

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Subtitle 28 BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

09.28.04 Continuing Professional Competency Requirements

*Authority: Business Occupations and Professions Article, §9-309, Annotated
Code of Maryland*

Notice of Proposed Action

[17-271-P]

The Board of Examiners of Landscape Architects proposes to adopt new Regulations .01—.13 under a new chapter, **COMAR 09.28.04 Continuing Professional Competency Requirements**. This action was considered by the Board at a public meeting held on September 18, 2017, notice of which was published on the Board's website pursuant to General Provisions Article, §3-302 (c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to adopt regulations to require licensees to demonstrate continuing professional competency by completing at least 24 hours of professional development activities as a condition of renewal of a license.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Steve Long, Executive Director, Board of Examiners of Landscape Architects, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6262, or email to steve.long@maryland.gov, or fax to 410-962-8483. Comments will be accepted through December 13, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Examiners of Landscape Architects during a public meeting to be held on January 22, 2018, at 1:30 p.m. at 500 N. Calvert Street, Baltimore, MD 21202.

.01 Purpose.

The State legislature has determined that, in order to safeguard the health, safety, and welfare of Maryland citizens, licensed landscape architects must comply with the continuing professional competency requirements as a prerequisite to the renewal of a license.

.02 Definitions.

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) "ASLA" means the American Society of Landscape Architects.

(2) "Board" means the State Board of Examiners of Landscape Architects.

(3) "CLARB" means the Council of Landscape Architecture Registration Boards.

(4) "College credit hour" means the credit for a course described in Regulation .04 of this chapter, offered by a university, college, or community college.

(5) "LACES" means Landscape Architecture Continuing Education System.

(6) "Professional development hour (PDH)" means one continuous instructional hour spent attending and completing the professional development activity. One PDH means a minimum of 50 minutes of face-to-face or distance learning instruction per 60-minute hour and is equivalent to a comparable single educational unit that may be utilized by ASLA, LACES, or CLARB.

(7) "Qualifying activities" means professional development activities which satisfy the following requirements:

(a) Meet the criteria set forth in Regulation .04; and

(b) Are approved and accepted for credit by:

(i) Any chapter of the ASLA;

(ii) LACES;

(iii) CLARB; or

(iv) The Board.

.03 Requirements.

A. A licensee shall complete, as a condition of a license renewal in each individual 2-year-renewal cycle, a minimum of 24 PDHs earned upon completion of one or more qualifying activity.

B. A licensee will not be eligible to earn PDHs for a professional development activity that has not been previously approved for credit by ASLA, LACES, CLARB, or the Board.

.04 Qualifying Activities.

A. In order for an activity to be considered a qualifying activity, the activity shall meet the following criteria:

(1) Maintain and enhance professional competency of licensed landscape architects;

(2) Foster improvement, advancement, and extension of professional skills and knowledge related to the practice of landscape architecture;

(3) Offer learning experiences relevant to current landscape architectural practices as they relate to the public health, safety, and welfare; and

(4) Be presented, led or taught at a professional level by well-qualified professionals in the learning environment conducive to learning and appropriate for accomplishing learning objectives described in these regulations.

B. Qualifying activities may fall into one or more of the following categories:

(1) Research, analysis, assessment, conservation, preservation, and enhancement of land use;

(2) Selection and allocation of cultural, historic, and natural resources;

(3) *Laws and regulations applicable to the practice of landscape architecture in Maryland;*

(4) *Standards of practice or care;*

(5) *Professional ethics as applicable to the practice of landscape architecture; or*

(6) *Similar topics aimed to maintain, improve, or expand the skills and knowledge relevant to the practice of landscape architecture.*

.05 Nonqualifying Activities.

Activities that do not meet the criteria set forth in Regulation .04 shall be considered to be nonqualifying activities, including, but not limited to, the following:

A. Regular employment as a licensed landscape architect or teacher or serving as an expert witness;

B. Repetitive attendance of the same programs without substantial modifications or updates;

C. Time management techniques and strategies;

D. Attending committee meetings or general business meetings of any organizations; and

E. Other activities that, in the Board's opinion, are not directly related to the practice of landscape architecture.

.06 Sources of Credit and Determination of Units.

