

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #3

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FILED

2006 JUL 28 P 1:46

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Board of Landscape Architects TITLE NUMBER: 9

CITE AUTHORITY: §30-22-7

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: Continuing Education

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Rogan J. Kennedy
Authorized Signature



STATE BOARD OF LANDSCAPE ARCHITECTS

Post Office Box 1355, St. Albans, West Virginia 25177
<http://www.wvlicensingboards.com/landscape>
(304) 727-5501, (304) 727-5580 FAX

July 28, 2006

The Honorable Betty Ireland
Secretary of State
Building 1, Suite 157-K
1900 Kanawha Boulevard
Charleston, West Virginia 25305-0770

RE: Agency Approved Rule, Series 2

Dear Secretary Ireland:

Attached please find the agency approved rule revisions following the public comment period. No comments were received during this period. As previously stated, the revisions are extensive so we propose to repeal and replace Series 1 and create a new Series 2 Rule titled Continuing Education.

The proposed Series 2 Rule includes: 1) the language from the old Series 1 Rule; 2) adds options for obtaining CEU's through in-house training available to the public and through community service activities; 3) further defines record keeping and audit procedures; and 4) adds exempt provisions for inactive or retired licensees.

If you have any questions or need more information please do not hesitate to contact me.

Sincerely,

**West Virginia State Board of
Landscape Architects**

A handwritten signature in cursive script that reads "Roger J. Kennedy".

Roger J. Kennedy, Chairman

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Continuing Education

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia State Board of Landscape Architects

Address: P.O. Box 1355
St. Albans, West Virginia 25177

Phone Number: 304-727-5501 Email: rkennedy@chaptech.com

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The new Series 2 Rule, "Continuing Education" is budget neutral. It is proposed to repeal and replace Series 1 "Rules of the West Virginia State Board of Landscape Architects" with "Registration of Landscape Architects" and to create a new Series 2 Rule "Continuing Education". The proposed Rule includes the language from the old Series 1 Rule, expands the activities that can be counted to meet the continuing education requirement, further defines record keeping and audit procedures and adds exempt provisions for inactive and retired licensees.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: Continuing Education

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: July 28, 2006

Signature of Agency Head or Authorized Representative

Roger J. Kennedy

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 28, 2006

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Board of Landscape Architects
P.O. Box 1355
St. Albans, West Virginia 25177
(304) 727-5501

LEGISLATIVE RULE TITLE: Continuing Education

1. Authorizing statute(s) citation §30-22-7

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
Comment period began: June 28, 2006

b. What other notice, including advertising, did you give of the hearing?
Notified members of the American Society of Landscape Architects, West Virginia Chapter.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
Comment period ended: July 28, 2006

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.
Attached _____ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 28, 2006

- f. Name, title, address and **phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Roger Kennedy, Chairman
P.O. Box 1355
St. Albans, West Virginia 25177

(304) 727-5501, (304) 727-5580 FAX

Email: rkennedy@chaptech.com

- g. **IF DIFFERENT FROM ITEM 'F'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

TITLE 9
LEGISLATIVE RULE
WEST VIRGINIA STATE BOARD OF LANDSCAPE ARCHITECTS

SERIES 2
CONTINUING EDUCATION

2006 JUL 28 P 1:46

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§9-2-1. General.

1.1. Scope. -- This rule specifies continuing education requirements that are prerequisite to license renewal for landscape architects.

1.2. Authority. -- W. Va. Code §§30-22-1 et seq.

1.3. Filing Date. --

1.4. Effective Date. --

§9-2-2. Definitions.

2.1. Terms Defined -- As used in this rule, the following terms have the following meanings unless the context or subject matter clearly requires a different interpretation:

2.1.a. Professional Development Hour (PDH) means fifty (50) minutes of instruction or presentation that meets the requirements established in this rule.

2.1.b. Renewal period/License renewal means the fiscal year begin/end date of July 1 through June 30 of each year.

2.1.c. Continuing Education Unit (CEU) means the nationally recognized and uniform unit of measure of the International Association for Continuing Education and Training (IACET). One (1) IACET CEU is equal to ten (10) contact hours of participation in a qualified continuing education course. For continuing professional competency activities that fully follow the requirements of the IACET, one CEU is equivalent to ten (10) PDH units.

2.1.d. Course or Activity means any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge specific to the practice of landscape architecture. Qualifying courses or activities may include correspondence, televised, videotaped, internet, seminars and other short courses and tutorials; and professional or technical presentations made at meetings, conventions, or conferences. In-house courses and workshops may be acceptable, provided, such activities are advertised and made available to the public. Training activities relating to business operations or management shall not be acceptable coursework.

§9-2-3. Requirements.

3.1. Every licensee, as a prerequisite to license renewal, shall acquire eight (8) PDH units for each renewal period. A minimum of six (6) PDH units obtained must be in structured education activities which directly address public health, safety, interest and welfare issues related to the practice of landscape architecture.

