

AGENDA ITEM A: CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

Roll will be called by Vice Chair, Tian Feng.

Five members of the Committee constitute a quorum for the transaction of business. The concurrence of five members in attendance during a duly held meeting at which a quorum is established shall be necessary to constitute an act or decision of the Committee.

Committee Members

Pasqual Gutierrez, Chair
Tian Feng, Vice Chair
Raymond Cheng
Betsey Olenick Dougherty
Brett Gladstone
Glenn Gall
Kirk Miller
Stephanie Silkwood
Steve Sands
Sonny Ward

AGENDA ITEM D: REVIEW AND POSSIBLE ACTION ON APRIL 18, 2019 MEETING MINUTES

Summary

The Committee is asked to review and take possible action on the minutes of the April 18, 2019 meeting.

Action Requested

Approval of the April 18, 2019 Professional Qualifications Committee (PQC) meeting minutes.

Attachment

April 18, 2019 PQC Meeting Minutes (Draft)



DRAFT MEETING MINUTES PROFESSIONAL QUALIFICATIONS COMMITTEE

APRIL 18, 2019

SACRAMENTO

A. CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

Committee Chair Pasqual Gutierrez called the meeting to order at 10:02 a.m.

Vice Chair Barry Williams called the roll.

Five members of the Committee constitute a quorum; there being seven members present at the time of roll, a quorum was established.

Committee Members Present

Pasqual Gutierrez, Chair

Barry Williams, Vice Chair

Raymond Cheng

Betsey Dougherty

Tian Feng (arrived at 10:08 a.m. departed at 12:00 p.m.)

Glenn Gall

Kirk Miller

Stephanie Silkwood

Committee Members Absent

No members of the Committee were absent from the entire meeting.

Members of the Public Present

No members of the public attended the meeting.

Staff Present

Laura Zuniga, Executive Officer (EO)

Vickie Mayer, Assistant EO

Marccus Reinhardt, Manager, Examination + Licensing

Timothy Rodda, Examination/Licensing Analyst

Rikki Parks, California Supplemental Examination Analyst

B. CHAIR'S PROCEDURAL REMARKS AND COMMITTEE MEMBER INTRODUCTORY COMMENTS

Mr. Gutierrez noted there were no members of the public present and requested staff provide introductions for the record.

C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No public comments.

D. REVIEW AND POSSIBLE ACTION ON OCTOBER 25, 2018 PQC MEETING MINUTES

Mr. Gutierrez asked for comments or edits concerning the minutes of the October 25, 2018 PQC meeting.

- **Raymond Cheng moved to approve the October 25, 2018 Committee meeting minutes.**

Barry Williams seconded the motion.

Members Cheng, Dougherty, Gall, Miller, Silkwood, Williams, and Chair Gutierrez voted in favor of the motion. Member Feng was absent at the time of vote.

The motion passed 7-0.

E. DISCUSS AND POSSIBLE ACTION ON 2019-2021 STRATEGIC PLAN OBJECTIVES TO:

1. AMEND EXISTING LAW REGARDING CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL TO REFLECT THE EVOLVING PRACTICE

Mr. Gutierrez introduced this strategic plan objective. Ms. Zuniga advised the Committee that the Board does not have the authority to modify the current continuing education (CE) requirements, which is five hours of coursework in disability access requirements each renewal cycle without approval from the Legislature. Each member of the Committee in turn stated what they respectively recommended as a suggested expansion of the CE topics relevant to contemporary practice. Suggested topics included:

1. General health, safety and welfare
2. Sustainability and resiliency
3. Title 24 California Building Standards Code
4. Ethical and professional practice
5. Construction

6. Construction documents
7. Communication

The Committee subsequently turned the direction of its discussion toward the minimum and maximum required hours for renewal. Again, in turn, each member stated what they considered to be the minimum required CE hours in alignment with the Board's mandate of public protection. It was the consensus of the Committee that its final recommendation for minimum and maximum required hours be determined based upon comparative data collected on CE requirements for collateral professions and consideration of performance criteria.

The Committee provided its suggestions for amendments to the CE requirement framework such as:

1. Increase the required CE hours from 5 to 10-15 per license renewal period
2. Require licensees to satisfy hours in other topics, such as mandatory health, safety, and welfare
3. Allow for electives
4. Use a framework comparable to the one from The American Institute of Architects (AIA)
5. Expand the requirement for knowledge of the "Americans with Disabilities Act (ADA)" to "Universal Design" for greater inclusivity

Marcus Reinhardt and Ms. Zuniga reminded the Committee that CE requirements must be considered with respect to the minimum competency standard for licensing authorities and not for professional development like the framework used by the AIA.

The Committee also held discussion upon the requirements for CE providers and ultimately decided to keep the existing requirements subject to the collection by staff of comparative data to better inform the decision-making process.

- **Raymond Cheng moved to direct staff to research the CE requirements (including those for providers) for collateral professions and other state boards of architecture.**

Kirk Miller seconded the motion.

Members Cheng, Dougherty, Gall, Miller, Silkwood, Williams, and Chair Gutierrez voted in favor of the motion. Member Feng was absent at the time of vote.

The motion passed 7-0.

2. PROVIDE LICENSEES THE OPPORTUNITY TO SUBMIT CONTINUING EDUCATION DOCUMENTATION ONLINE TO INCREASE EFFICIENCY IN LICENSURE RENEWAL

Mr. Reinhardt informed members the subject of this objective is being considered by the Legislature and included within the Board's Sunset Review Bill (Senate Bill [SB] 608). SB 608 when signed into law would require the Board to promulgate regulations for implementation by January 1, 2023, that establish qualifications for courses and CE providers and permit CE providers, on behalf of licensees, to submit coursework documentation. The Committee discussed the objective and considered the benefits of an online option to submit CE documentation. Mr. Reinhardt explained the mechanics of the current CE process (including audits) and informed members there is no authority for approval of either courses or providers. Ms. Zuniga and Mr. Reinhardt advised the Committee that the Board is in the process of business modernization and staff are considering options for enterprise systems that would allow licensees to directly submit documents to their respective record for increased efficiency of the audit process.

There was no action requested of the Committee on this item.

3. CONDUCT AN OCCUPATIONAL ANALYSIS OF THE PROFESSION TO REFLECT CURRENT PRACTICE

Mr. Reinhardt explained to the members the purpose of conducting an Occupational Analysis (OA), the recommended frequency at which an OA should be conducted, and the methodology used to conduct an OA. He advised the Committee that the National Council of Architectural Registration Boards (NCARB) stated it would be tentatively commencing its next Practice Analysis (another term for an OA) after the start of its fiscal year that begins in October. Mr. Reinhardt added that the associated report(s) from the NCARB analysis should be published a year later. He said based upon this information, the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) recommended the Board commence its OA after NCARB publishes its report(s). Mr. Reinhardt said OPES explained the basis for the postponement was to avoid making a comparison to the same Architect Registration Examination test plan used for the Board's prior OA; the net result of which would be no change or update to the CSE Test Plan.

Glenn Gall asked whether the Board would be inquiring with those who utilize the services of architects for their input into the OA. Mr. Reinhardt advised the Committee that based upon the input received from the prior OA, the Board would be conducting focus group meetings that would include other professions and clients of architectural services. Mr. Miller requested staff provide background information on the NCARB Practice Analysis process to assist the Committee and Board in developing the next OA; he also voiced a desired to review the OA survey questions. Ms. Zuniga stated the Board typically does not review the survey questions and she is not aware of any other board that does review them. Mr. Reinhardt said he would research with OPES, whether the Committee could review the survey questions. Ms. Zuniga mentioned to

the Committee that OPES could provide a presentation at a future meeting regarding the OA and the examination development process.

Ms. Silkwood suggested staff review the discussion from the prior OA and build on that input in the development of a strategy and include the utilization of a broader spectrum of professional focus groups. The Chair requested OPES provide the Committee with a detailed presentation at a time closer to when the Board commences its next OA.

There was no action requested of the Committee on this item.

