

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	12/09/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 1/22/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

09 21 01 04

3. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

4. Name of Regulations Coordinator Telephone Number
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Title 09
DEPARTMENT OF LABOR, LICENSING, AND
REGULATION

Subtitle 21 BOARD OF ARCHITECTS

09.21.01 General Regulations

Authority: Business Occupations and Professional Article, §3-208(a)(1), Annotated Code of Maryland

Notice of Proposed Action

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The Board of Architects proposes to amend Regulation .04 under COMAR 09.21.01 General Regulations.

This action was considered by the Board of Architects at a public meeting held on December 8, 2015 notice of which was given by publication in the Daily Record on November 19, 2015, pursuant to State Government Article §10-506(c).

Statement of Purpose

The purpose of this action is to clarify the current education equivalency matrix for those exam applicants who do not possess an accredited degree or wish to qualify for the exam with less than an accredited undergraduate degree or have no undergraduate degree.

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 James A. Baseman, Assistant Executive Director, Board of Architects, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6263, or email to james.baseman@maryland.gov, or fax to 410-962-8483. Comments will be accepted through February 22, 2016. 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 March 23, 2016, 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 2016

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 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 change to the regulatory requirements. The changes clarify the current language.

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

There is no change to the regulatory requirements. The changes clarify the current language.

G. Small Business Worksheet:

Small Business Analysis Worksheet

This worksheet is designed to assist the agency in determining if and how the proposal impacts small businesses. Quantify the number of affected small businesses and estimates of costs and benefits to small businesses if possible. State Government Article, §2-1505.2, includes the following definitions which are relevant to the analysis:

“Economic impact analysis” means an estimate of the cost or the economic benefit to small businesses that may be affected by a regulation proposed by an agency pursuant to Title 10, Subtitle 1 of this article.

“Small business” means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that: (i) is independently owned and operated; (ii) is not dominant in its field; and (iii) employs 50 or fewer full-time employees.

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? Are these intended beneficiaries primarily households or businesses? Individuals who do not possess an accredited undergraduate degree or have no undergraduate degree who wish to apply for the licensing examination will benefit from the revised education equivalency matrix which states the requirements clearly and a more readable fashion.

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted? No impact.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected? No impact.

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? Describe how Maryland establishments may be adversely affected. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.) No impact.

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? Will Maryland small businesses share proportionately or disproportionately in these gains? Can you estimate the possible number of Maryland small businesses positively affected? No impact.

3. Long-Term Impacts. There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above? No impact.

4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice. No impact.

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 21 BOARD OF ARCHITECTS

Chapter 01 General Regulations

Authority: Business Occupations and Professions Article, §3-208(a)(1), Annotated Code of Maryland

.04 Educational Requirements.

A. (text unchanged)

B. If an applicant does not meet the *professional education degree* requirements referenced in §A of this regulation, an applicant shall [accumulate a total of 5 educational equivalency credits that may be earned] *comply with the education requirements* by either [a] work experience or academic training, or a combination of both, in accordance with the following *Education Equivalency Matrix*:

[EQUIVALENCY MATRIX

Academic Training	Maximum Credits Allowed*
Full-time academic training toward a first or second professional architectural degree accredited by the National Architectural Accrediting Board (NAAB)	3 credits at the following rate: 75% for the first 2 years; 100% for subsequent years
A bachelor of science or a bachelor of arts degree or their equivalent in architecture not accredited by NAAB	3 credits
A bachelor of science or a bachelor of arts degree or their equivalent in engineering, landscape architecture or interior design	2.5 credits
A bachelor of science or a bachelor of arts degree or their equivalent in a discipline other than those listed above	2 credits

* An applicant may not accumulate more than 3 credits in aggregate from the academic training described above.

Work Experience	Maximum Credits Allowed**
Experience directly related to architectural work as an employee in the office of a licensed architect	5 credits
Experience as an employee of an organization other than the office of a licensed architect if the experience is directly related to architectural work and is under the direct supervision of a licensed architect	4 credits

** One equivalency credit shall equal 2 full-time years of work experience acceptable to the Board.]

EDUCATION EQUIVALENCY MATRIX

For early exam eligibility, a candidate using the Education Equivalency Matrix should complete the education requirements before completing the Intern Development Program (IDP) requirements in §.05 of this regulation.

TYPE OF DEGREE OR EDUCATIONAL EXPERIENCE (See Note 1)	WORK EXPERIENCE FOR EDUCATIONAL EQUIVALENCY (See Note 2)
FULL-TIME ACADEMIC TRAINING TOWARD A FIRST OR SECOND PROFESSIONAL ARCHITECTURAL DEGREE ACCREDITED AS FOLLOWS:	
Complete 1 academic year in NAAB professional program	8.5 years - separate from experience used for IDP
Complete 2 academic years in NAAB professional program	7 years - separate from experience used for IDP
Complete 3 academic years in NAAB professional program	5 years - separate from experience used for IDP
Complete 4 academic years in NAAB professional program	4 years - separate from experience used for IDP
BS OR BA IN ARCHITECTURE	4 years - separate from experience used for IDP
BS OR BA IN ENGINEERING, LANDSCAPE ARCHITECTURE OR INTERIOR DESIGN	5 years - separate from experience used for IDP
BS OR BA IN OTHER DISCIPLINE (including B.F.A.)	6 years - separate from experience used for IDP
AAS from community college (See Note 3)	10 years - separate from experience used for IDP
None	10 years - separate from experience used for IDP

Notes:

1. Combinations of Educational Experience not explicitly stated in the Education Equivalency Matrix shall be considered on a case-by-case basis by the Board.
2. Work experience shall be directly related to architectural work and be completed under the direct supervision of a licensed architect. The work experience shall be full-time, a minimum of 40 hours per week. The work experience shall be completed in the office of a licensed Architect except that 80% of the required work experience may be completed as an employee of an organization other than the office of a licensed Architect if the work experience is directly related to architectural work and is completed under the direct supervision of a licensed Architect. All work experience must be documented on the Board's ERC Forms.
3. No credit is given.

Diane Cho, Chair
MARYLAND BOARD OF ARCHITECTS