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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES

PROFESSIONAL LICENSURE,  
MAJORITY CHAIRMAN  
LIQUOR CONTROL  
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COCHAIRMAN EMERITUS

December 7, 1999

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Sandusky, Jewett,  
Markham, Nanorta,  
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Wyatte, Notebook (2)

John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14th Floor, Harristown 2  
333 Market Street  
Harrisburg, PA 17101

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

Dear Chairman McGinley:

This is to inform you that the House Professional Licensure Committee met on December 7, 1999, and voted to take no formal action on Regulation 16A-7010 until final-form regulations are promulgated. In addition, the Committee voted to approve Regulation 16A-612 and Regulation 16A-636.

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  
House Professional Licensure Committee

MJC/sms  
Enclosures

cc: David J. King, Chairman  
State Board of Certified Real Estate Appraisers  
David M. DuTot, LA, Chairman  
State Board of Landscape Architects  
Yvonne E. Keairns, Ph.D., Chairperson  
State Board of Psychology  
Honorable Kim H. Pizzingrilli, Secretary of the Commonwealth  
Department of State

ORIGINAL: 1963

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

**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.

Regulation 16A-612 is Final Rulemaking which was delivered to the Professional Licensure Committee on December 1, 1999. The Professional Licensure Committee has until December 21, 1999, to approve or disapprove the regulation.

**ANALYSIS:** The Landscape Architects Registration Law, as amended on December 7, 1994, requires landscape architects, as a condition for biennial license renewal commencing with the 2001 biennium, to complete 10 hours of continuing education.

The regulations as originally proposed would have required a \$65.00 continuing education provider fee and a \$25.00 licensee application fee for licensees taking non-pre-approved courses. In final form, language has been changed to clarify that it is courses, and not providers which are approved by the Board, and the fees have been increased to \$100.00 for a provider application for course approval, and \$40.00 per clock hour for non-pre-approved courses. The term "clock hour" is now used consistently throughout the regulations.

Credit will be given to for only those course approved by the Board, and licensees are responsible for ascertaining the approved status of a course. 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. The regulations contain a list of pre-approved continuing education providers, which now includes the Pennsylvania Society of Land Surveyors (PSLS). 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 regulations as originally proposes would have authorized the Board to withdraw approval of a provider with written notice to the provider of the reasons for withdrawal of approval. No notice or hearing would have been required to withdraw approval of program sponsors. The Committee and IRRC expressed due process concerns over this provision. The Board responded that it has clarified that it is courses, and not providers for which approval may be withdrawn. A provider whose course approval has been withdrawn may submit a new application. Additionally, the Board notes that none of the other licensing boards within the BPOA utilize an appeal process for withdrawal of course approval.

Licensees shall retain continuing education records for 4 years. Originally, there was no record retention requirement for continuing education course providers. The Board agreed with a recommendation from the Committee that providers be required to retain records of continuing education hours awarded to licensees to better enable licensees to document credit hours.

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.

**RECOMMENDATIONS:** It is recommended that the Professional Licensure Committee approve the regulation.

House of Representatives  
Professional Licensure Committee  
December 2, 1999