231 CMR 2.00: General Provisions

2.01: Purpose
2.02: Authority
2.03: Severability
2.04: Definitions
2.05: Duties of the Board
2.06: Board Procedures

2.01: Purpose

The purpose of 231 CMR 2.00 through 4.00 is to establish the requirements and procedures for registration of architects, and prescribe standards of professional service and conduct to be followed by such registered architects, in the Commonwealth of Massachusetts.

2.02: Authority

231 CMR 2.00 through 4.00 inclusive are adopted by the Board pursuant to the authority granted to the Board by M.G.L. c. 13, s. 44C, and have been promulgated in accordance with M.G.L. c. 112, ss. 60A to 60O, inclusive, and the applicable provisions of M.G.L. c. 30A.

2.03: Severability

If any provision of 231 CMR 2.00 through 4.00, or the application of any such provision to any person or circumstances, is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of 231 CMR 2.00 through 4.00 which can be given effect without the invalid provision or application. To this end, the provisions of 231 CMR 2.00 through 4.00 are declared to be severable.

2.04: Definitions

(1) The meanings of words as defined in M.G.L. c. 112, s. 60A shall apply in 231 CMR 2.00 through 4.00 unless otherwise required by the context.

(2) The following words, as used in M.G.L. c. 112, ss. 60A to 60O inclusive and in 231 CMR 2.00 through 4.00, shall have the following meanings unless the context requires otherwise:

Architect Emeritus – means an architect who has retired from the active practice of architecture in the commonwealth and has been issued a certificate of registration as an Architect Emeritus by the Board.

Architect Officer – means an Officer of a Business Enterprise who is registered to practice architecture in the Commonwealth of Massachusetts.

A.R.E. – means the current Architectural Registration Examination as prepared by the National Council of Architectural Registration Boards (NCARB).

Board – means the Massachusetts Board of Registration of Architects

Business Enterprise – means a corporation, partnership, limited liability company, or other form of enterprise. This definition shall not be deemed to include a solo practitioner, meaning a personally licensed architect conducting business in his or her real name or via a business certificate issued pursuant to M.G.L. c. 110, §5.

CACB – means the Canadian Architectural Certification Board.

Certificate of Registration – means a license issued by the Board pursuant to M.G.L. c. 112, s. 60C which authorizes an individual to engage in the practice of architecture in the Commonwealth of Massachusetts.

~~Contact Hour – means a unit of measurement of learning experience lasting fifty (50) consecutive minutes.~~

Continuing Education – means post-licensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public's health, safety, and welfare.

Continuing Education Hour (CEH) – means one continuous instructional hour (50 to 60 minutes of contact) spent in Structured Educational Activities intended to increase or update the architect's knowledge and competence in Health, Safety, and Welfare Subjects. If the provider of the Structured Educational Activities prescribes a customary time for completion of such an Activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the architect's time for Continuing Education Hour purposes irrespective of actual time spent on the activity.

Design Professional – means an individual who is licensed, registered or otherwise authorized to practice their respective design profession as defined by the statutory requirements of the professional registration laws of Massachusetts.

Examination – means the Architectural Registration Examination (A.R.E.) as prepared by the National Council of Architectural Registration Boards (NCARB) and accepted by the Board.

Intern ~~Architect~~ Development Program or IDP – means a comprehensive program of training and practical experience in the practice of architecture ~~which may begin after completion of the third year of a professional degree~~ administered by NCARB or an equivalent intern development program. ~~in architecture and which meets the standards and criteria set by the National Council of Architectural Registration Boards, as set forth in the NCARB Intern Development Program Guidelines as published in September, 2001.~~

NAAB – means the National Architectural Accrediting Board.

NCARB – means the National Council of Architectural Registration Boards.

Officer – means an individual who in the case of a corporation is a president, a treasurer, a secretary, a director, and such other officer as appointed by the board of directors in accordance with the bylaws; in the case of a limited liability company is a manager (or, in the case of a limited liability company in which management of the business is vested in one or more members, is a member); and in the case of a partnership, is an equity partner. Persons having equivalent authority and responsibility in another form of business enterprise shall also be deemed Officers.

Plans – means any drawings or graphic representations, any combination of drawings or graphic representations, or any reproduction of the same, whether in print media or electronic media, which are prepared for the purpose of illustrating proposed or intended designs for the construction, enlargement or alteration of any building or project.

