

Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

**INDEPENDENT REGULATORY
REVIEW COMMISSION**

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Independent Regulatory
Review Commission

July 10, 2024

IRRC Number: 3411

(1) Agency

Department of State, Bureau of Professional and
Occupational Affairs, State Board of Landscape Architects

(2) Agency Number: 16A

Identification Number: 6121

(3) PA Code Cite:

49 Pa. Code §§ 15.1, 15.57, 15.58 and 15.59

(4) Short Title:

Licensure by Endorsement

(5) Agency Contacts (List Telephone Number and Email Address):

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(6) Type of Rulemaking (check applicable box):

PROPOSED REGULATION

Final Regulation

Final Omitted Regulation

Emergency Certification Regulation;

Certification by the Governor

Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement. Under 63 Pa.C.S. § 3111(a)(1), the Board must determine whether another jurisdiction's standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111(a)(2) requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application. Under 63 Pa.C.S. § 3111(b)(2), the Board must establish, by regulation, the expiration of the provisional endorsement license. This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license. Applicants for licensure by endorsement will pay the application fee for a licensure by endorsement, as provided in § 15.12 (relating to fees).

(8) State the statutory authority for the regulation. Include specific statutory citation.

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: 1) holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; 2) demonstrates competency; 3) has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines the conduct is not an impediment to granting the license, certificate, registration or permit; 4) is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the board or commission determines the conduct is not an impediment to granting the license, certificate, registration or permit; and 5) the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. Further, section 4(9) of the Landscape Architects Registration Law (act) (63 P.S. § 904(9)) authorizes the Board to adopt and promulgate administrative rules and regulations, not inconsistent with the act, as are deemed necessary and proper by the Board to carry into effect the powers conferred by the act.

The act of July 1, 2020 (P.L. 545, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

63 Pa.C.S. § 3111(a)(5) requires the Board to set the fee to be charged by regulation and subsection (b)(2) requires the Board to set an expiration of the provisional endorsement license. Otherwise, this rulemaking is not mandated by any Federal or state law or court order, or Federal regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed to implement 63 Pa.C.S. § 3111 to provide for licensure by endorsement to applicants from other states, territories and countries. 63 Pa.C.S. § 3111 was enacted due to a recognition that licensed professionals from other jurisdictions have difficulty obtaining a license to practice in this Commonwealth. Licensure by endorsement under 63 Pa.C.S. § 3111 eliminates unnecessary barriers to licensure for citizens from other jurisdictions and for military personnel and their spouses while maintaining sufficient safeguards to ensure public protection. 63 Pa.C.S. § 3111 enables boards and commissions under the Bureau of Professional and Occupational Affairs (Bureau) to issue a license by endorsement, and further provides for a provisional endorsement license to quickly move these professionals into the workforce without unnecessary delays, which reduces the barriers to employment.

Since the effective date of Act 41 (August 30, 2019), the Board has received and considered four licensure by endorsement applications. Of the four applications, the Board has issued four licenses. Based upon the number of applications received, the Board estimates receiving 10 applications on an annual basis.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no federal standards applicable to the subject matter of the regulation.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

This regulation will not adversely affect Pennsylvania's ability to compete with other states. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. The purpose of 63 Pa.C.S. § 3111 is also to reduce barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board's proposed regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy. Surrounding states also have similar laws and regulations for licensure by endorsement in the landscape architecture field.

Comprehensive Licensure by Endorsement

In comparing the proposed regulation to other states, the Board researched states in the Northeastern region of the United States. The Board identified one other state (New Jersey) that has a comprehensive license by endorsement law applicable across multiple professional licensing boards. Similar to 63 Pa.C.S. § 3111, New Jersey requires its professional licensing boards to issue a license to any person who holds a current professional or occupational license in good standing whose licensure standards are substantially equivalent to the current standards of New Jersey. Similar to 63 Pa.C.S. § 3111, New Jersey requires applicants to demonstrate competency through its requirement of practicing within 5 years prior to the date of the application. Pennsylvania allows more options for demonstrating competency, including completion of continuing education. In addition, Pennsylvania gives its licensing boards the discretion to determine other methods for demonstrating competency such as successful passage of an examination. Thus, Pennsylvania's competency requirements are similar to New Jersey while providing even more ways to demonstrate competency. Additionally, unlike 63 Pa.C.S. § 3111, the New Jersey comprehensive licensure by endorsement statute does not provide discretion to issue a discretionary provisional license.

Board-Specific Licensure by Endorsement – Landscape Architects

The Board also researched whether other landscape architect state boards have similar licensure by endorsement laws and regulations applicable to landscape architects. For those states that have similar licensure by endorsement laws and regulations applicable to landscape architects, the Board compared the following criteria: eligibility requirements (substantial equivalence or other standard); competency methods; and provisional licenses, including expiration of the provisional license.

The Landscape Architect Registration Examination (LARE) is the national licensing examination administered by the Council of Landscape Architectural Registration Boards (CLARB) on behalf of all state licensure boards that regulate the landscape architecture profession. It is a four-part, fully

computerized exam designed to determine one's competence to practice landscape architecture. CLARB also manages a professional information system called the CLARB Council Record, through which landscape architects document and verify their education, experience, examination and licensure history.

In most of the states surveyed, the following three elements are sufficient to obtain a license by endorsement or reciprocity without it being necessary to separately establish competency: passage of the LARE; certification by CLARB; and possession of an active license in another jurisdiction with equal or substantially equivalent requirements. Hence, most states do not have a competency requirement per se. Rhode Island is one of the few states that has a competency aspect to its licensure by endorsement requirements for landscape architects (2 years of experience and evidence of a passing LARE score). Other states, such as Connecticut, may accept experience in lieu of, for example, CLARB certification.

None of the states surveyed issue provisional licenses for applicants seeking licensure by endorsement.

Connecticut

The Connecticut Landscape Architect Board may waive the requirements for examination of a currently practicing, competent landscape architect holding a license in another state provided that state has licensure standards that are substantially similar to, or higher than, those of Connecticut. The board may also grant licensure by reciprocity. In order to be granted a license by reciprocity, the applicant's experience, education, or satisfactory combination thereof shall be either equal to or greater than that required by the board. For good cause shown, the board may permit an applicant, in lieu of certification, to submit information regarding experience, education and examination in the form of a CLARB council record. In instances where there is inadequate evidence upon which to judge the competency of the applicant, the board may require the applicant to take the LARE.

Delaware

Where an applicant is already licensed in another state, the Delaware Board of Landscape Architecture will accept a certificate or other evidence of a passing LARE score issued by CLARB in lieu of all other requirements for licensure.

Maine

A license may be issued without an examination by the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers, if an applicant has passed the LARE or been certified by CLARB. Applicants without a CLARB certification may still be able to obtain a reciprocal license but must provide extensive verification of all education and experience which is then evaluated by the board. A license may also be issued without examination to an applicant from another state, foreign country or other jurisdiction, provided the board determines that the requirements of the other state, foreign country or jurisdiction are equivalent to Maine's requirements for licensure by examination.

Maryland

The Maryland Board of Examiners of Landscape Architects may waive any requirement for an applicant who is licensed to practice landscape architecture in another state, provided the applicant presents adequate evidence that, at the time of licensure in the other state, the applicant was required to pass an examination and meet qualifications that were substantially equivalent to Maryland's examination and qualifications.

