

Date of Hearing: June 21, 2016

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Rudy Salas, Chair

SB 1132(Galgiani) – As Introduced February 18, 2016

SENATE VOTE: 39-0

SUBJECT: Architects: architects-in-training

SUMMARY: Authorizes a person who has received confirmation of eligibility for the Architect Registration Examination (ARE) and who are seeking licensure to use the job title “architect-in-training.”

EXISTING LAW:

- 1) Establishes the California Architects Board (CAB) within the Department of Consumer Affairs (DCA), which licenses and regulates professional architects under the Architects Practice Act. (Business and Professions Code (BPC) Section 5500, *et seq.*)
- 2) Defines “architect” as a person who is licensed to practice architecture in this state under the authority of the Architects Practice Act. (BPC Section 5500)

THIS BILL:

- 1) Defines “architect-in-training” as:
 - a) A person who has received confirmation of eligibility for the ARE; and,
 - b) A person who is employed under the direct supervision of an architect licensed under the Architects Practice Act.
- 2) Authorizes professionals to use the title “architect-in-training” if the above definitional requirements are met.

FISCAL EFFECT: None. This bill has been keyed non-fiscal by the Legislative Counsel.

According to the Senate Committee on Appropriations, the bill as drafted would provide title protection for architects-in-training, but does not specify what level of licensing and enforcement the California Architects Board would provide. The following fiscal estimates assume that the level of oversight is comparable to that provided for engineers-in-training currently provided by the Board of Professional Engineers, Land Surveyors, and Geologists.

- One-time information technology costs of \$100,000 to allow the Board to process applications and track licenses .
- Ongoing costs of about \$120,000 per year for initial program development, licensing oversight, outreach, and enforcement
- Potential one-time costs of about \$300,000 for the development of an examination. As noted above, the Board has looked at the program for licensing engineers-in-training for

comparison. Applicants for licensure as engineers-in-training are required to take an examination. If the California Architects Board were to decide to require an examination for licensure as an architect-in-training, it would need to conduct an occupational analysis and develop such a test (there is no existing test of this kind to the CAB's knowledge).

- Unknown potential increase in state employment costs (various funds). Under the current civil service system, state employee compensation sometimes depends upon license status. Some civil service employees can receive higher compensation if the individual has a professional license in his or her field. At this time it is not known how many state employees could seek licensure as an architect-in-training or whether gaining such a license would increase their compensation.

COMMENTS:

Purpose. This bill authorizes professionals on the path to licensure to use the job title “architect-in-training.” This bill is sponsored by the American Institute of Architects, California Council (AIACC). According to the author, “This bill simply allows individuals who are working hard to become licensed architects in California to use the job title ‘architect-in-training’. [This bill] seeks to recognize those who are on path to becoming licensed architects or offer architectural services. This title will not harm the public because it is clear the title does not imply licensure.”

Background: The CAB was created in 1901 by the Legislature to fulfill the mission of protecting the health, safety, and welfare of the public through the regulation of the practice of architecture in California. The CAB administers the licensing and enforcement programs and establishes regulations for examination and licensing of the profession of architecture in California, which today numbers approximately 21,000 licensed architects and approximately 11,000 candidates who are in the process of meeting examination and licensure requirements.

State licensing boards and bureaus enforce both practice restrictions and title restrictions in the licensing of professions. Practice acts require licensed professionals to obtain a professional license by meeting certain educational and experience requirements, while title acts simply permit professionals to meet certain requirements to use a title and prohibit those who have not met those standards from using the specified title.

Path to Licensure. According to the CAB website, obtaining a license involves requirements that a candidate can meet in multiple ways. Although each candidate's path to licensure may differ, all candidates ideally will complete the process with the necessary knowledge, skills, and ability to be a licensed architect.

The CAB looks at three separate aspects of an individual's architectural development (education, experience, and examination) to assess a candidate's knowledge, skills, and ability to perform the architectural services. Once a candidate has fulfilled all the necessary requirements, he or she is eligible to receive a license to practice architecture in California. These requirements are:

- 1) Provide verification of five years of education equivalents and three years of architectural practice experience for a total of eight years of experience as evaluated by the CAB, including:
 - a) One year of work experience under the direct supervision of an architect licensed in a US jurisdiction; or,

- b) Two years of experience under the direct supervision of an architect registered in a Canadian province;
- 2) Successful completion of the ARE;
- 3) Completion of the Intern Development Program (IDP); and,
- 4) Successful completion of the California Supplemental Examination (CSE).

