

BOARDS AND COMMISSIONS
Board of Landscape Architects
(Amendment)

201 KAR 10:080. Continuing education.

RELATES TO: KRS 323A.100(1), 323A.210(2)(a)

STATUTORY AUTHORITY: KRS 323A.100(1), 323A.210(2)(a), (b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323A.100(1) requires a landscape architect to complete the approved continuing education hours established by an administrative regulation promulgated by the board. KRS 323A.210(2)(a) authorizes the board to promulgate administrative regulations to establish a program of continuing education for licensees. This administrative regulation establishes the continuing education requirements for a landscape architect.

Section 1. Definitions.

- (1) "Annually" or "continuing education year" means a twelve (12) month period from July 1 of a calendar year through June 30 of the following calendar year.
- (2) "Board" is defined by KRS 323A.010(1).
- (3) "Continuing education hour" means a minimum of fifty (50) minutes of actual instruction.
- (4) "Self-directed ~~course[study]~~" means a course of study that a licensee independently creates~~[a course of study in which a licensee takes and passes any examination offered by the sponsor].~~
- (5) "Sponsor" means an individual, organization, association, institution, or other entity that provides educational activity for the purpose of fulfilling the continuing education requirements of this administrative regulation.
- (6) "Tour" means a review or inspection of a landscape architectural element specified in the definition of "practice of landscape architecture" established by KRS 323A.010(3).

Section 2. General Statement. Continuing education obtained by a licensee shall maintain, improve, or expand skills and knowledge obtained prior to initial licensure or develop new and relevant skills and knowledge that contribute to the health, safety, and welfare of the public.

Section 3. Continuing Education Requirements.

- (1) A licensee shall acquire twelve (12) hours of continuing education annually.
- (2) A licensee may be credited for a maximum of six (6) hours of continuing education for a tour annually.
- (3) A licensee may carry forward a maximum of twelve (12) hours of continuing education to meet the subsequent year's requirements.~~[Tour hours may be carried forward into subsequent years.]~~

Section 4. Approval of Continuing Education Programs.

- (1) The board shall:
 - (a) Approve a continuing education program that it determines:
 1. Is relevant to the practice of landscape architecture;~~[and]~~
 2. Furthers the competence of a licensee; and
 3. Contributes to the health, safety, and welfare of the public.
 - (b) Determine the number of continuing education hours allowed.
- (2)
 - (a) Before the continuing education program is offered, a sponsor ~~may~~shall submit a Continuing Education Preapproval Request and Affidavit (Form #CE-2) with a copy of

the hand-out materials and agenda and a description of the topic as well as the presenter, teacher, or speaker.

(b) A sponsor shall not offer, present, or advertise a program as a continuing education program that meets the continuing education requirements for a licensee unless it has obtained the approval of the board.

(3) A licensee who completes an educational program that has not been submitted to the board for prior approval shall receive continuing education credit if:

(a) The licensee submits to the board a Continuing Education Preapproval Request and Affidavit (Form #CE-2) with a copy of the course materials, agenda, a description of the course, qualifications of the presenter, examination if one (1) was given; and

(b) The board determines that the program meets the requirements of a continuing education program.

(4) Self-directed courses, including those completed online, audibly, or by video, that meet the requirements of this administrative regulation shall be accepted.

(5) Continuing education credits shall be given for one-half (1/2) the number of hours, not to exceed six (6) hours, of a tour if the licensee has submitted to the board a description of the tour and the board determines that the tour meets the requirements of a continuing education program.

Section 5.

(1) Continuing education activities may include a college or university course that is beyond the basic curriculum for a landscape architect and pertains to the practice of landscape architecture. The conversion of university credits to continuing education hours shall be:

(a) One (1) university quarter hour of credit shall equal twelve (12)~~thirty (30)~~ continuing education hours.

(b) One (1) university semester hour of credit shall equal fifteen (15)~~forty-five (45)~~ continuing education hours.

(2)

(a) A landscape architect who presents~~prepares and teaches~~ a continuing education course shall be credited with twice the number of hours equal to the time spent teaching the course.

(b) Credit shall not be given for repeated instruction of the same course.

Section 6. Reporting of Continuing Education Activities.

(1) Upon license renewal, a licensee shall report continuing education activities for the continuing education period ending June 30.

(2) The report of continuing education activities shall include:

(a) Name of activity;

(b) Date of activity;

(c) Location of activity; and

(d) Continuing education hours earned.

(3) The report of continuing education activities shall be made on a "Continuing Education Approval Request and Affidavit Form (Form #CE-1)."

(4) ~~The report of continuing education activities shall be:~~

~~(a) Signed by the licensee; and~~

~~(b) Affixed with the licensee's seal.~~

~~(5)~~ A licensee shall maintain for two (2) continuing education years documentation verifying successful completion of the annual requirement.

Section 7. Verification of Continuing Education Activities.

(1) Following each renewal period, the board shall require between five (5) and fifteen (15) percent of the licensees, chosen randomly, to furnish documentation of the

completion of the appropriate number of continuing education hours for the previous renewal period, including hours carried forward from the previous year.

(2) Documentation of attendance and participation in a continuing education activity shall be made by submission of an official document, including a:

- (a) Transcript;
- (b) Certificate of attendance;
- (c) Affidavit signed by the instructor; or
- (d) ~~Receipt for a fee paid to a sponsor; or~~
- ~~(e)~~ A written summary of attendance and participation.

