the APELSCIDLA board and had never been revised to reflect the addition of these disciplines.)	The Board does not have the authority to amend the Code; only the Virginia General Assembly can amend the Code. Current Board regulations contain a definition of direct control and personal supervision. The Board will take the comment under advisement during regulatory.

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

No family impact has been identified.

**Detail of changes**

*Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact if implemented in each section. Please describe the difference between the requirements of the new provisions and the current practice or if applicable, the requirements of other existing regulations in place.*

*If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all provisions of the new regulation or changes to existing regulations between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.*

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, rationale, and consequences
10		Establishes definitions of terms used throughout the chapter.	<p>Definitions within this section or simplified to read more clearly while retaining the needed meaning.</p> <p>"Interior design" is amended to clarify that the regulations only pertain to interior design performed by a person who is certified by the Board.</p> <p>"Certified" is amended to mean a person currently certified by the Board and in good standing. A person who's certification is suspended or revoked is not considered to be certified.</p> <p>"Comity" is amended to be consistent with all comity language used throughout the chapter.</p> <p>"Direct Control and Personal Supervision" is amended to relocate the requirements to section 740; definitions should not contain requirements.</p> <p>"Good moral character" is amended to include language consistent with §54.1-204 of the <i>Code of Virginia</i>. Further, it is amended so that it applies to both Board applicants as well as current regulants. Language in #6 is removed because it is redundant.</p> <p>"Good standing" is added to establish the difference between those who hold a license or certificate and those who hold a license or certificate that meets these criteria. Adding this definition precludes the need to consistently repeat this language.</p> <p>"Licensed" is amended to simplify the definition.</p> <p>"Place of business" is amended to read</p>

			<p>more clearly.</p> <p>"Professional" is amended to read more clearly.</p> <p>"Registrant" is amended to read more clearly.</p> <p>"Regulant" is amended to identify those entities that are considered regulants of the Board. The term is amended so that all instances of the term used throughout the regulations will encompass the entire group as required precluding the need to constantly repeat the members of this group.</p> <p>"Resident" is amended to read more clearly.</p> <p>"Responsible Person" is amended to read more clearly as well as further clarify what it means to be a responsible person.</p> <p>"Surveyor Photogrammetrist" is amended to read more clearly.</p>
17		Establishes the fee and process for obtaining a duplicate wall certificate.	<p>The \$25 fee is removed and replaced with "department fee" to allow the department to maintain the fee amount without having to change the regulations each time the fee changes.</p> <p>A statement is added authorizing the Board to issue multiple certificates at its discretion.</p>
20		Establishes general entry requirements for all individual licenses and certification	<p>Specific examinations' language from subsection B.1-4 is relocated to each section of the regulations specific to that profession; it does not belong in "general" requirements.</p> <p>Other language from subsection B is reworded in new subsection C for clarity.</p> <p>Old subsection D is removed and reworded in new subsection E for greater clarity.</p> <p>Old subsection E is reworded for greater clarity. Language providing for the Board to conduct a personal interview with the applicant is removed because the Board is not authorized to conduct a personal interview with an applicant; it must hold an informal fact-finding conference pursuant</p>

			<p>the provisions of the Administrative Process Act (APA).</p> <p>Old subsection G is removed because the Board does not have authority over applicants, only regulants.</p> <p>New subsection H is added to emphasize an applicant's rights, pursuant to the provisions of the APA., to have his application considered for further review should the Board indicate they do not meet the entry requirements of the regulations.</p> <p>No new requirements are added.</p>
25		<p>This section establishes the reference requirements for architect, engineer, and landscape architect license applicants.</p>	<p>This section is amended to read with greater clarity and include a citation to section 425 (landscape architect references).</p> <p>A requirement is added for references to be someone who has known the applicant within the last five years. A friend; colleague; professor; or other person, serving as a reference from more than five years ago, is less likely to be knowledgeable of an applicant's present-day character. A more recent reference can give a more accurate depiction of an applicant's current character.</p>
35		<p>This section establishes the rate at which the Board calculates full-time experience.</p>	<p>The section is reworded to read with greater clarity.</p>
40		<p>This section establishes the requirements for applicants with respect to licensure and certifications in jurisdictions other than Virginia.</p>	<p>The language from current subsection A is reworded to read more easily by splitting out its two concepts into two separate subsections by adding a new subsection B.</p> <p>Old subsection B is removed because its provision is already established in new subsection 20.H of this chapter.</p>
50		<p>This section establishes the Board's procedures regarding transferring scores from national exams to other regulatory boards.</p>	<p>The section is amended to read more clearly.</p> <p>No new requirement is added.</p>
55		<p>This section establishes the requirement for applicants to speak and write English to the satisfaction of the Board.</p>	<p>The section is amended to read more clearly.</p> <p>No new requirement is added.</p>

