

PROFESSIONAL LICENSURE COMMITTEE
PUBLIC HEARING

Thursday, August 14, 2008
Philadelphia, Pennsylvania

COMMITTEE MEMBERS PRESENT:

REPRESENTATIVE WILLIAM F. ADOLPH, JR.,
Republican Chairman
REPRESENTATIVE MICHAEL P. STURLA,
Majority Chairman
REPRESENTATIVE SEAN M. RAMALEY
REPRESENTATIVE SUSAN C. HELM
REPRESENTATIVE JOHN T. YUDICHAK
REPRESENTATIVE JAMES WANSACZ
REPRESENTATIVE JOSEPH A. PETRARCA
REPRESENTATIVE RONALD G. WATERS
REPRESENTATIVE TOM YEWCIC

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2 TESTIFIERS:

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4 BASIL MERENDA, ESQUIRE

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6 JOHN HILL, AIA

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8 JOSEPH CASTNER, AIA, RIBA

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1 REPRESENTATIVE ADOLPH: Good
2 morning. The hour of 10:00 having arrived, I'd
3 like to call to order the public hearing on House
4 Bill 2706 with the House Professional Licensure
5 Committee. Good morning, everyone. My name is
6 Bill Adolph. I'm a Republican Chair of the
7 Committee. My colleague, Chairman Mike Sturla, is
8 on his way from Lancaster County, and unfortunately
9 has run into some traffic problems along the
10 Schuylkill Expressway here in Philadelphia, and
11 he'll be here shortly. I also have been informed
12 that the prime sponsor of the Bill, State
13 Representative Vincent Biancucci, at the last
14 minute was asked to address a meeting in his home
15 district. And obviously, in the words of Tip
16 O'Neill, all politics being local, that's where the
17 Representative is at this time.

18 Before we start with our first
19 testifier, I'd like the members of the Committee to
20 inform the public who you are and where you're
21 from, starting with my far right.

22 REPRESENTATIVE RAMALEY: Good
23 morning. I'm Sean Ramaley from the 16th District,
24 Beaver and Allegheny counties.

1 REPRESENTATIVE HELM: Susan Helm
2 from the 4th, Dauphin County.

3 REPRESENTATIVE YEWIC: Tom
4 Yewic, Cambria and Somerset County.

5 REPRESENTATIVE YUDICHAK: Johnny
6 Yudichak, Luzerne County.

7 REPRESENTATIVE ADOLPH: For the
8 record, I represent the 165th Legislative District
9 in Delaware County.

10 Our first testifier certainly is
11 no stranger to this Committee, Basil Merenda,
12 Esquire, Bureau of Professional and Occupational
13 Affairs Commissioner, Pennsylvania Department of
14 State. Good morning, Mr. Commissioner.

15 MR. MERENDA: Good morning, Mr.
16 Chairman. Good morning, Chairman Adolph, members
17 of the Professional Licensure Committee. Thank you
18 for inviting the Department of State here today to
19 provide testimony on House Bill 2706, which
20 requires 24 hours of continuing education as a
21 condition of biennial renewal of a license to
22 practice architecture in the Commonwealth.

23 For the record, my name is Basil
24 Merenda and I am the Commissioner of the Department

1 of State's Bureau of Professional and Occupational
2 Affairs, BPOA known for short. As commissioner, I
3 administer the Commonwealth's 27 licensing board
4 and sit as a voting member on 25 of those boards,
5 including the State Architecture Licensure Board.
6 Under current law, the State Architects Licensure
7 Board does not have the authority to require
8 continuing education requirements of its licensees.
9 The Board believes that any architect holding a
10 license issued by the Board should be required to
11 complete continuing education as a condition of the
12 biennial renewal of their license.

13 Consequently, the Department can
14 enthusiastically support House Bill 2706, which
15 would provide the Board with authority to require
16 continuing education as a condition of licensure.
17 Simply put, BPOA considers continuing education an
18 important component in keeping practitioners of
19 professions and occupations competent and
20 up-to-date with the rapidly changing practices of
21 their profession and occupation. Indeed,
22 continuing education is widely accepted as a
23 mechanism to improve the public confidence and the
24 competence of the various professions licensed in

1 the Commonwealth.

2 Accordingly, the Rendell
3 administration, the Department of State and BPOA
4 submit that requiring architects, in the case of
5 this legislation, to complete 24 hours of
6 continuing education credits as a condition of
7 biennial licensure renewal sends a clear and
8 unequivocal message that anyone who wants to
9 practice the architect profession in Pennsylvania
10 must be prepared to maintain high standards of
11 professionalism and to keep up with the
12 developments in the field, all for the sake of
13 protecting health, safety and welfare of every
14 consumer in the Commonwealth of Pennsylvania.

