

ARCHITECTURAL EXAMINING BOARD[193B]

Notice of Intended Action

**Proposing rule making related to board administration and license renewal
and providing an opportunity for public comment**

The Architectural Examining Board hereby proposes to amend Chapter 1, “Description of Organization,” Chapter 2, “Licensure,” Chapter 3, “Continuing Education,” Chapter 4, “Rules of Conduct,” Chapter 6, “Disciplinary Action Against Licensees,” and Chapter 7, “Disciplinary Action—Unlicensed Practice,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 544A.29.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 544A and 2020 Iowa Acts, House File 2627.

Purpose and Summary

These amendments implement changes recommended and required by 2020 Iowa Acts, House File 2627, and the five-year rolling administrative rules review outlined in Iowa Code section 17A.7(2).

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 193—Chapter 5.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on January 19, 2021. Comments should be directed to:

Lori SchraderBachar
Architectural Examining Board
200 East Grand Avenue, Suite 350
Des Moines, Iowa 50309
Email: lori.schraderbachar@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 19, 2021
11 a.m. to 12 noon

Board Office, Suite 350
200 East Grand Avenue
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend **193B—Chapter 1** as follows:

CHAPTER 1
DESCRIPTION OF ORGANIZATION
[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

193B—1.1(544A,17A) Duties. ~~The board shall enforce the provisions of Iowa Code chapter 544A and shall maintain a roster of all licensed architects authorized to practice architecture in the state.~~

1.1(1) The purpose of the architectural examining board is to administer and enforce the provisions of Iowa Code chapter 544A with regard to the practice of architecture in the state of Iowa including the examining of candidates; issuing licenses to practice architecture; assuring continuing competency through continued education; investigating violations and infractions of the architecture law; disciplining licensees; and imposing civil penalties against nonlicensees. To this end, the board has promulgated these rules to clarify the board's intent and procedures.

1.1(2) The primary mission of the board is to protect the public interest. All board rules shall be construed as fostering the guiding policies and principles described in Iowa Code section 544A.5. The board and its licensees shall strive at all times to protect the public interest by promoting the highest standards of architecture.

1.1(3) The board shall maintain a roster of all architects authorized to practice architecture in the state.

~~1.1(4) 1.1(4) *President Chairperson.* The president chairperson shall preside at all meetings, shall appoint all committees, shall sign all certificates, and shall otherwise perform all duties pertaining to the office of the president chairperson.~~

~~1.1(2) 1.1(5) *Vice president chairperson.* The vice president chairperson shall, in the absence or incapacity of the president chairperson, exercise the duties and possess the powers of the president chairperson. The vice president shall sign all certificates.~~

~~1.1(3) *Secretary.* The secretary shall sign all certificates.~~

~~1.1(4) 1.1(6) *Board administrator.* The professional licensing and regulation bureau may employ a board administrator, who will maintain all necessary records of the board and perform all duties in connection with the operation of the board office. The board administrator is the lawful custodian of board records. The board administrator shall determine when the legal requirements for licensure have been satisfied with regard to issuance of certificates, licenses or registrations, and the board administrator shall submit to the board any questionable application. The bureau chief or designee shall sign vouchers for payment of board obligations.~~

193B—1.2(544A,17A) No change.

193B—1.3(544A,17A) Meetings. Calls for meetings shall be issued in accordance with Iowa Code section 21.4. The annual meeting of the board shall be the first meeting scheduled after April 30. At this meeting, the ~~president, vice president~~ chairperson and secretary ~~vice chairperson~~ shall be elected to serve until their successors are elected. The newly elected officers shall assume the duties of their respective offices at the conclusion of the meeting at which they are elected. Officers shall serve no more than three consecutive one-year terms in each office to which they are elected. Special meetings may be called by the ~~president~~ chairperson or board administrator, who shall set the time and place of the meeting.

193B—1.4(544A,17A) Certificates. Certificates issued to successful applicants shall contain the licensee's name, and state license number and the signatures of the board ~~president, vice president and secretary~~. All licenses are renewable biennially on July 1, with licensees whose last names begin with the letters A-K renewing in even-numbered years and licensees whose last names begin with the letters L-Z renewing in odd-numbered years as provided in rule 193B—2.5(17A,272C,544A).

The board shall maintain an electronic roster of those holders of certificates of licensure who have failed to renew. The certificate of licensure may be reinstated in ~~accordance~~ accordance with rule ~~193B—2.4(544A,17A)~~ 193B—2.6(544A,17A).