Massachusetts

The Massachusetts Board of Registration of Landscape Architects may certify an applicant for registration without examination in instances where the applicant is legally registered as a landscape architect in another state or country whose requirements for registration are at least substantially equivalent to Massachusetts' requirements, provided such other state or country extends the same privilege to landscape architects registered in Massachusetts.

New Hampshire

The New Hampshire Board of Landscape Architecture may issue a landscape architect's license to any person who holds a CLARB certificate, or to any person who holds an unexpired license or certificate of registration issued by any state, territory or possession of the United States, provided that the licensing requirements of the other state, territory or possession are substantially equivalent to or higher than those of New Hampshire.

New Jersey

An individual may apply for licensure as a landscape architect by the New Jersey State Board of Architects if the individual holds a license or certificate to practice landscape architecture in good standing issued upon examination by any state, district, territory or possession in the United States, provided one of the following are met: (a) the applicant's qualifications meet the requirements in force in New Jersey when the license or certificate was issued; (b) the applicant has passed the LARE or its predecessor examination, CLARB's Uniform National Examination (UNE); or (3) the applicant holds a current CLARB certification.

New York

The New York State Board for Landscape Architecture has no permanent licensure by endorsement or reciprocity, but limited permits are available. A limited permit to practice landscape architecture solely in connection with a single specified project may be issued to non-New York licensed landscape architects, provided they are legally qualified to practice as a landscape architect (or its equivalent) in the state or country in which they reside. A number of additional requirements must also be met, including a description of the project for which the limited permit is requested and a detailed description of experience satisfactory to the board.

Ohio

Registration by reciprocity with the Ohio Landscape Architect Board is available for those who have a current registration in good standing in another state, provided the qualifications of the candidate are substantially equivalent to those required in Ohio at the time of original registration. If a candidate is seeking registration without examination, the candidate must provide evidence satisfactory to the board that the individual is a registered or licensed landscape architect in another state or country in which the qualifications, at the time of licensure, were substantially equal to Ohio's requirements for registration. The Ohio board may require that an applicant hold a current CLARB council record or certificate in good standing issued by CLARB.

Rhode Island

For a landscape architect who holds a license in another state, U.S. territory or possession, or in a foreign country, the Rhode Island Board of Examiners of Landscape Architecture may waive the requirements for examination, provided that the state, territory, possession, or country grants equal rights to Rhode Island licensed landscape architects and has registration standards that are at least equal to Rhode Island's. In addition, applicants must provide satisfactory evidence that they have two (2) years' experience of a grade and character acceptable to the Board, as well as confirmation of passing scores on all parts of the licensing examination. In addition to LARE passage, the board has the discretion to require applicants seeking reciprocity to pass supplemental examination(s).

Vermont

A person shall be eligible for licensure as a landscape architect with the Vermont Secretary of State's Office of Professional Regulation (OPR) if the person has passed the LARE and holds a registration or license to engage in the practice of landscape architecture issued by another state, U.S. territory or possession, or the District of Columbia, provided that the requirements and qualifications in the other state, territory, possession or foreign country are equal to or greater than Vermont's requirements. Such an applicant may also be required to pass an exam on landscape architecture matters peculiar to Vermont. Licenses are issued at the discretion of the OPR director. Evidence that an applicant holds a valid certificate from CLARB may be accepted as proof of qualification for licensure.

West Virginia

The West Virginia State Board of Landscape Architects may issue a license without requiring an examination to an applicant of good moral character who holds a valid license or other authorization to practice landscape architecture from another jurisdiction, provided the other jurisdiction's requirements are substantially equivalent to West Virginia's requirements.

Based on this research relating to other states' licensure by endorsement and/or reciprocity requirements, the Board believes the amendments will not put Pennsylvania at a competitive disadvantage. Pennsylvania statutorily requires other jurisdictions' licensing requirements to be substantially equivalent whereas many of the neighboring states require equivalency. This statutory requirement puts Pennsylvania at a competitive advantage because its licensing requirements will reduce barriers to licensure, which will make Pennsylvania more competitive.

Regarding the imposition of the requirement that competency be demonstrated: Pennsylvania does indeed impose a competency requirement, whereas most other states do not. While this may be more stringent than other states, demonstration of competency is statutorily required in Pennsylvania under 63 Pa.C.S. § 3111. Moreover, in this proposed rulemaking, the Board offers three different ways that competency can be demonstrated (experience, continuing education, LARE passage). Any one of those ways will suffice, and for most applicants should be relatively straightforward to satisfy.

Moreover, in instances where an applicant for licensure by endorsement under 63 Pa.C.S. § 3111 does not meet all of the requirements, the option to obtain a provisional license is available in Pennsylvania. This is not an option available in surrounding states. A provisional license can be used to allow the applicant to begin practicing while completing remaining licensure requirements. Therefore, the proposed regulations put Pennsylvania at a competitive advantage as compared to many other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This rulemaking does not affect other regulations of the Board or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. (“Small business” is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

In drafting the proposal, the Board solicited comments from stakeholders and interested parties in August of 2020, including those listed in Attachment “A” hereto. The Board did not receive any comments from stakeholders or interested parties. This rulemaking was also discussed at public board meetings on August 15, 2019, June 18, 2020, March 18, 2021, June 16, 2022 and August 17, 2023.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

For purposes of this rulemaking, the Board estimates that approximately 10 individuals will apply for licensure by endorsement on an annual basis.

According to the Pennsylvania Department of Labor and Industry (L&I) in 2020 (the most recent year for which data is available), landscape architects held about 20,730 jobs on the national level. The majority of landscape architects work in architectural and engineering services (55%), while a minority of landscape architects work in administrative and support and waste management and remediation services (19%), are self-employed (13%), work for the government (7%) or work in construction (1%).

This industry is comprised of establishments primarily engaged in planning and designing the development of land areas for projects, such as parks and other recreational areas; airports; highways; hospitals; schools; land subdivisions; and commercial, industrial, and residential areas, by applying knowledge of land characteristics, location of buildings and structures, use of land areas, and design of landscape projects.

Small businesses are defined in Section 3 of the Regulatory Review Act, (71 P.S. § 745.3), which provides that a small business is defined by the U.S. Small Business Administration’s (SBA) Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification Systems (NAICS). In applying the NAICS standards to the types of businesses where most landscape architects work, small businesses providing landscape architectural services (NAICS code # 541320) have \$8 million or less in average annual receipts. A small business in architectural services is one with \$11.0 million or less in average annual receipts. Likewise, a small business in engineering services is also one with \$22.5 million in average annual receipts. Obviously, the 13% of landscape architects who are self-employed work in small businesses. Lessors of real estate for residential and nonresidential buildings as well as lessors of other real estate property are each classified as small businesses if they have \$30 million or less in average annual receipts. The NAICS threshold is \$16.5 million each for other management consulting services and other scientific and technical consulting services. Also, a high threshold for small business exists for residential building construction at \$39.5 million in estimated annual receipts.

Furthermore, according to the Small Business Administration (SBA) there are approximately 1,095,907 businesses in Pennsylvania; of which 1,091,524 are small businesses. Of the 1,091,524 small businesses, 226,483 are small employers (those with fewer than 500 employees) and the remaining 865,041 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses.

Based on the foregoing, the Board believes that most of the licensed landscape architects in Pennsylvania are employed in small businesses. Additionally, although the Board does not collect information on the size of the businesses where its licensees are employed, the Board must assume – for purposes of determining the economic impact on small businesses – that a large number of its licensees either are, or work for, small businesses as that term is defined by the SBA and Pennsylvania’s Regulatory Review Act.