15 From a legislative standpoint, I
16 would like to compliment the Committee staff for
17 the hard work that went into drafting House Bill
18 2706. In that regard, I would like to offer the
19 assistance of BPOA's legal staff to work with the
20 Committee to include just a few technical revisions
21 in the legislation. My staff and I can share those
22 technical revisions directly with the Committee
23 staff as a follow-up to my testimony.

24 Finally, since the clear goal of

1 House Bill 2706 is to provide additional
2 protections for consumers and to hold licensees
3 directly accountable for maintaining the integrity
4 of, in this case, the architect profession, I would
5 like to take this opportunity posed by this
6 legislative initiative to request that the
7 Committee consider an amendment to House Bill 2706
8 to provide the Architect Board with the authority
9 to impose, as discipline, fines of a maximum of
10 \$10,000, as well as authority to impose costs of
11 investigation on disciplined licensees as part of a
12 board's final adjudication. Those two provisions
13 are already in House Bill 1188. As the Committee
14 knows, House Bill 1188, which was passed
15 unanimously and crossed chambers on March 10th,
16 2008 seeks to provide all of BPOA's 27 licensing
17 boards the authority to increase to \$10,000 the
18 maximum civil penalty that can be imposed by a
19 board in a discipline matter, as well as authority
20 to impose costs of investigation on disciplined
21 licensees as part of a final adjudication.

22 BPOA, of course, would prefer the
23 Bureau-wide approach in House Bill 1188. However,
24 House Bill 2706 would provide this Committee and

1 the entire General Assembly the opportunity to
2 include House Bill 1188's two very important
3 consumer protection tools directly into the
4 enabling act of a BPOA licensure board as an
5 amendment. In this case, the Architect Licensure
6 Act would be amended directly. In fact, this
7 Committee, the full House and Senate have already
8 successfully applied this precise approach to the
9 accountancy profession in the recently enacted Act
10 73 of 2008, which provided the accountancy
11 profession with substantial equivalency. That was
12 Senate Bill 838. In that initiative, the Committee
13 took a very commendable, forward-looking approach
14 and inserted that so-called 10,000 maximum fine
15 provision, as well as the cost of investigation
16 provision found in House Bill 1188 directly into
17 the Accountancy Practice Act as an amendment at the
18 time to Senate Bill 838.

19 Consequently, as the result of
20 the Governor's approval on July 9th, 2008, the two
21 provisions of the pending House Bill 1188 are now
22 currently a part of the Accountancy Practice Act
23 and will apply to all certified public accountants
24 and public accountants who practice in the

1 Commonwealth.

2 Therefore, the Department would
3 respectfully request that the Committee take the
4 same approach with the architect profession and
5 include the 10,000 maximum fine provision and the
6 cost of investigation provision as an amendment to
7 this bill, House Bill 2706.

8 Thank you for this opportunity.
9 Accordingly, I respectfully present these comments
10 to the Committee for its consideration and welcome
11 any questions that you may have.

12 REPRESENTATIVE ADOLPH: Thank
13 you, Commissioner.

14 Are there any members of the
15 Committee with some questions?

16 Representative Yewcic?

17 REPRESENTATIVE YEWIC: Thank
18 you, Mr. Chairman.

19 Just for my information, do all
20 architects -- are all architects required currently
21 to take the 18 credits for the AIA?

22 MR. MERENDA: I don't believe
23 that there's any State requirement for continuing
24 education for an architect.

1 Am I correct on that?

2 REPRESENTATIVE YEWIC: Do they
3 take it or --

4 MR. MERENDA: I think that may be
5 up to the individual architect to maintain whatever
6 association certifications they may have. That's a
7 requirement of membership in AIA.

8 REPRESENTATIVE YEWIC: In
9 Pennsylvania -- well, we'll do that with the next
10 testifier, I guess.

11 Thank you, Mr. Chairman.

12 REPRESENTATIVE ADOLPH: Thank
13 you, Representative.

14 Are there any other questions? I
15 have one, Commissioner.

16 In other professions sometimes
17 the Boards recommend a breakdown in what the hours
18 are to be taken in, the CPA bill, X amount hours in
19 auditing, X amount of hours in taxation, X amount
20 of hours in ethics.

21 Who would be making these
22 recommendations regarding what the 18 hours would
23 be in?

24 Do you have any recommendations?

1 MR. MERENDA: No. We have no
2 recommendations at this point in time. If I'm not
3 mistaken, Mr. Chairman, the accountancy, those
4 requirements may be directly in the Statute. So
5 there may be some additional amendments that the
6 Committee may want to consider.

7 REPRESENTATIVE ADOLPH: We might
8 hear from the other testifiers today on what they
9 feel other states have done. Thank you for your
10 testimony, as always, thanks for joining us.

11 MR. MERENDA: Thank you, Mr.
12 Chairman.

13 REPRESENTATIVE ADOLPH: The next
14 testifier, Mr. John Hill, immediate past president
15 and chairman of the Licensure Committee, AIA
16 Pennsylvania. Good morning, Mr. Hill.

