

## 231 CMR: BOARD OF REGISTRATION OF ARCHITECTS

### 231 CMR 3.00: PROCEDURES FOR APPLICATION, EXAMINATION, REGISTRATION AND RENEWAL

#### Section

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#### 3.01: Application Procedures

(1) Filing of Applications. Applications for registration as an architect shall be made on forms approved by the Board. Application forms shall be filled in completely and shall be accompanied by a photograph and a check or money order in the amount of the fee established by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B. Supplemental applications shall be completed in full and shall include copies of all information which accompanied the original application.

(2) Board Action on Applications. When an application is complete, fully processed and ready for Board action, it shall be reviewed by the Board. The applicant will be notified of the Board's decision in writing.

(3) Interviews. The Board may, at its discretion, conduct informal interviews with an applicant, or with any person supplying information in connection with any applicant's application, for the purpose of obtaining additional information or clarifying any ambiguities in any information concerning an applicant or registrant.

(4) In *lieu* of accepting applications directly, the Board may require applicants to submit some or all required materials to NCARB pursuant to a delegation from the Board. NCARB shall thereafter notify the Board when an applicant is eligible for registration pursuant to the requirements of 231 CMR 3.02 and 3.03 have been met.

#### 3.02: Eligibility Requirements for Initial Registration by Examination

(1) Eligibility for initial registration by examination shall be determined by the Board after review and verification of information contained in the application.

(2) To be eligible for initial registration by examination, an applicant shall:

- (a) Submit written proof satisfactory to the Board that he or she is at least 21 years of age;
- (b) Submit satisfactory written proof, from individuals having direct knowledge of the applicant's qualifications and suitability to become an architect, that he or she is of good moral character;
- (c) Submit written proof satisfactory to the Board that he or she holds a professional degree in architecture from a degree program that has been accredited by NAAB or CACB, or has otherwise satisfied educational requirements approved by the Board;

For purposes of 231 CMR 3.02(2)(c), an NAAB accredited degree is a professional degree in architecture earned in a degree program accredited by the National Architectural Accrediting Board not later than two years after termination of enrollment. A CACB-accredited degree is a professional degree in architecture earned in a degree program accredited by the Canadian Architectural Certification Board not later than two years after termination of enrollment.

- (d) Submit written proof satisfactory to the Board that he or she has successfully completed the Intern Development Program (IDP); and
- (e) Submit written proof satisfactory to the Board that he or she has successfully passed the A.R.E. in accordance with the standards approved by the Board.

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### 3.03: Examination Procedures

- (1) The examination for applicants who are eligible for admission and registration shall be the current Architectural Registration Examination (A.R.E.), as prepared and graded by the National Council of Architectural Registration Boards (NCARB) and as accepted and administered on behalf of the Board.
- (2) Applicants shall take the examination subject to the following conditions:
  - (a) Grading of the examination shall be in accordance with the national grading procedures and passing score standards which are established by NCARB, and which are approved by the Board;
  - (b) No information pertaining to the subject matter of the examination shall be given to any applicant in advance except as specifically authorized by NCARB;
  - (c) Transfer credits for divisions of the examination passed prior to the currently-administered Architectural Registration Examination shall be in accordance with policies established by the Board, which may be those which are recommended by NCARB. Information as to transfer credits shall be provided, when appropriate, to applicants as a supplement to the application forms;
  - (d) An applicant may take the A.R.E., or any portion thereof, at any NCARB-approved test center, whether located in or outside of Massachusetts; and
  - (e) An applicant who has met the education requirements as set forth in 231 CMR 3.02(2)(c), and has enrolled in the NCARB Intern Development Program by establishing an NCARB Record, shall be eligible for admission to the A.R.E.
- (3) The fees for the A.R.E. which are paid to the Board, if any, shall be as approved by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B. Fees shall not be refunded under any circumstances.
- (4) A record shall be maintained by NCARB on behalf of the Board for each applicant, showing the dates on which that applicant took each division of the A.R.E., the number of divisions of the A.R.E. completed by that applicant, and the number of divisions not completed to date.
- (5) An applicant shall not be permitted to review or appeal any division of the A.R.E. which he or she fails.
- (6) Upon proper application, the Board may, at its discretion, accept passing grades achieved by an applicant on the various divisions of the A.R.E., under the auspices of any other jurisdiction and the grades are attested to by NCARB or by any NCARB Member Board in accordance with NCARB recommended grading procedures and passing score standards. Such an applicant may then take the remaining divisions of the A.R.E. If the applicant completes those remaining divisions successfully, and submits proof that he or she meets the eligibility requirements for registration, as set forth in 231 CMR 3.02, he or she may then be registered by the Board.
- (7) Upon written request by an applicant, the Board shall cause to be forwarded the grades achieved by that applicant in the various divisions of the A.R.E. in Massachusetts to other NCARB Member Boards or duly constituted architectural registration boards in Canada for their use in evaluating that applicant and determining whether he or she may be registered in their jurisdiction. An applicant requesting a transfer of such grades to another jurisdiction shall pay a fee for this service to be established by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B. A transfer of an applicant's grades to another jurisdiction shall terminate that applicant's pending application for registration in Massachusetts.
- (8) Reciprocal Registration. An applicant who holds a current and valid certification issued by NCARB and who submits satisfactory evidence of such certification to the Board shall be registered without having to comply with the requirements of 231 CMR 3.02 or 3.03 if:
  - (a) The applicant also submits satisfactory evidence that he or she holds a current and valid registration issued by any other NCARB Member Board; and
  - (b) The applicant files an application with the Board, on a form prescribed by the Board, containing such additional information, satisfactory to the Board, as the Board considers pertinent, and pays the applicable fee established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B and 801 CMR 4:00: *Rates*.

