

Regulatory Analysis Form

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REGULATORY
REVIEW COMMISSION



(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Landscape Architects

(2) I.D. Number (Governor's Office Use)

16A-612

IRRC Number: 1963

(3) Short Title

Continuing Education

(4) PA Code Cite

49 Pa. Code §15.12, 15.63, 15.71-15.82

(5) Agency Contacts & Telephone Numbers

Primary Contact: Bernadette Paul, Counsel
State Board of Landscape Architects
(717)783-7200

Secondary Contact: Joyce McKeever, Deputy Chief Counsel, Department of State
(717)78 3-7200

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
- Final Order Adopting Regulation
- Final, Proposed Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
- Yes: By the Attorney General
- Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The regulation is designed to implement language added to the Landscape Architects' Registration Law by Act 107 of December 7, 1994, P.L. 774, providing for continuing education as a condition of license renewal.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The regulation is authorized under Sections 5 and 9.1 of the Landscape Architects' Registration Law, (Act), 63 P.S. §§ 905 and 909.1.

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

The regulation is not mandated by Federal law or regulation or court order. Section 9.1 of the Landscape Architects' Registration Law mandates continuing education as a condition for license renewal when implemented by the Board.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The regulation is necessary to implement the continuing education provisions of the Landscape Architects' Registration Law and is designed to assure continuing competence in the practice of landscape architecture for the public benefit.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Nonregulation is not an option, inasmuch as Section 9.1 of the Landscape Architects' Registration Law requires the Board to implement continuing education requirements as a condition for license renewal.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Landscape architect licensees will benefit from clear instructions as to the continuing education requirements of the law, as will program providers. The general public will benefit from the implementation of continuing education to assure competency in the practice of landscape architecture.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No one will be adversely affected by the regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Landscape architects licensed in Pennsylvania will be required to obtain 10 hours of continuing education each biennial period as a condition for license renewal. Providers of continuing education courses not otherwise approved will be required to comply with the standards of the Board established in the regulation to have their courses approved.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

As with all regulations of the Board, provisions in proposed rulemaking were discussed at regularly scheduled public meetings of the Board where public input was sought. Proposed rulemaking was also published in the Pennsylvania Bulletin and comments were received from the public and appropriate regulatory bodies. All comments were considered in preparing final rulemaking.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Continuing education program providers will be required to pay a fee for approval of courses. Additionally, individual licensees will pay a fee for approval of courses not approved through providers. It is anticipated that approximately 75 course providers will seek course approval at a fee of \$100 per application for a total of \$7,500 in a biennial period. It is also anticipated that individual licensees will seek approval for 25 clock hours of instruction at \$40 per clock hour for a total of \$1,000 over a biennial period. The regulation does not imply legal, accounting or consulting procedures.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Local governments will not be affected by the regulation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The Board will not incur an increase in administrative costs by implementing the regulation which are not covered by the fees adopted by the regulation.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
See attached fee report forms.				

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The small cost to licensees and continuing education course providers are far outweighed by the benefits of assuring a competent landscape architect licensee population.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

No nonregulatory alternatives were considered because the Board's enabling statute requires it to implement continuing education requirements as a condition for license renewal.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

See No. 22 above.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No federal licensure standards apply.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

This regulation will not put Pennsylvania at a competitive disadvantage with other states. Indeed, jurisdictions which license landscape architects are moving toward continuing education requirements throughout the United States. The regulations ensure a competent landscape architect licensee population in Pennsylvania.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This regulation will have no effect on other regulations of the Board or other state agencies.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Board reviews its regulatory proposals at regularly scheduled public meetings.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Continuing education program providers will be required to apply for continuing education course approval and will be required to supply documentation in accordance with standards outlined in the regulation. Licensees and providers will be required to maintain records of clock hours obtained by individual licensees to comply with Board audit requests.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Board has perceived no special need of any subset of its applicants or licensees for whom special accommodations should be made.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective upon publication as final rulemaking in the *Pennsylvania Bulletin*.

(31) Provide the schedule for continual review of the regulation.

The Board reviews its revenues and costs of its programs on a fiscal year and biennial basis.

FEE REPORT FORM

Agency: State - BPOA

Date: 06/17/97

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Provider Application for Continuing Education Course Approval: \$100.00

Estimated Biennial Revenue: \$7,500.00 (75 applications x \$100.00)

Fee Description:

The fee will be charged to every applicant who submits an application for approval as a continuing education provider.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Landscape Architects to review and process an application for approval to provide continuing education and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Board staff - application prep/processing	(0.50 hr)	10.60
Board staff - application review	(1.00 hr)	26.70
Board mbr - application evaluation	(1.00 hr)	8.00
Secured delivery - average charge		21.50
Administrative Overhead:		<u>32.96</u>
Total Estimated Cost:		\$ 99.76
Proposed Fee:		\$100.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$100.00 be established to review an application for approval as a continuing education provider.

Clerical staff: Receives application and supporting documents, enters information into tracking system and transmits fee; forwards to board administrator for processing.

Board administrator: Reviews application to ensure that all required supporting documents are submitted, contacts applicant to request missing information. Prepares application for review by board members, updates tracking system to reflect board member assigned, forwards application and attachments to one of the three Continuing Education Committee members.

Continuing Education Committee (Board Member): Receives application, evaluates for compliance with established rules and regulations, determines if approval should be granted or denied. If approved, application is returned to board office, staff updates tracking system and issues approval notice, prepares application for microfilming. If denied, application is returned to board office, tracking system is updated to reflect decision and application is assigned to a second board member for review. If second reviewer agrees with decision of first reviewer, a letter of denial is sent to the applicant. If the second reviewer disagrees with the decision, the application is sent to the third board member of the committee for review and final decision. If unable to reach a decision the item is placed on board agenda for review by the full board. Following review and vote the tracking system is updated and the appropriate letter sent to the applicant. No time has been factored into the cost estimate for a second, third or full board review because this is a new process and sufficient data has not been gathered.