70		This section establishes the Board's procedure for compliance with the Americans with Disabilities Act regarding exam administration for its various licenses.	The section is amended to read more clearly.  No new requirement is added.
75		This section establishes the standards of conduct which must be followed by any applicant for a Board exam.	The section is amended to read more clearly.  The word "examinee" is replaced by "applicant" to be consistent with language throughout the chapter referring to applicants.  No new requirement is added.
85		This section establishes the requirement for all individuals to pass an exam on the Board's regulations.	The section is amended to read more clearly.  No new requirement is added.
	87	New section.	This is a new section which establishes the expiration date of all initial licenses, certificates, and registrations.  The intent of this section is to clearly identify the expiration date of any initial license, certificate, or registration. The language reflects current department procedure but is added to help clarify the regulations for the public. Current regulations only infer initial expiration dates through the language contained in section 670 for renewals. The addition of this language is much clearer.  No new requirement is added.
90		This section establishes the fees for an architect license.	The section is amended to specifically identify these applications as architect license applications.  No new requirement is added.
110		This section establishes the education requirements for architect license applicants.	The section is amended to read more clearly.  No new requirement is added.
120		This section establishes the experience requirement for architect licensure.	The section is amended to read more clearly as well as update the reference to NCARB's <i>Handbook for Interns and</i>

			<p><i>Architects</i> to the current 2010-2011 Edition.</p> <p>No new requirement is added.</p>
130		<p>This section establishes the requirement for architect license applicants to submit references as part of a license application.</p>	<p>The section is amended to read more clearly including clarification that the purpose of a reference is to establish the applicant’s competence and integrity to practice architecture.</p> <p>No new requirement is added.</p>
140		<p>This section establishes the requirements for the NCARB Architectural Registration Examination (ARE).</p>	<p>The section is amended to read more clearly.</p> <p>No new requirement is added.</p>
150		<p>This section establishes the requirements for architect license applicants through comity.</p>	<p>The section is amended to read more clearly.</p> <p>No new requirement is added.</p>
160		<p>This section establishes the definitions used in the professional engineer section of the regulations.</p>	<p>The section is amended to expand the definition of “related science curriculum” so as to help applicants identify what may be considered a board-approved related science curriculum. The expansion of the definition is consistent with the current practice of the PE’s of the Board in determining whether a curriculum is considered to be a “related science”.</p> <p>No new requirement is added.</p>
170		<p>This section establishes the fees for an engineer-in-training (EIT) designation and a professional engineer (PE) license.</p>	<p>The section is amended to specifically identify these applications as EIT and PE applications.</p> <p>The amended language clarifies the actual application process. Applicants are applying to the Board for the EIT designation or PE license. The passing of the FE or PE exam is merely a part of that application process. Application (or registration) for the actual exam is made to the Board’s approved vendor, not to the Board itself.</p> <p>No new requirement is added.</p>
190		<p>This section establishes the requirements for an applicant to become eligible to take the Fundamentals of Engineering (FE) exam which is required for the EIT designation.</p>	<p>The section is amended to read more clearly by breaking out large paragraphs into smaller, more concise paragraphs.</p> <p>Further, language is added clarifying the type of coursework which may be</p>

