6-11

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Date prior to or same as filing date

Oregon Board of Architect Examiners — 806
Agency and Division — Administrative Rule Chapter Number

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To become effective 10/3/2010. Rulemaking Notice was published in the March, 2010 Oregon Bulletin.
Date upon filing or later — Month/Year

BAE 2-2010

RULE CAPTION

Allow Electronic JE and Eliminate Oral Interview for Reciprocity Candidates

RULEMAKING ACTION
List each rule number separately

AMEND: OAR 806-010-0020, 806-010-0035 & 806-010-0060

FILED
JUN 11 2010
ARCHIVES DIVISION
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ORS 671.125
Stat. Authority: ORS

Other Authority

ORS 671.050, 671.060, 671.065, 671.080 & 671.085
Stats. Implemented: ORS

RULE SUMMARY

This rule amendment eliminates the oral interview for those applying to practice architecture in Oregon for registration and who are already registered in another Board approved jurisdiction (reciprocity candidates) and makes the jurisprudence examination (JE) available electronically for all candidates rather than requiring they come to Oregon to sit for the JE. This rule also makes some housekeeping and grammatical changes.

Carol Moeller — Carol Moeller, Administrator — 6/11/10
Authorized Signer — Printed Name — Date

*With this original, file one photocopy of this certificate, one paper copy of rules listed in Rulemaking Actions, and one electronic copy of rules.
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806-010-0020 – Initial Registration by Examination

(1) A person seeking registration who is not actively registered in another Board approved jurisdiction must present the Board with appropriate application and fees, and a complete record demonstrating to the Board that the person has met the required accredited education, experience, and examination, as follows:

(a) A person must have obtained a first professional degree in architecture from a NAAB-accredited program of architecture.

(b) A person may submit an application and examination fee to the Oregon Board only after he or she has established an IDP record with NCARB.

(c) A person may begin taking the ARE only after he or she receives written notice from the Board that the application has been approved.

(d) After a person meets the requirements of (1)(a) through (1)(c) above, he or she may only use the title "Architectural Intern". A person that uses this title without first receiving written notice from the Board that they are qualified to do so may be subject to disciplinary action.

(e) Before the Board can evaluate a person for initial registration by examination, an applicant must demonstrate the following:

(A) Successful completion of the IDP program; and

(B) Successful passing of all divisions of the ARE; and

(C) Successful completion of educational requirements outlined in (1)(a) above.

(f) Upon successfully meeting all requirements, a person seeking initial licensure by exam must also pass the Board's jurisprudence examination (JE) and an oral interview before the Board.

(2) The Board may grant registration after evidence is received that a person has met all requirements, passes the JE and oral interview, and pays the established registration fees.

(3) **IDP**: The Board requires a person to complete acceptable experience, as evaluated by NCARB and found within NCARB's Intern Development Program Guidelines. A person should direct requests for admittance to the IDP to NCARB.

(4) **ARE**: Before beginning to take the ARE, the Board requires a person to provide the Board with a complete application for examination made on forms provided by the Board and accompanied by a fee, and arrange for NCARB records to be sent to the Board. The Board must review and approve NCARB verification prior to a person scheduling any division of the examination. A person may begin testing only after he or she receives written approval from the Board.

(a) The intent of the ARE is to evaluate a person's competence in the protection of public health, safety and welfare to provide the architectural services of building design and construction systems; building systems; construction documents and services; programming, planning and practice; schematic design; site planning and design; and structural systems. The subject of life safety is the basic purpose of the ARE and this subject permeates the entire examination; the subject of energy conservation is an economic and welfare issue and as a subject is considered through the synthetical process of developing architecture. The ARE content is based on the knowledge and skills required of a newly registered architect, practicing independently, to provide architectural services. The ARE evaluates an individual's competence in the provision of architectural services to protect the public health, safety, and welfare.

(b) **Grades**: The Board adopts the grading procedures established by NCARB. NCARB's test result findings are binding. A person will have no opportunity to review or challenge test results.

