

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND
SURVEYORS, AND REGISTERED INTERIOR DESIGNERS

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF
EXAMINING BOARD OF ARCHITECTS, : ARCHITECTS, LANDSCAPE
LANDSCAPE ARCHITECTS, : ARCHITECTS, PROFESSIONAL
PROFESSIONAL ENGINEERS, : ENGINEERS, DESIGNERS,
DESIGNERS, PROFESSIONAL : PROFESSIONAL LAND
LAND SURVEYORS, AND REGISTERED : SURVEYORS, AND
INTERIOR DESIGNERS : REGISTERED INTERIOR
 : DESIGNERS
 : ADOPTING RULES
 : (CLEARINGHOUSE RULE 24-001)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers to **amend** A-E 1.01, 1.02 (intro), (1), and (3), 1.03 (2) (a), 2.01, 2.02 (1) and (2) and (4) and (6), and (8) (intro), (a), and (b), 2.03 (1) (a) and (b), 8.02, 8.03 (intro), (1) and (2), (2) (a), (3), (3) (a), (5) (c) 4. and 5., 8.04 (intro), 8.05 (1) (intro), 8.06 (intro), 8.07 (intro), (1), and (2), 8.08 (intro) and (4), 8.09 (intro), (1), and (2), 8.10 (1) and (3), 8.11 (3), and 12.01; and to **create** A-E 2.03 (2) (f), 2.06 (1) (g), 14, and 15, relating to registered interior designers.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 443.015 (1) and (2), 443.075, 443.17, 443.175, Stats.

Statutory authority:

Sections 15.08 (5) (b), 443.015 (1), (1e), ~~(1m) (a) 1.~~ (b), and (2), 443.17 (2) (a), Stats.

Explanation of agency authority:

Section 15.08 (5) (b) states that each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 443.015 (1) states that “[e]ach section of the examining board may establish continuing education requirements for renewal of a credential issued by that section under this chapter.”

Section 443.015 (1e) states that “[t]he rules promulgated under sub. (1) by the registered interior designer section of the examining board shall require a Wisconsin registered interior designer to complete at least 15 hours of continuing education during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a). At least 10 of the 15 hours shall be in subjects related to the practice of interior design that safeguard the public's health, safety, and welfare.”

~~Section 443.015 (1m) (a) 1. states that~~

~~“1. Each section of the examining board shall promulgate rules to do all of the following:~~

~~a. Allow the holder of a credential under this chapter who is at least 65 years of age or has actively maintained that credential for at least 20 years, which need not be consecutive, and who certifies that he or she has retired from and no longer engages in the practice for which he or she holds the credential to apply to the board to classify that credential as retired status.~~

~~b. Allow an individual who previously held a credential under this chapter, and failed to renew that credential prior to the renewal date, to apply to the board to renew the credential with retired status if the individual is at least 65 years of age or had actively maintained that credential for at least 20 years, which need not be consecutive, certifies that he or she has retired from and no longer engages in the practice for which he or she previously held the credential, and pays the fee under par. (d). Section 440.08 (3) (a) and (b) does not apply to the renewal of such a credential.~~

~~c. Allow the holder of a credential classified as retired status as described under subd. 1. a. or b. to apply to the appropriate section of the examining board to remove the retired status classification if he or she satisfies reinstatement requirements established by the appropriate section of the examining board by rule.”~~

Section 443.015 (1m) (b) states that “[a]ny rules a section of the examining board promulgates under sub. (1) shall exempt a credential holder whose credential is classified as retired status under par. (a) from continuing education requirements.”

Section 443.015 (2) states that “[e]ach section of the examining board may promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.”

Section 443.17 (2) (a) states that “[t]he registered interior designer section of the examining board shall promulgate rules establishing specifications for seals and stamps used by Wisconsin registered interior designers.”

Related statute or rule:

Chapter SPS 130.

Plain language analysis:

Wisconsin Administrative Code Chapter SPS 130 currently outlines requirements for registered interior designers. The authority for the rules in SPS 130 was removed and transferred to the newly created Registered Interior Designers Section of the Examining board of architects, landscape architects, professional engineers, designers, professional land surveyors, and registered interior designers with the enactment of 2021 Wisconsin Act 195. The objective of this rule project is to implement the statutory changes from the act by creating chapters A-E 14 and 15 as a new part of the Wisconsin Administrative Code and by amending chapters A-E 1, 2, and 8 to add registered interior designers to the general provisions of the board. The new chapters cover the registration and continuing education requirements for registered interior designers.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers held a preliminary hearing on the statement of scope for this rule on June 13, 2023. The following comment was received from James Gersich, Wisconsin Registered Interior Designer:

“Today I am writing as a member of the public, registered as a Wisconsin Registered Interior Designer (WRID). You may also know me as the Vice Chair of the Joint Examining Board (JEB) of Architects, Landscape Architects, Professional Engineers, Professional Land Surveyors, Designers of Engineering Systems, and Registered Interior Designers; but this message is not intended to represent the views of the JEB but rather, my personal views; I have been credentialed in Wisconsin as an Architect and a Landscape Architect in addition to WRID, three all for many years, and have served for more than 12 years on the JEB and Architect Section.

