

STATEMENT OF BASIS AND PURPOSE

The basis for the revision of the following rules are §12-25-307(1)(a), §12-25-307(1)(b), and §12-25-315.5, C.R.S.

The purpose for the revision and adoption of these rules is to update them in light of:

- Statutory changes resulting from SB08-029;
- Recommendations from the Office of Legislative Legal Services; and
- General housekeeping.

3.1.2. – Ethical Conduct. Licensees shall conduct the practice of architecture, engineering, and land surveying in an ethical manner. ~~and shall be familiar with appropriate, recognized codes of architecture, engineering, and land surveying ethics.~~

4.9 – Expired Licenses.

4.9.1 – EXPIRED LICENSES.

4.9.1.1 – LICENSES EXPIRED TWO YEARS OR LESS. AN EXPIRED LICENSE MAY BE REINSTATED BY SUBMITTING A REINSTATEMENT APPLICATION AND PAYING A REINSTATEMENT FEE.

4.9.1.1.1 – LICENSES EXPIRED TWO YEARS OR LESS FOR ARCHITECTS ONLY. AN EXPIRED LICENSE MAY BE REINSTATED BY SUBMITTING A REINSTATEMENT APPLICATION, PAYING A REINSTATEMENT FEE, AND MEETING THE CONTINUING EDUCATION AND/OR CONTINUING COMPETENCY REQUIREMENTS FOR THE PERIOD WHILE EXPIRED, AS SET FORTH IN RULE 4.9.3.1. EACH MONTH THAT THE LICENSE HAS BEEN EXPIRED SHALL REQUIRE 1.5 HOURS OF CONTINUING EDUCATION AND/OR CONTINUING COMPETENCY, AS SET FORTH IN RULE 4.9.3.1.

4.9.1.2 – LICENSES EXPIRED MORE THAN TWO YEARS. Pursuant to Sections 12-25-115(4), 12-25-215(4), and 12-25-315(3), C.R.S., a licensee whose license has expired for more than two years must prove to the Board that he/she has maintained an active practice in another jurisdiction or otherwise is still competent to practice architecture, engineering and/or land surveying. The licensee must complete and submit a reinstatement application that includes reference forms ~~as supplied by the Board~~ for the period the license has been expired that verify his or her work experience during that time, and paying a reinstatement fee. The Board will then ~~make a decision~~ determine whether or not the licensee has remained competent to practice in the profession and should be reinstated. The Board has the discretion to require further examination and/or education of licensees who do not otherwise demonstrate active practice or competence. ~~Payment of the appropriate fees will be required once reinstatement has been granted.~~

4.9.1.2.1 – LICENSES EXPIRED MORE THAN TWO YEARS FOR ARCHITECTS ONLY. IN ADDITION TO THE REQUIREMENTS SET FORTH IN RULE 4.9.1.2, AN EXPIRED ARCHITECT LICENSE MAY BE REINSTATED BY OBTAINING SIXTEEN (16) PROFESSIONAL DEVELOPMENT UNITS OF CONTINUING EDUCATION AND/OR CONTINUING COMPETENCY AS SET FORTH IN RULE 4.9.3.1.

4.9.2 – INACTIVE LICENSE FOR ARCHITECTS ONLY. PURSUANT TO SECTION 12-70-101, C.R.S., THE BOARD SHALL MAINTAIN A LIST OF INACTIVE LICENSEES WHO CHOOSE NOT TO COMPLY WITH CONTINUING EDUCATION AND/OR CONTINUING COMPETENCY REQUIREMENTS IN ORDER TO OBTAIN RENEWAL OF THEIR LICENSE. SUCH LICENSEES SHALL REMAIN INACTIVE IN THE PROFESSION BUT CONTINUE TO MEET ALL OTHER LICENSURE REQUIREMENTS, INCLUDING COMPLIANCE WITH THE ARCHITECTURE PRACTICE ACT AND BOARD RULES, AND THE PAYMENT OF RENEWAL FEES.

