



OFFICE OF THE STATE BOARD FOR ARCHITECTURE
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State Board for Architecture

1411 Broadway (between 39th & 40th Streets) - Tenth Floor – Regents' Room – Manhattan

Wednesday, May 11, 2022
10:00 am (start time for meeting)

Members of the public may attend and observe the meeting outside of the Executive Session

AGENDA

1. **Executive Session**
 - Practical Examination Discussion
 - Disciplinary Cases

2. **Public Session**
 - Approval of Minutes
 - Board Chair Report
 - Board Office Report
 - Old Business
 - Continuing Education Modernization
 - Practice Guidelines
 - Women in Architecture Series
 - New Business
 - ARE Exam Vendor - PSI
 - ARE Pass Rates
 - NCARB March Regional Summit Summary
 - NCARB April 2022 Region 2 Pre-BoD Summary
 - NCARB Annual Meeting – June 2-4
 - Voting Delegate
 - Resolutions
 - Other Board Member Topics for Future Meetings
8. Adjournment

Next Meeting – **August 10, 2022** – NYC

**Minutes of the Meeting
State Board for Architecture**

Via Webex

Present: John Tobin, Chair
Anik Pearson, Vice Chair
Carol Bentel
Nicole Dosso
Latoya Kamdang (PT)
George Miller
Michael Samuelian
Marcy Stanley
Jitendra Vaidya

Staff: Robert Lopez, Executive Secretary
Marci McKenna, Assistant in
Professional Education

Guests: Georgi Ann Bailey, AIANYS
Michael Burridge, AIANYS (PT)

February 9, 2022

OPEN SESSION

1. **Motion:** Pearson/Stanley: That the Board enter Executive Session. PASSED UNANIMOUSLY.
2. The Board resumed the Open Session.
3. **Motion:** Pearson/Miller: That the minutes of the November 10, 2021 meeting of the State Board for Architecture be approved. PASSED 8-0; Abstention - Samuelian
4. **Board Chair Report:** Chair Tobin asked if the Executive Secretary would outline the responsibilities and probable time commitment inherent in the positions of Board Chair and Vice Chair for the benefit of potential officeholders. The Executive Secretary mentioned the commitment for Board meeting preparation and various NCARB meetings during the year. Member Samuelian suggested that there is no mandate that the Board Chair or Vice Chair attend NCARB meetings on behalf of New York; the responsibility could be given to other Board members who have interest, as has been done in the past.
5. **Board Office Report:** The Executive Secretary gave the Board office report. He has been serving as the Acting Secretary for the State Board for Engineering, Land Surveying, and Geology since mid-December. The search to fill this position has begun. The Executive budget proposal includes two items of note: an extension of design-build authorization under existing criteria through 2027, and language that proposes a transfer of 42 health professions overseen by the Department to the Department of Health, the latter of which is opposed by the Board of Regents.
6. **Old Business:**
Continuing Education Modernization: The Executive Secretary has given draft regulations to OP leadership for review. The draft aligns closely with NCARB's CE guidelines with minor tweaks. After brief discussion, the Board agreed in principle to the concept of keeping the HSW subject areas broad and in line with the six NCARB categories – practice management, project

management, programming & analysis, project planning & design, project development & documentation, and construction & evaluation.

Practice Guidelines: On hold due to staffing constraints.

Building Officials' Follow up: The Executive Secretary reported that the NYS Department of State adopted amendments to Part 1203 (Minimum Standards for Administration and Enforcement) that included recommendations made by the design Boards relative to requirements for sets of construction documents and building permit forms.

Proposed Amendment to Part 29 – DoB Filings: The Executive Secretary spoke with NYSSPE regarding a proposed amendment to Part 29 of the Regents' Rules. He asked that further conversations between NYSSPE and AIANYS occur to come up with a collaborative approach on this issue that is agreeable to both entities and practitioners in the field for the Department and Board to review. Vice Chair Pearson relayed her issues with the current DoB Now system to the Board.

