

**Rules Committee Members**

Charles "Chuck" Anastos, Chair

Chad Davis

Sonya Odell

Jennifer Walker

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS**

**Rules Committee Meeting Agenda**

William P. Hobby State Office Building

333 Guadalupe Street

Tower II, Conference Room 350-L

Austin, Texas

**Thursday, December 1, 2016**

9:00 AM – 11:00 AM

1. Call to Order
2. Roll Call
3. Public Comments
4. Approval of minutes of the August 16, 2016 meeting of the Rules Committee  
(Action)
5. Consideration of General Counsel's Recommendation Regarding Rule Reviews for Chapters 5 and 7 of the Board's Rules
  - A. Revise Rule 5.5 relating to definitions of "Actual Signature," "Architectural Barriers Act" (add), "Authorship" (repeal), "Consultant," "E-mail Directory" (repeal), "Interior Designers' Registration Law," and "Registrant."
  - B. Repeal 5.34 relating to Fees
  - C. Propose for readoption all other rules in 22 Tex. Admin. Code Chapters 5 and 7
6. Discussion of Constituent Correspondence Relating to Increasing Requirement for Continuing Education Concerning Accessibility
7. Adjourn

Committee meetings may include a quorum of the Board in attendance

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS**  
**Minutes of August 16, 2016 Rules Committee Meeting**  
William P. Hobby Jr. Building, 333 Guadalupe Street  
Tower II, Conference Room 350-L  
Austin, TX 78701

**AGENDA ITEMS**

**DESCRIPTIONS**

**1. Call to Order**

Mr. Anastos called the meeting of the Rules Committee to order at 1:30 p.m.

**2. Roll Call**

Mr. Anastos called the roll and declared a quorum of the Committee was present.

Present Committee Members:

Charles (Chuck) Anastos, Chair

Michael (Chad) Davis

Sonya Odell

Jennifer Walker

TBAE Staff Present:

Julie Hildebrand, Executive Director

Lance Brenton, General Counsel

Jack Stamps, Managing Investigator

Mike Alvarado, Registration Manager

Katherine Crain, Legal Assistant

Public Members Present:

David Lancaster, Texas Society of Architects

Marilyn Roberts, Texas Association for Interior Designers

**Excused and Unexcused absences**

None.

**3. Public Comment**

None.

**4. Approval of minutes of the May 25, 2016 meeting of the Rules Committee**

A MOTION WAS MADE AND SECONDED (Odell/Davis) TO APPROVE THE MINUTES FROM THE MAY 25, 2016 RULES COMMITTEE MEETING. THE MOTION PASSED UNANIMOUSLY.

**5. Draft Rule for Proposal – Amendments to Rule 7.10, relating to approval of surcharge to fund the Architect Registration Examination Financial Assistance Fund and**

Mr. Brenton presented information on the proposed rules as described on page 5 of the Committee’s materials. He explained that the rule had two components: (1) implementing the May Board meeting charge of \$3 to the scholarship fund and (2) to amend the rule to reflect changes in fees made by Texas.gov. Mr. Brenton presented Staff’s recommendation for the Committee to approve draft amendments for publication in the Texas Register.

**changes to online payment fees charged by texas.gov**

Mr. Anastos gave support to this rule change and stated that this was the best option available to the Board.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO RECOMMEND APPROVAL OF DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §7.10 FOR PUBLICATION AND PROPOSAL IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS FOR THE TEXAS REGISTER.

Mr. Davis enquired whether the Board might consider retaining 15% of funds collected toward the scholarship, as authorized under the Board's enabling legislation, in light of decreasing fund balances.

Ms. Hildebrand stated that staff would look into what costs could be traced to administration of the scholarship program.

THE MOTION PASSED UNANIMOUSLY.

**6. Draft Rule for Proposal – Amendments to Rules 5.31 and 5.51, relating to qualification for interior design registration by architects who pass the Architect Registration Examination**

Mr. Brenton presented information on the proposed rule as described on page 18 of the Committee's materials.