A. A licensee may earn the PDHs by any of the following methods:

(1) *Attending and successfully completing qualifying activities in which the teaching methodology consists primarily of systematic presentation of subjects related to the practice of landscape architecture;*

(2) *Subject to limitations set forth in this regulation, teaching, lecturing on, or instructing on the subjects related to landscape architecture in the environment described in §A(1) of this regulation; or*

(3) *Other appropriate methods that may from time to time be approved by the Board.*

B. A licensee may earn the applicable number of PDHs in accordance with the following conversion schedule:

(1) *1 college credit hour — 5 PDHs*

(2) *1 contact hour of professional development work, or professional or technical presentations made at meetings, conventions, or conferences — 1 PDH;*

(3) *Subject to exclusions set forth in this regulation, teaching, lecturing on, or instructing on landscape architecture and related subject matters, subject to the following limitations:*

(a) *For the first time presentation, a presenter may claim credit for the activity that is equivalent to two times the number of PDHs awarded by the Board for the activity; and*

(b) *Unless the presentation had been substantially modified and updated for the subsequent presentations or is being presented to a different group of recipients, a presenter may claim only the same number of PDH as awarded by the Board to the recipients of the qualifying activity.*

C. The final determination of value, sources, and number of credits is within the discretion of the Board.

.07 Approval Process.

A. Entities or individuals, including, but not limited to, professional firms conducting in-house presentations, may submit a specific professional development activity for review and approval by the Board.

B. During the application process, the Board or the Board's designee will evaluate the suitability of the activity and the qualifications of presenter.

C. The presenter shall submit adequate information to enable the Board or the Board's designee to evaluate the professional

development activity. At a minimum, the Board requires the following information to be submitted with each application for approval:

(1) The types and descriptions of proposed or existing programs intended to be offered;

(2) The number of PDHs to be awarded for each activity; and

(3) The identity and qualifications of the instructors.

D. The Board may require presenters to document the offered activities for audit

by the Board at any time after the first presentation of the activities. Documentation shall include registration and attendance records, stated purpose, content, presentation, time and length of the activity, and participants' evaluations.

E. The Board may suspend or revoke its approval of an activity if, in the judgment of the Board, the intent of Business Occupations and Professions Article, §9-309, Annotated Code of Maryland, is no longer served or a presenter materially changed the content of the activity without the prior written approval of the Board.

.08 Record Keeping.

A. Responsibility to Maintain Records.

(1) The responsibility of maintaining records to be used to support the continuing professional competency credit claim is the responsibility of each licensee.

(2) A licensee shall maintain the records for a period of at least 4 years from the date of completion of the qualifying activity.

B. Documentation referred to in §A(2) of this regulation, includes, but is not limited to, the following:

(1) Certificates of participation;

(2) Transcripts; or

(3) Any other appropriate evidence acceptable to the Board.

C. The Board may request ASLA, LACES, CLARB, and any presenters approved by the Board to electronically transmit to the Board records of attendance, completion of a qualifying activity by an individual licensee, and any other pertinent information requested by the Board.

.09 Reporting Requirements for License Renewal.

A. A licensee shall attest to the satisfactory completion of the CPC requirements set forth in this chapter before the licensee's license expiration date.

B. The Board at its discretion may audit licensees to ascertain compliance with CPC requirements.

C. Licensees who are audited shall provide within 30 days of receipt of electronic notice of audit from the Board any additional documentation required by the Board to complete the audit.

.10 Extenuating Circumstances/Exceptions.

A. Exemptions. Notwithstanding other requirements set forth in this chapter, a licensee may renew a license for the next full term without complying with the CPC requirements if:

(1) A licensee has been granted an initial license and is renewing a license for the next full term; or

(2) A licensee qualifies under the criteria set forth in Title 2.5, Business Regulation Article, Annotated Code of Maryland.

B. Compliance Exception Request.

(1) If a licensee is unable to comply with all or part of CPC requirements due to physical disability, illness, or other extenuating circumstances, the licensee may request the Board or the Board's administrative designee to grant a one-time exception from compliance, provided that the request is filed with the Board or the Board's administrative designee prior to the licensee's license expiration date.

(2) If the request is based on physical disability or illness, the licensee must provide the Board or the Board's administrative designee with a written documentation acceptable to the Board supporting the basis for the request.

(3) The request must be accompanied by a detailed proposal acceptable to the Board indicating a licensee's intended plan of compliance with the CPC requirements within no later than 6 months after the license expiration date. Failure to provide the acceptable plan of compliance within the time period specified in this regulation may result in the Board's administrative dismissal of the request.

.11 Failure to Meet the CPC Requirements.

In the event a licensee fails to comply with the CPC requirements set forth in this chapter, the Board, subject to the hearing provisions of Business Occupations and Professions Article, §9-312, Annotated Code of Maryland, may take any and all available disciplinary actions under Business Occupations and Professions Article, §9-310, Annotated Code of Maryland.

.12 Reinstatement of License.

A licensee who wishes to reinstate a license shall fulfill past due CPC requirements for the immediately preceding CPC reporting periods up to 48 PDHs and pay all applicable fees.

.13 CPC Units Earned in Other States.

The Board will accept CPC units earned for activities completed in other jurisdictions, provided that:

A. The activity has been approved by a licensing board in another jurisdiction; and

B. The licensee otherwise fulfills all other applicable license renewal requirements in the State of Maryland.

STEVE LONG
Executive Director