4. REVIEW AND AMEND CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 2, ARTICLE 3, SECTION 117 (EXPERIENCE EVALUATION) AND RELATED REGULATIONS TO REFLECT CURRENT LICENSING REQUIREMENTS

Mr. Reinhardt and Timothy Rodda explained the proposed regulatory changes for CCR section 117 to the members and clarified how the changes would reduce barriers to licensure and align the Board's requirements with contemporary practice. The Committee discussed replacement of prescriptive language found within a provision of CCR 117 that narrowly limits the academic majors permitted to receive educational experience credit for a degree in a field related to architecture. Members determined staff should seek guidance from DCA Legal for suggested language. Ms. Silkwood suggested the name of the Table of Equivalents be revised for greater clarity to candidates.

- **Barry Williams moved to recommend staff coordinate with DCA Legal to develop a refinement of the proposed regulatory amendment that will result in equity in the evaluation of degree fields related to architecture.**

Kirk Miller seconded the motion.

Members Cheng, Dougherty, Gall, Miller, Silkwood, Williams, and Chair Gutierrez voted in favor of the motion. Member Feng was absent at time of vote.

The motion passed 7-0.

F. ADJOURNMENT

The meeting adjourned at 1:39 p.m.

AGENDA ITEM E: DISCUSS AND POSSIBLE ACTION ON ARCHITECT REGISTRATION EXAMINATION (ARE) PERFORMANCE

Summary

The Board previously expressed its concern about candidate performance on the ARE. Internally collected data and that provided by the National Council of Architectural Registration Boards (NCARB) suggest California candidate performance is lower than the national average across multiple ARE divisions.

Board members discussed the matter at each meeting this past year (2019) and questioned whether one or more of the following factors may be the causality for the performance issues:

- multiple licensure paths available to candidates
- candidate demographics
- curricula of architectural programs
- candidate preparedness for the ARE
- difficulty of the ARE

The Board is seeking a solution to the lower than expected performance, so it can proactively address a related concern – whether there are enough architects to meet consumer needs. Staff was asked to provide the Professional Qualifications Committee with the performance data for discussion and possible recommendations, if necessary.

Action Requested

The Committee is asked to discuss and take possible action.

Attachment(s)

1. NCARB ARE 5.0 Performance Data (November 1, 2016 to October 31, 2019)
2. ARE Performance Data (December 2019 EO Report Excerpt)
3. Comparison Between California and Major States
4. 2019 NCARB by the Numbers Compilation

NCARB ARE 5.0 Performance Data

California First-time Testers

	Construction & Evaluation	Programming & Analysis	Practice Management	Project Development & Design	Project Management	Project Planning & Design
Accredited Degree	64.78%	48.22%	46.93%	47.74%	61.06%	40.53%
Non-Accredited Degree	66.16%	45.22%	47.16%	43.48%	53.53%	32.45%
Unknown Degree	43.61%	29.13%	33.72%	25.21%	41.50%	19.22%

California Repeat Testers

	Construction & Evaluation	Programming & Analysis	Practice Management	Project Development & Design	Project Management	Project Planning & Design
Accredited Degree	59.85%	45.43%	46.15%	45.74%	56.40%	40.96%
Non-Accredited Degree	68.00%	41.18%	49.43%	42.06%	60.61%	32.34%
Unknown Degree	53.49%	30.71%	47.62%	28.36%	50.62%	22.71%

All Jurisdictions (includes CA) First-time Testers

	Construction & Evaluation	Programming & Analysis	Practice Management	Project Development & Design	Project Management	Project Planning & Design
Accredited Degree	71.62%	58.34%	52.92%	55.75%	64.91%	48.70%
Non-Accredited Degree	69.60%	49.40%	46.23%	51.37%	57.53%	37.26%
Unknown Degree	54.50%	34.54%	36.16%	37.28%	49.67%	26.01%

All Jurisdictions (includes CA) Repeat Testers

	Construction & Evaluation	Programming & Analysis	Practice Management	Project Development & Design	Project Management	Project Planning & Design
Accredited Degree	61.34%	47.21%	48.64%	49.18%	57.25%	45.61%
Non-Accredited Degree	55.17%	42.07%	47.53%	45.19%	54.78%	38.80%
Unknown Degree	46.24%	35.21%	43.43%	34.86%	46.02%	28.45%

California by Education Type

	Construction & Evaluation	Programming & Analysis	Practice Management	Project Development & Design	Project Management	Project Planning & Design
Accredited Degree	64.07%	47.58%	46.77%	47.09%	60.31%	40.69%
Non-Accredited Degree	66.37%	44.26%	47.58%	43.03%	54.93%	32.40%
Unknown Degree	45.19%	29.59%	36.42%	26.33%	43.47%	20.62%

All Jurisdictions (includes CA) by Education Type

	Construction & Evaluation	Programming & Analysis	Practice Management	Project Development & Design	Project Management	Project Planning & Design
Accredited Degree	70.33%	56.03%	52.05%	53.77%	63.58%	47.64%
Non-Accredited Degree	67.79%	47.58%	46.51%	49.45%	57.00%	37.88%
Unknown Degree	53.31%	34.71%	37.71%	36.48%	48.97%	26.99%

The data presented above is for November 1, 2016 to October 31, 2019

Examination Performance Data Excerpt

Performance data for ARE administrations to California candidates and comparisons to national performance are shown in the following tables:

Candidate Performance ARE 5.0 (July 1, 2019 to October 31, 2019)

ARE Division	Divisions Administered	Pass		Fail	
		Total	Rate	Total	Rate
Construction & Evaluation	280	187	67%	93	33%
Practice Management	542	252	46%	290	54%
Programming & Analysis	377	171	45%	206	55%
Project Development & Documentation	472	200	42%	272	58%
Project Management	361	202	56%	159	44%
Project Planning & Design	585	210	36%	375	64%

Candidate Performance ARE 5.0 (FY 2018/19)

ARE Division	Divisions Administered	Pass		Fail	
		Total	Rate	Total	Rate
Construction & Evaluation	685	435	64%	250	36%
Practice Management	1,497	669	45%	828	55%
Programming & Analysis	1,245	559	45%	686	55%
Project Development & Documentation	1,357	588	43%	769	57%
Project Management	1,015	583	57%	432	43%
Project Planning & Design	1,693	596	35%	1,097	65%

California to National ARE 5.0 Performance Comparison (FY 18/19)

ARE Division	California		National	Delta % (▲%)
	Total	Passed	Passed	
Construction & Evaluation	685	64%	71%	-7%
Practice Management	1,497	45%	49%	-4%
Programming & Analysis	1,245	45%	53%	-8%
Project Development & Documentation	1,357	43%	50%	-7%
Project Management	1,015	57%	62%	-5%
Project Planning & Design	1,693	35%	43%	-8%

▲% is the difference in the California and national (NCARB) pass rates.

Multi-Year California to National ARE 5.0 Performance Comparison (FY 2017/18 and 2018/19)

DIVISION	FY 2017/18 ARE 5.0			FY 2018/19 ARE 5.0		
	CA Pass	National Pass	▲%	CA Pass	National Pass	▲%
Construction & Evaluation	62%	69%	-7%	64%	71%	-7%
Practice Management	48%	52%	-4%	45%	49%	-4%
Programming & Analysis	45%	54%	-9%	45%	53%	-8%
Project Development & Documentation	50%	55%	-5%	43%	50%	-7%
Project Management	61%	62%	-1%	57%	62%	-5%
Project Planning & Design	43%	49%	-6%	35%	43%	-8%

▲% is the difference in the California and national (NCARB) pass rates.

