

**ADOPTED REGULATION OF THE
STATE BOARD OF ARCHITECTURE,
INTERIOR DESIGN AND RESIDENTIAL DESIGN**

LCB File No. R154-08

Effective January 1, 2010

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-10 and 12-14, NRS 623.140 and 623.255; §11, NRS 623.140, 623.250 and 623.255.

A REGULATION relating to design professionals; establishing requirements for continuing education for a person who holds a certificate of registration as an architect, interior designer or residential designer issued by the State Board of Architecture, Interior Design and Residential Design; providing exemptions from such requirements; providing that the failure of a registrant to complete such requirements is grounds for the nonrenewal of his certificate of registration; and providing other matters properly relating thereto.

Section 1. Chapter 623 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this regulation.

Sec. 2. *“Contact hour” means 50 minutes of learning or instruction.*

Sec. 3. *“Continuing education unit” means 1 contact hour in a course or program of continuing education approved by the Board.*

Sec. 4. 1. *Except as otherwise provided in section 8 of this regulation, to renew his certificate of registration, a registrant must complete at least 8 continuing education units annually. The continuing education units must include:*

(a) Not more than 4 continuing education units in self-directed educational activities pursuant to section 5 of this regulation;

(b) Not less than 4 continuing education units in structured educational activities pursuant to section 6 of this regulation; and

(c) Not less than 2 continuing education units in self-directed educational activities or structured educational activities in research or learning relating to relevant building codes.

2. Continuing education may be completed in any jurisdiction and at any location.

3. All courses of instruction, continuing education units and contact hours must be approved by the Board.

4. Continuing education units in self-directed educational activities or structured educational activities required by paragraphs (a) and (b) of subsection 1 may only be earned in activities that are not part of the regular day-to-day business activities of the registrant.

5. The Board may approve one-half of a continuing education unit for a partial contact hour of not less than 25 minutes of learning or instruction.

Sec. 5. 1. *The self-directed educational activities in which a registrant may earn the continuing education units required by paragraph (a) of subsection 1 of section 4 of this regulation include, without limitation:*

(a) Active participation as an officer or a committee or board member of a professional society, organization, board or commission which is related to the registrant's profession.

(b) Completion of a course of self-study sponsored by a professional association, a course that is architecturally significant, or an organized individual or group study on a topic which is related to the registrant's profession.

(c) Making a professional or technical presentation at a meeting, convention or conference.

(d) Participation in an activity that contributes to the welfare of the community and is related to the registrant's profession.

(e) Publication of material that is related to the registrant's profession in a paper, article or book.

(f) Reading a book or magazine article that is related to the registrant's profession.

(g) Serving as a mentor or supervisor for the Intern Development Program of the National Council of Architectural Registration Boards or the Interior Design Experience Program of the National Council for Interior Design Qualification. A registrant may not claim more than 2 continuing education units annually pursuant to this paragraph.

(h) Teaching or instructing a topic that is related to the registrant's profession. A registrant may not claim continuing education units pursuant to this paragraph more than once for the same or similar presentations, or if the registrant is a part-time or full-time faculty member at a college, university or other educational institution.

(i) Viewing a video presentation that is related to the registrant's profession.

(j) Visiting a site that is architecturally significant to maintain and strengthen competency in the registrant's profession.

2. The Board may require a detailed synopsis or report concerning any continuing education units claimed by a registrant for a self-directed educational activity.

3. As used in this section, unless the context otherwise requires, "self-directed educational activity" means an educational activity which primarily consists of a registrant engaging in an activity concerning a subject relating to public health, safety and welfare which is not systematically presented by another person, including the study of such subjects.

Sec. 6. 1. *The structured educational activities in which a registrant may earn the continuing education units required by paragraph (b) of subsection 1 of section 4 of this regulation include, without limitation:*

- (a) Attendance at a meeting, convention or conference;*
- (b) Attendance at an in-house program sponsored by a corporation or other organization;*
- (c) Successful completion of a course sponsored by a college or university; and*
- (d) Successful completion of a seminar, tutorial, short course, Internet course or correspondence course.*

2. *To receive credit for a structured educational activity, a registrant must have received documentation of completion of the structured educational activity from the sponsor of the activity.*

3. *The Board may require a detailed synopsis or report concerning any continuing education units claimed by a registrant for a structured educational activity.*