4.9.2.1 – TRANSFERRING ACTIVE LICENSE TO INACTIVE. A PERSON LICENSED TO PRACTICE ARCHITECTURE IN COLORADO, UPON WRITTEN NOTICE TO THE BOARD, SHALL HAVE HIS OR HER NAME TRANSFERRED TO AN INACTIVE LIST. EACH SUCH INACTIVE LICENSEE SHALL CONTINUE TO MEET THE LICENSURE REQUIREMENTS OF SECTION 12-25-314. SUCH INACTIVE STATUS

SHALL BE NOTED ON THE FACE OF ANY LICENSE ISSUED THEREAFTER WHILE THE LICENSEE REMAINS INACTIVE.

4.9.2.2 – TRANSFERRING INACTIVE LICENSE TO ACTIVE WITHIN TWO YEARS.

SHOULD A LICENSEE WISH TO RESUME THE PRACTICE OF ARCHITECTURE WITHIN A TWO-YEAR PERIOD AFTER BEING PLACED ON AN INACTIVE LICENSEE LIST, HE OR SHE SHALL FILE A PROPER APPLICATION, PAY THE PROPER LICENSE RENEWAL FEE, AND MEET THE CONTINUING EDUCATION AND/OR CONTINUING COMPETENCY REQUIREMENTS FOR THE PERIOD WHILE INACTIVE, AS SET FORTH IN RULE 4.9.3.1.

4.9.2.3 – TRANSFERRING INACTIVE LICENSE TO ACTIVE AFTER TWO YEARS.

SHOULD A LICENSEE WISH TO RESUME THE PRACTICE OF ARCHITECTURE TWO YEARS AFTER BEING PLACED ON AN INACTIVE LICENSEE LIST, HE OR SHE SHALL FILE A PROPER APPLICATION, PAY THE PROPER LICENSE RENEWAL FEE, AND MEET THE CONTINUING EDUCATION AND/OR CONTINUING COMPETENCY REQUIREMENTS FOR THE PERIOD WHILE INACTIVE, AS SET FORTH IN RULE 4.9.3.1., OR AT THE DESCSSION OF THE BOARD.

4.9.2.4 – PRACTICING WITH AN INACTIVE LICENSE. ENGAGING IN THE PRACTICE OF ARCHITECTURE WHILE ON INACTIVE STATUS SHALL CONSTITUTE PRACTICE WITHOUT AN ACTIVE LICENSE AND, THEREFORE, MAY BE GROUNDS FOR DISCIPLINARY ACTION, UP TO AND INCLUDING REVOCATION.

4.9.3 – RENEWAL OF LICENSES.

4.9.3.1 – ARCHITECTS

4.9.3.1.1 – RESERVED.

4.9.3.1.2 – CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL.

4.9.3.1.2.1 – STATUTORY BASIS. PURSUANT TO SECTION 12-25-315.5, C.R.S., THE BOARD SHALL ADOPT RULES ESTABLISHING REQUIREMENTS FOR CONTINUING EDUCATION (CE) THAT AN ARCHITECT SHALL COMPLETE IN ORDER TO RENEW A LICENSE ON OR AFTER JULY 1, 2009. THE RULES SHALL REQUIRE THE ARCHITECT TO PARTICIPATE IN A PROCESS OR PROCEDURE THAT DEMONSTRATES WHETHER THE ARCHITECT RETAINED THE MATERIAL PRESENTED IN THE CONTINUING EDUCATION ACTIVITY.

4.9.3.1.2.2 – BASIS OF REQUIREMENTS. AS ESTABLISHED BY THE COLORADO LEGISLATURE, THE REGULATORY AUTHORITY OF THE BOARD IS TO SAFEGUARD THE LIFE, HEALTH, PROPERTY, AND PUBLIC WELFARE OF THE PUBLIC OF THE PEOPLE OF THIS STATE AND TO PROTECT THEM AGAINST UNAUTHORIZED, UNQUALIFIED, AND IMPROPER PRACTICE OF ARCHITECTURE. THEREFORE, ONLY HEALTH, SAFETY AND WELFARE SUBJECTS, AS DEFINED IN THESE RULES, SHALL BE ACCEPTABLE TOWARD THE CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL.

