

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 26 – BOARD OF LANDSCAPE ARCHITECTS

Rule-making Agency: *Board of Landscape Architects*

Rule Citation: *21 NCAC 26 .0309*

Effective Date: *May 6, 2020*

Findings Reviewed and Approved by the Codifier: *April 29, 2020*

Reason for Action: *On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. The COVID-19 is a respiratory disease that can result in serious illness or death. The COVID-19, previously unidentified in humans, spreads easily from person to person. Once an outbreak of the COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. On March 12, 2020, the Governor of North Carolina and the NC Department of Health and Human Services recommended high risk persons stay at home, that schools implement plans for distance or e-learning, that employers and employees use teleworking technologies, and that mass gatherings should cancel, postpone, and modify these events or offer online streaming services. On March 14, 2020, the Governor of North Carolina issued Executive Order No. 117 that prohibited mass gatherings, closed schools, and urged social distancing. On April 23, 2020 the Governor extended the effective date on these various Executive Orders through at least May 8, 2020. This rule would extend the continuing education deadline for license renewal since most course would not be in compliance with the Governor's Executive Orders.*

SECTION .0300 - EXAMINATION AND LICENSING PROCEDURES

21 NCAC 26 .0309 EXEMPTIONS AND EXTENSION OF TIME

(a) A registrant shall be exempt from the continuing education requirements for any of the following reasons:

- (1) New registrants by way of examination or comity for the current registration year.
- (2) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 90 consecutive days in a year or as provided by G.S. 93B-15(b), whichever is greater.
- (3) A licensee experiencing physical disability or illness if supporting documentation is approved by the Board. Such documentation shall be in the form of a sworn statement by the registrant, a statement from a physician, or medical records which show that the disability or illness, prevented registrant's participation in a course that the registrant had enrolled, or prevented registrant's participation in the continuing education program for at least 90 consecutive days in a year.
- (4) A licensee with emeritus status from the Board.

(b) In order to return to active practice, registrants who have received an exemption shall complete continuing education requirements for each exempted year, not to exceed two years.

(c) During a National or State declared state of emergency which restricts or prohibits a licensee from obtaining by active participation approved Board continuing education the Board may extend the compliance period up to 90 days beyond the effective period of the state of emergency. Any license renewed in reliance on this exemption shall be issued conditionally and shall automatically expire on September 30, 2020 or on the 90th day, whichever is later, if compliance is not documented in the licensee's secure on-line portal by that date.

*History Note: Authority G.S. 89A-3.1(6); 89A-5; 93B-15;
Eff. March 1, 2015;
Emergency Amendment Eff. May 6, 2020.*

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email oah.postmaster@oah.nc.gov.

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Notice is hereby given in accordance with G.S. 150B-21.1 that the Board of Landscape Architects intends to amend the rule cited as 21 NCAC 26 .0309.

Codifier of Rules approved this rule as an emergency rule effective May 6, 2020 and received for publication the following notice and proposed temporary rule on April 29, 2020.

Public Hearing:

Date: May 12, 2020

Time: 2:00 p.m.

Location: (via telephone conference call) ((877) 366-0711; participant code: 11805810#)

Reason for Proposed Temporary Action: On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. The COVID-19 is a respiratory disease that can result in serious illness or death. The COVID-19, previously unidentified in humans, spreads easily from person to person. Once an outbreak of the COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. On March 12, 2020, the Governor of North Carolina and the NC Department of Health and Human Services recommended high risk persons stay at home, that schools implement plans for distance or e-learning, that employers and employees use teleworking technologies, and that mass gatherings should cancel, postpone, and modify these events or offer online streaming services. On March 14, 2020, the Governor of North Carolina issued Executive Order No. 117 that prohibited mass gatherings, closed schools, and urged social distancing. On April 23, 2020 the Governor extended the effective date on these various Executive Orders through at least May 8, 2020. This rule would extend the continuing education deadline for license renewal since most course would not be in compliance with the Governor's Executive Orders.

Comment Procedures: Comments from the public shall be directed to: Barbara U. Geiger, Post Office Box 41225, Raleigh, NC 27629-1225; phone 919-850-9088; fax 919-872-1598; email contact@ncbola.org. The comment period begins May 6, 2020 and ends May 20, 2020.

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Authority G.S. 89A-3.1(6); 89A-5; 93B-15.