



SPENCER J. COX  
Governor

DEIDRE M.  
HENDERSON  
Lieutenant Governor

State of Utah  
Department of Commerce  
Division of Occupational and Professional Licensing

MARGARET W. BUSSE  
Executive Director

MARK B. STEINAGEL  
Division Director

FRIDAY, FEBRUARY 26, 2021

**Subject: Executive Order on Occupational and Professional Licensing**

Dear professionals serving on DOPL's advisory licensing boards:

You have most likely heard of Governor Cox's Executive Order addressing occupational and professional licensing. It is brief and is attached to this letter.

Specifically, the Executive Order asks all agencies that regulate occupations and professions to review their regulations and reduce regulations that are no longer necessary. It also specifically talks about amending regulations in a way to reduce barriers to work in a manner that still protects the public.

In 2020 many of you spent a significant amount of board time tackling two substantial licensing reform efforts:

- You reviewed the endorsement provisions of Senate Bill 23, 2020 General Session of the Utah State Legislature. You studied the regulations from other states and determined how those laws coordinated with the simplified endorsement provision of Senate Bill 23. Because of your efforts, Utah's licensure portability policy is likely the best in the nation.
- You reviewed the utilization of criminal history in licensing decisions, as required by Senate Bill 201, 2020 General Session of the Utah State Legislature. Because of your prior work with House Bill 90, 2019 Session, Utah was already better applying criminal history to the actual behavior substantially related to the practice of the profession.

These are only two of the examples demonstrating your and our efforts to reform and improve occupational and professional licensing in the right ways. There are many others.

We have shared our combined work with the Legislature. More than one legislator has shared admiration for your work. And last week we shared the information with Senator Mike Lee, who is working on criminal justice reform on a national level.

While we appreciate your previous efforts, we need to perform admirably again with the Governor's request. We respectfully request that you review your licensing chapter in the statute, as well as administrative rules promulgated under your licensing chapter. We are specifically looking for barriers that are no longer needed or those that could be removed or modified without significant harm to the public. Obviously, we will still continue to protect the public.



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DOPL team members also plan to review each of the chapters and rules, though we do not have your professional expertise. If we find things that we believe can be removed or modified, we will try to reach out to your board unless the findings are obvious.

Our plan is to complete the work by April 30, 2021, with follow-up through May 31, 2021. That will provide time for us to compile all of the information into a report by the end of June.

Thank you for your efforts in this and other licensing matters as you faithfully protect the public and enhance commerce through your service on your licensing board. Our hope is that you appreciate being involved in this important policy issue.

Please do not hesitate to visit with your DOPL licensing team members, myself (msteinagel@utah.gov) or Carolyn Dennis (cedennis@utah.gov) if you have any questions about this review process or other ideas for licensing reform that we should consider in this process.

Sincerely,

Mark Steinagel

Director

Utah Department of Commerce, Division of Occupational and Professional Licensing

msteinagel@utah.gov

801-530-6292

#LetsGo #OneUtah



## **EXECUTIVE ORDER**

**2021-01**

*Requiring a Review of All Regulated Occupations and Professions*

**WHEREAS**, government provides necessary protections for Utah residents by regulating certain occupations and professions;

**WHEREAS**, excessive regulation creates barriers to working;

**WHEREAS**, government should impose only those regulations that are necessary to protect the health, safety, and well-being of Utah residents;

**WHEREAS**, government should periodically review regulations to ensure they are serving their intended purpose;

**NOW, THEREFORE**, I, Spencer J. Cox, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do hereby order that:

1. As used in this order, “agency” means an agency within the Executive Branch that establishes administrative rules or other regulations for an occupational or professional license.
2. No later than June 30, 2021, each agency shall:
  - a. review administrative rules and other regulations for occupational or professional licenses within the agency’s scope of authority and identify rules and regulations that are no longer necessary or can be amended to reduce barriers to working while still protecting the health, safety, and well-being of Utah residents; and
  - b. submit a report to the Governor’s Office including recommendations regarding ways to remove barriers to licensing and limit unnecessary government regulation.



ATTEST:

**IN WITNESS, WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Fillmore, Utah, on this, the 4th day of January, 2021.