As you develop Rules for the WRID/RID Section, please consider these:

1. The State of Wisconsin has in effect granted WRID registrants a monopoly over the practice and the title, and the rationale for this is solely the protection of the public's health, safety, and welfare (HSW).
2. Many years ago, Continuing Education (CE) requirements were initiated for some disciplines within the JEB, for continued licensure via biennial renewal.
3. Several years ago, DSPS (at the time, Department of Commerce) performed random audits for CE compliance by credential holders; but due to budget constraints, auditing was eliminated shortly thereafter.
4. The DSPS has no "policing" activity or staff that assures compliance with CE requirements, or conformance with any Rules. Hence, each licensee is obligated under A-E 8.08 to report possible violations. Within any disciplinary action investigated by DSPS staff supporting the Architect Section, compliance with CE requirements has been undertaken. But please note, only if a licensee is the subject

of a disciplinary investigation does compliance with the CE requirements stipulated within the Rules, occurs.

5. So as you undertake WRID rulemaking, please strongly consider these recommendations:

a. The number of biennial contact hours for registrants should match those of Architect. Details are found in A-E 12.03. This requires a combination of mostly HSW and then other “non-HSW” Learning Units (LUs) in addition; 24 hours (of which 16 shall be HSW topics) is required biennially.

b. The quality of approvable CE is important. For example, lunch-n-learns that are blatant sales pitches for specific manufacturer's products, should not be allowed. The American Institute of Architects (AIA) is the only design discipline professional organization (via JEB) that currently reviews all pre-submitted CE course content, for approval in advance for HSW designation. Consequently, courses approved by AIA as LU vs HSW should be allowed as acceptable CE for WRID renewal.

c. The AIA has a CE Transcript service for its members, and it is available to other design professionals at a reasonable cost. This Transcript has been widely (including in Wisconsin) accepted without question, in support of proof of CE. Rulemaking within WRID CE should recognize AIA, IIDA, ASID, and similar professional organizations who document CE for their members.

d. Lastly, please also consider requiring Professional Conduct and Ethics subject content when contemplating CE requirements for WRIDs. While JEB Architects (under 12.03) do not presently have such a requirement, it is required by the Professional Landscape Architects under A-E 11.03 in the quantity of 2 hours per biennium; these are not in addition to the minimum. I am licensed in Minnesota as an Architect and Certified Interior Designer. The State of Minnesota already requires Ethics CE for Architects, Landscape Architects, Professional Engineers and Certified Interior Designers, 2 hours per two-year renewal period being currently required.

Thank you for considering my recommendations.”

Comparison with rules in adjacent states:

Illinois:

Interior Designers in Illinois are registered through the Illinois Department of Financial and Professional Regulation. The Registered Interior Designer Act empowers the Board of Registered Interior Design Professionals, governs the practice of interior designers in Illinois, and includes statutory direction regarding interior designer practice, examination, registration and renewal, continuing education, and penalty for unregistered practice [225 Illinois Compiled Statutes ch. 310].

Interior Designers in Illinois are required to complete 10 hours of continuing education per biennium, including one hour in sexual harassment prevention training and one hour pertaining to the subjects of professional conduct or interior design professional ethics.

Finally, “All CE programs, activities or courses shall emphasize health, safety and welfare subjects” and meet certain other requirements. [Illinois Administrative Code Title 68 Part 1255 s. 1255.61]. Part 1255 of the Illinois Administrative Code further details rules for interior designers in the areas of registration, examination, seal and signature requirements, endorsement, continuing education, and granting variances. [Illinois Administrative Code Title 68 Part 1255 s. 1255.10 to 1255.90].

Iowa:

Interior Designers in Iowa are registered through the Iowa Department of Inspections, Appeals, and Licensing. The Iowa Interior Design Examining Board regulates the practice of registered interior designers. Chapter 544C of the Iowa Code includes statutes on registration, reciprocal registration, continuing education, penalty for violations of unlawful use of title, and grants administrative rulemaking authority to the board [Iowa Code ch. 544C.1 to 544C.13].

Section 193G of the Iowa Administrative Code for the Interior Design Examining Board further details rules for interior designers in the areas of registration, continuing education, professional conduct, and discipline. Interior designers are required to complete at least 10 hours of continuing education “in acceptable health, safety, and welfare subjects” per biennium. Carryover hours are not permitted. [193G Iowa Administrative Code ch. 3].