3.04: Registration Procedures

(1) If, after review of an applicant's application and examination results, the Board determines that the applicant has the qualifications required to practice architecture in the Commonwealth of Massachusetts, the Board shall issue a certificate of registration to that applicant. The certificate of registration shall have a seal attached, containing the name of the person to whom it is issued and his or her registration number, and shall be signed by duly authorized representative(s) of the Board. This certificate of registration shall constitute *prima facie* evidence that the person named in that certificate is authorized to engage in the practice of architecture in Massachusetts.

(2) At the time of initial registration, the Board shall also issue a registration card to the registrant, which shall contain the registrant's name and address, email address, his or her registration number, and such other information as the Board may prescribe. This registration card shall also constitute *prima facie* evidence that the person named on the card is lawfully authorized to practice architecture in Massachusetts.

(3) An individual's registration and right to practice shall commence upon the issuance of a registration card and registration number to him or her. Unless that registration is revoked, suspended or cancelled, it shall remain in effect until the expiration date shown on the certificate. If the registrant submits an application for renewal of that registration pursuant to 231 CMR 3.05, together with payment of the annual registration renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B, prior to the expiration date shown on the certificate, the registrant's registration shall continue in effect until the Board actually issues his or her annual renewal registration. Failure to pay the annual registration renewal fee shall constitute sufficient grounds for refusal of the Board to renew the individual's registration.

(4) After initial registration, the Board shall enter the registrant's registration number, the date of his or her initial registration, and the basis upon which he or she was registered, into a permanent file on the registrant.

(5) Registration as an architect shall not be transferable, and the authorization to practice architecture conveyed to an individual by that registration shall not extend to any other individual or individuals.

(6) In the event of revocation, cancellation, suspension or annulment of an individual's registration, that individual shall immediately return his or her certificate of registration and annual registration card, and his or her seal shall be impounded. A person whose certificate of registration has been revoked, suspended or annulled shall be informed of his rights under the provisions of M.G.L. c. 30A at the same time that he or she is informed of the Board's action on his or her certificate.

(7) If a registered architect dies, his or her registration shall expire on the date of his or her death, and no further use of his or her professional stamp or seal shall be made by any person after that date.

3.05: Renewal of Registration

(1) An individual's certificate of registration as an architect shall expire on August 31 of each calendar year. However, if an architect dies, his or her registration shall expire on the date of his or her death, and no further use of his or her professional stamp or seal shall be made after that date.

(2) Every registered architect shall apply for renewal of his or her certificate of registration on or before August 31<sup>st</sup> of each calendar year. Said application shall be accompanied by payment of the registration renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B, and the applicant shall attest, under the pains and penalties of perjury, that he or she is in compliance with the continuing education requirements of 231 CMR 3.06.

