

Regulatory Analysis Form

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INDEPENDENT REGULATORY REVIEW COMMISSION

(1) Agency
 Department of State
 Bureau of Professional and Occupational Affairs
 State Architects Licensure Board

(2) I.D. Number (Governor's Office Use)
 16A-419

IRRC Number: 2629

(3) Short Title
 Licensure By Examination

(4) PA Code Cite
 49 Pa. Code §§ 9.27, 9.41a, 9.46(b),
 9.50, 9.52

(5) Agency Contacts & Telephone Numbers
 Primary Contact: **Roberta L. Silver, Assistant Counsel**
State Architects Licensure Board (717) 783-7200
 Secondary Contact: **Joyce McKeever, Deputy Chief**
Counsel, Department of State (717) 783-7200

(6) Type of Rulemaking (check one)
 Proposed Rulemaking
 Final Order Adopting Regulation
 Policy Statement

(7) Is a 120-Day Emergency Certification Attached?
 No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

 The State Architects Licensure Board (Board) proposes to amend 49 Pa. Code §§ 9.27, 9.41a(b), 9.46(b), 9.50 and 9.52, relating to eligibility and passing of the Architect Registration Examination (ARE), as set forth in Annex A.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

 The proposed amendments are authorized under Sections 6(a) and (d) of the Architects Licensure Law (act)(63 P.S. §§ 34.6(a) and (d)).

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The National Council of Architectural Registration Boards (NCARB) has implemented a "rolling clock" standard for eligibility and passing of the ARE. While the Board currently has its own 5-year standard in effect, the Board desires to adopt the NCARB standard, with the exception of the application to examination candidates who have already taken and passed at least one division of the examination as of January 1, 2006.

The Board's current regulation requires each candidate to complete all divisions of the examination within 5 years of being eligible to take the examination. The Board's standard, which is stricter than NCARB's, mandates that if the entire examination is not taken and passed within the 5-year period, the entire examination, including all its divisions, must be retaken within a new 5-year period.

The Board's proposed regulation is more lenient than its current regulation. Instead of losing the entire examination and having to retake all divisions within a new 5-year period, the candidate would only be required to retake any division of the examination that is more than 5 years old.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

N/A.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Any candidate who is eligible to take the ARE will benefit from the regulation.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

The Board has not identified any group of individuals or entities who will be adversely affected by the regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

There are currently 815 examination candidates. The Board's office entered 138 new examination records during FY 2005-06.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Copies were provided to those interested parties who requested an opportunity to provide input. On May 24, 2005, the Board solicited input from the American Institute of Architects of Pennsylvania (AIAPA) and the National Council of Architectural Registration Boards (NCARB). A second draft was sent to the same stakeholders on January 23, 2006.

The Board received comments from both AIAPA and NCARB. The suggested language from AIAPA became the basis of the Annex of this proposed rulemaking. NCARB, however, recommended that the Board adopt the NCARB rolling clock standard in its entirety, including the "grandfathering" provision, which would permit any examination candidate who had already passed at least one division of the examination an additional 5 years, beginning January 1, 2006, to complete the rest of the examination, irrespective of when the prior passed divisions had been taken. Although the Board seriously considered NCARB's recommendation, in the end, the Board decided that no passed division of the examination should be more than 5 years old. Thus, the Board rejected the "grandfathering" provision recommended by NCARB.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

There may be savings to those applicants who fail to pass all nine divisions of the ARE within a 5-year period in that they would not need to take the entire examination over again (and pay the required exam fees), but rather would only need to retake those divisions of the exam that were more than 5 years old. However, the amount of those savings is too speculative to estimate.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Local governments will not be affected by the regulation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The Board will not incur an increase in administrative costs by implementing the regulations.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$N/A	\$N/A	\$N/A	\$N/A	\$N/A	\$N/A
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

N/A

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 2002-03	FY -2 2003-04	FY -1 2004-05	Current FY 2005-06
State Architects Licensure Board	234,661.79	276,828.96	317,214.31	314,000

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

N/A

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

No nonregulatory alternatives were considered because the Board's enabling statute gives the Board the authority to establish rules and regulations for the examination of applicants.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No alternative regulatory schemes were considered because the Board's enabling statute gives the Board the authority to establish rules and regulations for the examination of applicants.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

There are no federal licensure standards.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

As of January 1, 2006, almost all states have adopted, in one form or another, a "rolling clock" standard for eligibility and passing of the ARE.