3.2. If a licensee exceeds the annual requirement in any renewal period, a maximum of eight (8) PDH units may be carried forward into the subsequent renewal period.

3.3. A licensee may earn PDH units as follows:

3.3.a. College/Unit Semester/Quarter Hour credit. One semester hour of acceptable university or college credit is equivalent to forty-five (45) PDH units. One quarter hour of acceptable university or college credit is equivalent to thirty (30) PDH units.

3.3.b. Successful completion of qualifying courses or activities. Credit for attendance is based on actual instructional or presentation time.

3.3.c. Teaching, instructing or presenting in qualifying courses, seminars and presentations. A teacher, instructor, or presenter may claim credit at twice the number of hours permitted for participants. Credit is available only the first time a course or seminar is taught or a presentation is made, unless the subject matter is revised and substantially updated. This credit does not apply to full-time faculty.

3.3.d. Authoring published papers, articles, or books related to landscape architecture. Credit is limited to the lesser of actual preparation time or ten (10) PDH units for each paper, article or book.

3.3.e. Attendance at local chapter meetings of professional or technical societies related to landscape architecture and to which the licensee is a member. Credit is limited to one (1) PDH unit for each meeting the licensee attended. A maximum of two (2) PDH units may be claimed in any renewal period.

3.3.f. Community service. Participation in activities which advance the knowledge and understanding the public has regarding the practice of landscape architecture and how the profession contributes to the protection of the public health safety, interest and welfare. One (1) PDH unit equals two (2) hours in actual participation. A maximum of four (4) PDH units may be claimed in any renewal period.

3.4. Fractional measurement of hours or units may not be accepted.

3.5. The Board has final authority with respect to approval of courses, seminars and presentations; credits; PDH value for courses and community service; and determination of whether a college or university course, continuing education course or other course or activity is reasonably related to the practice of landscape architecture. No pre-approval of offerings will be issued.

3.6. When a person whose license to practice landscape architecture is expired for four (4) years or more or under suspension seeks reinstatement of a license, the person seeking reinstatement shall complete all delinquent continuing education PDH's up to a maximum of thirty two (32) PDH's, as determined by the Board. If the Board has imposed conditions for reinstatement including the earning of a number of professional development hours, the Board may require the applicant for reinstatement to earn additional PDH units and meet all other conditions for reinstatement prior to reinstating the license.

§9-2-4. Reporting and Record Keeping.

4.1. A licensee shall complete, sign and submit on forms prescribed by the board, together with the application for renewal of a license and the required renewal fee, information certifying that he or she has acquired the required PDH units. Maintaining records is the responsibility of the licensee. A licensee shall maintain records of compliance with the provisions of this rule for a period of four (4) renewal periods. The Board may request copies of all records for audit verification purposes. Acceptable records may include, but are not limited to:

4.1.a. A log showing the type of activity claimed, the sponsoring organization, the title of the activity, the activity's location, the activity's duration, the instructor's or speaker's name, and the PDH

units earned.

4.1.b. Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

§9-2-5. Exemptions.

5.1. A licensee may be exempt, upon board review and approval, from continuing education requirements in any of the following situations:

5.1.a. New licensees by way of examination or reciprocity are exempt for their first renewal period following the original date of licensure;

5.1.b. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a year is exempt from obtaining the professional development hours required during that renewal period;

5.1.c. A licensee experiencing physical disability, illness, or other extenuating circumstances may submit supporting documentation to the board and request exemption for the renewal period in which the disability, illness, or extenuating circumstance occurs. Upon review of the circumstances and approval by the board, the licensee is exempt;

5.1.d. Retired or inactive status. Licensee's registered with the Board as either retired or inactive are exempt. In the event a retired or inactive licensee elects to return to active practice, the registrant shall complete a minimum of eight (8) and no more than thirty two (32) PDH's, as determined by the Board.

§9-2-6. Review and Audit Processes.

6.1. Upon request, each licensee shall provide proof of satisfying the continuing education requirements. The Board may reject forms containing obvious and significant errors and require the licensee to resubmit such information. If the licensee fails to furnish the information as required by the board or if the information is not sufficient to satisfy the requirements, the license shall not be renewed.

6.2. For each renewal period, the Board shall select on a random basis ten (10) percent or a minimum of twelve (12) renewal applications for audit. The Board shall request each selected licensee to furnish evidence of attendance at the listed activities, unless evidence satisfactory to the Board is already in the possession of the Board. Upon receipt of the requested records, the Board may request the licensee to furnish further evidence necessary to satisfy the Board that the licensee has complied with the continuing education requirements of this rule.

6.3. If the Board disallows one or more continuing education activities claimed, the Board may, at its discretion, allow the licensee up to 120 days after notification to substantiate the original claim or to complete other continuing education activities sufficient to meet the minimum requirements of this rule.