

# Virginia APELSCIDLA Board Professional Standards of Practice, Continuing Education

## Most Common Violation



**Presented to:**  
**Association of Highway Engineers**  
**April 14, 2016**

**Presented By:**  
**Carrie Langelotti, PE, Brockenbrough Partner**  
**and VA APELSCIDLA Board Member**  
**and**  
**Kate Nosbisch, Executive Director**  
**VA APELSCIDLA Board**

# APELSCIDLA Board

Architects, Professional Engineers, Licensed Surveyors, Certified Interior Designers and Landscape Architects

- Governor Appointed Board for Regulation of Professionals
- 13 Members: 3 RA's, 3 PE's, 3 LS's, 2 CID's and 2 LA's

Current number of Regulants

- Architects - 7,223
- Professional Engineers - 27,912
- Land Surveyors - 1,488
- Landscape Architects - 884
- Certified Interior Designers - 501



# VA Regulations and Code of Professional Practice and Conduct

VA § 54.1-404 includes requirements for the proper discharge of registered professionals duties. Those duties include:

1. The protection of the public health, safety and welfare;
2. The maintenance of standards of objectivity, truthfulness and reliability in public statements by professionals;
3. The avoidance by professionals of conflicts of interests;
4. The prohibition of solicitation or acceptance of work by professionals on any basis other than their qualifications for the work offered;
5. The restriction by the professional in the conduct of his professional activity from association with any person engaging in illegal or dishonest activities; or
6. The limitation of professional service to the area of competence of each professional.



# Continuing Education Regulations

## 18VAC10-20-683. Continuing education requirements for renewal or reinstatement.

A. Individuals whose licenses expire or who apply to reinstate after March 31, 2010, shall be required to comply with the continuing education provisions of this chapter.

B. Individuals are required to complete at least 16 continuing education credit hours of approved continuing education activities for any license renewal or reinstatement.

C. Continuing education activities shall be deemed to be approved provided the following criteria are met...

G. Periodically, the board may conduct a random audit of its licensees who have applied for renewal to determine compliance. Licensees who are selected for audit shall provide all documentation of all continuing education activities utilized to renew their license within 21 calendar days of receiving notification of audit.

# Continuing Education Regulations

C. Continuing education activities shall be deemed to be approved provided the following criteria are met:

- Content and subject matter must be related to practice of the profession
- Curriculum must be consistent with the purpose and objective of the continuing education activity.
- Sponsors of continuing education activities must provide documentation of completion of the continuing education activity. Course instructors must be competent in the subject being taught, either by education or experience.
- The method of instruction must be consistent with the purpose and objective of the continuing education activity.

# Continuing Education Regulations

## Computation of credit.

- Fifty contact minutes shall equal one continuing education credit hour.
- Sponsor must have predetermined the number of continuing education credit hours.
- One semester credit hour of approved college credit shall equal 15 continuing education credit hours and one quarter credit hour of approved college credit shall equal 10 continuing education credit hours.
- Self-directed continuing education must have an assessment by the sponsor at the conclusion of the activity.
- Licensee may be granted credit for the initial development or substantial updating of a CE activity.
- Credit may be received for the initial teaching of a course that otherwise meets the requirements at twice the amount of credit that students of the course would receive.
- Licensee will not receive credit for completing the same CE activity with the same content more than once during the license period immediately prior to the expiration date of the license for renewal.

# Continuing Education Regulations

- Only continuing education activities completed during the license period immediately prior to the expiration date of the license shall be acceptable in order to renew the license.
- CE activities utilized to satisfy the CE requirements to renew a license shall be valid only for that renewal.
- Individuals shall maintain records of completion of CE activities that comply with the requirements for three years from the date of expiration of the license.
- CE activities submitted in support of reinstatement shall not be more than two years old as of the date a complete reinstatement application is received by the Board.
- CE activities submitted for reinstatement shall only be valid for that reinstatement and shall not be applied towards subsequent renewals or reinstatements.

# Continuing Education Audit Process

## 2012 Audit

-1% of licensees randomly selected

270 Professional Engineers

30 Land Surveyors

3 Land Surveyor B

3 Surveyor Photogrammetrist

70 Architects

10 Landscape Architects

# Continuing Education Audit Process

The next audit will be in late 2015...




# What to do if you are selected for the audit?



- A. Panic
- B. Submit required proof of CE
- C. Nothing
- D. Go fishing

# Continuing Education Audit Process

  
**COMMONWEALTH of VIRGINIA**  
Department of Professional and Occupational Regulation

Terence R. McAuliffe  
Governor

Maurice Jones  
Secretary of  
Commerce and Trade  
Jay W. DeBoer  
Director

Dear:

You have been randomly selected by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to provide verification of your completion of the Board's continuing education (CE) requirement for the renewal of the above-referenced license. The Board's regulation 18 VAC 10-20-683.B requires that you complete a minimum of sixteen (16) hours of CE for your license renewal.

In accordance with 18 VAC 10-20-683.G, the Board is authorized to conduct a random audit of its licensees to verify compliance with this requirement. Proof of CE completed during the two-year period ending July 31, 2014 may include copies of certificates or other completion materials issued by the activity provider. The aggregate documentation must verify your attendance, length of participation in, and successful completion of the CE activity as well as the activity's relevance to your licensed profession. For further information, please review the regulations available online at <http://www.dpor.virginia.gov/Boards/APELS/>.