Women in Architecture Series: Vice Chair Pearson noted that participation in this initiative continues to be robust into its third season, aided by the provision of virtual access; 550 people have participated and there are mentees inside and outside of the U.S.

7. **New Business:**

NCARB Updates – IPAL seminar and January '22 Pre-BoD Meeting: The Executive Secretary summarized an IPAL seminar he attended in November 2021. Of note was the relatively small number of individuals who have successfully completed the program as designed with 20 finishing since IPAL's introduction in 2015. NCARB distributes a list of topics to be discussed at their Board of Directors' meeting in advance, and this communication was also discussed.

Election of Chair and Vice Chair:

Motion: Miller/Samuelian: That Chair Tobin be reelected as Board Chair. PASSED UNANIMOUSLY.

Motion: Miller/Stanley: That Vice Chair Pearson be reelected as Vice Chair. PASSED UNANIMOUSLY.

8. **Other Board Member Topics for Future Meetings**: None raised.

9. Motion: Samuelian/Bentel: Moved to adjourn. PASSED UNANIMOUSLY.

The next meeting of the Board will be Wednesday, May 11, 2022, tentatively scheduled for NYC.

Respectfully submitted,

Robert Lopez, RA
Executive Secretary

**Minutes of the Meeting
State Board for Architecture**

Via Webex

Present: John Tobin, Chair
Anik Pearson, Vice Chair
Carol Bentel
Nicole Dosso
Latoya Kamdang (PT)
George Miller
Michael Samuelian
Marcy Stanley
Jitendra Vaidya

Staff: Robert Lopez, Executive Secretary
Marci McKenna, Assistant in
Professional Education

February 9, 2022

EXECUTIVE SESSION

1. The Board conducted a practical exam and after discussion voted unanimously to grant licensure to the candidate.
2. The Board discussed whether an age limit should be placed on projects eligible to be used by candidates during the practical exam. Most Board members were in favor of restricting projects to those completed during the 15 years immediately preceding a candidate's application. The Executive Secretary said that the statute may grant the Board broad authority to impose that condition, but he will bring this request to OP attorneys to see if this restriction is statutorily permitted.
3. The Board reviewed disciplinary cases.
4. Motion: Pearson/Miller: That the minutes of the November 10, 2021 meeting of the State Board for Architecture be approved. PASSED 8-0; Abstention - Samuelian
5. Motion: Miller/Samuelian: That the Board resume the Open Session. PASSED UNANIMOUSLY.

Respectfully submitted,

Robert Lopez, RA
Executive Secretary

NEW YORK STATE BOARD FOR ARCHITECTURE
BOARD OFFICE REPORT

Registrants

Current Resident Registrants:	11,593
Current Non-Resident Registrants:	8,464
Foreign Registrants:	366
Total Number of Registrants as of 1/3/22	20,423

The count appears on the OP website at <http://www.op.nysed.gov/prof/arch/archcounts.htm>

Licenses Issued

2022 – 159 (thru 3/31/22); 2021 – 804; 2020 – 681; 2019 – 814; 2018 – 1,108; 2017 - 1,080

ARE Candidates	(January 21, 2022 – April 25, 2022)	-
Early Admit ARE Candidates	(January 21, 2022 – April 25, 2022)	246
NCARB Certification	(January 21, 2022 – April 25, 2022)	63
Endorsement	(January 21, 2022 – April 25, 2022)	5
Endorsement PE no QT	(January 21, 2022 – April 25, 2022)	-
Via Educ, Exp & Exams	(January 21, 2022 – April 25, 2022)	11

Candidate Admissions to ARE

2021 – 875; 2020 – 889; 2019 – 1,075; 2018–1,005; 2017 – 880; 2016 – 1,432

NYSED/OP/Staff Activities

Board office staff are permitted to work from home three out of ten days each two-week pay period indefinitely.

