CHAPTER Lsa 400 CONTINUED STATUS

PART Lsa 401 RENEWAL OF LICENSE

Readopt with amendment Lsa 401.01, effective 3-10-25 (Document #14170), to read as follows:

Lsa 401.01 Expirations and Renewals. ~~Pursuant to RSA 310:8, I~~***L***icensees ***seeking to renew their license*** shall ***apply for renewal in accordance with*** ~~be renewed by written application~~***Plc 308.05*** prior to the expiration date and by payment of the prescribed renewal fee pursuant to Plc 1002. ~~The licensing bureau through OPLC shall notify each landscape architect in accordance with Plc 308.03. If properly renewed, a~~ ***Pursuant to RSA 310:8, II, a*** license shall be valid for 2 years from the date of issuance, unless suspended or revoked.

Repeal Lsa 401.02 through Lsa 401.04, effective 3-10-25 (Document #14170), as follows:

~~Lsa 401.02 Renewal of License. Any licensee wishing to renew a license shall submit an application as specified in Plc 308.05.~~

~~Lsa 401.03 Reserved~~

~~Lsa 401.04 Denial of Renewal. Renewal shall be denied if, after notice and an opportunity for hearing, the board finds:~~

~~(a) Noncompliance with the continuing education requirements of Lsa 403.01;~~

~~(b) Any act for which discipline shall be imposed under RSA 310-A:155;~~

~~(c) Reasons for which an initial application could be denied; or~~

~~(d) Failure to furnish complete or accurate information on an initial or renewal license application.~~

Readopt with amendment and renumber Lsa 401.05 effective 3-10-25 (Document #14170), as Lsa 401.02 to read as follows:

Lsa 401.0***2***~~5~~ Reinstatement ***An individual seeking to reinstate a license shall:***

(a) ~~The landscape architect shall a~~***A***pply for reinstatement in accordance with Plc 312***; and***~~.~~

(b) ~~The landscape architect shall s~~***S***ubmit the ~~reinstatement~~ fee as specified in Plc 1002.2***3***~~2~~.

Repeal Lsa 401.06, effective 3-10-24 (Document #13850), as follows:

~~Lsa 401.06 Denial of Reinstatement. Reinstatement shall be denied if, after notice and an opportunity for hearing, the board finds:~~

~~(a) Noncompliance with the continuing education requirements of Lsa 403.01;~~

~~(b) Any unethical act for which discipline shall be imposed under Lsa 500;~~

~~(c) Reasons for which an initial application could be denied; or~~

~~(d) Failure to furnish complete or accurate information on an initial, renewal license, or reinstatement application.~~

Readopt with amendment Lsa 402.01 through Lsa 402.03, effective 3-10-25 (Document #14170), to read as follows:

PART Lsa 402 DISCIPLINARY MATTERS

Lsa 402.01 Initiation of Disciplinary Action.

(a) Complaints, investigations, and the initiation of disciplinary actions shall be in accordance with Plc ***204 and Plc 206***~~310~~.

(b) Disciplinary proceedings shall be conducted in accordance with ***Plc 206,*** Plc 311***, and RSA 310:10***.

Lsa 402.02 Disciplinary Sanctions. Disciplinary sanctions shall be determined in accordance with Plc 311 ***and RSA 310:12***.

Lsa 402.03 Administrative Fines. ***Administrative fines shall be assessed in accordance with the factors in Plc 311.10 and Plc 311.11.***

~~(a) The board shall commence adjudicative procedures for the assessment of an administrative fine against any person subject to such fines or penalties under any provision of RSA 310:12 when the board possesses evidence indicating that a violation has occurred. Plc 311.12 shall govern the assessment and collection of administrative fines.~~

~~(b) Administrative fines shall not exceed the following amounts:~~

~~(1) When no violation of the same type has occurred within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed $200.00 per day or $1,000.00 per offense whichever is greater;~~

~~(2) When a single disciplinary infraction of the same type has occurred within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed $200.00 per day or $1,500.00 per offense whichever is greater;~~