The pass rates for CSE administrations from July 1, 2019 to October 31, 2019 and the prior FY are displayed in the following tables:

**CSE Performance by Candidate Type
(July 1, 2019 to October 31, 2019)**

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
Instate First-time	128	72%	49	28%	177
Instate Repeat	72	59%	50	41%	122
Reciprocity First-time	42	58%	30	42%	72
Reciprocity Repeat	21	60%	14	40%	35
Relicensure First-time	2	67%	1	33%	3
Relicensure Repeat	0	0%	1	100%	1
TOTAL	265	65%	145	35%	410

CSE Performance by Candidate Type (FY 2018/19)

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
Instate First-time	432	64%	240	36%	672
Instate Repeat	191	57%	144	43%	335
Reciprocity First-time	141	57%	106	43%	247
Reciprocity Repeat	40	57%	30	43%	70
Relicensure First-time	3	30%	7	70%	10
Relicensure Repeat	1	33%	2	67%	3
TOTAL	808	60%	529	40%	1337

Comparison Between California and Major States

2018	Construction & Evaluation				Practice Management				Programing & Analysis			
	Pass	Division	Fail	Division	Pass	Division	Fail	Division	Pass	Division	Fail	Division
California	60.00%	219	40.00%	146	46.36%	388	53.64%	449	43.48%	220	56.52%	286
Florida	49.36%	67	50.37%	68	42.86%	135	57.14%	180	38.62%	73	61.38%	116
Illinois	73.27%	74	26.73%	27	61.46%	126	38.54%	79	56.13%	87	43.87%	68
New York	61.92%	187	38.08%	115	46.58%	340	53.42%	390	49.76%	208	50.24%	210
Texas	68.18%	105	31.82%	49	43.63%	178	56.37%	230	48.47%	111	51.53%	118
Total		652		405		1167		1328		699		798
Percentage		61.68%		38.32%		46.77%		53.23%		46.69%		53.31%

	Project Development & Documentation				Project Management				Project Planning & Design			
	Pass	Division	Fail	Division	Pass	Division	Fail	Division	Pass	Division	Fail	Division
California	48.04%	343	51.96%	371	60.16%	305	39.84%	202	41.04%	412	58.96%	595
Florida	33.22%	95	66.78%	191	46.84%	89	53.16%	101	34.92%	110	65.08%	205
Illinois	64.14%	152	35.86%	85	64.33%	101	35.67%	56	51.60%	161	48.40%	151
New York	49.48%	430	50.52%	439	60.04%	269	39.96%	179	44.76%	487	55.24%	601
Texas	52.85%	232	47.15%	207	54.37%	143	45.63%	120	45.42%	258	54.58%	310
Total		1252		1293		907		658		1428		1862
Percentage		49.19%		50.81%		57.96%		42.04%		43.40%		56.60%

Comparison Between California and Major States

2019	Construction & Evaluation				Practice Management				Programing & Analysis			
	Pass	Division	Fail	Division	Pass	Division	Fail	Division	Pass	Division	Fail	Division
California	62.61%	427	37.39%	255	44.21%	668	55.79%	843	44.11%	543	55.89%	688
Florida	59.07%	114	40.93%	79	35.27%	158	64.73%	290	39.39%	130	60.61%	200
Illinois	74.46%	137	25.54%	47	55.92%	203	44.08%	160	54.34%	169	45.66%	142
New York	71.25%	508	28.75%	205	47.29%	688	52.71%	767	48.09%	517	51.91%	558
Texas	62.08%	203	37.92%	124	45.57%	345	54.43%	412	47.29%	253	52.71%	282
Total		1389		710		2062		2472		1612		1870
Percentage		66.17%		33.83%		45.48%		54.52%		46.30%		53.70%

	Project Development & Documentation				Project Management				Project Planning & Design			
	Pass	Division	Fail	Division	Pass	Division	Fail	Division	Pass	Division	Fail	Division
California	40.97%	522	59.03%	752	56.92%	576	43.08%	436	33.25%	542	66.75%	1088
Florida	34.11%	131	65.89%	253	47.63%	151	52.37%	166	32.78%	158	67.22%	324
Illinois	54.25%	185	45.75%	156	66.16%	174	33.84%	89	47.06%	200	52.94%	225
New York	48.07%	599	51.93%	647	58.65%	610	41.35%	430	40.40%	625	59.60%	922
Texas	45.74%	274	54.26%	325	55.90%	289	44.10%	228	38.58%	294	61.42%	468
Total		1711		2133		1800		1349		1819		3027
Percentage		44.51%		55.49%		57.16%		42.84%		37.54%		62.46%

2019 NCARB by the Numbers Compilation

Jurisdiction	Active Testers	Pass Rate (Average %)	Divisions	ARE Completions	Completion Timeline (in Years)
Alabama	106	56	297	29	3.0
Alaska	27	61	10	10	1.6
Arizona	238	54	719	66	3.7
Arkansas	70	58	187	21	3.3
California	3,354	48	9,315	688	3.7
Colorado	496	61	1,537	158	2.7
Connecticut	185	54	532	47	2.5
Delaware	19	47	51	5	2.6
District of Columbia	201	57	567	62	2.7
Florida	1,020	40	2,883	172	4.0
Georgia	428	53	1,205	103	2.6
Guam	5	15	13	0	N/A
Hawaii	125	48	414	34	3.9
Idaho	75	63	203	21	2.3
Illinois	866	57	2,486	240	3.0

Jurisdiction	Active Testers	Pass Rate (Average %)	Divisions	ARE Completions	Completion Timeline (in Years)
Indiana	119	60	303	34	3.0
Iowa	100	64	281	40	2.3
Kansas	152	62	389	45	3.3
Kentucky	84	66	214	23	2.9
Louisiana	211	55	520	58	3.6
Maine	50	72	163	16	1.9
Maryland	352	57	1,026	105	2.8
Massachusetts	764	57	2,237	219	2.8
Michigan	312	61	819	79	2.7
Minnesota	298	61	814	80	2.7
Mississippi	54	48	168	13	2.5
Missouri	303	59	851	82	2.8
Montana	73	70	198	27	3.3
Nebraska	73	61	178	18	3.3
Nevada	101	45	312	21	2.9
New Hampshire	48	50	105	8	5.3
New Jersey	672	45	2,033	151	3.6

Jurisdiction	Active Testers	Pass Rate (Average %)	Divisions	ARE Completions	Completion Timeline (in Years)
New Mexico	74	58	206	26	3.0
New York	2,456	51	7,306	642	3.0
North Carolina	299	64	950	93	2.2
North Dakota	30	53	86	9	2.3
Northern Mariana Islands	1	2	0	0	0.0
Ohio	393	65	1,041	125	2.8
Oklahoma	150	57	399	38	3.3
Oregon	341	72	943	124	2.6
Pennsylvania	610	60	1,549	182	2.8
Puerto Rico	124	31	267	9	5.9
Rhode Island	48	61	132	15	2.9
South Carolina	122	54	348	35	3.1
South Dakota	27	61	70	12	2.2
Tennessee	229	61	617	61	3.0
Texas	1,666	49	4,799	419	3.5
U.S Virgin Islands	1	0	6	0	0.0
Utah	133	61	448	39	3.0

Jurisdiction	Active Testers	Pass Rate (Average %)	Divisions	ARE Completions	Completion Timeline (in Years)
Vermont	29	80	71	9	1.7
Virginia	428	58	1,207	126	2.9
Washington	613	63	1,618	193	2.7
West Virginia	13	54	39	2	2.5
Wisconsin	248	59	674	64	2.4
Wyoming	13	63	51	3	3.3
NCARB	19,029	53	53,857	4,981	2.2

AGENDA ITEM F.1: AMEND EXISTING LAW REGARDING CONTINUING EDUCATION (CE) REQUIREMENTS FOR LICENSE RENEWAL TO REFLECT THE EVOLVING PRACTICE

Summary

At its April 18, 2019 meeting, the Committee approved a motion directing staff to research CE requirements (including those for providers) for collateral professions and other state boards of architecture. During the discussion that preceded the motion, members discussed an expansion of CE topics that included:

1. General health, safety and welfare
2. Sustainability and resiliency
3. Title 24 California Building Standards Code
4. Ethical and professional practice
5. Construction
6. Construction documents
7. Communication

The Committee also discussed other possible amendments to the CE requirement framework such as:

1. Increase the required CE hours from 5 to 10-15 per license renewal period
2. Require licensees to satisfy hours in other topics, such as mandatory health, safety, and welfare
3. Allow for electives
4. Use a framework comparable to the one from The American Institute of Architects (AIA)
5. Expand the requirement for knowledge of the “Americans with Disabilities Act (ADA)” to “Universal Design” for greater inclusivity

Staff advised the Committee any changes it recommends to the CE requirements would (after Board approval) necessitate an amendment to Business and Professions Code 5600.05 before they could become operative. This will require the Board to sponsor legislation should it decide to move forward with any Committee recommendations.