Each transfer of application from board office to committee member or vice versa is handled via secured delivery; an average charge of \$21.50 has been factored into the cost estimate.

All applications reviewed will be read into the record as part of the Continuing Education Committee and ratified by full board vote on the record.

FEE REPORT FORM

Agency: State - BPOA

Date: 06/21/99

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Licensee Application for Continuing Education Course Approval: \$40.00 per clock hour

Estimated Biennial Revenue: \$1,000.00 (25 clock hours x \$40.00)

Fee Description:

The fee will be charged to every applicant who submits an application for approval of a continuing education course not pre-approved by the board and taken for the purpose of obtaining continuing education credits required for license renewal.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Landscape Architects to review and process an application for approval of individual continuing education courses and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Board staff - application prep/processing	(0.08 hr)	1.62
Board mbr - application evaluation	(0.50 hr)	4.00
Administrative Overhead:		<u>32.96</u>
	Total Estimated Cost:	\$ 38.58
	Proposed Fee:	\$ 40.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$40.00 per clock hour be established to review an application for approval of an individual continuing education course.

Page 2 Licensee Application for Continuing Education Course Approval: 06/21/99

In circumstances where a licensee takes a continuing education course not pre-approved by the Board, a request for credit toward the biennial continuing education requirement may be submitted for evaluation. The licensee submits the request after the fact, and if granted, obtains credit for the course. The application for credit is received and reviewed by board staff, is forwarded to a member of the Continuing Education Committee for review of course content and evaluation. The reviewing member makes a recommendation for approval or rejection of credit for the course for that applicant. The decision is read into the record, as are all other actions of the Continuing Education Committee.

MARIO J. CIVERA, JR., MEMBER
HOUSE POST OFFICE BOX 202020
MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA 17120-2020

232 LONG LANE
UPPER DARBY, PENNSYLVANIA 19082



COMMITTEES

PROFESSIONAL LICENSURE,
MAJORITY CHAIRMAN
LIQUOR CONTROL
FIREFIGHTERS' CAUCUS,
COCHAIRMAN

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

August 27, 1998

COPY



Business Licensing Division

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, 333 Market Street
Harrisburg, PA 17101

Dear Chairman McGinley:

This is to advise you that the House Professional Licensure Committee was unable to convene a quorum in time to take formal committee action on Regulations 16A-464, 16A-465, and 16A-612. Committee members were forwarded copies of each regulation and asked that they forward to the Chairman any comments or suggestions.

The committee is submitting the recommendations included in the analyses of Regulations 16A-464, 16A-465, and 16A-612.

Please feel free to contact my office if any questions should arise.

Sincerely,

A handwritten signature in cursive script that reads "Mario J. Civera".

Mario J. Civera, Chairman
Professional Licensure Committee

MJC/sms

Enclosures

CC: Norbert O. Gannon, D.D.S., Chairman
State Board of Dentistry
David M. DuTot, L.A., Chairman
State Board of Landscape Architects
The Honorable Yvette Kane
Secretary of the Commonwealth

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SPOA LEGAL COUNSEL

STATE BOARD OF LANDSCAPE ARCHITECTS

PROPOSAL: Regulation 16A-612 amends 49 PA Code, Chapter 15, State Board of Landscape Architects, to implement mandatory continuing education requirements commencing with the June 1, 2001 biennium.

The regulation is submitted as a proposed regulation and the committee has until September 8, 1998, to submit comments.

ANALYSIS: The Landscape Architects Registration Law, as amended on December 7, 1994, requires landscape architects, as a condition for biennial renewal, to complete 10 hours of continuing education.

The regulation requires a \$65.00 continuing education provider fee and a \$25.00 licensee application fee for licensees taking non-pre-approved courses.

Acceptable subject matter for continuing education courses pertain to the enhancement of the landscape architects professional skills. No more than 5 credits per biennium may be satellite seminars or electronic presentations and a mechanism must be in place to test or evaluate the licensees successful completion of the course.

The regulation lists the pre-approved continuing education providers. A licensee may submit on a one-time basis per biennium an application for the Board to consider for approval a non-pre-approved course. The Board may withdraw approval of a provider and the Board will provide written notice to the provider of the reasons for withdrawal of approval. No notice or hearing is required to withdraw approval of program sponsors.

The licensee shall retain continuing education records for 4 years. There is no record retention requirement for continuing education course providers. The Board will utilize a random audit of renewals to determine compliance with the continuing education requirement.

The Board may waive all or part of the continuing education requirement upon written documentation by the licensee of illness, emergency or hardship.

A licensee activating an inactive or lapsed license must complete the continuing education requirement for the preceding biennium.

RECOMMENDATION: It is recommended the committee not take a position on the regulation until the public comments are received and the regulation is in final form. However, the committee recommends the following:

1) Section 15.12 requires that licensees must pay an application fee of \$25 per clock hour for courses to be evaluated by the Board if these courses are not offered by pre-approved providers. An individual licensee would pay \$75 for a Board review of a three credit course while an approved provider would pay \$60 for review of a three credit course. The committee is

requesting a further explanation and review of this fee.

2) Section 15.78 authorizes the Board to withdraw its approval of continuing education providers. There is no mention of notice and hearing. Proposed Regulation 16A-464, the State Board of Dentistry (to be commented on by the committee by August 31, 1998) requires the Dental Board to give notice and conduct a hearing under 2 PA C.S., Section 501-508 (relating to practice and procedure of Commonwealth agencies) prior to withdrawing the approval of a program sponsor for cause. For bureau-wide consistency, the committee is requesting the Board review the issue of notice and hearing re: Board withdrawal of program sponsorship.

