



Web Licensure Summit

February 28, 2019

Agenda



Review of legislative activity



What ASLA and CLARB are doing to support you



What states are doing #DoOneThing



Updated Resources



Upcoming Events

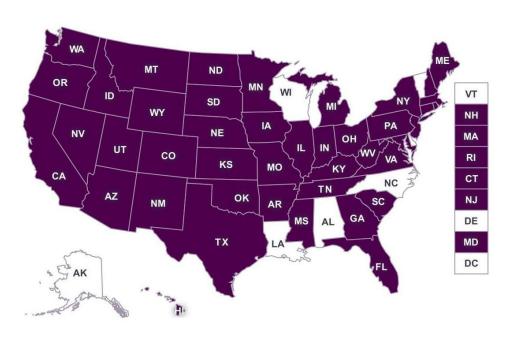


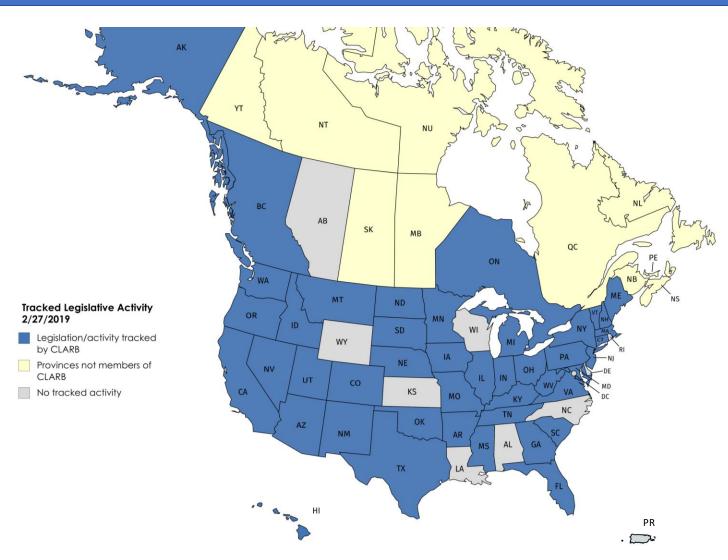
Review of Legislative Activity

Where are we seeing activity?

• Tracking 170+ bills

Regular coordination between ASLA and CLARB





ASLA Bill Tracking

CLARB Bill Tracking

2019 Occupational Licensing Legislation Trends

Bills directly affecting LA licensure acts

- Title-to-practice (IL)
- Technical modifications & board operations (IA, NE)
- Direct attempts to deregulate LA (VA failed)

Bills "reducing barriers" to occupational licensure

- Military spouse and active duty licensure reciprocity, temporary and provisional licenses, reduced fees
- "Second Chance" Acts and similar limiting use of prior convictions or criminal history in licensure decisions
- Limiting use of student loan defaults in licensing decisions

Bills creating or amending reviews of occupational licensing

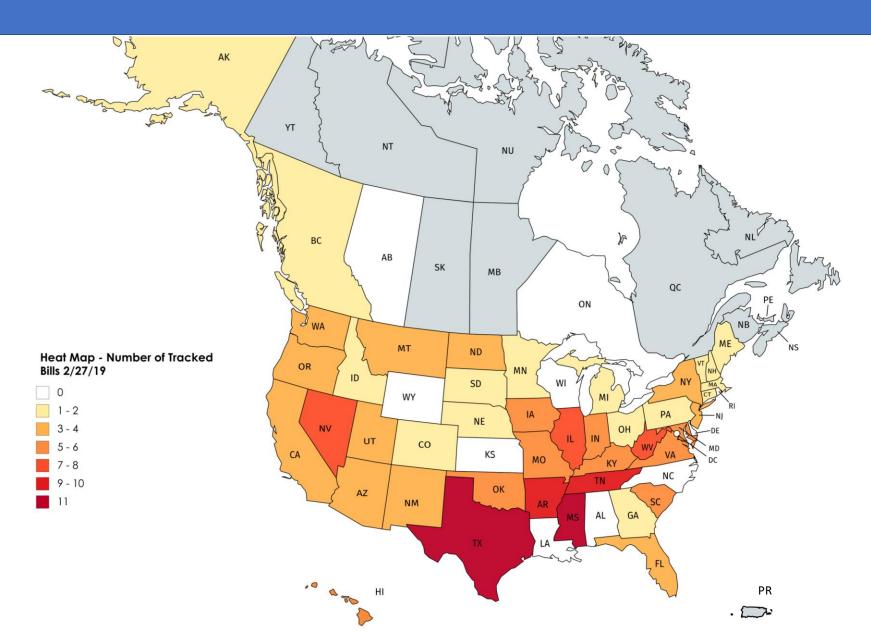
- Sunrise/sunset bills
- Licensing studies either by legislature or by Exec. Order.
- Creating review boards or commissions