Michigan:

Michigan does not register, certify, nor license interior designers.

Minnesota:

Interior designers in Minnesota are certified through the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. Chapter 326 of the Minnesota Statutes includes requirements for all professions within the board in regard to their scope of practice, certification requirements, grounds for disciplinary action, and continuing education.

Interior designers in Minnesota must complete at least 24 hours of approved continuing education, of which two must be in professional ethics, within the two years preceding renewal. Interior designers are allowed to carry over up to 50 percent of the biennial requirement of hours towards the next renewal period [Minnesota Statutes 326.107].

The Minnesota Administrative Rules have two chapters that include interior designers. Chapter 1800 is dedicated to licensing and operation for all professions on the board. Subsections 1800.2100 and 1800.2200 detail the provisions for education and experience, and procedures related to the practice of interior design. Chapter 1805 further explains the provisions of unprofessional conduct for all professions within the board.

Summary of factual data and analytical methodologies:

The proposed rules were developed by conducting a comprehensive review of the provisions of chs. A-E 1 to 13 and obtaining input and feedback from the Rules Committee of the A-E Board and the Registered Interior Designer Section. The Board also reviewed the statutory changes from 2021 Wisconsin Act 195 and promulgated rules as needed for the profession.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

Agency contact person:

Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 1.01 is amended to read:

A-E 1.01 Authority. The rules in chs. A-E 1 to ~~4315~~ are adopted under authority in ss. 15.08 (5) (b), 227.11 and ch. 443, Stats.

SECTION 2. A-E 1.02 (intro), (1), and (3) are amended to read:

A-E 1.02 Definitions. In chs. A-E 1 to ~~4315~~:

(1) “Board” or “joint board” means the examining board of architects, landscape architects, professional engineers, designers, ~~and~~ professional land surveyors, and registered interior designers.

(3) “Section of the board” means either the architect section, the landscape architect section, the professional engineer section, the designer section, ~~or~~ the land surveyor section, or the registered interior designer section.

SECTION 3. A-E 1.03 (2) (a) is amended to read:

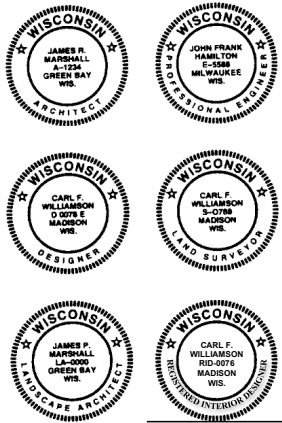
A-E 1.03 (2) (a) Composition. The rules committee of the board is comprised of one member from each section and 3 public members. The board chair shall appoint the 3 public members from any of the ~~56~~ sections of the board.

SECTION 4. A-E 2.01, 2.02 (1) and (2) and (4) and (6), and (8) (intro), (a), and (b) are amended to read:

A-E 2.01 Purpose. The purpose of the rules in this chapter is to specify general requirements and procedures which apply to persons credentialed by any section of the board. Requirements specific to architects, landscape architects, professional engineers, designers, ~~or professional land surveyors, or registered interior designers~~ are specified in chs. A-E 3, 4, 5, 6, 7, 9, 10, 11, 12, ~~and 13, 14, and 15~~. Rules of professional conduct for all ~~registrants or permit~~ credential holders are specified in ch. A-E 8.

A-E 2.02 (1) Each architect, landscape architect, professional engineer, designer, ~~and~~ professional land surveyor, ~~and registered interior designer~~ shall obtain a seal that complies with board specifications for registration seals. The overall diameter may not be less than 1 5/8 inches nor more than 2 inches. Each seal shall include the ~~registrant's~~ credential holder's name, registration or permit number and city.

(2) The following designs for registration seals have been approved:



(4) Each sheet of plans, drawings, documents, specifications, ~~and reports for architectural, landscape architectural, professional engineering, design, or professional land surveying, and registered interior design practice shall be signed, sealed, and dated by the registrant or permit~~ credential holder who prepared, or directed and controlled preparation of, the written material, except as specified in sub. (5).

(6) Any addition, deletion or other revision to each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional engineering, design, ~~or professional land surveying, or registered interior design practice which affects public health and safety or any state or local code requirements may not be made unless signed, sealed and dated by the registrant or permit~~ credential holder who made or directed and controlled the making of the revision.