Spencer J. Cox  
Governor

Deidre M. Henderson  
Lieutenant Governor



February 5, 2021

Dear Utah Architect Licensing Board,

As the Program Coordinators for the professional Bachelor of Architecture degree program at Utah Valley University, we greatly appreciate the time you gave us during the December 9th 2020 Board meeting to voice a verbal petition on behalf of our architecture students. In this letter we provide you with a formal petition in written form addressed to the Utah State Architect Licensing Board to grant a temporary exception and/or pass a temporary amendment to section (R156-3a-301) for individuals and programs whose licensure or accreditation processes have been delayed due to the Covid-19 pandemic. We understand that this is a significant request for your consideration, so we have provided some background information below to help you assess this request.

### **Program Background**

The newly created architecture program at Utah Valley University is a five-year Bachelor of Architecture (B.Arch) professional degree designed to meet the National Architecture Accrediting Board (NAAB) requirements. The program at UVU places an emphasis on practice-ready graduates and encourages employment in the architecture industry as a supplement to each student's education.

UVU's architecture program accepted its first cohort of students in Fall of 2019. The program was scheduled to have its first on-site eligibility visit from NAAB in April 2020. Unfortunately, arrival of the Covid-19 pandemic required that the NAAB eligibility visit be cancelled since they were not prepared at that time to perform a virtual visit.

In the beginning of October 2020, the B.Arch program at UVU completed a successful NAAB eligibility visit. After a National NAAB meeting in December 2020, UVU's B.Arch degree program was approved as eligible for candidacy. The B.Arch degree program is scheduled to have a virtual NAAB visit for initial candidacy in Fall 2021.

The track to achieve initial accreditation includes a series of NAAB accreditation visits with a final decision being made in Fall 2025. The NCARB "two-year rule" (see references at the end of this letter) states that if a student graduates up to two years prior to the program receiving initial accreditation, they are considered to have met the education requirement for an NCARB Certificate and thus qualify to become licensed in the State of Utah.

### **Covid-19 Challenges**

Due to setbacks caused by Covid-19, the first cohort of UVU Bachelor of Architecture students are scheduled to graduate in Spring of 2022. This graduation date would mean that these students would finish their degree outside of the NCARB "two-year rule" of when the program expects to receive accreditation being Fall 2025. This would disqualify our first cohort of students from meeting NCARB's education requirements of an accredited degree. As a result, it could prevent the students from qualifying to become licensed architects in the state of Utah. This is unfair treatment for this first cohort of students and the professional degree program who have both been adversely affected by the Covid-19 pandemic with delayed timelines for accreditation.

Many professional degree programs around the country, such as law schools, are experiencing similar challenges with graduating classes during the Covid-19 pandemic. The State of Utah has granted exceptions to the Utah State Bar exam among other things. On a national level both NCARB and NAAB are in discussion about making similar accommodations regarding accreditation, examinations, etc.



UTAH VALLEY UNIVERSITY

ARCHITECTURE & ENGINEERING DESIGN

## Request

Due to the setbacks of Covid-19, we have been encouraged by the National Architecture Accrediting Board to petition our state architect licensing board to grant a temporary exception and/or pass a temporary amendment to section (R156-3a-301) stating to the effect: "Individuals whose architectural education was affected by the Covid-19 pandemic which caused delays in graduation and/or architecture programs that experienced delays in NAAB program accreditation may be granted a one-year extension to the existing two-year accreditation rule by NCARB." In other words, if an individual holds a professional degree in architecture from a program accredited by NAAB in the State of Utah that received accreditation no later than THREE years after their graduation and was affected by the Covid-19 pandemic that individual would meet the education requirement outlined in the State of Utah's Architect Licensing Act Rule, R156-3a-301.

This exception would enable the UVU architecture students within the first cohort to be able to apply for their architect licensure after meeting the other NCARB requirements (e.g., examinations and AXP). *This exception would be granted to these students under the assumption and understanding that the B.Arch professional degree at UVU is granted accreditation from NAAB. If the B.Arch degree program does not receive accreditation then the temporary exception and/or temporary amendment to section (R156-3a-301) for students and programs affected by Covid-19 becomes null and void.*

We greatly appreciate your time and consideration of this request. We look forward to your response at the next board meeting.