(3) If not previously approved, the board shall determine whether the continuing education program submitted is relevant to the practice of landscape architecture and furthers the competence of the licensee.

(a) If the activity qualifies as continuing education, the board shall include the number of hours earned for that activity in determining if the applicant obtained the required twelve (12) hours of continuing education.

(b) If the activity does not qualify as continuing education, the board shall deduct the number of hours claimed for that activity from the total number of hours earned by the licensee. After this calculation, if a licensee does not have the required twelve (12) hours of continuing education, the board shall send written notification to the licensee that:

- 1. The licensee did not meet the continuing education requirements because an activity listed on the applicant's form as a continuing education activity did not qualify for continuing education credit; and
- 2. The board shall suspend his license if the requirements of subsection (4) of this section are not met.

(4) The license of the licensee shall be suspended if the licensee fails to:

- (a) Complete the required number of continuing education hours within sixty (60) days of the notification from the board; and
- (b) Submit to the board a completed and updated "Continuing Education Approval Request and Affidavit Form" (Form #CE-1) within sixty-five (65) days of the notification from the board.

Section 8. Reciprocity. Credit for continuing education earned by a licensee who does not reside in Kentucky shall be granted if the licensee meets all the requirements of this administrative regulation.

Section 9. Exempt Licensee.

(1) A licensee shall be exempt from the continuing education requirements:

- (a) For the partial year period of initial licensure;
- (b) During the period of time in which the licensee has an inactive license ~~in accordance with the provisions of Section 10 of this administrative regulation~~; or
- (c) If the board approves a written request for an exemption submitted by the licensee in accordance with the provisions of subsection (2) of this section.

(2) A licensee may request an exemption from the continuing education requirements by submitting written document that the licensee was:

- (a) Employed or assigned to duty outside the United States for a period exceeding 120 consecutive days during the calendar year; or
- (b) Unable to complete the requirements because of:
 - 1. Physical disability;
 - 2. Personal illness; or
 - 3. Illness of a family member or dependent.

~~{Section 10.} {Inactive License.}~~

~~[(1)] [A licensee may choose to inactivate his license.]~~

~~[(2)] [During the period a license is inactive, a licensee shall:]~~

~~[(a)] [Be exempt from the provisions of this administrative regulation; and]~~

~~[(b)] [Not practice landscape architecture.]~~

~~[Section 11.] [Reinstatement of Suspended or Inactive License.]~~

~~[(1)] [Prior to reinstatement of a suspended or inactive license, a licensee shall complete the number of continuing education hours required for the annual renewal of the license times the number of years the license was suspended or inactive.]~~

~~[(2)] [The number of continuing education hours required by subsection (1) of this section shall not exceed twenty-four (24) hours.]~~

Section 10. ~~[Section 12.]~~ Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Continuing Education Approval Request and Affidavit Form" (Form #CE-1), May 2002 edition; and

(b) "Continuing Education Preapproval Request and Affidavit Form" (Form #CE-2), May 2002 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Landscape Architects, 2365 Harrodsburg Road, B350, Lexington, Kentucky 40504, Monday through Friday, 8 a.m. to 4:30 p.m.

GARY R. WONITZEK, President

APPROVED BY AGENCY: January 8, 2024

FILED WITH LRC: January 8, 2024 at 2:45 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2024 at 10:30 a.m. Eastern Time at the office of the Kentucky Board of Landscape Architects, 2365 Harrodsburg Road, Suite B350, Lexington, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jane Alexander, Executive Director, Kentucky Board of Landscape Architects, 2365 Harrodsburg Road, Suite B350, Lexington, Kentucky, phone (859) 246-2753, email ky.labd@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Jane Alexander

(1) Provide a brief summary of:

(a) What this administrative regulation does:

It establishes continuing education requirements for Landscape Architects

(b) The necessity of this administrative regulation:

(c) How this administrative regulation conforms to the content of the authorizing statutes:

It is authorized by KRS 323A.100 and KRS 323A.210(2)(b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

By setting continuing education requirements.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

It updates continuing education requirements and removes unnecessary language.

(b) The necessity of the amendment to this administrative regulation:

The administrative regulation needed to be updated.

(c) How the amendment conforms to the content of the authorizing statutes:

The authorizing statute permits the amendment.

(d) How the amendment will assist in the effective administration of the statutes:

By setting requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Landscape Architects, approximately 000.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

No action is necessary.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

It is not anticipated that there will be any additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

They will be in compliance with the regulation.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There will be no additional cost beyond the regular operating costs of the agency.

(b) On a continuing basis:

See (a) above.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase is necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

It does not.

(9) TIERING: Is tiering applied?

Tiering was not applied as the amendment affects everyone equally.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

Board of Landscape Architects.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 323A.100, KRS 323A.210

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

No effect

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None

(c) How much will it cost to administer this program for the first year?

There will be no additional costs beyond the general operating budget of the agency.

(d) How much will it cost to administer this program for subsequent years?

See (c) above.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

No effect

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

No cost savings

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

No cost savings

(c) How much will it cost the regulated entities for the first year?

No cost

(d) How much will it cost the regulated entities for subsequent years?

No cost

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. It does not.