While there are currently 988 landscape architects licensed in Pennsylvania, this rulemaking only affects individuals who apply for licensure by endorsement under 63 Pa.C.S. § 3111. These individuals would be impacted by the \$45 application fee, which is the same amount the Board already charges for those who apply pursuant to the Board’s existing endorsement regulation at 49 Pa. Code § 15.57 (registration by endorsement). Whether small businesses will be impacted by the regulations depends on whether the businesses would pay the application fee for licensure by endorsement and whether employers would voluntarily pay the costs of completing competency requirements, which may include completion of continuing education or passage of the licensure exam. Because the application fees and other costs are incurred by individuals applying for initial licensure by endorsement, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.

Moreover, the proposed rulemaking has a positive impact in that it is implementing 63 Pa.C.S. § 3111, which provides an additional pathway to licensure that previously did not exist.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Applicants for licensure by endorsement as a landscape architect will be required to comply with the regulation. The Board estimates an average of 10 licensure by endorsement applications a year. Small businesses will only be impacted to the extent they voluntarily pay licensure fees and other costs for applicants.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The Commonwealth will benefit by licensure by endorsement under 63 Pa.C.S. § 3111. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. 63 Pa.C.S. § 3111 also reduces barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board’s regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania’s economy.

The citizens of the Commonwealth will also benefit from the enhanced workforce and growth in economy while still having assurance of a level of competence similar to existing licensees in this Commonwealth. The Board has selected methods of competence, including licensed practice in the profession for 2 of the

5 years preceding the application, completion of professional development hours (continuing education) or passage of the national licensing examination. Having 2 years' worth of experience in the 5 years preceding the application without discipline provides sufficient assurance that the individual is competent to practice. Completion of continuing education demonstrates that an applicant has remained current with any technological advancements or other updates within the profession. The licensing exam, LARE, is one that is widely-recognized as the industry standard, and is already one of the required parameters in the Board's existing endorsement pathway under § 15.57. This third option may be helpful for an individual who has not been in practice for 2 of the preceding 5 years and who has not completed 24 hours of continuing education in the preceding 24 months, but who did successfully pass the LARE at least 2 or more years (but no more than 5 years) before applying for licensure by endorsement in Pennsylvania.

The financial impact of the regulation falls primarily on the applicants and the Board. Individuals seeking licensure by endorsement will incur costs associated with qualifying for and obtaining a license. As noted above, an applicant applying for licensure by endorsement under 63 Pa.C.S. § 3111 would be required to pay the \$45 application fee, which covers the costs of processing the application. This application fee is the same amount currently paid by applicants applying for registration by endorsement as authorized by § 15.12. To the extent that an applicant must complete continuing education to prove competency, an applicant may incur those costs to obtain continuing education credits. For applicants from other countries, if the other law, regulation or other rule is in a language other than English, § 15.58(a)(1)(ii) would require the applicant to have it professionally translated at the applicant's expense. The Board anticipates that the translation costs will be approximately \$25 per page and range between two and five pages in length. The Board has been accepting and processing licensure by endorsement applications under 63 Pa.C.S. § 3111 for 2 years. To date, the Board has not yet received any licensure by endorsement applications from individuals licensed in other countries and territories.

The average cost for current licensees to complete 24 hours of continuing education courses as a condition to biennial licensure renewal is between \$10 to \$50 per credit, or approximately \$240-\$1,200 per biennium. Therefore, an applicant who demonstrates competency through the completion of continuing education courses may incur some costs for doing so. However, the requirement to prove competency is a statutory requirement and the continuing education competency method chosen by the Board is specifically authorized by 63 Pa.C.S. § 3111. In addition, the requirement that an applicant complete 24 hours of continuing education during the 24 months immediately preceding the date of application, if the applicant has not actively engaged in the practice of landscape architecture for 2 of the last 5 years, is no different than the existing continuing education requirement for all licensees. The current costs associated with taking and passing the LARE is \$2,100 (\$525 for each of the four parts of the exam). The Board anticipates that this option may be selected by applicants who do not meet the experience requirements but have taken and passed the exam in recent years. For an individual who wishes to demonstrate competency by having obtained a passing score on the LARE at least 2 or more years (but no more than 5 years) prior to applying for licensure by endorsement in Pennsylvania, there will be no additional costs associated with this rulemaking because the applicant will have already paid the exam fees at the time they took the LARE.

The positive impact for the applicants is that 63 Pa.C.S. § 3111 and the proposed regulation provide a new pathway to licensure that did not previously exist.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

As previously discussed, 63 Pa.C.S. § 3111 benefits this Commonwealth and its citizens and individual applicants wishing to obtain licensure. The costs associated with obtaining licensure are outweighed by the need of the Board to set fees to cover its costs for processing applications to maintain the fiscal integrity of the Board, and by the equity of assessing the costs of processing applications to the applicants themselves, as opposed to the existing licensee population bearing these costs through increased biennial renewal fees. The General Assembly contemplated and weighed the impact of imposing fees on applicants in 63 Pa.C.S. § 3111(a)(5) against the benefits of providing an additional pathway to licensure to individuals from other jurisdictions. While avoiding economic impact to applicants is always preferable, the General Assembly recognized that boards fees are necessary in order to pay for the costs associated with the filing of applications. Additionally, whether an applicant obtains licensure by examination or by endorsement, applicants pay the same application fees; therefore, for the most part, any additional cost to the licensure by endorsement applicant is minimal.

Regarding the cost of translating the law, regulation or other rule to English, this is a necessary part of the application process. If the Board is unable to understand the other jurisdiction's requirements, it will not be able to determine whether those requirements are substantially equivalent. Of the 10 applications the Board has received, none required translations and therefore there no costs to translate the law, regulation or rule were incurred. The Board anticipates that few, if any, applicants will incur this cost.

Regarding costs associated with demonstrating competency, the Board is authorized to select the appropriate method(s) of competency under 63 Pa.C.S. § 3111(a)(2) and has provided applicants with three alternatives. For applicants who choose to demonstrate competency through experience in the practice of landscape architecture for at least 2 of the 5 years immediately preceding the date of application in the jurisdiction that issued the license, no costs will be incurred. For applicants who choose to demonstrate competency by completing 24 hours of continuing education courses during the 24 months immediately preceding the date of their application, minimal costs will be incurred to complete necessary continuing education. Individuals demonstrating competency by having obtained a passing score on the LARE will have already paid the exam fees at the time they took the LARE.

Any costs incurred due to the competency requirement are outweighed by the benefit of this proposed regulation as it will ensure that the applicant is safe to practice the profession and will not present a danger to the public.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

An individual applying for licensure by endorsement under 63 Pa.C.S. § 3111 will incur some costs, including paying the \$45 application fee and any costs associated with demonstrating competency through taking continuing education courses, which typically range from about \$10-\$50 per credit hour. Since the effective date of Act 41 (August 30, 2019), the Board has received four licensure by endorsement applications. During this period, the total cost incurred for application fees was \$180. Based upon this information, the Board anticipates approximately 10 licensure by endorsement applications per year, which will result in approximately \$450 in annual application costs, plus any costs associated with demonstrating competency. Applicants who demonstrate competency through continuing education courses may incur up to \$50 per credit hour, or \$1,200 for 24 credit hours (\$50 x 24). In responding to

paragraph 23 below, the cost reported includes the potential costs for continuing education, which assumes that all 10 of the anticipated number of licensure by endorsement applicants satisfy the competency requirement by completing 24 hours of continuing education courses.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulation would not result in costs or savings to local governments.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Board will incur increased operational costs to implement licensure by endorsement. The costs incurred by the Board should be recouped in the form of application fees paid by the applicants.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There should be no legal, accounting or consulting procedures associated with this rulemaking. Like all other applicants under the Board, affected individuals will be required to submit an application for licensure accompanied by required documentation.