A MOTION WAS MADE AND SECONDED (Walker/Davis) TO RECOMMEND APPROVAL OF DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §5.31 AND 5.51 FOR PROPOSAL AND PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

**7. Discussion Item – Relating to Compliance with the Professional Services Procurement Act by Landscape Architects**

Mr. Brenton directed the Committee to the materials on page 60 of the notebook. He provided the Committee with proposed language for Draft Rule 3.147 – Professional Services Procurement Act as follows:

“If a Landscape Architect seeks to provide professional services to a governmental entity that is prohibited by the Professional Services Procurement Act, Subchapter A, Chapter 2254, Government Code, from making a selection or awarding a contract on the basis of competitive bids, the landscape architect must provide the governmental entity with sufficient information to demonstrate the landscape architects' competence and qualifications to perform the services. A landscape architect is not prohibited from providing the entity with information regarding costs of services or fees in addition to information regarding competence and qualifications.”

The Committee discussed the item at length and whether there was a need for the Committee to request a ruling from the Office of Attorney General

prior to passing a rule. It was decided amongst the members to direct the topic back to staff for further research and possibly draft a request for a ruling from the Office of Attorney General and bring the draft to the Committee for its review.

A MOTION WAS MADE AND SECONDED (Davis/Odell) TO DIRECT STAFF TO RESEARCH THIS TOPIC IN MORE DEPTH AND BRING IT BACK TO THE COMMITTEE FOR CONSIDERATION. THE MOTION PASSED UNANIMOUSLY.

**8. Consideration of General Counsel’s Recommendation Regarding Rule Review for Chapters 1 and 3 of the Board’s Rules.**

Mr. Brenton presented information to the Committee as described on page 68 of the materials. He explained to the Committee that each agency is required to review their rules every four (4) years to determine whether the rules should continue to exist or be repealed. The last time that TBAE reviewed its rules was 2012. Furthermore, he stated that he did not receive any comments from the public from the publication of the proposed rules.

**a. Revise Rules 1.5 and 3.5 relating to definitions of “actual signature,” “authorship” (repeal, “Architectural Barriers Act, and “E-mail Directory” (repeal).**

A MOTION WAS MADE AND SECONDED (Davis/Odell) TO RECOMMEND APPROVAL OF THE DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §§1.5, 3.5, 1.24, 3.24, AND 1.148 FOR PUBLICATION AND PROPOSAL IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

**b. Revise Rule 1.5 relating to definition of “EPH” and “Architect’s Registration Law.”**

A MOTION WAS MADE AND SECONDED (Davis/Odell) TO READOPT ALL OTHER RULES IN 22 TEX. ADMIN. CODE CHAPTERS 1 and 3, AS AUTHORIZED UNDER TEXAS GOVERNMENT CODE §2001.039(c).

**c. Revise Rule 3.5 relating to definition of “Landscape Architect’s Registration Law.”**

**d. Repeal Rules 1.24 and 3.24 relating to Fees.**

**e. Revise Rule 1.148 to replace obsolete reference to Section 10 of the Act.”**

**f. Propose for readoption all other**

**rules in 22 Tex. Admin.  
Code Chapters 1 and 3**

**9. Adjourn**

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO ADJOURN THE MEETING AT 3:00 P.M. THE MOTION PASSED UNANIMOUSLY.

APPROVED BY THE COMMITTEE:

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CHARLES "CHUCK" ANASTOS, Chair of Rules Committee  
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## Review of Agency's Rules

### 22 Tex. Admin. Code Chapters 5 and 7

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#### Background

Under Texas Government Code §2001.039, each state agency is required to review its rules every four years to determine whether each rule should be re-adopted, amended, or repealed. During this process, the state agency must assess whether the reasons for initially adopting the rule continue to exist. The Board most recently adopted rule reviews in October of 2012.