4.9.3.1.2.3 – REQUIREMENTS. ARCHITECTS SHALL COMPLETE PROFESSIONAL DEVELOPMENT UNITS IN HEALTH, SAFETY, AND WELFARE (HSW) SUBJECTS AND PARTICIPATE IN A PROCESS OR PROCEDURE THAT DEMONSTRATES

WHETHER THE ARCHITECT RETAINED THE MATERIAL PRESENTED IN THE CONTINUING EDUCATION ACTIVITY IN ORDER TO RENEW A LICENSE TO PRACTICE ARCHITECTURE IN COLORADO.

4.9.3.1.2.4 – PROFESSIONAL DEVELOPMENT UNITS (PDU). ONE PDU SHALL CONSIST OF NOT LESS THAN FIFTY (50) MINUTES OF ACTUAL CONTINUING EDUCATION INSTRUCTION, PRESENTATION, OR ACTIVITY, SPENT IN STRUCTURED EDUCATIONAL EFFORTS INTENDED TO INCREASE THE ARCHITECT'S KNOWLEDGE AND COMPETENCE IN HSW SUBJECTS.

4.9.3.1.2.5 – CREDIT REQUIRED FOR LICENSE RENEWAL. ARCHITECTS SHALL HAVE ACQUIRED PDUS DURING THE PERIOD PRIOR TO EACH LICENSE EXPIRATION DATE, JULY 31, IN ODD NUMBERED YEARS.

FOR THE RENEWAL PERIOD ENDING JULY 31, 2009 – 4 PDUS
FOR THE RENEWAL PERIOD ENDING JULY 31, 2011 AND THEREAFTER – 16 PDUS

PDUS NEED NOT BE ACQUIRED WITHIN COLORADO.

4.9.3.1.2.6 – CREDIT GAINED PREVIOUSLY. IF AN ARCHITECT ACQUIRES PDU CREDIT BETWEEN AUGUST 1, 2007 AND JANUARY 1, 2009 THAT (A) MEETS THE CRITERIA IN RULES 4.9.3.1.2.9 AND 4.9.3.1.2.10, (B) MEETS THE DEFINITION OF A HSW SUBJECT, AND (C) SUBMITS DOCUMENTATION IN ACCORDANCE WITH BOARD POLICY AND THE REQUIREMENTS IN RULE 4.9.3.1.2.14, THE LICENSEE MAY CLAIM THIS CREDIT TOWARD THE PDU CREDIT REQUIRED FOR THE RENEWAL PERIOD ENDING JULY 31, 2009.

4.9.3.1.2.7 – PRIOR CARRYOVER OF PDU CREDIT. IF AN ARCHITECT ACQUIRES MORE PDU CREDIT THAN IS REQUIRED DURING ONE RENEWAL PERIOD, A LIMITED NUMBER OF PDUS MAY BE CARRIED FORWARD FOR CREDIT IN THE NEXT RENEWAL PERIOD, AS FOLLOWS:

AUGUST 1, 2009 – 1 PDU MAY BE CARRIED FORWARD
AUGUST 1, 2011 AND THEREAFTER – 4 PDUS MAY BE CARRIED FORWARD

4.9.3.1.2.8 – HEALTH, SAFETY AND WELFARE SUBJECTS. HEALTH, SAFETY AND WELFARE SUBJECTS ARE DEFINED AS TECHNICAL AND PROFESSIONAL SUBJECTS, RELATED TO THE PRACTICE OF ARCHITECTURE, WHICH THE BOARD DEEMS APPROPRIATE TO SAFEGUARD THE PUBLIC. SUCH SUBJECTS INCLUDE BUILDING DESIGN, ENVIRONMENTAL OR LAND USE ANALYSIS, LIFE SAFETY, ARCHITECTURAL PROGRAMMING, SITE AND SOILS ANALYSES, ACCESSIBILITY, STRUCTURAL SYSTEMS CONSIDERATIONS, LATERAL FORCES, BUILDING CODES, EVALUATION AND SELECTION OF BUILDING SYSTEMS, PRODUCTS OR MATERIALS, CONSTRUCTION METHODS, CONTRACT DOCUMENTATION, CONSTRUCTION ADMINISTRATION; AND, PROFESSIONAL ETHICS.

