

BOARDS AND COMMISSIONS

Board of Architects

(Amendment)

201 KAR 19:035. Qualifications for examination and licensure.

RELATES TO: KRS 323.050(2), (3), 323.060, 323.120(1)(a)-(j)

STATUTORY AUTHORITY: KRS 323.210(1)(b), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.050(2) authorizes the board to prescribe the qualifications and experience requirements for licensure. KRS 323.210(1)(b) and (2) require the board to promulgate administrative regulations governing the contents and conduct of examinations, the method and time for filing applications, and the time within which an applicant shall be examined after his or her application has been filed. This administrative regulation establishes the prerequisites for taking the examination and obtaining a license.

Section 1. Eligibility to Take the Architect Registration Examination (ARE). A person who possesses the qualifications prescribed in KRS 323.050, and this administrative regulation, shall be eligible to take the examination.

Section 2. General Requirements.

(1)

(a) The board ~~may~~shall verify the good moral character of an applicant for examination with employers and registered architects who have knowledge of the applicant's moral character.

(b) An applicant shall not be considered to be of good moral character if the applicant has:

1. Committed an act specified in KRS 323.120(1)(a) through (i);
2. Chronic alcoholism, persistent drug abuse, or an act of behavior that would, if the applicant were licensed, jeopardize or impair the applicant's judgment to meet professional responsibility as an architect and to act to protect the public welfare and safety; or
3. Violated a provision of KRS Chapter 323 or 201 KAR Chapter 19 either before or after admission to the examination.

(c) If an applicant has violated the registration laws of another jurisdiction, the board shall determine whether the violation adversely affected the moral character of the applicant.

(2) To be eligible for examination, an applicant shall submit to the board college transcripts and verification from the National Council of Architectural Registration Boards (NCARB) that the applicant has:

(a) Met the requirements of KRS 323.050 and this administrative regulation;

(b) Enrolled in NCARB's Architectural Experience Program (AXP)~~Intern Development Program~~ specified in Section 4 of this administrative regulation by establishing an NCARB record; and

(c) Enrolled and is eligible as an applicant with this board to take the ARE.

(3) The documentation that includes the college transcripts required by subsection (2) of this section shall be verified, compiled, and transmitted in bound record form by the NCARB.

Section 3. Education Requirements. An applicant who has met the requirements of Section 2 of this administrative regulation shall hold a degree in architecture from a degree program that has been accredited by the National Architectural Accrediting Board (NAAB) not later than two (2) years after termination of enrollment.

Section 4. Training Requirements for Licensure.

- (1) An applicant who has passed the examination shall have successfully completed the Architectural Experience Program (AXP)~~[Intern Development Program]~~ training requirements as provided by NCARB Architectural Experience Program (AXP)~~[Intern Development Program]~~ Guidelines prior to final application for licensure.
- (2) The documentation of experience obtained by the completion of the Architectural Experience Program (AXP)~~[Intern Development Program]~~ training requirements required by subsection (1) of this section and college transcripts shall be verified, compiled, and transmitted in bound record form by the NCARB.

Section 5. Incorporation by Reference.

- (1) "Architectural Experience Program Guidelines", 2020~~[Intern Development Program Guidelines 2015]~~ Edition, National Council of Architectural Registration Boards, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Architects, 155 East Main Street, Suite 300, Lexington, Kentucky 40507, Monday through Friday, 8 a.m. to 4:00 p.m., or on the board's Web site at <https://boa.ky.gov/Pages/default.aspx>.

STEPHANIE R MCCRERY, Board President
CORDELIA HARBUT, Executive Director

APPROVED BY AGENCY: May 3, 2022

FILED WITH LRC: May 5, 2022 at 2:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 27, 2022, at 10:30 a.m. Eastern Time at the Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 East Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 246-2431, email boa.irc@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Cordelia Harbut

(1) Provide a brief summary of:

(a) What this administrative regulation does:

The administrative regulation establishes the prerequisites for taking the examination and obtaining an architect license in Kentucky.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to specify the eligibility requirement for examination, and to detail the general provisions of becoming a Kentucky licensed architect.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

The regulation is in conformity with KRS 323.210 (1)(b), (2) which requires the board to promulgate administrative regulation governing the contents and conduct of examinations, the method and time for filing application, and the time with which and applicant shall be examined after his application has been filed.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation provides information on the qualifications for eligibility for examination, to meet requirements necessary for becoming a Kentucky licensed architect.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment will give the Kentucky Board of Architects the discretion of verifying an examination applicant is of good moral character rather than the mandatory obligation of verifying it. The amendment will also update outdated titles and editions of referenced materials.

(b) The necessity of the amendment to this administrative regulation:

The Kentucky Board of Architects will be able to review the good moral character of an applicant only when it is deemed necessary making the application process more streamlined and efficient.

(c) How the amendment conforms to the content of the authorizing statutes:

The authorizing statute allows the Board to promulgate all regulations pertaining to the review of applicant's qualifications.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment to this regulation will provide an efficient review of an applicant's qualifications, while maintaining the comprehensive evaluation of their qualifications. The amendment will also allow the most recent titles and editions of programs and materials to ensure an applicant's compliance with the application requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The board estimates individuals seeking application for examination and licensure is approximately fifteen (15) annually.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The regulated entity will be required to meet educational and training requirements and be of good moral character. The entity will not be required to meet any new or additional education, training, or moral requirements in the amended regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

The cost will be based on the college the entities select. There will be no additional cost to the entity to obtain the educational or training requirements in the amended regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The entities will acquire the mandated education and training needed to be eligible to begin taking the Architect Registration Examination (ARE).

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

No new cost will be incurred.

(b) On a continuing basis:

No new cost will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The Board is a self-supporting agency. It is funded entirely through fees assessed for regulating its profession.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees is required to implement this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

Tiering was not appropriate as the regulation applies only to individuals seeking examination and licensure in Kentucky.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

This administrative regulation will impact individuals seeking application for examination with the Kentucky Board of Architects.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 323.210(1)(b) and (2) authorizes the action taken by this administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

This administrative regulation does not directly affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

No revenue will be generated with this administrative regulation in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

No revenue will be generated with this administrative regulation in subsequent years.

(c) How much will it cost to administer this program for the first year?

The administrative regulation does not result in additional cost the first year.

(d) How much will it cost to administer this program for subsequent years?

The administrative regulation does not result in additional cost for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

This administrative regulation will not directly affect expenditures of the regulated entities.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

This administrative regulation will not produce any const savings of the regulated entities in the first year.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

This administrative regulation will not produce any const savings of the regulated entities at any time.

(c) How much will it cost the regulated entities for the first year?

There will be no direct cost to the entity however, meeting the educational requirement will be based on the college or university the entity selects.

(d) How much will it cost the regulated entities for subsequent years?

There will be no direct cost to the entity however, meeting the educational requirement will be based on the college or university the entity selects.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

Post-educational cost cannot be determined due to the variables associated with acquiring architect degree throughout the United States.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation will not have a major economic impact.