

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE :
EXAMINING BOARD OF ARCHITECTS, : NOTICE OF PUBLIC HEARING
LANDSCAPE ARCHITECTS, :
PROFESSIONAL ENGINEERS, :
DESIGNERS AND LAND SURVEYORS :

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors in ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and interpreting s. 443.015, Stats., the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors will hold a public hearing at the time and place indicated below to consider an order to create ch. A-E 11, relating to continuing education for landscape architects.

Hearing Date, Time and Location

Date: October 13, 2009
Time: 1:15 P.M.
Location: 1400 East Washington Avenue
(Enter at 55 North Dickinson Street)
Room 121A
Madison, Wisconsin

APPEARANCES AT THE HEARING:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by October 23, 2009, to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Section 443.015, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 443.015, Stats.

Explanation of agency authority:

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors may approve and adopt rules proposed by any section of the board.

Related statute or rule:

There are no other statutes or rules other than those listed above.

Plain language analysis:

This proposed rule-making order creates continuing education requirements for renewal of a credential for landscape architects within the jurisdiction of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors as permitted by s. 443.015, Stats., created by 2007 Wisconsin Act 47.

Summary of, and comparison with, existing or proposed federal regulation:

This is not an area which is regulated by federal law or subject to any proposed federal legislation. The standards for state licensure are regulated by each state.

Comparison with rules in adjacent states:

Illinois:

There are no continuing education requirements for landscape architects. www.idfpr.com

Iowa:

Landscape architect continuing education requirements are 24 hours for each biennial renewal. www.state.ia.us/government/com/prof

Michigan:

There are no continuing education requirements for landscape architects. www.michigan.gov/dleg

Minnesota:

Landscape architects require 24 hours of continuing education for each biennial renewal. www.aelslagid.state.mn.us

Summary of factual data and analytical methodologies:

The Landscape Architect Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors examined models of continuing education from neighboring states and national organizations related to their profession, including the National Association of Landscape Architects.

The comparison information with the rules in adjacent states was obtained directly from contact with those states and a review of their rules. The comparison to the adjacent states demonstrates that the proposed rules are substantially consistent with the rules in those states.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

Data was obtained from the Department of Regulation and Licensing's Credentialing Division Renewal Unit and research was conducted regarding the availability of continuing education credits offered via online courses, trade association sponsored seminars and other means, as well as the costs associated therewith. That data was compared with the requirements outlined in the proposed rules and based thereon, appears that these rules will have no significant impact on a substantial number of small businesses.

Section 227.137, Stats., requires an "agency" to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an "agency" in this section.

Anticipated costs incurred by the private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The department estimates that this rule will require staff time in the Office of Exams. The total one-time salary and fringe costs are estimated at \$6,400. The total on-going salary and fringe costs are estimated at \$9,600.

Effect on small business:

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at hector.colon@wisconsin.gov, or by calling 608-266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0495; email at pamela.haack@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin

53708-8935, or by email to pamela.haack@wisconsin.gov. Comments must be received on or before October 23, 2009, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chapter A-E 11 is created to read:

CHAPTER A-E 11
CONTINUING EDUCATION FOR LANDSCAPE ARCHITECTS

A-E 11.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern biennial continuing education of landscape architect registrants.

A-E 11.02 Definitions. As used in this chapter:

(1) “Biennium” means a 2-year period beginning August 1 of each even numbered year.

(2) “Continuing education unit” means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the registrant in the practice of landscape architecture for the benefit of the health, safety or welfare of the public. A “continuing education unit” means 50 minutes of instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity.

(3) “Health, safety and welfare” or “HSW” means any topics or subjects related to the practice of landscape architecture which are deemed appropriate to safeguard the public health, safety and welfare including the proper planning, design and construction of buildings, structures, infrastructures, and the spaces within and surrounding buildings and structures that minimize the risk of injury to persons or property and comply with applicable building and safety codes; are durable, environmentally friendly, cost effective, and conserve resources; are aesthetically appealing; function properly in all relevant respects; and enhance the public’s sense of well-being, harmony and integration with the surrounding environment. Appropriate topics or subjects include building design, landscape design, environmental or land use analysis, life safety, landscape architectural programming, site planning, site and soils analyses, plant material, accessibility, lateral forces, selection of building systems and structural systems, construction methods, contract documentation and construction and construction administration.

