

**CALIFORNIA ARCHITECTS BOARD  
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE  
INITIAL STATEMENT OF REASONS**

Hearing Date: **September 27, 2016**

Subject Matter of Proposed Regulation: **Form of Examinations**

Section Affected: California Code of Regulations (CCR), Title 16, Division 26, Section 2615

As a result of legislative reorganization, the Landscape Architects Technical Committee (LATC), established on January 1, 1998, replaced the former Board of Landscape Architects and was placed under the purview of the California Architects Board (Board). Business and Professions Code (BPC) section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations that are reasonably necessary in order to carry out the provisions under the Landscape Architects Practice Act.

**1. PURPOSE**

BPC section 5650 requires candidates for licensure to have a combination of six years education and training in landscape architecture to qualify for the licensing examination. BPC section 5651 requires candidates to pass a written examination as a means of ascertaining their professional qualifications to practice, prior to receiving a license.

BPC section 5651 allows the Board to waive the written examination for candidates currently licensed in a United States jurisdiction, Canadian province, or Puerto Rico who have passed a written examination equivalent to that which is required in California at the time of application, have submitted proof of job experience equivalent to that required of Californian applicants at the time of application, and have passed the California Supplemental Examination (CSE) if, at the time of application, it is required of California applicants.

Currently, CCR section 2615(c)(1) allows candidates licensed in a United States jurisdiction, Canadian province, or Puerto Rico by having passed a written examination equivalent in scope and subject matter required in California as determined by the Board, to be eligible for licensure upon passing the CSE.

The problem being addressed is that the LATC receives applications for reciprocal licensure from individuals licensed in jurisdictions where additional years of experience could be substituted for education in meeting the prerequisites for taking the licensing examination. Under current California laws and regulations, these individuals are precluded from licensure here because they do not meet the education requirements of this state, even though they have been practicing in other jurisdictions and thus have additional years of training.

This proposal would amend CCR section 2615(c)(1) by adding provisions that candidates applying for California licensure based on licensure in another jurisdiction must submit verifiable documentation that they have education and experience equivalent to that required of

California applicants or, if they do not meet the education experience requirement, that they hold a current license in good standing in another jurisdiction where they have been actively engaged in the profession for at least 10 of the last 15 years.

### FACTUAL BASIS/RATIONALE

The LATC has received and continues to receive reciprocal licensure requests from candidates licensed in other jurisdictions, many for several years, who do not meet the educational requirements of BPC section 5650. In 2013, LATC began discussing the issue of equitable reciprocal licensure with other jurisdictions and reviewing the education, training and examination requirements of other states.

Research reveals that education and/or experience is required by all states to qualify for the licensing examination. Only 4 states allow candidates to take the licensing examination upon completion of an undergraduate or graduate degree in landscape architecture with no experience requirement; 31 states allow candidates to take the examination on the basis of experience alone, with a range of 6 to 12 years required; 5 states have specific provisions that allow reciprocity only if their licensees are granted reciprocity in return; and, 6 states grant reciprocity on the basis of having a Council of Landscape Architectural Registration Boards' (CLARB) certification (which certifies education and/or experience, and passage of the licensing examination).

At its November 2013 meeting, LATC discussed the fact that BPC section 5650 requires a combination of six years education **and** training as a prerequisite for licensure in California. Therefore, the law precludes licensing in California for candidates licensed in jurisdictions where education was not a component of initial licensure, even though they may have been practicing safely and competently for many years.

LATC asked legal counsel if there is a way to make reciprocity requirements for education less prescriptive to allow more flexibility in evaluating the qualifications of candidates licensed in other states. At the March 2014 LATC meeting, Department of Consumer Affairs (DCA) legal counsel advised that a regulatory change would be needed to consider reciprocity for applicants who have not met California's education requirement.

At its February 2015 meeting, LATC directed staff to provide the reciprocity requirements of Arizona and New York, states with similar licensing populations as California. LATC also discussed the current combination six year education and training requirements candidates must complete prior to taking the licensing examination and noted that candidates can qualify for the examination with an associate degree in landscape architecture (1 year of educational credit) and 5 years training/experience. Once a candidate has successfully passed the examination, he/she is deemed to be minimally competent for entry level practice. During the discussion, LATC expressed the belief that licensed professionals continue to learn and gain expertise with each year of practice. Their opinion was that a substantial number of years of post-licensure experience would demonstrate an individual's competence to practice safely, even though they may not have met California's minimum educational experience requirements.

At its November 2015 meeting, LATC reviewed Arizona's and New York's reciprocity standards. Arizona allows reciprocity if the applicant's education, experience and examination were "substantially identical" to the requirements that existed in Arizona at the time they were originally licensed. Arizona allows candidates to test, without education, if they have 8 years of experience. New York grants reciprocity to applicants who hold a current license, have passed the written examination given in the jurisdiction in which they were licensed, and met New York's requirements at the time their license was issued in the other jurisdiction. New York also allows candidates to test, without education, if they have 12 years of experience. Both New York and Arizona accept 10 years of licensed experience for the purpose of reciprocity in lieu of meeting their degree and experience requirements.

Before making a decision on whether to consider years of licensed experience in lieu of education for reciprocity candidates, the LATC discussed the importance of recent and current practice as they relate to competency in offering skills that are up to date with changes in the profession. One way to ensure that practitioners maintain their knowledge and skills is to require periodic license renewal. In California, BPC section 5680 mandates that licenses be renewed every two years and CCR section 2624.1 specifies that licenses that have been expired for more than five years, cannot be renewed.

After discussion and based on the information provided above, LATC voted to approve an amendment to CCR section 2615(c)(1) to add provisions that candidates applying for California licensure based on licensure in another jurisdiction must submit verifiable documentation that they either possess both education and experience equivalent to that required of California applicants or, if they do not meet the education requirement, that they hold a current license in good standing in another jurisdiction where they have been actively engaged in the profession for at least 10 of the last 15 years.

#### UNDERLYING DATA

1. LATC Strategic Plans – 2013/14, 2014/15 and 2015/16
2. Summary Report – LATC Meeting, November 17, 2015
3. Summary Report – LATC Meeting, May 13, 2015
4. Summary Report – LATC Meeting, February 10, 2015
5. Summary Report – LATC Meeting, March 20, 2014
6. Summary Report – LATC Meeting, November 7, 2013
7. Arizona Administrative Code, Title 4, Section R4-30-203 (Waiver of Examination)
8. New York Education Law, Article 148, Section 7324 (Requirements for a professional license)
9. Landscape Architects - Initial Licensure and State Specific Eligibility Requirements
10. National Landscape Architects – Eligibility and Reciprocity Requirements

## BUSINESS IMPACT

This regulation will not have a significant adverse economic impact on directly affecting business, including the ability of California businesses to compete with business in other states, because it affects only candidates for examination and licensure.

## ECONOMIC IMPACT ASSESSMENT

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because it only affects candidates for examination and licensure.
- It will not create new business or eliminate existing businesses within the State of California because it only affects candidates for examination and licensure.
- It will not affect the expansion of businesses currently doing business within the State of California because it only affects candidates for examination and licensure.
- This regulatory proposal will continue to protect the health and welfare of California residents because it allows individuals who have extensive experience practicing in another jurisdiction to obtain California licensure.
- This regulatory proposal does not affect worker safety because it is not related to worker safety in any manner.
- This regulatory proposal does not affect the state's environment because it is not related to the environment in any manner.

## SPECIFIC TECHNOLOGIES OR EQUIPMENT

This regulation does not mandate the use of specific technologies or equipment.

## CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.