~~(3) When more than one disciplinary infraction of the same type has occurred within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed $200.00 per day or $2,000.00 per offense whichever is greater; and~~

~~(4) In the case of continuing violations, a separate fine shall be assessed for each day the violation continues, but the total amount of the fine and the respondent's promptness and cooperativeness in ceasing the prohibited conduct in question shall be considered in assessing the daily fines. A single course of continuing conduct shall be treated as a single violation for purposes of Lsa 402.03 (c),(1), (2), and (3).~~

Repeal Lsa 402.04, effective 3-10-25 (Document #14170) as follows:

~~Lsa 402.04 Reserved~~

Readopt with amendment Lsa 403.01, effective 3-10-25 (Document #14170), to read as follows:

PART Lsa 403 CONTINUING ***EDUCATION*** ~~PROFESSIONAL DEVELOPMENT~~

Lsa 403.01 Renewal Requirements. ***Pursuant to RSA 310-A:150, each licensee shall obtain a minimum of 30 continuing education hours of approved continuing education in the preceding 24 months as a condition of license renewal. If a licensee exceeds the 30 hour continuing education requirement, a maximum of 15 continuing education hours may be carried forward into the subsequent renewal period***.

~~(a) A renewal application shall include evidence documenting the licensee's completion of the minimum required hours of approved professional development hours required by RSA 310-A:150 and list the specific basis for each credit.~~

~~(b) As required by RSA 310-A:150, each licensee shall obtain at least 30 continuing education hours of approved continuing education courses during the biennial renewal period as a condition of license renewal.~~

~~(c) If a licensee exceeds the minimum requirement, a maximum of 15 professional development hours may be carried forward into the subsequent renewal period.~~

Readopt with amendment Lsa 403.02, effective 3-10-24 (Document #13850), to read as follows:

Lsa 403.02 Reinstatement. An applicant ***seeking to change the status of their license from expired to active shall*** ~~may bring an inactive license to active status by~~ obtain ***a minimum of***~~ing~~ 30 continuing education hours within the immediately preceding 24 months.

Readopt with amendment Lsa 403.03 effective 3-10-24 (Document #14170), to read as follows:

Lsa 403.03 Continuing Education Hour Requirements. Continuing education hours shall ~~meet the following criteria:(a) Continuing education activities shall~~ be relevant to the practice of landscape architecture ~~or no credit shall be awarded~~. Such continuing education activities may include technical, ethical, or managerial content***. It shall be the responsibility of the licensee to retain records sufficient to prove, to the OPLC, satisfactory completion.***~~;~~

~~(b) The content of each presentation shall be well organized and presented in a sequential manner; and~~

~~(c) There shall be a provision for individual participant course and program registration including information required for record keeping and reporting.~~

Readopt with amendment Lsa 403.04 effective 3-10-24 (Document #13850), to read as follows:

Lsa 403.04 Continuing Education Hour Credits. Continuing education hours shall be credited per ~~renewal~~ cycle as follows:

(a) A maximum of 6 continuing education hours ~~shall~~ ***may be earned from participation on each*** ~~apply to activity on a~~ state or national board of licensure ***per biennium***;

~~(b) Courses or programs awarded one college semester hour of credit shall equal 45 continuing education hours; based on course credit established by the college or university;~~

~~(c) Courses or programs awarded one college quarter hour shall equal 30 continuing education hours;~~

(***b***~~d~~) ***Academic*** ~~C~~***c***ourses or programs award***ing***~~ed one continuing education unit~~ ***credit*** shall equal 10 continuing education hours ***per credit***;

(***c***~~e~~) ***Completing one clock-hour of course work, attending one clock-hour of a seminar, or attending one clock-hour professional technical presentations shall equal one continuing education hour;*** ~~Credit shall be awarded for one hour of continuing education in course work, seminars, or professional technical presentations made at meetings, conventions, or conferences for each hour of attendance. Attendance at qualifying programs presented at professional or technical society meetings shall earn continuing education hour units for the actual time of each program;~~