The Board held discussion on this objective at its June 12, 2019 meeting. Staff advised members of the need to consider (at a future meeting) the potential impacts of any recommendations brought forth by the Committee once they are finalized.

Staff conducted the research as previously requested by the Committee and the information collected for other state architecture boards and Department of Consumer Affairs entities is organized in attachments 1 through 5.

Action Requested

The Committee is asked to discuss this objective and take possible action.

Attachment(s)

1. CE Requirements by State
2. Provider and Course Approval by State
3. Provider and Course Approval by DCA Entity
4. Initial Renewal Waiver by DCA Entity
5. Initial Renewal Waiver by State

Continuing Education Requirements by State

State/Territory	Renewal Cycle	Total Hours	Total HSW Hours	Other CE
Alabama	1 year	12	12	
Alaska	2 years	24	24	
Arizona	3 years	No CE Requirement		
Arkansas	1 year	12	12	
Colorado	2 years	24	24	
Connecticut	1 year	No CE Requirement		
Delaware	2 years	24	24	
District of Columbia	2 years	24	24	
Florida	2 years	24	22	2 FL Codes
Georgia	2 years	24	16	
Guam	1 year	No CE Requirement		
Hawaii	2 years	16	16	
Idaho	1 year	12	12	
Illinois	2 years	24	16	
Indiana	2 years	24	16	
Iowa	2 years	24	24	
Kansas	2 years	30	0	
Kentucky	1 year	12	12	

State/Territory	Renewal Cycle	Total Hours	Total HSW Hours	Other CE
Louisiana	1 year	12	12	
Maine	1 year	No CE Requirement		
Maryland	2 years	24	24	
Massachusetts	1 year	12	12	
Michigan	2 years	24	24	
Minnesota	2 years	24	18	2 Ethics
Mississippi	2 years	24	24	
Missouri	2 years	24	16	
Montana	1 year	12	12	
Nebraska	2 years	24	16	1 Ethics
Nevada	1 year	8	6	2 NV Codes
New Hampshire	2 years	24	8	4 Sustainable Design
New Jersey	2 years	24	16	
New Mexico	2 years	24	24	
New York	3 years	36	24	
North Carolina	1 year	12	12	
North Dakota	2 years	No CE Requirement		
Northern Mariana Islands	2 years	No CE Requirement		
Ohio	1 year	12	12	
Oklahoma	2 years	24	24	
Oregon	2 years	24	24	
Pennsylvania	2 years	No CE Requirement		

State/Territory	Renewal Cycle	Total Hours	Total HSW Hours	Other CE
Puerto Rico	1-year nonresidents	12	12	
	5 years residents	60	60	
Rhode Island	2 years	24	24	
South Carolina	2 years	24	24	
South Dakota	2 years	30	20	
Tennessee	2 years	24	13	
Texas	1 year	12	12	
U.S Virgin Islands	1 year	No CE Requirement		
Utah	2 years	24	24	
Vermont	2 years	24	24	
Virginia	2 years	16	0	
Washington	2 years	24	16	
West Virginia	1 year	12	12	
Wisconsin	2 years	24	16	
Wyoming	2 years	24	24	
AIA Requirement	1 year	18	12	

Provider and Course Approval by State

State Board	Accepts AIA	Also Accepts	Approves Providers	Approves Courses	Approval Cycle	Approval Method
Delaware	Yes	NCARB Monographs	Yes	Yes	2 years	Written Request
District of Columbia	Yes	NCARB Monographs, the Interior Design Continuing Education Council (IDCEC)	Yes	Yes	2 years	Application Form
Florida	Yes	NCARB, IDCEC, the National Council of Interior Design Qualifications (NCIDQ)	Yes	Yes	2 years	Application Form
Louisiana	Yes	NCARB Monographs	No	Yes	3 years	Written Request
Maryland	Yes	NCARB Monographs	Yes	Yes	None	Application Form
New York	Some Courses	List of approved providers on website	Yes	No	3 years	Application Form
AIA	Yes	NCARB Monographs	Yes	Yes	3 years	Application Form

Provider and Course Approval by DCA Entity

DCA Entity	Recognized Providers	Approves Providers	Approves Courses	Approval Cycle	Application Method
Accountancy Board	None	No	Only for mandatory regulatory review	2 years	Application
Acupuncture Board	None	Yes	Yes	2 years	Application
Automotive Repair	None	Yes	Yes	1 year	Submit Proposed Course
Chiropractic Examiners	California Department of Industrial Relations-Division of Workers Compensation, or any Healing Arts Board or Bureau within Division 2 of the Business and Professions Code.	Yes	Yes	2 years	Application

DCA Entity	Recognized Providers	Approves Providers	Approves Courses	Approval Cycle	Application Method
Dental Board	Providers approved by the American Dental Association's Continuing Education Recognition Program (CERP) and the Academy of General Dentistry's Program Approval for Continuing Education (PACE). Required Basic Life Support (BLS) course provided by the American Red Cross (ARC) or American Heart Association (AHA)	Yes	Only for mandatory infection control and dental practice act	2 years	Application
Optometry Board	Providers include an accredited US school or college of optometry, the American Optometric Association, the American Academy of Optometry, or the Optometric Extension Program. Courses approved by the International Association of Boards of Examiners in Optometry.	No	Yes	None	Application
Pharmacy	Accreditation Council for Pharmacy Education, the California Pharmacists Association, and by law other healing arts boards if it meets standards of relevance to pharmacy practice.	No	Only if offered by non-recognized providers	None	Petition
Podiatric Medical Board	California Podiatric Medical Association, American Podiatric Medical Association, American Medical Association, California Medical Association, American Osteopathic Association, California Osteopathic Association, Approved Colleges or Schools of Podiatric Medicine, Approved Medical Schools or Colleges, Approved Colleges or Schools of Osteopathic Medicine, Government agencies, Podiatric residency programs or clinical fellowships.	Yes	Only scientific courses directly related to patient care	None	Application
Professional Fiduciaries Bureau	A local court of the State of California, California State Bar, American Bar Association, California State Board of Accountancy, California State Board of Behavioral Sciences, Certified Financial Planner Board of Standards, Inc., California Department of Insurance, California Board of Registered Nursing, California State Board of Psychology, California Department of Mental	Yes	Yes	None	Application

DCA Entity	Recognized Providers	Approves Providers	Approves Courses	Approval Cycle	Application Method
	Health, California Department of Social Services, California Department of Developmental Disabilities, Professional Fiduciary Association of California, California State Association of Public Administrators, Public Guardians and Public Conservators, National Guardianship Association and its state affiliates, Aging Life Care Association, American Society of Aging, Gerontological Society of America, National Association of Social Workers, National College of Probate Judges, National Elder Law Foundation, American Bankers Association, Cannon Financial Institution				
Real Estate Appraisers, Bureau	Appraisal Qualifications Board	Yes	Yes	4 years	Application
Registered Nursing, Board	ANCC (American Nurses Credentialing Center)	Yes	No	None	Application
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	American Speech-Language Hearing Association or the American Academy of Audiology, or the California Medical Association's Institute for Medical Quality Continuing Medical Education Program	Yes	Yes	2 years	Application

DCA Entity	Recognized Providers	Approves Providers	Approves Courses	Approval Cycle	Application Method
Structural Pest Control Board	None	Yes	Yes	3 years	Application
Vocational Nursing and Psychiatric Technicians	None	Yes	No	2 years	Application

DCA Initial Renewal Cycle Continuing Education Waiver

DCA Entity	Renewal Cycle	License Type	CE Hours	Waiver
Accountancy Board	2 years	CPA	80	Prorated
Acupuncture Board	2 years	Acupuncturist	50	Prorated
Automotive Repair	2 years	Smog Check Inspector	4	No
		Smog Check Repair	16	No
Behavioral Sciences	2 years	Licensed Marriage and Family Therapist (LMFT)	36	Prorated
		Licensed Clinical Social Worker (LCSW)	36	Prorated
		Licensed Professional Clinical Counselor (LPCC)	36	Prorated
		Licensed Educational Psychologist (LEP)	36	Prorated
Chiropractic Examiners	2 years	Chiropractic	24	Yes
Dental Board	2 years	Dentist	50	Yes
		Oral Maxillofacial Surgery Permit	50	Yes
		General Anesthesia Permit	24	Yes
		Conscious Sedation Permit	15	Yes
		Oral Conscious Sedation Permit	7	Yes
		Registered Dental Assistant	25	Yes
		RDA in Extended Functions	25	Yes
		Dental Sedation Assistant Permit	25	Yes
		Orthodontic Assistant Permit	25	Yes
Special Permit	25	Yes		
Dental Hygiene Board	2 years	RDHAPs	35	Yes
		Auxiliary	25	Yes