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### 3.05: continued

- (3) If a registered architect allows his/her registration to expire, but attempts to renew it within 60 days after the date of its expiration, said registrant may obtain renewal of his or her registration by submitting the renewal application to the Board, together with the required evidence of continuing education as required by 231 CMR 3.06, the appropriate fee for registration renewal and any late fee as may be established by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.
- (4) If a registered architect allows his or her registration to expire and does not attempt to renew it within 60 days after the date of its expiration, the registrant shall, if thereafter seeking registration, be treated as though he or she were applying for initial registration and may be required to take and pass the examination for initial registration and pay all applicable fees.
- (5) The Board may suspend, revoke, or refuse to renew the registration of an architect who fails to comply with the continuing education requirements of 231 CMR 3.06.
- (6) A registered architect must provide the following as a condition of renewal:
  - (a) A certification to the Board that he or she has disclosed any criminal convictions or other adverse actions as required by 231 CMR 4.01(4): *Compliance With Laws*;
  - (b) A certification to the Board that he or she understands that an Architect Officer must execute all architectural contracts and exercise professional and supervisory control over all architectural services provided by Business Enterprises;
  - (c) The name and contact information for every Business Enterprise with which he or she practices;
  - (d) An email address; and
  - (e) Such other information as the Board may require.

### 3.06: Continuing Education Requirements

- (1) General Requirement. Every registered architect shall complete a minimum of 12 continuing education hours each calendar year in continuing education courses, programs or activities which meet the applicable requirements of 231 CMR 3.06(3) through (6) as a condition for renewal of his or her registration.
- (2) Exemption from Requirement. A registered architect may be exempted from the continuing education requirements of 231 CMR 3.06(1) if:
  - (a) He or she submits written proof satisfactory to the Board that he or she was unable to complete the continuing education required by 231 CMR 3.06(1) because he or she was called to active duty in the armed forces of the United States for a substantial period of time;
  - (b) He or she submits written proof satisfactory to the Board that he or she was ill or disabled for a substantial period of time and that the functional limitations imposed by that illness or disability prevented him or her from practicing and thus could not complete the continuing education required by 231 CMR 3.06(1);
  - (c) He or she submits written proof satisfactory to the Board that he or she was unable to complete the continuing education required by 231 CMR 3.06(1) because of an unforeseen emergency, extreme hardship or other similar circumstances deemed sufficient by the Board;
  - (d) He or she has been issued a certificate of registration by the Board as an Architect Emeritus and meets the requirements of M.G.L. c. 112, § 60N; or
  - (e) He or she submits written proof satisfactory to the Board that:
    1. He or she is duly registered as an architect by a duly constituted architectural registration board in another state, province or territory of the United States or Canada in which continuing education is required for renewal of his or her registration;
    2. He or she has completed the continuing education required for the most recent period of renewal of his or her registration by the laws or regulations of the architectural registration board in that state, province or territory; and
    3. The continuing education requirements of the architectural registration board in that state, province or territory are, in the opinion of the Board, substantially equivalent to the requirements of 231 CMR 3.06.

## 3.06: continued

(3) Program Content Requirements.

(a) Continuing Education Hours. 12 continuing education hours must be completed in Health, Safety, and Welfare Subjects acquired in structured educational activities. Continuing education hours may be acquired at any location. Excess continuing education hours may not be credited to a future calendar year. For purposes of 231 CMR 3.06(3), the following minimum requirements must be met:

1. Structured Educational Activities. An educational activity shall be considered a structured educational activity only if at least 75% of an activity's content and instructional time is devoted to Health, Safety, and Welfare Subjects related to the practice of architecture, including courses of study or other activities under the areas identified as Health, Safety and Welfare Subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.

2. Health, Safety, and Welfare Subjects are technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment. These areas shall include, but not be limited to, the following:

- a. Building Systems. Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection;
- b. Construction Contract Administration. Contracts, Bidding, Contract Negotiations;
- c. Construction Documents. Drawings, Specifications, Delivery Methods;
- d. Design. Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures;
- e. Environmental. Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation;
- f. Legal. Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to protect Owners and Public;
- g. Materials and Methods. Construction Systems, Products, Finishes, Furnishings, Equipment;
- h. Occupant Comfort. Air Quality, Lighting, Acoustics, Ergonomic;
- i. Pre-design. Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying;
- j. Preservation. Historic, Reuse, Adaptation.