Sincerely,

Prof. David Barker, M.Arch

Prof. Brandon Ro, AIA, NCARB

**References**

<https://www.insidehighered.com/news/2020/04/08/law-schools-and-coronavirus-bar-exemptions-and-more>

<https://www.utcourts.gov/utc/rules-comment/wp-content/uploads/sites/31/2020/04/04.09.20-PROPOSED-ORDER-re-Bar-Waiver-final.pdf>

<https://www.utcourts.gov/utc/rules-comment/2020/04/09/matter-of-emergency-modifications-to-utah-supreme-court-rules-of-professional-practice-rules-governing-admission-to-the-utah-state-bar-comment-period-closes-april-16-2020/>

*NAAB Procedures for Accreditation*, 2020 edition. P.21

- c) It is the responsibility of the program, not the NAAB, to inform students of the status of their degree program(s) relative to accreditation and whether the program is on schedule to achieve initial accreditation.
  - 1. In order to meet the education requirement of the National Council of Architectural Registration Boards (NCARB), an applicant for an NCARB Certificate must hold a professional degree in architecture from a program accredited by the NAAB; the degree must have been awarded not more than two years before initial accreditation.
  - 2. This education requirement is often called the "two-year rule." The full text of the education requirement can be found on the NCARB website.
  - 3. The two-year rule means that, if a program receives an initial term of accreditation effective January 1, 2021, individuals who graduated after January 1, 2021, have an accredited degree, while individuals who graduated between January 1, 2019, and December 31, 2020, are considered to have met the education requirement for an NCARB Certificate. However, meeting the education requirement for the NCARB Certificate may not be equivalent to meeting the education requirement for registration in a specific jurisdiction. Programs are strongly urged to keep this in mind when developing timelines for achieving initial accreditation.



Tracy Taylor &lt;trtaylor@utah.gov&gt;

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## Fwd: ARE Cut Score Update

1 message

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**Stephen Duncombe** <sduncombe@utah.gov>  
To: Tracy Taylor <trtaylor@utah.gov>

Tue, Jan 12, 2021 at 1:18 PM

I think this is a response to your inquiry.

----- Forwarded message -----

From: **Council Relations** <council-relations@ncarb.org>  
Date: Tue, Jan 12, 2021 at 12:45 PM  
Subject: ARE Cut Score Update  
To: Mr Stephen Duncombe <sduncombe@utah.gov>



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Greetings Member Board Members and Executives,

Later today, NCARB will be sharing the attached email to candidates which provides an update on when cut scores will be released for the six divisions of the Architect Registration Exam. **NCARB now expects to release updated cut scores for all divisions by early-February.** This delay only impacts candidates who have taken an ARE division after December 14, 2020.

### Why are cut scores taking longer to release?

Due to high volumes of rescheduled divisions and the ongoing impact of new COVID-19 restrictions, lower volumes of ARE 5.0 divisions have been delivered since the December 14 launch of the adjusted exam.

In order to ensure that the cut scores are a valid, fair assessment of your performance, NCARB must collect data from at least 400 exam administrations per division. As soon as that threshold is reached for a given division, NCARB staff, volunteers, and psychometrician consultants will work to set the cut score as quickly as possible. [Learn more](#) about how NCARB sets cut scores.

### What should candidates expect next?

Based on the current volume of divisions scheduled, NCARB anticipates setting cut scores for all six divisions by early-February. This means that score reports will continue to be delayed until the cut scores are set.

Some higher volume divisions may reach the 400-administration threshold sooner. If possible, NCARB will set cut scores and release score reports for those divisions in late-January.

While we are working as quickly as possible, NCARB's responsibility to its jurisdictional licensing board members is to set updated cut scores that are valid, fair, and fully vetted before any divisions are scored. Thank you for your ongoing patience.

Please reach out to Council Relations at [council-relations@ncarb.org](mailto:council-relations@ncarb.org) for any questions or concerns.