Bills reforming occupational licensure

- Right To Earn A Living Acts (least restrictive regulation)
- Consumer choice acts (disclosure of non-licensure)
- Various other occupational licensing reforms and technical changes

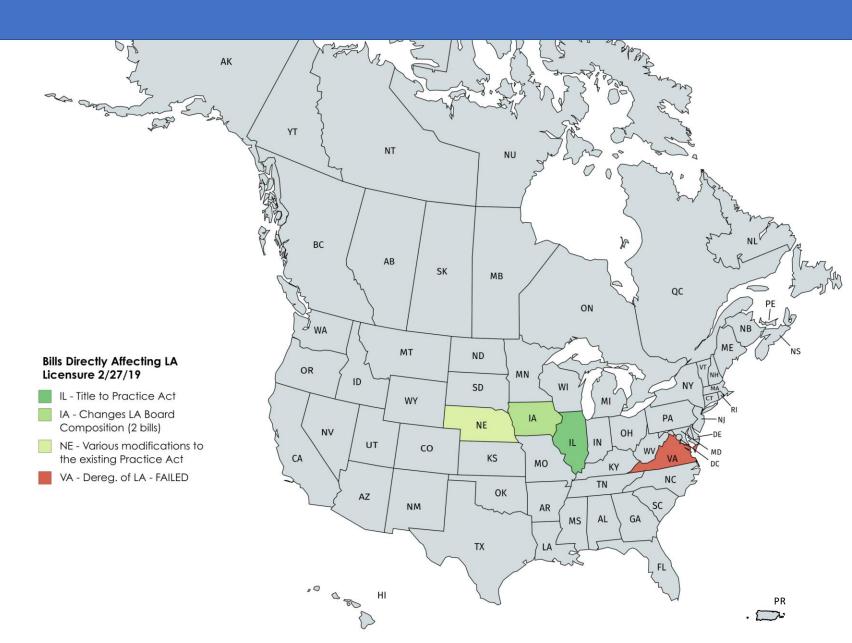
Bills requiring state contractors/subs to install billable hours tracking software on employee computers

