

During the 1992 Legislative session, the Legislature mandated that the Board regulate the use of the title "Certified Interior Designer" (CID) (Laws of Minnesota, 1992, Chapter 507,). Minnesota Statutes, Chapter 214 authorizes the Board to make rules in order to fulfill its statutory mandates.

STATEMENTS OF NEED AND REASONABLENESS
CERTIFIED INTERIOR DESIGNER RULES

In the 1993 Legislative session, \$75.0 was appropriated to the Board for F.Y. 94 and \$50.0 for F.Y. 95 for the implementation of the CID program. The Board is a non-dedicated revenue generating agency required by statute to recover all direct and indirect costs incurred by the Board. The Board is proposing the following fees for recovering costs for regulation of the title "Certified Interior Designer."

1800. 0500 FEES Subp.3 Initial licensure and renewal.

Laws of Minnesota, 1992, Chapter 507 provides a grandfathering provision for individuals applying for certification by education, examination and experience. The Board intends to assess a \$70 fee for initial certification of these individuals. The process for evaluation of the applications and supporting documentation for this category of applicants is complex and requires a considerable amount of staff time as well as that of the Board member who performs the evaluation. The \$70 fee is consistent with the original application fee for the four other professions regulated by the Board.

Minnesota Statutes further mandates that registered Minnesota architects be granted a CID certificate without further examination. The Board intends to assess a \$50 fee for those architects applying in F.Y. 1994. The Board believes this fee is reasonable because the evaluation of the application and verification of the architect's registration is not as complex and does not entail the amount of time that is necessary for the CID evaluation under the "grandfathering" provision.

The Board anticipates the following revenue will be generated in F.Y. 1993 by those individuals who qualify under the grandfather provision.

	QUALIFIED APPLICANTS	FEE	TOTAL
Interior Designer	425	\$70	\$ 30.0
Architects	450	\$50	\$ <u>22.5</u>
		TOTAL	\$ 52.5

Current Minn. Rule 1800.0500, Subpart 3, provides for pro-rating of the \$70 original license and certification fee. The Board is proposing deletion of this rule beginning July 1, 1994. The purpose of the rule change is to establish equity in the assessment of costs related to the issuance of new certificates and licenses. The costs incurred for processing an original application for certification or licensure is the same regardless of when the applicant applies during the biennium. In addition, applicants may choose to delay their application for registration in order to be assessed a lesser fee. Proration of fees could, therefore, encourage unauthorized practice. Information regarding the current prorated fees has already been distributed to applicants for F.Y. 94. The Board believes it would be unreasonable to expect those individuals to submit additional fees at this time.

The Board projects approximately 35 original CID certificates will be granted annually. A \$70 original certificate fee will be assessed. Anticipated revenue from this source is:

CERTIFICATE APPLICANTS	FEE	TOTAL
35	\$70	\$ 2.5

Certified Interior Designers will be required, by rule, to renew their certificate on a biennial basis. The renewal fee of \$70 will be consistent with the four other professions regulated by the Board. Anticipated revenue from renewals for F.Y. 95-96 is:

CID RENEWALS	FEE	TOTAL
850	\$70	\$59.5

Subpart 5., E. Certified interior designer examination

It is anticipated that approximately 40 individuals will take the National Council of Interior Design Qualification Examination (NCIDQ) each year. The Board will evaluate applications and administer the examination in conjunction with NCIDQ. The actual cost of the examination papers and grading of those papers by NCIDQ is \$450 per candidate. The Board will assess an additional \$25 for processing the applications and administering the examination. Total cost to the candidate will be \$475. Anticipated revenue from examination:

EXAM APPLICANTS	FEE	TOTAL
40	\$475	\$ 19.0

The anticipated total cost of the CID program for F.Y. 94 and F.Y. 95 as indicated in the Board's Budget is \$125,000. Anticipated total revenue generated is as follows.

INITIAL CERTIFICATION UNDER GRANDFATHER PROVISION	\$ 52.5
RENEWALS GENERATED IN F.Y. 95	\$ 59.5
ORIGINAL CID APPLICATIONS IN F.Y. 95	\$ 2.5
EXAMINATION FEES	\$ 19.0
TOTAL REVENUE	\$ 133.5
TOTAL COST	\$ 125.0
DIFFERENCE	\$ 8.5

1800.0800 PROOF OF QUALIFICATION TO PRACTICE

Section I. This rule is necessary to establish the certification requirements for individuals who are certified in other states and wish to become certified in Minnesota.