(A) Periodically the ARE is updated with a newer version. When this occurs, there will be a conversion between older and newer versions, and those individuals who have not completed the ARE in one version must complete appropriate transitions to be considered as passing the ARE.

(B) To protect an individual's right to control the distribution of his or her scores, the Board will not divulge test results to others, except at the individual's specific written request.

(C) Individuals must pass or fail a division of the ARE at least once every five years or the individual will lose eligibility to test and must establish new eligibility under the rules in effect at that time.

(c) **Five-Year Rolling Clock**: All divisions of the ARE must be passed within a consecutive five-year period of time, referred to as the "five-year rolling clock", with specific criteria to follow:

(A) The five-year rolling clock period begins on the date when the first successfully passed division is administered, and all ARE divisions must be completed during the five-year period that follows.

(B) If an individual does not successfully complete all divisions of the ARE within the five-year window, the passing scores of earlier divisions will expire.

(C) Once the grade for a division expires and is considered invalid, examinees may retake the invalid division as long as all ARE divisions are validly passed within a consecutive five-year window.

(D) The five-year rolling clock applies to all examinees who have not yet completed all divisions of the ARE. Individuals who passed divisions of the ARE prior to January 1, 2006, were given an extension of time to complete the remaining unpassed divisions. That extension of time expires on December 31, 2010. Effective January 1, 2011, all candidates are subject to the five-year rolling clock.

(E) A person must complete all divisions of the ARE within the established timelines before the Board will consider that person for registration.

(d) **Retakes**: A person who has received written notice from the Board that they may begin testing may schedule the examination divisions, in any order of administration and on a time schedule of the person's choice, by appointment with the test centers. Individuals have unlimited opportunities to re-take divisions, except that a failed division cannot be rescheduled within the six month period following the date that the failed division was administered.

(5) **Completing Registration**: Once the application materials have been evaluated and the Board determines that a person has demonstrated that they have met the education, IDP, and ARE requirements, the Board may invite the person to continue with the final steps to registration.

(6) **Jurisprudence Examination** (**JE**): After an applicant has successfully completed the education, ARE, and IDP requirements, they must pass the Board's JE covering Oregon statutes and rules governing the practice of architecture before being further considered for registration.

(a) The JE will be administered in a manner approved by the Board. Individuals will have no longer than 60 minutes in which to complete the JE. A passing score of 84% is the minimum accepted passing score.

(b) Individuals will be notified whether they pass or fail the JE, and will not be allowed any opportunity to review or challenge test results.

(c) Individuals who do not pass the JE may retest no sooner than the date the Board notifies them in writing that they may retest. However, in no event may a person test sooner than 30 days after the date of the failed JE.

(7) **Oral Interview**: Individuals who successfully pass the JE must appear before the Board for an oral interview. The oral interview is held on regularly scheduled Board meeting dates. Individuals will be invited to the oral interview after the person passes the JE. The oral interview is an opportunity for individuals to meet the Board and discuss the rules and laws in effect in Oregon.

(8) **Registration**: Upon successful completion of the requirements of this section and upon payment of the registration fee, the Board may grant a certificate of registration by written notification.

(9) **Limits**:

(a) No person may use the "Architect" title, except under the conditions outlined in OAR 806-010-0037 and ORS 671.065.

(b) No person may practice architecture in Oregon until such time as the Board notifies the person in writing that registration is granted by the Oregon Board.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 671.125Stats. Implemented: ORS 671.050, 671.060, 671.065 & 671.085Hist.: AE 5, f. 12-22-64; AE 6, f. 6-5-69; AE 11, f. 2-15-74, ef. 3-11-74; AE 1-1978, f. & ef. 1-23-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 1-1980, f. & ef. 2-14-80; AE 2-1980, f. & ef. 10-3-80; AE 2-1981(Temp), f. & ef. 7-28-81; AE 2-1983, f. & ef. 1-12-83; AE 2-1984, f. & ef. 10-23-84; AE 1-1986, f. 11-12-86, ef. 11-13-86; AE 2-1992, f. & cert. ef. 3-30-92; AE 5-1992(Temp), f. & cert. ef. 10-21-92; AE 1-1993, f. & cert. ef. 7-1-93; AE 1-1996, f. 1-23-96, f. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 2-1998, f. & cert. ef. 6-22-98; Administrative correction, 6-17-99; BAE 3-2000, f. & cert. ef. 7-24-00; BAE 5-2001, f. & cert. ef. 10-24-01; BAE 5-2002 f. 8-14-02 cert. ef. 8-15-02; BAE 4-2003, f. 8-13-03, cert. ef. 8-14-03; BAE 2-2005, f. & cert. ef. 5-12-05; BAE 1-2008, f. & cert. ef. 2-28-08; BAE 4-2009, f. & cert. ef. 7-10-09