193B—1.5(544A,17A) Definitions. ~~Rescinded IAB 10/3/01, effective 11/7/01.~~

These rules are intended to implement Iowa Code sections 544A.5, 544A.8 to 544A.10, and 272C.4.

ITEM 2. Amend rule **193B—2.1(544A,17A)**, definitions of “Architectural intern,” “NCARB Architect Registration Examination (ARE) Guidelines,” “NCARB Architectural Experience Program Guidelines,” and “NCARB Certification Guidelines,” as follows:

“*Architectural intern*” means an individual who holds a professional degree from a NAAB-accredited program, has completed or is currently enrolled in the NCARB Architectural Experience Program (AXP), ~~formerly known as the Intern Development Program (IDP)~~, and intends to actively pursue licensure by completing the Architect Registration Examination.

“*NCARB Architect Registration Examination (ARE) Guidelines*” means the most current edition of a document by the same title published by the National Council of Architectural Registration Boards. The document outlines the requirements for examination and is available through the National Council of Architectural Registration Boards, ~~1801 K Street NW, Suite 1100, Washington, D.C. 20006~~ 1401 H Street NW, Suite 500, Washington, DC 20005; NCARB’s ~~Web site~~ website, www.ncarb.org; or the architectural examining board.

“*NCARB Architectural Experience Program Guidelines*,” ~~formerly known as the IDP Guidelines~~, means the most current edition of a document by the same title published by the National Council of Architectural Registration Boards. The document outlines the requirements for training and is available through the National Council of Architectural Registration Boards, ~~1801 K Street NW, Suite 1100, Washington, D.C. 20006~~ 1401 H Street NW, Suite 500, Washington, DC 20005; NCARB’s ~~Web site~~ website, www.ncarb.org; or the architectural examining board.

“*NCARB Certification Guidelines*” means the most current edition of a document by the same title published by the National Council of Architectural Registration Boards. The document outlines the requirements for licensure as an architect and is available through the National Council of Architectural Registration Boards, ~~1801 K Street NW, Suite 1100, Washington, D.C. 20006~~ 1401 H Street NW, Suite 500, Washington, DC 20005; NCARB’s ~~Web site~~ website, www.ncarb.org; or the architectural examining board.

ITEM 3. Rescind subrule **2.3(4)**.

ITEM 4. Renumber subrules **2.3(5)** and **2.3(6)** as **2.3(4)** and **2.3(5)**.

ITEM 5. Amend subrule 2.5(1) as follows:

2.5(1) Active status. Certificates of licensure expire biennially on June 30. In order to maintain authorization to practice in Iowa, a licensee is required to renew the certificate of licensure prior to ~~the expiration date~~ June 1 of the year of expiration. However, the board will accept an otherwise sufficient

renewal application that is untimely if the board receives the application and late fee within 30 days prior to the date of expiration. A licensee who fails to renew by the expiration date is not authorized to practice architecture in Iowa until the certificate is reinstated as provided in rule 193B—2.6(544A,17A).

a. A licensee whose last name begins with the letter A through K shall renew in even-numbered years, and a licensee whose last name begins with the letter L through Z shall renew in odd-numbered years. However, a license issued on or after May 1 but before June 30 will not expire until June 30 of the next renewal. For example, a license issued on May 17, 2020, would not expire until June 30, 2022.

b. No change.

c. Upon the board's receipt of a timely and sufficient renewal application as provided in 193—subrule 7.40(3), the board's administrator shall issue a new certificate of licensure reflecting the next expiration date, unless grounds exist for denial of the application. ~~However, the board will accept an otherwise sufficient renewal application that is untimely if the board receives the application and late fee within 30 days of the date of expiration.~~

d. If grounds exist to deny a timely and sufficient application to renew, the board shall send ~~written~~ notification to the applicant ~~by restricted certified mail, return receipt requested.~~ Grounds may exist to deny an application to renew if, for instance, the licensee failed to satisfy the continuing education as required as a condition for licensure. If the basis for denial is pending disciplinary action or disciplinary investigation which is reasonably expected to culminate in disciplinary action, the board shall proceed as provided in 193—Chapter 7. If the basis for denial is not related to a pending or imminent disciplinary action, the applicant may contest the board's decision as provided in 193—subrule 7.40(1).

