

PROPOSED REGULATION OF THE STATE
BOARD OF LANDSCAPE ARCHITECTURE

LCB File No. R083-18

June 20, 2018

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-12, 14 and 15, NRS 623A.130 and 623A.215; §13, NRS 623A.130, 623A.215 and 623A.240; §16, NRS 623A.130, 623A.200 and 623A.215.

A REGULATION relating to landscape architects; establishing requirements for continuing education for a person who holds a certificate of registration as a landscape architect issued by the State Board of Landscape Architecture; providing certain exemptions from such requirements; providing that the failure of a registrant to complete such requirements is grounds for the nonrenewal of his or her certificate of registration; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Landscape Architecture to adopt regulations that require each holder of a certificate of registration to practice landscape architecture to complete a course of continuing education as a condition for the renewal of his or her certificate. Existing law also requires that any such regulations include the number of hours of continuing education that the holder of the certificate is required to complete to renew the certificate. (NRS 623A.215)

Section 7 of this regulation establishes requirements for continuing education for such registrants by requiring a registrant who is not otherwise exempt to complete at least 8 continuing education units in self-directed educational activities or structured educational activities each fiscal year as a condition of renewing his or her certificate of registration. **Sections 8 and 9** of this regulation set forth the types of subjects that are appropriate for earning continuing education units.

Section 10 of this regulation sets forth exemptions from the requirements for continuing education, which include an exemption for a registrant holding his or her initial certificate of registration issued by the Board or a registrant who serves on active duty in the Armed Forces of the United States for a period of more than 120 consecutive days during a fiscal year. **Section 10** also provides that the Board may exempt a registrant because of illness, physical disability or undue hardship.

Section 11 of this regulation requires registrants to maintain certain records concerning their continuing education, and **section 12** of this regulation provides for audits of such records by the Board.

Section 13 of this regulation requires each registrant to submit to the Board on or before June 30 of each fiscal year proof of the continuing education units claimed for that fiscal year, together with the application for the renewal of registration. **Section 14** of this regulation provides that if the Board does not accept such proof, the Board will provide the registrant with written notification and grant the registrant a period of not less than 30 days from the date of the notification to correct any deficiency or request a hearing before the Board.

Section 15 of this regulation provides that the failure of a registrant to complete the requirements for continuing education or satisfy the annual requirement for reporting continuing education units to the Board is grounds for the nonrenewal of his or her certificate of registration.

Section 1. Chapter 623A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this regulation.

Sec. 2. *“Contact hour” means 50 minutes of learning or instruction.*

Sec. 3. *“Continuing education unit” means 1 contact hour in a course or program of continuing education approved by the Board.*

Sec. 4. *“Fiscal year” means the 12-month period beginning on July 1 and ending on June 30 of the following year.*

Sec. 5. *“Self-directed educational activity” means an educational activity which primarily consists of a registrant engaging in an activity concerning a subject relating to public health, safety and welfare which is not systematically presented by another person, including the study of such subjects.*

Sec. 6. *“Structured educational activity” means an educational activity in which the teaching methodology consists primarily of the systematic presentation of technical and professional subjects by a person or group of persons qualified by professional, practical or academic experience to conduct the educational activity.*

Sec. 7. 1. *Except as otherwise provided in section 10 of this regulation, to renew a certificate of registration, the registrant must complete at least 8 continuing education units each fiscal year. The continuing education units may be earned in self-directed educational activities or structured educational activities but must not include more than 4 continuing education units in self-directed educational activities.*

2. Continuing education may be completed in any jurisdiction and at any location.

3. All courses of instruction, continuing education units and contact hours must be approved by the Board.

4. Continuing education units may only be earned in activities that are not part of the regular day-to-day business activities of the registrant.

5. The Board may approve one-half of a continuing education unit for a partial contact hour of not less than 25 minutes of learning or instruction.

6. Except as otherwise provided in this subsection, if a registrant completes more than 8 continuing education units during a fiscal year, not more than 4 continuing education units earned by a registrant during that fiscal year may be carried forward and applied to the requirements for continuing education applicable to the next following fiscal year. A registrant may not carry forward any continuing education units that were completed before the issuance of his or her certificate of registration.

Sec. 8. 1. *The structured educational activities in which a registrant may earn continuing education units include, without limitation:*

(a) Attendance at a meeting, convention or conference;

(b) Attendance at an in-house program sponsored by a corporation or other organization;

(c) Successful completion of a course sponsored by a college or university; and

(d) Successful completion of a seminar, tutorial, short course, Internet course or correspondence course.

2. To receive credit for a structured educational activity, a registrant must have received documentation of completion of the structured educational activity from the sponsor of the activity.

3. The Board may require a detailed synopsis or report concerning any continuing education units claimed by a registrant for a structured educational activity.

Sec. 9. *All continuing education units claimed by a registrant for self-directed educational activities and structured educational activities must encompass the study of relevant technical and professional subjects directly relating to topics involving:*

1. The relationship between the practice of landscape architecture and the public health, safety and welfare; and

2. The ethical standards of the practice of landscape architecture, including, without limitation, the safeguarding of life, health, property and the environment and promoting the public welfare.