#### Rule Review

On September 9, 2016, Staff published a notice of intent to review Chapters 5 and 7 of the agency's rules, which invited the public to submit comments or any other response or suggestions. No comments were received from the public. Staff has reviewed each rule in Chapters 5 and 7, and identified the following rules that require updating to better align with current laws, rules, or agency practice:

#### *Chapter 5*

- Rule 5.5 – Terms Defined Herein
  - Repeal definition of “Actual Signature” and replace with identical definition of “Signature.”
    - The term “actual signature” does not appear in the Board’s rules for any profession. “Signature” is the term that is used.
  - Define “Architectural Barriers Act”
    - The rules for the other two professions define this term, which is used without definition in Chapter 5.
  - Repeal definition for “Authorship”
    - The terms “authorship” or “author” do not appear in the Board’s rules.
  - Revise definition for “Consultant”
    - The definition refers to “interior designer” instead of “registered interior designer,” which is the regulated term, and the term that is used elsewhere in the Board’s rules.
  - Repeal definition for “E-mail Directory”
    - This term does not appear in the Board’s rules for any profession
  - Revise definition for “Interior Designers’ Registration Law”
    - The current definition references Article 249e, Vernon’s Texas Civil Statutes, which was repealed in 2001
  - Revise definition for “Registrant”
    - The term is defined as “interior designer.” “Registered interior designer” is the appropriate definition for the term.
- Rule 5.34 – Fees
  - This rule has become obsolete and should be repealed. The rule states that the Board shall establish a schedule of fees, and that such fee schedule shall be published and

copies made available at the Board's office. This rule was adopted at a time, prior to 2005, when the Board did not adopt a fee schedule by rule. Under the current practice, in which the fee schedule is adopted and published under Rule 7.10, this rule is inaccurate and unnecessary.

### *Chapter 7*

- No recommended changes.

Draft amendments to the foregoing rules have been prepared and attached for your review. Additionally, a copy of Texas Government Code §2001.039 is attached.

All other rules in Chapter 5 and 7 have been reviewed, and it is Staff's opinion that the reasons for initial adoption of these rules continue to exist, and that such rules should be readopted.

### **Staff's Recommendations**

1. Move to approve the draft amendments to 22 Tex. Admin. Code §§ 5.5 and 5.34 for publication and proposal in the Texas register, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the Texas Register.
2. Move to readopt all other rules in 22 Texas Administrative Code Chapters 5 and 7, as authorized under Texas Government Code §2001.039(c).

RULE §5.5 Terms Defined Herein

The following words, terms, and acronyms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) The Act--The Interior Designers' Registration Law.

~~[(2) Actual Signature--A personal signature of the individual whose name is signed or an authorized copy of such signature.]~~

(~~2~~[3]) Administrative Procedure Act (APA)--Texas Government Code §§2001.001 et seq.

(~~3~~[4]) APA--Administrative Procedure Act.

(~~4~~[5]) Applicant--An individual who has submitted an application for registration or reinstatement but has not yet completed the registration or reinstatement process.

(5) Architectural Barriers Act--Texas Government Code, Chapter 469.

(6) Architectural Interior Construction--A building project that involves only the inside elements of a building and, in order to be completed, necessitates the "practice of architecture" as that term is defined in 22 Texas Administrative Code §1.5.

~~[(7) Authorship--The state of having personally created something.]~~

(~~7~~[8]) Barrier-Free Design--The design of a facility or the design of an alteration of a facility which complies with the Texas Accessibility Standards, the Americans with Disabilities Act, the Fair Housing Accessibility Guidelines, or similarly accepted standards for accessible design.

(~~8~~[9]) Board--Texas Board of Architectural Examiners.

(~~9~~[10]) Cancel, Cancellation, or Cancelled--The termination of a Texas Interior Design registration certificate by operation of law two years after it expires without renewal by the certificate-holder.

(~~10~~[11]) Candidate--An Applicant approved by the Board to take the Interior Design registration examination.

(~~11~~[12]) CEPH--Continuing Education Program Hour(s).

(~~12~~[13]) Chair--The member of the Board who serves as the Board's presiding officer.

(~~13~~[14]) CIDA--The Council for Interior Design Accreditation.

(~~14~~[15]) Construction Documents--Drawings; specifications; and addenda, change orders, construction change directives, and other Supplemental Documents prepared for the purpose(s) of Regulatory Approval, permitting, or construction.

(~~15~~[16]) Consultant--An individual retained by a Registered Interior Designer who prepares or assists in the preparation of technical design documents issued by the Registered Interior Designer for use in connection with the Registered Interior Designer's Construction Documents.



(16[17]) Contested Case--A proceeding, including a licensing proceeding, in which the legal rights, duties, or privileges of a party are to be determined by a state agency after an opportunity for adjudicative hearings.