DCA Entity	Renewal Cycle	License Type	CE Hours	Waiver
Medical Board of California	2 years	Midwife	36	No
		Doctor	50	Prorated
Naturopathic Medicine Committee	2 years	Naturopathic	60	Yes
Occupational Therapy Board	2 years	Occupational Therapists	24	Yes
Optometry Board	2 years	Non-TPA	40	Prorated
		TPA-Certified	50	Prorated
Osteopathic Medical Board	2 years	Osteopathic	100	No
Pharmacy	2 years	Pharmacist	30	Yes
Physical Therapy Board	2 years	Physical Therapist	30	Prorated
Physician Assistant Board	2 years	Physician Assistant	50	No
Podiatric Medical Board	2 years	Podiatrist	50	Prorated
Professional Fiduciaries Bureau	1 year	Fiduciary	15	No
Psychology	2 years	Psychologist	36	Prorated
Real Estate Appraisers, Bureau	2 years	Real Estate Appraiser	28	No
Registered Nursing, Board	2 years	Registered Nurse	30	Yes
Respiratory Care Board	2 years	RCP	30	Prorated
Security and Investigative Services, Bureau	2 years	Firearms Permit	8	No
Speech-Language Pathology (SLP) and Audiology and Hearing Aid Dispensers Board	1 year	Hearing Aide Dispenser	12	Yes
	2 years	SLP Assistant	12	No
		Audiologist or SLP	24	Prorated
		Audiologist and SLP (Dual Licensee)	32	Prorated
Structural Pest Control Board	3 years	Operators/Field Representatives (Branch 1, 2, or 3)	16	No
		Operators/Field Representatives (Branches 1 and 2, or 1 and 3, or 2 and 3)	20	No
		Operators/Field Representatives (Branches 1, 2 and 3)	24	No

DCA Entity	Renewal Cycle	License Type	CE Hours	Waiver
		Applicator	12	No
Veterinary Medical Board	2 years	Veterinary Technician	20	Yes
		Veterinarians	36	Yes
Vocational Nursing and Psychiatric Technicians	2 years	Vocational Nurse	30	Yes
		Psychiatric Technicians		

Waive 21

Require 13

Prorate 15

Initial Renewal Waiver by State

State/Territory	Renewal Cycle	CE Hours	Waiver
Alabama	1 year	12	Yes
Alaska	2 years	24	Yes
Arkansas	1 year	12	Yes
Arizona	3 years	No CE requirement	
Colorado	2 years	24	Yes
Connecticut	1 year	No CE requirement	
Delaware	2 years	24	Prorated
District of Columbia	2 years	24	Yes
Florida	2 years	24	Yes
Georgia	2 years	24	Prorated
Guam	1 year	No CE requirement	
Hawaii	2 years	16	Prorated
Idaho	1 year	12	Yes
Illinois	2 years	24	Yes
Indiana	2 years	24	Yes
Iowa	2 years	24	Prorated
Kansas	2 years	30	Yes
Kentucky	1 year	12	Yes

State/Territory	Renewal Cycle	CE Hours	Waiver
Louisiana	1 year	12	Yes
Maine	1 year	No CE Requirement	
Maryland	2 years	24	Yes
Massachusetts	1 year	12	No
Michigan	2 years	24	Prorated
Minnesota	2 years	24	Yes
Mississippi	2 years	24	Yes
Missouri	2 years	24	Yes
Montana	1 year	12	Yes
Nebraska	2 years	24	Yes
Nevada	1 year	8	Yes
New Hampshire	2 years	24	Yes
New Jersey	2 years	24	Yes
New Mexico	2 years	24	Prorated
New York	3 years	36	Yes
North Carolina	1 year	12	Yes
North Dakota	2 years	No CE Requirement	
Northern Mariana Islands	2 years	No CE Requirement	
Ohio	1 year	12	No
Oklahoma	2 years	24	Yes
Oregon	2 years	24	Yes

AGENDA ITEM F.2: PROVIDE LICENSEES THE OPPORTUNITY TO SUBMIT CE DOCUMENTATION ONLINE TO INCREASE EFFICIENCY IN LICENSE RENEWAL

Summary

The Committee previously discussed this objective at its April 18, 2019 meeting and considered the benefits of an online option to submit continuing education (CE) documentation. Staff advised members it was considering many options for perspective enterprise licensing and enforcement systems that would allow licensees to directly submit documents to their respective record for increased efficiency of the audit process.

Staff, as part of its research, met with the Department of Consumer Affairs Office of Information Services (OIS) and discussed possible options that would allow online submission of CE documentation before a new enterprise system is implemented as part of the business modernization process. OIS advised staff as a stopgap measure the Board could use a cloud-based storage option that would, in conjunction with a custom developed widget (a small software application that is designed to provide a specific piece of information [such as news, weather, or traffic updates] or a specific function [such as taking notes or controlling another application] on demand), provide the functionality being sought by the Board. The resultant workaround would greatly improve the experience for licensees selected for an audit.

Staff will further explain to members the particulars of how the system will work for licensees selected for an audit.

Action Requested

The Committee is asked to discuss this objective and take possible action.

Attachment(s)

None.

AGENDA ITEM F.3: CONDUCT AN OCCUPATIONAL ANALYSIS OF THE PROFESSION TO REFLECT CURRENT PRACTICE

Summary

The Committee, at its April 18, 2019 meeting, discussed this objective. Staff explained to members the purpose for conducting an Occupational Analysis (OA), the recommended frequency at which an OA should be conducted, and the methodology used to conduct an OA.

Members were also advised the National Council of Architectural Registration Boards (NCARB) informed the Board it would tentatively be commencing its next Practice Analysis (another term for an OA) after the start of its fiscal year that begins in October; it was added that the associated report from the NCARB analysis should be published approximately a year later.

Staff further advised members that based upon the information from NCARB, the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) recommended the Board commence its OA after NCARB publishes its report. It was explained the basis for the postponement was to avoid making a comparison to the same Architect Registration Examination test plan used for the Board's prior OA; the net result of which would be no change or update to the CSE Test Plan.

Staff is coordinating with OPES to develop the Intra-Agency Contract Agreement (IAC) for the OA that will commence in fiscal year (FY) 2020/21. An update will be provided at the meeting.

Action Requested

None.

Attachment(s)

None.

AGENDA ITEM F.4: REVIEW AND AMEND CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 2, ARTICLE 3, SECTION 117 (EXPERIENCE EVALUATION) AND RELATED REGULATIONS TO REFLECT CURRENT LICENSING REQUIREMENTS

Summary

The Committee previously reviewed draft regulatory language to amend CCR 117 (Experience Evaluation) at its April 18, 2019 meeting and discussed elimination or reduction of barriers to licensure. It identified prescriptive language in CCR 117 that narrowly limits the academic majors permitted to receive educational experience credit for a degree in a field related to architecture. Members approved a motion recommending staff coordinate with the Department of Consumer Affairs' Legal Affairs Division (Legal) to develop a refinement of the proposed regulatory amendment that will result in equity in the evaluation of degree fields related to architecture.

Staff is working with Legal to develop language that amends CCR 117 as recommended by the Committee. The revised language will be incorporated with amendments to several other sections of the Board's regulations in an omnibus regulatory package. It is anticipated the package will be presented to the Board later this year. An update will be provided at the meeting.

Action Requested

None.

Attachment(s)

None.

AGENDA ITEM G: REVIEW, DISCUSS, AND POSSIBLE ACTION ON DRAFT NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) MODEL LAW

Summary

The NCARB Model Law Task Force was formed in 2017 to undertake a holistic review of the existing NCARB Legislative Guidelines and Model Law and Regulations. The goal has been to modernize and update this document to make it easier to use, more relevant for today's practice of architecture, and to ensure it is consistent with the updated uniform programs and national models for architectural licensure that have been developed by Member Boards since the document was initially drafted decades ago.

