

**State of California  
Office of Administrative Law**

**In re:**  
**California Architects Board**

**Regulatory Action:**

**Title 16, California Code of Regulations**

**Adopt sections: 165**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2022-1201-01**

**OAL Matter Type: Regular (S)**

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Business and Professions Code section 5600.05 requires licensed architects to obtain five hours of continuing education regarding disability access requirements for public facilities, during each two-year license renewal period prior to the license expiration date, as a condition of license renewal. This action adopts requirements for course qualification and completion, issuing certificates of completion, and enforcement.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/17/2023.

Date: January 17, 2023



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Ashita Mohandas  
Attorney

For: Kenneth J. Pogue  
Director

Original: Laura Zuniga, Executive Officer  
Copy: Kimberly McDaniel

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS

NOTICE FILE NUMBER Z- 2021-1102-12

REGULATORY ACTION NUMBER

2022-1201-015

EMERGENCY NUMBER

For use by Office of Administrative Law (OAL) only

ENDORSED - FILED in the office of the Secretary of State of the State of California

JAN 17 2023

1:53 PM

OFFICE OF ADMIN. LAW 2022 DEC 1 AM 9:35

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

California Architects Board, Department of Consumer Affairs

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE, TITLE(S), FIRST SECTION AFFECTED, 2. REQUESTED PUBLICATION DATE, 3. NOTICE TYPE, 4. AGENCY CONTACT PERSON, TELEPHONE NUMBER, FAX NUMBER (Optional), OAL USE ONLY, ACTION ON PROPOSED NOTICE, NOTICE REGISTER NUMBER, PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a SUBJECT OF REGULATION(S), 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S), Disability Access Continuing Education

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related), SECTION(S) AFFECTED, TITLE(S)

3. TYPE OF FILING, Regular Rulemaking (Gov. Code §11346), Certificate of Compliance, Emergency Readopt, Changes Without Regulatory Effect, Resubmittal of disapproved or withdrawn nonemergency filing, File & Print, Print Only, Emergency (Gov. Code, §11346.1(b)), Resubmittal of disapproved or withdrawn emergency filing, Other (Specify)

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100), Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)), Effective on filing with Secretary of State, §100 Changes Without Regulatory Effect, Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY, Department of Finance (Form STD. 399) (SAM §6660), Fair Political Practices Commission, State Fire Marshal, Other (Specify) Kimberly Kirchmeyer, Director, Department of Consumer Affairs

7. CONTACT PERSON, TELEPHONE NUMBER, FAX NUMBER (Optional), E-MAIL ADDRESS (Optional), Kimberly McDaniel, (916) 575-7221, (916) 575-7283, Kimberly.Mcdaniel@dca.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE, DATE, Lama Garcia, Nov 14, 2022

TYPED NAME AND TITLE OF SIGNATORY, Lama Garcia, Executive Officer, California Architects Board

For use by Office of Administrative Law (OAL) only, ENDORSED APPROVED, JAN 17 2023, Office of Administrative Law

**CALIFORNIA ARCHITECTS BOARD**

**DISABILITY ACCESS CONTINUING EDUCATION**

**ORDER OF ADOPTION**

**Adopt a new Article 10 of Division 2 of Title 16 of the California Code of Regulations as follows:**

**Article 10. Continuing Education**

**Adopt Section 165 of Article 10 of Division 2 of Title 16 of the California Code of Regulations as follows:**

**§ 165. Continuing education coursework regarding disability access requirements.**

**(a) For purposes of this section, the following terms have the following meanings:**

- (1) "Certified access specialist" means a person who is certified pursuant to Government Code section 4459.5.**
- (2) "Disability access requirement" means a provision, standard, or regulation under state or federal law requiring compliance with standards for making new construction and existing facilities accessible to persons with disabilities, including, but not limited to, any provision of, or standard or regulation set forth in, the following:**
  - (A) Civil Code sections 51, 54, 54.1, and 55.**
  - (B) Part 5.5 (commencing with section 19955) of the Health and Safety Code.**
  - (C) California Building Code, section 1.9.1 and chapters 11A and 11B of volume 1 of part 2 of title 24 of the California Code of Regulations.**
  - (D) Titles II and III of the federal Americans with Disabilities Act of 1990 ("ADA") (42 U.S.C. Sec. 12101 et seq.).**
  - (E) Title II of the ADA Standards for Accessible Design (state and local government facilities), consisting of part 35.151 of title 28 of the Code of Federal Regulations (CFR) and the ADA Accessibility Guidelines (36 CFR part 1191, appendices B and D).**
  - (F) Title III of the ADA Standards for Accessible Design (public accommodations and commercial facilities), consisting of subpart D (commencing with section**

36.401) of part 36 of title 28 of the CFR and the ADA Accessibility Guidelines (36 CFR part 1191, appendices B and D).