(f) ~~Teaching or i~~***I***nstructing ~~qualifying~~ courses***,*** ~~or~~ seminars***,*** or ***presenting one's original work, in the field of landscape architecture***~~making presentations~~ at technical meetings shall earn ***two*** continuing education hours ***per clock-hour of the course or presentation.*** ~~credit at twice that of participants.~~ ***Hours earned shall be awarded only once for instructing a course, regardless of how many times the course is subsequently instructed.*** ~~Teaching credit shall be valid for teaching a course or seminar for the first time only. Teaching~~ ***Full-time faculty shall not be eligible for continuing education hours by instruction.*** ~~credit shall not apply to full-time faculty;~~

(g) ~~Each p~~***P***ublish***ing***~~ed~~ ***one*** landscape architecture textbook shall equal 30 continuing education hours;

(h) ~~Each p~~***P***ublish***ing***~~ed~~ ***one*** landscape architecture paper or article shall equal 2 continuing education hours with a maximum of 6 continuing education hours;

(i) ***Serving as an officer or actively participating in a*** ~~Active participation in~~ professional or technical societ***y***~~ies~~ shall equal 4 ***12*** continuing education hours***;*** ~~and shall require that a registrant serve as an officer or actively participate in a committee of the organization;~~

(j) ***Being granted a*** ~~Credit awarded for one~~ patent shall equal 10 continuing education hours;

(k) Continuing education ***hours*** ~~credits~~ shall not be recognized for any repeat program attended or completed; and

(l) ***Serving as a member of*** ~~Active participation as a member or alternative of~~ a planning board, zoning board of adjustment, or conservation commission shall equal a maximum of ~~6~~ ***24*** continuing education hours.

(m) If a certificate of completion or attendance is unavailable for any of the continuing education activities listed in (a) - (l) above, the licensee shall attest to completion of said activities and hours.

Readopt with amendment Lsa 403.05 effective 3-10-25 (Document #14170), to read as follows:

Lsa 403.05 Record Keeping.

(a) The responsibility of maintaining records to be used to support continuing education credits claimed shall be the responsibility of the licensee ***for a minimum two renewal periods***.

(b) Records required to show completion of continuing education shall be one of the following:

(1) Verifying documentation or certification from the course provider, showing the type of activity claimed, sponsoring organization, and continuing education hours credits earned;

(2) Transcripts issued by Council of Landscape Architectural Registration Boards (CLARB) showing a listing of the courses taken by the applicant for renewal and the continuing education hours earned; or

(3) Transcripts issued by an accredited educational institution showing the applicant for renewal's name, the course taken, and number of credits attributed to the course.

(c) In accordance with Plc 308.04(b), when submitting continuing education hours licensees shall use the online system to track and report the completion of continuing competence activities.

~~(c) The licensee shall retain the records described in (b) above for a period of no less than 4 years. Such documentation shall be made available to the board for random audit or verification purposes. Documentation shall support continuing education hours claimed on the renewal form. Failure to provide documentation for audit verification shall result in disciplinary action.~~

~~(d) Not less than 3% of the licensees shall be randomly selected each year by the board to verify the licensees are in compliance with Lsa. 403.01.~~

Repeal Lsa 403.06 effective 3-10-24 (Document #13850), as follows:

~~Lsa 403.06 Exemptions. A licensee shall be exempt from the continuing education educational requirements if the licensee can establish, through the documentation required in Lsa 403.07, any of the following:~~

~~(a) A licensee is serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year; or~~

~~(b) Licensee is experiencing a disability, illness, or other extenuating circumstances which would prevent the licensee from completing the required continuing education hours.~~

Repeal Lsa 403.07 effective 3-10-24 (Document #13850), as follows:

~~Lsa 403.07 Waiver of Continuing Education Requirements or Extension of Deadline.~~

~~(a) A licensee who wishes to request a waiver of the continuing education requirements or an extension of the deadline shall do so by submitting the request as follows:~~