Sec. 10. *1. A registrant holding an initial certificate of registration issued by the Board is exempt from the requirements for continuing education set forth in section 7 of this regulation for the fiscal year in which the certificate of registration was issued and the next following fiscal year.*

2. A registrant who serves on active duty in the Armed Forces of the United States for a period of more than 120 consecutive days during a fiscal year is exempt from the requirements for continuing education set forth in section 7 of this regulation for that fiscal year.

3. *The Board may exempt a registrant from the requirements for continuing education set forth in section 7 of this regulation if the registrant cannot meet the requirements because of illness, physical disability or undue hardship, as determined by the Board based on documentation provided by the registrant before the date of expiration of the certificate of registration.*

Sec. 11. 1. *Each registrant who claims credit for continuing education units earned during a fiscal year shall retain records sufficient to support the continuing education units claimed for not less than 3 years after the date of renewal of his or her certificate of registration. The records must include any continuing education units that the registrant has carried forward.*

2. *The records that must be retained by a registrant include, without limitation:*

(a) *A log, on a form prescribed by the Board, which shows the type of activity claimed, sponsoring organization, location, duration, name of the instructor or speaker, and continuing education units earned;*

(b) *Verification of attendance, in the form of a certificate of completion, signed attendance receipt, paid receipt, copy of a list of all persons who attended the activity signed by the person in charge of the activity, or other documentation supporting evidence of attendance; or*

(c) *Records as maintained by professional repositories which are approved by the Board.*

Sec. 12. 1. *The Board may perform random audits of registrants to ensure compliance with the requirements for continuing education set forth in section 7 of this regulation.*

2. *If the Board chooses to conduct an audit of a registrant, the Board will notify the registrant of its decision to conduct an audit. The registrant shall provide to the Board detailed information and documentation concerning the continuing education units claimed.*

Falsification of documentation concerning continuing education is grounds for disciplinary action.

Sec. 13. *1. Each registrant shall, on or before June 30 of each fiscal year, submit to the Board proof of the continuing education units claimed for that fiscal year, together with the application for the renewal of registration.*

2. If a registrant violates the provisions of subsection 1, the application for renewal must include the fees set forth in subsection 3 or 4 of NAC 623A.315, as applicable, for the renewal of an expired certificate of registration.

Sec. 14. *1. If the Board does not accept the proof of the continuing education units claimed by a registrant pursuant to section 13 of this regulation, the Board will send written notification to the registrant by mail and grant the registrant a period of not less than 30 days from the date of the notification to correct any deficiency or request a hearing before the Board.*

2. If a registrant requests a hearing before the Board pursuant to subsection 1, the decision of the Board is final.

Sec. 15. *Failure of a registrant to complete the requirements for continuing education set forth in section 7 of this regulation or satisfy the annual requirement for reporting continuing education units to the Board pursuant to section 13 of this regulation is grounds for the nonrenewal of his or her certificate of registration.*

Sec. 16. NAC 623A.315 is hereby amended to read as follows:

623A.315 1. A certificate of registration issued by the Board expires at midnight on June 30 next following the date of issuance, unless the certificate is renewed.

2. To renew an unexpired certificate, the registrant must , ~~apply for renewal of the certificate on a form prescribed by the Board and pay the annual renewal fee~~ on or before June 30 following the date that the certificate or renewal was issued ~~it~~ :

(a) Apply for renewal of the certificate on a form prescribed by the Board;

(b) Complete all requirements for continuing education set forth in section 7 of this regulation and submit to the Board proof of the continuing education units claimed pursuant to section 13 of this regulation; and

(c) Pay the annual renewal fee.

3. To renew an expired certificate within 1 year after the certificate expires, the registrant must ~~apply~~ :

(a) Apply for renewal of the certificate on a form prescribed by the Board ;

(b) Complete all requirements for continuing education set forth in section 7 of this regulation and submit to the Board proof of the continuing education units claimed pursuant to section 13 of this regulation; and ~~include~~

(c) Include the fee for renewal and the fee for delinquent renewal of the certificate as provided in NAC 623A.170.

4. To renew an expired certificate more than 1 year after the date on which the certificate expired, the registrant must ~~apply~~ :

(a) Apply for renewal of the certificate on a form prescribed by the Board ;

(b) Complete all requirements for continuing education set forth in section 7 of this regulation and submit to the Board proof of the continuing education units claimed pursuant to section 13 of this regulation; and ~~include~~

(c) *Include* the fee for renewal, the fee for delinquent renewal and the fee for reinstatement as provided in NAC 623A.170.

↳ A certificate which is not reinstated within 3 years after the date on which the certificate expired may not be reinstated.

5. If a registrant complies with the provisions for the renewal of a certificate of registration pursuant to the provisions of subsection 2 or 3 or the reinstatement of a certificate of registration pursuant to the provisions of subsection 4, the Board will issue a renewal card to the registrant. A renewal card issued by the Board will contain:

- (a) The expiration date of the renewal or reinstatement of the certificate of registration;
- (b) The seal of the Board;
- (c) The number of the certificate of registration to which the renewal card applies; and
- (d) The signature of the Executive Director.

6. The Executive Director shall record the renewal or reinstatement of a certificate of registration.