

Readopt with amendment Lsa 401.01 and Lsa 401.02, effective 3-10-24 (Document #13850), to read as follows:

Lsa 401.01 Expirations and Renewals. Pursuant to RSA ~~310-A:1-h~~ **310:8**, licenses shall be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. The ~~board~~ **licensing bureau** through OPLC shall notify each landscape architect ~~at least 60 days prior to expiration of their license~~ **in accordance with Plc 308.03**. If properly renewed, a license shall ~~remain in effect continuously~~ **be valid for 2 years** from the date of issuance, unless suspended or revoked ~~by the board~~.

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

- (a) ~~The renewal application supplied by the board as described in Lsa 401.03~~
- (b) ~~The fee specified in Plc 1002.22.~~

Repeal Lsa 401.03, effective 3-10-24 (Document #13850), and hold section in reserve, as follows:

Lsa 401.03 Renewal Application. ~~The applicant shall supply the following information on the Landscape Architect Application for Renewal Form²:~~

- (a) ~~The applicant's full legal name;~~
- (b) ~~The applicant's e-mail address;~~
- (c) ~~The applicant's home mailing address;~~
- (d) ~~The applicant's home physical address if different from the mailing address;~~
- (e) ~~The applicant's home phone or cellphone number;~~
- (f) ~~The applicant's business name, address, and telephone number, if applicable;~~
- (g) ~~Yes or no to the question "Have you ever been convicted of a felony or misdemeanor which has not been annulled or previously reported?". If the answer is yes provide the name of the court(s), a detailed explanation of the offense(s), the date of conviction(s), and the sentence(s) imposed;~~
- (h) ~~Yes or no to the question "Have you ever lost or been denied registration or licensure as a landscape architect or been disciplined by another licensing board in any other state or jurisdiction which has not been previously reported?". If yes, provide a detailed explanation of the circumstances and attach the settlement agreement or order;~~
- (i) ~~Yes or no to the question "Have you completed 30 hours of continuing education that meets the requirements set forth in Lsa 403?". If the answer is no provide a detailed explanation of the no answer;~~
- (j) ~~The applicant's signature and date of signing below the following attestation:~~

~~"I attest that the information contained in this form is true and correct to the best of my knowledge and believe and acknowledge that the provision of false information in the~~

~~application is a basis for disciplinary action by the board. In addition, I have read and understand the rules that govern the practice of landscape architecture and if my license is renewed, I will abide by them including the ethical and professional standards.”~~

RESERVED

Readopt with amendment Lsa 401.04 and Lsa 401.05, effective 3-10-24 (Document # 13850), to read as follows:

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

- (a) Noncompliance with the continuing education requirements of Lsa 403.01;
- (b) Any ~~unethical~~ act for which discipline shall be imposed under ~~Lsa 500~~ ***RSA 310-A:155***;
- (c) Reasons for which an initial application could be denied; or
- (d) Failure to furnish complete or accurate information on an initial or renewal license application.

Lsa 401.05 Reinstatement. ~~A landscape architect whose license to practice landscape architecture in this state has been allowed to lapse for a period of 12 months or more shall:~~

~~(a) File an “Application for Reinstatement of Licensure as a Landscape Architect” with the board that shall include the following:~~

- ~~(1) The applicant’s full legal name;~~
- ~~(2) All names the applicant has ever been know by;~~
- ~~(3) The applicant’s e-mail address;~~
- ~~(4) The applicant’s home mailing address;~~
- ~~(5) The applicant’s home physical address if different from the mailing address;~~
- ~~(6) The applicants home phone or cellphone number;~~
- ~~(7) The applicant’s business name, address, and telephone number, if applicable;~~
- ~~(8) Yes or no to the question “Have you practiced as a landscape architect in New Hampshire since your license ceased to be valid?”;~~
- ~~(9) Yes or no to the question “Have you ever been convicted of a felony or misdemeanor which has not been annulled or previously reported?”. If the answer is yes provide the name of the court(s), a detailed explanation of the offense(s), the date of conviction(s), and the sentence(s) imposed;~~
- ~~(10) Yes or no to the question “Have you ever lost or been denied registration or licensure as a landscape architect or been disciplined by another licensing board in any other state or~~

