LANDSCAPE ARCHITECTURAL EXAMINING BOARD[193D]

Regulatory Analysis

Notice of Intended Action to be published: 193D—Chapter 2
"Examinations and Licensing"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 544B.5

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 544B and Executive Order 10

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 19, 2024	6200 Park Avenue
2:30 to 3 p.m.	Des Moines, Iowa

Information on virtual participation will be available on the Department of Inspections, Appeals, and Licensing (DIAL) website prior to the hearing.

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by DIAL no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Ashley Thompson
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.725.9028
Email: ashley.thompson@iowa.gov

Purpose and Summary

This chapter sets forth prelicensing and examination requirements for applicants, as well as renewal and reinstatement requirements for licensed landscape architects to ensure competency and continued competency. It includes definitions relating to prelicensing, examinations, renewal and reinstatement.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Licensees are responsible for the cost of prelicensing requirements. There are multiple private entities that provide prelicensing courses to licensees.

- **Classes of persons that will benefit from the proposed rulemaking:**

The public and professionals benefit from the proposed chapter. Establishing minimum registration requirements ensures that licensees are competent to practice landscape architecture. Without having an established threshold for those who wish to practice landscape architecture, individuals who are not appropriately trained could cause serious harm to the public.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Estimates of the costs of education and other registration requirements to become an Iowa licensed landscape architect are:

- Education: Fees vary because education can be earned at a community college or university.
- Experience/training: There is not usually a cost because landscape architects are paid for their work at a firm.
- Examination fee: There are four sections within the Landscape Architect Registration Examination, and each section has its own fee: Inventory, Analysis, and Project Management, $535; Planning and Designing, $535; Construction, Documentation and Administration, $535; and Grading, Draining, and Stormwater Management, $535. (Fees are paid to the Council of Landscape Architectural Registration Boards).
- Iowa registration fee: $300.

- **Qualitative description of impact:**

In order to regulate and register professions as directed in statute, base standards for registration are critical to protecting public safety. The cost of inaction would increase the potential for injury to the public by a registrant who is not qualified to perform the work of a landscape architect.

There has been a historical belief that continuing education has a public safety benefit because it ensures the licensed professionals are receiving education on up-to-date standards of practice and potentially reduces the number of complaints. While there is no evidence to prove this correlation, this has been a long-standing belief that boards around the country have held, as is evidenced by the fact that most other boards require continuing education.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Costs to the agency are the staff time needed to manage Landscape Architect Examining Board activities, which includes managing applications for initial registrations, renewal, and reinstatement. The Board utilizes approximately two full-time equivalent (FTE) positions to process license applications and answer applicant and licensee questions. Those two FTE positions work for other boards under DIAL as well. Staff salaries to support the work of the board are covered by the Licensing and Regulation Fund. Licensing fees go into the fund to cover the costs of the Board regulations.

- **Anticipated effect on state revenues:**

Costs associated with implementing this rule are paid by individual registrants, not the State. There is no anticipated impact by this rule to state revenues. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund. Registration fees go to the fund to cover the operations of the regulated professional licensing boards.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The Board believes the current requirements ensure public safety and ensure a minimum competency of service is provided to Iowans.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The Board believes the current initial registration requirements ensure public safety and ensure a minimum competency of service is provided to Iowans. The Board believes the benefits achieved justify the cost of registration for this profession because it ensures that Iowans are able to safely practice landscape architecture.

The initial registration fees for neighboring states are as follows: Minnesota's is $195, Illinois' is $100, Missouri's is $100, Kansas' is $250, and Nebraska's is $250. Iowa's initial fee is $300.

While Iowa's registration fee is highest, Iowa does not require a parent firm license and the associated fees that other states do. In addition, DIAL is looking at the fee structure, so changes may happen in the future. Until decisions are made at the division and department levels, fees remain the same.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The Board has not identified a more cost-effective alternative to licensure. While Iowa could deregulate the landscape architect profession, it would be the only state to do so. The Board believes all current requirements assure public safety and ensure minimum competency of care is provided to Iowans. The Board believes the benefits achieved justify the cost of reregistration of this profession because it ensures that Iowans are able to safely interact with the built environment. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Board would be concerned about the public safety of Iowans in that scenario.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

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Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rule relates to public safety concerns that are present whether the business is a small business or a large organization. The rule is meant to ensure public safety in terms of registration requirements. While some landscape architects likely are running a small business of their own, some work for large corporations and firms. To exempt a small business from adhering to this chapter would jeopardize any member of the public who sought services from that small business. The risk to the public is greater than the potential harm or cost to the small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 193D—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
EXAMINATIONS AND LICENSING

193D—2.1(544B,17A) Application for licensure by examination.