The regulation will not put Pennsylvania at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This regulation will have no effect on other regulations of the Board or other state agencies.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Board reviews regulatory proposals at regularly scheduled bi-monthly public meetings. The meeting dates are listed on the Department of State website. However, the Board has not scheduled public hearings or informational meetings regarding this regulation.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

No, the regulation will not change existing reporting, record keeping or other paperwork requirements because there is already an existing 5-year standard in Pennsylvania.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Board has perceived no special needs of any subset of its applicants or licensees for whom special accommodations should be made.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective upon publication as final rulemaking in the *Pennsylvania Bulletin*.

(31) Provide the schedule for continual review of the regulation.

The Board reviews regulatory proposals at regularly scheduled bi-monthly public meetings. A schedule of board meetings is available on the Department of State's website at www.dos.state.pa.us/bpoa.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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INDEPENDENT REGULATORY
REVIEW COMMISSION

2629

DO NOT WRITE IN THIS SPACE

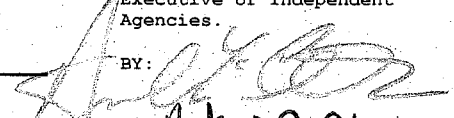
Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.


(DEPUTY ATTORNEY GENERAL)

State Architects Licensure Board
(AGENCY)


BY: Andrew C. Clark

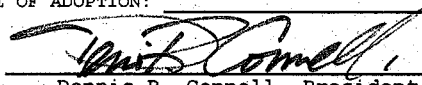
MAY 23 2007

DOCUMENT/FISCAL NOTE NO. 16A-419

DATE OF ADOPTION:

DATE OF APPROVAL
MAY 2 2007

DATE OF APPROVAL

BY: 
Dennis R. Connell, President

(Deputy General Counsel
(Chief Counsel,
Independent Agency
(Strike inapplicable
title)

TITLE: President
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if applicable. No Attorney General approval or objection within 30 day after submission.

PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE ARCHITECTS LICENSURE BOARD
49 PA. CODE, CHAPTER 9
Requirements For Examination Eligibility

The State Architects Licensure Board (Board) proposes to amend §§ 9.27, 9.41a, 9.46, 9.50 and 9.52, to read as set forth in Annex A.

A. Effective Date

The amendments will be effective on publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

B. Statutory Authority

The amendments are authorized under Sections 6(a) and (d) of the Architects Licensure Law (act) (63 P.S. § 34.6(a) and (d)).

C. Background and Need For Amendments

Currently, § 9.46(b) (relating to requirements for examination eligibility) states that “[a]n 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.” Passing the entire examination requires that each candidate must pass all nine divisions of the examination within 5 years of the date of eligibility to take the examination. Under this provision, if a candidate passes eight divisions within the 5-year period, but still has one more division to complete and the eligibility period ends, that candidate would lose all eight divisions of the examination that had been passed and would be required to take the entire examination all over again.

However, on January 1, 2006, the National Council of Architecture Registration Boards (NCARB) implemented a national “rolling clock” standard for examination eligibility. Prior to this time, NCARB had no standard time limit for completion of the exam, instead leaving that determination to individual state boards. NCARB’s Committee on Procedures and Documents, in a statement of support prior to NCARB’s 2004 annual meeting, explained that “[r]equiring that all divisions be passed within a reasonable period will better assure that the ARE [Architecture Registration Exam] remains a valid measure of the level of competency necessary to independently practice architecture. While some changes may occur within any 5 year period, there is a lower likelihood that applicants will be tested under different forms of administration and methodologies than is the case currently with applicants having unlimited time in which to pass all divisions.”

According to NCARB's rolling clock guidelines, exam candidates who have passed all divisions of the ARE by January 1, 2006, regardless of the time taken, will have passed the ARE. Exam candidates who have passed one or more but not all divisions of the ARE by January 1, 2006, will have 5 years to pass all remaining divisions. A passing grade for any remaining division will be valid for 5 years, after which time the division must be retaken if the remaining divisions have not been passed. NCARB's guidelines further specify that divisions taken before January 1, 2006, will not have to be retaken.

The Board proposes to adopt NCARB's guidelines with respect to the "rolling clock" with one exception. The Board's proposed rulemaking differs from NCARB's guidelines in that those candidates who had passed at least one division of the ARE by January 1, 2006, and are, therefore, already in the system, will have a total of 5 years to complete the entire examination. If the candidate does not complete the entire examination within 5 years, any division that the candidate has passed that is older than 5-years-old will drop off and the candidate will be required to retake the "stale" division of the examination. Thus, the candidate will not lose the entire examination, as the current regulation requires, only those divisions that are older than 5-years-old.

