

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	03/31/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 5/16/2014

2. COMAR Codification

**Title Subtitle Chapter Regulation**

09 21 05 08

3. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

**4. Name of Regulations Coordinator Telephone Number**  
Donnice M Turner 410-230-6008

**Mailing Address**

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**5. Name of Person to Call About this Document Telephone No.**  
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6. Check applicable items:  
 New Regulations



# **DEPARTMENT OF LABOR, LICENSING, AND REGULATION**

## **Subtitle 21 BOARD OF ARCHITECTS**

### **09.21.05 Continuing Professional Competency Requirements**

Authority: Business Occupations and Professions Article, §§3-208, 3-309, 3-309.1, and 3-309.2, Annotated Code of Maryland

#### **Notice of Proposed Action**

□

The Board of Architects proposes to amend Regulation .08 under COMAR 09.21.05 Continuing Professional Competency Requirements

This action was considered by the Board of Architects at a public meeting held on March 26, 2014, notice of which was published in 41:5 Md. R. 359 (March 7, 2014), in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

#### **Statement of Purpose**

The purpose of this action is to amend the current regulation which has proven difficult to apply and administer. The amendments will clarify the procedures and circumstances under which a licensee may request a one-time exception from compliance with continuing professional competency requirements due to extenuating circumstances.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

Comments may be sent to Pamela J. Edwards, Executive Director, Board of Architects, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to [pam.edwards@maryland.gov](mailto:pam.edwards@maryland.gov), or fax to 410-333-0021. Comments will be accepted through June 16, 2014. A public hearing has not been scheduled.

#### **Open Meeting**

Final action on the proposal will be considered by the Board of Architects during a public meeting to be held on August 27, 2014, 10 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

State Occupational and Professional Licensing Design Boards' Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

There is no economic impact on the Department and no impact on the licensees granted an exception from compliance because they will have to take the courses at a later time.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

We anticipate no impact on course providers because licensees will have to complete the required courses at a later date.

G. Small Business Worksheet:

The intended beneficiaries are licensees. Small businesses will not suffer any economic impact.

Attached Document:

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## **Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION**

### **Subtitle 21 BOARD OF ARCHITECTS**

#### **Chapter 05 Continuing Professional Competency Requirements**

Authority: Business Occupations and Professions Article, §§3-208, 3-309, 3-309.1, and 3-309.2, Annotated Code of Maryland

##### **08 Extenuating Circumstances/Exceptions.**

A. Notwithstanding other requirements set forth in this chapter, a licensee who is granted an initial license may renew a license for the next full term without complying with the CPC requirements if:

- 1. A licensee has been granted an initial license and is renewing a license for the next full term; or*
- 2. A licensee qualifies under the criteria set forth in Title 2.5, Business Regulation Article, Annotated Code of Maryland.*

[B. A licensee who, due to physical disability, illness, military duty, or other extenuating circumstances, is unable to comply with the CPC requirements prior to the license expiration date shall to the extent feasible so notify the Board prior to the license expiration date. If at a later date a licensee whose license lapsed due to noncompliance with the CPC requirements wishes to reinstate the license, the licensee shall fulfill all past due CPC requirements for the previous CPC reporting periods, subject to the maximum amount of required credits as set forth in Regulation .10 of this chapter. The Board may consider waiving, if the extenuating circumstances so warrant, all or part of applicable reinstatement fees and a portion of the required number of LUs.]

*B. 1. If a licensee is unable to comply with all or part of CPC requirements due to physical disability, illness, or other extenuating circumstances, the licensee may request the Board to grant a one-time exception from compliance ("Compliance Exception Request"), provided that the Compliance Exception Request is filed with the Board at least 60 days prior to the licensee's license expiration date.*

*2. If a Compliance Exception Request is based on physical disability or illness, the licensee must provide the Board with a written documentation acceptable to the Board supporting the basis for the request.*

*3. A Compliance Exception Request must be accompanied by a detailed proposal acceptable to the Board indicating a licensee's intended plan of compliance with CPC requirements within no later than 12 months after the license expiration date. Failure to provide the acceptable plan of compliance within the time period specified in this regulation may result in the Board's administrative dismissal of the Compliance Exception Request.*

DIANE CHO  
Chair  
STATE BOARD OF ARCHITECTS