Formatted: Strikethrough

Formatted: Underline

Formatted: Strikethrough

Formatted: Underline

Formatted: Strikethrough

Formatted: Underline

Formatted: Strikethrough

Formatted: Underline

(8) Plans, specifications and calculations for buildings and structures not exempt under s. 443.15, Stats., which have been prepared by an architect, ~~or professional engineer, or registered interior designer~~ other than the Wisconsin ~~registered~~ credentialed architect, ~~or engineer, or registered interior designer~~ who is submitting the plans, specifications and calculations for filing as public documents, may be submitted if all of the following conditions are satisfied:

Formatted: Strikethrough

Formatted: Underline

(a) The plans, specifications and calculations shall have been prepared by or under the supervision of an architect, ~~or professional engineer, or registered interior designer~~ licensed in some state of the United States, and shall bear the signature and seal or stamp of the architect, ~~or professional engineer, or registered interior designer~~ who prepared them or under whose supervision and control they were prepared.

Formatted: Underline

Formatted: Strikethrough

Formatted: Underline

Formatted: Strikethrough

Formatted: Underline

(b) A certificate, dated, signed, and sealed by the Wisconsin ~~registered~~ credentialed architect, ~~or professional engineer, or registered interior designer~~ who is submitting the plans, specifications, and calculations for filing as public documents, shall be attached to the plans, specifications, and calculations. The certificate shall indicate that the plans, specifications and calculations were prepared by an architect, ~~or professional engineer, or registered interior designer~~ other than the submitting ~~registered~~ credentialed architect, ~~or professional engineer, or registered interior designer~~; and shall include statements to the effect that the plans and specifications have been reviewed and comply with all applicable local and state building codes, and that the reviewing ~~registered~~ credentialed architect, ~~or professional engineer, or registered interior designer~~ will be responsible for the supervision of construction in accordance with the requirements of the state, and of the county and municipality where the building or structure is to be erected. If the ~~registered~~ credentialed architect, ~~or professional engineer, or registered interior designer~~ who originally prepared the plans, specifications and calculations was ~~registered~~ credentialed in Wisconsin at the time they were prepared, the certificate shall also specify why the original architect, ~~or professional engineer, or registered interior designer~~ is not submitting the plans, specifications, and calculations for approval.

Formatted: Strikethrough

Formatted: Underline

Formatted: Strikethrough

Formatted: Underline

Formatted: Strikethrough

Formatted: Underline

Formatted: Strikethrough

Formatted: Underline

Formatted: Strikethrough

Formatted: Underline

SECTION 5. A-E 2.03 (1) (a) and (b) are amended to read:

A-E 2.03 (1) (a) "Firm" means any sole proprietorship, partnership, corporation, limited liability company, or limited liability partnership located in this state which provides or offers to provide architectural, landscape architectural, professional engineering, design, ~~or professional land surveying, or registered interior design~~ services to the public.

(b) "Resident" means a currently ~~registered~~ credentialed architect, landscape architect, professional engineer, designer, ~~or professional land surveyor, or registered interior designer~~ who spends the majority of his or her working schedule in one firm location and who is in charge of and responsible for the type of services offered or provided from that location.

Formatted: Strikethrough

Formatted: Underline

SECTION 6. A-E 2.03 (2) (f) is created to read:

A-E 2.03 (2) (f) A resident registered interior designer in each separate business location which provides or offers to provide registered interior design services.

SECTION 7. A-E 2.06 (1) (g) is created to read:

A-E 2.06 (1) (g) Registration as a registered interior designer.

SECTION 8. A-E 8.02, 8.03 (intro), (1) and (2), (2) (a), (3), (3) (a), and (5) (c) 4. and 5. are amended to read:

A-E 8.02 Intent. The intent of the examining board in adopting this chapter is to establish rules of professional conduct for the professions of architecture, landscape architecture, professional engineering, designing, ~~and~~ professional land surveying, and registered interior design. A violation of any standard specified in this chapter may result in disciplinary action under ss. 443.11 to 443.13, Stats.

A-E 8.03 Definitions. In ch. 443, Stats., and chs. A-E 1 to 9, and 14:

(1) "Gross negligence in the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, or registered interior design" means the performance of professional services by an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer which does not comply with an acceptable standard of practice that has a significant relationship to the protection of health, safety or public welfare and is performed in a manner indicating that the professional knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.

(2) "Incompetency in the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ land surveying, or registered interior design" means conduct which demonstrates any of the following:

(a) Lack of ability or fitness to discharge the duty owed by an architect, landscape architect, professional engineer, designer, ~~or~~ land surveyor, or registered interior designer to a client or employer or to the public.

(3) "Misconduct in the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, or registered interior design" means an act performed by an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer in the course of the profession which jeopardizes the interest of the public, including any of the following:

(a) Violation of federal or state laws, local ordinances or administrative rules relating to the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, or registered interior design.

(5) (c) 4. Mere assumption by an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer of responsibility for work without having control of the work.

5. Assuming charge, control, or direct supervision of work in which the architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer does not have technical proficiency.