2019 Heat Map – Where are we seeing the most bills?



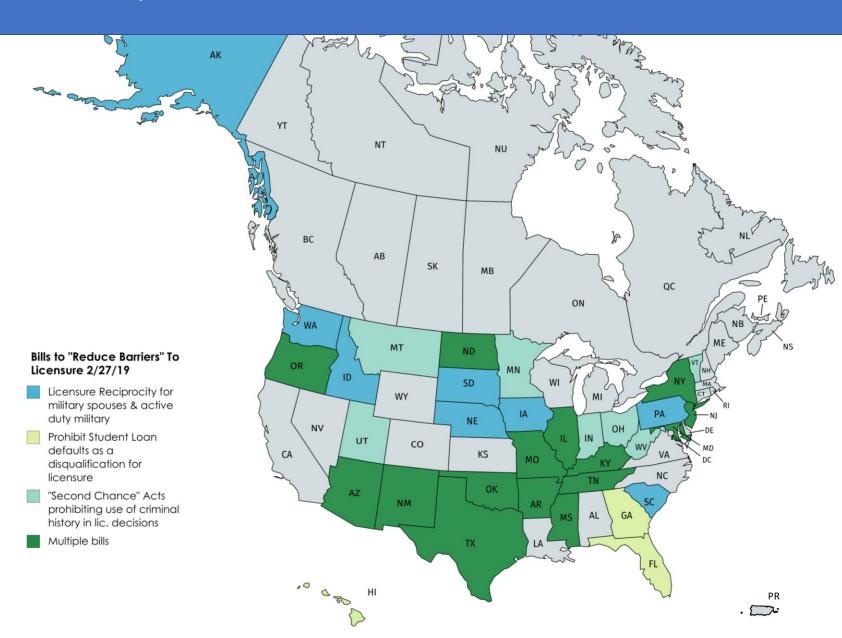
Bills affecting landscape architect license acts

- Title-to-Practice Act IL
- Technical modifications & board operations IA, NE
- Direct attempts to deregulate landscape architect licensure -VA – failed



Bills "reducing barriers" to occupational licensure

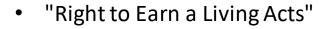
- Military spouse and active duty licensure Acts (various types)
 - Provides licensure reciprocity, temporary or provisional licenses, reduced fees
- "Second Chance" Acts
 - Prohibits use of prior convictions or criminal history in licensing decisions.
- "Put our Graduates to Work" Acts
 - Prohibits boards from considering student loan defaults in licensure decisions