(b) A continuing education course, program or activity may be used to satisfy the continuing education requirements of 231 CMR 3.06(1) only if it increases an architect's knowledge or understanding of technical or professional subjects and contributes directly to improving his or her professional knowledge and competence in the practice of architecture.

(4) Methods of Earning Continuing Education Credit. A registered architect may earn continuing education contact hours for any of the following types of continuing education activities:

(a) Attending a graduate or undergraduate level course or seminar at an educational institution for which academic credit is granted by that institution, as long as:

1. The course or seminar in question meets the program content requirements of 231 CMR 3.06(3); and
2. The educational institution in question is accredited by the United States Department of Education, accredited by a regional accrediting body recognized by the United States Department of Education, or is otherwise approved by the Board;

(b) Attending a course, program, seminar, conference, workshop or similar educational event for which academic credit is not granted, as long as:

1. The educational event in question meets the program content requirements of 231 CMR 3.06(3);
2. The educational event in question is presented, sponsored or approved by an educational institution which meets the requirements of 231 CMR 3.06(4), or by a professional organization recognized by the Board.

(c) Completing a monograph approved by the Board (such as a monograph from the NCARB monograph series) and achieving a passing score on a written instrument which tests the registered architect on his or her comprehension and understanding of the content of that monograph;

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- (5) Amount of Credit Earned. The amount of continuing education contact hours to be granted shall be determined as follows:
- (a) A registered architect who attends a graduate or undergraduate level course or seminar at an educational institution which meets the requirements of 231 CMR 3.06(4) shall earn 12 continuing education hours for each hour of academic credit received;
  - (b) A registered architect who attends a course, seminar, program, conference, workshop or similar continuing education event which meets the requirements of 231 CMR 3.06(4) shall earn a number of continuing education contact hours equal to the actual number of hours of instruction actually provided; and
  - (c) A registered architect who completes a monograph approved by the Board which meets the requirements of 231 CMR 3.06(4) shall earn the number of continuing education contact hours specified in that monograph.
- (6) Completion of Continuing Education Through Distance Learning. A registered architect may complete continuing education required for renewal of his or her registration through the use of a continuing education course or program, as long as it is approved by the Board and:
- (a) The continuing education course or program in question meets all applicable requirements of 231 CMR 3.06(4);
  - (b) The audio tape or videotape version of the continuing education course or program in question is accompanied by a written instrument which tests the registered architect on his or her comprehension and understanding of the content of that course or program; and
  - (c) The registered architect receives a certificate or other written evidence of his or her completion of that course or program only if he or she demonstrates satisfactory comprehension or understanding of the content of that course or program to the provider or sponsor of that course or program.
- (7) Documentation of reported continuing education hours shall be maintained by the architect for six years from the date of award.
- (8) Each registered architect, as part of his or her application for renewal of his or her registration, shall attest under the pains and penalties of perjury that he or she has completed the number of continuing education hours required by 231 CMR 3.06(1), or that he or she is exempt from the continuing education requirement pursuant to 231 CMR 3.06(2). Such attestation shall be made on a form prescribed and provided by the Board.
- (9) Upon written request by the Board, a registered architect shall furnish to the Board such information as the Board may reasonably require about any or all continuing education courses, programs or activities completed by said architect. Failure or refusal to provide timely proof of completion of the number of continuing education hours required by 231 CMR 3.06 upon the request of the Board shall constitute grounds for disciplinary action by the Board, including but not limited to refusal to renew the registration of said architect.
- (10) If the Board disallows any continuing education hours, the architect shall have 60 days from notice of such disallowance to either provide further evidence of having completed the continuing education hours disallowed or to remedy the disallowance by completing the required number of continuing education hours (such continuing education hours shall not be used for any other calendar year).
- (11) Falsification of reports of continuing education courses, seminars, workshops and completed hours, or misrepresentation of any material fact concerning the completion of such continuing education hours, by any registered architect shall constitute grounds for disciplinary action by the Board.

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(12) In the event that an application for approval of a specific continuing education course or program, or for approval of an individual continuing education activity, is denied by the Board, the applicant shall have the right, upon written request, to have the Board's decision reviewed and reconsidered. As part of said review process, the applicant may appear personally before the Board and shall have the right to present any additional information which may reasonably have a bearing on the issue of whether the application for approval should be approved.

REGULATORY AUTHORITY

231 CMR 3.00: M.G.L. c. 13, § 44; c. 112, §§ 60A through 60-O.