			<p>considered by the Board to be equivalent to an ABET-accredited degree. This is consistent with the current practice of the PE's of the Board in determining whether a degree is considered equivalent.</p> <p>No new requirement is added.</p>
200		<p>This section establishes the requirements for an applicant, who has passed the FE exam, to receive the EIT designation.</p>	<p>The section is amended to read more clearly.</p> <p>No new requirement is added.</p>
210		<p>This section establishes the requirements for an applicant to become eligible to take the Principles and Practice of Engineering (PE) exam which is required for the professional engineer license.</p>	<p>The section is amended to read more clearly.</p> <p>Further, language is added clarifying the type of coursework which may be considered by the Board to be equivalent to an ABET-accredited degree. This is consistent with the current practice of the PE's of the Board in determining whether a degree is considered equivalent.</p> <p>No new requirement is added.</p>
215		<p>This section establishes that an applicant who has passed the PE exam will receive the professional engineer license.</p>	<p>The section is amended to read more clearly.</p> <p>No new requirement is added.</p>
220		<p>This section establishes the requirement for EIT designation applicants and PE license applicants to submit references as part of an application.</p>	<p>The section is amended to read more clearly as well as clarify that the purpose of a reference is to establish the applicant's competence and integrity.</p> <p>No new requirement is added.</p>
230		<p>This section establishes the requirements for education used to meet the application requirements for an EIT designation or a professional engineer license.</p>	<p>The section is amended to read more clearly.</p> <p>Language is removed regarding ABET-degree evaluation as those standards are already established in sections 190 and 210.</p> <p>Language is added clarifying which foreign degrees, if not already accredited by ABET, may be considered to be approved by the Board.</p> <p>No new requirement is added.</p>
240		<p>This section establishes the experience requirements for</p>	<p>The section is amended to read more clearly by being organized into a table</p>



		EIT designation and PE license applicants.	format similar to sections 190 and 210.  No new requirement is added.
260		This section establishes the exam requirements for EIT designation and PE license applicants.	The section is amended to read more clearly.  Language establishing the application deadlines for EIT and PE applicants is relocated here from section 20.  Additional language is added requiring that applicants, who do not pass the exam within three years from their original approval, must demonstrate proof of completion of educational activities to be eligible for the exam once again. The new requirement is intended to protect the integrity of the national exam by preventing individuals from continuously sitting for the exam merely in an effort to copy exam questions and answers for unlawful distribution to future exam candidates.
270		This section establishes the requirements for professional engineer license applicants through comity.	The section is amended to read more clearly.  No new requirement is added.
280		This section establishes the fees for a surveyor-in-training (SIT) designation and the various surveyor licenses.	The section is amended to specifically identify these applications as SIT designation and surveyor license applications.  The amended language clarifies the actual application process. Applicants are applying to the Board for the SIT designation or surveyor license. The passing of the FS or PS exam is merely a part of that application process. Application (or registration) for the actual exam is made to the Board's approved vendor, not to the Board itself.  No new requirement is added.
295		This section establishes the definitions used in the land surveyor section of the regulations.	The section is amended to synchronize the definitions of "approved land surveying experience" and "approved photogrammetric surveying or similar remote sensing technology experience". The substance of both definitions is the same- each definition is simply worded appropriately specific to the type of surveying experience.

			No new requirement is added.
300		This section establishes the requirements for SIT designation applicants.	<p>The section is amended to read more clearly by restructuring the text to include eliminating excessively duplicative language.</p> <p>The proposed language also lessens the experience required for applicants, with a board-approved degree in a field unrelated to surveying, from three years to two years (new subdivision A.4). The Board feels that two years of experience is sufficient for this category of applicants.</p> <p>Language is added in new subsection B clarifying that applicants cannot utilize credits from a degree toward experience substitution if that degree was used to satisfy a requirement of new subsection A.</p> <p>No new requirement is added.</p>
310		This section establishes the requirements for the land surveyor and surveyor photogrammetrist license applicants.	<p>The section is amended to read more clearly by eliminating duplicative language, restructuring the current text, and incorporating the amended definitions of “approved land surveying experience” and “approved photogrammetric surveying or similar remote sensing technology experience”.</p> <p>Further, language establishing the requirements for the surveyor photogrammetrist license by the grandfather provision is removed because the grandfather period is expired.</p> <p>No new requirement is added.</p>
320		This section establishes the requirements for a land surveyor B license.	<p>The section is amended to read more clearly.</p> <p>No new requirement is added.</p>
330		This section establishes the education requirements for applicants for the SIT designation or any of the land surveyor licenses.	<p>The section is amended to read more clearly.</p> <p>No new requirement is added.</p>
340		This section establishes the experience requirements for applicants of the SIT designation or any of the land surveyor licenses.	<p>The section is amended to read more clearly.</p> <p>Language referring to “or an individual authorized by statute” is removed because</p>