The Executive Secretary has been involved in the following virtual licensure presentations since the last Board meeting:

- AIANY Emerging New York Architects (ENYA) – with NCARB – 150 participants
- NYC College of Technology – with NCARB – 44 participants

The Regents appointed Eric Greppo, PE as the Executive Secretary to the State Board for Engineering, Land Surveying and Geology and the State Board for Interior Design. Mr. Greppo's first day in the office will be April 28, 2022.

Legislative / Regulatory Activity

The NYS Legislature is in a new two-year session that will run from January 2021 through the end of 2022. Legislation of interest follows:

A7604/S6783 – Relates to mandatory continuing education for architects

Relates to mandatory continuing education for architects; removes exemption from mandatory continuing education requirements for the triennial registration period when an architect is first

licensed; allows no more than six continuing education ours taken during one triennium may be transferred to a subsequent triennium; makes related provisions.

Bill was signed as Chapter 578 of the Laws of 2021. Draft regulations are in to OP leadership for review.

S3541/A6809 – Relates to the requirements for a license as a professional engineer

Relates to the requirements for a license as a professional engineer

Bill was signed as Chapter 465 of the Laws of 2021. Promulgated regulations are included in the Board package.

S1003-A / A7947 – Relates to building permits

Authorizes a city, town or village to establish a program whereby a building permit may be issued based upon certification by a registered architect or professional engineer.

Bill is referred to Local Government in the Senate; referred to Local Government in the Assembly.

S1004 / A6242– Establishes a program where a municipal department of buildings may accept certain construction documents for code compliance

Establishes a program where a municipal department of buildings may accept construction documents required to be filed in relation to code compliance prior to issuance of a certificate of occupancy with less than a full examination by such municipal department of buildings based on a professional certification of an applicant who is an architect or professional engineer; makes related provisions.

Bill is referred to Housing, Construction and Community Development in the Senate; referred to Governmental Operations in the Assembly.

A1891-d / S5261A – Expanded ownership in design professional corporations by employee stock ownership plans and non-licensed employees

Provides for expanded ownership in design professional corporations by employee stock ownership plans and non-licensed employees

Bill is printed 1891d in the Assembly; passed in the Senate. NOTE that these are not same as bills.

S544 / A1939 – Requires certain engineering plans that could pose a material risk to public safety to bear a stamp of approval of a professional engineer

Requires certain engineering plans or specifications for engineering work or services that could pose a material risk to public safety to bear a stamp of approval of a professional engineer and authorizes the public service commission to promulgate rules and regulations relating to such requirement.

Bill is referred to Energy and Telecommunications in the Senate and is referred to Higher Education in the Assembly

A3272-A / S4008-A – Relates to the establishment of the water-based fire protection licensure act

Establishes water-based fire protection licensure act, setting forth licensure requirements for contractors engaged in the business of the layout, installing, repairing, inspecting, testing, or maintaining of water-based fire protection systems and components.

Bill is referred to Economic Development in the Assembly and is referred to Consumer Protection in the Senate.

A1462 / No Same As – Interior Design/State Contracting

Adds interior design services as a type of contract that can be entered into and negotiated by the state

Bill is referred to Governmental Operations in the Assembly; no "same as" bill in the Senate.

A2522 / No Same As - Licensing consequences for serious abuse of self-certification privileges

Relates to licensing consequences for architects or engineers who seriously abuse their self-certification privileges

Bill is referred to Higher Education in the Assembly; no "same as" bill in the Senate

A5769 / S6377 – New York Emergency Responder Act

Enacts the New York emergency responder act limiting the liability of certain emergency responders.