e. When a licensee appears to be in violation of mandatory continuing education requirements, the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in rule 193—7.40(546,272C), and after or in lieu of giving the licensee an opportunity to come into compliance under 193B—subrule 3.3(3), offer a licensee the opportunity to sign a consent order. While the terms of the consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation; establish deadlines for compliance; and require that the licensee complete hours equal to double the deficiency in addition to the required hours; and may impose additional educational requirements on the licensee. Any additional hours completed in compliance with the consent order cannot again be claimed at the next renewal. The board will address subsequent offenses on a case-by-case basis. A licensee is free to accept or reject the offer. If the offer of settlement is accepted, the licensee will be issued a renewed certificate of licensure and will be subject to disciplinary action if the terms of the consent order are not complied with. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the applicant pursuant to 193—subrule 7.40(1).

f. and g. No change.

ITEM 6. Amend paragraph **2.5(2)“b”** as follows:

b. *Renewal.* A person licensed as inactive may renew the person's certificate of licensure on the biennial schedule described in ~~193B—2.5(17A,272C,544A)~~ this rule. This person shall be exempt from the continuing education requirements and will be charged a reduced renewal fee as provided in ~~193B—2.9(544A,17A)~~ 193B—2.10(544A,17A). An inactive certificate of licensure shall lapse if not timely renewed. However, the board will accept an otherwise sufficient renewal application that is untimely if the board receives the application and late fee within 30 days of the date ~~of~~ prior to expiration.

ITEM 7. Amend subrule 2.6(4) as follows:

2.6(4) Submit documented evidence of completion of 24 continuing education hours, which should have been reported on the June 30 renewal date on which the applicant failed to renew, and 12 continuing education hours for each year or portion of a year of expired licensure up to a maximum of 48 continuing education hours. All continuing education hours must be completed in health, safety, and welfare subjects acquired in structured educational activities and be in compliance with requirements in 193B—Chapter 3. The hours reported shall not have been earned more than four years prior to the date of the application to reinstate to active status. The continuing education hours used for reinstatement may not be used again

at the next renewal. ~~Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period in which the individual was unlicensed. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.~~

ITEM 8. Amend rule 193B—2.7(544A) as follows:

193B—2.7(544A) Reinstatement from inactive status or retired status to active status.

2.7(1) An individual may reinstate an inactive license to an active license as follows:

a. No change.

b. Submit documented evidence of completion of 24 continuing education hours in compliance with requirements in 193B—Chapter 3. All continuing education hours must be completed in health, safety, and welfare subjects acquired in structured educational activities. The hours used to reinstate to active status cannot again be used to renew.

(1) At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of licensure to active status, the person shall not be required to report continuing education hours.

(2) At the first biennial renewal date of July 1 that is ~~more than~~ 12 months or more, but less than 24 months, from the date of the filing of the application to restore the certificate of licensure to active status, the person shall report 12 hours of previously unreported continuing education hours.

c. No change.

2.7(2) An individual may reinstate a retired license to an active license as follows:

a. No change.

b. Submit documented evidence of completion of 24 continuing education hours in compliance with requirements in 193B—Chapter 3. All continuing education hours must be completed in health, safety, and welfare subjects acquired in structured educational activities. The hours used to reinstate to active status cannot again be used to renew.

(1) At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of licensure to active status, the person shall not be required to report continuing education hours.

(2) At the first biennial renewal date of July 1 that is ~~more than~~ 12 months or more, but less than 24 months, from the date of the filing of the application to restore the certificate of licensure to active status, the person shall report 12 hours of previously unreported continuing education hours.

c. No change.

2.7(3) No change.

ITEM 9. Renumber rule **193B—2.9(544A,17A)** as **193B—2.10(544A,17A)**.

ITEM 10. Adopt the following new rule 193B—2.9(544A,272C):

193B—2.9(544A,272C) Responsibility for accuracy of applications. The architect is responsible for verifying the accuracy of the information submitted on an application regardless of how the application is submitted or by whom it is submitted. For instance, if the office manager of an architect's firm submits an application for renewal on behalf of the architect and that information is incorrect, the architect will be held responsible for the information and may be subject to disciplinary action.

