

1 GENERAL GOVERNMENT

2 Kentucky Board of Landscape Architects

3 (Amendment)

4 201 KAR 10:080. Continuing education.

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

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

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 323A.100(1) requires
8 a landscape architect to complete the approved continuing education hours
9 established by an administrative regulation promulgated by the board. KRS
10 323A.210(2)(a) authorizes the board to promulgate administrative
11 regulations to establish a program of continuing education for licensees
12 [~~registrants~~]. This administrative regulation establishes the continuing
13 education requirements for a landscape architect.

14

15 Section 1. Definitions. (1) "Annually" or "continuing education year"
16 means a twelve (12) month period from July 1 of a calendar year through
17 June 30 of the following calendar year.

18 (2) "Board" is defined as KRS 323A.010(1).

19 (3) "Continuing education hour" means a minimum of fifty (50) minutes
20 of actual instruction.

1 (4) "Self-directed study" means a course of study in which a licensee
2 [~~registrant~~] takes and passes an examination offered by the sponsor after the
3 licensee [~~registrant~~] reviews material including the Internet, views a video, or
4 listens to an audio tape.

5 (5) "Sponsor" means an individual, organization, association,
6 institution, or other entity that provides educational activity for the purpose
7 of fulfilling the continuing education requirements of this administrative
8 regulation.

9 (6) "Tour" means a review or inspection of a landscape architectural
10 element specified in the definition of "practice of landscape architecture"
11 established by KRS 323A.010(3).
12

13 Section 2. General Statement. Continuing education obtained by a
14 licensee [~~registrant~~] shall maintain, improve or expand skills and knowledge
15 obtained prior to initial licensure or develop new and relevant skills and
16 knowledge.
17

18 Section 3. Continuing Education Requirements. (1) A licensee
19 [~~registrant~~] shall acquire twelve (12) [~~fifteen (15)~~] hours of continuing education
20 annually.

21 (2) A licensee [~~registrant~~] may be credited for a maximum of six 6
22 [~~seven and one-half (7 ½)~~] hours of continuing education for a tour annually.

1 (3) A licensee [~~registrant~~] may carry forward a maximum of twelve (12)
2 [~~fifteen (15)~~] hours of continuing education to meet the subsequent year's
3 requirements. Four hours may ~~shall not~~ be carried forward into subsequent
4 years.

5 Section 4. Approval of Continuing Education Programs. (1) The board shall:

6 (a) Approve a continuing education program that it determines:

7 1. Is relevant to the practice of landscape architecture; and

8 2. Furthers the competence of a licensee [~~registrant~~]; and

9 (b) Determine the number of continuing education hours allowed.

10 (2)(a) Before the continuing education program is offered, a sponsor shall submit
11 a Continuing Education Preapproval Request and Affidavit (Form #CE-2) with a copy of
12 the hand-out materials and agenda and a description of the presenter, teacher, or
13 speaker.

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

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

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

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

3 (4) Continuing education credits shall be given for one-half (1/2) the number of
4 hours, not to exceed six [~~seven and a half~~] (6 [~~7-1/2~~]) hours, of a tour if the licensee
5 [~~registrant~~] has:

6 (a) Submitted to the board:

7 1. A description of the tour; and

8 2. The board determines that the tour meets the requirements of a
9 continuing education program.

10

11 Section 5. (1) Continuing education activities may include a college or university course:

12 (a) The conversion of university credits to continuing education hours shall be:

13 1. One (1) university quarter hour of credit shall equal thirty (30) continuing
14 education hours.

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

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

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

21

1 Section 6. Reporting of Continuing Education Activities. (1) Upon license renewal,
2 a licensee [~~registrant~~] shall report continuing education activities for the continuing
3 education period ending June 30.

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

5 (a) Name of activity;

6 (b) Date of activity;

7 (c) Location of activity; and

8 (d) Continuing education hours earned.

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

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

12 (a) Signed by the licensee [~~registrant~~]; and

13 (b) Affixed with the licensee's [~~registrant's~~] seal.