Practice of Architecture – performing or agreeing to perform or holding one's self out as able to perform professional services in connection with the design, construction, enlargement or alteration of a building including consultations, investigations, evaluations, preliminary studies, aesthetic design, the preparation of plans, specifications and contract documents, the co-ordination of structural and mechanical design and site development, administration of construction contracts and any other similar service or combination of services in connection with the design and construction of buildings, regardless of whether one or all of these services are being performed and regardless of whether these services are performed in person or as the directing head of an office or organization performing them; provided, that the practice of architecture shall not include the practice of engineering as defined in M.G.L c. 112, but a registered architect may perform such engineering work as is incidental to the practice of architecture.

Registered Architect – means any person duly licensed as an architect by the Board and thereby authorized to engage in the practice of architecture in the Commonwealth of Massachusetts.

Registration Card – means the evidence of initial and annual registration as an architect issued by the Board.

Registration Period – means the one-year period between registration renewals which begins on September 1 of each calendar year and ends on August 31 of the next calendar year.

Responsible Control – means that amount of control over and detailed professional knowledge of~~,~~ the content of technical submissions during their preparation as is ordinarily exercised by a registered ~~architects~~architect applying the required professional standard of care. ~~. Reviewing, or reviewing and correcting,~~Except as permitted by 231

CMR 4.01(5), review and correction of technical submissions after they have been prepared by others ~~shall~~does not constitute the exercise of responsible control ~~except as permitted by 231 CMR 4.01(5).~~because the reviewer has neither control over nor detailed professional knowledge of the content of such submissions throughout their preparation.

Specifications – means any written instructions, or reproduction of the same, describing any material or method of construction, enlargement or alteration of any building or project.

Technical Submissions – means plans, designs, drawings, specifications, studies and other technical reports prepared in the course of practicing architecture.

2.05: Duties of the Board

The duties of the Board shall include, but shall not be limited to, the following:

(1) To establish the conditions and qualifications required for registration as an architect in the Commonwealth of Massachusetts, in accordance with M.G.L. c. 112, ss. 60A through 60O;

(2) To determine the eligibility of applicants for registration;

(3) To prescribe and conduct examinations for the registration of architects;

(4) To evaluate and determine the eligibility of out-of-state and Canadian architects for registration as architects in the Commonwealth of Massachusetts by means of reciprocity in accordance with the procedures established by the National Council of Architectural Registration Boards;

(5) To issue certificates of registration to all individuals who have met all of the applicable requirements for registration;

(6) To establish and maintain records of the names and addresses of all registered architects in the Commonwealth of Massachusetts;

(7) To make such rules and regulations as are necessary and proper for the performance of its duties;

(8) To investigate complaints of possible violations of any of the provisions of M.G.L. c. 112, ss. 60A through 60O and/or 231 CMR 2.00 through 4.00, or of the accepted standards of practice for architects;

(9) To take such disciplinary action as may be appropriate in the case of any violation of any of the provisions of M.G.L. c. 112, ss. 60A through 60O or 231 CMR 2.00 through 4.00; and

(10) To perform such other duties and functions as may be necessary and proper for the administration and enforcement of M.G.L. c. 112, ss. 60A through 60O.

2.06: Board Procedures

(1) Board Meetings - In addition to the two regular meetings prescribed by law, the Board shall hold additional meetings at the call of its Chairman or Secretary, who shall give due notice of the time and place of such meetings. Three members of the Board shall constitute a quorum for the transaction of business, but not less than three like votes shall constitute a majority necessary for official action by the Board. Executive sessions shall be conducted only for the purposes authorized by M.G.L. c. 30A, s. ~~11A1/2~~21, and shall be conducted in accordance with that statute.

(2) Officers - Officers of the Board shall be elected and shall serve as prescribed by M.G.L. c. 13, s. 44B.

(3) Membership in NCARB - The Board shall maintain membership in the National Council of Architectural Registration Boards (NCARB). The Board shall maintain up-to-date information on the policies and procedures adopted from time to time by NCARB, and shall cooperate with NCARB in establishing and maintaining uniform standards of professional qualification throughout the United States and Canada.

(4) Membership in NECARB - The Board shall maintain membership in the New England Conference of Architectural Registration Boards (NECARB)~~, shall attend meetings of the Conference, and shall cooperate with the other member boards of that organization for the purpose of establishing like policies and standards concerning the registration of architects and the enforcement of laws regulating the practice of architecture in the New England states~~.

(5) Roster - The Board shall establish and maintain an annual roster of ~~duly~~ registered architects in the Commonwealth of Massachusetts, which shall show the name, registration number and last known mailing address of each such registered architect.