3) Section 15.80 Retention of Records, requires licensees to retain licensure renewal forms and certificates, transcripts or other acceptable documentation of completion of the prescribed number of clock hours for four years following completion of the course. There is no language requiring continuing education providers to retain records. The committee recommends there be a four-year record retention requirement for continuing education providers.

4) The committee also notes fee inconsistencies. On page 3 of the Regulatory Analysis Form, subsection(14), states that non-pre-approved providers would have to pay \$65/course for approval. Section 15.12 of the Annex lists a \$25 application fee per clock hour for non-pre-approved providers while pre-approved providers must pay an application fee of \$65 per course per biennium.

Additionally, the attachments for the continuing education individual application lists as \$25 fee, rather than a \$25 fee per clock hour. The attachment for the continuing education provider lists an \$85 fee rather than the \$65 fee as listed in the Annex.

Democratic House Professional Licensure Committee
August 27, 1998



PENNSYLVANIA SOCIETY OF LAND SURVEYORS

2040 Linglestown Road, Suite 200 Harrisburg, PA 17110 (717) 541-0701 Fax (717) 541-0664

August 21, 1998

Shirley Klinger
Board Administrator
State Board of Landscape Architects
Post Office Box 2649
Harrisburg, PA 17105-2649

Dear Shirley,

Regarding the recently published continuing education regulations, the PA Society of Land Surveyors requests an important modification to Section 15.76, Sources of Continuing Education Courses.

That section already lists a number of associations representing sister professions as approved providers of continuing education for landscape architects. While it appears that the Board's intention was to include the land surveyors professional association in that listing, the regulations do not in fact do that. The reference in the regulations acknowledges "The National Council of Examiners for Engineering and Land Surveying and its affiliates." The only Professional Society in Pennsylvania providing continuing education for land surveyors is the PA Society of Land Surveyors.

The regulation should be modified by adding as an approved provider: "The Pennsylvania Society of Land Surveyors".

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,

John G. Van Natta (MCK)

John G. Van Natta
Executive Director

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ASLA

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Business Licensing Division

August 18, 1998

PENNSYLVANIA

DELAWARE CHAPTER

Shirley S. Klinger, Board Administrator
State Board of Landscape Architects
P. O. Box 2649
Harrisburg, PA 17105

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SP04 LEGAL COUNSEL

AMERICAN

SOCIETY OF

LANDSCAPE

ARCHITECTS

908 NORTH 2nd STREET

HARRISBURG

PENNSYLVANIA

17102

717.236.2044

717.236.2046 fax

Dear Shirley,

The American Society of Landscape Architects Pennsylvania/Delaware Chapter offer the following comments and questions regarding the continuing education regulations published in the July 18, PA Bulletin.

Section 15.73(c) and in Section 15.73(c) (2) –The word “clock” should be used in lieu of “credit.” It should be inserted after “10” in Section 15.72.

Section 15.73(a) – The amendment to the Registration Act set up the Professional Development Review Committee (see Section 9.2 of the Act as amended) to review all applications for continuing education courses and providers. This committee was to meet on an as-needed basis to review all applications. Under the proposed rulemaking, it appears this responsibility is going to be retained by the Registration Board. Are they going to have time to perform this function? Are they going to meet on an as-needed basis? If they only meet periodically, how will that affect the mandatory 60-day pre-application period?

Section 15.73(c) – This limits satellite seminars and electronic presentations to 5 credit hours. This type of seminar seems to be the method of conveying information and education in the future. To limit this type of education in the proposed rulemaking seems questionable. I would like to know the reason for such a limitation. In addition, Sub-Paragraph (1) is not clear. Is the provision saying a moderator is required to be at every telecommunication site at which the satellite seminar is viewed? Is this reasonable? In Sub-Paragraph (2), what kind of “mechanism to test or evaluate the licensee’s successful completion of the [clock] hours” will be considered acceptable? What does ASLA do for its recent teleconferencing seminars?

SECTIONS

WESTERN

CENTRAL

EASTERN

DELAWARE

Section 15.76 (a)(5) – It has been pointed out that both the societies representing Engineers and Surveyors have indicated the reference to the National Council of Examiners is incorrect. They are recommending the correct engineering and surveying professional societies be referenced instead. I agree with such a change.

Section 15.77(a) – Is it clear that nonapproved courses can be submitted only once by a licensee during a single biennium? Or should the phrase “per licensee” be added to the end of the first sentence of this paragraph?

Section 15.77(d) – Should “acceptable documentation” be more specific?

Please call me at 717-898-3402 if you have any questions regarding these comments

Sincerely,



Sidney R. Kime, Jr. RLA
Govt. Aff. Com. Chm.

CC: Hugh Cadzow, President
IRRC

COMMENTS OF THE INDEPENDENT REGULATORY REVIEW COMMISSION

ON

STATE BOARD OF LANDSCAPE ARCHITECTS REGULATION NO. 16A-612

CONTINUING EDUCATION

SEPTEMBER 18, 1998

We have reviewed this proposed regulation from the State Board of Landscape Architects (Board) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to legislative intent, reasonableness and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. Section 15.71. Definitions. - Clarity

Office Management

Courses in office management cannot be used to satisfy continuing education requirements. The proposed definition of *office management* includes the "use of ... computers." Therefore, under this definition, courses relating to computer applications which directly involve the practice of landscape architecture cannot be counted toward meeting the continuing education requirement. To address this concern the Board should amend the definition of *office management* to exclude computer applications which relate to the practice of landscape architecture from the definition.

