

SENATE BILL 109

C2

2lr0033

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: January 18, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 14, 2012

CHAPTER _____

1 AN ACT concerning

2 **State Board of Architects – Continuing Professional Competency**

3 FOR the purpose of repealing certain provisions of law relating to continuing
4 education requirements for architects; requiring the State Board of Architects to
5 adopt regulations to require a licensed architect to demonstrate continuing
6 professional competency by completing a certain number of hours of
7 professional development activities as a condition of renewal of a license;
8 making conforming changes; and generally relating to the State Board of
9 Architects and continuing professional competency requirements for licensed
10 architects.

11 BY repealing and reenacting, with amendments,
12 Article – Business Occupations and Professions
13 Section 3–309(c)(4), 3–309.2(c)(2), and 3–310(a)(4)
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2011 Supplement)

16 BY repealing
17 Article – Business Occupations and Professions
18 Section 3–309.1
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2011 Supplement)

21 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Business Occupations and Professions
2 Section 3–309.1
3 Annotated Code of Maryland
4 (2010 Replacement Volume and 2011 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Business Occupations and Professions**

8 3–309.

9 (c) Before a license expires, the licensee periodically may renew it for an
10 additional 2–year term, if the licensee:

11 (4) upon request by the Board, submits to the Board the original
12 certificate of completion or transcript of completed courses verifying the licensee has
13 complied with the continuing [education] **PROFESSIONAL COMPETENCY**
14 requirement under § 3–309.1 of this subtitle.

15 [3–309.1.

16 (a) (1) To qualify for renewal of a license under this subtitle, a licensee
17 shall complete 24 continuing education contact hours per 24–month period since the
18 last renewal of a license, including 16 continuing education contact hours that are
19 related to the protection of the health, safety, and welfare of the general public.

20 (2) Notwithstanding paragraph (1) of this subsection:

21 (i) a licensee who is granted an initial license may renew a
22 license for the next full term without complying with the continuing education
23 requirement of this section;

24 (ii) a licensee serving on temporary active duty in the armed
25 forces of the United States for a period of time exceeding 120 consecutive days in a
26 year, if the activity restricts participation in a continuing education program, may
27 renew a license for the next full term without complying with the continuing education
28 requirement of this section; and

29 (iii) a licensee experiencing physical disability, illness, or other
30 extenuating circumstances as reviewed and approved by the Board may renew a
31 license for the next full term without complying with the continuing education
32 requirement of this section.

33 (b) (1) A continuing education course or activity must:

1 (i) have a clear purpose and objective which will maintain,
2 improve, or expand skills and knowledge obtained prior to licensure or certification or
3 develop new and relevant skills and knowledge;

4 (ii) be presented in a well-organized and sequential manner;

5 (iii) provide evidence of preplanning which must include the
6 opportunity for input by the group to be served;

7 (iv) be conducted by persons who are well qualified based on
8 education or experience; and

9 (v) provide for documentation of an individual's participation
10 including information required for record keeping and reporting.

11 (2) A course or activity approved by the American Institute of
12 Architects (AIA) and the National Council of Architectural Registration Boards
13 (NCARB) shall be accepted as meeting the requirements of paragraph (1) of this
14 subsection.

15 (3) (i) A course or activity not approved by this subsection, the
16 AIA, or NCARB may be given approval by the Board if the licensee seeking approval of
17 the course or activity submits a written request to the Board and obtains pre-approval
18 from the Board.

19 (ii) An individual seeking to obtain pre-approval of a continuing
20 education course or activity shall submit the following at least 30 calendar days in
21 advance of the program so that the Board may analyze and respond to the individual:

22 1. the name, address, and phone number of the course or
23 activity sponsor;

24 2. the name of the course or activity;

25 3. a detailed description of the course or activity;

26 4. the length of the instructional period;

27 5. the total number of contact hours for which credit is
28 sought;

29 6. the name and academic or professional credentials of
30 the course or activity instructor;

31 7. the time, place, and date of the course or activity; and

1 8. the sponsor's method for providing evidence of
2 attendance.

3 (iii) The sponsor of a pre-approved course or activity may
4 announce or indicate as follows: "This course has been approved by the Maryland
5 State Board of Architects for the maximum of ___ contact hours of continuing
6 education."

7 (c) (1) In accounting credit, the Board shall provide a space on the regular
8 license renewal form for the licensee to sign as certification that the licensee has
9 complied with the continuing education requirement of this section.

10 (2) The Board may conduct random audits to verify completion of the
11 requirement.

12 (3) In response to an audit, a licensee may submit a transcript from
13 the Continuing Education System of the AIA or another form prescribed or accepted
14 by the Board.

15 (4) Evidence of compliance shall be maintained by the licensee for 2
16 years after each renewal period.

17 (5) If as a result of an audit the Board disallows any contact hours, the
18 licensee shall have 6 months from notice of such disallowance either to provide
19 acceptable evidence of having acquired contact hours or to acquire the required
20 number of contact hours prior to revocation of a license.

21 (d) The requirements of this section may be met if an individual is licensed
22 or certified in another state, province, or district which has a continuing education
23 requirement for renewal of a license that is similar to the program in subsection (b) of
24 this section, and the program is accepted by the Board and the individual certifies that
25 all continuing education and licensing requirements for the state, province, or district
26 from which the individual is licensed or certified have been met, subject to audit by the
27 Board.

28 (e) The Board may waive the requirements of this section for a licensee if the
29 licensee shows good cause for being unable to meet the requirements.]

30 **3-309.1.**

31 **THE BOARD SHALL ADOPT REGULATIONS TO REQUIRE A LICENSEE TO**
32 **DEMONSTRATE CONTINUING PROFESSIONAL COMPETENCY BY COMPLETING AT**
33 **LEAST 24 HOURS OF PROFESSIONAL DEVELOPMENT ACTIVITIES AS A**
34 **CONDITION OF RENEWAL OF A LICENSE UNDER THIS SUBTITLE.**

35 3-309.2.

1 (c) The Board may reactivate the license of an individual who holds a retired
2 status license if that individual:

3 (2) meets all continuing [education] **PROFESSIONAL COMPETENCY**
4 requirements[, not exceeding 24 credit hours,] that would have been required for
5 renewal of a license under § 3–309.1 of this subtitle if the individual had not been
6 issued a retired status license;

7 3–310.

8 (a) The Board shall reinstate the license of an architect who, for any reason,
9 has failed to renew the license by the end of the 30–day grace period if the architect:

10 (4) meets the continuing [education] **PROFESSIONAL COMPETENCY**
11 requirement that would have been required for renewal of a license under § 3–309.1 of
12 this subtitle, if the license had not expired[, up to a maximum of 24 contact hours].

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.