			<p>licensed land surveyors are authorized by statute and are already listed in the text.</p> <p>No new requirement is added.</p>
350		<p>This section establishes the exam requirements for SIT's and land surveyors.</p>	<p>The section is amended to read more clearly.</p> <p>Language establishing the application deadlines for SIT designation and surveyor license applicants is relocated here from section 20.</p> <p>Additional language is added requiring that applicants, who do not pass the exam within three years from their original approval, must demonstrate proof of completion of educational activities to be eligible for the exam once again. The new requirement is intended to protect the integrity of the national exam by preventing individuals from continuously sitting for the exam merely in an effort to copy exam questions and answers for unlawful distribution to future exam candidates.</p>
360		<p>This section establishes the requirements for land surveyor licensure by comity.</p>	<p>The section is reworded to read more clearly.</p> <p>Language is also added providing criteria for licensure by comity for individuals who were licensed as a surveyor photogrammetrist prior to, and on or after, 12/1/2009 (the start date of the Board's surveyor photogrammetrist licensing program). The addition of the language allows the Board to comply with statute in issuing licenses to qualified persons, including those who may have been licensed as a surveyor photogrammetrist prior to the Board's photogrammetrist licensing program.</p>
370		<p>This section establishes the standards of practice for land boundary surveying in Virginia.</p>	<p>The section is amended to read more clearly.</p> <p>Duplicative language regarding the application of the professional seal is removed.</p> <p>The requirement of subdivision D.2.t is relocated and combined with subdivision D.2.r.</p> <p>No new requirement is added.</p>

380		This section establishes the standards of practice for surveys determining the location of physical improvements in Virginia.	<p>The section is amended to read more clearly.</p> <p>Current sections D and E are removed and reorganized in new sections D.1-3 and E.</p> <p>No new requirement is added.</p>
382		This section establishes the requirements for performing topographic surveys in Virginia.	<p>The section is amended to read more clearly. Duplicative language is removed from subdivision B.1.</p> <p>The language from the accuracy standards tables from current B.10 and the certification statement from current B.11 are relocated to new B.10 and new section C and placed before the accuracy standards tables.</p> <p>No new requirement is added.</p>
390		This section is establishes the standards for performing geodetic surveys.	<p>The language is amended to specify that the standards apply to <i>all</i> geodetic surveys including, but not limited to, those utilizing GPS. This is reworded because, although GPS is very common, the standards apply to <i>all</i> geodetic surveys.</p> <p>Language is also amended to insert the term “professional” as contained in the definitions of section 10.</p> <p>No new requirement is added.</p>
395		This section establishes the standard to which all surveys must be performed.	<p>The amended language eliminates an irrelevant regulation citation.</p> <p>No new requirement is added.</p>
400		This section establishes the fees for landscape architect licenses.	<p>The section is amended to specifically identify these applications as landscape architect license applications.</p> <p>The addition of the application by comity clarifies that comity is in fact a method of licensure for landscape architects; it is not a new requirement.</p> <p>No new requirement is added.</p>
420		This section establishes the specific requirements for landscape architect license applicants.	<p>The section is amended to clearly separate applicants into two groups: those applying with a Landscape Architectural Accreditation Board (LAAB) accredited degree and those without a LAAB-accredited degree.</p>

			<p>The current table is reformed in two tables: one table detailing education credit and the other table detailing experience credit. The new tables also contain examples which further explain the calculations for determining licensure exam eligibility.</p> <p>No new requirement is added.</p>
	425	New section.	<p>This section establishes that three references are required with a landscape architect license application.</p> <p>With the 2010 transition of landscape architecture from a certification program to a licensure program, along with the overlap among the professions, this section is added to further determine an applicant's competence and integrity to practice landscape architecture. This same requirement for references already exists in the current regulations for architects and professional engineers.</p>
430		This section establishes the experience standard for landscape architects.	<p>The section is amended to correct a grammatical error.</p> <p>No new requirement is added.</p>
440		This section establishes the exam requirements for landscape architect license applicants.	<p>The section is amended to read more clearly.</p> <p>Language establishing that the exam will be given at a time designated by the Board is removed because the exam is administered by the Council of Landscape Architectural Registration Boards (CLARB) and PCS, not the Board. The five-part exam is offered four times a year in different increments.</p> <p>No new requirement is added.</p>
450		This section establishes the requirements for landscape architect licensure by comity.	<p>The section is amended to read more clearly.</p> <p>No new requirement is added.</p>
460		This section establishes the definitions used in the certified interior designer section of the regulations.	<p>The acronym "CIDA" is taken out of the definition of "Professional program approved by the board" and made into its own definition to shorten the latter.</p> <p>The definition of "Diversified experience" is amended to include "code analysis, fire</p>