Bill is referred to Governmental Operations in the Assembly and is referred to Veterans, Homeland Security and Military Affairs in the Senate

A6785 / S5687 – NYC DoB False Documents

Relates to false statements in documents submitted to the department of buildings of the city of New York

Bill is referred to Cities in the Assembly and is referred to Cities in the Senate

A5282 / No Same As – Increases to \$50,000 for cost of construction threshold

Increases to \$50,000 the cost of the construction of a building, structure or public work, above which an engineer, land surveyor or architect must be utilized

Bill is referred to Higher Education in the Assembly; no "same as" bill in the Senate

S5713 / No Same As - Requires Public Authorities to negotiate with QBS

Requires public authorities to negotiate with most qualified architectural and engineering professional firms before negotiating with other firms

Bill is referred to Corporations, Authorities and Commissions in the Senate; no "same as" bill in the Assembly

Former Legislation of Interest

No bill number yet – Ag / Markets Defining Farm Conservation

Directs the department of agriculture and markets and the state soil and water conservation committee to review and define farm conservation practices which are within the professions of engineering, land surveying and architecture

No bill number yet – Mandating continuing education for certified interior designers

Relates to mandating continuing education for certified interior designers

No bill number yet - Good Samaritan Act

Enacts the engineers', architects', landscape architects' and land surveyors' good samaritan act

No bill number yet – Land Surveyor Designing Approved Sewage Disposal Systems
Provides that where a nitrogen-reducing sewage disposal system approved by the county department of health is designed by a land surveyor for an individual residential lot or is designed by a person who holds a valid license from the county to design sewage disposal systems for replacement or retrofit on an individual lot, such persons are exempt from the provisions of section 7208 of the education law; relates to qualifications for the design of a nitrogen-reducing sewage disposal system in a county of one million or more which draws its primary source of drinking water for a majority of county residents from a designated sole source aquifer.

No bill number yet – Relates to the Liability of Design Professionals
Relates to the liability of design professionals; prohibits broad indemnification of a state or local agency or political subdivision involving public work for contracts executed on or after January 1, 2020.

No bill number yet - Malpractice Insurance
Requires engineers and architects to maintain malpractice insurance in the amount of \$1,000,000

No bill number yet – Licensure Standards
An act to amend the education law, in relation to the review of licensure standards for architecture and landscape architecture.

No bill number yet – Land Surveying Definition
Relates to the definition of the practice of land surveying.

No bill number yet – Professional Certification for Nassau and Suffolk Counties
Establishes procedures authorizing certain municipalities to grant building permits upon certification by a licensed professional engineer or a registered architect

No bill number yet – Relates to the practice of certified interior design; repealer
Regulates the practice of certified interior design including the use of proper seals and construction documents; adds CE requirement for CID's

No bill number yet - Repeals mandatory continuing education for architects
Repeals a provision of the education law requiring mandatory continuing education for architects.

No bill number yet – Self-Certification
Grants cities authority to review plans for the construction of structures proposed to be made within its boundaries

Office of Professional Discipline

Karl Carter

Asif Jamil

Karl Anthony Architect LLC

Roderick John Etzel

Qiang Su



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: Professional Practice Committee

FROM: Sarah S. Benson *Sarah S. Benson*

SUBJECT: Proposed Repeal of Section 68.1 and Addition of a New Section 68.1 and Amendment of Section 68.3 of the Regulations of the Commissioner of Education Relating to the Licensure Requirements for Professional Engineers

DATE: March 31, 2022

AUTHORIZATION(S): *Don M. P. Belmont*

SUMMARY

Issue for Decision

Should the Board of Regents repeal section 68.1 and add a new section 68.1 and amend 68.3 of the Regulations of the Commissioner of Education relating to the licensure requirements for professional engineers?

Reason for Consideration

Required by State statute (Chapter 465 of the Laws of 2021).

Proposed Handling

The proposed amendment will be presented to the Professional Practice Committee for recommendation and to the Full Board for adoption as an emergency action at the April 2022 meeting of the Board of Regents. A copy of the proposed rule (Attachment A) and a statement of facts and circumstances justifying emergency action (Attachment B) are attached.

