

Regulation Updates for the SC Board of Landscape Architectural Examiners

New regulations went into effect on May 26, 2023, to provide clarification and updates to Chapter 76 of the SC Code of Regulations for Landscape Architects:

Chapter 76-2. Registration.

- Chapter 76-2 (C) was modified to request contact information instead of mailing addresses of employers to document the experience requirement for licensure.

Chapter 76-4. Seals

- Chapter 76-4(A) added that seals shall be signed by the responsible landscape architect.

Chapter 76-5. License Expiration, Renewals and Reinstatement.

- Chapter 76-5(A) was changed to indicate that licenses shall lapse unless renewed.
- Chapter 76-5(B) was changed to indicate that Certificates of Authorization shall lapse unless renewed.
- Chapter 76-5(C) was changed to indicate that applicants for reinstatement must demonstrate continuing education for the time that the license has lapsed.

Chapter 76-6. Continuing Education.

- Chapter 76-6(B) (1) changed "Category 1" to "Method 1." This section also adds that continuing education hours approved by national or state chapter ASLA, or approved by other Landscape Architect State Regulatory Authority shall be accepted by this Board.
- Chapter 76-6(B) (2) changed "Category 2" to "Method 2."
- Chapter 76-6(B)(2)(a) added "licensees may not claim more than five (5) hours for public service activities" and struck the statement from Chapter 76-6(B)(2)(e).
- Chapter 76-6(B) (2) (b) added, "licensees may not claim more than five (5) hours for authoring papers, articles, or books."
- Chapter 76-6(B) (2) (d) added, "licensees may not claim more than three (3) hours for teaching landscape architectural courses or seminars."
- Chapter 76-6(D)(4) was changed to state "individuals who are at least sixty (60) years old and have thirty (30) years or more of licensed experience may request a waiver of the continuing education requirement by submitting a waiver form to the Board."
- Chapter 76-6(D)(5) was added to state "licensees who are Board approved for Emeritus Status shall be exempt from requirements for continuing education hours (previously Chapter 76-6(D)(4))."

Chapter 76-7. Examination.

- Chapter 76-7(D) struck the statement "scores from the individual sections cannot be averaged."

Questions? Please contact the Board staff at (803)896-4580 or at Contact.LSA@lir.sc.gov.

Document No. 5133
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS
CHAPTER 76

Statutory Authority: 1976 Code Sections 40-1-70, 40-28-30, 40-28-80(a), 40-28-120, and 40-28-140

- 76-2. Registration.
- 76-4. Seals.
- 76-5. License Expiration, Renewals and Reinstatement.
- 76-6. Continuing Education.
- 76-7. Examination.

Synopsis:

The Board of Landscape Architectural Examiners proposes to amend various sections in Chapter 76.

A Notice of Drafting was published in the *State Register* on June 24, 2022.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

76-2. Registration.

A. The application must be submitted on forms approved by the Department and must document education, experience and examination as set out below.

B. It shall be the responsibility of the applicant to ensure that the Department receives all information and documents necessary for the board to consider the application. No application can be approved until it is complete and all fees are paid.

C. Experience must be documented by statement of employers or supervisors. It is the applicant's responsibility to provide names and current contact information of those employers and supervisors and assure that work experience forms are promptly returned to the Department. If the applicant establishes that it is impossible to contact employers or supervisors, the board may consider additional evidence of experience.

D. Education must be documented by official transcripts showing subjects and grades of all scholastic work which the applicant wishes to claim, degree issued, and date of issuance. It is the responsibility of the applicant to ensure that such a record is sent from the institution directly to the Department.

E. Successful completion of the examination must be documented by CLARB.

F. It is the responsibility of Applicants who are currently licensed in other states to provide verification from any state boards by which they are licensed.

76-4. Seals.

A. Landscape Architect shall not affix, or permit to be affixed, his/her name or seal to any drawing, specification, or other document which was not prepared by him/her or under his/her personal supervision. No registrant shall affix his/her seal to any drawings, specification, or other document in physical or electronic

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format unless the licensee has assumed the responsibility for the accuracy of the contract documents involved. Seals shall be signed by the responsible landscape architect.

B. Seals must meet the following specifications:

1. The seal shall be circular in shape and one and three quarter (1 3/4) inches in diameter.
2. Concentric with the outside of the seal there shall be a circle one and three sixteenths (1 3/16) inches in diameter.
3. For individual seals wording shall be as follows: In the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" on the top and the name of only one (1) licensee on the bottom. The words "Licensed Landscape Architect" and the license number of only one (1) individual shall be placed within the inner circle.
4. For the certificate of authorization seals the wording shall be as follows: In the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" on the top and "COA" on the bottom. The name and Certificate of Authorization number of only one (1) firm shall be placed within the inner circle.

76-5. License Expiration, Renewals and Reinstatement.

A. Licenses issued to individuals expire biennially on a date set by the Department. Licenses must be renewed for the following licensure period by payment of the renewal fee and by reporting completion of the required continuing education hours. Licenses shall lapse unless renewed.

B. Certificates of authorization issued to firms expire biennially on a date set by the Department. Certificates of authorization must be renewed for the following licensure period by payment of the renewal fee and shall lapse unless renewed.