(22a) Are forms required for implementation of the regulation?

Yes, applicants are required to submit an online application.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

The Bureau uses an online platform for the submission of applications for licensure through PALS, which also encompasses applications for licensure by endorsement under 63 Pa.C.S. § 3111. Within the online platform, applicants are asked a series of questions. Applicants are asked if they are currently licensed in another state and the type of license for which they are applying. Applicants currently licensed in another jurisdiction, which is defined in the proposed rulemaking as another state, territory or country, are directed to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, translated into English if needed. Applicants are required to indicate whether they have been disciplined by the jurisdiction in which they are licensed or any other jurisdiction. Applicants with disciplinary history must upload appropriate documentation related to the discipline. Applicants must also provide a recent Criminal History Records Check (CHRC) from the state police or other state or agency or other appropriate agency of a territory or country that is the official repository for criminal history record

information, for every state in which they have lived, worked, or completed professional training/studies for the past 5 years. Based upon the above, applications are forwarded to Board counsel, and to the Board, if necessary, to determine eligibility under 63 Pa.C.S. § 3111. The Bureau is working towards creating a more detailed electronic application process specific to 63 Pa.C.S. § 3111 applications, which will decrease the need for manual review of applications. The Board attaches an application checklist and a paper application which will be the basis for developing the electronic licensure by endorsement application. See Attachment “B”.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY 23-24	FY +1 24-25	FY +2 25-26	FY +3 26-27	FY +4 27-28	FY +5 28-29
SAVINGS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	\$45–\$1,250	\$45–\$1,250	\$45–\$1,250	\$45–\$1,250	\$45–\$1,250	\$45–\$1,250
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Costs	\$45–\$1,250	\$45–\$1,250	\$45–\$1,250	\$45–\$1,250	\$45–\$1,250	\$45–\$1,250
REVENUE LOSSES:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY -3 2020-2021 (actual)	FY -2 2021-2022 (actual)	FY -1 2022-2023 (actual)	Current FY 2023-2024 (budget)
State Board of Landscape Architects	\$ 106,267.93	\$ 100,877.65	\$ 95,157.01	\$101,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

- (a) This rulemaking will not have an adverse impact on small businesses unless small businesses voluntarily pay application fees or other costs relating to establishing competency. Because these fees are incurred by individuals applying for initial licensure, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.
- (b) This rulemaking will not impose additional reporting, recordkeeping or other administrative costs on small businesses.
- (c) The probable effect on impacted small businesses would be positive because 63 Pa.C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.
- (d) The Board could discern no less costly or less intrusive alternative methods to effectuate the purpose of 63 Pa.C.S. § 3111 that would be consistent with the Board's mandate to produce enough revenue to cover its costs of operations and to administer the act in the public interest.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been developed for any affected groups or persons.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory provisions were considered and rejected. The Board believes this proposal represents the least burdensome acceptable alternative.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

- a) & b) The Board did not consider less stringent reporting requirements or deadlines for small businesses or for applicants that intend to work for small businesses. All applicants for licensure are treated equally.
- c) There are no compliance or reporting requirements that could be consolidated or simplified. The application process is the same whether a particular licensee is employed by a small business or a large business.
- d) The regulations do not contain design or operational standards that need to be altered for small businesses.
- e) To exclude any applicant from the requirements contained in the regulation based on the size of their employers would not be consistent with 63 Pa.C.S § 3111.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data, studies or references were used to justify the regulation.

(29) Include a schedule for review of the regulation including:

- | | |
|---|--|
| A. The length of the public comment period: | 30 days |
| B. The date or dates on which any public | The Board discusses its regulatory proposals at regularly scheduled meetings. This rulemaking was discussed at public board meetings on August 15, 2019, June 18, 2020, March 18, 2021, June 16, 2022 and August 17, 2023. |

C. The expected date of delivery of the final-form regulation:	Fall 2024
D. The expected effective date of the final-form regulation:	Upon publication as final.
E. The expected date by which compliance with the final-form regulation will be required:	Upon publication as final.
F. The expected date by which required permits, licenses or other approvals must be obtained:	N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings. The Board is scheduled to meet on the following remaining dates in 2024: June 20, 2024, August 15, 2024 and November 21, 2024. More information can be found on the Board’s website at: <https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/LandscapeArchitects>.

ATTACHMENT “A”

STATE BOARD OF LANDSCAPE ARCHITECTS

Stakeholders and Interested Parties

PA/DE Chapter ASLA

Adam Supplee

aasupplee@verizon.net

American Society of Landscape Architects

Ron Leighton

rleighton@asla.org

Julia Lent

jlent@asla.org

Council of Landscape Architectural
Registration Boards (CLARB)

Veronica Meadows, CAE

vmeadows@clarb.org

Pennsylvania Landscape and Nursery Assn.

khetherington@plna.org

Edward Rak

ekraks@yahoo.com

Wanner Associates

john@wannerassoc.com

Wesley Rish

wesley@rishlawoffice.com

ATTACHMENT “B”

STATE BOARD OF LANDSCAPE ARCHITECTS

P.O. Box 2649
Harrisburg, PA 17105-2649

Telephone: (717) 772-8528
Fax: (717) 705-5540
Website: www.dos.pa.gov/landarch
E-Mail: st-landscape@pa.gov

Courier Address:
2601 North Third Street
Harrisburg, PA 17110

APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

PLEASE NOTE: If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the Pennsylvania State Board of Landscape Architects (Board) shall require the applicant to submit a new application including the required fee.

In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance. All background check documents cannot be older than 90 days from the date of issuance.

1. REQUIREMENTS

- A. Hold a current license, certificate, registration or permit in good standing to practice to practice landscape architecture in a jurisdiction whose standards are substantially equivalent to or exceed those of the Board.
- B. Demonstrates competency by one of the following:
 - Experience in the practice of landscape architecture by demonstrating, at a minimum, that the applicant has actively engaged in the practice of landscape architecture in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of the application with the Board.
 - Completion of 24 continuing education hours that meet the requirements of 49 Pa. Code §§ 15.71-15.81 (relating to continuing education) during the 24 months immediately preceding the date of the application.
 - A passing score on all sections of the Landscape Architect Registration Examination (LARE) or its equivalent.
- C. Has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice landscape architecture under section 4(4) of the Landscape Architects Registration Law (act) (63 P.S. § 904(4)) or 49 Pa. Code § 15.63 (relating to misconduct) and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.
- D. Has paid the application fee for licensure by endorsement, \$ 45.
- E. Provides a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license. The copy of the applicable law, regulation or other rule must include the enactment date. If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

2. APPLICATION CHECKLIST

Persons licensed in other jurisdictions who possess a current license, license, certificate or permit in good standing:

- Complete pages 1, 2 and 3 of the application.