Provider

The definition of *provider* is an agency, organization, institution or association *approved* by the Board to offer an organized course. In later sections of the regulation, the Board uses the term "approved provider." To avoid this inconsistency, the Board should amend the definition to be "approved provider" and use this term consistently throughout the regulation.

2. Section 15.72. Requirement for biennial renewal. - Clarity

This section references ten hours of continuing education. For clarity purposes, the Board should amend this provision to refer to ten *clock* hours since "clock hours" is the defined term.

3. Section 15.73. Acceptable continuing education courses. - Reasonableness and Clarity

Clarity

Subsection (c) refers to five credit hours. The Board should amend this provision to refer to five clock hours since "clock hours" is the defined term.

Limitation on Satellite Seminars and Electronic Presentations

We question the reasonableness of the Board accepting no more than five hours per biennium from satellite seminars or electronic presentations. Because of the limited number of landscape architects, there may only be a limited number of courses offered throughout the Commonwealth. Satellite seminars and electronic presentations may be a reasonable alternative for many licensees who will not have courses offered in their region. Therefore, the Board should reconsider reasonableness of the five-hour limitation.

Role of the Moderator

Subsection (c)(1) requires that a satellite seminar have "a monitor present or available by a telecommunication facility." We have several questions with this provision. First, the American Society of Landscape Architects asked if this provision means that a moderator must be present at every telecommunication site. We request the Board explain its intent. Second, if it is the Board's intent to have a moderator at the site, the Board should explain the need for the moderator and if the moderator must be a qualified instructor. Finally, the Board should clarify what is meant by "available by telecommunication facility."

Definition of "electronic presentation"

Subsection (c)(2) refers to courses completed via electronic presentation. To improve the clarity of this provision, the Board should specifically define "electronic presentation" in Section 15.71.

4. Section 15.74. Approval of continuing education providers. - Reasonableness and Clarity

Subsection (a) provides that a course provider may apply to the Board for approval as a course provider each biennium. It is not clear if the Board intends that a provider must seek approval every two years. If it is the Board's intent to require approval every biennium, why must a previously approved provider repeat this process? If the information has not changed, there is no need for a new filing. If there is a need for approval every two years, the Board should consider a shorter process which requires the provider to only submit information that has changed since its previous approval.

Subsection (a) addresses approving organizations as providers. However, the remainder of this section concerns Board approval of individual courses. It is not clear if the Board will be approving the providers, the courses, or both. For clarity, the Board should split this section in two. One section would discuss the approval of providers and another section would discuss the approval of individual courses. In addition, the fee structure in Section 15.12 only includes a fee

for provider approval. Therefore, if the Board is going to review individual courses it should establish a fee for individual course approval.

Subsection (b) requires a course provider to submit an application 120 days prior to the date of the course. However, there is no timeframe for the Board to act on the application. The Board should include a timeframe within which it will act on the application to ensure it will be reviewed prior to the course being offered.

5. Section 15.75. Standards for courses. - Legislative Intent

Subsection (b) requires providers to ensure that instructors are qualified. Subsection (c)(1) indicates that providers must have procedures to periodically review the qualifications of its instructors. However, the regulation does not define what is considered a qualified instructor. These two provisions are inconsistent with the Landscape Architects Registration Law. Specifically, Section 9.1(c) provides that the Board, not the provider, shall approve all instructors.

To remedy this conflict, the Board should delete all references which indicate a provider determines if an instructor is qualified. Instead, the Board needs to include the standards used to determine a qualified instructor in the regulation. The Board could then allow the provider to document the instructors' qualifications as part of the course application process.

6. Section 15.76. Sources of continuing education courses. - Reasonableness and Clarity

Subsection (b) provides that approved providers shall submit course material and fees for courses as provided for in Sections 15.12 and 15.74. As previously noted, there is no fee for course review and approval. Furthermore, it would not seem reasonable to require an organization that has already received Board approval, such as those listed in Subsection (a), to pay the fee for provider approval. Therefore, the Board needs to amend this section to clearly reflect the specific fees and materials that must be submitted by the approved providers listed in Subsection (a).

7. Section 15.77. Licensee application for nonpreapproved continuing education courses. - Reasonableness

Subsection (d) requires licensees to submit acceptable documentation demonstrating successful completion of courses for which the licensee sought Board approval. We question why the licensee must submit this documentation for these types of courses when the licensee is not required to do so for all other courses. The Board should just require that the licensee keep the documentation that is required under Section 15.80.

8. Section 15.78. Withdrawal of approval of program sponsors. - Reasonableness

This section allows the Board to withdraw its approval of a provider. However, as the House Professional Licensure Committee observes, there is no appeal process for this action. To avoid any question over due process, the Board should include the appeal process or a reference to the appeal process a provider may use when the Board has revoked the provider's approved status.

9. Section 15.80. Retention of records. - Reasonableness

This section requires the licensee to retain licensure renewal forms and documents demonstrating completion of the education requirements for four years. Because a course may be completed in the middle of a biennium period, it may be easier for the retention of records to coincide with the biennium period. We recommend that the retention requirement be limited to the current and immediate preceding biennium periods.

The House Professional Licensure Committee observed that there is no requirement for course providers to retain a list of who has successfully completed a course. There is merit to requiring providers to maintain this documentation in case there is a question about a licensee's successful completion of a course. We recommend that the Board add a record retention period for providers which is consistent with the retention requirement for licensees.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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LEGISLATIVE REFERENCE BUREAU
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

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Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.

BY: _____
(DEPUTY ATTORNEY GENERAL)

STATE BOARD OF LANDSCAPE ARCHITECTS
(AGENCY)

BY: [Signature]

DOCUMENT/FISCAL NOTE NO. 16A-612

DATE OF ADOPTION: _____

5-24-00
DATE OF APPROVAL

DATE OF APPROVAL

BY: James W. Pashek

(Deputy General Counsel
~~Chief Counsel~~
~~Independent Agency~~
(Strike inapplicable title)

TITLE: James W. Pashek, Chairman
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if applicable. No Attorney General approval or objection within 30 day after submission.