Right to Earn a Living/Consumer Choice Acts

2/27/19

"Least Restrictive Regulation" bills

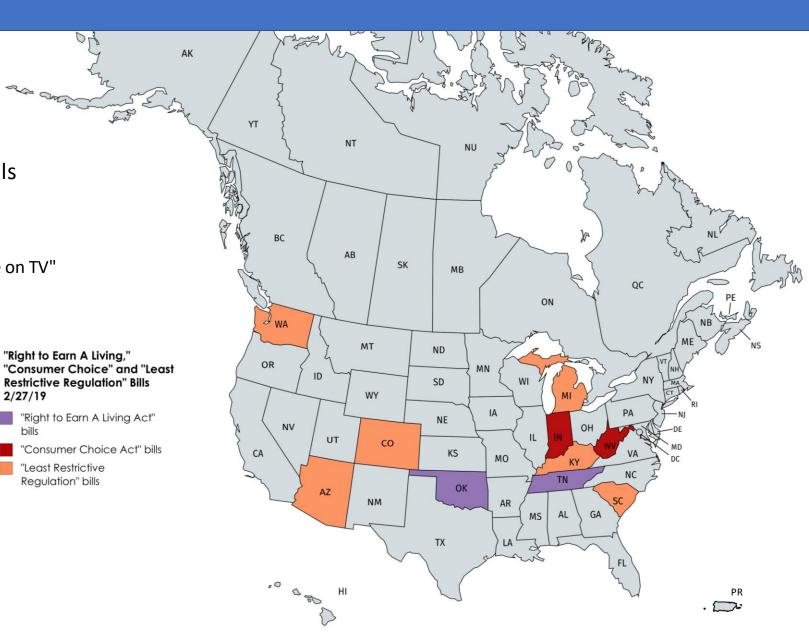


"Least restrictive form of regulation" bills

"Consumer choice" acts

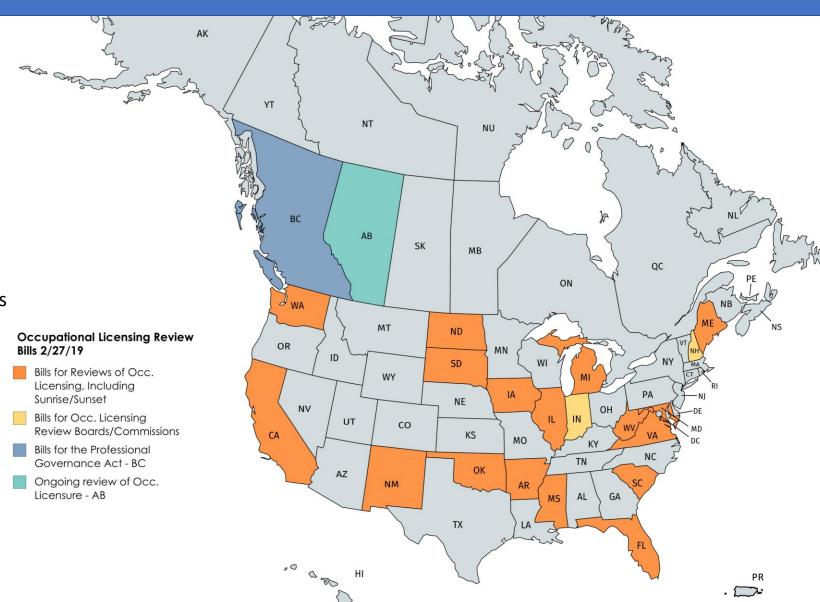
Pre-contract disclosure of non-licensure

"I'm not a landscape architect, but I play one on TV"



Occupational Licensing Reviews

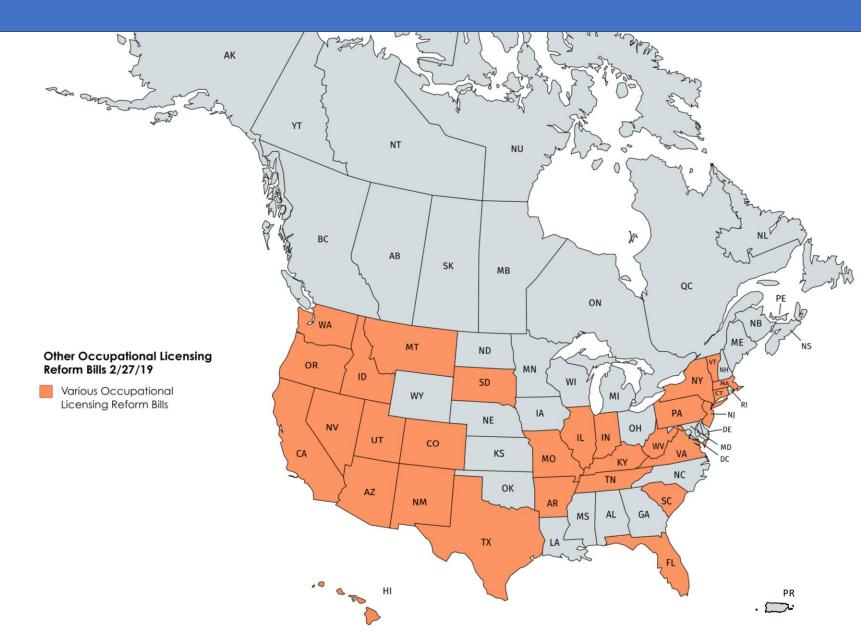
- Reviews of occupational licensure
 - Sunrise/Sunset Bills
 - Review boards or commissions
 - Other types of reviews
- Comprehensive reviews:
 - Professional Governance Act (in legislative process) - BC
 - Reviews of all boards and commissions (incl. LA) - AB



