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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board)
Virginia Administrative Code (VAC) citation(s)	18 VAC 10-20
Regulation title(s)	Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations
Action title	APELSCIDLA General Regulatory Review
Date this document prepared	January 25, 2017

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Subject matter and intent

Please describe briefly the subject matter, intent, and goals of the planned regulatory action.

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (Board) seeks to protect the public's health, safety, and welfare while minimizing regulatory burdens, in compliance with subsection E of § 2.2-4007.1 and the principles of Executive Order 17 (2014). The goal of the regulatory review action is to ensure the Board's regulations are clearly written and easily understandable; reflective of changes in technology and training; and representative of current professional and industry standards.

The regulations will also be reviewed for consistency, and language may be modified for ease of understanding by the general public and regulants. The Board may make other changes it identifies as necessary during the regulatory review process.

Legal basis

Please identify the (1) the agency (includes any type of promulgating entity) and(2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Subsection A.5 of § 54.1-201 of the *Code of Virginia* states that the Board has the power and duty:

“To promulgate regulations in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ [54.1-100](#) et seq.) and 3 (§ [54.1-300](#) et seq.) of this title.”

Subsection A of § [54.1-404](#) states:

“The Board shall promulgate regulations not inconsistent with this chapter governing its own organization, the professional qualifications of applicants, the requirements necessary for passing examinations in whole or in part, the proper conduct of its examinations, the implementation of exemptions from license requirements, and the proper discharge of its duties.”

Purpose

Please describe the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.

Although the last general review of the Board's regulations became effective on January 1, 2016, that regulatory action was first initiated in 2010. In the time elapsed since that NOIRA and its final stage approval at the end of CY 2015, professional and industry standards appear to have changed enough to warrant another review.

Ensuring that Board regulations remain consistent with current professional practice standards is essential for establishing regulants' minimum qualifications to perform their duties while protecting the health, safety, and welfare of the citizens of the Commonwealth.

Substance

Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

The Board is proposing to perform a general review of the existing regulations. Proposed changes are intended to improve clarity; reflect changes in technology and training; ensure consistency with current professional and industry standards; and minimize regulatory burdens while protecting the public's health, safety, and welfare. Other changes which may be necessary may also be considered.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

Although no alternatives have been identified at this time, the Board may make other changes to the regulatory action under consideration if alternative proposals are identified during the regulatory review process and after consideration of any submissions during the public comment period.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments. Please include one of the following choices: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.

The agency is seeking comments on this regulatory action, including: ideas to be considered in the development of this proposal; the costs and benefits of any alternatives to this regulatory action; and the potential impacts of the regulation.

The agency is also seeking information specific to any impacts on small businesses (as defined in § 2.2-4007.1 of the Code of Virginia). Such information may include: projected reporting, recordkeeping, and other administrative costs; the probable effect of the regulation on affected small businesses; and the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Additionally, public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.

Anyone wishing to submit comments may do so by one of the following methods:

- Via the **REGULATORY TOWN HALL website** at <http://townhall.virginia.gov/>

OR send to the attention of:

Kathleen R. Nosbisch, Executive Director

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board)

By E-MAIL to:

APELSCIDLA@dpor.virginia.gov

By FAX to:

(866) 465-6206

By U.S. Mail to:
9960 Mayland Drive, Suite 400
Richmond, VA 23233

Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.