			<p>safety consideration, and barrier free evaluations which relate to the health, safety, and welfare of the public.” The language is added to emphasize the importance of design experience which contains public safety components above aesthetics emphasis.</p> <p>The definition of “Professional program approved by the board” is reorganized into two parts for ease of reading and understanding.</p>
470		This section establishes the fees for certification as an interior designer.	<p>The section is amended to specifically identify these applications as interior designer certification applications.</p> <p>The addition of the application by comity clarifies that comity is in fact a method of certification for interior designers; it is not a new requirement.</p>
490		This section establishes the specific requirements for interior designer certification applicants.	<p>The section is amended to read more clearly by restructuring the text of the requirements and incorporating the new definition of “CIDA” and “Professional program approved by the board”. Language is stricken which is already contained in these definitions.</p> <p>The requirements contained in the definition of “Professional program approved by the board” regarding cost of degree evaluation and the board’s right to reject evaluations for good cause are relocated from section 460 to section 490 new subsection D.</p> <p>No new requirement is added.</p>
	495	New section.	<p>This section establishes the exam requirement for interior designer certification.</p> <p>Language is added making it clear that the NCIDQ exam is approved by the Board. The NCIDQ exam has been approved by the Board since the inception of the certification program.</p> <p>Language in subsection B is relocated from section 20.</p> <p>No new requirement is added.</p>
505		This section establishes the	The section is amended to read more

		requirements for interior designer certification by comity.	clearly and clearly demonstrate the requirements of §54.1-414 of the <i>Code of Virginia</i> .  No new requirement is added.
510		This section establishes the definitions used in the professional corporation (PC) section of the regulations.	The term “registration” is added to distinguish between a Board-issued registration and a certificate of authority or registration issued by the VA SCC.  No new requirement is added.
	515	New section.	This section establishes which entities are required to register with the Board.  The section is added to affirmatively establish that, pursuant to statute, professional corporations offering or practicing architecture, engineering, land surveying, landscape architecture, or certified interior design services are required to register with the Board.  This is not a new requirement but merely a clarification of existing requirements.
520		This section establishes the fee schedule for PC registrations.	The names of the PC registration applications are clarified to be consistent with the descriptions used in previous fee schedule sections.  The language for reinstatement of a branch office designation is relocated to section 680 of this chapter which addresses reinstatement.  No new requirement is added.
530		This section establishes the specific requirements for PC registrations.	The section is amended to read more clearly by breaking down larger paragraphs into more concise bullets.  Verbatim language from §13.1-549 of the <i>Code of Virginia</i> is removed and replaced with a citation reference. This allows the Board’s regulations to remain consistent with any potential changes to this area of the <i>Code</i> .  No additional requirement is added.
540		This section establishes that the Board issues a registration to PC’s.	The section is repealed. The concept of the language is relocated to sections 510 (Board issuance of registration) and 770 (only practice professions listed on the

			registration).
550		This section establishes the requirements for foreign corporation registrations.	The section is amended to read more clearly by bulleting the requirements.  No additional requirements are added.
560		This section establishes the requirements for PC's regarding amendments in organization rules/bylaws and changes in personnel.	The new definition of "registration" is used to replace "certificate of authority".  "Certified true" is stricken because copies of amendments are sufficient for the Board.  Subsections B and C are reorganized into separate and concise bullets for easier readability and understanding.  No additional requirements are added.
570		This section establishes the definitions used in the professional limited liability company (PLLC) section of the regulations.	The term "registration" is added to distinguish between a Board-issued registration and a certificate of authority or registration issued by the VA SCC.  The term "certified" is removed because landscape architects are now licensed, not certified.  No additional requirements are added.
	575	New section.	The section is added to affirmatively establish that, pursuant to statute, PLLC's offering or practicing architecture, engineering, land surveying, landscape architecture, or certified interior design services are required to register with the Board.  This is not a new requirement but merely a clarification of existing requirements.
580		This section establishes the fee schedule for PLLC registrations.	The names of the PLLC registration applications are clarified to be consistent with the descriptions used in previous fee schedule sections.  The language for reinstatement of a branch office designation is relocated to section 680 of this chapter which addresses reinstatement.  No new requirement is added.
590		This section establishes the specific requirements for PLLC registrations.	The term "obtained" is removed; the PLLC must have obtained, and also be current with, its certificate of organization or



