

Tuesday, November 17, 2020

The Honorable Kirk Schuring
Senate Building
1 Capitol Square
Second Floor
Columbus, OH 43215
Schuring@ohiosenate.gov

***Re: S.B. 246 impact on Ohio Revised Code, Chapter 4703 and
the Existing Reciprocal Licensing Framework for
Architects***

Dear Senator Schuring:

The National Council of Architectural Registration Boards (NCARB) thanks you for the opportunity to review the substitute version of Senate Bill 246 (S. B. 246). As the national organization representing every state's architectural licensing board, NCARB supports a clear and uniform method of ensuring architect competence and mobility. Current Ohio law provides the opportunity for out-of-state architects to obtain a license in Ohio quickly and efficiently. NCARB respectfully requests the Committee exclude the architecture registration statute from this bill and consider the architectural licensing framework as a model for other professions – as the simplest way to advance the goals of this legislation without undermining a system that works for architects.

Existing Reciprocal Licensure Requirements under Ohio Revised Code 4703.08 and Administrative Code 4703-2-05.

Like all 49 other states, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands, Ohio has a system in place to allow architects licensed in other states to practice here. Ohio has a pathway for reciprocal licensure, established in the state's law governing the Architects Board (Board), Ohio Revised Code 4703.08.

Ohio's licensing framework for architects is generally consistent with the procedures already in place in the rest of the U.S. Thus, applicants for an initial architect license are held to a uniform set of standards and, very broadly, anyone with an initial license is well-positioned for a reciprocal license in a state other than the license holder's home state. Such a license can be granted quickly and is a full license to practice architecture.

An out-of-state architect who has a valid NCARB Certificate also can provide that to the Board as per se proof that the education, experience, and

examination requirements of Ohio have been satisfied.¹ Obtaining an NCARB Certificate involves providing documentation that an architect: (i) holds a degree from a program accredited by either the National Architectural Accrediting Board (NAAB), the Canadian Architectural Certification Board, or otherwise satisfies an education alternative; (ii) has completed the Architectural Experience Program; (iii) has passed the Architectural Registration Examination; and (iv) holds a license to practice architecture in another jurisdiction.

Scope of S. B. 246 and Related Concerns

S.B. 246, in its current form, would result in unintended impediments for those seeking an Ohio architect license. Current statute and regulations enable the Board to regulate and promote a clear and streamlined path to licensure. Although S.B. 246 was drafted with the stated objective of simplifying the reciprocal licensing framework applicable to various professions and occupations—and likely would have these effects for certain occupations or professions—it could have the opposite effect for the regulation of architects. Specifically:

- **Limiting the Board’s authority to create reciprocity rules for foreign applicants only.** The Board’s authority to draft reciprocity requirements would be limited to foreign applicants and potentially disadvantaging licensees from states and territories within the United States. Reciprocity applicants are currently exempt from meeting initial registration requirements expressed in section 4703.07. However, the proposed amendment to 4703.08 would change this accommodation by requiring domestic reciprocity applicants to meet initial registration requirements. Therefore, reciprocity applicants from other states would be subject to meeting supplementary requirements. This limitation would result in (A) internal inconsistencies of the statutory requirements for reciprocal registrants; (B) obsolete regulations; and (C) preclusion of individuals licensed in U.S. territories.
- **The bill complicates an already existing framework for architecture reciprocity.** The substitute version of S.B. 246 proposes three new pathways for non-international foreign applicants to obtain an architecture license in Ohio. ORC Section 4703.10 would be amended so that the Board would be required to issue a reciprocal license to individuals who, pursuant to Section 9.79 of the ORC: (i) hold an out-of-state license or government certification, (ii) hold a private certification, or (iii) who have

¹ Ohio Admin. Code r. 4703-2-05.

sufficient work experience. Each of these pathways is subject to additional criteria and restrictions.² Ohio law has a straightforward pathway for out-of-state applicants to become reciprocally licensed architects in the state.³ The requirements currently in effect are clearly articulated and have been drafted in a way to facilitate the interstate practice of architects, especially given that all 50 states, the District of Columbia, and the various U.S. territories have laws that impose initial licensure requirements like those established in Ohio. We are aware of no complaints that the current system in place does not facilitate interstate practice. In fact, almost half (approximately 49%) of licenses issued in Ohio in 2019 were to architects from outside the state.⁴

- **Introduction of alternative pathway for applicants who satisfy “national standards”.** This new version of S.B. 246 includes new language about “national standards”, and allows the board to apply this instead of the newly proposed licensure pathways in limited circumstances.⁵ However, this alternative process, as currently drafted, will not likely assist domestic reciprocal architecture licensure applicants (e.g. those from other states or jurisdictions within the U.S.). Although the Board requires that applicants complete the experience and examination programs developed by NCARB (the Architectural Experience Program (“AXP”) and Architecture Registration Examination (“ARE”) respectfully), these programs may not qualify as a “standard declared by a national organization to be the preferred standard for licensure of” architects. While at least 45 states “require” applicants to successfully complete these programs, several jurisdictions permit alternative pathways to satisfying these requirements through means such as supplemental experience. Ohio’s architecture licensing law already has a system in place that accounts for certification by NCARB and offers a straightforward pathway to reciprocal registration in the state—for both domestic and foreign out-of-state candidates.

RECOMMENDATIONS

S.B. 246 is laudable for attempting to improve the ways that professionals can be licensed in Ohio if they already possess a valid license.

² S.B. 246 § 9.79(B)(2)-(7)

³ ORC 4703.08

⁴ [2020 NCARB by the Numbers](#)

⁵ S.B. 246 § 9.79(M)(2),(3)

But, in the case of architects, this language would complicate the path to licensure in Ohio. Rather than adding another reciprocity pathway that may confuse applicants and lessen the standards of practice to which license holders are held, with no real benefits to those seeking to practice in Ohio, we request the committee consider amending S.B. 246 to exclude the practice of architecture. Making such a change would not undermine the core purpose of the bill; Ohio law already provides straight forward reciprocal licensure pathways for out-of-state architecture licensees while providing reasonable protections for the public. In fact, the existing architecture licensing process may serve as a model for the legislature to consider when contemplating how to facilitate reciprocal licenses for other professions and occupations.

If you believe we could provide further assistance to the committee as it considers how best to move forward with S.B. 246 and the considerations we have laid out here, please do not hesitate to let us know.

Respectfully,

Joshua C. Batkin, Vice President
National Council of Architectural
Registration Boards