Rule 1315 Continuing Education 5A

Louisiana Register

VOLUME 37 NUMBER 11 NOVEMBER 20, 2011

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OFFICE OF THE STATE REGISTER

applicants. However, recipients will benefit by obtaining access to credit made available to them through the program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Companies receiving benefits under this program will gain competitively over companies that do not receive the program's benefits. While employment may increase in participating businesses, employment may be lessened in other competing businesses that do not participate in the program.

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NOTICE OF INTENT

Office of the Governor
Board of Architectural Examiners

Continuing Education (LAC 46:I.1315)

Under the authority of R.S. 37:144(C) and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners gives notice that rule making procedures have been initiated for the amending of LAC 46:I.1315 pertaining to the mandatory continuing education which an architect must complete to renew his or her architectural license. The proposed rules, if adopted, will make the existing rules regarding continuing education coincide with recently adopted National Conference of Architectural Registration Boards Resolution 2011-1. The purpose of the proposed rules is to make the Louisiana rules for continuing education uniform with the rules for continuing education throughout the country.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part I. Architects

Chapter 13. Administration

§1315. Continuing Education

A. Purpose and Scope. These rules provide for a continuing education program to insure that all architects remain informed of those technical and professional subjects necessary to safeguard life, health, and promote the public welfare. These rules shall apply to all architects practicing architecture in this state.

B. Exemptions. An architect shall not be subject to these requirements if:

1. a newly registered architect during his or her initial year of registration;

2. the architect has been granted emeritus or other similar honorific but inactive status by the board, or an emeritus status architect as defined by board rule §1105.E;

3. the architect otherwise meets all renewal requirements and is called to active military service, has a serious medical condition, or can demonstrate to the board other like hardship, then upon the board's so finding, the architect may be excused from some or all of these requirements.

C. Definitions

AIA—the American Institute of Architects.

AIA/CES—the continuing education system developed by *AIA* to record professional learning as a mandatory requirement for membership in the *AIA*.

ARE—the Architect Registration Examination prepared by the National Council of Architectural Registration Boards.

Board—the Louisiana State Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809, Telephone: (225) 925-4802, Telecopier: 225-925-4804, website: http://www.lastbdarchs.com.

Continuing Education (CE)—continuing education is a post-licensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public's health, safety, and welfare.

Continuing Education Hour (CEH)—one continuous instructional hour (50 to 60 minutes of contact) spent in structured educational activities intended to increase or update the architect's knowledge and competence in health, safety, and welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the board finds the prescribed time to be unreasonable, be accepted as the architect's time for continuing education hour purposes irrespective of actual time spent on the activity.

Health, Safety, and Welfare Subjects—technical and professional subjects that the board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

a. legal—laws, codes, zoning, regulations, standards, life safety, accessibility, ethics, insurance to protect owners and public;

b. building systems—structural, mechanical, electrical, plumbing, communications, security, fire protection;

c. environmental—energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, insulation;

d. occupant comfort—air quality, lighting, acoustics, ergonomics;

e. materials and methods—construction systems, products, finishes, furnishings, equipment;

f. preservation—historic, reuse, adaption;

g. pre-design—land use analysis, programming, site selection, site and soils analysis, surveying;

h. design—urban planning, master planning, building design, site design, interiors, safety and security measures;

i. construction documents—drawings, specifications, delivery methods;

j. construction contract administration: contracts, bidding, contract negotiations.

NCARB—the National Council of Architectural Registration Boards.

Non-Resident Architect—an architect registered by the board and residing outside Louisiana.

Resident Architect—an architect residing in this state.

Sponsor—an individual, organization, association, institution or other entity which offers an educational activity for the purpose of fulfilling the continuing education requirements of these rules.

Structured Educational Activities—educational activities in which at least 75 percent of an activity's content and instructional time must be devoted to health, safety, and welfare subjects related to the practice of architecture, including courses of study or other activities under the areas identified as health, safety and welfare subjects and provided by qualified individuals or organizations whether delivered by direct contact or distance learning methods.