Action Requested

The Committee is asked to review and discuss.

Attachment

Draft NCARB Model Law (December 18, 2019)

**National Council of Architectural Registration Boards (NCARB)
Updated Draft of The Revised Model Law**

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Article I - Title, Purpose, and Definitions

Section 101. Title of Act

This (State) Architecture Practice Act shall also be known as the “Act.”

Section 102. Legislative Declaration of Purpose

The Practice of Architecture in the State of (State) is declared a professional practice affecting the public health, safety, and welfare and is subject to regulation and control in the public interest. It is a matter of public interest and concern that the Practice of Architecture, as defined under this Act, merits and receives the confidence of the public and that the Practice of Architecture be limited to those Persons determined by the Board to be qualified under this Act. This Act shall be liberally construed to carry out these objectives and purposes.

It is the purpose of this Act to promote, preserve, and protect the public health, safety, and welfare by and through the licensure and regulation of Persons, whether within or outside of (State), who engage in the Practice of Architecture within (State). In furtherance of this purpose, this Act creates the (State) Board of Architecture whose members, functions, and procedures shall be established in accordance with the provisions of this Act. The regulatory structure calls for Architects and public members to serve on the Board, and this Act recognizes the need for professional expertise provided by Architects serving the public interest.

Section 103. Definitions

The following words as used in this Act, unless the context otherwise requires, shall have the following meanings:

- 1) **Applicant** - An individual who seeks a License in accordance with the process set forth by the Board.
- 2) **Approved Educational Program** - Any educational program for architecture that is accepted by the Board.

- 3) **Approved Experience Program** - An experience program for architecture that is accepted by the Board.
- 4) **Approved Examination** – An examination for architecture that is accepted by the Board.
- 5) **Architect** - An individual currently licensed by the Board who has successfully completed the education, experience, and examination requirements as defined by (State), who demonstrates Competence to engage in the Practice of Architecture under this Act.
- 6) **Board** - The (Board Name) established by this Act.
- 7) **Building**¹ - An open or enclosed structure that has as its principal purpose human occupancy or habitation.
- 8) **Competence** - The knowledge, experience, and skill required by an Architect for the Practice of Architecture in accordance with the accepted standard of care.
- 9) **Firm** - Any legally formed business entity registered with the Board through which architectural services are provided.
- 10) **Good Standing** - An unrestricted License granted by the Board to engage in the Practice of Architecture.
- 11) **Jurisdiction** - Any state, commonwealth, the District of Columbia, or other insular territory of the United States.
- 12) **License** - Approval granted by the Board to an individual to engage in the Practice of Architecture.
- 13) **NCARB** - The National Council of Architectural Registration Boards.
- 14) **Person** - Any individual, firm, partnership, association, joint venture, cooperative, corporation, or other group or combination acting in concert.
- 15) **Practice of Architecture** - The art and science of designing, in whole or in part, Buildings and the space within and the site around them, in a manner that protects the public health, safety, and welfare. The Practice of Architecture includes providing or offering to provide planning services; developing concepts; preparing documents that define form and function; coordinating consultants; and construction administration.
 - A. *Planning services* include, but are not limited to, programming and planning.

¹ Providing a broad definition of the term “Building” allows each Jurisdiction the flexibility to provide more specificity as it relates to different building types within their regulations.

- B. *Developing concepts* includes, but is not limited to, preliminary studies, pre-design, investigations, and evaluations.
 - C. *Preparing documents that define form and function* includes, but is not limited to, drawings and Technical Submissions, including incorporation of the requirements of the authorities having jurisdiction.
 - D. *Coordinating consultants* includes, but is not limited to, the coordination of any elements of Technical Submissions prepared by others.
 - E. *Construction administration*² includes, but is not limited to, evaluation of construction to determine that the work is proceeding in accordance with the contract documents.
- 16) **Responsible Charge** - The control over and detailed professional knowledge of the development and execution of the project, including Technical Submissions, as is ordinarily exercised by an Architect applying the required professional standard of care.
- 17) **Technical Submissions** - The documents necessary to demonstrate compliance with applicable regulatory requirements and/or to fabricate or construct a project including, but not limited to, drawings, digital models, specifications, performance criteria, and installation requirements.

Section 104. Activities and Individuals Excluded from the Practice of Architecture

The following activities shall not be deemed to be the Practice of Architecture nor shall the following require a License under this Act:

- 1) Activities performed in connection with any of the following:
 - A. Detached single- or two-family residential dwelling Buildings.
 - B. Agricultural structures intended solely for the storage of equipment, horticulture products or livestock, and not used by the public.
 - C. Fabrication drawings, installation drawings, component specifications, or operation and maintenance manuals of individual components of a Building incidental to the Architect's design of the entire project that describe or illustrate the use of such

² The Task Force is creating commentary addressing what services by an owner, client representative, or construction manager are not considered the Practice of Architecture.

components.

- D. Alterations or renovations that do not affect structural or life safety aspects of a Building.
- 2) Any individual who possesses a valid NCARB Certificate seeking an architectural commission in the Jurisdiction performing either of the following:
 - A. Offering to provide services involved in the Practice of Architecture; or
 - B. Participating in an architectural design competition for a project, which does not include acting as the Architect for a project.
 - 3) Any individual licensed to engage in the Practice of Architecture in another Jurisdiction rendering voluntary services in the event of a declared emergency.
 - 4) Any individual licensed to engage in the Practice of Architecture in another Jurisdiction while performing duties as a federal government employee or as a part of his or her military service.
 - 5) Any individual who is unlicensed in (State) who is performing services on a project under the supervision of an Architect, as long as the Architect serves as the Architect in Responsible Charge of the project.

Article II – Board of Architecture

Section 201. Delegation of Authority

The responsibility to enforce the provisions of this Act is hereby delegated to the Board by (State). The Board shall have all of the duties, powers, and authority specifically granted by, or otherwise necessary to enforce this Act, as well as such other duties, powers, and authority as it may be granted from time to time by law.

Section 202. Board Composition

The Board may be composed pursuant to either of the following options:

- 1) Architect Profession Board Option. The Board shall consist of (Number) members appointed under Section 204 of this Act, at least (Number) of whom shall be a representative(s) of the public, and the remainder of whom shall be Architects, who possess the qualifications specified in Section 203 of this Act. It is the intent of this Act for Board composition to consist of the expertise necessary for the effective and efficient regulation of the Practice of Architecture.
- 2) Multiple Profession Board Option. The Board shall consist of (Number) members appointed under Section 204 of this Act who possess the qualifications specified in Section 203 of this Act and comprising of the following:
 - A. (Number) public members as described in Section 203(2);
 - B. (Number) Architects as described in Section 203(1); and
 - C. (Number) (Profession) members as defined in (citation to relevant practice act referencing residence, licensed in good standing, licensed for a specified period of time).

Section 203. Qualifications for Board Membership

- 1) Each Architect Board member shall at all times:
 - A. Be a resident of (State);
 - B. Be an Architect in Good Standing;
 - C. Maintain in good standing any other active professional license issued by a licensing authority in this or any other Jurisdiction; and

- D. Have had at least five years of practice as an Architect.
- 2) Each public member of the Board shall at all times:
- A. Be a resident of (State);
 - B. Maintain in good standing any active professional license issued by a licensing authority in this or any other Jurisdiction; and
 - C. Not be, nor shall ever have been, (i) an Architect or the spouse of a current or former Architect; or (ii) an individual who has had any material financial interest in the provision of architecture services or who is currently engaged in any activity directly related to the Practice of Architecture.
- 3) Each Board member shall at all times maintain eligibility to serve on the Board by avoiding relationships that would interfere with the Board's mission of public protection.³
- 4) Each Board member shall not be an officer or hold any leadership position in a Jurisdiction's professional association or national professional association serving Architects for the term of such Board member's appointment to the Board.
- 5) Each Board member shall complete training of a duration and covering content approved by the (State). Such coursework or training shall address relevant regulatory procedures.