Procedural History

A Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on April 27, 2022 for a 60-day public comment period. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Chapter 465 of the Laws of 2021 (Chapter 465), effective April 6, 2022, amended provisions of the Education Law regarding engineering. Generally, it updates engineering licensure requirements to reflect modern practice requirements and promote uniformity for the profession.

Chapter 465 phases out the existing “all-experience” pathway, which permitted candidates with 12 years of working experience to obtain licensure without any formal education. To ensure a smooth transition for pipeline candidates, Chapter 465 permits persons currently seeking licensure under this pathway to submit a licensure application with the appropriate fee to the Department by April 6, 2024 (two years after the effective date) to preserve their potential ability to qualify for licensure based on such experience.

Chapter 465 also removes the requirement that students wait until they are within 20 credit hours of graduation to take the fundamentals of engineering examination. At a national level, most students are now permitted to sit for this examination at any point in their college careers. Chapter 465 conforms to this practice and affords the Commissioner the authority to establish an alternative timeframe.

Chapter 465 additionally:

- permits persons with substantially equivalent educational credentials to sit for the professional engineering examination, provided that all other requirements for licensure are satisfied;
- changes “intern engineer” to “engineer in training”;
- authorizes the Department to waive the education requirement for applicants who have 15 years of lawful practice, typically in another state and possess established and recognized standing in the profession; and
- makes technical changes regarding examination fees.

Proposed Amendments

The proposed amendment repeals the current section 68.1 of the Commissioner’s regulations and adds a new section 68.1 that:

- eliminates the all-experience pathway to licensure after a two-year legacy period;
- requires completion of a bachelor’s degree in engineering from an Engineering Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET) accredited program or the substantial equivalent and four years of engineering experience acceptable to the State Board for Engineering, Land Surveying and Geology (State Board);
- requires completion of a bachelor’s degree in engineering technology from an Engineering Technology Accreditation Commission/Accreditation Board for

Engineering and Technology (ETAC/ABET) accredited program and six years of engineering experience acceptable to the State Board;

- requires completion of a bachelor's degree in engineering or engineering technology that meets the education standard of an accrediting agency acceptable to the Department and six years of experience acceptable to the State Board; or a bachelor's degree in science related to engineering, engineering technology, or architecture and a masters or doctoral degree in engineering that contains a minimum of 24 semester hours of engineering acceptable to the Department in consultation with the State Board and six years of experience acceptable to the State Board.

Additionally, the proposed amendment to subdivision (b) of section 68.3 of the Commissioner's regulations amends a licensure candidate's entry point to the fundamentals of engineering examination by requiring:

- enrollment in an EAC/ABET accredited program in engineering or the substantial equivalent;
- enrollment in an ETAC/ABET accredited engineering technology program;
- completion of a bachelor's degree in engineering from a professional program in engineering determined by the Department to be the substantial equivalent of a registered or accredited engineering program; or
- completion of a bachelor's degree in science related to engineering, engineering technology, or architecture and completion of a masters or doctoral degree in engineering that contains a minimum of 24 semester hours of engineering acceptable to the Department in consultation with the State Board.

Finally, the proposed amendment to subdivision (b) of section 68.3 of the Commissioner's regulations requires an applicant for admission to the principles and practice of engineering examination to have completed the education and experience requirements as set forth in sections 68.1 and 68.2 of the Commissioner's regulations.

Related Regents Item

Not applicable.

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That Section 68.1 of the Regulations of the Commissioner of Education be repealed and a new Section 68.1 of the Regulations of the Commissioner of Education be added and Section 68.3 of the Regulations of the Commissioner of Education be amended, as submitted, effective April 12, 2022, as an emergency action, upon a finding by the Board of Regents that such an action is necessary for the preservation of the public health and general welfare in order to timely implement the requirements of Chapter 465 of the Laws 2021, which became effective April 6, 2022.