D. Continuing Education Requirements

1. Beginning with license renewals effective January 1, 1999, all architects must show compliance with the educational requirements of these rules as a condition for renewing registration.

2. In addition to all other requirements for registration renewal, an architect must complete a minimum of 12 continuing education hours each calendar year or be exempt from these continuing education requirements as provided above. Failure to comply with these requirements may result in non-renewal of the architect's registration or other discipline as set forth below.

3. Continuing Education Hours. Continuing education hours must be completed in health, safety, and welfare subjects acquired in structured educational activities. Continuing education hours may be acquired at any location. Excess continuing education hours may not be credited to a future calendar year.

4. If an architect is being re-registered after having been unregistered then, in addition to all other requirements, the architect must have acquired that number of total continuing education hours that would have been required if registration had been regularly renewed.

E. Acceptable Educational Activities

1. Credit will be allowed only for continuing education activities in areas which:

a. directly safeguard the public's health, safety, and welfare; and

b. provide individual participant documentation from a person other than the participant for record keeping and reporting.

2. Acceptable continuing educational activities in health, safety, and welfare subjects include the following:

a. attending professional or technical health, safety, and welfare subject seminars, lectures, presentations, courses, or workshops offered by a professional or technical organization (AIA, National Fire Protection Association, Concrete Standards Institute, NCARB, etc.), insurer, or manufacturer;

b. successfully completing health, safety, and welfare subject tutorials, short courses, correspondence courses, televised courses, or video-taped courses offered by a provider mentioned in the preceding Subparagraph;

c. successfully completing health, safety, and welfare subject monographs or other self-study courses such as those sponsored by NCARB or a similar organization which tests the architect's performance;

d. making professional or technical health, safety, and welfare subject presentations at meetings, conventions or conferences;

e. teaching or instructing health, safety, and welfare subject courses;

f. authoring a published paper, article or book;

g. successfully completing college or university sponsored courses; and

h. service upon NCARB committees dealing with health, safety, and welfare subjects.

3. Continuing educational activities need not take place in Louisiana, but may be acquired at any location.

4. All continuing education activities shall:

a. have a clear purpose and objective;

b. be well organized and provide evidence of pre-planning;

c. be presented by persons who are well qualified by education or experience in the field being taught;

d. provide individual participant documentation from a person other than the participant for record keeping and reporting; and

e. shall not focus upon the sale of any specific product or service offered by a particular manufacturer or provider.

F. Number of Continuing Education Hours Earned

1. Continuing education credits shall be measured in continuing education hours and shall be computed as follows.

a. Attending seminars, lectures, presentations, workshops, or courses shall constitute one continuing education hour for each contact hour of attendance.

b. Successfully completing tutorials, short courses, correspondence courses, televised or video-taped courses, monographs and other self-study courses shall constitute the continuing education hours recommended by the program sponsor.

c. Teaching or instructing a qualified seminar, lecture, presentation, or workshop shall constitute two continuing education hours for each contact hour spent in the actual presentation. Teaching credit shall be valid for teaching a seminar or course in its initial presentation only. Teaching credit shall not apply to full-time faculty at a college, university or other educational institution.

d. Authoring a published paper, article or book shall be equivalent of eight continuing education hours .

e. Successfully completing one or more college or university semester or quarter hours shall satisfy the continuing education hours for the year in which the course was completed.

2. Any health, safety, and welfare subject contained in the record of an approved professional registry will be accepted by the board as fulfilling the continuing education requirements of these rules. The board approves the AIA as a professional registry, and contact hours listed in health, safety, and welfare subjects in the AIA/CES transcript of continuing education activities will be accepted by the board for both resident and non-resident architects.