Section 204. Board Member Appointment and Oversight

In accordance with the principle of separation of powers and to provide for sufficient oversight by the respective branches of government, the Governor or Governor's designee shall appoint the Board members in accordance with the provisions of this Act and the (State) constitution.

Section 205. Terms

- 1) Except as provided in subsection (2) of this Section 205, Board members shall be appointed for a term of (Number) years, except that Board members who are appointed to fill vacancies that occur prior to the expiration of a former member's full term shall serve the remaining portion of such unexpired term.

³ The Task Force is considering amending Section 203(C) to add more specificity.

- 2) The Board members' terms shall be staggered so that the terms of no more than half of the members shall expire in any year. Each member shall serve until a qualified successor is appointed, unless such member cannot serve by reason of such member's resignation or removal from the Board.
- 3) A Board member may serve for up to (Number) consecutive full terms. The completion of the remaining portion of an unexpired term shall not constitute a full term for purposes of this Section 205.⁴

Section 206. Board Member Vacancies

Any vacancy that occurs in the Board membership for any reason, including expiration of a term, removal, resignation, death, disability, or disqualification, shall be filled as prescribed in Section 204 of this Act in a timely manner so that the Board may fulfill its duties as charged.

Section 207. Removal of Board Member

(State's) appointing official(s) shall have the authority to remove a Board member with or without cause. The Board may recommend a Board member's removal to (State's) appointing official upon an affirmative vote of a majority of members otherwise eligible to vote upon one or more of the following grounds:

- 1) The refusal or inability for any reason of a Board member to perform the duties required of a Board member in an efficient, responsible, and professional manner;

⁴ The Task Force debated the merits of incorporating limits on consecutive full terms for professional and public Board members and decided to recommend including them in the statute. The Task Force's discussions included weighing the benefits of this provision, such as allowing a greater number of individuals to serve on the Board and allowing for diverse perspectives and viewpoints when making decisions that influence public health, safety and welfare. Adding new Board members also allows the Governor or Governor's designee to evaluate the type of skillsets the Board requires at the time of appointment, resulting in an efficient and well-rounded Board. Finally, the Task Force thought term limits would encourage Board members to purposefully focus on their roles and responsibilities without the potential for burnout over time and that they would reduce the likelihood for complacency or abuse of office. Consequences of this approach that would need to be mitigated include the potential loss of Board members with prior knowledge of disciplinary action who can ensure fair and consistent application of the laws and regulations, the loss of institutional memory, and the loss of decision-making history and consistency in NCARB policy and operations, since Board members are the primary source of volunteers and leadership for NCARB.

- 2) The misuse of a Board member's position to obtain, or attempt to obtain, any financial or material gain, or any advantage personally or for another, through such office;
- 3) A final adjudication by a recognized body, including any court, that there has been a violation of the laws governing the Practice of Architecture by a Board member; or
- 4) Conviction of a felony or misdemeanor other than a minor traffic offense.

Section 208. Organization of the Board

- 1) The Board shall elect from its members a Chairperson, Vice-Chairperson, and such other officers as it deems appropriate and necessary to conduct its business. The Chairperson shall preside at all meetings of the Board and shall perform those duties customarily associated with the position and such other duties assigned from time to time by the Board. The Chairperson may establish Board committees as appropriate and necessary for the furtherance of Board business and may designate or remove Board members as committee members.

Section 209. Executive Director

- 1) Under the oversight of the Board, the Executive Director shall be responsible for the proper performance of the Board's duties.
- 2) The Board may delegate authority to the Executive Director as necessary to properly fulfill the Board's duties.

Section 210. Meetings of the Board

The Board shall hold regular meetings to transact business in compliance with all applicable (State) laws.

Section 211. Powers and Duties Delegated to the Board

- 1) The following powers and duties are delegated to the Board by (State):
 - A. Promulgation of Regulations. The Board is authorized to make, adopt, amend, and repeal such regulations as may be deemed necessary by the Board from time to time for

the proper administration and enforcement of this Act. Such regulations shall be promulgated in accordance with the requirements of the (State) Administrative Procedures Act.

- B. Licensure. The Board is authorized to issue Licenses to engage in the Practice of Architecture as further described in Article III - Licensing.
 - C. Firm Practice. The Board is authorized to regulate Firms as further described in Article III - Licensing.
 - D. Enforcement. The Board is authorized to enforce all the provisions of this Act and any regulations duly promulgated hereunder, including, but not limited to, discipline as further described in Article V - Discipline. The Board has jurisdiction over Architects, and all other Persons, whether or not licensed by the Board, who are engaged in the Practice of Architecture or other conduct regulated by this Act.
 - E. Fees for Services. In addition to the fees specifically authorized under this Act, the Board is authorized to assess reasonable fees for licensure and other services rendered to carry out its duties and responsibilities as required or authorized under this Act or regulations duly promulgated hereunder.
 - F. Expenditure of Funds. The Board is authorized to receive and expend funds from parties other than (State) in addition to its (Annual/Biennial) appropriation.
 - G. Board Reporting. The Board from time to time shall issue a report outlining the activities of the Board, including reference to the effectiveness and efficiencies of the Board.
 - H. Other Powers and Duties of the Board. The Board shall have such other powers and duties as may be necessary to carry out the purposes of or enforce of any provision of this Act or any regulations duly promulgated hereunder.
- 2) The powers and duties set forth in this Section 211 shall be in addition to any other powers and duties delegated to the Board under the provisions of this Act.

Article III – Licensing

Section 301. Initial License Qualifications

- 1) To obtain an initial License in (State), an Applicant shall satisfy the following requirements:
 - A. Provide documentation satisfactory to the Board that the Applicant:
 - i. Successfully completed an Approved Education Program;
 - ii. Successfully completed an Approved Experience Program;
 - iii. Successfully completed an Approved Examination; and
 - iv. Possesses good moral character as established by the Board
 - B. Submit to the Board a completed application and pay the required fee.
 - C. Provide to the Board a social security number, federal employer identification number, individual taxpayer identification number, or an affidavit attesting that the Applicant has no such number, for the Board to establish the Applicant's identity. Any such information provided to the Board shall be released by the Board to identify Applicants, including verifying an Applicant's identity with the examination entity, and as may be required by law.
- 2) A License shall be effective upon approval of the Board.

Section 302. Reciprocal License Qualifications⁵

- 1) To obtain a reciprocal License in (State), an Applicant shall satisfy the following requirements:
 - a. Provide documentation satisfactory to the Board that such Applicant:
 - i. Holds a current and valid license issued by another Jurisdiction or a licensing authority recognized by the Board; and
 - ii. Holds a current NCARB Certificate.
 - b. Submit to the Board a completed application and pay the required fee.

⁵ The granting of a reciprocal license facilitates portability (or mobility) of an individual's license from jurisdiction to jurisdiction. This concept is currently referred to in some existing statutes as comity, endorsement, mutual recognition, or out-of-state transfer, among other terms. This Model recommends that the term reciprocity be used uniformly to describe a more consistent process for facilitating licensure portability (or mobility).

- c. Provide to the Board a social security number, federal employer identification number, individual taxpayer identification number, or an affidavit attesting that the Applicant has no such number, for the Board to establish the Applicant's identity. Any such information provided to the Board shall be released by the Board to identify Applicants, including verifying an Applicant's identity with the examination entity, and as may be required by law.
- 2) A License shall be effective upon approval of the Board.

Section 303. Firm Registration

To perform architectural services in a Jurisdiction as a Firm, a legally formed business entity must first meet any regulatory requirements set forth by the Board.

Section 304. Continuing Education

The Board shall by regulation establish procedures and requirements for continuing education after an Architect obtains a License to demonstrate continuing Competence. Such requirements shall include a description of acceptable activities and appropriate documentation required for License renewal.

Section 305. Requirements for License Renewal

- 1) An Architect shall demonstrate completion of continuing education set forth by the Board in regulations. The Board may decline to renew an Architect's License if the Architect's continuing education activities do not meet the standards set forth in the Board's regulations.
- 2) Each Architect shall submit to the Board a completed application and pay the required fee.
- 3) A License shall be effective upon approval of the Board.

Section 306. Expired License

An Architect's failure to renew a License by the designated renewal date shall result in the expiration of the Architect's License.