17 MR. HILL: Good morning, Mr.
18 Chairman and members of the Committee. As I
19 stated, my name is John Hill and I am the immediate
20 past president of AIA Pennsylvania, and I currently
21 serve as Chairman of the AIA Pennsylvania's
22 Licensure Committee. I am a practicing architect
23 registered in Pennsylvania. I'm Vice-president of
24 Muhlenberg Green Architects, which is an 18 member

1 design firm in Reading. I also hold registrations
2 in New York, New Jersey and Maryland, and have a
3 certificate from the National Council of
4 Architecture Registration Boards, known as NCARB.

5 First, we certainly want to thank
6 Representative Biancucci for taking the lead in
7 sponsoring this legislation. The American
8 Institute of Architects adopted its current
9 mandatory continuing education, known as MCE
10 policy, for membership starting in 2001. Since
11 that time, AIA Pennsylvania had been working in
12 partnership with the State Architects Licensure
13 Board to bring about the implementation of
14 mandatory continuing education for architects in
15 Pennsylvania.

16 The AIA has long recognized the
17 need for effective professional continuing
18 education and believes that all architects should
19 maintain a professional standard of competence.
20 The underlying principle behind continuing
21 education is that professionals in our dynamic
22 industry must remain current on products, methods
23 and theories that allow them to create, maintain
24 and improve upon our built environment. A

1 commitment to maintaining professional confidence
2 through lifelong learning is critical for
3 architects to meet the needs of a competitive
4 worldwide economy and carry out their
5 responsibilities in health, safety and welfare of
6 the public.

7 Continuing education for the
8 profession of architects carries a broadly
9 structured process of education intended to support
10 the continuous development of architects to
11 maintain and enhance their professional competence.
12 Continuing education should promote problem solving
13 and critical thinking. The AIA's continuing
14 education system was developed out of the AIA's
15 commitment to the importance of lifelong learning.
16 The AIA CES enables architects to keep abreast of
17 current technologies, master new knowledge and
18 skills, plan for the future and responsibly meet
19 the roles society entrusts to a professional.

20 This program allows members to
21 fulfill a requirement for AIA membership that
22 exceeds any of the State mandatory continuing
23 education requirements currently in effect. In
24 this role, the program has the potential to be a

1 primary force in the improvement and revitalization
2 of our profession. Architects are uniquely
3 qualified to work with the building codes and other
4 requirements and regulations associated with the
5 design and construction industry.

6 The fast-paced technological
7 advances that affect the design industry, and in
8 particular, the practice of architecture is
9 challenging to everyone involved in planning and
10 design. The changes impact every aspect of design
11 and construction. Project delivery methods are
12 changing, communication methods among design teams,
13 contractors and owners are evolving as quickly as
14 the digital world develops new software.

15 Along with increased pace and the
16 changes in the structure of the industry is the
17 continual challenge of updates in building codes
18 and review of approval processes for building
19 projects. To effectively address the continual
20 change in the industry and maintain a focus for the
21 safety, health and welfare of the public, it is
22 important that continuing education be included in
23 the requirements for licensure of architects in the
24 Commonwealth.

1 Fire resistant construction
2 methods and materials, energy efficient design
3 strategies, rehabilitation of existing structures,
4 building information management systems, known as
5 BIMS, sustainable design practices and green
6 building construction are just a few of the many
7 registered programs that are currently available as
8 continuing education programs for architects.

9 Currently, 38 states have MCE,
10 mandatory continuing education, enabling
11 legislation requirements in place. Such states as
12 Alaska, Hawaii, Utah and Wisconsin are still in the
13 process of defining the regulations and are trying
14 to determine exactly what they will accept, from
15 whom, and how their state will monitor the process.
16 In Virginia a bill was passed during the 2006
17 legislative session which mandates that the Board
18 implement a mandatory continuing education program
19 to architects, professional engineers and land
20 surveyors. The law became effective on July 1,
21 2006 and will be implemented in September of this
22 year. Such states as California, Maine and
23 Michigan are now considering taking the next step
24 to require MCE for those architects licensed in

1 their states.

2 The National Council of
3 Architectural Registration Boards, known as NCARB,
4 is a federation of all the state boards that
5 register and govern the practice of architecture.
6 The state boards formulate the rules and policies
7 of NCARB. Working with the state boards NCARB
8 establishes national standards for certifying
9 qualified architects. These standards have been
10 recognized by member state boards as adequately
11 rigorous to allow the state board to issue
12 certificates to practice architecture to the NCARB
13 certificate holder generally without further
14 examination or demonstration of their
15 qualifications.