806-010-0035 - Reciprocal Registration Process

(1) Any registered or certified architect from another Board recognized jurisdiction who desires registration to practice in Oregon, must furnish the Board with an Oregon Board application and the individual's Council Record from NCARB. In addition, the applicant must provide evidence for all of the following:

(a) A first professional degree in architecture from a NAAB-accredited program of architecture;

(b) Successfully passing the ARE;

(c) If a person has not previously been examined for seismic and lateral forces knowledge through successful completion of an NCARB examination in 1965 or later, the person must then provide evidence of successfully completing the NCARB Division Structural Systems examination;

(d) Verification of completion of NCARB's IDP program or two years of consecutive and active practice in architecture in a Board-recognized jurisdiction after initial registration; and.

(e) The reciprocal application fee (See Schedule of Actual Fees, OAR 806-010-0105).

(2) **Jurisprudence Examination (JE)**: After a person has completed the application process, they must pass the Board's JE covering Oregon statutes and rules governing the practice of architecture.

(a) The JE will be administered in a manner approved by the Board. Individuals will have no longer than 60 minutes in which to complete the JE. A passing score of 84% is the minimum accepted passing score.

(b) Individuals will be notified whether they pass or fail the JE, and will not be allowed any opportunity to review or challenge test results.

(c) Individuals who do not pass the JE may retest no sooner than the Board notifies them in writing that they may retest. However, in no event may a person test sooner than 30 days after the date of the failed JE.

(3) **Oral Interview**: The Board reserves the right to require an oral interview of any individual who applies for licensure by reciprocity and who successfully passes the JE. The oral interviews are held on regularly scheduled Board meeting dates. If an oral interview is required, the Board will notify the person. The oral interview is an opportunity for registrants to meet the Board and discuss the rules and laws in effect in Oregon.

(4) **Registration**: Upon successful completion of the requirements of this section and upon payment of the registration fee, the Board may grant a certificate of registration by written notification.

(5) **Limits**:

(a) The "Architect" title may be used only under the conditions outlined in OAR 806-010-0037 and ORS 671.065.

(b) No person may practice architecture in Oregon until such time as the Board notifies the person in writing that registration is granted by the Oregon Board.

Stat. Auth.: ORS 671.125Stats. Implemented: ORS 671.050 & 671.065Hist.: AE 5, f. 12-22-64; AE 11, f. 2-15-74, ef. 3-11-74; AE 1-1978, f. & ef. 1-23-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 2-1980, f. & ef. 10-3-80; AE 1-1984, f. & ef. 8-22-84; AE 1-1987, f. & ef. 3-30-87; AE 1-1988, f. & cert. ef. 3-14-88; AE 1-1992, f. 1-9-92, cert. ef. 1-10-92; AE 3-1992, f. & cert. ef. 6-30-92; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 2-1998, f. & cert. ef. 6-22-98; BAE 1-1999, f. & cert. ef. 3-25-99; BAE 3-2000, f. & cert. ef. 7-24-00; BAE 5-2002, f. 8-14-02 cert. ef. 8-15-02; BAE 4-2003, f. 8-13-03, cert. ef. 8-14-03; BAE 2-2004, f. & cert. ef. 3-2-04; BAE 1-2008, f. & cert. ef. 2-28-08

806-010-0060 - Abandonment and Reinstatement of Practice

(1) **Inactive Status**. Unless otherwise provided by the Board, a licensee's certificate becomes inactive at the end of the grace periods, or on the 61st day following the renewal deadline date if registrant fails to meet renewal requirements as designated by statute or rule (including, but not limited to, failure to comply with the continuing professional education (CPE) program or failure to pay renewal fees or accrued penalties). A registrant may also request inactive status prior to the 61st day following the renewal deadline date. An inactive Oregon certificate prohibits an architect from practicing architecture in Oregon, as defined by statute and rule. An inactive Oregon certificate also prohibits use of the architect title in Oregon, as defined by statute and rule.