You are required to send the Board proof of completion of your CE. All documentation verifying your compliance with the Board's CE requirement must be received within twenty-one (21) calendar days of the date of this letter. Please submit the required information to:

Department of Professional & Occupational Regulation  
APELSCIDLA Board  
9960 Mayland Drive, Suite 400  
Richmond, VA 23233

Thank you for your attention to this matter. If you need further assistance, please visit our website at [www.dpor.virginia.gov](http://www.dpor.virginia.gov) or contact the Board by email at [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov) or telephone at 804-367-8506.

Sincerely,

Board for Architects, Professional Engineers, Land  
Surveyors, Certified Interior Designers, and  
Landscape Architects

---

Telephone: (804) 367-8500      9960 Mayland Drive, Suite 400, Richmond VA 23233-1485      <http://www.dpor.virginia.gov>

## Continuing Education doesn't need to be:

- Taken in Virginia.
- In a formal classroom setting.
- Specific courses, as long as it relates to your profession.

# Violations

September 2013 – February 2016

Total of 41

Most Common Violations

- Failure to report disciplinary action in another jurisdiction
- Continuing education audit non-compliance (19 cases)

# Violations

Additional violations:

- ❑ Practice of surveying not incidental to project
- ❑ Sealed plans without personal control and direct supervision
- ❑ Failed to properly seal final documents
- ❑ Seal did not conform to regulations

# Sanctions

Sanctions included:

- ❑ Fines ranging from \$100 to \$5,150
- ❑ Required continuing education courses
- ❑ Surrender of license
- ❑ Revocation of license



## Example of Another Type of Violation

Using other professionals documents (i.e. sealing plans that were created by others) – What exactly does that mean?

All documents must be created under the personal control and direct supervision of the registered professional who seals and signs the documents.

Example: Cannot take CAD files from another firm's project and use them without independently verifying conditions, recreating the plans under your control and supervision, doing all associated calculations, and notifying the original professional – EVEN IF THE OWNER "OWNS" THE PLANS.

# Recent Board Clarification

## Use of Topographic Surveys:

Any professional licensed by the Board who utilizes a topographic survey to perform professional work, must ensure that the survey is sealed, signed and dated properly. - What exactly does that mean?

Currently, Board regulations require that a certification statement be included with all topographic surveys:

### **18VAC10-20-382.B.11**

“A statement, in the following form, shall be shown on or contained in plats, maps, or digital geospatial data including metadata:

This \_\_\_\_\_ (provide description of the project) was completed under the direct and responsible charge of, \_\_\_\_\_ (Name of Surveyor or Surveyor Photogrammetrist) from an actual \_ Ground or \_ Airborne (check the one that is applicable) survey made under my supervision; that the imagery and/or original data was obtained on \_\_\_\_\_ (Date); and that this plat, map, or digital geospatial data including metadata meets minimum accuracy standards unless otherwise noted.”

# Department of Environmental Quality

## SWM Certification Statement

### Stormwater Management Facilities Certification

*Pursuant to 9VAC25-870-55, I hereby certify that to the best of my knowledge and belief, the stormwater management facilities shown on these record drawings, have been constructed in accordance with the approved plans and specifications.*

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Virginia License

\_\_\_\_\_  
Date

*“Certify” means to state or declare a professional opinion based on sufficient and appropriate onsite inspections, material tests, as-built survey data, and information provided by other professionals and the contractor, conducted during or after construction.*

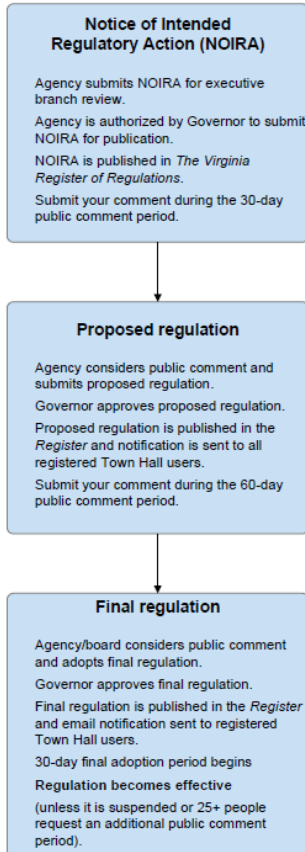
# Board Regulations Update



Department of Professional and Occupational Regulation

# Regulatory Review

## Standard regulatory process: Basic outline



A regulatory stage is announced as follows:

An automatic email notification is sent to registered Town Hall users.

Ten days later, a regulatory stage is published in *The Virginia Register of Regulations*, the official publication of legal record for regulations in Virginia.

When the stage is published in the *Register*, a public comment forum opens on the Town Hall and remains open through the end of the public comment period.

Source: Sections 2.2-4006 through 2.2-4017 of the Code of Virginia (Article 2 of the Administrative Process Act)

For more information, visit the award-winning Virginia Regulatory Town Hall at [townhall.virginia.gov](http://townhall.virginia.gov)

## Final regulation

Agency/board considers public comment and adopts final regulation.

Governor approves final regulation.

Final regulation is published in the *Register* and email notification sent to registered Town Hall users.

30-day final adoption period begins

**Regulation becomes effective**

(unless it is suspended or 25+ people request an additional public comment period).



Produced by the Virginia Department of Planning and Budget's Economic and Regulatory Analysis Division (ERAD) 8/10

## Closing Comments

- Board Service
- Address of Record
- Importance of Licensure

Questions?