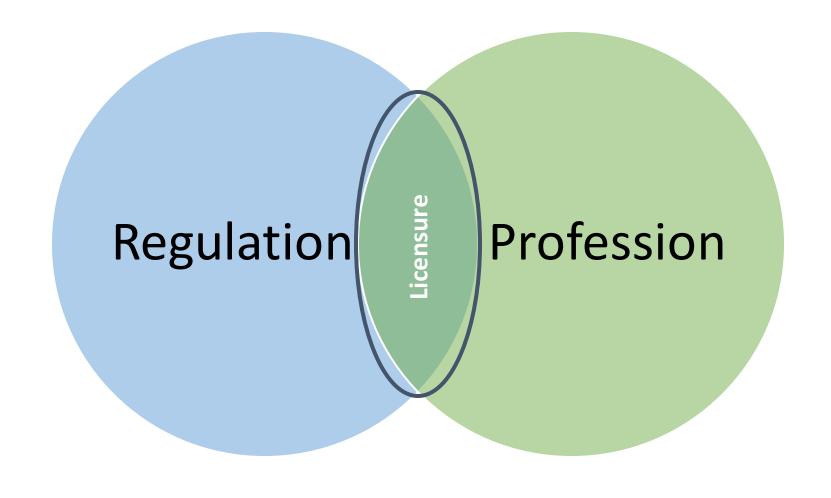
Occupational Licensing Reform Bills

Many other reforms, including

- Board operations / composition
- Rule approval processes
- "Active Supervision" provisions
- Agency/statute modifications
- Reducing fees
- Continuing education modifications
- License renewal process
- Endorsement/reciprocity
- Etc.







Focused Area of Shared Interest

Building Partnerships and Collaborations



Within the Profession

Building strong relationships for coordinated action

The ASLA / CLARB Partnership



Building effective board/chapter relations



Tracking and monitoring legislation



Increasing response coordination



Developing co-sponsored tools and resources



CLARB









The Presidents Council

- Monitoring the health of the profession
- Commitment to a more diverse and inclusive profession
- Reframing landscape architecture in the public realm

Among Related Professions

Building strong relationships for coordinated action

Design Professions Coalition



- Tracking and responding to occupational licensure reform bills
- Information sharing/resources
- Speaking with one voice

























Design Profession Coalition



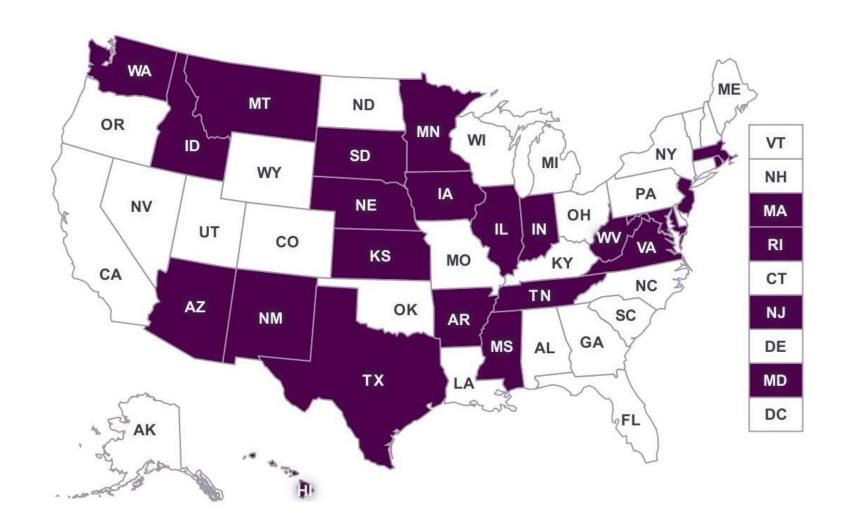
9:00 – 10:00 AM - Legislative updates and state by state strategy

- Mississippi HB 898 (review of all state agencies and boards)
- South Dakota HB 1111 (military licensure)
- Arizona HB 2569 (universal licensing recognition)

"Billable hours software tracking" bills

"Software Tracking" bills

- Legislation requires state contractors to install software on employee/subcontractor computers to track billable hours.
- Promoted by the company that created the software.



Across all Regulated Professions

Building strong relationships for coordinated action

Alliance to Advance Professional Standards

- Establish a compelling narrative that licensing standards for advanced professions are important and must be protected
- Build awareness of the important distinction between licensing of advanced professions and occupational licensing
- Illustrate and communicate the depth and breadth of concern over efforts to weaken professional licensure standards.