SECTION 9. A-E 8.04 (intro) is amended to read:

A-E 8.04 Offers to perform services shall be truthful. When offering to perform professional services, an architect, landscape architect, professional engineer, designer, ~~or professional land surveyor, or registered interior designer:~~

SECTION 10. A-E 8.05 (1) (intro) is amended to read:

A-E 8.05 (1) An architect, landscape architect, professional engineer, designer, ~~or professional land surveyor, or registered interior designer:~~

SECTION 11. A-E 8.06 (intro) is amended to read:

A-E 8.06 Professional obligations. An architect, landscape architect, professional engineer, designer, ~~or professional land surveyor, or registered interior designer:~~

SECTION 12. A-E 8.07 (intro), (1), and (2) are amended to read:

A-E 8.07 Unauthorized practice. An architect, landscape architect, professional engineer, designer, ~~or professional land surveyor, or registered interior designer:~~

(1) Shall assist in enforcing laws which prohibit the ~~unlicensed, uncredentialed~~ practice of architecture, landscape architecture, professional engineering, designing, ~~and~~ professional land surveying, and registered interior design by reporting violations to the board.

Formatted: Strikethrough

Formatted: Underline

(2) May not delegate professional responsibility to ~~unlicensed, uncredentialed~~ persons and may not otherwise aid or abet the ~~unlicensed, uncredentialed~~ practice of architecture, landscape architecture, professional engineering, designing, ~~or professional land surveying, or registered interior design.~~

Formatted: Strikethrough

Formatted: Underline

Formatted: Strikethrough

Formatted: Underline

SECTION 13. A-E 8.08 (intro) and (4) are amended to read:

A-E 8.08 Maintenance of professional standards. An architect, landscape architect, professional engineer, designer, ~~or professional land surveyor, or registered interior designer:~~

(4) Shall notify the department in writing if the ~~registrant or licensee~~ credential holder has been disciplined for unprofessional conduct in other states where the ~~registrant or licensee~~ credential holder holds a credential or has violated federal or state laws, local ordinances or administrative rules, not otherwise reportable under s. SPS 4.09 (2), which are related to the practice of an architect, landscape architect, professional engineer, designer, ~~or professional land surveyor, or registered interior designer.~~ The notification shall be submitted within 48 hours of the disciplinary finding or violation of law and shall include copies of the findings, judgments, and orders so that the department may determine whether the circumstances are substantially related to the practice of the ~~registrant or licensee~~ credential holder.

Formatted: Strikethrough

Formatted: Underline

Formatted: Strikethrough

Formatted: Underline

Formatted: Strikethrough

Formatted: Underline

SECTION 14. A-E 8.09 (intro), (1), and (2) are amended to read:

A-E 8.09 Adherence to statutes and rules. An architect, landscape architect, professional engineer, designer, ~~or professional land surveyor, or registered interior designer:~~

(1) Shall comply with the requirements in ch. 443, Stats., rules in this chapter and all other federal, state, and local codes which relate to the practice of architecture, landscape architecture, professional engineering, designing, ~~and~~ professional land surveying, and registered interior design.

(2) May not engage in conduct that may adversely affect his or her fitness to practice architecture, landscape architecture, professional engineering, ~~designing, or professional land surveying, or registered interior design.~~

SECTION 15. A-E 8.10 (1) and (3) are amended to read:

A-E 8.10 (1) No architect, landscape architect, professional engineer, ~~or designer, or registered interior designer~~ may sign, seal or stamp any plans, drawings, documents, specifications or reports for architectural, landscape architectural, professional engineering, ~~or design, or registered interior design~~ practice which are not prepared by the registrant or under his or her personal direction and control.

(3) No architect, landscape architect, professional engineer, designer, ~~or professional land surveyor, or registered interior designer~~ shall allow work performed by him or her or under his or her personal direction and control to be signed, sealed or stamped by another except that an architect, landscape architect, professional engineer, designer, ~~or professional land surveyor, or registered interior designer~~ working under the personal direction and control of another registrant or licensee may allow that registrant or licensee to sign and seal or stamp the work.

SECTION 16. A-E 8.11 (3) is amended to read:

A-E 8.11 (3) Signing or sealing plans, specifications, reports, maps, plats, or charts prepared for the practice of architecture, landscape architecture, professional engineering, ~~designing, or professional land surveying, or registered interior design.~~

SECTION 17. A-E 12.01 is amended to read:

A-E 12.01 Authority and purpose. The rules in this chapter are adopted by the examining board of architects, landscape architects, professional engineers, designers, ~~and land surveyors, and registered interior designers~~ pursuant to ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern the biennial continuing education requirements for architect ~~registrants, credential holders.~~

SECTION 18. A-E 14 and 15 are created to read:

Chapter A-E 14
INTERIOR DESIGNER ~~REGISTRATION~~CREDENTIALING

A-E 14.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11, 443.075, and 443.10, Stats. The purpose of the rules in this chapter is to interpret basic requirements for ~~registration-credentialing~~ as a registered interior designer as specified in ss. 443.075, and 443.10, Stats.

