

Concise Explanatory Statement

Rhode Island Government Register

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

AGENCY: Rhode Island Department of Business Regulation

DIVISION: Building, Design and Fire Professionals

RULE IDENTIFIER: 420-RICR-00-00-1

REGULATION TITLE: Rules and Regulations for Landscape Architects

RULEMAKING ACTION: Full Rulemaking, Amendment

REASON FOR RULEMAKING:

Based upon the recommendations of the Board of Examiners of Landscape Architects (“LA Board”), the Department proposed the following amendments:

- Throughout the regulation, edited language to be clearer and more concise. Updated statutory references to match RICR style guide.
- Title of Regulation – Add “Rules and Regulations for” before Landscape Architects. This was the former title before conversion to RICR. This makes more sense when referencing it to registrants.
- § 1.4 - Add definitions for Allied Professionals, Council of Landscape Architectural Registration Boards (“CLARB”) Record, CLARB Certification, Landscape Architect, Landscape Architecture, Firm, Registrant, and Responsible Charge. Updated definition of “direct control and personal supervision” with added language from the CLARB national model. Delete definitions of “Division of Design Professionals” and “DEM” because neither term is used in the regulation. Furthermore, the Division’s title and jurisdiction has been expanded so the definition is no longer accurate. Sort definitions alphabetically.
- § 1.6 – Create a new section title for individual registrations and relocate all related content with new paragraph headings to this section from former §§ 1.7, 1.8 and 1.9. Remove out-of-date application requirements. Separate individual registrations from firm registrations for clarity.
- § 1.6(A)(3)(b) – Clarify that the supervising landscape architect or allied professional must be in responsible charge of the work performed in order for the experience to qualify as experience hours for registration.
- § 1.6(C)(4) – Add a requirement for registered landscape architects to disclose to the LA Board all firms which they served as the LA in responsible charge since the last renewal period.
- § 1.7 – Relocate, update and streamline all content related to Certificate of Authorization (“COA”) registrations to a new section on firm registrations, most of which was originally

located in the former § 1.15. Add subheadings and content for parallel construction with proposed amendments to § 1.6.

- § 1.12 – Change title of section to match CLARB model and distinguish from new subsection § 1.12(D) which is called “Professional Conduct.”
- § 1.12(D) – Add new section setting forth professional conduct standards to provide clarity to registrants. This language was modeled on CLARB’s model regulation with some influence from Virginia’s statutory language relating to “professional responsibility” for design professionals.
- § 1.12(D)(6) – Add a requirement for the individual registrant to notify the Board if they have left a firm, so that there is no confusion as to which registrant is responsible for the work.
- § 1.13 – Update any fees that were inconsistent with those set forth in the statute (RIGL 5-51-14) or the fees currently charged by the LA Board. Some of the statutory fees are maximums while others are set numbers and the LA Board has set some fees below the statutory maximum where permitted. Clarifying language was added to COA fees, a source of confusion for registrants. It has been the policy of the board that all fees are non-refundable. The CLARB testing fee is not collected by DBR so we deleted it.

CHANGES TO TEXT OF THE RULE:

No comments were received. No changes were made. Therefore, the final rule is the same as what was proposed.

REGULATORY ANALYSIS:

Any small business impact resulting from these amendments is positive. The proposed amendments reorganize the regulation, so it is more user-friendly and easier for people to ascertain the requirements for individual and firm registration. Outdated requirements have been removed, incorrect information has been updated and additional definitions have been added for increased clarity based on questions the LA Board and Department have received over the past few years. The addition of clear standards of professional conduct for registered landscape architects and firms help to protect the health, safety and welfare of the residents of RI and are consistent with the CLARB national model. The additional disclosure requirements will not be a burden, they only add one question to the current renewal application and are there to clarify who is responsible for professional work.

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.