

# 2629

# AIA Pennsylvania

A Society of The American Institute of Architects



Penny Walker, Administrator  
State Architects Licensure Board  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105-2649

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2007 SEP 19 AM 8:44

INDEPENDENT REGULATORY  
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2007 SEP 26 PM 1:38

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Re: Proposed Rulemaking Pennsylvania Bulletin Reference No. 16A-419.

Dear Ms. Walker:

## I. INTRODUCTION.

Pursuant to Section 5 of the Regulatory Review Act, 71 P.S. § 745.5, the American Institute of Architects of Pennsylvania ("AIA PA") hereby provides written comments (see Attachment A) on the proposed regulation insofar as it amends the schedule of civil penalties. AIA PA's comments are limited to the proposed revisions applicable to the State Architects Licensure Board.

As background, AIA PA was founded in 1909 and is the statewide society of the American Institute of Architects. AIA PA has 2800 architect and associate members statewide. Although separately incorporated, AIA PA is linked to the national American Institute of Architects and to eight local chapters located throughout the Commonwealth. These local chapters include Bucks County, Central Pennsylvania, Eastern Pennsylvania, Middle Pennsylvania, Northeastern Pennsylvania, Northwestern Pennsylvania, Pittsburgh, and Philadelphia Chapters.

## II. DISCUSSION.

### A. Proposed Amendments to Examination and Licensure Eligibility.

The above-referenced amendments to the regulations were published by the State Architects Licensure Board ("Board") pursuant to Section 6(a) and (d) of the Architects Licensure Law, 63 P.S. §§ 34.6(a) and (d). Traditionally, the Architects Licensure Law and the Board's rulemaking procedures have granted deference to the National Council of Architecture Registration Boards (NCARB) standards. See 49 Pa. Code § 9.11 (providing for Board membership in NCARB) and § 9.41a (providing that candidates shall comply with examination procedures and conduct standards established by NCARB).

The Board's proposed rulemaking seeks to amend its current regulations relating to examination eligibility. *See* 49 Pa. Code § 9.46(b). The proposed amendments seek to adopt the NCARB's national "rolling clock" with a minor modification for candidates. In essence, the Board has been applying this "rolling clock" standard on a case-by-case basis. AIA PA supports the Board's proposed adoption of the "rolling clock" as a formal regulation as set forth in the proposed rulemaking.

AIA PA also urges the Board to revise other portions of its examination eligibility regulations to adopt other recent actions by NCARB. At its June 2007 meeting, NCARB approved Resolution 07-8 expressly authorizing state architects licensure boards to adopt regulations permitting candidates for licensure to sit for the ARE while prior to completion of the NCARB Intern Development Program. As such, AIA PA is proposing that the Board also amend Section 9.46(a) of its regulations to reflect this recent policy change by NCARB.

The amendment to the regulatory amendment would be in Section 9.46(a) to make clear that completion of the ARE was not a condition precedent to exam eligibility. Attached hereto as Attachment "A" is proposed language.

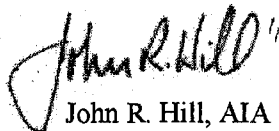
### III. CONCLUSION.

AIA PA recommends further amendments to Section 9.46(a) (Requirements for examination eligibility) to bring the Board's policy in line with NCARB's recent action to eliminate the requirement that a candidate complete IDP prior to sitting for the ARE. If you have any questions, Please do not hesitate to contact, Caroline Boyce or myself.

Very truly yours,



Caroline E. Boyce  
Executive Director



John R. Hill, AIA  
President

cc: B. Merenda  
D. Connell

## Attachment A

Red text: AIA Pennsylvania proposed additional language

Blue text: AIA Pennsylvania Proposed delete

**Fiscal Note:** 16A-419. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 9. STATE ARCHITECTS LICENSURE BOARD

#### FUNCTIONS OF THE BOARD

##### § 9.27. Inactive records.

Records of candidates for licensure that are inactive for 5 years will be destroyed. A record will be considered inactive if a candidate does not correct a deficiency in an application [, or pass the entire examination] within 5 years of notice from the Board of the deficiency [or eligibility to take the examination].

#### LICENSURE BY EXAMINATION

##### § 9.41a. Adoption of National Board Examinations.

\* \* \* \* \*

(b) Candidates shall comply with examination procedures [and], conduct standards, and standards pertaining to eligibility and passing of the ARE as established by the NCARB, unless otherwise stated in this chapter.

##### § 9.46. Requirements for examination eligibility.

- (a) **General requirements.** A candidate for the examination shall have ~~(1) a~~ professional degree in architecture from an accredited program.
- (b) ~~[(2) Three years of diversified training experience demonstrated by the training requirements of the IDP.]~~ A candidate for licensure by examination may sit for the ARE while undertaking IDP training. The training requirements of IDP shall be completed before a candidate is granted a license.
- (c) ~~[(b)]~~ [An architectural degree candidate applying for first time licensure is required to pass the entire professional licensure examination of the Board within 5 years of the date of eligibility to take the examination.] "Rolling clock" requirement. An applicant for licensure shall have 5 years from the date

that the first passed division of the examination was administered to pass all remaining divisions. If an applicant for licensure fails to pass all remaining divisions within the 5-year period, the applicant will automatically be given a new 5-year period measured from the date of administration of the next oldest passed division ("rolling clock") to pass all divisions of the examination and this rolling clock period will continue to automatically renew until all divisions of the examination are passed, without the need to reapply to the Board. Applicants will have the benefit of the rolling clock but the Board will only consider the divisions of the examination passed within the 5-year time period immediately preceding the date of the latest administered division passed by the applicant. The Board may waive this requirement upon proof of medical hardship or other extraordinary circumstances.

#### **§ 9.50. Reapplications.**

Candidates required to file new applications under §§ 9.27 and [9.46(3)] 9.41a(b) (relating to inactive records; and [requirements for examination eligibility] adoption of National Board Examinations) shall meet the requirements of the act and regulations in effect at the time the new application is filed.

### **GRADING AND REVIEW**

#### **§ 9.52. Grading compilation.**

To qualify for licensure, a candidate shall receive a passing grade on each part or division of the examination. Grades received in individual parts or divisions will not be averaged. A candidate will have opportunities, subject to [§ 9.46(3)] §§ 9.41a (b) and 9.46(b) and 9.46(c) (relating to adoption of National Board Examinations; and requirements for examination eligibility), to retake those portions of the examination which were failed and those portions which expire under the 5-year rolling clock requirement.