

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1400 Session of
1993

INTRODUCED BY O'PAKE, AFFLERBACH, RHOADES AND SHUMAKER,
OCTOBER 25, 1993

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
OCTOBER 25, 1993

AN ACT

1 Amending the act of January 24, 1966 (1965 P.L.1527, No.535),
2 entitled "An act providing for and regulating the licensing
3 of landscape architects; fixing fees; creating the State
4 Board of Landscape Architects; imposing powers and duties on
5 the Department of State, the Commissioner of Professional and
6 Occupational Affairs and the board; and prescribing unlawful
7 acts and penalties," requiring continuing education as a
8 condition for license renewal.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 2 of the act of January 24, 1966 (1965
12 P.L.1527, No.535), known as the Landscape Architects'
13 Registration Law, is amended by adding clauses to read:

14 Section 2. Definitions.--As used in this act:

15 * * *

16 (8) "Committee" means the Professional Development Review
17 Committee established under section 9.2.

18 (9) "Contact hour" means not less than fifty minutes of
19 instruction, including seminars, field trips, lectures,
20 demonstrations and teaching.

1 (10) "Continuing education" means professional education
2 which is obtained by a licensee in order to maintain, improve or
3 expand landscape architectural skills and knowledge. The term
4 includes professional education acquired through formal or
5 informal education practices, self-study, research and
6 participation in professional, technical and occupational
7 societies, community services and by other similar means
8 authorized by the State Board of Landscape Architects.

9 (11) "L.A.R.E." means the Landscape Architecture
10 Registration Exam.

11 (12) "Sponsor" means an individual, organization,
12 association, institution or other entity which provides an
13 education program or activity for the purpose of fulfilling the
14 continuing education requirements of this act.

15 Section 2. The act is amended by adding sections to read:

16 Section 9.1. Continuing Education Required.--A landscape
17 architect licensed under this act, in order to demonstrate the
18 maintenance of an acceptable level of professional competency,
19 shall submit to the board, prior to the end of the license
20 renewal period, an application for license renewal with a form
21 provided by the board certifying participation in not less than
22 thirty contact hours of continuing education on a biennial basis
23 designed to keep license current on development in the practice
24 of landscape architecture.

25 Section 9.2. Professional Development Review Committee.--(a)
26 The board shall form a Professional Development Review Committee
27 and provide guidelines for its operation. The committee shall be
28 composed of five members, a majority of whom are landscape
29 architects, currently licensed and in good standing with the
30 board.

1 (b) Members shall be appointed by the board and serve a term
2 of office for two years. Three members shall be appointed during
3 the first year following the effective date of this section and
4 two members shall be appointed the following year.

5 (c) The committee shall elect a chairman and a secretary at
6 the first meeting of every calendar year to serve a one-year
7 period. The secretary shall keep minutes of the meetings to
8 document all transactions of the committee.

9 (d) The committee shall meet on an as-needed basis when
10 called to order by the chairman.

11 (e) The committee shall review and preapprove all sponsors
12 and continuing education to determine their relevancy programs
13 to the practice of landscape architecture. The committee shall
14 establish the methods for documentation needed to fulfill
15 continuing education requirements for licensing.

16 Section 9.3. Approval of Continuing Education Programs.--(a)
17 The sponsor or licensee shall submit to the committee, at least
18 sixty days in advance of the scheduled continuing education
19 program, documents or other materials for evaluation and a
20 review fee as set by the board to cover review costs. The
21 committee shall approve those programs or activities which will
22 further the competence of a licensee and determine the number of
23 contact hours allowed:

24 (b) The conversion to contact hours from other units is as
25 follows:

26 1 Continuing Education Unit (CEU).....10 Contact Hours
27 1 University Quarter Hour of Credit.....30 Contact Hours
28 1 University Semester Hour of Credit.....45 Contact Hours

29 Section 9.4. Professional Development Requirement.--
30 Continuing education programs and activities which satisfy the

professional development continuing education requirement shall include, but are not limited to, college and university courses, activities which award continuing education units (CEU's) and those portions of technical meetings, seminars or other courses which are related to landscape architecture practice or management as approved by the committee. In addition, teaching, travel and self-directed study are acceptable with prior approval of the committee and the board.

Section 9.5. Certificate of Completion.--A sponsor shall provide each participant, within thirty days after completion of the continuing education program with a certificate of completion provided by the committee. A copy of the same form shall be filed by the sponsor with the board. The form shall state the participant's full name and the number of contact hours authorized by the committee for that sponsor's program.