16 In increasing numbers, NCARB
17 member boards are requiring evidence of lifelong
18 learning when architects apply for registration and
19 renewal. In addition to setting the standards for
20 national certification, NCARB strongly recommends
21 to state boards that continuing professional
22 development be a requirement for registration
23 renewal. NCARB has published legislative
24 guidelines which advise state legislators on how a

1 state board may best operate and has published
2 white papers dealing with important regulatory
3 issues affecting the practice of architecture. We
4 have included an excerpt from NCARB's publication
5 Legislative Guidelines and Model Law under their
6 model regulations.

7 Under continuing professional
8 development requirements it states: A registered
9 architect must demonstrate professional development
10 activities since the architect's last renewal or
11 initial registration, as the case may be. The
12 board shall, by regulation, describe professional
13 development activities acceptable to the Board in
14 the form of documentation of such activities
15 required by the Board. The Board may decline to
16 renew a registration if the architect's
17 professional development activities do not meet the
18 standards set forth in the Board's regulations.

19 Even though the issue has been
20 discussed in the profession of architecture for
21 more than 15 years, there's still a lot of debate
22 over mandatory continuing education requirements.
23 Three concerns always come up when MCE issue is
24 seriously debated. The issues revolve around time,

1 money and value. The issue that is frequently
2 overlooked is that MCE is changing behavior and
3 influencing which continuing education courses
4 architects select.

5 When state licensing boards began
6 to require mandatory continuing education, it
7 changed the behavior of the architect, especially
8 with which courses they choose. For 25 years, the
9 most popular top ten attended courses at the AIA
10 national convention were marketing, presentation
11 skills, working with clients, leadership and how to
12 improve your business practice. These are all good
13 subjects and important to the architect's
14 professional career. Only since the majority of
15 state licensing boards began requiring MCE have we
16 seen a change of what courses architects choose
17 when attending the national convention. In 2007
18 the top ten attended sessions started with green
19 building, preventing moisture, sustainable design,
20 America's new regionalism, and 100 years since the
21 San Francisco earthquake. Rarely were sessions
22 attended on sustainability and health, safety and
23 welfare prior to 2000.

24 If the state licensing boards

1 want to change the behavior pattern of design
2 professionals, mandatory continuing education is an
3 affective way to do so. All of the states
4 surrounding Pennsylvania require mandatory
5 continuing education for licensure renewal. We
6 have included a chart that outlines the
7 requirements for each state. To summarize that
8 chart, basically, it averages out at 12 credit
9 hours per year, depending on what their renewal
10 period is. They also qualify how many health,
11 safety and welfare hours are required in each of
12 those renewal periods. Delaware is 24 for every
13 two years, Maryland 24, New Jersey, 24 for two
14 years. New York is a three year renewal with 36
15 hours. Ohio is 24 for two years. Virginia is 16
16 for two years. And West Virginia is 12 for every
17 year.

18 Studies suggest that under proper
19 circumstances MCE is effective in changing
20 attitudes, knowledge and performance with improved
21 public safety resulting from continuing education.
22 Many other occupations and professions require
23 continuing education. A 2004 report developed by
24 the Accreditation Council for Pharmacy Education,

1 the pharmacist's counterpart to NCARB, and also our
2 National Architectural Credit Union Board, and the
3 National Council of Examiners for Engineers and
4 Surveying compared pharmacists and other healthcare
5 professionals performance before and after
6 participating in a variety of continuing education
7 programs. At the time of the report pharmacists
8 licensed in 52 of the 53 jurisdictions throughout
9 the United States and its territories were required
10 to complete continuing education credits. The
11 report documented the continued beneficial effect
12 of the training for as long as one year afterward.
13 This report concluded that continuing education
14 served to improve knowledge, skills, attitudes and
15 behavior of the health professions and the outcomes
16 of the patients.

17 In Pennsylvania, legislation was
18 passed in 2006 requiring engineers, land surveyors
19 and geologists to have continuing education credits
20 in order to renew their license. The engineering,
21 land surveyor and geologist registration law has
22 been amended to include mandatory continuing
23 education. The Board now must promulgate
24 regulations to establish requirements for

1 continuing education.

2 Senate Bill 612 is currently in
3 the House Appropriations Committee having been
4 passed in the Senate 46 to three in June, 2007.
5 This legislation would increase the continuing
6 education requirements for landscape architects
7 from the ten hours for two year licensing to 24 per
8 two year period.

9 In conclusion, I am here today to
10 provide testimony to AIA Pennsylvania's support for
11 implementing mandatory continuing education as a
12 requirement for renewal of an architect's license
13 to practice in this Commonwealth. It is an
14 important aspect of professional development and a
15 powerful statement of our profession's commitment
16 to the safety and welfare of the public who assume
17 the structures they live in, work in, shop in,
18 visit and entertain themselves in are safe for
19 human habitation.