2.1(1) Candidates will contact CLARB to start the examination licensure process by creating a council record. A candidate's council record will include verified history of the candidate's education,

experience, examination and licensure history, and professional references and is used to apply for examination, licensure and certification.

2.1(2) The candidate who successfully completes the LARE will complete an online application for certificate of licensure to the board after meeting one of the requirements listed below and requesting that the candidate's council record be transmitted to the board.

a. Graduation from a course in landscape architecture in a school, college, or university offering an accredited minimum four-year curriculum in landscape architecture, and a minimum of three years of practical experience in landscape architectural work that in the opinion of the board is of satisfactory character, at least one year of which must be under the supervision of a professional landscape architect or a person who becomes a professional landscape architect within one year after July 1, 2002.

b. Graduation from a nonaccredited course of landscape architecture of a minimum of four years in a school, college, or university and a minimum of four years of practical experience in landscape architectural work that in the opinion of the board is of satisfactory character, at least one year of which must be under the supervision of a professional landscape architect.

c. A minimum of ten years of practical experience in landscape architectural work that in the opinion of the board is of satisfactory character to properly prepare the applicant for the examination.

2.1(3) A satisfactorily completed year of study in an accredited course of landscape architecture in an accredited school, college, or university may be accepted in lieu of one year of practical experience.

2.1(4) A master's degree from an accredited school, college, or university may be accepted in lieu of one year of practical experience.

2.1(5) Any four-year college or university degree may be accepted in lieu of two years of practical experience.

193D—2.2(544B,17A) Procedure for processing applications. The board executive will determine when the legal requirements for licensure have been satisfied with regard to issuance of certificates, licenses or registrations, and the board executive will submit to the board any questionable application. An applicant's personal appearance before the board, if required, will be at the time and place designated by the board. Failure to supply additional evidence or information within 30 days from the date of the written request from the board, or failure to appear before the board when an appearance is requested, may be considered cause for disapproval of the application. Unless otherwise provided by law, a request for a rehearing before the board will be filed with the board in accordance with rule 193—7.39(543,272C). A judicial review can be filed in accordance with Iowa Code section 17A.19.

193D—2.3(544B,17A) Registration of applicants. Applicants must meet requirements of Iowa Code section 544B.9 for registration.

193D—2.4(544B,17A) Written examination. The written examination will consist of the professional landscape architectural licensure examination published by CLARB and may include supplementary questions developed by the board.

193D—2.5(544B,17A) Exemption from written examination. The board may exempt from written examination an applicant who meets one of the following criteria:

2.5(1) The applicant holds a current CLARB certificate;

2.5(2) The applicant holds a license to practice landscape architecture issued upon written examination by another jurisdiction and has submitted a certificate from the jurisdiction of original licensure verifying that the applicant passed the examination in that jurisdiction; or

2.5(3) The applicant:

a. Holds an active license to practice landscape architecture issued by another jurisdiction whose current licensure requirements, including the examination requirements, are substantially

equivalent to or exceed those required for licensure as a landscape architect in Iowa, and during the time period in which the applicant was issued an initial license in the other jurisdiction, that jurisdiction did not require a written examination for initial applicants but did require board review and approval of education and experience designed to demonstrate competence to practice;

b. Was grandfathered in under the laws of the other jurisdiction before written examinations for initial licensure were mandated by the other jurisdiction; and

c. Submits a certificate from the jurisdiction of original licensure verifying that the applicant was licensed during the period in which there was no written examination and submits proof of license in good standing.

193D—2.6(544B,17A) Certificate of licensure. When an applicant has qualified for licensure under this chapter and has paid the required license fee, board staff will enroll the applicant's name in the roster of professional landscape architects and issue to the applicant a certificate of licensure.

2.6(1) *License number.* The certificate will indicate the license number of the landscape architect which must appear on the professional landscape architect's seal and on all works signed by the professional landscape architect.

2.6(2) *Certificate.* Only one certificate of licensure will be issued to a professional landscape architect. The certificate will be displayed in a conspicuous place at the place of employment.

193D—2.7(17A,272C,544B) Renewal of certificates of licensure. Certificates of licensure expire biennially on June 30. In order to maintain authorization to practice in Iowa, a licensee is required to renew the certificate of licensure prior to July 1 of the year of expiration. A licensee who fails to renew by the expiration date is not authorized to practice landscape architecture in Iowa until the certificate is reinstated as provided in rule 193D—2.8(544B,17A).