(17[18]) Continuing Education Program Hour (CEPH)--At least fifty (50) minutes of time spent in an activity meeting the Board's continuing education requirements.

(18[19]) Council for Interior Design Accreditation (CIDA)--An agency that sets standards for postsecondary Interior Design education and evaluates college and university Interior Design programs.

(19[20]) Delinquent--A registration status signifying that a Registered Interior Designer:

(A) has failed to remit the applicable renewal fee to the Board; and

(B) is no longer authorized to use the title "registered interior designer" in Texas.

(20[21]) Direct Supervision--The amount of oversight by an individual overseeing the work of another whereby the supervisor and the individual being supervised work in close proximity to one another and the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

~~(22) E-mail Directory--A listing of e-mail addresses:~~

~~—(A) used to advertise Interior Design services; and~~

~~—(B) posted on the Internet under circumstances where the Interior Designers included in the list have control over the information included in the list.]~~

(21[23]) Emeritus Interior Designer (or Interior Designer Emeritus)--An honorary title that may be used by a Registered Interior Designer who has retired from the practice of Interior Design in Texas pursuant to §1053.156 of the Texas Occupations Code.

(22[24]) Energy-Efficient Design--The design of a project and the specification of materials to minimize the consumption of energy in the use of the project. The term includes energy efficiency strategies by design as well as the incorporation of alternative energy systems.

(23[25]) Feasibility Study--A report of a detailed investigation and analysis conducted to determine the advisability of a proposed Interior Design project from a technical Interior Design standpoint.

(24[26]) Good Standing--

(A) a registration status signifying that a Registered Interior Designer is not delinquent in the payment of any fees owed to the Board; or

(B) an application status signifying that an Applicant or Candidate is not delinquent in the payment of any fees owed to the Board, is not the subject of a pending TBAE enforcement proceeding, and has not been the subject of formal disciplinary action by an Interior Design registration board that would provide a ground for the denial of the application for Interior Design registration in Texas.

(25[27]) Governmental Jurisdiction--A governmental authority such as a state, territory, or country beyond the boundaries of Texas.

(26[28]) Inactive--A registration status signifying that a Registered Interior Designer may not practice Interior Design in the State of Texas.

(27[29]) Interior Design--The identification, research, or development of creative solutions to problems relating to the function or quality of the interior environment; the performance of services relating to interior spaces, including programming, design analysis, space planning of non-load-bearing interior construction, and application of aesthetic principles, by using specialized knowledge of interior construction, building codes, equipment, materials, or furnishings; or the preparation of Interior Design plans, specifications, or related documents about the design of non-load-bearing interior spaces.

(28[30]) Interior Designers' Registration Law--~~[Article 249e, Vernon's Texas Civil Statutes, and ]~~Chapter 1053, Texas Occupations Code.

(29[31]) Interior Design Intern--An individual participating in an internship to complete the experiential requirements for Interior Design registration by examination in Texas.

(30[32]) Licensed--Registered.

(31[33]) Member Board--An Interior Design registration board that is part of NCIDQ.

(32[34]) National Council for Interior Design Qualification (NCIDQ)--A nonprofit organization of state and provincial interior design regulatory agencies and national organizations whose membership is made up in total or in part of interior designers.

(33[35]) NCIDQ--National Council for Interior Design Qualification.

(34[36]) Nonregistrant--An individual who is not a Registered Interior Designer.

(35[37]) Principal--A Registered Interior Designer who is responsible, either alone or with other Registered Interior Designers, for an organization's practice of Interior Design.

(36[38]) Registered Interior Designer--An individual who holds a valid Texas Interior Design registration granted by the Board.

(37[39]) Registrant--Registered Interior Designer.

(38[40]) Regulatory Approval--The approval of Construction Documents by a Governmental Entity after a review of the Interior Design content of the Construction Documents as a prerequisite to construction or occupation of a building or facility.

[39(41)] Reinstatement--The procedure through which a Surrendered or revoked Texas Interior Design registration certificate is restored.

(40[42]) Renewal--The procedure through which a Registered Interior Designer pays a periodic fee so that his or her registration certificate will continue to be effective.

(41[43]) Responsible Charge--That degree of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by Registered Interior Designers applying the applicable Interior Design standard of care.