Qualifications for Minnesota certification include education, experience and examination in code and life safety requirements to ensure protection of the life, safety and public welfare. It is reasonable to expect that individuals who have been granted certificates in other states meet the same requirements as Minnesota Certificate holders in order to ensure protection of the life, safety and public welfare of Minnesota citizens. It is reasonable to provide the opportunity for Certified Interior Designers in other states to use the title in Minnesota if they meet these requirements. This rule is consistent with the comity rules for the four other professions regulated by the Board.

1800.2100 EDUCATION AND EXPERIENCE

Subpart 1. This subpart is necessary to establish that all applicants for certification meet a minimal level of competence, as shown through examination, education, experience, or a combination of two or more. This subpart is reasonable because it allows applicants to become certified by use of the national examination used by the 17 other jurisdictions which regulate the practice of interior design. The exceptions to certification by examination are reasonable because they are narrowly drawn, excepting only those applicants for certification who met Minnesota's requirements when originally certified, who have examined successfully in other jurisdictions, who have experience of a duration so as to be equivalent to education and examination, or who are registered architects and have been educated and examined in the field of interior design.

Subpart 2. This subpart is necessary to establish minimum credentials for admission to the written examination. It is reasonable because these minimum credentials ensure that applicants have sufficient education and experience to pass the examination. This avoids wasting the time of applicants and the Board's staff in administering the examination to unprepared applicants. The level of education and experience chosen is reasonable because the Board and the Foundation for Interior Design Education and Research ("FIDER"), through experience, have determined that this level of education and experience should prepare an applicant adequately to pass the examination.

Subpart 3. This subpart is necessary to ensure that applicants have sufficient education to be prepared for the examination. This subpart is reasonable because it gives applicants one qualifying credit or fraction thereof for each year of education or fractions thereof.

FIDER is the national accrediting body for interior design curriculums in colleges and universities. FIDER is the basis for evaluating curriculums to determine if the educational institution provides candidates with the educational foundation necessary to be able to provide interior design services.

It is reasonable to rely on the criteria established by FIDER in order to ensure that Minnesota applicants are qualified to sit for the examination. FIDER has established comprehensive interior design curriculum and educational guidelines to ensure that individuals are educated in building codes, protection of life and safety and other criteria necessary to competently practice interior design. The Board is satisfied that the FIDER Curriculum and Guidelines are sufficient to ensure well-qualified applicants. Schools of interior design, colleges, and universities in 50 states and Canada register with FIDER and adhere to its guidelines.

It is also reasonable for Minnesota to maintain consistency with the other states that rely on FIDER criteria. Individuals certified in Minnesota may wish to practice in other states and use their Certified Interior Designer designation. Adhering to the FIDER guidelines facilitates reciprocity with other states. In addition, the Minnesota Board would be assured that applicants applying for reciprocity with Minnesota would have an equivalent education.

It is reasonable to require applicants who do not have a degree to obtain credit in courses that are equivalent to the degree candidates. Under certain circumstances applicants choose a non traditional path of education and do not obtain a degree. The Board must apply an equitable standard of evaluation to all applicants. Therefore, it is essential that the course work be consistent with proven and accepted guidelines such as those established by FIDER.

It is reasonable for non-degree candidates to be granted credit for course work obtained on a part-time basis. Circumstances may require that an applicant be employed and attend school on a part-time basis. This would allow those applicants to obtain credit for part time course work if the courses are consistent with FIDER guidelines.

Section F is necessary to clarify that education obtained from a foreign college or university is to be evaluated on the same basis as that obtained at a United States college or university. This section also establishes a method for determining whether the applicant's foreign education is equivalent to education obtained in a United States college or university.

It is reasonable to expect that applicants who have obtained their education at a foreign college or university meet the same requirements as applicants who have obtained their education at a United States college or university. Course work obtained in other countries must be comparable to those courses that are consistent with FIDER guidelines. These guidelines ensure that individuals are educated in an equivalent code and life safety criteria as those individuals who are educated in interior design and practicing in the United States.

It is reasonable to require an evaluation of a foreign college or university transcript to assist the Board in determining that the applicant's qualifications are equivalent to those required of an applicant who has obtained their education in the United States. Academic transcripts from other countries may use different terminology and are sometimes in a foreign language. Board members and Board staff do not always have the expertise to translate these documents. Assistance in defining, translating and clarifying documents can be provided by experts in foreign transcript evaluation.

Subpart 4. This subpart is necessary to define the requirements for qualifying experience.

