

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Labor, Licensing, and Regulation
(DLS Control No. 14-141)**

Overview and Legal and Fiscal Impact

These regulations establish (1) continuing professional competency (CPC) requirements that landscape architects must meet in order to renew a license with the State Board of Examiners of Landscape Architects; (2) standards for approved CPC courses; (3) standards for recordkeeping, reporting, reinstatement, and reciprocity; and (4) bases for disciplinary action for noncompliance.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Labor, Licensing, and Regulation:

Board of Examiners of Landscape Architects: Continuing Professional Competency Requirements: COMAR 09.28.04.01-.11

Legal Analysis

Background

The board is one of the five “design boards” within the Department of Labor, Licensing, and Regulation’s Division of Occupational and Professional Licensing. The other boards include the State Board for Professional Engineers, the State Board for Professional Land Surveyors, the State Board of Architects, and the State Board of Certified Interior Designers. As of the 2013 legislative session, the State Board of Examiners of Landscape Architects was the only design board that did not have continuing education or CPC requirements. Chapter 454 of 2013 required the board to establish, by regulation, a CPC requirement that landscape architects obtain at least 24 hours of professional development activities as a condition of license renewal after the first renewal.

Summary of Regulations

The regulations implement Chapter 454 of 2013 by establishing standards for the CPC requirement for licensees and for providers of professional development activities. Subject to specified exceptions and “extenuating circumstances,” the regulations require a licensee applying for license renewal to complete 24 professional development hours (PDHs), of which at least 16 PDHs must be related to professional ethics and no more than 8 PDHs may relate to other

specified topics. The regulations specify that no more than 12 excess PDHs earned over the course of a license term may be carried over into the next license term. The regulations also require a licensee to attest to completing the required hours, comply with audits, and retain proof of completion of PDHs for at least two years after completing the program.

The regulations further specify guidelines that a provider of professional development activities would need to follow to obtain course approval from the board and detail procedures for reinstatement and acceptance of PDHs earned in other states. Licensees who do not comply with the requirements contained in the regulations are subject to existing disciplinary actions.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites § 9-309(f) of the Business Occupations and Professions Article as authority for the regulations. This subsection requires the board to adopt regulations to implement the 24-PDH requirement on a phased-in basis until October 1, 2016, at which point the full 24-PDH requirement takes effect.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

The regulations contain several technical issues, which have been raised with the department. In addition to correcting two typographical errors, the department has agreed to correct the following issues:

- Regulation .02 – in § B., the references to “ASLA” and “LACES” and the references to and definition of “CLARB” should be deleted;
- Regulation .02 – the term “authorized activities” is defined, but not used, and should be deleted with the specification in § B.(1)(b) included in Regulation .04;
- Regulation .04 – the criteria for a qualifying activity should be amended to include “are approved and accepted for credit by (i) the American Society of Landscape Architects; (ii) the Landscape Architecture Continuing Education System; or (iii) the Board.”; and
- Regulation .06 – the reference to “continuing professional competency” should be amended to reflect “CPC,” which is a defined term.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have minimal or no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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