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**National Council of Architectural Registration Boards**

# Exam Mailing List

Jurisdiction	Client ID	Exam Name	Exam Date	Exam Grade	
Utah DR	CN00404963	Practice Management 5.0	12/18/2020 2:53:37 PM	Un-graded	
Utah DR	CN00416078	Practice Management 5.0	12/29/2020 3:06:02 PM	Un-graded	
Utah DR	CN00413418	Practice Management 5.0	12/8/2020 6:33:51 PM	Fail	
					<b>0%</b>
Utah DR	CN00301390	Programming & Analysis 5.0	12/31/2020 1:17:59 AM	Un-graded	
Utah DR	CN00347743	Programming & Analysis 5.0	12/28/2020 3:08:53 PM	Un-graded	
					<b>0%</b>
Utah DR	CN00387649	Project Development & Documentation 5.0	12/19/2020 6:34:38 PM	Un-graded	
Utah DR	CN00392882	Project Development & Documentation 5.0	12/30/2020 3:01:42 PM	Un-graded	
Utah DR	CN00398209	Project Development & Documentation 5.0	12/22/2020 1:02:18 PM	Un-graded	
Utah DR	CN00414845	Project Development & Documentation 5.0	12/14/2020 3:37:25 PM	Un-graded	
Utah DR	CN00347743	Project Development & Documentation 5.0	12/12/2020 6:59:44 PM	Pass	
Utah DR	CN00402259	Project Development & Documentation 5.0	12/5/2020 7:04:56 PM	Pass	
Utah DR	CN00394071	Project Development & Documentation 5.0	12/8/2020 3:22:43 PM	Fail	
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Utah DR	CN00390107	Project Planning & Design 5.0	12/11/2020 6:57:59 PM	Pass
Utah DR	CN00352302	Project Planning & Design 5.0	12/9/2020 1:11:25 PM	Fail
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# Exam Mailing List

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Utah DR	CN00415151	Programming & Analysis 5.0	2/22/2021 6:51:40 PM	Pass	
Utah DR	CN00415815	Programming & Analysis 5.0	2/6/2021 6:43:04 PM	Pass	
Utah DR	CN00392074	Programming & Analysis 5.0	2/27/2021 6:06:08 PM	Fail	
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Utah DR	CN00335258	Project Development & Documentation 5.0	2/6/2021 6:51:18 PM	Pass	
Utah DR	CN00351836	Project Development & Documentation 5.0	2/20/2021 7:25:30 PM	Pass	
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Utah DR	CN00409392	Project Management 5.0	2/10/2021 3:49:44 PM	Pass	
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Utah DR	CN00352302	Project Planning & Design 5.0	2/17/2021 2:30:23 PM	Pass	
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# Exam Mailing List

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Utah DR	CN00414845	Programming & Analysis 5.0	1/16/2021 7:04:18 PM	Pass	
Utah DR	CN00337285	Programming & Analysis 5.0	1/27/2021 7:04:50 PM	Pass	
Utah DR	CN00387649	Programming & Analysis 5.0	1/30/2021 7:57:55 PM	Fail	
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Utah DR	CN00399824	Project Development & Documentation 5.0	1/11/2021 3:24:52 PM	Pass	
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Utah DR	CN00358480	Project Development & Documentation 5.0	1/9/2021 6:53:18 PM	Fail	
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## Exam Mailing List