(42[44]) Revocation or Revoked--The termination of a Texas Interior Design registration certificate by the Board.

(43[45]) Rules and Regulations of the Board--22 Texas Administrative Code §§5.1 et seq.

(44[46]) Rules of Procedure of SOAH--1 Texas Administrative Code §§155.1 et seq.

(45[47]) Secretary-Treasurer--The member of the Board responsible for signing the official copy of the minutes from each Board meeting and maintaining the record of Board members' attendance at Board meetings.

(46) Signature--A personal signature of the individual whose name is signed or an authorized copy of such signature.

(47[48]) SOAH--State Office of Administrative Hearings.

(48[49]) Sole Practitioner--A Registered Interior Designer who is the only design professional to offer or render interior design services on behalf of a business entity.

(49[50]) State Office of Administrative Hearings (SOAH)--A Governmental Entity created to serve as an independent forum for the conduct of adjudicative hearings involving the executive branch of Texas government.

(50[51]) Supervision and Control--The amount of oversight by a Registered Interior Designer overseeing the work of another whereby:

(A) the Registered Interior Designer and the individual performing the work can document frequent and detailed communication with one another and the Registered Interior Designer has both control over and detailed professional knowledge of the work; or

(B) the Registered Interior Designer is in Responsible Charge of the work and the individual performing the work is employed by the Registered Interior Designer or by the Registered Interior Designer's employer.

(51[52]) Supplemental Document--A document that modifies or adds to the technical Interior Design content of an existing Construction Document.

(52[53]) Surrender--The act of relinquishing a Texas Interior Design registration certificate along with all privileges associated with the certificate.

(53[54]) Sustainable Design--An integrative approach to the process of design which seeks to avoid depletion of energy, water, and raw material resources; prevent environmental degradation caused by facility and infrastructure development during their implementation and over their life cycle; and create environments that are livable and promote health, safety and well-being. Sustainability is the concept of meeting present needs without compromising the ability of future generations to meet their own needs.

(54[55]) Table of Equivalents for Education and Experience in Interior Design--22 Texas Administrative Code §§5.201 et. seq. (§§5.201 - 5.203 of this chapter).

(55[56]) TBAE--Texas Board of Architectural Examiners.

(56[57]) TDLR--Texas Department of Licensing and Regulation.

(57[58]) Texas Department of Licensing and Regulations (TDLR)--A Texas state agency responsible for the implementation and enforcement of the Texas Architectural Barriers Act.

(58[59]) Texas Guaranteed Student Loan Corporation (TGSLC)--A public, nonprofit corporation that administers the Federal Family Education Loan Program.

(59[60]) TGSLC--Texas Guaranteed Student Loan Corporation.

(~~60~~[61]) Vice-Chair--The member of the Board who serves as the assistant presiding officer and, in the absence of the Chair, serves as the Board's presiding officer. If necessary, the Vice-Chair succeeds the Chair until a new Chair is appointed.

REPEAL [~~RULE §5.34 Fees~~

~~The Board shall establish a schedule of fees for services provided by the Board, including fees related to application procedures. The fee schedule established by the Board shall be published, and copies shall be available from the Board's office.]~~

Vernon's Texas Statutes and Codes Annotated  
Government Code (Refs & Annos)  
Title 10. General Government (Refs & Annos)  
Subtitle A. Administrative Procedure and Practice  
Chapter 2001. Administrative Procedure (Refs & Annos)  
Subchapter B. Rulemaking

V.T.C.A., Government Code § 2001.039

§ 2001.039. Agency Review of Existing Rules

**Currentness**

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

**Credits**

Added by [Acts 1999, 76th Leg., ch. 1499, § 1.11\(a\), eff. Sept. 1, 1999.](#)

**Notes of Decisions (4)**

V. T. C. A., Government Code § 2001.039, TX GOVT § 2001.039  
Current through the end of the 2015 Regular Session of the 84th Legislature

## Julie Hildebrand

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**From:** Davis Parsons <davisp2@att.net>  
**Sent:** Monday, August 08, 2016 11:30 AM  
**To:** Julie Hildebrand  
**Subject:** Accessibility