NOTICE OF FINAL RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF LANDSCAPE ARCHITECTS
49 Pa. Code, Chapter 7
CONTINUING EDUCATION

The State Board of Landscape Architects(Board) amends Chapter 15 (relating to State Board of Landscape Architects) to read as set forth in Annex A. The amendments are designed to implement continuing education requirements as a condition for license renewal.

A. Effective date.

The amendments will be effective upon publication in the Pennsylvania Bulletin and continuing education requirements will apply to the May 31, 2003 license renewal.

B. Statutory Authority

The amendments are authorized under Section 5 and 9.1 of the Landscape Architects' Registration Law, (Act) (63 P.S. §§905 and 909.1).

C. Background and Purpose.

The amendments are designed to implement language added to the Act by Act 107 of December 7, 1994, P.L. 774, providing for continuing education requirements as a condition of license renewal.

D. Summary of Comments and Responses on Proposed Rulemaking

Notice of proposed rulemaking was published at 28 Pa.B. 3414 (July 18, 1998). The Board received comments from the Pennsylvania Society of Land Surveyors(PSLS), the American Society of Landscape Architects (ASLA), the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Board considered all of the comments and recommendations received in preparing final rulemaking.

Most of the comments received related to the clarity and accuracy of the regulatory language. The Board accordingly, made numerous revisions in final rulemaking to more clearly and accurately define terms and procedures. For example, the regulation now refers consistently to the defined term "clock hour" as suggested by ASLA and IRRC. Similarly, the Board has revised its use of terminology referencing continuing education providers and has added several definitions suggested by IRRC.

PSLS noted that it, as the only professional organization in Pennsylvania providing continuing education for land surveyors, is not included in §15.76 of the proposed regulation relating to pre-approved sources of continuing education courses. The Board has determined that PSLS should be included in the list of approved providers.

IRRC expressed concern about the definition of "office management" wherein computer

applications relating to the practice of landscape architecture may be excluded from continuing education credit. The Board has revised the definition. Similarly, IRRC expressed concerns about satellite seminars and electronic transmissions and specifically questioned, as did ASLA, the appropriateness of permitting no more than five clock hours' credit per biennium from such sources. The Board notes that the five-hour limitation, as proposed, represents fully one-half the total amount of the continuing education required for biennial renewal. The Board believes that considerable value is derived from professional and personal interactions which are obtainable only in the company of colleagues. For these reasons, the provision is retained in final rulemaking.

Likewise, IRRC questioned the role of a moderator in satellite seminars viewed at other sites by electronic transmission as outlined in proposed rulemaking at §15.739c(1). The Board's initial thinking involved the concept that continuing education courses should be more challenging than the passive viewing of a television video and should include the intellectual give-and-take of professional discussions. Upon consideration of IRRC's comments and in view of the breadth of variety in courses available to licensees, the Board will not insist that a moderator be available for all satellite courses. Instead, it will require providers of satellite seminars and electronic presentations to (1) document affiliation with an organization acceptable to the Board as a continuing education course provider, such as an educational institution, or (2) provide a means of evaluating licensees' successful completion of the course. The new requirements have been inserted at §15.75(e).

IRRC also questioned the propriety of requiring reapproval for each course on a biennial basis. The Board agrees that biennial reapproval is not necessary for providers who do not modify their course presentations over the course of the biennium and has deleted the term "per biennium" from §15.74(a). Language has been added at §15.75(d) requiring providers to submit course modifications to the Board as they occur. Significant modifications resulting in a change in the goals of the course, for example, will require submission of a new application for Board approval.

ASLA questioned whether the Board will be able to approve continuing education courses in a timely fashion. The Board is satisfied that it can and will do so.

IRRC has queried whether the Board intends that approval be sought for providers, courses, or both, and suggests that certain provisions may be redundant and burdensome. A review of §9.1 of the Act reveals that courses, not providers, are required to be approved. Accordingly, the Board has made numerous editorial and language changes throughout final rulemaking to provide that courses will be approved by the Board, rather than providers. In this vein, revisions have been made in §§15.12 (relating to fees), 15.71 (relating to definitions), 15.73

(relating to acceptable continuing education courses), 15.74 (relating to approval of continuing education courses), 15.75 (relating to responsibilities of course providers), 15.76 (relating to sources of continuing education courses), 15.77 (relating to licensee application for approval of continuing education courses), and 15.78 (relating to withdrawal of course approval). The Board believes that the new language will provide the clarity and accuracy missing in proposed rulemaking with regard to the statutory requirements.

With respect to IRRC's recommendation that the Board delete language at §15.75 relating to approval of instructors by a provider or institution in favor of identifying specific criteria in the regulation for the approval of an instructor, the Board believes that the language in proposed rulemaking is adequate to comply with statutory language and notes that §15.74(c)(4) requires instructors to be identified on course approval application forms. The Board is not expert in educational credentialing and is satisfied that instructor credentialing effectuated by accredited educational institutions is more than sufficient to satisfy legislative criteria.

The Board agrees with IRRC's comment that individual licensees who seek approval of courses not approved under §§15.74 or 15.75 had, under proposed regulatory language, a greater burden of documentation than licensees who restrict their studies to Board-approved courses. Accordingly, it has revised §15.77(d) to merely require licensees who obtain personal approval for a course not already approved to comply with the recordkeeping and documentation rules required of all licensees.

IRRC has also suggested that the Board revise proposed requirements in §15.80(a) relating to licensee retention of records. IRRC suggests that the Board tie the four-year retention of record requirement to the current and immediately preceding biennial time frame. The Board declines to make this change due to the need for administrative flexibility in the audit procedure utilized by Bureau of Professional and Occupational Affairs licensing boards.