4.9.3.1.2.9 – PROCESS OR PROCEDURE THAT DEMONSTRATES WHETHER THE ARCHITECT RETAINED THE MATERIAL PRESENTED IN THE ACTIVITY. A PROCESS OR PROCEDURE THAT DEMONSTRATES RETENTION MAY BE ANY FORM OF EVALUATION OR ASSESSMENT, SUCH AS:

- (A) AN EXAMINATION, QUIZ, OR TEST GIVEN AT THE CONCLUSION OF A PRESENTATION, LECTURE, ONLINE COURSE, ETC.; OR;
- (B) A STRUCTURED REPORT PROCESS IN A FORMAT DEFINED BY BOARD POLICY.

4.9.3.1.2.10 – CONTINUING EDUCATION ACTIVITY CRITERIA. TO QUALIFY FOR PDU CREDIT, CONTINUING EDUCATION ACTIVITIES MUST BE STRUCTURED EDUCATIONAL EFFORTS MEETING THE FOLLOWING CRITERIA:

- (A) INCLUDE TECHNICAL AND PRACTICAL APPLICATIONS WHICH IMPACT PUBLIC HEALTH SAFETY AND WELFARE;
- (B) MAINTAIN, IMPROVE, EXPAND OR ENHANCE THE QUALITY OF THE EXISTING TECHNICAL KNOWLEDGE; OR DEVELOP NEW AND RELEVANT PROFESSIONAL SKILLS AND KNOWLEDGE;
- (C) HAVE CLEAR PURPOSES AND OBJECTIVES;
- (D) BE WELL-ORGANIZED AND PROVIDE EVIDENCE OF PRE-PLANNING;
- (E) INCLUDE A PROCESS OR PROCEDURE THAT DEMONSTRATES WHETHER THE ARCHITECT RETAINED THE MATERIAL PRESENTED.

4.9.3.1.2.11 – ACCEPTABLE CONTINUING EDUCATION ACTIVITIES. THE BOARD DEEMS THE FOLLOWING TYPES OF ACTIVITIES TO BE ACCEPTABLE.

- (A) ACADEMIC COURSEWORK. ONE SEMESTER CREDIT HOUR MAY BE COUNTED FOR A MAXIMUM OF FIFTEEN (15) PDUS. ONE QUARTER CREDIT HOUR MAY BE COUNTED FOR A MAXIMUM OF TEN (10) PDUS. ONE SEMESTER CREDIT HOUR FOR AUDITED CLASSES MAY BE COUNTED FOR A MAXIMUM OF EIGHT (8) PDUS; ONE QUARTER CREDIT HOUR FOR AUDITED CLASSES MAY BE COUNTED FOR A MAXIMUM OF FIVE (5) PDUS. ACADEMIC COURSEWORK SHALL BE COMPLETED AT A U.S. REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY
- (B) CERTIFICATE PROGRAMS
- (C) IN-HOUSE PROGRAMS. THESE MAY BE ACTIVITIES DEVELOPED INTERNALLY OR EXTERNALLY, E.G. BY EMPLOYERS OR VENDORS.