(b) As a condition of renewal, a licensee shall complete five hours of continuing education (CE) coursework on the subject of California and federal disability access requirements that meet the criteria specified in this section during each two-year license renewal period prior to the license expiration date, or, if the license is delinquent, during the 24 months immediately preceding the date on which the licensee submits the delinquent renewal application. The board shall consider CE coursework incomplete and the licensee not in compliance with this section if, within 15 days of the board's notice of audit and written request, the licensee does not make available to the board the proof required by this section. For purposes of this section "proof" shall mean any of the following:

(1) a certificate of completion described in subsection (h),

(2) attendance or course completion records from the course provider as described in subsection (g), or,

(3) other records of completion that contain the information specified in Section 5600.05 of the code.

(c) The CE coursework shall have clear and identifiable learning objectives, systematic presentation of material, and be presented by trainers or educators who meet the qualifications in subsection (e).

(d) A provider shall only issue a certificate of completion to a participant who:

(1) completes an in-person or live webinar course, or

(2) takes a recorded course not presented live or presented by recorded webinar and successfully passes a test of the participant's knowledge and understanding of the CE coursework at the end of the period of instruction (post-course test). "Successfully passing" shall mean a minimum cumulative passing score of at least seventy percent (70%).

(e) A provider must use trainers or educators who have knowledge and expertise in disability access requirements and meet one of the following criteria:

(1) Be a certified access specialist or certified by another United States jurisdiction to perform one or more of the services described in section 113 of title 21 of the California Code of Regulations.

(2) Hold a certification from the International Code Council ("ICC") National Certification as one of the following:

(A) Commercial Building Inspector.

(B) Building Plans Examiner.

(C) Certified Building Official.

(D) Code Specialist.

(E) Accessibility Inspector/Plans Examiner.

(3) Hold a certification from the ICC California Certification Program as one of the following:

(A) California Commercial Building Inspector.

(B) California Building Plans Examiner.

(4) Hold a license or registration issued by a United States jurisdiction as an architect or a professional, civil, or structural engineer.

(5) At least two years' employment by a building department or other building code enforcement agency of any state or local governmental jurisdiction as a plan reviewer, plans examiner, building inspector, building or construction consultant or construction inspector.

(6) At least three years' employment as a disability access specialist conducting assessment of facilities for specific needs of the disability community.

(f) An architect shall not certify completion of the CE requirement through self-teaching or self-directed activities. Teaching, instructing, or presenting a course on disability access requirements shall not qualify as credit for fulfillment of the CE requirement of this section.

(g) A provider shall maintain for at least three years from the date of course completion records of participant attendance and course completion, including the information specified in section 5600.05(b) of the code, for each CE participant.

(h) Within ten business days from the completion of the course, a provider shall issue a certificate of completion to each participant, subject to the requirements in subsection (d). The certificate of completion shall include the information specified in section 5600.05(b) of the code.

(i) Upon written request by a licensee who is the subject of a CE audit, a provider shall issue within ten days of the date of the request a copy of the records specified in subsection (g). It shall be the responsibility of a licensee to obtain those records from the provider if they are requested by the board and make those records available to the board. In addition, the licensee shall cooperate in the audit and

investigation of the licensee's compliance with this section, including taking all steps required by the CE provider to authorize the release of information to the Board, including signing any authorization or consent to release the licensee's records of completion or coursework to the Board.

- (i) A licensee not in compliance with this section shall remedy any deficiency of the CE requirements of this section by completing the coursework prescribed by this section for the prior renewal period during the current renewal period, in addition to completing the CE coursework required in this section for the current renewal period. Before the end of the current renewal period, the licensee shall provide the board proof, as described in subsection (b), that the deficiency of CE credits has been remedied as prescribed by this section.

Note: Authority cited: Sections 5526 and 5600.05, Business and Professions Code. Reference: Sections 5578 and 5600.05, Business and Professions Code; Section 55.52, Civil Code.