~~jurisdiction which has not been previously reported?” If yes, provide a detailed explanation of the circumstances and attach the settlement agreement or order;~~

~~(11) List 3 references who are landscape architects, are unrelated to the applicant, are in good standing having a personal knowledge of the applicant’s experience, providing the following information:~~

- ~~a. The full name of the landscape architect;~~
- ~~b. The landscape architect’s complete addresses;~~
- ~~c. Phone number;~~
- ~~d. The landscape architect’s occupation and license number; and~~
- ~~e. The landscape architect’s business relationship with applicant; and~~

~~(12) The applicant’s signature and date below the following attestation:~~

~~“I attest that the information contained in this form is true and correct to the best of my knowledge and believe and acknowledge that the provision of false information in the application is a basis for disciplinary action by the board. In addition, I have read and understand the rules that govern the practice of landscape architecture and if my license is renewed, I will abide by them including the ethical and professional standards.”;~~

(a) A landscape architects shall apply for reinstatement in accordance with Plc 312.

~~(e) Applicants shall s~~ ***(b) The applicant shall*** submit with the application the reinstatement fee as specified in Plc 1002.22.

Readopt with amendment Lsa 402.01 through Lsa 402.03, effective 9-30-14 (Document #10679), to read as follows:

Lsa 402.01 Initiation of Disciplinary Action. The board shall undertake misconduct investigations, settlements of misconduct allegations, or disciplinary hearings, in response to any information which reasonably suggests that a licensee has engaged in professional misconduct.

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

(b) Disciplinary proceedings shall be conducted in accordance with Plc 311.

Lsa 402.02 Disciplinary Sanctions. ***Disciplinary sanctions shall be determined in accordance with Plc 311.***

~~(a) Other than immediate license suspensions authorized by RSA 541-A:30, III the board shall impose disciplinary sanctions only:~~

- ~~(1) After prior notice and an opportunity to be heard; or~~
- ~~(2) Pursuant to a mutually agreed upon settlement or consent decree.~~

~~(b) When the board receives notice that a licensee has been subjected to disciplinary action related to professional conduct by the licensing authority of another jurisdiction, where the license was not reinstated, the board shall issue an order directing the licensee to demonstrate why reciprocal discipline should not be imposed in New Hampshire;~~

~~(c) In a disciplinary proceeding brought on the basis of discipline imposed in another jurisdiction the licensee shall be subject to any disciplinary sanction authorized by RSA 310-A:156, V.~~

~~(d) After a finding that misconduct has occurred, the board shall impose one or more of the disciplinary sanctions authorized by RSA 310-A:156, V after considering the presence of aggravating or mitigating circumstances.~~

~~(e) The following shall be considered aggravating circumstances:~~

- ~~(1) The seriousness of the offense;~~
- ~~(2) Prior disciplinary record;~~
- ~~(3) State of mind at the time of the offense;~~
- ~~(4) Lack of willingness to cooperate with the board; and~~
- ~~(5) Potential harm to public health and safety.~~

~~(f) The following shall be considered mitigating circumstances:~~

- ~~(1) Absence of a prior disciplinary record;~~
- ~~(2) State of mind at the time of the offense;~~
- ~~(3) Willingness to cooperate with the board;~~
- ~~(4) Acknowledgment of his or her wrongdoing; and~~
- ~~(5) The purpose of the rule or statute violated.~~

~~(g) No hearing date established in a proceeding conducted under Lsa 402.02 shall be postponed at the request of the licensee unless the licensee also agrees to continue the suspension period, if any, pending issuance of the board's final decision.~~