Eligibility to Sit for the ARE. According to the National Council of Architectural Registration Boards (NCARB) website, NCARB serves a variety of roles in the licensure process, including the development and administration of the IDP, the ARE, and NCARB certification, which facilitates reciprocal registration. The ARE is the national computerized architectural licensing examination, which consists of seven divisions that include multiple-choice, fill-in-the-blank, and check-all-that-apply questions as well as graphic vignettes.

The ARE tests candidates' knowledge, skills, and ability to provide the various services required in the design and construction of buildings. Candidates may apply for an ARE eligibility evaluation at any time they believe the requirements have been met. NCARB will send eligible candidates an email confirmation of eligibility once testing authorizations have been granted by the CAB. Testing eligibility remains valid as long as a candidate is active in the examination process. The CAB's regulations define an active candidate as one who takes (regardless of the result) at least one ARE division within five years of being determined eligible or since the last exam.

To be eligible for the ARE, a candidate is required to meet one of the following requirements, which are outlined in the California Code of Regulations, Title 16, Section 116, and possess an active Council Record with the NCARB:

- 1) Have a degree in architecture accredited by the National Architectural Accrediting Board from a school of architecture as approved by CAB;
- 2) Have at least sixty net months of architectural training and experience under the direct supervision of an architect in private practice or the equivalent as evaluated by CAB; or,
- 3) Have a combination of educational and experience credit as evaluated by CAB such as to total sixty net months.

Engineer-In-Training and Land Surveyor-In-Training. BPC Section 6756 of the Professional Engineers Act and BPC Section 8747(a) of the Professional Land Surveyors Act, requires the respective professionals to obtain an "in-training" certificate prior to licensure. These certificates do not authorize the holder of the certificate to practice or offer to practice engineering or land surveying work. Many employers look to see if an applicant has an "in-training" certificate prior to employment.

Applicants for certification as an engineer-in-training are required to successfully pass the first of two divisions of the licensure examination. The applicant must be eligible to sit for the first division of the examination after satisfactory completion specified education and experience

requirements. Applicants for certification as a land surveyor-in-training must similarly pass the first of two divisions of the licensure examination in order to be granted certification.

NCARB Future Title Task Force. In 2014, the NCARB created the Future Title Task Force to discuss what professionals who are on the path to become licensed architects should be called. Over the course of many months, the task force carefully debated the issue, and finally came to the conclusion that there is no agreed-upon terminology for professionals on the path to licensure. NCARB stated, “The Task Force recommended that any title held by those pursuing licensure does not need to be regulated. In other words, it is recommended that NCARB discontinue the use of the word intern, intern architect, or any other regulatory ‘title’ describing those pursuing licensure.”

The CAB’s Position. Although the board has not submitted a formal letter to this committee, the CAB voted at its June 2016 Board Meeting to oppose this bill unless it amended to address enforcement issues and other implementation details. However, the CAB has indicated that it is amendable to working with the sponsor to develop a proposal.

ARGUMENTS IN SUPPORT:

The American Institute of Architects, California Council writes in support, “[This bill] would allow individuals to have the job title “architect-in-training” during their internship once they are eligible to take the licensing examinations and if they work under the direct supervision of a licensed architect. This job title does not harm the public as it does not imply licensure or grant any of the authority of a licensed architect. Importantly, it is helpful as it describes the qualifications of the individual to clients of an architectural firm. Finally, the granting of an “in-training” paraprofessional title has precedent. California law allows the titles “engineer-in-training” and “land surveyor-in-training” to qualified candidates in those professional fields.”

POLICY ISSUES:

As noted in the Senate Committee on Appropriations analysis, this bill as drafted leaves many questions unanswered. The NCARB has stated that pre-licensure titles do not need to be regulated and has discontinued their use. However, if the “architect-in-training” title is to be used by the industry in this state, there should be some level of oversight as to when it can be used, what qualifications a pre-licensure candidate must meet in order to become an “architect-in-training” and the ramifications, if any, that should be in place for a professional who uses the title but does not meet the minimum qualifications for it.

It is important to note that engineers-in-training and land surveyors-in-training must successfully pass one of two divisions of their respective licensure examinations in order to become certified. As drafted, the current version of the bill does not allow for a direct parallel to be drawn for potential architects-in-training who do not need to pass an examination in order to become eligible for the ARE. As noted above, the CAB’s regulations state that eligibility for the ARE remains active so long as a candidate is active in the examination process, regardless of passing a division of the examination or not.

REGISTERED SUPPORT:

American Institute of Architects, California Council

REGISTERED OPPOSITION:

None on file.

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