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Utah DR	CN00414845	Practice Management 5.0	11/14/2020 6:47:30 PM	Pass
Utah DR	CN00399824	Practice Management 5.0	11/21/2020 3:07:41 PM	Pass
Utah DR	CN00391011	Practice Management 5.0	11/14/2020 6:57:58 PM	Pass
Utah DR	CN00337285	Practice Management 5.0	11/14/2020 7:14:41 PM	Pass
Utah DR	CN00335258	Practice Management 5.0	11/7/2020 3:20:19 PM	Pass
Utah DR	CN00403415	Practice Management 5.0	11/20/2020 5:04:39 PM	Fail
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<b>100%</b>				
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Utah DR	CN00409212	Project Development & Documentation 5.0	11/12/2020 3:17:38 PM	Pass
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Utah DR	CN00398209	Project Planning & Design 5.0	11/28/2020 3:10:02 PM	Pass
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Client ID	Exam Name	Exam Date	Exam Grade
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CN00416874	Construction & Evaluation 5.0	3/27/2021 3:59:12 PM	Fail
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CN00409365	Practice Management 5.0	3/30/2021 4:07:55 AM	Fail
CN00415822	Practice Management 5.0	3/23/2021 1:50:57 PM	Fail
CN00416924	Practice Management 5.0	3/27/2021 1:53:24 PM	Fail
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CN00397633	Programming & Analysis 5.0	3/26/2021 7:46:25 PM	Pass
CN00409534	Programming & Analysis 5.0	3/27/2021 5:59:49 PM	Pass
CN00410059	Programming & Analysis 5.0	3/19/2021 2:44:42 PM	Pass
CN00415226	Programming & Analysis 5.0	3/13/2021 6:30:44 PM	Pass
CN00404907	Programming & Analysis 5.0	3/10/2021 7:41:36 PM	Fail
CN00408789	Programming & Analysis 5.0	3/17/2021 1:50:36 PM	Fail
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CN00387649	Project Development & Documentation 5.0	3/17/2021 4:44:45 PM	Fail
CN00391011	Project Development & Documentation 5.0	3/12/2021 3:51:43 PM	Fail
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CN00345857	Project Management 5.0	3/10/2021 4:13:03 PM	Pass
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CN00399824	Project Management 5.0	3/14/2021 2:40:49 PM	Fail
CN00412451	Project Management 5.0	3/13/2021 7:02:36 PM	Fail
<b>50%</b>			
CN00387649	Project Planning & Design 5.0	3/1/2021 6:19:13 PM	Pass
CN00334149	Project Planning & Design 5.0	3/6/2021 6:55:52 PM	Fail
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CN00396772	Project Planning & Design 5.0	3/20/2021 2:07:58 PM	Fail
CN00404303	Project Planning & Design 5.0	3/8/2021 3:20:06 PM	Fail
<b>20%</b>			

To: Tara Rothwell, AIA, NCARB, LEED AP  
FY21 NCARB Credentials Committee Chair

From: \_\_\_\_\_  
BOARD CHAIR/EXECUTIVE

\_\_\_\_\_  
BOARD NAME

Date: \_\_\_\_\_

RE: Letter of Credentials

Dear Chairperson Rothwell,

The \_\_\_\_\_ [BOARD NAME] is pleased to submit the following names for official delegate and alternate official delegate for the May 2021 NCARB Special Meeting. Both individuals are duly appointed members of the board.

Official Delegate: \_\_\_\_\_ [BOARD MEMBER FULL NAME]

Position on Board: \_\_\_\_\_

Term Expiration Date: \_\_\_\_\_

Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Alternate: \_\_\_\_\_ [BOARD MEMBER FULL NAME]

Position on Board: \_\_\_\_\_

Term Expiration Date: \_\_\_\_\_

Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_

The board acknowledges that the official delegate is authorized to cast a vote on its behalf during the Special Meeting. Furthermore, the board understands that in order to replace its official delegate and alternate, a new letter of credentials must be issued and returned to the Credentials Committee Chair prior to May 1, 2021.

The undersigned has been duly authorized by the vote of the board to execute and deliver this document to NCARB on its behalf.

 \_\_\_\_\_

Signature

\_\_\_\_\_  
Type or Print Name & Title

To: Tara Rothwell, AIA, NCARB, LEED AP  
FY21 NCARB Credentials Committee Chair

From: \_\_\_\_\_  
BOARD CHAIR/EXECUTIVE

\_\_\_\_\_  
BOARD NAME

Date: \_\_\_\_\_

RE: Letter of Credentials

Dear Chairperson Rothwell,

The \_\_\_\_\_ [BOARD NAME] is pleased to submit the following names for official delegate and alternate official delegate for the May 2021 NCARB Special Meeting. Both individuals are duly appointed members of the board.

Official Delegate: \_\_\_\_\_ [BOARD MEMBER FULL NAME]

Position on Board: \_\_\_\_\_

Term Expiration Date: \_\_\_\_\_

Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Alternate: \_\_\_\_\_ [BOARD MEMBER FULL NAME]

Position on Board: \_\_\_\_\_

Term Expiration Date: \_\_\_\_\_

Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_

The board acknowledges that the official delegate is authorized to cast a vote on its behalf during the Special Meeting. Furthermore, the board understands that in order to replace its official delegate and alternate, a new letter of credentials must be issued and returned to the Credentials Committee Chair prior to May 1, 2021.

The undersigned has been duly authorized by the vote of the board to execute and deliver this document to NCARB on its behalf.

\_\_\_\_\_

Signature

\_\_\_\_\_

Type or Print Name & Title