If any documentation submitted in connection with this application will be received in a name other than the name under which you are applying, you must submit a copy of the legal document(s) indicating the name change (i.e., marriage certificate, divorce decree which indicates the retaking of your maiden name; legal document indicating the retaking of a maiden name, or court order).

- \$ 45 Application Fee – Check or money order made payable to the Commonwealth of Pennsylvania. Fees are not refundable or transferable. A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment.
- Have the out-of-state licensing authorities in which you hold or have held a license to practice landscape architecture submit a letter of good standing directly to the Board with a state seal affixed to the letter.
- A Criminal Background Check from the state in which you reside must be submitted. The criminal background check must be completed within 90 days of submission of this application to the Board. Pennsylvania background checks may be obtained at <https://epatch.state.pa.us> or from the Pennsylvania State Police Central Repository, 1800 Elmerton Ave., Harrisburg, PA 17110-9758, (717) 783-5593.

(If you reside outside of Pennsylvania, you must contact the State Police from your jurisdiction.)

3. INFORMATION

- A. Any change in disciplinary status after the submission of the application must be reported to the Board in writing.

STATE BOARD OF LANDSCAPE ARCHITECTS

Mailing Address:

P.O. Box 2649
 Harrisburg, PA 17105-2649
 Telephone: (717) 772-8528
 E-Mail: st-landscape@pa.gov

Courier Address (if using a mailing service that requires a street address):

2601 North Third Street
 Harrisburg, PA 17110
 Fax: (717) 705-5540

APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

INITIAL APPLICATION FEE: \$45 PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA. FEES ARE NOT REFUNDABLE OR TRANSFERABLE. A PROCESSING FEE OF \$20.00 WILL BE CHARGED FOR ANY CHECK OR MONEY ORDER RETURNED UNPAID BY YOUR BANK, REGARDLESS OF THE REASON FOR NON-PAYMENT.

<p>1. Name _____ <div style="display: flex; justify-content: space-between; font-size: small; margin-top: 5px;"> (Last) (First) (Middle) </div> </p>
<p>2. Will any documentation submitted in connection with this application be received in a name other than the name under which you are applying? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If yes, please provide the other name or names: _____</p>
<p>3. Address _____ <div style="text-align: center; margin: 5px 0;">(Street)</div> <hr/> <div style="display: flex; justify-content: space-between; font-size: small;"> (City) (State) (Zip Code) </div> <p><small><i>The address you provide is the address that will be associated with this application to which all correspondence will be mailed. Please note that licenses are not forwardable.</i></small></p> </p>
<p>4. Telephone _____ Fax _____</p>
<p>5. E-Mail Address _____</p>
<p>6. Date of Birth _____</p> <p>Social Security Number: _____</p>
<p>7. Select the license for which you are applying:</p> <p><input type="checkbox"/> Landscape Architect</p>
<p>8. Competency Requirement - demonstrate one of the following: experience; or continuing education; or examination</p> <p><u>Experience:</u></p> <p>Have you actively engaged in the practice of landscape architecture under a license, certificate, registration or permit in a substantially equivalent jurisdiction or jurisdictions for at least 2 of the last 5 years immediately preceding the filing of this application?</p> <p><input type="checkbox"/> Yes</p>

No

If you responded “yes,” provide a curriculum vitae demonstrating this experience.

Continuing education:

Have you completed 24 clock hours of continuing education that meet the requirements of 49 Pa. Code §§ 15.73 (relating to acceptable continuing education courses) and 15.76 (relating to sources of continuing education courses) during the 24 months immediately preceding the date of this application?

Yes

No

If you responded “Yes,” submit proof of completion of continuing education hours.

Examination:

Have you achieved a passing score on all sections of the Landscape Architect Registration Examination (LARE)?

Yes

No

If you responded “Yes,” provide proof of your examination scores.

9. Name state where initial license to practice landscape architecture was issued.

Date initial license was issued _____.

List any other state, territory or country where you hold or have held a license/certificate to practice landscape architecture.

Have the licensing authority listed above submit a letter of good standing (verification of licensure) directly to the Board with state seal affixed to the letter. Provide a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license.

		YES	NO
10.	<p>Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any other profession in any state or jurisdiction?</p> <p>If you answered YES to the above question, please provide the profession and state or jurisdiction. Please do not abbreviate the profession.</p> <p>_____</p> <p>_____</p> <p>The Board must receive verification of any license, certificate, permit, registration or other authorization to practice any other profession directly from the state or jurisdiction. <i>PLEASE NOTE: The Board does NOT need to receive verification for licenses issued by one of the licensing boards within the Pennsylvania Bureau of Professional and Occupational Affairs.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>If you answer YES to any of the following questions, provide complete details as well as copies of</i></p>		YES	NO

<i>relevant documents to the Board office.</i>			
11.	Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?	<input type="checkbox"/>	<input type="checkbox"/>
12.	Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
13.	Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
14.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>

NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number.

Applicant's Statement:

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information under 18 Pa.C.S. § 4911.

I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

Applicant's Signature

Date

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

July 10, 2024

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: <u>Amy M. Elliott</u> (DEPUTY ATTORNEY GENERAL)</p> <p><small>Digitally signed by Amy M. Elliott DN: cn=Amy M. Elliott, o=Pennsylvania Office of Attorney General, ou=Chief Deputy Attorney General, email=aelliott@attorneygeneral.gov, c=US Date: 2024.07.02 09:41:43 -0400</small></p> <p><u>7/2/2024</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>State Board of Landscape Architects</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-6121</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u>Dina Klavon</u> DINA KLAVON, RLA</p> <p>TITLE <u>CHAIRPERSON</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: <u>adabelson</u> 2024.06.02 22:09:04 -04'00'</p> <p><u>6/2/2024</u> DATE OF APPROVAL</p> <p>(Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF LANDSCAPE ARCHITECTS

TITLE 49 PA CODE CHAPTER 15

§§ 15.1, 15.57, 15.58 and 15.59

LICENSURE BY ENDORSEMENT

The State Board of Landscape Architects (Board) proposes to amend §§ 15.1 and 15.57 (relating to definitions; and registration by endorsement) and add §§ 15.58 and 15.59 (relating to licensure by endorsement under 63 Pa.C.S. § 3111; and provisional endorsement licensure) to read as set forth in Annex A.

Effective Date

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: 1) holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; 2) demonstrates competency; 3) has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines the conduct is not an impediment to granting the license, certificate, registration or permit; 4) is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the board or commission determines the conduct is not an impediment to granting the license, certificate, registration or permit; and 5) the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. Further, section 4(9) of the Landscape Architects' Registration Law (act) (63 P.S. § 904(9)) authorizes the Board to adopt and promulgate administrative rules and regulations, not inconsistent with the act, as are deemed necessary and proper by the Board to carry into effect the powers conferred by the act.

The act of July 1, 2020 (P.L. 545, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41).

Background and Need for the Amendments

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement. Under 63 Pa.C.S. § 3111(a)(1), the Board must determine whether the jurisdiction's standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S.

§ 3111(a)(2) requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application. Under 63 Pa.C.S. § 3111(b)(2), the Board must establish, by regulation, the expiration of the provisional endorsement license. This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license. Applicants for licensure by endorsement will pay the application fee for licensure by endorsement, as provided in § 15.12 (relating to fees).