In a related matter, the Board agrees with the HPLC's suggestion that providers be required to retain records of continuing education hours awarded to licensees under the auspices of their programs and had inserted that requirement at §15.80. Although the Board has no desire to create unnecessary recordkeeping standards, it considers this suggestion helpful to licensees who may be unable to document their credit hours in any other manner through no fault of their own. Licensees would have the option of returning to their continuing education provider for copies of documentation acceptable to the Board.

The HPLC and IRRC expressed due process concerns with §15.78 which permits the Board to withdraw approval of program sponsors without a due process hearing. The Board amended the language at §15.78 to clarify that courses, not providers, will be approved, and that

any withdrawal of approval will be for a particular course, not for a provider. The Board chose not to change the language of §15.78 to include notice and opportunity for hearing prior to course disapproval, as it felt that it would be well served by a less formal and burdensome process. The language of §§15.74(c) permits providers to submit clarifications or revisions, or to submit new applications in some cases should the need arise, to meet Board requirements.

The Board submitted the regulation in final form on December 1, 1999. The regulation was approved by the House Professional Licensure Committee on December 7, 1999. Following discussions with the analysts for the Independent Regulatory Review Commission, the Board withdrew the regulation to replace §15.78 entirely. The new language of §15.78 provides that the Board may withdraw course approval following notice and hearing. The regulation was withdrawn to insert this provision for a hearing; the Board also corrected minor errors in two other sections. In §15.72, the word clock was inserted before the word hours, and in §15.76E, the National Council of Examiners for Engineering and Land Surveying, an organization of licensing boards which does not offer educational courses, was replaced by the National Society of Professional Engineers and its affiliates.

E. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), the Board has sought in final rulemaking to achieve clear and, where possible, nontechnical language. Likewise, it has reviewed and incorporated many of the comments received on proposed rulemaking from various individuals and organizations representing the regulated community as well as the HPLC and IRRC.

F. Fiscal Impact and Paperwork Requirements

Continuing education program providers will be required to complete applications for approval as well as to maintain records of licensees completing courses. Licensees will be required to maintain records of continuing education completed. The Board will process applications for which a fee will be charged. The fees for course approval have increased since the time the fees were calculated in 1996 for the proposed rulemaking. This increase reflects more current figures for costs of Board staff time and administrative overhead.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

In preparing these final-form regulations the Board considered the comments received from IRRC, the Committees, and the public.

Under Section 5.1(a) of the Regulatory Review Act, (71 P.S. §745.5a(a)), on December 1, 1999, the Board submitted the text of these final-form regulations together with the Board's responses to comments received on proposed rulemaking, a copy of the notice of proposed rulemaking published at 28 Pa. B. 3414, and other required documentation, to the IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

The final-form regulation as originally submitted was approved by the House Committee on December 7, 1999.

On December 30, 1999, the Board withdrew the final form regulations for the purpose of replacing §15.78 with new language.

Under Section 5.1(a) of the Regulatory Review Act, (71 P.S. §745.5a(a)), on _____, 2000, the Board resubmitted the modified text of these final-form regulations together with the Board's responses to comments received on proposed rulemaking, a copy of the notice of proposed rulemaking published at 28 Pa. B. 3414, and other required documentation, to the IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

This final-form regulation was (deemed) approved by the House and Senate Committee on _____. The Commission met on _____, and (deemed) approved the amendments in accordance with section 5(e) of the Regulatory Review Act.

I. Public Comment

Interested persons may obtain information regarding the amendments by writing to State Board of Landscape Architects, 116 Pine Street, P.O. Box 2649, Harrisburg, PA 17105-2649.

I. Contact Person

Further information may be obtained by contacting Shirley Klinger, Administrative Assistant, State Board of Landscape Architects, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-4865.

K. Findings

The Board finds that:

1. Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§7.1 and 7.2.
2. A public comment period was provided as required by law and all comments were considered.
3. These amendments do not enlarge the purpose of proposed rulemaking published at 28 Pa.B. 3414.
4. These amendments are necessary and appropriate for administration and enforcement of the authorizing acts identified in Part B of this preamble.

L. Order

The Board, acting under its authorizing statutes, orders that:

1. The regulations of the Board, 49 Pa. Code Chapter 15, are amended by amending §§15.12 and 15.63 and by adding §§15.71-15.82, to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.
2. The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.
3. The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
4. This order shall take effect on publication in the Pennsylvania Bulletin.

JAMES W. PASHEK, L.A., CHAIRPERSON

ANNEX A
TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 15. STATE BOARD OF LANDSCAPE ARCHITECTS

* * *

APPLICATION PROCEDURES

* * *

§15.12. Fees.

Following is the schedule of fees charged by the Board:

(11) PROVIDER APPLICATION FOR ~~Continuing~~ education COURSE APPROVAL
UNDER §15.74 ~~provider application fee~~.....\$65-100

(12) LICENSEE APPLICATION FOR ~~Continuing~~ education COURSE APPROVAL
UNDER §15.77 ~~licensee application fee (non pre-approved course)~~.....\$25-40 (per clock hour)

* * *

§15.63. Misconduct.

A landscape architect who is found guilty by the Board of misconduct in the practice of landscape architecture is subject to disciplinary action under Section 4(4) of the Act (63 P.S. §904(4)). Misconduct in the practice of landscape architecture includes, but is not limited to, the following:

* * *

(10) Failure to furnish evidence of completion of continuing education as requested by the Board or the furnishing of false or fraudulent information pertaining to the completion of continuing education.

CONTINUING EDUCATION

§15.71. Definitions.

