

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code § 47-2853.10(a)(12) (2005 Repl.) and Mayor's Order 2000-70, dated May 2, 2000, hereby gives notice of the intent to adopt the following amendments to chapter 32 (Interiors Designers) and chapter 34 (Architects) of title 17 (Business, Occupations, and Professions) of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The proposed rules establish standards for the use of electronic signatures by both interior designers and architects; provide for a comprehensive continuing education requirement for architects; create an exception from the continuing education requirements for interior designers seeking first renewal of a license granted by examination; strike Appendix A in chapter 34 to eliminate an outdated version of the Intern Development Program (IDP); and amend the definition of IDP in a manner that adopts the current version of the training requirements established by the National Council of Architectural Registration Boards.

Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, of the District of Columbia Municipal Regulations is amended as follows:

Chapter 32, INTERIOR DESIGNERS, is amended as follows:

Section 3210, CONTINUING EDUCATION REQUIREMENTS FOR LICENSEES, is amended to read as follows:

3210 CONTINUING EDUCATION REQUIREMENTS FOR LICENSEES

- 3210.1 This section shall apply to all applicants for the renewal or reinstatement of a license to practice interior design, except those applicants seeking first renewal of a license granted by examination.
- 3210.2 A continuing education credit shall be valid only if it is part of a program approved by the Board in accordance with § 3211 of this chapter.
- 3210.3 An applicant for renewal of a license shall submit proof pursuant to this section of having completed ten (10) contact hours of credit in approved continuing education programs during the term of the license.
- 3210.4 An applicant under this section shall prove completion of required continuing education credits by submitting with the renewal application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;

- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) A certificate of successful completion from the sponsor or provider.

3210.5 The Board may, in its discretion, grant an extension of the sixty (60) day period, up to a maximum of one (1) year, for renewal after expiration, if the applicant's failure to submit proof of completion of continuing education requirements was for good cause.

3210.6 For purposes of this section, "good cause" includes the following:

- (a) Serious and protracted illness of the applicant; or
- (b) The death or serious and protracted illness of a member of the applicant's immediate family.

3210.7 An extension granted under this section shall not relieve an interior designer from complying with the continuing education requirement for the next renewal period.

3211, APPROVED CONTINUING EDUCATION REQUIREMENTS, subsection 3211.2 is amended to read as follows:

3211.2 To qualify for approval by the Board, a continuing education program shall:

- (a) Provide instruction in one (1) of the following subjects:
 - (1) An area of practice enumerated in § 3209 of this chapter;
 - (2) An area of knowledge which advances consumer protection; or
 - (3) An area of health, safety, and welfare; and
- (b) Be prepared, offered, administered, or accepted by one (1) of the following:
 - (1) An entity holding organizational membership in the Interior Design Continuing Education Council (IDCEC) or its successor organization; or
 - (2) NCIDQ.

Section 3214, SEAL OF AN INTERIOR DESIGNER, subsection 3214.6 is amended to read as follows:

- 3214.6 The licensed interior designer, when affixing his or her seal to plans, drawings, specifications, or other instruments of services, shall affix his or her name, by manual signature or electronic signature, across the printed image of the seal. An electronic signature must be:
- (a) Unique to the person using it;
 - (b) Capable of verification;
 - (c) Under the sole control of the person using it; and
 - (d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document is changed.

Section 3299, DEFINITIONS, subsection 3299.1 is amended by adding the following definitions in alphabetical order:

Electronic signature – A digital authentication process which is attached to, or logically associated with, an electronic document.

Manual signature – The handwritten name of a person applied to a document that identifies the person, serves as a means of authentication of the contents of the document, and provides responsibility for the creation of the document and accountability for the contents of the document.

Signature – Includes manual signature or electronic signature.

Chapter 34, ARCHITECTS, is amended as follows:

Section 3401, GENERAL PROVISIONS, subsection 3401.3 is amended to read as follows:

- 3401.3 The Board shall at its offices, maintain a record of duly licensed architects that shall include their name, license number, last known mailing address, and last known email address.

Section 3403, LICENSURE BY EXAMINATION, subsection 3403.1 is amended to read as follows:

- 3403.1 An applicant for licensure by examination shall:
- (a) Hold a professional degree in architecture from a degree program that has been accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) not later than

two (2) years after termination of applicant's enrollment; or hold a professional degree in architecture from a Canadian university certified by CACB; or, for foreign-educated applicants, have satisfied the NCARB education standard as verified by an Education Evaluation Services for Architects (EESA) evaluation report;

- (b) Satisfy the Intern Development Program (IDP) training requirements; and
- (c) Pass the Architect Registration Examination (A.R.E.) in accordance with NCARB standards in effect at the time the applicant took the examination. After receiving his or her professional degree, an applicant may take portions of the A.R.E., provided that all IDP requirements are completed before licensure is obtained.