20 I'm also here as a registered
21 architect in Pennsylvania with a practice that
22 requires multistate licensing. MCE is a
23 requirement to the renewal of my other licenses, as
24 well as my membership in AIA. I have found this

1 requirement to be a normal part of my professional
2 process. MCE serves a valuable corpus to my
3 professional development, to other members of my
4 firm and their development, and most certainly, to
5 my clients.

6 Thank you for this opportunity to
7 participate in this hearing. If you need
8 additional information, we would be happy to answer
9 any questions you might have for us today. If, in
10 the future, you need additional information, we
11 would be happy to be a resource for you. Thank you
12 very much.

13 REPRESENTATIVE ADOLPH: Thank
14 you, Mr. Hill, for your testimony. Before we open
15 it up for questions, I'd like to acknowledge the
16 presence of Representative Ronald Waters and
17 Representative James Wansacz.

18 Representative Yewcic?

19 REPRESENTATIVE YEWIC: Thank
20 you, Mr. Chairman.

21 You represent over 2,800
22 architects.

23 How many architects are licensed
24 in Pennsylvania? Or perhaps the Commissioner can

1 answer that.

2 MR. HILL: I believe there's over
3 4,000 architects in the State, registered.

4 REPRESENTATIVE YEWIC: Do they
5 belong to any other organizations, other than
6 yours?

7 MR. HILL: AIA is the predominant
8 organization for architects to belong to. There
9 are a few other small organizations, but nothing to
10 -- that comes to the same status as the American
11 Institute of Architects.

12 REPRESENTATIVE YEWIC: Should we
13 require -- or in your opinion, is this learning
14 acceptable, or should there be a requirement to
15 attend a seminar, or should there be a mix, like, I
16 guess, New York does?

17 MR. HILL: I think certainly a
18 mix is adequate. The distance learning has some
19 challenges to it. Certainly the hands-on
20 attendance at seminars is very important. I
21 believe probably in the mix makes sense.

22 REPRESENTATIVE YEWIC: It makes
23 more sense?

24 MR. HILL: Yes, to allow that

1 flexibility for individuals.

2 REPRESENTATIVE YEWIC: Thank
3 you, Mr. Chair.

4 REPRESENTATIVE ADOLPH: Thank
5 you, Representative.

6 Are there any other questions for
7 Mr. Hill?

8 Mr. Hill, I know you were present
9 when I asked the Commissioner regarding the types
10 of courses that should be required, should be
11 spelled out.

12 And who does that? I know
13 you've mentioned that somewhat in your testimony
14 where you saw at your annual conventions the type
15 of seminars that the architects were attending,
16 rather than some of the more professional or to the
17 point type architecture design courses and stuff.

18 Any comment?

19 MR. HILL: Yes. We have a
20 comment. Again, we have worked with Commissioner
21 Merenda and the State Architects Board in talking
22 about this issue for quite a while now, and we
23 certainly really appreciate their support and their
24 energy towards this end.

1 As far as -- we take the approach
2 that our licenses are based for protection of the
3 health, safety and welfare of the public, and the
4 health, safety and welfare courses that can be
5 addressing that should be a significant part of the
6 required continuing mandatory continuing education.
7 We agree with the 24 credit hours that's been
8 suggested. We think that that's a reasonable
9 approach.

10 Out of that, our initial
11 recommendation was that all of those hours be
12 required in the health, safety and welfare. That's
13 been discussed as possibly being a little too
14 strict, and other states we see are more in the
15 eight hours per year towards the health, safety and
16 welfare out of their 12 that would be required.
17 But the typical breakdown we see are courses that
18 can be directly contributed to the study of the
19 health, safety, welfare aspects versus other more
20 specific targeted courses.

21 REPRESENTATIVE ADOLPH: Is it
22 possible -- can your organization give to this
23 Committee a breakdown of some of our surrounding
24 states, what type of breakdown their continuing ed

1 would be in?

2 MR. HILL: Yes. In fact, I think
3 in the chart that is included in my testimony does
4 address the HSW hours annually required, and that's
5 kind of the breakdown that's there. What a variety
6 of states do, and also, certainly, the American
7 Institute of Architects is a provider of a lot of
8 continuing education courses, and they also qualify
9 what courses meet certain criteria for continuing
10 education. So there is a criteria on what raises
11 to a standard of an acceptable course.

12 REPRESENTATIVE ADOLPH: Thank you
13 very much.

14 Any other questions?

15 MR. MERENDA: Mr. Chairman, I can
16 add a few comments to the questions.

17 REPRESENTATIVE ADOLPH: Sure.

18 MR. MERENDA: Number one,
19 Representative, we put a lot of value on
20 interaction of professionals so that we would like
21 to see a majority of the CE credits done in a
22 classroom setting, interacting with the profession
23 so that you can meet your colleagues and learn
24 other things, besides that particular course.

1 However, most of our boards do
2 permit a percentage of the CE credits to be gained
3 through a computer distance learning type of
4 situation. So that wouldn't necessarily be a
5 problem.