(4) “Professional development hour” means organized educational programs on topics related to the practice or theory of landscape architecture and which foster the enhancement of general or specialized knowledge, practice and values of landscape architecture for the benefit of the health, safety and welfare of the public. A “professional development hour” means 50 minutes of instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity.

A-E 11.03 Continuing education requirements. (1) (a) Beginning in the August 2012 biennial registration period, unless granted a waiver under s. A-E 11.07, every registrant shall complete at least 24 hours of approved continuing education units or professional development hours pertinent to the practice of landscape architecture, except that between initial registration and the first renewal period, a new registrant shall not be required to comply with the requirements for the first renewal of registration.

(b) The professional development hours or continuing education units shall be in each of the following categories:

1. Programs, courses or activities in the area of landscape architecture or related sciences, with no less than 16 hours in HSW topics.

2. Programs, courses, or activities in the area of Wisconsin statutes, rules and ordinances that regulate landscape architects, with no less than 2 hours of professional conduct and ethics.

(2) Continuing education units or professional development hours offered by approved providers shall include the following:

(a) Successful completion of online, correspondence, televised, videotaped, or other short courses or tutorials.

(b) Successful completion of a college or university course in the area of landscape architecture, related sciences or surveying ethics. One semester credit hour of course work is equivalent to 16 professional development hours and one quarter credit hour of course work is equivalent to 12 professional development hours.

(c) Successful completion of landscape architecture courses or programs offering professional development hours on landscape architecture topics.

(d) Active participation and successful completion of landscape architecture programs, seminars, tutorials, workshops, short courses or in-house courses.

(e) Attending program presentations at related technical or professional meetings at which at least 50 minutes is spent discussing landscape architecture or attending a lecture on related topics, or both. Each qualified meeting will be awarded one professional development hour.

(f) Teaching or instructing courses or programs on a landscape architecture topic. Teaching credit is counted for teaching a course or seminar for the first time only and does not apply to faculty in the performance of their regularly assigned duties. Three professional development hours will be awarded for every 50 minutes of teaching or presentation, not to exceed a total of 6 hours per biennium.

(g) Authoring landscape architecture related papers or articles that appear in circulated journals or trade magazines. Credit is earned in the biennium of publication. A maximum of 6 professional development hours per renewal will be awarded for this activity.

(h) Serving as a jury panel member on a professional landscape architect work or design competition.

(i) Providing professional service to the public by serving as an officer or committee member of a technical or professional society, board, commission or other organization related to landscape architecture. Two professional development hours are earned for one full year of service, not to exceed 2 professional development hours per biennium.

(j) Educational tours of landscape architecturally significant projects which are sponsored by a college, professional organization or system supplier, not to exceed 8 professional development hours per biennium.

(3) Continuing education units or professional development hours shall be completed within the preceding biennium.

(4) A landscape architect who fails to meet the continuing education units or professional development hours by the renewal date, as specified in s. 440.08 (2) (a) 38m., Stats., may not engage in the practice of landscape architecture until the registration is renewed based upon compliance with the continuing education units or professional development hours.

A-E 11.04 Standards for approval. (1) To be approved for credit, a continuing education program shall meet all of the following criteria:

(a) The program includes instruction in an organized method of learning contributing directly to the professional competency of the registrant and pertains to subject matters which integrally relate to the practice of the profession.

(b) The program is conducted by individuals who have specialized education, training or experience and are considered qualified concerning the subject matter of the program.

(c) The program provides proof of attendance by the registrant and fulfills pre-established goals and objectives.