Description of the Proposed Amendments

The Board proposes to amend § 15.1 (relating to definitions) to include a definition of the term “jurisdiction” consistent with 63 Pa.C.S. § 3111. The Board also proposes to amend § 15.57 (relating to registration by endorsement) to follow through with the term “jurisdiction” in place of “state, territory or country” consistent with 63 Pa.C.S. § 3111, and to rename the section in order to distinguish registration by endorsement under the act from licensure by endorsement under 63 Pa.C.S. § 3111.

The Board further proposes to add § 15.58, to set forth the six criteria required for licensure by endorsement under 63 Pa.C.S. § 3111. Under subsection (a)(1), an applicant shall have a current license, certificate, registration or permit in good standing to practice landscape architecture in another jurisdiction whose standards are substantially equivalent to those established by the Board. Proposed subsection (a)(1) further requires an applicant to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit. This proposed rulemaking would also require that the copy of the applicable law, regulation or other rule include the enactment date. Additionally, because 63 Pa.C.S. § 3111 is applicable to territories and other countries that use languages other than English, if the applicable law, regulation or other rule is in a language other than English, the Board would require, at the applicant’s expense, translation of the applicable law, regulation or other rule into English by a professional translation service.

Proposed subsection (a)(2) requires demonstration of competency. Under this provision, an applicant must provide proof of competency by demonstrating experience in the practice of landscape architecture, completion of continuing education or evidence of having passed the national licensure examination for landscape architects within a certain timeframe. To demonstrate competency by experience, an applicant must demonstrate active engagement in the practice of landscape architecture under a license, certificate, registration or permit in a substantially equivalent jurisdiction, or jurisdictions, for at least 2 of the 5 years immediately preceding the filing of the application. To demonstrate competency through completion of continuing education, an applicant must submit proof of completion of 24 hours of continuing education which meets the requirements of § 9.1 of the act (63 P.S. 909.1), pertaining to professional competency requirements, and §§ 15.71-15.81 (relating to continuing education). The continuing education must be completed during the 24 months immediately preceding the date of the application. The

Board proposes completion of the continuing education within 24 months immediately preceding the date of the application because a 24-month limitation correlates with the Board’s continuing education requirements for existing licensees to biennially renew their licenses. Finally, competency may be demonstrated by providing documentation of having successfully completed all parts of the national licensing examination, the Landscape Architect Registration Exam (LARE). For many years, passage of the exam has been one of the criteria for the Board’s existing endorsement pathway (registration by endorsement under § 15.57). For applicants for licensure by endorsement under 63 P.S. § 3111 who cannot establish competency through experience or continuing education, the Board will accept a passing score on the LARE or its equivalent, as determined by the Board, provided the passing score was obtained at least 2 or more years, but no more than 5 years, prior to applying for licensure by endorsement in Pennsylvania.

Proposed subsections (a)(3) and (4) incorporate the statutory prohibitions in 63 Pa.C.S. § 3111 pertaining to conduct that would constitute grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice the profession or occupation, and prior discipline by the jurisdiction that issued the license.

Proposed subsection (a)(5) provides for payment of an application fee, as required by 63 Pa.C.S. § 3111(a)(5). The applicable fee for licensure by endorsement under 63 Pa.C.S. § 3111 is the same as the current fee for endorsement applications provided in the Board’s fee schedule at § 15.12, namely \$45. Next, proposed subsection (a)(6) requires applicants to apply for licensure in accordance with the act and Chapter 15 in the manner and format prescribed by the Board. In proposed § 15.58(b), the Board may require a personal interview or additional information to assist the Board in determining eligibility and competency. When a personal interview is necessary, the applicant may request the interview to be conducted by video teleconference for good cause shown.

Consistent with 63 Pa.C.S. § 3111(a)(3) and (4), proposed § 15.58(c) authorizes the Board, in its discretion, to determine that an act prohibited under section 4 of the act (63 P.S. § 904) or § 15.63 (relating to misconduct) or disciplinary action by another jurisdiction are not impediments to the granting of a license, certificate, registration or permit by endorsement under 63 Pa.C.S. § 3111. Boards routinely consider whether discipline or prohibited acts are impediments to licensure. The types of things Boards consider include the facts and circumstances surrounding the prohibited act or disciplinary action; an increase in age or maturity of the individual since the date of the prohibited act or disciplinary action; disciplinary history or lack of disciplinary history before and after the date of the prohibited act or disciplinary action; successful completion of education and training activities relating to the prohibited act or disciplinary action; and any other information relating to the fitness of the individual for licensure.

Consistent with 63 Pa.C.S. § 3111(b), proposed § 15.59 provides that the Board, in its discretion, may issue a provisional endorsement license while an applicant is satisfying remaining requirements under 63 Pa.C.S. § 3111 and proposed § 15.58. Proposed § 15.59(b) sets the expiration of a provisional endorsement license at 1 year, unless the Board determines that an expiration date of less than 1 year is appropriate. Additionally, upon a written request, the Board

may extend the term of the license upon a showing of good cause.

Proposed § 15.59(c) sets forth reasons for which a provisional endorsement license will be terminated by the Board, including when the Board denies or grants a license, or the provisional endorsement licensee fails to comply with the terms of a provisional endorsement license.

Proposed § 15.59(d) clarifies that while an individual may reapply for a license by endorsement under proposed § 15.58, the Board will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.

Finally, under proposed § 15.59(e) the Board makes clear that holders of provisional licenses must follow the rules governing the proper use of a registrant’s seal as set forth in section 9 of the act (63 P.S. § 909) and § 15.33 (relating to seals).

Fiscal Impact and Paperwork Requirements

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement under 63 Pa.C.S. § 3111 will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the \$45 endorsement application fee as set forth in § 15.12 and may incur expenses relating to completing continuing education hours if they choose to demonstrate competency in that manner or costs associated with the passing the examination if they choose that option for demonstrating competency. Applicants who demonstrate competency through experience will have to pay the \$45 initial application fee.

Sunset Date

The Board continuously monitors the cost effectiveness of the Board’s regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 10, 2024, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC) for review and comment. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to

final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Board Counsel, State Board of Landscape Architects, at P.O. Box 69523, Harrisburg, PA 17106-9523 or by e-mail at RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference “16A-6121 (Licensure by Endorsement),” when submitting comments.

Dina Klavon, RLA, Board Chair
State Board of Landscape Architects

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 15. STATE BOARD OF LANDSCAPE ARCHITECTS

GENERAL PROVISIONS

§ 15.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Grade and character satisfactory to the Board—A varied and increased level of experience and responsibility evidenced by a comprehensive work sample, technical knowledge and professional experience.

Jurisdiction—A state, territory or country.

Responsible charge—Under section 2(5) of the act (63 P.S. § 902(5)), for experience to be satisfactory to the Board, it shall be progressive and of an increasing standard of quality and responsibility.

* * * * *

**EXAMINATIONS REGISTRATION AND LICENSURE BY EXAMINATION AND BY
ENDORSEMENT**

* * * * *

§ 15.57. Registration by endorsement under section 6 of the act.

(a) *General requirements.* An applicant who has passed the examination, holds an unexpired license from another [state or foreign country] jurisdiction, has a graduate or undergraduate degree in landscape architecture from an approved institution or college and possesses 2 years of practical experience in landscape architecture of a grade or character satisfactory to the Board, may be granted registration by endorsement following the filing of an application and a Board review of the applicant’s comprehensive work sample.