Section 9.6 Exempt Registrant.--A licensee may make a formal request in writing to the board that he be granted exempt status. The board shall respond in writing sixty days after the licensee's request. An individual receiving exempt status shall be exempt from the requirements of this section during this period. The licensee shall not be allowed to use the title "Landscape Architect" or to practice landscape architecture in this Commonwealth during this time. The board shall make public a list naming all exempt licensees and publish an updated list every six months. A licensee, if on exempt status for five or more years, shall be classified as lapsed.

Section 9.7. Reinstatement to Active Status.--A licensee who wishes to reinstate a license must satisfy one of the following requirements:

(1) Complete all of the continuing education requirements

1 multiplied by the number of years of exempt status.

2 (2) Complete the L.A.R.E. within one year immediately prior
3 to application for reinstatement.

4 Section 9.8. Exemptions.--A licensee may be exempt from the
5 continuing education requirements for any one of the following
6 reasons:

7 (1) New licensees by way of L.A.R.E. shall be exempt for
8 their first renewal period.

9 (2) If licensee does not reside in this Commonwealth, and is
10 registered or licensed in another state or district having a
11 continuing education requirement equal to, or more stringent to
12 these requirements, and the licensee meets all other
13 requirements of that state or district to maintain licensure.

14 (3) If a licensee is employed by a landscape architect and
15 is employed or assigned to duty outside of the United States for
16 a period of time exceeding one hundred twenty consecutive days
17 in a calendar year, he shall be exempt from the thirty contact
18 hours required during that renewal period.

19 (4) Physical disability, illness, hardship or other
20 extenuating circumstances as reviewed and approved by the board.

21 Section 9.9. Disciplinary Action.--Failure of a licensee to
22 satisfy the continuing education requirements for license
23 renewal may be cause for the board to deny license renewal for
24 the licensee.

25 Section 9.10. Noncompliance.--A licensee who does not
26 satisfy the continuing education requirement for license renewal
27 shall be placed on probationary status and so notified following
28 the renewal date. The licensee must comply within six months
29 following the renewal date or the license shall be classified as
30 suspended.

1 Section 9.11. Reports and Records.--(a) The sponsor or
2 licensee shall submit to the board documents or other materials
3 for evaluation. The board shall approve those activities which
4 will further the competence of a licensee and determine the
5 number of contact hours allowed.

6 (b) The reporting of continuing education shall be completed
7 by each licensee and filed with the board. Documentation of
8 compliance shall be by affidavit on continuing education credit
9 summary form provided by the board. The report shall be filed
10 with each renewal application.

11 (c) The board shall approve or disapprove the completed
12 continuing education activities. If disapproved, the licensee
13 must be notified and may be granted a grace period of six months
14 in which to correct deficiencies. The board may also seek
15 verification of information submitted by the licensee. Erroneous
16 or false information attested to by the licensee shall be deemed
17 as grounds for denial of license renewal.

18 Section 9.12. Special Request.--The board shall consider any
19 reasonable special request from individual licensees for
20 continuing education credits and procedures. The board shall
21 review and decide upon courses prior to the licensee's actual
22 attendance if the educational activity approval form provided by
23 the board is filled out and sent to the board before the course
24 begins. The board may, in individual cases involving physical
25 disability, illness or extenuating circumstances, grant a
26 hardship or extension. An extension of the continuing education
27 requirements shall be for a period of time not to exceed two
28 years. No extension of time shall be granted unless the licensee
29 submits a written request to the board.

30 Section 9.13. Self-Directed Activities.--The board shall

allow self-directed activities to fulfill the continuing education requirements of the licensee. However, these activities must result in a book draft, published article, delivered paper, workshop, symposium or public address. The licensee should use the self-directed activity approval form provided by the board when using this method of fulfilling the required number of contact hours. When submitted for review, the licensee must be aware that self-directed activities must be followed by a documented public presentation of the self-directed activity, or the results of the activity, by the licensee within the two-year reporting period. Self-directed activities may include literature reviews, research and field studies customarily associated with university or college instructional teaching loads. Full-time college or university faculty members may include studies required for innovative university or college courses or for studies required for courses beyond the usual university or college audience. Full-time college or university faculty members may submit academic research to satisfy continuing education requirements as long as the licensee can provide documentation that the academic research follows all of the norms of the relevant academic institution and the relevant academic peer community.

Section 3. This act shall take effect in 60 days.