4. *Not more than 4 continuing education units earned by a registrant in structured educational activities in a calendar year may be carried forward and applied to the requirements for continuing education applicable to the next following calendar year.*

5. *As used in this section, unless the context otherwise requires, “structured educational activity” means an educational activity in which the teaching methodology consists primarily of the systematic presentation of technical and professional subjects by a person or group of persons qualified by professional, practical or academic experience to conduct the educational activity.*

Sec. 7. *All continuing education units claimed by a registrant for self-directed educational activities and structured educational activities must encompass the study of*

relevant technical and professional subjects relating to the safeguarding of life, health and property and promoting the public welfare, including, without limitation:

- 1. Accessibility;*
- 2. Acoustics;*
- 3. Codes of ethics;*
- 4. Construction administration;*
- 5. Contracts, including, without limitation, relevant laws and other legal matters relating to construction;*
- 6. Documents and services relating to construction;*
- 7. Energy efficiency;*
- 8. Environmental analyses and issues relating to building materials and systems;*
- 9. Environmental issues relating to toxicity, including, without limitation, asbestos, lead-based paint and emissions;*
- 10. Fire, including, without limitation, fire codes for buildings, spreading of flames, smoke contribution and explosives;*
- 11. Functions, materials, methods and systems of construction;*
- 12. Insurance to protect the owners of property and injured parties;*
- 13. Laws and regulations governing the practice of architecture, interior design and residential design;*
- 14. Life-safety codes;*
- 15. Materials and systems, including, without limitation, roofs, waterproofing and walls;*
- 16. Mechanical, plumbing and electrical systems, including, without limitation, concepts, materials and methods;*

17. Natural hazards relating to building design, including, without limitation, earthquakes, hurricanes and floods;

18. Preservation, renovation, restoration and adaptive reuse;

19. Programming and design;

20. Security of buildings relating to building design;

21. Site and soil analysis;

22. Site design;

23. Specification writing;

24. Standards for fire safety systems, fire detection and alarms;

25. Structural issues relating to design;

26. Surveying methods and techniques;

27. Sustainable design; and

28. Uses, functions and features of materials used in construction.

Sec. 8. 1. *A registrant holding his initial certificate of registration issued by the Board, not including a temporary certificate of registration, is exempt from the requirements for continuing education for the year in which the certificate of registration was issued and the next following year.*

2. A registrant who serves on active duty in the Armed Forces of the United States for a period of more than 120 consecutive days during a calendar year is exempt from the requirements for continuing education for that calendar year.

3. The Board may exempt a registrant from the requirements for continuing education if the registrant cannot meet the requirements because of illness, physical disability or undue

hardship, as determined by the Board based on documentation provided by the registrant before the date of expiration of his certificate of registration.

Sec. 9. 1. *Each registrant who claims credit for continuing education units earned during a calendar year shall retain records sufficient to support the continuing education units claimed for not less than 3 years after the date of renewal of his certificate of registration. The records must include any continuing education units that the registrant has carried forward.*

2. The records that must be retained by a registrant include, without limitation:

(a) A log, on a form prescribed by the Board, which shows the type of activity claimed, sponsoring organization, location, duration, name of the instructor or speaker, and continuing education units earned;

(b) Verification of attendance, in the form of a certificate of completion, signed attendance receipt, paid receipt, copy of a list of all persons who attended the activity signed by the person in charge of the activity, or other documentation supporting evidence of attendance; or

(c) Records as maintained by professional repositories which are approved by the Board, including, without limitation, the American Institute of Architects and the National Council for Interior Design Qualification.

Sec. 10. 1. *The Board may perform random audits of registrants or audits that are based on complaints or charges against registrants to ensure compliance with the requirements for continuing education.*

2. If the Board chooses to conduct an audit of a registrant, the Board will notify the registrant of its decision to conduct an audit. The registrant shall provide to the Board detailed information and documentation concerning the continuing education units claimed.

Falsification of documentation concerning continuing education is grounds for disciplinary action.

Sec. 11. *1. Each registrant shall, on or before December 31 of each calendar year, submit to the Board proof of the continuing education units claimed for that calendar year, together with his application for the renewal of his registration.*

2. If a registrant violates the provisions of subsection 1, his application for renewal must include the appropriate fee set forth in NAC 623.290 for the late renewal of a certificate of registration.