Ms. Hildebrand,

The continuing education requirement of 1 Hour for Accessibility is not adequate. I have been using a walking cane for years for stability and have noticed have a lot of build elements seem to skirt some of TAS. Now with my wife in a wheelchair, I find more problems than ever. In my opinion, most of the architects have no comprehension on why the accessibility laws were passed. It seems that the are paying lip service by meeting the letter of the law, but not the intent. New shopping centers without handicap parking or curb cuts; minimum width sidewalks that require a person pushing a wheelchair to walk in the street in order to get the chair through the door; toilet doors that have standard closures that I had to exert an effort to open, my wife was unable to budge the door very much; doctor's offices where the corridors are not wide enough for a person and a wheelchair to pass; HC parking placed away from the front of the building when the only visible reason appears to be to avoid sign clutter on the building exterior. This type of minimum compliance needs to change. As the population ages, the demand for accessible buildings will only increase.

Either some form of refresher course given by some one from TDLR-TAS or some type of reality course needs to be required. A refresher course would be have 3-4 hour time limit covering the law, TAS, and 2 hours of explanation of do this and and don't do that examples. The speakers need to be varied to include at least one ambulatory or visually challenged person explaining problems they have encountered in buildings. Architects need to understand that what seems to be stupid rules to them have a good purpose in their writing; the example that I used to hear was braille on ATMs and no one could understand why they were required.

As an alternate, I propose that all architects undergo several hours in a wheelchair trying to navigate some of their floor layouts including using the toilet facilities, walking from HC parking to a building's front entrance using two 15" steps and then waiting 5 seconds before repeating, and wearing vision-limiting glasses accessing the public spaces of buildings. This would be a "walk a mile in my shoes..." example. I guarantee that anyone going through this would be more in-tune with the needs of those who face accessibility challenges. This type of course could be used for longer CEPH credit and count for several years of barrier-free credit.

I am not the only person grumbling as I hear other talk about the difficulty of getting in buildings to the extent that they only go to places when absolutely necessary. This needs to change and this profession needs to be the leader in making the change. To end this, my wife read a draft of this message and recognized which buildings I covered in the first paragraph.

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**Davis G. Parsons II PE RA**  
*Texas Engineer 42397*  
*Texas Architect 9462*  
Fort Worth, Texas  
817.366.0976

RULE §1.69 Continuing Education Requirements

(a) Each Architect shall complete a minimum of 12 continuing education program hours (CEPH) in topics pertinent to the public welfare, contributing to environmental and economic sustainability, promoting public health and well-being, encouraging community building and stewardship, offering aesthetic and creative experiences and enabling people and communities to function more effectively. These topics may include the following health and safety categories:

(1) legal: laws, codes, zoning, regulations, standards, life-safety, accessibility, ethics, insurance to protect owners and public.

(2) technical: surveying, structural, mechanical, electrical, communications, fire protection, controls.

(3) environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, insulation.

(4) occupant comfort: air quality, lighting, acoustics, ergonomics.

(5) materials and methods: building systems, products, finishes, furnishings, equipment.

(6) preservations: historic, reuse, adaptation.

(7) pre-design: land use analysis, programming, site selection, site and soils analysis.

(8) design: urban planning, master planning, building design, site design, interiors, safety and security measures.

(9) Construction Documents: drawings, specifications, delivery methods.

(10) construction administration: contract, bidding, contract negotiations.

(b) Each Architect shall complete the minimum mandatory CEPH during the last full calendar year immediately preceding the date the Architect renews the Architect's certificate of registration. Of the 12 minimum mandatory CEPH, each Architect shall complete a minimum of one CEPH in barrier-free design and at least one CEPH in the study of Sustainable or Energy-Efficient design. One CEPH equals a minimum of 50 minutes of actual course time. No credit shall be awarded for introductory remarks, meals, breaks, or business/administration matters related to courses of study.

(c) Architects shall complete a minimum of eight CEPH in structured course study. No credit shall be awarded for the same structured course for which the Architect has claimed credit during the preceding three years except for the Texas Accessibility Academy or another similar course offered by the Texas Department of Licensing and Regulation (TDLR).

(d) Architects may complete a maximum of four CEPH in self-directed study. Self-directed study must utilize articles, monographs, or other study materials that the Architect has not previously utilized for self-directed study.