6 Also, regarding the types of
7 courses, we would recommend that courses like
8 office management, courses like how to solicit
9 business, things of that nature should not be a
10 part of the 24 credits.

11 REPRESENTATIVE YEWIC: Mr.
12 Chairman, real quick, what percentage does the
13 Department feel is necessary?

14 MR. MERENDA: It varies. That
15 we'd have to maybe get some comments from the
16 Committee, get some comments from the profession,
17 get some comments from the Board, also. It varies.
18 I can -- we can get back to you with the exact
19 percentage of long distance learning that other
20 boards require. I don't have it off the top of my
21 head.

22 REPRESENTATIVE YEWIC: According
23 to the chart, New York's is 50 percent, and the
24 other ones all seem to be long distance learning;

1 is that correct?

2 MR. HILL: I'm not certain on
3 what their restrictions are on distance learning.
4 This is a topic that is certainly being debated
5 more and more because there's some question in who
6 is, in fact, doing some of this learning in some of
7 the situations, things like that. So we certainly
8 support the Commissioner's approach, as far as
9 allowing the percentage of it. People are busy.
10 Sometimes this distance learning is a viable way to
11 get some of the learning that is required. But I
12 also agree with the Commissioner that in the
13 classroom setting or a hands-on environment, where
14 you're directly relating to a presenter and the
15 materials is the best way to develop.

16 REPRESENTATIVE YEWIC: Do those
17 other 1,200 or so architects oppose this type of
18 thing?

19 MR. HILL: Continuing education
20 meets the debate where the architects like the way
21 it has been. I think a variety of the architects
22 that are in the profession today are doing a
23 variety of learning just because of the change of
24 it. They don't like the idea of it being required

1 of them. I think we owe that to the public to show
2 that our profession is requiring that of its
3 architects in this State.

4 MR. MERENDA: I'm an attorney, so
5 as a matter of law, we have to complete, I think
6 it's 12 or 13 credits of continuing education every
7 year, and we're limited to, I believe, three
8 credits through distance learning, if I'm not
9 mistaken on that. So they do try to limit what you
10 can complete from distance learning.

11 REPRESENTATIVE YEWIC: How many
12 changes occur in architecture? It's not like being
13 a nurse or doctor where you have changes in
14 medicine, or even law.

15 Are there a lot of changes that
16 you have to address?

17 MR. HILL: Well, building
18 technologies are changing. The way buildings are
19 constructed is changing. The building codes have
20 added new challenges to just the way we practice
21 and how the building is designed. And then, also,
22 the project delivery methods. It's different from
23 years ago where drawings were developed, we went
24 out to bid, contractor took it from there. It's

1 now contractor involved in the design build. A
2 variety of different methods are in there so that
3 the whole building process, to expedite it, is
4 changing and requires people to be more abreast of
5 how to deal with these changes. So it is a
6 changing profession at this point.

7 REPRESENTATIVE YEWIC: Thank
8 you, Mr. Chairman.

9 REPRESENTATIVE ADOLPH: Thank
10 you, Representative.

11 Before you leave, Mr. Hill,
12 Representative Waters has some questions.

13 REPRESENTATIVE WATERS: I have a
14 brief question, and maybe you and the Commissioner
15 can answer this. I didn't have a copy of your
16 testimony.

17 How many other states have this
18 right now?

19 MR. HILL: Currently in effect is
20 -- there's over 38 states that have mandatory
21 continuing education in effect. There's another, I
22 believe, five or six that have it pending. And
23 Pennsylvania is actually now among the few states
24 that don't have any legislative -- legislation in

1 place at this point.

2 REPRESENTATIVE WATERS: If
3 someone passes this and they have occasion, would
4 they be able to go to other states that have this
5 and also be architects there?

6 MR. HILL: Yes. I am licensed in
7 New York, New Jersey and Maryland. They all
8 require continuing education. If I -- in my
9 requirement for membership in AIA, with that I
10 comply with all the requirements of those states.
11 I keep that up to date. And my transcript of
12 courses through AIA is accepted in those states as
13 proof of continuing education.

14 REPRESENTATIVE WATERS: This
15 would be good for the architects, if they wanted to
16 be able to go to other places?

17 MR. HILL: Yes. As far as
18 reciprocity between the states, for states that
19 require it, certainly, it works.

20 REPRESENTATIVE WATERS: Thank
21 you.

22 MR. MERENDA: Mr. Chairman,
23 through the wonders of technology we just
24 determined that we have exactly 7,496 licensed

1 architects in the State of Pennsylvania. We just
2 got the E-mail.

3 REPRESENTATIVE ADOLPH: Thank you
4 very much. Technology. We'll soon find out how
5 many live in each of our districts.

