Regulatory Analysis

Notice of Intended Action to be published: 193B—subrule 3.3(2)
"Basic Requirements"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 544A and 272C
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 544A, 272C, and 17A

Public Hearing

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

November 19, 2024 3 p.m.	6200 Park Avenue, Suite A Des Moines, Iowa Via videoconference call: us02web.zoom.us/j/82857506526?pwd= 8640a5ElsVePvOBDa8Vihtbw4Gmcl4.1

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Inspections, Appeals, and Licensing no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Iowa Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.725.9030
Email: lori.schraderbachar@dia.iowa.gov

Purpose and Summary

This rulemaking will bring the Architectural Examining Board into compliance with 2024 Iowa Acts, House File 2686, which amends Iowa Code section 272C.2(2) to allow a licensee to apply continuing education credits obtained in excess of the requirements for a renewal period to the continuing education requirements for the following renewal period in an amount not to exceed 50 percent of the continuing education credits required for a renewal period.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Licensees are responsible for the cost of continuing education. There are multiple private entities that provide continuing education courses to licensees. Some do offer free continuing education. Some design firms offer free continuing education for their employees. The costs vary, but an average cost, if incurred at all, is an estimated $25 per hour.

- **Classes of persons that will benefit from the proposed rulemaking:**

The intended benefit of continuing education is to ensure ongoing competency for architects to maintain up-to-date practice standards and provide quality services to Iowans, protecting public safety in the built environment. Licensees will have more flexibility in when they take their continuing education.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Private industries, including educational institutions, professional associations, and businesses, offer continuing education courses, so the Board is not privy to exact costs, but based on research estimates it to be around $600 every two years for a licensee to meet these requirements. There are multiple entities that provide continuing education courses to licensees.

Currently, Iowa requires 24 hours of continuing education every two years. The rulemaking will allow architects to complete additional hours in order to use them toward the next renewal and the total cost may increase one year over another due to the number of hours obtained in a given year.

- **Qualitative description of impact:**

Architects will have the ability to take additional continuing education courses in one license biennium to use toward the next biennium. This will allow greater flexibility.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Costs to the agency are the staff time needed to manage Board activities, which includes continuing education. The time needed to manage this provision is generally in the form of responding to questions related to continuing education requirements and performing continuing education audits. Shared staff at approximately 0.5 of a full-time equivalent (FTE) position support the entirety of the work of the Board. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

- **Anticipated effect on state revenues:**

Costs associated with completing continuing education hours are paid to entities that provide continuing education opportunities, not the State. There is not an anticipated impact on state revenues. Staff salaries to support the work of the Board are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Overall, the costs will remain the same. Licensees will have the ability to take additional continuing education courses in one license biennium to use toward the next biennium. This will allow greater flexibility for the licensee.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The rulemaking is needed to comply with 2024 Iowa Acts, House File 2686. Less restrictive alternatives would be to reduce the amount of continuing education required. Forty-four states require continuing education; all of the states within the region require continuing education. Illinois, Nebraska, Minnesota, and Missouri also require 24 hours of continuing education every two years. The Board is in alignment with national model law for architect regulation.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The rulemaking is needed to comply with 2024 Iowa Acts, House File 2686. Less restrictive alternatives would be to reduce the amount of continuing education required. Forty-four states require continuing education; all of the states within the region require continuing education. Illinois, Nebraska, Minnesota, and Missouri also require 24 hours of continuing education every two years. The Board is in alignment with national model law for architect regulation.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

See above.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rulemaking relates to high-stakes public safety concerns that are present whether the business is a small business or a large organization. The rulemaking is meant to ensure public safety in terms of practice standards for architects. While some architects likely are running a small business of their own, some also work for large organizations. To exempt small businesses from adhering to this rulemaking would jeopardize any member of the public who sought services from that small business. The risk to the public is greater than the potential harm or cost to the small business.

Text of Proposed Rulemaking

ITEM 1. Rescind subrule 3.3(2) and adopt the following **new** subrule in lieu thereof:

3.3(2) All 24 CEHs must be completed in health, safety, and welfare subjects acquired in structured educational activities. CEHs may be acquired at any location. A licensee may carry over up to 12 CEHs obtained in excess of the requirements for a renewal period to the following renewal period.