Timetable for Implementation

If adopted as an emergency rule at the April 2022 Regents meeting, the emergency rule will become effective April 12, 2022. It is anticipated that the proposed amendment will be presented to the Board of Regents for permanent adoption at the September 2022 Regents meeting, after the publication in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. Because the emergency action will expire before the September 2022 Regents meeting, it is anticipated that two additional emergency actions will be presented at the June and July 2022 meetings. If adopted at the September meeting, the proposed rule will become effective as a permanent rule on September 28, 2022.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6506, 6507, 7201, 7206 of the Education Law and Chapter 465 of the Laws of 2021

1. Section 68.1 of the Regulations of the Commissioner of Education is REPEALED and a new section 68.1 is added, to read as follows:

68.1 Professional study and experience requirements for professional engineering.

(a) Definition. As used in this section, an acceptable accrediting agency shall mean an organization accepted by the department as a reliable authority for the purpose of accrediting at the postsecondary level and which applies its criteria for granting accreditation in a fair, consistent, and nondiscriminatory manner.

(b) Licensure requirement. To meet the professional education and experience requirements for licensure as a professional engineer in this State, the applicant shall submit evidence of:

(1) graduation, including receipt of the bachelor's degree in engineering, from a professional program in engineering registered by the department, accredited by an acceptable accrediting agency, or determined by the department to be the substantial equivalent of a registered or accredited program; and

(2) completion of a minimum of four years of professional engineering work experience that meets the requirements of section 68.2 of this Part; or

(3) graduation, including receipt of the bachelor's degree in engineering technology, from an engineering technology program registered by the department or accredited by an acceptable accrediting agency; or

(4) graduation, including receipt of the bachelor's degree in engineering, from a professional program in engineering determined by the department to be the substantial equivalent of a registered or accredited engineering program; or

(5) graduation, including receipt of the bachelor of science degree, in a field related to engineering, engineering technology, or architecture as determined to be acceptable by the department, and graduation, including receipt of a master's or doctoral degree from a professional program in engineering determined by the department to be the substantial equivalent of a registered or accredited engineering program and that contains 24 graduate-level semester hours of engineering; and

(6) completion of a minimum of six years of professional engineering work experience that meets the requirements of section 68.2.

(7) For applicants that meet the requirements of paragraphs (1), (3), or (4) of this subdivision, the department shall accept graduation, including receipt of a master's or doctoral degree from a professional program in engineering determined by the department to be the substantial equivalent of a registered or accredited engineering program and that contains 24 graduate-level semester hours of engineering in lieu of not more than one year of work experience set forth in (b)(2) or (b)(6) of this section.

(c) Special provisions. As an alternative to the education/experience credit requirements in subdivision (b) of this section, for applicants who seek licensure and

submit an application, with the required fee, to the department prior to April 6, 2024, the following education/experience credit requirements shall apply:

(1) Prior to licensure the applicant must accrue 12 years of acceptable education/experience credit. One year of education/experience credit may be earned for each year of work experience acceptable to the State Board for Engineering, Land Surveying and Geology pursuant to section 68.2 of this Part. Two years of education/experience credit may be earned for each year of professional engineering education obtained in a program leading to a bachelor's degree in engineering and accredited by an acceptable accrediting agency, as defined in subdivision (a) of this section, which specializes in the fields of engineering or in a program equivalent to such an accredited professional engineering program.

(2) Education/experience credits may also be proportionally earned for various levels and types of postsecondary education which, while not entirely the study of professional engineering, contain important elements/content of such study. Such postsecondary education should demonstrate the following:

(i) that it contains important elements/content of the study of professional engineering, such as mathematics, physics, chemistry, physical and applied sciences, design, and properties of materials;

(ii) that it is in an appropriate subject relevant to the field of professional engineering, such as mathematics, physics, chemistry, physical and applied sciences, design, and properties of materials;

(iii) that it is at an appropriate level of study that would, at a minimum, be the material equivalent of study at an undergraduate level; and

(iv) that it is part of a program accredited by an acceptable accrediting agency pursuant to subdivision (a) of this section or part of a program equivalent to such an accredited program.