Section 307. Inactive License

The Board shall by regulation set forth procedures for an Architect in Good Standing to elect to enter inactive License status whereby the Architect shall not engage in the Practice of Architecture in (State) or use the title Architect and shall be exempt from License renewal requirements.

Section 308. Architect Emeritus

The Board shall by regulation establish the requirements for the title of Architect Emeritus, which is an honorary title granted by the Board to a previously licensed Architect who has retired in Good Standing from the active Practice of Architecture.

Section 309. Reinstatement of License Following Disciplinary Action

The Board shall by regulation set forth procedures and requirements for the reinstatement of an Architect's License.

Section 310. *Prima Facie* Evidence of License

A certified copy of an Architect's License record shall be maintained by the Board and shall be accepted as *prima facie* evidence that the individual is legally licensed as an Architect for the period for which it is issued and of all other facts included in the record.

Section 311. Source of Data

The Board may use documentation and verified data stored by NCARB in the same way that it may use data stored by the Board to establish an Applicant's qualifications for a License. Notwithstanding any other provision of law to the contrary, the Board shall share such information with NCARB as may be reasonably requested from time to time provided that no information marked by the Board as confidential shall be shared.

Article IV – Practice Requirements

Section 401. Seal⁶

- 1) Every Architect shall have a seal of an image authorized by the Board. The seal may be electronic. It is the responsibility of the Architect to provide adequate security over the use of the Architect's seal.
- 2) All Technical Submissions prepared under the Responsible Charge of the Architect required by public authorities having jurisdiction for building permits or regulatory approvals shall be sealed and signed by the Architect. By sealing a Technical Submission, the Architect represents that the Architect was in Responsible Charge over the content of such Technical Submissions during its preparation and has applied the required professional standard of care.
- 3) The public authorities having jurisdiction and charged with the administration and enforcement of adopted codes shall accept or approve Technical Submissions involving the Practice of Architecture only if the Technical Submissions have been sealed as required by this Act. A building permit issued for a Technical Submission that does not conform with the requirements of this Act shall be invalid.

Section 402. Unlawful Practice

- 1) Except as otherwise provided under this Act, it shall be unlawful for any individual to engage in the Practice of Architecture unless duly licensed as an Architect under the applicable provisions of this Act.
- 2) Except as set forth in Article III, no individual shall engage in the Practice of Architecture in (State) or use the title "Architect" or any modification or derivative in its name or description of

⁶ Design of the build environment is regulated by applicable building codes and statutes. An Architect shall seal Technical Submissions to certify that applicable codes have been appropriately addressed. The seal also represents that the Architect is in Responsible Charge of the design, is familiar with all aspects of the document preparation, and that the submission is complete for construction. The public authorities in charge of issuing building permits or granting regulatory approvals are responsible for determining that the construction documents adequately describe a building project which, when completed, will meet the applicable codes. It is not unusual for such authority's to make comments that will result in corrections or discussions with the Architect. Such an authority shall not issue a building permit to construct until any comments have been appropriately addressed and amended documents sealed.

its business activity in a manner that indicates or implies that it engages in the Practice of Architecture or offers to engage in the Practice of Architecture in the Jurisdiction.

Section 403. Record Keeping

An Architect shall maintain documentation of Technical Submissions for at least five years and make records available to the Board upon request. Records must be adequate to demonstrate the Architect's Responsible Charge over the Technical Submissions, whether prepared entirely by the Architect or by integrating the work of others.

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Article V – Discipline

Section 501. Enforcement Authority and Grounds for Discipline

- 1) The Board shall be charged with the enforcement of this Act and the regulations adopted hereunder. Persons, whether or not licensed or registered by the Board, who engage in conduct in violation of this Act or the regulations adopted hereunder, are subject to the Board's authority. Persons licensed or registered by the Board cannot divest the Board of its authority by changing their licensure or registration status or relinquishing their License or registration.
- 2) Conduct in violation of this Act or the regulations adopted hereunder includes, but is not limited to:
 - A. A conviction for or other official determination of a violation of any law, rule, or regulation of (State), any other Jurisdiction, or the federal government, pertaining to any aspect of the Practice of Architecture;
 - B. Unprofessional conduct relating to the Practice of Architecture;
 - C. Failure to conform to the accepted minimum standard of care;
 - D. Financial misconduct such as improper or fraudulent billing practices;
 - E. Incapacity or impairment, for whatever reason, that prevents an Architect from engaging in the Practice of Architecture consistent with the accepted minimum standard of care;
 - F. Conviction of a felony;
 - G. Engaging, or aiding and abetting any Person with engaging, in the Practice of Architecture without being licensed or registered pursuant to this Act;
 - H. Falsely using the title of Architect or any derivative thereof;
 - I. A conviction or other official determination of engaging in the Practice of Architecture in another Jurisdiction without being duly licensed in that Jurisdiction;
 - J. Attempting to use or using the License or seal of another Architect as his or her own;
 - K. Having had any license to engage in the Practice of Architecture subjected to disciplinary action by a licensing authority recognized by the Board, if the basis of such disciplinary action would have resulted in a violation in (State);⁷

⁷ The Task Force is drafting commentary language to make clear this is intended to be limited to significant disciplinary actions (excluding [minor administrative violations]) and not minor administrative infractions that have been resolved in the relevant Jurisdiction.

- L. Failure to comply with policies and procedures related to the examination and Approved Experience Program required by the Board for an initial License;
- M. Having been sanctioned by the NCARB Board of Directors;
- N. Failure to report to the Board any information as required under Article VI – Reporting of Complaints of this Act;
- O. Failure to disclose a fact or misrepresentation of a fact to the Board;
- P. Failure to cooperate with the Board in an investigation pending against any Person;
- Q. Failure to comply with any stipulation or agreement of any Board disciplinary action; or
- R. Any other grounds as provided by the Board in regulation.

Section 502. Disciplinary Procedures

- 1) The Board shall by regulation set forth procedures for discipline pursuant to the (State) Administrative Procedures Act, including, but not limited to, the right to a hearing and judicial review.
- 2) The Board acting by itself or through a designee may administer oaths, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, records, memoranda, or other information necessary to enforce this Act.

Section 503. Disciplinary and Other Enforcement Actions

- 1) For conduct violating any provision of this Act or the regulations adopted hereunder, the Board may refuse to issue, renew, or reinstate, or may suspend, revoke, reprimand, restrict or otherwise limit the License or registration of any Person, whether or not currently licensed, pursuant to the (State) Administrative Procedure Act. The Board in addition to other enforcement actions may impose civil penalties, including recovery of costs, for violations of this Act and the regulations adopted hereunder.
- 2) The Board or, upon the request of the Board, the Attorney General or the appropriate District Attorney, shall file an action to enjoin or restrain a Person, whether or not licensed or registered, from violating any provision of this Act or the regulations adopted hereunder, including injunctive relief, in the court with appropriate jurisdiction.

- 3) If any Person refuses to comply with any decision or order of the Board, then the Board or, upon the request of the Board, the Attorney General or the appropriate District Attorney, shall file an action for the enforcement of such decision or order, including injunctive relief, in the court with appropriate jurisdiction. After due hearing, the court shall order the enforcement of such decision or order, or any part thereof, if legally and properly made by the Board and, where appropriate, injunctive relief.

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Article VI – Reporting of Complaints

Section 601. Misconduct

The Board shall establish comprehensive procedures for reporting and receiving complaints of a possible violation of this Act.

Section 602. Duty to Report Misconduct

Any Architect, Applicant, or Firm who has knowledge of any conduct by any Person that may constitute grounds for disciplinary action under any provision of this Act or any regulation duly promulgated hereunder shall report such conduct to the Board. An Architect, Applicant, or Firm that violates this Act or any regulation promulgated hereunder is required to self-report such violation to the Board.

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Article VII – Other

Section 701. Severability

If any provision of this Act is declared unconstitutional or illegal, or the applicability of this Act to any Person or circumstance is held invalid by a court of competent jurisdiction, the constitutionality or legality of the remaining provisions of this Act and the application of this Act to other Persons and circumstances, shall not be affected, and shall remain in full force and effect, without the invalid provision or application.

Section 702. Effective Date

This Act shall be in full force and effect on (Date).

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