~~(h) Copies of board orders imposing disciplinary sanctions and copies of all settlement agreements or consent decrees shall be sent to the licensing body of each state in which the licensee is licensed and to such other entities, organizations, associations, or boards as are required to be notified under applicable state or federal law.~~

Lsa 402.03 ~~Civil Penalties~~ ***Administrative Fines.***

(a) Adjudicative procedures seeking the assessment of an administrative fine shall be commenced against any person subject to such fines or penalties under any provision of RSA ~~310-A~~ ***310:12*** when the board possesses evidence indicating that a violation has occurred. ***Plc 311.12 shall govern the assessment and collection of administrative fines.***

~~(b) When persons subject to the board's disciplinary authority are directed to pay fines in accordance with Lsa 402.02 (d), such fines shall be assessed in accordance with the factors stated in Lsa 402.02 (c) and the following additional considerations:~~

~~(1) The cost of any investigation or hearing conducted by the board; and~~

~~(2) The licensee's ability to pay a fine assessed by the board.~~

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

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

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

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

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

Repeal Lsa 402.04, effective 9-30-14 (Document #10679), and hold section in reserve, as follows:

Lsa 402.04 Procedures for Assessing and Collecting Fines.

~~(a) Payment of a fine shall be included among the options available for settling disciplinary allegations, and shall be included among the types of disciplinary sanctions imposed after notice and hearing.~~

~~(b) In cases where the board initially intends to limit disciplinary sanctions to an administrative fine, the board shall issue a "notice of apparent liability" describing the alleged offense, stating the amount of the assessed fine, and notifying the alleged offender that he or she shall pay or compromise the fine by a date certain or request that an administrative hearing be held. If a hearing is requested, the notice of apparent liability shall be withdrawn and a notice of hearing shall be issued. In such hearings, the board's disciplinary options shall not be limited to the assessment of an administrative fine.~~

~~(c) Nonpayment of a fine by a licensee or respondent in contravention of an order, agreement or promise to pay, shall be a separate ground for discipline by the board or a basis for denying a subsequent license or renewal application or a basis for judicial action seeking to collect the fine. **RESERVED**~~

Readopt with amendment Lsa 403.01, effective 9-30-14 (Document #10679), to read as follows:

Lsa 403.01 Renewal Requirements.

~~(a) A renewal application shall not be accepted for filing unless the licensee indicates on the renewal application, and under penalty of unsworn falsification, that he/she has completed **include evidence**~~

documenting the licensee's completion of the minimum required hours of approved professional development hours required by ~~403.01(b)~~ ***RSA 310-A:150*** and lists the specific basis for each credit.

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

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

Readopt with amendment Lsa 403.03, effective 9-30-14 (Document #10679), to read as follows:

Lsa 403.03 Continuing Education Hour Requirements. Continuing education hours shall meet the following criteria:

(a) Continuing education activities shall be relevant to the practice of landscape architecture or no credit shall be awarded. Such continuing education activities may include technical, ethical, or managerial content;

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

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

APPENDIX I

RULE	STATUTE
Lsa 401.01 - 401.02	RSA 310:8, II and III
Lsa 401.03 (repeal)	RSA 310:8, III, 2024, 327:226
Lsa 401.04	RSA 310-A:155
Lsa 401.05	RSA 310:8, III; RSA 310-A:143, I (d)
Lsa 402.01	RSA 310:10, II; RSA 310-A:143, I (f); RSA 310-A:155
Lsa 402.02	RSA 310:10, II, VII; RSA 310:12
Lsa 402.03	RSA 310:12, I(e), V
Lsa 402.04 (repeal)	2023, 212:53, III
Lsa 403.01	RSA 310-A:150; RSA 310-A:143, I (d); RSA 310-A:154
Lsa 403.03	RSA 310-A:150; RSA 310-A:143, I (d); RSA 310-A:154