

## New York Licensing Requirements

N.Y. State Education Department: Office of the Professions

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### Special Announcement

Due to the recent concerns about what New York State will accept for mandatory continuing education (MCE) credits they In 2006, the New York State Board have updated the questions and answers portion of their website as an attempt to clarify what constitutes acceptable subject matter in New York - see question #16. <http://www.op.nysed.gov/archce.htm> New York registered architects should review this site

## #16 Q & A

### Is there any limitation on the subject matter of the courses of learning and/or educational activities?

Yes. **Not all courses and educational activities offered by an approved sponsor are acceptable for continuing education credit in New York State.** The subject area must contribute to the professional practice of architecture. Of the 36 hours required, at least two-thirds (24 hours) must be in the areas of health, safety and welfare (HSW). However, no more than one-third (12 hours) will be accepted in other topics, which contribute to the professional practice of architecture as such practice is defined in section 7301 of the Education Law. The key is the subject matter's relationship to professional practice. You must also make sure that a minimum of 18 hours are in courses of learning, and no more than 18 hours consist of educational activities.

### Acceptable Subjects may include:

- *Health, Safety and Welfare Areas:*
  - accessibility
  - acoustics
  - building design
  - code of ethics
  - codes, acts, laws, and regulations governing the practice of architecture
  - construction administration, including the administration of construction contracts
  - construction documents
  - construction functions of materials, methods, and systems
  - energy efficiency
  - environmental issues - including asbestos, lead based paint, toxic emissions
  - environmental analysis and issues of building materials and systems
  - building fire loads - flame spread, smoke contribution, explosives
  - fire safety systems - detection and alarm standards
  - life safety codes
  - materials and systems - roofing/waterproofing, wall systems, and other systems
  - materials and methods, use and function
  - mechanical, plumbing, and electrical - system concepts, materials and methods
  - natural hazards - impact of earthquake, hurricane, or flood related to building design
  - building preservation, renovation, restoration, and adaptive re-use
  - design of security of buildings
  - site and soils analysis
  - site design
  - specification writing
  - structural issues

- surveying methods and techniques
- sustainable design
- zoning as it relates to the improvement and/or protection of the health, safety and welfare of the public
- other matters of law and ethics which contribute to the health, safety and welfare of the public
- *Other Topics:*
  - Other topics, which contribute to the professional practice of architecture as such practice is defined in section 7301 of the Education Law, except for non-acceptable subjects listed below.

**Non-acceptable subjects:**

Subject areas that do not contribute to the professional practice of architecture as defined in section 7301 of the Education Law, such as, risk management, limiting the design professional's liability, project management related to profitability and maximizing fees, marketing and public relations, insurance, laws related to arbitration, mediation, liens (unless they relate to safeguarding the health, safety, and welfare of the public), real estate, real estate development, expanding a design professional's business, basic AutoCAD, personal development, general office management, accounting/financial planning, succession planning, zoning as it relates to increasing a developer or architect's profitability, design build (unless 75% of the course content relates to the laws related to design build in New York State) are **not acceptable** subjects.

Service on Boards and/or professional committees, and active participation in technical and/or professional organizations are **not** eligible for continuing education credit.

<b>Report Date</b>	<b>Total Hours Annually</b>	<b>HSW Hours Annually</b>	<b>Distance Learning Accepted</b>	<b>Teaching Credit Accepted</b>	<b>Volunteer, Board Work, Association Work, Committee Cred</b>	<b>Self-Study Accepted</b>
Renewal	36/3 years	24/3 years	Yes, true distance learning where there is opportunity for instant communication between the instructor and student	Teaching Credit Accepted Yes, as educational activity - up to 50% max	No	Yes, as educational activity - up to 50% max. No credit for self-report form

**Proof of Compliance**

Architects shall maintain adequate documentation of completion of acceptable formal continuing education and shall provide such documentation at the request of the New York State Education Department. The licensee must maintain the following 5 6 items of information on each course or educational activity for 6 years from the date of completion:

- Title of the course or program or educational activity, the specific acceptable subject area, and any identification number assigned to it by the sponsor;
- Number of hours completed;
- The sponsor's name and any identifying number Verification by the sponsor of your attendance Date and location of the program or course or educational activity;
- You taught the course or made the presentation, if this is the case. Alternatively, a letter from the sponsor indicating you taught the course or made the presentation may be accepted in addition to a certificate of completion.

For renewal purposes, each licensee must send the completed registration form, on which he or she will attest to completion of the required continuing education hours, together with the registration fee and continuing education fee.

Licensees are required to certify completion of the coursework on the registration form. Continuing education records should be made available for inspection by the Education Department upon request. Original records of completion for each continuing education course will be required.

### **Non-Compliance Penalties**

Architects who do not satisfy the mandatory continuing education requirements shall not practice architecture, nor may they call themselves an architect, until they have met such requirements, and have been issued a registration certificate, except that an architect may practice architecture without having met such requirements if he or she is issued a conditional registration certificate pursuant to subdivision three of this section. the Regulations of the Commissioner of Education.

A licensee who has not satisfied the mandatory continuing education requirements shall not be issued a triennial registration certificate by the New York State Education Department department and shall not practice architecture unless and until a conditional registration certificate is issued as provided for in subdivision 3 of this section. in the Regulations of the Commissioner of Education.

If the random audit reveals discrepancies, the licensee may be subject to disciplinary proceedings for professional misconduct. Willfully making or filing a false report is unprofessional conduct, according to Section 29.1 of the Rules of the Board of Regents. Penalties may include censure and reprimand, fine, and or suspension or revocation of your license.

If a licensee does not renew registration, he or she cannot use the New York license in this state practice architecture nor call themselves an architect. If the licensee practices the profession after the department has denied renewal of registration for failure to report completion of the required contact hours of continuing education, the licensee is subject to disciplinary proceedings for professional misconduct.

### **Exceptions and Exemptions**

Architects shall be exempt from the mandatory continuing education requirement for the triennial registration period during which they are first licensed.

In addition, and in accordance with the intent of this section, requirements of the Regulations of the Commissioner of Education, adjustment to the mandatory continuing education requirement may be granted by the Department for reasons of health certified by an appropriate health care professional, for extended active duty with the armed forces of the United States, of for other good cause acceptable to the department which may prevent compliance.

A licensed architect not engaged in the practice of architecture as determined by the Department, shall be exempt from the mandatory continuing education requirement upon the filing of a statement with the department declaring such status. Any licensee who returns to the practice of architecture during the triennial registration period shall notify the Department prior to reentering the profession and shall meet such mandatory education requirements as shall be prescribed by regulations of the commissioner. the Regulations of the Commissioner of Education.

Architects that are currently practicing in another state and who have just received a New York license by endorsement are exempt from taking continuing education only during the first 3 years following initial licensure, regardless of the jurisdiction in which he or she is licensed. If the architect was licensed more than 3 years before obtaining a New York license, then the continuing education requirements must be completed when the New York registration is renewed