ITEM 11. Amend renumbered rule 193B—2.10(544A,17A) as follows:

193B—2.10(544A,17A) Fee schedule. Under the authority provided in Iowa Code chapter 544A, the following fees are hereby adopted:

Examination fees:

Fees for examination subjects shall be paid directly to the testing service selected by NCARB

Initial license fee	\$ 50
(plus \$5 per month until renewal)	
Reciprocal application and license fee	\$200
Biennial renewal fee	\$200
Biennial renewal fee (inactive)	\$100
Retired status	None
Reinstatement of lapsed individual license	\$100 + renewal fee + \$25 per month or partial month of expired license
Reinstatement of inactive individual license	\$100
Reinstatement of retired individual license	\$200
Duplicate wall certificate fee	\$ 50
Late renewal fee	\$ 25
(for renewals postmarked on or after July <u>June</u> 1 and before July <u>June</u> 30)	
<u>License predetermination fee</u>	<u>\$ 25</u>
<u>All fees are nonrefundable.</u>	

ITEM 12. Amend rule 193B—3.3(544A,272C) as follows:

193B—3.3(544A,272C) Basic requirements.

3.3(1) and **3.3(2)** No change.

3.3(3) An architect shall complete and submit forms as required by the board certifying that the architect has completed the required CEHs. Forms may be audited by the board for verification of compliance with these requirements. Documentation of reported CEHs shall be maintained by the architect for two years after the period for which the form was submitted. Any discrepancy between the number of CEHs reported and the number of CEHs actually supported by documentation may result in a disciplinary review. If, after the disciplinary review, the board disallows any CEHs, or the licensee has failed to complete the required CEHs, the architect shall have 60 days from notification of the board notice of such disallowance to either provide further evidence of having completed the CEHs disallowed or remedy the disallowance by completing the required number of CEHs (provided that such CEHs shall not again be used for the next renewal). An extension of time may be granted on an individual basis and must be requested by the licensee within 30 days of notification by the board. If the licensee fails to comply with the requirements of this subrule, the licensee may be subject to disciplinary action. If the board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required CEHs, the architect may be subject to disciplinary action.

3.3(4) An architect who holds licensure in Iowa for less than 12 months from the date of initial licensure or who is reinstating to active status shall not be required to report CEHs at the first license renewal. An architect who holds licensure in Iowa for ~~more than~~ 12 months or more, but less than 23 months from the date of initial licensure or who is reinstating to active status, shall be required to report 12 CEHs earned in the preceding 12 months at the first license renewal.

ITEM 13. Amend subrule 4.1(6) as follows:

4.1(6) Professional conduct.

a. Each office engaged in the practice of architecture shall have an architect resident regularly employed in that office having responsible charge of such work or, in the situation of work performed remotely, immediately available to furnish assistance or direction throughout the performance of the work.

b. to d. No change.

e. Architects shall adhere to the appropriate standards of conduct as outlined in the NCARB Model Rules of Conduct, dated July 2018, incorporated herein by reference.

ITEM 14. Amend rule 193B—6.2(544A,272C) as follows:

193B—6.2(544A,272C) Investigation of complaints. The board shall, upon receipt of a complaint in writing, or may, upon its own motion, pursuant to other evidence received by the board, review and investigate alleged acts or omissions which the board reasonably believes constitute cause under applicable law or administrative rules. In order to determine if probable cause exists for a hearing on a complaint, the investigators designated by the president chairperson shall cause an investigation to be made into the allegations of the complaint. If the board determines that the complaint does not present facts which constitute a basis for disciplinary action, the board shall take no further action.

ITEM 15. Amend rule 193B—6.3(544A,272C) as follows:

193B—6.3(544A,272C) Peer investigative committee. A peer investigative committee may be appointed by the president chairperson to investigate a complaint. The committee members will consist of one or more architects, serve at the discretion of the president chairperson, and shall have been licensed to practice in Iowa for at least five years. The committee will review and determine the facts of the complaint and make a report to the board in a timely manner.

ITEM 16. Amend rule 193B—7.2(544A,272C) as follows:

193B—7.2(544A,272C) Investigation of complaints. The board shall, upon receipt of a complaint in writing, or may, upon its own motion, pursuant to other evidence received by the board, review and investigate alleged acts which the board reasonably believes constitute cause under applicable law or administrative rules. In order to determine if probable cause exists for a hearing on a complaint, the investigators designated by the president chairperson shall cause an investigation to be made into the allegations of the complaint. If the board determines that the complaint does not present facts which constitute a basis for disciplinary action, the board shall take no further action.