

FACT SHEET: HB 10-1148 Concerning the Repeal of the “Continuing Professional Competency” Requirement in Architect’s Licensing Statute

By Representative Gerou and Senator Tapia

Vote YES on HB 10-1148 to repeal the continuing competency requirement in the architects licensing statute

Background

During the 2008 session of the General Assembly, the Colorado Component of the American Institute of Architects (AIA Colorado) asked Senator Peter Groff and Representative David Balmer to carry a bill requiring Continuing Education for architects. During discussions with DORA, the department agreed to support SB 08-029 **only if** it also contained a provision for the **eventual** additional requirement of a Continued Competence process.

Architects agreed under these terms: (1) no retake of the Architect’s examination would be required; (2) architects could help draft the requirement. **NO TIME FRAME FOR THE IMPLEMENTATION OF THIS PROVISION WAS SET IN THE BILL.** Architects seek repeal of only the Continued Competence portion of the original bill **before** the system goes into effect.

A workgroup composed of AIA Colorado members and DORA representatives has met for more than a year in an attempt to reach agreement. They have yet to reach an agreement. Because of that and the overwhelming negative response from our members Statewide, the AIA Colorado Board has directed us to seek repeal of the provision.

Rep. Gerou and Sen. Tapia - an architect and an engineer - are carrying this bill for their two professions because architects want it out of the law and engineers fear that they will be next and they do not want Continuing Competency to be part of the Engineer’s Licensing Statute. Nor do the Land Surveyors who are governed by the same joint board which regulates the three professions.

Following a meeting with Governor Ritter’s staff, AIA Colorado has received assurance that the Governor has no problem with the repeal of this portion of the bill and that he will direct DORA to be neutral on the bill.

Why “Continuing Professional Competency” Does NOT Work for Architects

1. The process suggested by DORA works from the premise that an architect is not competent unless he/she can prove otherwise as a condition of renewal. Of course, every licensed architect has already been deemed competent by DORA based on education, experience and examination.
2. The model suggested by DORA is a self-evaluation one. An architect seeking license renewal would go online and respond to a series of prompts evaluating his/her own competency. It is a time consuming, non-comprehensive, and largely meaningless exercise. In addition, the

professional must then create a learning plan, and further execute, document and defend that learning plan. All of which is in addition to and separate from current Mandatory Continuing Education requirements.

3. It calls into question an architect's ability to get liability insurance. Let's assume that during the self-assessment process, an architect indicates that he/she needs or wants more work in a particular area. That information is discoverable in the event of a claim against an architect. Additional liability issues are raised if an architect does not identify a given subject area. **INSURANCE COMPANIES ADVISE US THAT THEY MAY NOT ISSUE LIABILITY POLICIES IF SUCH A SYSTEM IS IN PLACE.**

4. The concept raises "restraint of trade issues." Colorado would be the only State to have such a system in place. Architects from other states who seek reciprocity would encounter major roadblocks to licensure in Colorado. Colorado architects fear retaliation from other states.

5. It is not an overstatement to observe that AIA Colorado leadership and staff have received a "firestorm" of criticism over this requirement. It also would come at the worst possible time for architects. It adds a burdensome requirement and has almost tripled the cost of license renewal during a period when as many as 25% of architects report that they have no work. The profession is in a serious economic slump.

6. The State of Colorado should not be spending money to hire consultants and add outsourced, elaborate, and unproven data systems and software to track new requirements at a time when money is needed for schools, highways and higher education. The cost/benefit of money spent on this program is questionable. Funds would be better spent elsewhere.

Please Vote YES on HB 10-1148