A-E 14.02 Definitions. In this chapter:

- (1) "Architect" has the meaning in s. 443.01 (1), Stats.
- (2) "Practice of interior design" has the meaning in s. 443.01 (5m) (a), Stats.
- (3) "Registered interior designer" has the meaning in s. 443.01 (9), Stats.

A-E 14.03 Requirements for ~~registration-credentialing~~ as a registered interior designer.

- (1) ~~REGISTRATION~~CREDENTIALING BY EXAMINATION. An applicant for ~~registration~~

Formatted: Strikethrough

Formatted: Underline

credentialing as a registered interior designer under s. 443.075 (1), Stats., shall submit all of the following:

- (a) Evidence of a passing score on the National Council for Interior Design Qualification Examination of the Council for Interior Design Qualification.
- (b) References from at least 3 individuals having personal knowledge of the applicant's work in the practice of interior design, 2 of whom are Wisconsin registered interior designers, and 1 of whom is either a registered interior designer or a registered architect.
- (c) Any additional data, exhibits, or references showing the extent and quality of the applicant's experience that may be required by the registered interior designer section.

(2) ~~REGISTRATION~~CREDENTIALING FOR REGISTERED ARCHITECTS. An applicant for ~~registration-credentialing~~ as a registered interior designer under s. 443.075 (2), Stats., shall submit all of the following:

- (a) Evidence of current ~~registration-credentialed status~~ as an architect under s. 443.03, Stats.
- (b) Evidence that the applicant is a graduate of a 4-year architecture program.
- (c) Evidence of at least 6 years of demonstrated practical experience in the practice of interior design, including at least all of the following areas:
 - 1. Programming and pre-design.
 - 2. Schematic design.
 - 3. Design development.
 - 4. Production of construction documents.
 - 5. Construction administration.
 - 6. Professional practice.
- (d) References from at least 3 individuals having personal knowledge of the applicant's work in the practice of interior design, 2 of whom are registered interior designers, and 1 of whom is either a registered interior designer or a registered architect.
- (e) Any additional data, exhibits, or references showing the extent and quality of the applicant's experience that may be required by the registered interior designer section.

Chapter A-E 15

CONTINUING EDUCATION FOR INTERIOR DESIGNERS

A-E 15.01 Authority and Purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern biennial continuing education of registered interior designers.

A-E 15.02 Definitions. In this chapter:

- (1) "Biennium" means a 2-year period beginning February 1 of each even-numbered year.
- (2) "Continuing education" means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee-credential holder in the practice of registered interior design and for improvement of the safety and welfare of the public.
- (3) "Health, safety and welfare" or "HSW" means any topics or subjects related to the practice of registered interior design which are deemed appropriate to safeguard the public health, safety, and welfare, including the proper planning, design, and construction of buildings, structures, infrastructures, and the spaces within and surrounding buildings and structures that meet the following criteria:
 - (a) Minimize the risk of injury to persons or property and comply with applicable building and safety codes.
 - (b) Are durable, environmentally friendly, cost effective, and conserve resources.
 - (c) Are aesthetically appealing.
 - (d) Function properly in all relevant respects.
 - (e) Enhance the public's sense of well-being, harmony, and integration with the surrounding environment.
- (4) "Continuing ~~e~~Education ~~h~~Hour" means 50 minutes of instruction or participation spent by the registrant-credential holder in actual attendance or completion of an approved educational activity.

A-E 15.03 Continuing Education Requirements.

- (1) During each biennial registration period, ~~unless granted a waiver under s. A-E 15.07,~~ every licensee-credential holder shall complete at least 15 ~~hours of approved professional development hours or equivalent~~ continuing education hours, pertinent to the practice of registered interior design, ~~except that between initial licensure and the first renewal period, a new licensee shall not be required to comply with the continuing education requirements for the first renewal of licensure.~~ At least 10 of the required 15 hours shall be in subjects related to the practice of registered interior design that safeguard the public's health, safety, and welfare.
- (2) Continuing education activities that ~~will~~ meet the requirements of sub. (1) include any continuing education course or program approved by any of the following:
 - (a) International Design Continuing Education Council.
 - (b) American Institute of Architects.
 - (c) Green Business Certification Inc.

A-E 15.04 Exemption for Retired Credential Status. Notwithstanding s. A-E 15.03, the continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E ~~2.04514.03~~.

A-E 15.05 Certificate of completion, proof of attendance.

(1) Each ~~registrant-credential holder~~ shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

Note: Applications may be obtained from the department of safety and professional services at (608) 266-2112 or from the department's website at <http://dsps.wi.gov>.