D. Description of Amendments

The Board proposes to amend § 9.27 (relating to inactive records) by deleting the language pertaining to an examination candidate completing the entire examination within 5 years.

The Board further proposes to amend § 9.41a(b) (relating to adoption of National Board Examinations) by adding language specifying that examination candidates shall comply with NCARB's examination procedures, conduct standards and standards pertaining to eligibility and passing of the ARE, unless otherwise stated in the Board's regulations.

In § 9.46(b) (relating to requirements for examination eligibility), the Board proposes to delete the requirement that examination candidates complete the entire examination within 5 years of the date of eligibility to take the examination. Instead, the Board proposes new language that specifies that the Board will consider only those divisions of the examination passed within the 5-year period since the first passed division was administered. If any division is more than 5-years-old, the candidate will be required to retake that division of the examination and will automatically be given a new 5-year period beginning from the date of the administration of the next oldest passed division without the need to reapply. This would implement the new "rolling clock" standard for the Board.

The Board proposes to amend § 9.50 (relating to reapplications for examination) to delete the cross-reference to § 9.46(3) because reapplication will no longer be necessary under the rolling clock requirement; and to add a cross-reference to § 9.41a(b). The Board further proposes to amend § 9.52 (relating to grading compilation) to add cross-references to §§ 9.41a(b) and 9.46(b) with regard to the opportunity to retake portions of the examination which were failed or which expired under the 5-year rolling clock.

E. Fiscal Impact

The proposed rulemaking should have no fiscal impact on the Commonwealth or its political subdivisions. Likewise, the proposed rulemaking should not necessitate any legal, accounting, reporting or other paperwork requirements.

F. Paperwork Requirements

The proposed rulemaking will not create additional paperwork for the Board.

G. Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under Section 5(a) of the Regulatory Review Act, (71 P.S. § 745.5(a)), on *Aug. 13, 2007* the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under Section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

I. Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Penny Walker, Administrator, State Architects Licensure Board, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649, (pewalker@state.pa.us) within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference No. 16A-419 (Licensure By Examination) when submitting comments.

Dennis R. Connell, President
State Architects Licensure Board

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.

(2) Three years of diversified training experience demonstrated by training requirements of the IDP.

(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 will 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. All 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.

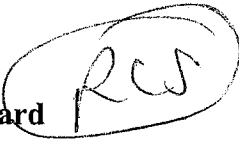
To qualify for licensure, a candidate shall receive a passing grade on each part or division of the examination. Grades received in individual parts or divisions will not be averaged. A candidate will have opportunities, subject to §§ 9.41a(b) and [9.46(3)] 9.46(b) (relating to adoption of National Board 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.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

DATE: September 28, 2006

SUBJECT: Proposed Rulemaking:
State Architects Licensure Board
Requirements For Examination Eligibility
16A-419

TO: Andrew C. Clark, Deputy General Counsel
Office of General Counsel

FROM: Roberta L. Silver, Counsel
State Architects Licensure Board 

There should be no significant legal or policy issues presented by this proposed rulemaking.

I certify that I have reviewed the proposed rulemaking and that the contents are correct to the best of my knowledge, information and belief. Should you have any questions, please feel free to contact me.

RLS



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE ARCHITECTS LICENSURE BOARD
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-3397

August 15, 2007

The Honorable Arthur Coccodrilli, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
State Architects Licensure Board
16A-419: Requirements of Examination Eligibility

Dear Chairman Coccodrilli:

Enclosed is a copy of a proposed rulemaking package of the State Architects Licensure Board pertaining to Requirements for Examination Eligibility.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,


Dennis R. Connell, President
State Architects Licensure Board

DRC/RLS:rs

Enclosure

cc: Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Albert H. Masland, Chief Counsel
Department of State
Joyce McKeever, Deputy Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Gerald S. Smith, Senior Counsel in Charge
Department of State
Roberta L. Silver, Counsel
State Architects Licensure Board
State Architects Licensure Board

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

RECEIVED

I.D. NUMBER: 16A-419
SUBJECT: REQUIREMENTS FOR EXAMINATION ELIGIBILITY
AGENCY: DEPARTMENT OF STATE
STATE ARCHITECTS LICENSURE BOARD

2007 AUG 15 PM 12: 21

INDEPENDENT REGULATORY REVIEW COMMISSION

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

INDEPENDENT REGULATORY REVIEW COMMISSION

2007 AUG 15 PM 12: 21

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FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
8/15/07	<i>J. M. Jones</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
8-15-07	<i>[Signature]</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
8/15/07	<i>Dr. Belmont</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
8/15/07	<i>[Signature]</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)