(3) In accordance with the provisions of subdivision (c) of this section, the department shall accept evidence of completion of a master's or doctoral degree in engineering in lieu of not more than one year of acceptable education/experience credit.

2. Section 68.3 of the Regulations of the Commissioner of Education is amended, as follows:

68.3 Licensing examinations for engineering.

(a) ...

(1) ...

(2) ...

(b) [Applications for admission to licensing examination, including all required fees, shall be completed and filed not less than 90 days prior to the examination date. An applicant for admission to the fundamentals of engineering examination shall have earned six education/experience credits as defined in section 68.1 of this Part. An applicant for admission to the principles and practice of engineering examination shall have earned 12 education/experience units.] Admission to examinations.

(1) To meet the requirements for admission to the fundamentals of engineering examination, an applicant shall either:

(i) be enrolled in a professional program in engineering registered by the department, or accredited by an acceptable accrediting agency as defined in subdivision (a) of section 68.1 of this Part, or determined by the department to be the

substantial equivalent of a registered or accredited program that leads to a bachelor's degree in engineering; or

(ii) be enrolled in a professional program in engineering technology registered by the department or accredited by an acceptable accrediting agency that leads to a bachelor's degree in engineering technology; or

(iii) have met the education requirements of section 68.1(b)(4) or (5).

(2) To meet the professional education and experience requirements for admission to the principles and practice of engineering examination, an applicant shall have met the requirements in sections 68.1 and 68.2 of this Part.

8 NYCRR §§ 68.1 and 68.3

STATEMENT OF FACTS AND CIRCUMSTANCES
WHICH NECESSITATE EMERGENCY ACTION

The proposed rule is necessary to implement Chapter 465 of the Laws of 2021 (Chapter 465), which became effective April 6, 2022. This proposed rule conforms the Commissioner's regulations to Chapter 465, which amends the Education Law, among other things, by updating the professional engineer licensure requirements to reflect modern practice requirements and promote uniformity for the profession. Chapter 465 updates the engineering licensure requirements by removing the provision allowing for a substitution of 12 years working experience for a bachelor's degree or higher in engineering. Instead, Chapter 465 permits persons seeking licensure as a professional engineer pursuant to the current 12-year experience pathway to submit a licensure application with the appropriate fee to the Department within two years of the effective date of the statute in order to preserve their potential ability to qualify for licensure based on such experience. Chapter 465 further permits persons with substantially equivalent educational credentials, in accordance with the Commissioner's regulations, to sit for the professional engineering examination, provided that all other requirements for licensure are satisfied.

Chapter 465 also changes references from an "intern engineer" to "engineer in training" and permits students in engineering and engineering technology programs approved by the Commissioner to sit for the fundamentals of engineering examination in accordance with the Commissioner's regulations. Currently, students must wait until

they are within 20 credit hours of graduation to take this examination. However, nationally, most students are now permitted sit for this examination much earlier in their college careers. Chapter 465 eliminates the current examination timeframe and vests the Commissioner with the discretion to establish an alternative timeframe to assist students as they approach completion of their undergraduate degree programs.

Additionally, Chapter 465 makes some technical amendments relating to examination fees.

Finally, Chapter 465 authorizes the Department to waive the education requirement for applicants who have 15 years of lawful practice, typically in another state, and possess established and recognized standing in the profession.

Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for adoption, after expiration of the required 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the September 12-13, 2022 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date for the proposed rule, if adopted at the September meeting, would be September 28, 2022, the date the Notice of Adoption would be published in the State Register. However, Chapter 465 became effective April 6, 2022.

Therefore, emergency action is necessary at the April 2022 meeting for the preservation of the public health and general welfare in order to enable the State Education Department to timely implement the requirements of Chapter 465, which, among other things, updates the licensure requirements for professional engineers to help ensure the health, safety and welfare of the public, as professional engineers are

responsible for the design and implementation of critical infrastructure throughout New York.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the September 12-13, 2022 Regents meeting, which is the first scheduled meeting after the expiration of the 60-day public comment period prescribed in SAPA for State agency rule makings.