(b) *Endorsement.*

(1) An applicant who requests registration by endorsement shall submit with the application an official certification of registration in the applicant’s home [state, territory or country] jurisdiction from the secretary of the examining or registration board or other certifying official, stating on what basis registration was granted, whether by oral or written examination or exemption, and whether the registration is in good standing at the time of the application for registration in this Commonwealth.

(2) An applicant who requests registration by endorsement shall submit with the application complete information relative to training, education and experience as may be required by the Board.

(c) *Exception.* An applicant who received a license from another jurisdiction, without having passed the examination, is not entitled to registration by endorsement.

§ 15.58. Licensure by endorsement under 63 Pa.C.S. § 3111.

(a) Requirements for issuance. To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant shall satisfy all of the following conditions:

(1) Have a current license, certification, registration or permit in good standing to practice

landscape architecture in another jurisdiction whose standards are substantially equivalent to or exceed those established under section 6(a) and (b) of the act (63 P.S. § 906), §§ 15.41, 15.53 and 15.54 (relating to general requirements; grading; and registration by examination).

The following apply:

- (i) An applicant shall submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.
 - (ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant’s expense, the applicable law, regulation or other rule shall be translated into English by a professional translation service and verified to be complete and accurate.
 - (iii) The copy of the applicable law, regulation or other rule must include the enactment date.
- (2) Demonstrate competency by one of the following:
- (i) Experience in the practice of landscape architecture by demonstrating, at a minimum, that the applicant has actively engaged in the practice of landscape architecture under a license, certificate, registration or permit in a substantially equivalent jurisdiction, or jurisdictions, for at least 2 of the 5 years immediately preceding the filing of the application with the Board.
 - (ii) Completion of 24 clock hours of continuing education that meet the requirements of section 9.1 of the act (63 P.S. § 909.1) and §§ 15.71–15.81 (relating to continuing education) during the 24 months immediately preceding the date of the application.

- (iii) Documentation of having achieved a passing score on the Landscape Architect Registration Examination (LARE) or its equivalent, as determined by the Board, provided the passing score was achieved at least 2 or more years but no longer than 5 years prior to the date of the application.
- (3) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice landscape architecture under section 4 of the act (63 P.S. § 904) or § 15.63 (relating to misconduct).
- (4) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.
- (5) Have paid the application for licensure by endorsement fee as required by § 15.12 (relating to fees).
- (6) Have applied for licensure in accordance with this chapter in the manner and format prescribed by the Board.
- (b) Interview and additional information. An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including supporting documentation relating to competency and experience. The applicant may request that the interview be conducted by video teleconference for good cause shown.
- (c) Prohibited acts and discipline. Notwithstanding subsections (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 4 of the act or § 15.63, or disciplinary action by another jurisdiction, are not impediments to licensure under 63 Pa.C.S. § 3111.

§ 15.59. Provisional endorsement licensure.

(a) Provisional endorsement license. The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 15.58.

(b) Expiration of a provisional endorsement license.

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) Termination of a provisional endorsement license. A provisional endorsement license terminates if any of the following occurs:

(1) When the Board completes its assessment of the applicant and denies or grants the license.

(2) When the holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(3) When the provisional endorsement license expires.

(d) Reapplication. An individual may reapply for licensure by endorsement under § 15.58 after expiration or termination of a provisional endorsement license; however, the individual will not be issued a subsequent provisional endorsement license.

(e) Use of seal. An individual issued a provisional endorsement license shall follow the rules

governing the proper use of a registrant’s seal under section 9 of the act (63 P.S. § 909) and § 15.33
(relating to seals).

##



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF LANDSCAPE ARCHITECTS

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 772-8528

July 10, 2024

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Rulemaking
State Board of Landscape Architects
16A-6121: Licensure by Endorsement

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Landscape Architects pertaining to Licensure by Endorsement.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink that reads "Dina Klavon".

Dina Klavon, RLA, Chairperson
State Board of Landscape Architects

DK/abg/mas
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Andrew LaFratte, Deputy Policy Director, Department of State
Cynthia Montgomery, Deputy Chief Counsel, Department of State
Marc J. Farrell, Regulatory Counsel, Department of State
Ashley B. Goshert, Board Counsel, State Board of Landscape Architects
State Board of Architects

Worthington, Amber

From: Monoski, Jesse <jesse.monoski@pasenate.com>
Sent: Wednesday, July 10, 2024 1:44 PM
To: Worthington, Amber; Dimm, Ian; joseph.kelly; Vazquez, Enid
Subject: RE: Follow-up RE: DELIVERY NOTICE: REGULATIONS: 16A-4635 & 16A-6121

Received.

Thank you

Jesse Monoski

Executive Director, Consumer Protection & Professional Licensure

Senator Lisa M. Boscola, Minority Chair

Rm 458 Main Capitol Building

Harrisburg, PA, 17120

O: 717-787-4236

RECEIVED

Independent Regulatory
Review Commission

July 10, 2024

From: Worthington, Amber <agontz@pa.gov>
Sent: Wednesday, July 10, 2024 1:41 PM
To: Monoski, Jesse <jesse.monoski@pasenate.com>; Dimm, Ian <Ian.Dimm@pasenate.com>; Kelly, Joseph <joseph.kelly@pasenate.com>; Vazquez, Enid <enid.vazquez@pasenate.com>
Subject: Follow-up RE: DELIVERY NOTICE: REGULATIONS: 16A-4635 & 16A-6121

EXTERNAL EMAIL

We need to receive confirmation that the regulation delivery was received in order to complete the delivery process. We have not received confirmation on behalf of Senator Boscola.

Thank you,

Amber A. Worthington, PLS | Legal Office Administrator 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
agontz@pa.gov | www.dos.pa.gov

Preferred Pronouns: We/Us, They/Them/Theirs

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message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.

From: Worthington, Amber

Sent: Wednesday, July 10, 2024 9:24 AM

To: Monoski, Jesse <jesse.monoski@pasenate.com>; Dimm, Ian <Ian.Dimm@pasenate.com>; joseph.kelly <joseph.kelly@pasenate.com>; Enid.Vazquez@pasenate.com

Subject: DELIVERY NOTICE: REGULATIONS: 16A-4635 & 16A-6121

Please provide a written (email) confirmation of receipt of delivery of the attached rulemakings.

Please be advised that the State Board of Dentistry and the State Board of Landscape Architects are delivering the below proposed rulemakings .

Thank you for your attention to this matter.

➤ **16a-4635 – State Board of Dentistry – Licensure by Endorsement**

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires the State Board of Dentistry (Board) to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency by methods determined by the Board; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa. C.S. 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is satisfying the remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. This rulemaking effectuates Act 41 of 2019.

The act of July 1, 2020, (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into Title 63, Chapter 31 of the Pennsylvania Consolidated Statutes. The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). This rulemaking effectuates Act 41.

➤ **16A-6121 – State Board of Landscape Architects – Licensure by Endorsement**

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement. Under 63 Pa.C.S. § 3111(a)(1), the Board must determine whether another jurisdiction’s standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111(a)(2) requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application. Under 63 Pa.C.S. § 3111(b)(2), the Board must establish, by regulation, the expiration of the provisional endorsement license. This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a

provisional endorsement license. Applicants for licensure by endorsement will pay the application fee for a licensure by endorsement, as provided in § 15.12 (relating to fees).