G. Reporting, Record Keeping and Auditing

1. An architect shall complete and submit forms as required by the board certifying that the architect has completed the required continuing education hours. The board requires that each architect shall complete the language on the renewal application pertaining to that architect's continuing education activities during the calendar year immediately preceding the license renewal period. Any untrue or false statement or the use thereof with respect to course attendance or any other aspect of

continuing educational activity is fraud or misrepresentation and will subject the architect and/or program sponsor to license revocation or other disciplinary action.

2. To verify attendance each attendee shall obtain an attendance certificate from the program sponsor. Additional evidence may include but is not limited to attendance receipts, canceled checks, and sponsor's list of attendees (signed by a responsible person in charge of the activity). A log showing the activity claimed, sponsoring organization, location, duration, etc., should be supported by other evidence. Evidence of compliance shall be retained by the architect for two years after the end of the period for which renewal was requested.

3. The renewal applications or forms may be audited by the board for verification of compliance with these requirements. Upon request by the board, evidence of compliance shall be submitted to substantiate compliance of the requirements of these rules. The board may request further information concerning the evidence submitted or the claimed educational activity. The board has final authority with respect to accepting or rejecting continuing education activities for credit.

4. The board may disallow claimed credit. If the board disallows any continuing education hours, the architect shall have 60 days from notice of such disallowance either to provide further evidence of having completed the continuing education hours disallowed or to remedy the disallowance by completing the required number of continuing education hours (but such continuing education hours shall not again be used for the next calendar year). If the board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required continuing education hours, the architect may be subject to disciplinary action in accordance with the board regulations.

5. Documentation of reported continuing education hours shall be maintained by the architect for six years from the date of award.

H. Pre-Approval of Programs

1. Upon written request, the board will review a continuing education program prior to its presentation provided all of the necessary information to do so is submitted in accordance with these rules. If the program satisfies the requirements of these rules, the board will pre-approve same.

2. A person seeking to obtain pre-approval of a continuing education program shall submit the following information:

a. program sponsor(s): name(s), address(es), and phone number(s);

b. program description: name, detailed description, length of instructional periods, and total hours for which credit is sought;

c. approved seminar topic: division(s) and topic(s) from the current list of approved seminar topics;

d. program instructor(s)/leader(s): name(s) of instructor(s)/ leader(s) and credential(s);

e. time and place: date and location of program; and

f. certification of attendance: sponsor's method for providing evidence of attendance to attendees.

3. Such information shall be submitted at least 30 calendar days in advance of the program so that the board may analyze and respond.

4. The sponsor of a pre-approved program may announce or indicate as follows:

"This course has been approved by the Louisiana State Board of Architectural Examiners for a maximum of _____ Continuing Education Hours."

I. Continuing Education Disciplinary Guidelines

1. The board sets forth below the normal discipline which will be imposed upon an architect who fails to fulfill the continuing education requirements required by the licensing law and these rules. The purpose of these guidelines is to give notice to architects of the discipline which will normally be imposed. In a particular case, the discipline imposed may be increased or decreased depending upon aggravating or mitigating factors.

2. Absent aggravating or mitigating circumstances, the following discipline shall be imposed for the following violations:

Violation	Discipline
1. Architect has hours but lacks in accepted setting or subject matter	Architect will be allowed 60 days to obtain needed hours. Architect will be audited next year.
2. Architect signs renewal, has obtained some, but not all, hours needed as of December 31	Fine of $750, and architect must obtain required hours before renewing. Architect will be audited annually next three years.
For a second offense within 5 years	Fine of $1,500, architect's license suspended for six months, and architect must obtain required hours before renewing. Architect will be audited annually next three years.
3. Architect signs renewal; architect has not obtained any continuing education hours and fails to do so within sixty (60) days.	Fine up to $5,000, and architect's license suspended until architect obtains necessary hours. Architect will be audited annually the next five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 29:565 (April 2003), amended LR 37:

Family Impact Statement

The proposed rules have no known impact on family formation, stability, or autonomy, as described in R.S. 40:972.