The following words and terms, when used in this section and §§15.72-15.82 (relating to continuing education), have the following meanings, unless the context clearly indicates otherwise:

Biennium - The period from June 1 of an odd-numbered year to May 31 of the next odd-numbered year.

Clock hour - Fifty minutes of instruction or participation in an approved course, not including keynote speeches, luncheon speeches or breaks and marketing or product presentations.

ELECTRONIC PRESENTATION - TRANSMITTAL OF INFORMATION BY MEANS OF SUCH APPLICATIONS AS COMPUTER TECHNOLOGY, TELECOMMUNICATIONS, TELEVISION, AND THE LIKE.

Office Management - Activity supportive of administrative or business activities and not related to professional practice, including but not limited to bookkeeping, business development, finance, marketing, taxes, human resources and the use of office equipment ~~or computers~~.

Provider - A PERSON, agency, organization, institution or association approved by the Board to offering an CONTINUING EDUCATION organized course.

SATELLITE SEMINAR - A COURSE PROVIDED AT A CENTRAL LOCATION AND VIEWED AT REMOTE SITES BY ELECTRONIC TRANSMISSION.

§15.72 Requirement for biennial renewal.

As a condition of biennial renewal commencing with the 2003 biennium and CONTINUING thereafter, licensees shall have completed during the preceding biennium 10 CLOCK hours of continuing education in acceptable courses ~~offered by approved providers~~ APPROVED UNDER THIS SUBCHAPTER.

§15.73. Acceptable continuing education courses.

(a) Only courses approved by the Board will be accepted for continuing education credit. The licensee shall be responsible for ascertaining the approved status of the provider COURSE before undertaking a continuing education activity.

(b) Acceptable subject matter for continuing education courses is limited to courses

pertaining to the enhancement of the landscape architect's professional skills. The Board will not approve courses in office management.

(c) ~~The Board shall accept no more than~~ A MAXIMUM OF 5 credit CLOCK hours per biennium WILL BE ACCEPTED IN COURSES CONSISTING of satellite seminars and electronic presentations. ~~if the hours comply with this chapter and meet the following requirements:~~

(1) ~~Satellite seminars viewed at other sites by electronic transmission shall have a moderator present or available by telecommunication facility.~~

(2) ~~Electronic presentations shall consist of television viewing, use of computers, telecommunications and related correspondence work at any location which provides a mechanism to test or evaluate the licensee's successful completion of the credit hours.~~

§15.74. Approval of continuing education providers COURSES.

(a) ~~An agency, organization, institution or association seeking to offer an organized course may apply to the Board for approval as a provider per biennium.~~

(b)(A) ~~An applicant for Board~~ A PROVIDER SEEKING approval as provider of TO OFFER A CONTINUING EDUCATION ~~a~~ course, OTHER THAN A PROVIDER IDENTIFIED IN §15.76 (RELATING TO SOURCES OF CONTINUING EDUCATION COURSES), shall submit an application, accompanied by the fee set forth at §15.12, at least 120 days before the SCHEDULED PRESENTATION date of the course. THE BOARD WILL CONDUCT A FINAL REVIEW OF AN APPLICATION, IF REQUIRED, AT ITS NEXT REGULARLY SCHEDULED MEETING.

(c)(B) The application shall include the following information:

(1) The full name and address of the provider applicant.

(2) The title of the course and subjects covered.

(3) The date(S) and location(S) of the course.

(4) The instructor's nameS, titles, affiliations and degrees OF INSTRUCTORS.

(5) The schedule of the course. A DETAILED syllabus and time allocated FOR EACH PORTION OF THE COURSE.

(6) A BREAKDOWN OF THE ~~The total~~ number of clock hours FOR EACH

PORTION OF THE COURSE SCHEDULED ~~requested.~~

(7) The method of certifying attendance.

(8) The course coordinator.

~~(9) The materials used in the instruction of the course which shall be attached to the application.~~

~~(10)(9) The evidence of meeting COMPLIANCE WITH the standards in §15.75 (relating to standards for courses).~~

~~(d) Applicants seeking approval for satellite seminars or electronic presentations shall provide materials relating to compliance with §15.73(e).~~

~~(e)(C) Disapproval of a course will include a statement setting forth the reasons for the disapproval. Provider applicants may submit new applications which shall document alterations made to meet Board requirements.~~

§15.75. ~~Standards for courses.~~ RESPONSIBILITIES OF COURSE PROVIDERS.

(a) Providers shall supply adequate facilities that provide physical access to licensees in conformance with applicable law except for SATELLITE SEMINARS AND electronic presentations provided for in §15.73(e)(2).

(b) Providers shall insure that instructors are qualified.

(c) Providers seeking Board approval of a course shall present evidence that the course has the following:

~~(1) Subject matter pertaining to the enhancement of MATERIAL AND SUBJECT MATTER WILL ENHANCE landscape architects' professional knowledge and practice skills.~~

~~(2) Procedures to periodically review the qualifications of its instructor and the subject matter to ensure that it is contemporaneous.~~

(d) Providers shall inform the Board of material modifications in courses BEFORE SUCH MODIFICATIONS ARE IMPLEMENTED. APPROVAL MAY BE WITHDRAWN IF CHANGES DO NOT COMPLY WITH THE ACT AND THIS SUBCHAPTER.