~~(1) The applicant for renewal files a request for a waiver or extension at least 30 days before the expiration of their license; or~~

~~(2) The applicant for renewal who submits the request listed in (a)(1) above less than 30 days prior to the expiration of the license shall submit a detailed written explanation, in addition to the required documentation, showing good cause, that includes serious accident, illness, or other circumstances beyond the control of the licensee, which actually prevented the licensee from requesting waiver at least 30 days prior to the license expiration date; and~~

~~(3) Provides one of the following types of documentation:~~

~~a. For an individual experiencing a disability or illness the relevant supporting documentation from the licensee's physician or medical professional that indicates that the applicant for renewal was incapacitated to such a degree that they could not have completed the continuing education requirements;~~

~~b. For an individual requesting a waiver of circumstances beyond the control of the licensee and not listed in a. above, documentation showing that the applicant for license renewal could not have reasonably completed the continuing education requirements; or~~

~~c. For an individual who is on active military duty, documentation showing that the applicant for license renewal was on active military duty for at least 120 consecutive days during the year immediately preceding year.~~

~~(b) A waiver of all or part of the continuing education requirement shall be granted provided the waiver petition meets the following criteria:~~

~~(1) The individual experiencing a disability or illness is incapacitated to a degree that completing the continuing education requirements is not possible;~~

~~(2) The circumstances beyond the control of the licensee continues past the renewal date and could not be completed even if an extension was granted; or~~

~~(3) The individual remains on active military duty past the expiration of their license.~~

~~(c) A waiver of the deadline for all or part of the continuing education shall be granted provided the petition meets the following criteria:~~

~~(1) The individual experiencing a disability or illness has been rehabilitated sufficient to complete all or part of the continuing education required within 3 months of the date the license was set to expire;~~

~~(2) The circumstances beyond the control of the licensee have been rectified and the licensee can complete all or part of the continuing education required within 3 months of the date the license was set to expire; or~~

~~(3) The individual has been discharged from active military duty and is able to complete all or part of the continuing education required within 3 months of the date the license was set to expire.~~

~~(d) The board shall not waive or grant an extension of continuing education requirements for 2 consecutive renewal periods.~~

Repeal Lsa 403.08 effective 3-10-24 (Document #13850), as follows:

~~Lsa 403.08 Noncompliance. Failure of a licensee to submit documentation of continuing education required by Lsa 403.03, when requested to do so per Lsa 403.05(d), shall result in the issuance of a notice of hearing to the licensee to determine if there has been a violation of the board's rules and laws.~~

APPENDIX

RULE	STATUTE
Lsa 401.01	RSA 310:8, II & III; RSA 310-A:143, I(d)
Lsa 401.02 (Repeal)	RSA 310:8, II and III
Lsa 401.03 (Repeal)	2025, 161:3
Lsa 401.04 (Repeal)	2025, 161:3
Lsa 401.02 (formerly Lsa 401.05)	RSA 310:8, III
Lsa 401.06 (Repeal)	2025, 161:3
Lsa 402.01	RSA 310:10, II;
Lsa 402.02	RSA 310:10, II, VII; RSA 310:12
Lsa 402.03	RSA 310:12, I(e); RSA 310:12, V
Lsa 402.04 (Repeal)	2025, 161:3
Lsa 403.01	RSA 310-A:150; RSA 310-A:143, I (d)
Lsa 403.02	RSA 310-A:143, I(d)
Lsa 403.03	RSA 310-A:143, I(d); RSA 310-A:150
Lsa 403.04	RSA 310-A:150
Lsa 403.05	RSA 310-A:143, I(f)
Lsa 403.06 (Repeal)	RSA 310-A:143, I (d); 2025, 161:3, II
Lsa 403.07 (Repeal)	RSA 310-A:143, I (d); 2025, 161:3, II
Lsa 403.08 (Repeal)	RSA 310-A:143, I (d); 2025, 161:3, II