2.7(1) It is the policy of the board to email to each licensee a notice of the pending expiration date at the licensee's last-known address approximately one month prior to the date the certificate of licensure is scheduled to expire. Failure to receive this notice does not relieve the licensee of the responsibility to timely renew the certificate and pay the renewal fee. A licensee should contact the board office if the licensee does not receive a renewal notice prior to the date of expiration.

2.7(2) If grounds exist to deny a timely and sufficient application to renew, the board will send notification to the applicant. Grounds may exist to deny an application to renew if, for instance, the licensee failed to satisfy the continuing education as required as a condition for licensure. If the basis for denial is pending disciplinary action or disciplinary investigation that is reasonably expected to culminate in disciplinary action, the board will proceed as provided in 193—Chapter 7. If the basis for denial is not related to a pending or imminent disciplinary action, the applicant may contest the board's decision as provided in 193—subrule 7.40(1).

2.7(3) When a licensee appears to be in violation of mandatory continuing education requirements, and after or in lieu of giving the licensee an opportunity to come into compliance under 193D—subrule 3.3(3), the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in rule 193—7.40(546,272C), offer the licensee the opportunity to sign a consent order. While the terms of the consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between $50 and $250, depending on the severity of the violation; establish deadlines for compliance; and require that the licensee complete hours equal to double the deficiency in addition to the required hours; and may impose additional educational requirements on the licensee. Any additional hours completed in compliance with the consent order cannot again be claimed at the next renewal. The board will address subsequent offenses on a case-by-case basis. A licensee is free to accept or reject the offer. If the offer of settlement is accepted, the licensee will be issued a renewed certificate of licensure and will be subject to disciplinary action if the terms of the consent order are not complied with. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the licensee pursuant to 193—subrule 7.40(1).

2.7(4) The board may notify licensees whose certificates of licensure have expired. The failure of the board to provide this courtesy notification or the failure of the licensee to receive the notification will not extend the date of expiration.

2.7(5) A licensee who continues to practice landscape architecture in Iowa after licensure has expired will be subject to disciplinary action. Such unauthorized activity may also be grounds to deny a licensee's application for reinstatement.

2.7(6) Licensees will notify the board within 30 days of any change of address or business connection.

2.7(7) Inactive status. This subrule establishes a procedure under which a person issued a certificate of licensure as a landscape architect may apply to the board to register as inactive. Licensure under this subrule is available to a licensee residing within or outside the state of Iowa who is not using the title "landscape architect" while offering services as a landscape architect. A person eligible to register as inactive may, as an alternative to licensure, allow the certificate of licensure to lapse. During any period of inactive status, a person will not engage in the practice of landscape architecture while using the title "landscape architect" or any other title that might imply that the person is offering services as a landscape architect in violation of Iowa Code section 544B.18. The board will continue to maintain a database of persons licensed as inactive, including information that is not routinely maintained after a certificate of licensure has lapsed through the person's failure to renew. A person who registers as inactive will accordingly receive a renewal notice if the notice is sent by the board, board newsletters, and other mass communications from the board.

a. Affirmation. The renewal application will contain a statement in which the applicant affirms that the applicant will not engage in the practice of landscape architecture while using the title "landscape architect" in violation of Iowa Code section 544B.18, without first complying with all rules governing reinstatement to active status. A person on inactive status may reinstate to active status at any time pursuant to rule 193D—2.8(544B,17A).

b. Renewal. A person licensed as inactive may renew the person's certificate of licensure on the biennial schedule described in this rule. This person will be exempt from the continuing education requirements and will be charged a reduced renewal fee as provided in rule 193D—2.10(544B,17A). An inactive certificate of licensure will lapse if not timely renewed.

c. Permitted practices. A person may, while licensed as inactive, perform for a client, business, employer, government body, or other entity those services which may lawfully be provided by a person to whom a certificate of licensure has never been issued. For an "inactive" licensee, such services may be performed as long as the person does not in connection with such services use the title "landscape architect" or any other title restricted for use only by landscape architects pursuant to Iowa Code section 544B.18 (with or without additional designations such as "inactive"). Restricted titles may be used only by active landscape architects who are subject to continuing education requirements to ensure that the use of such titles is consistently associated with the maintenance of competency through continuing education.

d. Prohibited practices. A person who, while licensed as inactive, engages in any of the practices described in Iowa Code section 544B.18 is subject to disciplinary action.

193D—2.8(544B,17A) Reinstatement.