Amber A. Worthington, PLS | Legal Office Administrator 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
agontz@pa.gov | www.dos.pa.gov

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Worthington, Amber

From: Nicole Sidle <Nsidle@pahousegop.com>
Sent: Wednesday, July 10, 2024 11:19 AM
To: Worthington, Amber
Subject: RE: [EXTERNAL]: DELIVERY NOTICE: REGULATIONS: 16A-4635 & 16A-6121

Hi Amber—

This has been received.

RECEIVED

Independent Regulatory
Review Commission

From: Worthington, Amber <agontz@pa.gov>
Sent: Wednesday, July 10, 2024 9:29 AM
To: Nicole Sidle <Nsidle@pahousegop.com>
Subject: [EXTERNAL]: DELIVERY NOTICE: REGULATIONS: 16A-4635 & 16A-6121

July 10, 2024

Please provide a written (email) confirmation of receipt of delivery of the attached rulemakings.

Please be advised that the State Board of Dentistry and the State Board of Landscape Architects are delivering the below proposed rulemakings .

Thank you for your attention to this matter.

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➤ **16A-6121 – State Board of Landscape Architects – Licensure by Endorsement**

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Amber A. Worthington, PLS | Legal Office Administrator 2
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Worthington, Amber

From: Bulletin <bulletin@palrb.us>
Sent: Wednesday, July 10, 2024 10:38 AM
To: Worthington, Amber
Cc: Adeline E. Gaydosh
Subject: [External] Re: DELIVERY NOTICE: REGULATIONS: 16A-4635 & 16A-6121

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).

Good morning, Amber,

Thank you for sending these proposed rulemakings. As requested in your email of July 3rd, they are scheduled for publication in the 7/20 issue of the *Pennsylvania Bulletin*.

Have a great day,
Adeline

Adeline Gaydosh | Legal Assistant
agaydosh@palrb.us | 717.783.3984
Legislative Reference Bureau
Pennsylvania Code & Bulletin Office
647 Main Capitol Building
Harrisburg, PA 17120

RECEIVED

Independent Regulatory
Review Commission

July 10, 2024

From: Worthington, Amber <agontz@pa.gov>
Sent: Wednesday, July 10, 2024 9:45 AM
To: Bulletin <bulletin@palrb.us>; Leah Brown <lbrown@palrb.us>; Adeline E. Gaydosh <agaydosh@palrb.us>
Subject: DELIVERY NOTICE: REGULATIONS: 16A-4635 & 16A-6121

Please provide a written (email) confirmation of receipt of delivery of the attached rulemakings.

Please be advised that the State Board of Dentistry and the State Board of Landscape Architects are delivering the below proposed rulemakings .

Thank you for your attention to this matter.

- **16a-4635 – State Board of Dentistry – Licensure by Endorsement**
Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires the State Board of Dentistry (Board) to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency by methods determined by the Board; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the Board determines

such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa. C.S. 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is satisfying the remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. This rulemaking effectuates Act 41 of 2019.

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- **16A-6121 – State Board of Landscape Architects – Licensure by Endorsement**

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement. Under 63 Pa.C.S. § 3111(a)(1), the Board must determine whether another jurisdiction’s standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111(a)(2) requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application. Under 63 Pa.C.S. § 3111(b)(2), the Board must establish, by regulation, the expiration of the provisional endorsement license. This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license. Applicants for licensure by endorsement will pay the application fee for a licensure by endorsement, as provided in § 15.12 (relating to fees).

Amber A. Worthington, PLS | Legal Office Administrator 2
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Governor’s Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
agontz@pa.gov | www.dos.pa.gov
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Worthington, Amber

From: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Sent: Wednesday, July 10, 2024 10:02 AM
To: Worthington, Amber
Subject: RE: DELIVERY NOTICE: REGULATIONS: 16A-4635 & 16A-6121

Received.

RECEIVED

Jen Smeltz
Executive Director
Consumer Protection and Professional Licensure Committee
Office of Senator Pat Stefano
Phone: (717) 787-7175

Independent Regulatory
Review Commission

July 10, 2024

From: Worthington, Amber <agontz@pa.gov>
Sent: Wednesday, July 10, 2024 9:40 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Subject: RE: DELIVERY NOTICE: REGULATIONS: 16A-4635 & 16A-6121

ⓘ CAUTION : External Email ⓘ

Apologies, corrected attachment.

Amber A. Worthington, PLS | Legal Office Administrator 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
agontz@pa.gov | www.dos.pa.gov

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From: Worthington, Amber
Sent: Wednesday, July 10, 2024 9:21 AM
To: jmsmeltz@pasen.gov
Subject: DELIVERY NOTICE: REGULATIONS: 16A-4635 & 16A-6121

Please provide a written (email) confirmation of receipt of delivery of the attached rulemakings.

Please be advised that the State Board of Dentistry and the State Board of Landscape Architects are delivering the below proposed rulemakings .

Thank you for your attention to this matter.

➤ **16a-4635 – State Board of Dentistry – Licensure by Endorsement**

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➤ **16A-6121 – State Board of Landscape Architects – Licensure by Endorsement**

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement. Under 63 Pa.C.S. § 3111(a)(1), the Board must determine whether another jurisdiction’s standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111(a)(2) requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application. Under 63 Pa.C.S. § 3111(b)(2), the Board must establish, by regulation, the expiration of the provisional endorsement license. This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license. Applicants for licensure by endorsement will pay the application fee for a licensure by endorsement, as provided in § 15.12 (relating to fees).

Amber A. Worthington, PLS | Legal Office Administrator 2
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Governor's Office of General Counsel
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Worthington, Amber

From: Orchard, Kari L. <KOrchard@pahouse.net>
Sent: Wednesday, July 10, 2024 9:31 AM
To: Worthington, Amber; Barton, Jamie; Brett, Joseph D.
Subject: RE: DELIVERY NOTICE: REGULATIONS: 16A-4635 & 16A-6121

Received. Thanks!

Kari Orchard
Executive Director (D) | House Professional Licensure Committee
Chairman Frank Burns, 72nd Legislative District

RECEIVED

Independent Regulatory
Review Commission

July 10, 2024

From: Worthington, Amber <agontz@pa.gov>
Sent: Wednesday, July 10, 2024 9:26 AM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>
Subject: DELIVERY NOTICE: REGULATIONS: 16A-4635 & 16A-6121

Please provide a written (email) confirmation of receipt of delivery of the attached rulemakings.

Please be advised that the State Board of Dentistry and the State Board of Landscape Architects are delivering the below proposed rulemakings .

Thank you for your attention to this matter.

➤ **16a-4635 – State Board of Dentistry – Licensure by Endorsement**

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires the State Board of Dentistry (Board) to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency by methods determined by the Board; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa. C.S. 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is satisfying the remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. This rulemaking effectuates Act 41 of 2019.

The act of July 1, 2020, (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into Title 63, Chapter 31 of the Pennsylvania Consolidated Statutes. The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). This rulemaking effectuates Act 41.

➤ **16A-6121 – State Board of Landscape Architects – Licensure by Endorsement**

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a

license to applicants who meet the requirements for licensure by endorsement. Under 63 Pa.C.S. § 3111(a)(1), the Board must determine whether another jurisdiction's standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111(a)(2) requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application. Under 63 Pa.C.S. § 3111(b)(2), the Board must establish, by regulation, the expiration of the provisional endorsement license. This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license. Applicants for licensure by endorsement will pay the application fee for a licensure by endorsement, as provided in § 15.12 (relating to fees).

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Preferred Pronouns: We/Us, They/Them/Theirs

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