(2) The Board may reinstate an inactive licensee's certificate to practice architecture to active status from inactive status as provided in this rule:

(a) **Inactive for less than or equal to five years**. An inactive licensee whose certificate has been inactive in Oregon for less than, or equal to, five years may gain reinstatement to active status only after:

(A) Filing a current application for reinstatement;

(B) Demonstrating current professional proficiency, as outlined under subsection (3)(a) of this rule; and

(C) Paying the reinstatement fee (See Schedule of Actual Fees, OAR 806-010-0105).

(b) **Inactive over five years**. An individual who held a previously active license in Oregon whose license has been inactive for greater than five years, may gain reinstatement to active status only after:

(A) Filing a current application for reinstatement;

(B) Paying the reinstatement and registration fees (See Schedule of Actual Fees, OAR 806-010-0105);

(C) Demonstrating current professional proficiency, as outlined under subsection (3)(a) or (3)(b) of this rule;

(D) Providing verification of meeting the National Council of Architect Registration Board (NCARB)'s seismic requirements, or the equivalent, as determined by this Board; and

(E) Passing a jurisprudence examination (JE). The JE will be administered in a manner approved by the Board. Individuals will have no longer than 60 minutes in which to complete the JE. A score of 84% is the minimum accepted passing score. Individuals will be notified whether they pass or fail the JE, and will not be allowed any opportunity to review or challenge test results. Individuals who do not pass the JE may reschedule the JE no sooner than the date the Board notifies the person in writing that they may retest; however, may not test sooner than 30 days after the date of the failed JE.

(F) Attending an oral interview. Individuals whose Oregon license has been inactive over five years and who successfully pass the JE must appear before the Board for an oral interview. Oral interviews are held on regularly scheduled Board meeting dates. Individuals will be invited to the oral interview after they have successfully passed the JE. The oral interview is an opportunity for individuals to meet the Board and discuss the rules and laws in effect in Oregon.

(c) "**Architect Emeritus**". An Architect Emeritus seeking reinstatement of his or her Oregon registration that became inactive as an "Architect Emeritus" may gain reinstatement as follows:

(A) An Architect Emeritus in that status **for equal to or less than five years** may gain reinstatement to active status, at the discretion of the Board, only upon:

(i) Filing a reinstatement application;

(ii) Demonstrating current professional proficiency, as outlined in subsection (3) of this rule; and

(iii) Paying the reinstatement fee.

(B) An Architect Emeritus in that status for **greater than five years** may gain reinstatement to active status only upon meeting the requirements listed in OAR 806-010-0060(2)(b).

(3) "**Current Professional Proficiency**". For purposes of this rule, current professional proficiency may be established by any one of the following:

(a) Submitting to the Board verifiable evidence of compliance with the aggregate continuing professional education (CPE) requirements for the reporting periods that the certificate was inactive in Oregon;

(b) Satisfying the requirements of OAR 806-010-0020 or 806-010-0035.

Stat. Auth.: ORS 671.125Stats. Implemented: ORS 671.080Hist.: AE 5, f. 12-22-64; AE 2-1978, f. & ef. 3-6-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 2-1980, f. & ef. 10-3-80; AE 1-1987, f. & ef. 3-30-87; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 1-1999, f. & cert. ef. 3-25-99; BAE 3-2000, f. & cert. ef. 7-24-00; BAE 4-2002, f. & cert. ef. 8-7-02; BAE 2-2004, f. & cert. ef. 3-2-04; BAE 7-2006.f. & cert. ef. 12-13-06; BAE 1-2010, f. & cert. ef. 4-6-10