Public Comments

Interested persons may submit written comments on this proposed rule amendment by close of business December 31, 2011 to Ms. Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809.

Mary "Teeny" Simmons
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Continuing Education

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no implementation costs or savings to state or local governmental units as a result of the proposed rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes are clarifications of existing rules and will make the Louisiana continuing architectural education rules uniform with the rules for continuing architectural education throughout the country.

Additionally, the proposed rule changes will no longer allow credit for Individually Planned Educational Activities, will no longer allow architects to carry forward unused continuing education hours to a future calendar year, will require that an architect remedy any disallowance of continuing education hours within sixty (60) days from notice of disallowance, and will establish continuing education disciplinary guidelines. Thus, the proposed rule change may result in some minimal economic costs to some architects depending upon his or her particular situation. However, any such costs can be avoided by following the requirements of the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition or employment. All architects, whether resident or non-resident, will be subject to the same requirements.

Mary "Teeny" Simmons
Executive Director
1111#027

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Governor's Office of Homeland Security and Emergency Preparedness

Intrastate Mutual Aid Compact
(LAC 55:XXII.Chapter 1 and 3)

Under the authority of The Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the director gives notice that rulemaking procedures have been initiated to adopt LAC 55:XXII.Chapter 1 and 3 (Intrastate Mutual Aid Compact).

The proposed Rule applies to Intrastate Mutual Aid between parishes in the prevention of, response to, and recovery from, an emergency or disaster. The Rule will provide guidelines and procedures implementing effective mutual aid in the state and provide for responsibilities of requesting and assisting parishes with respect to limitations, reimbursement and insurance.

Title 55
PUBLIC SAFETY
Part XXII. Intrastate Mutual Aid Compact
Chapter 1. General Provisions
§101. Overview

A. Act 1035 of the 2010 Regular Legislative Session, effective on August 15, 2010, established the Intrastate Mutual Aid Compact, effective for any and all parishes in the state, to provide and promote mutual assistance among the parishes in the prevention of, response to, and recovery from, an emergency or disaster, as defined in R.S. 29:723, occurring in a parish, or any other event that exceeds a parish's capability or resources and provides for mutual cooperation among the parishes in conducting disaster related exercises, testing, or other training activities outside actual emergency periods.

B. The Intrastate Mutual Aid Compact does not mandate that a parish provide assistance when requested, nor does it preclude parishes from entering into supplemental agreements with other parishes pursuant to R.S. 29:730 and 730.1 and does not affect any other agreement to which a parish may currently be a party, or decide to be a party.

C. Revised Statutes 29:739(D) added by Act 1035 of the 2010 Regular Legislative Session, effective August 15, 2010, established the Intrastate Mutual Aid Subcommittee whose responsibility it will be to:

1. review the progress and status of providing statewide mutual aid in times of disaster;

2. assist in developing methods to track and evaluate the activation of the mutual aid system; and

3. examine issues facing participating parishes regarding the implementation of this compact.

4. prepare an annual report on the condition and effectiveness of mutual aid in the state, make recommendations for correcting any deficiencies, and submit that report to the governor and the Joint House and Senate Select Committees on Homeland Security by January thirty-first of each year.

5. The subcommittee shall make recommendations to the Governor's Office of Homeland Security and Emergency Preparedness on comprehensive guidelines and procedures including but not limited to the following:

a. projected or anticipated costs;

b. checklists for requesting and providing assistance;

c. recordkeeping for all parishes;

d. reimbursement procedures;

e. changes in legislation or policy to better facilitate the mutual aid process; and

f. any necessary implementation elements such as forms for requests and other records documenting deployment and return of assets.

D. Revised Statutes 29:739(E)(3) added by Act 1035 of the 2010 Regular Legislative Session, effective August 15, 2010, requires the Governor's Office of Homeland Security and Emergency Preparedness, in coordination with the Intrastate Mutual Aid Subcommittee, to develop guidance and procedures governing the implementation of the Intrastate Mutual Aid Compact in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:725.