(2) The registered interior designer section may require additional evidence demonstrating compliance with the continuing education requirements, including a certificate of attendance or documentation of completion or credit for the courses completed.

(3) If a ~~registrant-credential holder~~ appears to lack compliance with the continuing education requirements, the registered interior designer section shall notify a ~~registrant-credential holder~~ in writing and request submission of evidence of compliance within 30 days of the notice.

(4) The registered interior designer section may require a ~~registrant-credential holder~~ to appear for an interview to address any deficiency or lack of compliance with the continuing education requirements.

A-E 15.06 Recordkeeping. ~~Registrants-A credential holder~~ shall maintain records of continuing education ~~activities, or professional development hours~~ for at least 2 ~~bienniums~~ ~~bienniums~~ from the date the certificate or statement of attendance is signed. The recordkeeping shall include all of the following:

- (1) The name and address of the sponsor or provider.
- (2) A brief statement of the subject matter.
- (3) Printed program schedules, registration receipts, certificates of attendance, or other proof of participation.
- (4) The number of hours attended in each program and the date and place of the program.

~~A-E 15.07 Waiver of Continuing Education~~

~~(1) A renewal applicant seeking renewal of licensure without having fully complied with the continuing education requirements shall file a renewal application along with the required fee, and a statement setting forth the facts concerning non-compliance and requesting a waiver of the requirements. The request for a waiver shall be made prior to the renewal date. Extreme hardship shall be determined on an individual basis by the registered interior designer section. If the registered interior designer section finds from the affidavit or any other evidence submitted that extreme hardship has been shown, the registered interior designer section shall waive enforcement of the continuing education requirements for the applicable renewal period.~~

~~(2) In this section, extreme hardship means an inability to devote sufficient hours to fulfilling the continuing education requirements during the applicable renewal period because of one of the following:~~

- ~~(a) Full time service in the uniformed services of the United States of America for a period of one year during the biennium.~~
- ~~(b) An incapacitating illness documented by a statement from a licensed physician.~~

Formatted: Font: Bold

Formatted: Ligatures: None

Formatted: Left, Space After: 0 pt, Tab stops: 1.03", Left

~~(e) A physical inability to travel to the sites of approved programs documented by a licensed physician.~~

~~(d) Any other extenuating circumstances.~~

~~(3) A renewal applicant who prior to the expiration date of the license submits a request for a waiver, shall be deemed to be in good standing until the final decision on the application by the registered interior design section.~~

A-E 15.078 Reciprocity. An applicant for ~~registration-credentialing~~ from another state who applies for ~~registration-credentialing~~ to practice interior design under s. 443.10 (1) (e), Stats., shall submit proof of completion of continuing education obtained in another jurisdiction within the 2 years prior to application.

SECTION 19. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **24-001**

AN ORDER to amend A-E 1.01, 1.02 (intro), (1), and (3), 1.03 (2) (a), 2.01, 2.02 (1), (2), (4), (6), and (8) (intro), (a) and (b), 2.03 (1) (a) and (b), 8.02, 8.03 (intro), (1) and (2), (2) (a), (3), (3) (a), and (5) (c) 4. and 5., 8.04 (intro), 8.05 (1) (intro), 8.06 (intro), 8.07 (intro), (1), and (2), 8.08 (intro) and (4), 8.09 (intro), (1), and (2), 8.10 (1) and (3), 8.11 (3), and 12.01; and to create A-E 2.03 (2) (f), and 2.06 (1) (g) 14., and 15., relating to registered interior designers.

Submitted by **EXAMINING BOARD OF ARCHITECTS, LANDSCAPE
ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS, AND
PROFESSIONAL LAND SURVEYORS**

01-02-2024 RECEIVED BY LEGISLATIVE COUNCIL.

01-30-2024 REPORT SENT TO AGENCY.

SG:PW

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 24-001

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

a. Section 443.015 (1m) (a) 1., Stats., requires that each section of the examining board promulgate rules that relate to a retired status credential. The proposed rule does not address retired status.

Accept this and delete that statutory authority

b. Consider whether the board has the authority to exempt continuing education requirements for new registrants, as it proposes in s. A-E 15.03 (1), and to waive continuing education requirements for hardship reasons, as it proposes in s. A-E 15.07. Section 443.015 (1e), Stats., which modifies the general power to establish continuing education requirements, requires “a Wisconsin registered interior designer to complete at least 15 hours of continuing education during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a)”. The statutes do not allow for exceptions with respect to new registrants or hardships in this two-year period.

Accept – simply delete all of those sentences from the rule

2. Form, Style and Placement in Administrative Code

Throughout ch. A-E 15, revise the title form for each section to be consistent with the Manual by adding a period at the end of the title. [s. 1.10 (2) (b), Manual.]