C. Applicants for reinstatement must certify that they have not practiced in South Carolina after the date that the license expired, must demonstrate continuing education for the time that the license is lapsed as required by statute, and must pay a reinstatement fee in the amount of \$250.00.

76-6. Continuing Education.

A. Basic Requirements

1. Continuing Education Hours

a. A continuing education (CE) hour is defined as one continuous instructional hour (50 to 60 minutes of contact) spent in educational activities intended to increase or update the landscape architect's knowledge and competence. Continuing education shall be earned in the categories as described below.

b. Each licensee shall complete twenty (20) contact hours of continuing education activities during the two (2) year period immediately preceding each biennial renewal date as a condition for license renewal.

2. Continuing Education Topic Categories

a. Category 1 - A minimum of fifteen (15) hours of the required twenty (20) hours shall be earned by completing educational activities that directly address health, safety, and welfare. Health/Safety/Welfare (HSW) educational topics should address the performance of landscape architecture as defined in S.C. Code Section 40-28-20(6).

b. Category 2 - A maximum of five (5) hours of the required twenty (20) hours may be completed in practice related topics that enhance and expand the skills, knowledge, and abilities of practicing landscape architects to remain current and render competent professional service to clients and the public.

B. Approved Methods

1. Method 1 - Structured educational activities include but are not limited to technical presentations, workshops, or seminars on landscape architectural subjects which are provided by independent sponsors or held in conjunction with colleges, universities, conventions or seminars. Landscape architectural activities such as those organized, sponsored, or approved by ASLA, CLARB, and LA CES are acceptable to the board. Continuing education hours approved by national or state chapter ASLA, or approved by other Landscape Architect State Regulatory Authority shall be accepted by this Board. Structured educational activities can take place within a traditional classroom style setting, or in an online, interactive presentation. A minimum of fifteen (15) hours of the required twenty (20) hours shall be earned by completing structured educational activities.

2. Method 2 - Self directed study is defined as activities that include:

a. Public service activities that draw upon the Landscape Architect's expertise such as serving on design review boards, planning commissions, building code advisory boards, urban renewal boards, or code study committees. Licensees may not claim more than five (5) hours for public service activities.

b. Authoring papers, articles, or books. Licensees may not claim more than five (5) hours for authoring papers, articles, or books.

c. Individualized seminars, tutorials, or video courses.

d. Teaching landscape architectural courses or seminars. Licensees may not claim more than three (3) hours for teaching landscape architectural courses or seminars. Licensees may not claim credit for teaching the same course more than once per reporting period.

C. Records

1. Responsibility for documenting the fulfillment of the continuing education requirements rests with the licensee and the licensee must retain for a period of four (4) years evidence to support fulfillment of the requirements. Such evidence shall include certificates of completion, course materials, or sign-in sheets that provide verification of the number of hours of each course or program; or, for other activities which meet the requirements, such documentation as to ascertain their completion.

2. Each licensee shall submit, in a format requested by the board, an affidavit attesting to the fulfillment of continuing education requirements during the preceding period.

3. Each affidavit may be subject to audit for verification of compliance with requirements. Licensees must comply with audit deadlines and requirements.

4. The board has final authority with respect to approval of courses, credit, continuing education hour value of courses, and other value of credit.

5. The board may disallow claimed credit for continuing education hours. The licensee shall have forty-five (45) calendar days after notification of disallowance of credit to substantiate the original claim or earn other continuing education credit which fulfills minimum requirements. These hours will be credited to the delinquent renewal period.

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6. Failure to fulfill the continuing education requirements, to file the required report or to comply with audit and verification requests shall be considered a violation of the Landscape Architectural Registration Law.

7. If a licensee exceeds the total continuing education required in any renewal period, the licensee may carry a maximum of ten (10) continuing education (CE) hours of Category 1 structured educational activities into the next renewal period.

D. Exemptions

Continuing education requirements may be waived for the following reasons:

1. New licensees shall be exempt for their initial licensure period.

2. 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 shall be exempt from obtaining the continuing education hours required during that year.

3. Licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished with any such exemption request made to the board thirty (30) days in advance of the renewal period.

4. Individuals who are at least sixty (60) years old and have thirty (30) years or more of licensed experience may request a waiver of the continuing education requirement by submitting a waiver form to the Board.

5. Licensees who are Board approved for Emeritus Status shall be exempt from requirements for continuing education hours.

76-7. Examination.

A. The Examination for Landscape Architecture shall be the LARE, or the examination offered by CLARB's successor.

B. The board may approve and administer all examinations or appoint qualified representatives to administer the examination.

C. The examination shall test the applicant's knowledge of landscape architecture as defined in Section 40-28-20(6).

D. To pass the examination an applicant must achieve a passing grade on each section.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Rationale:

The updated regulations will provide clarification and guidance on continuing education and clarify scoring on the licensure exam. They will also broaden the description of information applicants should provide to the Board regarding their employers from "mailing addresses" to "contact information"; require that seals be signed by the responsible landscape architect; and specify that licenses that expire are lapsed as opposed to invalid.