(e) The Board has final authority to determine whether to award or deny credit claimed by an Architect for continuing education activities. The following types of activities may qualify to fulfill continuing education program requirements:

- (1) Attendance at courses dealing with technical architectural subjects related to the Architect's profession, ethical business practices, or new technology;
  - (2) Teaching architectural courses and time spent in preparation for such teaching:
    - (A) a maximum of four CEPH may be claimed per class hour spent teaching architectural courses;
    - (B) an Architect may not claim credit for teaching the same course more than once; and
    - (C) College or university faculty may not claim credit for teaching.
  - (3) Hours spent in professional service to the general public which draws upon the Architect's professional expertise, such as serving on planning commissions, building code advisory boards, urban renewal boards, or code study committees;
  - (4) Hours spent in architectural research which is published or formally presented to the profession or public;
  - (5) Hours spent in architectural self-directed study programs such as those organized, sponsored, or approved by the American Institute of Architects, the National Council of Architectural Registration Boards, or similar organizations acceptable to the Board;
  - (6) College or university credit courses on architectural subjects or ethical business practices; each semester credit hour shall equal one CEPH; each quarter credit hour shall equal one CEPH;
  - (7) One CEPH may be claimed for attendance at one full-day session of a meeting of the Texas Board of Architectural Examiners.
- (f) An Architect may be exempt from continuing education requirements for any of the following reasons:
- (1) An Architect shall be exempt upon initial registration and upon reinstatement of registration through December 31st of the calendar year of his/her initial or reinstated registration;
  - (2) An inactive or emeritus Architect shall be exempt for any registration period during which the Architect's registration is in inactive or emeritus status, but all continuing education credits for each period of inactive or emeritus registration shall be completed before the Architect's registration may be returned to active status;
  - (3) An Architect who is not a full-time member of the Armed Forces shall be exempt for any registration period during which the Architect serves on active duty in the Armed Forces of the United States for a period of time exceeding 90 consecutive days;
  - (4) An Architect who has an active registration in another jurisdiction that has registration requirements which are substantially equivalent to Texas registration requirements and that has a mandatory continuing education program shall be exempt from mandatory continuing education program requirements in Texas for any registration period during which the Architect satisfies such other jurisdiction's continuing education program requirements, except with regard to the requirement in Texas that each Architect complete one CEPH related to Sustainable or Energy-Efficient design; or



(5) An Architect who is, as of September 1, 1999, a full-time faculty member or other permanent employee of an institution of higher education, as defined in §61.003, Education Code, and who in such position is engaged in teaching architecture.

(g) When renewing his/her annual registration, each Architect shall attest to the Architect's fulfillment of the mandatory continuing education program requirements during the immediately preceding calendar year.

(1) Each Architect shall maintain a detailed record of the Architect's continuing education activities. Each Architect shall retain proof of fulfillment of the mandatory continuing education program requirements and shall retain the annual record of continuing education activities required by this subsection for a period of five years after the end of the registration period for which credit is claimed.

(2) Upon written request, the Board may require an Architect to produce documentation to prove that the Architect has complied with the mandatory continuing education program requirements. If acceptable documentation is not provided within 30 days of request, claimed credit may be disallowed. The Architect shall have 60 calendar days after notification of disallowance of credit to substantiate the original claim or earn other CEPH credit to fulfill the minimum requirements. Such credit shall not be counted again for another registration period.

(3) If an Architect is registered to practice more than one of the professions regulated by the Board and the Architect completes a continuing education activity that is directly related to more than one of those professions, the Architect may submit that activity for credit for all of the professions to which it relates. The Architect must maintain a separate detailed record of continuing education activities for each profession.

(4) An Architect may receive credit for up to 24 CEPH earned during any single registration period. A maximum of 12 CEPH that is not used to satisfy the continuing education requirements for a registration period may be carried forward to satisfy the continuing education requirements for the next registration period.

(h) Providing false information to the Board, failure to fulfill the annual continuing education program requirements, and failure to respond to, and comply with, audit and verification requests may result in disciplinary action by the Board.

(i) As the term is defined in §1.29(a) of the Board's rules, a military service member is entitled to two years of additional time to complete any CEPH requirements.