Accept

3. Conflict With or Duplication of Existing Rules

Because the statutory authority for ch. SPS 130 was repealed, consider repealing that chapter.

The board rejects this comment, because it is not within the statutory authority of the A-E board to repeal rules promulgated by the Department.

4. Adequacy of References to Related Statutes, Rules and Forms

In s. A-E 15.04, the proposed rule references s. A-E 14.03 and implies that provision relates to retired status. However, retired status is not dealt with in s. A-E 14.03 or anywhere in the

proposed rule. [See, also, comment 1. a., above.]

The board rejects this comment, as retired credential status for all sections of the board, including Registered Interior Designers, is addressed in the existing code at s. A-E 2.045. However, the board did change the reference in A-E 15.04 from A-E 14.03 to A-E 2.045.

One East Main Street, Suite 401 • Madison, WI 53703 • (608) 266-1304 • leg.council@legis.wisconsin.gov • <http://www.legis.wisconsin.gov/lc>

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In SECTION 6, consider replacing “which” with “that”. [s. 1.08 (1) (c), Manual.] This comment also applies to the other paragraphs currently in s. A-E 2.03 (2).

Reject... changing the other paragraphs in 2.03 is outside the scope of this project, and “which” should be the same for consistency, even if it is incorrect.

b. In ch. A-E 14, consider how “registered interior designer” is defined and used. Note that by defining the term in reference to s. 443.01 (9), Stats., the term means a person registered as a Wisconsin registered interior designer under ch. 443. However, in s. A-E 14.03 (1) (b), the term is used in a context that suggests that the registered interior designer could be from a state other than Wisconsin. Consider deleting “Wisconsin” in s. A-E 14.03 (1) (b) to address this concern. This revision would also align the provision with a similar one in s. A-E 14.03 (2).

Accept

c. In s. A-E 14.03 (1) (c), consider specifying how an applicant would know that the additional information must be submitted. This consideration applies to s. A-E 14.03 (2) (e) as well.

Joe’s note: See also A-E 3.06 (4) (identical language), 4.08 (2) (d) (identical language but for reciprocity), 5.05 (4) (identical language), 6.06 (4) (identical language).

Reject to keep consistency with the provisions cited above. (In any case, the section would simply inform the applicant if additional information is needed).

d. In s. A-E 14.03 (2) (c), consider whether the listed areas of practice are sufficiently descriptive for an applicant to understand what must be submitted. For example, “Professional practice” may be too general of a description. Also, consider using a comma before “including at least ...”.

This is a good point and it should be discussed with the section and rules committee.

e. In s. A-E 14.03 (2) (e), use a comma after “exhibits”. [s. 1.06 (1) (b), Manual.] In s. A-E 15.02 (3), use a comma after “design”.

Accept

f. In s. A-E 15.02 (2), consider whether “licensee” should be “registrant”. This consideration also applies throughout the chapter, including ss. A-E 15.03 (1) and 15.07 (3).

Reject: we are addressing this comment, but we are changing all these instances to “credential holder” to keep consistency with all professions included in A-E rules.

g. In s. A-E 15.02 (4), consider whether the defined term should be capitalized.

Accept

h. In s. A-E 15.03 (1), consider the use of “professional development hours”, because this is not a defined term. “Continuing education”, which is defined, includes “professional development activities”. Also, consider revising the exception to continuing education requirements for new registrants. For example, delete the language beginning with “except” and ending with “period”.

Accept, and the exemptions to continuing education requirements are being deleted anyway.

i. In s. A-E 15.03 (2), consider deleting “will”.

Accept

j. In s. A-E 15.05 (1), consider specifying how to find the renewal application.

Accept: Note: Applications may be obtained from the department of safety and professional services at (608) 266-2112 or from the department’s website at <http://dsps.wi.gov>.

k. In s. A-E 15.05 (2), consider adding a comma after “requirements” and before “including”.

Accept

l. In s. A-E 15.06, use “A registrant” instead of “Registrants”. Also, consider deleting “or professional development” because “continuing education” is a defined term that includes professional development activities. Additionally, consider the use of “bienniums” in specifying how long records must be kept. Because it is a defined term, a registrant could be required to maintain records for almost six years.

“A credential holder,” Makes sense, and requiring them to maintain records for almost six years was the intent (and I believe consistent with the other A-E credentials.)

Rejecting in part - We are rejecting the use of “A registrant” because we are changing all these instances to “credential holders” to keep consistency with all professions included in A-E rules.

Accepted the comment to remove the words “or professional development hours”, and just say “continuing education activities”.

We are rejecting any change to the use of bienniums because that is what the Board intended – to have applicants maintain records for almost six years.

m. In s. A-E 15.07 (3), consider using commas before “who” and after “license”.

Accept –but the whole subsection is out anyway, because the exemptions to continuing education requirements are out.