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT

**NCARB MARCH
REGIONAL
SUMMIT
SUMMARY**

To: Architecture Board Members

Date: April 25, 2022

From:

Robert Lopez *R.L.*

Subject: NCARB March Regional Summit Summary

In reply to:

The Executive Secretary virtually attended the 2022 NCARB MBE (Member Board Executive) Workshop and Regional Summit from March 3-5th. Members Miller and Kamdang also attended the Regional Summit. Below are some key takeaways from both meetings.

NCARB MBE Workshop

NCARB Services Update

- Supporting Licensure Decisions
 - Annual update – NCARB transmittal volumes up; reciprocal licensure candidates are driving the numbers up
 - 1.9% of the time, State Boards need more information beyond what is in an NCARB Record; 98.1% of the time a licensing Board can decide on licensure from initial transmittal
 - Saw uptick on feedback reports especially in 1st quarter of 2021
 - 20 jurisdictions didn't submit any feedback reports; 9 jurisdictions sent more than 15 reports (including NY)
 - 79% of feedback in feedback reports are reciprocal licensure requests; 21% are initial licensure
 - 48% of time NCARB responds within one day; 15% are greater than 10 days; some are in between
 - Online license reporting – most jurisdictions are reporting; NY has just begun reporting (as of April 2022)
- Customer Feedback Tool
 - The Customer Feedback Tool continues to be helpful to NCARB; they now have 549 examples of customer feedback
- Additional Items
 - NCARB is seeking to expand its support for Member Boards; is communicating its relationship to its new exam vendor to Member Boards and is working on a redesign of My NCARB.

Analysis of Practice

- Have engaged 7,000 individuals in the process to date
- NCARB using Alpine to help with analysis of practice
- April 2022 – large survey going out to stakeholders
- Survey opens in mid-April and closes on April 29th
- Practice Analysis helps to shape the next generation of licensure process and the programs that State Boards use in issuing licenses

Miscellaneous Items

- Mike Armstrong mentioned that NCARB's State Licensing software program is being used by three jurisdictions – LA, ND, AL
- A table-top exercise was conducted regarding removing barriers to licensure and registration, with consideration given to the three E's, administrative procedures, endorsement, and registration renewals
- Cathe Evans (NC MBE) is seeking a 2nd term on the NCARB BoD as the MBE on the Board

NCARB Regional Summit

Region 2 Meeting

- All regions were present, with approximately 30 people “attending” (15 virtual, 15 in-person)
- Amount of assets for Region 2 is currently \$190k
- Those candidates running in contested elections visited Region 2 – Richard McNeel (MS) and John Rademacher (OH) for Secretary; Ed Marley (AZ) and David Hornbeek (OK) for Treasurer
- Judy Belcher is stepping down as R2 Regional Executive; a search for a new Regional Executive will take place
- DEI has been a major initiative of NCARB's Board of Directors
- Nominations for R2 officers are as follows:
 - George Miller (NY) – Regional Director
 - Ed Tucker (WV) – Regional Chair
 - Bob Cozzarelli (NJ) – Vice Chair/Treasurer
 - Mary McClenaghan (PA) – Secretary
- September 29/30, 2022 – R2 Educator Symposium
- Discussed ways to responsibly spend down the R2 assets

NCARB Portion of Meeting

- Bayliss Ward emphasized volunteer opportunities for Board members, ARE practice exams, and ongoing DEI efforts
- Seven draft resolutions are being proposed by NCARB
- Alfred V spoke to two major areas of focus for him
 - Future path to licensure – what does it look like?
 - DEI – NCARB has hired Board governance consultant and a Board DEI consultant.

The above items are being sent to the Board for their information.