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

16

17 Section 7. Verification of Continuing Education Activities. (1) Following each
18 renewal period, the board shall require between five (5) and fifteen (15) percent of the
19 licensees [~~registrants~~], chosen randomly, to furnish documentation of the completion
20 of the appropriate number of continuing education hours for the previous renewal period,
21 including hours carried forward from the previous year.

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

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

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

9 (a) If the activity qualifies as continuing education, the board shall include the
10 number of hours earned for that activity in determining if the applicant obtained the
11 required twelve (12) [~~fifteen (15)~~] hours of continuing education.

12 (b) If the activity does not qualify as continuing education, the board shall deduct
13 the number of hours claimed for that activity from the total number of hours earned by the
14 licensee [~~registrant~~]. After this calculation, if a licensee [~~registrant~~] does not have
15 the required twelve (12) [~~fifteen (15)~~] hours of continuing education, the board shall send
16 written notification to the licensee [~~registrant~~] that:

17 1. The licensee [~~registrant~~] did not meet the continuing education
18 requirements because an activity listed on the applicant's form as a continuing education
19 activity did not qualify for continuing education credit; and

20 2. The board shall suspend his license if the requirements of subsection (4)
21 of this section are not met.

22 (4) The license of the licensee [~~registrant~~] shall be suspended if the licensee
23 [~~registrant~~] fails to:

1 (a) Complete the required number of continuing education hours within sixty (60)
2 days of the notification from the board; and

3 (b) Submit to the board a completed and updated "Continuing Education Approval
4 Request and Affidavit Form" (Form #CE-1) within sixty-five (65) days of the notification
5 from the board.

6

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

10

11 Section 9. Exempt Licensee [~~Registrant~~]. (1) A licensee [~~registrant~~] shall be exempt
12 from the continuing education requirements:

13 (a) For the period of initial licensure;

14 (b) During the period of time in which the licensee [~~registrant~~] has an
15 inactive license in accordance with the provisions of Section 10 of this
16 administrative regulation; or

17 (c) If the board approves a written request for an exemption submitted by
18 the licensee [~~registrant~~] in accordance with the provisions of subsection (2) of this
19 section.

20 (2) A licensee [~~registrant~~] may request an exemption from the continuing education
21 requirements by submitting written document that the licensee [~~registrant~~] was:

22 (a) Employed or assigned to duty outside the United States for a period
23 exceeding 120 consecutive days during the calendar year; or

1 (b) Unable to complete the requirements because of:

2 1. Physical disability;

3 2. Personal illness; or

4 3. Illness of a family member or dependent.

5
6 Section 10. Inactive License. (1) A licensee [~~registrant~~] may choose to inactivate
7 his license.

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

9 (a) Be exempt from the provisions of this administrative regulation; and

10 (b) Not practice landscape architecture.

11
12 Section 11. Reinstatement of Suspended or Inactive License. (1) Prior to
13 reinstatement of a suspended or inactive license, a licensee [~~registrant~~] shall complete
14 the number of continuing education hours required for the annual renewal of the license
15 times the number of years the license was suspended or inactive.

16 (2) The number of continuing education hours required by subsection (1) of this
17 section shall not exceed twenty-four (24) [~~thirty (30)~~] hours.

18
19 Section 12. Incorporation by Reference. (1) The following material is incorporated
20 by reference:

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

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

3 (2) This material may be inspected, copied, or obtained, subject to applicable
4 copyright law, at Kentucky [State] Board of [~~Examiners and Registration of~~] Landscape
5 Architects, 2365 Harrodsburg Road, B350 [~~301 East Main Street~~], Lexington, Kentucky
6 40504 [~~40507~~], Monday through Friday, 8 a.m. to 4:30 p.m.

PUBLIC HEARING and PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 30, 2019 at 10:00 a.m. at the Board's office, 2365 Harrodsburg Road, Lexington, Kentucky 40504. Individuals interested in attending this hearing shall notify this agency in writing by five workdays prior to this hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled.

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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2019.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Jane Alexander, Executive Director, Kentucky Board of Landscape Architects, 2365 Harrodsburg Road, Suite B350, Lexington, Kentucky, 40504; Telephone No. (859) 246-2753; email ky.labd@ky.gov.