Sec. 12. *Failure of a registrant to complete the requirements for continuing education or satisfy the annual requirement for reporting continuing education units to the Board is grounds for the nonrenewal of his certificate of registration.*

Sec. 13. NAC 623.010 is hereby amended to read as follows:

623.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 623.011 to 623.0185, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 14. This regulation becomes effective on January 1, 2010.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R154-08

The State Board of Architecture, Interior Design and Residential Design adopted regulations assigned LCB File No. R154-08 which pertain to chapter 623 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of architecture, residential design and registered interior design as well as to any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada State Board of Architecture, Interior Design and Residential Design (NSBAIDRD), www.nsbaidrd.state.nv.us, mailed to all county libraries in Nevada and posted at the following locations:

NSBAIDRD
2080 E. Flamingo Road, Ste. 120
Las Vegas, NV 89119

The Sawyer Building
555 W. Washington
Las Vegas, NV 89101

Nevada State Library & Archives
100 N. Stewart Street
Carson City, NV 89701

A workshop was held on October 14, 2008 in Las Vegas, Nevada at 9:00 a.m. and the public hearing was held on October 15, 2008 at 10:00 a.m. One member of the public was present at the workshop and no members of the public were present at the public hearing. Oral comments in opposition of the proposed regulation were heard by the board at the workshop. No additional comments were received by the board at the public hearing.

2. The number of persons who:

- a. Attended each hearing:** 1 (workshop only)
- b. Testified at each hearing:** 1 (workshop only)
- c. Submitted to the agency written comments:** 0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. Over the past two years, the board has been keeping its registrants informed

regarding the pending requirement of continuing education as a condition of license renewal to be implemented during the renewal year of 2010. Various newsletter articles on the subject have been sent to Nevada registrants over the past two years. Town hall meetings were held on March 11, 2008 in Reno and on April 9, 2008 in Las Vegas to discuss the requirement and garner feedback from registrants. Five registrants attended the Reno town hall meeting, and approximately 20 registrants attended the Las Vegas town hall and voiced opposition to having to complete continuing education requirements as a condition of license renewal mainly due to the perceived cost of obtaining continuing education credits. In response to the concerns, the board designed the regulation in a way that allowed registrants to obtain their continuing education free of cost should they choose to do so. No written comments were received during the workshop, however, public comments made orally during the Public Hearing by the one registrant who attended. Any further information may be obtained by contacting the Nevada State Board of Architecture and Design, 2080 E. Flamingo Road, Suite 120, Las Vegas, Nevada 89119 (702) 486-7300.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted at the NSBAIDRD Full Board Meeting on October 15, 2008. Oral testimony was received at the workshop only in opposition to the proposed regulations. The board considered the oral testimony received and concluded that the anticipated benefits of the requirement outweighed the objection to the requirement and adopted the regulation with no revisions to the draft received from LCB.

5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- a. Both adverse and beneficial effects; and**
- b. Both immediate and long-term effects.**

- a. The proposed new section is expected to have an immediate or long-term beneficial effect upon the regulated community in that a new requirement will exist which will compel registrants to keep current on continuing education requirements affecting the health, safety and welfare of the public, including spending not less than two credit hours per year in research or learning relating to relevant building codes. Minimal adverse effects are anticipated relative to the proposed changes to the regulations.
- b. The estimated beneficial immediate and long-term effect on the public is that they will be able to rely upon registrants who are required to keep themselves updated on current codes and the most recent educational knowledge relative to their respective profession. No adverse long-term effects are anticipated.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is minimal additional cost to the agency for enforcement of this regulation. The exact cost is unknown at this time.

- 7. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.

- 8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

Not applicable.

- 9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide or involve a new fee, and hence since no fee is involved, there is not a total amount expected to be collected or used.

- 10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

The Executive Director and the Board have determined that the proposed regulation imposes a very minimal direct or significant economic burden upon a small business or restricts the formation, operation or expansion of a small business. While it is true that some registrants may elect to pay for their continuing education development, ample opportunities exist for the registrants to obtain free education in the required areas of health, safety and welfare. The board designed the regulation in such a way to ensure that registrants are able to meet all of their continuing education needs without cost, should they choose to do so.