#DoOneThing



Share Yours!



Updated Resources

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Senate Resolution

A resolution recognizing April 2019 as "Landscape Architecture Month" in Florida.

WHEREAS, landscape architecture encompasses the analysis, design, planning, management, and stewardship of the natural and built environment, and

WHEREAS, Floridians benefit from the licensed practice of landscape architecture, which assures the design of healthy, equitable, safe, and resilient public and private outdoor spaces, and

WHEREAS, landscape architects are responsible for protecting the public health by creating accessible spaces, such, as public plazas, parks, schools, residential common areas, playgrounds, and trails that lead to active lifestyles and healthy communities, and

WHEREAS, landscape architects are also responsible promoting public safety by applying land design skill technical knowledge, and conservation techniques safety of individuals and communities, and for public welfare by purposefully designing py spaces that provide economic, social, for people of all ages and abiliti

WHEREAS, there are more

Landscape Architecture Resolutions

• What is the purpose?

Landscape Architecture Resolutions

• What is included?

Licensure Talking Points



Talking Points

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OCCUPATIONAL LICENSING CONSUMER CHOICE ACT

The Occupational Licensing Consumer Choice Act is model legislation that permits any individual to practice a profession or occupation without a valid state occupational license, so long as that individual discloses that fact to prospective consumers. Furthermore, the model law would allow an individual practicing a profession or occupation without a valid state license to assert the disclosure as a judicial defense to any regulatory enforcement of state occupational licensing laws and regulations.

Proponents of the Consumer Choice Act believe that professional and occupational licensure limits an individual is freedom of enterprise, imposes regulatory burdens that outweigh public protection or benefit, and unfairly limits competition and entrance into professions and occupations. Proponents argue this model act gives entrepreneurs, business owners, and individuals the economic freedom to pursue and operate their desired profession or occupation unconstrained from the regulatory burdens of state licensure.

The profession of landscape architecture opposes the Consumer Choice Act model as too broadly permitting individuals to practice professions that have a significant, substantial, and documented threat to public health, safety, and welfare, including, landscape architecture, which necessitates a state license to protect public health, safety, and welfare.

Key Elements of Consumer Choice Act

- Allows individuals to practice a profession or occupation without the need of obtaining a professional license from the state.
- Allows a non-licensed individual to engage in a profession by providing a "non-license disclosure" to consumers prior to entering into an agreement for service.
- Provides defense to the enforcement of any licensing regulation, civil or criminal, if a "non-license disclosure" was properly rendered.
- Provides that the Consumer Choice Act supersedes all other statutory provisions of the state.

Key Elements of Concern

- States have the constitutional right and responsibility to protect the health, safety, and welfare of the public.
- The Consumer Choice Act attempts to elevate an individual's freedom of enterprise over a state's right to protect the
 collective public's health, safety, and welfare.
- The Model Act is written to supersede all other statutory provisions of the state.
- The Model essentially deregulates highly technical and skilled professions, such as landscape architecture, architecture, and engineering, which will lead to incompetent practice resulting in serious injury, death, and/or severe economic hardships for individuals, communities, and governments.
- Unscrupulous actors will easily be able to practice highly skilled professions that impact the state's public, health, safety, and welfare.
- State authorities will have a hard time bringing civil or criminal action against these unscrupulous actors, due to the "non-license disclosure" provision.
- Unacrupulous actors will have a legitimate defense to any civil or criminal licensing regulation and would be entitled to reasonable costs and attorney's fees incurred in asserting such a defense.