- (D) LECTURE, SEMINAR, WORKSHOP. HSW SUBJECTS FOR ARCHITECTS ARE OFFERED BY ORGANIZATIONS SUCH AS NCARB, AIA, CSI, ACEC, ETC. PDUS ARE AWARDED AS ESTABLISHED BY THE RECOGNIZED CONTINUING EDUCATION PROVIDER.
- (E) RESEARCH. PDUS ARE AVAILABLE FOR CONDUCTING PROFESSIONALLY RELEVANT RESEARCH THAT IS DOCUMENTED BY PUBLICATION OF A JOURNAL ARTICLE OR WRITING OF A TECHNICAL OR SUMMARY REPORT. CREDIT FOR THIS ACTIVITY CANNOT ALSO BE OBTAINED FOR PUBLISHING.
- (F) TEACHING, PRESENTATIONS. PDUS SHALL BE AWARDED FOR THE INITIAL CLASS OR PRESENTATION ONLY. CREDIT IS AVAILABLE FOR EITHER TEACHING/PRESENTATION OR PREPARATION.
- (G) PUBLISHING A RELEVANT TECHNICAL ARTICLE, CHAPTER, OR BOOK. THESE REQUIRE PLACEMENT IN A JOURNAL, PERIODICAL, OR BOOK WITH A PEER REVIEW PROCESS THAT IS TECHNICALLY-ORIENTED, NOT MARKETING-ORIENTED.
- (H) SELF-STUDY - STRUCTURED. THESE MAY BE PRINTED OR ONLINE MATERIALS, CDS OR DVDS CONTAINING CONTINUING EDUCATION ACTIVITIES THE ARCHITECT COMPLETES INDIVIDUALLY, AND MUST INCLUDE AN EXAMINATION TO DEMONSTRATE THE ARCHITECT RETAINED THE MATERIAL COVERED.
- (I) MENTORING PROGRAMS REQUIRE A FORMAL CONTRACT BETWEEN MENTOR AND MENTEE WITH SPECIFIC LEARNING OBJECTIVES, TIMELINE, MILESTONES, AND REPORTED OUTCOMES. FORMAL MENTORING PROGRAMS ARE ALSO AVAILABLE THROUGH ASSOCIATIONS, E.G. AIA, NCARB, NCEES, ACEC, CSI, AND THE USGBC.

4.9.3.1.2.12 – UNACCEPTABLE CONTINUING EDUCATION ACTIVITIES.

THE BOARD DEEMS THE FOLLOWING TYPES OF ACTIVITIES TO BE UNACCEPTABLE:

- (A) COMPUTER-AIDED DRAFTING CLASSES;
- (B) SERVING ON FEDERAL, STATE, OR MUNICIPAL BOARDS OR COMMISSIONS;
- (C) RENDERING PRO BONO SERVICES;
- (D) FACULTY AT COLLEGE, UNIVERSITY, OR OTHER EDUCATIONAL INSTITUTION SHALL NOT RECEIVE TEACHING CREDIT FOR TEACHING THEIR REGULARLY-ASSIGNED COURSES BEYOND THE INITIAL CLASS;
- (E) PARTICIPATION ON A PUBLIC, PROFESSIONAL, OR TECHNICAL SOCIETY BOARD;

- (F) ATTENDANCE AT LICENSING OR REGISTRATION BOARD MEETINGS OR ANY OTHER PROFESSIONALLY RELEVANT BOARD OR COMMITTEE MEETING;
- (G) PARTICIPATING IN OR ATTENDING EXHIBIT POSTER SESSIONS;
- (H) RESIDENCY OR FELLOWSHIP TRAINING PROGRAMS;
- (I) ANY ACTIVITY THAT DOES NOT INCLUDE A STRUCTURED EDUCATIONAL EFFORT WITH A PROCESS OR PROCEDURE TO DEMONSTRATE WHETHER THE ARCHITECT RETAINED THE MATERIAL PRESENTED.

4.9.3.1.2.13 – NO PRE-APPROVAL OF CONTINUING EDUCATION ACTIVITIES. THE BOARD WILL NOT PRE-APPROVE INDIVIDUAL ACTIVITIES, COURSES, OR PROGRAMS. IT IS WITHIN THE DISCRETION OF THE BOARD TO DENY CREDIT FOR ANY ACTIVITY THAT DOES MEET THE CONTINUING EDUCATION CRITERIA IN RULE 4.9.3.1.2.10 OR THE DEFINITION OF A HSW SUBJECT IN RULE 4.9.3.1.2.8.