(2) The landscape architect section may approve providers for continuing education or professional development hours including the following:

(a) American society of landscape architects.

(b) Council of landscape architectural boards.

(c) Urban land institute.

(d) American nursery and landscape association.

(e) American planning association.

(f) National society of professional engineers.

(g) National recreation and park association.

(h) American institute of architects.

(i) Construction specifications institute.

(j) State or federal training programs related to landscape architecture, course work in landscape architecture at a college, or other related technical or professional societies or organizations.

(k) Colleges, universities or other educational institutions approved by the landscape architect section.

(3) An advisory committee designated by the landscape architect section will make recommendations as to approval of courses, credit, professional development hour value for courses and other methods of earning credit offered by providers not listed in sub. (2) (a) to (k).

(4) Credit for college or technical school approved courses shall be based upon course credit established by the college or technical school.

(5) Credit for qualifying seminars and workshops shall be based on one professional development hour or continuing education unit for each 50 minutes of attendance. Attendance at qualifying programs presented at professional and technical meetings will earn one professional development hour.

A-E 11.05 Certificate of completion, proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The landscape architect section may conduct a random audit of its registrants on a biennial basis for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise produce evidence of compliance.

(3) The landscape architect section may require additional evidence demonstrating compliance with the continuing education requirements including a certificate of attendance or documentation of completion or credit for the courses completed.

(4) If there appears to be a lack of compliance with the continuing education requirements, the landscape architect section shall notify a registrant in writing and request submission of evidence of compliance within 30 days of the notice.

(5) The landscape architect section may require a registrant to appear for an interview to address any deficiency or lack of compliance with the continuing education requirements.

A-E 11.06 Recordkeeping. It shall be the responsibility of the registrant to maintain records of continuing education or professional development hours for at least 4 years from the date the certificate or statement of attendance is signed. The recordkeeping shall include all of the following:

- (1) The name and address of the sponsor or provider.
- (2) A brief statement of the subject matter.
- (3) Printed program schedules, registration receipts, certificates of attendance, or other proof of participation.
- (4) The number of hours attended in each program and the date and place of the program.

A-E 11.07 Waiver of continuing education. (1) A renewal applicant seeking renewal of registration without having fully complied with the continuing education requirements shall file a renewal application along with the required fee, and a statement setting forth the facts concerning non-compliance and requesting a waiver of the requirements. The request for waiver shall be submitted to the department of regulation and licensing prior to the renewal date. Extreme hardship shall be determined on an individual basis by the landscape architect section. If the department of regulation and licensing, in consultation with a liaison from the landscape architect section, finds based upon the affidavit or any other evidence submitted by the registrant that extreme hardship has been shown, the enforcement of the continuing education or professional development hours for the applicable renewal period shall be waived or the time frame for completion extended.

(2) In this section, extreme hardship means an inability to devote sufficient hours to fulfilling the continuing education requirements during the applicable renewal period because of one of the following:

- (a) Full-time service in the uniformed services of the United States of America for a period of one year during the biennium.
- (b) An incapacitating illness documented by a statement from a licensed physician.

(c) A physical inability to travel to the sites of approved programs documented by a licensed physician.

(d) A retirement from the occupation of landscape architecture whereby the renewal applicant no longer receives remuneration from providing landscape architecture services.

(e) Any other extenuating circumstances.

(3) A renewal applicant who prior to the expiration of the license submits a request for a waiver, shall be deemed to be in good standing until the final decision on the application by the landscape architect section.

A-E 11.08 Reciprocity. An applicant for registration from another state who applies for registration to practice landscape architecture under s. A-E 9.06, may receive credit for completion of continuing education obtained in another jurisdiction within the 2 years prior to application and which is deemed to be substantially equivalent to the requirements under this chapter.

(END OF TEXT OF RULE)

COPIES OF RULE

Copies of this proposed rule are available upon request to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or by email at pamela.haack@wisconsin.gov.

Ch. A-E 11 (Continuing education-landscape architects) Hearing Notice 8-31-09