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2018 State Licensure Board / ASLA Chapter Contacts

Updated November 2017 To update list, email David Sprunt, CLARB Senior Licensure Defense Consultant at d₅prunt@clarb org

Green indicates vacant necition

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AL AL	×	×	ALABAMA	Alabama Board of Examiners of Landscape Architects ASIA ALABAMA	http://www.alabam.aasia.com	Board Chair and Landscape Architect Board Member Chapter President	Larry Bates Jane Reed Ross, ASLA	lbates@russelllands.com jane.ross@gmcnetwork.com	256-212-1430
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DC	×			DC Board of Architecture and Interior Design	https://www.dcopla.com/design/				
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	×				http://dpr.delaware.gov/boards/landscape/index.shtml		Lis a Smith		
DE	×	200	PENNSYLVANIA/DELAWARE	Delaware Board of Landscape Architects ASI A PENNSYI VANIA/DELAWARE	http://dpr.delaware.gov/boards/landscape/index.shtml	Board President and Landscape Architect Board Member Chanter President	Jeff Clark Richard P. Rauso, &SL&	jeffc@landtechlic.com rrausola@email.com	302-744-4500
FL		×	PENNSYLVANIA/ DELAWARE	Florida Board of Landscape Architects	http://www.myfloridalicense.com/dbps/pro/larch/index.html	Board Executive	Ruthanne Christie	Ruthanne.Christie@myfloridalicense.com	850-717-1397
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GA	×			Georgia State Board of Landscape Architects	http://sos.ga.gov/index.php/licensing/plb/29	Board Chair and Landscape Architect Board Member	Becky Kirk	bkirk@southernae.com	770-819-7777
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HI	X			Hawaii Board of Professional Engineers, Architects, Surveyors & Landscape	http://cca.hawaii.gov/pv/boards/engineer	Landscape Architect Board Member	Joel Kurokawa	joelk@kiconcepts.com	808-447-5952
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ii	ŷ			Illinois Department of Financial & Professional Regulation	http://www.idfor.com/profs/LandScapeArch.asp.	Board Chair and Landscape Architect Board Member	Bryan Eastman	bnran eastman@comcast net	217 324 1361
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LA LA	×		LOUISIANA	Louisiana Horticulture Commission ASI A LOUISIANA	http://www.ldafstate.la.us/ldaf-programs/horticulture-programs/louisi		Chad Danos	DanosChad@gmail.com	225-751-4490
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MA	×	х	LUUISIANA	ASLA LOUISIANA Massachusetts Division of Regulation of Landscape Architects		Chapter President Board Executive	Justin K. Lemoine, ASLA Tamara Smith	jklemoine@gmail.com Landscapearchitects@state.ma.us	(225) 931-4863 617-727-6392
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MD	×	^	2031014	Maryland Department of Licensing & Regulation	http://www.dlr.marvland.gov/license/la	Board Executive	Steve Long	Steve.long@maryland.gov	410-230-6262
MD	Ŷ			Maryland Department of Licensing & Regulation	http://www.dlir.maryland.gov/license/la	Board Chair and Landscape Architect Board Member	Chris Schein	cschein@hcm2.com	410-837-7311
MD	-65	×	POTOMAC	ASLA POTOMAC	http://www.potomacasla.org/	Chapter Govt Affairs Advocacy Chair	Jennifer Low, ASLA	jennwlow@email.com	(202) 331-7070 ext14
MD		×	POTOMAC	ASLA POTOMAC	http://www.potomacasia.org/	Chapter President	Stephen K. Cook, ASLA	cook@vika.com	(301) 916-4100
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Chapter & Board Contact List



Chapter & Board Contact List

UPCOMING

EVENTS

Calendar

MONDAY TUESDAY WEINESDAY THURSDAY TROOK SATURDAY

WHAT	WHEN	WHO		
Site Tour Webinar	Early Summer	ASLA Chapters		
Joint Web Licensure Summit	June 18 at 3 p.m. ET	CLARB Regulatory Boards ASLA Chapters		
Site Tour Month	August	CLARB Regulatory Boards ASLA Chapters		
Advocacy Summit	September 6-8 Salt Lake City, UT	ASLA advocacy representatives and chapter leaders		
CLARB Annual Meeting with Site Tour	September 26-28 St. Louis, MO	CLARB Regulatory Boards		



Questions/Comments