Section A. is necessary to establish the number of credits granted for each year of experience and to establish that experience must be gained under the supervision of properly experienced persons.

It is reasonable to expect the experience to be obtained under the supervision of those individuals who have knowledge and practical experience of the building code and life and safety criteria related to the practice of interior design to ensure that the experience will properly prepare applicants for the examination and, more importantly, to ensure that the experience will have value and will augment the applicant's education.

Section B. is necessary to further guide the applicant in obtaining the required experience by defining those areas which comprise sufficiently diversified qualifying experience for public spaces.

It is reasonable to expect the applicants to be knowledgeable and experienced in multiple areas contained in public spaces which directly affect life, safety and public welfare to ensure that applicants, once certified and practicing, have a breadth of experience enabling them to competently perform as broad a range of services as possible. The increments of experience listed are established by the National Council on Interior Design qualifications (NCIDQ) and are consistent with the requirements set forth by other states that certify or license interior designers. They are reasonable because the Board has determined their use in other states has been successful.

1800.2200 Procedures

Subpart 1. This subpart is necessary to establish that the examination that is required for certification is provided by (NCIDQ). Minnesota Statutes, Chapter 214.03 provides that boards shall use national standardized tests as appropriate.

It is reasonable to use this national examination, which has been developed to test candidates' knowledge of a this profession because the NCIDQ has invested tremendous financial and human resources into the development of the examination. The validity and reliability of this examination, have been established by experience in other jurisdictions.

Subpart 2 and 3 are necessary to establish that candidates must have obtained the experience and education required by statute and rule prior to making application.

It is reasonable to expect that applications submitted to the Board for evaluation will be complete, providing an accurate representation of applicants' education and experience, This will enable the Board to accurately determine applicants' qualifications and, thus, the eligibility to examine. Since the requirements must be met and the applications evaluated prior to the applicant's admission to the examination, it is reasonable to expect the education and experience will be complete prior to application.

1800.2300 QUALIFICATION FOR CERTIFICATION BASED ON LONG EXPERIENCE

This rule is necessary to implement the " grandfather" provision mandated by the 1992 Legislature, Laws of Minnesota, 1992 Chapter 507, Section 21. Existing Interior Designers.

Subpart 1. This subpart is necessary to permit those applicants who have passed the NCIDQ examination and have met six years of combined the education and experience requirement to be granted a certificate.

It is reasonable to permit applicants who have previously passed the same examination and who have met all of the education and experience requirements which are prerequisites to examination to obtain a certificate without meeting further requirements.

Subpart 2. This subpart is necessary to make provision for certification of those applicants who have not taken the examination but who have ten or more years of combined education and experience and who demonstrate their competency in design for public places.

It is reasonable because the NCIDQ examination was not available at the time that these applicants obtained their education and began practicing interior design. The Board does not believe that it would be reasonable to expect these applicants, who have met the education requirements, met and exceeded the experience requirements, and have been practicing interior design for at least ten years, to be required to take the examination. Rather than sitting for an examination, applicants who have been practicing for a long period of time can provide samples of work that demonstrates their knowledge of the same basic fundamentals of interior design which the examination tests for. . It is reasonable to evaluate applicants' competency by examining projects that represent their ability to design for public places because, as experienced interior designers, these projects will demonstrate the applicant's skills as adequately as an examination would.

Subpart 3. This subpart is necessary to implement the requirements of, Laws of Minnesota, 1992 Chapter 507, Subdivision 4b, (b) which specifies:

Registered architects may be certified without additional testing.

This rule is necessary because the Board is required to maintain a record of all persons who are certified as Interior Designers. This rule is reasonable because it creates an orderly procedure for granting certificates to registered architects by only requiring architects to submit application for certification. This procedure permits the Board to establish and maintain the appropriate records.

1800.4100 CERTIFICATION OF REGISTRATION

This rule is necessary to authorize the Board to issue certified interior designer certificates to applicants and to provide for the renewal of the certificate on a biennial basis. It is reasonable

because all persons entitled to certificates will have met all statutory and regulatory requirements. It is also reasonable because the same regulatory scheme has been used successfully for the other design professions regulated by the Board.

1800.4200 CERTIFICATION AND SIGNATURE ON PLANS

This rule is necessary to provide language that Certified Interior Designers shall use when certifying plans, specifications, and reports.

It is reasonable to use the language contained in this rule because it is consistent with the language previously mandated by rule for the other design professions regulated by the Board, is commonly used and widely accepted in these professions, and will minimize the confusion and misunderstanding when building officials and others begin to see plans, specifications, and reports submitted by certified interior designers.