6 I know in the CPA bill, which is
7 40 hours every year, 80 biennial, cost becomes a
8 factor because some small CPAs, not only do they
9 lose a day's work when they have to attend an
10 eight-hour course, it also costs them as high as a
11 couple hundred dollars for eight hours. So I'm
12 sure that's why Representative Yewcic was talking
13 about the distant learning. I know in the CPA
14 bill, out of the 40, CPAs are allowed to receive, I
15 think it's almost 20 hours in correspondence. Not
16 only is it convenient, you can do it at home in
17 between hours and so forth, but it's also very cost
18 saving for the smaller professional, or even the
19 large CPAs that work for the large firms, if
20 they're not covering the cost of it.

21 So I think we're going to have to
22 take that into consideration, but I think it's -- I
23 think getting the continuing ed is a necessary step
24 here. We just have to make sure that we don't put

1 a financial burden or hardship on our local
2 architects.

3 Thank you, Mr. Hill, for your
4 testimony.

5 MR. HILL: Thank you very much.

6 REPRESENTATIVE ADOLPH: Our next
7 testifier is Mr. Joseph Castner. Mr. Castner is
8 principal and director of Architectural Services
9 KlingStubbins. Good morning.

10 MR. CASTNER: Good morning, Mr.
11 Chairman and members of the Committee. My name is
12 Joseph A. Castner. I am a principal in the firm
13 KlingStubbins, which has an office in Philadelphia,
14 as well as Cambridge, Massachusetts, Las Vegas,
15 Nevada, Raleigh, North Carolina, San Francisco,
16 California and Washington, DC.

17 As a practicing architect, I am
18 registered in 17 jurisdictions and the United
19 Kingdom, all requiring continuing education with
20 one exception, Pennsylvania. As a practitioner, I
21 am a proponent of mandatory continuing education.
22 I find the programs beneficial for both my staff
23 and myself of keeping abreast of best-practice
24 issues, new technology, changing code requirements

1 and contract arrangements.

2 More than 11 years ago, when I
3 joined KlingStubbins, I advocated for the
4 implementation of continuing education in my firm.
5 Since that time, our firm has become an AIA
6 continuing education system provider offering
7 courses both in-house and to architects from other
8 firms. We make available various programs using
9 both in-house expertise and outsource programs for
10 individuals to provide subject matter.

11 From a firm perspective, the
12 programs we provide to our staff are one of the
13 benefits I highlight as an employer in attracting
14 new talent to our firm and it is frequently an
15 important consideration for younger staff. As a
16 member and a former chair of the Continuing
17 Education Committee for AIA Philadelphia and one of
18 the co-chairs of the Design on the Delaware, AIA
19 Philadelphia's regional continuing education
20 conference, I have received considerable feedback
21 from principals of other firms on the benefits that
22 their practices derive from continuing education
23 programs offered by the Philadelphia Chapter of
24 AIA.

1 Attendance at conferences, such
2 as the national AIA convention in green bill are
3 considered a perk by our staff and is another
4 valuable tool in employee retention. In my
5 practice many of my fellow partners, shareholders,
6 have expressed that they find AIA's continuing
7 education system requirements to be a tedious
8 bookkeeping exercise, often adding the sentiment
9 that I'm already doing research on materials, code
10 requirements and best practices just to stay in
11 business, so why do I need to prove it to another
12 authority. However, I find that the benefits of
13 continuing education requirements greatly outweigh
14 the costs of the programs and minutiae of the
15 recordkeeping.

16 As you may know, AIA CES
17 facilitates architects in keeping current with
18 practice trends, mastering new technologies,
19 skills, planning for the future and meeting
20 responsibly the role society entrusts to a
21 professional. This program allows members to meet
22 all their state mandatory continuing education
23 requirements. Since I already must complete these
24 requirements for AIA membership, it is not a

1 hardship for me to comply with the 16 states and
2 United Kingdom's continuing education
3 requirements. Most accept AIA's records and all
4 accept the programs as fulfilling their
5 requirements.

6 The profession of architecture
7 could be argued to be one of the professions being
8 most dynamically transformed by constant and
9 evolving technology, awareness of our environment
10 and the environment's relationship to health,
11 safety and welfare. Demonstration of continuing
12 education or continuing professional development is
13 the only effective means that the State has
14 available to ensure that architects practicing
15 today maintain the knowledge necessary to keep up
16 with this rate of change. A commitment to
17 maintaining professional competence through
18 lifelong learning is critical for architects to
19 meet the needs of a competitive worldwide economy
20 and meet their professional responsibilities for
21 health, safety and welfare.

22 The Commonwealth requires
23 individuals to pass the Architect Registration
24 Exam, short, ARE, as a condition of licensure. You

1 might ask: Isn't this exam an adequate test of
2 knowledge and skills required to practice
3 architecture? Yes, at the time of the exam. But
4 there are many topics necessary to practice today
5 which are not tested on the ARE, five, ten or 20
6 years ago. These include sustainable design;
7 indoor air quality; design for response to
8 terrorist threats and natural disasters;
9 advancements in seismic design and building
10 systems; prevention of mold; and new project
11 delivery methods, such as integrated practice. The
12 rate of change suggests that the knowledge base
13 required of architects today to ensure the health,
14 safety and welfare of the public will continue to
15 change.

