

**TITLE 16 California Architects Board
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: The California Architects Board has not scheduled a hearing on the proposed changes.

Subject Matter of Proposed Regulations: Reasonable Accommodations.

Section(s) Affected: Section 124 Article 3 of Division 2 of Title 16 of the California Code of Regulations (CCR)

Background and Statement of the Problem:

The California Architects Board (The Board) was created in 1901 by the California State Legislature. The Board licenses, regulates, and investigates complaints against architects in California, totaling approximately 22,000 licensees. It is the Board's duty to enforce and administer the Architects Practice Act, (Business & Professions Code (BPC) Chapter 3 (commencing with section 5500) of Division 3 (Act)). The Board is authorized to establish necessary rules and regulations for the enforcement of the Act and the laws subject to its jurisdiction (BPC section 5526). The Board is responsible for the discipline of architects and enforcement of the Architects Practice Act (Act) (Business and Professions Code (BPC) section 5500 et seq.). BPC section 5510.15 mandates that the protection of the public shall be the highest priority of the Board in its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with the other interests sought to be promoted, the protection of the public shall be paramount.

BPC section 5526 authorizes the Board, in accordance with the Administrative Procedure Act (APA) (Government Code (Gov. Code) section 11400 et seq.), to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry out the provisions under the Act. Gov. Code section 11425.50, subdivision (e), provides that a penalty in an administrative disciplinary action may not be based on a guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule unless it has been adopted as a regulation in accordance with the APA.

The Board's California Supplemental Examination (CSE) regulation, 16 CCR section 124, was created to describe the method by which candidates apply for and retake the CSE. The existing regulation states candidates submit an application with required fee and information to the Board when they have been deemed eligible. Additionally, candidates who fail the CSE must reapply and wait at least 90 days to retake the examination.

The current regulation does not have codified procedures for candidates to apply for

reasonable accommodations when requesting to take the CSE. Recently, the Department released a policy for testing accommodations for licensure candidates with disabilities. The policy provides instructions and procedures to follow when evaluating testing accommodations. Currently, the Board does allow candidates to request reasonable accommodations for the CSE, and staff work with the Office of Professional Examination Services to ensure candidates receive the appropriate accommodation. The proposed change will put into regulation the Board's existing process for evaluating reasonable accommodation requests for the CSE.

Anticipated benefits from this regulatory action:

The Board has determined this regulatory proposal would help facilitate licensure and provide equity for candidates with impairments which would reduce delays in the licensure process benefitting the health and welfare of California residents.

Specific purpose of, and rationale for, each adoption, amendment, or repeal:

1. Add 16 CCR section 124(b)(5)

Purpose: Add the required documentation to submit an application to request reasonable accommodations for testing.

Anticipated Benefit/Rationale: This change is made to clearly identify that the candidate shall include a “disclosure regarding whether the applicant is requesting a reasonable accommodation.” Additionally, the change clarifies that the “applicant shall provide medical documentation consisting of a written document from a licensed healthcare professional confirming the existence of the applicant’s disability or medical disability (as defined in Government Code section 12926(j)) and the need for the reasonable accommodation.” This language specifies the method to apply and required documents for Board staff to efficiently process reasonable accommodations and reduce the need for staff to seek clarification or additional documentation from the applicant or healthcare provider.

Underlying Data

1. December 5-6, 2024 Board Meeting Agenda, relevant Materials, and Meeting Minutes

Business Impact:

The Board has made the initial determination that the proposed regulations will not have statewide adverse economic impact directly affecting businesses including the inability of California businesses to compete with businesses in other states. The proposed regulations clarify existing requirements.

Economic Impact Assessment:

This regulatory proposal will have the following effects:

It will not create or eliminate jobs within the State of California because it only clarifies licensing requirements.

It will not create new business or eliminate existing businesses within the State of California because it only applies to individuals who are seeking licensure in the state.

It will not affect the expansion of businesses currently doing business within the State of California because it only applies to individuals who are not yet licensed to practice.

This regulatory proposal will facilitate and the licensure and provide equity for candidates with examination impairments, which will benefit the health and welfare of Californians.

This regulatory proposal does not affect worker safety because it does not involve worker safety.

This regulatory proposal does not affect the state's environment because it does not involve the environment.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

The Board has made an initial determination that no reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.