(e) Providers of satellite seminars or electronic presentations shall DOCUMENT AFFILIATION WITH AN EDUCATIONAL INSTITUTION OR OTHER ENTITY

IDENTIFIED AT §15.76 OR PROVIDE A MECHANISM TO TEST OR EVALUATE THE LICENSEE'S SUCCESSFUL COMPLETION OF THE COURSE ~~comply with §15.73(c).~~

§15.76. Sources of continuing education courses

~~(a) In addition to providers approved under §15.74 (relating to registration of continuing education providers and courses) the~~ THE BOARD FINDS THE COURSES PROVIDED BY THE FOLLOWING ENTITIES MEET THE STANDARDS OF THE ACT AND THIS SUBCHAPTER, THE STANDARDS IN §15.75 (RELATING TO STANDARDS FOR COURSES) ACCORDINGLY, THE FOLLOWING ARE APPROVED PROVIDERS:

(1)(A) The American Society of Landscape Architects and its affiliates.

(2)(B) The American Nurserymen's Association and its affiliates.

(3)(C) American Planning Association and its affiliates.

(4)(D) American Institute of Architects and its affiliates.

(5)(E) NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS AND ITS AFFILIATES ~~National Council of Examiners for Engineering and Land Surveying and its affiliates.~~

(6)(F) National Recreation and Parks Association and its affiliates.

(G) PENNSYLVANIA SOCIETY OF LAND SURVEYORS.

(7)(H) Urban Land Institute.

(8)(I) Accredited colleges and universities which offer courses in landscape architecture or related fields.

(9)(J) Agencies of the Commonwealth and Federal Government offering training programs in landscape architecture and its related fields.

~~(b) Approved providers shall submit course materials and fees for courses as provided for in §§15.12 and 15.74.~~

~~(c) Approved providers shall comply with all provisions of this chapter.~~

§15.77. Licensee application for non pre-approved APPROVAL OF continuing education courses.

(a) A LICENSEE MAY APPLY FOR APPROVAL OF A COURSE NOT APPROVED

~~BY THE BOARD UNDER §15.74 OR §15.76 The Board will consider approval of a non pre-approved course submitted by a licensee on a one-time basis per biennium. A licensee shall submit an application for approval and THE required fee at least sixty (60) days prior to the date the course commences.~~

~~(b) The application shall contain INCLUDE the supporting documentation provided in REQUIRED BY §15.74(B).~~

~~(c) The Board will only consider courses that meet the requirements of this chapter.~~

~~(d) The licensee shall submit acceptable documentation of completion of this course to the Board.~~

~~§15.78. Withdrawal of COURSE approval of program sponsors.~~

~~The Board may withdraw approval of a CONTINUING EDUCATION COURSE provider for failure to comply with this section SUBCHAPTER OR failure to supply course information to REQUESTED BY the Board or its representatives or for other cause. The Board will provide written notice to the provider of the reasons for withdrawal of approval. A PROVIDER WHOSE COURSE APPROVAL HAS BEEN WITHDRAWN MAY SUBMIT A NEW APPLICATION AS PROVIDED AT §15.74(C).~~

§15.78. Withdrawal of approval of a course.

The Board may, following notice and hearing under 2 Pa.C.S. §§501-508 (relating to practice and procedure of Commonwealth agencies), withdraw the approval of an approved course if the Board finds one or more of the following:

- (1) The Board's approval of the course was acquired by misrepresentation.
- (2) The provider fails to maintain compliance with §15.75 (relating to standards for providers).
- (3) The provider refuses to allow reasonable inspection or to supply information on request of the Board or its representatives.
- (4) The provider and the course otherwise do not comply with the requirements of this chapter.

§15.79. Reporting of hours spent in continuing education.

An applicant for license renewal shall provide the following information FOR EACH COURSE ATTENDED on Board-provided forms:

- (a) The date attended.

- (b) The clock hours claimed.
- (c) The title of course.
- (d) The course sponsor PROVIDER.
- (e) the location of course.

§15.80. Retention of records.

(a) The licensee shall retain COPIES OF licensure renewal forms and ALL certificates, transcripts or other acceptable documentation of completion of the prescribed number of clock hours for four (4) years following completion of the course. ~~which~~ RECORDS AND DOCUMENTATION shall be produced upon demand by the Board or its auditing agents. The Board will utilize a random audit of renewals to determine compliance with the continuing education requirement.

(b) acceptable documentation of completion shall consist of a document prepared by the provider indicating continuing education course titles, completion dates and clock hours GRANTED.

(C) A PROVIDER SHALL RETAIN RECORDS FOR FOUR (4) YEARS FOLLOWING THE PRESENTATION OF A COURSE WHICH SHALL DOCUMENT THE SUCCESSFUL COMPLETION OF A COURSE AND THE NUMBER OF CLOCK HOURS GRANTED TO EVERY LICENSEE. COPIES OF TRANSCRIPTS, CERTIFICATES OR OTHER DOCUMENTATION SHALL BE MADE AVAILABLE TO A LICENSEE UPON REQUEST.

15.81. Waiver.

The Board may waive all or part of the continuing education requirement for biennial renewal upon written documentation BY A LICENSEE of illness, emergency or hardship. A waiver request will be evaluated by the Board on a case-by-case basis. The Board will send written notification of its approval or denial of a waiver request.

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

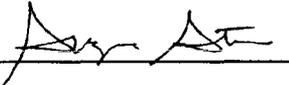
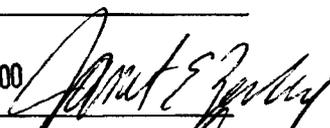
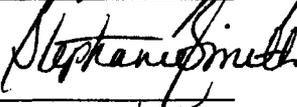
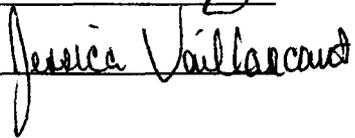
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I.D. NUMBER: 16A-612 2000 JUL 11 AM 10:22
 SUBJECT: State Board of Landscape Architects, Continuing Education REGULATORY
REVIEW COMMISSION
 AGENCY: DEPARTMENT OF STATE E

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
7-11-00		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
JUL 11 2000		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
7-11-00		
7/11		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

July 5, 2000