2.8(1) An individual may reinstate a lapsed certificate of licensure to active status as follows:

a. Pay the current renewal fee;

b. Pay the reinstatement fee of $100 plus $25 per month or partial month of expired licensure up to a maximum of $750. All applicants for reinstatement shall be assessed the $100 reinstatement fee. The $25-per-month fee shall not be assessed if the applicant for reinstatement did not, during the period of lapse, engage in any acts or practices for which an active landscape architect license is required in Iowa. Falsely claiming an exemption from the monthly fee is a ground for discipline; in addition, other grounds for discipline may arise from practicing on a lapsed certificate, license or permit to practice;

c. Provide a written statement outlining the professional activities that the applicant performed in Iowa during the period of nonlicensure. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant; and

d. Submit documented evidence of completion of continuing education based on the licensee's date of licensure.

(1) A professional landscape architect who holds a license in Iowa for less than 12 months from the date of initial licensure will not be required to report continuing education on the June 30 renewal on which the applicant failed to renew and 12 continuing education hours for each year or portion of a year of expired licensure up to a maximum of 48 continuing education hours; however, the hours reported will not have been earned more than four years prior to the date of the application to reinstate to active status.

(2) A professional landscape architect who holds a license in Iowa for more than 12 months, but less than 24 months from the date of initial licensure, will be required to report 12 contact hours that should have been reported on the June 30 renewal on which the applicant failed to renew and 12 continuing education hours for each year or portion of a year of expired licensure up to a maximum of 48 continuing education hours; however, the hours reported will not have been earned more than four years prior to the date of the application to reinstate to active status.

(3) A professional landscape architect who holds a license in Iowa for 24 months or more from the date of initial licensure will be required to report 24 contact hours that should have been reported on the June 30 renewal on which the applicant failed to renew and 12 continuing education hours for each year or portion of a year of expired licensure up to a maximum of 48 continuing education hours; however, the hours reported shall not have been earned more than four years prior to the date of the application to reinstate to active status.

(4) All continuing education hours must be completed in health, safety, and welfare subjects acquired in structured educational activities and be in compliance with requirements in 193D—Chapter 3. The continuing education hours used for reinstatement may not be used again at the next renewal.

(5) Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonlicensure. The statement will bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education will comply with the documented evidence requirements outlined in this subrule.

2.8(2) An individual may reinstate an inactive license to an active license as follows:

a. The individual will pay the current active licensure fee. If the individual is reinstating to active status at a date that is less than 12 months from the next biennial renewal date, one-half of the current active licensure fee will be paid.

b. The individual will submit documented evidence of completion of 24 contact hours of continuing education in health, safety, and welfare subjects in compliance with requirements in 193D—Chapter 3. The continuing education hours used for reinstatement to active status cannot be used again at the next renewal.

c. Continuing education for subsequent renewals.

(1) At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of licensure to active status, the individual will not be required to report continuing education.

(2) At the first biennial renewal date of July 1 that is more than 12 months, but less than 24 months, from the date of the filing of the application to restore the certificate of licensure to active status, the individual will report 12 hours of previously unreported continuing education.

d. Provide a written statement in which the applicant affirms that the applicant has not engaged in any of the practices in Iowa that are listed in Iowa Code section 544B.1(2) during the period of inactive licensure.

2.8(3) The board will review reinstatement applications on a case-by-case basis and may, at its discretion, require that the applicant take the LARE as a prerequisite to reinstatement to active status.

193D—2.9(544B,17A) Responsibility for accuracy of applications. The landscape architect is responsible for verifying the accuracy of the information submitted on applications regardless of how the application is submitted or by whom it is submitted. For instance, if the office manager of a landscape architect's firm submits an application for renewal on behalf of the landscape architect and that information is incorrect, the landscape architect will be held responsible for the information and may be subject to disciplinary action.

193D—2.10(544B,17A) Fee schedule. The appropriate fee shall accompany the application.

Fees for examination subjects shall be paid directly to the testing service selected by CLARB.	
Exemption fee	$300
(This certificate of licensure is to be effective to the June 30 which is at least 12 months beyond the date of the application.)	
Wall certificate replacement fee	$25
Certificate of licensure fee	$15/month
(This certificate of licensure is to be effective the day of board action until June 30.)	
Biennial licensure fee (active)	$350
Biennial licensure fee (inactive)	$100
Reinstatement of lapsed licensure to active status	$100 + renewal fee + $25 per month or partial month of lapsed licensure; not to exceed $750
Reinstatement of inactive or retired status to active status	$350
(If less than 12 months from the next biennial renewal, one-half of the current active licensure fee shall be paid.)	
Prelicense determination fee	$25

These rules are intended to implement Iowa Code chapters 17A and 544B and Executive Order 10.