16 A provision for continuing
17 professional education requirement in Pennsylvania
18 would ensure that all architects licensed in the
19 State are constantly acquiring new knowledge that
20 will make certain that they practice in a manner
21 that protects the public now and in the future.

22 Some of the tools that should
23 define acceptable health, safety and welfare hours
24 to satisfy the continuing education requirements

1 are building design; landscape design;
2 environmental or land use analysis; life safety;
3 architectural programming; site plan; site and soil
4 analysis; plant materials; accessibility;
5 structural systems considerations; lateral forces;
6 building codes; evaluation and selection of
7 building materials, products and systems;
8 construction methods and construction
9 administration; contract documentation; energy
10 conservation; zoning and government's policies and
11 procedures; hurricane, high wind safety and design;
12 sustainability; mold mitigation; and the impact of
13 design on human physiology and neurology.

14 Therefore, in conclusion, I would
15 urge the House Professional Licensure Committee to
16 support making mandatory continuing education as a
17 requirement for renewal of professional licensure
18 for architects.

19 Thank you for the opportunity to
20 participate in this hearing. If you need
21 additional information, I will be happy to answer
22 any questions you might have today. And in the
23 future, if you need additional information, I'd be
24 happy to be a resource to you. Thank you.

1 REPRESENTATIVE ADOLPH: Thank
2 you, Mr. Castner, for your testimony. At this
3 time, I'd like to acknowledge the presence of
4 Representative Petrarca, who joined us earlier.
5 And I'm glad to see that Chairman Sturla has
6 arrived, and I'm sure he has a lot of questions on
7 the design of the Schuylkill Expressway. I'm not
8 sure if there are any professionals here that can
9 help us on that.

10 Chairman Sturla, the mic's yours.

11 REPRESENTATIVE STURLA: Questions
12 from members? No questions from members.

13 One question I have, just because
14 you pointed out about the ARE, is that still a
15 four-day exam?

16 MR. CASTNER: Currently there's
17 two versions of the ARE. One has a nine-part
18 section, and one can take those at any time.
19 There's a limitation on the time frame with which
20 one can do that. It's a rolling time of five year
21 commitment in terms of that.

22 The ARE has moved to a seven-part
23 exam, which will -- you can now take. There's
24 obviously a lap over in terms of when those

1 requirements take effect. Some are now taking both
2 the nine part, because they are grandfathered into
3 that, and others are not.

4 REPRESENTATIVE STURLA: Any other
5 questions from members?

6 REPRESENTATIVE WATERS: Thank
7 you, Mr. Chairman.

8 I just want to ask you
9 something. You said some of the topics that should
10 define acceptable safety, public safety and welfare
11 hours to satisfy continuing education requirements,
12 these -- what is listed here, the training that is
13 currently taking place and the programs where it
14 exists, or this is a recommendation of your own?

15 MR. CASTNER: The recommendations
16 are consistent with what AIA recognizes as health,
17 safety and welfare. So in my own continuing
18 education, for instance, if I satisfy AIA's health,
19 safety and welfare requirements, which these are
20 some of the topics accepted in there, it pretty
21 much cover all those as defined in that that would
22 satisfy those.

23 REPRESENTATIVE WATERS: I'm not
24 an architect, but some of these items listed here

1 now being -- now a part of the training that
2 people, for example, are now going for
3 certification?

4 Are they all gaining some of this
5 training right here?

6 MR. CASTNER: Are you talking
7 about a registered professional?

8 REPRESENTATIVE WATERS: Yes.

9 MR. CASTNER: The answer is yes.
10 For instance, I also am an adjunct professor at
11 Drexel University, and certainly a number of these
12 requirements in here are taught and advocated in
13 our courses that we teach in school, which is a
14 professional licensure, professional program.

15 REPRESENTATIVE WATERS: Thank
16 you.

17 REPRESENTATIVE STURLA: If
18 there's no other questions, we'll let you go and we
19 will conclude the hearing.

20 The meeting is adjourned.

21 REPRESENTATIVE ADOLPH: So moved.

22 ---

23 (Whereupon, the hearing was
24 adjourned.)

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C E R T I F I C A T E

STATE OF PENNSYLVANIA
COUNTY OF BUCKS

I, SUSAN L. SINGLAR, a Court Reporter and Notary Public in and for the State of Pennsylvania, do hereby certify that the foregoing transcript of the House Professional Licensure Committee public hearing on House Bill 2706, taken on Thursday, August 14, 2008 is true and accurate to the best of my knowledge, skill and ability.

SUSAN L. SINGLAR

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