			<p>authority.</p> <p>The section is amended to read more clearly by breaking down larger paragraphs into more concise bullets.</p> <p>“Certified true” is stricken because copies of amendments are sufficient for the Board.</p> <p>Verbatim language from §13.1-1111 of the <i>Code of Virginia</i> is removed and replaced with a citation reference. This allows the Board’s regulations to be consistent with any potential changes to this area of the <i>Code</i>.</p> <p>No additional requirements are added.</p>
600		This section establishes that the Board issues a registration to PLLC’s.	The section is repealed. The concept of the language is relocated to sections 570 (Board issuance of registration) and 770 (only practice professions listed on the registration).
610		This section establishes the requirements for foreign PLLC registrations.	<p>The section is amended to read more clearly.</p> <p>No new requirement is added.</p>
620		This section establishes the requirements in the event of amendments to documents and changes within the structure of the PLLC.	<p>The section is amended to read more clearly by simplifying the larger paragraphs into smaller, more concise, bulleted paragraphs.</p> <p>No new requirement is added.</p>
	627	New section.	<p>This section establishes which entities are required to register with the Board.</p> <p>The section is added to affirmatively establish that, pursuant to statute, business entities, other than PC’s or PLLC’s, offering or practicing architecture, engineering, land surveying, landscape architecture, or certified interior design services are required to register with the Board.</p> <p>This is not a new requirement but merely a clarification of existing requirements.</p>
630		This section establishes the fee schedule for business entity registrations.	<p>The names of the business entity registration applications are clarified to be consistent with the descriptions used in previous fee schedule sections.</p> <p>The language for reinstatement of a branch</p>

			<p>office designation is relocated to section 680 of this chapter which addresses reinstatement.</p> <p>No new requirement is added.</p>
640		<p>This section establishes application requirements for business entity registrations.</p>	<p>Subsection A is reworded to contain language consistent with the §54.1-411 of the <i>Code of Virginia</i>. Non-profits are also added to the list of businesses to further clarify that all businesses, not only for-profit businesses, must register.</p> <p>The remaining language is amended to read more clearly.</p> <p>No new requirement is added.</p>
650		<p>This section establishes the requirement for business entities to certify that professional practices will only be completed by a licensed professional.</p>	<p>The word “certified” is stricken because landscape architects are now licensed, not certified.</p> <p>No new requirement is added.</p>
660		<p>This section establishes the requirements for business entities regarding changes to the structure of the business.</p>	<p>The section is amended to correct minor grammar.</p> <p>No new requirement is added.</p>
670		<p>This section establishes the requirements for renewing business registrations and individual certifications and licenses.</p>	<p>The language is amended to read more clearly by listing out the requirements for renewal in a chronological sequence beginning with payments received by the expiration date, within 30 days of the expiration date, and within six months of the expiration date.</p> <p>Language establishing the particular month and year of expiration for business registrations is relocated to new section 87.</p> <p>The fee for reinstatement of a branch office registration is \$30 which is established in the current fee schedules in sections 520, 580, and 630. The listing of \$25 in current subsection 670.A is incorrect. This language from current subsection 670.A pertaining to the reinstatement fee for branch offices is relocated to section 680 (with all other reinstatement language) and the fee is corrected to \$30 to be consistent with the fee schedules of sections 520, 580, and 630.</p> <p>Language in new subsection 670.G is</p>