4.9.3.1.2.14 – RECORD KEEPING. PDUS SHALL BE DOCUMENTED IN A MANNER PRESCRIBED BY BOARD POLICY. THE DOCUMENTATION SHALL CONTAIN NO LESS THAN THE FOLLOWING INFORMATION:

- (A) ARCHITECT NAME;
- (B) ACTIVITY TYPE;
- (C) ACTIVITY LOCATION AND DATE(S) ;
- (D) ACTIVITY TITLE AND DESCRIPTION OF CONTENT AND OBJECTIVES;
- (E) SPONSOR/CONTINUING EDUCATION PROVIDER (E.G. ORGANIZATION, INSTITUTION, ASSOCIATION, EMPLOYER, VENDOR, PUBLICATION) NAME AND CONTACT INFORMATION;
- (F) INSTRUCTOR/SPEAKER NAME, AS APPLICABLE;
- (G) MONITOR/FACILITATOR/MENTOR NAME AND CONTACT INFORMATION, AS APPLICABLE;
- (H) DEMONSTRATION OF WHETHER THE ARCHITECT RETAINED THE MATERIAL PRESENTED;
- (I) NUMBER OF PDUS; AND
- (J) A DECLARATION THAT THE PDUS ARE CONSIDERED HEALTH, SAFETY AND WELFARE.

4.9.3.1.2.15 – EXEMPTIONS. AN ARCHITECT SHALL NOT BE SUBJECT TO THE REQUIREMENT FOR PDUS IN ORDER TO RENEW A LICENSE, IF DURING THE CURRENT RENEWAL PERIOD:

- (A) THE LICENSEE HOLDS AN INACTIVE LICENSE PURSUANT TO RULE 4.9.2; OR,
- (B) THE LICENSEE WAS INITIALLY ISSUED THEIR COLORADO LICENSE BY EXAMINATION WITHIN THE TWELVE (12) MONTHS IMMEDIATELY PRECEDING THE LICENSE EXPIRATION DATE.

SUCH LICENSEES SHALL BE REQUIRED TO MEET ALL OTHER LICENSURE REQUIREMENTS, INCLUDING COMPLIANCE WITH THE ARCHITECTURE PRACTICE ACT AND BOARD RULES, AND THE PAYMENT OF RENEWAL FEES.

4.9.3.1.2.16 – HARDSHIP EXCEPTIONS. THE BOARD MAY MAKE EXCEPTIONS TO THE REQUIREMENTS SET OUT IN RULES 4.9.3.1.2.3 AND 4.9.3.1.2.5 FOR REASONS OF INDIVIDUAL HARDSHIP INCLUDING, BUT NOT LIMITED TO, HEALTH, MILITARY SERVICE, OR OTHER GOOD CAUSE. IT IS WITHIN THE SOLE DISCRETION OF THE BOARD TO DECIDE IN PARTICULAR CASES WHETHER GOOD CAUSE HAS BEEN SHOWN IN ORDER TO GRANT EXCEPTIONS.

4.9.3.1.2.17 – AUDITS. DOCUMENTATION OF PDUS MAY BE AUDITED BY THE BOARD FOR VERIFICATION OF COMPLIANCE WITH THESE REQUIREMENTS AT ANY TIME.

IF THE BOARD DISALLOWS ANY PDUS THEN THE LICENSEE SHALL HAVE ONE HUNDRED TWENTY (120) DAYS FROM NOTICE OF SUCH DISALLOWANCE TO:

- (A) PROVIDE FURTHER EVIDENCE THAT THE DISALLOWED PDUS MEET THE CRITERIA ESTABLISHED BY THESE RULES; OR,
- (B) PROVIDE DOCUMENTATION OF HAVING ACQUIRED ADDITIONAL PDUS DURING THE REQUIRED TIME FRAME; OR,
- (C) CURE THE DISALLOWANCE BY ACQUIRING THE REQUIRED NUMBER OF PDUS.

4.9.3.1.2.18 – COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS.

- (A) LICENSEES SHALL COOPERATE WITH THE BOARD TO DETERMINE COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENTS.
- (B) LICENSEES SHALL PROVIDE ALL DOCUMENTS REQUESTED FOR AUDIT WITHIN THIRTY (30) DAYS.