SMALL BUSINESS CONSIDERATIONS: It is the position of the Board that Minnesota Statutes 14.115 (1992) relating to small business considerations in rule making does not apply to the rules it promulgates. Minnesota Statutes 14.115, subd. 7(2) states that section 14.115 (1992) does not apply to "agency rules that do not affect small businesses directly." The Board's authority relates only to certified interior designers as individuals and not to the businesses they operate.

However, should these proposed rules in some way be construed as being subject to Minn. Stat. § 14.115 (1992), the Board notes below how the five suggested methods listed in section 14.115, subdivision 2, for reducing the impact of the rules on small businesses should be applied to the proposed rules. The five suggested methods enumerated in subdivision 2 are as follows:

(a) The establishment of less stringent compliance or reporting requirements for small businesses.

(b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

(c) The consolidation or simplification of compliance or reporting requirements for small businesses.

(d) The establishment of performance standards for small businesses to replace design or operational standards required in the rule.

(e) The exemption of small businesses from any or all requirements of the rule.

The feasibility of implementing each of the five suggested methods and whether implementing any of the five methods would be consistent with the statutory objectives that implementing any of the five methods would be consistent with the statutory objectives that are the basis for this rulemaking are considered below.

1. It would not be feasible to incorporate any of the five suggested methods into these proposed rules.

Methods (a) to (c) relate to lessening compliance or reporting requirements for small businesses either by establishing less stringent requirements, establishing less stringent schedules or deadlines for compliance with the requirements, or consolidating or simplifying the requirements. Since the Board is not proposing any compliance or reporting requirements for either small or large businesses, it follows that there are no such requirements for the Board to lessen with respect to small businesses. If, however, these proposed rules are viewed as compliance or reporting requirements for businesses, then the Board finds that it would be unworkable to lessen the requirements for those certified interior designers who practice in a solo or small setting of fewer than 50 employees, since that would include at a minimum the vast majority of licensees and probably all of them. Method (d) suggests replacing design or operational standards with performance standards for small businesses and therefore there is no reason to implement performance standards for small businesses as a replacement for design or operational standards that do not exist. Finally, method (e) suggests exempting small businesses for any or all requirements of the rules. The application of this provision would exempt virtually all licensees from the purview of the rules, a result which would be absurd.

2. Reducing the impact of the proposed amendments on small businesses would undermine the objectives of the Minnesota law for certified interior designers.

Pursuant to Minn. Stat. § 326.06 et seq., the Board was created for the purpose of establishing requirements for licensure and adopting standards for disciplinary action to govern the practices or behavior of all licensees. Pursuant to Minn. Stat. § 326.06, the Board is specifically mandated to promulgate rules as may be necessary to carry out the Board's purposes. Given these statutory mandates, it is the Board's duty to establish licensure qualifications and disciplinary standards which apply to and govern all applicants and licensees regardless of the nature of their

practice. As stated above, it is the Board's position that the proposed rules will not affect small businesses and certainly do not have the potential for imposing a greater impact on certified interior designers in a solo or small practice than on those practices large enough to remove them from the definition of small business. It has also been explained above that the Board considers it infeasible to implement any of the five suggested methods enumerated in subdivision 2 of the small business statute. Nonetheless, to the extent that the proposed rules may affect the business operation of a certified interior designer and to the extent it may be feasible to implement any of the suggested methods for lessening the impact on small businesses, the Board believes it would be unwise and contrary to the purposes to be served by these rules for the Board to exempt one group of certified interior designers - in deed, the vast majority of certified interior designers - from the requirements of these rules. Similarly, the Board believes it would be unwise and contrary to its statutory mandate for the Board to adopt one set of standards for those certified interior designers (which may consist of a nonexistent class) who work in a large business setting and adopt another, less stringent, set of standards to be applied to those certified interior designers who practice in a solo or small practice. It is the Board's view that these rules must apply equally to all certified interior designers if the public whom they serve is to be adequately protected.

Licensees, regardless of whether they are considered as individuals or small businesses, have had and will continue to have an opportunity to participate in the rulemaking process for these proposed rules. The Board has used a very open process to draft these rules and has kept the various associations well informed of the proposed rules as they were developed. The associations have in turn informed their constituents.

EXPENDITURE OF PUBLIC MONEY BY LOCAL PUBLIC BODIES AND IMPACT ON AGRICULTURAL LAND. Promulgation of these proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under Minn. Stat. § 14.11 (1992).