			<p>added to emphasize that the renewal of a license, certificate, or registration places the regulant under the authority of the Board including the time period between the date of expiration and the date of renewal. This language is the same as the language contained in current subsection 680.E of the Boards regulations regarding reinstatement. This is not a new requirement.</p> <p>Language is added authorizing the Board to withhold services from applicants who have failed to pay fees owed to the Board resulting from a consent or final order. This language is added to ensure that regulants maintain compliance with these orders before being authorized any further regulatory status by the Board through license, certificate, or registration renewal.</p> <p>The remaining language is amended to read more clearly.</p>
680		<p>This section establishes the requirements for reinstating business registrations and individual certifications and licenses.</p>	<p>The language is amended to read more clearly by removing duplicate language. The larger paragraphs are broken down into a bulleted format for easier reading.</p> <p>The language from current subsection 670.A pertaining to the reinstatement fee for branch offices is relocated to this section.</p> <p>The language from current subsection E is reworded more concisely into new subsections F and G. The language addresses two separate groups. The first group consists of licensees which, by statute, are always under the disciplinary authority of the Board regardless of whether the license is current. The second group consists of certificate holders and businesses which are only under the authority of the Board during the period which the certificate or registration is current as well as the time period between the date of expiration and the date of renewal (only if renewal occurs).</p> <p>Language is added authorizing the Board to withhold services from applicants who have failed to pay fees owed to the Board resulting from a consent or final order. This language is added to ensure that regulants maintain compliance with these orders</p>

			before being authorized any further regulatory status by the Board through reinstatement.
683		This section establishes the requirements for continuing education to be completed by licensees.	The language is amended to read more clearly by separating requirements contained in large paragraphs into smaller, bulleted lists.  No new requirements are added.
687		This section refers to the Board's authority established in the <i>Code</i> to issue exemptions or waivers regarding the CE requirement.	The citation of 18VAC10-20-683 is removed because it does not belong in this section.
690		This section establishes regulants' responsibility to the public.	The language is amended to read more clearly.  No new requirement is added.
700		This section establishes the requirements for regulants to follow when issuing public statements.	The language is amended to read more clearly and duplicative language is deleted.  No new requirement is added.
710		This section establishes the requirements for a regulant regarding conflicts of interest.	The language is amended to read more clearly.  No new requirement is added.
720		This section establishes the requirements for a regulant when soliciting work or employment.	The language is amended to read more clearly by specifying the regulant's requirements when engaging in contracts with public authorities which is different than entering into private contracts.  No new requirement is added.
730		This section establishes the requirements a regulant must follow regarding work competency.	The language is amended to read more clearly.  Language allowing for the performance of landscape architecture is removed because it is no longer a certified profession but is now licensed.  No new requirement is added.
740		This section establishes the standards which must be adhered to by regulants during the conduct of their	New subsection A is added to affirmatively identify that all professional work must be performed by a properly licensed or certified professional in accordance with

		professional work.	<p>statute.</p> <p>New subsection B is added as the result of relocating language from the definition of “direct control and personal supervision” in section 10.</p> <p>The regulation citation in new subsection F is added to refer to a specific situation when a regulant may utilize the work of another regulant despite the text of the requirement of new subsection.</p> <p>Old subsections E and F are stricken and reorganized in new subsection G.</p>
750		This section establishes the requirements for regulants who are licensed in other jurisdictions.	<p>The language is reorganized to read more clearly. Duplicative language is removed.</p> <p>No new requirement is added.</p>
760		This section establishes the requirements for the application of the professional seal on professional documents.	<p>The language is amended to read more clearly.</p> <p>The language in current subsection A is reorganized from the large paragraph into new subdivisions 1 &amp; 2.</p> <p>The language in B.2 is added to make clear which documents are required to be sealed by which professionals in situations involving a project with multiple pieces of work and multiple professionals.</p> <p>The language in B.1.b is stricken because it is obsolete, it does not protect the public, and it places an unnecessary burden on the professional.</p> <p>The images of the seals are replaced with cleaner images.</p> <p>No new requirement is added; the amended language merely clarifies existing requirements.</p>
770		This section establishes the standards for the organization and styling of practice for businesses.	<p>The language is amended to read more clearly.</p> <p>New subsection A is added as a result of relocating language from sections 540 and 600.</p> <p>No new requirement is added.</p>

780		This section establishes the requirement for a business to have a licensed or certified professional present at each location of business.	The language is amended to read more clearly.  No new requirement is added.
790		This section establishes the Board's authority to sanction regulants and also includes a list of offenses which could warrant sanctioning of the regulant.	The language is amended to read more clearly.  New subdivision 1 is added to be consistent with the definition of "good moral character" and establishes the Board's authority to sanction a regulant should he fail to maintain such.  Subsection B is stricken because it is duplicative of the language contained in subsection A and the list of sanction-eligible offenses. Further, the procedures which the department must follow to conduct an investigation of a regulant are established pursuant to the provisions of the <i>Virginia Administrative Process Act</i> (§2.2 Chapter 40 et seq).