Section 3408, LICENSE RENEWAL, subsection 3408.7 is amended to read as follows:

3408.7 [RESERVED]

Section 3411, RULES OF PROFESSIONAL MOMENT, Subsection 3411.14 is amended to read as follows:

3411.14 Each office located in the District of Columbia maintained for the preparation of drawings, specifications, reports, or other professional work shall have a licensed architect who is regularly employed at the office and who directly supervises such work.

Section 3412, DISCIPLINARY ACTIONS, subsection 3412.2 is amended to read as follows:

3412.2 If the Board determines that there is a violation of this chapter or the Act, the Board may take any of the actions specified in § 3412.1 of this chapter or any one (1) or more of the following lesser actions:

- (a) Reprimand the architect;
- (b) Place the architect on probation for a specified period;
- (c) Impose limitations on the architect's license; or
- (d) Require a course of remediation approved by the Board that may include retraining and, at the discretion of and in the manner prescribed by the Board, reexamination.

Section 3413, SEAL OF AN ARCHITECT, subsection 3413.7 is amended to read as follows:

- 3413.7 The licensed architect, when affixing his or her seal to any technical submission or any other instruments of services, shall affix his or her name, by manual signature or electronic signature, across the printed image of the seal. An electronic signature must be:
- (a) Unique to the person using it;
 - (b) Capable of verification;
 - (c) Under the sole control of the person using it; and
 - (d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document are changed.

New section 3414, CONTINUING EDUCATION, is added to read as follows:

3413 CONTINUING EDUCATION

- 3414.1 This section shall apply to all applicants for the renewal or reinstatement of a license to practice architecture, except those applicants seeking first renewal of a license granted by examination.
- 3414.2 An applicant for renewal of a license shall submit proof pursuant to this section of having completed twenty-four (24) Professional Development Unit (PDU) hours of credit in approved continuing education programs in health, safety, and welfare subjects during the term of the license.
- 3414.3 An applicant under this section shall prove completion of required continuing education credits by submitting with the renewal application the following information with respect to each program:
- (a) An AIA continuing education system transcript; or
 - (b) A certificate of successful completion from the sponsor or provider.
- 3414.4 A continuing education credit shall be valid only if it is part of a program approved by the Board in accordance with § 3415. Licensees are responsible for ensuring that continuing education courses taken to satisfy the Board's renewal or reinstatement requirements are Board certified or approved.
- 3414.5 Architects on inactive status, such as emeritus architects, and civilians called to active duty, may be exempted from this requirement at the sole discretion of the Board.
- 3414.6 The Board may, in its discretion, grant an extension of the sixty (60) day period, up to a maximum of one (1) year, for renewal after expiration, if the applicant's

failure to submit proof of completion of continuing education requirements was for good cause.

3414.7 For purposes of this section, “good cause” includes, but is not limited to, the following:

- (a) Serious and protracted illness of the applicant; or
- (b) The death or serious and protracted illness of a member of the applicant’s immediate family.

3414.8 An extension granted under this section shall not relieve an architect from complying with the continuing education requirement for the next renewal period.

New section 3415, APPROVED CONTINUING EDUCATION PROGRAMS, is added to read as follows:

3415 APPROVED CONTINUING EDUCATION PROGRAMS,

3415.1 The Board, at its sole discretion, may approve continuing education programs that contribute to the growth of an applicant in professional competence in the practice of architecture and which meet the other requirements of this section.

3415.2 To qualify for approval by the Board, a continuing education program shall be prepared, offered, administered, or accepted by an entity approved by NCARB, AIA, or a successor organization.

Section 3498, APPENDIX, is replaced in its entirety.

Section 3499, DEFINITIONS, is amended by striking the definitions of IDP and IDP applicant and by adding the following definitions in alphabetic order:

Electronic signature – A digital authentication process which is attached to, or logically associated with, an electronic document.

Health, safety, and welfare subjects – Technical and professional subjects, which the Board deems appropriate to safeguard the public’s health, safety and welfare. Such subjects include, but are not limited to, the following:

- (a) Building design;
- (b) Sustainable design;
- (c) Environmental or land use analysis;
- (d) Life safety;

- (e) Architectural programming;
- (f) Site and soils analysis; accessibility
- (g) Structural systems considerations;
- (h) Lateral forces;
- (i) Building codes;
- (j) Evaluation and selection of building systems, products or materials;
- (k) Construction methods;
- (l) Contract documentation; and
- (m) Construction administration.

IDP – The current version of the Intern Development Program as established and administered by NCARB.

Manual signature – The handwritten name of a person applied to a document that identifies the person, serves as a means of authentication of the contents of the document, and provides responsibility for the creation of the document and accountability for the contents of the document.

Signature – Includes manual signature or electronic signature.

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., Room 5134, Washington, D.C. 20024, or via e-mail at helder.gil@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. The agency can be reached by telephone at 202-442-4400. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at dcra.dc.gov by going to the “About DCRA” tab, clicking “News Room”, and clicking on “Rulemaking.”